

*Inter Partes Review of USPN RE42,678
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. IPR2015-00727
Patent No. RE42,678

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. RE42,678 (“Petition”). I understand that this proceeding involves U.S. Patent No. RE42,678 (“the ‘678 Patent”), titled “Reconfigurable Optical Add-Drop Multiplexers with Servo-Control and Dynamic Spectral Management Capabilities.” The ‘678 Patent is provided as Exhibit 1001.

3. I understand that Petitioner challenges the validity of Claims 1–4, 9, 10, 13, 17, 19–23, 27, 29, 44–46, 53 and 61–65 of the ‘678 Patent (the “challenged claims”).

4. I have reviewed and am familiar with the ‘678 Patent as well as its prosecution history. The ‘678 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 ‘678 Patent, and the March 19, 2001 priority date corresponding to the filing of

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