

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

US CONEC LTD.,
Petitioner,

v.

SENKO ADVANCED COMPONENTS, INC.,
Patent Owner.

IPR2024-00117
Patent 11,333,836 B2

Before ELIZABETH M. ROESEL, BRIAN D. RANGE, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

US Conec Ltd. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–13 (“the challenged claims”) of U.S. Patent No. 11,333,836 (Ex. 1001, “the ’836 patent”). Paper 2 (“Pet.”). Senko Advanced Components, Inc. (“Patent Owner”) did not file a preliminary response.

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the petition and any response “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons below, we determine that Petitioner establishes a reasonable likelihood that it would prevail with respect to at least one claim, and we institute an *inter partes* review as to all challenged claims of the ’836 patent.

The following findings of fact and conclusions of law are not final, but are made for the sole purpose of determining whether Petitioner meets the threshold for initiating review. Any final decision will be based on the full trial record, including any response timely filed by Patent Owner. Any arguments not raised by Patent Owner in a timely-filed response may be deemed waived.

II. BACKGROUND

A. *Related Matters*

The parties identify the following district court action involving the ’836 patent: *Senko Advanced Components, Inc. v. US Conec Ltd.*,

No. 1:23-cv-00083 (D. Del.) (filed Jan. 24, 2023). Pet. 1; Paper 4, 2 (Patent Owner’s mandatory notices).¹

B. The ’836 Patent

The ’836 patent, titled “Adaptor for Optical Connectors,” issued May 17, 2022, based on an application filed July 14, 2021. Ex. 1001, codes (45), (54). The ’836 patent lists a series of continuation applications and a series of provisional applications, the earliest which has a filing date of January 30, 2017. *Id.* at codes (60), (63).

Figure 25 of the ’836 patent is reproduced below.

¹ Petitioner states that “if instituted, Petitioner stipulates not to pursue in the district court the grounds in the Petition or any ground that reasonably could have been raised in the Petition.” Pet. 120–21. In view of Petitioner’s stipulation, we do not discretionarily deny institution. Katherine K. Vidal, *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation* (June 21, 2022), at 3–4, available at https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf; *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to section II.A).

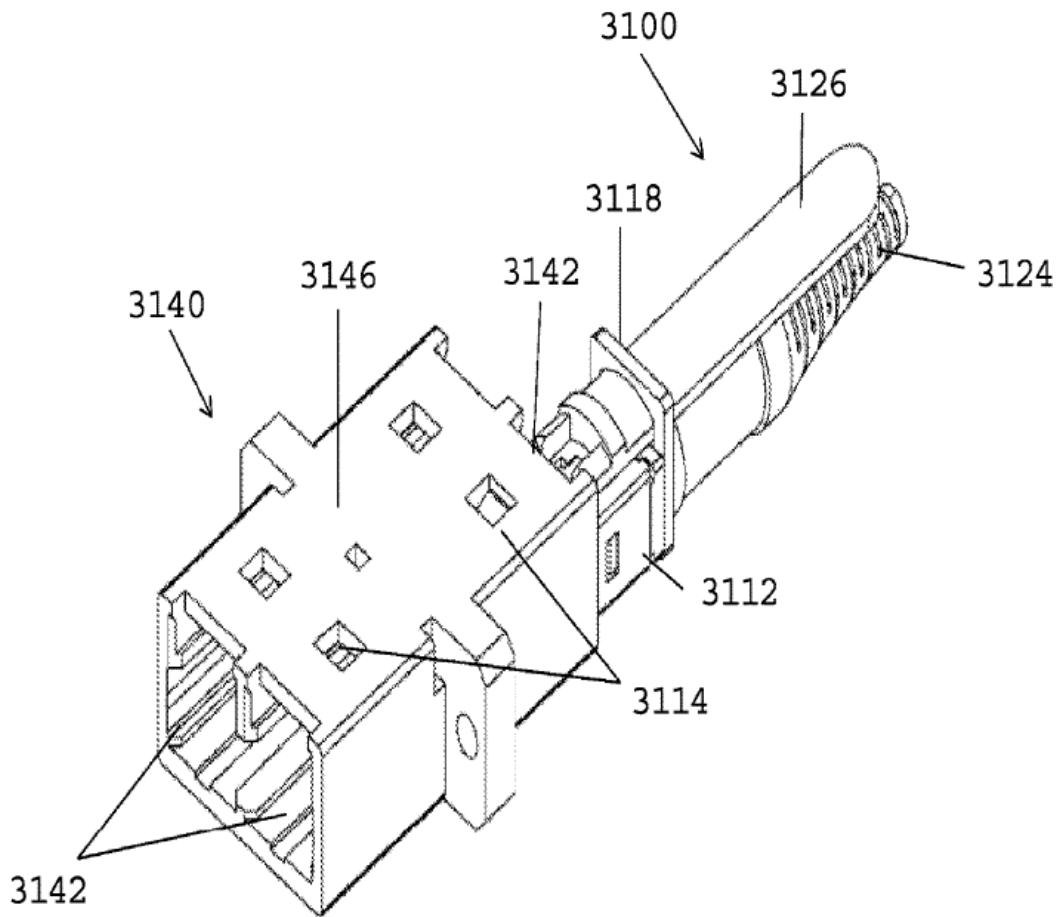


FIG. 25

Figure 25 shows optical fiber connector assembly 3100 coupled to adapter 3140. Ex. 1001, 5:60–62, 15:35–36. The adapter has a plurality of channels 3142 for receiving connectors, such as connector assembly 3100. *Id.* at 15:36–38. Top surface 3146 of the adaptor has a plurality of openings 3144 (labeled “3114” in Figure 25) for engaging a latch arm of the connector. *Id.* at 15:38–43, 15:48–50. As remote release tab 3104 (labeled “3126” in Figure 25) is pulled rearward, the latch arm is released from the

opening, thereby decoupling the connector assembly 3100 from the adapter.
Id. at 15:43–48.

C. Illustrative Claim

Petitioner challenges all thirteen claims of the '836 patent. Claim 1 is the sole independent claim and is reproduced below with Petitioner's claim element designations in brackets.

1. An adapter for mating with optical fiber connectors, the adapter comprising:

[1.1] an outer housing having a first end portion and a second end portion spaced apart along a longitudinal axis, the outer housing comprising a first side wall and a second side wall spaced apart along a lateral axis perpendicular to the longitudinal axis, the outer housing having a width extending along the lateral axis from the first side wall to the second side wall, the outer housing comprising an upper wall and a lower wall spaced apart along a transverse axis oriented perpendicular to the lateral axis and perpendicular to the longitudinal axis, each of the upper wall and the lower wall having an inner surface,

[1.2] the outer housing defining a plurality of channels spaced apart along the width, each of the channels being configured to receive an optical fiber connector, the plurality of channels including first and second channels; and

[1.3] a first longitudinal rib formed on the inner surface of the upper wall at a location spaced apart along the width of the outer housing between the first side wall and the second side wall and a second rib formed on the inner surface of the lower wall at a location spaced apart along the width of the outer housing between the first side wall and the second side wall, the first and second ribs being aligned along the width of the outer housing, the first rib being spaced apart from the second rib along the transverse axis by a transverse gap,

[1.4] wherein the first longitudinal rib and the second longitudinal rib are located between the first and second channels.

Ex. 1001, 18:12–42.

D. Asserted Challenges

Petitioner, supported by the declaration of Dr. William Singhose (Ex. 1003), asserts the following challenges to unpatentability (Pet. 2):²

Claims Challenged	35 U.S.C. §	References/Basis
1–9, 13	102(a)(1)	MDC Receptacle Specification ³
1–3, 6–10, 13	102(a)(2)	Nguyen ⁴
3–5, 8, 10–12	103	Nguyen, Lee ⁵
1, 2, 6–12	102(a)(2)	Nakagawa ⁶
3–5, 13	103	Nakagawa, de Jong ⁷
1–13	103	Kiani, ⁸ Szilagyi, ⁹ Tsuzaki ¹⁰

² The relevant sections of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, took effect on March 16, 2013. The earliest possible effective filing date of the ’836 patent is after this date. *See* Ex. 1001, code (60). Thus, AIA statutes apply to the claims of the ’836 patent.

³ Ex. 1015, QSFP-DD MSA Group, MDC Receptacle Interface Specification Rev. 4, February 2020 (“MDC Receptacle Specification”).

⁴ Ex. 1005, US 2016/0161680 A1, published June 9, 2016 (“Nguyen”).

⁵ Ex. 1006, WO 2017/127208 A1, filed December 21, 2016, published July 27, 2017 (“Lee”).

⁶ Ex. 1012, English translation of Exhibit 1009, JP 2004/354693, published December 16, 2004 (“Nakagawa”).

⁷ Ex. 1010, US 2011/0091159 A1, published April 21, 2011 (“de Jong”).

⁸ Ex. 1007, US 2005/0135752 A1, published June 23, 2005 (“Kiani”).

⁹ Ex. 1013, US 6,764,222 B1, issued July 20, 2004 (“Szilagyi”).

¹⁰ Ex. 1014, WO 2013/100892 A1, published July 4, 2013 (“Tsuzaki”).

III. ANALYSIS

A. *Legal Standard*

A patent claim is unpatentable under 35 U.S.C. § 103 “if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains.” 35 U.S.C. § 103 (2018). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective evidence of nonobviousness.¹¹ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. *Level of Ordinary Skill in the Art*

Petitioner contends that a person of ordinary skill in the art (“POSITA”) “would typically have an undergraduate degree in mechanical engineering, industrial engineering, or a closely related field and one year of experience working with adapters and connectors.” Pet. 13.

For purposes of this Decision, we adopt Petitioner’s proposal as reasonable and consistent with the ’836 patent specification and the prior art.

C. *Claim Construction*

In an *inter partes* review, the Board interprets claim language using the district-court-type standard, as described in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). See 37 C.F.R. § 42.100(b). Under that standard, we generally give claim terms their ordinary and customary

¹¹ The present record does not include any objective evidence of nonobviousness.

meaning, as would be understood by a person of ordinary skill in the art at the time of the invention, in light of the language of the claims, the specification, and the prosecution history. *See Phillips*, 415 F.3d at 1313–14. “The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy.’” *Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

Petitioner asserts that the “Petition affords all terms their ordinary and customary meaning.” Pet. 13. For purposes of this Decision, no claim terms require express construction.

D. Petitioner’s First Challenge: MDC Receptacle Specification

1. Public Accessibility

Petitioner asserts that the MDC Receptacle Specification “was made publicly available on the QSPF-DD MSA website as of February 6, 2020.” Pet. 13 (citing Ex. 1015, 1, 2).

A reference qualifies as a printed publication only if it was publicly accessible before the effective filing date of the challenged patent. 35 U.S.C. § 102(a)(1); *M & K Holdings, Inc. v. Samsung Electronics Co., Ltd.*, 985 F.3d 1376, 1379 (Fed. Cir. 2021). Public accessibility “has been called the touch-stone” in determining whether a reference qualifies as a printed publication. *M & K Holdings*, 985 F.3d at 1379 (quoting *Acceleration Bay, LLC v. Activision Blizzard Inc.*, 908 F.3d 765, 772 (Fed. Cir. 2018)). “A reference will be considered publicly accessible if it was disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising

reasonable diligence, can locate it.” *Id.* (quotes and citations omitted).

For references allegedly published on an Internet website, the relevant inquiries include whether the website was prominent or well-known among persons of ordinary skill in the art and whether interested users of the website could have located the references through reasonable diligence, for example, by using a subject matter index. *M & K Holdings*, 985 F.3d at 1381–82. The relevant facts can be established by metadata or witness testimony, such as the testimony of someone who actually used the website to locate the document or someone who used or operates an Internet archive, such as the Wayback Machine. *Id.* at 1382; *see also Valve Corp. v. Ironburg Inventions Ltd.*, 8 F.4th 1364, 1375 (Fed. Cir. 2021) (Examiner’s use of the Wayback Machine to determine the publication date of a reference was “highly persuasive evidence of public accessibility.”).

Petitioner cites no evidence, other than the MDC Receptacle Specification itself, to show that the reference was publicly accessible as of February 6, 2020. The MDC Receptacle Specification bears that date, but it does not include indicia sufficient to show it was publicly accessible before the effective filing date of the ’836 patent.

Dr. Singhose testifies that a version of the MDC Receptacle Specification dated January 30, 2019 was “provided confidentially to members of the QSFP-DD and SFP-DD multisource agreements,” which he understands “include 63 companies and organizations . . . representing most individuals having interest and ordinary skill in the relevant art.” Ex. 1003 ¶ 117 (citing Ex. 1025). According to Dr. Singhose, “[t]he relevance of this, and similar whitepapers, were well known in the art and would have been readily located and accessible to any interested member of the public.” *Id.*

(citing Exs. 1026, 1027). Dr. Singhose further testifies that he understands “the MDC Receptacle Specification was made publicly available on the QSFP-DD MSA website as of February 6, 2020.” *Id.* ¶ 118.

Petitioner does not cite or rely upon Dr. Singhose’s testimony or the exhibits cited therein to show public accessibility of the MDC Receptacle Specification. Even if it had been relied upon in the Petition, Dr. Singhose’s testimony is not sufficient to establish public accessibility. Dr. Singhose merely states his “understanding” and does not purport to know the factual circumstances surrounding how or when the MDC Receptacle Specification allegedly became publicly available. Dr. Singhose cites Exhibits 1025–1027, but these documents do not appear to mention the MDC Receptacle Specification.

For these reasons and based on the current record, we are not persuaded Petitioner makes a sufficient showing of public accessibility of the MDC Receptacle Specification.

2. Effective Filing Date

Petitioner asserts that the ’836 patent claims are not entitled to a 2017 priority date based on the provisional and non-provisional applications listed on the patent. Pet. 13–17; Ex. 1001, codes (60), (63). In view of our preliminary determination on public accessibility of the MDC Receptacle Specification and the lack of a Patent Owner preliminary response, we decline at this stage to address Petitioner’s priority date assertion, which Petitioner does not rely on for its other challenges. *See* Pet. 31 (asserting that Nguyen qualifies as prior art regardless of the ’836 patent’s priority date).

3. *Claims 1–9 and 13*

Petitioner contends that claims 1–9 and 13 are anticipated by the MDC Receptacle Specification. Pet. 17–31. In view of our preliminary determination on public accessibility and the lack of a Patent Owner preliminary response, we decline at this stage to address Petitioner’s contention that the MDC Receptacle Specification discloses the limitations of claims 1–9 and 13.

E. *Petitioner’s Second Challenge: Nguyen*

Petitioner contends that claims 1–3, 6–10, and 13 are anticipated by Nguyen. Pet. 31–53 (citing Ex. 1003 ¶¶ 234–285). We begin with an overview of Nguyen.

1. *Nguyen (Ex. 1005)*

Nguyen discloses an adapter for aligning fiber optic ferrules inserted from opposing sides of the adapter. Ex. 1005 ¶ 5. Figures 1 and 2 are reproduced below.

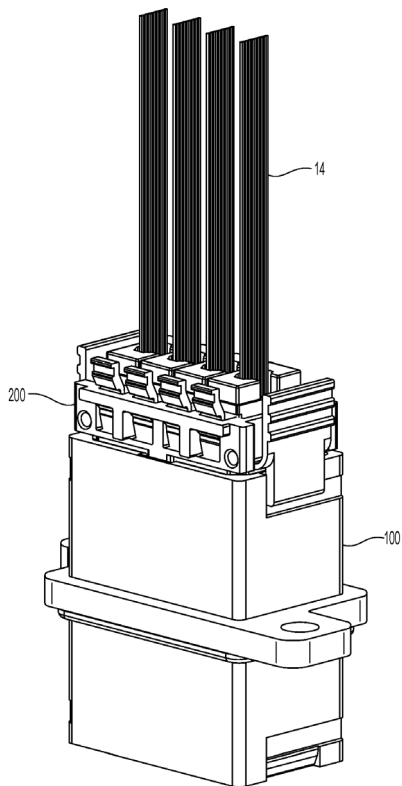


Fig. 1

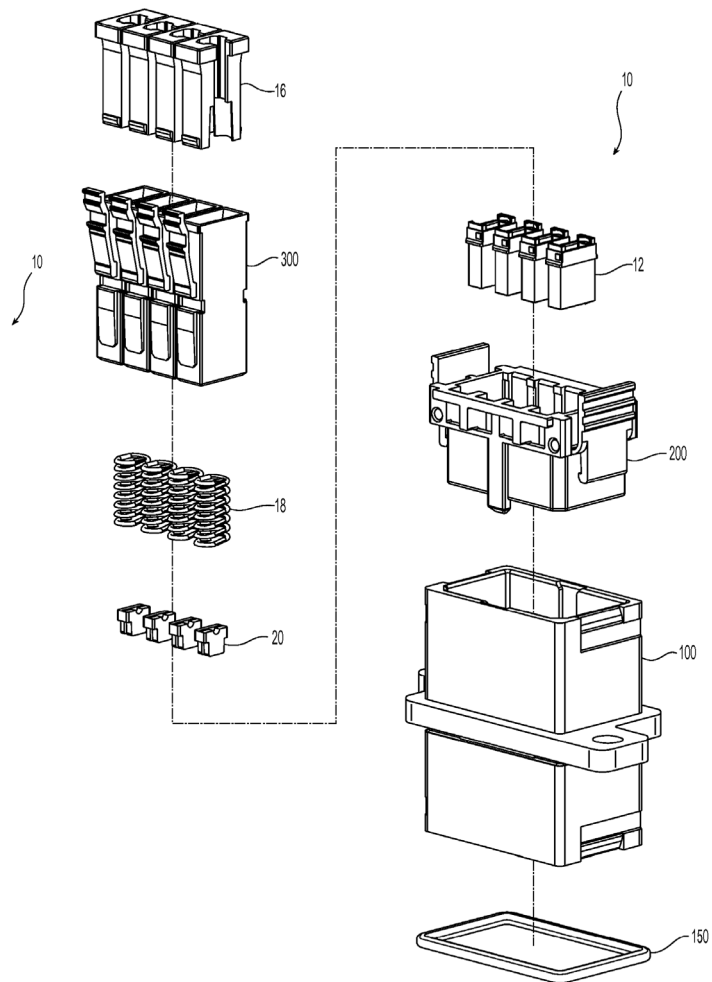


Fig. 2

Nguyen Figures 1 and 2 show adapter assembly 10 including adapter 100, plug 200, and ferrule holder 300. Ex. 1005 ¶ 26. Ferrules 12 have optical fibers 14 and are resiliently held in ferrule holder 300 with spring push 16 that engages spring 18. *Id.*

2. *Independent Claim 1*

a. *Preamble*

Petitioner contends that Nguyen discloses the claim 1 preamble, which recites “an adapter for mating with optical fiber connectors.” Ex. 1001, 18:12. Pet. 32–33 (citing Ex. 1005 ¶¶ 26–30, Figs. 1, 2). We find that Petitioner’s contention for the claim 1 preamble is adequate for purposes

of institution.

b. *Claim Element 1.1*

Claim element 1.1 recites:

an outer housing having a first end portion and a second end portion spaced apart along a longitudinal axis, the outer housing comprising a first side wall and a second side wall spaced apart along a lateral axis perpendicular to the longitudinal axis, the outer housing having a width extending along the lateral axis from the first side wall to the second side wall, the outer housing comprising an upper wall and a lower wall spaced apart along a transverse axis oriented perpendicular to the lateral axis and perpendicular to the longitudinal axis, each of the upper wall and the lower wall having an inner surface.

Ex. 1001, 18:14–25. Petitioner contends that “Nguyen’s plug 200 and adapter 100 combine to form a modular outer housing” and provides annotated versions of Nguyen Figures 1 and 2 identifying first and second end portions, first and second side walls, upper and lower walls each having an inner surface, and longitudinal, transverse, and lateral axes, as recited in claim element 1.1. Pet. 33–34 (citing Ex. 1005 ¶¶ 28, 29, Figs. 1, 2). We find that Petitioner’s contentions for claim element 1.1 are adequate for purposes of institution.

c. *Claim Element 1.2*

Claim element 1.2 recites:

the outer housing defining a plurality of channels spaced apart along the width, each of the channels being configured to receive an optical fiber connector, the plurality of channels including first and second channels.

Ex. 1001, 18:25–29. Petitioner contends that Nguyen’s “[p]lug 200 has an opening with grooves and includes projections defining channels for inserting spaced-apart ferrule holders 300,” which “hold optical fibers and

mate with an adapter to connect with optical fibers on the other side of the adapter.” Pet. 35 (citing Ex. 1005 ¶ 26, Figs. 1, 2). Petitioner provides an annotated version of Nguyen Figure 2 identifying first and second channels of plug 200. Pet. 36. We find that Petitioner’s contentions for claim element 1.2 are adequate for purposes of institution.

d. *Claim Element 1.3*

Claim element 1.3 recites:

a first longitudinal rib formed on the inner surface of the upper wall at a location spaced apart along the width of the outer housing between the first side wall and the second side wall and a second rib formed on the inner surface of the lower wall at a location spaced apart along the width of the outer housing between the first side wall and the second side wall, the first and second ribs being aligned along the width of the outer housing, the first rib being spaced apart from the second rib along the transverse axis by a transverse gap.

Ex. 1001, 18:30–39. Petitioner contends that “Nguyen discloses first and second longitudinal ribs positioned as claimed” and provides an annotated version of Nguyen Figure 2 identifying first and second longitudinal ribs. Pet. 36–37. We find that Petitioner’s contentions for claim element 1.3 are adequate for purposes of institution.

e. *Claim Element 1.4*

Claim element 1.4 recites: “wherein the first longitudinal rib and the second longitudinal rib are located between the first and second channels.” Ex. 1001, 18:40–42. Petitioner contends that “Nguyen discloses that the first and second ribs are located between the first and second channels on the inner surfaces of the upper and lower walls” and provides an annotated version of Nguyen Figure 2 identifying first and second longitudinal ribs and first and second channels. Pet. 37–38. We find that Petitioner’s contentions

for claim element 1.4 are adequate for purposes of institution.

f. *Conclusion for Claim 1*

We determine that Petitioner establishes a reasonable likelihood of prevailing on its challenge to claim 1 as anticipated by Nguyen.

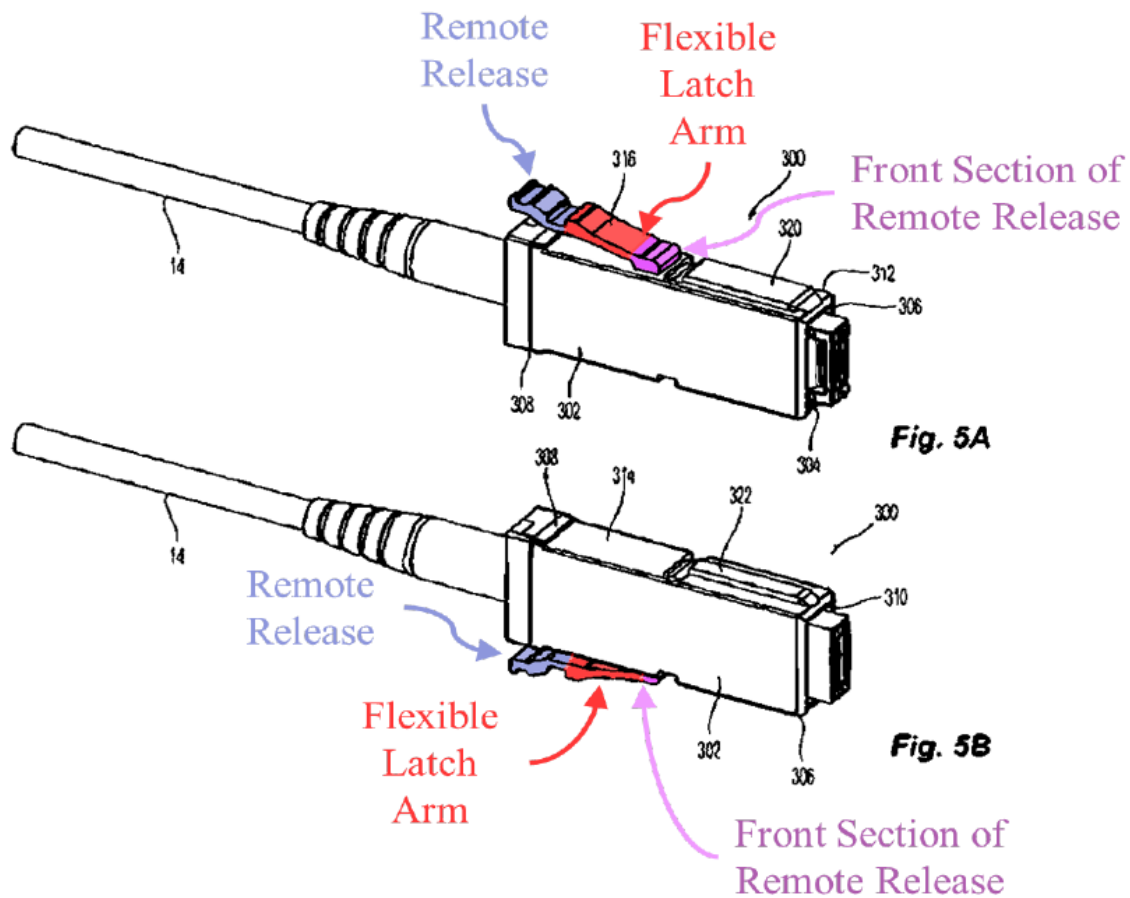
3. *Dependent Claims 2, 3, 6–10, and 13*

Petitioner contends that Nguyen discloses the limitations of dependent claims 2, 3, 6–10, and 13. Pet. 38–53. In view of our preliminary determination for claim 1 and the lack of a Patent Owner preliminary response, we decline at this stage to provide an element-by-element analysis for dependent claims 2, 3, 6–10, and 13.

For claim 3, however, we provide the following guidance. Claim 3 recites, in part:

a flexible latch arm of the first optical fiber connector is latched with the first latch opening and a front section of a remote release of the first optical fiber connector is received in the first channel at a location spaced apart from the first latch opening along the longitudinal axis toward the second end portion of the outer housing.

Ex. 1001, 18:52–57. Petitioner contends that Nguyen discloses the claimed flexible latch arm and remote release and provides the following annotated versions of Nguyen Figures 5A and 5B as support for its contention.



Pet. 42. Nguyen Figures 5A and 5B show ferrule holder 300 having cantilevered latch 316 to engage plug 200 (not shown). Ex. 1005 ¶ 27. Petitioner’s colored annotations divide Nguyen’s latch 316, with the back end identified as a “remote release,” the middle identified as a “flexible latch arm,” and the front end identified as “front section of remote release.”

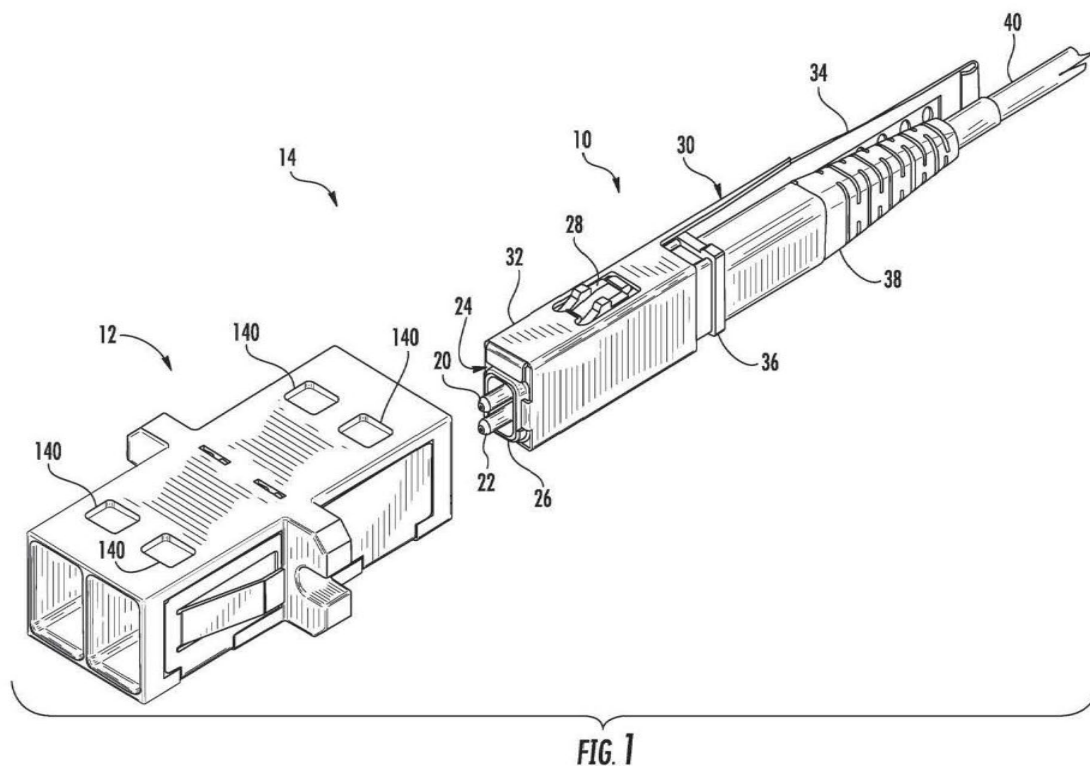
Pet. 42. We are concerned that Petitioner does not adequately identify “a front section of a remote release of the first optical fiber connector,” as claimed, because the structure Petitioner labels “front section of remote release” appears to be a front section of what Petitioner identifies as the “flexible latch arm.”

F. Petitioner's Third Challenge: Nguyen and Lee

Petitioner contends that claims 3–5, 8, and 10–12 would have been obvious in view of Nguyen and Lee. Pet. 53–70 (citing Ex. 1003 ¶¶ 286–347). We begin with an overview of Lee.

1. Lee (Ex. 1006)

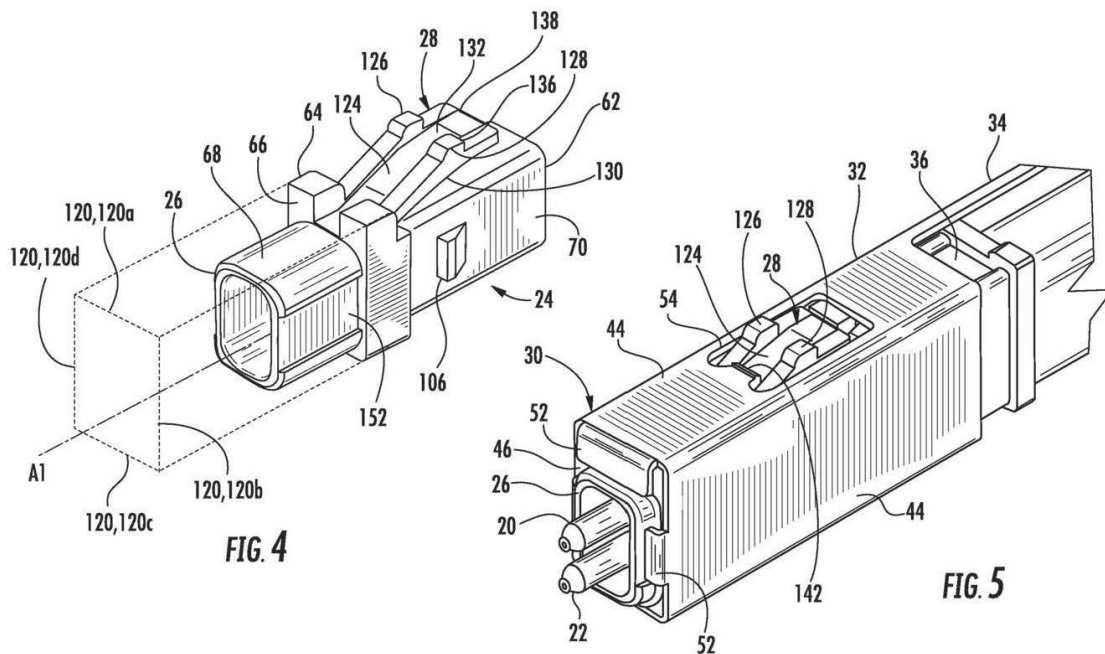
Lee discloses a fiber optic connector. Ex. 1006, code (57). Figure 1 is reproduced below.



Lee Figure 1 shows fiber optic connector system 14 including fiber optic connector 10 and adapter 12. Ex. 1006 ¶¶ 15, 29. Connector 10 includes first and second ferrules 20, 22, as well as inner connector body 24, latch arm 28, and handle 30, which cooperate to releasably retain connector 10 in adapter 12. *Id.* ¶¶ 30, 45, 65. Handle 30 includes housing portion 32 that receives inner connector body 24 and grip portion 34 that extends rearwardly

from housing portion 32. *Id.* ¶ 30. Handle 30 can move relative to inner connector body 24 so that housing portion 32 causes latch arm 28 to flex toward the inner connector body. *Id.*

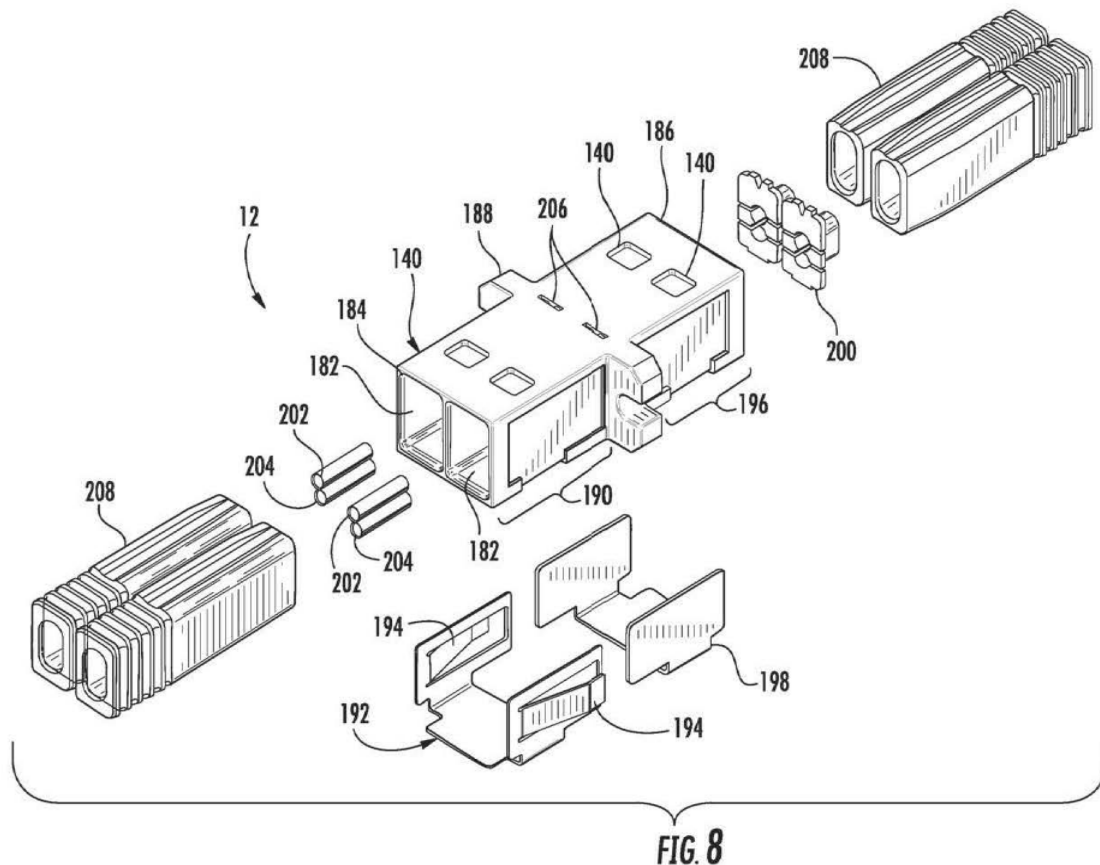
Lee Figures 4 and 5 are reproduced below.



Figures 4 and 5 show a portion of a fiber optic connector and illustrate how inner connector body 24 is received in housing portion 32 of handle 30 and how latch arm 28 cooperates with handle 30. Ex. 1006 ¶¶ 18, 41, 43. As shown in Figures 4 and 5, latch arm 28 has ramp 124 between latching features 126, 128, which engage openings 140 in adapter 12 (Figure 1) to retain connector 10 in adapter 12. *Id.* ¶¶ 43–45, 63. Latch arm 28 extends through opening 54 in housing portion 32, which includes pushing feature 142, such as rounded surface 144 (not shown in Figure 5), adjacent opening 54. *Id.* ¶ 47, Fig. 3. When handle 30 is moved rearwardly relative to inner connector body 24, rounded surface 144 slides along ramp 124 to cause latch arm 28 to flex toward inner connector body 24 and cause the

latching features 126, 128 to disengage from opening 140 so that connector 10 can be removed from adapter 12. *Id.* ¶¶ 47, 65.

Lee Figure 8 is reproduced below.



Lee Figure 8 is an exploded view of adapter 12, which includes adapter body 180 (misabeled 140 in Figure 8) defining ports 182 into which connector 10 can be inserted. Ex. 1006 ¶ 59. Ports 182 define hollow passageways extending between first and second ends 184, 186 of adapter body 180. *Id.* ¶ 60. Adapter 12 includes sleeve holders 200 located half way between first and second ends 184, 186 and configured to position first and second sleeves 202, 204 in each port 182. *Id.* ¶ 62. First and second sleeves 202, 204 are used to align first and second ferrules 20, 22 of connector 10 with similarly shaped ferrules of a mating connector. *Id.*

According to Lee, “[w]hen the ports 182 are not being used to mate components, dust caps 208 may be inserted into the ports to prevent contaminants (e.g., dust and debris) from migrating into the first and second sleeves 202, 204.” *Id.*

2. *Reasons to Combine*

Petitioner contends that it would have been obvious to modify Nguyen’s adapter in two ways. Pet. 54. First, Petitioner asserts it would have been obvious to include “optical-fiber connectors that employ handles configured to remotely release connectors from the adapter” by replacing Nguyen’s connectors with Lee’s connectors. Pet. 54–56 (citing Ex. 1003 ¶¶ 289–295). Second, Petitioner asserts it would have been obvious to include “a transverse wall that includes slots halfway between two ends of the adapter and sleeve holders that employ sockets to mate with cylindrically-shaped ferrules” by replacing Nguyen’s wall with Lee’s sleeve holders. Pet. 54, 56 (citing Ex. 1003 ¶¶ 296–302).

Petitioner provides several reasons for the first modification, including a desire for convenience, tightly packed fiber optic ferrules, ease of maintenance, and scalability. Pet. 54 (citing Ex. 1003 ¶¶ 289–290). According to Petitioner, these goals would be served because “Lee’s handle allows a user to disengage the latch arm further from the adapter” whereas “[t]he latch arms of Nguyen require a user to be closer to the adapter.” *Id.* (citing Ex. 1003 ¶ 289).

Petitioner also provides reasons for the second modification, asserting that “Lee’s sleeve holders are easy to maintain because they are removable, able to snap into place, and coordinate with dust caps to maintain cleanliness, as opposed to Nguyen’s immobile wall.” Pet. 56 (citing

Ex. 1003 ¶ 297). According to Petitioner, “a POSITA would have been motivated to modify Nguyen’s adapter to incorporate Lee’s sleeve holders and slots to provide a system that is easier to maintain.” *Id.* (citing Ex. 1003 ¶¶ 298–299).

We find that Petitioner’s asserted rationale for modifying Nguyen in view of Lee is adequate for purposes of institution.

3. *Claim 3*

a. *Claim Element 3.1*

Claim element 3.1 recites: “wherein the adapter is configured to receive a first one of the optical fiber connectors in the first channel and a second one of the optical fiber connectors in the second channel.” Ex. 1001, 18:48–51.

Petitioner contends that Nguyen discloses claim element 3.1, asserting that Nguyen’s “combined adapter 100 and plug 200 . . . is configured to receive optical-fiber connectors, which include at least ferrules 12 and ferrule holders 300, in its respective channels.” Pet. 57 (citing Ex. 1005 ¶ 26). Petitioner provides an annotated version of Nguyen Figure 2 identifying first and second channels and optical fiber connectors.

We find that Petitioner’s contentions for claim element 3.1 are adequate for purposes of institution.

b. *Claim Element 3.2*

Claim element 3.2 recites:

a flexible latch arm of the first optical fiber connector is latched with the first latch opening and a front section of a remote release of the first optical fiber connector is received in the first channel at a location spaced apart from the first latch opening along the longitudinal axis toward the second end portion of the outer housing.

Ex. 1001, 18:52–57.

Petitioner contends that Lee discloses claim element 3.2, asserting that Lee’s connector 10 includes latch arm 28 with latching features 126, 128 that engage opening 140 of adapter 12 and handle 30 having housing portion 32 that moves relative to inner connector body 24 and causes latch arm 28 to flex toward the inner connector body. Pet. 58 (citing Ex. 1006 ¶¶ 5, 6, 29, 30, Figs. 1, 5, 9, 10, 12–14). Petitioner provides annotated versions of Lee’s Figures 1, 5, and 14 identifying a flexible latch arm, latch openings, a remote release, and a front section of the remote release. Pet. 59–60.

We find that Petitioner’s contentions for claim element 3.2 are adequate for purposes of institution.

c. Claim Element 3.3

Claim element 3.3 recites:

a flexible latch arm of the second optical fiber connector is latched with the second latch opening and a front section of a remote release of the second optical fiber connector is received in the first channel at a location spaced apart from the second latch opening along the longitudinal axis toward the second end portion of the outer housing.

Ex. 1001, 18:58–64.

Petitioner contends that Lee discloses claim element 3.3 and repeats essentially the same contentions as it presents for claim element 3.2.

Compare Pet. 60, *with* Pet. 58.

We find that Petitioner’s contentions for claim element 3.3 are adequate for purposes of institution.

a. Conclusion for Claim 3

We determine that Petitioner establishes a reasonable likelihood of

prevailing on its challenge to claim 3 as obvious in view of Nguyen and Lee.

4. Dependent Claims 4, 5, 8, and 10–12

Petitioner contends that Nguyen in view of Lee discloses the limitations of dependent claims 4, 5, 8, and 10–12. Pet. 61–70. In view of our preliminary determination for claim 3 and the lack of a Patent Owner preliminary response, we decline at this stage to provide an element-by-element analysis for dependent claims 4, 5, 8, and 10–12.

G. Petitioner’s Remaining Challenges

Petitioner contends that claims 1–2 and 6–12 are anticipated by Nakagawa. Pet. 70–82. Petitioner contends that claims 3–5 and 13 would have been obvious in view of Nakagawa and de Jong. Pet. 82–93.

Petitioner contends that claims 1–13 would have been obvious in view of Kiani, Szilagyi, and Tsuzaki. Pet. 93–120. In view of our preliminary determination for claims 1 and 3 and the lack of a Patent Owner preliminary response, we decline at this stage to provide an analysis for these additional challenges.

IV. CONCLUSION

For the reasons above, we determine that the information presented in the Petition establishes a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim of the ’836 patent. At this stage, we have not made a final determination with respect to the patentability of the challenged claims.

V. ORDER

For the foregoing reasons, it is

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–13 of the '836 patent is hereby instituted with respect to all grounds of unpatentability set forth in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial will commence on the entry date of this Decision.

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