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Entered: July 5, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. AND JUNIPER NETWORKS, INC.,
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

IPR2023-00401 (Patent 7,545,740 B2)
IPR2023-00402 (Patent 8,830,821 B2)
IPR2023-00554 (Patent 10,652,111 B2)[1]

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

DOUGAL, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motions for
Admission *Pro Hac Vice* of Ken K. Fung
37 C.F.R. § 42.10

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[1] Juniper Networks, Inc. filed motions for joinder and petitions in IPR2024-00026, IPR2024-00034, and IPR2024-00037, which were granted. Accordingly, Juniper Networks, Inc has been joined as a petitioner in these proceedings. This Order addresses issues that are identical in each of the above-identified cases. Accordingly, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers without prior authorization.

On June 14, 2024, Petitioner Juniper Networks filed motions for *pro hac vice* Admission of Ken K. Fung in each of the above-identified proceedings. IPR2024-00026, Paper 8 (collectively "Motions").[2] The Motion in each case is supported by a Declaration of Mr. Fung. IPR2024-00026, Exhibit 1025 (collectively "Declarations"). Petitioner Juniper Networks indicates that "counsel for Patent Owner doesn't oppose Mr. Fung appearing *pro hac vice* during this proceeding." Motions, 2.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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").

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Fung has sufficient legal and technical qualifications to represent Petitioner Juniper Networks in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Declarations ¶¶ 1–9. Accordingly, Petitioner Juniper Networks has established good cause for *pro hac vice* admission of Mr. Fung.

[2] For expediency, we refer to Paper and Exhibit numbers filed in IPR2024-00026. Similar Papers and Exhibits were filed in IPR2024-00034 and IPR2024-00037.

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Fung in any of these proceedings. In view thereof, and for the reasons set forth below, the Motions are *conditionally granted*, and will become effective only after Petitioner Juniper Networks files the aforementioned Power of Attorney.

It is, therefore,

ORDERED that Petitioner Juniper Networks' Motions (IPR2024-00026, Paper 8; IPR2024-00034, Paper 8; and IPR2024-00037, Paper 9) for *pro hac vice* admission of Ken K. Fung are *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner Juniper Networks must submit a Power of Attorney for Mr. Fung in accordance with 37 C.F.R. § 42.10(b) in each of these proceedings;

FURTHER ORDERED that Petitioner Juniper Networks must file updated mandatory notices identifying Mr. Fung as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3) in each of these proceedings;

FURTHER ORDERED that Mr. Fung will be authorized to act only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel;

FURTHER ORDERED that Mr. Fung shall comply with the Consolidated Trial Practice Guide[3] (84 Fed. Reg. 64,280 (Nov. 21, 2019)),

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

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. Fung shall be 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*.

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