

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

FUJITSU NETWORK COMMUNICATIONS, INC.,  
CORIANT OPERATIONS, INC., CORIANT (USA) INC.,  
CIENA CORPORATION  
Petitioner

v.

CAPELLA PHOTONICS, INC.  
Patent Owner

---

Case IPR2015-00727<sup>1</sup>  
Patent RE42,678

---

**PETITIONER'S REQUEST FOR ORAL ARGUMENT**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

---

<sup>1</sup> Case IPR2015-01961 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.70(a) and the Board's August 24, 2015, Scheduling Order (Paper 9), Petitioner respectfully submits this request for oral argument, currently scheduled for May 24, 2016.

Petitioner does not believe an oral argument should be held in this proceeding given the Board's order in IPR2014-01276 that all patent claims at issue in this proceeding are unpatentable (Paper 40). However, if the Board nevertheless orders oral argument based on Patent Owner's request, Petitioner will attend and respectfully requests that the oral argument in this proceeding (1) be consolidated with the oral argument for IPR2015-00726 because these proceedings involve the same prior art and (2) be limited to the issues in these two proceedings and not combined with any oral argument in other proceedings given the differences in prior art and other record evidence, such as expert testimony.

Petitioner also respectfully requests that the Board provide audiovisual equipment to display possible demonstrative exhibits, including a projector to be connected to a laptop and a screen for displaying documents.

Respectfully submitted,  
MILBANK, TWEED, HADLEY & MCCLOY  
LLP

Date: April 14, 2016  
28 Liberty Street  
New York, New York 10005  
Tel: (212) 530-5000

/Nathaniel T. Browand/  
Nathaniel T. Browand  
Registration No. 59,683  
Back-up Counsel

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned certifies that on April 14, 2016, the foregoing **PETITIONER'S REQUEST FOR ORAL ARGUMENT** were served electronically via email on the following counsel of record for Patent Owner:

Jason D. Eisenberg (Lead Counsel)  
Robert Greene Sterne (Back-up Counsel)  
Jon E. Wright (Back-up Counsel)  
Jonathan Tuminaro (Back-up Counsel)

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, D.C. 20005  
E-mail: [jasone-PTAB@skgf.com](mailto:jasone-PTAB@skgf.com)  
E-mail: [rsterne-PTAB@skgf.com](mailto:rsterne-PTAB@skgf.com)  
E-mail: [jwright-PTAB@skgf.com](mailto:jwright-PTAB@skgf.com)  
E-mail: [jtuminar-PTAB@skgf.com](mailto:jtuminar-PTAB@skgf.com)

Date: April 14, 2016

/Nathaniel T. Browand/  
Nathaniel T. Browand  
Registration No. 59,683