

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

BRODTI INC.,
Patent Owner.

IPR2025-00472
Patent 11,416,898 B2

Before FRANCES L. IPPOLITO, STEPHEN E. BELISLE, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

BELISLE, *Administrative Patent Judge*.

ORDER

*Conditionally Granting Patent Owner's Motion to Withdraw Counsel
and for Change of Correspondence Address
37 C.F.R. §§ 11.116(b)–(d); 42.10(e)*

On July 2, 2025, without Board approval (37 C.F.R. § 42.20(b)), Patent Owner's Lead Counsel (and only counsel) of record in this case at this time, Joseph Mark Konieczny (Registration No. 47,715), filed an unopposed "Motion For Withdraw As Attorney And Change of Correspondence Address" (Paper 20, "Withdrawal Motion"). See Paper 10 (Patent Owner's Updated Mandatory Notices); Paper 8 (Order Granting Patent Owner's Motion to Withdraw Counsel and Substitute Counsel). Given the bases set forth in the unopposed Withdrawal Motion, the Declaration of John Detitta, Chief Executive Officer of Patent Owner (Ex. 2001), and the circumstances of this case, we nonetheless consider and *conditionally grant* the Withdrawal Motion, as set forth below.

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). Under the Office's current disciplinary rules, "a practitioner may withdraw from representing a client if . . . [w]ithdrawal can be accomplished without material adverse effect on the interests of the client." *Id.* § 11.116(b)(1). In addition, the withdrawing practitioner "shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred." *Id.* § 11.116(d). "[N]otwithstanding good cause for terminating the representation," a practitioner shall continue representation "[w]hen ordered to do so by [the Board]." *Id.* § 11.116(c). Further, in deciding a motion to withdraw, the Board will consider the effect of granting such a motion "on the economy, the integrity of the patent system, the

efficient administration of the Office, and the ability of the Office to timely complete proceedings.” *See* 35 U.S.C. § 316(b). The Board interprets its rules “to secure the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b).

In the Withdrawal Motion, counsel Konieczny submits that “withdrawal can be accomplished without material adverse effect on the interests of the client.” Paper 20, 2 (citing 37 C.F.R. § 11.116(b)(1)). Counsel Konieczny certifies: (1) “I have given reasonable notice to the client that the Attorney/Practitioner intends to withdraw from employment”; (2) “I have delivered to the client all papers and property (including funds) to which the client is entitled”; and (3) “I have notified the client of any responses that may be due and the time frame within which the client must respond.” *Id.* at 2–3. Counsel Konieczny also requests “to change the Correspondence address to direct all future Correspondence to Patent Owner.” *Id.* at 2. On June 6, 2025, Patent Owner’s CEO, John Detitta, declared that Patent Owner “is currently working to retain Counsel,” then in the context of replacing district court litigation counsel and potential back-up counsel for this case—this same effort now also may be extended to lead counsel for this case. Ex. 2001, 2. We find that Patent Owner sufficiently establishes that withdrawal of counsel Konieczny can be accomplished without material adverse effect on Patent Owner’s interests. But given the recent institution of *inter partes* review in this case and issuance of the Scheduling Order setting due dates for the parties (Papers 21, 22), we grant the Withdrawal Motion conditioned on counsel Konieczny’s certification to the Board of certain precautionary actions detailed below.

It is hereby:

ORDERED that the Withdrawal Motion (Paper 20) is *conditionally granted*, and Joseph Mark Konieczny is authorized to withdraw as counsel from this case, subject to the certification requirement below;

FURTHER ORDERED that counsel Konieczny certify to the Board, by filing a paper (“Certification”) in this case within ten business days of this Order, the following:

(1) Counsel Konieczny provided a copy of the Decision on Institution (Paper 21) to Patent Owner and informed Patent Owner of at least the order therein;

(2) Counsel Konieczny provided a copy of the Scheduling Order (Paper 22) to Patent Owner and informed Patent Owner of the due date for its Patent Owner Response;

(3) Counsel Konieczny informed Patent Owner that, as a juristic entity (corporation), Patent Owner may appear in this case *only* through counsel (i.e., Patent Owner may not proceed *pro se*);

(4) Counsel Konieczny informed Patent Owner that failure to timely file a Patent Owner Response in this case, signed by a practitioner authorized to practice before the Board, may result in Patent Owner’s abandonment of the contest and may be construed as a request for adverse judgment against Patent Owner (37 C.F.R. § 42.73); and

(5) Counsel Konieczny provided a copy of this Order to Patent Owner;

FURTHER ORDERED that, until Patent Owner identifies new Lead Counsel in this case, correspondence in this case shall be directed to Patent Owner’s Chief Executive Officer, John DeTitta, at the email address of

IPR2025-00472
Patent 11,416,898 B2

johnd@brodti.com (Mailing Address: Brodti, Inc., P.O. Box 6, Fairport, NY 14450; Phone: (585) 953-3616);

FURTHER ORDERED that, if Patent Owner intends to take any further action in this case, Patent Owner shall promptly identify Lead Counsel and Back-up Counsel pursuant to 37 C.F.R. § 42.10, and file updated Mandatory Notices pursuant to 37 C.F.R. § 42.8; and

FURTHER ORDERED that any further filings on behalf of the Patent Owner must be signed by a practitioner authorized to practice before the Board in this case, and that the Board may decline to accept any filings that are not so signed.

IPR2025-00472
Patent 11,416,898 B2

For PETITIONER:

Heidi L. Keefe
Andrew C. Mace
COOLEY LLP
hkeefe@cooley.com
amace@cooley.com

For PATENT OWNER:

Joseph Mark Konieczny
STONEBRIDGE IP, PLLC
jmkonieczny@stonebridgeip.com

John DeTitta
BRODTI, INC.
johnd@brodti.com