UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIVINT, INC.,
Petitioner,

v.

FRACTUS, S.A.,
Patent Owner.

Case No. IPR2024-00089
Patent No. 8,994,604

PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF LARRY SHATZER

Pursuant to 37 C.F.R. § 42.10, Petitioner, Fractus S.A., respectfully requests the Board to recognize Larry Shatzer as *pro hac vice* counsel for the Petitioner in this proceeding.

I. Time for Filing

Pursuant to Paper 6, Notice of Filing Date Accorded to Petition in the present case (Case IPR2024-0089) ("Notice") and the Order Authorizing Motion for Pro Hac Vice Admission in Case IPR2013-00639, Paper 7 ("Order"), this motion for *pro hac vice* admission is authorized and is being filed no sooner than twenty-one (21) days after service of the petition.

II. Good Cause for Additional Back-Up Counsel

Petitioner respectfully requests admission of Mr. Shatzer as back-up counsel to provide additional expertise during this process, particularly due to his familiarity with the substantive, technical and legal issues involved in this proceeding.

III. Statement of Facts

Pursuant to the Order, the following statement of facts, supported by the attached Declaration of Mr. Shatzer, show that there is good cause for the Board to recognize Mr. Shatzer *pro hac vice*.

Lead counsel for this proceeding, Mark DeBoy, is a registered practitioner (Reg. No. 66,983).

Back-up Counsel for this proceeding, Patrick Finnan, is a registered practitioner (Reg. No. 39,189).

Mr. Shatzer is an experienced intellectual property litigation attorney and has served as lead counsel in numerous complex patent infringement litigations in various districts.

Mr. Shatzer has not been suspended or disbarred from practice, and he has not had any application for admission of practice denied or had any sanctions or contempt citations imposed against him.

Mr. Shatzer is an active member in good standing of the bars of the District of Columbia and Tennessee, and, as set forth in his Declaration, is admitted to practice before several Federal Courts, including the Supreme Court of the United States and the United States Court of Appeals for the Federal Circuit. Mr. Shatzer's mailing address is Edell Shapiro and Finnan, LLC, 9801 Washingtonian Blvd., Suite 750, Gaithersburg, MD 20878. His email address is lshatzer@esfip.com, and his direct dial phone number is 240-864-2471.

Mr. Shatzer has worked extensively with the Patent Owner in the past and is familiar with the specific technology at issue in the petition. He is familiar with the patent at issue and has extensive knowledge of the assertions regarding validity of the challenged claims. He is also familiar with the Patent Owner's overall legal strategies and has in-depth knowledge of issues that may arise over the course of

the proceeding. Mr. Shatzer has established familiarity with the subject matter at issue in this proceeding.

Mr. Shatzer has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees 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).

Mr. Shatzer has not appeared in other proceedings before the United States Patent and Trademark Office in the last three (3) years.

Patent Owner relies on Mr. Shatzer in the development of its legal strategy with respect to this patent, and Patent Owner wishes Mr. Shatzer to represent it in this proceeding.

IV. Affidavit or Declaration of Individual Seeking to Appear

This motion for *pro hac vice* admission is accompanied by a Declaration of Mr. Shatzer as required by the Order, filed as Exhibit 2001.

V. Conclusion

The facts contained in the Statement of Facts above, and contained in the Declaration of Mr. Shatzer, establish that there is good cause to admit Mr. Shatzer *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c).

Dated: December 27, 2023

Respectfully submitted,

/Mark J. DeBoy/
Mark J. DeBoy (Reg. 66,983)
Attorney for Patent Owner
Fractus S.A.

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing **PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF LARRY SHATZER and accompanying EXHIBIT 2001** were served via email (as previously consented to by counsel) on December 27, 2023 to lead and backup counsel of record for Petitioner as follows:

Jared J. Braithwaite
Lead Counsel for Petitioner
jbraithwaite@foley.com

R. Whitney Johnson
Back-up Counsel for Petitioner
whit.johnson@foley.com

Dated: December 23, 2023

/Mark J. DeBoy/

Mark J. DeBoy (Reg. No. 66,983)
Attorney for Patent Owner
Fractus S.A.