

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc., Ciena Corporation, Coriant Operations, Inc.,
Coriant (USA) Inc., and Fujitsu Network Communications, Inc.,
Petitioner

v.

Capella Photonics, Inc.
Patent Owner

Patent No. RE42,368
Filing Date: June 15, 2010
Reissue Date: May 17, 2011

Title: RECONFIGURABLE OPTICAL ADD-DROP MULTIPLEXERS WITH
SERVO CONTROL AND DYNAMIC SPECTRAL POWER MANAGEMENT
CAPABILITIES

Inter Partes Review No. 2014-01166¹

**MOTION FOR SARAH J. GUSKE TO APPEAR
PRO HAC VICE ON BEHALF OF
PETITIONER CISCO SYSTEMS, INC.**

¹ Case IPR2015-00816 has been joined with this proceeding.

Patent Owner respectfully requests that the Board recognize Ms. Guske as counsel *pro hac vice* during this proceeding.

I. BACKGROUND

Petitioner's Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the "Order – Authorization Motion for *Pro Hac Vice* Admission" in Case No. IPR2013-00639 ["the Order"].

II. STATEMENT OF FACTS

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Ms. Guske *pro hac vice*.

Ms. Guske is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts. Ms. Guske's biography is attached hereto as **Exhibit A**.

Ms. Guske has reviewed U.S. Patent No. RE42,368 and the petition, preliminary response, institution decision, and petitioners response already filed in this proceeding. Further, Ms. Guske is counsel of record in the co-pending litigation between the parties, *Capella Photonics, Inc. v. Cisco Systems, Inc.*, No. C-14-3348 EMC (N.D. California), and as such, is familiar with the subject matter at issue in this proceeding.

Case No. 2014-01166
Atty. Docket No. CSCO-001/00US [034855.2014] (RE42,368)
Cisco's Motion for Sarah J. Guske to Appear *Pro Hac Vice*

Capella was consulted through its counsel during a telephone conference on September 16, 2015. Capella stated during that call that they would not oppose this motion.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Ms. Guske as counsel *pro hac vice* during this proceeding.

III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

Petitioner's Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Ms. Sarah Guske as required by the Order.

Dated: October 2, 2015

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Respectfully submitted,
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By: / Wayne Stacy /
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EXHIBIT A

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PRACTICES:

Intellectual Property
Intellectual Property Litigation

Sarah Guske is a partner in the Intellectual Property Litigation practice group and a member of the Cooley Litigation department. She joined the Firm in 2004 and is resident in the Colorado office.

Ms. Guske's practice focuses on patent litigation, with particular emphasis on software and electronics patent litigation cases. She has recently litigated patents involving selective encryption of MPEG multimedia data for broadcast IPTV; encryption and flow control for streaming data; database systems; telephonic interactive voice recognition systems; graphics chipset design and operation; gaming technologies; television color wheels; and digital television technologies. Ms. Guske also has litigation experience involving trademarks, trade dress, and unfair competition.

In 2012, Ms. Guske was named an "associate to watch" in Colorado by *Chambers USA*, the only intellectual property associate in the Colorado region to receive this recognition. One client described "her ability to move between speaking in court and case management" as being "very impressive."

Ms. Guske is admitted to practice in California and Colorado and is a member of the State Bar of California and the Colorado Bar Association.

Ms. Guske received a JD from the University of California, Davis School of Law. Ms. Guske graduated, *summa cum laude*, from Washington State University with a BS in Electrical Engineering and also graduated, *summa cum laude*, from Whitworth College with a BA in Physics.

Representative Litigation Cases:

- **Interactive Systems Worldwide, Inc. v. Mikohn Gaming Corp. et al. (District of Nevada)** – litigation counsel to Mikohn Gaming Corp. and STB Holdings, Inc. in patent litigation related to real-time sports betting technologies.
- **Zenith Electronics v. Thomson, Philips Electronics, TTE Technology, Pioneer Electronics (Eastern District of Texas)** – litigation counsel to Zenith in patent litigation over patents essential for compliance with ATSC Digital Television Standard.
- **Bookham, Inc. v. Unaxis Balzers AG et al. (Northern District of California)** – litigation counsel to Bookham in patent litigation related to color wheel technology.
- **HyperRoll Israel, Ltd. v. Hyperion Solutions (Eastern District of Texas)** – litigation counsel to HyperRoll Israel, Ltd. in a patent litigation against Hyperion Solutions. The technology in this case

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