

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COMMSCOPE TECHNOLOGIES LLC,  
Petitioner,

v.

BELDEN CANADA ULC,  
Patent Owner.

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Case No. IPR2024-01382  
Patent 11,740,423 B2

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**PATENT OWNER'S  
MOTION TO AMEND**

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EXHIBIT LIST

| EXHIBIT | DESCRIPTION                                                                                       |
|---------|---------------------------------------------------------------------------------------------------|
| 1001    | U.S. Patent No. 11,740,423 B2 (“the ’423 Patent”)                                                 |
| 1004    | U.S. Patent No. 10,101,551 (“Fukui”)                                                              |
| 1006    | U.S. Patent 9,690,064 (“Sauter”)                                                                  |
| 1039    | File history of the ’423 Patent (U.S. Patent Application No. 18/105,639) (“the ’639 Application”) |
|         |                                                                                                   |
| 2005    | Declaration of Dr. Charles A. Eldering In Support Of Patent Owner’s Motion to Amend (“Eldering”)  |
| 2006    | U.S. Provisional Patent Application No. 62/567,339 (“the Provisional Application”)                |
| 2007    | U.S. Patent Application No. 16/143,831 (“the ’831 Application”)                                   |
| 2008    | Excerpts from file history of U.S. Patent Application No. 18/328,431                              |

## **I. INTRODUCTION**

Patent Owner Belden Canada ULC respectfully submits this Non-Contingent Motion to Amend under 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121 to request amendment of certain claims of U.S. Patent No. 11,740,423 B2 (“the ’423 Patent”) (Ex. 1001) to more narrowly define the invention to patentably distinguish the prior art references identified in the invalidity grounds set forth in the Petition (Paper 1). The Board authorized this motion in an email dated May 1, 2025.

Patent Owner requests that the Board cancel all of the challenged claims (*i.e.*, claims 1-30) and amend and issue substitute claims 31-51 (“Substitute Claims”). *See* Appendix A (claim listing showing amendments). Because this Motion satisfies all the statutory and regulatory requirements for a motion to amend, Patent owner respectfully requests that the Board grant this Motion to Amend and issue each of the Substitute Claims.

## **II. STATEMENT OF RELIEF REQUESTED**

*First*, Patent Owner requests preliminary guidance from the Board on this Motion to Amend pursuant to 37 C.F.R. § 42.121(a)(1)(ii).

*Second*, Patent Owner requests that the Board cancel all of the challenged

claims (*i.e.*, claims 1-30).<sup>1</sup>

*Third*, Patent Owner requests that the Board grant this Motion to Amend and issue each of Substitute Claims 31-51.

**III. THE SUBSTITUTE CLAIMS MEET ALL REQUIREMENTS OF 35 U.S.C. § 316 AND 37 C.F.R. § 42.121.**

The Board “must determine whether the motion to amend meets the statutory and regulatory requirements set forth in 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121.” *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129, -01130, Paper 15 at 4 (PTAB Feb. 25, 2019) (precedential). The requirements are: (1) the motion must include a

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<sup>1</sup> Mindful of the finite resources of the Board and seeking to efficiently reach conclusion of this Trial, Patent Owner is not concurrently filing a Response and this Motion is non-contingent. Accordingly, the Board need not address the patentability of the challenged claims. *See, e.g., Intuitive Surgical, Inc. v. Ethicon LLC*, IPR2018-00933, Paper 31 at 3 n.5 (PTAB Dec. 3, 2019) (“Because we grant the Motion to Amend, which is a non-contingent motion, ... we need not address the patentability of [the challenged claims].”); *NXP USA, Inc. v. Impinj, Inc.*, IPR2020-00514, Paper 37 at 9 (PTAB Aug. 11, 2021) (“As Patent Owner’s non-contingent Revised Motion to Amend cancels all of the challenged claims, we address only Patent Owner’s proposed substitute claims ....”)

claim listing reproducing each substitute claim; (2) the motion proposes a reasonable number of substitute claims; (3) the amendments do not seek to enlarge the scope of the challenged claims; (4) the substitute claims are supported in the original disclosure and do not introduce new matter; and (5) the amendments respond to a ground of unpatentability involved in the trial. *Id.* at 4-8.

The Board must then assess the patentability of the proposed Substitute Claims “without placing the burden of persuasion on the patent owner.” *Aqua Prods., Inc. v. Matal*, 872 F.3d 1290, 1328 (Fed. Cir. 2017) (en banc); *see also Lectrosonics*, Paper 15 at 3–4. Rather, in a Motion to Amend, a patent owner need only satisfy its burden of production under 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121, which it has done as detailed below.

**A. The Substitute Claims Are Provided In The Attached Claim Listing In Accordance With 37 C.F.R. § 42.121(b).**

Patent Owner attaches the claim listing as Appendix A. As reflected in the claim listing, Patent Owner requests that the Board cancel claims 1-30 and enter Substitute Claims 31-51. Changes to the original claims are shown by underlining inserted text and bracketing deleted text in the Substitute Claims.

**B. Patent Owner Proposes A Reasonable Number Of Substitute Claims In Accordance With 35 U.S.C. § 316(d)(1)(B) and 37 C.F.R. § 42.121(a)(3).**

“There is a rebuttable presumption that a reasonable number of substitute

claims per challenged claim is one (1) substitute claim.” *Lectrosonics*, Paper 15 at 4; *see also* 37 C.F.R. § 42.121(a)(3) (“The presumption is that only one substitute claim will be needed to replace each challenged claim ....”). Patent Owner’s proposal of 21 non-contingent claims, which is less than the 30 challenged claims, is reasonable.

**C. The Amendments Do Not Enlarge The Scope Of The Challenged Claims In Accordance With 35 U.S.C. § 316(d)(3) And 37 C.F.R. § 42.121(a)(2)(ii).**

The Substitute Claims do not enlarge the scope of the original claims. Instead, substitute independent claims 31, 37, and 43 introduce several additional limitations that narrow the scope of the original independent claims that they replace. *Lectrosonics*, Paper 15 at 7 (“[A] proposed substitute claim adding a novel and nonobvious feature or combination to avoid the prior art ... will not enlarge the scope of the claims.”).

For example, substitute independent claims 31, 37, and 43 are narrowed by further (i) requiring that the tray has a width dimensioned to receive at least twelve standard width units side by side within a standard U-space width dimension, (ii) requiring a tab portion configured to extend from a rear portion of the cassette to allow release of the cassette from the tray; and (iii) requiring that each of the cassettes *consists of* only four fiber optic plug receiving receptacles for each standard width unit.

The substitute dependent claims 32-36, 38-42, and 44-51, which rewrite challenged dependent claims to ultimately depend from one of the substitute independent claims, are also necessarily narrower than the challenged claims due to their dependencies from the substitute independent claims.

As a result, none of the Substitute Claims enlarge the scope of the challenged claims.

**D. The Substitute Claims Have Written Description Support And Do Not Introduce New Matter In Accordance With 35 U.S.C. § 316(d)(3) and 37 C.F.R. § 42.121(a)(2)(ii), (b).**

The application that eventually issued as the '423 Patent (U.S. Patent Application No. 18/105,639) ("the '639 Application") (Ex. 1039 pp. 122-134, 140-169) claims priority to U.S. Provisional Patent Application No. 62/567,339) ("the Provisional Application") (Ex. 2006), filed October 3, 2017, which is the earliest claimed priority date, and the originally filed non-provisional application (U.S. Patent Application No. 16/143,831) ("the '831 Application") (Ex. 2007), filed September 27, 2018. The specification and figures of the '639 Application are nearly identical to the specifications and figures of the Provisional Application and the parent '831 Application. *Compare, e.g.*, Ex. 1039 pp 122-134, 140-156, ¶¶ [0020]-[0039], FIGS. 1-7B; Ex. 2006 ¶¶ [0004]-[0023], FIGS. 1-7B; and Ex. 2007 ¶¶ [0006]-[0025], FIGS. 1-7B.

The proposed Substitute Claims have written description support in both the

Provisional Application (Ex. 2006) and the parent '831 Application" (Ex. 2007). In the table below, Patent Owner provides non-limiting citations to the exemplary portions of these applications confirming that they each provide written description support for the Substitute Claims. While the table quotes and recites the limitations added by amendment in the Substitute Claims and not the limitations from the original claims for space reasons, the cited support is provided for all limitations in the Substitute Claims.

| <b>Claim/<br/>Element<sup>2</sup></b> | <b>Limitations Added<br/>By Amendment</b> | <b>Support In Provisional<br/>Application<br/>(Ex. 2002)</b>                                       | <b>Support In<br/>'831 Application<br/>(Ex. 2003)</b>                                                        |
|---------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 31pre                                 | -                                         | <i>See, e.g., Title, ¶¶ [0001], [0003], [0011], [0014], [0017]-[0020], Claim 1, FIGS. 1, 3-5C.</i> | <i>See, e.g., Title, Abstract, ¶¶ [0001], [0003], [0013], [0016], [0019]-[0022], Claim 1, FIGS. 1, 3-5C.</i> |
| 31A                                   |                                           | <i>See, e.g., ¶¶ [0003], [0011], [0014], Claim 1, FIGS. 1, 3-5C.</i>                               | <i>See, e.g., Abstract, [0003], [0013], [0016], Claim 1, FIGS. 1, 3-5C.</i>                                  |

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<sup>2</sup> Claim element designations for the substitute independent claims are identified in the claim listing in Appendix A and are based on the designations used in the Petition for the original claims. Paper 1 (Pet.) at 155-165.

| Claim/<br>Element <sup>2</sup> | Limitations Added<br>By Amendment                                                                                                                                              | Support In Provisional<br>Application<br>(Ex. 2002)                                                 | Support In<br>'831 Application<br>(Ex. 2003)                                                                  |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 31B                            | wherein the tray width portion <u>is configured to fit at least twelve standard one width (1 W) units side by side and to fit[s] within a standard U-space width dimension</u> | <i>See, e.g.</i> , ¶¶ [0003], [0011], [0014], [0017], Claim 1, FIGS. 1, 3-5C.                       | <i>See, e.g.</i> , Abstract, ¶¶ [0003], [0013], [0016], [0019], Claims 1, 2, FIGS. 1, 3-5C.                   |
| 31C                            | -                                                                                                                                                                              | <i>See, e.g.</i> , Title, ¶¶ [0001], [0003], [0011], [0014], [0017]-[0020], Claim 1, FIGS. 1, 3-5C. | <i>See, e.g.</i> , Title, Abstract, ¶¶ [0001], [0003], [0013], [0016], [0019]-[0022], Claim 1, FIGS. 1, 3-5C. |
| 31D                            | -                                                                                                                                                                              | <i>See, e.g.</i> , ¶¶ [0003], [0013]-[0014], Claim 1, FIGS. 1-4D.                                   | <i>See, e.g.</i> , ¶¶ [0015]-[0016], Claim 4, FIGS. 1-4D.                                                     |
| 31E                            | -                                                                                                                                                                              | <i>See, e.g.</i> , ¶¶ [0003], [0013]-[0014], Claim 1, FIGS. 1-4D.                                   | <i>See, e.g.</i> , ¶¶ [0015]-[0016], Claim 4, FIGS. 1-4D.                                                     |
| 31F                            | -                                                                                                                                                                              | <i>See, e.g.</i> , ¶¶ [0003], [0014], [0017]-[0020], Claim 1, FIGS. 1, 3, 5A-5C.                    | <i>See, e.g.</i> , Abstract, ¶¶ [0003], [0016], [0019]-[0022], Claim 1, FIGS. 1, 3, 5A-5C.                    |

| Claim/<br>Element <sup>2</sup> | Limitations Added<br>By Amendment                                                                                                                                                                                                                        | Support In Provisional<br>Application<br>(Ex. 2002)               | Support In<br>'831 Application<br>(Ex. 2003)                          |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------|
| 31G                            | wherein the [receptable] <u>receptacle module</u> is configured to [fit at least] <u>consist of only</u> four fiber optic plug receiving receptacle portions in a standard one width (1 W) unit                                                          | <i>See, e.g.</i> , ¶¶ [0003], [0013]-[0014], Claim 1, FIGS. 1-4D. | <i>See, e.g.</i> , ¶¶ [0015]-[0016], Claim 4, FIGS. 1-4D.             |
| 31H                            | -                                                                                                                                                                                                                                                        | <i>See, e.g.</i> , ¶¶ [0014], [0017]-[0020], FIGS. 1, 3-5C.       | <i>See, e.g.</i> , ¶¶ [0016], [0019]-[0022], Claim 11, FIGS. 1, 3-5C. |
| 31I                            | -                                                                                                                                                                                                                                                        | <i>See, e.g.</i> , ¶¶ [0014], [0017]-[0020], FIGS. 1, 3-5C.       | <i>See, e.g.</i> , ¶¶ [0016], [0019]-[0022], Claim 11, FIGS. 1, 3-5C. |
| 31J                            | -                                                                                                                                                                                                                                                        | <i>See, e.g.</i> , ¶¶ [0003], [0012], Claim 1, FIGS. 1-2B.        | <i>See, e.g.</i> , Abstract, ¶¶ [0003], [0014], Claim 1, FIGS. 1-2B.  |
| 31J1                           | <u>wherein each of the modular fiber optic cassettes includes a cassette releasing tab configured to extend from a rear portion of each of the cassettes and above the tray and allow each of the cassettes to be selectively released from the tray</u> | <i>See, e.g.</i> , ¶ [0012], FIGS. 1-2B.                          | <i>See, e.g.</i> , ¶ [0014], FIGS. 1-2B.                              |

| <b>Claim/<br/>Element<sup>2</sup></b> | <b>Limitations Added<br/>By Amendment</b> | <b>Support In Provisional<br/>Application<br/>(Ex. 2002)</b>                                          | <b>Support In<br/>'831 Application<br/>(Ex. 2003)</b>                                                                  |
|---------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 31K                                   | -                                         | <i>See, e.g.</i> , [0003],<br>[0012], Claim 1, FIGS.<br>1-2B.                                         | <i>See, e.g.</i> , [0003],<br>[0014], Claim 1,<br>FIGS. 1-2B.                                                          |
| 32                                    | -                                         | <i>See, e.g.</i> , [0013],<br>[0015], FIGS. 1-2B.                                                     | <i>See, e.g.</i> , [0015],<br>[0017], FIGS. 1-2B.                                                                      |
| 33                                    | -                                         | <i>See, e.g.</i> , [0012],<br>[0017], FIGS. 1-2B.                                                     | <i>See, e.g.</i> , [0014],<br>[0019], FIGS. 1-2B.                                                                      |
| 34                                    | -                                         | <i>See, e.g.</i> , ¶¶ [0003],<br>[0011], [0014], Claim 1,<br>FIGS. 1, 3-5C.                           | <i>See, e.g.</i> , Abstract,<br>[0003], [0013],<br>[0016], Claim 1,<br>FIGS. 1, 3-5C.                                  |
| 35                                    | -                                         | <i>See, e.g.</i> , ¶¶ [0003],<br>[0011], [0012], [0014],<br>[0017]-[0020], Claim 1,<br>FIGS. 1, 3-5C. | <i>See, e.g.</i> , Abstract,<br>¶¶ [0003], [0013],<br>[0014], [0016],<br>[0019]-[0022],<br>Claim 1, FIGS. 1, 3-<br>5C. |
| 36                                    | -                                         | <i>See, e.g.</i> , ¶¶ [0003],<br>[0011], [0012], [0014],<br>[0017]-[0020], Claim 1,<br>FIGS. 1, 3-5C. | <i>See, e.g.</i> , Abstract,<br>¶¶ [0003], [0013],<br>[0014], [0016],<br>[0019]-[0022],<br>Claim 1, FIGS. 1, 3-<br>5C. |
| 37pre                                 | -                                         | <i>See</i> Element 31pre.                                                                             | <i>See</i> Element 31pre.                                                                                              |

| Claim/<br>Element <sup>2</sup> | Limitations Added<br>By Amendment                                                                                                                                                                                                                | Support In Provisional<br>Application<br>(Ex. 2002) | Support In<br>'831 Application<br>(Ex. 2003) |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------|
| 37A                            | a tray <u>configured to fit at least twelve standard one width (1 W) units side by side and</u> configured to fit in a standard U-space and support a plurality of different modular fiber optic cassette configurations in the standard U-space | <i>See Element 31B.</i>                             | <i>See Element 31B.</i>                      |
| 37B                            | -                                                                                                                                                                                                                                                | <i>See Element 31C.</i>                             | <i>See Element 31C.</i>                      |
| 37C                            | -                                                                                                                                                                                                                                                | <i>See Element 31E.</i>                             | <i>See Element 31E.</i>                      |
| 37D                            | -                                                                                                                                                                                                                                                | <i>See Element 31F.</i>                             | <i>See Element 31F.</i>                      |
| 37D1                           | <u>wherein the receptacle module is configured to consist of only four fiber optic plug receiving receptacle portions in a standard one width (1 W) unit</u>                                                                                     | <i>See Element 31G.</i>                             | <i>See Element 31G.</i>                      |
| 37E                            | -                                                                                                                                                                                                                                                | <i>See Element 31H.</i>                             | <i>See Element 31H.</i>                      |
| 37F                            | -                                                                                                                                                                                                                                                | <i>See Element 31J.</i>                             | <i>See Element 31J.</i>                      |

| Claim/<br>Element <sup>2</sup> | Limitations Added<br>By Amendment                                                                                                                                                                                                                        | Support In Provisional<br>Application<br>(Ex. 2002) | Support In<br>'831 Application<br>(Ex. 2003) |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------|
| 37F1                           | <u>wherein each of the modular fiber optic cassettes includes a cassette releasing tab configured to extend from a rear portion of each of the cassettes and above the tray and allow each of the cassettes to be selectively released from the tray</u> | <i>See Element 31J1.</i>                            | <i>See Element 31J1.</i>                     |
| 37G                            | -                                                                                                                                                                                                                                                        | <i>See Element 31K.</i>                             | <i>See Element 31K.</i>                      |
| 38                             | -                                                                                                                                                                                                                                                        | <i>See Claim 32.</i>                                | <i>See Claim 32.</i>                         |
| 39                             | -                                                                                                                                                                                                                                                        | <i>See Claim 33.</i>                                | <i>See Claim 33.</i>                         |
| 40                             | -                                                                                                                                                                                                                                                        | <i>See Claim 34.</i>                                | <i>See Claim 34.</i>                         |
| 41                             | -                                                                                                                                                                                                                                                        | <i>See Claim 35.</i>                                | <i>See Claim 35.</i>                         |
| 42                             | -                                                                                                                                                                                                                                                        | <i>See Claim 36.</i>                                | <i>See Claim 36.</i>                         |
| 43pre                          | -                                                                                                                                                                                                                                                        | <i>See Element 31pre.</i>                           | <i>See Element 31pre.</i>                    |
| 43A                            | a tray member <u>configured to fit at least twelve standard one width (1 W) units side by side and configured to support a plurality of different modular fiber optic cassette configurations in a standard U-space width</u>                            | <i>See Element 31B.</i>                             | <i>See Element 31B.</i>                      |
| 43B                            | -                                                                                                                                                                                                                                                        | <i>See Element 31C.</i>                             | <i>See Element 31C.</i>                      |
| 43C                            | -                                                                                                                                                                                                                                                        | <i>See Element 31E.</i>                             | <i>See Element 31E.</i>                      |
| 43D                            | -                                                                                                                                                                                                                                                        | <i>See Element 31F.</i>                             | <i>See Element 31F.</i>                      |

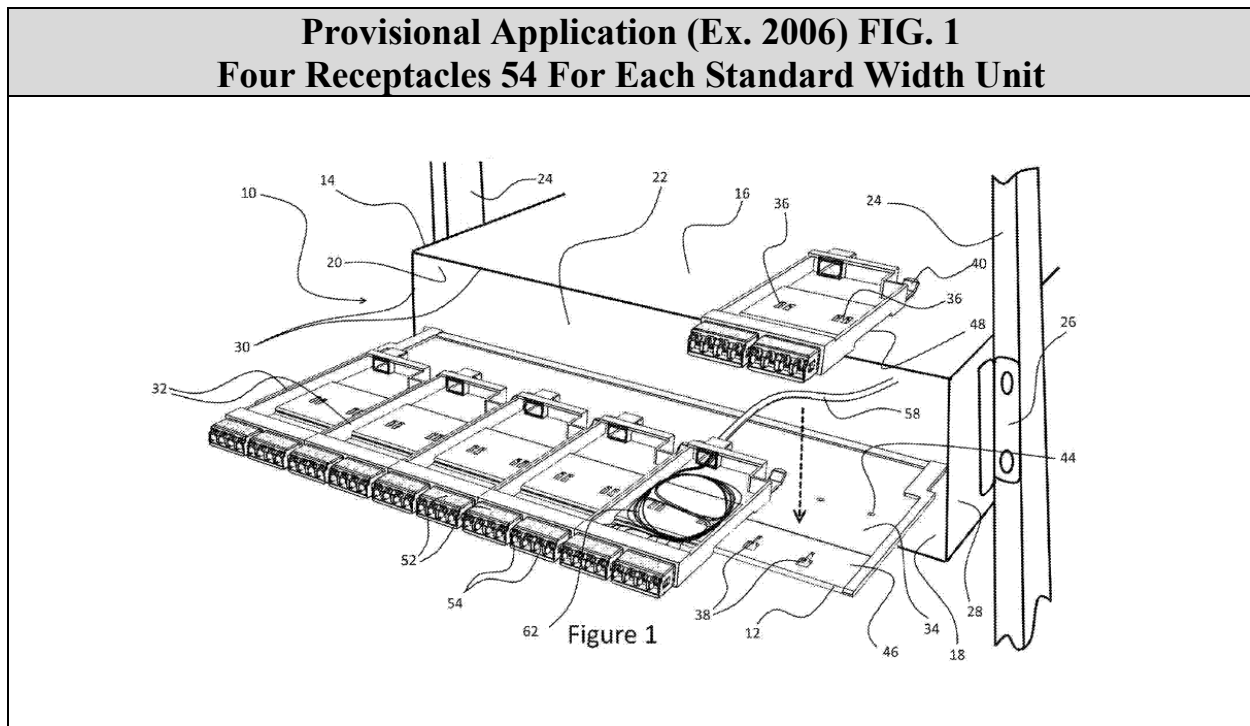
| Claim/<br>Element <sup>2</sup> | Limitations Added<br>By Amendment                                                                                                                                                                                                                       | Support In Provisional<br>Application<br>(Ex. 2002)       | Support In<br>'831 Application<br>(Ex. 2003)                        |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------|
| 43D1                           | <u>wherein each of the modular fiber optic cassettes consists of only four fiber optic plug receiving receptacle portions for each standard width (1 W) unit that are configured to be arranged side by side in a row along a front portion thereof</u> | <i>See Element 31G.</i>                                   | <i>See Element 31G.</i>                                             |
| 43E                            | -                                                                                                                                                                                                                                                       | <i>See Element 31H.</i>                                   | <i>See Element 31H.</i>                                             |
| 43E1                           | <u>wherein the tray member comprises a cassette fastening portion that is configured to removably secure the tray member to each modular fiber optic cassette</u>                                                                                       | <i>See, e.g., ¶¶ [0003], [0012], Claim 1, FIGS. 1-2B.</i> | <i>See, e.g., Abstract, ¶¶ [0003], [0014], Claim 1, FIGS. 1-2B.</i> |
| 43E2                           | <u>wherein each of the modular fiber optic cassettes includes a tab portion configured to extend from a rear portion of each of the cassettes and above the tray and selectively release each of the cassettes from the tray</u>                        | <i>See Element 31J1.</i>                                  | <i>See Element 31J1.</i>                                            |

| <b>Claim/<br/>Element<sup>2</sup></b> | <b>Limitations Added<br/>By Amendment</b> | <b>Support In Provisional<br/>Application<br/>(Ex. 2002)</b> | <b>Support In<br/>'831 Application<br/>(Ex. 2003)</b>                |
|---------------------------------------|-------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------|
| 43F                                   | -                                         | <i>See</i> Element 31K.                                      | <i>See</i> Element 31K.                                              |
| 44                                    | -                                         | <i>See</i> Claim 32.                                         | <i>See</i> Claim 32.                                                 |
| 45                                    | -                                         | <i>See</i> Claim 33.                                         | <i>See</i> Claim 33.                                                 |
| 46                                    | -                                         | <i>See, e.g.</i> , ¶ [0012],<br>FIGS. 1-2B.                  | <i>See, e.g.</i> , ¶ [0014],<br>FIGS. 1-2B.                          |
| 47                                    | -                                         | <i>See, e.g.</i> , ¶ [0012],<br>FIGS. 1-2B.                  | <i>See, e.g.</i> , ¶ [0014],<br>FIGS. 1-2B.                          |
| 48                                    | -                                         | <i>See</i> Claim 34.                                         | <i>See</i> Claim 34.                                                 |
| 49                                    | -                                         | <i>See</i> Claim 35.                                         | <i>See</i> Claim 35.                                                 |
| 50                                    | -                                         | <i>See</i> Claim 36.                                         | <i>See</i> Claim 36.                                                 |
| 51                                    | -                                         | <i>See, e.g.</i> , ¶ [0013],<br>FIGS. 1, 2A-2B.              | <i>See, e.g.</i> , ¶¶ [0005],<br>[0015], Claim 3,<br>FIGS. 1, 2A-2B. |

Patent Owner also submits the declaration of Dr. Charles Eldering (Ex. 2005), who provides expert testimony regarding how a person of ordinary skill in the art (“POSITA”) would readily understand that, based on the disclosures of the Provisional Application and the ’831 Application, the inventors possessed the subject matter of the Substitute Claims, including the limitations added by amendment, as of the respective filing dates of those applications. Ex. 2005 ¶¶ 16-18. A POSITA also would understand that the written descriptions of the Provisional Application and the ’831 Application are sufficient to inform a POSITA how to make and use the inventions recited in the Substitute Claims. Ex. 2005 ¶ 22.

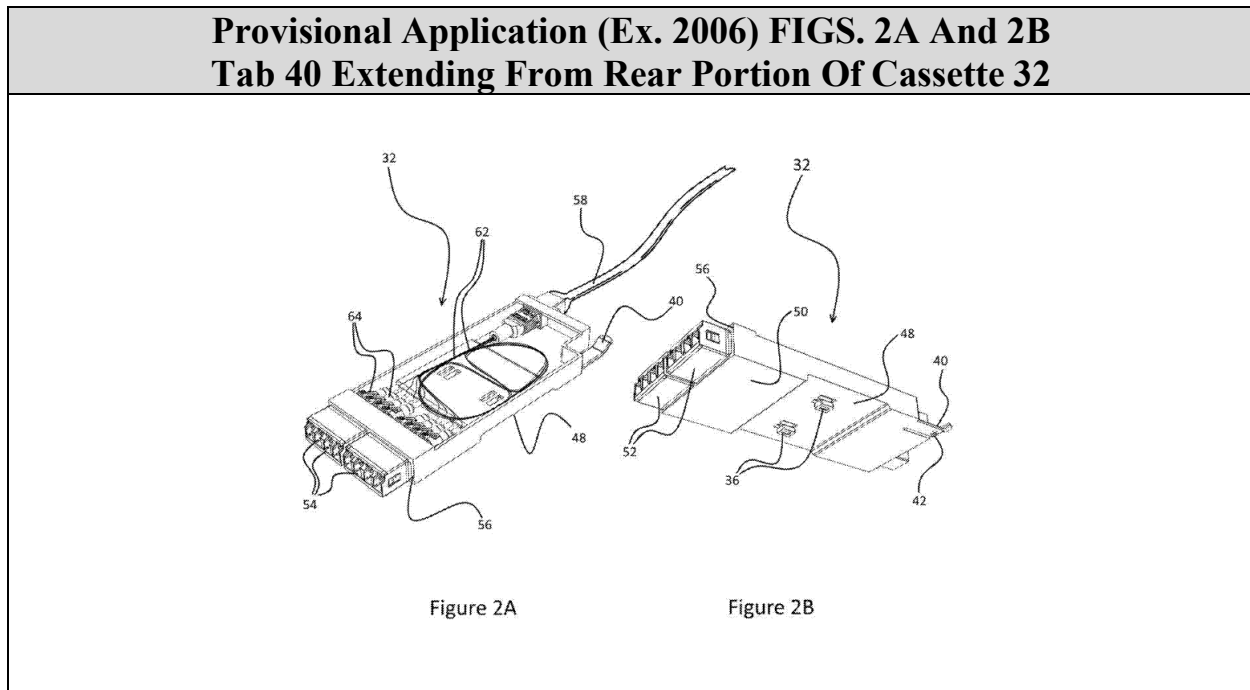
For example, the additional limitation requiring that each of the cassettes consists of only four fiber optic plug receiving receptacles for each standard width

unit arranged side by side in a row along a front thereof (claim elements 31G, 37D1, and 43D1) is disclosed in at least paragraph [0003] (“each of the cassettes comprising four fiber optic plug receiving receptacles arranged side by side in a row along a front thereof for each standard width unit”) and FIG. 1 of the Provisional Application shown below (Ex. 2006) (four receptacles 54 per receiving module 52). Ex. 2005 ¶ 19.



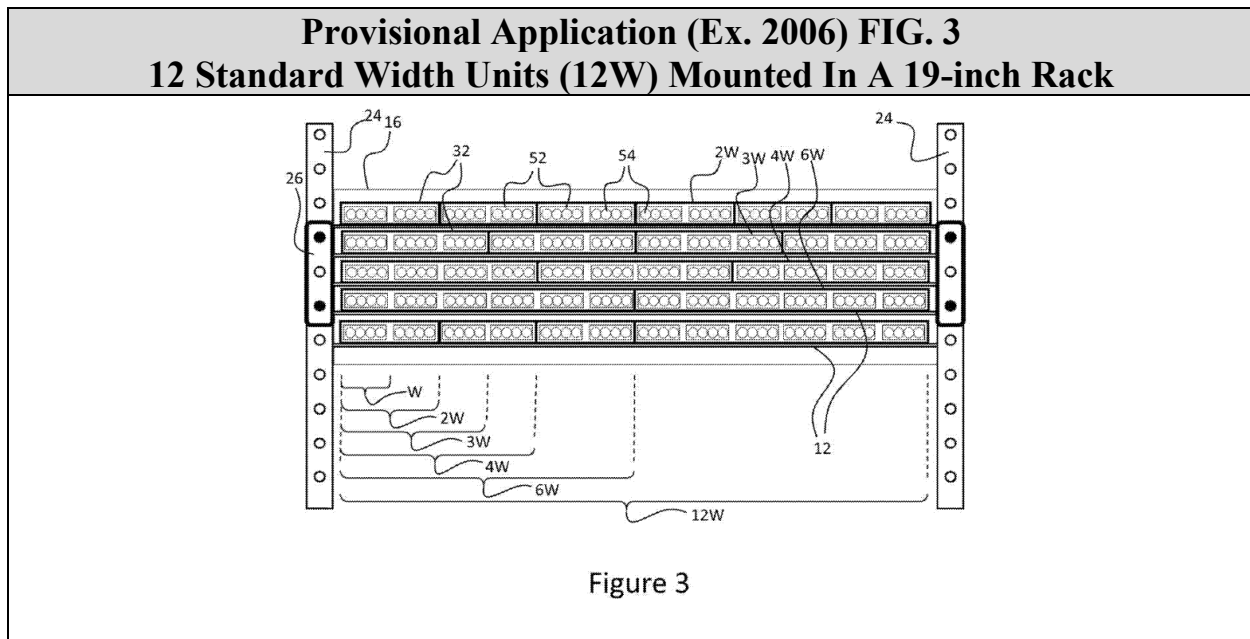
Similarly, the additional limitation requiring a tab portion extending from a rear portion of each cassette and above the tray for releasing cassettes (claim elements 31J1, 37F1, and 43E2) is disclosed in at least paragraph [0012] (“A flexible tab 40 is also provided which comprises a boss 42 that engages a respective aperture 44 machined or otherwise formed in the tray 12 when the

tabs 36 are engaged within their respective slots 38, thereby releasably securing the cassette 32 to the tray 12.”) and FIGS. 2A and 2B of the Provisional Application (Ex. 2006) shown below (tab 40). Ex. 2005 ¶ 20.



Finally, the additional limitation requiring a tray width dimensioned to receive at least twelve standard width units side by side and to be mounted in a standard U-space width dimension (claim elements 31B, 37A, and 43A) is disclosed in at least paragraph [0011] (“In a particular illustrated embodiment the system 10 is shown for mounting in a 19” rack ....”), paragraph [0014] (“The 2W, 3W, 4W and 6W cassettes 32 are typically used only with like cassettes 32 as illustrated and such that respectively six (6), four (4), three (3) and two (2) cassettes fit snugly side by side on the 12W tray ....”), and FIG. 3 of the

Provisional Application (Ex. 2006) shown below (“12W”). Ex. 2005 ¶ 21.



**E. The Amendments Are Responsive To The Grounds Of Unpatentability In Accordance With 37 C.F.R. § 42.121(a)(2)(i).**

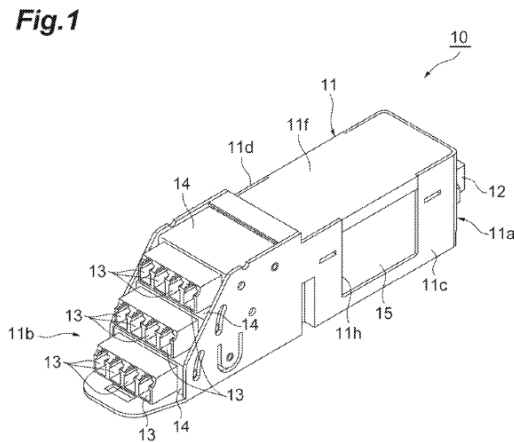
The combination of additional claim limitations presented in the Substitute Claims are responsive to instituted grounds in this proceeding, distinguishing the claims from the prior art of record.<sup>3</sup>

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<sup>3</sup> The Substitute Claims also include amendments that address potential antecedent basis issues and/or obvious typographical errors. *See Lectrosonics*, Paper 15 at 6 (“[O]nce a proposed claim includes amendments to address a prior art ground in the trial, a patent owner also may include additional limitations to address potential § 101 or § 112 issues, if necessary.”)

For example, regarding the claim limitation requiring that each of the cassettes consists of only four fiber optic plug receiving receptacles for each standard width unit arranged side by side in a row along a front thereof (claim elements 31G, 37D1, and 43D1), Fukui (Ex. 1004), the primary reference for Grounds 1-2 (Pet. 25-98), instead discloses a cassette consisting of twelve fiber optic plug receiving receptacles (13) for each standard width unit. *See* Fukui FIGS. 1, 4.

**Fukui (Ex. 1004) FIG. 1**  
**Twelve Fiber Optic Plug Receiving Receptacles (13)**  
**For Each Standard Width Unit**



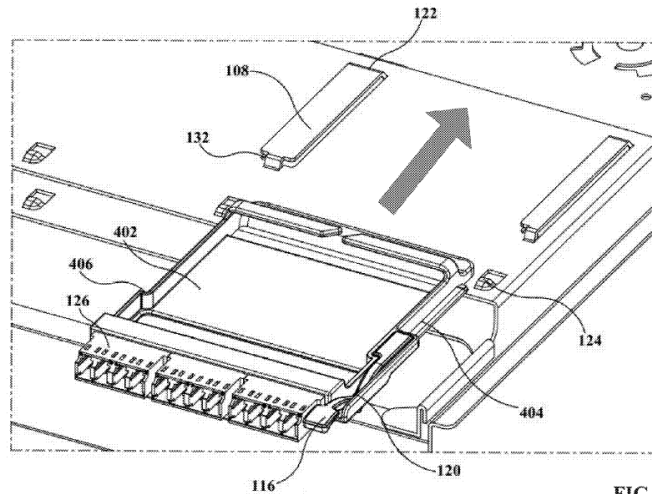
Indeed, the Examiner of a pending continuation application (U.S. Patent Application No. 18/328,431) in the same family as the '423 Patent recently agreed that this limitation was missing from Fukui in allowing the pending claims after this limitation was added by amendment to overcome a rejection based on Fukui. *See* Ex. 2008 pp. 5-44 (office action rejecting claims as anticipated or obvious in view

of Fukui), 47-48 (office action response introducing new claim 118 adding the limitation “wherein the receptacle module is configured to consist of only four fiber optic plug receiving receptacle portions in a standard one width (1W) unit”), 75-76 (office action explaining that Fukui does not disclose or suggest this additional limitation), 87 (Examiner’s reasons for allowance stating that “the prior art does not disclose or reasonably suggest ... wherein the receptacle module is configured to consist of only four fiber optic plug receiving receptacle portions in a standard one width (1W) unit, in combination with the remaining limitations of the claims”), 91 (issue notification that U.S. Patent No. 12,313,896 will issue on May 27, 2025).

Furthermore, regarding the claimed tab portion extending from a rear portion of each cassette and above the tray for releasing cassettes (claim elements 31J1, 37F1, and 43E2), Fukui instead discloses hooks 11i, 11j for securing the cassette to the tray that extend from the bottom of the cassette and extend through and below the tray. *See* Fukui 8:52-56, FIG. 2.



**Sauter (Ex. 1006) FIG. 4  
Front-Facing Release Latch 116**



In addition, Sauter fails to disclose the claimed tray width dimensioned to receive at least twelve standard width units side by side and to be mounted in a standard U-space width dimension (claim elements 31B, 37A, and 43A), and instead is silent regarding any tray dimensions, only providing unscaled drawings.

#### **IV. THE SUBSTITUTE CLAIMS ARE PATENTABLE.**

“A Patent Owner does not bear the burden of persuasion to demonstrate the patentability of substitute claims presented in a motion to amend.” *Lectrosonics*, Paper 15 at 4. Rather, “the burden of persuasion ordinarily will lie with the petitioner to show that any proposed substitute claims are unpatentable by a preponderance of the evidence.” Here, the additional claim elements of proposed independent amended claims are not taught by the prior art combinations used by Petitioner to

challenge the original claims. Accordingly, Petitioners have not met their burden to show that the proposed Substitute Claims are unpatentable by a preponderance of the evidence.

## V. CONCLUSION

Because this Motion satisfies all the statutory and regulatory requirements for a motion to amend, Patent owner respectfully requests that the Board grant this Motion to Amend and issue each of the Substitute Claims.

Date: May 21, 2025

Respectfully submitted,

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Filed May 21, 2025

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing **PATENT OWNER'S MOTION TO AMEND** was served pursuant to 37 C.F.R. § 42.6(e) via electronic mail on May 21, 2025 on the following:

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**APPENDIX A**

**CLAIM LISTING – '423 PATENT**

1.-30. (Cancelled)

31. (substitute for original claim 1) *[31pre]*<sup>1</sup> A tray for providing a plurality of different modular fiber optic cassette configurations in a standard U-space fiber optic management system comprising:

*[31A]* a tray having a first tray side end portion and a second tray side end portion defining a tray width portion that extends between the first tray side end portion and the second tray side end portion;

*[31B]* wherein the tray width portion is configured to fit at least twelve standard one width (1 W) units side by side and to fit[s] within a standard U-space width dimension;

*[31C]* wherein the tray is configured to fit a plurality of different modular fiber optic cassette configurations in the tray width portion in a standard U-space fiber management system;

*[31D]* wherein each of the plurality of different modular fiber optic cassette configurations include a modular fiber optic cassette that is configured

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<sup>1</sup> Bracketed designations of independent claim elements are based on the designations used in the Petition for the original claims. Paper 1 (Pet.) at 155-165.

to support a [receptable] receptacle module having a first module side end portion and a second module side end portion defining a module width portion that extends between the first tray side end portion and second tray side end portion;

[31E] wherein the module width portion is configured to fit in a standard one width (1 W) unit;

[31F] wherein 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 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;

[31G] wherein the [receptable] receptacle module is configured to [fit at least] consist of only four fiber optic plug receiving receptacle portions in a standard one width (1 W) unit;

[31H] wherein the plurality of different modular fiber optic cassette configurations comprise:

a first modular fiber optic cassette configuration that includes six modular two standard width unit (2 W) cassettes that are each

arranged side by side of each other along the tray such that a cassette side end portion of each modular two standard width (2 W) cassette adjacently faces a cassette side end portion of at least one other modular two standard width (2 W) cassette;

a second modular fiber optic cassette configuration that includes four modular three standard width unit (3 W) cassettes that are each arranged side by side of each other in a row along the tray such that a cassette side end portion of each modular three standard width (3 W) cassette adjacently faces a cassette side end portion of at least one other modular three standard width (3 W) cassette;

a third modular fiber optic cassette configuration that includes three modular four standard width unit (4 W) cassettes that are each arranged side by side of each other in a row along the tray such that a cassette side end portion of each modular four standard width (4 W) cassette adjacently faces a cassette side end portion of at least one other modular four standard width (4 W) cassette;

a fourth modular fiber optic cassette configuration that includes two modular six standard width unit (6 W) cassettes that are each arranged side by side of each other in a row along the tray such that a cassette side end portion of one of the two modular six

standard width (6 W) cassettes adjacently faces a cassette side end portion of the other modular six standard width (6 W) cassette; and

a fifth modular fiber optic cassette configuration that includes three modular two standard width unit (2 W) cassettes, which are each arranged side by side of each other in a row along the tray such that a cassette side end portion of one of the three modular two standard width (2 W) cassettes adjacently faces a cassette side end portion of one of the other modular two standard width (2 W) cassette, and one modular six standard width unit (6 W) cassette that is arranged side by side in a row along the tray with one of the three modular two standard width unit (2 W) cassettes, such that a cassette side end portion of the one modular six standard width unit (6 W) cassette adjacently faces a cassette side end portion of one of the other three modular two standard width unit (2 W) cassettes;

[311] wherein each modular two standard width (2 W) cassette is configured to fit two receptacle modules;

wherein each modular three standard width (3 W) cassette is configured to fit three receptacle modules;

wherein each modular four standard width (4 W) cassette is configured to fit  
four receptacle modules;

wherein each modular six standard width (6 W) cassette is configured to fit  
six receptacle modules;

[31J] wherein the tray is configured to be removably secured to each modular  
fiber optic cassette when the tray fits the plurality of different modular  
fiber optic cassette configurations within the tray width portion in the  
standard U-space fiber management system; [and]

[31J1] wherein each of the modular fiber optic cassettes includes a cassette  
releasing tab configured to extend from a rear portion of each of the  
cassettes and above the tray and allow each of the cassettes to be  
selectively released from the tray; and

[31K] wherein the tray includes a plurality of cassette engaging portions that  
are configured to conform to the standard one width (1 W) so as to  
support the modular two standard width (2 W) cassette, the modular  
three standard width (3 W) cassette, the modular four standard width (4  
W) cassette, and the modular six standard width (6 W) cassette.

32. (substitute for original claim 2) The tray of claim [1] 31, wherein the standard one width (1 W) unit is based on a standard SC Duplex width unit that is configured to fit a plurality of different type of LC, SC, and MPO connectors.

33. (substitute for original claim 3) The tray of claim [1] 31, wherein the plurality of cassette engaging portions of the tray are spaced apart from one another so as to conform to the standard one width (1 W) and support the modular two standard width (2 W) cassette, the modular three standard width (3 W) cassette, the modular four standard width (4 W) cassette, and the modular six standard width (6 W) cassette.

34. (substitute for original claim 4) The tray of claim [1] 31, wherein the tray is configured to be slidably received in at least a portion of a tray receiving space of a case of a fiber optic management system.

35. (substitute for original claim 6) The tray of claim [1] 31, wherein each of the modular fiber optic cassettes includes a cassette side end portion that is adjacent to a cassette side end portion of another [module] modular optic cassette when each of the modular fiber optic cassettes are in the plurality of the plurality of different modular fiber optic cassette configurations.

36. (substitute for original claim 7) The tray of claim [1] 31, wherein each of the modular fiber optic cassettes includes a cassette side end portion that touches a cassette side end portion of another [module] modular optic cassette when each of the modular fiber optic cassettes are in the plurality of the plurality of different modular fiber optic cassette configurations.

37. (substitute for original claim 9) *[37pre]* A tray for providing a plurality of different modular fiber optic cassette configurations in a standard U-space fiber optic management system comprising:

*[37A]* a tray configured to fit at least twelve standard one width (1 W) units side by side and configured to fit in a standard U-space and support a plurality of different modular fiber optic cassette configurations in the standard U-space;

*[37B]* wherein each of the plurality of different modular fiber optic cassette configurations includes a plurality of different sizes of modular fiber optic cassettes;

*[37C]* wherein each of the plurality of different sizes of modular fiber optic cassettes is configured to support a fiber optic [receptable] receptacle module that is configured to fit in a standard one width (1 W) unit;

[37D] wherein the plurality of different sizes of modular fiber optic 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;

[37D1] wherein the receptacle module is configured to consist of only four fiber optic plug receiving receptacle portions in a standard one width (1 W) unit;

[37E] wherein the plurality of different modular fiber optic cassette configurations comprise:

a first modular fiber optic cassette configuration that includes six modular 2 standard width unit size cassettes that are each arranged side by side of each other along the tray such that a cassette side end portion of each modular 2 W standard width unit size cassette adjacently faces a cassette side end portion of at least one other modular 2 W standard width size cassette;

- a second modular fiber optic cassette configuration that includes four modular 3 W standard width unit size cassettes that are each arranged side by side of each other in a row along the tray such that a cassette side end portion of each modular 3 W standard width size cassette adjacently faces a cassette side end portion of at least one other modular 3 W standard width size cassette;
- a third modular fiber optic cassette configuration that includes three modular 4 W standard width unit size cassettes that are each arranged side by side of each other in a row along the tray such that a cassette side end portion of each modular 4 W standard width size cassette adjacently faces a cassette side end portion of at least one other modular 4 W standard width size cassette;
- a fourth modular fiber optic cassette configuration that includes two modular 6 W standard width unit size cassettes that are each arranged side by side of each other in a row along the tray such that a cassette side end portion of one of the two modular 6 W standard width size cassettes adjacently faces a cassette side end portion of the other modular 6 W standard width size cassette;
- and

a fifth modular fiber optic cassette configuration that includes three modular 2 W standard width unit size cassettes, which are each arranged side by side of each other in a row along the tray such that a cassette side end portion of one of the three modular 2 W standard width size cassettes adjacently faces a cassette side end portion of one of the other modular 2 W standard width size cassette, and one modular 6 W standard width unit size cassette that is arranged side by side in a row along the tray with one of the three modular 2 W standard width unit size cassettes, such that a cassette side end portion of the one modular 6 W standard width unit size cassette adjacently faces a cassette side end portion of one of the other three modular 2 W standard width unit size cassettes;

[37F] wherein the tray is configured to be removably secured to each modular fiber optic cassette when the tray fits the plurality of different modular fiber optic cassette configurations within a tray width portion in the standard U-space fiber management system; [and]

[37F1] wherein each of the modular fiber optic cassettes includes a cassette releasing tab configured to extend from a rear portion of each of the

cassettes and above the tray and allow each of the cassettes to be selectively released from the tray; and

[37G] wherein the tray includes a plurality of cassette engaging portions that are configured to conform to the standard one width (1 W) so as to support the modular 2 W standard width unit size cassette, the modular 3 W standard width unit size cassette, the modular 4 W standard width unit size cassette, and the modular 6 W standard width unit size cassette.

38. (substitute for original claim 10) The tray of claim [9] 37, wherein the standard one width (1 W) unit is based on a standard SC Duplex width unit that is configured to fit a plurality of different type of LC, SC, and MPO connectors.

39. (substitute for original claim 11) The tray of claim [9] 37, wherein the plurality of cassette engaging portions of the tray are spaced apart from one another so as to conform to the standard one width (1 W) and support the modular 2 W standard width unit size cassette, the modular 3 W standard width unit size cassette, the modular 4 W standard width unit size cassette, and the modular 6 W standard width unit size cassette.

40. (substitute for original claim 12) The tray of claim [9] 37, wherein the tray is configured to be slidably received in at least portion of a tray receiving space of a case of a fiber optic management system.

41. (substitute for original claim 14) The tray of claim [9] 37, wherein each of the modular fiber optic cassettes includes a cassette side end portion that is adjacent to a cassette side end portion of another [module] modular optic cassette when each of the modular fiber optic cassettes are in the plurality of the plurality of different modular fiber optic cassette configurations.

42. (substitute for original claim 15) The tray of claim [9] 37, wherein each of the modular fiber optic cassettes includes a cassette side end portion that touches a cassette side end portion of another [module] modular optic cassette when each of the modular fiber optic cassettes are in the plurality of the plurality of different modular fiber optic cassette configurations.

43. (substitute for original claim 17) *[43pre]* A tray for providing a plurality of different modular fiber optic cassette configurations in a fiber optic management system comprising:

- [43A] a tray member configured to fit at least twelve standard one width (1 W) units side by side and configured to support a plurality of different modular fiber optic cassette configurations in a standard U-space width;
- [43B] wherein the plurality of different modular fiber optic cassette configurations include different sizes of modular fiber optic cassettes;
- [43C] wherein each of the different sizes of modular fiber optic cassettes is configured to support a fiber optic [receptable] receptacle module that is configured to fit in a standard one width (1 W) unit;
- [43D] wherein the plurality of different sizes of modular fiber optic 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;
- [43D1] wherein each of the modular fiber optic cassettes consists of only four fiber optic plug receiving receptacle portions for each standard width

(1 W) unit that are configured to be arranged side by side in a row along a front portion thereof;

[43E] wherein the plurality of different modular fiber optic cassette configurations comprise:

a first modular fiber optic cassette configuration that includes six modular 2 W standard width unit size cassettes that are each arranged side by side of each other along the tray member such that a cassette side end portion of each modular 2 W standard width unit size cassette adjacently faces a cassette side end portion of at least one other modular 2 W standard width size cassette;

a second modular fiber optic cassette configuration that includes four modular 3 W standard width unit size cassettes that are each arranged side by side of each other in a row along the tray member such that a cassette side end portion of each modular 3 W standard width size cassette adjacently faces a cassette side end portion of at least one other modular 3 W standard width size cassette;

a third modular fiber optic cassette configuration that includes three modular 4 W standard width unit size cassettes that are each

arranged side by side of each other in a row along the tray member such that a cassette side end portion of each modular 4 W standard width size cassette adjacently faces a cassette side end portion of at least one other modular 4 W standard width size cassette; and

a fourth modular fiber optic cassette configuration that includes two modular 6 W standard width unit size cassettes that are each arranged side by side of each other in a row along the tray member such that a cassette side end portion of one of the two modular 6 W standard width size cassettes adjacently faces a cassette side end portion of the other modular 6 W standard width size cassette; [and]

[43E1] wherein the tray member comprises a cassette fastening portion that is configured to removably secure the tray member to each modular fiber optic cassette;

[43E2] wherein each of the modular fiber optic cassettes includes a tab portion configured to extend from a rear portion of each of the cassettes and above the tray and selectively release each of the cassettes from the tray; and

[43F] wherein the tray member is configured to conform to the standard one width (1 W) so as to support the modular 2 W standard width unit size cassette, the modular 3 W standard width unit size cassette, the modular 4 W standard width unit size cassette, and the modular 6 W standard width unit size cassette.

44. (substitute for original claim 18) The tray member of claim [17] 43, wherein the standard one width (1 W) unit is based on a standard SC Duplex width unit that is configured to fit a plurality of different type of LC, SC, and MPO connectors.

45. (substitute for original claim 19) The tray member of claim [17] 43, wherein the tray member includes a row of cassette engaging portions that are spaced apart from one another so as to conform to the standard one width (1 W) and support the modular 2 W standard width unit size cassette, the modular 3 W standard width unit size cassette, the modular 4 W standard width unit size cassette, and the modular 6 W standard width unit size cassette.

46. (substitute for original claim 20) The tray member of claim [17] 43, wherein the row of cassette engaging portions comprises a first row of cassette

engaging portions, and the tray includes a second row of cassette engaging portions that is spaced away from the first row of cassette engaging portions.

47. (substitute for original claim 21) The tray member of claim [20] 46, wherein the first row of cassette engaging portion comprises a first row of slot portions that are each configured to engage a tab portion of each modular cassette.

48. (substitute for original claim 22) The tray member of claim [17] 43, wherein the tray member is configured to be slidably received in at least portion of a tray member receiving space of a case of a fiber optic management system.

49. (substitute for original claim 24) The tray member of claim [17] 43, wherein each of the modular fiber optic cassettes includes a cassette side end portion that is adjacent to a cassette side end portion of another [module] modular optic cassette when each of the modular fiber optic cassettes are in the plurality of the plurality of different modular fiber optic cassette configurations.

50. (substitute for original claim 25) The tray member of claim [17] 43, wherein each of the modular fiber optic cassettes includes a cassette side end portion that touches a cassette side end portion of another [module] modular optic cassette when each of the modular fiber optic cassettes are in the plurality of the plurality of different modular fiber optic cassette configurations.

51. (substitute for original claim 28) The tray member of claim [17] 43, wherein each of the modular fiber optic cassettes comprises a multi-fiber connector receiving receptacle portion arranged on a rear portion thereof.