

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION GROUP, INC. and
TRADESTATION SECURITIES, INC.,
Petitioners,

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.,
Patent Owner.

Case CBM2015-00161
Patent No. 6,766,304 B2

Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and
PHILIP J. HOFFMANN, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

ORDER

Pro Hac Vice Admission of Mr. Adam Kessel
37 C.F.R. § 42.10(c)

INTRODUCTION

On September 29, 2015, Petitioner filed an Unopposed Motion for *Pro Hac Vice* Admission of Mr. Adam J. Kessel (Paper 15) and an accompanying declaration in support thereof (Ex. 1021). Patent Owner did not file an opposition.

DISCUSSION

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 a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is 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. IPR2013-00639, Paper 7, “Order – Authorizing Motion for *Pro Hac Vice* Admission.”

Lead Counsel for Petitioner is Mr. John C. Phillips, a registered practitioner. In the Motion, Petitioner states that there is good cause for the Board to recognize Mr. Kessel *pro hac vice* during this proceeding because he represents Petitioner in related matters against the Patent Owner. Paper 15, 2. The motion further asserts that Mr. Kessel has experience and familiarity with the subject matter of the patents at issue in these proceedings. *Id.*

A Declaration of Mr. Kessel attesting to, and sufficiently explaining, the required facts, accompanies the motion. The Declaration complies with the requirements for *pro hac vice* admission and establishes that Mr. Kessel is an experienced attorney with an established familiarity with the subject matter at issue in this proceeding. Ex. 1021, 7–8. The Declaration further acknowledges that

Mr. Kessel is 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). *Id.* at 6.

Upon consideration, Petitioner has demonstrated sufficiently that Mr. Kessel has sufficient legal and technical qualifications to represent Petitioner in this proceeding. Accordingly, Petitioner has established that there is good cause for admitting Mr. Kessel. Mr. Kessel may only be designated as backup counsel.

ORDER

It is:

ORDERED that Petitioner's Motion for *Pro Hac Vice* Admission of Mr. Adam Kessel is *granted*, and Mr. Kessel is authorized to represent Petitioner only as back-up counsel in this proceeding;

FURTHER ORDERED that Petitioner should continue to have a registered practitioner as lead counsel in this proceeding;

FURTHER ORDERED that Mr. Kessel is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Kessel is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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