

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Chanel, Inc.,  
Petitioner,

v.

Molo Design, LTD.,  
Patent Owner.

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Case No. IPR2022-00545

U.S. Patent No.  
9,689,161

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**DECLARATION OF SHANNON L. BJORKLUND IN SUPPORT OF  
PETITION FOR *INTER PARTES* REVIEW  
UNDER U.S.C. §§ 311-319 AND 37 C.F.R. § 42.1 et seq**

I, SHANNON L. BJORKLUND, declare:

1. I am an attorney at the law firm Dorsey & Whitney LLP and counsel of record for Petitioner, Chanel, Inc. (“Chanel”) in *Molo Design, Ltd. v. Chanel, Inc.*, Civ. Action No. 21-CV- 1578 (VEC), pending in the United States District Court for the Southern District of New York (“S.D.N.Y. Litigation”). I will also seek to be admitted in this matter *pro hac vice*.

2. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently to those facts.

3. Within one business day of the filing of this declaration, Petitioner intends to file an already-drafted Motion to Stay Pending *Inter Partes* Review with corresponding Memorandum of Law, Declaration, and Exhibits in the S.D.N.Y. Litigation.

4. Petitioner did not delay in filing its Petition. The Petition is filed within the statutory deadline and the district court action is still in its early stages. For example, in the S.D.N.Y Litigation, neither party has taken any depositions, the district court has not issued a claim construction order (nor set a date for a claim construction hearing), and significant deadlines (*e.g.*, summary judgment, the close of expert discovery) remain unscheduled.

5. Petitioner did not file its petition earlier because the district court action appeared likely to resolve early given the modest amount in dispute.

Specifically, the cost of the allegedly infringing products in the S.D.N.Y. Litigation, that Petitioner purchased from a third-party vendor and used for approximately two months, was less than the cost to prepare and file IPR petitions concerning the four patents-in-suit. Petitioner began preparing its IPR petitions after preliminary settlement discussions were unsuccessful and it became apparent that the district court action was unlikely to be resolved before the statutory deadline to file IPR petitions.

Dated: February 4, 2022

By: /Shannon L. Bjorklund/  
Shannon L. Bjorklund