Trials@uspto.gov
Tel: 571-272-7822

Paper: 23
Entered: May 10, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

BRAGI GMBH,
Patent Owner.

IPR2023-00901
Patent 10,635,385 B2

Before LARRY J. HUME, STACEY G. WHITE, and NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge.*

ORDER
Denying Without Prejudice Patent Owner's
Motion for Withdrawal of Counsel
37 C.F.R. § 42.10(e)

On May 1, 2024, with Board authorization, Patent Owner filed a Motion for Withdrawal of Counsel ("Motion"). Paper 21. Patent Owner requests the withdrawal of Kaylee Hoffner, who "is no longer affiliated with McKool Smith, P.C." *Id.* at 2. Patent Owner represents that it "will file updated mandatory notices and power of attorney upon approval of this motion by the Board." *Id.* Petitioner has not opposed the Motion.

Although Patent Owner intends to update the Mandatory Notices and file a new Power of Attorney, Patent Owner does not indicate it will replace Ms. Hoffner with new backup counsel. Under our rules, [i]f a party is represented by counsel, the party must designate a lead counsel and at least one backup counsel who can conduct business on behalf of the lead counsel." 37 C.F.R. 42.10(a). Ms. Hoffner is currently the only backup counsel of record for Patent Owner. Accordingly, we deny the Motion without prejudice.

We authorize Patent Owner to file a corrected motion to withdraw Ms. Hoffner as backup counsel and identify new backup counsel.

It is

ORDERED that Patent Owner's Motion is *denied* without prejudice; and

FURTHER ORDERED that Patent Owner is authorized to file a corrected motion to withdraw Ms. Hoffner as backup counsel and identify new backup counsel.

PETITIONER:

Haixia Lin
Brian Lambson
Trishan Esram
WILMER CUTLER PICKERING
HALE AND DORR LLP
haixia.lin@wilmerhale.com
brian.lambson@wilmerhale.com
trishan.esram@wilmerhale.com

PATENT OWNER:

Richard Kamprath
McKOOL SMITH, P.C.
rkamprath@mckoolsmith.com