

UNITED STATES PATENT AND TRADEMARK OFFICE  
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BEFORE THE PATENT TRIAL AND APPEAL BOARD  
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FUJITSU NETWORK COMMUNICATIONS, INC.  
Petitioner

v.

CAPELLA PHOTONICS, INC.  
Patent Owner  
\_\_\_\_\_

Case IPR2015-00726  
Patent RE42368  
\_\_\_\_\_

Mailed: February 26, 2015

Before ANDREW KELLOGG, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION  
AND  
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review in the above proceeding has been accorded the filing date of February 12, 2015.

A review of the petition identified the following defect(s):

Improper usages of claim charts: Although claim charts are permitted, the purpose of claim charts is to assist petitioners to specify where each claim limitation is found in the prior art references relied upon. Claim charts should be presented in a readable manner and be free from attorney argument. Presenting attorney argument in the claim charts circumvents the 60-page limit set forth in 37 C.F.R. § 42.24.

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R.

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§ 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>. To file documents, users must first obtain a user ID and password by registering with PRPS. Information regarding how to register with and use PRPS is available at the Board Web site.

If there are any questions pertaining to this notice, please contact Andrew Kellogg at 571-272-5366 or the Patent Trial and Appeal Board at 571-272-7822.

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PETITIONER:

Christopher E. Chalsen  
Lawrence T. Kass  
Nathaniel T. Browand  
Suraj K. Balusu  
MILBANK, TWEED, HADLEY & MCCLOY LLP  
cchalsen@milbank.com  
lkass@milbank.com  
nbrowand@milbank.com  
sbalusu@milbank.com

PATENT OWNER:

LAW OFFICES OF BARRY N. YOUNG  
P.O. BOX 61197  
PALO ALTO, CA 94306

ROBERT D. BECKER  
MANATT, PHELPS & PHILLIPS, LLP  
1841 PAGE MILL ROAD, SUITE 200  
PALO ALTO, CA 94304