

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICHAEL J. SINDONI,  
Petitioner Application 14/834,548,  
Petitioner,

v.

FCA US LLC,  
Respondent Application 14/209,123,  
Respondent.

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Case DER2016-00003

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Before JAMESON LEE, SALLY C. MEDLEY, and JAMES T. MOORE,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

ORDER  
Conduct of Proceeding  
37 C.F.R. § 42.5

### Introduction

On February 28, 2017, Petitioner sent an email communication to the Board, without copying Respondent, that forwarded a previous undelivered email communication from counsel for Petitioner, dated February 17, 2017, also without copying Respondent, addressed to [trials@uspto.com](mailto:trials@uspto.com) about this proceeding. The email of February 28<sup>th</sup> has been entered as Exhibit 3001. The email dated February 17, 2017 stated: “This is to confirm that I have withdrawn from this matter and that all correspondence should be directed to Mr. Michael Sindoni. I understand he contacted you yesterday and you needed this email to confirm.”

### Discussion

A communication from either Petitioner or Petitioner’s counsel to the Board about anything other than formalistic or clerical matters without copying the Respondent is clearly inappropriate and should not occur again. Potential withdrawal of counsel is not a formalistic or clerical matter.

Also, counsel may not withdraw from a proceeding unless a motion to withdraw has been filed by the counsel seeking to withdraw and the motion has been granted. 37 C.F.R. 42.10(e). The motion to withdraw should include sufficient facts and reasoning to justify the withdrawal and must leave sufficient time for Petitioner to seek and obtain other counsel. Additionally, a motion may not be filed without prior authorization by the Board. 37 C.F.R. § 42.20(b).

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Petitioner Application 14/834,548  
Respondent Application 14/209.123

Order

It is

ORDERED that Mr. Robert Gray is authorized to file a motion to withdraw from this proceeding, but if the motion contends that Petitioner does not want to be represented by any counsel in this proceeding, and will not be seeking other counsel after withdrawal of Mr. Gray, then prior to filing of the motion Mr. Gray must arrange a joint conference call with the Board, which includes participation of Petitioner.

For Petitioner:

Robert Gray  
robert.gray@thegraylawgroup.com

For Respondent:

Thomas Jurecko  
tom@remarck.com