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Filed on behalf of: Bloomberg Inc. et al.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Bloomberg Inc., Bloomberg L.P., Bloomberg Finance L.P., The Charles Schwab Corporation, Charles Schwab & Co., Inc., E*TRADE Financial Corporation, E*TRADE Securities LLC, E*TRADE Clearing LLC, optionsXpress Holdings Inc., optionsXpress, Inc., TD Ameritrade Holding Corp., TD Ameritrade, Inc., TD Ameritrade IP Company, Inc., and thinkorswim Group Inc.
Petitioner,

v.

Patent of **MARKETS-ALERT** PTY LTD.
Patent Owner.

Case CBM2013-00005 (JYC)
Patent No. 7,941,357

DECLARATION OF MICHAEL B. LEVIN
IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION

I, Michael B. Levin, state and declare as follows:

1. I am a member in good standing of the Bar of the State of California.
2. I have never been suspended or disbarred from practice before any court or administrative body.
3. I have never had a court or administrative body deny my application for admission to practice.
4. I have never had any sanctions or contempt citations imposed by any court or administrative body.
5. I have read and will comply with Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.
6. I agree to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
7. In the past three years, I have not appeared *pro hac vice* in any proceedings before the United States Patent and Trademark Office
8. I am an experienced litigator and have an established familiarity with the subject matter at issue in the proceeding. I have been practicing law since 1994 and have extensive experience litigating intellectual property disputes across the country, including patent disputes in district court and before the U.S. International Trade Commission (ITC). I have been recognized in *Northern California Super Lawyers* every year since 2005. I am familiar with U.S. Patent No. 7,941,357 ("the '357 Patent") and the issues involved in this case. I have been

representing Bloomberg *et al.* against Patent Owner Markets-Alert in pending District Court litigation since June 2012 when Markets-Alert asserted the '357 Patent. I have been actively involved as lead counsel for Bloomberg *et al.* throughout the life of the District Court case.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Date: May 2, 2013

/s/ Michael B. Levin

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Petitioner's Motion for *Pro Hac Vice* Admission of Michael B. Levin and Declaration of Michael B. Levin in Support of Petitioner's Motion for *Pro Hac Vice* Admission of Michael B. Levin were served on May 2, 2013, at the following address of record for the subject patent:

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