

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER, INC.,
Petitioner,

v.

YOUTOO TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2017-00829
Case IPR2017-00830
Patent 9,083,997 B2¹

Before SALLY C. MEDLEY, CHARLES J. BOUDREAU, and
JESSICA C. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER
Patent Owner's Motions to Withdraw Counsel
37 C.F.R. § 42.10

¹ This Order will be entered in each case. The parties are not authorized to use this caption style.

After receiving authorization to do so, Patent Owner filed a Motion to Withdraw as Backup Counsel of Record, seeking the withdrawal of Stephen L. Levine and his firm Carrington, Coleman, Sloman and Blumenthal, L.L.P. as back-up counsel (Paper 12 in IPR2017-00829; Paper 14 in IPR2017-00830), and a Motion to Withdraw Counsel, seeking the withdrawal of Scott McKeown as lead counsel (Paper 13 in IPR2017-00829; Paper 15 in IPR2017-00830). Patent Owner additionally filed an Updated Mandatory Notice, naming Joseph F. DePumpo of Shore Chan DePumpo LLP as lead counsel and retaining Spencer C. Patterson of Grable Martin Fulton PLLC as back-up counsel. Paper 14 in IPR2017-00829; Paper 16 in IPR2017-00830.

Petitioner has filed oppositions to the motions in both proceedings. Paper 15 in IPR2017-00829; Paper 17 in IPR2017-00830. Pursuant to 37 C.F.R. § 42.10(e), counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. We have reviewed Petitioner's arguments in opposition to the motion to exclude and find that none warrants denying withdrawal of Patent Owner's counsel. In particular, Petitioner contends Patent Owner's current counsel may have information about the ownership of the challenged patent, but Petitioner does not explain why it could not obtain such information from Patent Owner regardless of the identity of Patent Owner's counsel. Petitioner also contends Patent Owner is seeking to delay the schedule in these proceedings. We, however, do not have any request to extend the schedule before us at this time. We note that should Patent Owner seek an extension to the schedule in this case, we would consider any delay by Patent Owner in seeking to substitute counsel in deciding whether to extend the schedule and whether to allow any

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discovery not timely taken. Petitioner also notes that Patent Owner has not filed a power of attorney for its new lead counsel, but below we order Patent Owner to remedy this deficiency. Finally, we disagree that Mr. Levine has not shown good cause for his withdrawal because he represents that Patent Owner instructed him to withdraw and Patent Owner wishes to be represented by different counsel. *See* 37 C.F.R. §§ 11.18, 42.11.

Accordingly, we grant authorization for Mr. McKeown to withdraw as lead counsel and for Mr. Levine to withdraw as back-up counsel.

For the foregoing reasons, it is

ORDERED that Patent Owner's Motions to Withdraw Counsel are conditionally granted, contingent on Patent Owner's filing of a power of attorney for its new lead counsel Mr. DePumpo;

FURTHER ORDERED that Patent Owner shall file a power of attorney for its lead counsel Mr. DePumpo within 5 days of the date of this order; and

FURTHER ORDERED that once Patent Owner's power of attorney is filed, Scott McKeown and Stephen L. Levine are permitted to withdraw as counsel for Patent Owner in this proceeding.

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PETITIONER:

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