

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,
Petitioner,

v.

FRACTUS, S.A.,
Patent Owner.

Case No. IPR2026-00191
Patent No. 11,031,677

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

EXHIBIT LIST

Exhibit No.	Title
Ex. 2001	RESERVED
Ex. 2002	Defendants' Preliminary Invalidity Contentions dated June 18, 2025 in 2:24-cv-01009-JRG-RSP (E.D.Tex.)
Ex. 2003	Invalidity Contentions for U.S. Patent No. 11,031,677 in 2:24-cv-01009-JRG-RSP (E.D.Tex.)
Ex. 2004	Amended Docket Control Order dated April 10, 2025 in 2:24-cv-01009-JRG-RSP (E.D.Tex.)
Ex. 2005	RESERVED
Ex. 2006	RESERVED
Ex. 2007	RESERVED
Ex. 2008	DECLARATION IN SUPPORT OF PATENT OWNER'S MOTION FOR <i>PRO HAC VICE</i> ADMISSION OF LARRY L. SHATZER
Ex. 2009	RESERVED
Ex. 2010	Declaration of Hossein Hashemi, Ph.D.
Ex. 2011	Jack H. Winters, "Smart Antennas for Wireless Systems," IEEE Personal Communications, February 1998
Ex. 2012	3GPP TSG RAN Meeting #26, Document No. RP-040496, "Report of the 3GPP TSG RAN Long Term Evolution Work Shop," 2 -3 November 2004, Toronto, Canada"
Ex. 2013	3GPP TSG-RAN meeting #28, Document No. RP-050371, "Presentation of Specification to TSG or WG," Québec City, Quebec, 1–3 June 2005

Ex. 2014	3GPP TSG-RAN meeting #32, Document No. RP-060226, “List of CRs. Supplement to Report from RAN WG2,” Warsaw, Poland, 31 st May - June 2006
Ex. 2015	Hannes Ekstrom, et al. “Technical Solutions for the 3G long-term evolution,” IEEE Communications Magazine • March 2006
Ex. 2016	Takehiro Nakamura, et al., “Super 3G Technology Trends, Part 1: Super 3G Overview and Standardization Activities,” NTT DoCoMo Technical Journal Vol. 8, No. 1
Ex. 2017	Federal Communications Commission Report and Order FCC 97-421, “In the Matter of Reallocation of Television Channels 60-69, the 746-806 MHz Band,” Adopted December 31, 1997, Released January 6, 1998
Ex. 2018	Federal Communications Commission Report and Order FCC 01-364, “In the Matter of Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59),” Adopted December 12, 2001, Released January 18, 2002
Ex. 2019	FCC Lower 700 MHz Band Auction #44 Bid Winners (September 18, 2002)
Ex. 2020	Auction 44: Lower 700 MHz Band Fact Sheet (https://www.fcc.gov/auction/44) (last accessed February 25, 2026)
Ex. 2021	FCC Lower 700 MHz Band Auction #49 Bid Winners (June 13, 2003)
Ex. 2022	Auction 49: Lower 700 MHz Band Fact Sheet

	(https://www.fcc.gov/auction/49) (last accessed February 25, 2026)
Ex. 2023	FCC Lower 700 MHz Service About Page (https://www.fcc.gov/wireless/bureau-divisions/mobility-division/lower-700-mhz-service) (last accessed February 25, 2026)
Ex. 2024	3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Evolved Universal Terrestrial Radio Access (E-UTRA); User Equipment (UE) radio transmission and reception; (Release 8) (December 2007)
Ex. 2025	Federal Communications Commission Second Report and Order FCC 0090, “Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules,” Adopted March 8, 2000, Released March 9, 2000
Ex. 2026	FCC 700 MHz Band Auction #73 Bid Winners.
Ex. 2027	Auction 73: 700 MHz Band Fact Sheet (https://www.fcc.gov/auction/73) (last accessed February 25, 2026)
Ex. 2028	Letter to the Chairman of the Federal Communications Commission Regarding Auction of Licenses in the 747-762 and 777-792 MHz Bands Scheduled for September 6, 2000 (July 20, 2000)
Ex. 2029	Supplementary Declaration of Hossein Hashemi, Ph.D.
Ex. 2030	RESERVED

Ex. 2031	RESERVED
Ex. 2032	Docket Report in 2:24-cv-01009-JRG-RSP (E.D.Tex.) retrieved March 8, 2026
Ex. 2033	Complaint in Fractus, S.A. v. Resmed Inc., 3:25-cv02680-LL-JLB (S.D. Cal.)
Ex. 2034	Claim Construction Order in 2:24-cv-01009-JRG-RSP (E.D.Tex.)
Ex. 2035	Patent Owner's Objections to the Claim Construction Order in 2:24-cv-01009-JRG-RSP (E.D.Tex.)
Ex. 2036	Letter of June 21, 2021 from Ruben Bonet to David Pendarvis
Ex. 2037	Email correspondence between Fractus and ResMed sent from July 26, 2021 through March 24, 2023
Ex. 2038	Attachment to email of November 9, 2022 (Ex. 2037 at 6-7)
Ex. 2039	"ResMed's new factory brings it closer to meeting CPAP demand after Philips recall," Medical Design and Outsourcing (January 10, 2023) (https://www.medicaldesignandoutsourcing.com/resmeds-new-factory-cpap-demand/)(last accessed April 21, 2026)
Ex. 2040	"ResMed responds to 'humanitarian emergency' over demand for CPAP devices with new factory," MEDTECHDIVE (January 10, 2023) (https://www.medtechdive.com/news/resmed-RMD-ceo-mick-farrell-jp-morgan-health-sleep-apnea-devices/640036/) (last accessed April 21, 2026)

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

I. Time for Filing

Pursuant to Paper 4, Notice of Filing Date Accorded to Petition in the present case (Case IPR2026-00191) (“Notice”), 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

Patent Owner 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 Notice, 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 Maryland, 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 moved to appear in the following other proceedings before the United States Patent and Trademark Office in the last three (3) years:

- IPR2024-00087;
- IPR2024-00088;
- IPR2024-00089;
- IPR2025-00928;
- IPR2025-00929;
- IPR2025-01026;
- IPR2025-01027;
- PGR2025-00056; and
- PGR2025-00031.

Mr. Shatzer's motions to appear in the above-referenced proceedings were all granted. Additionally, Patent Owner will be moving for Mr. Shatzer's appearance in IPR2026-00338.

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 2008.

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: May 14, 2026

Respectfully submitted,

/Mark J. DeBoy/
Mark J. DeBoy (Reg. 66,983)
Attorney 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 2008** were served via email (as previously consented to by counsel) on May 14, 2026 to lead and backup counsel of record for Petitioners as follows:

PH-Resmed-Fractus@paulhastings.com

Dated: May 14, 2026

/Mark J. DeBoy/

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