

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIENA CORPORATION, CORIANT OPERATIONS, INC. AND
CORIANT (USA) INC.
Petitioner

v.

CAPELLA PHOTONICS, INC.
Patent Owner

Case IPR2015-01961
Patent RE42,678

**MOTION TO EXPUNGE DOCUMENTS FILED IN WRONG
IPR CASE PROCEEDING**

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Patent Trial and Appeal Board
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P.O. Box 1450
Alexandria, VA 22313-1450

Counsel respectfully moves to expunge from the record Paper 11, the Patent Owner Response, and Exhibits 2004-2015. The Patent Owner Response and Exhibits 2004-2015 correspond to Case IPR2015-00961 of U.S. Patent No. 8,116,929. However, these documents were inadvertently filed in Case IPR2015-01961 of U.S. Patent RE42,678.

Immediately after submission, IPR2015-00961 Patent Owner Counsel noticed the error and diligently filed the Patent Owner Response and Exhibits 2004-2015 in the correct proceeding, Case IPR2015-00961.

On the same day as the error Ciena/Petitioner's counsel is being informed in IPR2015-01961 herein of the error and copies of the Patent Owner Response and Exhibits 2004-2015 are being served to the correct TRW/Petitioner's counsel in Case IPR2015-00961.

This motion is being filed the same day as the erroneous documents were filed, in accordance with the instructions set forth in the PRPS FAQs at uspto.gov.

Date: January 4, 2016
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Washington, D.C. 20005
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
/Jason D. Eisenberg/
Jason D. Eisenberg, Registration No. 43,447

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

The undersigned hereby certifies that the foregoing **MOTION TO
EXPUNGE DOCUMENTS FILED IN WRONG IPR CASE PROCEEDING**

was served electronically via e-mail in its entirety on January 4, 2016 upon the
following counsel:

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