

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

3 - - - - - +

4 CISCO SYSTEMS, INC.,
5 Petitioner,
6 vs.

7 CAPELLA PHOTONICS, INC.,
8 Patent Owner.

9 - - - - - +

10 Case IPR2014-01166
11 Patent RE42,368

12 - - - - - +

13 Case IPR2014-01276
14 Patent RE42,678

15 - - - - - +

16 JUNE 30, 2015

17 9:02 A.M.

18 WASHINGTON, D.C.

19 VIDEOTAPED DEPOSITION of ALEXANDER V.

20 SERGIENKO, Ph.D., the witness in the above-entitled
21 action, held at the offices of Sterne, Kessler,
22 Goldstein, Fox, 1100 New York Avenue, Northwest,
23 Washington, D.C., taken before Michele E. Eddy, a
24 Certified Realtime Reporter and Notary Public of the
25 District of Columbia.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

MATTHEW J. LEARY, ESQUIRE
Cooley, LLP
380 Interlocken Crescent, Suite 900
Broomfield, Colorado 80021
(720) 566-4021
mleary@cooley.com

ON BEHALF OF THE PATENT OWNER:

JONATHAN TUMINARO, Ph.D., ESQUIRE
TYLER J. DUTTON, ESQUIRE
JASON D. EISENBERG, ESQUIRE
Sterne, Kessler, Goldstein, Fox
1100 New York Avenue, Northwest
Washington, D.C. 20005
(202) 371-2600
jtuminar@skgf.com
tdutton@skgf.com
jasone@skgf.com

1 ATTENDANCE, Continued

2

3 ON BEHALF OF THE PATENT OWNER:

4 ROBERT D. BECKER, ESQUIRE

5 Manatt, Phelps & Phillips, LLP

6 1841 Page Mill Road, Suite 200

7 Palo Alto, California 94304

8 (650) 812-1300

9 rbecker@manatt.com

10

11 ON BEHALF OF CORIANT OPERATIONS, INC.:

12 MICHAEL S. CUVIELLO, ESQUIRE

13 Banner & Witcoff, LTD

14 1100 13th Street, Northwest

15 Suite 1200

16 Washington, D.C. 20005

17 (202) 824-3000

18 mcvuiello@bannerwitcoff.com

19

20 ALSO PRESENT:

21 Krishna Sharma, Videographer

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXAMINATION INDEX

PAGE

EXAMINATION BY MR. LEARY

9

E X H I B I T S

(Attached to the Transcript)

CAPELLA EXHIBIT

PAGE

Exhibit 1 Declaration of Dr. Alexander V.

21

Sergienko in Support of the

Patent Owner Response;

Capella Exhibit 2004

Exhibit 2 Update - 2001 titled "Switching

24

The Lightwave"; Cisco Exhibit

1056

Exhibit 3 Document titled "Components for

225

R-OADMS - 2005" dated March

2005; Cisco Exhibit 1055

Exhibit 4 Annual Report 2010-2011 -

262

Boston University College of

Engineering; Cisco Exhibit 1050

EXHIBIT INDEX CONTINUED

(PREVIOUSLY MARKED AND REFERRED TO)

| CISCO SYSTEMS, INC. EXHIBIT | PAGE |
|--|------|
| Exhibit 1001 Patent Number US RE42,368 E (Chen) | 244 |
| Exhibit 1001 Patent Number US RE42,678 E (Wilde) | 97 |
| Exhibit 1003 Patent Number US 6,498,872 B2 (Bouevitch) | 121 |
| Exhibit 1004 Patent Number 6,798,941 B2 (Smith, et al) | 247 |
| Exhibit 1006 Patent Number US 6,798,992 B1 (Bishop, et al) | 238 |
| Exhibit 1008 Provisional Application for Patent Cover Sheet dated 3-17-01 | 64 |
| Exhibit 1010 US Patent Number 5,661,591 (Lin, et al.) | 174 |

19
20
21
22
23
24
25

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.