UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,
Petitioner,

v.

INFOEXPRESS INC.,
Patent Owner.

Case IPR2024-00677
U.S. Patent No. 8,578,444

PETITIONER CISCO'S NOTICE OF INTENT TO DESIGNATE JOSEPH C. MASULLO AS A PROVISIONALLY RECOGNIZED PTAB ATTORNEY ELIGIBLE FOR AUTOMATIC *PRO HAC VICE* ADMISSION AS BACK UP COUNSEL PURSUANT TO 37 C.F.R. § 42.10

Pursuant to 37 C.F.R. § 42.10, Cisco Systems, Inc., ("Petitioner") respectfully file a notice of intent to designate Joseph C. Masullo as a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission as backup counsel in this proceeding. The facts, supported by the attached Declaration of Joseph C. Masullo in Support of Notice of Intent to Designate a Provisionally Recognized PTAB attorney as Back Up Counsel ("Masullo Decl."), establish Mr. Masullo is a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission in this proceeding.

I. STATEMENT OF FACTS

Lead counsel for Petitioner, Scott M. Border, is a registered practitioner (Reg. No. 77,744) and experienced in *inter partes* proceedings in the USPTO. Mr. Border represents Petitioner in connection with the pending district court action captioned:

- InfoExpress Inc. v. Cisco Systems, Inc., 4-23-cv-02698 (NDCA)

Mr. Masullo has experience in numerous patent infringement litigation matters in the federal court system. Mr. Masullo has experience in trials and Markman hearings. Mr. Masullo has gained experience conducting technical infringement and validity analysis, working with technical experts to prepare reports on infringement and validity issues, preparing for depositions of technical experts and fact witnesses, briefing claim construction issues, preparing for Markman

hearings, drafting dispositive motions on a range of technical issues, and representing clients in patent litigation trials and hearings before district courts around the country.

Mr. Masullo has an M.S. in computer science and an established familiarity with the subject matter at issue in this proceeding. Petitioner wishes to continue using Mr. Masullo as counsel in this proceeding and have executed a Power of Attorney designating Mr. Masullo as backup counsel.

Mr. Masullo is a member in good standing of the Bars of the State of Connecticut and the District of Columbia. (*Id*. at ¶ 3.)

He has never been suspended or disbarred from practice before any court or administrative body. (*Id*. at ¶ 4.) He has never had an application for admission to practice before any court or administrated body denied. (*Id*.) Nor has any court or administrative body imposed sanctions or contempt citations against him. (*Id*.)

Mr. Masullo 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. (*Id*. at ¶ 5.) He attests to satisfying all requirements set forth by the Board for pro hac vice recognition of a provisionally recognized PTAB attorney. (*Id*. at ¶ 1.) He also acknowledges and agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq., and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id*. at ¶ 5.)

Mr. Masullo has previously applied to appear pro hac vice before the Office and has previously been recognized pro hac vice in a Board proceeding in IPR2023-00788, IPR2023-00789 (*Id.* at ¶ 6.) He has also not been subsequently denied permission to appear *pro hac vice* in a Board proceeding. (*Id.*)

II. ANALYSIS

The facts contained in the Statement of Facts above and Mr. Masullo's Declaration establish that Mr. Masullo is a provisionally recognized PTAB attorney and eligible for automatic *pro hac vice* admission in this proceeding under 37 C.F.R. § 42.10 as backup counsel. Lead counsel Scott M. Border is a registered practitioner and experienced in *inter partes* proceedings in the USPTO. Mr. Masullo is an experienced patent litigation attorney, and he has an established familiarity with the subject matter at issue in this proceeding.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully files a notice of intent to designate Joseph C. Masullo as a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission in this proceeding.

Petitioner's Mandatory Notices identify Mr. Masullo as backup counsel.

Dated: March 4, 2025

Respectfully submitted,

/ Scott M. Border/

Scott M. Border (lead counsel)
Reg. No. 77,744
Winston & Strawn LLC
1901 L Street, N.W.
Washington, D.C. 20036
T: 202-282-5276
sborder@winston.com
WS-Cisco-InfoExpress@winston.com

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), I certify that, on March 4, 2025, I caused to be served true and correct copy of the foregoing "Petitioner's Notice Of Intent To Designate Joseph C. Masullo As A Provisionally Recognized PTAB Attorney Eligible For Automatic *Pro Hac Vice* Admission As Back Up Counsel," by electronic mail on counsel of record for Patent Owner as follows:

Brian R. Michalek
Brian.Michalek@saul.com

Joseph M. Kuo
Joseph.Kuo@saul.com

Brian R. Landry
Brian.Landry@saul.com

Andrew Schwerin
andrew.schwerin@saul.com

IPGroupMailbox@saul.com

/ Scott M. Border/
Scott M. Border (lead counsel)
Reg. No. 77,744
Winston & Strawn LLC
1901 L Street, N.W.
Washington, D.C. 20036
T: 202-282-5276
sborder@winston.com
WS-Cisco-InfoExpress@winston.com