

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION  
Petitioner,

v.

IPR LICENSING, INC.  
Patent Owner

Patent No. 8,380,244  
Issued: February 19, 2013  
Filed: November 9, 2009

Title: DUAL MODE UNIT FOR SHORT RANGE, HIGH RATE AND LONG  
RANGE, LOWER RATE DATA COMMUNICATIONS

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*Inter Partes* Review Nos. IPR2015-00074

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**PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF  
SCOTT M. BORDER PURSUANT TO 37 C.F.R. § 42.10(c)**

Petitioner, Microsoft Corporation (“Microsoft”) respectfully requests that the Board recognize Scott M. Border, Esq. as *pro hac vice* counsel and back-up counsel during this proceeding.

## **I. BACKGROUND**

Microsoft’s Motion for *Pro Hac Vice* Admission is being filed pursuant to and in compliance with the Notice of Filing Date Accorded to Petition and Time Period For Filing Patent Owner Preliminary Response for this Petition, which was mailed November 6, 2014 (Paper 7) (the “Notice”). The Notice authorizes the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Further to the Notice, such “motions shall be filed in accordance with the ‘Order – Authorizing Motion for *Pro Hac Vice* Admission’ in Case IPR2013-00639.” *Id.* at 2.

## **II. TIME OF FILING**

This Motion for *Pro Hac Vice* admission is being filed more than twenty-one days after service of the petition, *i.e.*, the time specified in the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639.

## **III. STATEMENT OF FACTS**

As required by the Order, the following statement of facts, supported by the attached Declaration of Scott M. Border in Support of Motion for *Pro Hac Vice* Admission (“Border Decl.”), shows that there is good cause for the Patent Trial and Appeal Board (“Board”) to recognize Mr. Border *pro hac vice* in this

proceeding. Substitute lead counsel, Joseph Micallef, and substitute backup counsel, Douglas Lewis, are registered practitioners and are experienced in proceedings before the USPTO.

Mr. Border is an experienced litigation attorney. Mr. Border has been a litigating attorney for more than seven years, and has been involved in numerous patent litigation cases in federal courts and matters before the Board. Mr. Border's experience includes representing a wide range of clients in complex intellectual property litigation, and he has appeared as counsel for Microsoft in a number of litigation matters before the International Trade Commission, various District Courts, as well as matters before the Board.<sup>1</sup> Mr. Border is a member in good standing of the Virginia State Bar and the District of Columbia Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States Court of Appeals for the Federal Circuit, as well as the United States District Courts for the Northern District of Florida, Eastern District of Texas, and Eastern District of Virginia. His mailing address is at Sidley Austin LLP, 1501 K Street, N.W., Washington, D.C. 20005, his email address is sborder@sidley.com, and his direct dial is (202) 736-8818.

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<sup>1</sup> Mr. Border was admitted *pro hac vice* in IPR2013-00292, IPR2014-00039, IPR2014-00040.

Mr. Border has worked with substitute lead counsel in most aspects of his participation in this proceeding and the related proceeding in District Court for the District of Delaware. As such, he has reviewed and is familiar with (i) U.S. Patent No. 8,380,244, the patent at issue in this proceeding, (ii) the prior art relied upon in Microsoft's Petition, (iii) the legal and factual arguments that have been addressed by Microsoft and (iv) the developments in this proceeding since the filing of Microsoft's Petition. Mr. Border has also been involved in a number of other proceedings before the Board, has been admitted *pro hac vice* as backup counsel in other matters before the Board, and is familiar with its established practices. Accordingly, he has established familiarity with the subject matter at issue in these proceedings and the conduct of these proceedings to date.

Mr. Border has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.P.R. §§11.01 *et seq.*, and to disciplinary jurisdiction under 37 C.P.R. §11.19(a).

#### **IV. ANALYSIS**

The facts contained in the Statement of Facts above, and contained in the Border Declaration, establish that there is good cause to admit Mr. Border *pro hac*



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