

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTEL CORPORATION, and CAVIUM, LLC,  
Petitioner,  
v.

ALACRITECH, INC.,  
Patent Owner.

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Case IPR2018-00234<sup>1</sup>  
Patent 8,805,948

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

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<sup>1</sup> Cavium, LLC, which filed a Petition in Case IPR2018-00403, has been joined as a petitioner 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 backup 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 Petitioner 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 of Patrick McPherson as backup counsel for Petitioner Cavium.

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For good cause, Petitioner requests that the backup counsel, Patrick McPherson, be deemed withdrawn from the present proceeding.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

Because Petitioner Cavium will continue to be represented by its current backup counsel, David Xue and Karineh Khachatourian, 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, because Cavium is serving in an understudy role to Petitioner Intel Corporation, 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 Cavium verifies that no extensions of time will be sought based on withdrawal of Mr. McPherson.

### **III. PATENT OWNER DOES NOT OBJECT TO THE SUBSTITUTION**

Patent Owner and Petitioner Intel has indicated that they do not oppose the requested withdrawal of counsel.

### **IV. CONCLUSION**

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

Date: October 10, 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 of Counsel, via email to the following:

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Dated: October 10, 2018

/s/ Garland T. Stephens  
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