

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner,

v.

NEO WIRELESS, LLC,
Patent Owner.

IPR2023-00763
Patent 10,447,450 B2

Before HYUN J. JUNG, CHARLES J. BOUDREAU, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motion to Withdraw and Substitute
Counsel
37 C.F.R. § 42.10

On May 10, 2023, with our prior authorization, Petitioner filed Petitioner's Unopposed Motion to Withdraw Counsel and Substitute Lead Counsel in this proceeding. Paper 4 ("Motion"). The Motion requests withdrawal of lead counsel Jonathan M. Strang (Reg. No. 61,724), and backup counsel Matthew J. Moore (Reg. No. 42,012) and Ashley N. Finger (Reg. No. 78,093), each of Latham & Watkins LLP, and the substitution of John S. LeRoy (Reg. No. 48,158) as new lead counsel and Christopher Smith (Reg. No. 59,669) as new backup counsel, each of Brooks Kushman, pursuant to 37 C.F.R. § 42.10. Motion 1–2.¹ Petitioner indicates that "[i]f [the motion is] granted, Petitioner will promptly file an Updated Power of Attorney and Updated Mandatory Notices identifying substitute lead counsel." *Id.* at 2. Petitioner indicates that Patent Owner does not oppose the Motion. *Id.* at 1.

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 not withdraw from an *inter partes* review proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). Notwithstanding Petitioner's representations that Mr. LeRoy is new lead counsel and Mr. Smith is new backup counsel (Motion 1–2), no power of attorney for Mr. LeRoy and Mr. Smith has been filed. Mr. Strang, Mr. Moore, and Ms. Finger, and any other attorneys currently designated as counsel for Petitioner under 37 C.F.R. § 42.8(b)(3), will remain of record until new lead and backup counsel are identified by an appropriate power of attorney. *See* 37 C.F.R. § 42.10(b).

¹ Mr. LeRoy and Mr. Smith have already been identified as backup counsel in Petitioner's Updated Mandatory Notices (Paper 3) but have not yet been included in a power of attorney.

Under these circumstances, we conditionally grant Petitioner's Motion. Mr. Strang, Mr. Moore, and Ms. Finger will be authorized to withdraw as counsel effective upon Petitioner's filing of a power of attorney assigning Mr. LeRoy and Mr. Smith as counsel.

It is

ORDERED that the Motion to Withdraw Counsel and Substitute Lead Counsel is *conditionally granted*, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel; and

FURTHER ORDERED that Jonathan M. Strang, Matthew J. Moore, and Ashley N. Finger shall be withdrawn from this proceeding, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel.

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