

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TDK CORPORATION,  
Petitioner,

v.

LAMBETH MAGNETIC STRUCTURES, LLC,  
Patent Owner.

---

Case No. IPR2016-00013  
Patent No. 7,128,988

---

**PATENT OWNER'S MOTION TO WITHDRAW AS COUNSEL AND  
SUBSTITUTE NEW COUNSEL**

**I. STATEMENT OF PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10, Patent Owner Lambeth Magnetic Structures, LLC (“Lambeth”) respectfully requests that the Patent Trial and Appeal Board (“the Board”) authorize the withdrawal of its current counsel, Orville R. Cockings, Dr. Gregory J. Gonsalves, Stephen F. Roth, and Alexander Solo and the substitution of new counsel David C. Radulescu, Ph.D. and Joseph M. Mercadante.

**II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR SUBSTITUTION OF COUNSEL**

Orville R. Cockings, Dr. Gregory J. Gonsalves, Stephen F. Roth, and Alexander Solo were appointed by Patent Owner Lambeth as its attorneys for the above-captioned *inter partes* review. Lambeth now requests that the current designated counsel be allowed to withdraw from the present proceeding, and that new counsel listed below be substituted to represent Lambeth in this proceeding.

<b>Lead Counsel:</b>	<b>Back-Up Counsel:</b>
David C. Radulescu, Ph.D. Registration No. 36,250 david@radulescullp.com	Joseph M. Mercadante Registration No. 64,077 joseph@radulescullp.com
RADULESCU LLP 350 Fifth Avenue, Suite 6910 New York, NY 10118 Telephone: (646) 502-5950 Facsimile: (646) 502-5959	RADULESCU LLP 350 Fifth Avenue, Suite 6910 New York, NY 10118 Telephone: (646) 502-5950 Facsimile: (646) 502-5959

No extensions of time will be sought by Substitute Counsel upon grant of

this Motion. It is believed 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).

David C. Radulescu, Ph.D. meets the requirements of 37 C.F.R. § 42.10(c) as lead counsel and is a registered practitioner. In addition, David C. Radulescu, Ph.D. and Joseph M. Mercadante 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.

In identifying and designating new counsel who are ready and able to take over the representation, reasonable steps have been taken to “avoid foreseeable prejudice to the rights of the client, including giving due notice to his or her client, [and] allowing time for employment of another practitioner.” *See* 37 C.F.R. § 10.40(a).

### **III. PETITIONER DOES NOT OBJECT TO THE SUBSTITUTION**

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

### **IV. CONCLUSION**

Patent Owner Lambeth respectfully requests that the Board grant its motion to authorize the withdrawal of counsel and substitution of new counsel. As requested by the Board, a new Power of Attorney and Amended Mandatory Notice

Information are attached.

Date: March 22, 2016

Respectfully submitted,

/Orville R. Cockings/

Orville R. Cockings

Registration No. 42,424

ocockings@lernerdavid.com

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

Telephone: (908) 654-5000

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Motion to Withdraw as Counsel and Substitute New Counsel and the associated Power of Attorney documents were served via email on March 22, 2016 on the attorneys for the Petitioner:

<b>Lead Counsel:</b>	<b>Back-Up Counsel:</b>
Hector Gallegos Registration No. 40,614 hgallegos@mofo.com  MORRISON & FOERSTER, LLP 200 Pennsylvania Avenue, NW Suite 6000 Washington, D.C. 20006-1888 Telephone: (202) 887-6920 Facsimile: (202) 887-0763	Jonathan Bockman Registration No. 45,640 jbockman@mofo.com  MORRISON & FOERSTER, LLP 1650 Tysons Boulevard, Suite 400 McLean, VA 22102-4220 Telephone: (703) 760-7769 Facsimile: (703) 760-7777

/Orville R. Cockings/  
Orville R. Cockings  
Registration No. 42,424