

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MULTI-COLOR CORPORATION

Petitioner

v.

BROOK & WHITTLE LIMITED

Patent Owner

PGR2025-00025
Patent No. 11,961,422

**PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF STEVEN DIRKS**

EX	DESCRIPTION
2001	“Going for Gold,” Multi-Color Corporation, available at https://www.mcclabel.com/en/resources/going-for-gold
2002	“NESCAFÉ® Debuts Gold Espresso and Ice Roast Instant Coffee in the U.S., Offering Rich Variety for Every Occasion,” Nestle, April 3, 2024, available at https://www.nestleusa.com/media/pressreleases/gold-espresso-ice-instant-coffee
2003	recycLABEL™ Shrink Sleeve brochure, Multi-Color Corporation
2004	“Labeled with Care – Sustainability Update,” Multi-Color Corporation, available at https://issuu.com/mcclabel/docs/mcc_2024_sustainability_update?fr=sOTFjMjY0MTE4OTQ
2005	“Nestlé to use recyclable, light-blocking shrink sleeves on some beverage products,” Packaging Dive, April 17, 2024, available at https://www.packagingdive.com/news/nestle-recyclable-shrink-sleeve-label-light-blocking/713427/
2006	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Docket Report, generated May 13, 2025
2007	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 16 (Docket Control Order)
2008	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 50 (Defendants’ Unopposed Motion for Leave to Supplement Invalidity Contentions Under P.R. 3-6(b))
2009	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 51 (Order granting D.I. 50)
2010	Deposition Transcript of Mr. Craig Bushman
2011	Deposition Transcript of Dr. Michael Deible
2012	Declaration of Dr. Maureen Reitman
2013	Declaration of Dr. Scott Phillips
2014	“Gatorade and Cheetos are Among the Pepsi Products Getting a Natural Dye Makeover,” NY Post
2015	“Can I Drink Gatorade Past the Best Before Date on the Bottle,” PepsiCo
2016	US Patent Application No. 2025/0273094
2017	“Nesquik Makes Bottles Easier to Recycle for Consumers,” Nestle
2018	Email from A. Leonard (Nestle) to S. Figueroa (B+W)
2019	PACKAGING EUROPE, <i>Winners of the Sustainability Awards 2024 Announced!</i> , (Nov. 14, 2024).

2020	PACKAGING EUROPE, <i>Sustainability Awards 2024 Finalist Interview: Brook+Whittle's Recyclable, Light-Blocking Shrink Sleeve</i> , (Sept. 24, 2024).
2021	<i>AWA Sleeve Label Awards 2024 - Winners</i> (October 28, 2024)
2022	US Plastics Pact 2023 LinkedIn Post
2023	US Plastics Pact 2024 LinkedIn Post
2024	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Dkt. 1 (Complaint)
2025	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Dkt. 1, Ex B (Claim Chart)
2026	PET-S-09, Evaluation of PET Plaques for Color, Haze and Inclusions
2027	US Patent Application No. 18/667,677 September 3 Remarks
2028	US Patent Application No. 18/667,677 October 24 Final Rejection
2029	"Heat Treatment Impacts on Film Morphology in Biaxially Oriented Polypropylene Films," Kivilcim, Fadime Nulufer, <i>Food Sci. & Nut.</i>
2030	"The Amazing Shrink Inks," Packaging Impressions
2031	"Wrinkling-to-delamination Transition in Thin Polymer Films on Compliant Substrates," Nolte, Adam J., <i>Soft Matter</i> , 2017
2032	"Review Article: Stress in Thin Films and Coatings: Current Status, Challenges, and Prospects," Abadias, Gregory, <i>J. Vac. Sci. Technol.</i> 2018
2033	"Product Decoration Technologies: Sleeving," Finishing & Embellishment
2034	"Brook + Whittle's GreenLabel BlockOut Receives Important Recyclability Recognition and Prequalification," Brook + Whittle
2035	"MCC Receives APR Recognition for recycLabel Roll-Fed Label on PET Bottles," MultiColor Corp
2036	"Trap (printing)," Grokipedia
2037	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Dkt. 112, Claim Construction Order
2038	Plastics Forming Enterprises LLC, Laboratory Report #2467 APR PET Benchmark
2039	Declaration of Steven Dirks in support of Admission <i>Pro Hac Vice</i>
2040	Declaration of Tera Jo Stone in support of Admission <i>Pro Hac Vice</i>
2041	Declaration of Kelly Tripathi in support of Admission <i>Pro Hac Vice</i>

Patent Owner Brook + Whittle, Ltd. (“B+W”) hereby moves under 37 C.F.R. § 42.10(c) for the admission *pro hac vice* of Steven Dirks in the present post grant review so that he may be appointed back up counsel for Brook + Whittle, Ltd.

I. INTRODUCTION AND BACKGROUND

Authorization for this motion was provided by the PTAB in the March 21, 2025, Notice of Filing Date Accorded to Petition (Paper 5). Counsel for B+W consulted with Counsel for Petitioner Multi-Color Corporation (“MCC”), and MCC agreed it does not oppose the present motion for *pro hac vice* admission for Mr. Dirks. Therefore, the present motion is proper at this time. As explained further below, Mr. Dirks is an experienced litigation attorney with an established familiarity with the subject matter at issue in this post grant review.

“[W]here 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.” 37 C.F.R. § 42.10(c)(1).

A motion for *pro hac vice* admission must:

- a. Contain a statement of facts showing that there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.

- b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:
 - a. Membership in good standing of the Bar of at least one State or the District of Columbia;
 - b. No suspensions or disbarments from practice before any court or administrative body;
 - c. No application for admission to practice before any court or administrative body ever denied;
 - d. No sanctions or contempt citations imposed by any court or administrative body;
 - e. The individual seeking to appear has read and will comply with the Office rules;
 - f. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. §11.19(a);
 - g. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
 - h. Familiarity with the subject matter at issue in the proceeding.

Unified Patents, Inc. v. Parallel Iron, LLC, Case No. IPR2013-00639, 2013 WL 8700556 (P.T.A.B. Oct. 15, 2013).

II. STATEMENT OF FACTS SHOWING GOOD CASE FOR THE PRESENT MOTION

Based on the following facts, supported by Mr. Dirks's declaration, *see* EX2039, B+W requests that Mr. Dirks be admitted *pro hac vice* in this proceeding. B+W's lead counsel is a registered practitioner (Paper No. 3 at 1).

a. Mr. Dirks Meets the Requirements for Admission *Pro Hac Vice*

Mr. Dirks has more than six years of experience as a litigation attorney specializing in patent litigations, representing clients in patent litigation matters in various United States District Courts and administrative venues.

Mr. Dirks is very familiar with U.S. Patent No. 11,961,422 as part of the present post grant review.

Mr. Dirks is a member in good standing of the Bar of the District of Columbia (State Bar No. 1673033).

Mr. Dirks has never been suspended or disbarred from practice before any court or administrative body.

Mr. Dirks has never had a court or administrative body deny his application for admission to practice.

Mr. Dirks has never been sanctioned or cited for contempt by any court or administrative body.

Mr. Dirks has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 47 of the 37 C.F.R.

Mr. Dirks agrees to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101, *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.199(a).

In the last three years, Mr. Dirks applied to appear *pro hac vice* in:

- *Valeo Schalter und Sensoren GmbH v. NVIDIA Corp.*, Case No. 5:23-cv-05721 (N.D. Cal. Nov. 29, 2023); and
- *Sight Sci., Inc. v. Ivantis, Inc. et al*, C.A. No. 21-1317 (D. Del. Apr. 28, 2023).

III. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. DIRKS IN THIS PROCEEDING

The Board may recognize *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and any other conditions the Board may impose. 37 C.F.R. § 42.10(c). B+W's lead counsel, W. Todd Baker (Reg. No. 45,265), is a registered practitioner before the Board. Based on the facts contained herein, good cause exists to admit Mr. Dirks *pro hac vice*.

Mr. Dirks has over six years of patent litigation experience. He has represented clients in matters related to medical devices, computer software, automotive technology, consumer electronics, and a variety of mechanical devices, among

others, and has significant experience in patent litigation matters. Mr. Dirks has served as B+W's counsel since before the institution of the present post grant review proceeding, and is, actively involved with the strategy and fact development of the present proceeding, including regarding U.S. Patent No. 11,961,422. In view of Mr. Dirks's extensive knowledge of the subject matter of this proceeding, B+W has a substantial need for Mr. Dirks's *pro hac vice* admission and his involvement in the continued prosecution of this proceeding.

IV. CONCLUSION

For all foregoing reasons, there is good cause to admit Mr. Dirks on a *pro hac vice* basis to serve as back up counsel for B+W. Therefore, B+W respectfully requests that this Unopposed Motion for *Pro Hac Vice* Admission for Mr. Dirks be granted.

Date: February 26, 2026

Respectfully submitted,

/s/ W. Todd Baker

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on February 26, 2026, via electronic mail directed to the Petitioner at the correspondence address of record:

Brett A. Schatz
Louis H. Sitler

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lsitler@whe-law.com

Date: February 26, 2026

/s/ W. Todd Baker
W. Todd Baker