

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOTE, LLC,
Petitioner,

v.

STEAMBOAT PADDLESPORTS, LLC
Patent Owner.

IPR2024-00889
Patent 10,479,458

Before BARRY L. GROSSMAN, CYNTHIA L. MURPHY, and
JASON W. MELVIN, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER

Granting Motion for Withdrawal from Representation of Patent Owner

Patent Owner's counsel currently of record ("Counsel")¹ filed an unopposed motion for withdrawal from representation of Patent Owner in this proceeding. *See* Paper 15.² According to this motion, Patent Owner recently informed Counsel that it is "discharging" them in connection with this proceeding. *Id.* at 1. A practitioner "shall withdraw from representation of a client if "[t]he practitioner is discharged." 37 C.F.R. § 11.116(a). We therefore grant this motion.

Our granting of this motion does not disturb any of the due dates listed in the Scheduling Order. *See* Paper 14. Accordingly, the scheduled due date for Patent Owner's response to the Petition is **February 18, 2025**. *Id.* at 11.³ "Patent Owner is cautioned that any arguments not raised in [this] response may be deemed waived." *Id.* at 9.

As noted in the Scheduling Order, "[i]f Patent Owner elects not to file a response to the Petition, Patent Owner must arrange a conference call with the parties and the Board." *Id.* Thus, Patent Owner has three options: 1) file a response by February 18, 2025, 2) arrange a conference call in accordance

¹ Initially, the former owner (Twitch LLC) of the patent challenged in this proceeding appointed Michael L. Krashin and Alaina Pak as lead and back-up counsel. *See* Paper 4, 1. Subsequently, the patent challenged in this proceeding was assigned to its current owner (Steamboat Paddlesports LLC). *See* Paper 9, 1. In an updated mandatory notice following this assignment, lead and backup counsel were listed as "[u]nchanged." *Id.*

² The filing of this motion was authorized by us in a telephonic conference held on January 23, 2025. *See* Paper 15, 1.

³ Per Counsel, Patent Owner was previously provided with all papers in this proceeding. *See* Paper 15, 2. Per Counsel, Patent Owner was sent another copy of the Scheduling Order on January 23, 2025. *See id.* And per Counsel, Patent Owner was reminded of the upcoming due date of February 18, 2025. *See id.*

with the Scheduling Order, or 3) stipulate a revised due date with Petitioner and file a response by the stipulated due date. **Patent Owner must appoint counsel to proceed with any of these options, which Patent Owner should do without delay.** Patent Owner's failure to proceed with one of these options could be viewed as an abandonment of this proceeding. And such abandonment would be construed as Patent Owner's request for adverse judgment against itself (*see* 37 C.F.R. § 42.73(b)(4)), resulting in cancellation of all of the claims challenged in the Petition.

In consideration of the foregoing, it is hereby ORDERED that Counsel's Motion for Withdrawal is granted.

IPR2024-00899
Patent 10,479,458

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