

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TWITTER, INC.,  
Petitioner,

v.

YOUTOO TECHNOLOGIES, LLC,  
Patent Owner.

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Case IPR2017-01131  
Patent 8,464,304

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**TWITTER, INC.'S OPPOSITION  
TO PATENT OWNER'S MOTION TO  
WITHDRAW AS LEAD AND BACKUP COUNSEL OF RECORD**

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**LIST OF PREVIOUSLY FILED EXHIBITS**

**Exhibits 1001-1019:** Filed and served March 24, 2017 with Twitter's Petition for *Inter Partes* Review of U.S. Patent No. 8,464,304.

**Exhibit 1020:** Filed and served October 18, 2017 with Twitter's Unopposed Motion for *Pro Hac Vice* of Robert T. Cruzen.

## **I. INTRODUCTION**

Petitioner Twitter, Inc. (“Petitioner”) opposes Youtoo Technologies, LLC’s Motion to Withdraw as Counsel (Paper 12) (the “Motion”) for at least two reasons. *First*, Youtoo has not filed an updated power of attorney, and the Board should not authorize any dismissal without Youtoo making such arrangements. *Second*, Twitter is concerned that Youtoo is using its change of counsel as a pretext to seek delays and modification of the Scheduling Order. For at least these reasons, explained more fully below, the Board should not authorize any of Youtoo’s counsel to withdraw under 37 C.F.R. § 42.10(b).

## **II. YOUTOO HAS NOT FILED THE REQUIRED POWER OF ATTORNEY**

If Youtoo’s backup and lead counsel wish to simultaneously withdraw, Youtoo must first designate appropriate replacements by filing an updated power of attorney. 37 C.F.R. § 42.10. Youtoo has not done so. Thus, the Board should not grant any of Youtoo’s counsel permission to withdraw without Youtoo formalizing its arrangements for substitute counsel and filing an updated power of attorney. *See Masterimage 3D, Inc. v. Reald Inc.*, Case No. IPR2015-00035, Paper 85 at 3-4 (PTAB Jan. 13, 2017) (denying petitioner’s counsel’s request to file a motion to withdraw because petitioner had not filed a new power of attorney reflecting the change in counsel in accordance with 37 C.F.R. § 42.10(b)).

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**III. THE BOARD SHOULD NOT ALLOW YOUTOO TO  
MANIPULATE THE SCHEDULE BY CHANGING ITS COUNSEL**

Twitter opposes its counsels' requested withdrawals to the extent it would result in any impact to the current schedule. Youtoo's Patent Owner Response in this proceeding is due December 14, 2017. Additionally, Youtoo has other Patent Owner Responses due sooner in other *inter partes* review proceedings filed by Twitter; namely IPR2017-00829 and IPR2017-00830. In those proceedings, Youtoo sought and obtained a schedule modification.

Although this proceeding is on a different schedule, Twitter is concerned that Youtoo may similarly attempt to manipulate the schedule in this proceeding as a result of its change of counsel. However, Youtoo has not approached Twitter about extending the schedule in this case, and Twitter would oppose such a request if requested.

**IV. CONCLUSION**

For each of the reasons discussed above, the Board should deny the Motion to Withdraw.

Respectfully submitted,

Dated: November 9, 2017

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