

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE MANGROVE PARTNERS MASTER FUND, LTD. and APPLE INC.  
Petitioners,

v.

VIRNETX INC.,  
Patent Owner.

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Case No. IPR2015-01047<sup>1</sup>  
U.S. Patent No. 7,490,151

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**DECLARATION OF SCOTT M. BORDER IN SUPPORT OF PETITIONER  
APPLE'S MOTION FOR *PRO HAC VICE* ADMISSION**

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<sup>1</sup> Apple Inc., who filed a petition in IPR2016-00063, has been joined as a Petitioner in the instant proceeding.

I, Scott M. Border, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the Bar of the State of Virginia and the District of Columbia.

2. I have not been suspended or disbarred from practice before any court or administrative body.

3. I have never had an application for admission to practice before any court or administrative body denied.

4. No sanctions or contempt citations has been imposed against me by any court or administrative body.

5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.

6. I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

7. I have applied to appear *pro hac vice* and have been granted permission to appear *pro hac vice* before the Office in the following proceedings in the last three (3) years: IPR2013-00292, IPR2014-00039, IPR2014-00040, IPR2014-00481, IPR2014-00482, IPR2015-00074,


IPR2015-00810, IPR2015-00811, IPR2015-00812, IPR2015-00866,  
IPR2015-00868, IPR2015-00870, and IPR2015-00871.

8. I am an experienced litigation attorney, with 7 years of experience litigating patent cases in federal courts. My experience includes representing a wide range of clients in complex intellectual property litigation. I have appeared as counsel for Apple in a number of litigation matters over the span of my career.

9. I have worked with lead counsel in most aspects of his participation in this proceeding. As such, I have reviewed and am very familiar with (i) U.S. Patent No. 7,490,151 the patent at issue in this matter, (ii) the prior art relied upon in Apple's Petition, (iii) the legal and factual arguments made by Apple, and (iv) the developments in this proceeding after the filing of Apple's Petition as well as the developments in related matters before the Board. I have also been involved in a number of other proceedings before the Board and I am familiar with its established practices.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: January 27, 2016



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Scott M. Border