

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STERLITE TECHNOLOGIES INC.
Petitioner

v.

AFL TELECOMMUNICATIONS, LLC.
Patent Owner

IPR2025-00127
Patent 11,287,591 B2

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
KELLY E. FARNAN UNDER 37 C.F.R. § 42.10(c)**

A. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Sterlite Technologies, Inc. (“Petitioner”) respectfully requests *pro hac vice* admission of Kelly E. Farnan in this proceeding, IPR2025-00127.

B. THE REQUEST IS TIMELY

The Board authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) in its “Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response,” dated November 21, 2024 (Paper No. 3). Pursuant to that authorization, Petitioner files this Motion to respectfully request that the Board allow Kelly E. Farnan to appear *pro hac vice* on its behalf in this proceeding.

C. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

In accordance with 37 C.F.R. § 42.10(c), and as set forth below in the Statement of Material Facts, Petitioner has demonstrated good cause to admit Ms. Farnan *pro hac vice* in this proceeding. Specifically, lead counsel for Petitioner in this proceeding is a registered practitioner, and Ms. Farnan is an experienced litigation attorney having established familiarity with the subject matter at issue in this proceeding, as lead counsel for Petitioner in the co-pending district court

litigation, *AFL Telecommunications, LLC. v. Sterlite Technologies, Inc.*, Case No. 1:23-cv-01202-RGA (D. Del.) (“Parallel Proceeding”).

Furthermore, Petitioner has filed this Motion more than twenty-one days after service of the Petition, with a statement of facts showing good cause for the Board to recognize Ms. Farnan *pro hac vice*, and which is accompanied by Exhibit 1033, the Declaration of Kelly E. Farnan in Support this Motion (“Farnan Declaration”), all in accordance with the Order Authorizing Motion for *Pro Hac Vice* Admission entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. October 15, 2013) (“*Unified Patents* Order”).

D. STATEMENT OF MATERIAL FACTS

1. Per 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 the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established legal familiarity with the subject matter at issue in the proceeding.”

2. John H. Scott III, lead counsel for Petitioner in this proceeding, is a registered practitioner having Registration No. 70,726.

3. Ms. Farnan is an experienced litigating attorney. Specifically, Ms. Farnan has 21 years of experience litigating patent disputes in the United States District Court for the District of Delaware. (Farnan Declaration, ¶ 8).

4. Ms. Farnan has established familiarity with the specific subject matter at issue in this proceeding by representing Petitioner, as lead counsel, in the Parallel Proceeding where Patent Owner has asserted U.S. Patent No. 11,287,591 (“the ‘591 Patent”), the patent at issue in this proceeding, against Petitioner. Through the course of that representation, Ms. Farnan has developed a familiarity with both the ‘591 Patent and the issues that may arise in this proceeding. (Farnan Declaration, ¶ 9).

5. Ms. Farnan has attested to each of the requirements that are set forth in paragraph 2(b)(i)-(viii) of the *Unified Patents* Order. (Farnan Declaration, ¶¶ 1-9).

6. The Commissioner is hereby authorized to charge all fees due in connection with this Motion for *pro hac vice* admission of Kelly E. Farnan to Deposit Account No. 50-2413.

E. CONCLUSION

In view of the foregoing, Petitioner respectfully submits that each requirement of 37 C.F.R. § 42.10(c) has been satisfied and requests issuance of an Order that permits Kelly E. Farnan to appear *pro hac vice* on its behalf in this proceeding.

Petitioner authorizes payment of any necessary fees associated with this
Motion to Deposit Account No. 50-2413.

Date: March 11, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that on March 11, 2025, copies of this Motion and the Declaration of Kelly E. Farnan in support of this Motion were served on Patent Owner's counsel of record by email to: timw@dority-manning.com, scole@dority-manning.com, and thuycke@dority-manning.com.

Date: March 11, 2025

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