

Filed on behalf of: Gold Standard Instruments, LLC

Paper \_\_\_\_\_

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

US ENDODONTICS, LLC,  
Petitioner,

v.

GOLD STANDARD INSTRUMENTS, LLC,  
Patent Owner.

Case PGR2015-00019  
Patent 8,876,991 B2

**PATENT OWNER'S MOTION TO WITHDRAW COUNSEL  
PURSUANT TO 37 C.F.R. § 42.10(e)**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.10(e), Gold Standard Instruments, LLC (“Patent Owner”) hereby moves to withdraw Jason M. Nolan (Reg. No. 72,427) as lead counsel in the Post-Grant Review of U.S. Patent No. 8,876,991 B2. Patent Owner moves to withdraw Mr. Nolan because he is no longer associated with Rothwell, Figg, Ernst & Manbeck, P.C. (“RFEM”), the firm which represents the Patent Owner in this case. The Petitioner does not oppose this motion, and, in compliance with 37 C.F.R. § 42.20(b), Patent Owner received Board authorization to file this motion on January 18, 2017.

Under the Patent Office’s rules, “a practitioner shall not withdraw from employment until the practitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to his or her client, allowing time for employment of another practitioner, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules.” 37 C.F.R. § 10.40(a). In compliance with 37 C.F.R. § 10.40(a), Patent Owner will not be prejudiced by the withdrawal of Mr. Nolan at least because:

- (i) RFEM has retained all relevant papers and property necessary to continue representation of Patent Owner in this case,
- (ii) Patent Owner designates Joseph A. Hynds (Reg. No. 34,627), an RFEM attorney who was previously back-up counsel and already familiar with the case, to replace Mr. Nolan as lead counsel for Patent Owner in this case and is concurrently submitting updated mandatory notices pursuant to 37 C.F.R. § 42.8(b)(3), identifying Mr. Hynds as lead counsel, and
- (iii) C. Nichole Gifford (Reg. No. 44,122), R. Elizabeth Brenner-Leifer (Reg. No. 48,726), Steven Lieberman (*pro hac vice*) and Derek F. Dahlgren (*pro hac vice*) will all remain as back-up counsel for Patent Owner in this case.

Respectfully submitted,

Date: January 18, 2017

By: /Joseph A. Hynds/  
Joseph A. Hynds (Reg. No. 34,627)  
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*Counsel for Patent Owner*  
*Gold Standard Instruments, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of January, 2017, a true and correct copy of the foregoing **PATENT OWNER'S MOTION TO WITHDRAW COUNSEL PURSUANT TO 37 C.F.R. § 42.10(e)** was served, via electronic mail upon the following counsel for Petitioner US Endodontics, LLC:

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