

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JDS UNIPHASE CORPORATION,
Petitioner,

v.

CAPELLA PHOTONICS, INC.,
Patent Owner.

Case IPR2015-00731
Patent RE42,368

Before JOSIAH C. COCKS, KALYAN K. DESHPANDE, and
JAMES A. TARTAL, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION

Motion to Re-Caption the Proceeding
37 C.F.R. § 42.10

Petitioner filed a Motion to Re-Caption the Proceeding (Papers 21, 22 (the “Motion”))¹, having received prior authorization to file the Motion during a teleconference with the Board on January 15, 2016. Patent Owner did not oppose the Motion. The Motion is granted.

This proceeding was initiated by JDS Uniphase Corporation (“JDSU”). Paper 1. During July and August, 2015, JDSU was reorganized such that certain assets and obligations associated with communications and commercial optical products were spun out to Lumentum Holdings Inc., Lumentum, Inc. and Lumentum Operations LLC. Paper 22, 1–5. Petitioner states that Lumentum Operations LLC is owned by Lumentum Inc., a subsidiary of Lumentum Holdings Inc. *Id.* at 1. JDSU, which retained other business units unrelated to this proceeding, was renamed Viavi Solutions Inc. (“Viavi”). Petitioner states that Viavi owns approximately 20% of the shares of Lumentum Holdings Inc. *Id.* at 2. Additionally, certain preferred stock representing approximately 3% of Lumentum Holdings Inc.’s equity value was transferred to third party Amada Holdings, Co. Ltd. (“Amada”). *Id.* at 4.

Petitioner states that neither Viavi nor Amada have exercised any control over, or have any involvement in funding or directing this proceeding, and that their minority shareholder status, alone, does not require that they be identified as a real party-in-interest to this proceeding. On September 15, 2015, Petitioner filed an updated mandatory notice

¹ At this time, a confidential version (Paper 21) and a redacted version (Paper 22) of the Motion are present in the record. For purposes of this Decision, we make reference only to the redacted version of the Motion.

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identifying Lumentum Holdings Inc., Lumentum, Inc. and Lumentum Operations LLC as the real parties-in-interest to this proceeding. Paper 11.

Based on the representations made by Petitioner in the Motion, Petitioner's request to re-caption the proceeding is granted.

Accordingly, it is:

ORDERED that the Motion to Re-Caption the Proceeding is *granted*, and,

FURTHER ORDERED that documents filed in the proceeding after entry of this order shall use the following caption:

LUMENTUM HOLDINGS, INC., LUMENTUM, INC., and
LUMENTUM OPERATIONS LLC,
Petitioner,

v.

CAPELLA PHOTONICS, INC.,
Patent Owner.

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