

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL INC.
Petitioner

v.

ZOND, INC.
Patent Owner

Cases IPR2014-00443
IPR2014-00444
IPR2014-00445
IPR2014-00446
IPR2014-00447
Patent 7,147,759 B2¹

Before KEVIN F. TURNER, DEBRA K. STEPHENS, JONI Y. CHANG,
SUSAN L. C. MITCHELL, and JENNIFER M. MEYER,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

DECISION
Patent Owner's Motion for Counsel to Withdraw
37 C.F.R. § 42.10(e)

¹ This Order addresses overlapping issues in the above-identified cases. Therefore, we issue one order to be filed in all cases. The parties, however, are not authorized to use this style heading in subsequent papers.

On April 16, 2014, Patent Owner filed a Motion for Counsel to Withdraw and Permit Substitution of Counsel. Paper 8.² Patent Owner seeks withdrawal of its current counsel, Messrs. David C. Radulescu and Kurt Rauschenbach. *Id.* at 1. Patent Owner also seeks to designate new counsel, Messrs. Gregory J. Gonsalves and Bruce J. Barker, as lead and back-up counsel, respectively. *Id.* Patent Owner indicates that Messrs. Gonsalves and Barker are registered practitioners, and they have read and intend to comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations. *Id.* at 1-2. Patent Owner further states that Petitioner does not oppose the appointment of Mr. Gonsalves as lead counsel for Patent Owner in the above-identified proceedings. *Id.* at 2.

Additionally, Patent Owner filed a Power of Attorney, appointing Messrs. Gonsalves and Barker, as its representatives before the Board in connection with the above-identified proceedings. Paper 10. Pursuant to 37 C.F.R. § 42.8, Patent Owner also filed an updated mandatory notice to reflect the change in information regarding Patent Owner’s lead and back-up counsel. Paper 9.

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e); *see also* 37 C.F.R. § 11.116 (regarding conditions for withdrawal). In that regard, “a practitioner may withdraw from representing a client if . . . [w]ithdrawal can be accomplished without material adverse effect on the interests of the client” 37 C.F.R. § 11.116(b)(1).

² For the purpose of clarity and expediency, we treat IPR2014-00443 as representative, and all citations are to IPR2014-00443 unless otherwise noted.

Here, we discern no reason to deny Patent Owner's motion for counsel to withdraw, as Patent Owner contemporaneously appointed Messrs. Gonsalves and Barker, who are registered practitioners, as it's lead and back-up counsel for the above-identified proceedings, and filed the appropriate power of attorney and amended mandatory notice. More importantly, the change of counsel would not cause any prejudice to Patent Owner or unnecessary delays in the proceedings, as Patent Owner does not seek an extension of time. Moreover, Petitioner does not oppose the motion. In light of the foregoing, we hereby grant Patent Owner's motion for counsel to withdraw.

It is

ORDERED that Patent Owner's Motion for Counsel to Withdraw and Permit Substitution of Counsel is *granted*;

FURTHER ORDERED that Messrs. David C. Radulescu and Kurt Rauschenbach are withdrawn as counsel from the above-identified proceedings;

FURTHER ORDERED that Messrs. Gregory J. Gonsalves and Bruce J. Barker are recognized as lead and back-up counsel, respectively, for Patent Owner in the above-identified proceedings; and

FURTHER ORDERED that Patent Owner's information in the Patent Review Processing System ("PRPS") should be updated appropriately to reflect the change in information regarding Patent Owner's lead and back-up counsel.

Patent 7,147,759 B2

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