

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

THROUGHPUTER, INC.,
Patent Owner.

IPR2023-00852
Patent 11,150,948 B1

Before MICHAEL R. ZECHER, JOHN A. HUDALLA, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

HUDALLA, Administrative Patent Judge.

ORDER

Conditionally Granting Patent Owner's Motion to
Withdraw and Substitute Counsel
37 C.F.R. § 42.10(e)

With our authorization, Patent Owner filed a motion to withdraw and substitute counsel in the above-captioned proceeding. Paper 10 (“Motion”). Patent Owner seeks to withdraw Scott A. McKeown (Reg. No. 48,866) as lead counsel and appoint James L. Davis, Jr. (Reg. No. 57,325) of Ropes & Gray LLP as new lead counsel. *Id.* at 1. Patent Owner represents that Petitioner does not oppose the Motion. *Id.* at 2. Patent Owner also indicates that, “[u]pon grant of this motion, counsel for Patent Owner will timely file an Updated Mandatory Notice and Updated Power of Attorney.” *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 not withdraw from an *inter partes* review proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e).

We *conditionally grant* Patent Owner’s Motion. Mr. McKeown will be authorized to withdraw as counsel effective upon Patent Owner’s filing of an updated power of attorney appointing Mr. Davis as new counsel. Mr. McKeown, and any other attorneys currently designated as counsel for Patent Owner under 37 C.F.R. § 42.8(b)(3), will remain of record until new lead counsel is identified in an updated power of attorney and updated mandatory notices. *See* 37 C.F.R. § 42.10(b).

ORDER

Accordingly, it is

ORDERED that Patent Owner’s Motion to withdraw and substitute counsel in this proceeding is *conditionally granted*, effective upon Patent Owner’s filing a power of attorney appointing new lead counsel within ten (10) business days of this Order;

FURTHER ORDERED that Scott A. McKeown shall be withdrawn as counsel for Patent Owner in this proceeding, effective upon Patent Owner's filing a power of attorney appointing new lead counsel; and

FURTHER ORDERED that Patent Owner shall file updated mandatory notices identifying new lead counsel in this proceeding in accordance with 37 C.F.R. § 42.8(b)(3).

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