

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

COREPHOTONICS, LTD.,  
Patent Owner.

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Case No. IPR2020-00896  
U.S. Patent No. 10,317,647

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PATENT OWNER'S UNOPPOSED MOTION  
FOR PRO HAC VICE ADMISSION OF  
MARC A. FENSTER AND JAMES S. TSUEI

Patent Owner, Corephotonics, Ltd., hereby requests that the Board recognize Marc A. Fenster and James S. Tsuei as counsel *pro hac vice* for this proceeding under 37 C.F.R. § 42.10(c). Counsel for Petitioner Apple Inc. has indicated that Petitioner does not oppose this motion.

## 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 Messrs. Fenster and Tsuei *pro hac vice*.

Messrs. Fenster and Tsuei are both experienced patent litigation attorneys. Mr. Fenster has practiced patent litigation since 1995, and Mr. Tsuei since 2012. Mr. Fenster is a partner at Russ August & Kabat and co-chair of the Litigation Department and head of the Intellectual Property Department. Both have experience litigating numerous patent infringement litigation matters before U.S. district courts. U.S. Patent No. 10,317,647 and numerous related patents are currently asserted by Patent Owner in pending district court litigation against Petitioner, (*Corephotonics, Ltd. v. Apple, Inc.*, Case Nos. 17-6457, 18-2555, and 19-4809 (Northern District of California)). Messrs. Fenster and Tsuei are among the principal attorneys responsible for the representation of Patent Owner in those co-pending litigations. Through their roles as attorneys in the co-pending litigations, both attorneys have an established familiarity with the subject matter at issue in this IPR proceeding. Both are heavily involved with issues such as claim construction and invalidity present in those

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litigations, many of which overlap with the grounds presented in this IPR proceeding. Patent Owner has expended significant resources in the co-pending litigation with Messrs. Fenster and Tsuei as counsel, and it wishes to continue using them as counsel in this IPR proceeding. Patent Owner has executed a Power of Attorney authorizing Messrs. Fenster and Tsuei to serve as backup counsel in this IPR proceeding. (Paper 10.)

## **II. DECLARATIONS OF INDIVIDUALS SEEKING TO APPEAR**

This motion for *pro hac vice* admission is accompanied by declarations of Mr. Fenster (Ex. 2010) and Mr. Tsuei (Ex. 2011), attesting to the facts required by the Board in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case. No. IPR2013-00639, Paper 7 (Oct. 15, 2013).

Respectfully submitted,

Dated: June 2, 2021

/Neil A. Rubin/  
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CERTIFICATE OF SERVICE

I hereby certify that “Patent Owner’s Unopposed Motion for Pro Hac Vice Admission of Marc A. Fenster and James S. Tsuei” was served on June 2, 2021 by email sent to:

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*/Neil A. Rubin/*