

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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JUNIPER NETWORKS, INC'S,  
BROCADE COMMUNICATIONS SYSTEMS, INC.,  
RUCKUS WIRELESS, INC.,  
HEWLETT PACKARD ENTERPRISE  
COMPANY, HP INC., ARUBA NETWORKS, INC.,  
AND ARRIS GROUP, INC.  
PETITIONER,

V.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC  
PATENT OWNER.

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Case IPR2017-00637  
Patent 5,915,210

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**JUNIPER NETWORKS, INC.'S MOTION FOR *PRO HAC VICE*  
ADMISSION OF JONATHAN KAGAN UNDER 37 C.F.R. § 42.10(c)**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and with the Board's authorization (Paper 9, dated January 30, 2017), Petitioner Juniper Networks, Inc. ("Juniper"), by and through its attorneys, respectfully requests the *pro hac vice* admission of Jonathan Kagan in this proceeding.

## II. GOVERNING LAW, RULES AND PRECEDENT

Section 42.10(c) states:

The 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 as 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 familiarity with the subject matter at issue in the proceeding.

Further, motions for *pro hac vice* admission must comply with the "Order -- Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7 ("Representative Order"). The Representative Order explains that the motion must "[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding" and "[b]e

accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear 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 37 C.F.R.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.”

### III. STATEMENT OF FACTS SHOWING GOOD CAUSE

Based on the following statement of facts, and supported by the Declaration of Jonathan Kagan (Exhibit 1018), Juniper submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Jonathan Kagan in this proceeding:

1. Lead counsel, Gabrielle Higgins, is a registered practitioner (Reg. No. 38,916).
2. Jonathan Kagan is an experienced litigation attorney and has been litigating patent cases before various district courts for over 20 years. Mr. Kagan has also appeared *pro hac vice* before the Patent Trial and Appeal Board in connection with IPR2014-00425, IPR2014-00431, IPR2016-00806, IPR2016-01243, IPR2016-01389, IPR2017-01391, IPR2017-01397 and IPR2017-01399.
3. Jonathan Kagan has an established familiarity with the subject matter at issue in this proceeding. U.S. Patent No. 5,915,210 (“the '210 patent”) is

currently asserted by Patent Owner Mobile Telecommunication Technologies, Ltd. against Juniper *In re: Mobile Telecommunications Technologies*, Case No. 1:16-md-2722 (D. Del.). Mr. Kagan is currently counsel for Juniper in the co-pending litigation and is deeply involved with issues relating to the '210 patent. This gives Mr. Kagan a substantial and established understanding of the underlying legal and technological issues at stake in this proceeding. Juniper has expended significant time and resources with Mr. Kagan as counsel in the co-pending litigation, and wishes to continue using him as counsel in this proceeding.

#### **IV. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR**

This Motion for *pro hac vice* admission is accompanied by a Declaration of Jonathan Kagan (Exhibit 1018), as the Representative Order requires. In this Declaration, Mr. Kagan states his compliance with the general requirements for *pro hac vice* admission, including that: he is a member in good standing of the State Bar of California and is admitted to practice before the United States District Court in the Central and Northern Districts of California and the United States Court of Appeals for the Ninth and Federal Circuits; he has never been suspended or disbarred from practice before any court or administrative body; no application he has made for admission to practice before any court or administrative body has ever been denied; no sanctions or contempt citations have been imposed against him by any court or administrative body; he has read and agrees to comply with the

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