

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENVIROLOGIX INC.,
Petitioner,

v.

IONIAN TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2018-00405(Patent 9,562,263)
Case IPR2018-00406 (Patent 9,562,264)¹

Before ULRIKE W. JENKS and CHRISTOPHER G. PAULRAJ,
Administrative Patent Judges.

JENKS, *Administrative Patent Judge.*

ORDER

Granting Patent Owner's Motion to Withdraw Counsel
37 C.F.R. §§ 42.5, 42.10(e)

¹ This order addresses a similar issue in both cases. Therefore, we exercise discretion to issue one order to be filed in each case. We refer to paper numbers in IPR2018-00405.

IPR2018-00405(Patent 9,562,263)
IPR2018-00406 (Patent 9,562,264)

Patent Owner moves for the Board to allow David A. Casimir and Mary Ann Brow to withdraw as counsel in this proceeding. Paper 6, 2. We authorized Patent Owner to file the motion by email on March 20, 2018. Patent Owner represents that the motion is unopposed by Petitioner. *Id.* Patent Owner seeks to appoint lead counsel Aaron F. Barkoff and back-up counsel Christopher P. Singer, both of McAndrews, Held & Malloy, Ltd. *Id.* Patent Owner intends to update Patent Owner's Mandatory Notices and a Substitute Power of Attorney. *Id.*

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e); *see also* 37 C.F.R. § 11.116 (regarding conditions for withdrawal). In that regard, “a practitioner may withdraw from representing a client if . . . [w]ithdrawal can be accomplished without material adverse effect on the interests of the client” 37 C.F.R. § 11.116(b)(1).

We discern no reason to deny Patent Owner's motion for counsel to withdraw. The change of counsel would not cause any prejudice to Patent Owner or unnecessary delays in the proceedings, as Patent Owner does not seek an extension of time. *Id.*

Upon considering Patent Owner's unopposed motion, we grant the motion.

Accordingly, it is

ORDERED that Patent Owner's Motion to Withdraw Counsel is *granted*;

FURTHER ORDERED that David A. Casimir and Mary Ann Brow are withdrawn as counsel for Patent Owner in this proceeding.

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