

## DECLARATION OF JONATHAN T. SUDER

I, Jonathan T. Suder, declare as follows:

1. I make this declaration in support of a motion to be admitted *pro hac vice* as backup counsel for the patent owner in *inter partes* review no. IPR2014-00100.
2. I am a member in good standing of the State Bar of Texas, the District of Columbia Bar, the bars of the United States Court of Appeals for the Federal Circuit, the Supreme Court of the United States, and several other federal courts.
3. I have never been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application for admission to practice before any court or administrative body denied.
5. I have never been sanctioned or cited for contempt by any court or administrative body.
6. I have read and agree to comply with the Office Patent Trial Practice Guide and the Board's Rule of Practice for Trials set forth in part 42 of the Code of Federal Regulations.
7. I submit to be subject to the PTO's code of professional responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

8. I have not appeared *pro hac vice* in any other PTO proceedings in the last three years.

9. I have an established familiarity with the subject matter of this review as a result of having been lead counsel for the plaintiff in litigations of the patent under review, U.S. Patent No. 5,593,417 (“the ’417 patent”). Specifically, I have been lead counsel for Endotach LLC, the exclusive licensee of the ’417 patent, in the following cases:

(a) *Endotach LLC v. Cook Medical Incorporated*, Civil Action No. 1:13-cv-1135, pending in the Southern District of Indiana, Indianapolis Division; and

(b) *Endotach LLC v. Medtronic, Inc. and Medtronic Vascular, Inc.*, Civil Action No. 5:13-cv-3292, pending in the Northern District of California, San Jose Division.

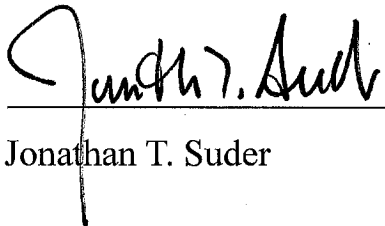
(c) *Endotach LLC v. W.L. Gore & Associates, Inc.*, Civil Action No. 3:12-cv-00308, filed in the Northern District of Florida, Pensacola Division but which has been resolved.

My experience in these cases has provided me with a knowledge of the ’417 patent, the prior art cited in the petition, and the patentability issues in this review.

Case No. IPR2014-00100  
Patent No. 5,593,417

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the '417 patent.

Date: 11/21/13

By:   
Jonathan T. Suder