UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZYXEL COMMUNICATIONS CORPORATION AND
ZYXEL NETWORKS CORPORATION

Petitioners

v.

ATLAS GLOBAL TECHNOLOGIES LLC

Patent Owner

Case IPR2023-00877
Patent 9,917,679

PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF ERIC J. ENGER PURSUANT TO 37 C.F.R. § 42.10(c)

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. Relief Requested

Pursuant to 7 C.F.R. § 42.10, Patent Owner Atlas Global Technologies, LLC ("Atlas") requests that the Board recognize Eric J. Enger as counsel *pro hac vice* during this proceeding.

II. Governing Authority

Under 37 C.F.R. § 42.10(c), "[t]he 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 and to any other conditions as the Board may impose." The Board's Notice of Filing Date in this proceeding authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) and advised that any such motion should be filed in accordance with the "'Order -- Authorizing Motion for *Pro Hac Vice* Admission' in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under 'Representative Orders, Decisions, and Notices.'" The IPR 2013-00639 order requires that a motion for *pro hac vice* admission:

a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.

b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:

i. Membership in good standing of the Bar of at least one State or the District of Columbia;

ii. No suspensions or disbarments from practice before any court or administrative body;

iii. No application for admission to practice before any court or administrative body ever denied;

iv. No sanctions or contempt citations imposed by any court or administrative body;

v. The individual seeking to appear 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 37 C.F.R.;

vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

III. Good Cause Exists to Grant this Motion

The following facts, supported by the Declaration of Eric J. Enger (EX2001), establish good cause to admit Mr. Enger *pro hac vice* in this proceeding:

i. Mr. Enger is a member in good standing of the State Bar of Texas and has been admitted to practice before the United States Court of Appeals for the Federal Circuit, the United States District Court for the Southern District of Texas, the United States District Court for the Western District of Texas, and the United States District Court for the Eastern District of Texas (among others).

ii. Mr. Enger has never been suspended or disbarred from practice before any court or administrative body.

iii. No application filed by Mr. Enger for admission to practice before any court or administrative body has ever been denied.

iv. No sanctions or contempt citations have been imposed against Mr. Enger by any court or administrative body.

v. Mr. Enger has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials.

vi. Mr. Enger is applying to appear before the Office *pro hac vice* in the following two proceedings: Case No. IPR2023-00877, *Zyxel Communications, et al v. Atlas Global Technologies, LLC* and Case No. IPR2023-00863, *Zyxel*

Communications, et al v. Atlas Global Technologies, LLC. Other than these proceedings, Mr. Enger previously applied to appear *pro hac vice* before the Office in two other matters (IPR2022-01520, *Sercomm Corp. v. Atlas Global Technologies, LLC* and IPR2022-01519, *Sercomm Corp. v. Atlas Global Technologies, LLC*), and was granted appearance in both on January 19, 2023.

vii. Mr. Enger is an experienced litigation attorney who has served as counsel in numerous patent infringement cases in various district courts over the past eighteen years. Mr. Enger has an established familiarity with the patent at issue in this IPR, as he is counsel for Atlas in related district court litigation. He has carefully studied the patent-in-suit, including its prosecution history and related prior art. Additionally, Mr. Enger has an electrical engineering degree and years of relevant experience in the fields of network architectures, computer systems, and software development.

If admitted, Mr. Enger will serve as backup counsel for Atlas lead counsel Michael F. Heim. Mr. Heim is a registered practitioner, as required by 37 C.F.R. § 42.10(c).

Dated: May 18, 2023

/Michael F. Heim/
Michael F. Heim
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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF ERIC J. ENGER, PURSUANT TO 37 C.F.R. § 42.10(c) was served to the following lead counsel of record for Petitioner as follows:

Lead Counsel for Petitioner	
Victoria Hao, Reg. No. 47,630 Martha Hopkins, Reg. No. 46,277 Law Offices of S.J. Christine Yang 17220 Newhope Street, Suites 101-102 Fountain Valley, CA 92708 Telephone: (714) 641-4022 Facsimile: (714) 641-2082 ZyXEL_AGT679_IPR@sjclawpc.com	Benn Wilson, Reg. No. 78,224 Bradley, Arant Boult Cummings LLP 1819 5th Avenue N Birmingham, AL 35203 Telephone: (205) 521-8000 Facsimile: (205) 521-8800

Dated: May 18, 2023

By: /Michael F. Heim /
Michael F. Heim (Reg. No. 32,702)
Attorney for Patent Owner
Atlas Global Technologies, LLC