

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner,

v.

NEO WIRELESS, LLC,
Patent Owner.

IPR2023-00764 (Patent 10,965,512 B2)
IPR2023-00765 (Patent 10,833,908 B2)
IPR2023-00766 (Patent 10,075,941 B2)¹

Before HYUN J. JUNG, CHARLES J. BOUDREAU, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner's Motion to Withdraw and Substitute
Counsel

37 C.F.R. § 42.10

¹ This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties, however, are not authorized to use this style heading in any subsequent papers.

IPR2023-00764 (Patent 10,965,512 B2)

IPR2023-00765 (Patent 10,833,908 B2)

IPR2023-00766 (Patent 10,075,941 B2)

On May 10, 2023, with our prior authorization, Petitioner filed Petitioner’s Unopposed Motion to Withdraw Counsel and Substitute Lead Counsel in these proceedings. Paper 9 (“Motion”).² The Motion requests withdrawal of lead counsel Jonathan M. Strang (Reg. No. 61,724), and backup counsel Matthew J. Moore (Reg. No. 42,012), Ashley N. Finger (Reg. No. 78,093), and Kumar Ravula (Reg. No. 65,588), each of Latham & Watkins LLP, and the substitution of John S. LeRoy (Reg. No. 48,158) as new lead counsel and Christopher Smith (Reg. No. 59,669) as new backup counsel, each of Brooks Kushman, pursuant to 37 C.F.R. § 42.10. Motion 1–2.³ Petitioner indicates that “[i]f [the motion is] granted, Petitioner will promptly file an Updated Power of Attorney and Updated Mandatory Notices identifying substitute lead counsel.” *Id.* at 2. Petitioner indicates that Patent Owner does not oppose the Motion. *Id.* at 1.

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 Petitioner’s representations that Mr. LeRoy is new lead counsel and Mr. Smith is new backup counsel (Motion 1–2), no power of attorney for Mr. LeRoy and Mr. Smith has been filed. Mr. Strang, Mr. Moore, Ms. Finger, and Mr. Ravula, and any other attorneys currently designated as counsel for

² For purposes of expediency, we cite to Papers filed in IPR2023-00764. Petitioner filed a similar Motion in each of IPR2023-00765 and IPR2023-00766.

³ Mr. LeRoy and Mr. Smith have already been identified as backup counsel in Petitioner’s Updated Mandatory Notices (Paper 8) but have not yet been included in a power of attorney.

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Petitioner 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 Petitioner's Motion. Mr. Strang, Mr. Moore, Ms. Finger, and Mr. Ravula will be authorized to withdraw as counsel effective upon Petitioner's filing of a power of attorney assigning Mr. LeRoy and Mr. Smith as counsel.

It is

ORDERED that the Motion to Withdraw Counsel and Substitute Lead Counsel is *conditionally granted*, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel; and

FURTHER ORDERED that Jonathan M. Strang, Matthew J. Moore, Ashley N. Finger, and Kumar Ravula shall be withdrawn from this proceeding, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel.

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