
From: Vignone, Maria [<mailto:Maria.Vignone@USPTO.GOV>] **On Behalf Of** Trials

Sent: Wednesday, December 16, 2015 2:31 PM

To: Jason Eisenberg; Trials

Cc: Jonathan Tuminaro; PTAB Account; Nicholas J. Nowak; Rob Sterne; Browand, Nathaniel; Chalsen, Christopher; Kass, Lawrence; PTAB Account

Subject: RE: Fujitsu Network Communications, Inc. v. Capella Photonics, Inc., IPR2015-00726 & IPR2015-00727 - Request for Board Call

Counsel,

The Board has considered Patent Owner's request for additional discovery of notes, comments and edits of the late Dr. Drabik, and understands the request as seeking authorization to file a motion for additional discovery of those materials. The panel has determined that no motion is authorized at this time.

Thank you,

Maria Vignone

Paralegal Operations Manager

Patent Trial and Appeal Board

571-272-4645

From: Jason Eisenberg [<mailto:JEISENBE@skgf.com>]

Sent: Friday, December 11, 2015 4:08 PM

To: Trials

Cc: Jonathan Tuminaro; PTAB Account; Nicholas J. Nowak; Rob Sterne; Browand, Nathaniel; Chalsen, Christopher; Kass, Lawrence

Subject: Fujitsu Network Communications, Inc. v. Capella Photonics, Inc., IPR2015-00726 & IPR2015-00727 - Request for Board Call

Dear PTAB Staff,

Patent Owner Capella seeks discovery of notes, comments, and edits that the late Dr. Drabik made with regard to his draft declarations and all documents he reviewed in preparing them to allow Capella to understand what facts and evidence he used to render his opinions. These are facts that Capella would have otherwise been entitled to if it had been able to depose the late Dr. Drabik and they are facts that cannot be uncovered by deposing Dr. Ford. The information falls into work product exceptions established by the courts, and is similar to discovery previously allowed by the Board in other cases.

Petitioner FNC has opposed providing any discovery. So the parties are at an impasse and seek the Boards guidance.

Both parties are available Monday Dec. 14 from 12-1 pm and from 3-4 pm if those times are convenient for the Board.

Thank you.

Best regards,

Jason Eisenberg – Counsel for Patent Owner Capella

Jason D. Eisenberg | Director | [Sterne, Kessler, Goldstein & Fox](#) | 1100 New York Avenue NW | Washington, DC 20005 |

Email: jason@skgf.com | Direct: 202.772.8645 | Main: 202.371.2600 | Mobile: 301.448.9871

Liaison/Assistant: LaTishia Tillman: | Email: ltillman@skgf.com | Direct: 202.772.8728

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