IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. AND JUNIPER NETWORKS, INC.[1]

Petitioners,

v.

ORCKIT CORPORATION

Patent Owner.

Case IPR2023-00401

U.S. Patent No. 7,545,740

PETITIONER'S UNOPPOSED MOTION FOR WITHDRAWAL AND SUBSTITUTION OF LEAD COUNSEL

[1] IPR2024-00026 (Juniper Networks, Inc.) has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.10, Petitioner respectfully requests that the Board authorize withdrawal of Kyle K. Tsui (Reg. No. 62,602) as its lead counsel, and substitute Nathan K. Cummings (Reg. No. 46,093) of Fisch Sigler LLP as lead counsel in this matter. On November 11, 2024, Petitioner emailed the Board requesting authorization to file this Motion. In an email dated November 14, 2024, the Board granted that request.

Petitioner is still represented by its backup counsel, Ken K. Fung. Petitioner's new counsel, Mr. Cummings, meets the requirements of 37 C.F.R. § 42.10(c) as lead counsel and as a registered practitioner. In identifying and designating new counsel who is ready and able to take over the representation, Petitioner has taken reasonable steps to avoid any prejudice to the client.[2] And granting this motion will not hinder the economy, the integrity of the patent system, the efficient administration of the Office, or the ability of the Office to timely complete this proceeding.[3] Petitioner will not seek any extensions of time as a result of this Motion. Thus, good cause exists for Petitioner's request.

And Patent Owner has indicated that it does not oppose the requested withdrawal and substitution of lead counsel. To the extent this Motion is granted, Petitioner will file a Substitute Power of Attorney and Updated Mandatory Notice.

---

[2] *See* 37 C.F.R. § 10.40(a).

[3] *See* 35 U.S.C. § 316(b).

Respectfully submitted,

/Ken K. Fung/
Ken K. Fung (pro hac vice)
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Petitioner's Unopposed Motion for Withdrawal and Substitution of Lead Counsel was served via electronic mail to the following attorneys of record for Patent Owner and Petitioner Cisco Systems, Inc.:

Minghui Yang
mitch@carmichaelip.com
Orckit-IPRs@carmichaelip.com

James T. Carmichael
jim@carmichaelip.com

Stephen McBride
stevemcbride@carmichaelip.com

George Stamatopoulos
George.Stamatopoulos@kobrekim.com

Michael Ng
Michael.Ng@kobrekim.com

Theodore M. Foster
ipr.theo.foster@haynesboone.com

David L. McCombs
david.mccombs.ipr@haynesboone.com

Gregory P. Huh
gregory.huh.ipr@haynesboone.com

Calmann J. Clements
calmann.clements.ipr@haynesboone.com

Dated: November 15, 2024

Respectfully submitted,

/Ken K. Fung/

Ken K. Fung (pro hac vice)
FISCH SIGLER LLP
400 Concar Drive
San Mateo, CA 94402
Phone: 650.362.8200
ken.fung@fischllp.com