

**From:** [David M. Tener](#)  
**To:** [Trials](#)  
**Cc:** [Jordan C. Strauss](#); [Neil G. Ferrari](#); [Elizabeth Giordano](#)  
**Subject:** Request for Authorization to File Renewed Motion to Withdraw as Counsel – DER2017-00004  
**Date:** Tuesday, September 16, 2025 10:05:34 PM

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UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERSEPHONE GmbH,  
Petitioner  
v.  
ICAPITAL SERVICES LLC,  
Respondent  
Case No. DER2017-00004  
Petitioner Application No. 15/368,221  
Respondent Application No. 14/726,075

To the Honorable Patent Trial and Appeal Board:

In response to the August 25, 2025 Order dismissing Petitioner Counsel's Motion to Withdraw, the undersigned counsel for Petitioner respectfully requests authorization to file a renewed motion to withdraw as counsel in DER2017-00004. Counsel for Petitioner will concurrently file a motion to seal to protect confidential information contained in the renewed motion.

Counsel for Respondent has confirmed in a September 12, 2025 email to the undersigned that they do not oppose the filing of a renewed motion.

The undersigned respectfully submits that this written request for authorization from the Board to file the motions may be appropriate in this instance.

However, if the Board deems this email request to be inadequate for granting authorization, the undersigned respectfully requests that the Board treat this communication as a request for a conference call to discuss the proposed motion. The undersigned and Counsel for Respondent are currently available on September 18, 2025 from 10:00 am to noon EDT.

In accordance with the suggestion in the Order, the CEO of Petitioner, Christian Günther, was invited to participate in a conference call as a "Petitioner Officer". He 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.

Counsel for Respondent is copied on this correspondence.

Thank you for your consideration.

Sincerely,

/david m tener/

Reg. No. 37054

**David M. Tener**

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Registered Patent Attorney

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