

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. and FITBIT, INC.
Petitioner

v.

VALENCELL, INC.
Patent Owner

Case IPR2017-00321¹
U.S. Patent No. 8,923,941

**PETITIONER APPLE INC.'S MOTION TO WITHDRAW AND
SUBSTITUTE COUNSEL UNDER 37 C.F.R. § 11.116**

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Patent Trial and Appeal Board
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¹ Case IPR2017-01556 has been joined with this proceeding.

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 11.116 and 42.10(e), and as authorized by the Board in an e-mail dated April 23, 2018, Petitioner Apple Inc. (“Petitioner”) requests the Board withdraw Mark J. Consilvio (Registration No. 72,065), who is currently back-up counsel for Petitioner.

Petitioner has conferred with Patent Owner’s counsel. Patent Owner does not oppose this motion.

II. STATEMENT OF REASONS FOR SUBSTITUTION OF COUNSEL

Mr. Consilvio is no longer associated with the law firm STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C. (Customer No. 26111). Petitioner wishes to remove Mr. Consilvio as back-up counsel in this proceeding. Petitioner wishes to add Richard M. Bemben (Registration No. 68,658), of STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C., as its new back-up counsel in this proceeding. Updated Mandatory Notices removing Mr. Consilvio and adding Mr. Bemben will be filed upon grant of the present motion.

The undersigned confirms that granting this motion is consistent with, and that it has complied with, the requirements set forth in 37 C.F.R. § 11.116 (a)-(d).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.

/Michelle K. Holoubek, Reg. # 54,179/

Michelle K. Holoubek
Registration No. 54,179
Attorney for Petitioner Apple Inc.

Date: April 27, 2018

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER APPLE INC.'S MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL UNDER 37 C.F.R. § 11.116** was served electronically via e-mail on April 27, 2018, in its entirety on the following parties:

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