

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

IPR2024-00895
Patent 10,652,111 B2

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

DOUGAL, *Administrative Patent Judge*.

ORDER

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

On June 14, 2024, Petitioner filed a motion for *pro hac vice* admission of Ken K. Fung in the above-identified proceeding (“Motion”). Paper 6. Petitioner also filed a declaration from Mr. Fung in support of the Motion (“Declaration”). Ex. 1020.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. See Paper 5, 3 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (“Order – Authorizing Motion for *Pro Hac Vice* Admission”) (“*Unified Patents*”)).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Fung has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Fung has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Fung meets all other requirements for admission *pro hac vice*.¹ Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Fung.

¹ The requirements for admission *pro hac vice* include a listing of all other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years. Mr. Fung concurrently applied to appear *pro hac vice* in IPR2024-00026, IPR2024-00034, and IPR2024-00037, which respectively were joined with IPR2023-00401, IPR2023-00402, and IPR2023-00554. Mr. Fung’s listing of proceedings does not include these proceedings. We excuse this oversight on this occasion.

We note that Petitioner filed a Power of Attorney including Mr. Fung in accordance with 37 C.F.R. § 42.10(b). Paper 1. Petitioner also has filed mandatory notices identifying Mr. Fung as back-up attorney. Paper 2.

Accordingly, it is:

ORDERED that Petitioner's Motion for *pro hac vice* admission of Ken K. Fung is *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceeding, Mr. Fung is authorized to represent Petitioner as back-up counsel only;

FURTHER ORDERED that Mr. Fung be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide² (November 2019), and comply with 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 under 37 C.F.R. §§ 11.101 *et seq.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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