

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NINTENDO CO., LTD., and NINTENDO OF AMERICA INC.,  
Petitioner,

v.

ANCORA TECHNOLOGIES INC.,  
Patent Owner.

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IPR2021-01338  
Patent 6,411,941 B1

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Before THU A. DANG, JONI Y. CHANG, and KEVIN W. CHERRY,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

ORDER  
Granting Patent Owner's Motion  
to Authorize Withdrawal of Counsel  
*37 C.F.R. § 42.10*

With the Board’s prior authorization, Ancora Technologies, Inc (“Patent Owner”) filed a Motion to Authorize Withdrawal of Counsel. Paper 14 (“Mot.,” “Motion”). The Motion “moves the Board to authorize Patent Owner’s lead counsel Marc Lorelli and back-up counsel John P. Rondini to withdraw from this proceeding.” Mot. 1. The Motion also requests that “the Board to permit new counsel to appear in this proceeding,” and that “Patent Owner filed a Supplemental Mandatory Notice and Power of Attorney naming David Gosse and Nicholas Peters of the firm Fitch, Even, Tabin & Flannery LLC as Patent Owner’s new lead and back-up counsel.” *Id.*

A party represented by counsel must designate a lead counsel and at least one back-up counsel. 37 C.F.R. § 42.10(a). Counsel may not withdraw from a proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). A power of attorney must be filed with the designation of counsel, unless the designated counsel is already counsel of record. *Id.* § 42.10(b). The parties must provide certain mandatory notices, including identification of lead and back-up counsel. *Id.* § 42.8. Where there is a change of information, a party must file a revised notice within 21 days of the change. *Id.* § 42.8(a)(3). Here, Patent Owner has received Board authorization to withdraw lead counsel Marc Lorelli and back-up counsel John P. Rondini from this proceeding, and has identified a substitute lead counsel, David A. Gosse (Reg. No. 61,511), and backup counsel, Nicholas T. Peters (Reg. No. 53,456), both of whom are registered practitioners. *See* Mot. 1. Patent Owner also filed a power of attorney for Mr. Gosse and Mr. Peters and an updated mandatory notice that identifies Mr. Gosse and Mr.

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Peters as substitute lead and back-up counsel, respectively. *See* Paper 12, 4; Paper 13, 1.

In consideration of the foregoing, we *grant* Patent Owner's Motion. Accordingly, it is

ORDERED that Patent Owner's Motion is *granted*; Marc Lorelli is allowed to withdraw as lead counsel, and David A. Gosse is allowed to be substituted as lead counsel; John P. Rondini is allowed to withdraw as backup counsel, and Nicholas T. Peters is allowed to be substituted as backup counsel.

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