

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EBAY ENTERPRISE, INC. and EBAY, INC.  
Petitioner  
v.  
LAWRENCE B. LOCKWOOD  
Patent Owner

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Cases CBM2014-00025 (Patent 7,010,508)  
CBM2014-00026 (Patent 5,576,951)<sup>1</sup>

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Before SALLY C. MEDLEY, *Administrative Patent Judge*.

DECISION  
Motion for *Pro Hac Vice* Admission  
37 C.F.R. § 42.10

On July 21, 2014, Petitioner filed motions for *pro hac vice* admission of Mr. Mark P. Wine. The motions are unopposed. For the reasons provided below, Petitioner's motions are *granted*.

Pursuant to 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. In authorizing motions for *pro hac vice* admission, the Board requires the moving party to

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<sup>1</sup> This order addresses similar issues raised in both cases. We exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

CBM2014-00025 (Patent 7,010,508)

CBM2014-00026 (Patent 5,576,951)

provide a statement of facts showing good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in this proceeding. Paper 7, Notice of Filing Date Accorded to Petition, 2 (incorporating requirements in the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in IPR2013-00639).<sup>2</sup>

In this proceeding, lead counsel for Petitioner, Mr. Don Daybell, is a registered practitioner. Petitioner’s motions indicate that there is good cause for the Board to recognize Mr. Wine *pro hac vice* during this proceeding, and is supported by the declaration of Mr. Wine. Ex. 1015.

In particular, the motions explain that Mr. Wine is an experienced litigating attorney, and Mr. Wine declares that he has an established familiarity with the subject matter at issue in this proceeding, as he was counsel in a related district case involving the same patents involved in these covered business method patent reviews. Paper 28, 3-5; Ex. 1013.

Upon consideration, Petitioner has demonstrated that Mr. Wine possesses sufficient legal and technical qualifications to represent Petitioner in these proceedings, and the Board recognizes that there is a need for Petitioner to have Mr. Wine involved. Accordingly, Petitioner has established good cause for Mr. Wine’s admission. Mr. Wine will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the foregoing reasons, it is

ORDERED that Petitioner’s motions for *pro hac vice* admission of Mr. Mark P. Wine are *granted*;

FURTHER ORDERED that Mr. Mark P. Wine is authorized to

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<sup>2</sup> Citations are to CBM2014-00025.

CBM2014-00025 (Patent 7,010,508)

CBM2014-00026 (Patent 5,576,951)

represent Petitioner as back-up counsel only;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent Petitioner as lead counsel for these proceedings; and

FURTHER ORDERED that Mr. Mark P. Wine is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations, and to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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