

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERSEPHONE GmbH,
Petitioner Application 15/368,221,
Petitioner,

v.

SIMON TECHNOLOGIES LLC,
Respondent Application 14/726,075,
Respondent.

DER2017-00004

Before JAMESON LEE, MICHAEL R. ZECHER, and JUSTIN T. ARBES,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

ORDER
Conduct of Proceeding
37 C.F.R. § 42.5(a)

INTRODUCTION

On January 25, 2023, Petitioner filed a new power of attorney (Paper 17) in which Petitioner states:

Pursuant to 37 C.F.R. § 42.10(b), the Petitioner hereby revokes all previous Powers of Attorney given in the Derivation Proceeding involving the above-identified patent applications and appoints:

Lead Counsel: Michael J. Cornelison (Reg. No. 40,395)
Backup Counsel: David M. Tener (Reg. No. 37,054)

of CAESAR RIVISE, PC, 1635 Market street, 12th Floor, Philadelphia, PA 19103, as its attorneys to act on its behalf in the Derivation Proceeding involving the above-identified patent applications, with full power to transact all business before the United States Patent and Trademark Office Patent Trial and Appeal Board in connection therewith.

Paper 17, 1.

DISCUSSION

“Counsel may not withdraw from a proceeding before the Board unless the Board authorized such withdrawal.” 37 C.F.R. § 42.10(e). Also, Petitioner has not filed an updated Mandatory Notice to make Michael J. Cornelison Lead Counsel and David M. Tener Back-up Counsel. Therefore, as of this moment, Anthony Handal still is not withdrawn from the proceeding.

ORDER

Accordingly, it is:

ORDERED that Petitioner shall file, within five business days, an updated Mandatory Notice to indicate who is its Lead Counsel and who are its Backup Counsel (when new Lead Counsel is designated, Anthony H. Handal becomes a backup counsel by default); and

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FURTHER ORDERED that Petitioner is authorized to file, after filing an updated Mandatory Notice mentioned above, a Motion for Withdrawal of Anthony H. Handal as counsel for Petitioner, and shall indicate within the motion whether Respondent objects to withdrawal of Anthony H. Handal as counsel for Petitioner.

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