

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ZIMMER HOLDINGS, INC.  
ZIMMER, INC.  
Petitioners

v.

BONUTTI SKELETAL INNOVATION LLC  
Patent Owner

Patent No. 7,806,896  
Filing Date: November 25, 2003  
Issue Date: October 5, 2010  
Title: KNEE ARTHROPLASTY METHOD

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*Inter Partes* Review No. IPR2014-00321

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**DECLARATION OF KENNETH LIEBMAN IN SUPPORT OF  
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Ken Liebman, declare the following:

1. I am a partner at the law firm of Faegre Baker Daniels LLP, in Minneapolis, Minnesota.
2. I am a member in good standing of the Bar of Minnesota as well as the following Federal Courts:
  - (a) Bar of California (11/29/79);
  - (b) U.S. Court of Appeals for the Federal Circuit (9/3/93);
  - (c) U.S. Court of Appeals for the Eleventh Circuit (9/19/91);
  - (d) U.S. District Court for the Central District of California (1/15/80);
  - (e) U. S. District Court for the Northern District of California (8/13/92); and
  - (f) U.S. District Court for the District of Minnesota (11/5/93).
3. My Minnesota Bar membership No. is 236731.
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. I have never had a court or administrative body deny my application for admission to practice.
6. I have never had any court impose sanctions or contempt citations against me.

7. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.

8. I agree to be subject to the United States Patent and Trademark Office 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).

9. In the past three years, I have not appeared *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

10. I have been in private practice for 33 years, and litigating patent cases for over 20 years. Several of these patent litigations involve USPTO post-grant procedures. For example, I currently represent Honeywell International, Inc. in an action pending before the United States District Court for the District of Minnesota, *Honeywell International, Inc. v. Nest Labs, et al*, No.0:12-cv-00299 (SRN-JSM) (D. MN). The patents in suit in that action are the subject of inter parte reexamination requests: '958 Patent – 95/002,042, '948 Patent – 95/002,037, 790 Patent – 95/002,043, '789 Patent – 95/002,039, '504 Patent – 95/002,041, '899 Patent – 95/002,040, '988 Patent – 95/002,038. I have litigated other cases involving related reexamination proceedings as well.


11. I am familiar with the subject matter at issue in this proceeding. I am lead counsel for Petitioner in the matter *Bonutti Skeletal Innovation LLC v. Zimmer*

*Holdings Inc. et al.*, No.1:12-cv-1107-GMS (filed on Sept. 10, 2012), which is related to and involves the same patent at issue in this proceeding.

12. I hereby declare that all statements 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 and the like are punishable by fine, imprisonment, or both, under section 1001 of Title 18 of the United States Code.

January 24, 2014

Respectfully Submitted,



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