

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

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Case IPR2015-00726  
Patent RE42,368

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**CAPELLA PHOTONICS, INC.'S MANDATORY NOTICES  
PURSUANT TO 37 C.F.R. § 42.8(a)(2)**

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U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.8(a)(2), Patent Owner, Capella Photonics, Inc., hereby files its Mandatory Notices.

**I. 37 C.F.R. § 42.8(b)(1) – REAL PARTY-IN-INTEREST**

The patent owner and real party-in-interest is Capella Photonics, Inc.

**II. 37 C.F.R. § 42.8(b)(2) – RELATED MATTERS**

**A. Proceedings Before the USPTO Involving the Patent-at-Issue**

Patent Owner notifies the Board of the following proceedings that may affect or be affected by a decision in this proceeding.

This *Inter Partes* Review is one of seven petitions filed against two patents owned by Patent Owner: U.S. Patent Nos. RE42,368 (“the ’368 patent”) and RE42,678 (“the ’678 patent”). The ’678 patent stems from the same patent application(s) that resulted in the ’368 patent.

<b>Patent No.</b>	<b>Case Caption</b>	<b>Filing Date</b>
RE42,368	<i>Cisco Systems, Inc. v. Capella Photonics, Inc.</i> , Case IPR2014-01166	July 15, 2014
	<i>JDS Uniphase Corp. v. Capella Photonics, Inc.</i> , Case IPR2015-00731	February 13, 2015
	<i>Ciena Corp., Coriant Operations, Inc., Coriant (USA) Inc. and Fujitsu Network Communications, Inc. v. Capella Photonics, Inc.</i> , Case IPR2015-00816	February 26, 2015
RE42,678	<i>Cisco Systems, Inc. v. Capella Photonics, Inc.</i> , Case IPR2014-01276	August 12, 2014

<b>Patent No.</b>	<b>Case Caption</b>	<b>Filing Date</b>
	<i>Fujitsu Networks Communications, Inc. v. Capella Photonics, Inc.</i> , Case IPR2015-00727	February 12, 2015
	<i>JDS Uniphase Corp. v. Capella Photonics, Inc.</i> , Case IPR2015-00739	February 14, 2015

**B. Litigations Involving the Patent-at-Issue**

Patent Owner notifies the Board of the following litigation proceedings that may affect or be affected by a decision in this proceeding:

- *Capella Photonics, Inc. v. Cisco Systems, Inc.*, Case No. 1:14-cv-20529, filed in the U.S. District Court for the Southern District of Florida on February 12, 2014 (transferred to the Northern District of California on July 24, 2014, now Case No. 3:14-cv-03348).
- *Capella Photonics, Inc. v. Fujitsu Network Communications, Inc.*, Case No. 1:14-cv-20531, filed in the U.S. District Court for the Southern District of Florida on February 12, 2014 (transferred to the Northern District of California on July 24, 2014, now Case No. 3:14-cv-03349).
- *Capella Photonics, Inc. v. Tellabs, Inc.*, Case No. 0:14-cv-60350, filed in the U.S. District Court for the Southern District of Florida on February

- 12, 2014 (transferred to the Northern District of California on July 24, 2014, now Case No. 3:14-cv-03350).
- *Capella Photonics, Inc. v. Ciena Corporation et al.*, Case No. 1:14-cv-20530, filed in the U.S. District Court for the Southern District of Florida on February 12, 2014 (transferred to the Northern District of California on July 25, 2014, now Case No. 5:14-cv-03351).
  - *Capella Photonics, Inc. v. Columbus Networks USA, Inc.*, Case No. 0:14-cv-61629, filed in the U.S. District Court for the Southern District of Florida on July 15, 2014 (currently stayed).
  - *Capella Photonics, Inc. v. Telefonica International Wholesale Services USA*, Case No. 1:14-cv-22701, filed in the U.S. District Court for the Southern District of Florida on July 21, 2014 (currently stayed).

**C. U.S. Patents and Applications Related to the Patent-at-Issue**

Out of an abundance of caution and in accordance with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012), Patent Owner notifies the Board of related patents that may affect or be affected by a decision in this proceeding:

- U.S. Patent Application No. 09/938,426, filed August 23, 2001 (now U.S. Patent No. 6,625,346, issued September 23, 2003); and

- U.S. Patent Application No. 10/005,714, filed November 7, 2001 (now U.S. Patent No. 6,687,431, issued February 3, 2004).

### III. 37 C.F.R. § 42.8(b)(3) – LEAD AND BACK-UP COUNSEL

Patent Owner hereby designates lead and back-up counsel.

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