

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

IPR2023-00554
Patent 10,652,111 B2

Before KRISTEN L. DROESCH, NATHAN A. ENGELS, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motion to Withdraw
Back-up Counsel
37 C.F.R. § 42.10

On January 5, 2024, Petitioner filed a Motion to Withdraw Back-up Counsel, seeking to withdraw the appearance of Daniel W. McDonald as Back-up Counsel. Paper 21. Petitioner states that Patent Owner does not oppose this motion, that Mr. McDonald retired from the practice of law on December 31, 2023, and that “[t]here will be no prejudice to the rights of Petitioner as a result of the withdrawal of Mr. McDonald because the undersigned will continue to serve as lead counsel for Petitioner” and because “[l]ead counsel is up to speed on all issues, and there will be no delay in any scheduled filings in this proceeding.” *Id.*

Under 37 C.F.R. § 42.10 (a) (2022):

If a party is represented by counsel, the party must designate a lead counsel and at least one back-up counsel who can conduct business on behalf of the lead counsel.

Granting Petitioner’s motion will result in removal of the only listed back-up counsel in violation of 37 C.F.R. § 42.10 (a). Thus, Petitioner’s motion is conditionally granted, subject to Petitioner designating new back-up counsel within ten (10) business days of the date of this Order.

In consideration of the foregoing, it is hereby:

ORDERED that the Motion is *conditionally granted*, provided that within ten (10) business days of the date of this order Petitioner must designate at least one back-up counsel; and

FURTHER ORDERED that within ten (10) business days of the date of this Order, Petitioner must file updated mandatory notices removing Mr. McDonald as back-up counsel and adding new back-up counsel in accordance with 37 C.F.R. § 42.8.

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PETITIONER:

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