

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION

Petitioner,

v.

THROUGHPUTER, INC.

Patent Owner.

Case No. IPR2023-00852

U.S. Patent No. 11,150,948

**PATENT OWNER'S MOTION FOR WITHDRAWAL AND
SUBSTITUTION OF COUNSEL**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.10(e) and 42.20(b), Patent Owner THROUGHPUTER, INC. hereby respectfully moves to withdraw Scott A. McKeown as its current lead counsel of record and substitute James L. Davis, Jr. as its new lead counsel in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE

On May 24, 2023, Patent Owner appointed Scott A. McKeown (Reg. No. 42,866) of Ropes & Gray LLP as lead counsel in this proceeding. (Papers 3 and 4.). Mr. McKeown is no longer associated with Ropes & Gray LLP. Patent Owner therefore requests that the current designated lead counsel, Mr. McKeown, be allowed to withdraw from the proceeding, and that James L. Davis, Jr. (Reg. No. 57,325) of Ropes & Gray LLP be substituted as new lead counsel in this proceeding. The withdrawal and substitution of lead counsel will not have an adverse effect on Petitioner or otherwise delay the proceeding in this matter.

Mr. Davis meets the requirements of 37 C.F.R. § 42.10 as lead counsel and is a registered practitioner. Mr. Davis has read and intends to comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide and the Board's Rules of Practice for Trials as set forth in Part 42 of Title 37 of the Code of Federal Regulations.

W. Cook Alciati (admitted *pro hac vice*) and Michael A. Dorfman (Reg. No.

46,669) will remain as back-up counsel for Patent Owner.

The Parties conferred on August 29, 2023 and Petitioner indicated that they will not oppose this motion. Further, authorization for this motion was granted by the Board via e-mail on August 29, 2023.

III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board grant this Motion for Withdrawal and Substitution of Counsel. Upon grant of this motion, counsel for Patent Owner will timely file an Updated Mandatory Notice and Updated Power of Attorney.

Dated: August 30, 2023

Respectfully submitted,

By: /s/ W. Cook Alciati
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IPR2022-00527
U.S. Patent No. 9,632,833

Attorneys for Patent Owner
THROUGHPUTER, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing PATENT OWNER'S MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL was served in its entirety by filing the document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as providing a courtesy copy via e-mail to the following attorneys of record for the Petitioner listed below:

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Dated: August 30, 2023

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