

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BUTAMAXTM ADVANCED BIOFUELS LLC
Petitioner

v.

GEVO, INC.
Patent Owner

Case IPR2013-00539
Patent 8,273,565 B2

Before RAMA G. ELLURU, CHRISTOPHER L. CRUMBLY, and
KERRY BEGLEY, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

DECISION
Motion to Withdraw
37 C.F.R. § 42.10(e)

Fraser D. Brown, Ph.D., lead counsel for Patent Owner Gevo, Inc. (“Gevo”), filed a Request for Authorisation to Withdraw Pursuant to 37 C.F.R. § 42.10(e) on March 25, 2014. Paper 14. For the following reasons, the motion is *granted*.

Dr. Brown filed the present motion to withdraw after we orally granted the requisite authorization for such a motion during an initial conference call on March 24, 2014. *See* 37 C.F.R. § 42.20(b). Concurrent with Dr. Brown’s motion, Gevo filed an updated Power of Attorney and Mandatory Notices, both of which replace Dr. Brown with Erich E. Veitenheimer, Ph.D., as lead counsel and leave Chris Holly, Ph.D., as back-up counsel. Paper 12; Paper 13. Petitioner Butamax[™] Advanced Biofuels LLC (“Butamax”) indicated, during the conference call, that it does not oppose Dr. Brown’s withdrawal.

Counsel may withdraw from an *inter partes* review proceeding only with authorization from the Board. 37 C.F.R. § 42.10(e). We see no reason to deny the present motion. Dr. Brown’s motion was filed with authorization from the Board and Gevo is substituting Dr. Veitenheimer, who is a registered practitioner from the same law firm, as lead counsel. Further, the motion does not seek any time extensions.

For the foregoing reasons, it is

ORDERED that Fraser D. Brown, Ph.D.’s Request for Authorisation to Withdraw Pursuant to 37 C.F.R. § 42.10(e) (Paper 14) is granted;

FURTHER ORDERED that Fraser D. Brown, Ph.D., is no longer recognized as counsel for Gevo in this proceeding; and

FURTHER ORDERED that Erich E. Veitenheimer, Ph.D., is recognized as lead counsel for Gevo, effective the date of this decision.

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