

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 IPR2024-01067
Patent 10,231,644

**DECLARATION OF THOMAS W. LANDERS, IV IN SUPPORT OF
PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE A
PROVISIONALLY RECOGNIZED PTAB ATTORNEY AS BACKUP
COUNSEL UNDER 37 C.F.R. § 42.10(c)(2)**

I, Thomas W. Landers, IV, declare as follows:

1. I am counsel in the Houston Office of Akin Gump Strauss Hauer and Feld, LLP. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently under oath.

2. I am a provisionally recognized Patent Trial and Appeal Board attorney under 37 C.F.R. § 42.10(c)(2). I have been previously recognized *pro hac vice* before the PTAB in IPR2017-02097, IPR2017-02162, IPR2020-00551, IPR2021-00088, IPR2024-00875, and IPR2024-00885. I have not subsequently been denied permission to appear *pro hac vice* in a PTAB proceeding.

3. I am a member in good standing of the State Bar of Texas (Bar No. 24102057).

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

5. None of my applications for admission to practice before any court or administrative body has ever been denied.

6. I have never had any sanctions or contempt citations imposed on me 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 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).

9. Other than this proceeding, IPR2024-00875 and IPR2024-00885 are the only other proceedings before the USPTO for which I have applied to appear *pro hac vice* in the last three years. *See* IPR2024-00875, Paper 9 (PTAB Sep. 16, 2024) (motion to appear *pro hac vice*), Paper 14 (PTAB Oct. 2, 2024) (granting motion); IPR2024-00885, Paper 7 (PTAB Sep. 16, 2024) (motion to appear *pro hac vice*), Paper 12 (PTAB Oct. 2, 2024) (granting motion). Those two proceedings are currently pending.

10. For completeness, I note that I have applied to appear and was recognized *pro hac vice* in IPR2021-00088, which was pending within the last three years (terminated January 22, 2024). However, my motion to appear *pro hac vice* in that proceeding was filed and granted more than three years ago. *See* IPR2021-00088, Paper 6 (PTAB Feb. 9, 2021) (motion to appear *pro hac vice*), Paper 17 (PTAB Apr. 1, 2021) (granting motion). No other proceedings in which I have applied to appear *pro hac vice* have been pending within the last three years.

11. Moreover, I have substantive and legal familiarity with the subject matter at issue in this *inter partes* review proceeding. I have been a practicing

attorney for over eight years in the areas of patent litigation and patent advisory work. I have been involved in numerous patent infringement cases in district courts across the country, as well as the Federal Circuit. I am 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.). In preparation for my representation of ST Reproductive Technologies, LLC in the district court litigation and before the Board in this *inter partes* review, I have studied and analyzed the field of technology relevant to U.S. Patent No. 10,231,644 (“the ’644 patent”), as well as the claims, specification, and prosecution history of the ’644 patent. I have become very familiar with both the particular subject matter and substantive issues concerning the ’644 patent. I am also familiar with the alleged prior art references asserted by Petitioners in this *inter partes* review proceeding.

12. I therefore satisfy all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2025 in Fort Bend County, TX.

By: / Thomas W. Landers, IV /
Thomas W. Landers, IV

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on counsel of record on March 4, 2025 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 Petitioner at the following addresses:

DECHERT LLP
Jeff Plies – jeff.plies@dechert.com
Michael Fisher – michael.fisher@dechert.com
smaXtec-IPRs@dechert.com

Dated: March 4, 2025

Respectfully submitted,

By: / Daniel L. Moffett /
Daniel L. Moffett
Registration No. 60,715
Counsel for Patent Owner