

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER INC. and YELP INC.
Petitioners,

v.

EVOLUTIONARY INTELLIGENCE, LLC,
Patent Owner

Patent No. 7,010,536

Issued: January 28, 1999

Filed: March 7, 2006

Inventor: Michael De Angelo

Title: SYSTEM AND METHOD FOR CREATING AND MANIPULATING
INFORMATION CONTAINERS WITH DYNAMIC REGISTERS

Inter Partes Review No. IPR2014-00814

PATENT OWNER'S MANDATORY NOTICES

UNDER 37 C.F.R. § 42.8

The Patent Owner, Evolutionary Intelligence LLC, hereby provides the following mandatory notices:

1. Real Party in Interest (§ 42.8(b)(1))

The real party of interest is Evolutionary Intelligence LLC located at 719 Beacon Street, Newton, MA 02459.

2. Other Proceedings (§ 42.8(b)(2))

The '536 patent was the subject of the following civil actions in the Eastern District of Texas:

- 6:12-cv-00783-MHS-CMC *Evolutionary Intelligence, LLC v. Apple Inc.*
- 6:12-cv-00784-MHS-CMC *Evolutionary Intelligence, LLC v. Facebook, Inc.*
- 6:12-cv-00785-MHS-CMC *Evolutionary Intelligence, LLC v. Foursquare Labs, Inc.*
- 6:12-cv-00787-MHS-CMC *Evolutionary Intelligence, LLC v. Groupon, Inc.*
- 6:12-cv-00789-MHS-CMC *Evolutionary Intelligence, LLC v. LivingSocial, Inc.*
- 6:12-cv-00790-MHS-CMC (N.D. Cal.) *Evolutionary Intelligence, LLC v.*

Millennial Media, Inc.

- 6:12-cv-00791-MHS-CMC *Evolutionary Intelligence, LLC v. Sprint Nextel Corporation et al.*
- 6:12-cv-00792-MHS-CMC *Evolutionary Intelligence, LLC v. Twitter, Inc.*
- 6:12-cv-00794-MHS-CMC *Evolutionary Intelligence, LLC v. Yelp, Inc.*

These actions have been transferred to the Northern District of California.

They are currently identified as the following matters:

- *Evolutionary Intelligence LLC v. Apple, Inc.*, Civil Action No. 3:13-cv-4201-JD
- *Evolutionary Intelligence LLC v. Facebook, Inc.*, Case No. 3:13-cv-4202-JSC;
- *Evolutionary Intelligence LLC v. FourSquare Labs, Inc.*, Case No. 3:13-cv-4203-EDL;
- *Evolutionary Intelligence LLC v. Groupon, Inc.*, Case No. 3:13-cv-4204-LB;
- *Evolutionary Intelligence LLC v. LivingSocial, Inc.*, Case No. 3:13-cv-4205-EDL;
- *Evolutionary Intelligence LLC v. Millennial Media, Inc.*, Case No. 5:13-cv-4206-HRL;

- *Evolutionary Intelligence LLC v. Twitter, Inc.*, Case No. 4:13-cv-4207-KAW;
- *Evolutionary Intelligence LLC v. Sprint Nextel Corp. et al.*, Case No. 3:13-cv-4513-JCS; and
- *Evolutionary Intelligence LLC v. Yelp Inc.*, Case No. 3:13-3587-DMR.

U.S. Patent No. 7,010,536 is the subject of the following concurrently filed petitions for *inter partes* review:

- IPR2014-00082 *Apple Inc. v. Evolutionary Intelligence LLC*.
- IPR2014-00083 *Apple Inc. v. Evolutionary Intelligence LLC*.
- IPR2014-00085 *Apple Inc. v. Evolutionary Intelligence LLC*.
- IPR2014-00086 *Apple Inc. v. Evolutionary Intelligence LLC*.
- IPR2014-00092 *Twitter Inc. and Yelp Inc. v. Evolutionary Intelligence LLC*.
- IPR2014-00093 *Facebook Inc. v. Evolutionary Intelligence LLC*.

Of these, only petition 2014-00086 (which the current petition seeks to join) was granted; the other five petitions were denied.

U.S. Patent No. 7,702,682, a continuation of the above '536 patent, was the subject of the following concurrently filed petitions for *inter partes* review:

- IPR2014-00079 *Apple Inc. v. Evolutionary Intelligence LLC*.
- IPR2014-00080 *Apple Inc. v. Evolutionary Intelligence LLC*.

Both of these petitions were denied.

3. Designation of Lead and Backup Counsel

<u>Lead Counsel</u>	<u>Backup Counsel</u>
Anthony J. Patek Reg. No. 66,463 Gutride Safier LLP 835 Douglass Street San Francisco, CA 94114 anthony@gutridesafier.com Ph: (415) 639-9090 Fax: (415) 449-6469	Todd Kennedy (Subject to motion to appear <i>pro hac vice</i>) Gutride Safier LLP 835 Douglass Street San Francisco, CA 94114 todd@gutridesafier.com Ph: (415) 789-6390 Fax: (415) 449-6469

Patent Owner has moved for admission of Todd Kennedy as backup counsel *pro hac vice* in proceeding 2014-00086, which the current petition seeks to join.

Patent Owner will likewise seek his admission *pro hac vice* in this proceeding if the Petitioners' motion for joinder is granted.

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