

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. IPR2016-00042

U.S. Patent No. 8,544,136

**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 lead counsel, Enrique W. Iturralde (Reg. No. 72,883).

Patent Owner further requests that the Board authorize Patrick R. Colsher (Reg. No. 74,955) 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 back-up 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. 14.) On January 4, 2016, the Board admitted Mr. Hannemann *pro hac vice* and authorized him to appear as back-up counsel. (Paper No. 15.)

On January 5, 2016, Patent Owner filed an unopposed motion to withdraw and substitute counsel, revoked its Power of Attorney to Kenyon & Kenyon LLP/Mr. Schreiber in this proceeding, (Paper No. 16), and appointed practitioner Enrique W. Iturralde (Reg. No. 72,883) of Shearman & Sterling LLP as its lead counsel and Mr. Hannemann as its back-up counsel, (Paper No. 17). On January 8, 2016, the Board granted Patent Owner's motion to withdraw and substitute. (Paper No. 18.)

As set forth in its updated Power of Attorney, filed concurrently herewith, Patent Owner has revoked its Power of Attorney to Mr. Iturralde in this proceeding, and appointed Patrick R. Colsher (Reg. No. 74,955) 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 Mr. Iturralde as lead counsel in this proceeding.

Patent Owner further requests that Mr. Colsher be designated as its new lead counsel. Mr. Hannemann, with whom Mr. Colsher works at Shearman & Sterling LLP, will continue as back-up counsel for Patent Owner. In designating the client's chosen counsel 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 Enrique W. Iturralde (Reg. No. 72,883) as lead counsel for Patent Owner in this proceeding, and (ii) authorize Patrick Colsher (Reg. No. 74,955) 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.

DATED: May 31, 2016

Respectfully submitted,

Lead Practitioner for Patent Owner:

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Proposed New Lead Counsel for Patent Owner:

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