

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

FOURSQUARE LABS, INC.,

Petitioner,

v.

BOARDACTIVE CORPORATION,

Patent Owner.

U.S. PATENT NO. 10621620 B1

IPR2023-00918

DECLARATION OF BENJAMIN M. CAPPEL
IN SUPPORT OF UNOPPOSED MOTION FOR ADMISSION
PURSUANT TO 37 C.F.R. § 42.10(c)

August 16, 2024

I, Benjamin M. Cappel, am more than twenty-one years of age, am competent to present this declaration, have personal knowledge of the facts set forth herein, and hereby declare as follows:

1. This declaration is given in support of Patent Owner BoardActive Corporation's Motion for Admission *pro hac vice*.

2. I am a partner with ADDYHART P.C., 401 N. Michigan Ave., Suite 1200-1, Chicago, Illinois 60611, and I have more than eight years of litigation experience.

3. Membership in good standing of the Bar of at least one State or the District of Columbia.

4. I have never been suspended or disbarred from practice before any court or administrative body.

5. No court or administrative body has ever denied my application for admission to practice before it.

6. No court or administrative body has ever imposed sanctions or contempt citations on me.

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 part 42 of 37 C.F.R.

8. I understand that I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and will be subject to disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

9. I have not been admitted to appear *pro hac vice* before the Board in the last three years.

10. I am familiar with the subject matter at issue in the present proceeding. This familiarity comes from having:

- i. Served as counsel for BoardActive for over a year;
- ii. Reviewed in detail the Petition, the exhibits and all other pleadings filed by Petitioner in this proceeding. I have further reviewed in detail Patent Owner's Preliminary Response, and exhibits, and all other pleadings filed by Patent Owner in this proceeding;
- iii. Reviewed in detail U.S. Patent 10,621,620;
- iv. Engaged in extensive strategic and substantive discussions regarding this proceeding with the Patent Owner and Patent Owner's counsel, Meredith Martin Addy, Robert P. Hart and Gregory Gulliver.
- v. I have reviewed in detail relevant case law and other legal authority related to the allegations made in the Petition.

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 were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code and may jeopardize the validity of any application or any patent issuing thereon.

Executed on August 16, 2024

Benjamin M. Cappel /