

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VIRNETX INC.,
Patent Owner.

Case IPR2015-00810 (Patent 8,868,705 B2)

Case IPR2015-00811 (Patent 8,868,705 B2)

Case IPR2015-00812 (Patent 8,850,009 B2)

Before KARL D. EASTHOM, JENNIFER S. BISK, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion for Admission
Pro Hac Vice — Scott M. Border
37 C.F.R. § 42.10

IPR2015-00810 (Patent 8,868,705)

IPR2015-00811 (Patent 8,868,705)

IPR2015-00812 (Patent 8,850,009)

Petitioner, Apple Inc., filed a Motion for Admission *Pro Hac Vice* of Scott M. Border, which was accompanied by a declaration of Scott M. Border.¹ Paper 10 (“Motion” or “Mot.”).² Patent Owner has not opposed the Motion within one week after the filing of the Motion. *See* Paper 3 (Notice of filing Date Accorded to Petition, 2, (citing Case IPR2013-00639, Paper 7)).

Pursuant to 37 C.F.R. § 42.10(c), we 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 motions for *pro hac vice*, we require the moving party to provide a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in the proceeding.

Upon review of Petitioner’s Motion and supporting evidence, we determine that Petitioner has demonstrated that Scott M. Border has sufficient legal and technical qualifications to represent Petitioner in the above-identified proceedings. We also recognize that there is a need for Petitioner to have him involved in these proceedings.

Accordingly, Petitioner has established that there is good cause for admitting Scott M. Border.

It is

ORDERED that Petitioner’s Motion for *Pro Hac Vice* Admission of

¹ We remind Petitioner that this declaration should have been filed as a separate exhibit and labeled properly. 37 C.F.R. § 42.63.

² Petitioner filed similar Motions in each of the captioned proceedings. For brevity, we refer here to the papers in IPR2015-00810.

IPR2015-00810 (Patent 8,868,705)

IPR2015-00811 (Patent 8,868,705)

IPR2015-00812 (Patent 8,850,009)

Scott M. Border is granted; Mr. Border is authorized to represent Petitioner Apple Inc. as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the proceedings;

FURTHER ORDERED that Scott M. Border 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 Title 37, Code of Federal Regulations, and to 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 *et. seq.*; and

FURTHER ORDERED that a copy of this Order shall be filed in IPR2015-00810, IPR2015-00811, and IPR2015-00812.

IPR2015-00810 (Patent 8,868,705)

IPR2015-00811 (Patent 8,868,705)

IPR2015-00812 (Patent 8,850,009)

For Petitioner:

Jeffrey Kushan

Thomas A. Broughan, III

SIDLEY AUSTIN LLP

IPRNotices@sidley.com

tbroughan@sidley.com

For Patent Owner:

Joseph Palys

Naveen Modi

PAUL HASTINGS LLP

josephpalys@paulhastings.com

naveenmodi@paulhastings.com

Jason Stach

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

jason.stach@finnegan