

# UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,930	09/06/2011	RE42678	C2393-1101RE2	2344

48789 7590 08/17/2011 LAW OFFICES OF BARRY N. YOUNG P. O. Box 448 PALO ALTO, CA 94302-0448

# **ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

# Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

A reissue patent is for "the unexpired part of the term of the original patent." See 35 U.S.C. 251. Accordingly, the above-identified reissue application is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Jeffrey P. Wilde, Morgan Hill, CA; Joseph E. Davis, Morgan Hill, CA;

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

o. Dran	Commissioner for Patents P.O. Box 1450
or <u>Fax</u>	Alexandria, Virginia 22313-1450 (571)-273-2885

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				Barry N. Young	0	(Depressiv's teams)
				Pang 114	try the	(Signature)
				May 19, 2011	V	(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTO	WEY DOCKET NO.	CONFIRMATION NO.
12/815,930	06/15/2010		Jeffrey P. Wilde	C	2393-1101RE2	2344
POWER MANAGEME	NT CAPABILITIES	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	50	\$0	\$1510	07/11/2011
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a. Applicant clain	atus (from status indicates ns SMALL ENTITY state	is. See 37 CFR 1.27.	D b. Applicant is no lor	ger claiming SMALL ENT	TTY status. See 37 Cl	FR 1.27(g)(2).
NOTE: The Issue Fee at interest as shown by the	nd Publication Fee (if req records of the 104ited Sta	uired) will not be accept tes Patent and Trademan	ied fram anyone other then rk Office.	the applicant; a registered a	attomey or agent; or it	he assignee or other party in
Authorized Signature	- fang	Myour	Ng	Date May 19,	2011	
Typed or printed nan	ne <u>Barry N. Y</u>			Registration No. <u>2</u>		
This collection of inform an application. Confider submitting the complete this form and/or suggest Box 1450, Alexandria, Alexandria, Virginia 22	nation is required by 37 C miality is governed by 35 d application form to the lions for reducing this bu Virginis 22313-1450. DO 113-1450.	FR 1.311. The informat U.S.C. 122 and 37 CFI USPTO. Time will van rdeu, should be sent to 1 NOT SEND PEES OR	tion is required to obtain or 1.14. This collection is es ry depending upon the indi- the Chief Information Offic COMPLETED FORMS T-	retain a benefit by the publi timated to take 12 minutes vidual case. Any comment cr, U.S. Patent and Traden O THIS ADDRESS. SENT formation unless it discharge	ie which is to file (an to complete, includir s on the amount of the tark Office, U.S. Dep D TO: Commissioner	d by the USPTO to process) ig gathering, preparing, and me you require to complete artituent of Connerce, P.O. for Patents, P.O. Box 1450, I number
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PTOL-85 (Rev. 02/11) Approved for use through 08/31/2013.

- OM8 0651-0033
- -0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal					
Application Number:	12	815930			
Filing Date:	15	-Jun-2010			
Title of Invention:	RECONFIGURABLE OPTICAL ADD-DROP MULTIPLEXERS WITH SERVO CONTROL AND DYNAMIC SPECTRAL POWER MANAGEMENT CAPABILITIES				
First Named Inventor/Applicant Name:	Jeffrey P. Wilde				
Filer:	Barry N. Young				
Attorney Docket Number:	Attorney Docket Number: C2393-1101RE2				
Filed as Large Entity					
Utility under 35 USC 111(a) Filing Fees					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Utility Appl issue fee		1501	1	1510	1510
Extension-of-Time:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
	Tot	al in USD (	(\$)	1510

Electronic Ack	knowledgement Receipt
EFS ID:	10132129
Application Number:	12815930
International Application Number:	
Confirmation Number:	2344
Title of Invention:	RECONFIGURABLE OPTICAL ADD-DROP MULTIPLEXERS WITH SERVO CONTROL AND DYNAMIC SPECTRAL POWER MANAGEMENT CAPABILITIES
First Named Inventor/Applicant Name:	Jeffrey P. Wilde
Customer Number:	48789
Filer:	Barry N. Young
Filer Authorized By:	
Attorney Docket Number:	C2393-1101RE2
Receipt Date:	19-MAY-2011
Filing Date:	15-JUN-2010
Time Stamp:	20:57:30
Application Type:	Utility under 35 USC 111(a)

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Payment was successfully received in RAM		\$1510	\$1510					
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Submitted with Payment		yes	yes					

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### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Adcreastrondria, Virginia 22313-1450 www.uspto.gov

# NOTICE OF ALLOWANCE AND FEE(S) DUE

48789 75	90 04/11/2011		EXAM	INER
LAW OFFICES ( 200 PAGE MILL F	OF BARRY N. YOUNC	3	HEALY,	BRIAN
SUITE 102			ART UNIT	PAPER NUMBER
PALO ALTO, CA	94306		2883	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.

Į	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	1
1	12/815,930	06/15/2010	Jeffrey P. Wilde	C2393-1101RE2	2344	

TITLE OF INVENTION: RECONFIGURABLE OPTICAL ADD-DROP MULTIPLEXERS WITH SERVO CONTROL AND DYNAMIC SPECTRAL POWER MANAGEMENT CAPABILITIES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	07/11/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

1. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

# PART B - FEE(S) TRANSMITTAL

# Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form sho appropriate. All further correspon indicated unless corrected below maintenance fee notifications.	ould be used for tran idence including the or directed otherwise	Patent, advance of in Block 1, by (a	JE FEE and PUBLICAT rders and notification of a) specifying a new corre	ION FEE (if requir maintenance fees wi spondence address; a	ed). Blocks 1 through 5 Il be mailed to the curre and/or (b) indicating a se	should be completed where ant correspondence address as eparate "FEE ADDRESS" for
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						(Depositor's name)
4						(Signature)
						(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,930	06/15/2010		Jeffrey P. Wilde		C2393-1101RE2	2344
TITLE OF INVENTION: RECO POWER MANAGEMENT CAPA		ICAL ADD-DRO	P MULTIPLEXERS WI	TH SERVO CONTR	ROL AND DYNAMIC	SPECTRAL
APPLN. TYPE SMAL	L ENTITY IS	SUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE	FEE TOTAL FEE(S) DU	JE DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	07/11/2011
EXAMINER		ART UNIT	CLASS-SUBCLASS	]		
HEALY, BRIAN		2883	385-024000	•		
Change of correspondence addre CFR 1.363).     Change of correspondence a Address form PTO/SB/122) atta "Fee Address" indication (or PTO/SB/47; Rev 03-02 or more Number is required.	ddress (or Change of iched. · "Fee Address" Indic:	Correspondence	<ol> <li>For printing on the (1) the names of up to ragents OR, alternati (2) the name of a sing registered attorney or 2 registered patent att listed, no name will be</li> </ol>	<ul> <li>3 registered patent vely,</li> <li>le firm (having as a n agent) and the names meys or agents. If no</li> </ul>	nember a 2	
<ol> <li>ASSIGNEE NAME AND RESI PLEASE NOTE: Unless an ass recordation as set forth in 37 CF (A) NAME OF ASSIGNEE</li> </ol>				atent. If an assignee assignment.		document has been filed for
Please check the appropriate assign	ee category or catego	ries (will not be pr	inted on the patent) :	Individual 🔲 Con	poration or other private	group entity Government
4a. The following fee(s) are submit Issue Fee Publication Fee (No small er Advance Order - # of Copies	ntity discount permitte	ed)	<ul> <li>Payment of Fce(s): (Ple</li> <li>A check is enclosed.</li> <li>Payment by credit ca</li> <li>The Director is hereb overpayment, to Depe</li> </ul>	d. Form PTO-2038 is	s attached.	n
5. Change in Entity Status (from a. Applicant claims SMALL			b. Applicant is no lor	ger claiming SMALL	ENTITY status. See 37	CFR 1.27(g)(2).
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Authorized Signature				Date		
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PTOL-85 (Rev. 02/11) Approved for use through 08/31/2013.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE OMB 0651-0033

			UNITED STATES DEPART United States Patent and T Address: COMMISSIONER F( P.O. Box, 1450 Alexandria, Virginia 223) www.uspto.gov	OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,930	06/15/2010	Jeffrey P. Wilde	C2393-1101RE2	2344
48789 759	90 04/11/2011		EXAM	INER
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200 PAGE MILL R SUITE 102	COAD		ART UNIT	PAPER NUMBER
PALO ALTO, CA	94306		2883	
		(a)	DATE MAILED: 04/11/201	I.

# Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

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Page 3 of 3

# Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom
  of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of
  records may be disclosed to the Department of Justice to determine whether disclosure of these
  records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

	Application No.	Applicant(s)
	12/815,930	WILDE ET AL.
Notice of Allowability	Examiner	Art Unit
	BRIAN M. HEALY	2883
The MAILING DATE of this communication Il claims being allowable, PROSECUTION ON THE MER erewith (or previously mailed), a Notice of Allowance (PT OTICE OF ALLOWABILITY IS NOT A GRANT OF PAT f the Office or upon petition by the applicant. See 37 CF	RITS IS (OR REMAINS) CLOSED in [OL-85) or other appropriate commu- <b>TENT RIGHTS.</b> This application is s IR 1.313 and MPEP 1308.	n this application. If not included unication will be mailed in due course. THI
. This communication is responsive to the response	filed 1/31/2011.	
. The allowed claim(s) is/are <u>1-67</u> .		
<ul> <li>Acknowledgment is made of a claim for foreign pr</li> <li>a) All</li> <li>All</li> <li>b) Some*</li> <li>c) None</li> <li>of the:</li> </ul>		or (f).
1. Certified copies of the priority documer		
2. Certified copies of the priority documer		
<ol> <li>Copies of the certified copies of the pri International Bureau (PCT Rule 17.2(a</li> </ol>	20 B C C C C C C C C C C C C C C C C C C	a in this national stage application from the
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING noted below. Failure to timely comply will result in ABAI THIS THREE-MONTH PERIOD IS NOT EXTENDABLE	NDONMENT of this application.	a reply complying with the requirements
A SUBSTITUTE OATH OR DECLARATION must b INFORMAL PATENT APPLICATION (PTO-152) wh		
CORRECTED DRAWINGS ( as "replacement shee	ts") must be submitted.	
(a) including changes required by the Notice of Dr		v (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date	Second Second Second Second Second	in the Office entire of
(b) including changes required by the attached Ex Paper No./Mail Date		
Identifying indicia such as the application number (see 3 each sheet. Replacement sheet(s) should be labeled as s		
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<ul> <li>☑ Notice of References Cited (PTO-892)</li> <li>☑ Notice of Draftperson's Patent Drawing Review (PTC)</li> </ul>		formal Patent Application ummary (PTO-413),
<ul> <li>Information Disclosure Statements (PTO/SB/08),</li> </ul>	Paper No./	Mail Date Amendment/Comment
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5	ART UNIT: 2883	3

# DETAILED ACTION

# Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: The closet references of record are (Note these references were made of record on PTOL-1449) Bouevitch et. al., U.S.P. No. 6,498,872 which teaches (Figs.1-12) an optical device which is used in conjunction with configurable optical add/drop multiplexers (COADM) which includes optical fiber input/output ports 80a,80b,99a,99b which sends wavelength of light which are collimated through lens 90 to spherical reflector 10 which is incident of diffraction grating 20 to MEMS reflector(s) 51,52.which are movable in either the horizontal or vertical directions to return specific wavelengths lambda 1, lambda2 to the output ports 3. Bouevitch et. al., U.S.P. No. 6,498,872 does not teach or suggest using channel micromirrors which are both individually and continuously controllable to reflect received spectral channels to any one of the output ports.

 Additional secondary references Wagener et. al., U.S.P. No. 6,631,222 (Figs.1-4), Jin et. al., U.S.P. No. 6,256,430 (Figs.1-7) and Ma et. al., U.S.P. No. 6,567,574 (Figs.1-12) all teach that at the time the invention was made it was know that pivotable micromirrors or MEMS can be used with wavelength multiplexers to switch or select wavelengths between input and output ports.

3. None of the aforementioned references, either taken alone or in combination with each other, teach or suggest the claimed wavelength separating routing device which includes multiple fiber collimators, a wavelength separator, a beam-focuser and a

spatial array of channel micro mirrors which are pivotable about two axes and are both individually and continuously controllable to reflect received spectral channels to any one of the output ports and to control the power of the received spectral channels coupled to the output ports. These limitations are recited in amended claim 1.

# Therefore the patentability of amended claim 1 is confirmed.

4. Dependent claims 2-20 are inclusive of the limitations of amended claim 1, as well as other additionally recited limitations. Please see the dependent claims for the specifics of these additionally recited limitations. <u>The patentability of dependent</u>

# claims 2-20 is confirmed.

5. In addition, none of the aforementioned references, either taken alone or in combination with each other, teach or suggest the claimed servo-based optical apparatus comprising multiple fiber collimators providing multi-wavelength optical signal and a plurality of output ports, a wavelength separator, a beam focuser, a spatial array of individually controllable channel micromirrors and a servo-control assembly in communication with the channel micromirrors and the output ports for maintaining a predetermined coupling of each reflected spectral channels into one of the output ports.

6. These limitations are recited in original claim 21. <u>Therefore the patentability of</u> original claim 21 is confirmed.

7. Dependent claims 22-30 are inclusive of the limitations of original claim 21, as well as other additionally recited limitations. Please see the dependent claims for the specifics of these additionally recited limitations. <u>The patentability of dependent</u> claims 22-30 is confirmed.

8. In addition, none of the aforementioned references, either taken alone or in combination with each other, teach or suggest the claimed optical appatatus comprising: an array of fiber collimators providing multi-wavelength optical signal and a plurality of output ports, a wavelength separator, a beam focuser, a spatial array of individually controllable channel micromirrors being individually and continuously controllable to reflect spectral channels into selected ones of output ports and a one-dimensional (or two dimensional) array of collimator-alignment mirrors for adjusting an alignment of multi-wavelength optical signal from the input port and directing spectral channels into the output ports. These limitations are recited in original claim 31 (and original claim 37 is the same as that of claim 31 except has a two-dimensional array of collimator-alignment mirrors). Therefore the patentability of original claims 31 and 37 is confirmed.

9. Dependent claims 32-36 and 38-43 are inclusive of the limitations of original claim 31 and 37, as well as other additionally recited limitations. Please see the dependent claims for the specifics of these additionally recited limitations. <u>The</u> **patentability of dependent claims 32-36 and 38-43 is confirmed.** 

10. The limitation of independent amended claim 44 is similar to that of claim 1 with the addition of a plurality of output ports including a pass-through port and one or more drop points. Therefore the patentability of amended claim 44 is confirmed.

11. Dependent claims 45-60 are inclusive of the limitations of amended claim 44, as well as other additionally recited limitations. Please see the dependent claims for the

Page 4

specifics of these additionally recited limitations. The patentability of dependent

# claims 45-60 is confirmed.

12. In addition, none of the aforementioned references, either taken alone or in combination with each other, teach or suggest the claimed method of performing dynamic wavelength separating and routing comprising: receiving a mult-wavelength optical signal from an input port, separating the multi-wavelength optical signal into multiple spectral channels, focusing the spectral channels onto a spatial array of corresponding beam-deflecting elements whereby each beam deflecting element receives one of the spectral channels, dynamically and continuously controlling the beam-deflecting elements in two dimensions to direct the spectral channels into any selected ones of the output ports and to control the power of the spectral channels coupled into the selected output ports. These limitations are recited in amended claim

# 61. Therefore the patentability of amended claim 61 is confirmed.

13. Dependent claims 62-67 are inclusive of the limitations of amended claim 61, as well as other additionally recited limitations. Please see the dependent claims for the specifics of these additionally recited limitations. <u>The patentability of dependent</u>

# claims 62-67 is confirmed.

14. Please note that Applicant has cancelled or omitted newly submitted claim 68 in response to the previous office action. See the remarks of 1.31/2010.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The oath or declaration, filed 01/31/2010 is sufficient to overcome the rejection of claims based on 35 U.S.C. 251. See previous office action.

This reissue application is a reissue of U.S. Patent Application 11/027,586, filed 12/31/2004, now RE39,397, which is a Reissue of U.S. Patent Application, filed 08/23/2001, now U.S.P. No. 6,625,346 which claims the benefit of 60/277,217.

The references which were made of record in RE39,397, will also be made of record in the present Application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN M. HEALY whose telephone number is (571)272-2347. The examiner can normally be reached on M-F 6AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571)272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

> /BRIAN M. HEALY/ Primary Examiner Art Unit 2883

		Notice of Reference	s Cited		Application/Con 12/815,930	trol No.	Reexaminati WILDE ET A	
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۲	_	Country Code-Number-Kind Code	Date MM-YYYY			Name		Classification
۲	А	US-6,625,346	09-2003	Wilde,	Jeffrey P.	21.27.17.1	t.	385/24
٢	в	US-5,629,790	05-1997	Neuker	mans et al.			359/198.1
۲	С	US-5,835,458	11-1998	Bischel	et al.			369/44.12
۲	D	US-5,960,133	09-1999	Tomlins	son, W. John			385/18
+	Е	US-5,974,207	10-1999	Aksyuk	et al.	A		385/24
	F	US-6,204,946	03-2001	Aksyuk	et al.			398/9
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	н	US-6,222,954	04-2001	Riza, N	abeel Agha			385/18
	I.	US-6,263,135	07-2001	Wade,	Robert Kent			385/37
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Notice of References Cited

Part of Paper No. 20110215

Application Number	Application No. 12/815,930	Applicant(s) Wilde et al.
	Notice of Reissue Publishe	
Original Patent Number of Patent	To Be Reissued is RE39397	The Maintenance fee status is: ⊠ up to date. ☐ not required.
	Terminal Disclaimer that: the prosecution of the reissue a for to the filing of the reissue ap	
Physical surrender of the letters pa was made. was not made, bu is not required	itent ut a statement of loss/inaccess	ibility was provided.
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Issue Classification	Application/Control No. 12815930	Applicant(s)/Patent Under Reexamination WILDE ET AL.
	Examiner BRIAN M HEALY	Art Unit 2883

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Part of Paper No. : 20110215

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	12815930	WILDE ET AL.
	Examiner	Art Unit
	BRIAN M HEALY	2883

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385	24,11,37,34	10/22/2010	/BH/				
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SEARCH NOTES						
Search Notes	Date	Examiner				
SEARCHED"EAST"(prior art)(SEARCH TERMS, CLASS/SUBCLASSES AND DATABASES USED ARE LISTED ON printout)	10/22/2010	/BH/				
UPDATE"EAST" (prior art and interference)(SAME AS ABOVE)	2/15/2011	/BH/				
PALM INVENTOR'S SEARCH	2/15/2011	/BH/				
STIC LITIGATION SEARCH						
Consulted USP RE39,397 and USP No.6,625,346.	2/15/2011	/BH/				
STIC LITIGATION SEARCH (NO LITIGATION FOUND)	2/16/2011	/BH/				

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Part of Paper No. : 20110215

Page 1 of 1



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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

# **BIB DATA SHEET**

# **CONFIRMATION NO. 2344**

SERIAL NUM 12/815,93		FILING or 371(c) DATE 06/15/2010	<b>CLASS</b> 385	1000000000	OUP ART UNIT 2883		UNIT ATTORNEY DOC NO. C2393-1101RE				
		RULE									
APPLICANTS Jeffrey P. Wilde, Morgan Hill, CA; Joseph E. Davis, Morgan Hill, CA;											
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# EIC 2800 SEARCH REPORT



# STIC Database Tracking Number: 356224

To: BRIAN HEALY Location: JEF-4D05 Art Unit: 2883 Wednesday, February 16, 2011

Case Serial Number: 11/027586

From: DIANE JACKSON Location: EIC2800 JEF-4B68 Phone: (571)272-3260

diane.jackson@uspto.gov

**Search Notes** 

Hi,

Attached are litigation search results in Lexis Nexis, and CourtLink and Q-Pat/Orbit.

No Litigation was found for Serial Number 11/027586 – Patents RE39397 and 6625346.

If you have any questions, please feel free to contact me.

Thanks,

Diane

Exhibit 1002, Page 25

#### Jackson, Diane

Sent:

2/15/2011

Page 1 of 1 356226

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From: Healy, Brian

FEB 1 6 2011

To: STIC-EIC2800

Tuesday, February 15, 2011 10:28 AM

Subject: Need litigation search for relssue 11/027,586 corresponding to PAT Re39,397 which is a reissue of 09/938,426, now USP 6,625,346

RE 39,39' 6;625,

Dear Sir or Madam, My name is Brian Healy (employee No 62975) and I am a Primary Examiner working on a reissue. I Need a litigation search for reissue 11/027,586 corresponding to PAT Re39,397 which is a reissue of 09/938,426, now USP 6,625,346. Thanks, Brian Healy, Primary Examiner, Art Unit: 2883 (571) 272-2347

# Healy, Brian

From:	Jackson, Diane
Sent:	Wednesday, February 16, 2011 9:34 AM
To:	Healy, Brian
Subject:	Litigation Search Results for 11/027586 - Patents RE39397 and 6625346 - Nothing foundPlease see attached pdf - Thank you for using your EIC2800!

Attachments: Litigation11027586.pdf..pdf

Hi Examiner HEALY,

Attached as a pdf are your Litigation Search Results for 11/027586 - Patents RE39397 and 6625346.

Thanks again for using your EIC2800!

Diane Jackson United States Patent and Trademark Office EIC 2800 - Jefferson 4B68 (STIC) Technical Information Specialist 571-272-2540 <u>diane.jackson@uspto.gov</u>

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pplication Nur	mber Information					19 - 19 - 19 <b>- 19</b> (19 2019)
Application Numbe	r: 11/027586 Assignments		Examiner Number: 6	2975 / HEALY, BRIAN		124
Filing or 371(c) Date: 12/31/2004 cDan			Group Art Unit: 2883		IFW Madras	
Effective Date: 12/31/2004			Class/Subclass: 385/0	24.000		
Application Receive	ed: 01/03/2005		Lost Case: NO			
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Continuity/Reexam Information

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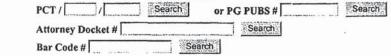
#### Parent Data

11027586, filed 12/31/2004 is a reissue of 09938426, filed 08/23/2001, now U.S. Patent #6625346 and having 1 RCE-type filing therein 09938426 Claims Priority from Provisional Application 60277217, filed 03/19/2001

#### **Child Data**

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Application Number Information			Page 1	of 1
Application Number Information			,	*3
Application Number: 09/938426 Order This File Assignments	Examiner Number: 62975 / HEALY, BRIAN			
Filing or 371(c) Date: 08/23/2001 eDan	Group Art Unit: 2874			
Effective Date: 08/23/2001	Class/Subclass: 385/024.000		5	121
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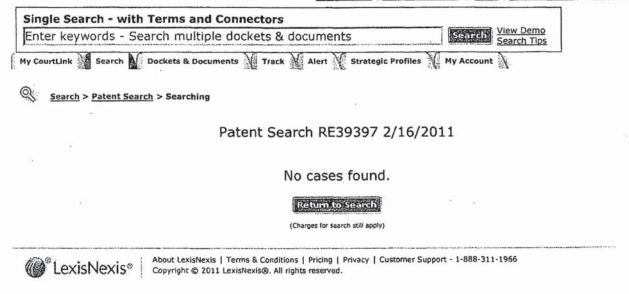
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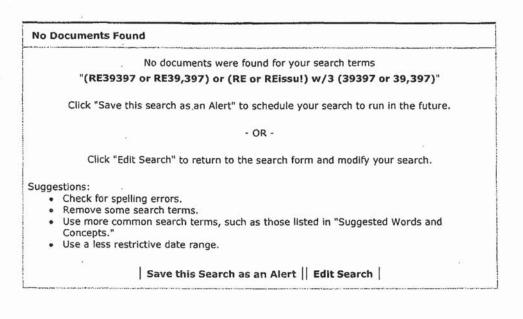
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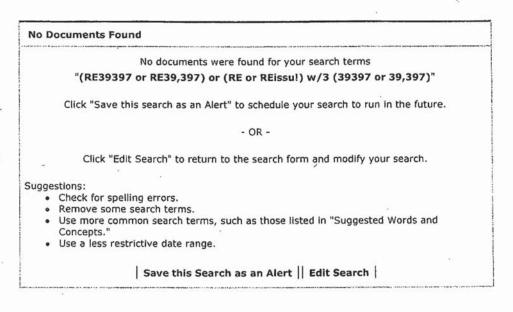
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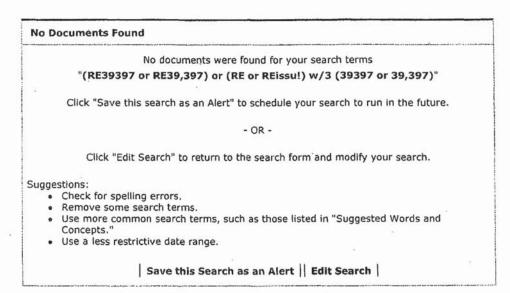
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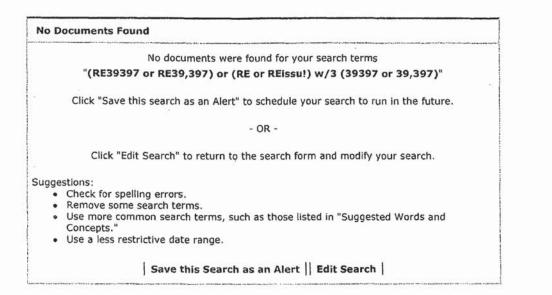
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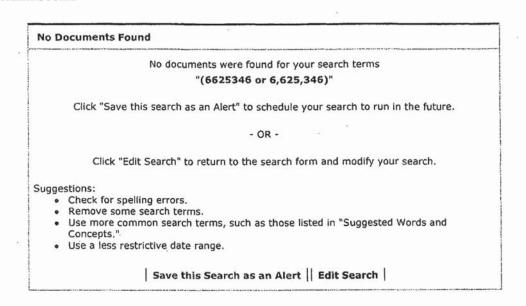
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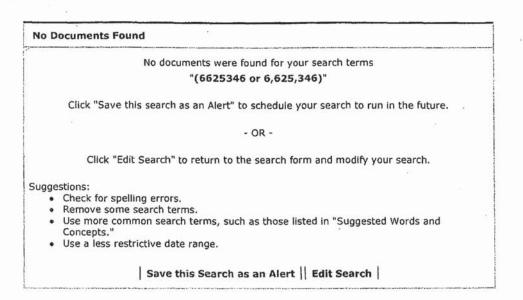
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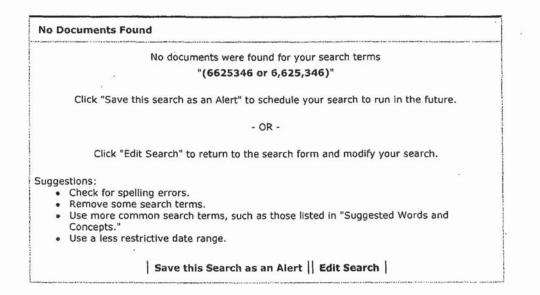
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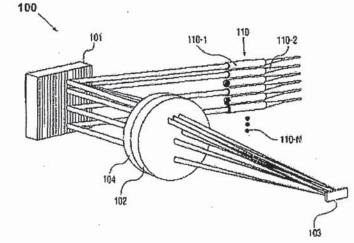
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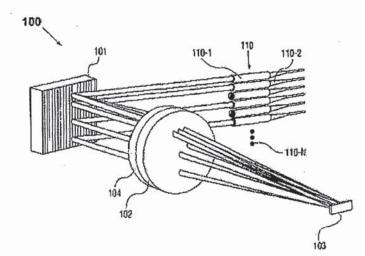
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20090505118//	SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593 ASSIGNMENT AS-A [NMC]OWNER: ROBERT S. CASSIN CHARITABLE TRUST UTA DATED 2/20/9; EFFECTIVE DATE: 2009050
	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593 ASSIGNMENT
20090505US//	AS-A [NMC]OWNER: LEVENSOHN VENTURE PARTNERS III ANNEX FUND, L.P., C; EFFECTIVE DATE: 2009050 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593 ASSIGNMENT
20090505US//	AS-A [NMC]OWNER: LEVENSOHN VENTURE PARTNERS III, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US//	ASSIGNMENT AS-A [NMC]OWNER: LVP III ASSOCIATES FUND, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US//	ASSIGNMENT AS-A [NMC]OWNER: SAINTS CAPITAL FALCON, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593

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-	NMCJOWNER: RUSTIC CANYON VENTURES, SBIC, LP, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
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20090505US/AS-A (	ASSIGNMENT NMCI20090501
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	POS]FILING DETAILS US571401 20011107 [2001US-0005714] ASSIGNMENT
20020411US/AS-A [NMC	OWNER: CAPELLA PHOTONICS, INC. 19 GREAT OAKS BLVD., SUITE; EFFECTIVE DATE: 2001102 ASSIGNMENT OF ASSIGNORS INTEREST; ASSIGNORS: CHEN, TAI /AR; REEL/FRAME:012797/0705
, and a second	ASSIGNMENT
	<sup>1</sup> ASSIGNMENT OF ASSIGNORS INTEREST; ASSIGNORS; CHEN, TAI; WILDE, JEFFREY P:REEL/FRAME:012797/0705
	OSJ <sup>F</sup> Irst published patent application OSJ <sup>U</sup> S2002131688 A1 20020919 [US20020131688]
20040203US/B2 [PIF;PO	S]Granted patent as second publication US6687431 B2 20040203 [US6687431]
20050329US/RF-A [OPP	REISSUE APPLICATION FILED
2003032903/NF-A [OFF]	JEFFECTIVE DATE: 20041231
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	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
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· · · · · · · · · · · · · · · · · · ·	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
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200305050000000000000000000000000000000	
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	ASSIGNMENT
20090505US/AS-A [NMC	"OWNER: CASSIN FAMILY PARTNERS, A CALIFORNIA LIMITED PARTN; EFFECTIVE DATE:
	/20090501
where you is the reason of a reason of the	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
8 : 20 : 20 : 20 : 20 : 20 : 20 : 20 : 2	ASSIGNMENT
20090505US/AS-A [NMC	COWNER: ROBERT S. CASSIN CHARITABLE TRUST UTA DATED 2/20/9; EFFECTIVE DATE: 200905
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20090505US/AS-A [NMC	COWNER: LEVENSOHN VENTURE PARTNERS III ANNEX FUND, L.P., C; EFFECTIVE DATE: 200905
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	ASSIGNMENT
200905050S/AS-A [NMC	CJOWNER: SAINTS CAPITAL FALCON, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501
(ana falaintair) 🕬 (ris, a s) rannaitea (ris 🛶 ainme baa) (risson	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
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2009050505/AS-A [NMC	COWNER: RUSTIC CANYON VENTURES, SBIC, LP, CALIFORNIA; EFFECTIVE DATE: 20090501
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	ASSIGNMENT
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	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
	ASSIGNMENT
20090505US/AS-A [NMC	OWNER: BRENDAN JOSEPH CASSIN, TRUSTEES OF THE CASSIN 1997; EFFECTIVE DATE:
	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
	ASSIGNMENT C)OWNER: TEATON CAPITAL COMPANY, CALIFORNIA; EFFECTIVE DATE: 20090501

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ASSIGNMENT 20090709US/AS-A [NMC]OWNER: SAND HILL FINANCIAL COMPANY, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669 ASSIGNMENT 20090709US/AS-A [NMC]20090501SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669

Alive: US2002131690 A1, US6549699 B2

## Page 6 of 16

	ASSIGNMENT
20	020129US/AS-A [NMC]OWNER: CAPELLA PHOTONICS, INC. 19 GREAT OAKS BLVD., SUITE; EFFECTIVE DATE: 20020122 ASSIGNMENT OF ASSIGNORS INTEREST; ASSIGNORS: BELSER, KARL ARNOLD; WILDE, JEFFREY P.;REEL/FRAME:012553/0119
	ASSIGNMENT
20	020129US/AS-A [NMC]OWNER: CAPELLA PHOTONICS, INC. 19 GREAT OAKS BLVD., SUITE; EFFECTIVE DATE: 20020122 ASSIGNMENT OF ASSIGNORS INTEREST; ASSIGNORS: BELSER, KARL ARNOLD /AR; REEL/FRAME:012553/0119
20	ASSIGNMENT 020129US/AS-A [NMC]OWNER: CAPELLA PHOTONICS, INC., CALIFORNIA; EFFECTIVE DATE: 20020122 ASSIGNMENT OF ASSIGNORS INTEREST; ASSIGNORS: BELSER, KARL ARNOLD; WILDE, JEFFREY
	P;REEL/FRAME:012553/0119
20	020129US/API [EXM;POS]FILING DETAILS 020129US/API [EXM;POS]US6049302 20020129 [2002US-0060493]
20	020919US/A1 [EXM;POS] First published patent application US2002131690 A1 20020919 [US20020131690]
20	030415US/B2 [PIF;POS] Graned patent as second publication US6549699 B2 20030415 [US6549699]
20	050308US/RF-A [OPP] REISSUE APPLICATION FILED
20	ASSIGNMENT 090505US/AS-A [NMC]OWNER: SILICON VALLEY BANK, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
20	ASSIGNMENT 090505US/AS-A [NMC]OWNER: BINGHAM, RAYMOND H., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR;CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
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20	ASSIGNMENT 090505US/AS-A [NMC]OWNER: DONALD L. LUCAS, SUCC TTEE DONALD L. LUCAS PROFIT; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
20	ASSIGNMENT 090505US/AS-A [NMC]OWNER: DONALD L. LUCAS, TTEE DONALD L. AND LYGIA LUCAS TR; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
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20	090505US/AS-A [NMC]OWNER: ROBERT S. CASSIN CHARITABLE TRUST UTA DATED 2/20/9; EFFECTIVE DATE: 2009050 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
20	ASSIGNMENT 090505US/AS-A [NMC]OWNER: LEVENSOHN VENTURE PARTNERS III ANNEX FUND, L.P., C; EFFECTIVE DATE: 2009050 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593

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· ·	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
20090505US/AS-A [NM	ASSIGNMENT C)OWNER: LVP III ASSOCIATES FUND, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT:ASSIGNOR:CAPELLA PHOTONICS, INC.:REEL/FRAME:022641/0593
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20090709US/AS-A [NM	ASSIGNMENT CJOWNER: FORMATIVE VENTURES EMERGING TECHNOLOGIES FUND, LP,; EFFECTIVE DATE: 20090501SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669

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1997 - 1996 - 1996 - 1997 - 19	P. /AR;REEL/FRAME:012118/0994 ASSIGNMENT
20010823US/AS-A	NMC]OWNER: CAPELLA PHOTONICS, INC., CALIFORNIA; EFFECTIVE DATE: 20010823 ASSIGNMENT OF ASSIGNORS INTEREST; ASSIGNOR: WILDE, JEFFREY
	P.;REEL/FRAME:012118/0994
20010823US/API [E	XM;POS]FILING DETAILS US93842601 20010823 [2001US-0938426]
20020919US/A1 [E>	KM;POSI <sup>First</sup> published patent application US2002131687 A1 20020919 [US20020131687]
20030923US/B2 [PI	F;POS]US6625346 B2 20030923 (US6625346)
20050315US/RF-A	OPPJREISSUE APPLICATION FILED
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20090505US/AS-A	NMCJOWNER: DONALD L. LUCAS, SUCC TTEE DONALD L. LUCAS PROFIT; EFFECTIVE DATE: 2009050 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
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2009050505/AS-A [N	IMCJOWNER: ZACCARIA, BERT L., ARIZONA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
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	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
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2.
ASSIGNMENT
20020214US/AS A KIMCTOWNER: CAPELLA PHOTONICS, INC. 19 GREAT OAKS BLVD., SUITE
20020214US/AS-A [NMC] ASSIGNMENT OF ASSIGNORS INTEREST; ASSIGNORS: GARRETT, MARK
H. /AR;REEL/FRAME:012593/0177;SIGNING DATES FROM 20020115 TO 20020122
ASSIGNMENT
OWNER: CAPELLA PHOTONICS, INC., CALIFORNIA
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20020115 TO 20020122
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205/614502 20020214 [2002US-0076145]
20020919LIS/A1 (EXM-POSIFirst published patent application
20020919US/A1 [EXM;POS] First published patent application US2002131691 A1 20020919 [US20020131691]
20040706US/B2 [PIF;POS] Granted patent as second publication US6760511 B2 20040706 [US6760511]
2004070003/02 [FIF,FO3]US6760511 B2 20040706 [US6760511]
20050308US/RF-A [OPP]REISSUE APPLICATION FILED 20050308US/RF-A [OPP]REISSUE APPLICATION FILED
200503080S/RF-A [OPP]EFFECTIVE DATE: 20041231
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20090505US/AS-A [NMC]OWNER: SILICON VALLEY BANK, CALIFORNIA; EFFECTIVE DATE: 20090501
SECURITY AGREEMENT; ASSIGNOR; CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
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20090505US/AS-A [NMC]OWNER: BINGHAM, RAYMOND H., CALIFORNIA; EFFECTIVE DATE: 20090501
SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
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20090505US/AS-A [NMC]OWNER: BLACK DIAMOND VENTURES XIV, LLC., CALIFORNIA; EFFECTIVE DATE: 20090501
SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
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20090505US/AS-A [NMC]OWNER: DONALD L. LUCAS, SUCC TTEE DONALD L. LUCAS PROFIT; EFFECTIVE DATE: 20090501
SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
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SECURITY AGREEMENT: ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
ASSIGNMENT
20090505US/AS-A INMC/OWNER: THE LUCAS BROTHERS FOUNDATION, CALIFORNIA; EFFECTIVE DATE: 20090501
SECURITY AGREEMENT: ASSIGNOR: CAPELLA PHOTONICS, INC.: REEL/FRAME: 022641/0593
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SECURITY AGREEMENT: ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
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0090505US/AS-A (NMC	ASSIGNMENT OWNER: BRENDAN JOSEPH CASSIN, TRUSTEES OF THE CASSIN 1997; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
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200	061128US/E1 [PIF;POS]Reissue Patent USRE39411 E1 20061128 (USRE39411)
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	20090505US/AS-A [NMC]OWNER: LVP III ASSOCIATES FUND, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593					
	ASSIGNMENT 20090505US/AS-A [NMC]OWNER: SAINTS CAPITAL FALCON, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501					
	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593					
-	ASSIGNMENT					
2	20090505US/AS-A [NMC]OWNER: RUSTIC CANYON VENTURES, SBIC, LP, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593					
	ASSIGNMENT					
2	20090505US/AS-A [NMC]OWNER: ZACCARIA, BERT L., ARIZONA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593					
	ASSIGNMENT					
2	20090505US/AS-A [NMC]20090501					
	SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593 ASSIGNMENT					
	20090709US/AS-A [NMC]OWNER: TEATON CAPITAL COMPANY, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669					
	ASSIGNMENT					
	20090709US/AS-A [NMC]OWNER: SAND HILL FINANCIAL COMPANY, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669					
	ASSIGNMENT					
	20090709US/AS-A [NMC]20090501SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669					

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20070320US/E1 [PIF;PO	OS]FILING DETAILS US11027587 20041231 [2004US-0027587] srReissue Patent
	-USRE39525 E1 20070320 [USRE39525]
20090505US/AS-A [NMC	ASSIGNMENT JOWNER: SILICON VALLEY BANK, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT JOWNER: BINGHAM, RAYMOND H., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT JOWNER: BLACK DIAMOND VENTURES XIV, LLC., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT JOWNER: DONALD L. LUCAS, SUCC TTEE DONALD L. LUCAS PROFIT; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT JOWNER: DONALD L. LUCAS, TTEE DONALD L. AND LYGIA LUCAS TR; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT JOWNER: LUCAS VENTURE GROUP I, LLC, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT JOWNER: THE LUCAS BROTHERS FOUNDATION, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR; CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US/AS-A [NMC	
2009050511S/AS-A INMC	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593 ASSIGNMENT OWNER: CASSIN FAMILY PARTNERS, A CALIFORNIA LIMITED PARTN; EFFECTIVE DATE: 20090501
	SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593 ASSIGNMENT
20090505US/AS-A [NMC	JOWNER: ROBERT S. CASSIN CHARITABLE TRUST UTA DATED 2/20/9; EFFECTIVE DATE: 2009050 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593 ASSIGNMENT
20090505US/AS-A [NMC	JOWNER: LEVENSOHN VENTURE PARTNERS III ANNEX FUND, L.P., C; EFFECTIVE DATE: 2009050 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593 ASSIGNMENT
20090505US/AS-A [NMC	OWNER: LEVENSOHN VENTURE PARTNERS III, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT: ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
20090505US/AS-A [NMC	ASSIGNMENT COWNER: LVP III ASSOCIATES FUND, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT ;OWNER: SAINTS CAPITAL FALCON, L.P., CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR;CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
20090505US/AS-A [NMC	ASSIGNMENT ;]OWNER: RUSTIC CANYON VENTURES, SBIC, LP, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHOTONICS, INC.;REEL/FRAME:022641/0593
20090505US/AS-A (NMC	ASSIGNMENT COWNER: ZACCARIA, BERT L., ARIZONA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME: 022641/0593
20090505US/AS-A [NMC	ASSIGNMENT OWNER: BRENDAN JOSEPH CASSIN, TRUSTEES OF THE CASSIN 1997; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT; ASSIGNOR: CAPELLA PHOTONICS, INC.; REEL/FRAME:022641/0593
20090709US/AS-A (NMC	ASSIGNMENT COWNER: TEATON CAPITAL COMPANY, CALIFORNIA; EFFECTIVE DATE: 20090501 SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669
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20090709US/AS-A [NM0	ASSIGNMENT OWNER: FORMATIVE VENTURES EMERGING TECHNOLOGIES FUND, LP.; EFFECTIVE DATE: 20090501SECURITY AGREEMENT;ASSIGNOR:CAPELLA PHONTONICS, INC.;REEL/FRAME:022932/0669

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#### **EAST Search History**

#### EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
LI	21	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:24
L2	20	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:26
L3	26	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:26

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L4	25	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and (control near5 power near5 spectral near5 channels)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:27
L5	0	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and (control near5 power near5 received near5 channels)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:30
L6	26	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:30

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L7	24	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:31
L8	18	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (collimator near5 alignment near5 rotatable near5 (one or two) near5 axes)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:32
19	23	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15

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		near5 control) and (gratings near5 (diffraction or holographic or echelle or curved))				
L10	17	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (prisms nera5 dispersing)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:34
L11	3	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (auxiliary near5 (collimators or separators or lens or focus or micro-mirror or micro- mirror or mems))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:37
S1	2	"6498872".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:36

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S2	2	"6567574".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:38
S3	2	"6256430".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:40
54	2	"6631222".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:41
S5	2	"6625346".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:44
S6	1	re39397.pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:46

### EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
_12	2	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus \$)) and ((mirror or mems or micromirror or micro- mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (auxiliary near5	USPAT; UPAD	OR	OFF	2011/02/15 12:37

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		(collimators or separators or lens or focus or micromirror or micro- mirror or mems))				
L13	11	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus \$)) and ((mirror or mems or micromirror or micro- mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (prisms nera5 dispersing)	USPAT; UPAD	OR	OFF	2011/02/15 12:37
L14	13	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus \$)) and ((mirror or mems or micromirror or micro- mirror) near5 (pivot or pivotable or rotate or rotatable))	USPAT; UPAD	OR	OFF	2011/02/15 12:38
L15	14	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter))	USPAT; UPAD	OR	OFF	2011/02/15 12:38

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# EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Defa ult Oper ator	Plurals	Time Stamp
L1	21	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:24
12	20	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:26
L3	26	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:26
L4	25	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and (control near5 power near5 spectral near5 channels)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:27
L5	0	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and (control near5 power near5 received near5 channels)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:30

## EAST Search History (Prior Art)

L6	26	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:30
L7	24	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control)	US-PGPUB; USPAT; USOCR; .FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:31
18	18	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (collimator near5 alignment near5 rotatable near5 (one or two) near5 axes)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:32
L9	23	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (gratings near5 (diffraction or holographic or echelle or curved))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:33

# EAST Search History (Prior Art)

L10	17	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (prisms	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:34
L11	3	nera5 dispersing) (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (auxiliary near5 (collimators or separators or lens or focus or micromirror or micro-mirror or mems))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 12:37
S1	2	"6498872".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:36
52	2	"6567574".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:38
S3	2	"6256430".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:40

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## EAST Search History (Prior Art)

S4	2	"6631222".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:41
S5	2	"6625346".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR ,	OFF	2011/02/15 10:44
S6	1	re39397.pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/15 10:46

### EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Defa ult Oper ator	Plurals	Time Stamp
L12	2	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (auxiliary near5 (collimators or separators or lens or focus or micromirror or micro-mirror or mems))	USPAT; UPAD	OR	OFF	2011/02/15 12:37

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## EAST Search History (Interference)

L13	11	(wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable)) and ((control or monitor) near5 power near5 channels) and (servo near5 control) and (prisms nera5 dispersing)	USPAT; UPAD	OR	OFF	2011/02/15 12:37
L14	13	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter)) and (lens or (beam near5 focus\$)) and ((mirror or mems or micromirror or micro-mirror) near5 (pivot or pivotable or rotate or rotatable))	USPAT; UPAD	OR	OFF	2011/02/15 12:38
L15	14	(385/24,11,37,34.ccls.) and (wavelength near5 (separating or routing)) and (optic\$ near5 (fiber or fibre) near5 collimators) and (wavelength near5 (separator or splitter))	USPAT; UPAD	OR	OFF	2011/02/15 12:38

Attorney Docket No. C2393-1101RE2

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey P. Wilde, et. al

Serial No.: 12/815,930

Group Art Unit: 2883

Filed: 06/15/2010 Examiner: Healy, Brian

Title: Reconfigurable Optical Add-Drop Multiplexers with Servo Control and Dynamic Spectral Power Management Capabilities

(Reissue of Patent No. RE 39,397; Issued November 14, 2006)

#### AMENDMENT And SUBMISSION OF SECOND REPLACEMENT REISSUE DECLARATION

### Mail Stop REISSUE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action of January 7, 2011, please amend this

application as indicated, and replace the Replacement Reissue Application

Declaration by Assignee submitted December 3, 2010, with the attached Second

Replacement Reissue Application Declaration by Assignee.

#### Amendment to Claims

1. (Amended) A wavelength-separating-routing apparatus, comprising:

a) multiple fiber collimators, providing an input port for a multi-wavelength optical signal and a plurality of output ports;

 b) a wavelength-separator, for separating said multi-wavelength optical signal from said input port into multiple spectral channels;

c) a beam-focuser, for focusing said spectral channels into corresponding spectral spots; and

d) a spatial array of channel micromirrors positioned such that each channel micromirror receives one of said spectral channels, said channel micromirrors being pivotal about two axes and being individually and continuously controllable to reflect said corresponding received spectral channels into any selected ones of said output ports and to control the power of said received spectral channels coupled into said output ports.

2. (Original) The wavelength-separating-routing apparatus of claim 1 further comprising a servo-control assembly, in communication with said channel micromirrors and said output ports, for providing control of said channel micromirrors and thereby maintaining a predetermined coupling of each reflected spectral channel into one of said output ports.

3. (Original) The wavelength-separating-routing apparatus of claim 2 wherein said servo-control assembly comprises a spectral monitor for monitoring power levels

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of said spectral channels coupled into said output ports, and a processing unit responsive to said power levels for providing control of said channel micromirrors.

4. (Original) The wavelength-separating-routing apparatus of claim 3 wherein said servo-control assembly maintains said power levels at a predetermined value.

5. (Original) The wavelength-separating-routing apparatus of claim 1 further comprising an array of collimator-alignment mirrors, in optical communication with said wavelength-separator and said fiber collimators, for adjusting an alignment of said multi-wavelength optical signal from said input port and directing said reflected spectral channels into said output ports.

6. (Original) The wavelength-separating-routing apparatus of claim 5 wherein each collimator-alignment mirror is rotatable about one axis.

7. (Original) The wavelength-separating-routing apparatus of claim 5 wherein each collimator-alignment mirror is rotatable about two axes.

8. (Original) The wavelength-separating-routing apparatus of claim 5 further comprising first and second arrays of imaging lenses, in a telecentric arrangement with said collimator-alignment mirrors and said fiber collimators.

9. (Original) The wavelength-separating-routing apparatus of claim 1 wherein

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each channel micromirror is continuously pivotable about one axis.

10. (Original) The wavelength-separating-routing apparatus of claim 1 wherein each channel micromirror is pivotable about two axes.

11. (Original) The wavelength-separating-routing apparatus of claim 10 wherein said fiber collimators are arranged in a two-dimensional array.

12. (Original) The wavelength-separating-routing apparatus of claim 1 wherein each channel micromirror is a silicon micromachined mirror.

13. (Original) The wavelength-separating-routing apparatus of claim 1 wherein said fiber collimators are arranged in a one-dimensional array.

14. (Original) The wavelength-separating-routing apparatus of claim 1 wherein said beam-focuser comprises a focusing lens having first and second focal points.

15. (Original) The wavelength-separating-routing apparatus of claim 14 wherein said wavelength-separator and said channel micromirrors are placed respectively at said first and second focal points of said focusing lens.

16. (Original) The wavelength-separating-routing apparatus of claim 1

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wherein said beam-focuser comprises an assembly of lenses.

17. (Original) The wavelength-separating-routing apparatus of claim 1 wherein said wavelength-separator comprises an element selected from the group consisting of ruled diffraction gratings, halographic diffraction gratings, echelle gratings, curved diffraction gratings, and dispersing gratings.

18. (Original) The wavelength-separating-routing apparatus of claim 1 further comprising a quarter-wave plate optically interposed between said wavelength-separator and said channel micromirrors.

19. (Original) The wavelength-separating-routing apparatus of claim 1 wherein each output port carries a single one of said spectral channels.

20. (Original) The wavelength-separating-routing apparatus of claim 19 further comprising one or more optical sensors, optically coupled to said output ports.

21. (Original) A servo-based optical apparatus comprising:

a) multiple fiber collimators, providing an input port for a multi-wavelength optical signal and a plurality of output ports;

 b) a wavelength-separator, for separating said multi-wavelength optical signal from said input port into multiple spectral channels; c) a beam-focuser, for focusing said spectral channels into corresponding spectral spots; and

d) a spatial array of channel micromirrors positioned such that each channel micromirror receives one of said spectral channels, said channel micromirrors being individually controllable to reflect said spectral channels into selected ones of said output ports; and

e) a servo-control assembly, in communication with said channel micromirrors and said output ports, for maintaining a predetermined coupling of each reflected spectral channel into one of said output ports.

22. (Original) The servo-based optical apparatus of claim 21 wherein said servo-control assembly comprises a spectral monitor for monitoring power levels of said spectral channels coupled into said output ports, and a processing unit responsive to said power levels for providing control of said channel micromirrors.

23. (Original) The servo-based optical apparatus of claim 22 wherein said servo-control assembly maintains said power levels at a predetermined value.

24. (Original) The servo-based optical apparatus of claim 21 further comprising an array of collimator-alignment mirrors, in optical communication with said wavelength-separator and said fiber collimators, for adjusting an alignment of said multi-wavelength optical signal from said input port and directing said reflected spectral channels into said output ports.

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25. (Original) The servo-based optical apparatus of claim 24 further comprising first and second arrays of imaging lenses, in a telecentric arrangement with said collimator-alignment mirrors and said fiber collimators.

26. (Original) The servo-based optical apparatus of claim 24 wherein each collimator-alignment mirror is rotatable about at least one axis.

27. (Original) The servo-based optical apparatus of claim 21 wherein each channel micromirror is continuously pivotable about at least one axis.

28. (Original) The servo-based optical apparatus of claim 21 wherein each channel micromirror is a silicon micromachined mirror.

29. (Original) The servo-based optical apparatus of claim 21 wherein said wavelength-separator comprises an element selected from the group consisting of ruled diffraction gratings, holographic diffraction gratings, echelle gratings, curved diffraction gratings, and dispersing prisms.

30. (Original) The servo-based optical apparatus of claim 21 wherein said beam-focuser comprises one or more lenses.

31. (Original) An optical apparatus comprising:

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a) an array of fiber collimators, providing an input port for a multi-wavelength optical signal and a plurality of output ports;

 b) a wavelength-separator, for separating said multi-wavelength optical signal from said input port into multiple spectral channels;

c) a beam-focuser, for focusing said spectral channels into corresponding spectral spots;

d) a spatial array of channel micromirrors positioned such that each channel micromirror receives one of said spectral channels, said channel micromirrors being individually and continuously controllable to reflect said spectral channels into selected ones of said output ports; and

e) a one-dimensional array of collimator-alignment mirrors, for adjusting an alignment of said multi-wavelength optical signal from said input port and directing said reflected spectral channels into said output ports.

32. (Original) The optical apparatus of claim 31 further comprising a servocontrol assembly, in communication with said channel micromirrors, said collimatoralignment mirrors, and said output ports, for providing control of said channel micromirrors along with said collimator-alignment mirrors and thereby maintaining a predetermined coupling of each reflected spectral channel into one of said output ports.

33. (Original) The optical apparatus of claim 32 wherein said servo-control assembly comprises

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a spectral monitor for monitoring power levels of said spectral channels coupled into said output ports, and

a processing unit responsive to said power levels for providing control of said channel micromirrors and said collimator-alignment mirrors.

34. (Original) The optical apparatus of claim 31 wherein each channel micromirror is continuously pivotable about at least one axis.

35. (Original) The optical apparatus of claim 31 wherein each collimatoralignment mirror is rotatable about at least one axis.

36. (Original) The optical apparatus of claim 31 further comprising first and second arrays of imaging lenses, in a telecentric arrangement with said collimatoralignment mirrors and said fiber collimators.

37. (Original) An optical apparatus comprising:

a) an array of fiber collimators, providing an input port for a multi-wavelength optical signal and a plurality of output ports;

 b) a wavelength-separator, for separating said multi-wavelength optical signal from said input port into multiple spectral channels;

c) a beam-focuser, for focusing said spectral channels into corresponding spectral spots;

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d) a spatial array of channel micromirrors positioned such that each channel micromirror receives one of said spectral channels, said channel micromirrors being individually and continuously controllable to reflect said spectral channels into selected ones of said output ports; and

e) a two-dimensional array of collimator-alignment mirrors, for adjusting an alignment of said multi-wavelength optical signal from said input port and directing said reflected spectral channels into said output ports.

38. (Original) The optical apparatus of claim 37 further comprising a servo-control assembly, in communication with said channel micromirrors, and

collimator-alignment mirrors, and said output ports, for providing control of said channel micromirrors along with said collimator-alignment mirrors and thereby maintaining a predetermined coupling of each reflected spectral channel into one of said output ports.

39. (Original) The optical apparatus of claim 38 wherein said servo-control assembly comprises a spectral monitor for monitoring power levels of said spectral channels coupled into said output ports, and a processing unit responsive to said power levels for providing control of said channel micromirrors and said collimator-alignment mirrors.

40. (Original) The optical apparatus of claim 37 wherein each collimator-

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alignment mirror is rotatable about at least one axis.

41. (Original) The optical apparatus of claim 37 wherein each channel micromirror is continuously pivotable about at least one axis.

42. (Original) The optical apparatus of claim 41 wherein each channel micromirrors is pivotable about two axes, and wherein said fiber collimators are arranged in a two-dimensional array.

43. (Original) The optical apparatus of claim 37 further comprising first and second arrays of imaging lenses, in a telecentric arrangement with said collimatoralignment mirrors and said fiber collimators.

44. (Amended) An optical system comprising a wavelength-separatingrouting apparatus, wherein said wavelength-separating-routing apparatus includes:

a) an array of fiber collimators, providing an input port for a multi-wavelength optical signal and a plurality of output ports including a pass-through port and one or more drop ports;

 b) a wavelength-separator, for separating said multi-wavelength optical signal from said input port into multiple spectral channels;

c) a beam-focuser, for focusing said spectral channels into corresponding spectral spots; and

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a spatial array of channel micromirrors positioned such that each channel micromirror receives one of said spectral channels, said channel micromirrors being <u>pivotal about two axes and being</u> individually and continuously controllable to reflect said <u>corresponding received</u> spectral channels into <u>any</u> selected ones of said output ports <u>and to control the power of said received spectral channels coupled into said</u> <u>output ports</u>, whereby said pass-through port receives a subset of said spectral channels.

45. (Original) The optical system of claim 44 further comprising a servocontrol assembly, in communication with said channel micromirrors and said output ports, for providing control of said channel micromirrors and thereby maintaining a predetermined coupling of each reflected spectral channel into one of said output ports.

46. (Original) The optical system of claim 45 wherein said servo-control assembly comprises a spectral monitor for monitoring power levels of said spectral channels coupled into said output ports, and a processing unit responsive to said power levels for providing control of said channel micromirrors.

47. (Original) The optical system of claim 44 further comprising an array of collimator-alignment mirrors, in optical communication with said wavelengthseparator and said fiber collimators, for adjusting an alignment of said multiwavelength optical signal from said input port and directing said reflected spectral

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channels into said output ports.

48. (Original) The optical system of claim 47 further comprising first and second arrays of imaging lenses, in a telecentric arrangement with said collimatoralignment mirrors and said fiber collimators.

49. (Original) The optical system of claim 47 wherein each collimatoralignment mirror is rotatable about at least one axis.

50. (Original) The optical system of claim 44 wherein each channel micromirror is pivotable about at least one axis.

51. (Original) The optical system of claim 44 wherein each channel micromirror is a silicon micromachined mirror.

52. (Original) The optical system of claim 44 wherein said beam-focuser comprises a focusing lens having first and second focal points, and wherein said wavelength-separator and said channel micromirrors are placed respectively at said first and second focal points.

53. (Original) The optical system of claim 44 wherein said wavelengthseparator comprises an element selected from the group consisting of ruled diffraction gratings, holographic diffraction gratings, echelle gratings, curved

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diffraction gratings, and dispersing prisms.

54. (Original) The optical system of claim 44 further comprising a quarterwave plate optically interposed between said wavelength-separator and said channel micromirrors.

55. (Original) The optical system of claim 44 further comprising an auxiliary wavelength-separating-routing apparatus, including:

a) multiple auxiliary fiber collimators, providing a plurality of auxiliary input ports and an exiting port;

b) an auxiliary wavelength-separator;

c) an auxiliary beam-focuser; and

d) a spatial array of auxiliary channel micromirrors;

wherein said subset of said spectral channels in said pass-through port and one or more add spectral channels are directed into said auxiliary input ports, and multiplexed into an output optical signal directed into said exiting port by way of said auxiliary wavelength-separator, said auxiliary beam-focuser and said auxiliary channel micromirrors.

56. (Original) The optical system of claim 55 wherein said auxiliary channel micromirrors are individually pivotable.

57. (Original) The optical system of claim 55 wherein each auxiliary channel

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micromirror is pivotable continuously about at least one axis.

58. (Original) The optical system of claim 55 wherein each auxiliary channel micromirror is a silicon micromachined mirror.

59. (Original) The optical system of claim 55 wherein said auxiliary wavelength-separator comprises an element selected from the group consisting of ruled diffraction gratings, holographic diffraction gratings, echelle gratings, curved diffraction gratings, and dispersing prisms.

60. (Original) The optical system of claim 55 wherein said pass-through port constitutes one of said auxiliary input ports.

61. (Amended) A method of performing dynamic wavelength separating and routing, comprising:

a) receiving a multi-wavelength optical signal from an input port;

 b) separating said multi-wavelength optical signal into multiple spectral channels;

c) focusing said spectral channels onto a spatial array of corresponding beamdeflecting elements, whereby each beam-deflecting element receives one of said spectral channels; and

d) dynamically and continuously controlling said beam-deflecting elements, thereby directing in two dimensions to direct said spectral channels into a plurality

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any selected ones of said output ports and to control the power of the spectral channels coupled into said selected output ports.

62. (Amended) The method of claim 61 further comprising the step of providing feedback control of said beam-deflecting elements, thereby maintaining to <u>maintain</u> a predetermining coupling of each spectral channel directed into one of said output ports.

63. (Original) The method of claim 62 further comprising the step of maintaining power levels of said spectral channels directed into said output ports at a predetermining value.

64. (Original) The method of claim 61 wherein each spectral channel is directed into a separate output port.

65. (Original) The method of claim 61 wherein a subset of said spectral channels is directed into one of said output ports, thereby providing one or more pass-through spectral channels.

66. (Original) The method of claim 65 further comprising the step of multiplexing said pass-through spectral channels with one or more add spectral channels, so as to provide an output optical signal.

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67. (Original) The method of claim 61 wherein said beam-deflecting elements comprise an array of silicon micromachined mirrors.

#### Remarks

Applicant thanks the Examiner for his helpful suggestions as to changes to the reissue declaration to overcome the rejection of the claims under 35 U.S.C. §251 because of a defective reissue oath or declaration. Enclosed is a Second Replacement Reissue Declaration that adopts the Examiner's suggestions. Accordingly, it is submitted that the enclosed Second Replacement Reissue Declaration is proper and overcomes the rejection under 35 U.S.C. §251.

Claim 68 which was rejected under 35 U.S.C. §251 as being broadening has been cancelled (omitted) in this Second Preliminary Amendment. Otherwise, the enclosed Amendment is identical to the Preliminary Amendment submitted upon filing of this reissue application.

In view of the foregoing, favorable reconsideration if this application and early action on the merits are respectfully requested.

Date: January 31, 2011

Respectfully Submitted,

/Barry N. Young/

Barry N. Young Attorney for Assignee Reg. No. 27,744

*Customer No. 48789* Law Offices of Barry N. Young 200 Page Mill Road, Suite 102 Palo Alto, CA 94306-2061

Attorney Docket No. C2393-1101RE2

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Electronic Ac	knowledgement Receipt
EFS ID:	9348551
Application Number:	12815930
International Application Number:	
Confirmation Number:	2344
Title of Invention:	Reconfigurable Optical Add-Drop Multiplexers with Servo Control and Dynamic Spectral Power Management Capabilities
First Named Inventor/Applicant Name:	Jeffrey P. Wilde
Customer Number:	48789
Filer:	Barry N. Young
Filer Authorized By:	
Attorney Docket Number:	C2393-1101RE2
Receipt Date:	31-JAN-2011
Filing Date:	15-JUN-2010
Time Stamp:	20:29:32
Application Type:	Utility under 35 USC 111(a)

## Payment information:

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File Listing	:	- 10			
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Reissue dec filed in accordance with	2nd_Rpl_Declr.pdf	3214143	no <sup>b3</sup>	3
	MPEP 1414.	MPEP 1414.	ab4564cca3359ca8b3923df4d8aa573faab3 660f		5
Warnings:					
Information:					

	Total Files Size (in bytes)	3265	498		
Information:					
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	Applicant Arguments/Remarks Made in an Amendment	18	19		
	Claims	2	17		
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1		
	Document Description	Start	En	End	
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2		5769cba28cc3f5862dee0ef6911a5ab041cd f30e	yes	19	
	Amd_1-31-11.pdf	51355			

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Docket No: C2393-1101R2

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey P. Wilde, et. al

- Serial No. 12/815,930 Group Art Unit: 2883
- Filed: 06/15/2010 Examiner: Healy, Brian
- Title: Reconfigurable Optical Add-Drop Multiplexers With Servo Control and Dynamic Spectral Power Management Capability

(Reissue of Patent No. RE39,397, issued November 14, 2006)

### SECOND REPLACEMENT REISSUE APPLICATION DECLARATION BY ASSIGNEE

I, Larry Schwerin, hereby declare that:

The residence, mailing address and citizenship of the Inventors of the aboveidentified patent for which reissue is sought are as stated below.

I am authorized to act on behalf of the following Assignee: CAPELLA PHOTONICS, INC., A DELAWARE CORPORATION, and my title with said assignee is President and Chief Executive Officer. The entire title and interest in said Patent is vested in said Assignee, and I consent on behalf of said Assignee to the filing of this Reissue Application for the above Patent.

Inventor's Full Name: Jeffrey P. Wilde			
Residence/Mailing Address:	2310 Rockwood Ranch Road Morgan Hill, CA 95037		
Citizenship:	US		

Inventor's Full Name:	Joseph E. Davis	
Residence/Mailing Address:	18765 St. Marks Avenue Morgan Hill, CA 95037	
Citizenship:	US	

I believe said above named Inventors to be the original and first inventors of the subject matter which is described and claimed in said above identified Patent for which a reissue patent is sought, the specification of which:

was filed as Application No. 12/815,930 on 06/15/2010;

and was amended by Preliminary Amendments filed on 06/15/2010 and herewith.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I verily believe the original Patent to be wholly or partially inoperative or invalid for the reason that the patentee claimed more than he had a right to claim in the Patent.

At least one error upon which reissue is based is described as follows: Claim 1 is deemed to be too broad and invalid in view of U.S. Patent No. 6,498,872 to Bouevitch and further in view of one or more of U.S. Patent No. 6,567,574 to Ma, U.S. Patent No. 6,256,430 to Jin, or U.S. Patent No. 6,631,222 to Wagener by failing to include limitations regarding the pivotability of channel micromirrors and control of power of received spectral channels coupled to output ports, as indicated by the amendments to Claim 1 in the Preliminary Amendments referred to above.

All errors corrected in this Reissue Application arose without deceptive intent on the part of the Applicant.

I hereby appoint the practitioners associated with **Customer No. 48489** as our attorneys or agents to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all communications to: Barry N. Young Reg. No. 27,744 200 Page Mill Road, Suite 102 Palo Alto, CA 94306

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Docket No: C2393-1101R2

(650) 326-2701 Byoung@young-iplaw.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Declaration is directed.

Dated: 30, 30, 2011

8. By: 1 wul

Larry Schwerin President and Chief Executive Officer Capella Photonics, Inc. 5390 Hellyer Avenue San Jose, CA 95138

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Approved for use through 1/31/2007. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number PATENT APPLICATION FEE DETERMINATION RECORD Application or Docket Number Filing Date 06/15/2010 To be Mailed 12/815,930 Substitute for Form PTO-875 APPLICATION AS FILED - PART I OTHER THAN (Column 1) (Column 2) SMALL ENTITY OR SMALL ENTITY FOR NUMBER FILED NUMBER EXTRA RATE (\$) FEE (\$) RATE (\$) FEE (\$) BASIC FEE N/A N/A N/A N/A (37 CFR 1.16(a), (b), or (c) SEARCH FEE N/A N/A N/A N/A CEB 1 16(k) (i) EXAMINATION FEE N/A N/A N/A N/A 37 CFR 1.16(o) (p), or (q TOTAL CLAIMS OR minus 20 = XS XS 37 CFR 1.16(i) INDEPENDENT CLAIMS XS XS minus 3 -(37 CFR 1.16(h)) If the specification and drawings exceed 100 sheets of paper, the application size fee due APPLICATION SIZE FEE is \$250 (\$125 for small entity) for each (37 CFR 1.16(s)) additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) \* If the difference in column 1 is less than zero, enter "0" in column 2. TOTAL TOTAL APPLICATION AS AMENDED - PART II OTHER THAN SMALL ENTITY OR SMALL ENTITY (Column 1) (Column 2) (Column 3) CLAIMS HIGHES REMAINING NUMBER PRESENT ADDITIONAL ADDITIONAL 01/31/2011 RATE (\$) RATE (\$) AFTER PREVIOUSLY **EXTRA** FEE (\$) FEE (\$) AMENDMEN' AMENDMEN' PAID FOR Total (37 CFR 1.16(i)) OB · 67 Minus \*\* 68 0 X S X \$52= 0 -\* 6 Minus \*\*\*7 0 X \$ OR X \$220 0 Application Size Fee (37 CFR 1.16(s)) FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) OR TOTAL OTAL 0 ADD'L OR ADD'L FEE FEE (Column 1) (Column 2) (Column 3) CLAIMS HIGHES REMAINING NUMBER PRESENT ADDITIONAL ADDITIONAL RATE (\$) RATE (\$) PREVIOUSLY FEE (\$) FEE (\$) AFTER EXTRA AMENDMENT PAID FOR Total (37 CFR Minus OR XS X S ш AMENDM Indec ... Minus OR XS XS \_ 37 CER 1 16/ Application Size Fee (37 CFR 1.16(s)) FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) OR TOTAL OTAL ADD'L OR ADD'I FEE FEE \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. Legal Instrument Examiner: \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". /VANESSA BARBER/ \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
12/815,930	06/15/2010	Jeffrey P. Wilde	C2393-1101RE2	2344	
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	Application No.	Applicant(s)
	12/815,930	WILDE ET AL.
Office Action Summary	Examiner	Art Unit
	BRIAN M. HEALY	2883
The MAILING DATE of this communication		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR RE WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the ma earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN 1.136(a). In no event, however, may a iod will apply and will expire SIX (6) MC tute, cause the application to become A	ICATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on $\underline{O}$	3 December 2010.	
	his action is non-final.	
3) Since this application is in condition for allow	wance except for formal ma	tters, prosecution as to the merits is
closed in accordance with the practice under	er Ex parte Quayle, 1935 C.	D. 11, 453 O.G. 213.
Disposition of Claims		
<ul> <li>4)</li></ul>	on.	
4a) Of the above claim(s) is/are witho		
5) Claim(s) is/are allowed.		
6) Claim(s) <u>1-68</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and	d/or election requirement.	
Application Papers		
9) The specification is objected to by the Exam	iner	
10) The drawing(s) filed on <u>15 June 2010</u> is/are:		ected to by the Examiner.
Applicant may not request that any objection to t		사실 것에서 잘 가지 않는 것 같아요. 것에서 같은 것 같은 것 같은 것 것이라. 그는 것은 것 같은 것이다. 그가 가지 않는 것이다. 가지 않는 것이 같이 같이 같이 않는 것이다. 가지 않는 것이 같이 같이 같이 같이 않는 것이다. 가지 않는 것이 같이 않는 것이 같이 같이 없다. 가지 않는 것이 같이 같이 않는 것이 같이 않는 것이 같이 않는 것이 같이 같이 같이 같이 같이 같이 같이 않는 것이 같이 같이 같이 같이 같이 같이 않는 것이다. 것이 같이 같이 같이 않는 것이 같이 않는 것이 같이 않는 것이 같이 않는 것이 같이
Replacement drawing sheet(s) including the cor		
11) The oath or declaration is objected to by the		경험 승규는 영국
Priority under 35 U.S.C. § 119		0.440(-). (I) - (D)
12) Acknowledgment is made of a claim for fore	ign priority under 35 U.S.C.	§ 119(a)-(d) or (f).
<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority document</li> </ul>	ante have haen reasived	
2. Certified copies of the priority documents		Application No.
3. Copies of the certified copies of the p		
application from the International Bur	는 데는 중요한 관람들이 있는 것 같은 것같이 많이 들었다.	The cerved in this National Stage
* See the attached detailed Office action for a		treceived
Attachment(s)	5.12	
1) Notice of References Cited (PTO-892)		Summary (PTO-413)
<ol> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO/SB/08)</li> </ol>	5) Notice of	(s)/Mail Date Informal Patent Application
Paper No(s)/Mail Date		e attached office action.
S. Patent and Trademark Office TOL-326 (Rev. 08-06) Offic	e Action Summary	Part of Paper No./Mail Date 20101229

### DETAILED ACTION

#### **Reissue Applications**

 Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. RE39,397 and USP No. 6,625,346 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely appraise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

 The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

3. The reissue declaration filed December 3, 2010, asserts that the patent was wholly or partially inoperative or invalid because the patentee claims more than he had a right to claim and identified the error that serves as basis for reissue being :

4. "Some of the claims are deemed to be too broad and invalid in view of U.S.
Patent No. 6,498,872 to Bouevitch and further in view of one or more of U.S. Patent No.
6,567,574 to Ma, U.S. Patent No. 6,256,430 to Jin or U.S. Patent No. 6,631,222 to

Wagener, as indicated by the amendments to the claims in the Preliminary Amendment referred to above and filed with this application."

5. The declaration, as filed, lacks specificity because it merely states, "Some of the claims" are deemed to be too broad, which is a statement which does not identify in the <u>oath or declaration</u> which (or at least one) of the claims are too broad and asks the reader to incorporate from the amendment to figure out what is being referred to ("as indicated by the amendments to the claims in the preliminary amendment").

6. In the remarks of 12/03/2010, Applicant's main point concerning the previous office action is that rule 175 (37 CFR 1.175) does not require reference to specific claim language. On page 3 of Applicant's remarks it was stated, "It is respectively submitted that the requirement to specifically identify "any error" by reference to "the specific claim language" as stated in the rejection (the previous office action) goes beyond the requirements of the current version of rule 175."

7. The current text of 37 CFR 1.175(a)(1) reads as follows: "The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, **stating at least one error** being relied upon as the basis for reissue."

8. The words "stating at least one error" were highlighted because this is the basis for Applicant's arguments regarding the need for specificity. The Examiner takes note of the fact that the word "state" (used as a verb) is defined by the current Merriam-Webster dictionary (current online edition) as "to express the particulars of especially in words."

Thus it can be seem that to "state at least one error" would include "the particulars of (or specificity of) at least one error." While a dictionary definition is somewhat anecdotal the need for specificity of at least one error has been expanded upon in MPEP 1414 (c ) which states : "It is not sufficient for an oath/declaration to merely state "this application is being filed to correct errors in the patent which may be noted from the changes made in the disclosure." Rather, the oath/declaration must specifically identify an error. In addition, it is not sufficient to merely reproduce the claims with brackets and underlining and state that such will identify the error. <u>See In re Constant, 827 F.2d</u> <u>728,729, 3 USPQ 2d 1479 (Fed Cir.), cert. Denied, 484 U.S. 894 (1987).</u> Any error in

the claims must be identified by reference to the specific claim(s) and the specific claim language wherein lies the error."

9. In Applicant's remarks of 12/03/2010, it was stated that Applicant's counsel, Mr. Barry Young, telephoned Mr. Robert Clarke and Mr. Pincus Laufer of the UPPTO Office of Legal Administration regarding Applicant's counsel's understanding that the changes to rule 175 in 1997 eliminated the need for specificity (as discussed above). Examiner Healy contacted Mr. Laufer in a communication on December 28,2010 and Mr. Laufer stated that it was a misunderstanding if Mr. Young came away from their conversation that rule 175 eliminated the need for specificity of at least one error in the oath or declaration.

10. Applicant should note that if all that were necessary to state that "some of the claims are too broad" then "stating at least one error being relied upon for reissue" would be excess verbiage. The MPEP (See MPEP 1414) has been updated over time

to clarify what constitutes an adequate statement of error, using examples based on the improper declarations the office has received.

11. The Examiner would like to suggest some language which would be acceptable in the oath or declaration. This is not a requirement but a suggestion designed to advance the prosecution of the present application.

12. "[Some of the claims are] <u>Claim 1 is</u> deemed to be too broad and invalid in view of U.S. Patent No. 6,498,872 to Bouevitch and further in view of one or more of U.S. Patent No. 6,567,574 to Ma, U.S. Patent No. 6,256,430 to Jin or U.S. Patent No. 6,631,222 to Wagener, <u>by not including limitations regarding the pivotablity of channel micromirrors and control of power of received spectral channels</u>, as indicated by the amendments to [the claims] <u>Claim 1</u> in the Preliminary Amendment referred to above and filed with this application."

13. For further guidance regarding acceptable declaration language Applicant is referred to MPEP 1414 (II) ( c ).

14. Claim 68 is rejected under 35 U.S.C. 251 as being broadened in a reissue application filed outside the two year statutory period. Broadening claims made after two years from the patent issue date is prohibited by the reissue statute, 35 USC 251. Claim 68 appears to be broader than original patent claim 1. Even through claim 68 is narrower than original claim 1 in some respects, it is broader than claim 1 in that "beam reflecting elements" (recited in newly presented claim 68) is broader than "channel micro mirrors" (recited in original claim 1) because beam reflecting elements covers reflectors that includes but not limited to mirrors and micro mirrors. Claim 68 is also

broader than claim 1 because it does not require than the beam-deflecting elements be individually controllable since dynamically controllable is not limited to individually controllable. A claim is broader in scope than the original claims if it contains within its scope any conceivable product or process which would not have infringed the original patent. A claim is broadened if it is broader <u>in any one respect</u> even though it may be narrower in other respects.

15. Claims 1-68 are rejected as being based upon a defective reissue oath or declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the oath or declaration is set forth in the discussion above in this Office action (see above discussion).

Because the added rejection regarding improper claim broadening was not necessitated by Applicant's amendment, <u>this office action has NOT been made final</u>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN M. HEALY whose telephone number is (571)272-2347. The examiner can normally be reached on M-F 6AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571)272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

> /BRIAN M. HEALY/ Primary Examiner Art Unit 2883

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Application/Control No.	Applicant(s)/Patent Under Reexamination
12815930	WILDE ET AL.
Examiner	Art Unit
BRIAN M HEALY	2883
	12815930 Examiner

~	Rejected	-	Cancelled	N	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	1	Interference	0	Objected

CLAIM			DATE							
Final	Original	10/22/2010	12/29/2010							
	1	~	~					1		
	2	~	~					1		
	3	~	1					+		
	4	~	1					1		
	5	~	1			1		+		
	6	~	×					1		
	7	~	~					+		
	8	✓	×					+		
	9	V	✓					1		
	10	V	×					1		
	11	~	1		5			+		
	12	~	×					+		
	13	<ul> <li>✓</li> </ul>	~					1		
	14	~	×					1		
	15	<ul> <li>✓</li> </ul>	~					1		
	16	~	~					+		
	17	~	~					1		
	18	~	1					1		
	19	1	✓					+		
	20	1	~					1		
	21	~	~					+		
	22	~	~			-		+		
	23	~	~			1				
	24	1	~							
	25	~	~					1		
	26	~	~					1		
	27	~	~					1		
	28	~	√							
	29	1	~					1		
	30	1	√							
	31	~	✓							
	32	~	<ul> <li>✓</li> </ul>					+		

U.S. Patent and Trademark Office

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	12815930	WILDE ET AL.
*1281593	Examiner	Art Unit
1201090	BRIAN M HEALY	2883
0*		

~	Rejected	-	Cancelled	N	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	1	Interference	0	Objected

CLAIM			DATE							
Final	Original	10/22/2010	12/29/2010							
	34	~	~							
	35	1	×					1		
	36	1	~							
	37	~	1							
	38	1	~							
	39	√	~							
	40	√	~							
	41	√	~							
	42	~	~							
	43	√	~							
	44	~	1							
	45	~	×							
	46	<ul> <li></li> </ul>	~					0		
	47	~	1							
	48	×	~							
	49	~	1							
	50	1	~							
	51	~	~							
	52	1	×							
	53	1	~							
	54	~	~							
	55	~	~							
	56	~	~			20				
	57	1	~							
	58	~	×							
	59	~	~							
	60	1	~					1		
	61	~	~							
	62	1	1							
	63	~	1							
	64	~	~							
	65	√	~							

U.S. Patent and Trademark Office

Index of Claims				Application/Control No. 12815930 Examiner			Applicant(s)/Patent Under Reexamination WILDE ET AL. Art Unit				
*1281593		3	BRIAN M HEA	LY		2883					
	0,	ł									
✓ F	Rejected	-	- Cancelled N		Non-Ele	ected	A	Appeal			
=	Allowed	÷	Re	estricted	I Interference		ence	0	Objected		
Claims	renumbered	in the same	order as	presented by app	olicant		СРА	□ T.D.	□ R	.1.47	
CL	AIM					DATE					
Final	Original	10/22/2010	12/29/20	10							

68

 $\checkmark$ 

 $\checkmark$ 

Attorney Docket No. C2393-1101RE2

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- Applicant: Jeffrey P. Wilde, et. al
- Serial No.: 12/815,930

Group Art Unit: 2883

- Filed: 06/15/2010 Examiner: Healy, Brian
- Title: Reconfigurable Optical Add-Drop Multiplexers with Servo Control and Dynamic Spectral Power Management Capabilities

(Reissue of Patent No. RE 39,397; Issued November 14, 2006)

### RESPONSE And SUBMISSION OF REPLACEMENT REISSUE DECLARATION

### Mail Stop REISSUE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action of October 28, 2010, rejecting the claims

under 35 U.S.C. §251 for a defective reissue oath/declaration, attached is a

Replacement Reissue Application Declaration by Assignee to replace the originally

filed Reissue Application Declaration By The Assignee (form PTO/SB/52).

### Remarks

For the reasons below, it is submitted that the enclosed Replacement

Declaration corrects deficiencies in the originally submitted declaration, and complies

fully with the requirements of 37 C.F.R. §1.175. Accordingly, favorable

reconsideration of this application is respectfully requested.

The Replacement Declaration of Assignee submitted herewith states, in

relevant part:

"I verily believe the original Patent to be wholly or partially inoperative or invalid for the reason that the patentee claimed more than he had a right to claim in the Patent.

At least one error upon which reissue is based is described as follows: Some of the claims are deemed to be too broad and invalid in view of U.S. Patent No. 6,498,872 to Bouevitch and further in view of one or more of U.S. Patent No. 6,567,574 to Ma, U.S. Patent No. 6,256,430 to Jin, or U.S. Patent No. 6,631,222 to Wagener, as indicated by the amendments to the claims in the Preliminary Amendment referred to above and filed with this application.

All errors corrected in this Reissue Application arose without deceptive intent on the part of the Applicant."

The current version of 37 C.F.R. §1.175 ("Rule 175"), which was effective

December 1, 1997, provides in §1.175(a) (1) that the reissue oath or declaration must

state:

"The applicant believes the original patent to be wholly or partially inoperative or invalid by reason of . . . the patentee claiming more of less than the patentee had a right to claim in the patent, <u>stating at least one</u> <u>error being relied upon as the basis for reissue</u>". (*see attached copy of Rule 175 reproduced from the M.P.E.P.*) In his rejection based upon a defective oath/declaration, the Examiner stated in the Office Action that the original oath/declaration ". . . fails to clearly and specifically identify <u>in the original claim language wherein lies the error</u>" (*emphasis added*) (citing the M.P.E.P. §1414 and 37 C.F.R. §1.175), and stated that "[A]ny error in the claims must be identified by reference to the specific claim(s) and <u>the specific</u> <u>language wherein lies the error</u>" (*emphasis in original*).

It is respectfully submitted that the requirement to specifically identify "any error" by reference to "the specific claim language", as stated in the rejection, goes beyond the requirements of the current version of Rule 175.

The current version of 37 C.F.R. §1.175 (effective December 1, 1997) changed former subsection (a) (1) of the Rule to its present form as quoted above. Additionally, it eliminated entirely former subsections (a) (2), (a) (3) and (a) (5). [Subsection (a) (4) which permitted so-called "no defect" reissues was eliminated in 1982.] Eliminated subsection (a) (2) had required the applicant to <u>particularly specify</u> defects in the specification or drawing. Eliminated subsection (a)(3) applied when the applicant claimed an error by reason of claiming more or less than he had a right to claim, and required the applicant to <u>distinctly specify</u> the excess or insufficiency in the <u>claims</u>. Finally, eliminated subsection (a) (5) required the applicant to <u>particularly</u> specify the errors relied upon and how they arose. All of the previous requirements of these subsections for <u>specific information regarding the nature and origin of each</u>

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error being corrected have been eliminated and replaced by the present version of §1.175(a)(1) quoted above.

All that is required by Rule 175(a) (1) is that the applicant <u>state at least one</u> <u>error</u> being relied upon for reissue. The Rule does not require that more that one error to be identified in the oath or declaration, and does not require reference in the oath or declaration to the specific claim language where the error lies, as stated.

It is respectfully submitted that the statement in the enclosed Replacement Declaration: "Some of the claims are deemed to be too broad and invalid in view of U.S. Patent No. 6,498,872 to Bouevitch and further in view of one or more of U.S. Patent No. 6,567,574 to Ma, U.S. Patent No. 6,256,430 to Jin, or U.S. Patent No. 6,631,222 to Wagener, as indicated by the amendments to the claims in the Preliminary Amendment referred to above and filed with this application" is sufficient to satisfy the requirements of §1.175(a)(1), and that it is not necessary in the reissue declaration to refer to specific claims or to specific claim language.

The undersigned Counsel for Applicant confirmed in a telephone conference on December 1, 2010 with Mr. Robert Clarke (Ext. 7735) and Mr. Pincus Laufer (Ext. 7726) of the USPTO Office of Legal Administration that Counsel's understanding of the changes to the Rule in 1997, as described above, are correct, and that it is not necessary to identify in the reissue declaration the specific claim language where an error lies. It is sufficient to refer to a claim amendment.

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Accordingly, it is respectfully submitted that the attached Replacement Reissue Application Declaration by Assignee satisfies the requirements of 37 C.F.R. §1.175 and overcomes the rejection under 35 U.S.C. 251.

In view of the foregoing, favorable reconsideration if this application and early action on the merits are respectfully requested.

Date: December 3, 2010

Respectfully Submitted,

/Barry N. Young/

Barry N. Young Attorney for Assignee Reg. No. 27,744

Customer No. 48789 Law Offices of Barry N. Young 200 Page Mill Road, Suite 102 Palo Alto, CA 94306-2061 Phone: (650) 326-2701 Fax: (650) 326-2799 byoung@young-iplaw.com

Docket No: C2393-1101R2

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey P. Wilde, et. al.

Serial No. 12/815,930 Group Art Unit: 2883

Filed: 06/15/2010 Examiner: Healy, Brian

Title: Reconfigurable Optical Add-Drop Multiplexers With Servo Control and Dynamic Spectral Power Management Capability

(Reissue of Patent No. RE39,397, issued November 14, 2006)

#### REPLACEMENT REISSUE APPLICATION DECLARATION BY ASSIGNEE

I, Larry Schwerin, hereby declare that:

The residence, mailing address and citizenship of the Inventors of the aboveidentified patent for which reissue is sought are as stated below.

I am authorized to act on behalf of the following Assignee: CAPELLA PHOTONICS, INC., A DELAWARE CORPORATION, and my title with said assignee is President and Chief Executive Officer. The entire title and interest in said Patent is vested in said Assignee, and I consent on behalf of said Assignee to the filing of this Reissue Application for the above Patent.

Inventor's Full Name:	Jeffrey P. Wilde
Residence/Mailing Address:	2310 Rockwood Ranch Road Morgan Hill, CA 95037
Citizenship:	US

Inventor's Full Name:	Joseph E. Davis
Residence/Mailing Address:	18765 St. Marks Avenue Morgan Hill, CA 95037
Citizenship:	US

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Docket No: C2393-1101R2

I believe said above named Inventors to be the original and first inventors of the subject matter which is described and claimed in said above identified Patent for which a reissue patent is sought, the specification of which:

was filed as Application No. 12/815,930 on 06/15/2010;

and was amended by Preliminary Amendment filed on 06/15/2010.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I verily believe the original Patent to be wholly or partially inoperative or invalid for the reason that the patentee claimed more than he had a right to claim in the Patent.

At least one error upon which reissue is based is described as follows: Some of the claims are deemed to be too broad and invalid in view of U.S. Patent No. 6,498,872 to Bouevitch and further in view of one or more of U.S. Patent No. 6,567,574 to Ma, U.S. Patent No. 6,256,430 to Jin, or U.S. Patent No. 6,631,222 to Wagener, as indicated by the amendments to the claims in the Preliminary Amendment referred to above and filed with this application.

All errors corrected in this Reissue Application arose without deceptive intent on the part of the Applicant.

I hereby appoint the practitioners associated with **Customer No. 48489** as our attorneys or agents to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all communications to:

Barry N. Young Reg. No. 27,744 200 Page Mill Road, Suite 102 Palo Alto, CA 94306 (650) 326-2701 Byoung@young-iplaw.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the

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Docket No: C2393-1101R2

application, any patent issuing thereon, or any patent to which this Declaration is directed.

Dated: Dec 2, 2010

ł Lar By:

Larry Schwerin President and Chief Executive Officer Capella Photonics, Inc. 5390 Hellyer Avenue San Jose, CA 95138 (c) Status of claims and support for claim changes. Whenever there is an amendment to the claims pursuant to paragraph (b) of this section, there must also be supplied, on pages separate from the pages containing the changes, the status (*i.e.*, pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims.

(d) Changes shown by markings. Any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

 The matter to be omitted by reissue must be enclosed in brackets; and

(2) The matter to be added by reissue must be underlined, except for amendments submitted on compact discs (§§ 1.96 and 1.821(c)). Matter added by reissue on compact discs must be preceded with "U" and end with "U" to properly identify the material being added.

(e) Numbering of parent claims preserved. Patent claims may not be renumbered. The numbering of any claim added in the reissue application must follow the number of the highest numbered patent claim.

(f) Amendment of disclosure may be required. The disclosure must be amended, when required by the Office, to correct inaccuracies of description and definition, and to secure substantial correspondence between the claims, the remainder of the specification, and the drawings.

(g) Amendments made relative to the patent All amendments must be made relative to the patent specification, including the claims, and drawings, which are in effect as of the date of filing of the reissue application.

[Revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para, (b)(3) revised, 68 FR 38611, June 30, 2003, effective July 30, 2003; para, (b) introductory text revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

#### § 1.174 [Reserved]

[24 FR 10332, Dec. 22, 1959; para. (a), 48 FR 2713, Jan. 20, 1983, effective Feb. 27, 1983; removed and reserved, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

#### § 1.175 Reissue oath or declaration.

(a) The reissue oath or declaration in addition to complying with the requirements of § 1.63, must also state that:

(1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue; and

(2) All errors being corrected in the reissue application up to the time of filing of the oath or declaration under this paragraph arose without any deceptive intention on the part of the applicant.

(b)(1) For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant. Any supplemental oath or declaration required by this paragraph must be submitted before allowance and may be submitted:

(i) With any amendment prior to allowance: or

(ii) In order to overcome a rejection under 35 U.S.C. 251 made by the examiner where it is indicated that the submission of a supplemental oath or declaration as required by this paragraph will overcome the rejection.

(2) For any error sought to be corrected after allowance, a supplemental oath or declaration must accompany the requested correction stating that the error(s) to be corrected arose without any deceptive intention on the part of the applicant.

(c) Having once stated an error upon which the reissue is based, as set forth in paragraph (a)(1), unless all errors previously stated in the oath or declaration are no longer being corrected, a subsequent oath or declaration under paragraph (b) of this section need not specifically identify any other error or errors being corrected.

(d) The oath or declaration required by paragraph (a) of this section may be submitted under the provisions of § 1.53(1).

(c) The filing of any continuing reissue application which does not replace its parent reissue application must include an oath or declaration which, pursuant to paragraph (a)(1) of this section, identifies

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R-104

# § 1.174

at least one error in the original patent which has not been corrected by the parent reissue application or an earlier reissue application. All other requirements relating to oaths or declarations must also be met.

[24 FR 10.332, Dec. 22, 1959; 29 FR 18503, Dec. 29, 1964; 34 FR 18857, Nov. 26, 1969; para. (a), 47 FR 21752, May 19, 1982, effective July 1,1982; para. (a), 48 FR 2713, Jan. 20, 1983, effective Feb. 27, 1983; para. (a)(7), 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (c) added, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

#### § 1.176 Examination of reissue.

(a) A reissue application will be examined in the same manner as a non-reissue, non-provisional application, and will be subject to all the requirements of the rules related to non-reissue applications. Applications for reissue will be acted on by the examiner in advance of other applications.

(b) Restriction between subject matter of the original patent claims and previously unclaimed subject matter may be required (restriction involving only subject matter of the original patent claims will not be required). If restriction is required, the subject matter of the original patent claims will be held to be constructively elected unless a disclaimer of all the patent claims is filed in the reissue application, which disclaimer cannot be withdrawn by applicant.

[42 FR 5595, Jan. 28, 1977; revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

#### § 1.177 Issuance of multiple reissue patents.

(a) The Office may reissue a patent as multiple reissue patents. If applicant files more than one application for the reissue of a single patent, each such application must contain or be amended to contain in the first sentence of the specification a notice stating that more than one reissue application has been filed and identifying each of the reissue applications by relationship, application number and filing date. The Office may correct by certificate of correction under  $\S$  1.322 any reissue patent resulting from an application to which this paragraph applies that does not contain the required notice.

(b) If applicant files more than one application for the reissue of a single patent, each claim of the patent being reissued must be presented in each of the reissue applications as an amended, unamended, or canceled (shown in brackets) claim, with each such claim bearing the same number as in the patent being reissued. The same claim of the patent being reissued may not be presented in its original unamended form for examination in more than one of such multiple reissue applications. The numbering of any added claims in any of the multiple reissue applications must follow the number of the highest numbered original patent claim.

(c) If any one of the several reissue applications by itself fails to correct an error in the original patent as required by 35 U.S.C. 251 but is otherwise in condition for allowance, the Office may suspend action in the allowable application until all issues are resolved as to at least one of the remaining reissue applications. The Office may also merge two or more of the multiple reissue applications into a single reissue application. No reissue application containing only anamended patent claims and not correcting an error in the original patent will be passed to issue by itself.

[47 FR 41278, Sept. 17, 1982, effective date Oct. 1,
 1982; revised, 54 FR 6893, Feb. 15, 1989, 54 FR 9432,
 March 7, 1989, effective Apr. 17, 1989; revised, 60 FR
 20195, Apr. 25, 1995, effective June 8, 1995; revised,
 65 FR 54604, Sept. 8, 2000; effective Nov. 7, 2000]

#### § 1.178 Original patent; continuing duty of applicant.

(a) The application for reissue of a patent shall constitute an offer to surrender that patent, and the surrender shall take effect upon reissue of the patent. Until a reissue application is granted, the original patent shall remain in effect.

(b) In any reissue application before the Office, the applicant must call to the attention of the Office any prior or concurrent proceedings in which the patent (for which reissue is requested) is or was involved, such as interferences, reissues, reexaminations, or litigations and the results of such proceedings (see also § 1.173(a)(1)).

[24 FR 10332, Dec. 22, 1959; 34 FR 18857, Nov. 26, 1969; revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Sept. 21, 2004]

R-105

Rev. 8, July 2016.

Electronic Acl	knowledgement Receipt
EFS ID:	8967864
Application Number:	12815930
International Application Number:	
Confirmation Number:	2344
Title of Invention:	Reconfigurable Optical Add-Drop Multiplexers with Servo Control and Dynamic Spectral Power Management Capabilities
First Named Inventor/Applicant Name:	Jeffrey P. Wilde
Customer Number:	48789
Filer:	Barry N. Young
Filer Authorized By:	
Attorney Docket Number:	C2393-1101RE2
Receipt Date:	03-DEC-2010
Filing Date:	15-JUN-2010
Time Stamp:	21:34:15
Application Type:	Utility under 35 USC 111(a)

# Payment information:

Submitted wi	th Payment	no						
File Listin	g:							
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)			
1	Amendment/Req. Reconsideration-After Non-Final Reject	Resp 12-3-10.pdf	31328	no	5			
		Nesp_12-5-10.pdf	d06e1511f9011cf4c51148c09305253ad20b d6dc	10				
Warnings:	·							
Information:								

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Information	:				
Warnings:					
25	Miscellaneous Incoming Letter		b8e5571b0be8ee8de7914b2a86666d484de c3cc48		2
3		Rule_1-175.pdf	476513	no	
Information	:		1		
Warnings:					
	MPEP 1414.		3d65f2d595655d704791aaca009fe00d72bf 73b5		
2	Reissue dec filed in accordance with	Rpl RE Declr Assignee.pdf	445665	no	3

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

		AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box [450 Alexandria, Virginia 22: www.uspto.gov	Trademark Office FOR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/815,930	06/15/2010	Jeffrey P. Wilde	C2393-1101RE2	2344
	7590 10/28/2010 S OF BARRY N. YOUN	a	EXAM	INER
200 PAGE MIL		5	HEALY,	BRIAN
SUITE 102 PALO ALTO, O	TA 94306		ART UNIT	PAPER NUMBER
TALO ALTO, V	CA 94500		2883	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2010	FLECTRONIC

### Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BYOUNG@YOUNG-IPLAW.COM BNYOUNG7@GMAIL.COM

	Application No.	Applicant(s)
	12/815,930	WILDE ET AL.
Office Action Summary	Examiner	Art Unit
	BRIAN M. HEALY	2883
The MAILING DATE of this communication	appears on the cover sheet w	ith the correspondence address
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR RE WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication - If NO period for reply is specified above, the maximum statutory pe - Failure to reply within the set or extended period for reply will, by st Any reply received by the Office later than three months after the m earmed patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNI R 1.136(a). In no event, however, may a riod will apply and will expire SIX (6) MOI atute, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on _		
	 This action is non-final.	
3) Since this application is in condition for allo		ters, prosecution as to the merits is
closed in accordance with the practice und	~~~ 말했다. ㅎㅎㅎ 양도 알려 있는 것을 가 없을 것 같을 것 같다.	
		Anna Anna Anna Anna Anna Anna Anna Anna
Disposition of Claims		
4) Claim(s) <u>1-68</u> is/are pending in the applicat		
4a) Of the above claim(s) is/are with	drawn from consideration.	
5) Claim(s) is/are allowed.		
6) Claim(s) <u>1-68</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction an	d/or election requirement.	
Application Papers		
9) The specification is objected to by the Exam	liner	
10) The drawing(s) filed on $6/15/2010$ is/are: a)		d to by the Examiner
Applicant may not request that any objection to		
Replacement drawing sheet(s) including the cor		
11) The oath or declaration is objected to by the	그렇는 학생가가 많은 다 가 생활할 수 없는 것 같아. 것 같아. 정말 전 전 것 같아?	
n e se anno 1997 a channa a sharar ann ann ann ann ann ann ann ann ann	Evaluation. Note the attache	
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for fore	ign priority under 35 U.S.C.	§ 119(a)-(d) or (f).
a) All b) Some * c) None of:		
1. Certified copies of the priority docum	ents have been received.	
2. Certified copies of the priority docum	ents have been received in A	Application No
3. Copies of the certified copies of the p	priority documents have beer	received in this National Stage
application from the International Bu	reau (PCT Rule 17.2(a)).	
* See the attached detailed Office action for a	list of the certified copies not	received.
Attachment(s)		
1) X Notice of References Cited (PTO-892)		Summary (PTO-413)
2) DNotice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No	s)/Mail Date
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>20100615</u> .	5) 🛄 Notice of 6) 🔲 Other:	nformal Patent Application
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Exhibit 1002, Page 131

### DETAILED ACTION

#### Reissue Applications

The reissue oath/declaration filed with this application is defective (see 37 CFR
 1.175 and MPEP § 1414) because of the following:

2. 1) The reissue oath/declaration states that the original patent to be wholly or partly inoperative or invalid by reasons of the patentee claiming ,ore or less that he had a right to claim in the patent. The mpep states in 1414 and 37 CFR 1.175; "A statement that the original patent is "wholly or partly inoperative or invalid" by reason of patentee claiming more or less than the patentee had a right to claim in the patent is improper, a <u>claim cannot claim "more or less" at the same time</u>.

3. In the oath/declaration, assignee states; Claims 1,44 and 61 <u>may have claimed</u> more than there was a right to claim in view of the cited prior art. This language fails to clearly and specifically identify in the original claim language wherein lies the error. The mpep states in 1414 and 37 CFR 1.175; "Any error in the claims must be identified by reference to the specific claim(s) and <u>the specific claim language wherein lies the</u> **error**."

4. In the oath/declaration, assignee states; "Applicants failed to include an apparatus claim (per claim 68) that corresponds substantially to method claim 61." Merely the fact that Applicant "failed to claim" a certain claim is not an error onto itself which would render the original claim language "partially or wholly" imperative or invalid. A statement of failure to include a claim directed to a certain limitation and then presenting a newly added claim would not be considered a sufficient "error" statement

because Applicant had not specifically pointed out what the original claim(s) lacked that the added claim has or vicevesa (see mpep 1414)

 Claims 1-68 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the reissue or declaration is set forth in the

discussion above in this Office action.

A copy of ptol-1449 will be included in this office action.

The following reference is also cited by the Examiner as being pertinent and/or related art: Wilde et. al. US RE39,397E (Note entire reference).

If the rejection based upon 35 U.S.C. 251 is overcome, a subsequent office action will treat claims 1-68 on their merits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN M. HEALY whose telephone number is (571)272-2347. The examiner can normally be reached on M-F 6AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571)272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

> /BRIAN M. HEALY/ Primary Examiner Art Unit 2883

\*\*\*

Notice of References Cited	Application/Control No. 12/815,930	Applicant(s)/I Reexamination WILDE ET A	on
	Examiner BRIAN M. HEALY	Art Unit 2883	Page 1 of 1
	BRIAN W. HEALT	2005	

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-RE39,397 E	11-2006	Wilde et al.	385/24
	В	US-			
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#### FOREIGN PATENT DOCUMENTS

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#### NON-PATENT DOCUMENTS

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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

# Receipt date: 06/15/2010

# 12815930 - GAU: 2883

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/048 (01-10) Approved for use through 07/31/2012 OMB 9661-0021 U.S. Patent and Trademark Office, U.S. CERARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are recurred to respond to a critection of information unless it contains a valid OMB control number

	Application Number	Filed Herewith
	Filing Date	Filed Herewith
INFORMATION DISCLOSURE	First Named Inventor	Jeffrey P. Wilde, et. al
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Uail	Unknown
	Examiner Name	Unknöwn
	Attorney Docket Numb	ver C2393-1101RE2

### Class/Subclass

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Examiner Initial*	Cite No	Palent Number	Kind Code1	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/B.H./	1	7183633	B2	2007-02-27	Daneman et al	ali 257/678
/B.H./	2	6989921	Б2	2006-01-24	Bernstein et. al	<sup>air</sup> 359/290
/B.H./	3	6810169	В2	2004-10-26	Bouevitch et. al	aii 385/24
/B.H./	4	6631222	B1	2003-10-07	Wagener et. al	<sup>all</sup> 385/16
/B.H./	5	6600851	B2	2003-07-29	Aksyuk et ai	<sub>ali</sub> 385/18
/B.H./	6	6567574	B1	2003-05-20	Ma et. ai	<sup>ail</sup> 385/16
/B.H./	7	6498872	82	2002-12-24	Bouevitch et. al	aii 709/318
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EFS Web 2 1.17

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# Receipt date: 06/15/2010

# 12815930 - GAU: 2883

	Application Number	Filed Herewith
	Filing Date	Filed Herewith
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	First Named Inventor	Jeffrey P. Wilde, et. al
(Not for submission under 37 CFR 1.99)	Art Unit	Unknown
(,	Examiner Name	Unknown
	Attorney Docket Numb	ver C2393-1101RE2

# Class/Subclass

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/B.H./	9	6028689		2000-01-24	Michalicek et. al	<sup>all</sup> 359/224
/B.H./	10	5414540		1995-05-09	Palel et. al	<sub>ail</sub> 359/39
/B.H./	11	5629790	A	1997-05-01	Neukermans et. el	359/198 ail
/B.H./	12	5745271		1998-04-28	Ford et. al	<sub>ali</sub> 359/130
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/B.H./	15	5974207	Á	1999-10-01	Aksyuk et. al	385/24 al
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/Brian Healy/

10/22/2010

# 12815930 - GAU: 2883

INFORMATION DISCLOSURE	Application Number	Filed Herewith
	Filing Date	Filed Herewith
STATEMENT BY APPLICANT	First Named Inventor J	effrey P. Wilde, et. al
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	Attorney Docket Number	C2393~1101882

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/B.H./	22	6418250	B1	2002-07-01	Corbosiero et. al	385/24 all
/B.H./	23	6625346		2003-09-23	Wilde et al	385/24
/B.H./	24	6634810	B1	2003-10-21	Ford et. al	398/88 all
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Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/B.H./	1	20020131691	A1.	2002-09-01	Garrett et al.	385/24 ali
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/Brian Healy/

10/22/2010

# Receipt date: 06/15/2010

# 12815930 - GAU: 2883

	Application Number	Filed Herewith
INFORMATION DISCLOSURE	Filing Date	Filed Herewith
	First Named Inventor	Jeffrey P. Wilde, et. al
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit	Unknown
(not for submission under sit or ( 1.59)	Examiner Name	Unknöwn
	Attorney Docket Number	r C2393-1101RE2

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination WILDE ET AL.
	Examiner BRIAN M HEALY	Art Unit 2883

	SEARCH		
Class	Subclass	Date	Examiner
385	24,11,37,34	10/22/2010	/BH/

SEARCH NOTES		
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# **BIB DATA SHEET**

# **CONFIRMATION NO. 2344**

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BIB (Rev. 05/07).

### **EAST Search History**

# EAST Search History (Prior Art)

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L31	0	(385/24,11,37,34.ccls.) and (collimator\$ near (multi-wavelength or multiwavelength)) and (wavelength near separator) and (micromirror\$ or micro- mirror)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/10/22 12:54

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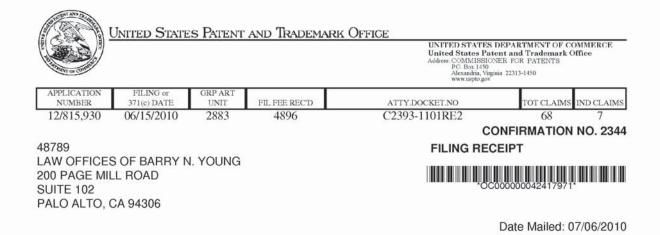
L32	0	(collimator\$ near (multi- wavelength or multiwavelength)) and (wavelength near separator) and (micromirror\$ or micro- mirror)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/10/22 12:55
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Receipt is acknowledged of this reissue patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

#### Applicant(s)

Jeffrey P. Wilde, Morgan Hill, CA; Joseph E. Davis, Morgan Hill, CA; Assignment For Published Patent Application Capella Photonics, Inc

Power of Attorney: The patent practitioners associated with Customer Number 48789

#### Domestic Priority data as claimed by applicant

This application is a REI of 11/027,586 12/31/2004 PAT R,E39,397 which is a REI of 09/938,426 08/23/2001 PAT 6,625,346 which claims benefit of 60/277,217 03/19/2001

Foreign Applications

#### If Required, Foreign Filing License Granted: 07/02/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/815,930** 

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

page 1 of 3