

Filed on behalf of Valencell, Inc.  
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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>  
U.S. Patent No. 8,923,941

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**PATENT OWNER'S MOTION TO WITHDRAW AND  
SUBSTITUTE COUNSEL UNDER 37 C.F.R. § 11.116**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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

## **I. STATEMENT OF RELIEF REQUESTED**

Pursuant to 37 C.F.R. §§ 11.116 and 42.10(e), and as authorized by the Board in an e-mail dated September 11, 2020, Patent Owner Valencell, Inc. (“Patent Owner”) requests the Board withdraw Nicholas C. Kliewer (Registration No. 72,480) and Brian P. Herrmann (Registration No. 63,145), who are currently back-up counsel for Patent Owner.

Patent Owner has conferred with Petitioner’s counsel. Petitioner does not oppose this motion.

## **II. STATEMENT OF REASONS FOR WITHDRAWAL**

Mr. Kliewer and Mr. Herrmann are no longer associated with the law firm Bragalone Conroy PC. Thus, Patent Owner wishes to remove Mr. Kliewer and Mr. Herrmann as back-up counsel in this proceeding.

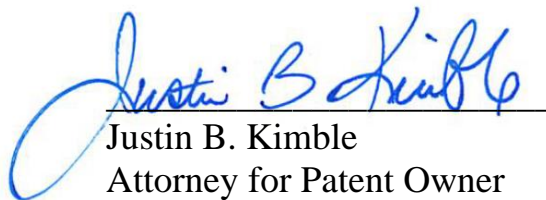
Justin Kimble (Registration No. 58,591) remains as Patent Owner’s Lead Counsel, and Jeffrey R. Bragalone, T. William Kennedy, Jr., Jonathan H. Rastegar, Marcus Benavides, R. Scott Rhoades, and Sanford E. Warren, Jr. remain as Back-Up Counsel. Additionally, Patent Owner wishes to add Daniel F. Olejko (Registration No. 76,958), of Bragalone Conroy PC, as Back-Up counsel in this proceeding. Updated Mandatory Notices removing Mr. Kliewer and Mr. Herrmann and adding Mr. Olejko will be filed upon grant of the present motion.

### III. CONCLUSION

Patent Owner respectfully requests that the Board grant its motion to authorize the withdrawal of Nicholas C. Kliewer and Brian P. Herrmann from this proceeding and to add Daniel F. Olejko as additional Back-Up counsel in this proceeding.

Dated: September 14, 2020

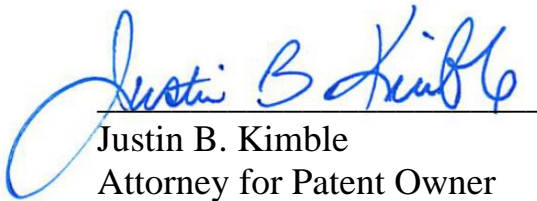
Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that document has been served via electronic mail on September 14, 2020, to Petitioner at following email addresses pursuant to its consent in its Updated Mandatory Notices p. 1: jimglass@quinnemanuel.com; samstake@quinnemanuel.com; and ogizivojnovic@quinnemanuel.com.



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