

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIENA CORPORATION, CORIANT OPERATIONS, INC.,
CORIANT (USA) INC., AND FUJITSU NETWORK
COMMUNICATIONS, INC.

Petitioner

v.

CAPELLA PHOTONICS, INC.

Patent Owner

Case IPR2015-00894

Patent RE42,678

**CAPELLA PHOTONICS, INC.’S MANDATORY NOTICES
PURSUANT TO 37 C.F.R. § 42.8(a)(2)**

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Pursuant to 37 C.F.R. § 42.8(a)(2), Patent Owner, Capella Photonics, Inc., hereby files its Mandatory Notices.

I. 37 C.F.R. § 42.8(b)(1) – REAL PARTY-IN-INTEREST

The patent owner and real party-in-interest is Capella Photonics, Inc.

II. 37 C.F.R. § 42.8(b)(2) – RELATED MATTERS

A. Proceedings Before the USPTO Involving the Patent-at-Issue

Patent Owner notifies the Board of the following proceedings that may affect or be affected by a decision in this proceeding.

This *Inter Partes* Review is one of eight petitions filed against two patents owned by Patent Owner: U.S. Patent Nos. RE42,368 (“the ’368 patent”) and RE42,678 (“the ’678 patent”). The ’368 patent stems from the same patent application(s) that resulted in the ’678 patent.

| Patent No. | Case Caption | Filing Date |
|-------------------|--|--------------------|
| RE42,678 | <i>Cisco Systems, Inc. v. Capella Photonics, Inc.</i> , Case IPR2014-01276 | August 12, 2014 |
| | <i>JDS Uniphase Corp. v. Capella Photonics, Inc.</i> , Case IPR2015-00739 | February 14, 2015 |
| | <i>Fujitsu Network Communications, Inc. v. Capella Photonics, Inc.</i> , Case IPR2015-00727 | February 12, 2015 |
| RE42,368 | <i>Cisco Systems, Inc. v. Capella Photonics, Inc.</i> , Case IPR2014-01166 | July 15, 2014 |
| | <i>Fujitsu Networks Communications, Inc. v. Capella Photonics, Inc.</i> , Case IPR2015-00726 | February 12, 2015 |

| Patent No. | Case Caption | Filing Date |
|-------------------|---|--------------------|
| | <i>JDS Uniphase Corp. v. Capella Photonics, Inc.</i> , Case IPR2015-00731 | February 13, 2015 |
| | <i>Ciena Corp., Coriant Operations, Inc., Coriant (USA) Inc. and Fujitsu Network Communications, Inc. v. Capella Photonics, Inc.</i> , Case IPR2015-00816 | February 26, 2015 |

B. Litigation Involving the Patent-at-Issue

Patent Owner notifies the Board of the following litigation proceedings that may affect or be affected by a decision in this proceeding:

- *Capella Photonics, Inc. v. Cisco Systems, Inc.*, Case No. 1:14-cv-20529, filed in the U.S. District Court for the Southern District of Florida on February 12, 2014 (transferred to the Northern District of California on July 24, 2014, now Case No. 3:14-cv-03348).
- *Capella Photonics, Inc. v. Fujitsu Network Communications, Inc.*, Case No. 1:14-cv-20531, filed in the U.S. District Court for the Southern District of Florida on February 12, 2014 (transferred to the Northern District of California on July 24, 2014, now Case No. 3:14-cv-03349).
- *Capella Photonics, Inc. v. Tellabs, Inc.*, Case No. 0:14-cv-60350, filed in the U.S. District Court for the Southern District of Florida on February 12, 2014 (transferred to the Northern District of California on July 24, 2014, now Case No. 3:14-cv-03350).

- *Capella Photonics, Inc. v. Ciena Corporation et al.*, Case No. 1:14-cv-20530, filed in the U.S. District Court for the Southern District of Florida on February 12, 2014 (transferred to the Northern District of California on July 25, 2014, now Case No. 5:14-cv-03351).
- *Capella Photonics, Inc. v. Columbus Networks USA, Inc.*, Case No. 0:14-cv-61629, filed in the U.S. District Court for the Southern District of Florida on July 15, 2014 (currently stayed).
- *Capella Photonics, Inc. v. Telefonica International Wholesale Services USA*, Case No. 1:14-cv-22701, filed in the U.S. District Court for the Southern District of Florida on July 21, 2014 (currently stayed).

C. U.S. Patents and Applications Related to the Patent-at-Issue

Out of an abundance of caution and in accordance with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012), Patent Owner notifies the Board of related patents that may affect or be affected by a decision in this proceeding:

- U.S. Patent Application No. 09/938,426, filed August 23, 2001 (now U.S. Patent No. 6,625,346, issued September 23, 2003); and
- U.S. Patent Application No. 11/027,586, filed December 31, 2004 (now U.S. Patent No. RE39,397, issued November 14, 2006).

III. 37 C.F.R. § 42.8(b)(3) – LEAD AND BACK-UP COUNSEL

Patent Owner hereby designates lead and back-up counsel.

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