

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAYTIKA LTD. and PLAYTIKA HOLDING CORP.,
Petitioner,

v.

NEXRF CORP.,
Patent Owner.

IPR2021-00951 (Patent 8,747,229 B2)
IPR2021-00953 (Patent 9,646,454 B2)¹

Before LYNNE H. BROWNE, FREDERICK C. LANEY, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION
Granting Motions to Withdraw Counsel
37 C.F.R. § 42.10

¹ We exercise our discretion to issue one Decision for each of the above-listed proceedings. The proceedings have not been consolidated, and the parties are not authorized to use this caption format.

IPR2021-00951 (Patent 8,747,229 B2)

IPR2021-00953 (Patent 9,646,454 B2)

INTRODUCTION

On January 11, 2022, without prior Board authorization, Alastair J. Warr filed motions to withdraw in each of the above-listed proceedings. Paper 17 (“Motions”).² For the following reasons, the Motions are *granted*.

ANALYSIS

Counsel may not withdraw from a proceeding before the Board unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). Generally, a motion to withdraw counsel will not be entered without prior Board authorization to file such a motion. *See* 37 C.F.R. § 42.20(b). Under 37 C.F.R. § 42.5(b), however, the Board “may waive or suspend a requirement of [part 42 of the Board’s rules] and may place conditions on the waiver or suspension.” We determine in this circumstance that a waiver of prior authorization to file the Motions is appropriate because at this early stage of this proceeding no prejudice is shown. When filing any subsequent motions not otherwise authorized by rule or order, the parties must obtain prior authorization in compliance with 37 C.F.R. § 42.20(b).

The Motions request authorization to withdraw Alastair J. Warr as back-up counsel for Patent Owner. Paper 17, 1. Patent Owner will continue to be represented by lead counsel, Eugene LeDonne, a registered patent attorney. Paper 17, 2. Patent Owner will also continue to be represented by back-up counsel Brian Murphy, Jonathan Herstoff, and Adam Yowell each being a registered patent attorney, and by back-up counsel Christopher Gosselin, who has been admitted *pro hac vice*. *Id.*; *see also* Paper 11.

² The motions are substantially similar. For brevity, we refer to the Paper number in IPR2021-00951.

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ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motions are *granted*, and Alastair J. Warr is allowed to withdraw as counsel from these proceedings; and

FURTHER ORDERED that Patent Owner must file updated mandatory notices that do not include Mr. Warr as back-up counsel in accordance with 37 C.F.R. §§ 42.8 and 42.10, within ten (10) business days of the date of this order.

IPR2021-00951 (Patent 8,747,229 B2)

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PETITIONER:

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