

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 IPR2023-00402

U.S. Patent No. 8,830,821

UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF KEN. K. FUNG

¹ Juniper Networks, Inc. filed a motion for joinder and a petition in IPR2024-00034, which were granted. Accordingly, Juniper Networks, Inc. has been joined as a petitioner in this proceeding.

Juniper Networks, Inc. (“Petitioner”) respectfully requests that the Board recognize Mr. Ken K. Fung as counsel *pro hac vice* during this proceeding.

Petitioner files this Motion for Admission *Pro Hac Vice* in accordance with the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response dated October 17, 2023 in IPR2024-00034 (and March 14, 2023 in IPR2023-00402), and in accordance with 37 C.F.R. § 42.10(c) and the Order – Authorizing Motion for *Pro Hac Vice* Admission in IPR2013-00639, Paper 7.

The conditions for Mr. Fung’s *pro hac vice* admission exist here.² Lead Counsel for Petitioner (Kyle K. Tsui, Reg. No. 62,602) is registered to practice before the Board.³ And good cause exists to permit Mr. Fung’s admission *pro hac vice* for this proceeding.

Mr. Fung has practiced law since 2011 with extensive experience litigating patent infringement cases in many jurisdictions, including district courts across the country and the International Trade Commission. Among his experience in patent litigation matters, Mr. Fung has been involved in drafting briefs before district courts, including *Markman* briefs and hearings, performing patent validity

² See 37 C.F.R. § 42.10(c) and “Order – Authorizing Motion for *Pro Hac Vice* Admission,” *Unified Patents v. Parallel Iron*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013).

³ See 37 C.F.R. § 42.10(c).

and infringement analyses, conducting discovery investigations, managing expert witnesses, and taking and defending depositions. And the Board has previously granted similar motions for Mr. Fung to appear *pro hac vice* in prior *inter partes* review proceedings representing Petitioner.⁴

Many of the cases Mr. Fung has litigated involved the kinds of technologies in this case. Mr. Fung is an experienced litigator with established familiarity with the subject matter at issue in this proceeding, including extensive knowledge of the prior art submitted in the instant Petition and related matters. Mr. Fung is familiar with U.S. Patent No. 8,830,821 and the issues involved in this proceeding. Petitioner Juniper Networks, Inc. has requested Mr. Fung represent it in this proceeding. And counsel for Patent Owner doesn't oppose Mr. Fung appearing *pro hac vice* during this proceeding.

An affidavit (Ex. 1047) from Mr. Fung accompanies this Motion.⁵

Petitioner therefore respectfully requests that the Board recognize Mr. Fung as counsel *pro hac vice* during this proceeding.

⁴ *Juniper Networks, Inc. v. Swarm Technology LLC*, IPR2021-01445, Paper 47 (P.T.A.B. Dec. 7, 2022); *Juniper Networks, Inc. v. Swarm Technology LLC*, IPR2022-00141, Paper 30 (P.T.A.B. Jan. 19, 2023); *Juniper Networks, Inc. v. Smart Path Connections, LLC*, IPR2022-00240, Paper 17 (P.T.A.B. Aug. 11, 2022).

⁵ If the Board grants the present motion, Petitioner will file an updated power of attorney and mandatory notice as needed.

Respectfully submitted,

/Kyle K. Tsui/

Kyle K. Tsui

Counsel for Petitioner

EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 8,830,821 to Cohn <i>et al.</i>
1002	Prosecution History of U.S. 8,830,821
1003	Declaration of Dr. Henry Houh
1004	<i>Curriculum Vitae</i> of Dr. Houh
1005	U.S. Patent Publication No. 2004/0205239 to Doshi <i>et al.</i>
1006	Definitive MPLS Network Designs (Guichard)
1007	U.S. Patent Publication No. 2003/0117950 to Huang
1008	MPLS Traffic Engineering Article
1009	MPLS Traffic Engineering Book
1010	Fast Network Re-optimization Schemes for MPLS and Optical Network
1011	RFC 3209
1012	Complaint, Orckit Corporation v. Cisco Systems, Inc., Civil Action No. 2:22-cv-276-JRG-RSP (E.D. Tex, Jul. 22, 2022)
1013	Federal Court Statistics
1014	Proposed Docket Control Order, <i>Orckit Corporation v. Cisco Systems, Inc.</i> , Civil Action No. 2:22-cv-276-JRG-RSP (E.D. Tex, Dec. 2, 2022)
1015	Infringement Contentions, <i>Orckit Corporation v. Cisco Systems, Inc.</i> , Civil Action No. 2:22-cv-276-JRG-RSP (E.D. Tex, Nov. 3, 2022)
1016	U.S. Patent Publication No. 2008/0155257 to Werner <i>et al.</i>
1017	U.S. Patent No. 7,624,142 to Jungck (“Jungck”)
1018	U.S. Patent Publication No. 2006/0015781 to Rothman <i>et al.</i>
1019	Definitive MPLS Network Designs (Guichard), Copyright Public Record
1020	Definitive MPLS Network Designs (Guichard), Library of Congress Catalog

Exhibit	Description
1021	Affidavit Internet Archive (Guichard)
1022	RFC 3272
1023	Multiprotocol Label Switching (MPLS) Traffic Engineering
1024	IETF Multiple Metrics for Traffic Engineering (Fedyk)
1025	U.S. Patent Publication No. 2011/0141877 to Xu <i>et al.</i>
1026	U.S. Patent No. 5,699,403 to Ronnen
1027	RFC 2026
1028	U.S. Patent No. 8,102,774 to Gero <i>et al.</i>
1029	U.S. Patent Publication No. 2007/0201513 to Anderson <i>et al.</i>
1030	RFC 3469
1031	U.S. Patent No. 6,980,906 to Kao <i>et al.</i>
1032	U.S. Patent No. 7,502,884 to Shah <i>et al.</i>
1033	U.S. Patent No. 7,197,418 to Fuller <i>et al.</i>
1034	U.S. Patent Publication No. 2006/0200948 to Zamfir <i>et al.</i>
1035	U.S. Patent Publication No. 2007/0047469 to Vasseur <i>et al.</i>
1036	U.S. Patent Publication No. 2006/0291391 to Vasseur <i>et al.</i>
1037	Deposition Transcript of Miguel Gomez
1038	Second Declaration of Dr. Henry Houh
1040	U.S. Patent Publication No. 2001/0012295 to Wilford
1041	U.S. Patent Publication No. 2001/0017723 to Chang <i>et al.</i>
1042	RFC 2105
1043	Linear Protecting Switching in MPLS-TP (Draft)
1044	What is the Difference Between 1+1 and 1:1 Protection?

Exhibit	Description
1045	U.S. Patent Publication No. 2002/0016937 to Houh
1046	Petitioner's Oral Argument Demonstratives
1047	Affidavit of Ken K. Fung

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION OF KEN K. FUNG and accompanying exhibit were served via electronic mail to the following attorneys of record for Patent Owner:

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Respectfully submitted,

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