

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TWITTER, INC.,  
Petitioner,

v.

YOUTOO TECHNOLOGIES, LLC,  
Patent Owner.

---

IPR2017-01131 (Patent 8,464,304 B2)  
IPR2017-01133 (Patent 8,601,506 B2)

---

Before SALLY C. MEDLEY, CHARLES J. BOUDREAU, and  
JESSICA C. KAISER, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

DECISION

Denying Patent Owner's Motions to Withdraw Counsel  
37 C.F.R. § 42.10

IPR2017-01131 (Patent 8,464,304 B2)  
IPR2017-01133 (Patent 8,601,506 B2)

On November 2, 2017, Petitioner filed, in each of the above proceedings, a motion to withdraw Scott McKeown as lead counsel and Stephen L. Levine as back-up counsel. Paper 12.<sup>1</sup> Petitioner filed an opposition. Paper 15.

According to the motion to withdraw, “Patent Owner appoints Joseph F. DePumpo of Shore Chan DePumpo LLP as lead counsel in this matter.” Paper 14, 2. Patent Owner also filed an updated mandatory notice indicating that Mr. DePumpo is lead counsel for the proceedings. Paper 13. Subsequent to the filing of the motions to withdraw, however, Mr. DePumpo informed the Board that he has “not been retained by Patent Owner to represent it in those IPRs, and do[es] not currently represent and ha[s] no intention of representing Patent Owner in the IPRs.” Ex. 3001. In addition, no power of attorney was filed for new Patent Owner counsel.

A party represented by counsel must designate a lead counsel. 37 C.F.R. § 42.10(a). In addition, counsel may not withdraw from a proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). Notwithstanding Patent Owner’s representations that Mr. DePumpo is new lead counsel in each proceeding (Papers 12 and 13), Mr. DePumpo apparently has no intention of representing Patent Owner in the proceedings.<sup>2</sup> Moreover, no power of attorney assigning Mr. DePumpo as counsel was filed. Based on the record before us, Patent Owner does not have a lead counsel to replace current lead counsel, Mr. McKeown. Accordingly, Patent Owner’s motions to withdraw counsel are *denied*.

---

<sup>1</sup> Citations are to IPR2017-01131.

<sup>2</sup> The parties are reminded that they have a duty of candor with the Office during the course of a proceeding. 37 C.F.R. § 42.11.

IPR2017-01131 (Patent 8,464,304 B2)

IPR2017-01133 (Patent 8,601,506 B2)

PETITIONER:

Todd M. Siegel

Andrew M. Mason

Robert T. Cruzen

KLARQUIST SPARKMAN, LLP

todd.siegel@klarquist.com

andrew.mason@klarquist.com

rob.cruzen@klarquist.com

PATENT OWNER:

Scott McKeown

OBLON, MCCLELLAND, MAIER & NEUSTADT, LLP

cpdocketmckeown@oblon.com

Spencer C. Patterson

GRABLE MARTIN FULTON PLLC

spatterson@gchub.com

Stephen L. Levine

CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, L.L.P.

slevine@ccsb.com