

trials@uspto.gov

IPR2015-00731, Paper No. 50

IPR2015-00739, Paper No. 49

571-272-7822

June 21, 2016

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners

vs.

CAPELLA PHOTONICS, INC.

Patent Owner

Case IPR2015-00731 and IPR2015-00739

Application 12/816084

Patents RE42, 368E and RE42, 678E

Technology Center 2800

Oral Hearing Held: May 24, 2016

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

The above-entitled matter came on for hearing on May 24,
2016 at the U.S. Patent and Trademark Office, 600 Dulany Street,
Alexandria, Virginia, Courtroom A, at 3:03 p.m.

REPORTED BY: Karen Brynteson, RMR, CRR, FAPR

APPEARANCES:

ON BEHALF OF THE PETITIONER:

WALTER C. LINDER, ESQ.
Faegre Baker Daniels LLP
2203 Wells Fargo Center
90 S. Seventh Street
Minneapolis, Minnesota 55402
612-766-7000
walter.linder@faegreBD.com

ON BEHALF OF THE PATENT OWNER:

ROBERT GREENE STERNE, ESQ.
JASON D. EISENBERG, ESQ.
JONATHAN TUMINARO, Ph.D., ESQ.
Sterne Kessler Goldstein Fox
1100 New York Avenue, N.W.
Washington, D.C. 20005
202-371-2600
rsterne@skgf.com

P R O C E E D I N G S

(3:03 p.m.)

JUDGE TARTAL: Good afternoon. Please be seated.

Welcome. We are here for the final hearing in two separate inter partes review cases, both are captioned Lumentum Holdings, Incorporated, Lumentum, Incorporated, Lumentum Operations, LLC, Coriant Operations, Incorporated, Coriant (USA), Incorporated, Ciena Corporation, Cisco Systems, Incorporated, and Fujitsu Network Communications, Inc., Petitioners, versus Capella Photonics, Incorporated, Patent Owner.

The first case is IPR2015-00731 concerning U.S. patent RE42,368E, and the second case is IPR2015-00739, concerning U.S. patent RE42,678E.

Let me introduce the panel. I am joined by Judge Cocks. To my right is Judge Deshpande, and I am Judge Tartal.

Let's get the parties appearances first, please. Who do we have appearing today on behalf of Petitioner?

MR. LINDER: Walter Linder.

JUDGE TARTAL: Good afternoon, counsel.

And for Patent Owner, who do we have appearing today?

1 MR. STERNE: Good afternoon, Your Honor,
2 Robert Sterne, again, for Patent Owner.

3 JUDGE TARTAL: Thank you. And welcome.

4 And, again, we set forth the procedures for today's
5 hearing in the trial order. As a reminder each party will have
6 40 minutes of total time to present arguments in both cases.

7 Petitioner has the burden of proof and will go first.
8 Petitioner will open jointly for both cases. Patent Owner will
9 then present opposition arguments jointly for both cases. And
10 then to the extent that Petitioner has reserved time, Petitioner
11 may present reply arguments jointly for both cases.

12 The parties must at all times make clear which case
13 they are discussing so that we can maintain a clear transcript.
14 Also for the clarity of the transcript, we ask that you refer to
15 an exhibit or demonstrative slide by indicating for the record
16 the exhibit and page number or for demonstratives, the slide
17 number to which you are referring.

18 We are aware that Petitioner has filed objections to
19 eight of the Patent Owner's demonstrative slides on the basis
20 that they cite portions of the exhibits in the record not
21 previously cited or case law not previously cited.

22 We reviewed the demonstratives and have
23 determined that Patent Owner is permitted to present
24 arguments on those slides, but we will refrain from ruling on
25 those objections at this time.

1 Both parties are reminded that demonstrative slides
2 are not evidence and will not be relied upon for final decision.

3 Moreover, arguments raised for the first time
4 during this hearing or in demonstrative will not be given
5 weight in our final written decision. We remind each party
6 under no circumstances are they to interrupt the other party
7 while the party is presenting its arguments and demonstratives.

8 If a party wants to spend time arguing that the
9 demonstrative or argument presented by the other party is
10 objectionable for any reason, that objection may be voiced
11 only during the objecting party's argument time.

12 Are there any questions on behalf of Patent Owner
13 at this time?

14 MR. STERNE: No. No, Your Honor, no questions.

15 JUDGE TARTAL: And any questions on behalf of
16 Petitioner at this time?

17 MR. LINDER: None, Your Honor.

18 JUDGE TARTAL: Petitioner, would you like to
19 reserve a certain amount of time for your reply?

20 MR. LINDER: Your Honor, I would like to reserve
21 ten minutes for rebuttal of what I understand is the 40 minutes
22 allotted for our presentation.

23 JUDGE TARTAL: Yes. So 40 minutes total. And
24 you can reserve ten minutes for the reply.

25 MR. LINDER: That's correct. Thank you.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.