

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SILENCERCO WEAPONS RESEARCH, LLC,
Petitioner,

v.

HUXWRX SAFETY CO. LLC,
Patent Owner.

IPR2024-01214
Patent 8,286,750 B1

Before KEN B. BARRETT, SEAN P. O'HANLON, and
ANDREAS BALTATZIS, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

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

On March 11, 2025, with Board authorization, SilencerCo Weapons Research, LLC (“Petitioner”) filed a Motion requesting to withdraw and substitute its lead counsel. Paper 9 (“Motion”). The Motion requests “to withdraw its lead counsel, Mr. Steven A. Avena, and appoint Mr. Philip W. Harris (Reg. No.: 70,011) as lead counsel.” *Id.* at 2. Petitioner states that “Mr. Avena is no longer employed by Holland & Hart.” *Id.* Petitioner attests that, upon grant of the Motion, Petitioner will file updated Mandatory Notices and a Substitute Power of Attorney. *Id.* Petitioner indicates that HuxWrx Safety Co. LLC (Patent Owner) does not oppose the Motion.

We have reviewed Petitioner’s Motion and determine the withdrawal of Steven A. Avena as lead counsel and substitution of Philip W. Harris as new lead counsel are warranted. Petitioner must file a Power of Attorney that does not include Mr. Avena in accordance with 37 C.F.R. § 42.10(b) and an updated mandatory notice identifying Mr. Harris as lead counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Petitioner is reminded of its requirement, absent a showing of good cause, to have both lead and backup counsel. 37 C.F.R. § 42.10(a). We note that Petitioner indicates it will file motions for *pro hac vice* admission of back-up counsel. Motion 2.

It is, therefore,

ORDERED that Petitioner’s Motion to withdraw Steven A. Avena as lead counsel is *granted*;

FURTHER ORDERED that Philip W. Harris is substituted as lead counsel;

FURTHER ORDERED that, within ten days, Petitioner must name back-up counsel or seek authorization to file a motion to proceed without back-up counsel; and

FURTHER ORDERED that, within ten days, Petitioner must file a Power of Attorney that does not include Mr. Avena and does include any added back-up counsel in accordance with 37 C.F.R. § 42.10(b) and an updated mandatory notice identifying Mr. Harris as lead counsel and any added back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

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PETITIONER:

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