

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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C&D ZODIAC, INC.,  
Petitioner,

v.

B/E AEROSPACE, INC.,  
Patent Owner.

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Case IPR2017-01273 (Patent 9,434,476)  
Case IPR2017-01274 (Patent 9,365,292)  
Case IPR2017-01275 (Patent 9,073,641)  
Case IPR2017-01276 (Patent 9,440,742)  
Case PGR2017-00019 (Patent D764,031)

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Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and  
SCOTT A. DANIELS, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

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

Case IPR2017-01273 (Patent 9,434,476)  
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In these above-captioned proceedings, Andrei Iancu is currently designated as lead counsel, and Benjamin Haber and Michael R. Fleming are designated as back-up counsel for Patent Owner B/E Aerospace, Inc. *See* Papers 4, 9. On October 27<sup>th</sup> Mr. Haber contacted the Board via email, seeking authorization to file a motion to withdrawal Andrei Iancu in each of the above noted proceedings. The email indicated that Mr. Fleming would be re-designated as lead counsel, and Mr. Haber would remain as back-up counsel. The email indicated also that Petitioner, C&D Zodiac, Inc., did not oppose the motion. We granted the requested authorization, and on October 30<sup>th</sup>, Mr. Haber, on behalf of B/E Aerospace, filed Patent Owner’s Motion for Withdrawal and Substitution of New Counsel. Paper 10, “Mot.”

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). The Motion explains that Mr. Iancu is leaving the law firm that is representing Patent Owner in these proceedings. Mot. 1. The Motion states that Mr. Fleming will be re-designated as lead counsel with Mr. Haber remaining as back-up counsel and both will continue to represent Patent Owner in these proceedings. Mot. 1–2. The Motion indicates further that Patent Owner is aware of this request and that representation will not be prejudiced by Mr. Iancu’s withdrawal. *Id.* The Motion states also that Petitioner does not oppose the withdrawal and re-designation of counsel. *Id.* at 2.

The Motion sets forth good cause for the withdrawal of Mr. Iancu, and we are aware of no prejudice to either party that would result from such

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withdrawal. Patent Owner has designated new lead counsel, Mr. Fleming, who is of record and a registered practitioner, and Mr. Haber will continue as back-up counsel. On these facts, and in accordance with our Order below, we *grant* Patent Owner's Motion.

For the foregoing reasons, it is

ORDERED that Andrei Iancu is no longer recognized as counsel for Patent Owner in these proceedings; and

FURTHER ORDERED that Patent Owner shall file updated Mandatory Notices designating Michael R. Fleming as lead counsel in each of the above-captioned proceedings within three (3) business days of this Order.

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