

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

Mailed: September 30, 2015

Before Carla D. Chrisp, *Trial Paralegal*.

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review filed in the above proceeding has been accorded the filing date of September 24, 2015.

A review of the petition identified the following defect(s):

Case IPR2015-01961
Patent No. RE42,678

Please refer to rule 37 C.F.R. § 42.6(a)(B)(iv)(3) — Incorporation by reference; combined documents. Arguments must not be incorporated by reference from one document into another document. Combined motions, oppositions, replies, or other combined documents are not permitted.

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639,

Case IPR2015-01961
Patent No. RE42,678

Paper 7, a copy of which is available on the Board Web site under
“Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>. To file documents, users must first obtain a user ID and password by registering with PRPS. Information regarding how to register with and use PRPS is available at the Board Web site.

If there are any questions pertaining to this notice, please contact Carla D. Chrisp at (571) 272-2648 or the Patent Trial and Appeal Board at 571-272-7822.

Case IPR2015-01961
Patent No. RE42,678

PETITIONER:

Matthew J. Moore
Robert Steinberg
LATHAM & WATKINS LLP
Matthew.Moore@lw.com
Bob.Steinberg@lw.com

J. Pieter van Es
Thomas K. Pratt
Jordan N. Bodner
Michael Cuviallo
BANNER & WITCOFF, LTD.
PvanEs@bannerwitcoff.com
TPratt@bannerwitcoff.com
JBodner@bannerwitcoff.com
MCuviallo@bannerwitcoff.com

PATENT OWNER:

LAW OFFICES OF BARRY N. YOUNG
P.O. Box 61197
Palo Alto, CA 94306

Robert Greene Sterne
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Ave. NW, Suite 600
Washington, DC 20005