

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC.  
Petitioner,

v.

VIRNETX, INC.,  
Patent Owner.

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Case IPR2017-00337  
Patent 9,038,163 B2

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Before KARL D. EASTHOM, JENNIFER S. BISK, and  
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

DECISION

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

Petitioner filed a motion for *pro hac vice* admission of Scott M. Border (Paper 12), supported by his declaration (Ex. 1056), in this proceeding. The motion is unopposed.

Based on the facts set forth in the motion and the accompanying declaration, we conclude that Mr. Border has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that he has demonstrated the necessary familiarity with the subject matter of this case, and that there is a need for Petitioner to have counsel with his experience. Accordingly, Petitioner has established good cause for the *pro hac vice* admission of Mr. Border.

For the foregoing reasons, it is hereby:

ORDERED that Petitioner's motion for *pro hac vice* admission of Scott M. Border is *granted*, and Mr. Border is authorized to represent Petitioner as back-up counsel in this proceeding;

FURTHER ORDERED that Petitioner continue to have a registered practitioner as lead counsel in this proceeding;

FURTHER ORDERED that a power of attorney must be filed with the designation of counsel for Mr. Border in accordance with 37 C.F.R. § 42.10(b);

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

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