UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OMEGA LINER COMPANY, INC.,
Petitioner,

v.

BUERGOFOL GMBH,
Patent Owner.

Case IPR2023-01402
U.S. Patent 8,794,269

PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF MONTE M. BOND UNDER 37 C.F.R. § 42.10(c)

Petitioner Omega Liner Company, Inc. ("Petitioner") respectfully requests that the Board admit Monte M. Bond as backup counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Mr. Bond due to his experience in representing Petitioner in patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding and the related district court litigation. Therefore, Mr. Bond meets the requirements of "an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding" under 37 C.F.R. § 42.10(c).

1. Time for Filing

This Motion for *Pro Hac Vice* Admission has been authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on September 26, 2023 (Paper 3). This Motion is filed no sooner than twenty-one (21) days after service of the petition.

2. Statement of Facts

In this proceeding, lead counsel for Petitioner is Michael S. Neustel, a registered practitioner. The following statement of facts shows that there is good cause for the Board to admit Mr. Bond *pro hac vice*. Mr. Bond is a patent litigation attorney with more than 30 years of experience representing clients in cases

involving patents or other intellectual property interests. (Declaration of Monte M. Bond ("Bond Declaration"), ¶ 8 in Exhibit 1042.)

Mr. Bond regularly litigates patent cases in various forums, including federal district courts across the United States. (*Id.*) He has experience representing clients in many phases of litigation including discovery, Markman hearings, dispositive motions, jury trials, and appeals. (*Id.*) Mr. Bond's biography is attached to the Bond Declaration as Appendix A.

Mr. Bond has an established familiarity with the subject matter at issue in this proceeding because he represents Petitioner in a parallel district court proceeding against Patent Owner involving U.S. Patent Nos. 9,657,882 and 8,794,269 (*Buergofol GmbH v. Omega Liner Company, Inc.*, Case No. 22-cv-04112-KES (D. S.D.)). Mr. Bond, thus, is familiar with the subject matter at issue in this proceeding. Mr. Bond is also familiar with the prior art references cited in PTAB Case Nos. IPR2023-01372, IPR2023-01402, and the associated invalidity grounds before the PTAB.

Petitioner has invested significant financial resources in the related matters in which Mr. Bond serves as counsel. Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Monte M. Bond 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. Bond (Exhibit 1047), which attests to the requirements for *pro hac vice* admission set forth in IPR2013-00639, Paper 7, dated Oct. 15, 2013.

4. *Pro Hac Vice* Admission Fee.

The required fee under 37 C.F.R. § 42.15(e) in the amount of $250 is being paid by credit card.

5. Conclusion.

Accordingly, Petitioner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to admit Monte M. Bond as counsel *pro hac vice* and to authorize Mr. Bond to represent Petitioner as back-up counsel in this proceeding.

Dated: December 8, 2023 Respectfully submitted,

/Michael S. Neustel/
Lead Counsel
Michael S. Neustel (Reg. No. 41,221)

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Back-up Counsel
Monte M. Bond (*pro hac vice* requested)

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF MONTE M. BOND UNDER 37 C.F.R. § 42.10(c) and Exhibit 1047 were served in their entirety this 8th day of December 2023 by electronic mail on the Patent Owner via its attorneys of record:

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Darien Wallace - darien@imperiumpw.com

T. Lester Wallace - lester@imperiumpw.com

Dated: December 8, 2023

Respectfully submitted,

/Michael S. Neustel/
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Back-up Counsel
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