

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UMICORE AG & CO. KG

Petitioner

v.

BASF CORPORATION

Patent Owner

Case IPR2015-01123

Patent 8,404,203

**MOTION FOR *PRO HAC VICE* ADMISSION
OF K. PATRICK HERMAN PURSUANT TO 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date (Paper 3), Petitioner Umicore AG & Co. KG (“Umicore” or “Petitioner”) respectfully requests the *pro hac vice* admission of K. Patrick Herman as additional back-up counsel in this proceeding. Patent Owner has indicated that it does not oppose this motion.

II. TIMING OF FILING

In accordance with the “Order – Authorizing Motion for Pro Hac Vice Admission” entered in Case No. IPR2013-00639 (“*Pro Hac Vice* Order”), this motion is being filed more than twenty-one days after service of Umicore’s Petition for Inter Partes Review in this proceeding.

III. STATEMENT OF FACTS

The following statement of facts shows good cause for the Board to recognize Mr. Herman *pro hac vice* in the current proceeding:

- A. Patent Owner has indicated that it does not oppose this motion.
- B. Umicore’s lead counsel, Elizabeth A. Gardner, is a registered USPTO practitioner (Reg. No. 36,519).
- C. Mr. Herman is an attorney at the law firm of Orrick, Herrington, & Sutcliffe LLP.
- D. Mr. Herman has been litigating patent cases for over 11 years.

- E. Mr. Herman is admitted to practice law in the state of New York, the United States District Court for the Eastern District of Michigan, and the United States Court of Appeals for the Federal Circuit.
- F. Mr. Herman has an established familiarity with the subject matter at issue in the proceeding. Mr. Herman has actively counseled and represented Umicore in connection with the patent and prior art addressed in the Petition, and extensively assisted the undersigned in preparation of the Petition and the arguments contained therein.
- G. Pursuant to the *Pro Hac Vice* Order, Mr. Herman has submitted a declaration as Exhibit 1017.

IV. GOOD CAUSE EXISTS FOR THE PRO HAC VICE ADMISSION OF MR. HERMAN IN THIS PROCEEDING

As counsel for Umicore, Mr. Herman has been actively involved in all aspects of the analysis and preparations performed on behalf of Umicore leading up to the filing of the Petition. Mr. Herman has extensive knowledge of the patent at issue, the prior art discussed in the Petition, and Umicore's arguments and positions regarding the same. In view of Mr. Herman's knowledge of the subject matter at issue, Umicore has a substantial need for the *pro hac vice* admission and continued involvement of Mr. Herman in this proceeding. Further, Patent Owner does not oppose this motion. Based on the facts contained herein and in Mr. Herman's declaration (Ex. 1017), good cause exists for the admission of Mr.

Herman *pro hac vice* as additional back-up counsel in this proceeding.

Date: 1/14/2016

/ Elizabeth Gardner /

Elizabeth Gardner (Reg. No. 36,519)

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing MOTION FOR PRO HAC VICE ADMISSION OF K. PATRICK HERMAN PURSUANT TO 37 C.F.R. § 42.10(c) was served on January 14, 2016 via e-mail upon the following counsel of record for Patent Owner:

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