

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

BRAGI GmBH,
Patent Owner.

IPR2023-01204
Patent 10,117,014 B2

IPR2023-01205
Patent 10,397,688 B2

Before LARRY J. HUME, STACEY G. WHITE, and GARTHD. BAER,
Administrative Patent Judges.

HUME, *Administrative Patent Judge.*

ORDER

Dismissing Patent Owner's Motions to
Withdraw Backup Counsel Kaylee Hoffner
35 U.S.C. § 316; 37 C.F.R. §§ 10.40(c), 41.5(c), 42.10(e)

I. INTRODUCTION

BRAGI GmbH (“Patent Owner”) filed Motions for Withdrawal of Counsel Kaylee Hoffner. IPR2023-01204, Paper 11; IPR2023-01205, Paper 11 (“Motion” or “Mot.”). Specifically, Patent Owner seeks to withdraw backup counsel Kaylee Hoffner in each case. Mot. 2.

II. DISCUSSION

“[C]ounsel may not withdraw from a proceeding before the Board unless the Board authorizes such withdrawal.” 37 C.F.R. § 42.10(e). *See also* 37 C.F.R. § 41.5(c).

Prior authorization for filing the motions was not requested by Patent Owner in these cases as required under our Rules (*id.*), nor was any indication provided as to whether the motions are opposed or unopposed by Petitioner. *See generally*, Mot.

Notwithstanding these informalities, we note that Backup Counsel Kaylee Hoffner has not been admitted *pro hac vice* (PHV) for these cases, nor has any Motion for Admission Motion been submitted, in spite of indications in the Patent Owner’s Preliminary Response (Paper 7) and Updated Mandatory Notice (Paper 10;) that a request for PHV admission would be forthcoming. Thus, Kaylee Hoffner is not a counsel of record in this case.

Because Counsel Hoffner is not a counsel of record, the Board dismisses Patent Owner’s motions to withdraw as moot. To clarify the record, Patent Owner should file an updated Mandatory Notice that identifies the current lead and backup counsels in each case. If any counsel Patent Owner identifies is not registered to practice before the PTO, Patent Owner should also file a corresponding PHV Motion.

III. ORDER

It is:

ORDERED that, Patent Owner's Motions to Withdraw Counsel Kaylee Hoffner as backup counsel in IPR2023-01204 and IPR2023-01205 are dismissed as moot;

FURTHER ORDERED that, pursuant to 37 C.F.R. § 42.8, Patent Owner must file an Updated Mandatory Notice identifying lead and backup counsel in each case; and

FURTHER ORDERED that, for any added counsel who are not registered patent attorneys with the PTO, a timely *pro hac vice* motion for admission must be filed. *See* 37 C.F.R. § 42.10.

IPR2023-01204, Patent 10,117,014 B2

IPR2023-01205, Patent 10,397,688 B2

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