

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COSTCO WHOLESALE CORPORATION,

Petitioner

v.

ROBERT BOSCH LLC,

Patent Owner

Case No. IPR2016-00036

U.S. Patent No. 6,944,905

**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 counsel, Kenyon & Kenyon LLP (Customer No. 26646), including its designated lead counsel, Eric Schreiber (Reg. No. 58,771).

Patent Owner further requests that the Board authorize registered practitioner Enrique Iturralde (Reg. No. 72,883) of Shearman & Sterling LLP to appear as lead counsel for Patent Owner in this proceeding.

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

On October 30, 2015, Patent Owner filed a Power of Attorney designating the practitioners associated with Customer No. 26626 (Kenyon & Kenyon LLP), including Eric Schreiber (Reg. No. 58,771), and Mark Hannemann as its counsel in this proceeding. (Paper No. 4.)

Patent Owner simultaneously filed its mandatory disclosures, naming Mr. Schreiber as its lead counsel and Mr. Hannemann as its backup counsel, subject to the Board admitting Mr. Hannemann *pro hac vice*. (Paper No. 5.) On November 30, 2015, Patent Owner filed updated mandatory disclosures to note Mr. Hannemann's changed law firm affiliation from Kenyon & Kenyon LLP to Shearman & Sterling LLP. (Paper No. 8.) On January 4, 2016, the Board admitted Mr. Hannemann *pro hac vice* and authorized him to appear as back-up counsel. (Paper No. 9.)

As set forth in Patent Owner's Updated Power of Attorney, filed concurrently

with this motion, Patent Owner has revoked its Power of Attorney to Kenyon & Kenyon LLP/Mr. Schreiber in this proceeding, and appointed practitioner Enrique Iturralde (Reg. No. 72,883) of Shearman & Sterling LLP as its lead counsel and Mr. Hannemann as its back-up counsel. Therefore, Patent Owner respectfully submits that good cause exists for the withdrawal of Kenyon & Kenyon LLP as counsel, and Mr. Schreiber as lead counsel, in this proceeding.

Patent Owner further requests that Mr. Iturralde, a registered practitioner, be designated as its new lead counsel. Mr. Hannemann, with whom Mr. Iturralde works at Shearman & Sterling LLP, will continue as back-up counsel for Patent Owner. In designating the client's chosen registered practitioner as new lead counsel, and in keeping Mr. Hannemann as back-up 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 this motion and (i)

authorize withdrawal of Kenyon & Kenyon LLP as counsel, and Eric Schreiber (Reg. No. 58,771) as lead counsel, for Patent Owner in this proceeding, and (ii) authorize Enrique Iturralde (Reg. No. 72,883) to appear as lead counsel for Patent Owner in this proceeding. Upon grant of this motion, Patent Owner's new lead counsel will promptly file updated mandatory disclosures.

Date: January 5, 2016

Respectfully submitted,

Lead Counsel for Patent Owner:

/Eric T. Schreiber/
Eric T. Schreiber
Registration No. 58,771

Proposed New Lead Counsel
for Patent Owner

/Enrique Iturralde/
Enrique Iturralde
Registration No. 72,883

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 January 5, 2016, in its entirety on the following:

Richard M. Koehl (richard.koehl@hugheshubbard.com)

James R. Klaiber (james.klaiber@hugheshubbard.com)

David E. Lansky (david.lansky@ hugheshubbard.com)

/Eric T. Schreiber/

Eric T. Schreiber

Reg. No. 58,771

KENYON & KENYON LLP

One Broadway

New York, NY 10004-1007

Tel: (212) 425-7200

Counsel for Patent Owner

Robert Bosch LLC