

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JDS UNIPHASE CORPORATION
Petitioner

v.

CAPELLA PHOTONICS, INC.
Patent Owner

Patent No. RE 42,678

Title: RECONFIGURABLE OPTICAL ADD-DROP
MULTIPLEXERS WITH SERVO CONTROL AND DYNAMIC
SPECTRAL POWER MANAGEMENT CAPABILITIES

Inter Partes Review No. 2015-00739

**DECLARATION OF JOEL D. SAYRES IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

JDS UNIPHASE CORPORATION

I, Joel D. Sayres, declare the following:

1. I am a partner at the law firm of Faegre Baker Daniels LLP, in Denver, Colorado.
2. I am a member in good standing of the State Bar of Colorado and the State Bar of California, as well as the following Federal Courts:
 - (a) U.S. Supreme Court (03/24/2014);
 - (b) U.S. Court of Appeals for the Federal Circuit (08/01/2014);
 - (c) U.S. Court of Appeals for the Tenth Circuit (09/2010);
 - (d) U.S. District Court for the District of Colorado (11/14/2011);
 - and
 - (e) U.S. District Court for the Central District of California (12/03/2002).
3. My Colorado Bar membership No. is 41926 and my California Bar membership No. is 223399.
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. I have never had a court or administrative body deny my application for admission to practice.

6. I have never had any court impose sanctions or contempt citations against me.

7. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of the C.F.R.

8. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et. seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

9. In the past three years, I have applied and been admitted to appear *pro hac vice* in the following proceedings before the Office: IPR2013-00196 (granted in Paper 18, entered May 23, 2013); IPR2014-01319 (granted in Paper 13, entered May 19, 2015); IPR2014-01320 (granted in Paper 13, entered May 19, 2015); IPR2014-01321 (granted in Paper 13, entered April 20, 2013); IPR2014-01323 (granted in Paper 13, entered April 20, 2015); IPR2015-00841 (granted in Paper 32, entered October 26, 2015); and IPR2015-00842 (granted in Paper 32, entered October 26, 2015). Contemporaneously with the motion this declaration supports, I have also applied for admission *pro hac vice* in IPR2015-00731, which is related to this proceeding.

10. I have been in practice for over twelve years, and I have been litigating patent cases for over nine years.

11. I have an established familiarity with the subject matter at issue in this proceeding. I have read in detail and understand the papers and evidence submitted by Petitioner in this proceeding, and am very familiar with the invalidity grounds and legal theories advanced from my years of experience litigating patent cases. I have reviewed in detail the patent challenged in this proceeding, U.S. Patent No. RE42,678 (“the ‘678 Patent”). I have also reviewed in detail the exhibits to the Petition, including the file history of the ‘678 Patent and the prior art references and excerpts that are the basis for Petitioner’s obviousness and anticipation grounds in this proceeding.

12. I have invested significant time in strategic and substantive discussion regarding this proceeding with lead counsel for Petitioner, Walter C. Linder. As a result of these discussions and reviewing written materials, including the exhibits filed with the Petition, I have a detailed understanding of the subject matter at issue in this proceeding.

13. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false

statements and the like are punishable by fine, imprisonment, or both, under section 1001 of Title 18 of the United States Code.

Respectfully Submitted,

Dated: January 26, 2016

/Joel D. Sayres/
Joel D. Sayres
FAEGRE BAKER DANIELS LLP
1700 Lincoln Street, Suite 3200
Denver, Colorado 80203
Joel.Sayres@FaegreBD.com
Telephone: (303) 607-3500
Fax: (303) 607-3600