

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.,
Petitioner,

v.

Varia Holdings LLC,
Patent Owner.

U.S. Patent No. 9,405,947

Inter Partes Review Case No. 2024-01363

**PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF DANIEL A. APGAR UNDER 37 C.F.R. § 42.10(c)**

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Patent Owner's Exhibits
Ex. 2001	U.S. Patent No. 6,771,981 to Zalewski <i>et al.</i>
Ex. 2002	Declaration of Timothy K. Gilman in Support of Motion for Pro Hac Vice Admission
Ex. 2003	Declaration of Natalie D. Lieber in Support of Motion for Pro Hac Vice Admission
Ex. 2004	Declaration of Dr. Michael I. Shamos, Ph.D., dated June 4, 2025
Ex. 2005	Resume of Dr. Michael I. Shamos, Ph.D.
Ex. 2006	U.S. Provisional Patent Application No. 60/478,245
Ex. 2007	U.S. Patent Publication No. US2002/0123325 to Cooper
Ex. 2008	Deposition Transcript of Dr. Ding, dated May 22, 2025
Ex. 2009	Excerpts of Prosecution History of '947 Patent
Ex. 2010	Deposition Transcript of Dr. Ding, dated Oct. 7, 2025
Ex. 2011	Declaration of Daniel A. Apgar in Support of Motion for Pro Hac Vice Admission

Patent Owner Varia Holdings LLC (“Patent Owner”) respectfully requests that the Board recognize Daniel A. Apgar, Esq., as counsel *pro hac vice* during this proceeding. Petitioner’s counsel does not oppose this Motion.

I. BACKGROUND

Patent Owner’s Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the Order—Authorizing Motion for Pro Hac Vice Admission in Case No. IPR2013-00639, Paper 7 (“the Order”) and pursuant to the Board’s advanced authorization expressed in the Board’s Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response dated September 13, 2024 (Paper No. 3).

This Motion is accompanied by the Declaration of Daniel A. Apgar, Esq., as Exhibit 2011, (“Apgar Decl.”), as required by the Order.

II. STATEMENT OF FACTS

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Daniel A. Apgar *pro hac vice*.

1. Lead counsel Ari J. Jaffess is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.
2. Backup counsel Ronald Abramson is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.
3. Mr. Apgar has been a litigating attorney for more than 10 years. (Apgar

Decl. ¶ 1.) Mr. Apgar has been litigating patent cases for at least 10 years. (*Id.* ¶ 2.)

4. Mr. Apgar is a member in good standing of the New York State Bar and admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York. (*Id.* ¶ 3.)

5. Mr. Apgar has no suspensions or disbarments from practice before any court or administrative body, nor any application for admission to practice denied, nor any sanctions or contempt citations. (*Id.* ¶ 4.)

6. Mr. Apgar has familiarity with the subject matter at issue in this proceeding, and is counsel for Varia Holdings LLC in the district court case of *Varia Holdings LLC v. Apple Inc.*, Case No. 1:23-cv-07477-RPK-RML, involving the same patent at issue in this proceeding. (*Id.* ¶ 5.) Mr. Apgar has reviewed U.S. Patent No. 9,405,947 and the Petition, and is familiar with the record and filings in this proceeding. (*Id.* ¶ 6.)

7. Mr. Apgar has 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 the C.F.R., 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.* ¶¶ 7-8.)

8. Mr. Apgar has not applied to appear *pro hac vice* in any other proceedings before the Office besides these proceedings between Patent Owner

Varia Holdings LLC and Petitioner Apple Inc. (IPR2024-01362, IPR2024-01363, and IPR2024-01634). (*Id.* ¶ 9.)

III. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Apgar Declaration, establish that there is good cause to admit Mr. Apgar *pro hac vice* in this proceeding under 37 C.F.R. §42.10(c). Lead and backup counsel are registered practitioners, Mr. Apgar is an experienced litigating attorney, and Mr. Apgar has an established familiarity with the subject matter at issue in the proceeding.

IV. NO OPPOSITION TO THIS MOTION

Patent Owner has conferred with Petitioner with regard to this Motion, and Petitioner has confirmed that it does not intend to oppose it.

V. CONCLUSION

For the foregoing reasons, Patent Owner Varia Holdings LLC respectfully requests that the Board admit Daniel A. Apgar *pro hac vice* in this proceeding.

Dated: November 17, 2025

Respectfully submitted,

/Ari J. Jaffess/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.205(b), the undersigned hereby certifies that on November 17, 2025, a complete and entire copy of the foregoing **Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Daniel A. Apgar Under 37 C.F.R. § 42.10(c)** and Exhibit 2011 were served on Petitioner by filing through the Patent Trial and Appeal Case Tracking System (P-TACTS) and via email to IPR50095-0182IP1@fr.com, as authorized in Petitioner's mandatory notices:

Dated: November 17, 2025

/Ari J. Jaffess/

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212-257-1630