

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDIATEK, INC. AND MEDIATEK USA, INC.,
Petitioner,

v.

MOSAID TECHNOLOGIES INC.,
Patent Owner.

IPR2024-00598 (Patent 7,051,306 B2)
IPR2024-00600 (Patent 8,854,077 B2)¹

Before KEN B. BARRETT, JOHN F. HORVATH, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading for any subsequent papers.

Mosaid Technologies Inc. (“Patent Owner”) filed a Motion requesting authorization to Withdraw and Substitute Counsel in each of the above-listed proceedings (“Motions”).² Paper 6. Pursuant to 37 C.F.R. § 42.10, the Motions request withdrawal of lead counsel David W. Higer, and backup Jamie H. McDole, each of Winstead PC, and the substitution of Kenneth J. Weatherwax (Reg. No. 54,528) as new lead counsel, Nathan Lowenstein as new backup counsel, Colette Woo as new backup counsel, Flavio M. Rose (Reg. No. 40,791) as new backup counsel, Dennis J. Courtney as new backup counsel, and Granville Kaufman as new backup counsel, each of Lowenstein & Weatherwax LLP. Motion 1. Patent Owner indicates that “Patent Owner will submit a new power of attorney and updated mandatory notices reflecting these changes to Patent Owner’s counsel information if this Motion is granted.” *Id.* Authorization for these motions was previously given via email. *Id.* Patent Owner indicates that Petitioner does not oppose the Motion. *Id.* at 2.

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 Mr. Weatherwax is new lead counsel and that Mr. Lowenstein, Ms. Woo, Mr. Rose, Mr. Courtney, and Mr. Kaufman are new backup counsel (Motion 1), no power of attorney designating Mr. Weatherwax, Mr. Lowenstein, Ms. Woo, Mr. Rose, Mr. Courtney, and Mr. Kaufman as counsel of record has been filed. Mr. Higer and Mr.

² All citations are to IPR2024-00598 with the understanding that the other proceeding includes papers having substantially the same substantive content.

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McDole, 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 and backup counsel are 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. Mr. Higer and Mr. McDole will be authorized to withdraw as counsel effective upon Patent Owner's filing of a power of attorney designating Mr. Weatherwax, Mr. Lowenstein, Ms. Woo, Mr. Rose, Mr. Courtney, and Mr. Kaufman as counsel of record.

It is ORDERED that the Patent Owner's Motion for Withdrawal and Substitution of Counsel is *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a power of attorney designating new lead and backup counsel in each of the above-identified proceedings;

FURTHER ORDERED that Patent Owner file updated mandatory notices identifying new lead and backup counsel in accordance with 37 C.F.R. § 42.8(b)(3) in each of the above-identified proceedings; and

FURTHER ORDERED that David W. Higer and Jamie H. McDole shall be withdrawn from this proceeding, effective upon Patent Owner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel.

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