

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FITBIT, INC.,  
Petitioner,

v.

ALIPHCOM, INC. D/B/A JAWBONE,  
Patent Owner.

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Case IPR2016-00607  
Patent 8,529,811

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Before CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judge*.

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

In this preliminary *inter partes* review proceeding, Patent Owner AliphCom, Inc. d/b/a Jawbone (“Aliphcom”) originally designated D. Clay Holloway as its lead counsel, and Shayne E. O’Reilly as backup counsel. Paper 5, 1. On March 24, 2016, Mr. Holloway contacted the Board via e-mail, requesting authorization to withdraw himself and Mr. O’Reilly from representation of AliphCom in this proceeding. We granted the requested

authorization, and on March 25, 2016, Messrs. Holloway and O'Reilly filed a Motion to Withdraw as Counsel and Substitute New Counsel. Paper 6, "Mot."

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). In the Request, Messrs. Holloway and O'Reilly state that AliphCom wishes for new counsel to represent it in this proceeding. Mot. 1. Along with the Motion, AliphCom filed Updated Mandatory Notices identifying Michael T. Rosato as lead counsel and Andrew S. Brown and Jose C. Villarreal as back-up counsel. Paper 7. Messrs. Rosato, Brown, and Villarreal are registered practitioners, and AliphCom executed a Power of Attorney appointing them to transact all business associated with this proceeding. Paper 8.

AliphCom does not seek any extension of time in connection with its Motion, and Petitioner, Fitbit, Inc., did not file an opposition to the Motion during the time permitted under our Rules. 37 C.F.R. § 42.25(a)(1). On these facts, we *grant* authorization for Messrs. Holloway and O'Reilly to withdraw as counsel.

For the foregoing reasons, it is

ORDERED that D. Clay Holloway and Shayne E. O'Reilly are no longer recognized as counsel for Patent Owner in this proceeding.

IPR2016-00607  
Patent 8,529,811

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