

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHRISTIAN GÜNTHER,
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
Granting In Part Petitioner's
Motion to Substitute Petitioner and Real Party-In-Interest
37 C.F.R. §§ 42.5(a), 42.8
Motion to Withdraw Counsel
37 C.F.R. § 42.10(e)
Request to Expunge Prior Motions
37 C.F.R. § 42.5(a)

Introduction

Petitioner's counsel filed, on behalf of Petitioner Persephone GmbH, a Motion to Substitute Real Party-In-Interest and Petitioner, to Withdraw as Counsel, and to Expunge Prior Motions, on the basis that Persephone GmbH has assigned all rights in U.S. Patent Application No. 14/726,075 to Mr. Christian Günther. Paper 44 ("Motion"). We understand that by "Prior Motions," Petitioner is referring to the Renewed Motion to Withdraw Counsel, filed on September 29, 2025 (Paper 42), and the Motion to Seal (Paper 41). Respondent has filed a paper indicating it does not oppose the Motion. Paper 48.

Discussion

U.S. Patent and Trademark Office records reflect that U.S. Patent Application No. 15/368,221 has been assigned to Christian Günther, and a copy of the executed Assignment has been entered as Exhibit 1025. Christian Günther has filed Petitioner's Updated Mandatory Notice providing information required by 37 C.F.R. § 42.8(b). Paper 46. In that Updated Mandatory Notice, Christian Günther represents that he is a natural person and chooses to proceed pro se, without counsel, in this proceeding. *Id.* at 2. Christian Günther requests to be substituted-in as the Petitioner and Real Party-in-Interest. *Id.* Christian Günther states: "[a]ll previous counsel of record representing Persephone GmbH do not represent Christian Günther." *Id.*

Based on the foregoing, and for reasons explained in the Motion, Christian Günther replaces Persephone GmbH as Petitioner, and Christian Günther should be named as the sole real party-in-interest. Further, all

current counsel of record for Persephone GmbH are withdrawn as counsel for Petitioner.

The pending Renewed Motion to Withdraw Counsel (Paper 42) is moot in light of the developments noted above. This paper was previously the subject of Petitioner's Motion to Seal (Paper 41), but nothing in this paper concerns the merits of the case. Expungement of Paper 42 is not opposed by Respondent. We, therefore, grant the request to expunge Paper 42. We see no reason, however, to expunge Paper 41, which was filed as "public" in P-TACTS, and also is a motion already decided by the Board. Paper 43. Preservation of Paper 41 provides an understandable record without revealing any truly sensitive information of the parties. Thus, the request to expunge Paper 41 is denied.

Order

It is

ORDERED that the Motion (Paper 44) is *granted-in-part*;

FURTHER ORDERED that the caption of the case in future filings shall reflect Christian Günther as Petitioner;

FURTHER ORDERED that all previous counsel of record for Petitioner, including David M. Tener and Michael J. Cornelison, are considered withdrawn as counsel for Petitioner; and

FURTHER ORDERED that Paper 42 is expunged from the file of this proceeding; however, Paper 41 will remain in the record.

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Petitioner Application 15/368,221

Respondent Application 14/726,075

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