

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LSI CORPORATION and AVAGO TECHNOLOGIES U.S., INC,  
Petitioners,

v.

REGENTS OF THE UNIVERSITY OF MINNESOTA,  
Patent Owner.

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Case No. IPR2017-01068  
Patent 5,859,601

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**PATENT OWNER'S UNOPPOSED MOTION TO WITHDRAW CERTAIN  
COUNSEL**

## **I. STATEMENT OF RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(e), and the Board's January 23, 2020 email authorizing this motion, Patent Owner Regents of the University of Minnesota respectfully requests that the Patent Trial and Appeal Board ("the Board") authorize the withdrawal of Richard F. Giunta and Gerald B. Hrycyszyn as Backup Counsel for Patent Owner in this matter.

## **II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO AUTHORIZE WITHDRAWAL OF COUNSEL**

Messrs. Giunta and Hrycyszyn were retained to coordinate Patent Owner's sovereign immunity defense across a number of different proceedings including this proceeding. Patent Owner maintains it is an arm of the state immune from this proceeding. However, with the United States Supreme Court's denial of the petition for writ of certiorari in *Regents of the University of Minnesota v. LSI Corp.*, Case No. 19-337, Messrs. Giunta and Hrycyszyn are no longer required to assist in this matter. Patent Owner continues to retain the law firm of K&L Gates LLP, including Lead Counsel Patrick J. McElhinny (Reg. No. 46,320) and Backup Counsel Mark G. Knedeisen (Reg. No. 42,747), to represent it in further proceedings.

No changes to the schedule would be required based on this change in counsel. Further, Patent Owner will continue to be represented by a lead counsel

and at least one back up counsel who can conduct business on behalf of the lead counsel in compliance with 37 C.F.R. § 42.10(a).

### **III. REASONS FOR RELIEF REQUESTED**

“Counsel may not withdraw from a proceeding before the Board unless the Board authorizes such withdrawal.” 37 C.F.R. § 42.10(e). Given Patent Owner’s decision to change counsel (in part), it is appropriate to allow Messrs. Giunta and Hrycyszyn to withdraw from the proceeding.

Petitioners have been consulted and have indicated they do not object to Messrs. Giunta’s and Hrycyszyn’s withdrawal. Thus, Patent Owner believes that granting this motion will not hinder the economy, the integrity of the patent system, the efficient administration of the Office, or the ability of the Office to timely complete this proceeding. See 35 U.S.C. § 316(b).

### **IV. CONCLUSION**

Patent Owner respectfully requests that the Board grant its motion to authorize the withdrawal of Richard F. Giunta and Gerald B. Hrycyszyn as Backup Counsel for Patent Owner in this proceeding.

Dated: January 24, 2020

Respectfully submitted,  
*Regents of the University of Minnesota*

By /Gerald B. Hrycyszyn/  
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**CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)**

I certify that on January 24, 2020, I will cause a copy of the foregoing document, including any exhibits or appendices referred to therein, to be served via electronic mail, as previously consented to by Petitioner, upon the following:

Kristopher Reed  
Edward Mayle  
David Sipiora

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Date: January 24, 2020

/ Mark G. Knedeisen/  
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