

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TWITTER, INC. AND YELP, INC.  
Petitioners

v.

EVOLUTIONARY INTELLIGENCE, LLC  
Patent Owner

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Case IPR2014-00092  
Patent 7,010,536

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Before, TREVOR M. JEFFERSON, BRIAN J. McNAMARA and  
GREGG I. ANDERSON, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

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

*37 C.F.R. § 42.10*

Twitter, Inc. and Yelp, Inc. (Petitioners) move for the *pro hac vice* admission of attorney ROBERT D. TADLOCK in accordance with 37 CFR 42.10. (Motion, Paper No. 4, filed November 1, 2011). Evolutionary Intelligence, LLC (Patent Owner) does not oppose the Motion. We grant the Motion.

### **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 ROBERT D. TADLOCK:

- i. is a membership in good standing of the Bar of California;
- ii. has not been subject to any suspensions or disbarments from practice before any court or administrative body;
- iii. has never denied any application for admission to practice before any court or administrative body;
- 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. §§ 10.20 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. has not applied to appear *pro hac vice* in any other proceeding before the Office last three (3) years; and
- viii. has familiarity with the subject matter at issue in the proceeding.

Lead counsel for Petitioner, Vaibhav P. Kadaba, who is a registered to practice at the USPTO, has provided a statement of facts that Mr. Tadlock is an experienced litigator who is familiar with the subject matter of this proceeding. Thus, Petitioner has shown good cause why ROBERT D. TADLOCK should be recognized *pro hac vice* for purposes of this proceeding. ROBERT D. TADLOCK has provided the requisite affidavit or declaration. We note that Mr. Tadlock's affidavit cites to 37 C.F.R. §§10.20 *et seq.*, which has been superseded by the Rules of Professional Conduct at 37 C.F.R. §§ 11.101 *et. seq.* Mr. Tadlock is reminded to review and become familiar with the Rules of Professional Conduct currently in effect. Nevertheless, we are persuaded that 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 become familiar with and 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.

PETITIONER: (via electronic transmission)

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