UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU NETWORK COMMUNICATIONS, INC. Petitioner

v.

CAPELLA PHOTONICS, INC. Patent Owner

> Case IPR2015-00726 Patent RE42,368

PATENT OWNER PRELIMINARY RESPONSE

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IV.	FUJITSU'S PETITION SHOULD BE DENIED AS REDUNDANT TO CISCO'S PETITION, WHICH FUJITSU HAS ALREADY ASKED TO JOIN					
	A.		su's petition is one of four petitions that have been filed st the '368 patent	12		
	B.		o's IPR resulted in a stay of the co-pending district- action.	15		
	C.		Board should deny Fujitsu's petition because Fujitsu's ences and Cisco's references are redundant.	15		
V.	THE BOARD SHOULD NOT INSTITUTE TRIAL ON ANY OF FUJITSU'S PROPOSED GROUNDS BECAUSE FUJITSU FAILED TO MEET ITS THRESHOLD SHOWINGS					
	A. <u>Ground 1:</u> Smith Does Not Anticipate Claims 1, 2, 5, 6, 9- 12, and 15-21.					
		1.	Fujitsu failed to show that Smith is prior art.	20		
		2.	Smith does not disclose beam-deflecting elements that are continuously controllable in two dimensions.	23		

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	3. Fujitsu cannot rely on an "analog" embodiment from an earlier-filed provisional application because that embodiment was not carried over into Smith.	26
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	2. The combination of Bouevitch and Carr fails to teach or suggest the "focusing" feature of dependent claims 11 and 21.	33
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