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

IPR2023-01234
U.S. Patent No. 6,588,260

MOTION FOR PRO HAC VICE ADMISSION UNDER 37 C.F.R. §42.10(c)

Petitioner respectfully requests that the Board recognize Mr. Brian Biggs as counsel *pro hac vice* during this proceeding.

1. Time For Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty-one (21) days after service of the petition in accordance with the "Order -- Authorizing Motion for Pro Hac Vice Admission" in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under "Representative Orders, Decisions, and Notices."

2. Statement of Facts

As required by the Order Authorizing Motion for *Pro Hac Vice*, the following statement of facts shows that there is good cause for the Board to recognize Mr. Biggs *pro hac vice.*

Lead counsel Edward H. Sikorski and backup counsel Matthew S. Middleton are registered practitioners and are experienced in *inter partes* proceedings in the USPTO.

Mr. Biggs is a technically trained, experienced patent litigation attorney, with experience in numerous litigations involving patent infringement in the federal court system across the country, including experience in patent litigation trials and patent litigation appeals.

U.S. Patent No. 6,588,260 is currently asserted against Petitioner, BMW of North America, LLC ("BMW"), in a co-pending litigation, *Michigan Motor Technologies, LLC v. Bayerische Motoren Werke AG et al*., C.A. No. 22-3804 (N.D. Ill.).

Mr. Biggs has represented BMW for approximately nine years and is counsel for BMW in the co-pending litigation. Petitioner wishes to continue using Mr. Biggs as counsel in this proceeding and has executed a Power of Attorney designating Mr. Biggs as backup counsel. *See* Paper No. 2 (Power of Attorney – BMW). Counsel for Patent Owner does not oppose Mr. Biggs appearing *pro hac vice* during this proceeding.

Mr. Biggs has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, Mr. Biggs is the principal attorney responsible for the representation of Petitioner. He is 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. 6,588,260. Petitioner has expended significant financial resources in the co-pending litigation with Mr. Biggs as counsel, and Petitioner wishes to continue using Mr. Biggs as counsel in this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Biggs as counsel *pro hac vice* during this proceeding.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Mr. Biggs (Exhibit 1022) as required by Order Authorizing Motion for *Pro Hac Vice* in Case IPR2013-00639.

Dated: February 14, 2024

Respectfully Submitted,

/Matthew S. Middleton/

Matthew S. Middleton
Reg. No. 77,117
DLA Piper LLP (US)
1201 N. Market St., Suite 2100
Wilmington, Delaware 19801-1147
Phone: 302.468.5675
Fax: 302.778.7935
Matthew.middleton@us.dlapiper.com

Attorneys for Petitioner BMW of North America, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for *Pro Hac Vice* Admission and Exhibit 1022 have been served via Electronic Mail upon the following on February 14, 2024:

Timothy Devlin
Jason Wejnert
TD-PTAB@devlinlawfirm.com
jwejnert@devlinlawfirm.com
dlflitparas@devlinlawfirm.com

Dated: February 14, 2024

Respectfully Submitted,

/Matthew S. Middleton/
Matthew S. Middleton, Reg. No. 77,117

Attorneys for Petitioner BMW of North America, LLC