

1 [Counsel Information Listed On Signature Page]

2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

<p>5 CAPELLA PHOTONICS, INC., 6 Plaintiff, 7 v. 8 TELLABS OPERATIONS, INC. AND 9 CORIANT (USA) INC., 10 Defendants.</p>	<p>Lead Case No. 3:14-cv-03348-EMC No. 3:14-cv-03350-EMC (related case) JOINT STIPULATION TO EXTEND CLAIM CONSTRUCTION DEADLINES AND [<del>PROPOSED</del>] ORDER Judge Edward M. Chen</p>
---	---

<p>11 CAPELLA PHOTONICS, INC., 12 Plaintiff, 13 v. 14 CISCO SYSTEMS, INC., 15 Defendant.</p>	<p>No. 3:14-cv-03348-EMC</p>
--	------------------------------

<p>16 CAPELLA PHOTONICS, INC., 17 Plaintiff, 18 v. 19 FUJITSU NETWORK 20 COMMUNICATIONS, INC., 21 Defendant.</p>	<p>No. 3:14-cv-03349-EMC (related case)</p>
--	---

<p>22 CAPELLA PHOTONICS, INC., 23 Plaintiff, 24 v. 25 CIENA CORPORATION, 26 Defendant.</p>	<p>No. 3:14-cv-03351-EMC (related case)</p>
--	---

26 Plaintiff Capella Photonics, Inc. ("Capella"), and Defendants Tellabs Operations,  
27 Inc. ("Tellabs"), Coriant (USA) Inc. ("Coriant"), Cisco Systems, Inc. ("Cisco"), Fujitsu  
28 Network Communications, Inc. ("FNC"), and Ciena Corporation ("Ciena"), by and through

1 their respective counsel, respectfully submit this Joint Stipulation to Extend Claim  
2 Construction Briefing.

3 On October 7, 2014, the Court originally set deadlines for claim construction. Dkt.  
4 122. On January 13, 2015, the Court modified the schedule to set the following deadlines:

5 **Claim Construction Opening Brief: February 23, 2015**  
6 **Claim Construction Opposition Brief: March 9, 2015**  
7 **Claim Construction Reply Brief: March 16, 2015**  
8 **Tutorial: April 3, 2015 (2:30 p.m.)**  
9 **Claim Construction Hearing: April 13, 2015 (2:30 p.m.)**

10 Dkt. 152.

11 The parties bring this joint stipulation to extend those dates because of the pending  
12 motion by Cisco Systems Inc. to stay these consolidated cases pending the Patent and  
13 Trademark Office's decision to institute *inter partes review* ("IPR") proceedings on the  
14 patents-in-suit. Dkt. 161; 164. Cisco's motion is currently set for hearing on March 12,  
15 2015. Dkt. 163.

16 Good cause exists to postpone claim construction briefing until after the decision on  
17 Cisco's motion to stay because of the interest in judicial efficiency and economy. As the  
18 schedule currently stands, the briefing schedule for Claim Construction overlaps with the  
19 briefing schedule for Cisco's motion to stay. If the Court grants Cisco's motion, in light of  
20 the pending IPR proceeding, the Claim Construction briefing and subsequent tutorial and  
21 hearing will become moot. If the Court denies Cisco's motion, the parties may resume  
22 Claim Construction briefing without any additional effect to the case schedule.

23 Based on calendar dates, the parties request that the Court grant an order amending  
24 the upcoming claim construction deadlines as follows:

25 **Claim Construction Opening Brief: March 26, 2015**  
26 **Claim Construction Opposition Brief: April 9, 2015**  
27 **Claim Construction Reply Brief: April 16, 2015**

28 Tutorial 5/1/15 at 2:30 p.m. Claim construction hearing: 5/18/15 at 2:30 p.m.

The movants further request that the tutorial scheduled for April 3, 2015, and the claim  
construction hearing set for April 13, 2015, be vacated and reset depending on the court's  
convenience. No deadlines have been set in this case beyond the claim construction





