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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**TALARI NETWORKS, INC.,**  
Petitioner,

v.

**FATPIPE NETWORKS INDIA LIMITED,**  
Patent Owner.

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Case No. **IPR2016-00976**  
Patent **6,775,235 B2**

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**MOTION FOR *PRO HAC VICE* ADMISSION OF THOMAS F.  
FITZPATRICK UNDER 37 C.R.F. § 42.10(c)**

motion is attached hereto as Exhibit A. This motion is not opposed.

**1. The Request Is Timely**

As stated in the Patent Trial and Appeal Board's ("Board") May 3, 2016 Notice of Filing Date Accorded to Petition And Time For Filing Patent Owner Preliminary Response, any motion for *pro hac vice* admission must be filed in accordance with the guidance specified in Case IPR2013-00639, Paper 7 ("PHV Admission Order"). According to that guidance, *pro hac vice* motions can be filed no sooner than (21) days after service of the Petition. This *pro hac vice* motion is being filed no sooner than twenty one (21) days after service of the Petition and is therefore timely.

**2. Statement of Facts**

As required by the PHV Admission Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Fitzpatrick *pro hac vice*. An affidavit by Mr. Fitzpatrick containing the required statements and information is submitted herewith in Exhibit A.

experienced litigation attorney and has been involved in numerous litigations involving patent infringement in district courts across the country. He has experience in jury and bench trials, *Markman* hearings, and Federal Circuit oral arguments in patent infringement litigation matters. Mr. Fitzpatrick has not had any application denied for admission to practice, nor has he been sanctioned, cited for contempt, suspended or disbarred from practice, before any court or administrative body.

U.S. Patent No. 6,775,235 is currently asserted against Petitioner Talari Networks, Inc. in a co-pending litigation, *FatPipe, Inc. v. Talari Networks, Inc.*, No. 5:16-cv-00054-BO (EDNC 2016) (“the co-pending litigation”). The co-pending litigation is currently stayed pending this *inter partes* review proceeding. Mr. Fitzpatrick is advising Talari Networks, Inc. in the co-pending litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding.

Mr. Fitzpatrick represents that he has reviewed and analyzed the patent at issue in this proceeding, the Petition and accompanying exhibits filed in this

*inter partes* review of U.S. Patent 6,775,235. Moreover, Petitioner has expended significant financial resources in the co-pending litigation with Mr. Fitzpatrick advising them, and Petitioner wishes to continue using Mr. Fitzpatrick as counsel in this proceeding.

Mr. Fitzpatrick has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.

Mr. Fitzpatrick is also applying for *pro hac vice* admission in Case IPR2016-00977, in a concurrently filed motion, which involves a patent related to the patent at issue in the instant proceeding. Mr. Fitzpatrick has not applied to appear *pro hac vice* before the Office in any other proceeding in the last three (3) years.

Counsel for Patent Owner does not oppose Mr. Fitzpatrick appearing *pro hac vice* during this proceeding.

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

By: Andy H. Chan

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