

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, ZTE (USA), INC.,
SAMSUNG ELECTRONICS CO., LTD.,
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO. LTD.,
HUAWEI INVESTMENT & HOLDING CO. LTD.,
HUAWEI TECH. INVESTMENT CO. LTD., and
HUAWEI DEVICE (HONG KONG) CO. LTD.,
Petitioner,

v.

CYWEE GROUP LTD.,
Patent Owner.

IPR2018-01257 (Patent 8,552,978 B2)
IPR2018-01258 (Patent 8,441,438 B2)¹

Before PATRICK M. BOUCHER, and CHRISTOPHER L. OGDEN,
Administrative Patent Judges.

Per Curiam

ORDER
Conditionally Granting Huawei Petitioners' Motions for
Withdrawal and Substitution of Back-Up Counsel
37 C.F.R. § 42.10(e)

¹ We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

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On April 6, 2022, with Board authorization, Petitioners Huawei Device USA, Inc., Huawei Device Co. Ltd., Huawei Technologies Co. Ltd., Huawei Device (Dongguan) Co. Ltd., Huawei Investment & Holding Co. Ltd., Huawei Tech. Investment Co. Ltd., and Huawei Device (Hong Kong) Co. Ltd. (“Huawei Petitioners”) filed Motions for Withdrawal and Substitution of Lead and Back-Up Counsel (“Motions”) in the above-identified proceedings. Paper 101.² The Huawei Petitioners request the withdrawal of lead counsel Kristopher L. Reed and back-up counsel Benjamin M. Kleinman and Norris P. Boothe because “current lead and backup counsel from Kilpatrick Townsend & Stockton LLP will no longer represent the Huawei Petitioners going forward.” *Id.* at 1. The Huawei Petitioners request the substitution of Steven M. Geiszler (Reg. No 51,725) as lead counsel and Mark J. Ziegelbein (Reg. No. 43,307) and Jie Cui (Reg. No. 79,389) as back-up counsel. *Id.* The Huawei Petitioners indicate that “[u]pon grant of this motion, the Huawei entities will promptly file an Amended Patent Owner’s Mandatory Notice and a new Power of Attorney.” *Id.* at 2.

The Huawei Petitioners “agree to continue to be bound by the terms of the Protective Order entered in these proceedings” and assert “that the new lead and backup counsel listed above shall sign and provide to all parties a signed copy of the Acknowledgment for Access to Protective Order Material . . . before accessing any sealed materials in these proceedings.” *Id.* According to the Huawei Petitioners, “the new lead and backup counsel listed above shall be treated as in-house counsel of the Huawei Petitioners”

² For expediency, we cite to papers in IPR2018-01257. Similar papers were filed in IPR2018-01258.

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and “shall not have access to Patent Owner’s or the other Petitioners’ ‘HIGHLY CONFIDENTIAL PROTECTIVE ORDER MATERIAL.’” *Id.*

The Huawei Petitioners indicate that Patent Owner and the other Petitioners do not oppose the Motions. *Id.*

A party represented by counsel must designate a lead counsel and at least one backup counsel. 37 C.F.R. § 42.10(a). In addition, counsel may not withdraw from an *inter partes* review proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). Notwithstanding Patent Owner’s designation of Steven M. Geiszler as new lead counsel and Mark J. Ziegelbein and Jie Cui as new backup counsel (*id.* at 1), no new power of attorney has been filed. Accordingly, the attorneys currently designated as counsel for the Huawei Petitioners under 37 C.F.R. § 42.8(b)(3) will remain of record until new lead and backup counsel are identified by an appropriate power of attorney. *See* 37 C.F.R. § 42.10(b).

Under these circumstances, we conditionally grant the Huawei Petitioners’ Motions. Kristopher L. Reed, Benjamin M. Kleinman, and Norris P. Boothe will be authorized to withdraw as counsel effective upon the Huawei Petitioners’ filing of a power of attorney assigning Steven M. Geiszler, Mark J. Ziegelbein, and Jie Cui as counsel.

It is,

ORDERED that the Huawei Petitioners’ Motions for Withdrawal and Substitution of Lead and Back-up Counsel are *conditionally granted*, effective upon the Huawei Petitioners’ filing of a power of attorney and updated mandatory notices identifying Steven M. Geiszler as lead counsel and Mark J. Ziegelbein and Jie Cui as backup counsel.

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