

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

E-WATCH, INC. and E-WATCH CORPORATION
Patent Owner.

Case IPR2015-00412
Patent 7,365,871

PETITIONER APPLE, INC.'S UNOPPOSED MOTION FOR COUNSEL TO
WITHDRAW AND PERMIT SUBSTITUTION OF COUNSEL

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(e) and as authorized by the Board in the Order of March 5, 2015 (Paper 6), Petitioner Apple, Inc. (“Apple”) respectfully requests that the Patent Trial and Appeal Board authorize withdrawal of its current lead and local counsel—Blaney Harper, Douglas Pearson, David Cochran, and Joseph Sauer—and substitute in Brian Buroker (lead counsel) and Blair Silver (back-up counsel). The undersigned lead counsel for Petitioner has conferred with Patent Owner’s counsel, who has stated that Patent Owner will not oppose the present motion. This Motion is being filed pursuant to the Board’s instructions articulated during the conference call held March 5, 2015 between the Board, counsel for Petitioner and counsel for Patent Owner.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO AUTHORIZE WITHDRAWAL OF COUNSEL

On December 11, 2014, Apple appointed Blaney Harper as lead counsel and Douglas Pearson, David Cochran, Joseph Sauer as backup counsel in the above-captioned *inter partes* review. Apple wishes for new counsel, Brian Buroker (Reg. No. 39,125) and Blair Silver (Reg. No. 68,003) to be designated as lead and back-up counsel, respectively, representing Apple going forward in this proceeding. Apple’s new counsel meet the requirements of 37 C.F.R. § 42.10(c) as registered practitioners.

In anticipation of the Board's granting of this Motion per the conference call of March 5, 2015, and as a convenience to the Board and to the Parties, a Substitute Power of Attorney and Updated Mandatory Notices for Petitioner's new counsel are being submitted concurrently with this Motion. Petitioner confirms that there will be no changes to the schedule based on the change in counsel.

III. REASONS FOR RELIEF REQUESTED

“Counsel may not withdraw from a proceeding before the Board unless the Board authorizes such withdrawal.” 37 C.F.R. § 42.10(e). Given Apple's change in desired counsel and the early stage in the proceeding, it is appropriate to withdraw Blaney Harper, Douglas Pearson, David Cochran, and Joseph Sauer as counsel and allow Mr. Buroker and Mr. Silver to represent Apple. The administrative requirements for a motion to withdraw are being satisfied by the accompanying Substitute Power of Attorney and Updated Mandatory Notices.

(continued on next page)

IV. CONCLUSION

Petitioner Apple respectfully requests that the Board grant its motion to authorize the withdrawal of Apple's counsel and permit substitution of Mr. Buroker and Mr. Silver as lead and back-up counsel, respectively.

Respectfully submitted,

DATED: March 16, 2015

By: /Douglas H. Pearson/

Blaney Harper, Reg. No. 33,897
Douglas H. Pearson, Reg. No. 47,851
Jones Day
51 Louisiana Ave, N.W. Washington, D.C.
20001
(202) 879-3939

David B. Cochran, Reg. No. 39,142
Joseph Sauer, Reg. No. 47,919
Jones Day
North Point, 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-3939

Attorneys for Petitioner Apple, Inc.

CERFITICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Motion for Counsel to Withdraw and Permit Substitution of Counsel by electronic mail on March 16, 2015 on the counsel of record of the Patent Owner:

Robert C. Curfiss, bob@curfiss.com

David Simmons, dsimmons1@sbcglobal.net

DATED: March 16, 2015

Respectfully submitted,

By: /Douglas H. Pearson/

Douglas H. Pearson, Reg. No. 47,851

Jones Day

51 Louisiana Ave, N.W. Washington, D.C. 20001

(202) 879-3939

Attorney for Petitioner Apple, Inc.