

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIPNET EU S.R.O.  
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.  
Patent Owner.

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Case IPR2013-00246  
Patent 6,108,704

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Before KALYAN K. DESPHANDE, THOMAS L. GIANNETTI. and  
TRENTON A. WARD, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

DECISION  
MOTION TO WITHDRAW  
*37 C.F.R. § 42.10(e)*

Petitioner has filed a motion to authorize withdrawal of its current counsel, Paul C. Haughey and Michael T. Morlock. Paper 46. Petitioner states that the motion is unopposed. For the following reasons the motion is *granted*.

## DISCUSSION

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). Normally, this is accomplished by filing a motion to withdraw, which requires Board authorization before filing. *See* 37 C.F.R. § 42.20(b). Once authorization is granted, the motion is then made by the attorneys seeking to withdraw. *See, e.g.*, Case IPR2013-00010, Paper 30.

Here, the motion to withdraw was filed by the Petitioner, and signed by Messrs. Haughey and Morlock. The motion was authorized in advance by the Board.

Petitioner has not followed the correct procedure in that the motion should have been filed by withdrawing counsel and accompanied by a new power of attorney. *See* guidance provided in Paper 7 in this proceeding. However, because there is no prejudice shown, the Board will treat the motion as if it were filed by withdrawing counsel.

Turning to the merits, the motion designates substitute counsel and back-up counsel who are stated to be registered practitioners and does not seek any time extensions. In fact, Petitioner affirmatively states that it does not propose any schedule changes as a result of the substitution. Under the circumstances we see no reason to deny the motion.

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It is therefore

ORDERED that Petitioner's Motion (Paper 46) is granted;

FURTHER ORDERED that Paul C. Haughey and Michael T. Morlock are permitted to withdraw as counsel for Petitioner in this proceeding;

FURTHER ORDERED that Petitioner shall file a new power of attorney within five days of entry of this order designating Pavel L. Pogodin and Sanjay Prasad as lead and back-up counsel, respectively;

FURTHER ORDERED that concurrent with filing the new power of attorney, Petitioner shall file updated mandatory disclosures designating Messrs. Pogodin and Prasad as lead and back-up counsel;

FURTHER ORDERED that withdrawal by Mr. Haughey and Mr. Morlock shall become effective upon filing by Petitioner of the new power of attorney and updated mandatory disclosures specified above.

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PETITIONER:

Paul C. Haughey  
Michael T. Morlock  
KILPATRICK TOWNSEND & STOCKTON, LLP  
[phaughey@kilpatricktownsend.com](mailto:phaughey@kilpatricktownsend.com)  
[mmorlock@kilpatricktownsend.com](mailto:mmorlock@kilpatricktownsend.com)

PATENT OWNER:

Patrick J. Lee  
Alicia Carney  
FISCH SIGLER LLP  
[patrick.lee@fischllp.com](mailto:patrick.lee@fischllp.com)  
[Alicia.carney@fischllp.com](mailto:Alicia.carney@fischllp.com)