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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

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IPR2023-00401 (Patent 7,545,740 B2)
IPR2023-00402 (Patent 8,830,821 B2)
IPR2023-00554 (Patent 10,652,111 B2)
IPR2023-00714 (Patent 6,680,904 B1)

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Before KRISTEN L. DROESCH, NATHAN A. ENGELS, and BRENT M. DOUGAL, *Administrative Patent Judges*.

PER CURIAM.

ORDER[1]
Conditionally Granting Patent Owner's Motions for *Pro Hac Vice* Admission of George Stamatopoulos and Michael Ng
*37 C.F.R. § 42.10*

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[1] The combined caption is for administrative convenience only and does not indicate that IPR2023-00401, IPR2023-00402, IPR2023-00554, and IPR2023-00714 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On November 3, 2023, Patent Owner filed motions requesting *pro hac vice* admission of George Stamatopoulos and Michael Ng[2] in each of the above-identified proceedings (collectively "Motions"). Papers 15 and 16.[3] Patent Owner also submitted Declarations from George Stamatopoulos (Ex. 2022) and Michael Ng (Ex. 2023) in support of the Motions (collectively "Declarations").[4] Patent Owner states (in the Motions' titles) that Petitioner does not oppose the Motions. Papers 15 and 16.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission").

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[2] We note that Patent Owner also filed motions requesting *pro hac vice* admission of Mr. Stamatopoulos and Mr. Ng (Papers 12 and 13) on October 5, 2023. Papers 12 and 13 were not considered in part because they were incorrectly filed such that no fee was paid. Patent Owner corrects this issue in the Motions filed on November 3, 2023.

[3] For purposes of expediency, we cite to Papers filed in IPR2023-00401. Patent Owner filed similar Motions in IPR2023-00402 (Papers 16 and 17), IPR2023-00554 (Papers 12 and 13), and IPR2023-00714 (Papers 15 and 16).

[4] We cite to Exhibits filed in IPR2023-00401. Patent Owner filed similar Declarations in IPR2023-00402 (Exs. 2023 and 2024), IPR2023-00554 (Exs. 2022 and 2023), and IPR2023-00714 (Exs. 2022 and 2023).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Stamatopoulos and Mr. Ng each have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. *See* Exs. 2022 and 2023. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Stamatopoulos and Mr. Ng. Mr. Stamatopoulos and Mr. Ng will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Powers of Attorney in accordance with 37 C.F.R. § 42.10(b) have not been submitted for Mr. Stamatopoulos and Mr. Ng. Therefore, Patent Owner's Motions are *conditionally granted*, to be effective only after Patent Owner files the aforementioned Powers of Attorney.

Patent Owner has not filed updated mandatory notices identifying Mr. Stamatopoulos and Mr. Ng as back-up counsel. Therefore, Patent Owner must file updated mandatory notices identifying Mr. Stamatopoulos and Mr. Ng as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of George Stamatopoulos and Michael Ng are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit Powers of Attorney for Mr. Stamatopoulos and Mr. Ng in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Mr. Stamatopoulos and Mr. Ng as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Stamatopoulos and Mr. Ng are authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Stamatopoulos and Mr. Ng comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[5] (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

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

[5] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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