

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESIDEO TECHNOLOGIES, INC. and
CENTRAL SECURITY GROUP – NATIONWIDE, INC.,¹
Petitioner,

v.

UBIQUITOUS CONNECTIVITY, LP,
Patent Owner.

IPR2019-01335 (Patent 8,064,935 B2)
IPR2019-01336 (Patent 9,062,655 B2)²

Before JEAN R. HOMERE, JOHN F. HORVATH, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

ORDER

Conditionally Granting-in-Part and Denying-in-Part
Petitioner's Motion for Withdrawal and Substitution of Counsel
37 C.F.R. § 42.10

¹ Central Security Group – Nationwide, Inc., who filed petitions in IPR2019-01609 and IPR2019-01610 has been joined as a petitioner, respectively, to IPR2019-01335 and IPR2019-01336.

² This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

On March 30, 2020, with our prior authorization, current counsel for Central Security Group – Nationwide, Inc. (“Petitioner”) filed an unopposed Motion for Withdrawal and Substitution of Counsel in each of the proceedings captioned above. Paper 13 (“Motion”).^{3,4} The Motion requests authorization “to withdraw Joshua Griswold and Bret Winterle as back-up counsel and substitute Anita M. C. Spieth, Stephanie L. Schonewald, and Peter A. Flynn as back-up counsel in this proceeding.” *Id.* at 2.⁵ Petitioner indicates that new “Power of Attorney, as well as Updated Mandatory Notices will also be filed following Board authorization.” *Id.*

A party represented by counsel must designate a lead counsel and at least one backup counsel. 37 C.F.R. § 42.10(a). In addition, counsel may not withdraw from an *inter partes* review proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). Notwithstanding Petitioner’s representations that it will file a power of attorney for substitute counsel, no power of attorney for substitute counsel has been filed. Joshua Griswold and Bret Winterle, and any other attorneys currently designated as counsel for Petitioner under 37 C.F.R. § 42.8(b)(3), will remain of record until new lead and backup counsel are identified by an appropriate power of attorney. *See* 37 C.F.R. § 42.10(b).

³ Unless indicated otherwise, we refer to the papers filed in IPR2019-01335. Similar papers were filed in IPR2019-01336 and, per our instructions, copies were filed in IPR2019-01609 and IPR2019-01610.

⁴ The Motion does not include page numbers. Thus, for convenience, we refer herein to the pages of the Motion as if numbered consecutively beginning with the Title page as page 1.

⁵ We note that Mr. Griswold is currently listed as lead counsel for Petitioner, and Mr. Winterle is listed as backup counsel. Paper 2, 2.

Under these circumstances, we conditionally grant Petitioner's Motion with respect to Stephanie L. Schonewald (Reg. 72,452) and Peter A. Flynn (Reg. 68,382). Joshua Griswold and Bret Winterle will be authorized to withdraw as counsel effective upon Petitioner's filing of a power of attorney identifying new lead and substitute counsel.

We note that Ms. Spieth is not registered to practice before the Patent Office. Accordingly, we deny Petitioner's Motion to Substitute Counsel with respect to Anita M. C. Spieth. Petitioner's new lead counsel, once effective, may file a motion to admit Ms. Spieth *pro hac vice* in these proceedings.

ORDER

In consideration of the foregoing, it is:

ORDERED that Petitioner's Motion for Withdrawal and Substitution of Counsel is *conditionally granted* with respect to Stephanie L. Schonewald and Peter A. Flynn, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel in each of the above-captioned proceedings;

FURTHER ORDERED that Petitioner's Motion for Withdrawal and Substitution of Counsel is *denied* with respect to Anita M. C. Spieth; and

FURTHER ORDERED that Joshua Griswold and Bret Winterle shall be withdrawn from each of the above-captioned proceedings, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel in each proceeding.

IPR2019-01335 (Patent 8,064,935 B2)

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