

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
FORTINET, INC. AND
WATCHGUARD TECHNOLOGIES, INC.

Petitioner,

v.

SELECTIVE TECHNOLOGIES, LLC,

Patent Owner.

Case IPR2018-00594

U.S. Patent No. 8,111,629

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

I. STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(e) and the Board’s February 19, 2019 email authorizing this motion, Patent Owner Selective Technologies, LLC (“Patent Owner”) respectfully requests that the Patent Trial and Appeal Board (“the Board”) authorize the withdrawal of attorney Jeffrey G. Toler as Lead Counsel in this matter. Patent Owner also respectfully requests that the Board authorize the substitution of current Back-up Counsel, Benjamin R. Johnson, as new Lead Counsel in this matter.

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

Current Lead Counsel, Jeffrey G. Toler is unable to continue his representation of Patent Owner, due to scheduling issues. Benjamin R. Johnson, current Back-up Counsel, has been involved in this matter and is prepared to assume the role of Lead Counsel. Back-up Counsel Timothy Devlin will remain as Back-up Counsel.

No change to the schedule would be required based on the proposed change in counsel. Current Back-up Counsel and proposed new Lead Counsel Benjamin R. Johnson is a registered practitioner and has been involved with this proceeding since May of 2018. Current Back-up counsel, Timothy Devlin will continue as Back-up Counsel in compliance with 37 C.F.R. § 42.10(a). Patent Owner is concurrently filing the Updated Mandatory Notices under 37 C.F.R. § 42.8(a)(3) and Power of

Attorney. 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).

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 scheduling conflicts of Jeffrey G. Toler and the availability of new counsel who are ready and able to take over the representation, it is appropriate to allow Jeffrey G. Toler to withdraw from the 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).

IV. CONCLUSION

Patent Owner respectfully requests that the Board grant its motion to withdraw Jeffrey G. Toler as Lead Counsel for Patent Owner, and to substitute current Back-

up Counsel, Benjamin R. Johnson as new Lead Counsel for Patent Owner in this proceeding.

Dated: February 21, 2019

By: /s/ Benjamin R. Johnson
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CERTIFICATE OF SERVICE

I hereby certify that on this 21th day of February 2019, a copy of the foregoing Motion to Withdrawn and Substitute Counsel has been served in its entirety via email on the following:

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Dated: February 21, 2019

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