UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.,
Petitioner,

v.

ATHALONZ, LLC,
Patent Owner.

Case IPR2024-00640
Patent No. 11,510,456

PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE STEPHEN P. BOSCO, A PROVISIONALLY RECOGNIZED PTAB ATTORNEY, AS BACK-UP COUNSEL PURSUANT TO 37 C.F.R. § 42.10(c)

PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	Docket Control Order (Dkt. 35) in *Athalonz LLC v. Under Armour, Inc.*, No. 2:23-cv-00193-JRG (E.D. Tex.)
2002	United States District Court Judicial Case Profiles, as of December 2023
2003	Under Armour's Invalidity Contentions in in *Athalonz LLC v. Under Armour, Inc.*, No. 2:23-cv-00193-JRG (E.D. Tex.)
2004	Exhibit N ('456 Patent Invalidity Chart Based on Won) to Under Armour's Invalidity Contentions in in *Athalonz LLC v. Under Armour, Inc.*, No. 2:23-cv-00193-JRG (E.D. Tex.)
2005	Exhibit O ('456 Patent Invalidity Chart Based on Umezawa) to Under Armour's Invalidity Contentions in in *Athalonz LLC v. Under Armour, Inc.*, No. 2:23-cv-00193-JRG (E.D. Tex.)
2006	Exhibit P ('456 Patent Invalidity Chart Based on Norton) to Under Armour's Invalidity Contentions in in *Athalonz LLC v. Under Armour, Inc.*, No. 2:23-cv-00193-JRG (E.D. Tex.)
2007	Exhibit U ('456 Patent Obviousness Chart) to Under Armour's Invalidity Contentions in in *Athalonz LLC v. Under Armour, Inc.*, No. 2:23-cv-00193-JRG (E.D. Tex.)
2008	U.S. Patent 11,375,768 to Adair et al. (the '768 Patent)
2009	Declaration of Mr. Timothy Markison in Support of Patent Owner's Response Regarding U.S. Patent No. 11,510,456
2010	CV of Mr. Timothy Markison
2011	Transcript of the 12/19/24 Deposition of Mr. Grant Delgatty in IPR2024-00636, IPR2024-00637, IPR2024-00638, IPR2024-00639, and IPR2024-00640
2012	Excerpts from Holt, Serway & Faughin, Physics (1st ed. 2002)

2013	Presentation Titled "Athletic Positioning Shoe: Presentation to Under Armour, August 22, 2013"
2014	Under Armour Responsive Claim Construction Brief, *Athalonz LLC v. Under Armour, Inc.*, No. 2:23-cv-00193-JRG (E.D. Tex.)
2015	Excerpts from *Merriam-Webster's Ninth New Collegiate Dictionary* (9th Ed., 1988) (definition of "surface")
2016	RESERVED
2017	RESERVED
2018	RESERVED
2019	RESERVED
2020	Illustration, "Foot Supination and Pronation"
2021	Declaration of Stephen P. Bosco

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c)(2), Patent Owner Athalonz respectfully submits this Notice of Intent to Designate Stephen P. Bosco, a Provisionally Recognized PTAB Attorney, as Back-up Counsel for Petitioner in this proceeding, Case No. IPR2024-00640.[1]

II. APPLICABLE RULES

Pursuant to 37 C.F.R. § 42.10(c)(2), "[a]ny counsel who is not a registered practitioner, who has been previously recognized *pro hac vice* in a Board proceeding, and who has not subsequently been denied permission to appear pro hac vice in a Board proceeding shall be considered a provisionally recognized PTAB attorney." "If a party seeks to be represented in a proceeding by a provisionally recognized PTAB attorney, that party may file a notice of intent to designate a provisionally recognized PTAB attorney as back-up counsel." *Id.* at § 42.10(c)(2)(ii). The notice should (i) "[i]dentify a registered practitioner who will

[1] Patent Owner is concurrently filing a Notice of Intent to Designate Stephen P. Bosco, a Provisionally Recognized PTAB Attorney, as Back-up Counsel for Petitioner in the following related proceedings, Case Nos. IPR2024-00636, IPR2024-00637, IPR2024-00638, and IPR2024-00639.

serve as lead counsel," and (ii) "[b]e accompanied by a certification in the form of a declaration or affidavit in which the provisionally recognized PTAB attorney attests to satisfying all requirements set forth by the Board for pro hac vice recognition of a provisionally recognized PTAB attorney and agrees to be subject to the USPTO Rules of Professional Conduct set forth in §§ 11.101 et seq. of this chapter and disciplinary jurisdiction under § 11.19(a) of this chapter." *Id. at* § 42.10(c)(2)(ii). The notice should (i) "[i]dentify a registered practitioner who will serve as lead counsel," and (ii) "[b]e accompanied by a certification in the form of a declaration or affidavit in which the provisionally recognized PTAB attorney attests to satisfying all requirements set forth by the Board for pro hac vice recognition of a provisionally recognized PTAB attorney and agrees to be subject to the USPTO Rules of Professional Conduct set forth in §§ 11.101 *et seq*. of this chapter and disciplinary jurisdiction under § 11.19(a) of this chapter." *Id.*

III. FACTS ESTABLISHING THAT STEPHEN P. BOSCO IS A PROVISIONALLY RECOGNIZED PTAB ATTORNEY

Stephen P. Bosco is an experienced litigator whose twelve-year career has focused on patent and other intellectual property litigation. As set forth in his concurrently filed declaration, Mr. Bosco has previously been admitted *pro hac vice* in the following Board proceedings: *FLIR Systems, Inc. et al v. Garmin Switzerland GmbH*, Case NO. IPR2017-00946; *MModal LLC f/k/a MModal Inc. et al v. Nuance*

Communications, Inc. et al., IPR2018-01431; *MModal LLC f/k/a MModal Inc. et al. v. Nuance Communications*, *Inc.,* IPR2018-01435; and (most recently) *MModal LLC f/k/a MModal Inc. et al v. Nuance Communications, Inc.*, IPR2019-00306. EX2021, ¶4. Further, Mr. Bosco attests that he otherwise satisfies all requirements necessary for recognition as a provisionally recognized PTAB attorney, and that he agrees to be subject to the USPTO Rules of Professional Conduct and discipline. EX2021, ¶¶2-8.

Patent Owner's undersigned lead counsel, Michael Matulewicz-Crowley, is a registered practitioner (Reg. No. 72,220), as are Patent Owner's other back-up counsel, Christine E. Lehman (Reg. No. 38,535) and Connor Houghton (Reg. No. 77,380).

Dated: May 5, 2025

Respectfully submitted,

/Michael Matulewicz-Crowley/
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Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on May 5, 2025 a copy of the foregoing document was served by email upon the following:

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