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2 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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6 CISCO SYSTEMS, INC.

Petitioner

7
8 vs.

9 CAPELLA PHOTONICS, INC.

Patent Owner

10 - - -
11 Case: IPR2014-01166

12 - - -
13 March 5, 2015

14 - - -
15 TELECONFERENCE IN THE ABOVE MATTER

16 - - -
17 Before: Josiah Cocks

Kalyan Deshpande

18 James Tartal

Administrative Law Judges

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21 VERITEXT LEGAL SOLUTIONS

MID-ATLANTIC REGION

22 1250 Eye Street NW - Suite 1201

23 Washington, D.C. 20005
24
25

1 A P P E A R A N C E S :

2
3 For PETITIONER CISCO:

4 COOLEY LLP

5 BY: WAYNE O. STACY, ESQUIRE

 and

6 MATTHEW J. LEARY, ESQUIRE

7 380 Interlocken Crescent

8 Suite 900

9 Broomfield, Colorado 80021-8023

10 720.566.4000

11 wstacy@cooley.com

12 mleary@cooley.com

13 For PATENT OWNER CAPELLA:

14 STERNE, KESSLER, GOLDSTEIN & FOX,
15 PLLC

16 BY: ROBERT GREENE STERNE, ESQUIRE

17 JASON D. EISENBERG, ESQUIRE

18 JON E. WRIGHT, ESQUIRE

19 NICHOLAS NOWAK, ESQUIRE

20 1100 New York Ave. NW Suite 600

21 Washington, DC 20005

22 rsterne@skgf.com

23 jasone@skgf.com

24 jwright@skgf.com

25 nnowak@skgf.com

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1 JUDGE TARTAL: Good morning.
2 This is Judge Tartal, and with me on the
3 line is Judge Cocks and Judge Deshpande.
4 This call is in IPR Proceeding
5 2014-01166, Cisco Systems, Incorporated
6 versus Capella Photonics, Incorporated.

7 Can I have counsel for
8 petitioner Cisco identify themselves?

9 MR. LEARY: Good morning,
10 Your Honor. This is Matt Leary. I'm
11 patent counsel for petitioner Cisco, and
12 with me on the line is lead counsel
13 Wayne Stacy.

14 JUDGE TARTAL: Can I have
15 counsel for patent owner Capella
16 identify themselves, please.

17 MR. STERNE: Good morning,
18 Judge. This is Robert Sterne from
19 Sterne Kessler, lead counsel for patent
20 owner Capella. On the line I have with
21 me Jason Eisenberg, Jon Wright and Nick
22 Nowak.

23 JUDGE TARTAL: Is there also
24 a court reporter present today?

25 COURT REPORTER: Yes, Your

1 Honor. My name is Linda Rossi.

2 JUDGE TARTAL: Petitioner,
3 was that through you or patent owner?

4 MR. LEARY: That was set up
5 by the patent owner and we, of course,
6 are sharing costs for the court reporter
7 today.

8 JUDGE TARTAL: I would just
9 ask that either of you, you can work it
10 out as to who it is, when they have a
11 completed transcript, to file that as an
12 exhibit in the IPR proceeding, please.

13 MR. LEARY: We will, Your
14 Honor.

15 JUDGE TARTAL: I think
16 petitioner started -- initiated the
17 request for the call, and I think first
18 thing on the agenda would be the
19 petitioner's request for authorization
20 to file a motion to submit supplemental
21 information. I wanted to give the
22 petitioner an opportunity at this point
23 not to get into the merits of the motion
24 itself but we're solely dealing with the
25 request for authorization and to explain

1 the context of why they are seeking to
2 submit additional information at this
3 point in time, how it's intended to be
4 used and just the general nature of that
5 information, how many pages, how many
6 documents, that type of thing.

7 MR. LEARY: The information
8 that we are requesting authorization to
9 submit breaks down into two categories;
10 one is priority date evidence and the
11 other is evidence relevant to claim
12 construction. And the priority date
13 evidence is also related to some of our
14 proposed motions. If it's okay with
15 Your Honor, I would like to give you a
16 bit of background behind the reason for
17 why we're looking for this information.

18 JUDGE TARTAL: Sure. That's
19 fine. Just a brief background.

20 MR. LEARY: The patent owner
21 has indicated that they plan to swear
22 behind the Smith patent. They served
23 some 'rog responses to that effect in
24 district court. So we know this issue
25 is in play. The problem at this point

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