

*Inter Partes Review of USPN RE42,368  
Declaration of Timothy J. Drabik, Ph.D. (Exhibit 1016)*

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CIENA CORPORATION

CORIAN T OPERATIONS, INC., and

CORIAN T (USA) INC.,  
Petitioner

v.

CAPELLA PHOTONICS, INC.

Patent Owner

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*Inter Partes* Review Case No. Unassigned  
Patent No. RE42,368

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**DECLARATION OF TIMOTHY J. DRABIK, Ph.D.**

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P.O. Box 1450  
Alexandria, VA 22313-1450

## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	Background.....	1
B.	Qualifications.....	2
1.	Education.....	2
2.	Career History.....	3
3.	Publications.....	5
4.	Other Relevant Qualifications.....	6
II.	THE ‘368 PATENT.....	7
III.	LIST OF DOCUMENTS CONSIDERED IN FORMULATING MY OPINION.....	8
IV.	TECHNICAL BACKGROUND.....	10
A.	Optical switching for telecommunications.....	10
1.	Fiber cross-connects.....	10
2.	Wavelength switches.....	12
B.	Free-space optical systems.....	14
1.	Basic properties of lenses.....	14
2.	Gaussian light beams.....	16
3.	The “Fourier lens”.....	19
4.	Concave mirrors as focusing elements.....	20
5.	Wavelength-dispersive elements.....	21
V.	STATE OF THE ART AT THE TIME OF THE ALLEGED INVENTION.....	25
A.	Transparent optical switching prior to the alleged invention.....	25
B.	Reconfigurable Optical Add-Drop Multiplexers.....	26
C.	Wavelength Selective Switches.....	27
D.	MEMS Mirrors.....	29
VI.	PERSON OF ORDINARY SKILL IN THE ART.....	32
VII.	OVERVIEW OF THE ‘368 PATENT.....	32
A.	Operation of the disclosed system of the ‘368 Patent.....	33

*Inter Partes Review of USPN RE42,368  
Declaration of Timothy J. Drabik, Ph.D.*

VIII. THE CLAIMS OF THE '368 PATENT .....	35
IX. LEGAL STANDARDS.....	36
A. Anticipation .....	36
B. Obviousness .....	37
X. CLAIM CONSTRUCTION.....	42
XI. ANALYSIS OF INVALIDITY .....	44
A. Summary of Analysis .....	44
B. Point 1: Claims 1, 2, 5, 6, 9–12, and 15–21 Are Not Innovative in View of Bouevitch and Carr.....	45
1. Operation of the disclosed system of Bouevitch.....	46
2. Carr reference .....	49
3. Combination of Bouevitch with Carr .....	51
C. Point 2: Claims 1–4, 17 and 22 Are Not Innovative in View of Bouevitch and Sparks .....	78

I, Timothy J. Drabik, hereby declare as follows:

**I. INTRODUCTION**

**A. Background**

1. My name is Timothy J. Drabik. I am a researcher and consultant working in areas related to optics, telecommunications, display technologies, and microelectronics. I undertake consulting through my company, Page Mill Technology Corporation, and also work to develop commercial technologies for information display and optical telecommunications.

2. I have been retained to act as an expert witness on behalf of Petitioner in connection with the above captioned Petition for *Inter Partes* Review of U.S. Patent No. RE42,368 (“Petition”). I understand that this proceeding involves U.S. Patent No. RE42,368 (“the ‘368 Patent”), titled “Reconfigurable Optical Add-Drop Multiplexers with Servo-Control and Dynamic Spectral Management Capabilities.” The ‘368 Patent is provided as Exhibit 1001.

3. I understand that Petitioner challenges the validity of Claims 1-6, 9-12 and 15-22 of the ‘368 Patent (the “challenged claims”).

4. I have reviewed and am familiar with the ‘368 Patent as well as its prosecution history. The ‘368 prosecution history is provided as Exhibit 1002. Additionally, I have reviewed materials identified in Section III.

*Inter Partes Review of USPN RE42,368  
Declaration of Timothy J. Drabik, Ph.D.*

5. As set forth below, I am familiar with the technology at issue as of both the August 23, 2001 filing date of the application which led to the '368 Patent, and the March 19, 2001 priority date corresponding to the filing of Provisional Patent Application No. 60/277,217. I have been asked to provide my technical review, analysis, insights, and opinions regarding the prior art references that form the basis for the Petition. In forming my opinions, I have relied on my own experience and knowledge, my review of the '368 Patent and its file history, and of the prior art references cited in the Petition.

6. My opinions expressed in this Declaration rely to a great extent on my own personal knowledge and recollection. However, to the extent I considered specific documents or data in formulating the opinions expressed in this Declaration, such items are expressly referred to in this Declaration.

7. I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$500 per hour.

**B. Qualifications**

**1. Education**

8. I received my Ph.D. in Electrical Engineering from the Georgia Institute of Technology in 1990, where I also received a M.S. degree in Electrical Engineering in 1982. I received Bachelor's degrees in Electrical Engineering and

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