

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN EXPRESS CO.
Petitioner

v.

LUNENFELD
Patent Owner

Case CBM2014-00001
Patent 8,326,924

AFFIDAVIT IN SUPPORT OF MOTION
FOR *PRO HAC VICE* ADMISSION OF
RICHARD M. MARTINEZ UNDER 37 C.F.R. § 42.10(c)

LUNENFELD
EXHIBIT 2003-1

I, Richard M. Martinez, declare that:

- 1) I am a partner at the law firm of Robins, Kaplan, Miller & Ciresi L.L.P. and provide this declaration in support of Patent Owner's Motion for my *pro hac vice* admission. I have personal knowledge of the matters set forth below, and if called as a witness, I could and would testify competently to these matters.
- 2) I have over 17 years of patent litigation experience, including fact and expert discovery, Markman hearings, and oral arguments in patent infringement matters before both Federal district courts and the United States Court of Appeals for the Federal Circuit. Most of my work as a patent litigation attorney has been in the technical areas of computer software and hardware.
- 3) I am a member in good standing of the State Bar of Minnesota.
- 4) I have never been suspended or disbarred from practice before any court or administrative body.
- 5) No court or administrative body has ever denied my application for admission to practice before it.
- 6) No court or administrative body has ever imposed sanctions or contempt citations on me.

- 7) I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.
- 8) I understand that I will be subject to the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
- 9) I am concurrently seeking *pro hac vice* admission to appear in Petitioners' co-pending related matter against Patent Owner, Case CBM2014-00050, challenging claims of U.S. Patent No. 8,239,451, which is in the same patent family as the patent at issue in this proceeding. I have not applied to appear *pro hac vice* in any other proceeding before the Office in the last three (3) years.
- 10) I have established familiarity with the subject matter at issue in this proceeding. I serve as Patent Owner's counsel in the parallel litigations in the U.S. District Court for the District of Delaware in which the same patent was at issue: *Metasearch Systems, LLC v. Expedia, Inc. et al.*, 12-cv-1188-LPS (D. Del.); *Metasearch Systems, LLC v. Travelocity.com LP*, 12-cv-1189-LPS (D. Del.); *Metasearch Systems, LLC v. Orbitz Worldwide, Inc.*, 12-cv-1190-LPS (D. Del.); *Metasearch Systems, LLC v. Priceline.com Inc.*, 12-cv-1191-LPS (D. Del.); *Metasearch Systems, LLC v. Yahoo! Inc.*, 12-cv-1223-LPS (D. Del.); *Metasearch Systems, LLC v. American Express Co. et al.*, 12-cv-1225-LPS (D.

Del.). These litigations are now stayed pending the outcome of this proceeding and Case CBM2014-00050.

11) Therefore, I have an established familiarity with the subject matter at issue in this proceeding.

Pursuant to 18 U.S.C. § 1001, I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2014



Richard M. Martinez

Sworn to and subscribed before me
this 25th day of June, 2014.



Notary Public



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