

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ICAPITAL SERVICES 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
Authorizing Petitioner Counsel's Filing Renewed Motion to Withdraw
37 C.F.R. § 42.10(e)

On September 16, 2025, counsel for Petitioner sent an email (Ex. 3007) requesting authorization to file a renewed motion to withdraw as counsel in this proceeding. The email indicated that Respondent does not oppose the filing of a renewed motion to withdraw. Ex. 3007.

Petitioner counsel's request to file a renewed motion to withdraw as counsel in this proceeding is *granted*.

Withdrawal of all attorneys representing Petitioner in this proceeding presents a problem, because Petitioner is a corporation, a juristic entity that can only appear through counsel. *See* 37 C.F.R. § 1.31 (2025); *see also Motorola Mobility LLC v. Michael Arnouse*, IPR2013-00010, Paper 30 (PTAB April 19, 2013) (Decision Granting Renewed Motion to Withdraw); 37 C.F.R. § 11.116 (setting forth the circumstances under which “a practitioner may withdraw from representing a client” and actions a practitioner must take when doing so). In denying Petitioner counsel’s first motion to withdraw, we suggested that a renewed request for authorization to file such a motion be obtained through a conference call with the presence of a corporate Officer of Petitioner. Paper 39. However, the email from Petitioner’s counsel states that “[the corporate officer] replied that he is currently unavailable for a conference call and opposes our motion to withdraw as counsel and our filing of a renewed motion to withdraw as counsel.” Ex. 3007.

It is

ORDERED that Petitioner’s counsel are authorized to file a renewed motion to withdraw;¹

FURTHER ORDERED that Petitioner’s counsel is authorized to file, concurrently with the renewed motion to withdraw, a motion to seal any confidential information contained in the renewed motion;²

¹ The renewed motion to withdraw should indicate whether Respondent opposes the renewed motion.

² The motion to seal should indicate whether Respondent opposes the motion to seal.

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FURTHER ORDERED that Petitioner is on notice that it may only appear through counsel in this proceeding and may not proceed *pro se* (representing itself), it should be prepared to engage new counsel if the motion to withdraw by Petitioner's counsel is granted, and the Board may decline to accept any filings which are not signed by a counsel of record; and

FURTHER ORDERED that any renewed motion to withdraw shall provide a physical address and an email address for Petitioner at which communications may be sent or served by the Respondent or the Board.

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FOR PETITIONER:

Michael Cornelison

David M. Tener

CAESAR RIVISE, PC

mcornelison@crbcp.com

dmtener@crbcp.com

FOR RESPONDENT:

Neil G. Ferrari

Jordan C. Strauss

MUNCK WILSON MANDALA, LLP

nferrari@munckwilson.com

jstrauss@munckwilson.com