

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.
Petitioner,

v.

EVOLUTIONARY INTELLIGENCE, LLC
Patent Owner,

Case IPR2014-00086
Patent 7,010,536

TWITTER, INC. AND YELP INC.
Joining Petitioners,

v.

EVOLUTIONARY INTELLIGENCE, LLC
Patent Owner,

Case IPR2014-00812 (Consolidated)
Patent 7,010,536

**MOTION FOR WITHDRAWAL
AND
SUBSTITUTION OF BACK-UP COUNSEL UNDER 37 U.S.C. § 42.10(e)**

Pursuant to the 37 C.F.R 42.10(e) Petitioners respectfully request that the Board **grant** their Motion for Withdrawal of Back-Up Counsel of Mr. Robert D. Tadlock.

1. **Statement of Facts**

Good cause exists for the Board to recognize Mr. Tadlock's withdrawal of counsel as he is no longer with the firm of Kilpatrick Townsend & Stockton LLP. Petitioners respectfully request that his colleague Mr. Robert J. Artuz substitute in as back-up counsel for Mr. Tadlock. Mr. Artuz is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the country. He has experience in jury trials, *Markman* hearings, and Federal Circuit oral arguments in patent infringement litigation matters. *See* Declaration of Robert J. Artuz in Support of Motion to Withdrawal and Substitution of Back-Up Counsel, Ex. A [Artuz firm biography]. Further, Mr. Artuz is counsel for Petitioners in concurrent litigation and is familiar with United States Patent No. 7,010,536 that is the subject of this petition as well as the prior art replied upon in the petition. *Id.* at ¶ 6.

Mr. Artuz is a member in good standing of the State Bar of California. He has never been suspended or disbarred from practice before any court of administrative body. *Id.* at ¶ 1. He has never had an application for admission to practice before any court or administrative body denied. *Id.* at ¶ 2. No sanctions

or contempt citations have been imposed against him by any court or administrative body. *Id.* at ¶ 3. Mr. Artuz has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R. *Id.* at ¶ 4. Mr. Artuz 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). *Id.* at ¶ 5.

Respectfully submitted,

By:  _____

Vaibhav P. Kadaba
Registration No. 45,865
Lead Counsel for Petitioners

**AFFIDAVIT OF ROBERT J. ARTUZ IN SUPPORT OF MOTION FOR
WITHDRAWAL AND SUBSTITUTION OF BACK-UP COUNSEL**

I, Robert J. Artuz, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the State Bar of California. I have never been suspended or disbarred from practice before any court or administrative body.

2. I have never had an application to practice before any court or administrative body denied.

3. No sanctions or contempt citations have been imposed against me by any court or administrative body.

4. I have 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 the C.F.R.

5. I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19.(a).

6. I am familiar with the subject matter of this proceeding. I am counsel for Petitioners in concurrent litigation, am familiar with United States Patent No. 7,010,536 and have analyzed the prior art reference that is the subject of the Petition.

Dated: October 1, 2014



Robert J. Artuz

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