

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
TWITTER, INC. and YELP INC.,  
Petitioners

v.

EVOLUTIONARY INTELLIGENCE, LLC  
Patent Owner

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Case IPR2014-00086  
Case IPR2014-00812  
Patent 7,010,536

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McNAMARA, *Administrative Patent Judge.*

ORDER GRANTING MOTION FOR ADMISSION PRO HAC VICE OF  
ROBERT D. TADLOCK

*37 C.F.R. § 42.10*

In IPR2014-00812, Twitter, Inc. and Yelp Inc. moved for the *pro hac vice* admission of attorney Robert D. Tadlock in accordance with 37 C.F.R. § 42.10. IPR2014-00812, Papers 7, 9, 11 (“Motion”). Evolutionary Intelligence, LLC does not oppose the Motion. On June 25, 2014, we joined IPR2014-000812 to IPR2013-00086. *See*, IPR2014-00812, Paper 13 and IPR2014-00086, Paper 16. We grant the Motion in the joined proceeding.

### **I. Discussion**

As set forth in 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board also requires a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in this proceeding. (*See*, Paper 7, “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00639, entered October 15, 2013).

Robert D. Tadlock provides uncontroverted testimony that he:

- i. is a member in good standing of the State Bar of California;
- ii. has not been subject to any suspensions or disbarments from practice before any court or administrative body;
- iii. has never been denied any application for admission to practice before any court or administrative body ever denied;

- iv. has not been subject to sanctions or contempt citations imposed by any court or administrative body;
- v. has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;
- vi. will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. in the last three years has applied to appear *pro hac vice* only in IPR2014-00092, which motion was granted; and
- viii. has familiarity with the subject matter at issue in the proceeding.

Lead counsel in IPR2014-00812 for Twitter, Inc. and Yelp Inc., Vaibhav P. Kadaba, who is registered to practice at the USPTO, has provided a statement of facts that Mr. Tadlock is an experienced litigating attorney and, as counsel in concurrent litigation involving the patent that is the subject of this proceeding, Mr. Tadlock is familiar with the prior art to be addressed in this proceeding. Thus, Twitter, Inc. and Yelp Inc. have shown good cause why Robert D. Tadlock should be recognized *pro hac vice* for purposes of this proceeding. Mr. Tadlock has provided the requisite affidavit or declaration. Therefore, Robert D. Tadlock has complied with the requirements for admission *pro hac vice* in this proceeding.

## **II. Order**

It is

ORDERED that the Motion seeking admission *pro hac vice* for Robert D. Tadlock is GRANTED;

FURTHER ORDERED that Robert D. Tadlock may not act as lead counsel in the proceeding;

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FURTHER ORDERED that a registered practitioner must remain as lead counsel throughout the proceeding; and

FURTHER ORDERED that Robert D. Tadlock is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.; and

FURTHER ORDERED that Robert D. Tadlock is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*, which took effect on May 3, 2013.

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