

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COOK GROUP INCORPORATED
and
COOK MEDICAL LLC,
Petitioner,

v.

BOSTON SCIENTIFIC SCIMED, INC.,
Patent Owner.

IPR2017-00134
Patent 8,709,027 B2

Before, JAMES T. MOORE, JAMES A. TARTAL, and
ROBERT L. KINDER, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

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

On July 2, 2020, Patent Owner filed a Motion to Withdraw Counsel. Paper 98 (“Motion”). The Motion requests withdrawal of Jeffrey Martin as back-up counsel for Patent Owner, pursuant to 37 C.F.R. § 42.10(e).

Motion 1. According to Patent Owner, “Petitioner has informed Patent Owner that it does not oppose this motion.” *Id.* Patent Owner therefore respectfully requests that this Motion be granted. *Id.*

A party represented by counsel must designate a lead counsel and at least one back-up counsel. 37 C.F.R. § 42.10(a). Counsel may not withdraw from an *inter partes* review proceeding unless the Board authorizes such withdrawal. *Id.* § 42.10(e). A power of attorney must be filed with the designation of counsel, unless the designated counsel is already counsel of record. *Id.* § 42.10(b). The parties must 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).

Here, Patent Owner asserts that it “will file an updated power of attorney and mandatory notice if this motion is granted.” Under these circumstances, Patent Owner does not need to file an updated power of attorney. Mr. Martin, however, will remain back-up counsel of record until Patent Owner has filed updated mandatory notices. *See* 37 C.F.R. § 42.8(a)(3).

In view of the foregoing, we conditionally grant Patent Owner’s Motion. Mr. Martin will be authorized to withdraw as counsel effective upon Patent Owner’s filing of updated mandatory notices.

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It is

ORDERED that the Patent Owner's Motion to Withdraw Counsel (Paper 98) is *conditionally granted*, effective upon Patent Owner's filing of updated mandatory notices; and

FURTHER ORDERED that Jeffrey Martin shall be withdrawn from this proceeding, effective upon Patent Owner's filing of updated mandatory notices.

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