

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LUMENTUM HOLDINGS, INC., LUMENTUM, INC.,  
and LUMENTUM OPERATIONS LLC,  
Petitioner,

v.

CAPELLA PHOTONICS, INC.,  
Patent Owner.

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Case IPR2015-00731  
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 4), Petitioner filed a “Motion for *Pro Hac Vice* Admission of Joel D. Sayres” (Paper 25).<sup>1</sup> Patent Owner did not file an opposition to the Motion. Petitioner’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 Petitioner’s Motion for *pro hac vice* admission is *granted*, and Mr. Sayres is authorized to represent Petitioner as back-up counsel in IPR2015-00731;

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

FURTHER ORDERED that Mr. Sayres 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. Sayres 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> Petitioner also filed an affidavit of Mr. Sayres in support of the Motion (Ex. 1038).

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

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