

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.

IPR2023-00887
Patent 8,209,317 B2

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

HUDALLA, *Administrative Patent Judge*.

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

American Airlines, Inc., and Hilton Domestic Operating Company, Inc. (collectively, “Petitioner”) filed a Motion for Admission *Pro Hac Vice* of David E. Finkelson. Paper 6 (“Motion”). Petitioner submitted a Declaration of Mr. Finkelson in support of the Motion. Ex. 1021. Patent Owner has not opposed the Motion.

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 Motion and the accompanying Declaration, we conclude that Mr. Finkelson has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Finkelson has demonstrated sufficient familiarity with the subject matter of this proceeding, that Mr. Finkelson meets all other requirements for admission *pro hac vice*, and that Petitioner’s desire to include counsel from the corresponding district court litigation is credible. *See* Motion 2–3; Ex. 1021. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Finkelson.

Accordingly, it is

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

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, 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))¹ 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.*²

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

² 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.* Ex. 1021 ¶ 9. We consider this to be harmless error.

IPR2023-00887
Patent 8,209,317 B2

PETITIONER:

John B. Campbell
Geoffrey Smith
Raphael Chabaneix
Steven Peters
David E. Finkelson
Kyle Smith
jcampbell@McKoolSmith.com
gsmith@McKoolSmith.com
rchabaneix@McKoolSmith.com
speters@McKoolSmith.com
dfinkelson@mcguirewoods.com
ksmith@mcguirewoods.com

PATENT OWNER:

Carder W. Brooks
Brent N. Bumgardner
carder@nelbum.com
brent@nelbum.com