

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN AIRLINES, INC. and
HILTON DOMESTIC OPERATING COMPANY, INC.,
Petitioner,

v.

R2 SOLUTIONS LLC,
Patent Owner.

IPR2023-00666 (Patent 8,341,157 B2)
IPR2023-00689 (Patent 8,190,610 B2)
IPR2023-00690 (Patent 7,698,329 B2)¹

Before ST. JOHN COURTENAY III, JOHN A. HUDALLA, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of David E. Finkelson
37 C.F.R. § 42.10(c)

¹ This Order addresses issues that are the same in each of the above-captioned proceedings. We exercise our discretion to issue one Order to cover all proceedings. The parties, however, are not authorized to use this style heading in subsequent papers.

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Petitioner filed Motions for Admission *Pro Hac Vice* of David E. Finkelson in each of the above-captioned proceedings. Paper 6 (“Motions”).² Petitioner submitted Corrected Declarations of Mr. Finkelson in support of the Motions. Ex. 1020.³ Patent Owner has not opposed the Motions.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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 the proceeding. *See* Paper 5, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motions and the accompanying Corrected Declarations, we conclude that Mr. Finkelson has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Finkelson has demonstrated sufficient familiarity with the subject matter of these proceedings, that Mr. Finkelson meets all other requirements for admission *pro hac vice*, and that Petitioner’s desire to include counsel from

² This Order cites to papers filed in IPR2023-00666. Corresponding papers were filed in IPR2023-00689 and IPR2023-00690.

³ Petitioner submitted the Corrected Declarations after the Board emailed the parties inviting Petitioner to file corrected declarations to remedy certain deficiencies.

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the corresponding district court litigation is credible. *See* Motion 2–3; Ex. 1020. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Finkelson.

Accordingly, it is

ORDERED that Petitioner’s Motions for *pro hac vice* admission of David E. Finkelson are *granted*;

FURTHER ORDERED that Petitioner continues to have a registered practitioner represent it as lead counsel for the instant proceedings, but that Mr. Finkelson is authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Finkelson comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))⁴ and the Board’s Rules of Practice for Trials as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Finkelson is 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 *et seq.*⁵

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁵ Mr. Finkelson declares that he “agree[s] to be subject to the USPTO *Rules of Professional Responsibility*” rather than the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* *See* Ex. 1020 ¶ 9 (emphasis added). We consider this to be harmless error.

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