

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.
Petitioner,

and TWITTER INC. and YELP INC.
Petitioners (by Joinder)

v.

EVOLUTIONARY INTELLIGENCE, LLC,
Patent Owner

Case IPR 2014-0086
Patent No. 7,010,536

NOTICE OF FILING OF CORRECTED EXHIBIT

Patent Owner Evolutionary Intelligence hereby seeks permission to file a corrected version of Exhibit 2006(2) (Declaration of Matthew Green, Ph.D.) in IPR No. 2014-00086.¹ Petitioners Apple, Yelp, and Twitter have indicated that they do not oppose the motion to file the corrected declaration. Patent Owner received permission to file the corrected exhibit from the Board via email from paralegal operations manager Maria Vignone on September 17, 2014.

The corrected version addresses two typographical errors, in paragraphs 68 and 195, where the word "not" was missing from statements that the patent "is not anticipated" and "is not unpatentable," respectively. (N.B. To avoid a double negative, paragraph 195 has been corrected to state merely "patentable.") The correction also deletes an inadvertent reference to obviousness in paragraph 68, and corrects an inadvertent reference to claim 13 (which is not subject to review) in paragraph 195. This correction brings those two paragraphs into agreement with Dr. Green's declaration as a whole, which is directed to supporting Patent Owner's position that the claims under review are valid, and does not address obviousness.

¹ Patent Owner notes that it has inadvertently marked two exhibits with the number 2006: the above Declaration of Matthew Green, Ph.D. (Ex. 2006(2)), and the Declaration of Todd Kennedy in support of his motion for admission pro hac vice (Ex. 2006(1)). To the extent one of these exhibits may need to be renumbered, Patent Owner submits it would be preferable to renumber the Declaration of Todd Kennedy to Exhibit 2007, since that paper is not cited as widely in other papers as the Declaration of Matthew Green.

Respectfully Submitted,

Dated: September 18, 2014

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 CFR § 42.6, that on July 7, 2014, the same day as the filing of the above document, a true and correct copy of the foregoing NOTICE OF FILING OF CORRECTED EXHIBIT and the corrected exhibit filed therewith are being served via email, by agreement between the parties, on the following:

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