

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cyanotech Corporation
Petitioner

v.

The Board of Trustees of the University of Illinois
Patent Owner

Case: IPR2013-00401
Patent No.: 5,527,533

**DECLARATION OF TODD S. WERNER IN SUPPORT OF
PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
LITIGATION COUNSEL**

I, Todd S. Werner, hereby declare as follows:

1. I am an attorney with the law firm of Carlson, Caspers, Vandenburg, Lindquist & Schuman, P.A. I have served as litigation counsel for plaintiffs The Board of Trustees of the University of Illinois (“University”) and U.S. Nutraceuticals, LLC, d/b/a Valensa International (“Valensa”) in the matter entitled *U.S. Nutraceuticals, et al. v. Cyanotech Corp. et al.*, 12-cv-366 (M.D. Fl.) from the date the case was filed through the present. This matter concerns the infringement and validity of U.S. Patent No. 5,523,533, the same patent that is challenged in this

IPR proceeding. This declaration is submitted on behalf of patent owner, the University, in support of its Motion for *Pro Hac Vice* Admission of Litigation Counsel. This declaration is made on my own personal knowledge, except as otherwise indicated.

2. I am a member in good standing of the Bar of the State of Minnesota (Minnesota Bar Number 33019X).

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

4. No application for admission to practice before any court or administrative body that I have filed or that has been filed on by behalf has ever been denied.

5. No sanctions or contempt citations have been 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 Trials set forth in part 42 of 37 C.F.R.

7. I agree to be subject to 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 not sought to appear *pro hac vice* in any proceedings before the Office in the last three (3) years.

9. I am intimately familiar with the subject matter at issue in the proceeding, and also, more generally, the patent laws of the United States of America.

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

Dated: January 2, 2014.

s/ Todd S. Werner
Todd S. Werner