

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SZ DJI TECHNOLOGY CO., LTD.,
Petitioner

v.

DRONE-CONTROL, LLC,
Patent Owner

Case IPR2018-00205 (Patent 8,380,368 B2)
Case IPR2018-00206 (Patent 8,649,918 B2)
Case IPR2018-00207 (Patent 9,079,116 B2)
Case IPR2018-00208 (Patent 9,568,913 B2)¹

**PATENT OWNER'S MOTION TO WITHDRAW AND
SUBSTITUTE COUNSEL**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Submitted Electronically via PTAB E2E

¹ This Motion addresses issues that are the same in the above-identified proceedings. An identical motion is being concurrently filed in IPR2018-00205, IPR2018-00206, and IPR2018-00208.

I. STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. 42.10(e), and as authorized by the Board's May 13, 2021 e-mail, Patent Owner Drone-Control, LLC ("Patent Owner") requests the Board authorize the withdrawal of attorneys Benjamin R. Johnson (Reg. No. 64,483), Grantland Drutchas (Reg. No. 32,565), and George Lyons III (76,884), of McDonnell Boehnen Hulbert & Berghoff LLP as counsel for Patent Owner. Patent Owner also respectfully requests that the Board authorize the substitution of Timothy Devlin as new Lead Counsel in this matter.

Patent Owner has conferred with Petitioner's counsel. Petitioner does not oppose this motion.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO AUTHORIZE WITHDRAWAL AND SUBSTITUTION OF COUNSEL

Patent Owner wishes to remove the above counsel in this proceeding. Patent Owner wishes for Timothy Devlin (Reg. No. 41,706) of DEVLIN LAW FIRM LLC to be its lead counsel and Derek Dahlgren (*pro hac vice* to be filed) to be its back-up counsel going forward in this proceeding. No change to the schedule would be required based on the proposed change in counsel as these matters are currently stayed pending the Supreme Court's review in *Arthrex*. Patent Owner represents that it would not be prejudiced by the proposed withdrawal and substitution of counsel. In identifying and designating new counsel who are ready and able to

take over the representation, “reasonable steps have been taken to avoid foreseeable prejudice to the rights of the client.” *See* 37 C.F.R. §10.40(a). Under 37 C.F.R. §42.8(a)(3), an updated Mandatory Notice and Power of Attorney will be filed upon grant of the present motion.

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 the pending change of counsel and the availability of new counsel who are ready and able to take over the representation, it is appropriate to allow Benjamin R. Johnson, Grantland G. Drutchas, and George T. Lyons, III to withdraw from this proceeding.

Counsel for Petitioner has been consulted and has indicated that Petitioner would not oppose the motion for substitution and 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).

The undersigned confirms that granting this motion is consistent with, and that it has complied with, the requirements set forth in 37 C.F.R. § 11.116 (a)-(d).

IV. CONCLUSION

Patent Owner respectfully requests that the Board grant its motion to withdraw Benjamin R. Johnson, Grantland Drutchas, and George Lyons III as counsel for Patent Owner, and to substitute Timothy Devlin as new Lead Counsel for Patent Owner in this proceeding.

Date: May 21, 2021

Respectfully submitted,

/s/ George T. Lyons, III
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on May 13, the foregoing document is being served via electronic mail upon the following counsel of record for Petitioners:

LEAD COUNSEL	BACKUP COUNSEL
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