

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.

Petitioner,

v.

ORCKIT CORPORATION

Patent Owner.

Case IPR2024-00895

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

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

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 June 13, 2024 in IPR2024-00895, 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.¹ Lead Counsel for Petitioner (Kyle K. Tsui, Reg. No. 62,602) is registered to practice before the Board.² 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 and infringement analyses, conducting discovery investigations, managing expert

¹ 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).

² See 37 C.F.R. § 42.10(c).

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.³

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.

An affidavit (Ex. 1020) from Mr. Fung accompanies this Motion.⁴

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

Respectfully submitted,

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

³ *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).

⁴ If the Board grants the present motion, Petitioner will file an updated power of attorney and mandatory notice as needed.

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	Declaration of Nader F. Mir
1004	<i>Curriculum Vitae</i> of Nader F. Mir
1005	U.S. Patent No. 10,097,452 B2 to Lefebvre <i>et al.</i>
1006	U.S. Patent No. 9,264,301 B1 to Chua <i>et al.</i>
1007	U.S. Patent No. 9,813,447 B2 to Rash <i>et al.</i>
1008	Design and Evaluation of Deep Packet Inspection System: A Case Study, by Liao <i>et al.</i> (2011)
1009	Toward the Accurate Identification of Network Applications, by Moore and Papagiannaki
1010	RFC 1010, Requirements for Separation of IP Control and Forwarding
1011	A Survey on Software-Defined Networking, by Xia <i>et al.</i> (2015)
1012	RFC 3746, Forwarding and Control Element Separation Framework
1013	OpenFlow: Enabling Innovation in Campus Networks, by McKeown <i>et al.</i> (2008)
1014	Going With the Flow: Google's Secret Switch to the Next Wave of Networking, by Levy (2012)
1015	RFC 793, Transmission Control Protocol
1016	Open Networking Foundation - Mission
1017	Open Networking Foundation - Specifications
1018	Open Flow Switch Specification (Version 1.4.0)
1019	RFC 5810, Forwarding and Control Element Separation Protocol Specification
1020	Affidavit of Ken K. Fung

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing MOTION FOR PRO HAC VICE ADMISSION OF KEN K. FUNG and accompanying exhibit were served via electronic mail to the following attorneys of record for Patent Owner:

James T. Carmichael
Stephen McBride
Minghui Yang
CARMICHAEL IP, PLLC
8607 Westwood Center Drive, Suite 270
Tysons, VA 22182
jim@carmichaelip.com; stevemcbride@carmichaelip.com;
mitch@carmichaelip.com; Orckit-IPRs@carmichaelip.com

Dated: June 14, 2024

Respectfully submitted,

/Kyle K. Tsui/
Kyle K. Tsui (Reg. No. 62,602)
FISCH SIGLER LLP
5301 Wisconsin Avenue NW
Suite 400
Washington, DC 20015
Phone: 202.362.3527
Email: kyle.tsui@fischllp.com