DECLARATION OF MR. BRIAN A. BIGGS IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

I, Brian A. Biggs, declare as follows:

1 I am a member in good standing of the Bars of the State of Delaware, the Commonwealth of Pennsylvania, and the State of New Jersey, as well as the following Federal Courts:

a) United States Court of Appeals for the Federal Circuit; United States Court of Appeals for the Third Circuit; United States District Courts for the Southern District of California and Eastern District of Texas.

2. I have not been suspended or disbarred from practice before any court or administrative body. I have not been suspended from practice before any court or administrative body with the exception that on November 19, 2016, I was placed on inactive status by the Pennsylvania Supreme Court for inadvertently failing to complete the requisite Continuing Legal Education credits in that cycle. I promptly remedied the CLE deficiency, was fully reinstated, and remain an active member of the Commonwealth of Pennsylvania bar today.

3. I have never had an application for admission to practice before any court or administrative body denied.

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

5. 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 part 42 of 37 C.F.R.

6. I will be subject to the USPTO Code 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).

7. I have appeared *pro hac vice* before the Office in the last three (3) years in the following proceeding: IPR2021-01566.

8. I am a technically trained, experienced patent litigation attorney. I have experience in numerous patent infringement litigation matters in the federal court system. I have experience in Markman hearings, patent litigation trials, and patent litigation appeals.

9. I have worked for BMW of North America, LLC ("BMW") as a client over the past year in the co-pending litigation in which patents related to the U.S. Patent No. 6,581,565 are asserted against Petitioner. I have an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, I have been heavily involved with the review of prior art references, the development of invalidity positions and preparation of invalidity contentions, and the claim construction process, all of which are related to the petition requesting *inter partes* review of U.S. Patent No. 6,581,565.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: February 14, 2024

/ Brian A. Biggs /

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