

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.,
Petitioner,

v.

PICTOMETRY INTERNATIONAL CORP.,
Patent Owner.

IPR2022-00733 (Patent 8,542,880 B2)
IPR2022-00734 (Patent 9,135,737 B2)
IPR2022-00735 (Patent 8,593,518 B2)¹

Before THOMAS L. GIANNETTI, GARTH D. BAER, and
RUSSELL E. CASS, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion for
Withdrawal and Substitution of Counsel
37 C.F.R. § 42.10

¹ This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. Unless otherwise authorized, the parties shall not use this heading style in any subsequent papers.

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On July 26, 2022, pursuant to our authorization via email, Pictometry International Corp. (“Patent Owner”) filed a Motion to withdraw and substitute counsel in each of the proceedings captioned above. Paper 5 (“Motion”).² Patent Owner requests withdrawal of Marc Brockhaus (Reg. No. 40,923) as lead counsel, and Ann Robl (Reg. No. 71,541) as back-up counsel. *Id.* at 2. Patent Owner seeks to designate Kyle Howard (Reg. No. 67,568) as new lead counsel, and Gregory Webb (Reg. No. 59,859) and Jonathan R. Bowser (Reg. No. 54,574) as new back-up counsel. *Id.* Patent Owner represents that Petitioner does not oppose the Motion. *Id.*

A party represented by counsel must designate a lead counsel and at least one backup counsel. 37 C.F.R. § 42.10(a). In addition, counsel may withdraw from an *inter partes* review proceeding only with Board authorization. 37 C.F.R. § 42.10(e). Patent Owner has not filed a Power of Attorney identifying Mr. Howard, Mr. Webb, and Mr. Bowser in accordance with 37 C.F.R. § 42.10(b), or updated its mandatory notices to identify new lead counsel and back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Under these circumstances, we conditionally grant Patent Owner’s Motion. Mr. Brockhaus and Ms. Robl will be authorized to withdraw as counsel effective upon Patent Owner’s filing of a power of attorney appointing Mr. Howard, Mr. Webb, and Mr. Bowser as new counsel.

Accordingly, it is:

ORDERED that Patent Owner’s Motion to withdraw and substitute counsel is *conditionally granted*, effective upon Patent Owner’s filing of a

² For efficiency, we cite to the record from IPR2022-00733; the records in the related proceedings are similar.

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power of attorney appointing new lead and back-up counsel in each of the above-captioned proceedings;

FURTHER ORDERED that Marc Brockhaus and Ann Robl shall be withdrawn as counsel for Patent Owner, effective upon Patent Owner's filing of a power of attorney appointing new lead and back-up counsel in each of the above-captioned proceedings; and

FURTHER ORDERED that Patent Owner shall file updated mandatory notices identifying new lead and back-up counsel in each of the above-captioned proceedings in accordance with 37 C.F.R. § 42.8(b)(3).

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