

Fujitsu Network Communications, Inc., Coriant Operations, Inc., Coriant
Ciena Corporation, Petitioner
v.
Capella Photonics, Inc., Patent Owner

Petitioner's Oral Argument Demonstratives

IPR2015-00726
Patent RE42,368
&
IPR2015-00727
Patent RE42,678

Overview

- No Estoppel
- “Continuously Controllable” Two-Axis Mirrors
- “Control the power”
- Ports

No Estoppel

No Estoppel

- FNC reasonably could not have raised the grounds for these IPRs in IPR2014-01166 or -01276, and FNC is petitioner in those IPRs under PTO rules.
- 35 U.S.C. § 315(e)(1):

“The petitioner in an inter partes review of a claim in a patent under this chapter that results in a final written decision under section 318(a), or the real party in interest or privy of the petitioner, may not request or maintain a proceeding before the Office with respect to that claim on any ground that the petitioner raised or reasonably could have raised during that inter partes review.”

(Paper 27 (IPR2015-00726), Petitioner’s Reply)

No Estoppel

- FNC could not have reasonably presented the present grounds in IPR2014-01166 or -01276 because it did not participate in the drafting or preparation of those petitions.
- FNC was not, and is not, a real party in interest or party to the petitioner (Cisco Systems, Inc.) in IPR2014-01166 or -01276.

(Paper 27 (IPR2015-00726), Petitioner's Reply, 1)

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