

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

COREPHOTONICS LTD.
Patent Owner.

Case IPR2019-00030
U.S. Patent 9,857,568

COREPHOTONICS LTD.'S UNOPPOSED MOTION FOR THE *PRO HAC*
***VICE* ADMISSION OF MARC A. FENSTER**

Patent Owner, Corephotonics, Ltd., hereby requests that the Board recognize Marc A. Fenster as counsel *pro hac vice* for this proceeding under 37 C.F.R. § 42.10(c).

I. STATEMENT OF FACTS

As required by § 42.10(c), the following statement of facts demonstrates that there is good cause for the Board to recognize Mr. Fenster *pro hac vice*.

Mr. Fenster is an experienced patent litigation attorney and has litigated numerous patent infringement litigation matters before U.S. district courts. Mr. Fenster has practiced patent litigation since 1995, is a partner at Russ August & Kabat and co-chair of the Litigation Department and head of the Intellectual Property Department. U.S. Patent No. 9,857,568 is currently asserted by Patent Owner in pending litigation, (Corephotonics, Ltd. v. Apple, Inc., consolidated Case Nos. 17-cv-0647 and 18-2555). Mr. Fenster is the principal attorney responsible for the representation of Patent Owner in those co-pending litigations. Through his role as principal attorney in the co-pending litigations, Mr. Fenster has an established familiarity with the subject matter at issue in this IPR proceeding. Mr. Fenster is heavily involved with issues such as claim construction and Patent Owner's responses to Petitioner's invalidity defenses in that litigation, many of which overlap with the grounds presented in this IPR proceeding. Patent Owner has expended

significant resources in the co-pending litigation with Mr. Fenster as counsel, and it wishes to continue using him as counsel in this IPR proceeding.

Patent Owner has executed a Power of Attorney authorizing Mr. Fenster to serve as backup counsel in this IPR proceeding. (Paper 7.)

II. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion for Pro Hac Vice admission is accompanied by Mr. Fenster's declaration (Ex. 2004), attesting to the facts required by the Board in *Unified Patents, Inc. v. Parallel Iron, LLC*, No. IPR2013-00639 (P.T.A.B. Oct. 15, 2013) (Paper 7).

Respectfully submitted,

Dated: June 4, 2019

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on June 4, 2019, by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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