

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETAPP, INC.,  
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,  
Patent Owner.

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Case IPR2017-00276  
Patent 6,633,945

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Before JEFFREY S. SMITH, JENNIFER S. BISK, and  
BEVERLY M. BUNTING, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

ORDER  
Granting Patent Owner's Unopposed Motion for  
Withdrawal and Substitution of Lead Counsel  
*37 C.F.R. § 42.10*

Patent Owner moves to withdraw Lori A. Gordon as lead counsel because she “is no longer associated with the law firm STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.” and to designate Byron L. Pickard, who is currently back-up counsel, as lead counsel in these proceedings. Paper 33. Petitioner does not oppose the Motion. *Id.*

Our Rules provide that “[c]ounsel may not withdraw from a proceeding before the Board unless the Board authorizes such withdrawal.” 37 C.F.R. § 42.10(e). Patent Owner has designated additional individuals as back-up counsel. Paper 34. Therefore, Patent Owner will continue to have lead and back-up counsel following withdrawal of Ms. Gordon and designation of Mr. Pickard as lead counsel as required by our Rules. *See* 37 C.F.R. § 42.10(a) (“If a party is represented by counsel, the party must designate a lead counsel and at least one back-up counsel who can conduct business on behalf of the lead counsel.”). Accordingly, we grant Patent Owner’s Motion.

It is

ORDERED that Lori A. Gordon is no longer recognized as counsel in this proceeding and that Byron L. Pickard is recognized as lead counsel for Patent Owner; and

FURTHER ORDERED that Patent Owner shall file updated mandatory notices removing Ms. Gordon as counsel and designating Mr. Pickard as lead counsel.

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