

*Inter Partes Review of USPN RE42,368
Declaration of Timothy J. Drabik, Ph.D. (Exhibit 1016)*

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU NETWORK COMMUNICATIONS, INC.

Petitioner

v.

CAPELLA PHOTONICS, INC.

Patent Owner

Inter Partes Review Case No. Unassigned
Patent No. RE42,368

DECLARATION OF TIMOTHY J. DRABIK, Ph.D.

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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 to act as an expert witness on behalf of Fujitsu Network Communications, Inc. (“FNC” or “Petitioner”) in connection with the above captioned Petition for *Inter Partes* Review of U.S. Patent No. RE42,368 (“Petition”). I understand that this proceeding involves U.S. Patent No. RE42,368 (“the ‘368 Patent”), titled “Reconfigurable Optical Add-Drop Multiplexers with Servo-Control and Dynamic Spectral Management Capabilities.” The ‘368 Patent is provided as Exhibit 1001.

3. I understand that Petitioner challenges the validity of Claims 1-6, 9-12 and 15-22 of the ‘368 Patent (the “challenged claims”).

4. I have reviewed and am familiar with the ‘368 Patent as well as its prosecution history. The ‘368 prosecution history is provided as Exhibit 1002. Additionally, I have reviewed materials identified in Section III.

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