

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.;

MICRON TECHNOLOGY, INC.;

and SK HYNIX INC.

V.

ELM 3DS INNOVATIONS, LLC

PATENT OWNER

CASE IPR2016-00387

PATENT No. 8,841,778

**PATENT OWNER'S MOTION FOR WITHDRAWAL AND
SUBSTITUTION OF COUNSEL**

V. 37 C.F.R. § 42.10 – STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Patent Owner respectfully requests that the Board authorize withdrawal of its current counsel, Cyrus Morton, Kelsey Thorkelson, and Samuel Walling of Robins Kaplan LLP.

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

On January 19, 2016, Patent Owner appointed Cyrus Morton and James Carmichael as its attorneys in the above-captioned *inter partes* review. On May 5, 2016, Patent Owner appointed Kelsey Thorkelson as its attorney in the above-captioned *inter partes* review. On July 1, 2016 the Board granted *pro hac vice* admission to Samuel Walling to represent Patent Owner in the above-captioned *inter partes* review. For good cause, Patent Owner requests that Cyrus Morton, Kelsey Thorkelson, and Samuel Walling be deemed withdrawn from the present proceeding, and new counsel, William Meunier and Michael T. Renaud of Mintz Levin Cohn Ferris Glovsky and Popeo PC (“Mintz Levin”), be designated lead and back-up counsel, respectively, to represent Patent Owner in this proceeding. James Carmichael will remain back-up counsel.

Patent Owner’s new counsel meet the requirements of 37 C.F.R. § 42.10(c) as lead counsel and registered practitioners. Patent Owner has filed Powers of

Attorney for its new counsel. 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). 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).

VII. PETITIONER DOES NOT OBJECT TO THIS SUBSTITUTION

The parties have met and conferred regarding the proposed withdrawal and substitution of Patent Owner’s lead and back-up counsel. Petitioner has indicated that it does not oppose the requested withdrawal and substitution of counsel for Patent Owner.

VIII. CONCLUSION

Patent Owner respectfully requests that the Board grant its motion to authorize withdrawal of counsel and permit substitution of counsel. Upon grant of this motion, new counsel for Patent Owner will promptly file Amended Patent Owner’s Mandatory Notices.

Dated: September 16, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 16, 2016, the foregoing was served electronically via email in its entirety on the following counsel of record for the Petitioners:

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