

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC CORPORATION,
Petitioner,

v.

ACTIVIDENTITY, INC.,
Patent Owner.

Case IPR2017-00338
Patent 9,098,685 B2

Before JAMES B. ARPIN and LYNNE E. PETTIGREW,
Administrative Patent Judges.

ARPIN, *Administrative Patent Judge.*

DECISION
On Motion to Withdraw
37 C.F.R. § 42.10(e)

I. DISCUSSION

Intellectual Ventures I LLC, the exclusive licensee for Patent Owner (“Exclusive Licensee”), has filed an authorized motion to withdraw its current lead counsel and to substitute counsel.¹ Paper 39. Lori A. Gordon (Registration No. 50,633), current lead counsel for Exclusive Licensee and Patent Owner, is no longer associated with the law firm Sterne Kessler Goldstein & Fox, P.L.L.C. (Customer No. 26111), to whom Patent Owner granted power of attorney. Papers 18 and 19. The motion indicates that Petitioner does not oppose the motion to withdraw. Paper 39, 1. The motion also indicates that current backup counsel, Byron L. Pickard (Registration No. 65,172), also of Sterne Kessler Goldstein & Fox, P.L.L.C. and named in the power of attorney (Paper 19, 1), will assume the role of lead counsel (Paper 39, 1). Thus, Exclusive Licensee and Patent Owner will be represented by lead counsel, who is a registered patent attorney, after withdrawal of its current lead counsel.

Pursuant to the Trial Hearing Order, we remind the parties that:

The Board expects lead counsel for each party to be present in person at oral argument. If a party anticipates that its lead counsel will not be attending oral argument, the parties should request a joint telephone conference with the Board no later than seven (7) business days prior to the oral argument to discuss the matter.

Paper 36, 4.

On the basis of the foregoing, the motion is *granted*.

¹ Although the Exclusive Licensee filed this motion pursuant to 37 C.F.R. § 11.116, the motion is properly pursuant to 37 C.F.R. § 42.10(e). See Office Trial Practice Guide, 77 Fed. Reg. 48756, 48758, 48759 (Aug. 14, 2012).

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II. ORDER

It is

ORDERED that Lori A. Gordon is no longer recognized as counsel for Exclusive Licensee or Patent Owner in this proceeding; and

FURTHER ORDERED that Byron L. Pickard is recognized as lead counsel for Exclusive Licensee and Patent Owner, effective the date of this Decision.

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