

Paper No. _____
Filed: May 2, 2013

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

PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION
OF MICHAEL B. LEVIN

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Bloomberg Inc. et al. respectfully requests *pro hac vice* admission of Michael B. Levin as counsel in this proceeding. Pursuant to Paper No. 12 in this proceeding, the Board authorized both parties to file motions for *pro hac vice* admission under 37 C.F.R. § 41.10(c). See also, Paper No. 17 confirming authorization and indicating that there is was no need for the parties to obtain further authorization by the Board.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. Board Rule § 42.10(c) indicates that, “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.”

The following statement of facts establishes good cause for the Board to recognize Michael B. Levin as counsel *pro hac vice* in this proceeding.

1. Lead Counsel, Michael T. Rosato, is a registered practitioner.
2. Counsel, Michael B. Levin, is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding. Mr. Levin has been practicing law since 1995 and has extensive experience litigating intellectual property disputes across the country, including patent disputes in district court and before the U.S. International Trade Commission (ITC). Mr. Levin has been recognized in *Northern California Super Lawyers* every

year since 2005. Mr. Levin is familiar with U.S. Patent No. 7,941,357 (“the ‘357 Patent”) and the issues involved in this case. Mr. Levin has 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. Mr. Levin has been actively involved as lead counsel for Bloomberg *et al.* throughout the life of the District Court case.

3. In his accompanying declaration, Mr. Levin also attests to each of the listed items in the Board’s Order Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00010(MPT) (Paper 6). *See* Declaration of Michael B. Levin (Exhibit No. 1034).

III. Conclusion

For the foregoing reasons, Bloomberg Inc. et al. respectfully requests that the Board admit Michael P. Levin as counsel *pro hac vice* in this proceeding.

Respectfully submitted,

Date: May 2, 2013

/ Michael T. Rosato /

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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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