

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROCKWELL AUTOMATION, INC., and ROCKWELL AUTOMATION
TECHNOLOGIES, INC.,
Petitioner

v.

AUTOMATION MIDDLEWARE SOLUTIONS, INC.
Patent Owner

Case IPR2017-00048
Patent 6,516,236
Issue Date: February 4, 2003
Title: MOTION CONTROL SYSTEMS

**PETITIONER'S MOTION FOR *PRO HAC VICE*
ADMISSION OF KEVIN J. MALANEY
37 C.F.R. § 42.10(c)**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner, Rockwell Automation, Inc. and Rockwell Automation Technologies, Inc., respectfully moves the Board to recognize counsel Kevin J. Malaney *pro hac vice* for purposes of the above-captioned *inter partes* review.

II. AUTHORIZATION FOR THIS MOTION

This motion was authorized pursuant to the Board's notice according a filing date to the petition.

III. GOOD CAUSE EXISTS TO GRANT THIS MOTION

Good cause exists to recognize Mr. Malaney *pro hac vice*. The undersigned lead counsel, Jeffery N. Costakos, is a registered practitioner. As set forth in the accompanying Affidavit In Support Of Motion For *Pro Hac Vice* Admission of Kevin J. Malaney (Ex. 1033), Mr. Malaney is an experienced litigation attorney with an established familiarity with the subject matter at issue in this *inter partes* review. (Ex. 1033 at ¶¶ 10, 11.) Mr. Malaney is admitted to practice in Wisconsin. (*Id.* ¶ 3.) Mr. Malaney received his law degree from the University of Chicago Law School and received his undergraduate degree from the University of Wisconsin - Madison.

Mr. Malaney has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials (*id.* ¶ 7), and further

IPR2017-00048
U.S. Patent No. 6,516,236

understands that he will be subject to the USPTO Code of Professional
Responsibility. (*Id.* ¶ 8.)

Dated: November 3, 2016

Respectfully Submitted,

/s/ Jeffrey N. Costakos
Jeffrey N. Costakos
Registration Number 34,144
Attorney for Petitioner
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306
Telephone: 414-297-5782
Email: jcostakos@foley.com

IPR2017-00048
U.S. Patent No. 6,516,236

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the above-captioned Petitioner's Motion for *Pro Hac Vice* Admission of Kevin J. Malaney pursuant to 37 C.F.R. § 42.10(c) was served in its entirety on November 3, 2016, upon the following parties by delivering a copy via Federal Express directed to the attorneys of record for the U.S. Patent No. 6,516,236 at the following address:

Michael Schacht
Schacht Law Office, Inc.
310 East Magnolia Street
Suite 201
Bellingham, WA 98225

FOLEY & LARDNER LLP

Date: November 3, 2016

/s/ Jeffrey N. Costakos
Jeffrey N. Costakos
Registration Number 34,144
Attorney for Petitioner
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306
Telephone: 414-297-5782
Email: jcostakos@foley.com