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.

Case IPR2023-01233
U.S. Patent 6,581,574

PATENT OWNER'S MOTION TO TERMINATE PROCEEDING

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF EXHIBITS

Exhibit No.	Description
2001	Notice of Voluntary Dismissal with Prejudice (MMT v BMW, No. 1:22-cv-03804, Dkt No. 112)
2002	Statutory Disclaimer of Claims 1-18 of US Patent 6,581,574

Pursuant to 37 C.F.R. § 42.71 and 42.72, Patent Owner, Michigan Motor Technologies LLC hereby moves to have the above-captioned *Inter Partes* Review of U.S. Patent No. 6,581,574 ("the '574 patent") terminated without adverse judgment for the following reasons.

Patent Owner has been in discussions with Petitioner to dismiss the pending lawsuit which included the '574 patent. Relying on representations by Petitioner, Patent Owner voluntarily dismissed the pending lawsuit, believing that Petitioner would seek timely dismissal of the above-captioned *Inter Partes Review* of the '574 patent. *See* Exhibit 2001. However, Petitioner has not done so despite repeated requests.

Since Petitioner has not timely sought termination of the proceeding, rather than further burdening the Board, Patent Owner has elected not to file a Patent Owner Response and has also disclaimed all of the challenged claims in the above-captioned *Inter Partes* Review of the '574 patent. *See* Exhibit 2002. Accordingly, the above-captioned *Inter Partes* Review of the '574 patent is now moot.

In view of the foregoing, Patent Owner respectfully requests that the Board exercise its discretion to terminate this proceeding without adverse judgment. However, if the Board declines to exercise its discretion as requested, Patent Owner will not oppose adverse judgment under 37 C.F.R. § 42.73(b).

Should the Board require any further information, the Board is encouraged to contact the Patent Owner's undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: June 3, 2024

DEVLIN LAW FIRM LLC

/ Timothy Devlin /

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Attorney for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on June 3, 2024, the foregoing document is being served via electronic mail upon the following counsel of record for Petitioner:

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