

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FITBIT, INC.  
Petitioner

v.

VALENCELL, INC.  
Patent Owner

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Case IPR2017-00319<sup>1</sup>  
Patent 8,923,941 B2

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Before BRIAN J. McNAMARA, JAMES B. ARPIN, and  
SHEILA F. McSHANE, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

DECISION  
Granting Motion to Withdraw  
*37 C.F.R. § 42.10(e)*

On July 6, 2021, after obtaining our e-mail authorization pursuant to 37 C.F.R. § 42.20(b), Justin B. Kimble (Registration No. 58,591), Patent Owner's lead counsel, filed a Motion to Withdraw requesting to withdraw as Patent

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<sup>1</sup> Case IPR2017-01555 has been joined with this proceeding.

Owner's counsel in this *inter partes* review. IPR2017-00319, Paper 75 ("Mot."). No opposition has been filed, and Patent Owner indicates that Petitioner does not oppose this motion. *Id.* at 1. For the following reasons, the motion is granted.

#### DISCUSSION

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). Normally, this is accomplished by filing a motion to withdraw, which requires the Board's prior authorization. *See* 37 C.F.R. § 42.20(b). Once authorization is granted, the motion then is made by the attorney seeking to withdraw. *See, e.g.*, IPR2017-00319, Paper 61. Here, Mr. Kimble obtained our authorization to file and signed and filed the Motion to Withdraw.

Patent Owner continues to be represented by registered practitioners. *See* Mot. 1. Moreover, Mr. Kimble informs us that, upon the grant of his Motion to Withdraw, Patent Owner will file updated Mandatory Notices removing Mr. Kimble and designating Daniel F. Olejko (Registration No. 76,958) as Patent Owner's lead counsel.

It is therefore:

ORDERED that Justin B. Kimble's Motion to Withdraw is *granted*;

FURTHER ORDERED that Daniel F. Olejko is recognized as Patent Owner's lead counsel in this *inter partes* review; and

FURTHER ORDERED that Patent Owner shall file updated Mandatory Notices and update the Board's electronic filing system to reflect the change in lead counsel.

IPR2017-00319  
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