

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROVEPHARM INC.,
Petitioner,

v.

WISTA LABORATORIES LTD.,
Patent Owner.

Case IPR2018-00323
Patent 9,675,621 B2

Before JAMES T. MOORE, SUSAN L. C. MITCHELL, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

ORDER
Motion to Withdraw and Substitute Counsel
37 C.F.R. § 42.10

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). WisTa Laboratories Ltd. (“Patent Owner”) received authorization from the Board and filed a Motion to Withdraw Counsel and Substitute New Counsel in the above-identified proceeding. Paper 6 (“Motion”).

Patent Owner requests withdrawal of lead counsel George E. Quillin and back-up counsel Benjamin Berkowitz and Matthew A. Ambros, and to substitute Richard F. Giunta (Registration No. 36,149) as lead counsel and Edward R. Gates (Registration No. 31,616) as back-up counsel. *Id.* at 1. Patent Owner represents that Petitioner Provepharm Inc. does not oppose the Motion. *Id.* at 2. Patent Owner also represents that Mr. Giunta and Mr. Gates meet the requirements of 37 C.F.R. § 42.10 as registered practitioners. *Id.* at 1.

Patent Owner filed an updated Power of Attorney under 37 C.F.R. § 42.10 authorizing Mr. Giunta and Mr. Gates to represent Patent Owner in this proceeding. Paper 8. The updated Power of Attorney also authorizes David F. Cauble (Registration No. 73,490) to represent Patent Owner as backup counsel. *Id.* Patent Owner also filed updated Mandatory Notices. Paper 7.

Because no prejudice is shown and Petitioner does not oppose the proposed withdrawal and substitution of counsel, the Motion is *granted*.

It is therefore

ORDERED that George E. Quillin, Benjamin Berkowitz, and Matthew A. Ambros are allowed to withdraw as counsel from this proceeding;

FURTHER ORDERED that Richard F. Giunta is recognized as lead counsel, and Edward R. Gates and David F. Cauble are conditionally recognized as back-up counsel for Petitioner.

PETITIONER:

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