Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Inergy Technology, Inc.,

Petitioner

v.

Force Mos Technology Co., Ltd.,

Patent Owner

Patent No. 7,812,409

Issue Date: October 12, 2010

Title: TRENCHED MOSFET WITH CELL LAYOUT, RUGGEDNESS, TRUNCATED CORNERS

*Inter Partes* Review No. IPR2024-00094

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**PETITIONER'S MOTION TO SUBSTITUTE LEAD COUNSEL AND TO WITHDRAW COUNSEL OF RECORD**

Pursuant to 37 C.F.R. § 42.10, and in furtherance to the Board's email from August 28, 2024, authorizing Petitioner to file this motion, Petitioner respectfully requests that the Board permit the withdrawal of Mackenzie Martin, John G. Flaim, Ellen Cheong, Dorian Ojemen, and DJ Lee (from Baker & McKenzie LLP) as counsel of record, and authorize appointment of Charles M. McMahon (from Benesch Friedlander Coplan & Aronoff LLP) as lead counsel, and appointment of Ziyong "Sean" Li and Mircea Tipescu (from Benesch Friedlander Coplan & Aronoff LLP) as back-up counsel, in this matter.

On October 27, 2023, Petitioner submitted the Petition for *Inter Partes* Review which included its Mandatory Notices Under 37 C.F.R. § 42.8(b)(3), appointing Mackenzie Martin, John G. Flaim, Ellen Cheong, Dorian Ojemen and DJ Lee as its lead and back-up counsel in the above-captioned *inter partes* review. (Paper 1 at 2-3.) On August 8, 2024, Petitioner submitted the Updated Mandatory Notices Under 37 C.F.R. § 42.8(b)(3), appointing Charles M. McMahon as lead counsel, and Ziyong "Sean" Li and Mircea Tipescu as additional back-up counsel, in the above-captioned *inter partes* review. (Paper 18.) For good cause, Petitioner requests that currently designated counsel, Mackenzie Martin, John G. Flaim, Ellen Cheong, Dorian Ojemen and DJ Lee, be deemed withdrawn as counsel of record from the present proceeding, and that Charles M. McMahon be designated as lead counsel and Ziyong "Sean" Li, and Mircea Tipescu be designated as back-up counsel in this proceeding.

Petitioner's new counsel meet the requirements of 37 C.F.R. § 42.10(c) as lead

counsel and registered practitioners. A power of attorney has been duly filed and signed by Petitioner designating the new counsel in the above-referenced *inter partes* reviews. Furthermore, lead counsel, Charles M. McMahon, is counsel of record in the related litigation and familiar with the issues surrounding the patents-at-issue.

In identifying and designating new counsel who are ready and able to take over the representation, reasonable steps have been taken to "avoid foreseeable prejudice to the rights of the client, including giving due notice to [the] client, [and] allowing time for employment of another practitioner." See 37 C.F.R. § 10.40(a). Further, Petitioner believes that granting this request 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). Oral argument in this matter is scheduled for February 21, 2025. Petitioner's counsel has ample time to prepare for oral argument.

Petitioner verifies that no extension of time will be sought by substitute counsel based on new counsel taking over the representation. Patent Owner has indicated that it does not oppose the requested withdrawal and substitution of counsel of record for Petitioner.

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 counsel for Petitioner will promptly file Amended Petitioner's Mandatory Notices.

Respectfully submitted,

Dated: January 8, 2025

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## CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2026, I caused and true and correct coy of Petitioner's Motion to Substitute Lead Counsel and Withdraw Counsel of Record was served on Patent Owner via email at the following addresses:

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Dated: January 8, 2025

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