

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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.

Case IPR2017-00637
Patent 5,915,210

**MOTION FOR *PRO HAC VICE* ADMISSION OF
KORULA T. CHERIAN UNDER 37 C.F.R. § 42.10(c)**

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I. RELIEF REQUESTED

Pursuant to 37 U.S.C. § 42.10(C), and as authorized in the Board’s Notice of Filing Date in this proceeding (Paper 9 issued January 30, 2017), Petitioners Brocade Communications Systems, Inc. (“Brocade”) and Ruckus Wireless, Inc. (“Ruckus”, collectively “Petitioners”), by and through their attorneys, respectfully requests that the Board admit Korula T. Cherian *pro hac vice* in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

Further, the Notice requires that a motion for *pro hac vice* admission be filed in accordance with the “ORDER-AUTHORIZING MOTION FOR PRO HAC VICE ADMISSION – 37 C.F.R. § 42.10” in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case No. IPR2013-00639, Paper 7 (“Representative Order”). The

Representative Order states 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 Rules of Professional Conduct 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

Based on the following statement of facts, as supported by the Declaration of Korula Cherian (Exhibit 1019) submitted herewith, Petitioners submit that a showing of good cause has been made and respectfully request the *pro hac vice* admission of Korula T. Cherian in this proceeding:

1. Lead counsel, Gabrielle Higgins, is a registered practitioner (Reg. No. 38,916).
2. Backup counsel, Ronald R. Wielkopolski (Reg. No. 69,359) and Don F. Livornese (Reg. No. 32,040), are registered practitioners.
3. Mr. Cherian is a partner at the law firm of RuyakCherian LLP. He is an experienced litigating attorney with over twenty-five years of experience in litigating patent cases. Declaration of Korula T. Cherian (“Declaration”, Ex. 1019) at ¶ 6.

4. Mr. Cherian is a member in good standing of the State Bar of California.
5. Mr. Cherian has never been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶ 3.
6. No application filed by Mr. Cherian for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶ 4.
7. No sanctions or contempt citations have been imposed against Mr. Cherian by any court or administrative body. *Id.* at ¶ 5.
8. Mr. Cherian has read and agrees to 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. *Id.* at ¶ 7.
9. Mr. Cherian understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.*
10. Mr. Cherian is concurrently seeking *pro hac vice* admission in the inter partes challenges to U.S. Patent Nos. 5,659,891 and 5,590,403. These proceedings have been designated IPR2017-00640 and IPR2017-00642, respectively. Otherwise,

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