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Paper No. 19
Filed: September 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE TECHNOLOGIES LLC,
Petitioner,

v.

BELDEN CANADA ULC,
Patent Owner.

IPR2024-01382
Patent 11,740,423 B2

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

McGRAW, *Administrative Patent Judge*.

JUDGMENT
Granting Request for Adverse Judgment after Institution of Trial
37 C.F.R. § 42.73(b)

ORDER
Granting Motion to Withdraw Motion to Amend
37 C.F.R. § 42.5(a)

CommScope Technologies LLC ("Petitioner") filed a Petition (Paper 1) requesting *inter partes* review of claims 1–30 ("the Challenged Claims") of U.S. Patent No. 11,740,423 B2 ("the '423 Patent," Ex. 1001). Belden Canada ULC ("Patent Owner") filed a Preliminary Response. Paper 7. Pursuant to 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), we instituted review. Paper 9.

On May 21, 2025, Patent Owner filed a non-contingent motion to amend cancelling the Challenged Claims and substituting claims 31–51. Paper 12 ("MTA" or "Motion to Amend"). Thereafter, Patent Owner filed an authorized (*see* Paper 14) Motion to Withdraw its Motion to Amend (Paper 15) and a Motion to Terminate by Adverse Judgment (Paper 16).

In its Motion to Withdraw its Motion to Amend, Patent Owner states that, after it had filed its Motion to Amend, two new patents in the same patent family issued (U.S. Patent Nos. 12,313,896 B2 and 12,332,491 B2). Paper 15, 1. Patent Owner also states that it has filed a continuation application (U.S. Patent App. No. 19/239,502) pursuing claims that include claim elements added in the substitute claims in the Motion to Amend. *Id.* Patent Owner asserts that in light of these developments, and in the interest of judicial and economic efficiency, Patent Owner moves to withdraw its pending Motion to Amend. *Id.* at 1–2. Patent Owner also notes that Petitioner does not oppose this motion. *Id.* at 2.

In view of the facts presented, including that no decision as to the patentability of the proposed substitute claims has yet been made and Petitioner does not oppose the withdrawal, we grant Patent Owner's Motion to Withdraw its Motion to Amend.

In the Motion to Terminate, Patent Owner states that it statutorily disclaimed each of the Challenged Claims under 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a). Paper 16, 1. Patent Owner further states that, because no claims remain in this proceeding after its statutory disclaimer, it requests adverse judgment be entered against the Challenged Claims, terminating the proceeding. *Id.*

Under our rules, a party may request adverse judgment against itself at any time during a proceeding, including by disclaiming all claims involved in a trial. 37 C.F.R. §42.73(b). Because Patent Owner's request to withdraw its Motion to Amend has been granted and Patent Owner has disclaimed all Challenged Claims such that no claims remain in the trial, we grant Patent Owner's Motion to Terminate by Adverse Judgment.

Accordingly, it is

ORDERED that Patent Owner's Motion to Withdraw its Motion to Amend is granted; and

FURTHER ORDERED that, Patent Owner's Motion to Terminate by Adverse Judgment is granted, and this *inter partes* review is terminated.

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