

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioner

v.

PATRICK ZUILI,  
Patent Owner.

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Case CBM2016-00022  
Patent 7,953,667 B1

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Before JAMESON LEE, GLENN J. PERRY, and  
MIRIAM L. QUINN, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

Order  
Conduct of Proceedings  
*37 C.F.R. § 42.5*

On February 8, 2017, Patent Owner Patrick Zuili sent an email to the Board stating that he objected to the changes in Petitioner's counsel as noted in Petitioner's Updated Mandatory Notices (Paper 41). Ex. 3008. In the Updated Mandatory Notice, Petitioner designated Robert G. Pluta as lead counsel and changed the designation of Saqib Siddiqui from lead counsel to back-up counsel. Paper 41, 1. Petitioner previously asked for permission to file a motion to withdraw Brian Rosenthal as back-up counsel because he is no longer associated with the firm of Mayer Brown LLP.

Patent Owner objected to these changes as improper under our Rules and sought to have a conference call with the Board to discuss sanctions for these allegedly improper modifications to Petitioner's counsel. Ex. 3002. We deny Patent Owner's request for a conference call. By regulation, the parties are permitted to designate lead and back-up counsel. 37 C.F.R. § 42.10. Thus, it was not improper for Petitioner to designate Robert Pluta as lead counsel, and for Mr. Siddiqui to change status from lead to back-up counsel without seeking authorization. Mr. Rosenthal, however, may not withdraw from the case without authorization. Mr. Rosenthal remains as counsel in this matter until and unless he is granted permission to withdraw. We authorize Mr. Rosenthal to file a two-page motion to withdraw by February 15, 2017. The motion shall indicate whether his power of attorney from Petitioner has been revoked and whether Petitioner still desires his representation as counsel. We authorize Patent Owner to file a two-page opposition by February 20, 2017. No reply brief is authorized.

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ORDER

Accordingly, it is  
ORDERED that Patent Owner's request for a conference call is  
*denied*;

FURTHER ORDERED that Mr. Rosenthal is authorized to file a two-  
page motion to withdraw by February 15, 2017 and Patent Owner is  
authorized to file an opposition, limited to two pages, by February 20, 2017;  
and

FURTHER ORDERED that Patent Owner's request to expunge  
Petitioner's Updated Mandatory Notice is *denied*.

Counsel for Petitioner:

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Patent Owner (*pro se*):

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