

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GOOGLE INC.  
Petitioner

v.

NETWORK-1 TECHNOLOGIES, INC.,  
Patent Owner.

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Case No. IPR2015-00345  
Patent No. 8,205,237

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**PETITIONER'S UNOPPOSED MOTION FOR WITHDRAWAL AND  
SUBSTITUTION OF COUNSEL**

## **I. PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10 and the Board's order authorizing this motion via email on May 11, 2018, Petitioner respectfully requests that the Board authorize withdrawal of its current lead counsel, James J. Elacqua (Reg. No. 28,412), and backup counsel, Douglas R. Nemecek (Reg. No. 41,219), who are current or former practitioners at Skadden, Arps, Slate, Meagher, & Flom LLP.

Petitioner further requests that the Board authorize registered practitioners David M. Krinsky (Reg. No. 72,339) and Christopher A. Suarez (Reg. No. 72,553) of Williams & Connolly LLP, to appear in this proceeding as lead and backup counsel, respectively. Petitioner, concurrent with this motion, has filed a power of attorney in this proceeding designating these attorneys as lead and backup counsel.

## **II. STATEMENT SHOWING GOOD CAUSE FOR THE BOARD TO AUTHORIZE WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

In 2016, Google appointed Williams & Connolly LLP as its lead counsel in *Network-1 Technologies, Inc. v. Google, Inc. & YouTube, LLC*, 14-cv-2396 (S.D.N.Y.) (the "New York District Court Litigation"). Williams & Connolly has become familiar with this *inter partes* review proceeding ever since it appeared in the New York District Court Litigation, and this *inter partes* review proceeding will impact the scope and timing of that District Court litigation. Therefore, Google wishes to appoint Williams & Connolly LLP as its counsel here. Concurrently with

this motion, Petitioner has thus filed a new Power of Attorney designating the practitioners associated with Customer No. 129657 (Williams & Connolly LLP) as its counsel in this proceeding.

Good cause exists for the withdrawal of Mr. Elacqua and Mr. Nemec. First, Mr. Elacqua has retired from the practice of law and is no longer available to serve as lead counsel. Second, because this motion seeks the appointment of Williams & Connolly LLP's attorneys as lead and back-up counsel at Petitioner's behest, and those attorneys are experienced practitioners who have litigated numerous other *inter partes* review proceedings before this Board, reasonable steps have been taken to avoid foreseeable prejudice to the rights of the client. *See* 37 C.F.R. § 10.40(a). Finally, Petitioner believes that granting this motion will not hinder the economy, the integrity of the patent system, the efficient administration of the Office, or the ability of the Office to timely complete this proceeding. *See* 35 U.S.C. § 316(b).

Patent Owner has indicated that it does not oppose the requested withdrawal and substitution of counsel for Petitioner. As noted above, the Board authorized the filing of this motion via an email order on May 11, 2018.

### III. CONCLUSION

Petitioner respectfully requests that the Board grant this motion and (i) authorize withdrawal of James J. Elacqua (Reg. No. 28,412), and backup counsel, Douglas R. Nemec (Reg. No. 41,219), of Skadden, Arps, Slate, Meagher, & Flom

LLP; (ii) authorize David M. Krinsky (Reg. No. 72,339) of Williams & Connolly LLP to appear as lead counsel for Petitioner in this proceeding; and (iii) authorize Christopher A. Suarez (Reg. No. 72,553), to appear as back-up counsel for Petitioner in this proceeding. Upon grant of this motion, Petitioner's new lead counsel will promptly file updated mandatory disclosures.

Dated: May 24, 2018

Respectfully Submitted,

          /Douglas R. Nemec/            
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Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2018, I caused a true and correct copy of the foregoing Petitioner's Unopposed Motion for Withdrawal and Substitution of Counsel to be served electronically on the following counsel of record for Patent Owner at the following email address:

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By: /Douglas R. Nemec/  
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