

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACRUX DDS PTY LTD., ACRUX LIMITED, and
ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

KAKEN PHARMACEUTICAL CO., LTD. and VALEANT
PHARMACEUTICALS INTERNATIONAL, INC.,
Patent Owner.

Case IPR2017-00190¹
Patent 7,214,506 B2

Before SUSAN L. C. MITCHELL, *Administrative Patent Judge*.

DECISION

Petitioner's Motion for Withdrawal and Substitution of Counsel
37 C.F.R. § 42.10

¹ Case IPR2017-01429 has been joined with the instant proceeding.

Pursuant to 37 C.F.R. § 42.10, and as authorized by the Board, Petitioner filed a motion seeking to withdraw prior counsel and substitute new counsel. Paper 89. The motion is unopposed. *Id.* at 1.

Under 37 C.F.R. § 42.10(e), the Board may authorize withdrawal of counsel. Petitioner moves to withdraw current counsel and seeks to substitute Tara M. Raghavan (Reg. No. 55,557) as lead counsel, and Steven J. Birkos (Reg. No. 65,300), William A. Rakoczy, and Joseph T. Jaros as backup counsel. *Id.*

As required by 37 C.F.R. § 42.10(b), Petitioner provides a substitute power of attorney, appointing Ms. Raghavan, Mr. Birkos, Mr. Rakoczy, and Mr. Jaros, in support of its motion. Paper 88. Petitioner also should file within five business days from the entry of this Decision, updated Mandatory Notices as required by 37 C.F.R. § 42.8(b).

Petitioner contends granting its motion “will not hinder the economy, the integrity of the patent system, the efficient administration of the Office, or the ability of the Office to timely complete this proceeding.” Paper 88, 2; *see* 35 U.S.C. § 316(b). Petitioner also indicates that new counsel meet the requirements of 37 C.F.R. § 42.10(c) as registered practitioners. Paper 88, 1.

Under the circumstances presented, the motion is granted as to Ms. Raghavan and Mr. Birkos, who are registered practitioners before the Office. Petitioner has indicated that it will file *pro hac vice* motions for the recognition of Mr. Rakoczy and Mr. Jaros as counsel for Petitioner pursuant to the requirements set forth in 37 C.F.R. § 42.10(c). *See* Paper 88, 2; Paper 89, 1.

ORDER

Accordingly, it is:

ORDERED that Mr. E. Anthony Figg (Reg. No. 27,195) and Mr. Aydin H. Harston (Reg. No. 65,249) are no longer counsel in the instant proceeding;

FURTHER ORDERED that Ms. Tara M. Raghavan (Reg. No. 55,557) is designated as lead counsel for Petitioner, and Mr. Steven J. Birkos (Reg. No. 65,300) is designated as backup counsel for Petitioner in the instant proceeding; and

FURTHER ORDERED that Petitioner shall file updated mandatory notices as required by 37 C.F.R. § 42.8(b) within five business days of the entry of this Decision.

IPR2017-00190
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