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Paper 13
Entered: November 26, 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLOOMBERG INC.; BLOOMBERG L.P.; BLOOMBERG FINANCE L.P.;
THE CHARLES SCHWAB CORPORATION;
CHARLES SCHWAB & CO., INC.;
E*TRADE FINANCIAL CORPORATION; E*TRADE SECURITIES LLC;
E*TRADE CLEARING LLC; OPTIONSXPRESS HOLDINGS INC.;
OPTIONSXPRESS, INC.; TD AMERITRADE HOLDING CORP.;
TD AMERITRADE, INC.; TD AMERITRADE IP COMPANY, INC.; and
THINKORSWIM GROUP INC.
Petitioner,

v.

Patent of MARKETS-ALERT PTY LTD.
Patent Owner.

Case CBM2013-00005 (JYC)
Patent 7,941,357

Before JAMESON LEE, SALLY C. MEDLEY, JONI Y. CHANG, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

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

Markets-Alert Pty. Ltd. ("Markets-Alert") filed a motion for Adrian Pruetz to appear *pro hac vice* (Paper 8), which was accompanied by a declaration of Ms. Pruetz in support of the motion (Paper 10[1]). The petitioner did not file an opposition to the motion. For the reasons provided below, Markets-Alert's motion is *granted*.

As set forth in 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*, the Board also requires 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. Paper 12.

In its motion, Markets-Alert states that there is good cause for Ms. Pruetz's admission because, according to Markets-Alert, lead counsel, Andrew Choung, is a registered practitioner, and Ms. Pruetz is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding. Paper 8, p. 2. More specifically, Markets-Alert directs the Board to Ms. Pruetz's declaration where Ms. Pruetz attests to the fact that she represents Markets-Alert as lead counsel in six district court actions that involve the same patent at issue in this

[1] This declaration should have been filed as a separate exhibit and labeled properly. 37 C.F.R. § 42.63.

proceeding. Paper 8, p. 2; paper 10, ¶ 10. In her declaration, Ms. Pruetz also attests that:

(1) She has been "practicing in the field of intellectual property, and particularly, patent litigation, for over thirty years."

(2) She is "a member in good standing of the Bar of the State of California and is admitted to practice before the United States Supreme Court" and several other Federal and state courts.

(3) She has been "in private practice and litigating patent cases since May 1982, been lead counsel on several hundred patent cases …, and litigated many of them through both trial and appeal."

(4) She has "never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body."

(5) She has "never had a court or administrative body deny [her] application for admission to practice."

(6) She has "read and will comply with 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."

(7) She agrees "to be subject to the United States Patent and Trademark Office 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)." Paper 10, ¶¶ 1-2, 4-8.

We find that Ms. Pruetz has sufficient legal and technical qualifications to represent Markets-Alert in the instant proceeding. We further recognize that there is a need for Markets-Alert to have its lead counsel in the related litigations involved in this proceeding. Accordingly, we determine that Markets-Alert has established good cause for Ms. Pruetz's admission.

For the foregoing reasons, it is

ORDERED that Markets-Alert's motion for *pro hac vice* admission is ***granted***, namely Ms. Pruetz is authorized to represent Markets-Alert as back-up counsel in the instant proceeding;

FURTHER ORDERED that Markets-Alert is to continue to have a registered practitioner as lead counsel in the instant proceeding; and

FURTHER ORDERED that Ms. Pruetz 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 the C.F.R., and to be subject to the Office's 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).

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