

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 -----x

4 CICOSO SYSTEMS, INC.,
5 Petitioner,
6 v.
7 CAPELLA PHOTONICS, INC.,
8 Patent Owner.

9 -----x

10 Case IPR2014-01166

11 Patent RE42,368

12 -----x

13 Case IPR2014-01276

14 Patent RE42,678

15 -----x

April 21, 2015

16 8:30 a.m.

17 VIDEOTAPED DEPOSITION of DAN M. MAROM, PH.D.,
taken by Patent Owner, pursuant to Notice,
18 dated April 6, 2015, at the offices Cooley
LLP, The Grace Building, 1114 Avenue of
19 the Americas, New York, New York, before
Amy Klein Campion, a Shorthand Reporter
20 and Notary Public within and for the State
of New York.

21

22

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

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15 BY: NATHANIEL T. BROWAND, ESQ.
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17 ALSO PRESENT:

18 ALEXANDER V. SERGIENKO, PH.D.

19 Boston University

20 ROBERT D. BECKER, ESQ.

Manatt, Phelps & Phillips, LLP

21 GEORGE LIBBARES, Videographer

22

1 THE VIDEO OPERATOR: Stand by,
2 please.

3 We are now recording and on the
4 record.

5 Please note that the microphones
6 are sensitive and may pick up
7 whispering and private conversations.

8 Please turn off all cellphones or
9 place them away from the microphones
10 as they can interfere with the
11 deposition audio. Recording will
12 continue until all parties agree to go
13 off the record.

14 My name is George Libbares
15 representing Veritext Midatlantic.
16 The date today is April 21st, 2015 and
17 the time is 8:38 a.m.

18 This deposition is being held at
19 Cooley LLP, located at 1114 Avenue of
20 the Americas, New York, New York and
21 is being taken by counsel for the
22 Patent Owner.

1 The caption of this case is Cisco
2 Systems Inc. versus Capella Photonics,
3 Inc.

4 This case is filed before the
5 Patent Trial and Appeal Board, Case
6 Number IPR 2014-01276, Patent RE42,678
7 and Case Number IPR 2014-001166,
8 Patent RE42,368.

9 The name of the witness is Dan
10 Marom.

11 At this time counsel will state
12 their appearances and our court
13 reporter, Amy Klein Campion,
14 representing Veritext Midatlantic will
15 swear in the witness and we can
16 proceed.

17 MR. NOWAK: Nick Nowak with
18 Sterne, Kessler, Goldstein & Fox for
19 Patent Owner, Capella.

20 MR. EISENBERG: Jason Eisenberg
21 from Sterne, Kessler, Goldstein & Fox
22 for Patent Owner, Capella.

1 MR. STERNE: Robert Sterne of
2 Sterne, Kessler for Patent Owner,
3 Capella.

4 MR. LEARY: Matthew Leary of
5 Cooley LLP for Cisco Systems.

6 MR. BROWAND: Nathaniel Browand
7 of Milbank Tweed Hadley & McCloy on
8 behalf of Fujitsu Network
9 Communications, Inc.

10 D A N M A R K M A R M O N, P H. D.,
11 having been first duly sworn by the
12 Notary Public (Amy Klein Campion), was
13 examined and testified as follows:

14 EXAMINATION BY

15 MR. NOWAK:

16 Q. Dr. Marom, good morning.

17 A. Good morning.

18 Q. Have you ever been deposed
19 before?

20 A. No, first time.

21 Q. So I assume that you've never
22 provided expert testimony in a patent case

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