

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY, JAGUAR LAND ROVER NORTH AMERICA,
LLC, VOLVO CARS OF NORTH AMERICA, LLC, TOYOTA MOTOR NORTH
AMERICA, INC., NISSAN NORTH AMERICA, INC., and
SUBARU OF AMERICA, INC.,
Petitioner,

v.

CRUISE CONTROL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-00281
Patent 6,324,463

Before JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R. HOSKINS,
Administrative Patent Judges.

COCKS, *Administrative Patent Judge.*

DECISION

Motions for Counsel to Withdraw and Permit Substitution of New Counsel
37 C.F.R. § 42.10

1. Introduction

Petitioner entity Ford Motor Company (“Ford”) and Petitioner entity Volvo Cars of North America, LLC (“Volvo”) have each filed a Motion for counsel to withdraw and permit substitution of new counsel. Papers 33 and 34. Each Motion requests authorization for withdrawal of Matthew J. Moore as lead counsel and Michael B. Eisenberg as back-up counsel, with Mr. Moore to remain as back-up counsel. The Motions also request substitution of Eric A. Buresh (Reg. No. 50,394) as lead counsel, and Jason R. Mudd (Reg. No. 57,700) as back-up counsel in this proceeding. Paper 33, 1; Paper 34, 1. The Motions indicate they are not opposed by the Patent Owner. Paper 33, 2; Paper 34, 2.

2. Conference Call

A conference call was held on January 9, 2015 between Judges Cocks and Jung, and counsel for the respective parties. The Petitioner was represented by Robert Steinberg and Jason Mudd. The Patent Owner was represented by John Kasha. The purpose of the call was to discuss the above-noted Motions to withdraw and substitute counsel. During the call, the panel explained to the parties that lead counsel must be a person who speaks on behalf of, and represents, all of the companies or entities that constitute the Petitioner in this *inter partes* proceeding. Thus, although the Motions are styled as being submitted by the entities Ford and Volvo, in so designating new lead counsel, that lead counsel would represent all the entities that make up the Petitioner. Counsel on the call for Petitioner acknowledged that lead counsel in this proceeding represents all of the entities that form the Petitioner. In that regard, counsel for Petitioner indicated that should the motions be granted, the Petitioner understands that Mr. Buresh will serve as lead counsel on behalf of all the entities that constitute the Petitioner in

this proceeding. Counsel for Patent Owner indicated that the Patent Owner does not oppose the Motions, and has no objection to Mr. Buresh serving as lead counsel on behalf of the Petitioner.

During the call, counsel for Petitioner also explained that the reference to Michael B. Eisenberg in the Motions was a typographical error. In that respect, counsel explained that Robert Steinberg had been substituted for Mr. Eisenberg as back-up counsel in an earlier updated Mandatory Notices filing (Paper 21). In light of that explanation, the panel understands that the pertinent Motions should not be regarded as requesting withdrawal of Mr. Eisenberg as back-up counsel, as Mr. Eisenberg is no longer counsel of record in this *inter partes* review proceeding.

3. Conclusion

In view of the conference call noted above, the panel understands that the pertinent Motions for withdrawal and substitution of counsel in IPR2014-00281 were both filed on behalf of the Petitioner as a whole, and that the reference to Mr. Eisenberg as a part of those Motions is a typographical error. With that understanding in mind, the Motions are *granted*.

4. Orders

It is

ORDERED that the Motions for withdrawal and substitution of counsel are *granted*;

FURTHER ORDERED that Eric A. Buresh is recognized as lead counsel in this proceeding;

FURTHER ORDERED that Jason R. Mudd is recognized as back-up counsel in this proceeding;

FURTHER ORDERED that Matthew J. Moore is now recognized as back-up counsel in this proceeding; and

FURTHER ORDERED that Petitioner must file updated Mandatory Notices under 37 C.F.R § 42.8(b)(3) and (b)(4) in this proceeding, and update the Board's electronic Patent Review Processing System with the appropriate counsel information.

Case IPR2014-00281
Patent 6,324,463

PETITIONER:

Eric A. Buresh
ERISE IP, P.A.
eric.buresh@eriseip.com

Jason R. Mudd
ERISE IP, P.A.
jason.mudd@eriseip.com

Matthew J. Moore
LATHAM & WATKINS LLP
matthew.moore@lw.com

Robert Steinberg
LATHAM & WATKINS LLP
bob.steinberg@lw.com

Matthew D. Satchwell
DLA PIPER LLP (US)
matthew.satchwell@dlapiper.com

John M. Caracappa
STEPTOE & JOHNSON LLP
jcaracap@steptoe.com

Wab Kadaba
KILPATRICK TOWNSEND & STOCKTON LLP
wkadaba@kilpatricktownsend.com

William H. Mandir
SUGHRUE MION PLLC
wmandir@sughrue.com

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