

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

Before JAMES P. CALVE, NEIL T. POWELL, and SCOTT B. HOWARD,
Administrative Patent Judges.

HOWARD, *Administrative Patent Judge.*

ORDER TO SHOW CAUSE
Conduct of the Proceeding
37 C.F.R. § 42.5(a)

I. INTRODUCTION

BMW of North America, LLC¹ (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1, 2, 4–7, and 9–13 (“challenged claims”) of U.S. Patent No 8,909,482 B2. Michigan Motor Technologies, LLC (“Patent Owner”) filed a Patent Owner Preliminary Response (Paper 11, “Prelim. Resp.”). We instituted trial on all challenged claims, issuing a Scheduling Order (Paper 13), which set April 16, 2024 as DUE DATE 1, the due date by which Patent Owner was required to file a Response to the Petition and a Motion to Amend. The parties stipulated to modify DUE DATE 1 to May 9, 2024. Paper 21. Patent Owner did not file a Response to the Petition² by the May 9, 2024 due date set under the Scheduling Order as modified by the parties.

Pursuant to our rules, “[a]ctions construed to be a request for adverse judgment include . . . [a]bandonment of the contest.” 37 C.F.R. § 42.73(b)(4). Patent Owner’s failure to file substantive papers in this trial is consistent with abandonment of the contest. Absent cause, we will enter adverse judgment upon notice to Patent Owner. Accordingly, within ten (10) business days of the date of this Order, Patent Owner must show cause why adverse judgment under 37 C.F.R. § 42.73(b)(4) should not be entered against it. Upon failure to respond or absent a showing of good cause, adverse judgment will be entered against Patent Owner as to the claims upon which trial was instituted. If Patent Owner has any questions regarding this

¹ The Petition was originally filed by BMW of North America, LLC and Mercedes-Benz USA, LLC. This proceeding was terminated with respect to Mercedes-Benz. Paper 10 (Termination Order).

² When extending Due Date 1, Patent Owner stated that “r is not filing a motion to amend.” Paper 21, 2.

Order, it is directed to contact the Board to request a conference call with the panel.

II. ORDER

Accordingly, it is

ORDERED that adverse judgment shall be entered as to claims 1, 2, 4–7, and 9–13 of U.S. Patent No. 8,909,482 B2 unless, within ten (10) business days of the date of this Order, Patent Owner files a paper not exceeding ten (10) pages that demonstrates good cause why adverse judgment should not be entered.

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FOR PETITIONER:

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