

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

LOYALTY CONVERSION SYSTEMS CORPORATION,
Patent Owner.

Case CBM2014-00095 (Patent 8,313,023)
Case CBM2014-00096 (Patent 8,511,550)¹

Before GRACE KARAFFA OBERMANN, JON B. TORNQUIST, and
TINA E. HULSE, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER
Granting Petitioners' Motions for *Pro Hac Vice*
Admission of Stephen E. Baskin
37 C.F.R. § 42.10

¹ This order addresses issues common to both cases; therefore, we issue a single order to be entered in each case. The parties are authorized to use this style heading when filing identical papers in both proceedings, provided that such heading includes a footnote attesting that "the word-for-word identical paper is filed in each proceeding identified in the heading."

On July 23, 2014, Petitioners filed Motions for *Pro Hac Vice* Admission of Stephen E. Baskin pursuant to 37 C.F.R. § 42.10(c) (“Motions”) (Papers 27, 19), accompanied by Affidavits of Mr. Baskin in support of the Motions (Ex. 1017, Ex. 1018).² Patent Owner did not oppose the Motions within the one-week period permitted for filing an opposition. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IRP2013-00639, slip op. at 3 (PTAB Oct. 15, 2013) (Paper 7) (“Parties seeking to oppose a motion for *pro hac vice* admission must file their opposition no later than one week after the filing of the underlying motion.”). The filing of the Motions was pre-authorized in notices dated April 1, 2014. *See* Papers 7, 7. We grant the Motions for the reasons that follow.

As set forth in § 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 such motions, the Board requires a statement of facts showing good cause for recognizing counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents*, slip op. at 3.

Petitioners assert that there is good cause for Mr. Baskin’s *pro hac vice* admission because: (1) Mr. Baskin is an experienced patent litigation attorney, having litigated about 30 patent infringement cases in district courts; (2) Mr. Baskin is lead counsel for Petitioners in co-pending district court litigation involving the same patents that are at issue in the instant proceedings; and (3) Mr. Baskin has an established familiarity with the subject matter at issue in the

² All references to the papers refer to the proceedings in numerical order; *i.e.*, the first paper number refers to the paper number in CBM2014-00095, and the second paper number refers to the paper number in CBM2014-00096.

instant proceedings. Papers 27, 19 at 3–4. Mr. Baskin attests to these facts, and further states that he is a member in good standing of bars of the District of Columbia and the Commonwealth of Virginia, has never been suspended or disbarred from practice, sanctioned, cited for contempt, or denied admission to practice before any court or administrative body. Ex. 1017 ¶¶ 1-4, 8; Ex. 1018 ¶¶ 1-4, 8.

On this record, and in view of the lack of any stated objection by Patent Owner, we are persuaded that Mr. Baskin’s participation as backup counsel for lead counsel, who is a registered practitioner, will serve the interests of reaching a speedy and cost-efficient resolution in this proceeding. We further are persuaded that Mr. Baskin has sufficient legal and technical qualifications to represent Petitioners in these proceedings. Given his involvement in the co-pending district court litigation, we find that there is a need for Petitioners to have Mr. Baskin involved in the instant proceedings. Accordingly, Petitioners demonstrate good cause for Mr. Baskin’s *pro hac vice* admission in these proceedings.

Mr. Baskin shall be subject to the Office’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the Office’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101-11.901. *See* Ex. 1017 ¶ 6, Ex. 1018 ¶ 6. Furthermore, Mr. Baskin is directed 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 the C.F.R. *See* Ex. 1017 ¶ 5, Ex. 1018 ¶ 5 (stating that Mr. Baskin has “read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 47 of 37 CFR.”).

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For the foregoing reasons, it is

ORDERED that Petitioners' Motions for *Pro Hac Vice* Admission of Stephen E. Baskin for the instant proceedings is granted; Mr. Baskin is authorized to represent Petitioners as back-up counsel in the instant proceedings;

FURTHER ORDERED that Petitioners shall continue to have a registered practitioner as lead counsel in the instant proceedings;

FURTHER ORDERED that Mr. Baskin shall 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. Baskin shall 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. §§ 11.101-11.901.

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