

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NJOY, LLC and NJOY HOLDINGS, INC.,

Petitioners,

v.

JUUL LABS, INC.

Patent Owner.

Case No. IPR2026-00161
U.S. Patent No. 12,156,533

**DECLARATION OF THOMAS H. WINTNER IN SUPPORT OF PATENT
OWNER'S NOTICE OF INTENT TO DESIGNATE A PROVISIONALLY
RECOGNIZED PTAB ATTORNEY UNDER 37 C.F.R. § 42.10(c)(2)**

I, Thomas H. Wintner, declare as follows:

1. I am an attorney and Member at the law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C. (“Mintz Levin”).

2. I am an experienced patent litigator and have litigated numerous cases over the past nearly two decades, appearing and acting as lead counsel in litigation matters before various U.S. District Courts, the U.S. International Trade Commission, and U.S. Courts of Appeals. The majority of these cases have been related to intellectual property disputes and, in particular, patent litigation, in the biopharma or chemical industries. In addition to my J.D. obtained from the University of Virginia School of Law, I hold a B.A. in chemistry, *summa cum laude*, from Williams College, and an M.A. in bioorganic chemistry from Harvard University, where I was a National Science Foundation Fellow.

3. I am a member in good standing of the Bar of the Commonwealth of Massachusetts (Bar No. 667329). I am admitted to practice before the Supreme Court of the United States, the United States Courts of Appeals for the Federal, First, Fourth, Sixth, and Ninth Circuits, and the United States District Court for the District of Massachusetts.

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 been subject to sanctions or contempt citations imposed by any court or administrative body.

7. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. part 42.

8. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101, *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

9. I have been granted *pro hac vice* admission in multiple proceedings before the Board, including most recently in IPR2022-00384 (Paper 18), IPR2022-00414 (Paper 19), and IPR2022-00415 (Paper 18). I have not applied to appear *pro hac vice* before the Office in the last three years.

10. I have an established familiarity with the challenged patent U.S. Patent No. 12,156,533 (“’533 patent”), the Petition and other filings, the alleged prior art, and the subject matter more generally at issue in this proceeding. I am also counsel of record for Patent Owner in parallel litigations involving the ’533 patent and Petitioner, including proceedings before the United States International Trade Commission (*In the Matter of Certain Vaporizer Devices, Cartridges Use Therewith, and Components Thereof (II)*, 337-TA-1460) and the U.S. District Court

for the District of Arizona (*JUUL Labs, Inc. v. NJOY, LLC, et al.*, No. 2:25-CV-02853-JJT (D. Ariz)).

10. I have engaged, and will continue to engage, in strategic and substantive discussions regarding the legal and technical positions advanced in this proceeding with our team, including Lead Counsel and Back-up Counsel for Patent Owner in this proceeding.

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 are punishable by fine, imprisonment, or both, under 18 U.S.C. § 1001.

Respectfully submitted,

Dated: December 29, 2025

/s/ Thomas H. Wintner

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