

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

COREPHOTONICS, LTD.,
Patent Owner.

Case IPR2018-01133
Patent 9,538,152 B2

Before MARC S. HOFF, BRYAN F. MOORE, and
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

ORDER

Patent Owner's Motion for Admission *Pro Hac Vice* of
Marc A. Fenster and Bahrad A. Sokhansanj
37 C.F.R. § 42.10

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On January 17, 2019, Patent Owner filed a Motion for *Pro Hac Vice* Admission of Marc A. Fenster and Bahrad A. Sokhansanj (Paper 10) and accompanying declarations in support thereof (Exs. 2001 and 2002). Petitioner did not file an opposition to this motion. Patent Owner has indicated, via email to the Board, that it no longer needs to admit Bahrad A. Sokhansanj, thus, that portion of the motion is dismissed as moot.

Upon consideration of the papers presented, Patent Owner has demonstrated sufficiently that Mr. Fenster has sufficient legal and technical qualifications to represent Patent Owner in this proceeding. *See* IPR2013-00639, Paper 7, “Order – Authorizing Motion for *Pro Hac Vice* Admission.” Accordingly, Patent Owner has established that there is good cause for admitting Mr. Fenster. Mr. Fenster may only be designated as backup counsel.

We note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has been submitted for Mr. Fenster (Paper 7) but the Power of Attorney also lists Mr. Sokhansanj. Because Patent Owner indicated that it no longer needs to admit Mr. Sokhansanj, Patent Owner shall file an updated Power of Attorney to remove him.

We note that Petitioner’s Updated Mandatory Notice (Paper 6) identifies Mr. Sokhansanj as back-up counsel. Because Patent Owner indicated that it no longer needs to admit Mr. Sokhansanj as back-up counsel, Patent Owner shall file an updated mandatory notice to remove him as back-up counsel.

In consideration of the foregoing, it is
ORDERED that Patent Owner’s unopposed motion for *pro hac vice* admission of Mr. Fenster is GRANTED;

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FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the instant proceeding; Mr. Fenster is authorized to represent Patent Owner only as back-up counsel in the instant proceeding;

FURTHER ORDERED that Patent Owner must submit a Power of Attorney that removes Mr. Sokhansanj to correctly designate counsel in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated mandatory notice that removes Mr. Sokhansanj to correctly identify back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Fenster is to comply with the Office Patent Trial Practice Guide, including the August 2018 Update, 83 Fed. Reg. 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Fenster is to be 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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