

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTAS PHARMACEUTICALS LTD
Petitioner,

v.

ATOSSA THERAPEUTICS, INC.
Patent Owner

Case PGR2025-00043
Patent 12,071,391

**DECLARATION OF JACOB M. BERMAN IN SUPPORT
OF PATENT OWNER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION**

Pursuant to 37 C.F.R. § 1.68, I, Jacob M. Berman, declare as follows:

1. I am a member in good standing of the bar of the State of New York. I have personal knowledge of the facts set forth in this Declaration. All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true.
2. I have never been suspended or disbarred from practice before any court or administrative body.
3. I have never had any application for admission to practice before any court or administrative body ever denied.
4. I have never had any sanctions or contempt citations imposed against me by any court or administrative body.
5. I have read and will comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide and the Board's Rules for Practice for Trials set forth in Part 42 of Title 37 of the Code of Federal Regulations.
6. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq., and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
7. In the last three years, I have not applied to appear *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

8. I have an established familiarity with U.S. Patent No. 12,071,391 (the “’391 Patent”), the patented technology, and the specific subject matter in this proceeding. Since April 2025, I have been heavily involved with this proceeding, including in the analysis of the claim construction and invalidity issues raised by Intas. I have substantively participated in the analysis of the Petition, preparation of the Patent Owner’s Preliminary Response, analysis of the Institution Decision, and preparation of Patent Owner’s Response, and am thus familiar with the filings and various issues raised in this proceeding.

9. I am an experienced litigation attorney and have been practicing law for over 5 years. During this time, I have litigated numerous patent infringement cases at all stages in many different District Courts across the country. I have been part of multiple trials, *Markman* hearings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues.

10. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the patent at issue in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 23, 2025 at Hoboken, NJ.

/s Jacob M. Berman /
Jacob M. Berman