

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

10X GENOMICS, INC.,
Petitioner,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Patent Owner.

IPR2023-01299
Patent 11,098,303 B2

Before GEORGIANNA W. BRADEN, TINA E. HULSE, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's
Motion for Withdrawal and Substitution of Counsel
37 C.F.R. § 42.10

Patent Owner filed a Motion for Withdrawal and Substitution of Counsel in this proceeding. Paper 7 (“Motion”). The Motion requests withdrawal of lead counsel Ruben J. Rodrigues and backup counsel Jolene S. Fernandes of Foley & Lardner LLP, and the substitution of Dov P. Grossman of Williams & Connolly LLP as new lead counsel and David M. Krinsky of Williams & Connolly LLP as new backup counsel, pursuant to 37 C.F.R. § 42.10. Motion 1. Patent Owner states that it “is prepared to file an updated Power of Attorney and Mandatory Notices upon the granting of the requested relief.” *Id.* Patent Owner also states 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). The parties must also provide certain mandatory notices, including identification of lead and back-up counsel. *Id.* § 42.8. Where there is a change of information, a party must file a revised notice within 21 days of the change. *Id.* § 42.8(a)(3).

Because an updated power of attorney and mandatory notice reflecting the withdrawal and substitution of counsel have not yet been filed, we conditionally grant Patent Owner’s Motion. Mr. Rodrigues and any other attorneys currently designated as counsel for Patent Owner will remain of record until those papers are filed. *See* 37 C.F.R. § 42.10(b). Mr. Rodrigues and Ms. Fernandes will be authorized to withdraw as counsel effective upon Patent Owner’s filing of a power of attorney assigning Mr. Grossman and Mr. Krinsky as counsel and updated mandatory notices reflecting the withdrawal and substitution.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion for Withdrawal and Substitution of Counsel is *conditionally granted*, provided that within ten days of the date of this Order, Patent Owner files a power of attorney identifying Dov P. Grossman as new lead counsel and David M. Krinsky as new backup counsel and updated mandatory notices reflecting the withdrawal and substitution; and

FURTHER ORDERED that Ruben J. Rodrigues and Jolene S. Fernandes shall be withdrawn from this proceeding, effective upon Patent Owner's filing of a power of attorney identifying new counsel and updated mandatory notices.

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