

**Filed On behalf of:**

INO Therapeutics LLC

**By:**

Dominick A. Conde  
[dconde@fchs.com](mailto:dconde@fchs.com)  
(212) 218-2100

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

**Praxair Distribution, Inc.**  
Petitioner,  
v.  
**INO Therapeutics LLC**  
Patent Owner.

---

Case IPR2015-00889  
U.S. Patent No. 8,573,209

---

**PATENT OWNER INO THERAPEUTICS LLC'S MOTION FOR  
COUNSEL TO WITHDRAW AND PERMIT  
SUBSTITUTION OF NEW COUNSEL**

**I. STATEMENT OF PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10, and as authorized by the Board on October 28, 2015, Patent Owner INO Therapeutics LLC’s (“INOT”) respectfully requests that the Patent Trial and Appeal Board (“the Board”) authorize withdrawal of its current counsel, Dominick A. Conde, Edmund J. Haughey, and William E. Solander and authorize substitution of new counsel Robert Steinberg and Daniel Brown.

**II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO AUTHORIZE WITHDRAWAL OF COUNSEL**

Dominick A. Conde, Edmund J. Haughey, and William E. Solander were appointed by INOT as its attorneys for the above-captioned *inter partes* review. Patent Owner INOT now requests that current designated counsel be allowed to withdraw from the present proceeding, and that new counsel listed below be substituted to represent INOT in this proceeding.

<b>Lead Counsel</b>	<b>Back-Up Counsel</b>
Robert Steinberg (Reg. No. 33,144)	Daniel Brown (Reg. No. 54,005)
bob.steinberg@lw.com	daniel.brown @lw.com
<u>Postal &amp; Hand-Delivery Address:</u>	<u>Postal and Hand-Delivery Address:</u>
Latham & Watkins LLP	Latham & Watkins LLP
355 South Grand Avenue	885 Third Avenue
Los Angeles, CA 90071-1560	New York, NY 10022

Telephone: (213) 891-8989	Telephone: (212) 906-1742
Fax: (913) 777-5601	Fax: (212) 751-4864
<i>Counsel for INO Therapeutics LLC</i>	<i>Counsel for INO Therapeutics LLC</i>

Mr. Steinberg and Mr. Brown meet the requirements of 37 C.F.R. § 42.10 as lead and back-up counsel and are both registered practitioners. In addition, Mr. Steinberg and Mr. Brown 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 the C.F.R.

No extensions of time are sought with this Motion and granting this Motion will not cause delay in the proceeding or any prejudice to Petitioner.

As required by 37 C.F.R. §42.10(b), an executed Power of Attorney is filed concurrently as Exhibit 2003. Upon grant of this Motion, Patent Owner will promptly file an Updated Mandatory Notice under 37 C.F.R § 42.8(b)(3) and (b)(4) identifying the new counsel.

Counsel for Petitioner was consulted and has no objections to appointment of Mr. Steinberg and Mr. Brown as new lead and back-up counsel, respectively.

### III. CONCLUSION

Accordingly, Patent Owner INO Therapeutics LLC respectfully requests that the Board grant its motion to authorize withdrawal of counsel.

October 29, 2015

Respectfully submitted,

/Dominick A. Conde/

Dominick A. Conde (Reg. No. 33,856)  
Lead Counsel for Patent Owner  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Tel: 212-218-2100

*Attorneys for Patent Owner,  
INO Therapeutics LLC*

Back-up Counsel:

Edmund J. Haughey (Reg. No. 44,749)  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
975 F Street, N.W.  
Washington, D.C. 20004  
Tel: (202) 530-1010

William E. Solander (pending *pro hac*  
*vice* admission)  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Tel: 212-218-2100

Case IPR2015-00889  
U.S. Patent No. 8,573,209

**CERTIFICATE OF SERVICE**

I certify that a copy of the Patent Owner INO Therapeutics LLC's Motion for Counsel to Withdraw and Permit Substitution of New Counsel was served on October 29, 2015 by causing it to be sent by email to counsel for Petitioner at the following email addresses:

sanjay.murthy@klgates.com

sara.kerrane@klgates.com

michael.abernathy@klgates.com

margaux.nair@klgates.com

maria.doukas@klgates.com

October 29, 2015

Respectfully submitted,

/Dominick A. Conde/  
Dominick A. Conde  
(Reg. No. 33,856)  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Tel: (212) 218-2100