Filed on behalf of ST REPRODUCTIVE TECHNOLOGIES, LLC
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Date Filed:
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMAXTEC INC. and
SMAXTEC ANIMAL CARE GMBH,
Petitioners

v.

ST REPRODUCTIVE TECHNOLOGIES, LLC,
Patent Owner

Case IPR2024-00875
Patent 9,844,206

PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF THOMAS W. LANDERS, IV

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 5), Patent Owner ST Reproductive Technologies, LLC ("Patent Owner") respectfully requests the *pro hac vice* admission of attorney Thomas W. Landers, IV in this proceeding. Patent Owner has conferred with counsel for smaXtec Inc. and smaXtec Animal Care GmbH ("Petitioners"), and Petitioners do not oppose this motion.

I. Statement of Facts Showing Good Cause for the Board to Recognize Thomas W. Landers, IV *Pro Hac Vice* in this Proceeding

The Board may recognize counsel *pro hac vice* during an *inter partes* review proceeding upon a showing of good cause, "subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose." 37 C.F.R. § 42.10(c). "For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." *Id*.

As set forth below and in the accompanying Declaration of Thomas W. Landers IV in Support of Motion to Appear *Pro Hac Vice* (Exhibit 2003), the facts here establish good cause for the Board to recognize Thomas W. Landers IV *pro hac vice* in this proceeding.

1. Lead counsel, Daniel L. Moffett, is a registered practitioner (Reg. No. 60,715).

2. Mr. Landers is a member in good standing of the State Bar Texas (Bar No. 24102057). *See* Exhibit 2003, ¶ 2.

3. Mr. Landers has never been suspended or disbarred from practice before any court or administrative body. *See* Exhibit 2003, ¶ 3.

4. None of Mr. Landers's applications for admission to practice before any court or administrative body have ever been denied. *See* Exhibit 2003, ¶ 4.

5. Mr. Landers has not been sanctioned nor has he had a contempt citation imposed on him by any court or administrative body. *See* Exhibit 2003, ¶ 5.

6. Mr. Landers has declared that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R. *See* Exhibit 2003, ¶ 6.

7. Mr. Landers has acknowledged and agrees that he will 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). *See* Exhibit 2003, ¶ 7.

8. Mr. Landers has applied to appear, and appeared, *pro hac* vice before the Patent Trial and Appeal Board in one *inter partes* review proceeding in the last three years, namely IPR2021-00088. *See* Exhibit 2003, ¶ 8.

9. Mr. Landers has been a practicing attorney for nearly eight years in the areas of patent litigation and patent advisory work. He has been involved in numerous patent infringement cases in district courts across the country, as well as the Federal Circuit. He is presently counsel for Patent Owner in a related litigation captioned *ST Reproductive Technologies, LLC d/b/a STinsight v. Smaxtec Inc. and Smaxtec Animal Care GmbH*, Case No. 24-cv-37-jdp (W.D. Wis.). *See* Exhibit 2003, ¶ 9.

10. In preparation for his representation of ST Reproductive Technologies, LLC in the district court litigation and before the Board in this *inter partes* review, Mr. Landers has studied and analyzed the field of technology relevant to U.S. Patent No. 9,844,206 ("the '206 patent"), as well as the claims, specification, and prosecution history of the '206 patent. Accordingly, Mr. Landers has become very familiar with both the particular subject matter and substantive issues concerning the '206 patent. He is also familiar with the alleged prior art references asserted by Petitioners in this *inter partes* review proceeding. *See* Exhibit 2003, ¶ 9.

In view of Mr. Landers's knowledge of the subject matter at issue in this proceeding, and in view of the interrelatedness of this proceeding and those mentioned above, Patent Owner has a substantial need for Mr. Landers's *pro hac vice* admission and his involvement in this proceeding. In addition, *pro hac vice*

admission of Mr. Landers will enable Patent Owner to avoid unnecessary expense and duplication of work between this proceeding and the related cases mentioned above. *See* 77 Fed. Reg. 48,612, 48,661 (Aug. 14, 2012) (Office's comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel district court litigation).

II. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Thomas W. Landers IV *pro hac vice* in this proceeding.

Dated: September 16, 2024

Respectfully submitted,

By: */ Daniel L. Moffett /*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Motion for *Pro Hac Vice* Admission of Thomas W. Landers IV was served on counsel of record on September 16, 2024 by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS), as well as delivering a copy via electronic mail to counsel of record for the Petitioners at the following addresses:

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Dated: September 16, 2024

Respectfully submitted,

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