

Case No. IPR2016-00291

U.S. Patent No. 5,732,375

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR CORPORATION

Petitioner

Patent No. 5,732,375

Issue Date: March 24, 1998

Title: METHOD OF INHIBITING OR ALLOWING AIRBAG DEPLOYMENT

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Case No. IPR 2016-00291

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**PETITIONER'S UNOPPOSED MOTION FOR  
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

**I. PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10, Petitioner respectfully requests that the Board authorize withdrawal of its current lead counsel, A. Antony Pfeffer (Reg. No. 43,857), formerly of Kenyon & Kenyon LLP, and currently of Orrick, Herrington & Sutcliffe LLP.

Petitioner further requests that the Board authorize registered practitioner John Flock (Reg. No. 39,670) of Kenyon & Kenyon LLP to appear as lead counsel for Petitioner in this proceeding.

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

On December 8, 2015, Petitioner filed a Power of Attorney designating the practitioners associated with Customer No. 26646 (Kenyon & Kenyon LLP) as its counsel in this proceeding. (Paper No. 1.) Petitioner identified A. Antony Pfeffer (Reg. No. 43,857) as its lead counsel and John Flock (Reg. No. 39,670) and George E. Badenoch (Reg. No. 25,825) as back-up counsel in its Petition for *Inter Partes* Review of U.S. Patent No. 5,732,375. (Paper No. 2).

Lead counsel A. Antony Pfeffer (Reg. No. 43,857) has since left the firm Kenyon & Kenyon LLP. Therefore, Petitioner respectfully submits that good cause exists for the withdrawal of Mr. Pfeffer as its lead counsel in this proceeding.

Petitioner further requests that Mr. Flock be designated as its new lead counsel. Mr. Badenoch, with whom Mr. Flock works at Kenyon & Kenyon LLP, will continue

as back-up counsel for Petitioner. In designating the client's chosen registered practitioner as new lead counsel, in maintaining Kenyon & Kenyon LLP as its counsel in this proceeding, and in maintaining Mr. Badenoch 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, Petitioner 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).

Patent Owner has indicated that it does not oppose the requested withdrawal and substitution of counsel for Petitioner. The Board authorized the filing of this motion via email on March 1, 2016.

### **III. CONCLUSION**

Petitioner respectfully requests that the Board grant this motion and (i) authorize withdrawal of A. Antony Pfeffer (Reg. No. 43,857) as lead counsel for Petitioner in this proceeding, and (ii) authorize John Flock (Reg. No. 39,670) to appear as lead counsel for Petitioner in this proceeding. Upon grant of this motion, Petitioner's new lead counsel will promptly file updated mandatory disclosures.

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U.S. Patent No. 5,732,375

Date: March 1, 2016

Respectfully submitted,

/ John Flock /

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**Certificate of Service**

The undersigned hereby certifies that the foregoing PETITIONER'S UNOPPOSED MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL was served via e-mail on March 1, 2016, in its entirety on the following:

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