

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION, WISTRON CORPORATION, DELL INC., and
CAVIUM, LLC,

Petitioner,

v.

ALACRITECH, INC.,
Patent Owner.

Case IPR2017-01406¹
Patent 7,673,072

**PETITIONER CAVIUM LLC'S UNOPPOSED MOTION FOR
WITHDRAWAL AND SUBSTITUTION OF LEAD COUNSEL**

¹ Cavium, LLC, which filed a Petition in Case IPR2017-01707, Wistron Corp., which filed a Petition in Case IPR2018-00329, and Dell, Inc., which filed a Petition in Case IPR2018-00375, have been joined as petitioners in this proceeding.

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

Pursuant to 37 C.F.R. § 42.10, Petitioner, Cavium LLC (“Cavium”) respectfully requests that the Board authorize withdrawal of Patrick D. McPherson of Duane Morris LLP as its lead counsel, and substitution of David Xue, currently backup counsel, as lead counsel.

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

On September 17, 2018, David Xue and Karineh Khachatourian, current backup counsel for Cavium, left the law firm of Duane Morris LLP and joined the law firm of Rimôn Law.

On September 24, 2018, Petitioner sent an email to the Board requesting permission to file an Unopposed Motion for Withdrawal and Substitution of Lead Counsel.

On October 9, 2018, the Board notified Petitioner via email that it was authorized to file the instant motion.

For good cause, Petitioner requests that the current designated lead counsel, Patrick McPherson, be deemed withdrawn from the present proceeding, and current backup counsel, David Xue, be substituted as lead counsel to represent Petitioner in this proceeding. Current backup counsel Karineh Khachatourian will continue to represent Petitioner in this proceeding.

Substitute lead counsel meets the requirements of 37 C.F.R. § 42.10(c)

as lead counsel and is a registered practitioner. Because substitute lead counsel has been serving the Petitioner as backup counsel, 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, Petitioner 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). Petitioner verifies that no extensions of time will be sought based on substitution of lead counsel.

III. PATENT OWNER DOES NOT OBJECT TO THE SUBSTITUTION

Patent Owner has indicated it does not oppose the requested withdrawal and substitution of lead counsel for Petitioner.

IV. CONCLUSION

Petitioner respectfully requests that the Board grant its motion to authorize withdrawal of counsel and permit substitution of counsel. Upon grant of this motion, new lead counsel for Petitioner will promptly file an Updated Mandatory Notice Under 37 C.F.R. §§ 42.8(a)(3).

Date: October 31, 2018

Respectfully submitted,

/s/ Garland T. Stephens

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of Petitioner Cavium, LLC's Unopposed Motion for Withdrawal and Substitution of Lead Counsel, via email to the following:

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Dated: October 31, 2018

/s/ Garland T. Stephens
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