Trials@uspto.gov
571-272-7822

Paper 20
Entered: February 23, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BMW OF NORTH AMERICA, LLC,
Petitioner,

v.

MICHIGAN MOTOR TECHNOLOGIES, LLC,
Patent Owner.

IPR2023-01031 (Patent 8,909,482 B2)
IPR2023-01032 (Patent 6,581,565 B2)
IPR2023-01233 (Patent 6,581,574 B1)
IPR2023-01234 (Patent 6,588,260 B1)

Before JAMES P. CALVE, NEIL T. POWELL, BARBARA A. PARVIS, MICHAEL L. WOODS, SCOTT B. HOWARD, and STEPHEN E. BELISLE, *Administrative Patent Judges*.[1]

PER CURIAM.

ORDER[2]
Granting Petitioner's Motions for
Pro Hac Vice Admission of Brian A. Biggs
37 C.F.R. § 42.10

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[1] This is not an expanded panel of the Board.

[2] The combined caption is for administrative convenience only and does not indicate that IPR2023-01031, IPR2023-01032, IPR2023-01233, and IPR2023-01034 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On February 14, 2024, Petitioner filed motions requesting *pro hac vice* admission of Brian A. Biggs in each of the above-identified proceedings (collectively "Motions"). Paper 14.[3] Petitioner also submitted Declarations from Brian A. Biggs in support of the Motions (collectively "Declarations"). Ex. 1011.[4]

Petitioner attests that Patent Owner does not oppose the Motions. Paper 14, 3.

For the reasons provided below, Petitioner's Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission").

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Biggs has sufficient legal and technical qualifications to represent Petitioner in these proceedings, has demonstrated

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[3] For purposes of expediency, we cite to Papers filed in IPR2023-01031. Petitioner filed a similar Motion in IPR2023-01032 (Paper 16), IPR2023-01233 (Paper 13), and IPR2023-01234 (Paper 13).

[4] We cite to Exhibits filed in IPR2023-01031. Petitioner filed a similar Declaration in IPR2023-01032 (Ex. 1010), IPR2023-01233 (Ex. 1009), and IPR2023-01234 (Ex. 1022).

sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1011. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Biggs. Mr. Biggs will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Mr. Biggs in accordance with 37 C.F.R. § 42.10(b). IPR2023-01031, Paper 17, 2; IPR2023-01032, Paper 17, 2; IPR2023-01233, Paper 2; and IPR2023-01234, Paper 2. Petitioner has also filed Mandatory Notices identifying Mr. Biggs as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-01031, Paper 16, 2; IPR2023-01032, Paper 18, 2; IPR2023-01233, Paper 15, 2; and IPR2023-01234, Paper 15, 2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Brian A. Biggs are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Biggs is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Biggs be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[5] (84 Fed. Reg.

[5] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

64,280 (Nov. 21, 2019)), and comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Biggs is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq*.

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FOR PETITIONER:

James M. Glass
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com

FOR PATENT OWNER:

Timothy Devlin
Jason Wejnert
DEVLIN LAW FIRM LLC
tdevlin@devlinlawfirm.com
jason.wejnert@dinsmore.com