

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VISIONSENSE CORP.
Petitioner,

v.

NOVADAQ TECHNOLOGIES INC.
Patent Owner.

Patent No. 8,892,190

Inter Partes Review No. IPR2017-01426

**DECLARATION OF KENNETH A. KUWAYTI IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE***

I, Kenneth A. Kuwayti, declare as follows:

1. I am an attorney licensed to practice law in the state of California, I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit, U.S. Court of Appeals for the Ninth Circuit, U.S. District Court for the Northern District of California, U.S. District Court for the Central District of California, U.S. District Court for the Southern District of California. I am also a member on inactive status of The Law Society of Upper Canada, which is the bar association for the Province of Ontario, Canada. I am a member in good standing in all jurisdictions where I have been admitted to practice.
2. I have never been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application denied for admission before any court or administrative body.
4. I have never had any sanctions or contempt citations imposed by any court or administrative body.
5. I have read and agree to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.

6. I affirm my agreement before the USPTO to be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

7. I have not applied to appear *pro hac vice* in any other proceedings before the USPTO in the last three (3) years.

8. I have been a partner at the law firm of Morrison & Foerster LLP since 1998. I have worked on patent litigation matters throughout my tenure at the firm.

9. I am familiar with the subject matter at issue in this proceeding. I have been engaged by the Patent Owner to represent the Patent Owner before the Board in this proceeding. I have undertaken the study of *inter alia* the '190 Patent, the Petition for *Inter Partes* Review, and the art cited in the Petition. I have acquired a substantial understanding of the underlying legal and technological issues at stake in these proceedings.

I hereby 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 statements and the like so made are punishable

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by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of U.S. Patent No. 8,892,190.

Dated: January 26, 2018

By: / *Kenneth A. Kuwayti* /
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