

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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APPLE INC. and FITBIT, INC.,

Petitioners,

v.

VALENCELL, INC.,

Patent Owner.

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Case No. IPR2017-00319

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**PETITIONER FITBIT, INC.'S  
UNOPPOSED MOTION FOR WITHDRAWAL OF COUNSEL**

0700-0001-1000105-1

**I. STATEMENT OF RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10, Petitioner respectfully requests that the Board authorize the practitioners associated with Baker Botts LLP, including Jeremy Taylor (Reg. No. 73,912),<sup>1</sup> to withdraw from this proceeding. The Board authorized the filing of this motion in an e-mail dated September 17, 2020.

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

On September 1, 2020, Petitioner filed a power of attorney appointing Quinn Emanuel Urquhart & Sullivan, LLP as its attorneys. Quinn Emanuel represented Petitioner on appeal to the Federal Circuit in this proceeding. Concurrent with the filing of the power of attorney, Petitioner submitted updated mandatory notices designating James M. Glass (Reg. No. 46,729) as lead counsel and Ogi Zivojnovic (Reg. No. 69,516) as backup counsel. Petitioner's new counsel meets the requirements of 37 C.F.R. § 42.10(c) as lead counsel and registered practitioners.

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<sup>1</sup> Lead counsel recognizes that motions to withdraw are typically made by the attorney seeking to withdraw. However, because Mr. Taylor no longer has access to file motions in these proceedings, he has asked lead counsel to file this motion after conferring with PTAB paralegal support staff.

In identifying and designating new counsel who are ready and able to take over the representation, reasonable steps have been taken to “avoid foreseeable prejudice to the rights of the client, including giving due notice to his or her client, [and] allowing time for employment of another practitioner.” *See* 37 C.F.R.

§ 10.40(a). Further, Petitioner believes that granting this motion will not hinder the economy, the integrity of the patent system, the efficient administration of the Office, or the ability of the Office to timely complete this proceeding. *See* 35 U.S.C. § 316(b).

### **III. PATENT OWNER DOES NOT OBJECT TO THIS WITHDRAWAL**

Patent Owner does not oppose the requested withdrawal of the practitioners associated with Baker Botts LLP.

### **IV. CONCLUSION**

Petitioner respectfully requests that the Board grant its motion to authorize the practitioners associated with Baker Botts LLP to withdraw from this proceeding.

Respectfully Submitted,

Date: October 1, 2020

By: /Jim Glass/  
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*Counsel for Petitioner Fitbit, Inc.*

**CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(E), 42.105(A))**

The undersigned hereby certifies that the foregoing document was served in its entirety on October 1, 2020 upon the following parties via Electronic Mail.

Justin B. Kimble  
Jeffrey R. Bragalone  
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