

1 [Counsel information listed on signature page]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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7 CAPELLA PHOTONICS, INC.,

Case No. 3:14-CV-03348-EMC

8 Plaintiff,

**UPDATED JOINT STATUS REPORT,  
STIPULATED REQUEST TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE, AND [PROPOSED]  
ORDER**

9 v.

10 CISCO SYSTEMS, INC.,

11 Defendant.

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13 CAPELLA PHOTONICS, INC.,

Case No. 3:14-CV-03349-EMC  
(related case)

14 Plaintiff,

15 v.

16 FUJITSU NETWORK  
COMMUNICATIONS, INC.,

17 Defendant.

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19 CAPELLA PHOTONICS, INC.,

Case No. 3:14-CV-03350-EMC  
(related case)

20 Plaintiff,

21 v.

22 TELLABS OPERATIONS, INC. AND  
CORIANT (USA) INC.,

23 Defendants.

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25 CAPELLA PHOTONICS, INC.,

Case No. 3:14-CV-03351-EMC  
(related case)

26 Plaintiff,

27 v.

28 CIENA CORPORATION,

Defendant.

1           Lead counsel for Plaintiff Capella Photonics, Inc. (“Capella” or “Plaintiff”), and  
2 Defendants Cisco Systems, Inc. (“Cisco”), Ciena Corporation (“Ciena”), Fujitsu Network  
3 Communications, Inc. (“FNC”), Coriant Operations, Inc. (formerly Tellabs Operations, Inc.), and  
4 Coriant (USA) Inc. (Coriant entities collectively “Coriant”) (collectively “Defendants”) (together  
5 with Plaintiff, “the parties”) submit this Updated Joint Status Report for the above-captioned  
6 cases (collectively, the “Related Actions”) pursuant to the Court’s March 6, 2015 Order staying  
7 the Related Actions (Dkt. No. 172) and the November 5, 2015 Clerk’s Notice (Dkt. No. 174).

8           Pursuant to the Court’s March 6, 2015 Order, the Related Actions are “stayed in their  
9 entirety pending final exhaustion of the relevant review proceedings, including any appeals.”  
10 (Dkt. No. 172 at 6). The parties hereby apprise the Court of the status of the *inter partes* review  
11 proceedings initiated by Cisco and additional *inter partes* review proceedings concerning the  
12 Patents in Suit pending in the United States Patent & Trademark Office (Patent Office).

13 **I.       STATUS OF THE IPR PROCEEDINGS**

14           On July 15, 2014, Cisco filed a petition for *inter partes* review (IPR2014-01166) on the  
15 ’368 patent. Cisco filed a petition (IPR2014-01276) on the ’678 patent less than a month later.  
16 The two IPR petitions addressed every asserted claim against each of the Defendants. The Patent  
17 Office joined Ciena, FNC, and Coriant in these two IPR proceedings. The Patent Office issued  
18 Final Written Decisions on January 28, 2016 in IPR2014-01166 and on February 17, 2016 in  
19 IPR2014-01276. The Patent Office found unpatentable every claim asserted in this litigation.  
20 Capella has filed requests for rehearing in both IPRs.

21           On August 24, 2015, the Patent Office instituted FNC’s *inter partes* review (IPR2015-  
22 00726) involving the ’368 patent and FNC’s *inter partes* review (IPR2015-00727) involving the  
23 ’678 patent. Ciena and Coriant moved to join these IPRs on September 24, 2015. The Patent  
24 Office on March 21, 2016 joined Ciena and Coriant in FNC’s IPR2015-00727 involving the ’678  
25 patent. The Patent Office’s decision on Ciena and Coriant’s motion to join FNC’s IPR2015-  
26 00726 involving the ’368 patent is due by March 30, 2016. Under the current schedule, the Patent  
27 Office will issue Final Written Decisions in these IPRs by August 24, 2016.

28           On August 25, 2015, the Patent Office instituted *inter partes* review (IPR2015-00731) for

1 the '368 patent and *inter partes* review (IPR2015-00739) for the '678 patent based on petitions  
2 filed by non-party JDS Uniphase Corporation (JDSU) (now called "Lumentum"). The Patent  
3 Office joined Cisco, Ciena, FNC, and Coriant in these two IPR proceedings. Under the current  
4 schedule, the Patent Office will issue Final Written Decisions in these IPRs by August 25, 2016.

5 **II. STIPULATED REQUEST TO CONTINUE CASE MANAGEMENT**  
6 **CONFERENCE**

7 Given the status of the IPR proceedings, the Parties propose and stipulate to continuing  
8 the Case Management Conference, currently scheduled for April 7, 2016 (Dkt. No. 174), until  
9 September 15, 2016, or such other date as the Court may wish. The Parties further propose and  
10 stipulate to filing an updated joint status report on September 1, 2016. A [Proposed] Order  
11 continuing the Case Management Conference in light of the foregoing stipulation is attached  
12 hereto.

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1 Dated: March 24, 2016

MANATT, PHELPS, & PHILLIPS, LLP

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By: /s/ Robert D. Becker w/ permission  
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Attorneys for Plaintiff  
*Capella Photonics, Inc.*

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Dated: March 24, 2016

COOLEY LLP

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/s/ Sarah J. Guske

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Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Sarah J. Guske, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed Thursday, March 24, 2016.

/s/ Sarah J. Guske

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4 CAPELLA PHOTONICS, INC.,

5 Plaintiff,

6 v.

7 CISCO SYSTEMS, INC.,

8 Defendant.

Case No. 3:14-CV-03348-EMC

**[PROPOSED] ORDER CONTINUING  
CASE MANAGEMENT  
CONFERENCE**

9  
10 CAPELLA PHOTONICS, INC.,

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Pursuant to the Parties' stipulated request to continue the April 7, 2016 Case Management Conference, and for good cause appearing, it is so Ordered.

1. The Case Management Conference is continued until September 15, 2016.
2. The parties shall submit an updated joint status report on September 1, 2016.

Dated: March 31, 2016

