

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE, INC.,
Petitioner,

v.

CIRBA INC.,
Patent Owner.

PGR2021-00098
Patent 10,951,459 B2

Before DAVID C. McKONE, STACY B. MARGOLIES, and
RUSSELL E. CASS, *Administrative Patent Judges*.

CASS, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion to Withdraw and Substitute Counsel
37 C.F.R. § 42.10

On February 1, 2023, Petitioner filed a Motion to withdraw and substitute counsel in the proceeding identified above. Paper 40 (“Motion”). Petitioner seeks to withdraw Diek O. Van Nort (Reg. No. 60,777) as lead counsel and substitute Alex S. Yap (Reg. No. 60,609) as lead counsel in this proceeding. Petitioner also states that Mehran Arjomand (Reg. No. 48,231) will be first backup counsel for Petitioner. Petitioner also represents that it has conferred with counsel for Patent Owner, and Patent Owner does not oppose the motion. Petitioner also filed updated Mandatory Notices listing Mr. Yap as lead counsel and Mr. Arjomand as backup counsel. Paper 41. Petitioner previously filed a power of attorney for Mr. Yap and Mr. Arjomand. Paper 1.

A party represented by counsel must designate a lead counsel and at least one backup counsel, and file a power of attorney with the designation of counsel. 37 C.F.R. §§ 42.10(a), 42.10(b). 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). Under these circumstances, we *grant* Petitioner’s Motion.

ORDER

Accordingly, it is:

ORDERED that Petitioner’s Motion to withdraw and substitute counsel is *granted*.

PGR2021-00098
Patent 10,951,459 B2

FOR PETITIONER:

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