

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS, INC.  
Petitioner

v.

C-CATION TECHNOLOGIES, LLC  
Patent Owner

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CASE IPR2015-01045  
Patent 5,563,883

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**PATENT OWNER'S UNOPPOSED MOTION FOR  
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

## **I. PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10, Patent Owner respectfully requests that the Board authorize withdrawal of its current designated lead counsel, Lewis V. Popovski (Reg. No. 37,423), and backup counsel Jeffrey S. Ginsberg (Reg. No. 36,148).

Patent Owner further respectfully requests that Walter E. Hanley, Jr. (Reg. No. 28,720) be designated lead counsel to represent Patent Owner in this proceeding.

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

On May 6, 2015, Patent Owner filed a Power of Attorney designating the attorneys associated with Customer No. 26626 (Kenyon & Kenyon LLP) as its counsel in this proceeding. (Paper No. 5) Patent Owner's power of attorney states:

Pursuant to 37 C.F.R. § 42.10(b), Patent Owner, C-Cation Technologies, LLC, hereby appoints the practitioners associated with Customer No. 26646, as its attorneys to transact all business in the United States Patent & Trademark Office and Patent Trial and Appeal Board associated with the above-captioned *Inter Partes* Review. These attorneys include at least:

Lewis V. Popovski, Reg. No. 37,423 (Lead Counsel)  
Jeffrey S. Ginsberg, Reg. No. 36,148 (Backup Counsel)  
David J. Kaplan, Reg. No. 57,117 (Backup Counsel)  
David J. Cooperberg, Reg. No. 63,250 (Backup Counsel)

(Paper No. 5)

Patent Owner simultaneously filed its mandatory disclosures, naming Mr. Popovski as its lead counsel and Mr. Ginsberg, Mr. Kaplan, and Dr. Cooperberg as its backup counsel. (Paper No. 6)

Mr. Popovski and Mr. Ginsberg are no longer practitioners associated with Customer No. 26646. Patent Owner therefore respectfully submits that good cause exists for their withdrawal as counsel for Patent Owner in this proceeding.

Patent Owner further requests that Mr. Hanley be designated as its new lead counsel. Mr. Hanley is a registered practitioner associated with Customer No. 26646. Mr. Kaplan and Dr. Cooperberg will continue as backup counsel for Patent Owner. Patent Owner's counsel will meet the requirements of 37 C.F.R. § 42.10 as lead counsel and registered practitioners. In identifying and designating new lead counsel, and in having two registered practitioners continue as its backup counsel, reasonable steps have been taken to avoid foreseeable prejudice to the rights of the client. *See* 37 C.F.R. § 10.40(a). Further, Patent Owner 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).

### **III. PETITIONER DOES NOT OPPOSE THIS MOTION**

Petitioner has indicated that it does not oppose the requested withdrawal and substitution of counsel for Patent Owner.

### **IV. CONCLUSION**

Patent Owner respectfully requests that the Board grant its motion to (i) authorize withdrawal of Mr. Popovski as its lead counsel and of Mr. Ginsberg as

backup counsel; and (ii) permit the designation of Walter E. Hanley, Jr. (Reg. No. 28,720) as its lead counsel. Upon grant of this motion, Patent Owner's new lead counsel will promptly file Amended Patent Owner's Mandatory Notices.

Date: September 22, 2015

Respectfully submitted,

Lead Counsel for Patent Owner:

/Lewis V. Popovski/  
Lewis V. Popovski,  
Registration No. 37,423

Proposed New Lead Counsel  
for Patent Owner

/Walter E. Hanley, Jr./  
Walter E. Hanley, Jr.  
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**Certificate of Service**

The undersigned hereby certifies that the foregoing PATENT OWNER'S UNOPPOSED MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL was served via e-mail on September 22, 2015, in its entirety on the following:

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