

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CAPELLA PHOTONICS, INC.
Patent Owner.

Case IPR2015-00739
Patent RE42,678

**TRANSMITTAL LETTER ACCOMPANYING
SUBMISSION OF EXHIBIT 2035**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

On February 2, 2016 Petitioner, Lumentum Holdings, Inc. et al., and Patent Owner, Capella Photonics, Inc., spoke with the Patent Trial and Appeal Board on a conference call regarding the following items:

- (1) compelling Petitioner to comply with routine discovery to serve and file a copy of the “Schedule 5.5(A)” that is relied on and cited in footnote 2 of Papers 20 and 21 of IPRs 2015-00739 and 2015-00731, respectively (motions to re-caption the proceedings); and
- (2) the Board’s guidance on whether it had jurisdiction to institute trial on August 25, 2015 in both IPR 2015-00739 and 2015-00731 since JDSU, the only entity identified in the respective petitions as the real party-in-interest, had ceased to exist as of August 1, 2015 and the mandatory notices were not updated for 45 days – not until September 15, 2015.

Accordingly, Patent owner, Capella Photonics, Inc. has submitted the full transcript of the conference call discussing these items as **Exhibit 2035** in IPR2015-00739.

Case IPR2015-00739
Patent RE42,678

Respectfully Submitted,
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Date: February 4, 2016

/Jason D. Eisenberg/

Jason D. Eisenberg, Reg. 43,447
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, NW
WASHINGTON, D.C. 20005
(202) 371-8645
Counsel for Patent Owner

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the foregoing **TRANSMITTAL LETTER ACCOMPANYING SUBMISSION OF EXHIBIT 2035, PATENT OWNER'S UPDATED EXHIBIT LIST PURSUANT TO 37 C.F.R. § 42.63(e), and EXHIBIT 2035** were served electronically via e-mail on February 4, 2016 in their entireties on the following counsel of record for Petitioner:

Walter C. Linder (Lead Counsel)
Kenneth Liebman (Back-up Counsel)
Paul Sherburne (Back-up Counsel)

FAEGRE BAKER DANIELS LLP
90 South Seventh Street, 2200 Wells Fargo Center
Minneapolis, MN 55402

walter.linder@FaegreBD.com
ken.liebman@FaegreBD.com
paul.sherburne@FaegreBD.com

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/
Jason D. Eisenberg
Registration No. 43,447
Counsel for Patent Owner

Date: February 4, 2016

1100 New York Avenue, N.W.
Washington, D.C.20005-3934
(202) 371-2600