

Filed on behalf of the Petitioner

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Paper No. _____
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERSEPHONE, GMBH
U.S. Application No. 15/368,221
Petitioner

v.

ICAPITAL SERVICES LLC
U.S. Application No. 14/726,075
Respondent

Case DER2017-00004

**PETITIONER'S MOTION TO SUBSTITUTE REAL PARTY-IN-INTEREST AND
PETITIONER, TO WITHDRAW AS COUNSEL,
AND TO EXPUNGE PRIOR MOTIONS**

Pursuant to 37 C.F.R. §§ 42.8 and 42.10(e), Petitioner respectfully moves the Board to:

1. Substitute assignee Christian Günther as the Real Party-in-Interest and Petitioner in this proceeding;
2. Permit the undersigned counsel to withdraw from representation; and
3. Conditionally, upon the granting of this motion in its entirety, expunge Paper 42 and Paper 41 from the record.

I. Background

On October 8, 2025, Persephone GmbH assigned all right, title, and interest in U.S. Patent No. 15/368,221 to Christian Günther, a natural person. A copy of the executed assignment was submitted for recordation on October 8, 2025 via the USPTO's Assignment Center. A Notice of Recordation has not yet been mailed from the USPTO. A copy of the Patent Assignment Cover Sheet is attached as Exhibit 1024 along with a copy of the executed Assignment as Exhibit 1025.

As a result of this assignment, Christian Günther is now the sole real party-in-interest and seeks to be substituted as the Petitioner in this proceeding.

II. Motion to Substitute Real Party-in-Interest and Petitioner

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioner requests that the Board update the mandatory notices to reflect Christian Günther as the real party-in-interest and Petitioner. This substitution is appropriate and consistent with PTAB practice following a valid assignment of the subject matter of the proceeding.

The updated contact information for the new Petitioner is as follows:

- Physical Address:

Christian Günther
St. Johannis-Ring 79
Basel 4056
SWITZERLAND

- Email Address: christian.guenther@gmx.ch
- Phone Number: +41 78 697 0180

III. Motion to Withdraw as Counsel

Pursuant to 37 C.F.R. § 42.10(e), the undersigned counsel respectfully requests leave to withdraw from representation in this proceeding. Counsel currently represents the original Petitioner, Persephone GmbH, and does not represent the new Petitioner, Christian Günther in this proceeding.

Mr. Günther is a natural person and has indicated his desire to immediately proceed *pro se* in this matter, as permitted under 37 C.F.R. § 1.31.

IV. Conditional Request to Expunge Prior Motions (Papers 41 and 42)

The undersigned previously filed a Motion to Seal (Paper 41) and a Renewed Motion to Withdraw as Counsel (Paper 42). If the Board grants the present motion in its entirety, substituting Mr. Günther as the real party-in-interest and permitting the undersigned to withdraw, the undersigned respectfully submits that Papers 41 and 42 will be rendered moot.

Accordingly, Petitioner respectfully requests that the Board expunge Paper 41 and Paper 42 from the record pursuant to 37 C.F.R. § 42.7(a). Expungement is warranted to prevent the disclosure of confidential information concerning the relationship between the undersigned and

the former Petitioner, who is no longer the real party-in-interest. Such information is not relevant to the resolution of this motion or to the further conduct of this proceeding.

V. Relief Requested

For the foregoing reasons, Petitioner respectfully requests that the Board:

1. Substitute Christian Günther as the real party-in-interest and Petitioner;
2. Permit the undersigned counsel to immediately withdraw from representation; and
3. Conditionally, upon granting this motion in its entirety, expunge Paper 41 and Paper 42 from the record.

Dated: October 15, 2025

Respectfully submitted,

PERSEPHONE, GMBH

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

The undersigned hereby certify that a copy of the foregoing PETITIONER’S MOTION TO SUBSTITUTE REAL PARTY-IN-INTEREST AND PETITIONER, TO WITHDRAW AS COUNSEL, AND TO EXPUNGE PRIOR MOTIONS document is being served via electronic mail, as previously consented to by Respondent, on October 15, 2025:

Neil G. Ferrari nferrari@munckwilson.com
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Dated: October 15, 2025

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