

U.S. Patent No. 6,570,095:

Excerpts of Reexamination No. 95/000,474

Decision Granting *Inter Partes* Reexamination, Sept. 10, 2009 (Excerpts)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,474	07/06/2009	6570095	13291.105074	5251
37462 7590 09/10/2009 LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142			EXAMINER NGUYEN, MINH T	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 09/10/2009	DELIVERY MODE PAPER

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.



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ATLANTA, GA 30309-3521

MAILED
SEP 10 2009
CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
• *Inter Partes* Reexamination**

REEXAMINATION CONTROL NUMBER 95/000,474.

PATENT NUMBER 6570095.

TECHNOLOGY CENTER 3999.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070 (Rev.07-04)

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,474	6570095	
	Examiner	Art Unit	
	MINH NGUYEN	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): ☐ PTO-892 ☒ PTO/SB/08 ☐ Other: _____

1. ☒ The request for *inter partes* reexamination is GRANTED.

☒ An Office action is attached with this order.

☐ An Office action will follow in due course.

2. ☐ The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.

DECISION GRANTING *INTER PARTES* REEXAMINATION

Reexamination has been requested for claims 1-33 of the United States Patent Number 6,570,095 to Clark et al., entitled "MULTI-PAIR DATA CABLE WITH CONFIGURABLE CORE FILLING AND PAIR SEPARATION".

A substantial new question of patentability affecting claims 1-33 of the United States Patent Number 6,570,095 to Clark et al. (the '095 patent, hereafter) is raised by the request for *inter parte* reexamination.

Service of Papers

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550(f).

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in *inter partes* reexamination proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 314(c) requires that *inter partes* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.937). Patent owner extensions of time in *inter partes* reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments,

Analysis of the Prior Art Provided in the Request

1. Regarding GmbH reference:

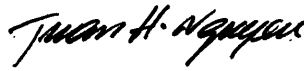
It is agreed that the consideration of GmbH raises a substantial new question of patentability to claims 1, 9-13, 20-21 and 27-29 of the '095 patent. As pointed out by the Requester in the Request for Reexamination at pages 24-40, GmbH teaches a data communications cable having four twisted pairs of insulated conductors 1, including a first twisted pair and a second twisted pair. The cable disclosed in GmbH includes two dielectric pair separators 5. In the configuration shown in Fig. 3, each pair separator has two folds that form grooves for the twisted pairs. As can be seen from Fig. 3, the separator is disposed between the twisted pairs. The pair separator provides shielding between individual pairs, that is, provides crosstalk isolation between the pairs. GmbH further discloses that the pair separator may be made of a metal foil, such as aluminum, or a metal foil laminated by plastic. There is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not the claims are patentable. However, the prosecution history of the base application, US Serial No. 09/853,512, does not indicate that GmbH was included for consideration by the Examiner in charge of the base application. Accordingly, GmbH raises a substantial new question of patentability as to claims 1, 9-13, 20-21 and 27-29 which question has not been decided in the previous examination of the '095 patent.

2. Regarding GmbH and Roberts references:

It is agreed that the consideration of the combination of GmbH and Roberts raises a substantial new question of patentability to claims 1 and 10 of the '095 patent. As pointed out by the Requester in the Request for Reexamination at pages 40-44, GmbH teaches a data

Any inquiry concerning this communication or earlier communications from the Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.


Conferee # 1


Conferee # 2


Minh Nguyen
Primary Examiner
571-272-1748
Art Unit 3992

Office Action, Sept 10, 2009 (Excerpts)



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			ART UNIT 3992	PAPER NUMBER
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MAILED
Date: **SFP 102009**
CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95000474
PATENT NO. : 6570095
TECHNOLOGY CENTER : 3999
ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,474	6570095	
	Examiner	Art Unit	
	MINH NGUYEN	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 6 July 2009

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☐ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

- 1a. ☒ Claims 1-33 are subject to reexamination.
- 1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims 1-33 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
☐ been received. ☐ not been received. ☒ been filed in Application/Control No 95000474.
10. ☐ Other _____

Requester's proposed rejection: Ground 1

Requester's proposed anticipation rejection of claims 1, 9-13, 20-21, and 27-29 under 35 USC 102(b) by GmbH **is adopted in part**.

The proposed anticipation rejection of claims 1, 9-13 and 20-21 is not adopted for the reasons set forth below. The proposed anticipation rejection of claims 27-29 is adopted for the same reasons provided by the Requester and repeated as set forth below.

Claim 1 recites:

A data communications cable comprising:

- (1a) a first twisted pair of insulated conductors;
- (1b) a second twisted pair of insulated conductors;
- (1c) a dielectric pair separator consisting of a dielectric layer disposed between the first twisted pair and the second twisted pair of insulated conductors, the dielectric pair separator being folded and arranged to provide a plurality of grooves extending along a longitudinal length of the dielectric pair separator, the dielectric pair separator providing a sufficient spacing between the first twisted pair of insulated conductors and the second twisted pair of insulated conductors so as to provide a desired crosstalk isolation between the first twisted pair of insulated conductors and the second twisted pair of insulated conductors;
- (1d) a jacket assembly enclosing the first twisted pair of insulated conductors, the second twisted pair of insulated conductors and the dielectric pair separator; and
- (1e) wherein the plurality of grooves do not form completely enclosed channels.

As recited in 1c, the claim expressly requires "a dielectric pair separator consisting of a dielectric layer". The Requester indicates at page 26 of the Request for Reexamination that because GmbH discloses that the pair separator may be made of a metal foil, such as

are twisted together in a helical manner along the longitudinal length of the data communications cable.

Because claims 11-13 and 20-21 depend from claim 10, where the proposed anticipation rejection is not adopted, the proposed anticipation rejection to claims 11-13 and 20-21 in view of GmbH is not adopted.

Claim 27 recites:

A data communications cable comprising:

- (27a) a first twisted pair of insulated conductors;
- (27b) a second twisted pair of insulated conductors;
- (27c) a configurable dielectric pair separator that separates the first and second twisted pairs of conductors, the configurable dielectric pair separator being substantially flat;
- (27d) a jacket enclosing the first and second twisted pairs of insulated conductors and the dielectric pair separator; and
- (27e) wherein the configurable dielectric pair separator, the first twisted pair of insulated conductors and the second twisted pair of insulated conductors are twisted about a common central axis to form a twisted pair cable; and
- (27f) wherein the configurable dielectric pair separator is arranged within the jacket to form at least two grooves.

Regarding 27a and 27b, GmbH discloses a data communications cable (title). Fig. 3 of GmbH discloses a cable having four twisted pairs of insulated conductors 1, including a first twisted pair and a second twisted pair. English trans, at page 3, para. 3, lines 1-2: "An invention-specific data transmission cable depicted in Figure 1 has four pairs 1 of insulated, stranded copper conductors 2 or cants".

Regarding 27c, Fig. 3 of GmbH shows a configurable dielectric pair separator 5 that separates the first and second twisted pairs of conductors 1. The configurable dielectric pair separator is substantially flat because it can be bent and made of a flat sheet of materials.

Regarding 27d, GmbH discloses a cable with the twisted pairs and separator within a protective sheath (Fig. 3, item 4). English trans, at page 3, para. 3, lines 17-19: "As an outer mechanical protection, an invention-specific transmission cable has a cable cover 4, which consists of customary thermoplastic cover materials."

Regarding 27e, GmbH discloses stranding the cable at page 6, para. 3, lines 4-7: "Especially with stranding of the conductor pairs in the SZ stranding procedure, the existing laying tools for the partial shieldings 11, 12 can support changing the stranding direction." SZ stranding is a form of twisting to close a cable where the cable is alternatively twisted to the right and left about the central axis of the cable.

Regarding 27f, Fig. 3 of GmbH shows configurable dielectric pair separators are arranged within the jacket to form four grooves. Each dielectric pair separator is arranged within the jacket to form two grooves.

Claims 28 and 29 recites:

28. The data communications cable as claimed in claim 27, wherein the configurable dielectric pair separator is arranged to provide a sufficient spacing between the first twisted pair of insulated conductors and the second twisted pair of insulated conductors so as to provide a desired crosstalk isolation between the first twisted pair of insulated conductors and the second twisted pair of insulated conductors.

29. The data communications cable as claimed in claim 27, wherein the at least two grooves do not form completely enclosed channels.

Requester's proposed rejection: Ground 18

Requester's proposed obviousness rejection of claims 31-33 under 35 USC 103(a) over GmbH in view of Gaeris, and further in view of Gingue is adopted.

The proposed obviousness rejection of claims 31-33 is adopted for the same reasons provided by the Requester in the Request for Reexamination at pages 84-89 and repeated as below.

Claim 31 recites:

A data communications cable comprising:

(31a) a plurality of twisted pairs of insulated conductors;

(31b) a configurable dielectric pair separator disposed between at least two of the plurality of twisted pairs of insulated conductors, the configurable dielectric pair separator including a substantially flat dielectric tape formed of a foamed polymer;

(31c) a jacket enclosing the plurality of twisted pairs of insulated conductors and the configurable dielectric pair separator; and

(31d) wherein the plurality of twisted pairs of insulated conductors and the configurable dielectric pair separator are twisted about a common axis to form a twisted pair cable.

Regarding 31a, the cable disclosed in GmbH contains four twisted pairs of insulated conductors 1, including a first twisted pair and a second twisted pair.

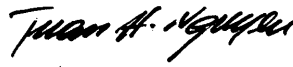
Regarding 31b, GmbH discloses a cable with the twisted pairs and separator within a protective sheath 4. English trans, at page 3, para. 3, lines 17-19: "As an outer mechanical protection, an invention-specific transmission cable has a cable cover 4, which consists of customary thermoplastic cover materials."

Art Unit: 3992

Any inquiry concerning this communication or earlier communications from the Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.



Conferee # 1



Conferee # 2



Minh Nguyen
Primary Examiner
571-272-1748
Art Unit 3992

Amendment and Response to Office Action, Dec. 10, 2009 (Excerpts)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,570,095
Re-examination Control No.: 95/000,474
Re-examination Filing Date: July 6, 2009
Re-examination Confirmation No.: 5251
Examiner: NGUYEN, Minh T.
Art Unit: 3992

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being electronically filed in accordance with § 1.6(a)(4), on the 10th day of December, 2009.

/Sarah M. Gates/
Sarah M. Gates

Mail Stop *Inter Partes Reexam*
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION IN *INTER PARTES*
REEXAMINATION**

Sir:

In response to the Office Action mailed September 10, 2009, please amend the above-identified application as follows. Changes to the Claims are shown by underlining for added matter.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

REMARKS

This Amendment and Response is filed in response to the Office Action mailed September 10, 2009. The Patent Owner presents the following remarks in support of the patentability of the claims.

I.	NOTICE OF CONCURRENT PROCEEDINGS	12
II.	STATUS OF CLAIMS AND SUPPORT FOR AMENDED CLAIMS	12
III.	SUMMARY OF DECLARATIONS	12
IV.	INTRODUCTION	13
V.	REJECTIONS IN VIEW OF DE 297 19 866	15
	Claims 27-29 are Not Anticipated by the '866 Patent	15
	1. No Teaching of Flat Separator	16
	2. No Teaching of Cabling	17
B.	Claims 1, 9-13, 20 and 21 are Patentable Over the '866 Patent and U.S. 3,622,683	17
C.	Claims 2, 4, 5, 14 and 16 are Patentable Over the '866 Patent and U.S. 5,670,748	20
	1. Gingue Does Not Cure Lack of Teaching of Dielectric Separator	20
	2. Gingue Does Not Teach Materials for Separator	20
D.	Claims 3 and 15 are Patentable Over the '866 Patent, the Roberts '683 Patent and EP 0 569 217	21
E.	Claims 6, 7, 17 and 18 are Patentable Over the '866 Patent, the Roberts '683 Patent and U.S. 5,789,711	22
F.	Claims 6 and 17 are Patentable Over the '866 Patent, the Roberts '683 Patent and U.S. 3,888,710	23
G.	Claims 8 and 19 are Patentable Over the '866 Patent, the Roberts '683 Patent and U.S. 4,644,099	24
H.	Claim 21 is Patentable Over the '866 Patent, the Roberts '683 Patent and Admitted Prior Art	25
	1. No Teaching of Cabling	25
	2. Admitted Prior Art Does Not Cure Lack of Teaching Dielectric Separator	26
I.	Claim 21 is Patentable Over the '866 Patent, the Roberts '683 Patent and the Gareis '711 Patent	26
	1. No <i>Prima Facie</i> Rejection	26
	2. The Proposed Combination is Improper	27
J.	Claim 22 is Patentable Over the '866 Patent, the Roberts '683 Patent and U.S. 4,755,629	28
K.	Claim 23 is Patentable Over the '866 Patent, the Roberts '683 Patent and U.S. 5,574,250	29
L.	Claim 23 is Patentable Over the '866 Patent, the Roberts '683 Patent and U.S. 4,385,485	29

987300.3

2004, and the Notice of Allowability issued November 2, 2004, both taken from the file history of U.S. Application No 10/336,535 and attached hereto as Appendix E).

2. No Teaching of Cabling

Claim 27 further recites that “the configurable dielectric pair separator, the first twisted pair of insulated conductors and the second twisted pair of insulated conductors are twisted about a common central axis to form a twisted pair cable.” In the Office Action, it is stated that the ’866 patent “discloses stranding the cable at page 6, para. 3, lines 4-7.” The Patent Owner respectfully disagrees. The ’866 patent discloses stranding of the individual conductors to form each twisted pair, and specifically discloses using “SZ” stranding to do so. The ’866 patent states that “the stranding of pair 1 can consist of a so-called helix stranding or an SZ stranding.” (See page 3, 3rd paragraph of English translation of the ’866 patent). However, the ’866 patent does not disclose or suggest cabling, i.e. twisting together the entire cable core, the plurality of twisted pairs and the configurable dielectric pair separator about a common axis to form the twisted pair cable. Rather, the ’866 patent discloses only twisting of the conductor pairs to form helices, not twisting/cabling of the cable as a whole. Cabling of the cable including the shielding foils disclosed in the ’866 patent would be complex, would likely result in inoperable cables, and so would have been avoided. (*Gareis Dec. at 14-17*). Thus, the ’866 patent does not disclose or suggest a data communications cable in which the configurable dielectric pair separator, the first twisted pair of insulated conductors and the second twisted pair of insulated conductors are twisted about a common central axis to form a twisted pair cable, as recited in claim 27.

B. Claims 1, 9-13, 20 and 21 are Patentable Over the ’866 Patent and U.S. 3,622,683

Claims 1, 9-13, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being obvious over the ’866 patent in view of U.S. Patent No. 3,622,683 to Roberts et al. (hereinafter “the Roberts ’683 patent”). The Patent Owner respectfully traverses this rejection.

Each of independent claims 1 and 10 recites a data communications cable comprising “a dielectric pair separator consisting of a dielectric layer.” As acknowledged in the Office Action, the ’866 patent does not disclose a dielectric pair separator that consists of a single dielectric layer. In the Office Action, it is asserted that it would have been obvious to one of ordinary skill in the art to modify the separator of the ’866 patent to consist of a dielectric layer only as it would have been obvious to try this configuration. Specifically, in the Office Action, it is stated that one of ordinary skill in the art would be under market pressure to reduce costs for the cable

987300.3

If there is a fee occasioned by this response, which is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. I0181-9048(095).

Respectfully submitted,

Belden Technologies, Inc., Patent Owner

By: /Sarah M. Gates/

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Docket No.: M0506-702350

Office Action Closing Prosecution, March 16, 2010 (Excerpts)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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37462 7590 03/16/2010 LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142			EXAMINER NGUYEN, MINH T	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 03/16/2010	DELIVERY MODE PAPER

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MAR 16 2010

CENTRAL REEXAMINATION UNIT

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Inter Partes Reexamination**

REEXAMINATION CONTROL NUMBER 95/000,474.

PATENT NUMBER 6570095.

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If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

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PTOL-2070 (Rev.07-04)

ACTION CLOSING PROSECUTION (37 CFR 1.949)	Control No.	Patent Under Reexamination	
	95/000,474	6570095	
	Examiner	Art Unit	
	MINH NGUYEN	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:
 Patent Owner on 10 December 2009
 Third Party(ies) on 11 January 2010

Patent owner may once file a submission under 37 CFR 1.951(a) within 1 month(s) from the mailing date of this Office action. Where a submission is filed, third party requester may file responsive comments under 37 CFR 1.951(b) within 30-days (not extendable- 35 U.S.C. § 314(b)(2)) from the date of service of the initial submission on the requester. **Appeal cannot be taken from this action.** Appeal can only be taken from a Right of Appeal Notice under 37 CFR 1.953.

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PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☒ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

- 1a. ☒ Claims 1-40 are subject to reexamination.
- 1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☒ Claims 6,7,13,17 and 18 are confirmed. [Unamended patent claims]
4. ☒ Claims 24-26 are patentable. [Amended or new claims]
5. ☒ Claims 1-5,8-12,14-16,19-23,27-40 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
☐ been received. ☐ not been received. ☐ been filed in Application/Control No _____
10. ☐ Other _____

- (10c) each twisted pair of insulated conductors of the plurality of twisted pairs of insulated conductors, being disposed within a corresponding groove of the dielectric pair separator;
- (10d) a jacket assembly enclosing the plurality of the twisted pairs of insulated conductors and the dielectric pair separator; and
- (10e) wherein the plurality of grooves do not form completely enclosed channels.

The proposed anticipation rejection to claim 10 is not adopted for the same reason discussed in claim 1 herein above.

Claims 11-13 and 20-21:

Because claims 11-13 and 20-21 depend from claim 10, where the proposed anticipation rejection is not adopted, the proposed anticipation rejection to claims 11-13 and 20-21 in view of GmbH is not adopted.

Claim 27 recites:

- A data communications cable comprising:
- (27a) a first twisted pair of insulated conductors;
 - (27b) a second twisted pair of insulated conductors;
 - (27c) a configurable dielectric pair separator that separates the first and second twisted pairs of conductors, the configurable dielectric pair separator being substantially flat;
 - (27d) a jacket enclosing the first and second twisted pairs of insulated conductors and the dielectric pair separator; and
 - (27e) wherein the configurable dielectric pair separator, the first twisted pair of insulated conductors and the second twisted pair of insulated conductors are twisted about a common central axis to form a twisted pair cable; and

(27f) wherein the configurable dielectric pair separator is arranged within the jacket to form at least two grooves.

Regarding 27a and 27b, GmbH discloses a data communications cable (title). Fig. 3 of GmbH discloses a cable having four twisted pairs of insulated conductors 1, including a first twisted pair and a second twisted pair. English trans, at page 3, para. 3, lines 1-2: "An invention-specific data transmission cable depicted in Figure 1 has four pairs 1 of insulated, stranded copper conductors 2 or cants".

Regarding 27c, Fig. 3 of GmbH shows a configurable dielectric pair separator 5 that separates the first and second twisted pairs of conductors 1. The configurable dielectric pair separator is substantially flat because it can be bent and made of a flat sheet of materials.

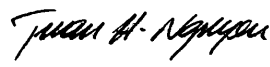
Regarding 27d, GmbH discloses a cable with the twisted pairs and separator within a protective sheath (Fig. 3, item 4). English trans, at page 3, para. 3, lines 17-19: "As an outer mechanical protection, an invention-specific transmission cable has a cable cover 4, which consists of customary thermoplastic cover materials."

Regarding 27e, GmbH discloses stranding the cable at page 6, para. 3, lines 4-7: "Especially with stranding of the conductor pairs in the SZ stranding procedure, the existing laying tools for the partial shieldings 11, 12 can support changing the stranding direction." SZ stranding is a form of twisting to close a cable where the cable is alternatively twisted to the right and left about the central axis of the cable. GmbH further discloses "longitudinal reshaping" which means twisting about a common axis.

Regarding 27f, Fig. 3 of GmbH shows configurable dielectric pair separators are arranged within the jacket to form four grooves. Each dielectric pair separator is arranged within the jacket to form two grooves.

Any inquiry concerning this communication or earlier communication from the examiner,
or as to the status of the proceeding, should be directed to the Central Reexamination Unit at
telephone number (571) 272-7705.


Conferee # 1


Conferee # 2



Minh Nguyen
Primary Examiner
571-272-1748
Art Unit 3992

Response to Office Action, April 16, 2010 (Excerpts)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,570,095
Re-examination Control No.: 95/000,474
Re-examination Filing Date: July 6, 2009
Re-examination Confirmation No.: 5251
Examiner: NGUYEN, Minh T.
Art Unit: 3992

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being electronically filed in accordance with 37 C.F.R. § 1.6(a)(4), on the 16th day of April, 2010.

/Sarah M. Gates/
Sarah M. Gates

Mail Stop *Inter Partes Reexam*
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION IN *INTER PARTES* REEXAMINATION

Sir:

In response to the Action Closing Prosecution mailed March 16, 2010, the Patent Owner submits the following remarks in support of the patentability of the claims.

Amendments to the Claims made in the Patent Owner's Response filed on December 10, 2009 are reflected in the listing of claims which begins on page 2 of this paper. Changes to the Claims are shown by brackets for deleted matter and underlining for added matter.

Remarks begin on page 10 of this paper.

REMARKS

This Response is filed in response to the Action Closing Prosecution mailed March 16, 2010. The Patent Owner presents the following remarks in support of the patentability of the claims.

This response is in compliance with 37 C.F.R. 1.943(b) because the Response, excluding the listing of claims as per MPEP § 2667, is only 48 pages in length and therefore within the 50 page limit set by Rule 1.943(b). Appendices A-K accompanying this response include only reference materials which do not contain “any argument as to how an outstanding/proposed rejection is overcome,” as specified in MPEP § 2667, and therefore are not counted against the 50 page limit for the response.

I.	NOTICE OF CONCURRENT PROCEEDINGS	12
II.	STATUS OF CLAIMS AND SUPPORT FOR AMENDED CLAIMS	12
III.	REJECTIONS IN VIEW OF DE 297 19 866	12
A.	Claims 27-29 are Not Anticipated by the '866 Patent	13
1.	No Teaching of Dielectric Separator	13
2.	No Teaching of Substantially Flat Separator	16
3.	No Teaching of Cabling	21
B.	Claims 27-29 are Patentable Over the '866 Patent and Admitted Prior Art	21
1.	No Teaching of Cabling	22
2.	Admitted Prior Art Does Not Cure Lack of Teaching of Flat Separator ...	22
3.	Admitted Prior Art Does Not Cure Lack of Teaching of Dielectric Separator	23
C.	Claims 27-29 are Patentable Over the '866 Patent and U.S. 5,789,711	23
1.	No <i>Prima Facie</i> Rejection	23
2.	The Proposed Combination is Improper	24
3.	The Gareis '711 Patent Does Not Cure Lack of Teaching of Substantially Flat Separator	25
D.	Claim 30 is Patentable Over the '866 Patent, the Admitted Prior Art and U.S. 5,670,748	26
1.	The Gingue '748 Patent Does Not Cure the Deficiencies of '866 Patent and Admitted Prior Art	26
2.	The Gingue '748 Patent Does Not Teach Materials for Separators	27
E.	Claim 30 is Patentable Over the '866 Patent, the Gareis '711 Patent and the Gingue '748 Patent	28
F.	Claims 31-33 are Patentable Over the '866 Patent, the Gareis '711 Patent and the Gingue '748 Patent	28
1.	No Teaching of Cabling	29
2.	No Teaching of Substantially Flat Separator	29
3.	No Teaching of Foamed Polymer Separator	30

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3. **No Teaching of Cabling**

Claim 27 further recites that “the configurable dielectric pair separator, the first twisted pair of insulated conductors and the second twisted pair of insulated conductors are twisted about a common central axis to form a twisted pair cable.” In the Office Action, it is stated that the ’866 patent “discloses stranding the cable at page 6, para. 3, lines 4-7.” The Patent Owner respectfully disagrees. At the referenced passages, the ’866 patent discloses stranding of the individual conductors to form each twisted pair, and specifically discloses using “SZ” stranding to do so. The ’866 patent states that “the stranding of pair 1 can consist of a so-called helix stranding or an SZ stranding.” (*See page 3, 3rd paragraph of English translation of the ’866 patent*). In the Office Action it is stated that “SZ standing is a form of twisting to close a cable where the cable is alternatively twisted to the right and left about the central axis of the cable.” The Patent Owner respectfully disagrees. It is true that SZ stranding can be used to close the cable; however, this is not a complete definition of SZ stranding. SZ stranding can also be used to twist together two insulated conductors to form a twisted pair, as is disclosed in the ’866 patent. The SZ stranding disclosed in the ’866 patent does not refer to cabling to close the cable but rather refers to twisting individual conductors to form the twisted pairs. (*See, Page 3, third paragraph of English translation of the ’866 patent*). In the Office Action it is further stated that the “longitudinal reshaping” disclosed in the ’866 patent means “twisting about a common axis.” The Patent Owner respectfully disagrees. The “longitudinal reshaping” refers to the manual repositioning of the conductor pairs following the SZ stranding procedure. It appears that the assertion in the Office Action is based on the statements made in the Declaration of Mr. Les Baxter submitted by the Requestor on January 11, 2010. In his Declaration, Mr. Baxter states that the phrase “longitudinal reshaping of the conductor pairs” means longitudinal twisting of the interior components. Mr. Baxter provides absolutely no support or explanation for this statement. The Patent Owner also notes that Mr. Baxter is a paid testifying expert witness for the Requestor in the concurrent litigation identified above, and respectfully submits that his unsubstantiated assertions should be disregarded.

B. Claims 27-29 are Patentable Over the ’866 Patent and Admitted Prior Art

Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the ’866 patent in view of Admitted Prior Art. The Patent Owner respectfully traverses this rejection. As discussed below, the proposed combination is improper, and even considered in

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recited in claim 10. For at least these reasons, withdrawal of the rejection of claim 23 is respectfully requested.

G. Claim 23 is Patentable Over JP-645 and the Yonechi '485 patent

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over JP-645 in view of the Yonechi '485 patent. The Patent Owner respectfully traverses this rejection.

Claim 23 depends from independent claim 10. As discussed above JP-645 does not disclose or suggest several limitations recited in claim 10. The Patent Owner does not concede that the combination of JP-645 and the Yonechi '485 patent proposed in the Office Action is proper. However, even if one were to combine the references as proposed in the Office Action, the Yonechi '485 patent fails to cure the deficiencies of JP-645 because, whether considered alone or in combination with JP-645, the Yonechi '485 patent does not disclose or suggest a dielectric pair separator that is "formed with a plurality of folds to provide a plurality of grooves," as recited in claim 10. For at least these reasons, withdrawal of the rejection of claim 23 is respectfully requested.

V. CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This reexamination application should now be in condition for allowance; a notice to this effect is respectfully requested. If there is a fee occasioned by this response, which is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. I0181-9048(095).

Respectfully submitted,

Belden Technologies, Inc., Patent Owner

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Docket No.: M0506-702350

Office Action Closing Prosecution, Sept. 20, 2011 (Excerpts)



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,474	07/06/2009	6570095	096001-0109	5251
22428 7590 09/20/2011 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER NGUYEN, MINH T	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 09/20/2011	DELIVERY MODE PAPER

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.



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SEP 20 2011

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NUMBER 95/000,474.

PATENT NUMBER 6570095.

TECHNOLOGY CENTER 3999.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070 (Rev.07-04)

ACTION CLOSING PROSECUTION (37 CFR 1.949)	Control No.	Patent Under Reexamination
	95/000,474	6570095
	Examiner	Art Unit
	MINH T. NGUYEN	3992

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on 02 August, 2011

Third Party(ies) on 5/14/10

Patent owner may once file a submission under 37 CFR 1.951(a) within 1 month(s) from the mailing date of this Office action. Where a submission is filed, third party requester may file responsive comments under 37 CFR 1.951(b) within 30-days (not extendable- 35 U.S.C. § 314(b)(2)) from the date of service of the initial submission on the requester. **Appeal cannot be taken from this action.** Appeal can only be taken from a Right of Appeal Notice under 37 CFR 1.953.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☒ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

- 1a. ☒ Claims 1-40 are subject to reexamination.
- 1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☒ Claims 21-22,27-33 are confirmed. [Unamended patent claims]
4. ☒ Claims 34-40 are patentable. [Amended or new claims]
5. ☒ Claims 1-20 and 23-26 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has: ☐ been received. ☐ not been received. ☐ been filed in Application/Control No _____
10. ☐ Other _____

INTER PARTES REEXAMINATION SECOND ACTION CLOSING PROSECUTION

This second Action Closing Prosecution (ACP) is in response to the patent owner's amendments filed on 4/16/10 and 12/23/10 and requester's comment filed on 5/14/10. In view of the requester's comment, some rejections need to be restored. The following is a detailed office action.

Status of the Claims

Claims 1-40 are subject to reexamination. By the response filed on April 16, 2010, no further changes has been made. Thus, the status of the claims is now as follows: claims 1-23, 27-30 and 32-33 are original, claims 24-26 and 31 are amended and claims 34-40 are new.

Prior Art

Claims 1-40 of the United States Patent Number 6,570,095 to Clark et al. ("the '095 patent") are reexamined in view of the following patents and publications:

DE Patent No. 297 19 866 U1 ("GmbH '866")
JP 05-290645A to Ikeda et al. ("Ikeda '645")
U.S. Patent No. 3,622,683 to Roberts et al. ("Roberts '683")
U.S. Patent No. 5,670,748 to Gingue et al. ("Gingue '748")
European Patent Application EP0569217 A2 to Weinberg Martin ("Martin '217")
U.S. Patent No. 5,789,711 to Gareis et al ("Gareis '711")
U.S. Patent No. 4,644,099 to Basconi ("Basconi '099")
U.S. Patent No. 4,755,629 to Beggs et al. ("Beggs '629")

Requester's proposed rejection: Ground 1

Requester's proposed anticipation rejection of claims 1, 9-13, 20-21 and 27-29 under 35 USC 102(b) by GmbH '866 is not adopted.

The proposed anticipation rejection of these claims was adopted in part in the previous ACP office action (e.g., claims 27-29 was adopted). In this office action, the examiner's decision for not adopting claims 1, 9-13 and 20-21 is maintained, the adopted anticipation rejection of claims 27-29 is withdrawn.

A. Reasons for not adopting claims 1, 9-13 and 20-21:

(The reason for not adopting the proposed rejection of these claims is the same as the one presented in the previous ACP office action and repeated below)

Regarding claim 1, the claim expressly requires "a dielectric pair separator consisting of a dielectric layer". The requester asserts that because GmbH '866 discloses the pair separator being made of metal foil laminated by plastic, GmbH '866 anticipates this limitation. The examiner disagrees. GmbH '866 does not disclose a dielectric pair separator consists of only a dielectric layer as required in claim 1.

Regarding claim 10, the proposed anticipation rejection is not adopted for the same reason discussed in claim 1.

Because claims 9, 11-13 and 20-21 depend from claim 1 or 10, which the proposed anticipation rejection is not adopted, the proposed anticipation rejection to these claims is not adopted.

B. Reasons for withdrawing the rejection of claims 27-29:

The proposed anticipation rejection of claims 27-29 was adopted in the previous ACP office action. Patent owner argues that GmbH '866 does not teach the limitation that the twisted pairs and the separator are twisted to form the finished cable. Patent owner points out that the

SZ stranding disclosed in GmbH '866 does not refer to cabling to close the cable but rather it refers to twisting individual conductors to form the twisted pairs. The requester refers to the comment filed on 1/11/10 which relied on the teaching in the GmbH '866 patent at page 2 that "[t]he invention-specific arrangement of the shielding further makes it possible to use stranding and/or longitude reshaping of the conductor pair to apply onto or insert the shielding into the cable" and the Declaration of Mr. Baxter at paragraph 11.

The examiner agrees with the patent owner that the teaching in GmbH '866 refers to the twisting of each individual conductor pairs, not the twisting of the dielectric pair separator, the first and second twisted pairs to form a twisted pair cable as recited in claim 27. The statement at paragraph 11 in the Declaration of Mr. Baxter is merely his interpretation when reading the GmbH '866 patent. The examiner respectfully disagrees with his opinion. The phrase "longitude reshaping of the conductor pairs" should be understood as the longitudinal twisting of each individual pair of conductors, not all of the interior components of the cable – the pair separators and the twisted pairs of insulated conductors as interpreted by Mr. Baxter. At most, the teachings in GmbH '866 at page 2, ¶ 2, page 6, ¶ 3 and page 3, claim 11 are unclear and can be interpreted either ways; i.e., as the twisting of each of conductors pairs or the twisting of the dielectric pair separator, the first and second twisted pairs to form a twisted pair cable.

Because it is unclear whether GmbH '866 teaches this limitation, GmbH '866 cannot anticipate claims 27-29.

Any inquiry concerning this communication or earlier communication from the examiner,
or as to the status of the proceeding, should be directed to the Central Reexamination Unit at
telephone number (571) 272-7705.

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HNT

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