

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

Petitioner's Motion to Substitute Petitioner and Real Party In Interest
37 C.F.R. §§ 42.5, 42.8

Introduction

While Petitioner counsel's Renewed Motion to Withdraw (Paper 42) is still pending, Petitioner's counsel filed, on behalf of Petitioner, a Motion to Substitute Real Party-In-Interest and Petitioner, to Withdraw as Counsel, and to Expunge Prior Motions (Paper 44 ("Motion")).

The Motion explains:

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.*

Motion 2 (emphasis added).

The Motion continues:

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.

Id. The Motion then continues to provide the contact information for Christian Günther. *Id.* at 3.

Discussion

We are aware of no prohibition against a natural person who is prospective petitioner (owning Petitioner's application) in this proceeding from acting pro se, i.e., without counsel representation. However, based on the foregoing, counsel for Petitioner does not represent Christian Günther and cannot speak for Christian Günther regarding proceeding pro se or providing contact information. Prior to granting the Motion, we ask that Christian Günther file a paper in PTAB's P-TACTS filing system indicating:

(1) he is the rightful owner of Application No. 15/368,221; (2) all previous counsel of record representing Persephone GmbH do not represent Christian Günther; (3) whether Christian Günther requests to be substituted-in as Petitioner and Real Party-In-Interest; (4) whether Christian Günther is choosing to proceed *pro se*, i.e., without counsel, in this proceeding; (5) a telephone number – indicating which country -- where he can be reached (during regular working hours in the United States) for any conference calls which may be required in this proceeding; (6) acknowledge that he has access to PTAB's P-TACTS filing system; (7) an email address where papers and communication about the case may be sent; and (8) a physical address for receiving papers if it is necessary to send any paper by mail.

In general, we are asking that Christian Günther himself file an Updated Mandatory Notice through PTAB's P-TACTS filing system. *See* 37 C.F.R. § 42.8(b).

We will act on the Motion after Christian Günther has made the filings noted above.

Order

It is

ORDERED that Christian Günther shall make the above-noted filing within ten (10) days of the date of entry of this Order.

DER2017-00004

Petitioner Application 15/368,221

Respondent Application 14/726,075

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