

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

VALENCELL, INC.,  
Patent Owner.

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Case IPR2017-00319  
Case IPR2017-00321  
Patent 8,923,941 B2<sup>1</sup>

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

ARPIN, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motions to Withdraw and Substitute Counsel  
*37 C.F.R. §§ 11.116(b)(1) and 42.10(e)*

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<sup>1</sup> This Order addresses issues that are identical in each of these cases. Therefore, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers without prior authorization.

IPR2017-00319  
IPR2017-00321  
Patent 8,923,941 B2

On April 27, 2018, Petitioner filed authorized and unopposed motions in IPR2017-00319 and IPR2017-00321 to withdraw Mark J. Consilvio (Registration No. 72,065) as back-up counsel for Petitioner and to add Richard M. Bemben (Registration No. 68,658) as back-up counsel for Petitioner. IPR2017-00319, Paper 33, 1; IPR2017-00321, Paper 40, 1. Petitioner states that Mr. Consilvio is no longer associated with the law firm Sterne, Kessler, Goldstein & Fox, P.L.L.C. (Customer No. 26111), which firm represents Petitioner. IPR2017-00319, Paper 33, 1; IPR2017-00321, Paper 40, 1; *see* IPR2017-00319, Paper 1, 1; IPR2017-00321, Paper 1, 1. Because Petitioner has named back-up counsel and because Petitioner continues to be represented by lead counsel, who is registered to practice before the U.S. Patent and Trademark Office, Petitioner's motions to withdraw back-up counsel and to add back-up counsel in each case are *granted*.

#### ORDER

Accordingly, it is:

ORDERED that Mark J. Consilvio is withdrawn as back-up counsel in IPR2017-00319 and IPR2017-00321; and

FURTHER ORDERED that Richard M. Bemben is added as back-up counsel in IPR2017-00319 and IPR2017-00321.

IPR2017-00319  
IPR2017-00321  
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For PETITIONER

Michelle K. Holoubek  
Michael D. Specht  
Richard M. Bemben  
STERNE, KESSLER, GOLDSTEIN & FOX  
holoubek-PTAB@skgf.com  
mspecht-PTAB@skgf.com  
rbemben-ptab@sternekessler.com

For PATENT OWNER

Justin B. Kimble  
Nicholas C Kliewer  
BRAGALONE CONROY PC  
JKimble-IPR@bcpc-law.com  
nkliewer@bcpc-law.com