UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY INTERACTIVE ENTERTAINMENT LLC,
Petitioner,

v.

QUANTUM IMAGING LLC,
Patent Owner.

Case IPR2023-00954
Patent 8,458,028

PETITIONER SONY INTERACTIVE ENTERTAINMENT LLC'S UNOPPOSED MOTION FOR WITHDRAWAL AND SUBSTITUTION OF LEAD COUNSEL

I. 37 C.F.R. §42.10 – STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Petitioner, Sony Interactive Entertainment LLC ("SIE") respectfully requests that the Board authorize withdrawal of David T. Xue, as its Lead Counsel, and Karineh Khachatourian of KXT Law LLP as its Backup Counsel, and substitution of Melvin D. Chan as Lead Counsel and Gary T. Aka as Backup Counsel, of Aka Chan LLP.

II. STATEMENT SHOWING GOOD CAUSE FOR THE BOARD TO AUTHORIZE WITHDRAWAL AND SUBSTITUTION OF COUNSEL

On May 25, 2023, the Petitioner SIE filed a Power of Attorney pursuant to 37 C.F.R. §42.10(B) for Petition for *Inter Partes Review*.

On July 27, 2023, Petitioner sent an email to the Board requesting permission to file an Unopposed Motion for Withdrawal and Substitution of Lead Counsel and Backup Counsel.

On July 28, 2023, the Board notified Petitioner via email that it was authorized to file the instant motion.

For good cause, Petitioner requests that the current designated Lead Counsel, David T. Xue and current Backup Counsel, Karineh Khachatourian, be deemed withdrawn from the present proceeding, and Melvin D. Chan be substituted as Lead Counsel and Gary T. Aka as Backup Counsel to represent

Petitioner in this proceeding.

Substitute Lead Counsel meets the requirements of 37 C.F.R. § 42.10(c) as Lead Counsel and is a registered practitioner. Because the Petition was filed on May 25, 2023, and the Power of Attorney appointing the new Lead Counsel, Melvin D. Chan, and the new Backup Counsel, Gary T. Aka, have been filed on July 31, 2023 by the Petitioner, reasonable steps have been taken to "avoid foreseeable prejudice to the rights of the client, including giving due notice to his or her client, [and] allowing time for employment of another practitioner." *See* 37 C.F.R. § 10.40(a). Further, Petitioner believes that granting this motion will not hinder the economy, the integrity of the patent system, the efficient administration of the Office, or the ability of the Office to timely complete this proceeding. *See* 35 U.S.C. § 316(b). Petitioner verifies that no extensions of time will be sought based on substitution of lead counsel.

III. PATENT OWNER DOES NOT OBJECT TO THE SUBSTITUTION

Patent Owner has indicated it does not oppose the requested withdrawal and substitution of Lead Counsel and the Backup Counsel for Petitioner.

IV. CONCLUSION

Petitioner respectfully requests that the Board grant its motion to authorize withdrawal of counsel and permit substitution of counsel. Upon grant of this

motion, new Lead Counsel and the Backup Counsel for Petitioner will promptly file an Updated Mandatory Notice Under 37 C.F.R. §§ 42.8(a)(3).

Dated: July 31, 2023

Respectfully submitted,

/s/ David T. Xue

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Attorneys for Petitioner, Sony Interactive Entertainment LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of Petitioner Sony Interactive Entertainment LLC's Unopposed Motion for Withdrawal and Substitution of Lead Counsel, and updated Power of Attorney via email to the following:

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Dated: July 31, 2023 *\/s/ David T. Xue*

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