

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 IPR2013-00401¹

Patent 5,527,533

Before SCOTT E. KAMHOLZ, SHERIDAN K. SNEDDEN, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

DECLARATION OF ROBERT A. ROWAN IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
ROBERT A. ROWAN

¹ Consolidated with Case IPR2013-00404

I, Robert A Rowan, hereby declare as follows:

1. I am an attorney with the law firm of Nixon & Vanderhye P.C. I have served as litigation counsel for defendants, Cyanotech Corporation and Nutrex Hawaii, Inc., 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 alleged infringement and validity of U.S. Patent No. 5,523,533 (“the ‘533 patent”), the same patent that is challenged in this IPR proceeding. This declaration is submitted on behalf of Petitioner, Cyanotech Corporation, in support of its Motion for *Pro Hac Vice* Admission of Robert A. Rowan. I also represented Cyanotech Corporation in a prior declaratory judgment action in Hawaii involving the invalidity and infringement of the ‘533 patent. 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 Virginia (Virginia Bar Number 29,645). I am also a member of the bars of Hawaii and the District of Columbia.

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.

Respectfully submitted,

By: /Robert A. Rowan/
 Robert A. Rowan