

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.

IPR2023-01224
Patent 6,557,540 B1

Before JAMES A. TARTAL, BARBARA A. PARVIS, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

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

On February 14, 2024, Petitioner filed a motion requesting *pro hac vice* admission of Brian A. Biggs. Paper 11 (“Motion” or “Mot.”). Petitioner also submitted a Declaration from Brian A. Biggs in support of the Motion. Ex. 1012 (“Declaration”).

Petitioner attests that Patent Owner does not oppose the Motion. Paper 11, 3.

For the reasons provided below, Petitioner’s Motion is *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 Motion and the accompanying Declaration, we conclude that Mr. Biggs has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1012. 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 an updated Power of Attorney including Mr. Biggs in accordance with 37 C.F.R. § 42.10(b). Paper 12, 2. Petitioner

has also filed an updated Mandatory Notice identifying Mr. Biggs as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 13, 2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 11) for *pro hac vice* admission of Brian A. Biggs is *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Biggs is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Biggs be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (84 Fed. Reg. 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.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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