

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNAFFIX B.V.,
Petitioner,

v.

HANGZHOU DAC BIOTECH CO., LTD.,
Patent Owner.

IPR2022-01531
Patent 10,131,682 B2

Before ZHENYU YANG, DEVON ZASTROW NEWMAN, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

NEWMAN, Administrative Patent Judge.

ORDER

Conditionally Granting Patent Owner's Unopposed Motion to
Withdraw and Substitute Counsel
37 C.F.R. § 42.10

Hangzhou Dac Biotech Co., Ltd., (“Patent Owner”) filed an authorized Motion for Withdrawal and Substitution of Counsel. Paper 5 (“Motion”). Patent Owner requests withdrawal of lead counsel, Todd R. Walters, and backup counsel, Fang Liu, Roger Lee, and Mythili Markowski, pursuant to 37 C.F.R. § 42.10(e). *Id.* at 1. Patent Owner requests substituting F. Dominic Cerrito (Reg. No. 38,100) as new lead counsel, and Frank Calvosa (Reg. No. 69,064), Catherine T. Mattes (Reg. No. 68,347), and Tara Srinivasan (Reg. No. 77,091) as new backup counsel. *Id.* Patent Owner indicates the requisite Power of Attorney and Mandatory Notice will be filed by substitute counsel upon the granting of the Motion. *Id.* Patent Owner indicates that Petitioner does not oppose the Motion. *Id.*

A party represented by counsel must designate a lead counsel and at least one backup counsel. 37 C.F.R. § 42.10(a). In addition, counsel may not withdraw from an *inter partes* review proceeding unless the Board authorizes such withdrawal. 37 C.F.R. § 42.10(e). Patent Owner has not designated the substitute lead and backup counsel in an updated mandatory notice, and no power of attorney for the substitute counsel has been filed.

Under these circumstances, we *conditionally grant* Patent Owner’s Motion, pending the filing of an appropriate power of attorney and updated mandatory notices. The attorneys currently designated as counsel for Patent Owner under 37 C.F.R. § 42.8(b)(3), shall remain of record until Patent Owner files these papers. *See* 37 C.F.R. § 42.10(b).

It is

ORDERED that Patent Owner’s Motion for Withdrawal and Substitution of Counsel is *conditionally granted*, pending Patent Owner’s filing of a power of attorney and updated mandatory notices identifying F.

Dominic Cerrito as new lead counsel, and Frank Calvosa, Catherine T. Mattes, and Tara Srinivasan as back-up counsel;

FURTHER ORDERED that Todd R. Walters, Fang Liu, Roger Lee, and Mythili Markowski shall be withdrawn from this proceeding, effective upon Patent Owner's filing of a power of attorney and updated mandatory notices identifying the new lead and backup counsel; and

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in the instant proceeding.

IPR2022-01531
Patent 10,131,682 B2

PETITIONER:

Mike Houston
Joseph Meara
Jolene Fernades
FOLEY & LARDNER LLP
mhouston@foley.com
jmeara-pgp@foley.com
jfernandes@foley.com

PATENT OWNER:

Todd Walters
Fang Liu
Roger Lee
Mythili Markowski
BUCHANAN INGERSOLL & ROONEY PC
todd.walters@bipc.com
fang.liu@bipc.com
roger.lee@bipc.com
mythili.markowski@bipc.com