

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC., AND MICRON MEMORY JAPAN, INC.,
Petitioners

v.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Patent Owner

Case: IPR2015-01087
U.S. Patent No. 6,057,221

**PETITIONERS' UNOPPOSED MOTION FOR
WITHDRAWAL OF COUNSEL**

Petitioners respectfully request the withdrawal of Lead Counsel David J. Cooperberg and Back-Up Counsel Thomas R. Makin. Mr. Cooperberg and Mr. Makin are no longer practicing with Kenyon & Kenyon LLP. Petitioners have identified Michael S. Turner (Reg. No. 60,314) as Lead Counsel, and Rose Cordero Prey, previously admitted *pro hac vice*, continues to be identified as Back-Up Counsel.

I. PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Petitioners respectfully request that the Board authorize withdrawal of lead counsel David J. Cooperberg (Reg. No. 63,250), and backup counsel Thomas R. Makin (admitted *pro hac vice*).

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

On May 4, 2015, Petitioners filed a Power of Attorney designating the attorneys associated with Customer No. 26626 (Kenyon & Kenyon LLP) as its counsel in this proceeding. (Paper No. 1.) Petitioners simultaneously provided its mandatory disclosures, naming Mr. Cooperberg as its lead counsel and Mr. Makin and Ms. Prey, as its backup counsel. (Paper No. 2.)

Mr. Cooperberg and Mr. Makin are no longer practitioners associated with Customer No. 26646. Petitioners therefore respectfully submit that good cause exists for their withdrawal as counsel for Petitioners in this proceeding.

Petitioners designate Mr. Turner as its new lead counsel. Mr. Turner is a

registered practitioner associated with Customer No. 26646. Ms. Prey continues as backup counsel for Petitioners. Petitioners' counsel therefore meet the requirements of 37 C.F.R. § 42.10.

In identifying and designating new lead counsel, and in having Ms. Prey continue as 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, Petitioners believe 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. PATENT OWNER DOES NOT OPPOSE THIS MOTION

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

IV. CONCLUSION

Petitioners respectfully request that the Board grant this motion to authorize withdrawal of Mr. Cooperberg as lead counsel and of Mr. Makin as backup counsel.

Case No. IPR2015-01087
U.S. Patent No. 6,057,221
Date: December 4, 2015

Paper No. 17
Filed December 4, 2015

Respectfully submitted,

/David J. Cooperberg/

David J. Cooperberg

Reg. No. 63,250

Withdrawing Lead Counsel for Petitioner

/Michael S. Turner/

Michael S. Turner

Reg. No. 60,314

Lead Counsel for Petitioner

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Certificate of Service

The undersigned hereby confirms that the foregoing PETITIONERS' UNOPPOSED MOTION FOR WITHDRAWAL OF COUNSEL, was served on Counsel for Patent Owner via e-mail as follows:

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Dated: December 4, 2015

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