

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION GROUP, INC. AND
TRADESTATION SECURITIES, INC.
Petitioner

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.
Patent Owner

Case CBM2015-00161
Patent No. 6,766,304

**DECLARATION OF ADAM KESSEL IN SUPPORT OF PETITIONER'S
MOTION FOR *PRO HAC VICE* ADMISSION**

**DECLARATION OF ADAM KESSEL IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE*
ADMISSION**

I, Adam Kessel, hereby declare the following:

1. I am a member in good standing of the state Bar for the Commonwealth of Massachusetts, as well as the United States Court of Appeals for the Federal Circuit.
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has been imposed against me by any court or administrative body.
5. 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 the Code of Federal Regulations.
6. I will be subject to the USPTO 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).
7. I am a litigation attorney with more than a decade of experience representing clients in cases involving computer software. I regularly litigate cases before the United States Court of Appeals for the Federal Circuit, various federal district

courts, and the International Trade Commission. Through my practice in such cases, I have gained substantial experience in jury trials, discovery, *Markman* hearings, and appeals. In addition to my legal experience, I had many years of software development experience prior to entering the practice of law. I also have a degree in chemistry from Princeton University. My biography is attached as Exhibit A.

8. I also have particular experience and familiarity with the substantive and technical issues involved in this Covered Business Method review proceeding. I have been involved in co-pending patent litigation brought by Patent Owner against Petitioner since its inception in June 2010. Over the past five years, I have invested substantial time on Petitioner's behalf on motion practice, discovery, appeals, and analysis of the twelve patents-in-suit, including the patent for which review is sought in the instant proceeding.

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; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: September 28, 2015

/s/ Adam J. Kessel

Adam Kessel

Fish & Richardson P.C.

One Marina Park Drive

Boston, MA 02210

Tel: (617) 542-5070

Email: kessel@fr.com



Adam Kessel

Principal

📍 Boston, MA 📞 617-368-2180 ✉ kessel@fr.com

Background

Adam Kessel is a Principal in the Boston office of Fish & Richardson. His practice focuses on intellectual property litigation, particularly cases involving software and electronics. He also specializes in open source and other software licensing. He has substantial courtroom and trial experience, including work on several cases at trial and on appeal in the Federal Courts and International Trade Commission. He also handled nearly 200 criminal cases as a "lawyer on loan" to the Suffolk County District Attorney's Office (2009-2010), several of which he took to trial as first chair.

Mr. Kessel has previous IP law firm experience, and served as a Judicial Intern for the Late Honorable Reginald Lindsay of the United States District Court for the District of Massachusetts (2003), as well as a Legal Intern for the Electronic Privacy Information Center (2002). Prior to law school, Mr. Kessel had many years of consulting experience in web and database programming (1990-2004), and also worked as a Lab Associate in a biochemistry lab at the University of Vermont Medical School (1997). Mr. Kessel also held a position at the Center for Neighborhood Technology as a Researcher, where he worked on policy issues.

Services

- Copyright
- Litigation
- Domain Names & Internet
- Digital Millennium Copyright Act
- Strategic Counseling, Registration, and Opinions
- Transactions and Agreements
- False Claims Act/Qui Tam
- Patent Litigation
- Trade Secret Litigation
- Trademark, Copyright & Media Litigation

Industries

- Chemicals
- Digital Media and E-Commerce
- Hardware
- Internet
- Life Sciences
- Software
- Telecommunications

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.