

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELTA AIR LINES, INC., FRONTIER AIRLINES, INC., UNITED AIRLINES,
INC., US AIRWAYS, INC., AND AMERICAN AIRLINES, INC.
Petitioners

v.

LOYALTY CONVERSION SYSTEMS CORPORATION
Patent Owner

Case CBM: CBM2014-00096
Patent 8,511,550

**PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION OF
STEPHEN E. BASKIN UNDER 37 C.F.R. § 42.10**

Before GRACE MEDLEY, *Administrative Patent Judge*

Mail Stop: Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.10, in response to the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in the “Notice of Filing Date Accorded to Petition” (Paper Number 3, dated April 1, 2014, referred to herein after as “Notice”) to file this motion for *pro hac vice* motion admission and in accordance with “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7¹, Petitioners Delta Air Lines, Inc. (“Delta”), Frontier Airlines, Inc. (“Frontier”), United Airlines, Inc. (“United”), US Airways, Inc. (US Airways), and American Airlines, Inc. (“American”) (collectively, “Petitioners”) submit this motion for Stephen E. Baskin to appear *pro hac vice*. Petitioner respectfully requests the Board to recognize Mr. Baskin *pro hac vice* admission during this proceeding.

I. TIME FOR FILING

Pursuant to the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. STATEMENT OF FACTS

Pursuant to the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Baskin *pro hac vice*.

¹ As referenced in page 3 of the Notice.

Lead counsel for this proceeding, Saqib Siddiqui, is a registered practitioner (Reg. No. 68,626).

Mr. Baskin is an experienced litigation attorney, having litigated approximately 30 patent infringement cases in District Courts across the country. He has experience in various aspects of patent infringement matters including jury and bench trials, *Markman* hearings, and summary judgment hearings.

Mr. Baskin is counsel for the Petitioners in a co-pending litigation, *Loyalty Conversion Systems Corp. v. American Airlines, Inc., et. al.*, No. 2:13-cv-655-JRG, pending in the United States District Court for the Eastern District of Texas. This litigation involves U.S. Patent No. 8,511,550, the same patent that is at issue in this proceeding. During the co-pending litigation, Mr. Baskin has reviewed the asserted patent, prior art references, claim charts, and argued multiple motions including a Motion for Judgment on the Pleadings related to the validity of claims of U.S. Patent No. 8,511,550 under 35 U.S.C. 101. As such, Mr. Baskin has established familiarity with the subject matter at issue in this proceeding.

Petitioners have expended significant financial resources in the co-pending litigation with Mr. Baskin as counsel, and Petitioner wishes to continue using Mr. Baskin in this proceeding.

As such, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Baskin as counsel *pro hac vice* during this proceeding.

III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion for *pro hac vice* admission is accompanied by a Declaration of Mr. Baskin.

Date: July 2, 2014

/Saqib J. Siddiqui/
Saqib Siddiqui
Reg. No. 68,626
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**AFFIDAVIT OF MR. STEPHEN E. BASKIN IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Stephen E. Baskin, being duly sworn and upon oath, hereby declare as follows:

1. I am a member in good standing of the Bar of the District of Columbia and the Bar of the Commonwealth of Virginia, as well as the following Federal Courts:
 - a. U.S. Court of Appeals for the Sixth Circuit (1995)
 - b. U.S. District Court for the Northern District of Ohio (1996)
 - c. U.S. Court of Appeals for the Ninth Circuit (2000)
 - d. U.S. Court of Appeals for the D.C. Circuit (2002)
 - e. U.S. District Court for the District of Columbia (2002)
 - f. U.S. District Court for the Eastern District of Virginia (2002)
 - g. U.S. District Court for the Eastern District of Texas (2010)
 - h. U.S. Court of Appeals for the Federal Circuit (Oct. 2012)
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. I have never had sanctions or contempt citations imposed by any court or administrative body imposed against me;

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 C.F.R.;
6. I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
7. I have not applied to appear pro hac vice in any proceedings before the Office in the last three (3) years; and
8. I am an experienced litigation attorney and have litigated approximately 30 patent infringement cases in Federal Courts across the country. I have experience in various aspects of patent infringement matters including jury and bench trials, *Markman* hearings, and summary judgment hearings. I am lead counsel for Petitioners American Airlines, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., United Airlines, Inc., and US Airways, Inc. in a co-pending litigation (*Loyalty Conversion Systems Corp. v. American Airlines, Inc., et. al.*, No. 2:13-cv-655-JRG) in which U.S. Patent Nos. 8,313,023 and 8,511,550 are asserted against American Airlines, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., United Airlines, Inc., and US Airways, Inc. As lead counsel, I have argued a Motion for Judgment on the Pleadings related to the validity of claims of U.S. Patent Nos. 8,313,023 and 8,511,550 under 35 U.S.C. 101 in this co-pending litigation, and I am familiar with the subject matter at issue in the

proceeding, including the asserted patents and the prior art references on which
Petitioners rely on.

Respectfully submitted,

Date: July 2, 2014

A handwritten signature in black ink, appearing to be 'SEB', is written over a horizontal line.

Stephen E. Baskin
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CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

The undersigned hereby certifies that the above-captioned “Petitioners’ Motion for *Pro Hac Vice* Admission of Stephen E. Baskin Under 37 C.F.R. § 42.10 ” and attached Affidavit of Mr. Stephen E. Baskin , was served in its entirety on July 2, 2014, upon the attorneys of record for the patent at the following addresses via email:

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