

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 October 4, 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 Benjamin R. Johnson as Lead Counsel in this matter. Patent Owner also respectfully requests that the Board authorize the substitution of current Back-up Counsel, Patrick R. Delaney, 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, Benjamin R. Johnson is unable to continue his representation of Patent Owner, due to a pending change of employment. Patrick R. Delaney, 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 Patrick R. Delaney is a registered practitioner and has been involved with this proceeding since May 3 of 2019. 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 pending change of employment of Benjamin R. Johnson and the availability of new counsel who are ready and able to take over the representation, it is appropriate to allow Benjamin R. Johnson 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 Benjamin R. Johnson as Lead Counsel for Patent Owner, and to substitute current

Back-up Counsel, Patrick R. Delaney as new Lead Counsel for Patent Owner in this proceeding.

Dated: October 4, 2019

By: /s/ Patrick R. Delaney  
Patrick R. Delaney  
Reg. No. 45,338  
Devlin Law Firm LLC  
1526 Gilpin Avenue  
Wilmington, DE 19806  
Tel. 302-449-9010  
Fax 302-353-4251

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of October 2019, a copy of the foregoing Motion to Withdrawn and Substitute Counsel has been served in its entirety via email on the following:

Patrick D. McPherson, Reg. No. 46,255; PDMcPherson@duanemorris.com

Patrick Craig Muldoon, Reg. No. 47,343; PCMuldoon@duanemorris.com

David C. Dotson, Reg. No. 59,427, DCDotson@duanemorris.com

James H. Hall, Reg. No. 66,317, JHall@blankrome.com

Dated: October 4, 2019

By: /s/ Patrick R. Delaney

Patrick R. Delaney

Reg. No. 45,338

Devlin Law Firm LLC

1526 Gilpin Avenue

Wilmington, DE 19806

Tel. 302-449-9010

Fax 302-353-4251