

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner,

v.

APPLICATIONS IN INTERNET TIME, LLC,
Patent Owner.

Case IPR2015-01750
Patent 8,484,111 B2

Case IPR2015-01751
Case IPR2015-01752
Patent 7,356,482 B2¹

Before LYNNE E. PETTIGREW, MITCHELL G. WEATHERLY, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

ORDER

Conduct of the Proceedings

37 C.F.R. § 42.5

Granting Patent Owner's Motion to Withdraw and Substitute Counsel

37 C.F.R. § 42.10

¹ This order addresses issues common to all cases; therefore, we issue a single order to be entered in each case.

IPR2015-01750 (Patent 8,484,111 B2)
IPR2015-01751, IPR2015-01752 (Patent 7,356,482 B2)

Pursuant to authorization from the panel,² Patent Owner filed a Motion to Withdraw Backup Counsel and to Substitute New Lead Counsel. Paper 85 (“Motion” or “Mot.”)³.

Withdrawal of Ms. Sarvaiya as Back-up Counsel

Patent Owner’s Motion requests withdrawal of Ms. M. Kala Sarvaiya as back-up counsel. Mot. 1. Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). Other registered counsel remain of record in these proceedings. Thus, Patent Owner’s request to withdraw Ms. Sarvaiya as back-up counsel is granted.

Substitution of Mr. Steven C. Sereboff as Lead Counsel

The Motion requests substitution of Mr. Steven C. Sereboff as lead counsel. Mot. 1. During the November 16, 2018, conference call, counsel for Petitioner expressed concern about Mr. Sereboff’s participation as lead counsel, but indicated that Petitioner would not oppose Patent Owner’s request. Counsel’s concern stemmed from Mr. Sereboff’s prior disclosure of confidential information in these proceedings. *See* Paper 58 (Order deciding Petitioner’s Motion for Sanctions), 3–6. At that time, Mr. Sereboff voluntarily withdrew as counsel from these proceedings (*see* Paper 25 (Motion to Withdraw); Paper 43 (Order granting Motion)); Mr. Sereboff was reinstated as back-up counsel just prior to the oral hearing (*see* Paper 75

² Authorization for this motion was provided during a conference call conducted on November 16, 2018.

³ Unless indicated otherwise, citations herein are to papers and exhibits filed in IPR2015-01750. Similar papers and exhibits were filed in IPR2015-01751 and IPR2015-01752.

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(authorizing Mr. Sereboff to present arguments at oral hearing); Paper 76 (Patent Owner's updated mandatory notices)).

We recognize Petitioner's concerns regarding confidential information in these proceedings. However, we also recognize Patent Owner's desire to be represented by counsel of its choice in these proceedings. The panel expects the parties to adhere strictly to all requirements regarding confidential information going forward in these proceedings.

Patent Owner's request to substitute Mr. Sereboff as lead counsel is granted. Mr. Jonathan P. Pearce will remain as back-up counsel. *See* Mot. 1. Patent Owner shall confirm that its mandatory notices and official electronic file records have been updated accordingly.

Protective Order and Confidential Information

The parties are reminded that a protective order (Ex. 3001) remains in effect in each of these proceedings. *See* Paper 50 (entering Board's default protective order (Ex. 1017)); Paper 58, 11–13 (discussing revisions to default protective order), 15 (entering revised protective order (Ex. 3001)). The parties are further reminded that the Case Management and Scheduling Order provides guidance on the handling of confidential information. *See* Paper 52, 2–3.

In view of the foregoing, it is hereby:

ORDERED that Patent Owner's Motion is *granted*;

FURTHER ORDERED that Ms. Sarvaiya is withdrawn as back-up counsel from these proceedings;

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FURTHER ORDERED that Mr. Sereboff is recognized as lead counsel for Patent Owner in these proceedings; and

FURTHER ORDERED that the revised Protective Order, Exhibit 3001, remains in effect in each of these proceedings.

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