

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIPNET EU S.R.O.
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.
Patent Owner.

Case IPR2013-00246
Patent 6,108,704

BEFORE HOWARD B. BLANKENSHIP, 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)

Patent Owner has filed a motion to authorize withdrawal of its current counsel, Michael R. Casey and J. Scott Davidson. Paper 6. No opposition has been filed. 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 Patent Owner, Innovative Communications Technologies, Inc. The motion was not authorized in advance by the Board. It was accompanied by a new power of attorney that revoked the previous power of attorney and appointed new attorneys (Ex. 2001). The motion was signed by substitute counsel rather than withdrawing counsel.

Patent Owner has not followed the correct procedure. However, because there is no prejudice shown, the Board will waive the requirement for authorization and treat the motion as if it were filed by withdrawing counsel. Patent Owner is instructed to seek Board authorization where required for any further motions filed in this proceeding.

Turning to the merits, the motion designates substitute counsel who is a registered practitioner and does not seek any time extensions. Under the circumstances we see no reason to deny the motion.

It is therefore

ORDERED that Patent Owner's Motion (Paper 6) is granted;

FURTHER ORDERED that Michael R. Casey and J. Scott Davidson are permitted to withdraw as counsel in this proceeding;

FURTHER ORDERED that Patrick J. Lee is recognized as Lead Counsel for Patent Owner;

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FURTHER ORDERED that Patent Owner shall have five days from the entry date of this order to designate back-up counsel (37 C.F.R. § 42.10(a));

FURTHER ORDERED that in further filings in this proceeding Patent Owner shall observe the requirement for Board approval set forth in 37 C.F.R. § 42.20(b).

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