

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**ZHUHAI COSMX BATTERY CO., LTD.,
Petitioner**

v.

**NINGDE AMPEREX TECHNOLOGY LTD.,
Patent Owner**

**IPR2025-00389
Patent 11,923,498**

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
JASON SPOTTS UNDER 37 C.F.R. § 41.10(c)**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

LIST OF EXHIBITS

Exhibit Number	Description
2001	Second Amended Complaint, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , Case No. 2:24-cv-00728-JRG, ECF No. 23 (E.D. Tex. Jan. 28, 2025)
2002	Scheduling Order, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , Case No. 2:24-cv-00728-JRG, ECF No. 27 (E.D. Tex. Feb. 6, 2025)
2003	CosMX Invalidity Contentions Cover Pleading, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , Case No. 2:24-cv-00728-JRG (E.D. Tex. Jan. 7, 2025)
2004	Summons to attend oral proceedings in German Case No. 3 Ni 12/23 (EP) (“Germany Order 1”)
2005	Summons to attend oral proceedings in German Case No. 3 Ni 12/24 (EP) (“Germany Order 2”)
2006	Docket Navigator Statistics for Judge Rodney Gilstrap (accessed May 5, 2025)
2007	Docket, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , Case No. 2:22-cv-00232 (E.D. Tex.)
2008	Joint Motion for Entry of Protective Order, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:24-cv-00728-JRG, ECF No. 30 (E.D. Tex. Feb. 11, 2025)
2009	Amended Final Judgment, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , Case No. 2:22-cv-00232, ECF No. 427 (E.D. Tex.)
2010	Article, <i>Lithium battery manufacturer ATL won injunction against its Chinese rival COSMX in German Court</i> , China IP Today (April 6, 2024)
2011	Reserved
2012	Reserved
2013	Darts IP Reports: CN109301326, CN104466097, CN206490141, CN108352492 (May 6, 2025)
2014	Reserved
2015	Declaration of James L. Kaschmitter, Ph.D.
2016	<i>Curriculum Vitae</i> of James L. Kaschmitter, Ph.D.

Exhibit Number	Description
2017	Papers and Presentations of James L. Kaschmitter, Ph.D.
2018	Supplemental Declaration of James L. Kaschmitter, Ph.D.
2019	CosMX Proposed Construction of Claim Terms, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , No. 2:24-cv-00728-JRG
2020	Deposition Transcript of Ulrich von Sacken, Ph.D. dated November 25, 2025, IPR2025-00389
2021	Claim Construction Order, <i>Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.</i> , Case No. 2:24-cv-00728-JRG, ECF No. 171 (E.D. Tex. Feb. 17, 2026)
2022	Deposition Transcript of Ulrich von Sacken, Ph.D. dated April 22, 2026, IPR2025-00389
2023	Declaration of Jason Spotts in Support of Motion for <i>Pro Hac Vice</i> Admission (“Spotts Decl.”)

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition (Paper No. 5), Patent Owner Ningde Amperex Technology Ltd. (“Patent Owner”) requests that the Board admit Jason Spotts *pro hac vice* in this proceeding. The facts set forth below and the accompanying Certification in the form of a declaration by Mr. Spotts, Ex. 2023 (“Spotts Decl.”), support his *pro hac vice* admission. Patent Owner conferred with counsel for Petitioner prior to filing this motion, and Petitioner does not oppose.

I. TIME FOR FILING

This Motion is timely because it is being filed after the Notice of Filing Date Accorded to the Petition.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE*

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner, and any other conditions the Board may impose. 37. C.F.R. § 42.10(c). Section 42.10(c) states that “where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established legal familiarity with the subject matter at issue in the proceeding.” Section 42.10(c). In this proceeding, the Board’s Notice of Filing Date Accorded

(Paper No. 5) provides a list of requirements for *pro hac vice* admission. This Motion is made in furtherance of those requirements. The facts here establish good cause for the Board to recognize Jason Spotts *pro hac vice*.

1. Patent Owner is represented by Christopher TL Douglas (Reg. No. 56,950) as lead counsel in this proceeding. *See* Paper Nos. 3-4.

2. Mr. Spotts is a member in good standing of the bar of at least one state or the District of Columbia, specifically, Texas. Spotts Decl., ¶ 2.

3. Mr. Spotts has not been suspended, disbarred, had his application denied, been sanctioned, or had a contempt citation imposed on him by any court or administrative body. *Id.*, ¶¶ 3-5.

4. Mr. Spotts has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 CFR part 42. *Id.*, ¶ 6.

5. Mr. Spotts agrees that he is subject to the USPTO Rules of Professional Conduct set forth in 37 CFR § 11.101 *et seq.* and disciplinary jurisdiction under 37 CFR § 11.19(a). *Id.*, ¶ 7.

6. Mr. Spotts has not applied by motion to appear *pro hac vice* in any IPR proceedings pursuant to 37 C.F.R. § 421.10(c)(1) in the last three years. *Id.*, ¶ 8.

7. Mr. Spotts has familiarity with the subject matter at issue in the

proceeding. *Id.*, ¶¶ 9-10.

III. CONCLUSION

For the foregoing reasons as well as the reasons contained in the attached declaration, Patent Owner respectfully moves for the admission of Mr. Spotts to designate him as back-up counsel in this proceeding, in view of his knowledge, familiarity, and experience with the relevant subject matter. Although Mr. Spotts is not a registered USPTO practitioner, Patent Owner's undersigned lead counsel is registered. Upon being deemed admitted *pro hac vice* under 37 C.F.R. § 42.10(c)(1), Patent Owner will file updated mandatory notices identifying Mr. Spotts as counsel of record. *See* Paper 4. And Mr. Spotts will keep the Board informed of sanctions, changes to good standing at a bar, or any other event that renders materially inaccurate or incomplete any representation that he made to the Board in connection with this request for *pro hac vice* notice. Spotts Decl., ¶ 11.

Date: May 21, 2026

/Christopher TL Douglas/
Christopher TL Douglas
Reg. No. 56,950

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), the undersigned hereby certifies that true and correct copies of the above-captioned **PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF JASON SPOTTS UNDER 37 C.F.R. § 41.10(c) and NINGDE AMPEREX TECH. EXHIBIT 2023** were served in their entirety on May 21, 2026 via filing through the Patent Trial and Appeal Case Tracking System (P-TACTS) and electronic mail on the following counsel of record for Petitioner:

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/Christopher TL Douglas/
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