

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INARI AGRICULTURE, INC.,
Petitioner,

v.

CORTEVA AGRISCIENCE LLC,
Patent Owner.

IPR2024-01014
Patent 8,901,378 B2

Before MICHAEL J. FITZPATRICK, ZHENYU YANG, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

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

With our authorization (Ex. 3002), Corteva Agriscience LLC (“Patent Owner”) filed a motion to withdraw and substitute counsel (Paper 8, “Motion”). Specifically, Patent Owner requests the withdrawal of lead counsel Richard W. Miller, and backup counsel Scott Marty and Clinton R. South, each of Ballard Spahr, LLP, and the substitution of Erin M. Sommers as new lead counsel, and Kathleen A. Daley as backup counsel, each of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP. Motion 1.¹ Patent Owner states that it “will file updated mandatory notices and power of attorney to reflect the designation of current backup counsel, Erin M. Sommers, as lead counsel.” *Id.* at 1–2. Patent Owner represents that Petitioner does not oppose the Motion. *Id.* at 1.

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). Under the circumstances of this case, we conditionally grant Patent Owner’s Motion. Mr. Miller is authorized to withdraw as lead counsel effective upon Patent Owner’s filing of a power of attorney assigning Ms. Sommers as lead counsel.²

¹ We deem Patent Owner’s designation of the first page of the Motion as page “0” to be harmless error. See Motion 1. All citations to the Motion reflect the understanding that the first page of the Motion is page “1.”

² Patent Owner previously updated its mandatory notices to add Ms. Sommers and Ms. Daley as backup counsel. Paper 6.

It is, therefore,

ORDERED that the Patent Owner's Motion for Withdrawal and Substitution of Counsel is *conditionally granted*, provided that within five (5) business days of the date of this Order, Patent Owner submits a power of attorney identifying new lead counsel;

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying new lead counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that lead counsel Richard W. Miller shall be withdrawn from this proceeding, effective upon Patent Owner's filing of power of attorney and updated mandatory notices identifying new lead counsel; and

FURTHER ORDERED that backup counsel Scott Marty and Clinton R. South shall be withdrawn from this proceeding.

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