

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 -----x

4 CICSO SYSTEMS, INC.,
5 Petitioner,
6 v.

7 CAPELLA PHOTONICS, INC.,
8 Patent Owner.

9 -----x

10 Case IPR2014-01166

11 Patent RE42,368

12 -----x

13 Case IPR2014-01276

14 Patent RE42,678

15 -----x

April 21, 2015

16 8:30 a.m.

17 VIDEOTAPED DEPOSITION of DAN M. MAROM, PH.D.,
taken by Patent Owner, pursuant to Notice,
18 dated April 6, 2015, at the offices Cooley
LLP, The Grace Building, 1114 Avenue of
19 the Americas, New York, New York, before
Amy Klein Campion, a Shorthand Reporter
20 and Notary Public within and for the State
of New York.

21

22

1 A P P E A R A N C E S:

COOLEY LLP

2 Attorneys for Petitioner

380 Interlocken Crescent, Suite 900

3 Broomfield, Colorado 80021

4 BY: MATTHEW J. LEARY, ESQ., ESQ.

mleary@cooley.com

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

6 Attorneys for Patent Owner

1100 New York Avenue, NW

7 Suite 600

8 Washington, D.C. 20005

9 BY: NICHOLAS J. NOWAK, ESQ.

nnowak@skgf.com.com

JASON D. EISENBERG, ESQ.

10 jasone@skgf.com

ROBERT GREENE STERNE, ESQ.

11 rsterne@skgf.com

12 MILBANK TWEED HADLEY & McCLOY LLP

13 Attorneys for Fujitsu Network

Communications, Inc.

14 One Chase Manhattan Plaza

15 New York, New York 10004

16 BY: NATHANIEL T. BROWAND, ESQ.

17 nbrowand@milbank.com

18 ALSO PRESENT:

19 ALEXANDER V. SERGIENKO, PH.D.

Boston University

20 ROBERT D. BECKER, ESQ.

Manatt, Phelps & Phillips, LLP

21 GEORGE LIBBARES, Videographer

22

1 THE VIDEO OPERATOR: Stand by,
2 please.

3 We are now recording and on the
4 record.

5 Please note that the microphones
6 are sensitive and may pick up
7 whispering and private conversations.

8 Please turn off all cellphones or
9 place them away from the microphones
10 as they can interfere with the
11 deposition audio. Recording will
12 continue until all parties agree to go
13 off the record.

14 My name is George Libbares
15 representing Veritext Midatlantic.
16 The date today is April 21st, 2015 and
17 the time is 8:38 a.m.

18 This deposition is being held at
19 Cooley LLP, located at 1114 Avenue of
20 the Americas, New York, New York and
21 is being taken by counsel for the
22 Patent Owner.

1 The caption of this case is Cisco
2 Systems Inc. versus Capella Photonics,
3 Inc.

4 This case is filed before the
5 Patent Trial and Appeal Board, Case
6 Number IPR 2014-01276, Patent RE42,678
7 and Case Number IPR 2014-001166,
8 Patent RE42,368.

9 The name of the witness is Dan
10 Marom.

11 At this time counsel will state
12 their appearances and our court
13 reporter, Amy Klein Campion,
14 representing Veritext Midatlantic will
15 swear in the witness and we can
16 proceed.

17 MR. NOWAK: Nick Nowak with
18 Sterne, Kessler, Goldstein & Fox for
19 Patent Owner, Capella.

20 MR. EISENBERG: Jason Eisenberg
21 from Sterne, Kessler, Goldstein & Fox
22 for Patent Owner, Capella.

1 MR. STERNE: Robert Sterne of
2 Sterne, Kessler for Patent Owner,
3 Capella.

4 MR. LEARY: Matthew Leary of
5 Cooley LLP for Cisco Systems.

6 MR. BROWAND: Nathaniel Browand
7 of Milbank Tweed Hadley & McCloy on
8 behalf of Fujitsu Network
9 Communications, Inc.

10 D A N M A R K M A R M O N, P H. D.,
11 having been first duly sworn by the
12 Notary Public (Amy Klein Campion), was
13 examined and testified as follows:

14 EXAMINATION BY

15 MR. NOWAK:

16 Q. Dr. Marom, good morning.

17 A. Good morning.

18 Q. Have you ever been deposed
19 before?

20 A. No, first time.

21 Q. So I assume that you've never
22 provided expert testimony in a patent case

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.