

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc.
Petitioner

v.

Capella Photonics, Inc.
Patent Owner

Patent No. RE42,678
Filing Date: June 15, 2010
Reissue Date: September 6, 2011

Title: RECONFIGURABLE OPTICAL ADD-DROP MULTIPLEXERS WITH
SERVO CONTROL AND DYNAMIC SPECTRAL POWER MANAGEMENT
CAPABILITIES

Inter Partes Review No. 2014-01276

Petitioner's List of Proposed Motions

Pursuant to the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765-66 (August 14, 2012), Petitioner Cisco Systems, Inc., hereby submits the following list of the two proposed motions it is currently contemplating filing. This list is provided without prejudice to Petitioner's right to seek authorization to file additional motions pursuant to the Board's authorization or to refrain from filing the motions listed herein.

With respect to the proposed motion for additional discovery (No. 2, below), Petitioner appreciates that the Board decided not to allow Petitioner to file a similar motion in IPR2014-01166. Out of an abundance of caution, Petitioner asks again for this discovery in order to be as diligent as possible in light of the short time for third-party discovery between the Patent Owner's May 18, 2015, response and Petitioner's August 18, 2015, response.

1. Motion to submit supplemental information pursuant to 37 CFR § 42.123 (e.g., Patent Owner's ("PO")'s interrogatory responses and related discovery regarding alleged conception, diligence and reduction to practice).
2. Motion for additional discovery pursuant to 37 CFR § 42.51(b)(2) (e.g., regarding (1) alleged conception, diligence and reduction to practice,

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including such evidence in PO's or third parties' control; and/or (2) lack of indicia of non-obviousness). This discovery is likely to involve third-party subpoenas to, e.g., the named inventors of the RE42,678 patent at issue.

These proposed motions have been timely filed within one month of the date the trial was instituted, and at least two business days before any expected conference call with the Board.

Dated: March 16, 2015

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Respectfully submitted,
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b), the undersigned certifies that on March 16, 2015, a complete and entire electronic copy of this **Petitioner's List of Proposed Motions for *Inter Partes* Review No. 2014-01276**, was served electronically via email in its entirety on the following counsel of record for Patent Owners:

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