

*Inter Partes Review of USPN 8,335,033
Declaration of Timothy J. Drabik, Ph.D. (Exhibit 1007)*

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU NETWORK COMMUNICATIONS, INC.

Petitioner

v.

THOMAS SWAN & CO. LTD.

Patent Owner

Inter Partes Review Case No. Unassigned
Patent 8,335,033

DECLARATION OF TIMOTHY J. DRABIK, Ph.D.

(Submitted with Petition for *Inter Partes* Review of
U.S. Patent No. 8,335,033)

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E. Point 4: Claim 57 Is Not Innovative in View of the
Combination of the Parker Thesis, the Warr Thesis and the
Crossland Patent 97

XII. CONCLUSION 101

I, Timothy J. Drabik, hereby declare as follows:

I. INTRODUCTION

A. Background

1. My name is Timothy J. Drabik. I am a researcher and consultant working in areas related to optics, telecommunications, display technologies, and microelectronics. I undertake consulting through my company, Page Mill Technology Corporation, and also work to develop commercial technologies for information display and optical telecommunications.

2. I have been retained as an expert witness on behalf of Fujitsu Network Communications, INC. (“FNC”) in connection with the above captioned Petition for *Inter Partes* Review of U.S. Patent No. 8,335,033 (“Petition”). I understand that this proceeding involves U.S. Patent No. 8,335,033 (“the ’033 patent”), titled “Optical Processing.” The ’033 patent is provided as Exhibit 1001.

3. I understand that Petitioner challenges in its Petition the validity of Claims 1, 22, 24, 26, 27, 29, 39, 43, 45, 47, 48, 51, 57, 58, 64, 65, 76, 79, 80, 81, 89, and 90 of the ’033 patent (the “challenged claims”).

4. I have reviewed and am familiar with the ’033 patent as well as its prosecution history. The ’033 prosecution history is provided as Exhibit 1013. Additionally, I have reviewed materials identified in Section III.

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5. As set forth below, I am familiar with the technology at issue as of both the Sep. 10, 2004 filing date of the application which led to the '033 patent, and the Sep. 3, 2001 priority date corresponding to the filing of the parent UK Patent Application No. 0121308.1. I have been asked to provide my technical review, analysis, insights, and opinions regarding the prior art references that form the basis for the Petition. In forming my opinions, I have relied on my own experience and knowledge, my review of the '033 patent and its file history, and of the prior art references cited in the Petition.

6. My opinions expressed in this Declaration rely to a great extent on my own personal knowledge and recollection. However, to the extent I considered specific documents or data in formulating the opinions expressed in this Declaration, such items are expressly referred to in this Declaration.

7. I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$500 per hour.

B. Qualifications

1. Education

8. I received my Ph.D. in Electrical Engineering from the Georgia Institute of Technology in 1990, where I also received a M.S. degree in Electrical Engineering in 1982. I received Bachelor's degrees in Electrical Engineering and

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