

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NANOCELLECT BIOMEDICAL, INC.,
Petitioner

v.

CYTONOME/ST, LLC,
Patent Owner

Case IPR2020-00548
Patent 8,623,295

**DECLARATION OF THOMAS W. LANDERS IN
SUPPORT OF MOTION TO APPEAR *PRO HAC VICE***

I, Thomas W. Landers, declare as follows:

1. I am an associate in the Houston Office of Akin Gump Strauss Hauer and Feld, LLP. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently under oath.

2. I am a member in good standing of the State Bar of Texas (Bar No. 24102057).

3. I have never been suspended or disbarred from practice before any court or administrative body.

4. None of my applications for admission to practice before any court or administrative body have ever been denied.

5. I have not been sanctioned nor have I had a contempt citation imposed on me by any court or administrative body.

6. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R.

7. I acknowledge and agree that I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. § 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

8. I have appeared *pro hac* vice before the Patent Trial and Appeal Board in the last three years in the following *inter partes* review proceedings: (i) IPR2017-02162; and (ii) IPR2017-02097.

9. I have been a practicing attorney for nearly four years in the areas of patent litigation and patent advisory work. I have been involved in numerous patent infringement cases in district courts across the country, as well as the Federal Circuit. I am presently counsel for Patent Owner in a related litigation captioned *Cytonome/ST, LLC v. NanoCollect Biomedical, Inc., Case No. 1:19-cv-00301-UNA (D. Del.)*. In preparation for my representation of XY, LLC, Cytonome/ST, LLC, and Inguran, LLC in the district court litigation and before the Board in this *inter partes* review, I have studied and analyzed the field of technology relevant to the '295 patent, as well as the claims, specification, and prosecution history of the '295 patent. I have become very familiar with both the particular subject matter and substantive issues concerning the '295 patent. I am also familiar with the alleged prior art references asserted by Petitioner in this *inter partes* review proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 10, 2020 in Houston, TX.

By: Thomas W. Landers/

Thomas W. Landers

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Declaration of Thomas W. Landers in Support of Motion to Appear *Pro Hac Vice* was served on counsel of record on August 18, 2020 by filing this document through the End-to-End System, as well as delivering a copy via electronic mail to counsel of record for the Petitioner at the following addresses:

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Dated: August 18, 2020

Respectfully submitted,

By: /Kirt O'Neill/
Kirt O'Neill
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