

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SYMANTEC CORP.,  
Petitioner,

v.

FINJAN, INC.,  
Patent Owner.

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Case IPR2015-01892  
Patent 8,677,494 B2

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Before JAMES B. ARPIN, ZHENYU YANG, and  
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

BOUDREAU, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion for *Pro Hac Vice* Admission  
of Alexander Walden  
*37 C.F.R. § 42.10*

On April 19, 2016, Petitioner, Symantec Corporation (“Symantec”), filed a motion for *pro hac vice* admission of Mr. Alexander Walden (Paper 16). Symantec represents that it conferred with Patent Owner, Finjan, Inc. (“Finjan”), and that Finjan does not object to Petitioner’s motion. Paper 16, 1. Indeed, Finjan has not filed an opposition.

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner. 37 C.F.R. § 42.10(c). If lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.*

In this proceeding, lead counsel for Symantec is Joseph J. Richetti, a registered practitioner. Symantec’s motion relies on an affidavit of Mr. Walden (Ex. 1025). Mr. Walden swears that he is a member in good standing of the state bar of New York. Ex. 1025 ¶ 4. Mr. Walden also swears that he has never been suspended or disbarred from practice by any court or administrative body, that he has never had a court or administrative body deny his application for admission to practice before it, and that no court or administrative body has ever imposed sanctions or contempt citations on him. *Id.* Mr. Walden identifies two prior proceedings before the Office in which he has applied to appear, one in which he was admitted and one in which no written order issued, and he swears that he has not

applied to appear in any other proceedings before the Office in the last three years. *Id.* at ¶ 7.

Mr. Walden further swears that he is familiar with the subject matter at issue in this proceeding; specifically, according to Mr. Walden, he has litigated patent cases in the areas of electrical engineering, computer science, and electronic devices since at least 2009, he began representing and advising Symantec in matters relating to patent strategy in early 2013, he is familiar with U.S. Patent No. 8,677,494 B2 at issue in this matter (“the ’494 patent”), and he assisted Symantec in preparing its Petition and other submissions in the instant proceeding. *Id.* at ¶ 8.

Mr. Walden further swears (1) that he has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in Part 42 of the Code of Federal Regulations,<sup>1</sup> and (2) that he understands that he will be subject to the United States Patent and Trademark Office 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). *Id.* at ¶¶ 5, 6.

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<sup>1</sup> Although not explicitly specified in Mr. Walden’s affidavit, we understand that Mr. Walden intended to refer to Part 42 “of Title 37” of the Code of Federal Regulations, where the Board’s Trial Practice rules are set forth.

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Based on the foregoing, we determine that Symantec has established good cause for admission, *pro hac vice*, of Mr. Alexander Walden.

It is

ORDERED that Symantec's motion for *pro hac vice* admission of Alexander Walden for these proceedings is granted;

FURTHER ORDERED that Mr. Walden is authorized to represent Symantec only as back-up counsel;

FURTHER ORDERED that Symantec shall continue to have a registered practitioner as lead counsel in this case;

FURTHER ORDERED that Mr. Walden shall comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42, of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Walden is subject to the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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