

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
Petitioner,

v.

CAPELLA PHOTONICS, INC.,  
Patent Owner.

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Case IPR2014-01166  
Patent RE42,368

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Before JOSIAH C. COCKS, KALYAN K. DESHPANDE, and  
JAMES A. TARTAL, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION

Motion for *Pro Hac Vice* Admission  
*37 C.F.R. § 42.10*

As authorized by the Notice of Filing Date Accorded to the Petition (Paper 3), Capella Photonics, Inc., (“Patent Owner”) filed a “Motion for *Pro Hac Vice* Admission of Nicholas J. Nowak” (Paper 17)<sup>1</sup>. Petitioner, Cisco Systems, Inc., did not file an opposition to the Motion. Patent Owner’s Motion is *granted*. See 37 C.F.R. § 42.10(c); see also *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Order Authorizing Motion for Pro Hac Vice Admission, Paper 7 (October 15, 2003) (setting forth requirements for *pro hac vice* admission).<sup>2</sup>

It is

ORDERED that Patent Owner’s Motion for *pro hac vice* admission is *granted*, and Mr. Nowak is authorized to represent Patent Owner as back-up counsel in IPR2014-01166;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in this *inter partes* review proceeding; and

FURTHER ORDERED that Mr. Nowak is to comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations, and that Mr. Nowak is subject to the Office’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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<sup>1</sup> Patent Owner also filed an affidavit of Mr. Nowak in support of the Motion (Ex. 2003).

<sup>2</sup> Available at <http://www.uspto.gov/patents-application-process/appealing-patent-decisions/decisions-and-opinions/representative-orders>.

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For PETITIONER:

Wayne O. Stacy  
Matthew J. Leary  
COOLEY LLP  
[wstacy@cooley.com](mailto:wstacy@cooley.com)  
[CapellaCisco@cooley.com](mailto:CapellaCisco@cooley.com)

For PATENT OWNER:

Robert Sterne  
Jon E. Wright  
Jason D. Eisenberg  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
[rsterne-PTAB@skgf.com](mailto:rsterne-PTAB@skgf.com)  
[jwright-PTAB@skgf.com](mailto:jwright-PTAB@skgf.com)  
[jasone-PTAB@skgf.com](mailto:jasone-PTAB@skgf.com)