

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BELDEN CANADA ULC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
COMMSCOPE, INC., COMMSCOPE, INC.	)	C.A. No. 23-810-RGA
OF NORTH CAROLINA, and COMMSCOPE	)	
TECHNOLOGIES LLC,	)	
	)	
Defendants.	)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 7 of the Scheduling Order (D.I. 19), Plaintiff Belden Canada ULC (“Plaintiff”) and Defendants CommScope, Inc., CommScope Inc. of North Carolina, and CommScope Technologies, LLC (collectively, “Defendants”) hereby submit this Joint Claim Construction Chart for the disputed terms/phrases in U.S. Patent Nos. 10,795,107 (the “’107 Patent”), 11,435,542 (the “’542 Patent”), 11,656,422 (the “’422 Patent”), and 11,740,423 (the “’423 Patent”) (collectively “Asserted Patents”).

The parties have eight (8) total claim construction disputes across the four (4) patents and thirty-two (32) asserted claims. Multiple terms concern the same or substantially similar disputed issues; thus, they are grouped together (*e.g.*, 5a, 5b, 5c...) in the chart. The terms/phrases and constructions are set forth below, along with an identification of supporting intrinsic evidence and the parties’ non-argumentative explanations of why resolution of the dispute makes a difference. The parties expressly reserve the right to rely upon evidence cited by one another. The parties reserve the right to amend their constructions, and to rely on additional intrinsic or extrinsic evidence as the claim construction process proceeds.

I. Claim Terms/Phrases Not in Dispute and Stipulated Constructions

Patent(s)/Claim(s)	Term/Phrase	Stipulated Construction
'107 Patent, Claim 1; '542 Patent, Claim 1	"cassettes arrangeable side by side along said tray front end"	"cassettes arrangeable side by side on or beside the front end of the tray"
'107 Patent, Claim 8; '542 Patent, Claim 8	"releasably securing said selected cassettes along the front edge of the tray"	"releasably securing said cassettes on or beside the front edge of the tray"
'422 Patent, Claim 1	"cassettes that are each configured to be arranged side by side along the front tray end portion of the tray"	"cassettes that are each configured to be arranged side by side on or beside the front tray end portion of the tray"
'423 Patent, Claims 1, 9	"receptable"	"receptacle"
'423 Patent, Claim 1	"a standard U-space width dimension"	"a width dimension defined in the EIA/ECA-310-E standard"

II. Claim Terms/Phrases in Dispute and Proposed Constructions

Attached as Joint Exhibit A is a chart identifying: (1) the disputed terms/phrases; (2) each party's proposed construction of the disputed claim language; and (3) citation(s) to the intrinsic evidence in support of the parties' respective proposed constructions. *See* D.I. 19 at ¶ 7. Additionally, text searchable PDF copies of the '107 Patent, '542 Patent, '422 Patent, and '423 Patent are attached as Joint Exhibits B, C, D, and E, respectively. Copies of the portions of the intrinsic evidence relied upon by the parties are attached hereto as follows:

Joint Exhibit	Document Description
A	Joint Claim Construction Chart
B	U.S. Patent No 10,795,107
C	U.S. Patent No 11,435,542
D	U.S. Patent No 11,656,422
E	U.S. Patent No 11,740,423

Joint Exhibit	Document Description
F	Prosecution History for U.S. Patent No. 10,795,107 (BCU MC000044-314)
G	Prosecution History for U.S. Patent No. 11,435,542 (BCU MC000518-812)
H	Prosecution History for U.S. Patent No. 11,656,422 (BCU MC000334-499)
I	Prosecution History for U.S. Patent No. 11,740,423 (BCU MC000813-1015)

Dated: June 21, 2024

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Exhibit A

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The parties have eight (8) total claim construction disputes across the four (4) patents and thirty-two (32) asserted claims. Multiple terms concern the same or substantially similar disputed issues; thus, they are grouped together (*e.g.*, 5a, 5b, 5c...) in the chart.

#	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Why Resolution of Dispute Makes a Difference	Plaintiff's Intrinsic Support	Defendants' Intrinsic Support
1a	"standard width unit" '107 Patent (claims 1, 8) '542 Patent (claims 1, 8) '422 Patent (claims 1, 18, 40)	Not indefinite – "a unit of width that accommodates a single receptacle module, such as a LC Quad (SC Duplex) technology footprint comprising four connectors"	A standard width unit means an actual width that is standardized in the industry. For example, the width of an SC Duplex footprint. Otherwise, indefinite.	<u>Defendants' Position:</u> Defendants' construction is dispositive of all asserted claims in all the asserted patents. Every asserted claim requires a version of Term 1. <u>Plaintiff's Position:</u> Construction of this term addresses Defendants' indefiniteness claim, and may also impact infringement and/or validity.	<u>'107 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 14-19, 38-67; Col. 2, lines 1-3, 17-20, 25-35; Col. 3, lines 36-67; Col. 4, lines 8-54; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>'107 Patent File History (in its entirety, including, without limitation, for example):</u> April 29, 2019 Office Action (BCU_MC000171-BC_MC000184); July 24, 2019 Response to Office Action (BCU_MC000187-BCU_MC000195); August 12, 2019 Office Action (BCU_MC000196-BCU_MC000209);	The plain language of the claims. <u>'107 patent specification, e.g.:</u> -3:60-67 -3:42-45, 4:21-26, 4:35-40, 4:50-54 -1:15-19; 1:63:2-4, 2:61-65, 4:8-12, Figs. 1-4, Figs., 4A-4D, 5A-5C, Abstract <u>'542 patent specification, e.g.:</u> -3:56-63 -3:38-41, 4:17-22, 4:31-36,

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					October 15, 2019 Response to Office Action (BCU_MC000212- BCU_MC000220). <u>'542 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 15- 20, 39-67; Col. 2, lines 1-8, 12-15, 20-29; Col. 3, lines 32-67; Col. 4, lines 4-50; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C <u>'542 Patent File History (in its entirety, including, without limitation, for example):</u> September 10, 2021 Office Action (BCU_MC000702- BCU_MC000715); December 10, 2021 Response to Non-Final Office Action (BCU_MC000728- BCU_MC000735); December 21, 2021 Office Action (BCU_MC000737- BCU_MC000750); February 21, 2022 Response to Final Office Action (BCU_MC000753- BCU_MC000761); March 2, 2022 Advisory Action	4:46-49 -1:15-20, 1:64- 2:8, 2:56-58, 4:4-8, Figs. 1-4, Figs., 4A-4D, 5A-5C, Abstract <u>'422 patent specification, e.g.:</u> -3:37-44 -3:18-21, 3:66- 4:3, 4:13-18, 4:28-32 -1:18-23, 1:43- 56, 2:37-38, 3:14-36, 3:52- 56, Figs. 1-4, Figs., 4A-4D, 5A-5C, Abstract <u>'107 patent file history, e.g.:</u> -Apr. 29, 2019 Office Action -July 24, 2019 Response -Aug. 12, 2019 Office Action -October 15, 2019 Response -Dec. 12, 2019 Office Action -Apr. 20, 2020 Response
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					Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768); April 20, 2022 Response to Final Office Action (BCU_MC000769-BCU_MC000775); May 2, 2022 Notice of Allowability (BCU_MC000784-BCU_MC000789). <u>'422 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 19-24, 44-56, 60-63; Col. 2, lines 1-10; Col. 3, lines 11-44, 52-67; Col. 4, lines 1-32; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>'422 Patent File History (in its entirety, including, without limitation, for example):</u> March 8, 2023 Notice of Allowability (BCU_MC000464-BCU_MC000471).	-June 1, 2020 Allowance <u>'542 patent file history, e.g.:</u> -Sept. 10, 2021 Office Action --- Dec. 10, 2021 Response -Dec. 21, 2021 Office Action -Feb. 21, 2022 Response -Mar. 2, 2022 Advisory Action -April 20, 2022 Response to -May 2, 2022 Allowance <u>'422 patent file history, e.g.:</u> -March 8, 2023 Allowance <u>Prior art of record, e.g.:</u> -U.S. Patent No. 10,215,944 -U.S. Pat. Pub. 2016/0062050 -U.S. Patent 9,008,485 -U.S. Patent Pub. 2002/0131730
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						-U.S. Patent No. 10,514,518 -U.S. Patent 9,690,064
1b	“standard one width (1 W) unit” ’423 Patent (Claims 1, 9, 17)	“a unit of width that accommodates a single receptacle module, such as a LC Quad (SC Duplex) technology footprint comprising four connectors”	A standard width unit means an actual width that is standardized in the industry. For example, the width of an SC Duplex footprint. Otherwise, indefinite.	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of all asserted claims in all the asserted patents. Every asserted claim requires a version of Term 1. <u>Plaintiff’s Position:</u> Construction of this term addresses Defendants’ indefiniteness claim, and may also impact infringement and/or validity.	<u>’423 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 22-30, 49-67; Col. 2, lines 1-67; Col. 3, lines 1-67; Col. 4, lines 1-67; Col. 5, lines 1-67; Col. 6, lines 1-60; Col. 7, lines 15-18, 23-32; Col. 8, lines 33-64; Col. 9, lines 5-51; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>’423 Patent File History (in its entirety, including, without limitation, for example):</u> April 10, 2023 Notice of Allowability (BCU_MC000966-BCU_MC000973).	The plain language of the claims. <u>’423 patent specification, e.g.:</u> -8:57-64, -8:39-42, 9:18-23, 9:32-37, 9:47-51 -1:22-30, 3:3-13, 3:35-42, 4:51-64, 6:10-20, 8:36-56, 8:57-64, 9:5-9, 9:10-23, 9:24-37, 9:38-51, Figs. 1-4, Figs., 4A-4D, 5A-5C, Abstract. <u>’423 patent file history, e.g.:</u> -April 10, 2023 Allowance -Same intrinsic evidence identified for Term 1a

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2a	“cassette width of one of one, two, three, four and six standard width units” ’107 Patent (Claim 1)	“cassette width that accommodates one of one, two, three, four, or six receptacle modules”	“The cassette width equals one, two, three, four, or six times the standard width unit, without an additional amount. This means the cassette width must be evenly divisible by the standard width unit.”	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of infringement for all asserted claims in all the asserted patents. Every asserted claim requires a version of Term 2. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’107 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 14-19, 38-67; Col. 2, lines 17-20, 25-35; Col. 3, lines 36-67; Col. 4, lines 8-54; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>’107 Patent File History (in its entirety, including, without limitation, for example):</u> April 29, 2019 Office Action (BCU_MC000171-BC_MC000184); July 24, 2019 Response to Office Action (BCU_MC000187-BCU_MC000195); August 12, 2019 Office Action (BCU_MC000196-BCU_MC000209); October 15, 2019 Response to Office Action (BCU_MC000212-BCU_MC000220).	The plain language of the claims. <u>’107 patent specification, e.g.:</u> -3:42-45, 4:21-26, 4:35-40, 4:50-54 -1:15-19; 1:63:2-4, 2:61-65, 4:8-12, Figs. 1-7, 3:60-67, Abstract <u>’107 patent file history, e.g.:</u> -Apr. 29, 2019 Office Action -July 24, 2019 Response -Aug. 12, 2019 Office Action -October 15, 2019 Response -Dec. 12, 2019 Office Action -Apr. 20, 2020 Response -June 1, 2020 Allowance <u>-’542 patent file history, e.g.:</u>
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						-Sept. 10, 2021 Office Action --- Dec. 10, 2021 Response -Dec. 21, 2021 Office Action -Feb. 21, 2022 Response -Mar. 2, 2022 Advisory Action -April 20, 2022 Response to -May 2, 2022 Allowance <u>'422 patent file history, e.g.:</u> March 8, 2023 Allowance <u>'423 patent file history, e.g.:</u> -April 10, 2023 Allowance <u>Prior art of record, e.g.:</u> -U.S. Patent No. 10,215,944
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2b	“cassette width as measured between outer side edges thereof of one of one, two, three, four and six standard width units” ’542 Patent (Claim 1)	“cassette width as measured between outer side edges thereof that accommodates one of one, two, three, four, or six receptacle modules”	“The cassette width as measured between outer side edges thereof equals one, two, three, four, or six times the standard width unit, without an additional amount. This means the cassette width must be evenly divisible by the standard width unit.”	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of infringement for all asserted claims in all the asserted patents. Every asserted claim requires a version of Term 2. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’542 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 15-20, 39-67; Col. 2, lines 1-8, 12-15, 20-29; Col. 3, lines 32-67; Col. 4, lines 4-50; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C <u>’542 Patent File History (in its entirety, including, without limitation, for example):</u> September 10, 2021 Office Action (BCU_MC000702-BCU_MC000715); December 10, 2021 Response to Non-Final Office Action (BCU_MC000728-BCU_MC000735); December 21, 2021 Office Action (BCU_MC000737-BCU_MC000750); February 21, 2022 Response to Final Office Action (BCU_MC000753-BCU_MC000761); March 2, 2022 Advisory Action Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768); April 20, 2022 Response to Final	The same intrinsic evidence identified for Term 2a.
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					Office Action (BCU_MC000769-BCU-MC000775); May 2, 2022 Notice of Allowability (BCU_MC000784-BCU_MC000789).	
2c	“cassette width, as measured between outer side edges thereof, of two, three, four, or six standard width units” ’422 Patent, (Claim 1)	“cassette width as measured between outer side edges thereof that accommodates one of one, two, three, four, or six receptacle modules”	“The cassette width, as measured between outer side edges thereof, equals two, three, four, or six times the standard width unit, without an additional amount. This means the cassette width must be evenly divisible by the standard width unit.”	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of infringement for all asserted claims in all the asserted patents. Every asserted claim requires a version of Term 2. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’422 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 19-24, 44-56, 60-63; Col. 2, lines 1-10; Col. 3, lines 11-44, 52-67; Col. 4, lines 1-32; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>’422 Patent File History (in its entirety, including, without limitation, for example):</u> March 8, 2023 Notice of Allowability (BCU_MC000464-BCU_MC000471).	The same intrinsic evidence identified for Term 2a.

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2d	“each of the modular fiber optic cassettes ... defining a standard cassette width unit ... that comprises a standard two width (2 W) unit, a standard three width (3 W) unit, a standard four width (4 W) unit, or a standard a standard six width (6 W) unit relative to the standard one width (1 W) unit” (Defendants) / “each of the modular fiber optic cassettes includes a first cassette side end portion and a second cassette side end portion defining a standard cassette width unit extending between the first cassette side end portion and the second cassette side end portion that comprises a unit that accommodates two receptacle modules, a unit that accommodates three receptacle modules, a unit that accommodates four receptacle modules, or a unit that accommodates six receptacle modules, relative to a unit that accommodates one receptacle module”	“each of the modular fiber optic cassettes includes a first cassette side end portion and a second cassette side end portion defining a standard cassette width unit extending between the first cassette side end portion and the second cassette side end portion that comprises a unit that accommodates two receptacle modules, a unit that accommodates three receptacle modules, a unit that accommodates four receptacle modules, or a unit that accommodates six receptacle modules, relative to a unit that accommodates one receptacle module”	“Each of the modular fiber optic cassettes has a cassette width that equals two, three, four, or six times the standard one width unit, without an additional amount. This means the cassette widths must be evenly divisible by the standard width unit.”	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of infringement for all asserted claims in all the asserted patents. Every asserted claim requires a version of Term 2. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’423 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 22-30, 49-67; Col. 2, lines 1-67; Col. 3, lines 1-67; Col. 4, lines 1-67; Col. 5, lines 1-67; Col. 6, lines 1-60; Col. 7, lines 15-18, 23-32; Col. 8, lines 33-64; Col. 9, lines 5-51; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>’423 Patent File History (in its entirety, including, without limitation, for example):</u> April 10, 2023 Notice of Allowability (BCU_MC000966-BCU_MC000973).	The same intrinsic evidence identified for Term 2a.
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	standard a standard six width (6 W) unit relative to the standard one width (1 W) unit” (Plaintiff) '423 Patent, (Claim 1)					
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2e	“cassettes include a 2 W cassette size that is configured to fit a standard two width (2 W) unit relative to the standard one width (1 W) unit, a 3 W cassette size that is configured to fit a standard three width (3 W) unit relative to the standard one width (1 W) unit, a 4 W cassette size that is configured to fit a standard four width (4 W) unit relative to the standard one width (1 W) unit, and a 6 W cassette size that is configured to fit a standard six width (6 W) unit relative to the standard one width (1 W) unit” ’423 Patent, (Claims 9, 17)	“cassettes include a size that is configured to accommodate two receptacle modules relative to the unit that accommodates one receptacle module, a size that is configured to accommodate three receptacle modules relative to the unit that accommodates one receptacle module, a size that is configured to accommodate four receptacle modules relative to the unit that accommodates one receptacle module, and a size that is configured to accommodate six receptacle modules relative to the unit that accommodates one receptacle module”	“Each of the recited cassette sizes has a cassette width that equals two, three, four, or six times the standard one width unit, without an additional amount. This means the cassette widths must be evenly divisible by the standard width unit.”	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of infringement for all asserted claims in all the asserted patents. Every asserted claim requires a version of Term 2. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’423 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 19-24, 44-56, 60-63; Col. 2, lines 1-10; Col. 3, lines 11-44, 52-67; Col. 4, lines 1-32; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>’422 Patent File History (in its entirety, including, without limitation, for example):</u> April 10, 2023 Notice of Allowability (BCU_MC000464-BCU_MC000471).	The same intrinsic evidence identified for Term 2a.
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3	“cassette width, as measured between the outer side edges thereof, of two, three, four, and six standard width units” ’422 Patent (Claims 18, 40)	“cassette width, as measured between the outer side edges thereof, of two, three, four, or six standard width units”	The term “and” has its plain and ordinary meaning, which does not mean “or.”	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of infringement of these claims. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’422 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 19-24, 44-56, 60-63; Col. 2, lines 1-10; Col. 3, lines 11-44, 52-67; Col. 4, lines 1-32; Col. 7, lines 1-6; Col. 8, lines 54-63; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C.	The plain language of the claims.
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4	“a width of the front edge is substantially evenly divisible by said standard width unit” ’107 Patent (Claim 8) ’542 Patent (Claims 8, 13)	Not indefinite – “a width of the front edge of the tray is evenly divisible by the unit of width that accommodates a single receptacle module, such as a LC Quad (SC Duplex) technology footprint comprising four connectors. ‘Substantially,’ in this context, means that there may be some excess space between a cassette and an end of the front edge of the tray.”	Indefinite.	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of validity for these claims. <u>Plaintiff’s Position:</u> Construction of this term addresses Defendants’ indefiniteness claim, and may also impact infringement and/or validity.	<u>’107 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 14-19, 38-67; Col. 2, lines 2-3, 17-20, 25-35; Col. 3, lines 36-67; Col. 4, lines 8-54; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>’107 Patent File History (in its entirety, including, without limitation, for example):</u> April 29, 2019 Office Action (BCU_MC000171-BCU_MC000184); July 24, 2019 Response to Office Action (BCU_MC000187-BCU_MC000195); August 12, 2019 Office Action (BCU_MC000196-BCU_MC000209); October 15, 2019 Response to Office Action (BCU_MC000212-BCU_MC000220). <u>’542 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 15-20, 39-67; Col. 2, lines 1-8, 12-15, 20-29; Col. 3, lines 32-67; Col. 4, lines 4-50;	The plain language of the claims. <u>’107 patent specification, e.g.:</u> -Figs. 1, 3, 4A-4D, 5A-5D, 7A-3:42-45, 4:21-26, 4:35-40, 4:50-54 -1:15-19; 1:63:2-4, 2:61-65, 4:8-12, Figs. 1-4, Figs., 4A-4D, 5A-5C, Abstract
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					Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C. <u>'542 Patent File History (in its entirety, including, without limitation, for example):</u> February 21, 2022 Response to Final Office Action (BCU_MC000753-BCU_MC000761); March 2, 2022 Advisory Action Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768).	
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5a	“directly adjacent” (Defendants) / “an outer side edge of each of said selected cassettes is directly adjacent an outer side edge of at least one other selected cassette” (Plaintiff) ’542 Patent (Claims 1, 8)	“an outer side edge of each of said selected cassettes is almost touching or touching, without any intervening structure, an outer side edge of at least one other selected cassette”	“an outer side edge of each of said selected cassettes is almost touching or touching an outer side edge of at least one other selected cassette. This excludes arrangements with any intervening structure such as a rail between an outer side edge of a cassette and an outer side edge of at least one other selected cassette”	<u>Defendants’ Position:</u> There is a disclaimer in the prosecution history that limits the meaning of “directly adjacent.” The scope of a disclaimer is a question of law for the Court. CommScope asserts non-infringement based on the disclaimer. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’542 Patent (in its entirety, including, without limitation, for example):</u> Col. 2, lines 12-15, 20-29, 35-40, 61-64; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A. <u>’542 Patent File History (in its entirety, including, without limitation, for example):</u> September 10, 2021 Office Action (BCU_MC000702-BCU_MC000715); December 10, 2021 Response to Non-Final Office Action (BCU_MC000728-BCU_MC000735); December 21, 2021 Office Action (BCU_MC000737-BCU_MC000750); February 21, 2022 Response to Final Office Action (BCU_MC000753-BCU_MC000761); March 2, 2022. Advisory Action Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768); April 20, 2022 Response to Final Office Action (BCU_MC000769-BCU-	<u>’542 patent specification, e.g.:</u> -Figs. 1-7 -4:17-22, 4:31-36, 4:46-50 <u>’542 patent file history, e.g.:</u> -Sept. 10, 2021 Office Action --- Dec. 10, 2021 Response -Dec. 21, 2021 Office Action -Feb. 21, 2022 Response -Mar. 2, 2022 Advisory Action -April 20, 2022 Response to -May 2, 2022 Allowance <u>’107 patent file history, e.g.:</u> -Apr. 29, 2019 Office Action -July 24, 2019 Response -Aug. 12, 2019 Office Action -October 15, 2019 Response -Dec. 12, 2019
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					MC000775); May 2, 2022 Notice of Allowability (BCU_MC000784- BCU_MC000789).	Office Action -Apr. 20, 2020 Response -June 1, 2020 Allowance <u>Prior art of record, e.g.:</u> -U.S. Patent No. 10,215,944 -U.S. Patent No. 4,792,203 -U.S. Pat. Pub. 2016/0062050 The plain language of the claims.
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5b	“directly adjacent” (Defendants) / “an outer side edge of each of the selected plurality of fiber optic cassettes is directly adjacent to an outer edge of at least one other fiber optic cassette” (Plaintiff) ’422 Patent (Claim 1)	“an outer side edge of each of the selected plurality of fiber optic cassettes is almost touching or touching, without any intervening structure, an outer edge of at least one other fiber optic cassette”	“an outer side edge of each of the selected plurality of fiber optic cassettes is almost touching or touching an outer edge of at least one other fiber optic cassette. This excludes arrangements with any intervening structure such as a rail between an outer side edge of a cassette and an outer edge of at least one other selected cassette”	<u>Defendants’ Position:</u> There is a disclaimer in the prosecution history that limits the meaning of “directly adjacent.” The scope of a disclaimer is a question of law for the Court. CommScope asserts non-infringement based on the disclaimer. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’422 Patent (in its entirety, including, without limitation, for example):</u> Col. 1, lines 60-63 Col. 2, lines 1-10, 16-21, 42-45; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A. <u>’422 Patent File History (in its entirety, including, without limitation, for example):</u> March 8, 2023 Notice of Allowability (BCU_MC000464-BCU_MC000471). <u>’542 Patent File History (in its entirety, including, without limitation, for example):</u> September 10, 2021 Office Action (BCU_MC000702-BCU_MC000715); December 10, 2021 Response to Non-Final Office Action (BCU_MC000728-BCU_MC000735); December 21, 2021 Office Action (BCU_MC000737-BCU_MC000750); February 21, 2022 Response to Final Office Action (BCU_MC000753-	The same intrinsic evidence identified for Term 5a.
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Joint Exhibit A

					BCU_MC000761); March 2, 2022 Advisory Action Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768); April 20, 2022 Response to Final Office Action (BCU_MC000769-BCU_MC000775); May 2, 2022 Notice of Allowability (BCU_MC000784-BCU_MC000789).	
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Joint Exhibit A

5c	“directly adjacent” (Defendants) / “an outer side edge portion of each of the selected plurality of the set of fiber optic cassettes faces a <u>directly adjacent</u> outside edge portion of at least one other selected fiber optic cassette” (Plaintiff) ’422 Patent (Claim 10)	“an outer side edge portion of each of the selected plurality of the set of fiber optic cassettes almost touches or touches, without any intervening structure, an outside edge portion of at least one other selected fiber optic cassette”	“an outer side edge portion of each of the selected plurality of fiber optic cassettes faces and is almost touching or touching an outside edge portion of at least one other selected fiber optic cassette. This excludes arrangements with any intervening structure such as a rail between an outer side edge portion of a cassette and an outside edge portion of at least one other selected fiber optic cassette”	<u>Defendants’ Position:</u> There is a disclaimer in the prosecution history that limits the meaning of <u>“directly adjacent.”</u> The scope of a disclaimer is a question of law for the Court. CommScope asserts non-infringement based on the disclaimer. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’422 Patent (in its entirety, including, without limitation, for example):</u> Col. 1, lines 60-63 Col. 2, lines 1-10, 16-21, 42-45; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A. <u>’422 Patent File History (in its entirety, including, without limitation, for example):</u> March 8, 2023 Notice of Allowability (BCU_MC000464-BCU_MC000471). <u>’542 Patent File History (in its entirety, including, without limitation, for example):</u> September 10, 2021 Office Action (BCU_MC000702-BCU_MC000715); December 10, 2021 Response to Non-Final Office Action (BCU_MC000728-BCU_MC000735); December 21, 2021 Office Action (BCU_MC000737-BCU_MC000750); February 21, 2022 Response to Final Office Action (BCU_MC000753-	The same intrinsic evidence identified for Term 5a.
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Joint Exhibit A

					BCU_MC000761); March 2, 2022 Advisory Action Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768); April 20, 2022 Response to Final Office Action (BCU_MC000769-BCU_MC000775); May 2, 2022 Notice of Allowability (BCU_MC000784-BCU_MC000789).	
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Joint Exhibit A

5d	“directly adjacent” (Defendants) / “the outer side edge of each of the selected plurality of fiber optic cassettes is <u>directly adjacent</u> to the outer edge of at least one other fiber optic cassette” (Plaintiff) ’422 Patent (Claims 20, 45)	“the outer side edge of each of the selected plurality of fiber optic cassettes almost touches or touches, without any intervening structure, the outer edge of at least one other fiber optic cassette”	“the outer side edge of each of the selected plurality of fiber optic cassettes is almost touching or touching the outer edge of at least one other fiber optic cassette. This excludes arrangements with any intervening structure such as a rail between the outer side edge of a cassette and the outer edge of at least one other fiber optic cassette”	<u>Defendants’ Position:</u> There is a disclaimer in the prosecution history that limits the meaning of <u>“directly adjacent.”</u> The scope of a disclaimer is a question of law for the Court. CommScope asserts non-infringement based on the disclaimer. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’422 Patent (in its entirety, including, without limitation, for example):</u> Col. 1, lines 60-63 Col. 2, lines 1-10, 16-21, 42-45; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A. <u>’422 Patent File History (in its entirety, including, without limitation, for example):</u> March 8, 2023 Notice of Allowability (BCU_MC000464-BCU_MC000471). <u>’542 Patent File History (in its entirety, including, without limitation, for example):</u> September 10, 2021 Office Action (BCU_MC000702-BCU_MC000715); December 10, 2021 Response to Non-Final Office Action (BCU_MC000728-BCU_MC000735); December 21, 2021 Office Action (BCU_MC000737-BCU_MC000750); February 21, 2022 Response to Final Office Action (BCU_MC000753-	The same intrinsic evidence identified for Term 5a.
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Joint Exhibit A

					BCU_MC000761); March 2, 2022 Advisory Action Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768); April 20, 2022 Response to Final Office Action (BCU_MC000769-BCU_MC000775); May 2, 2022 Notice of Allowability (BCU_MC000784-BCU_MC000789).	
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Joint Exhibit A

5e	“directly adjacent” (Defendants) / “a cassette side end portion that is directly adjacent to a cassette side end portion of another module fiber optic cassette” (Plaintiff) ’423 Patent (Claims 5, 13, 23)	“a cassette side end portion that almost touches or touches, without any intervening structure, a cassette side end portion of another module fiber optic cassette”	“a cassette side end portion that is almost touching or touching a cassette side end portion of another module fiber optic cassette. This excludes arrangements with any intervening structure such as a rail between a cassette side end portion and a cassette side end portion of another module fiber optic cassette”	<u>Defendants’ Position:</u> There is a disclaimer in the prosecution history that limits the meaning of “directly adjacent.” The scope of a disclaimer is a question of law for the Court. CommScope asserts non-infringement based on the disclaimer. <u>Plaintiff’s Position:</u> Construction of this term may impact infringement and/or validity.	<u>’423 Patent (in its entirety, including, without limitation, for example):</u> Col. 7, lines 15-18, 23-32, 38-43, 64-67; Col. 8, lines; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A. <u>’423 Patent File History (in its entirety, including, without limitation, for example):</u> April 10, 2023 Notice of Allowability (BCU_MC000966-BCU_MC000973). <u>’542 Patent File History (in its entirety, including, without limitation, for example):</u> September 10, 2021 Office Action (BCU_MC000702-BCU_MC000715); December 10, 2021 Response to Non-Final Office Action (BCU_MC000728-BCU_MC000735); December 21, 2021 Office Action ((BCU_MC000737-BCU_MC000750); February 21, 2022 Response to Final Office Action (BCU_MC000753-	The same intrinsic evidence identified for Term 5a.
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Joint Exhibit A

					BCU_MC000761); March 2, 2022 Advisory Action Before the Filing of an Appeal Brief (BCU_MC000763-BCU_MC000768); April 20, 2022 Response to Final Office Action (BCU_MC000769-BCU_MC000775); May 2, 2022 Notice of Allowability (BCU_MC000784-BCU_MC000789).	
6	“wherein each of the plurality of different modular fiber optic cassette configurations includes a plurality of different sizes of modular fiber optic cassettes” ’423 Patent (Claim 9)	“Each of the plurality of different modular fiber optic cassette configurations includes a plurality of different sizes of modular fiber optic cassettes, such as the fifth modular fiber optic cassette configuration, which includes three modular 2 W standard width size cassettes and one modular 6 W standard width size cassettes”	“This requires each of the first, second, third, fourth, and fifth modular fiber optic cassette configurations includes a plurality of different sizes of modular fiber optic cassettes.”	<u>Defendants’ Position:</u> Defendants’ construction is dispositive of infringement of these claims. <u>Plaintiff’s Position:</u> This term does not require construction.	<u>’423 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 22-30, 49-60, 66-67; Col. 2, lines 1-8, 11-52, 63-67; Col. 3, lines 1-2, 43-67; Col. 4, lines 1-50; Col. 5, lines 23-67; Col. 6, lines 1-9; Col. 7, lines 15-18, 23-32, 38-43, 48-63; Col. 8, lines 33-36; lines 10-51; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A.	The plain language of the claims. <u>’423 patent specification, e.g.:</u> -1:28-30, 8:54-56, 9:18-23, 9:32-37, 9:47-51, Figs. 5A-5C, 9:10-51.

Joint Exhibit A

7	“when each of the modular fiber optic cassettes are in the plurality of the plurality of different modular fiber optic cassette configurations” ’423 Patent (Claims 5, 13, 23)	Not indefinite – “when each of the modular fiber optic cassettes are in the plurality of different modular fiber optic cassette configurations”	Indefinite.	<u>Defendants’ Position:</u> The claim is not amenable to Belden’s proposed correction and therefore indefinite. <u>Plaintiff’s Position:</u> Judicial correction of error resolves Defendants’ indefiniteness claim and impacts infringement.	<u>’423 Patent (in its entirety, including, without limitation, for example):</u> Abstract; Col. 1, lines 22-30, 49-60, 66-67; Col. 2, lines 1-8, 11-52, 63-67; Col. 3, lines 1-2, 43-67; Col. 4, lines 1-50; Col. 5, lines 23-67; Col. 6, lines 1-9; Col. 7, lines 15-18, 23-32, 38-43, 48-63; Col. 8, lines 33-36; lines 10-51; Col. 10, lines 24-67; Col. 11, lines 1-60; Col. 12, lines 8-14, 34-67; Col. 13, lines 1-51, 66-67; Col. 14, lines 1-4, 24-67; Col. 15, lines 1-20; Col. 16, lines 1-7; Figs. 1, 3, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A.	The plain language of the claims.
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8	“claim 40” ’422 Patent, (Claim 42)	“claim 41”	“claim 40”	<u>Plaintiff’s</u> <u>Position:</u> Judicial correction of error resolves Defendants’ indefiniteness claim and impacts infringement. <u>Defendants’</u> <u>Position:</u> The claim is not amenable to Belden’s proposed correction and therefore indefinite.	<u>’422 Patent (in its entirety, including, without limitation, for example):</u> Col. 8, lines 64-67.	The plain language of the claims.
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