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Paper: 13
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD, SAMSUNG ELECTRONICS AMERICA, INC., and HARMAN INTERNATIONAL INDUSTRIES, INC.
Petitioner,

v.

STATON TECHIYA, LLC,
Patent Owner.

IPR2024-00559
Patent 11,610,587 B2

Before KEVIN F. TURNER, NATHAN A. ENGELS, and RUSSELL E. CASS, *Administrative Patent Judges.*

ENGELS, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion to Withdraw and Substitute Counsel
37 C.F.R. § 42.10

With the Board's authorization, Patent Owner Staton Techiya, LLC filed "Patent Owner's Unopposed Motion to Withdraw and Substitute Counsel Under 37 C.F.R. § 11.16." Paper 11 ("the Motion"). In the Motion, Patent Owner requests to withdraw its current counsel, Ojeiku Aisiku (Reg. No. 71,180), Roy Falik (*pro hac vice*), and James P. Brogan (Reg. No. 35,833), and to substitute Jason Shapiro (Reg. No. 35,354) as lead counsel and Timothy Devlin (Reg. No. 41,706), Patrick Delaney (Reg. No. 45,338), and Christopher May (Reg. No. 53,286) as backup counsel. Mot. 1.

Patent Owner states that the substitute counsel are ready and able to take over representation of Patent Owner in this proceeding and that withdrawal and substitution will not cause any material prejudice or delay. Mot. 1. Patent Owner also indicates that it has conferred with Petitioner and that Petitioner does not oppose the Motion. *Id.* Further, Patent Owner states that it will file an updated power of attorney and updated mandatory notices reflecting the proposed change when the Board grants the Motion. Mot. 1.

A party represented by counsel must designate a lead counsel and at least one backup counsel. 37 C.F.R. § 42.10(a). In addition, counsel may not withdraw from an *inter partes* review proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). Notwithstanding Patent Owner's representations that it will file a power of attorney for substitute counsel, no power of attorney for substitute counsel has been filed. James Brogan and any other attorneys currently designated as counsel for Patent Owner under 37 C.F.R. § 42.8(b)(3), will remain of record until new lead counsel is identified by an appropriate power of attorney. *See* 37 C.F.R. § 42.10(b).

Under these circumstances, we conditionally grant Patent Owner's Motion, effective upon filing of an updated power of attorney identifying Mr. Shapiro as lead counsel. Ojeiku Aisiku, Roy Falik, and James P. Brogan will be authorized to withdraw as counsel effective upon Patent Owner's filing of a power of attorney identifying new lead counsel.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion is *conditionally granted* effective upon Patent Owner's filing of an updated power of attorney and updated mandatory notices identifying new lead counsel in this proceeding;

FURTHER ORDERED that Ojeiku Aisiku (Reg. No. 71,180), Roy Falik (*pro hac vice*), and James P. Brogan (Reg. No. 35,833) shall be withdrawn from this proceedings, effective upon Patent Owner's filing of an updated power of attorney and updated mandatory notices identifying new lead counsel in this proceeding; and

FURTHER ORDERED that Jason Shapiro (Reg. No. 35,354) shall represent Patent Owner as lead counsel in this proceeding upon the filing of a power of attorney and updated mandatory notices identifying Mr. Shapiro as lead counsel.

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