

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE TECHNOLOGIES LLC,
Petitioner,

v.

BELDEN CANADA ULC,
Patent Owner.

IPR2024-01218 (Patent 10,795,107)
IPR2024-01227 (Patent 11,435,542)
IPR2024-01228 (Patent 11,656,422 B2)
IPR2024-01382 (Patent 11,740,423)¹

Before JAMESON LEE, CHRISTOPHER M. KAISER, KIMBERLY
McGRAW, and SHARON FENICK, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Authorizing Patent Owner's Motions to Withdraw its Motions to Amend and

¹ We exercise our discretion to issue one order for all of the above captioned proceedings. The judges listed are assigned to at least one of the three-judge panels for the identified IPRs. No panel has been expanded and no proceedings have been consolidated. The parties may not use this caption format without prior authorization.

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to Terminate the Proceedings
37 C.F.R. § 42.5(a)

I. INTRODUCTION

Four *inter partes* review proceedings (i.e., IPR2024-01218, IPR2024-01227, IPR2024-01228, IPR2024-01382) are currently pending between Petitioner, CommScope Technologies LLC, and Patent Owner, Belden Canada ULC. On May 21, 2025, Patent Owner filed Non-Contingent Motions in each of the four above proceedings in which Patent Owner proposed substitute claims and moved to cancel all challenged claims. *See* Ex. 3001, 1.² Patent Owner then filed statutory disclaimers that disclaimed all challenged claims in each of the four proceedings. *See id.* Patent Owner reports that two new patents in the same patent family (i.e., U.S. Patent Nos. 12,313,896 B2 and 12,332,491 B2) have issued and that a second patent infringement law suit has been filed against Petitioner based on those two new patents; Patent Owner also reports that it has filed a continuation application (U.S. Patent Application No. 19/239,502) that contains claim elements added in the substitute claims in the motions to amend. *See id.*; Paper 13 (Updated Mandatory Notices), 1.

Patent Owner sent an email to the Board requesting leave to withdraw the pending motions to amend and terminate each of the four proceedings without entering adverse judgment. Ex. 3001. Petitioner responded that it

² Unless otherwise indicated, citations to papers and exhibits refer to those filed in IPR2024-01218. Similar papers and exhibits were filed in each proceeding referenced above.

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did not oppose the request for withdrawal of the motions to amend, but opposes any termination that does not include the Board entering adverse judgment under 37 C.F.R. § 42.73(b)(2). *Id.* A conference call was scheduled to discuss Patent Owner's request, but was postponed due to technical difficulties.

Thereafter, Patent Owner emailed the Board with an update, stating that, following a meet and confer between the parties, Patent Owner now requests leave to (i) withdraw the pending non-contingent motion to amend and (ii) move to terminate the proceedings with adverse judgment entered against the claims that were challenged in the petition. Ex. 3002. Patent Owner reports that Petitioner does not oppose Patent Owner's withdrawing its amended claims and that Patent Owner's disclaimer and withdrawal must be interpreted as a request for adverse judgement under 37 C.F.R. § 42.73(b)(2). Patent Owner also reports that Petitioner does not agree that "anything in the amended claims or the continuation application or [newly issued patents] recite anything patentably distinct from the claims challenged in the petitions." *Id.*

Based on the information presented, we authorize Petitioner to file motions in each of the above proceedings to (i) withdraw the pending non-contingent motion to amend and (ii) terminate the proceeding. The motions are due no later than August 8, 2025.

Thus, it is therefore

ORDERED that Patent Owner may file motions to withdraw its non-contingent motions to amend and motions to terminate the proceedings with

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adverse judgment entered against the claims that were challenged in the petition;

FURTHER ORDERED that the motions may be filed no later than August 8, 2025.

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FOR PETITIONER:

Philip Caspers
Samuel Hamer
CARLSON CASPERS VANDENBURGH & LINDQUIST
pcaspers@carlsoncaspers.com
shamer@carlsoncaspers.com

FOR PATENT OWNER:

Denis Sullivan
Thomas Hoehner
BARCLAY DAMON, LLP
dsullivan@barclaydamon.com
thoehner@barclaydamon.com

Cory Bell
FINNEGAN, HENDERSON, FARABOW
GARRETT, & DUNNER LLP
cory.bell@finnegan.com