



LUMENTUM HOLDINGS, INC., LUMENTUM, INC.,  
LUMENTUM OPERATIONS LLC, CORIANT OPERATIONS, INC.,  
CORIANT (USA) INC., CIENA CORPORATION,  
CISCO SYSTEMS, INC., and  
FUJITSU NETWORK COMMUNICATIONS, INC.

v.

CAPELLA PHOTONICS INC.

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IPR2015-00731 (Patent No. RE42,368)<sup>1</sup>  
IPR2015-00739 (Patent No. RE42,678)<sup>2</sup>

May 24, 2016

ase IPR2015-01969 has been joined to this proceeding.

ase IPR2015-01971 has been joined to this proceeding.

## Instituted Grounds

Patent	Instituted Ground	Claims	References
'368	2	1-6, 9-11, 13, 15-22	Bouevitch, Sparks, Lin
	4	12	Bouevitch, Sparks, Lin, Dueck
'678	2	1-4, 9, 10, 13, 19-23, 27, 44-46, 61-65	Bouevitch, Sparks, Lin
	4	17, 29, 53	Bouevitch, Sparks, Lin, Dueck

# Outline

## I. Petitioners' Proposed Combination

## II. No Motivation to Combine

- Teaching Away
- The Proposed Motivations to Combine Fail
- Hindsight

## III. Ports

- Collimator Ports vs. Circulators
- Disavowal / Disclaimer
- The '217 Provisional

# Petitioners' Proposed Combination

## Lumentum

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIEBUNAL

LUMENTUM HOLDINGS, INC. AND LUMENTUM OPTICS, INC. v. PHOSITA

Case No. 2013-00000

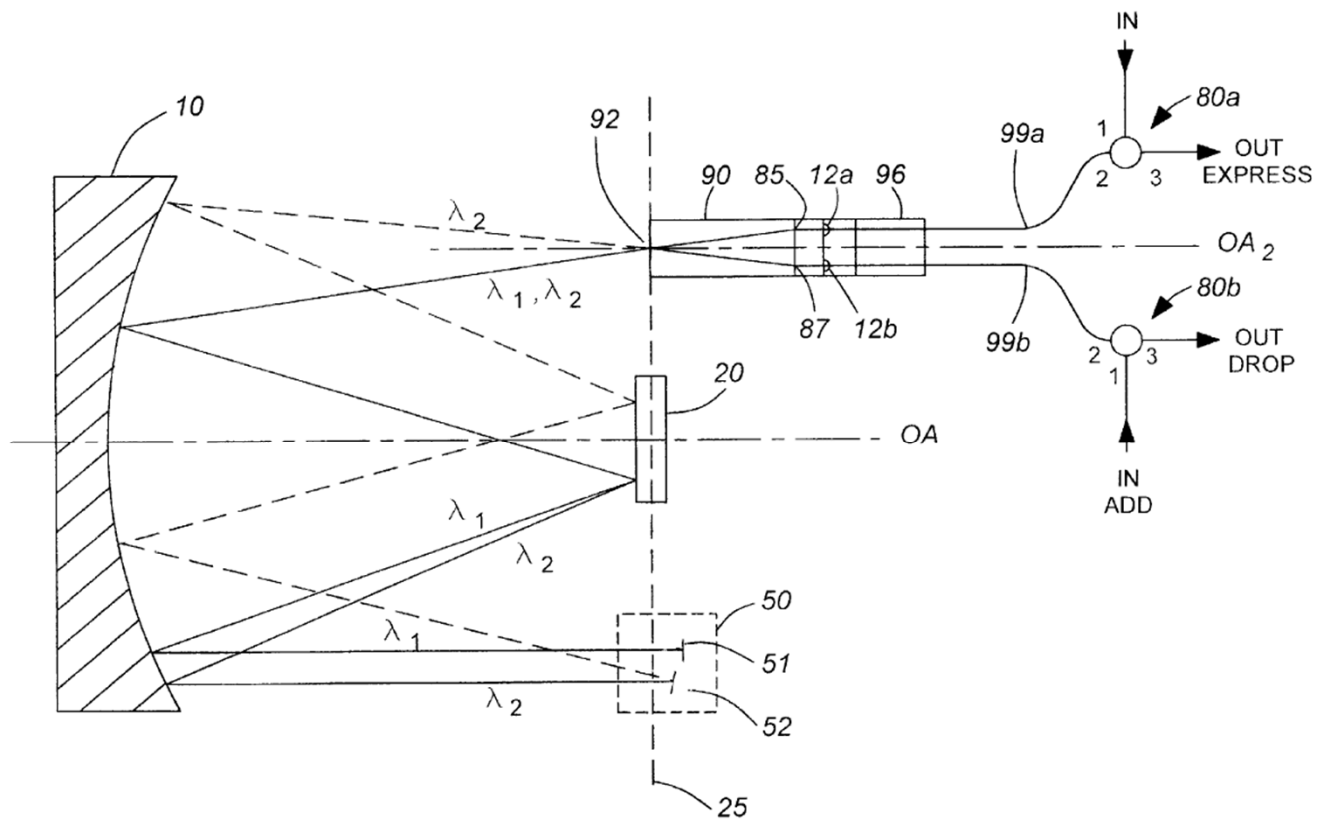
Patent No. 7,811,111

PEITION TO PATENT

Bouevitch Fig. 11 and the associated description include all of the relevant disclosure. The combination of Bouevitch and Sparks substitutes only the two-axis MEMS modifying means of Sparks to replace the one-axis mirrors of Bouevitch Fig. 11. In that combination, Bouevitch Fig. 11 discloses a configurable optical add/drop multiplexer (COADM) using MEMS mirrors that tilt in one axis for switching. Sparks discloses MEMS mirrors that move about two axes as a substitute for one-axis mirrors for both switching and power control. (Petition, pp. 33-36.) “The PHOSITA would be motivated to use the 2-axis system of Sparks within the system of Bouevitch for power control.” (Petition, p. 35.)

'731 Reply, p. 2; '739 Reply, p. 2

# Petitioners' Proposed Combination



**FIG. 11**

Bouevitch, FIG. 11; '731 POR, p. 16; '739 POR, p. 16

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