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Paper: 21
Date: December 28, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.,
Petitioner,

v.

PANTECH WIRELESS, LLC,
Patent Owner.

IPR2023-01267 (Patent 9,313,809 B2)
IPR2023-01268 (Patent 9,575,631 B2)
IPR2023-01269 (Patent 9,854,545 B2)
IPR2023-01270 (Patent 10,869,247 B2)
IPR2023-01272 (Patent 9,065,486 B2)
IPR2023-01273 (Patent 9,136,924 B2)[1]

Before THU ANN DANG, DANIEL J. GALLIGAN,
CHRISTOPHER L. OGDEN, and SCOTT B. HOWARD,
Administrative Patent Judges.[2]

OGDEN, *Administrative Patent Judge*.

ORDER
Dismissing Petitioner's Motion to Disqualify Patent Owner's Counsel
37 C.F.R. §§ 42.5, 42.10(d)

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[1] This order addresses an issue common to the above cases. The parties may not use this style caption unless authorized.

[2] This is not an expanded panel. Each of the listed judges is part of a three-judge panel assigned to the listed proceedings.

By our authorization (Paper 7[3]), Petitioner LG Electronics Inc. ("LG") filed a motion to disqualify Mayer Brown LLP ("Mayer Brown") as counsel for Patent Owner Pantech Wireless, LLC ("Pantech"). Papers 8, 9 (redacted).[4] Pantech filed an Opposition, Paper 12, 13 (redacted), and LG filed a Reply, Paper 16, 17 (redacted).

LG has also filed a motion to disqualify Mayer Brown in related district court case *Pantech Corp. v. LG Electronics Inc.*, No. 5:22-cv-00113 (E.D. Texas filed Sept. 2, 2022). Exs. 1212, 2003. The district court denied that motion in all aspects relating to the present *inter partes* review proceedings. *See* Exs. 1209, 1213, 2004, 2005. LG then filed a petition for writ of mandamus at the Federal Circuit, which was pending during the briefing relating to LG's motion in these proceedings. Ex. 1214.

On December 26, 2023, the Federal Circuit denied LG's petition for writ of mandamus. Ex. 1266. Consequently, LG has requested by email to the Board to withdraw its motion to disqualify Mayer Brown, and indicates that Pantech does not oppose. Ex. 3001. In light of this, the motion is therefore *dismissed*.

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[3] We refer to papers and exhibits filed in IPR2023-01267, but essentially the same papers and exhibits have been filed in each of the other captioned cases.

[4] Each of the papers and many of the accompanying exhibits have been filed in both redacted and un-redacted form, with motions to seal (Papers 10, 14, 18).

Also, pending the outcome of this motion, we tolled the deadline for Pantech to file its Preliminary Responses in the above-captioned cases. *See* Paper 7, 3. The motion now being dismissed, we therefore reset Pantech's deadline for filing its Preliminary Responses, which will be January 29, 2024.

Because the papers filed under seal during the briefing of this motion no longer appear to be pertinent to the issues of the case going forward, we will expunge them as outlined in the order below.

Accordingly, it is

ORDERED that Petitioner's Motion to Disqualify Mayer Brown LLP (Paper 9) is *dismissed*;

FURTHER ORDERED that the deadline for Patent Owner to file any Preliminary Responses in the above-captioned cases is now **January 29, 2024**; and

FURTHER ORDERED that, unless either party notifies the Board by email or otherwise of its objection within 10 business days of this order, the papers and exhibits filed under seal in conjunction with this motion will be expunged, and the pending motions to seal these filings (Papers 10, 14, 18) will be dismissed as moot, without prejudice to filing a later motion to seal and proposed protective order should the need arise.

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