

*Inter Partes Review of USPN RE42,368
Declaration of Joseph E. Ford, Ph.D. (Exhibit 1037)*

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. IPR2015-00726
Patent No. RE42,368

DECLARATION OF JOSEPH E. FORD, Ph.D.

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I, Joseph E. Ford, hereby declare as follows:

I. INTRODUCTION

A. Background

1. [Intentionally left blank].
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.
5. As set forth below, I am familiar with the technology at issue as of both the August 23, 2001 filing date of the application which led to the ‘368 Patent, and the March 19, 2001 priority date corresponding to the filing of Provisional Patent Application No. 60/277,217. I have been asked to provide my

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