

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. AND JUNIPER NETWORKS, INC.¹

Petitioners,

v.

ORCKIT CORPORATION

Patent Owner.

Case IPR2023-00554

U.S. Patent No. 10,652,111

UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF KEN. K. FUNG

¹ IPR2024-00037 (Juniper Networks, Inc) has been joined with this proceeding.

Juniper Networks, Inc. (“Petitioner”) respectfully requests that the Board recognize Mr. Ken K. Fung as counsel *pro hac vice* during this proceeding.

Petitioner files this Motion for Admission *Pro Hac Vice* in accordance with the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response dated October 19, 2023 in IPR2024-00037 (and March 24, 2023 in IPR2023-00554), and in accordance with 37 C.F.R. § 42.10(c) and the Order – Authorizing Motion for *Pro Hac Vice* Admission in IPR2013-00639, Paper 7.

The conditions for Mr. Fung’s *pro hac vice* admission exist here.² Lead Counsel for Petitioner (Kyle K. Tsui, Reg. No. 62,602) is registered to practice before the Board.³ And good cause exists to permit Mr. Fung’s admission *pro hac vice* for this proceeding.

Mr. Fung has practiced law since 2011 with extensive experience litigating patent infringement cases in many jurisdictions, including district courts across the country and the International Trade Commission. Among his experience in patent litigation matters, Mr. Fung has been involved in drafting briefs before district courts, including *Markman* briefs and hearings, performing patent validity

² See 37 C.F.R. § 42.10(c) and “Order – Authorizing Motion for *Pro Hac Vice* Admission,” *Unified Patents v. Parallel Iron*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013).

³ See 37 C.F.R. § 42.10(c).

and infringement analyses, conducting discovery investigations, managing expert witnesses, and taking and defending depositions. And the Board has previously granted similar motions for Mr. Fung to appear *pro hac vice* in prior *inter partes* review proceedings representing Petitioner.⁴

Many of the cases Mr. Fung has litigated involved the kinds of technologies in this case. Mr. Fung is an experienced litigator with established familiarity with the subject matter at issue in this proceeding, including extensive knowledge of the prior art submitted in the instant Petition and related matters. Mr. Fung is familiar with U.S. Patent No. 10,652,111 and the issues involved in this proceeding. Petitioner Juniper Networks, Inc. has requested Mr. Fung represent it in this proceeding. And counsel for Patent Owner doesn't oppose Mr. Fung appearing *pro hac vice* during this proceeding.

An affidavit (Ex. 1017) from Mr. Fung accompanies this Motion.⁵

Petitioner therefore respectfully requests that the Board recognize Mr. Fung as counsel *pro hac vice* during this proceeding.

⁴ *Juniper Networks, Inc. v. Swarm Technology LLC*, IPR2021-01445, Paper 47 (P.T.A.B. Dec. 7, 2022); *Juniper Networks, Inc. v. Swarm Technology LLC*, IPR2022-00141, Paper 30 (P.T.A.B. Jan. 19, 2023); *Juniper Networks, Inc. v. Smart Path Connections, LLC*, IPR2022-00240, Paper 17 (P.T.A.B. Aug. 11, 2022).

⁵ If the Board grants the present motion, Petitioner will file an updated power of attorney and mandatory notice as needed.

IPR2023-00554
U.S. Patent No. 10,652,111

Respectfully submitted,

/Kyle K. Tsui/
Kyle K. Tsui
Counsel for Petitioner

EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 10,652,111 to Barsheshet <i>et al.</i>
1002	File History of U.S. 10,652,111
1003	<i>Curriculum Vitae</i> of Samrat Bhattacharjee
1004	Declaration of Samrat Bhattacharjee
1005	U.S. Patent No. 9,264,400 to Lin <i>et al.</i>
1006	U.S. Patent Publication No. 2013/0291088 A1 to Shieh <i>et al.</i>
1007	U.S. Patent Publication No. 2013/0322242 A1 to Swenson <i>et al.</i>
1008	RFC 2460, Internet Protocol, Version 6 Specification
1009	A Survey of Software-Defined Networking: Past, Present, and Future of Programmable Networks (2014)
1010	Complaint, Orckit Corporation v. Cisco Systems, Inc., Civil Action No. 2:22-cv-276-JRG-RSP (E.D. Tex, Jul. 22, 2022)
1011	First Amended Docket Control Order, Orckit Corporation v. Cisco Systems, Inc., Civil Action No. 2:22-cv-276-JRG-RSP (E.D. Tex, Jan. 15, 2023)
1012	Interim Procedure for Discretionary Denials (June 21, 2022)
1013	Federal Case Management Statistics for E.D. Tex.
1014	Order Granting Reexamination No. 90/015,261
1015	Reply Declaration of Samrat Bhattacharjee, Ph.D.
1016	Deposition Transcript of Miguel Gomez dated March 21, 2024
1017	Affidavit of Ken K. Fung

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