

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIP MORRIS PRODUCTS, S.A.,
Petitioner,

v.

RAI STRATEGIC HOLDINGS, INC.,
Patent Owner.

PGR2020-00071
Patent 10,492,542 B1

Before JEFFREY W. ABRAHAM and BRIAN D. RANGE, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

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

On March 28, 2024, with our prior authorization, Petitioner filed a Motion to Withdraw and Substitute Lead Counsel in this proceeding. Paper 37 (“Motion”). The Motion requests withdrawal of lead counsel Jonathan M. Strang and backup counsel Lawrence J. Gotts and Dale Chang, and the substitution of David A. Zucker as new lead counsel, pursuant to 37 C.F.R. § 42.10(e) and 42.20(b). Motion 1. Petitioner indicates that “[s]hould this motion be granted, Petitioner will file an updated mandatory notice and Power of Attorney reflecting these changes.” *Id.* Petitioner indicates that Patent Owner 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).

Notwithstanding Petitioner’s representations that Mr. Zucker is currently designated as backup counsel (Motion 1), no power of attorney for Mr. Zucker has been filed. Therefore, we conditionally grant Petitioner’s Motion. Mr. Strang, Mr. Gotts, Mr. Chang, and any other attorneys currently designated as counsel for Petitioner under 37 C.F.R. § 42.8(b)(3), will remain of record until new lead and backup counsel are identified by an appropriate power of attorney. *See* 37 C.F.R. § 42.10(b). Mr. Strang, Mr. Gotts, and Mr. Chang will be authorized to withdraw as counsel effective upon Petitioner’s filing of a power of attorney assigning Mr. Zucker as counsel and updated mandatory notices identifying new lead and backup counsel.

It is, therefore,

ORDERED that the Petitioner's Motion for Withdrawal and Substitution of Counsel is *conditionally granted*, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel; and

FURTHER ORDERED that Jonathan M. Strang, Lawrence J. Gotts, and Dale Chang shall be withdrawn from this proceeding, effective upon Petitioner's filing of a power of attorney and updated mandatory notices identifying new lead and backup counsel.

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