

*Inter Partes Review of USPN RE42,678  
Corrected Declaration of Timothy J. Drabik, Ph.D. (Exhibit 1039)*

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ciena Corporation,  
Coriant Operations, Inc.,  
Coriant (USA) Inc., and  
Petitioner

v.

CAPELLA PHOTONICS, INC.

Patent Owner

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*Inter Partes* Review Case No. IPR2015-01961  
Patent No. RE42,678

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

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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. RE42,678 (“Petition”). I understand that this proceeding involves U.S. Patent No. RE42,678 (“the ‘678 Patent”), titled “Reconfigurable Optical Add-Drop Multiplexers with Servo-Control and Dynamic Spectral Management Capabilities.” The ‘678 Patent is provided as Exhibit 1001.

3. I understand that Petitioner challenges the validity of Claims 1–4, 9, 10, 13, 17, 19–23, 27, 29, 44–46, 53 and 61–65 of the ‘678 Patent (the “challenged claims”).

4. I have reviewed and am familiar with the ‘678 Patent as well as its prosecution history. The ‘678 prosecution history is provided as Exhibit 1002. Additionally, I have reviewed materials identified in Section III.

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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 '678 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 '678 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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