

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

IN RE TELES AG, 2012-1297

**UNOPPOSED MOTION FOR WITHDRAWAL
OF CO-COUNSEL FOR PLAINTIFFS-APPELLANTS**

Pursuant to Federal Circuit Rules 27 and 47.3(c)(5), Fried, Frank, Harris, Shriver & Jacobson LLP (“Fried Frank”), co-counsel for plaintiffs-appellants TELES AG Informationstechnolog and Sigram Schindler Beteiligungsgesellschaft mbH (collectively, “TELES”) respectfully moves this Court for withdrawal of James W. Dabney, Douglas W. Baruch and John F. Duffy as counsel for TELES, with the consent of TELES, co-counsel for TELES in this proceeding, the law firm of Foley & Lardner LLP, and counsel for defendant-appellee.

Fried Frank respectfully submits that good cause exists for the requested relief as explained in the accompanying declaration of James W. Dabney.

Plaintiff-appellant TELES’s brief has already been filed in this proceeding and, thereafter attorneys from the law firm of Foley & Lardner LLP appeared as co-counsel for TELES. Fried Frank’s withdrawal will not result in delay or inconvenience to any party, counsel, or the Court.

Fried Frank has notified counsel for defendant-appellee and has been advised that defendant-appellee does not object and will not file a response to this motion.

WHEREFORE, Fried Frank respectfully submits that its unopposed motion to withdraw its appearance by James W. Dabney, Douglas W. Baruch and John F. Duffy should be granted. A proposed Order is submitted herewith.

Dated: March 18, 2013

FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP

By: /s/James W. Dabney
James W. Dabney

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- and -

FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP

Douglas W. Baruch
(D.C. Bar # 414354)

Of Counsel

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Withdrawing Co-Counsel for Plaintiffs-
Appellants

Form 9

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

IN RE TELES AG v. _____

No. 2012-1297

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Appellants _____ certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

TELES AG Informationstechnologien and Sigram Schindler Beteiligungsgesellschaft mbH

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

TELES AG Informationstechnologien and Sigram Schindler Beteiligungsgesellschaft mbH

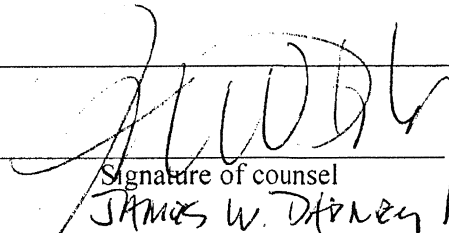
3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None

4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

See attached

April 25, 2012
Date


Signature of counsel
JAMES W. DINEEN
Printed name of counsel

Please Note: All questions must be answered

cc: Mercedeh Momeni, Esq.

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James W. Dabney

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Douglas W. Baruch
John F. Duffy

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

IN RE TELES AG, 2012-1297

DECLARATION OF JAMES W. DABNEY

1. My name is James W. Dabney. I am a member of the Bar of this Court and of the firm Fried, Frank, Harris, Shriver & Jacobson LLP, co-counsel for plaintiffs-appellants TELES AG Informationstechnologien and Sigram Schindler Beteiligungsgesellschaft mbH (collectively, "TELES"). I make this declaration in support of Fried Frank's unopposed motion for withdrawal of James W. Dabney, Douglas W. Baruch and John F. Duffy as co-counsel for TELES.

2. Both TELES and TELES's co-counsel in this proceeding, the law firm of Foley & Lardner LLP, consent to Fried Frank's withdrawal.

3. TELES's brief was filed on July 16, 2012. Subsequently, attorneys from the Foley firm have appeared as co-counsel for TELES, and the Foley firm has undertaken to file TELES' reply brief. Fried Frank's withdrawal will not result in delay or inconvenience to any party, counsel, or the Court.

4. On February 28, 2013, I communicated by email with Amy Nelson, counsel for defendant-appellee David J. Kappos. Ms. Nelson stated that the Government had no objection to the requested withdrawal.

I, JAMES W. DABNEY, hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: March 18, 2013

/s/James W. Dabney
James W. Dabney
james.dabney@friedfrank.com

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

IN RE TELES AG, No. 2012-1297

PROPOSED ORDER

UPON CONSIDERATION of the unopposed motion by Fried, Frank,
Harris, Shriver & Jacobson LLP for withdrawal of James W. Dabney, Douglas W,
Baruch and John F. Duffy as co-counsel for plaintiffs-appellants,

IT IS ORDERED that:

The motion is granted.

Dated: March ___, 2013

FOR THE COURT

By: _____
Honorable Jan Horbaly

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the CM/ECF system. I certify that all participants in this case are registered users and that service will be accomplished by the CM/ECF system.

/s/ James W. Dabney

James W. Dabney