

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BELDEN INC. and PPC BROADBAND, INC.,
Petitioners,

v.

COMMSCOPE TECHNOLOGIES LLC,
Patent Owner.

IPR2025-00833
U.S. Patent 9,266,697

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT 9,266,697**

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Ex. 1003	Prosecution History of the ’697 patent
Ex. 1004	U.S. Patent No. 3,150,769 to Cohn (“ <i>Cohn</i> ”)
Ex. 1005	U.S. Patent Application Publication No. US 2004/0016666 to Redzisz (“ <i>Redzisz</i> ”)
Ex. 1006	U.S. Patent Application Publication No. US 2007/0062997 A1 to Thurner (“ <i>Thurner</i> ”)
Ex. 1007	U.S. Patent No. 4,650,073 to Young (“ <i>Young</i> ”)
Ex. 1008	U.S. Patent No. 5,704,479 to Barnett et al. (“ <i>Barnett</i> ”)
Ex. 1009	U.S. Patent No. 5,529,186 to Bass (“ <i>Bass</i> ”)
Ex. 1010	U.S. Patent Application Publication No. US 2002/0125161 A1 to Cote (“ <i>Cote</i> ”)
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Ex. 1012	U.S. Patent No. 6,145,780 to Fontana (“ <i>Fontana</i> ”)
Ex. 1013	U.S. Patent No. 2,400,417 to Hickey (“ <i>Hickey</i> ”)
Ex. 1014	U.S. Patent No. 3,693,784 to Holmes (“ <i>Holmes</i> ”)
Ex. 1015	U.S. Patent Application Publication No. US 2004/0178100 A1 to Ho (“ <i>Ho</i> ”)
Ex. 1016	U.S. Patent Application Publication No. US 2008/0179370 A1 to Williams (“ <i>Williams</i> ”)
Ex. 1017	U.S. Patent No. 7,320,445 to Eastwood et al. (“ <i>Eastwood</i> ”)

Exhibit	Description
Ex. 1018	U.S. Patent No. 6,145,781 to Kawabe et al. (“ <i>Kawabe</i> ”)
Ex. 1019	Internet Archive copy of “ http://www.wapitistraps.com/ ” dated February 3, 2009
Ex. 1020	U.S. Patent No. 6,427,839 to Helfer-Grand
Ex. 1021	Complaint in <i>CommScope, Inc. of North Carolina v. Belden Inc. et al.</i> , No. 1:24-cv-00427 (D. Del. Apr. 4, 2024).
Ex. 1022	Joint Claim Construction Chart in <i>CommScope, Inc. of North Carolina v. Belden Inc. et al.</i> , No. 1:24-cv-00427 (D. Del. Apr. 17, 2025).
Ex. 1023	U.S. Patent No. 5,337,933 to Nunez (“ <i>Nunez</i> ”)

I. Relief Requested and Grounds

Belden Inc. (“Belden”) and PPC Broadband, Inc. (“PPC”) (“Petitioners”) respectfully request *inter partes* review of claims 9-13 (“the Challenged Claims”) of U.S. Patent No. 9,266,697 (“the ’697 patent”) based on:

Exhibit	U.S. Patent or Publication No.	Pre-AIA Prior Art
1004 (“ <i>Cohn</i> ”)	3,150,769, granted Sept. 29, 1964	102(b)
1005 (“ <i>Redzisz</i> ”)	2004/0016666, published Jan. 29, 2004	102(b)
1007 (“ <i>Young</i> ”)	4,650,073, granted Mar. 17, 1987	102(b)
1008 (“ <i>Barnett</i> ”)	5,704,479, granted Jan. 6, 1998	102(b)
1009 (“ <i>Bass</i> ”)	5,529,186, granted Jun. 25, 1996	102(b)
1017 (“ <i>Eastwood</i> ”)	7,320,445, granted Jan. 22, 2008	102(b)

Claims 9-13 are unpatentable under the following Grounds:

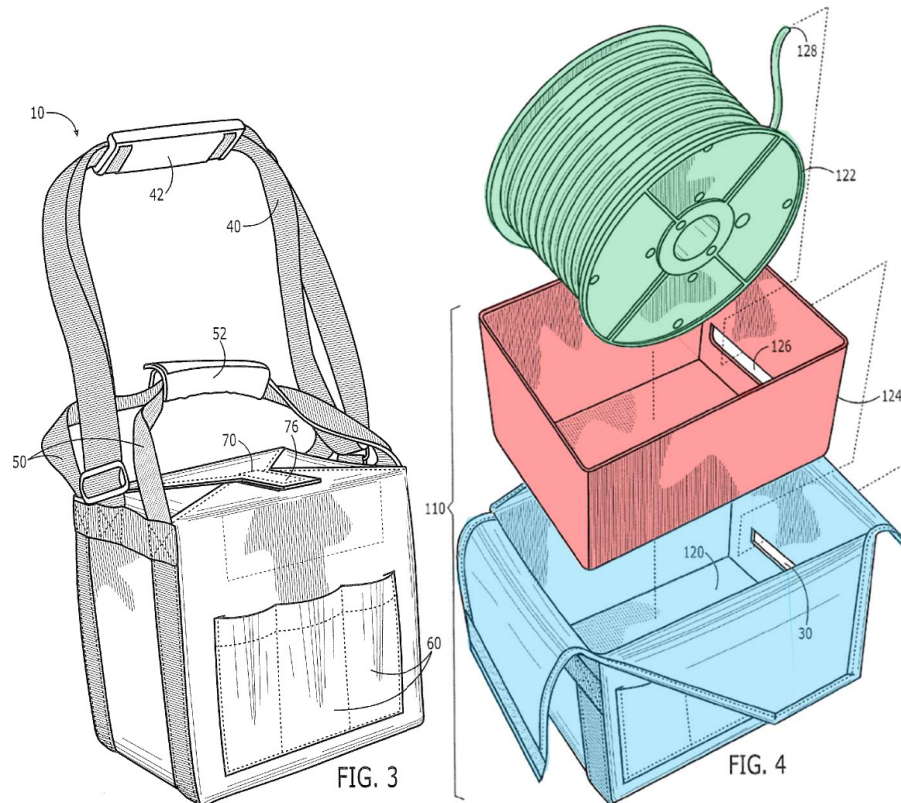
Ground	Claims	Basis Under 35 U.S.C. § 103
1	9-12	Obvious over <i>Cohn</i> and <i>Redzisz</i>
2	13	Obvious over <i>Cohn</i> , <i>Redzisz</i> , and <i>Eastwood</i>
3	9-11	Obvious over <i>Young</i> and <i>Bass</i>
4	12	Obvious over <i>Young</i> , <i>Bass</i> , and <i>Redzisz</i>
5	13	Obvious over <i>Young</i> , <i>Bass</i> , and <i>Eastwood</i>
6	9-11	Obvious over <i>Young</i> and <i>Barnett</i>
7	12	Obvious over <i>Young</i> , <i>Barnett</i> , and <i>Redzisz</i>
8	13	Obvious over <i>Young</i> , <i>Barnett</i> , and <i>Eastwood</i>

II. The '697 Patent

A. Overview of the '697 Patent

The '697 patent claims priority to June 15, 2009. Ex. 1001. It discloses a communication cable payout bag 110 having a **main compartment 120** and an adjustable shoulder strap 40. *Id.*, 1:5-59, 3:28-53, 4:56-64, 5:39-44, FIGS. 1-7. A **removable insert 124** fits within the main compartment's interior, has an open top, and holds a **reel of cable 122**. *Id.*, 4:60-67, FIGS. 3-4. The insert may be constructed

of solid plastic, corrugated plastic, or corrugated cardboard. *Id.*, 5:1-4; Ex. 1002, ¶¶ 24-25.



Ex. 1001, FIGS. 3-4 (annotated).

Bag 110 has a cable payout passageway 30 aligned with the insert's opening 126 such that a cable loose end 128 passes through opening 126 and passageway 30 to be paid out from the main compartment 120 to the exterior of the bag. *Id.*, 5:19-67, FIG. 4. Bag 110 has a closure mechanism 70 to close main compartment 120 and removable insert 124 therein. *Id.*, 4:13-40, 5:39-44, 6:1-4, FIGS. 3-4. Bag 110 is

constructed of a flexible material, such as nylon or canvas, and has a rectangular profile. *Id.*, 2:44-50, 2:66-3:5, 4:13-29, 5:39-44, FIGS. 3-4; Ex. 1002, ¶¶ 25-26.

B. Prosecution History

The '697 patent issued on June 15, 2009. Ex. 1001, cover. The Office rejected Applicant's claims in multiple Office Actions based on various combinations of prior art (Ex. 1003, 96-105, 139-148, 181-192, 223-232) despite Applicant's narrowing amendments to the claims, including amending the claims to recite "a flexible material" and "cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable." *Id.*, 113-118, 200-204. Applicant appealed the Office's second final rejections to the Board. *Id.*, 59-80. The Board affirmed the Examiner's rejections in part, finding that the Examiner erred in concluding that *Cote*'s teachings regarding the use of a box having a main component constructed of cardboard in *Cote* (Ex. 1010) constituted an anticipatory disclosure of the use of the box having a main compartment constructed of a flexible material (Ex. 1003, 27-29) and thus reversed the Examiner's rejections that were based on such erroneous reading (*id.*, 29-30, 33). The Board affirmed the Examiner's rejections of claims 11, 13, 15, 18, 27, and 30, as obvious over *Cote* teaching a removable insert and *Godshaw* (Ex. 1011) teaching a duffel bag with a shoulder strap. Ex. 1003, 30-34, 97-104. The Office subsequently

canceled these claims and allowed the application. *Id.*, 12. The rejected and cancelled claims 11 and 30 are substantially similar to challenged independent claim 10 (amended claim 21 during prosecution), as shown below (*id.*, 114-118) (Ex. 1002, ¶ 30):

Rejected Claims	Challenged Claim 10
11. A communications cable payout bag, comprising:	A communications cable payout bag, comprising:
a main compartment having an interior and an exterior, the main compartment being openable and closable;	a main compartment constructed of a flexible material , the main compartment having an interior and an exterior, the main compartment being openable and closable;
a removable insert within the interior of the main compartment;	a removable insert within the interior of the main compartment;

Rejected Claims	Challenged Claim 10
a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;	a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;
a shoulder strap attached to the exterior of the main compartment;	a shoulder strap attached to the exterior of the main compartment;
a pair of handle straps attached to the exterior of the main compartment, wherein each handle strap is shorter than the shoulder strap;	

Rejected Claims	Challenged Claim 10
a cable payout passageway defined between the interior and the exterior of the main compartment, wherein the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and	a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and
a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment.	a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment;

Rejected Claims	Challenged Claim 10
30: The communications cable payout bag of Claim 11, wherein the main compartment has a substantially rectangular profile when the removable insert and reel of communications cable are closed in the interior thereof.	wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.

The only additional limitation of challenged claim 10 relative to the rejected and cancelled claims is the “a main compartment constructed of a flexible material” limitation. During prosecution, the Office found that “*Godshaw* teaches a bag clearly made of flexible material” (Ex. 1003, 190), and that “*Young* [(Ex. 1007)] discloses a communications cable payout bag, comprising a main compartment ... constructed of a flexible material” (Ex. 1003, 140). Despite these findings, the Office allowed challenged claim 10 (claim 21 during prosecution), but rejected claim 11 over the same combination of *Cote* and *Godshaw*. *Id.*, 29-32, 97-102. In doing so, the Office materially erred by not rejecting challenged claim 10 and its dependent claims 11-13 over *Cote* and *Godshaw* and not similarly rejecting method claim 9. Ex. 1002, ¶ 31.

III. Level of Ordinary Skill

At the time of the alleged '697 patent invention, a person of ordinary skill in the art (“POSITA”) would have at least a bachelor’s degree in physics or engineering and experience with the installation of cable as of the earliest priority date of the '697 patent. Ex. 1002, ¶ 15. Additional education could substitute for professional experience and vice versa. *Id.*

IV. Claim Construction

Other than the means-plus-function limitations identified below, the Board need not construe any term of the '697 patent to resolve the underlying controversy in view of the prior art.

A. Construction of “Removable Plastic Insert” (Claim 9) and “Removable Insert” (Claim 10)

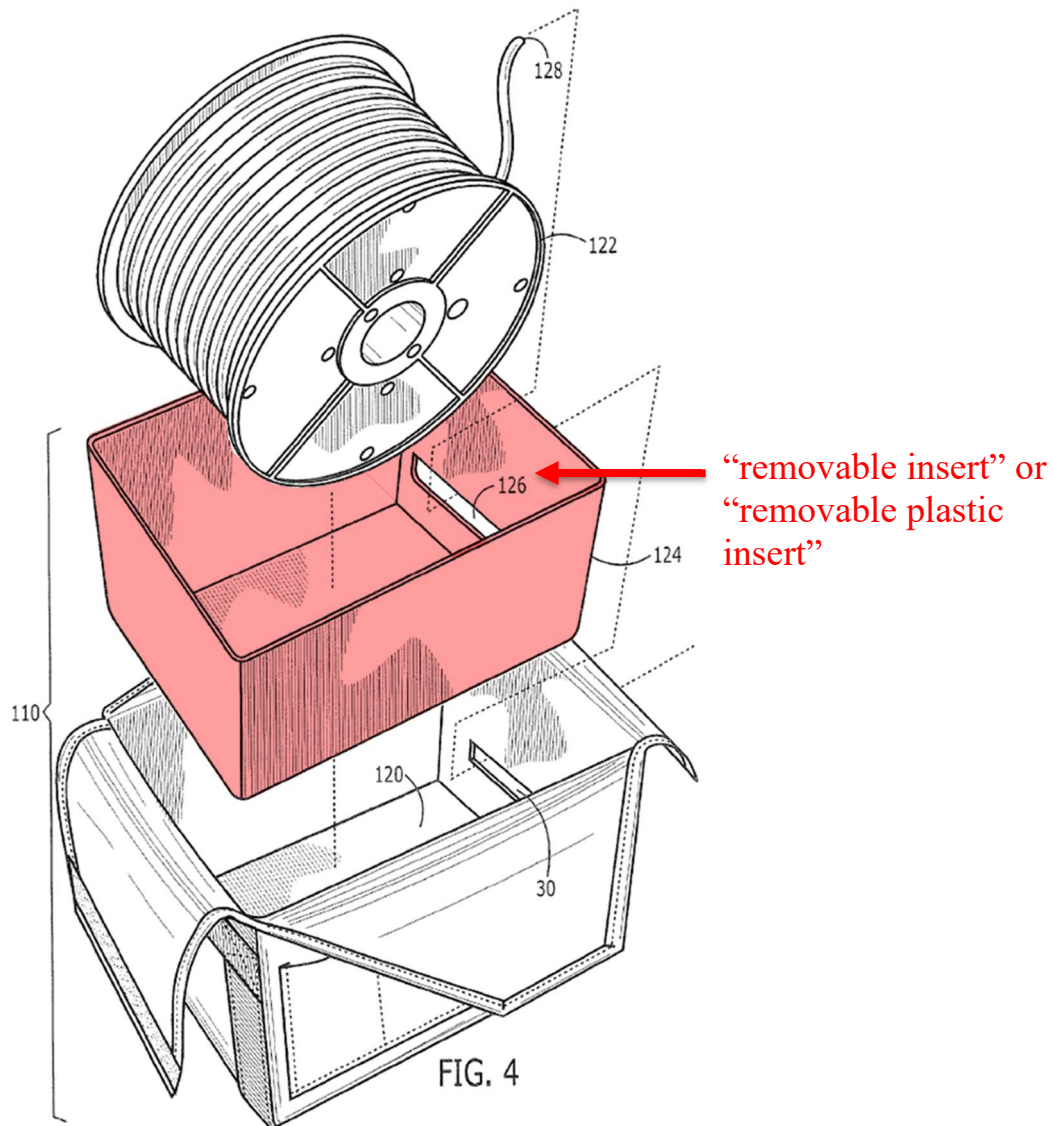
The “removable insert” and “removable plastic insert” are means-plus-function terms. While a term that does not use the word “means” creates a rebuttable presumption that means-plus-function interpretation does not apply, this presumption can be overcome by demonstrating—by a preponderance of the evidence—the term fails to “recite sufficiently definite structure” or recites “function without reciting sufficient structure for performing that function.” *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1348-49 (Fed. Cir. 2015); *Advanced Ground Info Sys. v. Life360, Inc.*, 830 F.3d 1341, 1347 (Fed. Cir. 2016). The key question is

“whether the words of the claim are understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure.” *Williamson*, 792 F.3d at 1348-49; *see also TriMed, Inc. v. Stryker Corp.*, 514 F.3d 1256, 1259-60 (Fed. Cir. 2008) (“Sufficient structure exists when the claim language specifies the exact structure that performs the functions in question without need to resort to other portions of the specification or extrinsic evidence for an adequate understanding of the structure.”).

Here, the function of the “removable insert” or “removable plastic insert” is “being able to support a cable reel, while also being able to be removed from the main compartment.” Ex. 1002, ¶ 35; Ex. 1001, 2:3-6, 4:56-65, FIG. 4. But the terms “removable insert” and “removable plastic insert” do not recite any structure, much less “sufficiently definite structure,” for performing the function. Ex. 1002, ¶¶ 34-35. As explained by Dr. Eldering, “there is no well-understood structural meaning for ‘insert,’” and “the terms ‘removable insert’ and ‘removable plastic insert’ do not convey to a [POSITA] any structure for the function of ‘being able to support a cable reel’ and ‘being able to be removed from the main compartment.’” *Id.* Nor does surrounding claim language describe structural detail about the “removable insert” or “removable plastic insert.” *Id.* The lack of structure in the claim, as explained by Dr. Eldering, shows that the terms “removable insert” and “removable plastic insert”

are means-plus-function terms, overcoming any contrary presumption. *See Mas-Hamilton Grp. v. LaGard, Inc.*, 156 F.3d 1206, at 1214-15 (Fed. Cir. 1998) (finding that the phrases “movable link member” and “lever moving element” were means-plus-function terms); *see also Unicorn Glob. Inc. v. Golabs, Inc.*, 2020 WL 2745692, *6 (N.D. Tex. 2020) (finding that the term “limiting shaft” was a means-plus-function limitation).

The '697 specification describes only one structure corresponding to these functions—an open-topped box made of solid formed plastic, corrugated plastic, or corrugated cardboard. Ex. 1001, 2:3-6, 4:56-65, FIG. 4 (illustrating this box):



Id., FIG. 4 (annotated); Ex. 1002, ¶¶ 35-36.

Thus, a POSITA would have understood the structure corresponding to the claimed functions as:

- **Claim 9:** a plastic structure that includes a box made of solid formed plastic or corrugated plastic with an open top, or equivalents thereof.

- **Claim 10:** a structure that includes a box made of solid formed plastic, corrugated plastic, or corrugated cardboard with an open top, or equivalents thereof.

Ex. 1002, ¶¶ 35-36.

Grounds 1 and 2 show the Challenged Claims are unpatentable under the means-plus-function constructions for “removable insert” and “removable plastic insert.” *See* Sections V and IX, *below*.

B. Patent Owner’s Claim Construction Positions

In parallel district court litigation, Patent Owner argued that the “removable [plastic] insert” is not a means-plus-function term, and should be construed to mean “a [plastic] part that fits within the main compartment and is removable from it.” Ex. 1022, 3. Petitioners disagree. But every Ground in this petition would still render the claims obvious under Patent Owner’s proposed construction. *See* Sections V-IX, *below*.

In the alternative, Patent Owner also argued that “removable [plastic] insert” may correspond to the function of “being insertable and removable from the main compartment” and the following structures:

- **Claim 9:** a plastic part sized to fit within the main compartment and not integral with the main compartment, or equivalents thereof.

- **Claim 10:** a part made of solid formed plastic, corrugated plastic, or corrugated cardboard that is sized to fit within the main compartment and not integral with the main compartment, or equivalents thereof.

Petitioners disagree. Nevertheless, Grounds 1-8 show the Challenged Claims are unpatentable even under Patent Owner's alternative construction.¹ See Sections V-IX, *below*.

V. Cohn and Redzisz Render Obvious Claims 9-12 (Ground 1)

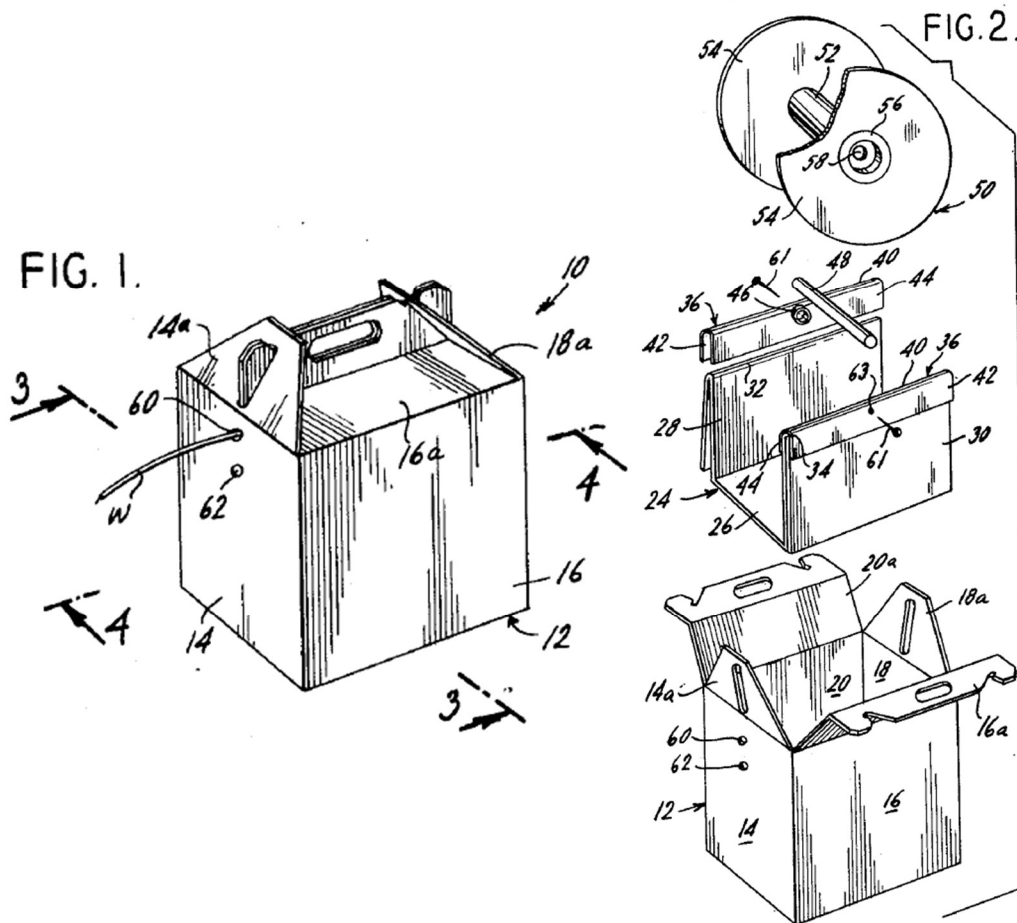
A. Cohn and Redzisz

1. Cohn (Ex. 1004)

Cohn discloses a device for transporting and paying out wire wound on a reel. *Cohn*, 1:9-67, FIGS. 1-4. As shown below, device 10 includes a rectilinear box 12 having four side walls 14, 16, 18, 20; a bottom 22; and top flaps 14a, 16a, 18a, and 20a. *Id.*, 2:15-30, FIGS. 1-4. The top flaps engage with each other to provide both a closure for box 12 and a carrying handle. *Id.* Device 10 includes a cradle 24 that supports a reel 50. *Id.*, 2:31-3:5, FIGS. 1-4. Assembling the spool of wire into device 10 includes assembling reel 50 and cradle 24 and placing the entire assembled cradle

¹ For example, Patent Owner argued that separate plastic frames supporting a cable reel can be the "removable insert." Ex. 1019, 17 ("The plastic frames and hubs are removable inserts."). Petitioners disagree.

24 and spool 50 in box 12. *Id.*, 3:6-20, FIGS. 3-4; Ex. 1002, ¶¶ 39-40.



Cohn, FIGS. 1-2.

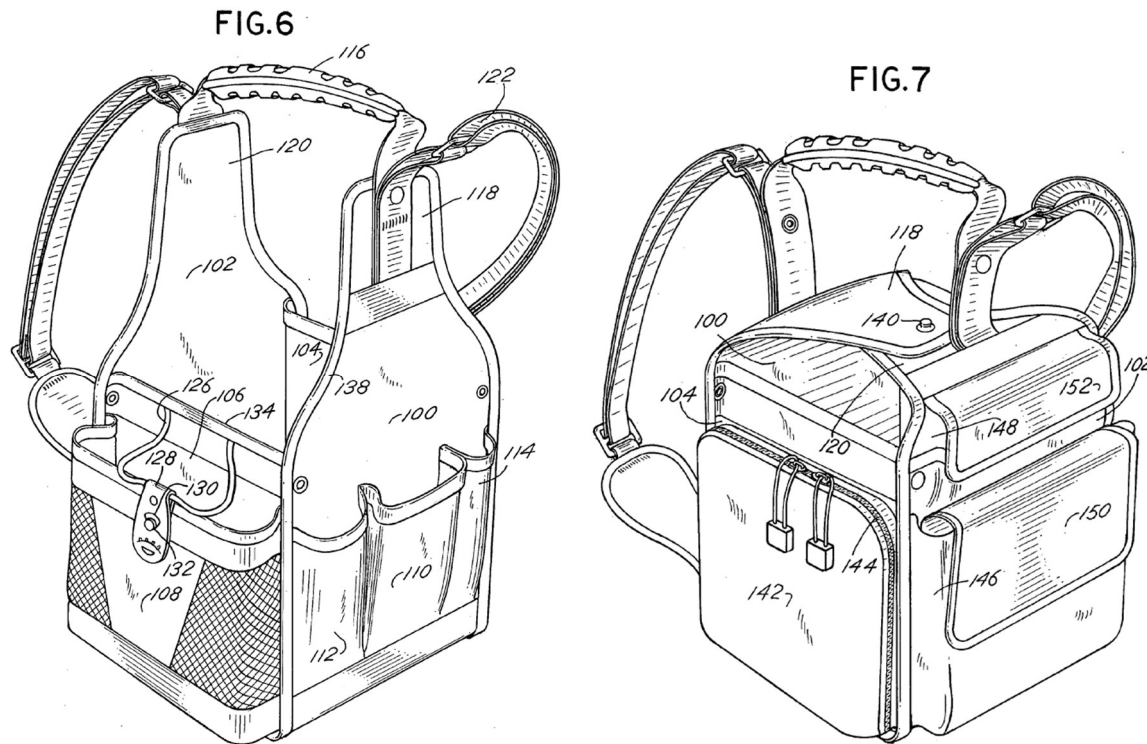
Box 12 includes a wire opening 60 through which the wire can be paid out from reel 50. *Id.*, 3:20-27, FIGS. 3-4. Box 12 also includes a wire securement opening 62 adjacent the wire opening 60 to tuck it back to the box to prevent unwinding. *Id.*; Ex. 1002, ¶ 41.

Cohn is analogous to the '697 patent because they both relate to an apparatus

and method for carrying and paying out cable. *Cohn*, 1:9-67; Ex. 1001, 1:5-59; Section II.A (Overview of the '697 Patent); Ex. 1002, ¶ 41.

2. *Redzisz* (Ex. 1005)

Redzisz discloses a bag or carrying case for tools and other items. *Redzisz*, [0003], [0005], [0028], [0037]-[0038], FIGS. 6-9. This bag, illustrated below, includes a first end panel 100, a second end panel 102, a back panel 104, a front panel 106, and a bottom panel 24. *Id.*, [0026]-[0027], [0030]-[0031], [0037], FIGS. 1, 6-9. Upper sections 118 and 120 of end panels 100 and 102 can be folded over and joined together by a fastening mechanism 140. *Id.*, [0035], [0038], [0041], FIGS. 6-7. This encloses the bag's contents, keeping them within the bag. *Id.*; Ex. 1002, ¶¶ 42-43.



Redzisz, FIGS. 6-7.

Back panel 104 and front panel 106 are made from a flexible material, such as canvas. *Id.*, [0005], [0028], [0037]. The first and second end panels 100, 102, and the bottom panel 24 each include a reinforcing board covered by fabric. *Id.*, [0026]-[0027], [0031], [0039], [0041]; Ex. 1002, ¶ 43.

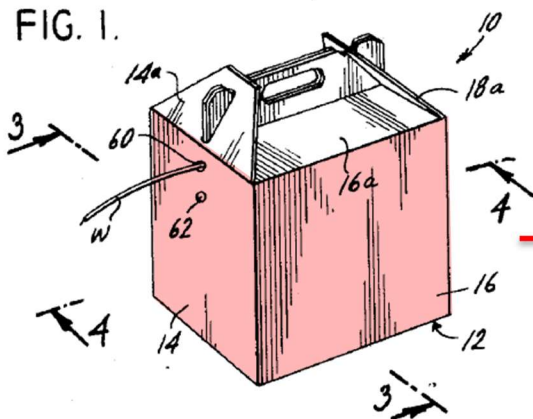
Redzisz is analogous to the '697 patent because both relate to bags for carrying tools and other items. *Redzisz*, [0002]-[0012]; Ex. 1001, 1:5-59; Section II.A (Overview of the '697 Patent); Ex. 1002, ¶ 45.

3. Obviousness Rationale

a. It Would Have Been Obvious To A POSITA To Use *Redzisz's* Bag To Carry *Cohn's* Device.

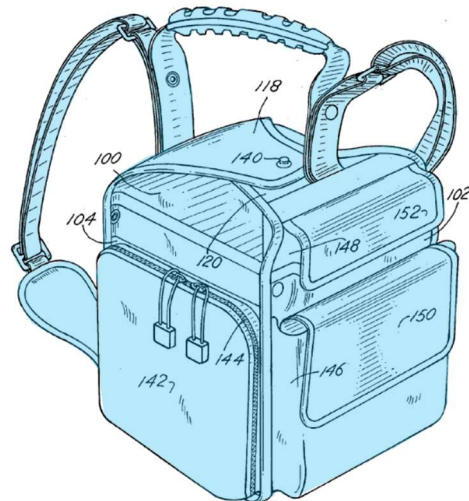
Cohn discloses a device for transporting and paying out wire from a reel. *Cohn*, 1:9-67, FIGS. 1-4. *Cohn's* device provides a carrying handle formed by inter-engaging top flaps for transporting the device from one location to another during installation. *Id.*, 1:17-23, 2:26-30. *Redzisz* discloses a bag with both a carry handle and a shoulder strap for carrying tools and/or equipment. *Id.*, Abstract, [0001]-[0005], [0028], [0037]-[0038], FIGS. 6-9. A POSITA would have been motivated to use *Redzisz's* bag to carry *Cohn's* device, which would “allow free use of both hands, provide more mobility and flexibility, and reduce risk of injury for cable installers in the field” Ex. 1002, ¶ 46.

FIG. 1.



Cohn, FIG. 1 (annotated)

FIG. 7



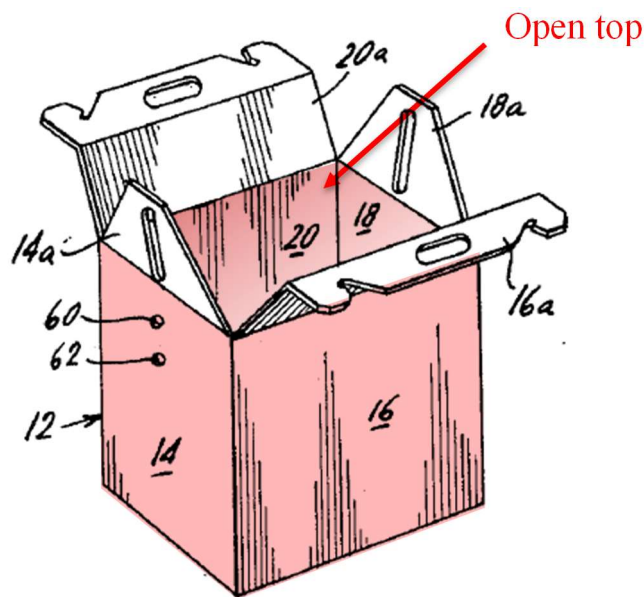
Redzisz, FIG. 7 (annotated)

For example, using both hands would allow installers to “ensure smooth [cable] payout without kinks or twists.” Ex. 1002, ¶ 47. This helps maintain cable integrity, prevents damage, and speeds up the cable-payout process. *Id.* Freeing up the installer’s hands also would allow the installer to “handle other tasks, such as climbing ladders, while working in the field.” *Id.*, ¶ 48 (citing *Young*, 4:28-32 (disclosing an adjustable strap of a cable payout bag that is “a particularly desir[.]able feature when the user is working at an elevation ...”) and *Fontana*, 1:27-32, 2:31-36 (disclosing a belt or shoulder strap on a cable spool container that makes it easier for the installer to carry the container when climbing ladders or working in uncomfortable places)).

b. It Would Have Been Obvious To Use An Open-Topped Insert with *Redzisz*’s Bag.

A POSITA also would have been motivated to use *Redzisz*’s bag to carry *Cohn*’s device in place of its carrying handle to (1) allow for more cable-installer mobility; (2) help prevent accidents from trying to carry a heavy reel by hand; and (3) distribute the cable reel’s weight more evenly across the installer’s body and reduce injury risk. Ex. 1002, ¶¶ 49-50. During prosecution, the Board and Examiner similarly concluded that “adding or substituting [prior art] handles and shoulder strap ... for the integral handles of Cote would make the device easier to carry and more versatile with different ways of carrying it.” Ex. 1003, 32.

Using the *Redzisz* carry handle and shoulder strap would “eliminate the need for *Cohn*’s carrying handle.” Ex. 1002, ¶¶ 49-50. *Redzisz*’s panels enclose its contents, “allow[] for an open-topped insert.” *Id.* (citing *Redzisz*, [0038].) It would have therefore been obvious to retain the side and bottom of *Cohn*’s box (red below), but eliminate elements 14a, 16a, 18a, and 20a (white below). *Id.*, ¶ 49.



Cohn, FIG. 2 (excerpted, annotated).

This would “make it easier to insert and remove reels,” “eliminate box-manufacturing steps,” and “use less material”—design incentives that would motivate a POSITA to make the modification. Ex. 1002, ¶ 49.

c. A POSITA Would Have Had A Reasonable Expectation Of Success In Using *Redzisz*'s Bag To Carry *Cohn*'s Device.

A POSITA would have known how to use *Redzisz*'s bag to carry *Cohn*'s device because this would have required nothing more than ordinary skill. *Redzisz* discloses a bag for carrying tools and other items. *Redzisz*, [0035]; *see also id.*, [0002]-[0012]. *Cohn* discloses its device is for carrying and paying out cable or wire from reels, such as during the installation of television antennas. *Cohn*, 1:1-19. A POSITA would have understood that *Redzisz*'s bag is a suitable option for cable installers to carry a telecommunication article like *Cohn*'s device. And a POSITA also would have understood how to place *Cohn*'s device in *Redzisz*'s bag by opening *Redzisz*'s bag, placing *Cohn*'s device inside, and closing the upper sections of the side panels to secure the device—these are “basic practical skills.” Ex. 1002, ¶¶ 51-53; *Redzisz*, [0035], [0038], [0041], FIGS. 6-7.

When using *Redzisz*'s bag to carry *Cohn*'s device, a POSITA further would have used ordinary skills to make routine optimizations to *Cohn*'s device and *Redzisz*'s bag. For example, a POSITA would have modified *Cohn*'s device to eliminate the top flaps forming the carrying handle and would have adjusted the size of *Redzisz*'s bag to ensure a proper fit. Ex. 1002, ¶¶ 49, 54. A POSITA would have understood that such routine optimizations “would help prevent *Cohn*'s device from

shifting or tipping over during transportation and cable installation” and “reduc[e] unnecessary wear and tear on both the bag and the device.” *Id.* Using *Redzisz*’s bag to carry *Cohn*’s device to payout cable would have been applying a known technique to improve a known device and yield predictable results—an improved system for transporting and paying out cable from a cable reel. *Id.*; *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 17 (2007).

B. Independent Claim 10

Cohn and *Redzisz* render obvious claim 10. Ex. 1002, ¶¶ 55-87.

1. 10[pre]: “A communications cable payout bag, comprising:”

Cohn and *Redzisz* render obvious 10[pre]. Ex. 1002, ¶¶ 56-57.

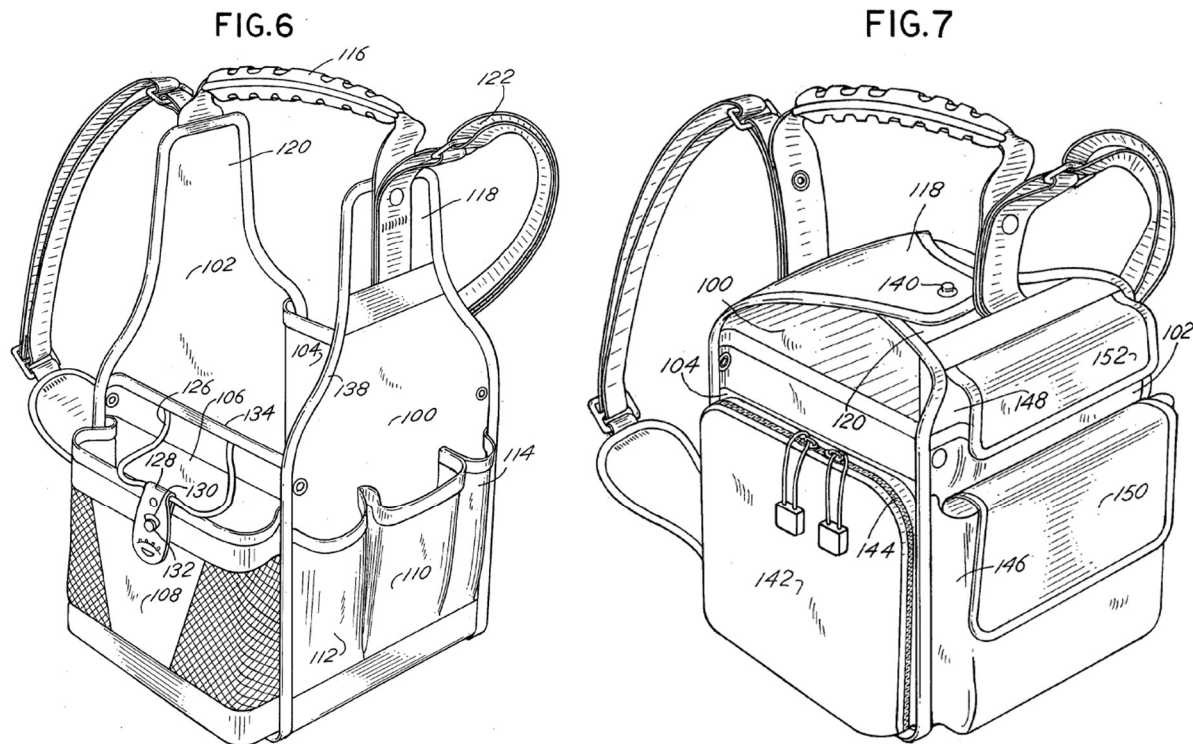
Cohn discloses its device for packaging items, such as wire, wound on reels. *Cohn*, 1:9-13. A POSITA would have understood that *Cohn*’s device would have been suitable for paying out communication cable because communication cable and wire are similar, and both were often wound on reels to facilitate payout. Ex. 1002, ¶ 57; *see also Bass, Barnett, Holmes, Fontana*.

As discussed above in Section V.A.3, a POSITA also would have found it obvious to use *Redzisz*’s bag (with its shoulder strap) to carry *Cohn*’s device. When used to carry *Cohn*’s device, *Redzisz*’s bag would be a “communications cable payout bag” because it would carry a device for paying out wire-like items wound on reels, such as communication cable. Ex. 1002, ¶ 57.

2. 10[a]: “a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;”

Cohn and *Redzisz* render obvious 10[a]. Ex. 1002, ¶¶ 58-62.

As discussed above, *Cohn* and *Redzisz* render obvious a communications cable payout bag. *Redzisz*’s bag is constructed of a “flexible material such as canvas, plastic or the like.” *Redzisz*, [0028], [0037]; Section V.A.2. The bag’s panels (first end panel 100, second end panel 102, back panel 104, front panel 106, and bottom panel 24) form a “bag or case,” into which contents may be placed:



Redzisz, [0035], FIGS. 6-7; Ex. 1002, ¶ 59.

Redzisz discloses that upper sections 118 and 120 of the bag's end panels 100 and 102 can be folded over and fastened together to "enclose the contents of the bag." *Redzisz*, [0038]. *Redzisz* confirms that the bag's contents are retained "within the bag case or container." *Id.*, [0035]. Thus, a POSITA would understand *Redzisz* discloses a bag with an "openable and closeable" "main compartment" like that recited in limitation 10[a] and described in the '697 patent. Ex. 1002, ¶¶ 60-62.

The main compartment of *Redzisz*'s bag also has an interior (inside of the panels) within which items are retained and an exterior (outside of the panels) surrounding them. Ex. 1002, ¶ 61 (citing *Redzisz*, Fig. 6, [0026] (describing inner and outer surfaces of panels for the embodiment of Fig. 1)). The interior of the compartment can be seen above in *Redzisz* Figure 6. Ex. 1002, ¶ 61. *Redzisz* Figures 6 and 7 show its exterior. *Id.*

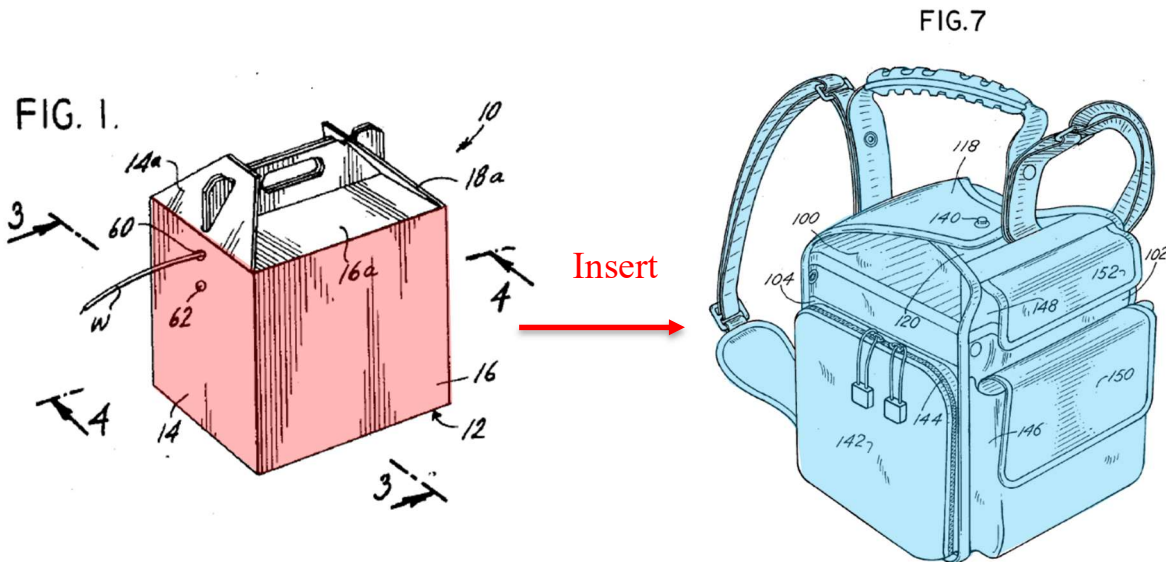
3. 10[b]: "a removable insert within the interior of the main compartment;"

Cohn and *Redzisz* render obvious 10[b]. Ex. 1002, ¶¶ 63-69.

As discussed in Section IV (Claim Construction) above, the "removable insert" is a means-plus-function term. Its function is being able to support a cable reel and to be removed from the main compartment. Structure corresponding to this function includes a box made of solid formed plastic, corrugated plastic, or

corrugated cardboard with an open top, or equivalents thereof. Ex. 1001, 2:3-6, 4:56-65, FIG. 4; Ex. 1002, ¶ 64.

A POSITA would have found it obvious to use *Redzisz*'s bag to carry *Cohn*'s device, as shown below and discussed above in Section V.A.3. Ex. 1002, ¶ 65.

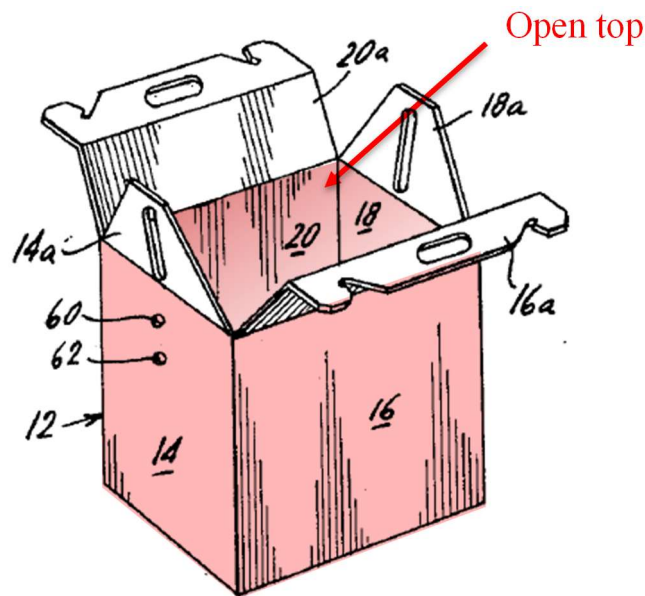


Cohn, FIG. 1 (annotated)

Redzisz, FIG. 7 (annotated)

Cohn's device would constitute a “removable insert” fit in *Redzisz*'s bag. A POSITA would disengage sections 118 and 120 of *Redzisz*'s bag, insert *Cohn*'s device (“removable insert”) into *Redzisz*'s bag (into the “interior of the main compartment”), and re-engage sections 118 and 120 to re-close the bag. As such, *Cohn*'s device would be within the interior of the main compartment of *Redzisz*'s bag. Ex. 1002, ¶ 66.

Cohn's device includes a cradle 24 that rotatably supports a reel 50 within a box 12. *Cohn*, 2:15-3:5, FIGS. 1-4. Box 12 and cradle 24 are formed of cardboard, plastic, fiber board, wood, or other material. *Id.*, 3:28-33. It would be obvious to modify *Cohn's* box 12 to have an open top when carried in *Redzisz's* bag, as illustrated by the red highlighting below. See Section V.A.3; Ex. 1002, ¶¶ 49-50 (describing motivation to remove elements 14a, 16a, 18a, and 20a), 67.



Cohn, FIG. 2 (excerpted, annotated).

When the cable is paid out, a POSITA would have known to remove *Cohn's* device from *Redzisz's* bag, such that the reel may be replenished or replaced with a fully loaded reel. A POSITA would have understood how to remove *Cohn's* device from *Redzisz's* bag by disengaging fastener 14 and sections 118 and 120, then taking

box 12 out of the bag. In other words, the insert would be “removable” as claimed. Ex. 1002, ¶ 68.

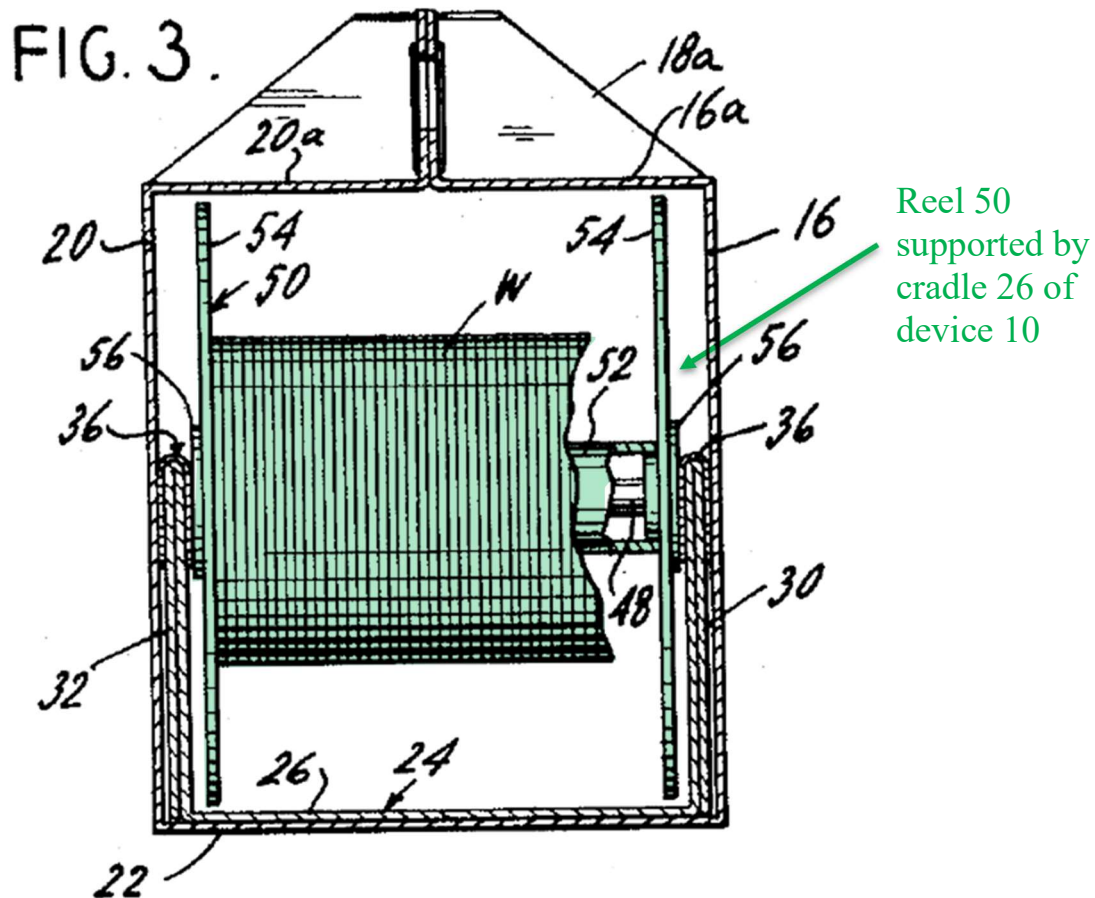
Cohn and *Redzisz* also render obvious element 10[b] under Patent Owner’s proposed claim constructions—under both means-plus-function and “ordinary meaning” claim constructions. Ex. 1002, ¶ 69; *see* Section IV.B. *Cohn*’s device, including box 12 and cradle 24, are formed of cardboard, plastic, fiber board, wood, or other material. *Cohn*, 3:28-33; Ex. 1002, ¶ 69. As modified above, these components would be “sized to fit within the main compartment” of *Redzisz*’s bag. Ex. 1002, ¶ 69; Ex. 1022, 3; *see* Section V.A.3. And the box and cradle would remain “removable from” and “not integral with” the main compartment. Ex. 1002, ¶ 69.

A POSITA would have had reasonable expectation of success in fitting *Cohn*’s device inside *Redzisz*’s bag under any proposed construction. Such a modification merely involves basic practical skills of a POSITA with the education and experience mentioned above. *See* Section V.A.3; Ex. 1002, ¶ 68.

4. **10[c]: “a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;”**

Cohn and *Redzisz* render obvious 10[c]. Ex. 1002, ¶¶ 70-73.

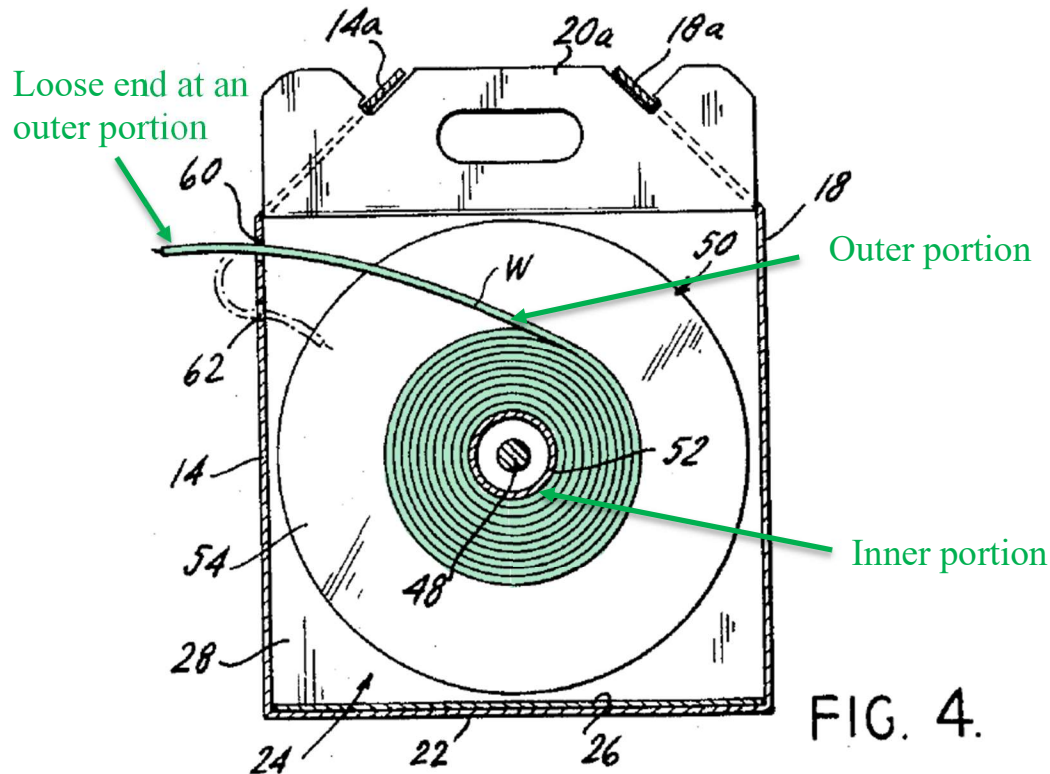
As discussed in 10[b], *Cohn* and *Redzisz* render obvious the claimed “removable insert.” See Section V.B.3. As shown below, *Cohn*’s device—the removable insert—supports reel 50 provided with a load of wire. *Cohn*, 2:15-3:20, FIGS. 1-4; Ex. 1002, ¶ 71.



Cohn, FIG. 3 (annotated).

Cohn describes that the device is used for items wound around reels, such as wire. *Id.*, 1:1-13. As shown below, *Cohn* discloses that the reel of wire has a loose

end at an outer portion thereof and the wire is paid out from the reel outwardly through a wire opening 60. *Id.*, 3:20-22, FIGS. 1, 3-4; Ex. 1002, ¶ 72.



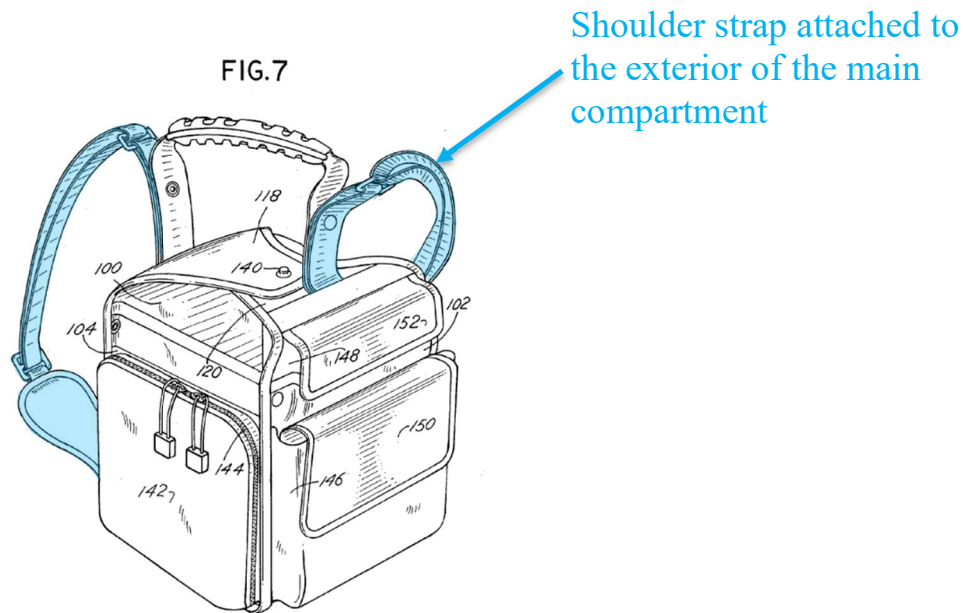
Cohn, FIG. 4 (annotated).

A POSITA would have found it obvious to use *Cohn*'s device and rotatably supported reel for paying out communication cables from the outer portion of the reel. See *Holmes*, 1:40-65; see Section VI.A.3; Ex. 1002, ¶ 73.

5. 10[d]: “a shoulder strap attached to the exterior of the main compartment;”

Cohn and *Redzisz* render obvious 10[d]. Ex. 1002, ¶¶ 74-76.

Redzisz's bag has a [shoulder strap 122](#). *Redzisz*, [0035], FIGS. 6-7.



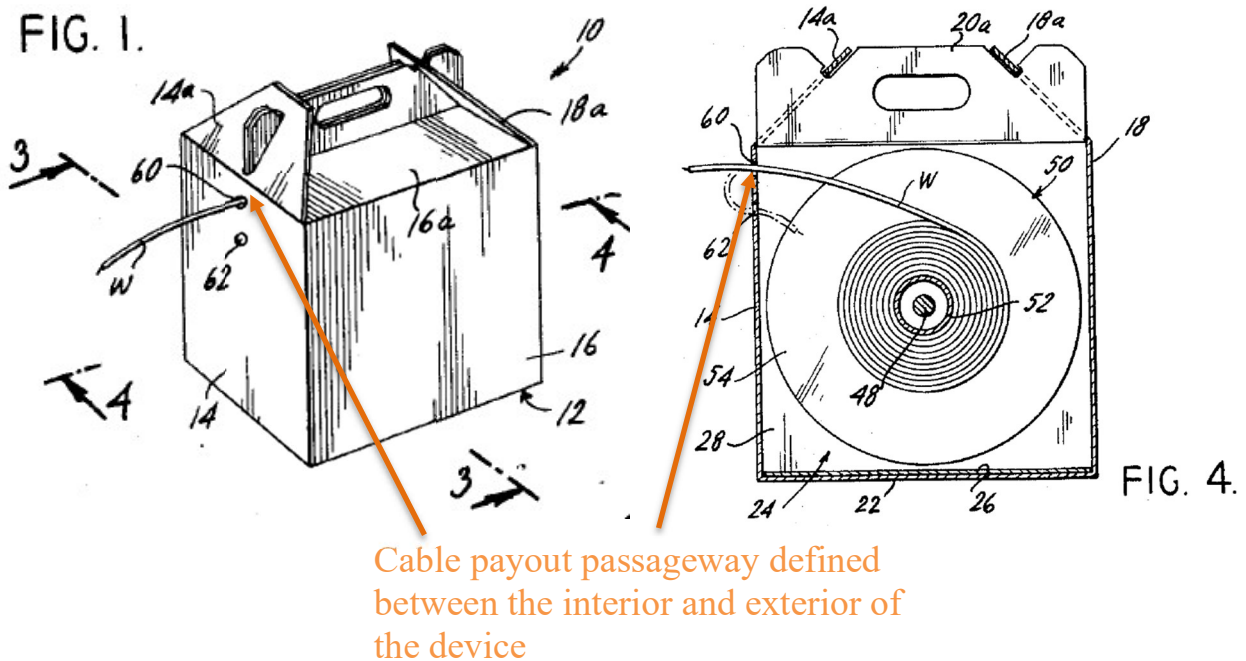
Id., FIG. 7 (annotated). *Redzisz*'s shoulder strap 122 is attached to the exterior of the main compartment, just outside the upper ends 118, 120 of first and second panels 100, 120. *Id.*, [0035], FIGS. 6, 7; Ex. 1002, ¶ 75.

6. **10[e]: “a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and”**

Cohn and *Redzisz* render obvious 10[e] in two ways. Ex. 1002, ¶¶ 76-79.

First, as shown below, *Cohn* discloses the device includes a wire opening 60 through which the wire can be paid out outwardly from the reel. *Cohn*, 3:20-22, FIGS. 1, 4. *Cohn*'s wire opening 60 constitutes, or at least renders obvious, a cable payout passageway defined between the interior and exterior of the device, through

which the loose end of the cable wound on the reel passes through from the outer portion of the reel. Ex. 1002, ¶ 77; *see* Section V.B.4.

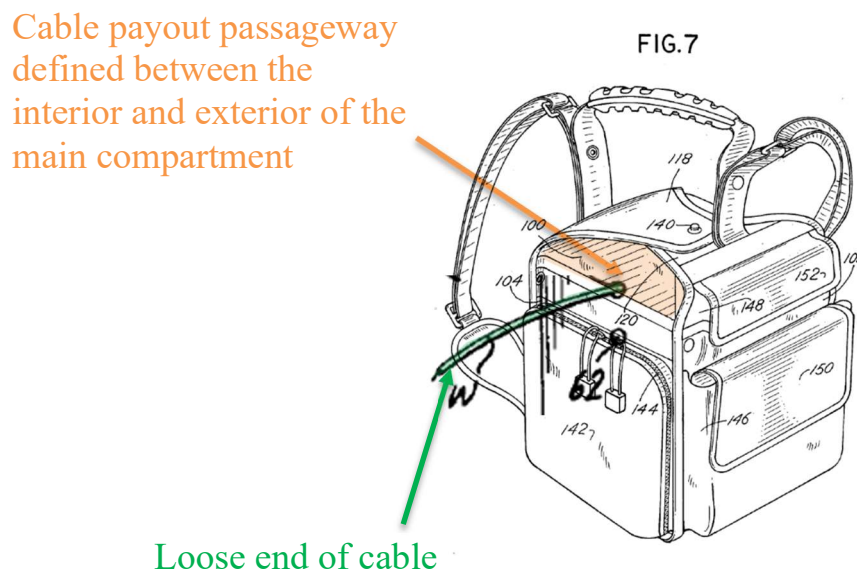


Cohn, FIGS. 1, 4 (annotated).

A POSITA would have been motivated to modify *Redzisz*'s bag to have an opening that aligns with *Cohn*'s wire opening. This modification would allow *Redzisz*'s bag to receive the loose end cable exiting *Cohn*'s device. This would allow cable to payout from the reel and bag without twisting or additional hindrance. A POSITA would have known how to create such opening in *Redzisz*'s bag using ordinary skill. A POSITA would have understood that such a bag opening would constitute "a cable payout passageway defined between the interior and the exterior of the main compartment" because the loose end of the cable would pass through it

from the interior to the exterior of the bag. Ex. 1002, ¶ 78.

And second, as illustrated below, a POSITA would have used the opening at the top of *Redzisz*'s bag to allow the loose end of the cable passes from the interior to the exterior of the bag. Such use of *Redzisz*'s bag would be within the basic practical skill of a POSITA. Ex. 1002, ¶ 79.



Cohn, FIG. 1 (excerpted, annotated); *Redzisz*, FIG. 7 (modified, annotated).

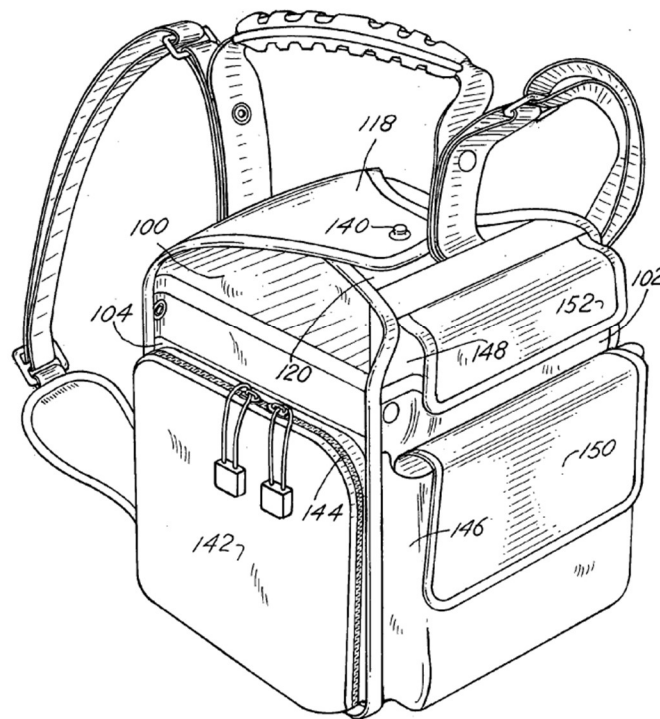
7. **10[f]: “a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment;”**

Cohn and *Redzisz* render obvious 10[f]. Ex. 1002, ¶¶ 80-82.

Redzisz’s bag is designed to close. *Redzisz*, [0038], FIG. 7. As illustrated in *Redzisz* Figure 7, a fastener 140 attaches upper ends 118 and 120 of first and second panels 100, 102 together “to enclose the contents of the bag or case.” *Id.*; *see also*

id., [0035]. A POSITA would have understood these components of *Redzisz*'s bag were a "closure mechanism" configured to close the bag's contents in the "interior of the main compartment," as claimed. *Id.*; Ex. 1002, ¶ 82.

FIG. 7



Redzisz, FIG. 7.

As discussed above in Section V.A.3, a POSITA would have been motivated to use *Redzisz*'s bag to carry *Cohn*'s device. After *Cohn*'s device is assembled and inserted into *Redzisz*'s bag, closing the bag would have closed *Cohn*'s device ("removable insert") and reel of wound material, e.g., communication cable ("the

reel of communications cable”), in the interior of *Redzisz*’s “main compartment.”

Cohn, 3:6-20, FIGS. 3-4; *Redzisz*, [0038], FIG. 7; Ex. 1002, ¶ 82.

8. **10[g]: “wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.”**

Cohn and *Redzisz* render obvious 10[g]. Ex. 1002, ¶¶ 83-85.

Redzisz’s bag has a generally rectangular shape in each of its dimensions. *Redzisz*, FIGS. 6-9. So does *Cohn*’s device. *Cohn*, FIG. 1; Ex. 1002, ¶ 84. Indeed, *Cohn* describes its device as “a generally rectilinear box having a bottom and four side walls as well as a customary top.” *Cohn*, 1:48-52, *see also id.*, 2:22-30. A POSITA would therefore have understood that *Redzisz*’s bag and *Cohn*’s rectilinear box both had a substantially rectangular profile. Ex. 1002, ¶ 84.

When combining *Cohn* and *Redzisz*, these disclosures would lead the POSITA to close *Cohn*’s device (“removable insert”) and reel (“the reel of communications cable”) in the interior of *Redzisz*’s bag. A POSITA would have adjusted the size of *Redzisz*’s bag to fit *Cohn*’s device, maintaining the rectangular profile of the box and the bag. *See* Section V.A.3; Ex. 1002, ¶ 85. The POSITA would have a reasonable expectation of success in fitting these components to arrive at a main compartment with a substantially rectangular profile. Ex. 1002, ¶ 85.

C. Dependent Claim 11: “The communications cable payout bag of claim 10, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.”

As set forth above, *Cohn* and *Redzisz* render obvious claim 10. And *Cohn* and *Redzisz* render obvious all limitations added by claim 11. Ex. 1002, ¶¶ 86-89.

Redzisz’s bag has a single shoulder strap 122 with a buckle and loop. *Redzisz*, [0038], FIGS. 6-9. A POSITA would understand the length of this shoulder strap may be adjusted by moving the buckle. Ex. 1002, ¶ 87. It would have been obvious to make this shoulder strap adjustable to a length of at least 37 inches, “so that the bag could be held over different users’ shoulders.” *Id.*

A POSITA would have understood that the length of the shoulder strap would be a result-effective variable that affects the comfort and ease of carrying the bag. *Id.*, ¶ 88. A POSITA would have known to select a range of lengths, through routine experimentation, to optimize support from the back, relieving weight on the shoulder, thereby reducing effort and risk of injury to the installer. Based on height variations in the population of users, a POSITA would have chosen an adjustable length for the shoulder strap to include at least 37 inches to accommodate a wide range of user heights. *Id.*, ¶ 89. A POSITA would have known how to make shoulder strap length adjustable using common components, such as adjustable buckles, which would

have been within the ordinary skills of a POSITA. *Id.* (citing *Nunez*, 2:48-50, 3:20-47, FIGS. 1-3).

Moreover, the determination of the optimum range of a result-effective variable has long been held to be within the grasp of a POSITA. *In re Boesch*, 617 F.2d 272, 276 (C.C.P.A. 1980) (“[D]iscovery of an optimum value of a result effective variable ... is ordinarily within the skill of the art.”). The ’697 patent does not disclose that the claimed range of the length of the shoulder strap is “‘critical’ and ‘produce[s] a new and unexpected result which is different in kind and not merely in degree from the results of the prior art.’” *In re Applied Materials, Inc.*, 692 F.3d 1289, 1295, 1297 (Fed. Cir. 2012) (quoting *In re Aller*, 220 F.2d 454, 456 (C.C.P.A. 1955) (“[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.”)); *see also Ex parte Spangler*, Appeal No. 2018-003800 (Feb. 20, 2019) (affirming the Examiner’s obviousness rejection, which determined that claimed relative lengths and locations of two claimed components were a matter of obvious design choice because the specification did not suggest that the relative lengths or locations were critical to the claimed invention). Accordingly, adjusting and optimizing the length of *Redzisz*’s adjustable shoulder strap to obtain an expected result is nothing other than the exercise of ordinary skill in the art. *Iron*

Grip Barbell Co. v. USA Sports, Inc., 392 F.3d 1317, 1322-23 (Fed. Cir. 2004); *In re Huang*, 100 F.3d 135, 139 (Fed. Cir. 1996).

D. Dependent Claim 12: “The communications cable payout bag of claim 10, further comprising at least one storage pouch on the exterior of the main compartment.”

As shown above, *Cohn* and *Redzisz* render obvious claim 10. And *Redzisz* discloses all limitations added by claim 12. Ex. 1002, ¶¶ 90-91.

Redzisz discloses adding “auxiliary pouches” on the outside of its bag (“on the exterior of the main compartment”), such as, for example, pouches 108, 110, 112, and 144 in Figure 6 and pouches 142, 146, 148 shown in Figure 7. *Redzisz*, [0035], [0038]. These pouches accommodate storage of tools or other items. Ex. 1002, ¶ 91; *see also Redzisz*, [0035], [0036], [0038].

E. Independent Claim 9

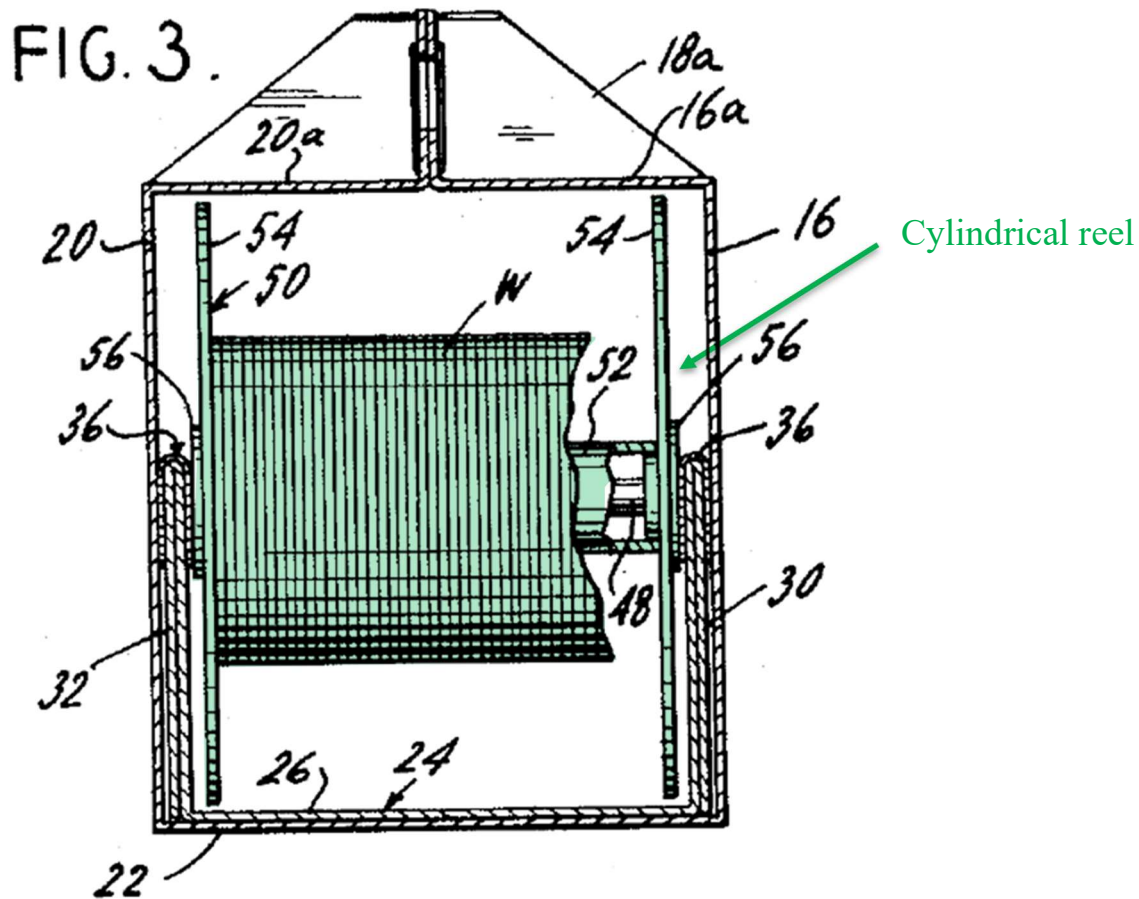
1. 9[pre]: “A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:”

Cohn and *Redzisz* render obvious 9[pre]. As discussed in 10[pre], 10[a], and 10[e], *Cohn* and *Redzisz* render obvious a communications cable payout bag that includes a main compartment and a cable payout passageway. Sections V.B.1, V.B.2, V.B.6. A POSITA would have understood that using *Redzisz*’s bag for carrying *Cohn*’s device for cable payout constitute a method of paying out

communications cable from a bag that includes a main compartment and a cable payout passageway. Ex. 1002, ¶ 92.

2. 9[a]: “inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment,”

Cohn and *Redzisz* render obvious 9[a]. As discussed in 10[b], in *Cohn* combined with *Redzisz*, *Cohn*’s device would constitute a “removable insert” to fit in *Redzisz*’s bag. Section V.B.3. *Cohn* further discloses that the device includes a box 12 formed of plastic. *Cohn*, 2:15-3:5, 3:28-33, FIGS. 1-4. Thus, *Cohn*’s device, when formed of plastic, would constitute a “removable plastic insert.” And as discussed in 10[c], *Cohn* and *Redzisz* render obvious “a reel of communications cable that is supported by the removable insert.” Section V.B.4. As shown below, a POSITA would have understood that *Cohn*’s reel is a “cylindrical reel” because it has a cylindrical hub connecting two parallel disks that allow cable to be wound and stored on the reel. Ex. 1002, ¶ 93.



Cohn, FIG. 3 (annotated).

A POSITA would have understood that when using *Redzisz*'s bag for carrying *Cohn*'s device for cable payout, *Cohn*'s device ("removable plastic insert") would be supporting its reel ("cylindrical reel of communications cable") and be inserted into the interior of *Redzisz*'s bag ("main compartment"). Sections V.A.3, V.B.3; Ex. 1002, ¶ 94.

Cohn and *Redzisz* also render obvious element 9[a] under Patent Owner's proposed claim constructions. Ex. 1002, ¶ 94. *Cohn*'s box 12 and cradle 24 can be

formed of plastic, meeting the requirements of Patent Owner’s means-plus-function proposal. *Cohn*, 3:28-33; Ex. 1002, ¶ 94. As modified above, these components would be “sized to fit within the main compartment” of *Redzisz*’s bag. Ex. 1022, 3. And the modified box and cradle would remain “removable from” and “not integral with” the main compartment. Ex. 1002, ¶ 94. A POSITA would have understood how to insert *Cohn*’s device into or remove it from *Redzisz*’s bag during ordinary skills and would have had a reasonable expectation of success in doing so. Ex. 1002, ¶ 94; *see* Section V.A.3.c.

3. 9[b]: “wherein the reel of communications cable has a loose end of cable at an outer portion thereof, and;”

This limitation is encompassed by 9[b]. *Cohn* and *Redzisz* render obvious 9[b] for reasons discussed in 10[c]. Section V.B.4; Ex. 1002, ¶ 95.

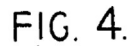
4. 9[c]: “wherein the main compartment is constructed of a flexible material;”

This limitation is encompassed by 10[a]. *Cohn* and *Redzisz* render obvious limitation 9[c] for reasons discussed in 10[a]. Section V.B.2; Ex. 1002, ¶ 96.

5. 9[d]: “aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and”

Cohn and *Redzisz* render obvious 9[d]. As discussed in 9[pre] and 9[b], *Cohn* and *Redzisz* render obvious “a cable payout passageway” and “a loose end of cable at an outer portion” of the reel of communications cable. Sections V.E.1, V.E.3; *see*

also Sections V.B.4, V.B.6. And when combining *Cohn* with *Redzisz*, a POSITA would have been motivated to modify *Redzisz*'s bag to include a cable payout passageway that aligns with *Cohn*'s wire opening to receive the loose end cable from the outer portion of the reel exiting *Cohn*'s device, as shown below in *Cohn*'s Figures 1 and 4. *See* Section V.B.6. When using *Redzisz*'s bag for carrying *Cohn*'s device for cable payout, a POSITA would have aligned the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway of *Redzisz*'s bag such that the cable would exit from the interior of the bag to the exterior of the bag to be paid out. Ex. 1002, ¶ 97. Alternatively, a POSITA would have found it obvious to use the opening at the top of *Redzisz*'s bag to allow the loose end of the cable to pass from the interior to the exterior of the bag. *Id.*; *see* Section V.B.6.



Cable payout passageway defined between the interior and exterior of the device

Cohn, FIGS. 1, 4 (annotated).

6. 9[e]: “pulling the loose end of cable through the cable payout passageway.”

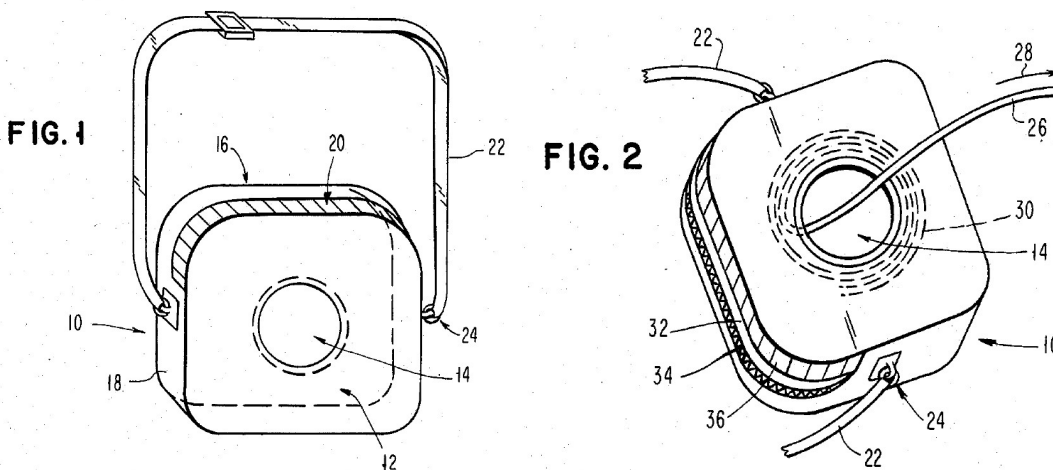
Cohn and *Redzisz* render obvious 9[e]. When using *Redzisz*'s bag for carrying *Cohn*'s device for cable payout, a POSITA would have known to pull the loose end of cable through the cable payout passageway of *Redzisz*'s bag to draw out a length of the cable. Ex. 1002, ¶ 98 (citing *Bass*, 8:36-42 (pulling a desired length of cable through payout passage); *Fontana*, 4:14-19 (pulling the free end of cable to unwind the cable coil on a spool); *Holmes*, 4:12-16 (pulling a cable at a tangent with respect to the cable causes the reel to rotate)).

VI. *Young* and *Bass* Render Obvious Claims 9-11 (Ground 3)

A. *Young* and *Bass*

1. *Young* (Ex. 1007)

Young discloses a cable payout container 10 for carrying and dispensing electrical cable. *Young*, 1:6-12, 4:21-32, 5:1-8, FIGS. 1-2. Container 10 is made of a strong and flexible material, such as nylon, sailcloth, canvas, etc. *Id.*, 1:6-12, 3:41-44, 4:17-20, 4:60-68, 6:10-15. Container 10 includes a front face 12, a rear face 16, sides 18, and a closable opening for inserting and removing cable from the interior of container 10. *Id.*, 5:1-8, 5:45-50, FIGS. 1-2. The opening can be closed by Velcro closure, zipper, or closure snaps. *Id.*, 5:8-14, FIGS. 1-2. Container 10 includes an adjustable strap 22 for carrying the container. *Id.*, 5:27-30. Front face 12 includes an exit opening 14 for cable payout from the inner portion of a coil in the container. *Id.*, 5:1-4, 5:50-58; Ex. 1002, ¶¶ 100-101.

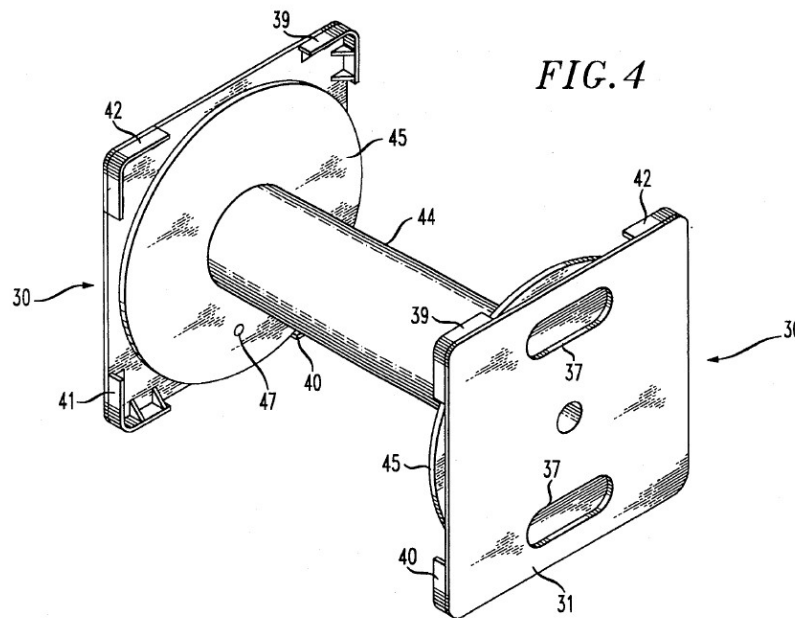


Young, FIGS. 1-2.

Young is analogous to the '697 patent because they both relate to providing a container for carrying and paying out cable. *Young*, 1:6-12; Ex. 1001, 1:5-59; Section II.A (Overview of the '697 Patent); Ex. 1002, ¶ 102.

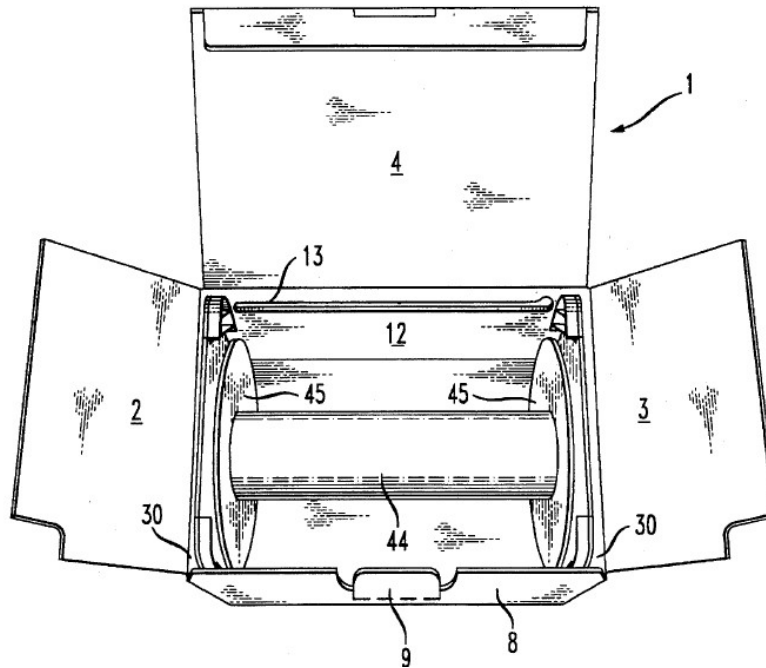
2. *Bass* (Ex. 1009)

Bass discloses a boxed spool assembly that includes a box 1, a reel 44 with two flanges 45, a pair of end plates 30 for rotatably supporting the reel. *Bass*, 2:7-17, 7:39-67, 8:1-23, FIGS. 4-5. Reel 44 and supporting end plates 30 are placed in the box. *Id.*, 4:62-65, 8:1-23, FIGS. 4-5. End plates 30 have corner supports 39-42 that maintain the box in the proper configuration and prevent the corners of the end plates from cutting through the box. *Id.*, Abstract, 2:67-3:9, 6:61-7:23; Ex. 1002, ¶¶ 103-104.



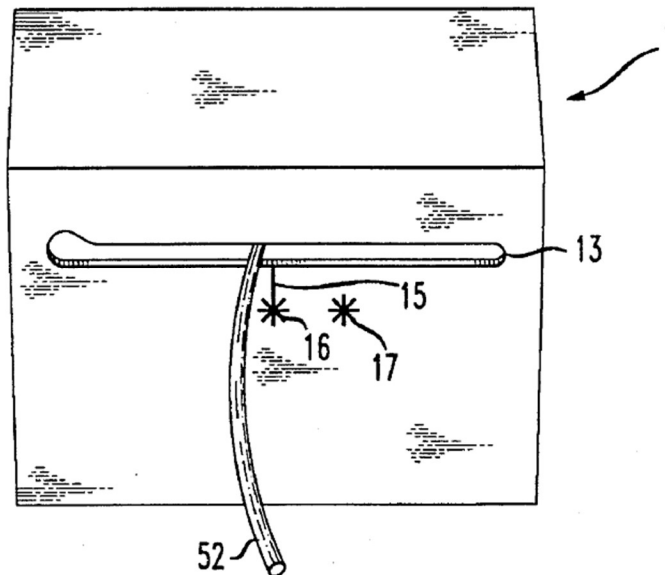
Bass, FIG. 4.

FIG. 5



Id., FIG. 5.

FIG. 6



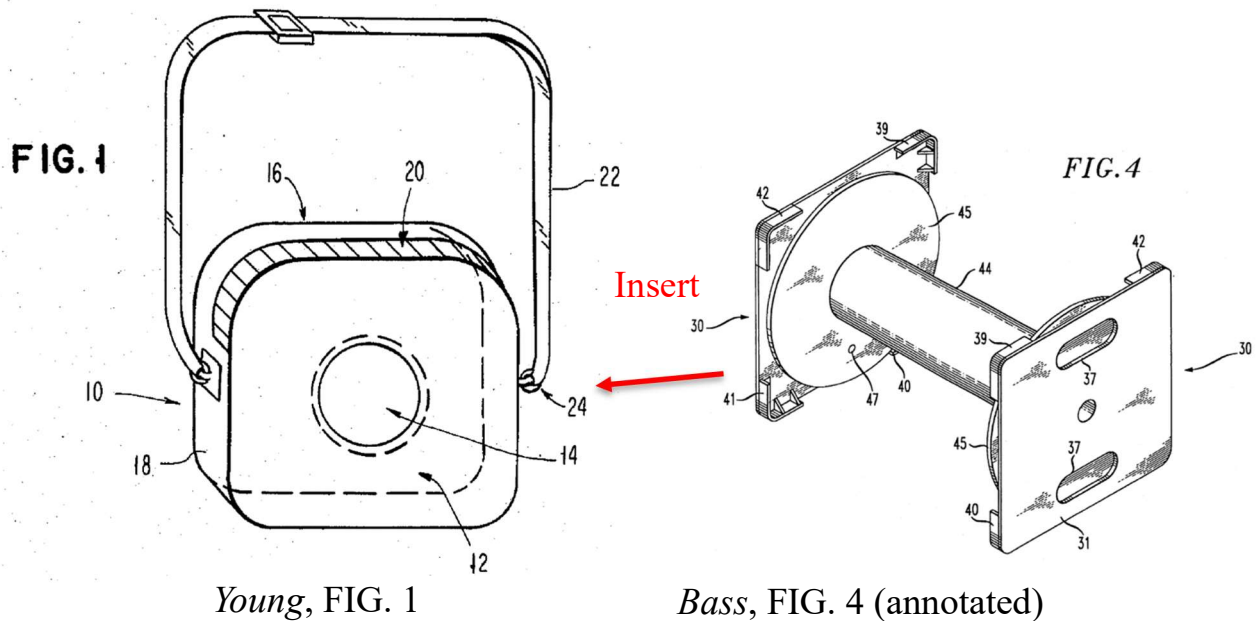
Id., FIG. 6.

As shown above, *Bass*'s box includes two starburst cuts 16 and 17. *Bass*, 4:9-26, 8:23-25, FIG. 6. The loose end of optic fiber cable is fed out of the box through cut 16 and then back into box 1 through cut 17 to hold the loose end and prevent it from retracting to the box or from dangling. *Id.*, 4:9-26, 8:23-25. Box 1 further includes a horizontal slot 13 from where cable is paid out. *Id.*, 4:1-11, 8:32-40; Ex. 1002, ¶ 105.

Bass is analogous to the '697 patent and *Young* because it also relates to an apparatus and method for carrying and paying out cable. *Bass*, Abstract, 1:9-10; Ex. 1001, 1:5-59; Section II.A (Overview of the '697 Patent); Ex. 1002, ¶ 106.

3. Obviousness Rationale

A POSITA would have found it obvious to use *Bass*'s reel and end plates supporting the reel in *Young*'s cable payout bag to facilitate cable payout and prevent cable damage, as shown below. Ex. 1002, ¶¶ 107-116.



A POSITA would have understood that using *Bass*'s reel and end plates in *Young*'s bag would provide various benefits that are consistent with *Young*'s desire to provide a “user-oriented container” for carrying and dispensing cable. *Young*, 1:6-12, 1:61-62; Ex. 1002, ¶¶ 108-111.

A POSITA would have understood that using *Bass*'s reel and end plates would address the design deficiencies of *Young*'s bag for paying out cable. *Young* discloses paying out cable from the center of the coil of cable, the loose end of which exits the bag through an exit opening. *Young*, 4:36-38, 5:45-58. As explained by Dr. Eldering, a POSITA would have known that paying out cable from the center of coil without a reel can cause twists or kinks of the cable, adding difficulty in cable payout and installation. *Holmes*, 1:4-37; see also *Kawabe*, 1:16-25, FIG. 11. Such twists and

kinks can cause breaking in the conductors or damage in the insulation around the conductors of electric cables. *Holmes*, 1:31-37. Also, communicable cables can contain fragile optic fibers, and twists or kinks can damage the optic fibers and render the cable unusable. *Bass*, 1:20-25, 1:34-39; *Eastwood*, 1:54-2:15; Ex. 1002, ¶ 108.

A POSITA would have understood that using *Bass*'s reel and end plates in *Young*'s bag would allow for smooth cable payout. As explained by Dr. Eldering, *Bass*'s reel and end plates would allow the reel to rotate inside the bag, unwind the cable smoothly and progressively from the outer portion of the reel, and thereby prevent twists and kinks. *See Bass*, 2:52-67; *see also Holmes*, 1:55-65. The four rounded corners of *Bass*'s end plates also would support the flexible material of *Young*'s bag and prevent the flexible material from hindering cable payout, such as by flexing on and rubbing against the cable. *Bass*, 7:17-23; Ex. 1002, ¶ 109.

Furthermore, a POSITA would have understood that cable payout from a supported reel would be more effective and expedient than paying out cable from the center of a coil without a reel and its support. *See Holmes*, 1:55-2:2. As explained by Dr. Eldering, using *Bass*'s reel and end plates to support the reel in *Young*'s bag would: (1) allow the installer to have better control over cable payout speed; (2) reduce the installer's effort in pulling the cable out of the bag; and (3) protect the

cable from physical damage during the cable payout, such as from excess pulling force or friction force. Ex. 1002, ¶ 110.

A POSITA would have known how to use *Bass*'s reel and end plates in *Young*'s bag and would have had success in doing so because such modification requires nothing more than ordinary skill. *Bass* discloses assembling the reel and end plates before placing the reel assembly in a box container before closing the box container. *Bass*, 8:1-20. A POSITA would have known to place *Bass*'s reel assembly in *Young*'s bag similarly in two ways. Ex. 1002, ¶ 111.

First, as explained by Dr. Eldering, a POSITA would have *Bass*'s end plates placed against the front and rear faces of *Young*'s bag. In this configuration, a POSITA would have engaged ordinary creativity to relocate *Young*'s exit opening from the front face to the side to allow the loose end of cable of *Bass*'s reel to pay out from the outer portion of the reel and the bag. *Second*, a POSITA would have placed *Bass*'s end plates against the two sides of *Young*'s bag. In this way, the loose end of the cable of *Bass*'s reel would pay out from the outer portion of the reel through *Young*'s exit opening. A POSITA would have understood that both ways would be suitable for placing *Bass*'s reel and end plates in *Young*'s bag and would only require basic practical skills of a cable installation technician. Ex. 1002, ¶¶ 112-113; *KSR*, 550 U.S. at 421.

A POSITA would have made routine optimizations to *Young*'s bag and *Bass*'s reel assembly using ordinary skill. A POSITA would have adjusted the size of *Young*'s bag or *Bass*'s reel and end plates to provide a snug fit of the reel assembly in the bag and maintain support of the reel by the end plates. *Bass*, 8:20-23. A snug fit would also help prevent *Bass*'s reel assembly from shifting or tipping over during transportation and cable installation, reduce risk of injury to the installer, and reduce unnecessary wear and tear on both the bag and the end plates. Ex. 1002, ¶ 114.

A POSITA would have understood that a cable coil supported by *Bass*'s reel assembly would marginally increase the size of the cable coil. A POSITA would have used ordinary skills to adjust the size of *Young*'s bag's opening to accommodate the reel supported by end plates. *Young*, 5:45-50, FIG. 2; Ex. 1002, ¶ 115.

Using *Bass*'s reel assembly in *Young*'s bag to facilitate cable payout would have applied a known technique to improve a known device in the same way taught and yield predictable results—an improved cable payout apparatus. Ex. 1002, ¶ 116; *KSR*, 550 U.S. at 417.

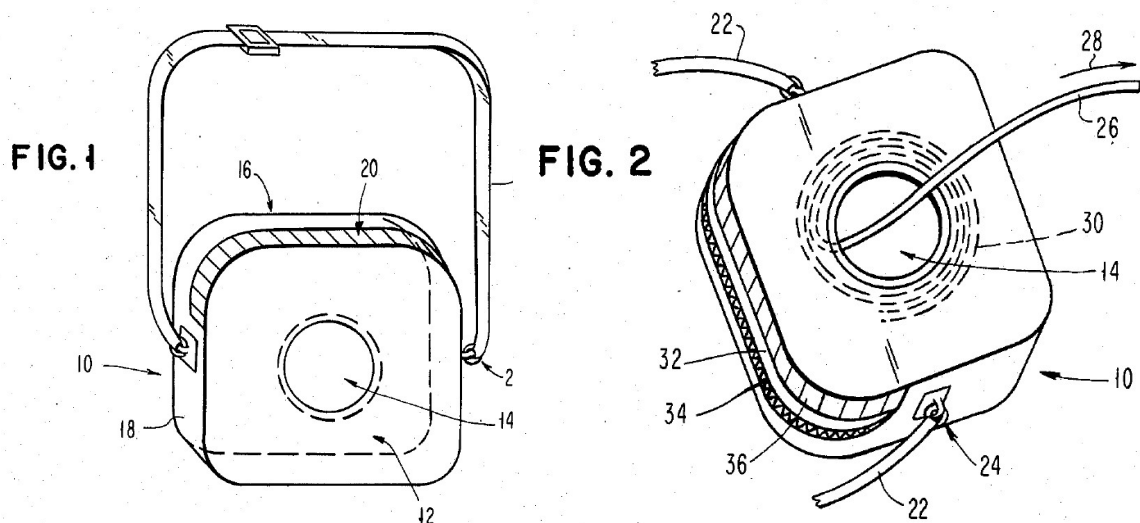
B. Independent Claim 10

Young and *Bass* render obvious claim 10. Ex. 1002, ¶¶ 117-148.

**1. 10[pre]: “A communications cable payout bag,
comprising:”**

Young discloses or renders obvious 10[pre]. Ex. 1002, ¶¶ 118-120.

Young discloses a cable payout bag that includes a container 10 made of a flexible material for holding cable and a shoulder strap for carrying and dispensing cable. *Young*, 1:6-12, 3:301-44, 4:5-32, 4:60-68, 5:27-30, 6:10-15; Section VI.A.1; Ex. 1002, ¶ 119.



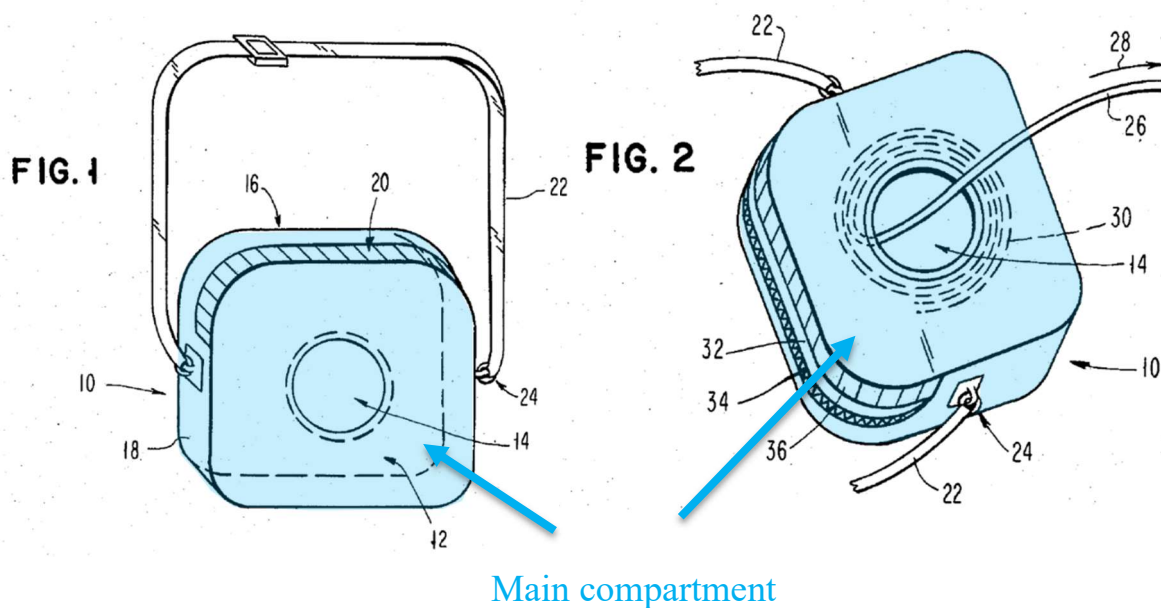
Young, FIGS. 1-2.

A POSITA would have understood that *Young*'s cable payout bag would be suitable for paying out communications cable. A POSITA would have understood communications cable are typically transported and stored in coils and paid out from cable coils like electrical cables. Thus, *Young* discloses or renders obvious a communications cable payout bag. Ex. 1002, ¶ 120.

2. **10[a]: “a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;”**

Young discloses 10[a]. Ex. 1002, ¶¶ 121-126.

Young’s container 10 has a front face 12, a rear face 16, and sides 18, and a closable opening 32. *Young*, Abstract, 4:21-25, 5:1-14. Opening 32 is used for inserting or removing a coil of cable into or from container 10. *Id.*, 5:45-50. A POSITA would have understood that *Young*’s container 10 would constitute a “main compartment” because it provides a receptacle for holding a cable coil. Ex. 1002, ¶ 122.



Young, FIG. 1 (annotated).

A POSITA would have understood that *Young*'s container ("main compartment") would have an interior where the coil of cable is held. *Id.*, 4:21-25, 5:7-17. A POSITA would have understood that *Young*'s container ("main compartment") would have an exterior formed by the outside surfaces of front face 12, rear face 16, and sides 18. *Id.*, 4:21-25, 5:1-5, FIGS. 1-2; Ex. 1002, ¶ 123. Indeed, *Young*'s bag is similar to the bag of the '697 patent that includes a main compartment 20 configured to hold a cable package and made of a flexible material. *Young*, 1:6-12, 3:41-44, 4:17-20, 4:60-68, 6:10-15; Ex. 1001, 2:44-65, FIGS. 1-2; Ex. 1002, ¶¶ 124-125.

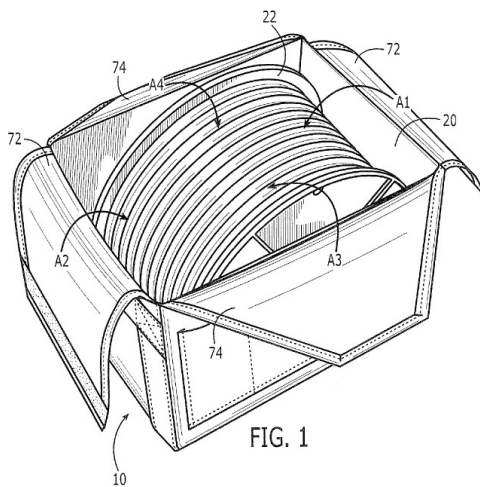
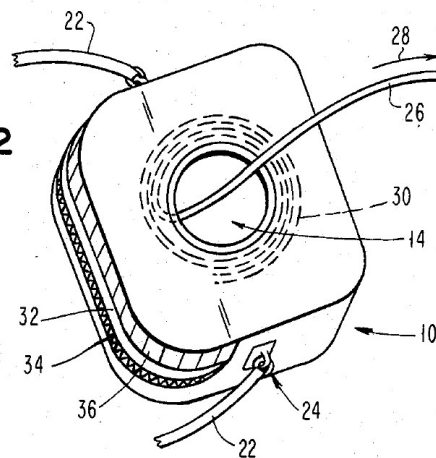


FIG. 2



Compare Ex. 1001, FIG. 1, with *Young*, FIG. 2.

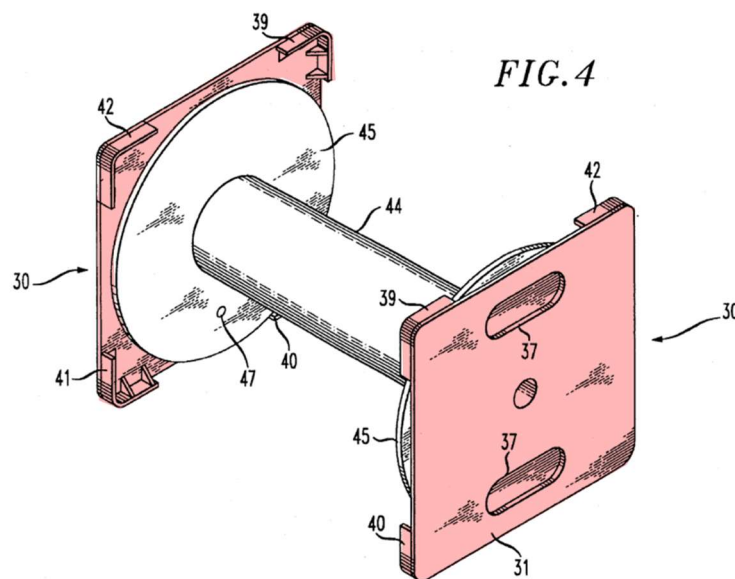
Young's container 10 ("main compartment") is openable and closable. *Young* discloses that closable opening 32, such as a Velcro closure, zipper, or closure snaps, is used for the insertion and removal of cable into or from the container. *Young*,

4:21-25, 5:5-17, 5:45-58, FIGS. 1-2. This is much like the '697 patent's closure mechanism of the main compartment that comprises Zippers or flaps with fasteners, such as hook and loop fasteners. Ex. 1001, 7:26-44; Ex. 1002, ¶ 126.

3. 10[b]: “a removable insert within the interior of the main compartment;”

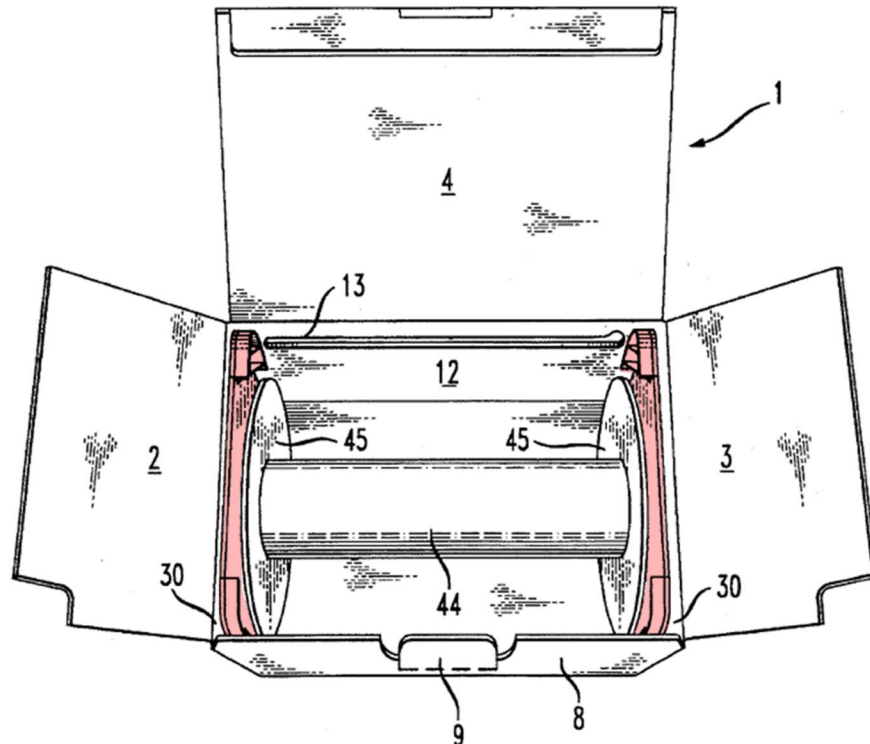
If a plain and ordinary meaning or Patent Owner's constructions of “removable insert” is adopted, *Young* and *Bass* render obvious 10[b]. Ex. 1002, ¶ 127; Section IV.

Bass discloses a spool assembly that includes a reel 44 with two flanges 45 and a pair of end plates 30 for rotatably supporting the reel. *Bass*, 2:7-17, 7:39-67, 8:1-23, FIGS. 4-5. The spool assembly is placed in a box after being loaded with cable and assembled with the end plates. *Id.*, 8:1-17; Ex. 1002, ¶ 128.



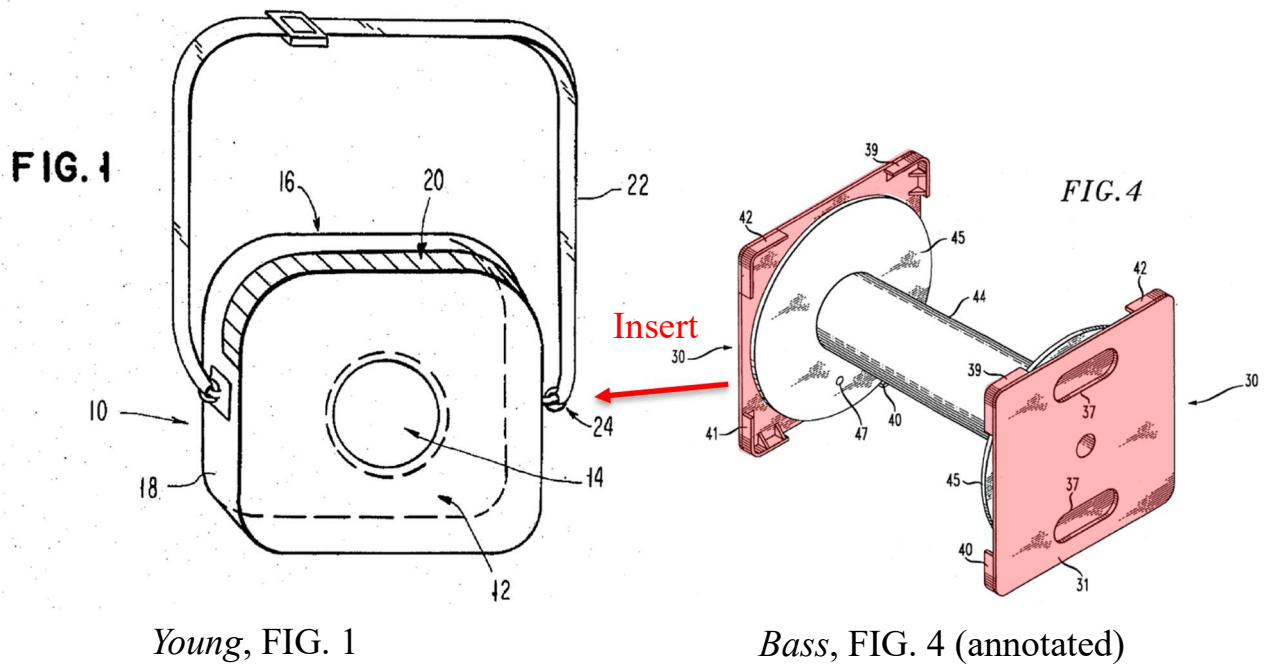
Bass, FIG. 4 (annotated).

FIG. 5



Id., FIG. 5 (annotated).

As discussed in Section VI.A.3, a POSITA would have found it obvious to use *Bass*'s reel and end plates supporting the reel in *Young*'s bag to facilitate cable payout and prevent cable damage, as shown below. Ex. 1002, ¶ 129.



In *Young* combined with *Bass*, *Bass*'s reel with cable and end plates would be assembled as taught by *Bass* and inserted into or removed from *Young*'s bag container. Section VI.A.3. *Bass*'s end plates 30 would constitute "a removable insert" within the interior of *Young*'s bag container ("main compartment"). Ex. 1002, ¶ 130.

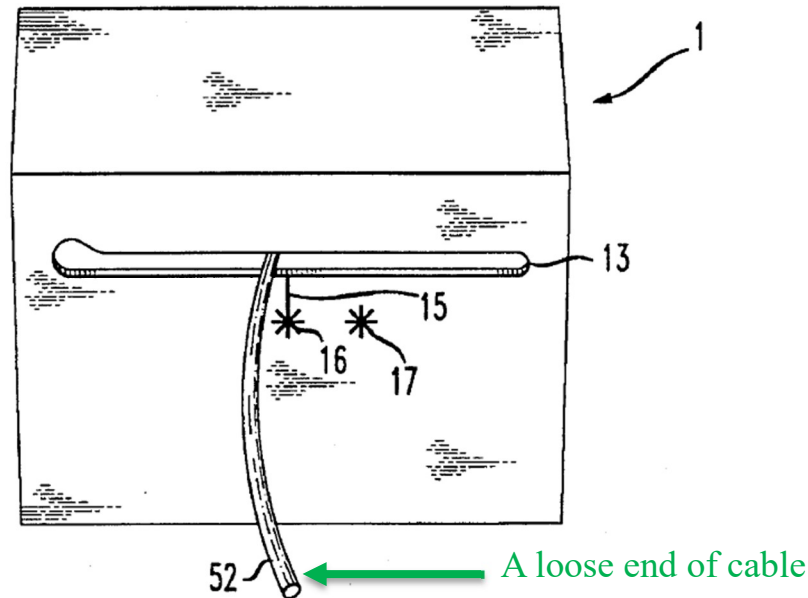
4. 10[c]: "a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;"

Young and *Bass* render obvious 10[c]. Ex. 1002, ¶¶ 131-133.

Bass discloses loading the reel with optic fiber cable, which a POSITA would have understood as a type of communications cable. In *Young* combined with *Bass*,

Bass's reel would be loaded with optic fiber cable ("communications cable") and assembled with the end plates ("removable insert") before being inserted into *Young*'s bag. *See Bass*, 8:1-17; *Young*, 5:7-8; Ex. 1002, ¶ 132.

FIG. 6



Bass, FIG. 6 (annotated).

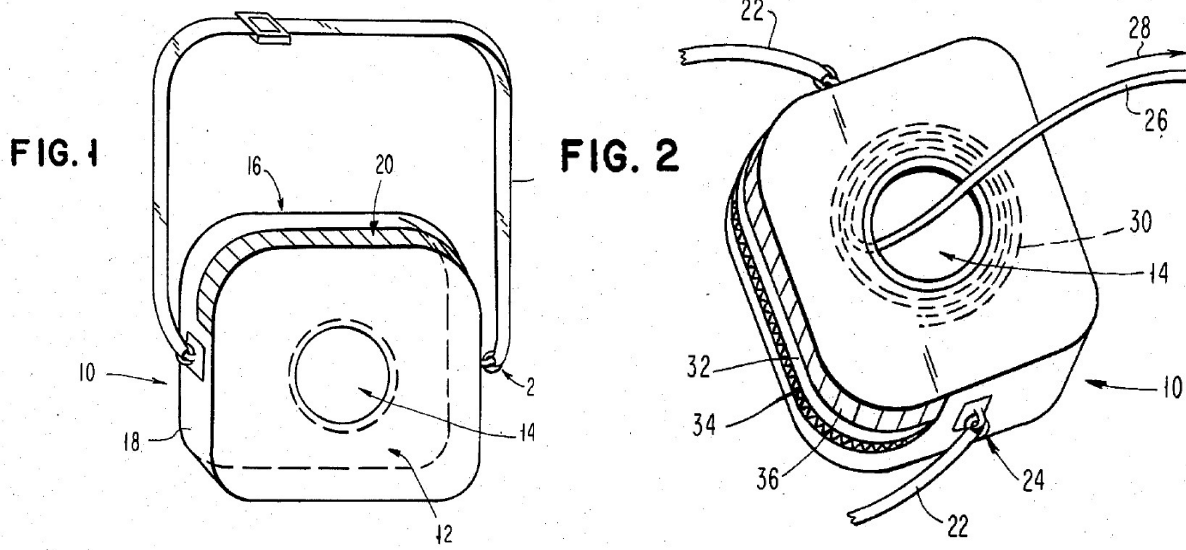
Bass discloses that after the loaded reel and end plates are placed in the box, the loose end of the cable can be paid out from a horizontal slot 13 of the box. *Id.*, 4:1-11, 4:62-65, 8:1-40, FIGS. 4-6. A POSITA would have understood that *Bass*'s loose end of cable would be at an outer portion of the reel of cable. *See id.*, 2:26-67; *Holmes*, 1:40-65; Ex. 1002, ¶ 133.

5. 10[d]: “a shoulder strap attached to the exterior of the main compartment;”

Young discloses 10[d]. Ex. 1002, ¶¶ 134-136.

Young discloses an adjustable strap 22 for carrying the container during use. *Young*, 4:28-32, 5:27-30, FIG. 1. As explained by Dr. Eldering, a POSITA would have used *Young*’s adjustable strap as a shoulder strap because carrying *Young*’s container on the shoulder would free both hands of the installer for other tasks associated with installation (e.g., climbing ladders), allow the weight of the cable to distribute more evenly across the body of the installer, and prevent injury to installer’s arms and hands. *See id.*, 4:28-32. Indeed, using a shoulder strap to carry a container for paying out cable from a reel and its benefits were known. *See Hickey*, 1:52 (left column) to 1:2 (right column); *see also Fontana*, 1:27-32, 2:31-36, 4:54-55, FIG. 6; Ex. 1002, ¶ 135.

Young’s adjustable strap 22 (“shoulder strap”) is attached to the exterior of container 10 (“main compartment”) via detachable rings 24. *Young*, 5:27-30.



Id., FIGS. 1-2; Ex. 1002, ¶ 136.

6. **10[e]: “a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and”**

Young and Bass render obvious 10[e]. Ex. 1002, ¶¶ 137-139.

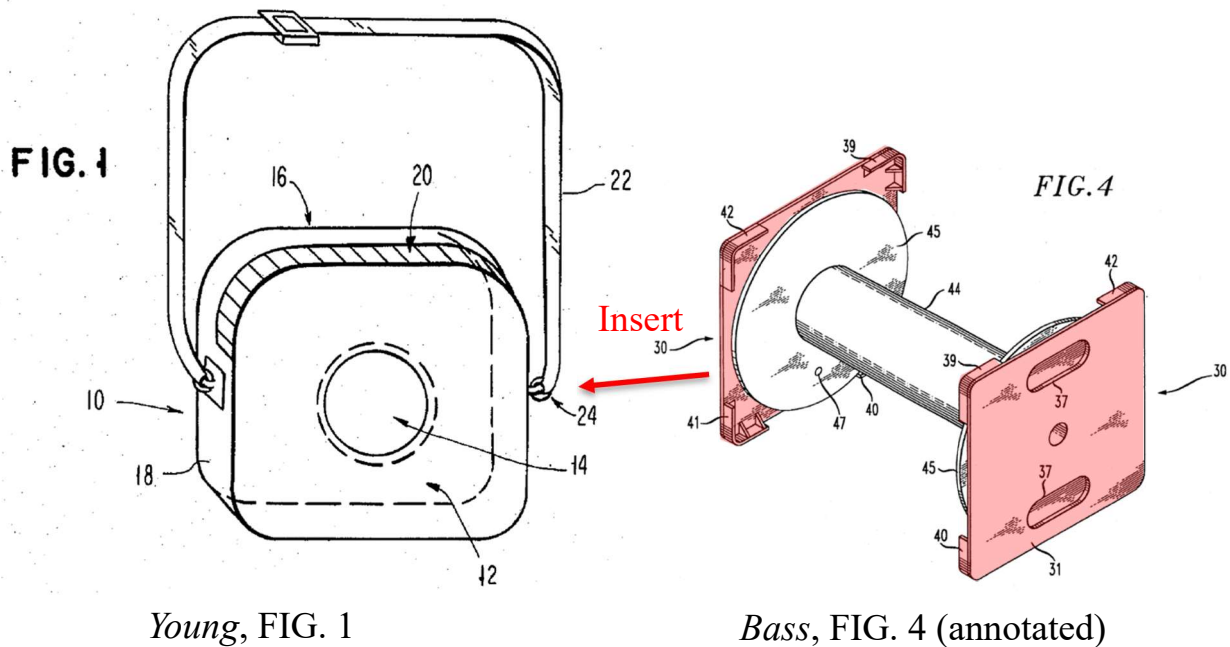
Young’s bag includes an exit opening 14 (“cable payout passageway”) defined between the interior and the exterior of the main compartment for paying out cable. *Young*, 5:1-4, 5:50-58. Exit opening 14 receives therethrough the loose end of the cable from the center of the coil. *Id.*, 4:36-41; Ex. 1002, ¶ 138.

therethrough the loose end of cable from the outer portion of *Bass*'s reel of communications cable for smooth cable payout. A POSITA would only need to engage ordinary creativity to relocate *Young*'s exit opening ("cable payout passageway") from the front face to the side. *KSR*, 550 U.S. at 421 ("A person of ordinary skill is also a person of ordinary creativity, not an automaton."). *Second*, *Bass*'s end plates would be proportioned and fit against the two sides 18 of *Young*'s bag. The loose end of the cable of *Bass*'s reel would payout from the outer portion of the reel through *Young*'s exit opening ("cable payout passageway"). Ex. 1002, ¶ 139.

7. **10[f]: "a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment;"**

Young and *Bass* render obvious 10[f]. Ex. 1002, ¶¶ 140-143.

A POSITA would have found it obvious to use *Bass*'s reel and end plates ("removable insert") in *Young*'s cable payout bag (Section VI.A.3):

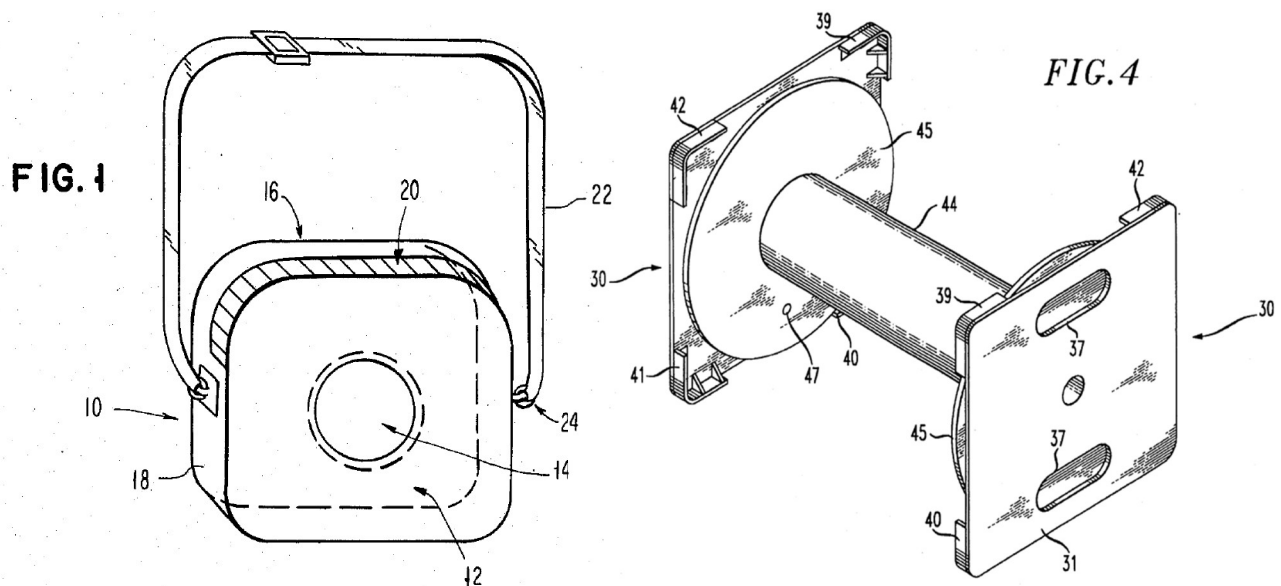


As shown above and discussed in 10[a], *Young* discloses container 10 (“main compartment”) includes an opening for inserting and removing cable into or from the container. *Young*, 5:1-8, 5:45-50, FIGS. 1-2. The opening can be closed by Velcro closure, zipper, or closure snaps (“a closure mechanism”). *Id.*, 5:8-14, FIGS. 1-2; Section VI.B.2. In *Young* combined with *Bass*, *Young*’s closure mechanism, when closing container 10 (“main compartment”), would have thereby closed *Bass*’s reel loaded with optical fiber cable (“the reel of communications cable”) and supported by end plates (“removable insert”) in the interior of *Young*’s container (“main compartment”); Ex. 1002, ¶¶ 142-143.

8. 10[g]: “wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.”

Young and *Bass* render obvious 10[g]. Ex. 1002, ¶¶ 144-148.

As shown below, *Young*’s container 10 has a generally rectangular profile with rounded corners instead of right-angle corners. *Id.*, 1:25-41, 3:34-59, 5:31-33, FIGS. 1-2. *Bass* discloses the end plates (“removable insert”) each have a rectangular profile (e.g., square) and rounded corner supports. *Bass*, 6:61-7:6, 7:17-23, FIG. 4; Ex. 1002, ¶¶ 145-146.



Young, FIG. 1; *Bass*, FIG. 4.

In *Young* combined *Bass*, *Bass*’s reel, loaded with optical fiber cable (“the reel of communications cable”), and end plates (“removable insert”) would be

inserted into and closed in the interior of the container of *Young*'s bag. Ex. 1002, ¶ 146.

For reasons discussed in Section VI.A.3, a POSITA would have made routine optimizations using ordinary skill and creativity to provide a snug fit of *Bass*'s end plates in *Young*'s bag. To form a snug fit, a POSITA would have adjusted the size of *Young*'s bag and/or *Bass*'s reel and end plates, and adjusted the arc of the rounded corners of *Young*'s bag and/or the arc of the four rounded corners of *Bass*'s end plates, thereby maintaining the rectangular profile of the container of *Young*'s bag. *Bass*, 7:17-23 (teaching how the end plates maintain the proper configuration of the box). See *Young*, 5:31-33; *KSR*, 550 U.S. at 421; Ex. 1002, ¶¶ 147-148.

C. Dependent Claim 11: “The communications cable payout bag of claim 10, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.”

Young renders obvious claim 11. A POSITA would have adjusted and optimized the length of *Young*'s adjustable shoulder strap to include at least 37 inches for reasons explained in Section V.C (Ground 1, Claim 11). Ex. 1002, ¶¶ 149-150.

D. Independent Claim 9

- 1. 9[pre]: “A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:”**

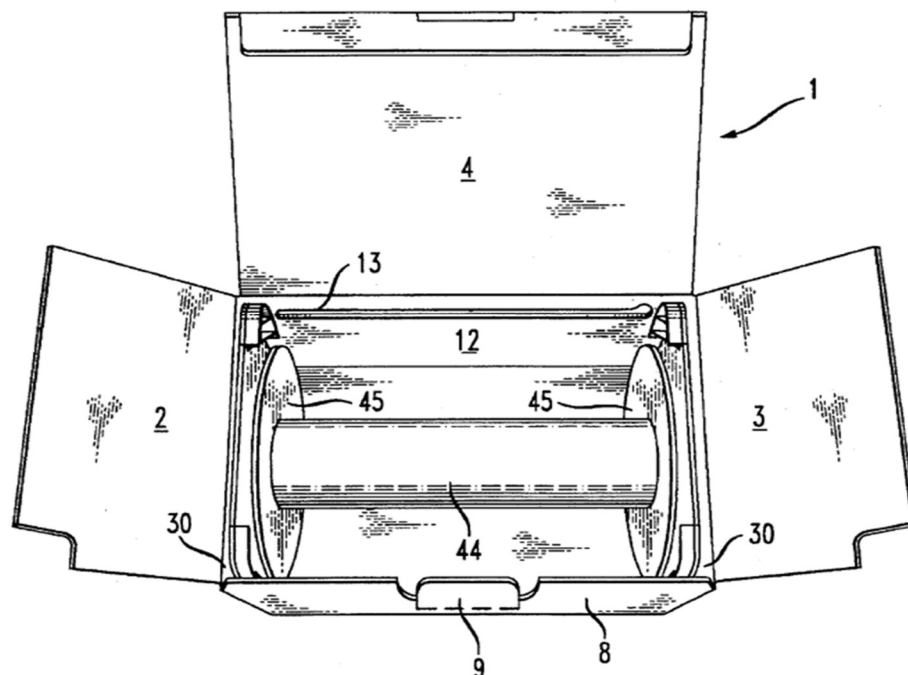
Young discloses or renders obvious 9[pre]. As discussed in 10[pre], 10[a], and 10[e], a POSITA would have understood that *Young*’s cable payout bag would be suitable for paying out communications cable, and *Young*’s cable payout bag includes a main compartment and a cable payout passageway. *Young*, 1:6-12, 4:21-32, 5:1-8, FIGS. 1-2; Sections VI.B.1, VI.B.2, VI.B.6. A POSITA would have understood that using *Young*’s cable payout bag for paying out communications cable would be a method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway. Ex. 1002, ¶ 151.

- 2. 9[a]: “inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment,”**

Young and *Bass* render obvious 9[a]. As discussed in 10[b], in *Young* combined with *Bass*, *Bass*’s end plates would constitute a “removable insert” in *Young*’s bag. Section VI.B.3. *Bass* further discloses that the end plates are formed of polycarbonate that is lightweight and highly resilient. *Bass*, Abstract, 2:47-49, 5:34-39, 6:61-67. A POSITA would have understood that polycarbonate is a type of plastic that is strong, durable, widely used. Thus, *Bass*’s end plates, when formed of polycarbonate, would constitute a “removable plastic insert.” And as discussed in

10[c], *Young* and *Bass* render obvious “a reel of communications cable that is supported by the removable insert.” Section VI.B.4. As also shown below, a POSITA would have understood that *Bass*’s reel is a “cylindrical reel” because it has a cylindrical hub connecting two parallel disks that allow cable to be wound and stored on the reel. Ex. 1002, ¶ 152.

FIG. 5



Bass, FIG. 4.

A POSITA would have understood that when using *Bass*’s reel and end plates supporting the reel in *Young*’s cable payout bag, *Bass*’s end plates (“removable plastic insert”) would be supporting its reel (“cylindrical reel of communications

cable”) and be inserted into the interior of *Young*’s bag (“main compartment”) via the bag’s opening. Sections VI.A.3, VI.B.3; Ex. 1002, ¶ 153.

3. 9[b]: “wherein the reel of communications cable has a loose end of cable at an outer portion thereof, and”

This limitation is encompassed by 10[c]. *Young* and *Bass* render obvious 9[b] for reasons discussed in 10[c]. Section VI.B.4; Ex. 1002, ¶ 154.

4. 9[c]: “wherein the main compartment is constructed of a flexible material;”

This limitation is encompassed by 10[a]. *Young* discloses 9[c] for reasons discussed in 10[a]. Section VI.B.2; Ex. 1002, ¶ 155.

5. 9[d]: “aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and”

Young and *Bass* render obvious 9[d]. As discussed in 9[pre] and 9[b], *Young* and *Bass* render obvious “a cable payout passageway” and “a loose end of cable at an outer portion” of the reel of communications cable. Sections VI.D.1, VI.D.3; *see also* Sections VI.B.4, VI.B.6. As discussed above, in *Young* combined with *Bass*, a POSITA would have used the exit opening (“cable payout passageway”) of *Young*’s bag to receive the loose end of cable from the outer portion of the reel of *Bass* in two ways. In both ways, a POSITA would have aligned the loose end of cable from the outer portion of the reel of *Bass* with the exit opening of *Young*’s bag to allow cable

to be smoothly paid out from the outer portion of the reel and from the interior to the exterior of the bag without additional twisting or hindrance. Ex. 1002, ¶ 156.

6. 9[e]: “pulling the loose end of cable through the cable payout passageway.”

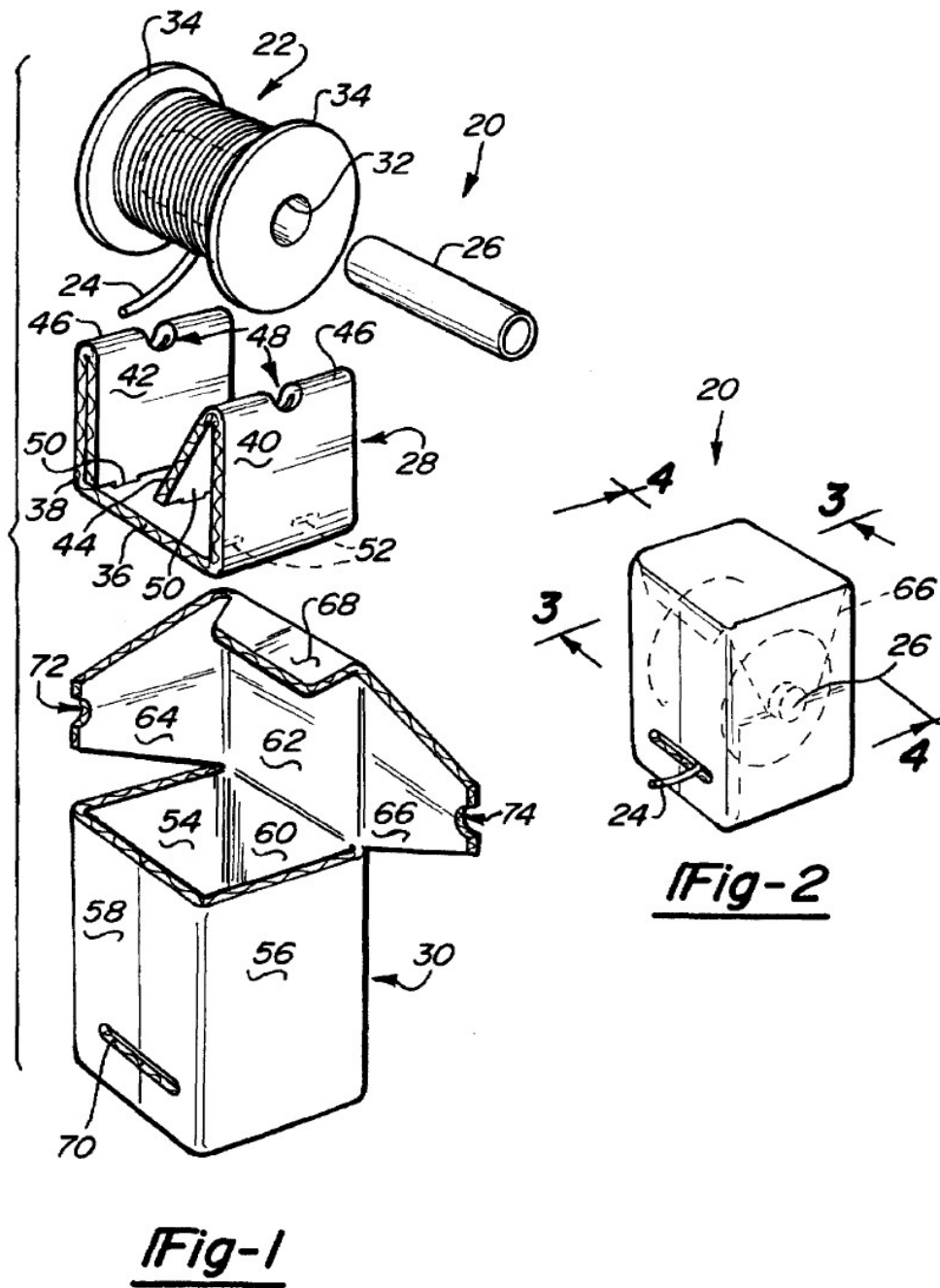
Young and *Bass* render obvious 9[e]. When using *Bass*’s reel and end plates supporting the reel in *Young*’s cable payout bag, a POSITA would have known to pull the loose end of cable through the cable payout passageway of *Young*’s bag to draw out a length of the cable. *See Bass*, 8:36-42; *Fontana*, 4:14-19; *Holmes*, 4:12-16; Ex. 1002, ¶ 157.

VII. *Young* and *Barnett* Render Obvious Claims 9-11 (Ground 6)

A. *Young* and *Barnett*

1. *Barnett* (Ex. 1008)

Barnett discloses a cable package 20 that includes a container 30 and an insert 28 that fits inside the container for supporting a spool of cable 22. *Barnett*, Abstract, 3:1-19, FIGS. 1-2, 5-6. As shown below, container 30 has a generally rectangular profile. *Id.*, FIG. 1. Insert 28 includes a base 36 and a pair of end walls 38 and 40 providing a cradle that supports a tube 26 around which spool 22 rotates. *Id.*, 2:11-19, 3:2-35, 4:1-7, FIGS. 1-2, 5-6. Container 30 has a payout slot 70 from which an end of wire 24 is dispensed. *Id.*, 3:58-59, 4:7-8. Both insert 28 and container 30 can be formed of cardboard. *Id.*, 2:11-22, 3:20-22, 3:42-47; Ex. 1002, ¶¶ 159-160.

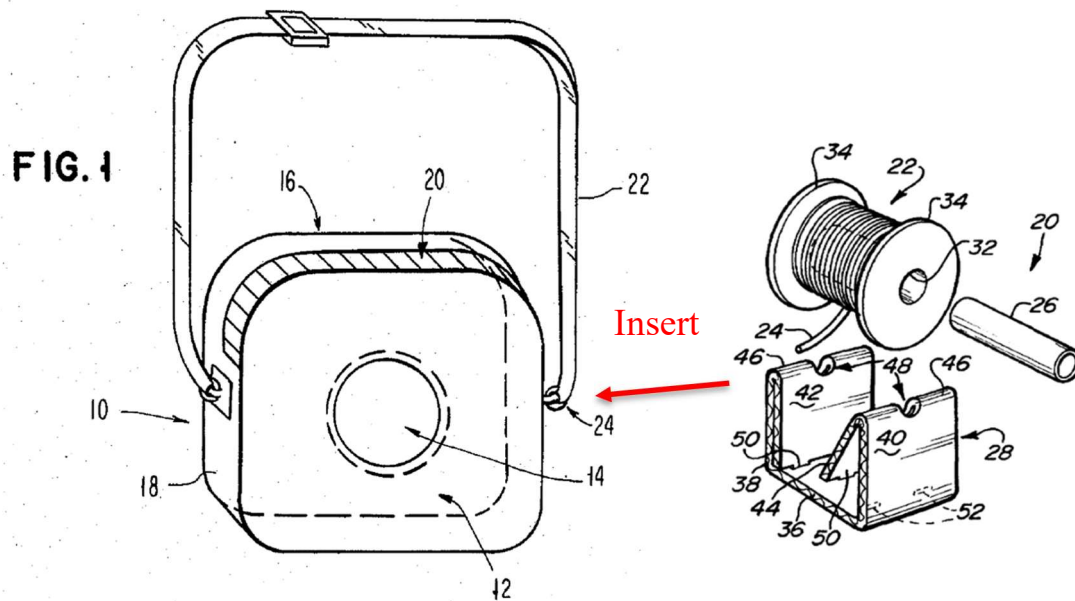


Barnett, FIGS. 1-2.

Barnett is analogous to the '697 patent and *Young* because it also relates to an apparatus and method for carrying and paying out cable. *Id.*, Abstract, 1:7-8; Ex. 1001, 1:5-59; Section II.A (Overview of the '697 Patent); Ex. 1002, ¶ 161.

2. Obviousness Rationale

A POSITA would have found it obvious to use *Barnett*'s reel and insert supporting the reel in *Young*'s cable payout bag to facilitate cable payout and prevent cable damage, as shown below. Ex. 1002, ¶¶ 162-172.



Young, FIG. 1

Barnett, FIG. 1 (excerpted, annotated)

A POSITA would have understood that using *Barnett*'s reel and insert in *Young*'s bag, like *Bass*'s reel and end plates, would provide the same benefits discussed above in Section VI.A.3 that are consistent with *Young*'s desire to provide a “user-oriented container” for carrying and dispensing cable. Ex. 1002, ¶¶ 163-165

(citing *Holmes*, 1:4-37; *Kawabe*, 1:16-25, FIG. 11; *Holmes*, 1:31-37; *Bass*, 1:20-25; *Eastwood*, 1:54-2:15; *Young*, 1:6-12, 1:61-62).

A POSITA would have known how to use *Barnett*'s reel and insert it into *Young*'s bag and would have expected success in doing so because such modification requires nothing more than ordinary skill. Like *Bass*'s reel and end plates, a POSITA further would have known of at least two ways to place *Barnett*'s reel and insert in *Young*'s bag: (1) placing the end walls of *Barnett*'s insert against the front and rear faces of *Young*'s bag; (2) placing the end walls of *Barnett*'s insert against the two sides of *Young*'s bag. A POSITA would have understood that both ways would be suitable for placing *Barnett*'s reel and insert in *Young*'s bag and only require ordinary skill and creativity. Ex. 1002, ¶¶ 166-169; *KSR*, 550 U.S. at 421.

A POSITA also would have made routine optimizations to *Young*'s bag and *Barnett*'s reel and insert using ordinary practical skills to provide a snug fit of the insert in the bag for the same reasons discussed above in Section VI.A.3. Ex. 1002, ¶ 170.

Using *Barnett*'s reel and insert in *Young*'s bag to pay out cable would have been applied a known technique to improve a known device in the same way taught and yield predictable results—an improved cable payout apparatus. *Id.*, ¶¶ 171-172; *KSR*, 550 U.S. at 417.

B. Independent Claim 10

Young and *Barnett* renders obvious claim 10. Ex. 1002, ¶¶ 173-197.

1. **10[pre]: “A communications cable payout bag, comprising:”**

Young discloses or renders obvious 10[pre]. *See* Section VI.B.1; Ex. 1002, ¶ 174.

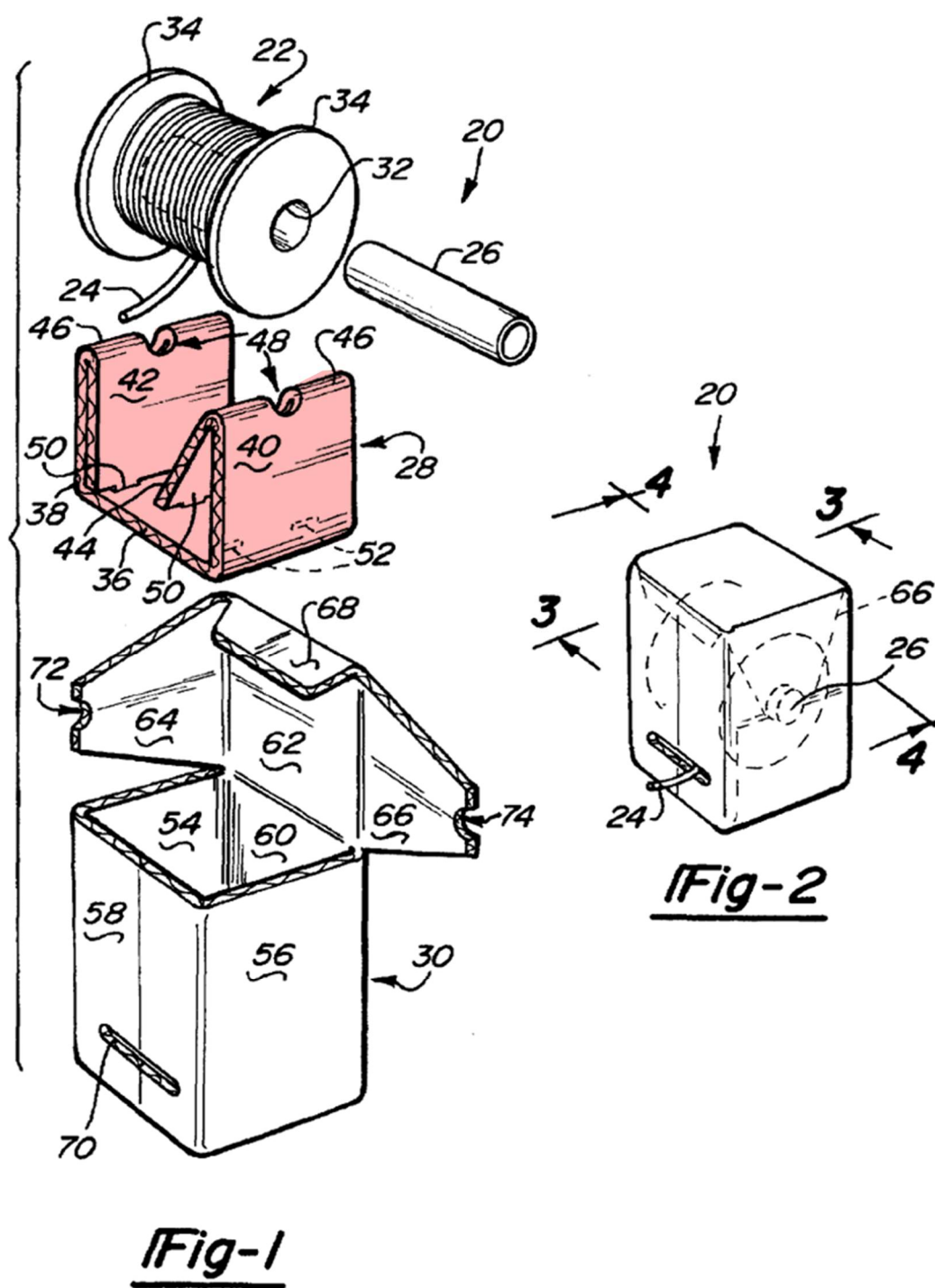
2. **10[a]: “a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;”**

Young discloses 10[a]. *See* Section VI.B.2; Ex. 1002, ¶ 175.

3. **10[b]: “a removable insert within the interior of the main compartment;”**

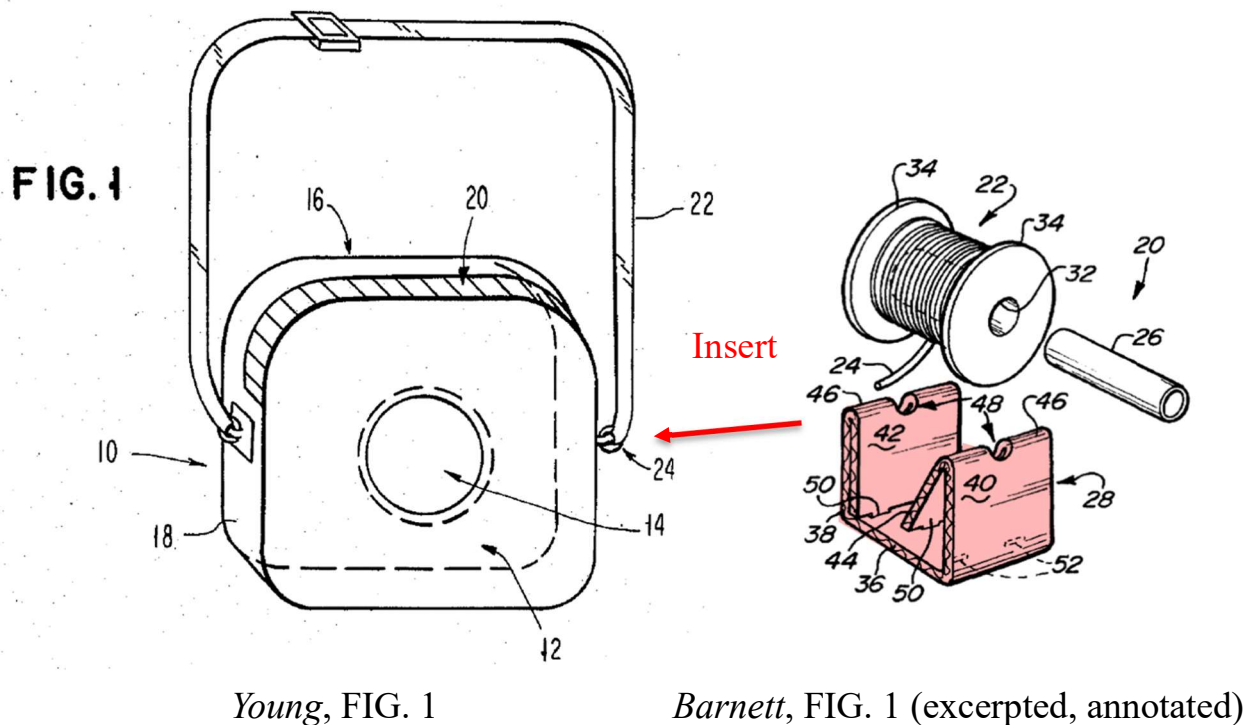
Young and *Barnett* render obvious 10[b] if plain and ordinary meaning or Patent Owner’s constructions of “removable insert” are adopted. *See* Section IV; Ex. 1002, ¶¶ 176-180.

Barnett discloses a “removable insert” because a POSITA would have understood that *Barnett*’s reel and **insert** would be removable from *Barnett*’s container, such as for replenishing or replacing the reel. Ex. 1002, ¶¶ 177-178.



Barnett, FIGS. 1-2 (annotated).

A POSITA would have found it obvious to use *Barnett's* reel and insert supporting the reel in *Young's* bag to facilitate cable payout and prevent cable damage, as discussed in Section VII.A.2 and shown below. Ex. 1002, ¶ 179.

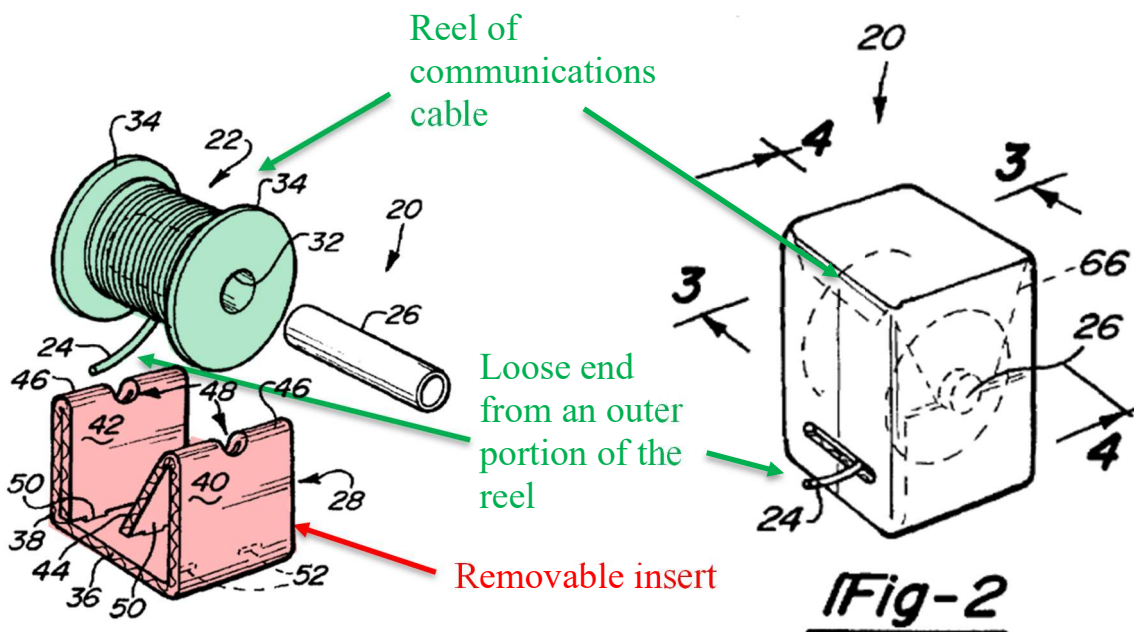


In *Young* combined with *Barnett*, *Barnett's* reel and insert would be assembled as taught by *Barnett* and inserted into or removed from *Young's* bag container. As such, *Barnett's* insert would constitute “a removable insert” within the interior of *Young's* bag container (“main compartment”). Ex. 1002, ¶ 180.

4. 10[c]: “a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;”

Young and Barnett render obvious 10[c]. Ex. 1002, ¶¶ 181-183.

Barnett discloses that reel 22 is wound with wire, cable, or other types of wound material. *Barnett*, 3:2-19. A POSITA would have understood *Barnett*'s wire would encompass communications cable because communications cable is a type of material typically wound around a reel for storage, transportation, and payout. *See Bass*, 1:20-25. *Barnett*'s reel of cable 22 is supported by its insert 28 and has a loose end 24 at an outer portion of the reel, as shown below:



Barnett, FIG. 1 (excerpted, annotated), FIG. 2 (annotated); Ex. 1002, ¶¶ 182-183 (citing *Barnett*, 3:58-59, 4:7-8, FIGS. 1-2; *Bass*, 2:26-67; *Holmes*, 1:40-65).

- 5. 10[d]: “a shoulder strap attached to the exterior of the main compartment;”**

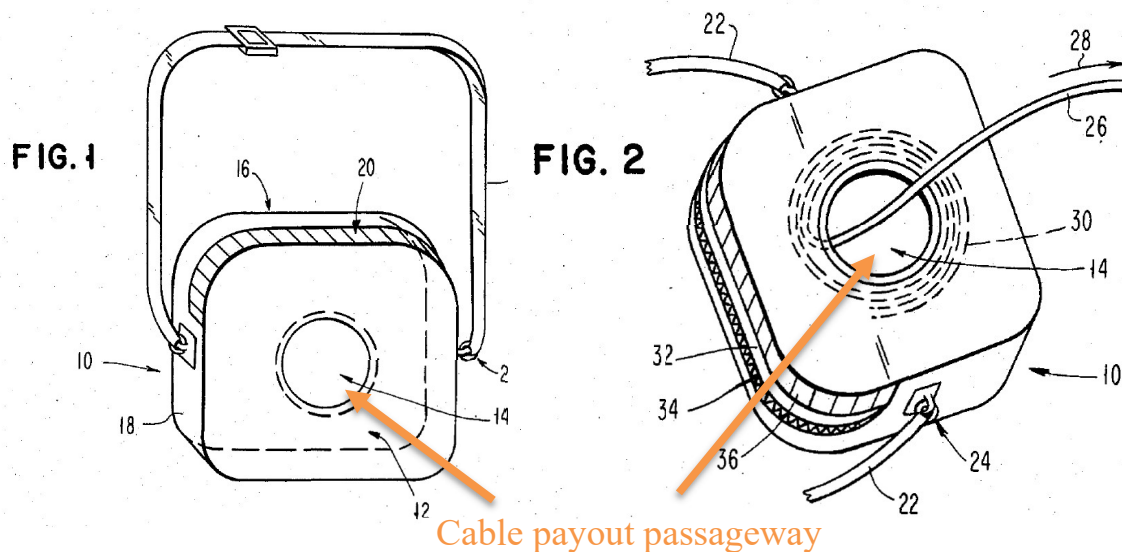
Young discloses 10[d]. Section VI.B.5; Ex. 1002, ¶ 184.

6. 10[e]: “a cable payout passageway defined between the interior and the exterior of the main compartment, the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable; and”

Young and Barnett render obvious 10[e]. Ex. 1002, ¶¶ 185-190.

As discussed in Section VI.B.6, *Young's* exit opening 14 is a cable payout passageway defined between the interior and the exterior of the main compartment and receives therethrough the loose end of the cable from the center of the coil.

Young, 4:36-41, FIG. 2; Ex. 1002, ¶ 186.



Young, FIGS. 1-2 (annotated). As discussed above, in *Young* combined *Barnett*, *Barnett's* reel, loaded with cable, e.g., communications cable, and the insert

(“removable insert”) would be placed in *Young*’s bag in at least two ways (Section VII.A.2), and in both ways, *Young*’s cable payout passageway would be modified/used to receive the loose end of cable from the outer portion of *Barnett*’s reel of communications cable for smooth and expedient cable payout as discussed in Section VI.B.6; Ex. 1002, ¶¶ 187-190.

7. **10[f]: “a closure mechanism configured to close the main compartment to thereby close the removable insert and the reel of communications cable in the interior of the main compartment;”**

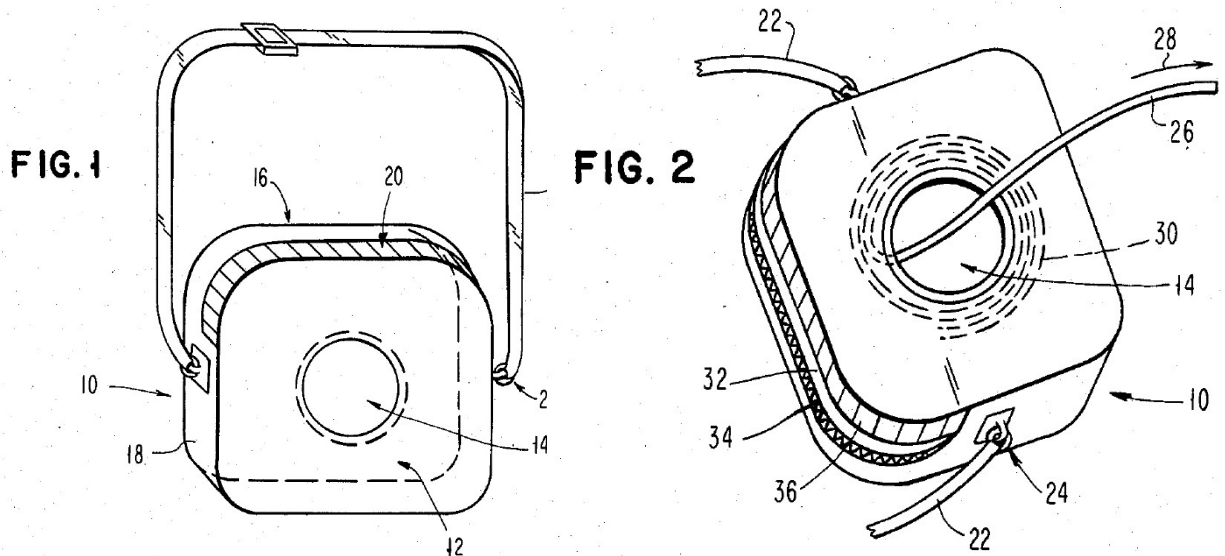
Young and *Barnett* render obvious 10[f]. Ex. 1002, ¶¶ 191-193.

As discussed in Sections VI.B.2 and VI.B.7, *Young* discloses container 10 (“main compartment”) includes an opening that can be closed by Velcro closure, zipper, or closure snaps (“a closure mechanism”). *Young*, 5:1-14, 5:45-50, FIGS. 1-2. In *Young* combined with *Barnett*, *Young*’s closure mechanism would have closed *Barnett*’s reel loaded with communications cable and supported by the insert (“removable insert”) in the interior of *Young*’s container (“main compartment”). Ex. 1002, ¶¶ 192-193.

8. **10[g]: “wherein the main compartment has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof.”**

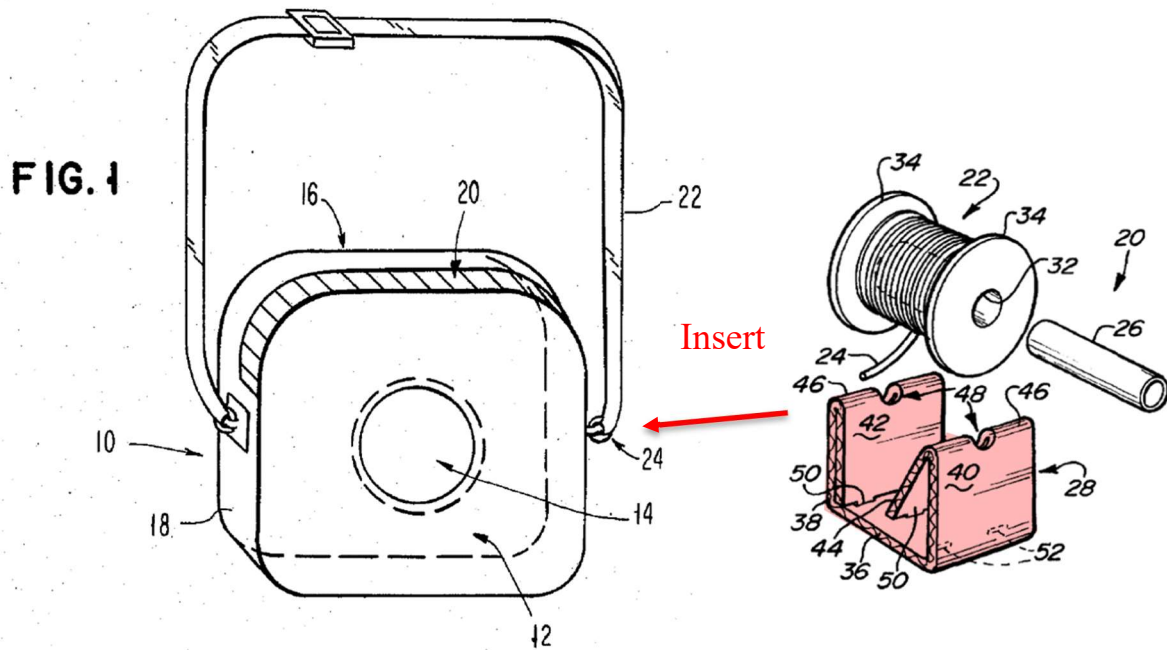
Young and *Barnett* render obvious 10[g]. Ex. 1002, ¶¶ 194-197.

Young discloses its container 10 has a generally rectangular profile. *Young*, 3:50-59, 5:31-33, FIGS. 1-2; Section VI.B.8; Ex. 1002, ¶ 195.



Young, FIGS. 1-2.

Barnett's insert ("removable insert") includes a base 36 and a pair of end walls 38 and 40, each having a rectangular profile, as shown below. *Barnett*, 2:11-19, 3:2-35, 4:1-7, FIGS. 1-2, 5-6. In *Young* combined *Barnett*, *Barnett's* reel of communications cable and the insert ("removable insert") would be inserted into and closed in the interior of *Young's* bag in two ways. In both ways, a POSITA would have adjusted the size of *Young's* bag and/or *Barnett's* insert to form a snug fit, thereby maintaining the rectangular profile of *Young's* bag. See Sections VII.A.2, VI.A.3; Ex. 1002, ¶¶ 195-197.



Young, FIG. 1

Barnett, FIG. 1 (excerpted, annotated)

- C. Dependent Claim 11:** “The communications cable payout bag of claim 10, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the shoulder strap can be adjusted to a length of at least 37 inches.”

Young renders obvious claim 11. Section VI.C; Ex. 1002, ¶ 198.

D. Independent Claim 9

- 1. 9[pre]:** “A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:”

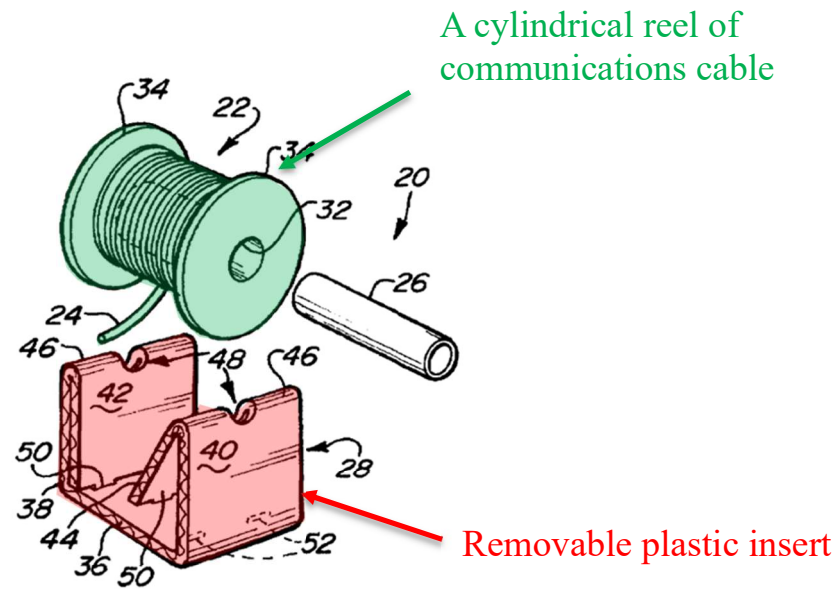
Young discloses or renders obvious 9[pre]. Section VI.D.1; Ex. 1002, ¶ 199.

- 2. 9[a]:** “inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment,”

Young and *Barnett* render obvious 9[a]. Ex. 1002, ¶¶ 200-204.

As discussed in 10[b], in *Young* combined with *Barnett*, *Barnett*'s insert would constitute a "removable insert" in *Young*'s bag. Section VII.B.3. *Barnett* discloses that its insert is made of cardboard to enhance recyclability, reduce weight, and lower cost of the system. *Barnett*, Abstract, 3:20-22, 4:19-24. In *Young* combined with *Barnett*, a POSITA would have found it obvious to modify *Barnett*'s insert to be made of a plastic material, such as polystyrene or polycarbonate, that is light weight, durable, recyclable, high impact, and low cost. As such, *Barnett*'s insert, which would constitute a "removable plastic insert" in *Young*'s bag. Ex. 1002, ¶¶ 200-202 (citing *Bass*, Abstract, 2:47-49, 5:34-39, 6:61-67; *Barnett*, 4:19-23).

And as discussed in 10[c], *Young* and *Barnett* render obvious "a reel of communications cable that is supported by the removable insert." Section VII.B.4. A POSITA would have understood that *Barnett*'s reel is a cylindrical reel because it has a cylindrical hub connecting two parallel disks that allow cable to be wound and stored on the reel, as shown below.



Barnett, FIG. 1 (excerpted, annotated); Ex. 1002, ¶ 203.

A POSITA would have understood that *Barnett*'s insert, modified to be made of a plastic material ("removable plastic insert"), would be supporting its reel ("cylindrical reel of communications cable") and inserted into the interior of *Young*'s bag ("main compartment"). Ex. 1002, ¶ 204; Sections VII.A.2, VII.B.3.

3. 9[b]: "wherein the reel of communications cable has a loose end of cable at an outer portion thereof, and"

This limitation is encompassed by 10[c]. *Young* and *Barnett* render obvious 9[b] for reasons discussed in 10[c]. Section VII.B.4; Ex. 1002, ¶ 205.

4. 9[c]: "wherein the main compartment is constructed of a flexible material;"

This limitation is encompassed by 10[a]. *Young* discloses 9[c] for reasons discussed in 10[a]. Section VII.B.2; Ex. 1002, ¶ 206.

5. 9[d]: “aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and”

Young and *Barnett* render obvious 9[d]. As discussed above in 9[pre] and 9[b], *Young* and *Barnett* render obvious “a cable payout passageway” and “a loose end of cable at an outer portion” of the reel of communications cable. Sections VII.D.1, VII.D.3; *see also* Sections VII.B.4, VII.B.6. As discussed above, in *Young* combined with *Barnett*, a POSITA would have used the exit opening (“cable payout passageway”) of *Young*’s bag to receive the loose end of cable from the outer portion of *Barnett*’s reel in two ways. In both ways, a POSITA would have aligned the loose end of cable from the outer portion of the reel of *Barnett* with the exit opening of *Young*’s bag to allow cable to be smoothly paid out from the outer portion of the reel and from the interior to the exterior of the bag without additional twisting or hindrance. Ex. 1002, ¶ 207.

6. 9[e]: “pulling the loose end of cable through the cable payout passageway.”

Young and *Barnett* render obvious 9[e]. When using *Barnett*’s insert in *Young*’s cable payout bag, a POSITA would have known to pull the loose end of cable through the cable payout passageway of *Young*’s bag to draw out a length of the cable. Ex. 1002, ¶ 208 (citing *Bass*, 8:36-42; *Fontana*, 4:14-19; *Holmes*, 4:12-16).

VIII. *Young, Bass, and Redzisz* (Ground 4) and *Young, Barnett, and Redzisz* (Ground 7) Render Obvious Claim 12

A. Obviousness Rationale

As discussed above, the combinations of *Cohn* and *Redzisz* (Ground 1, Section V), *Young* and *Bass* (Ground 3, Section VI), and *Young* and *Barnett* (Ground 6, Section VII) each render obvious a communication cable payout bag. A POSITA would have been motivated to further modify the communication cable payout bag of *Young* as modified by *Bass* (or *Barnett*) to add auxiliary pouches as taught in *Redzisz*. A POSITA would have understood that the pouches would allow for “additional storage space for tools and accessories” and “more versatility.” See *Redzisz*, [0038]; *Thurner*, [0013]; Ex. 1002, ¶¶ 209-212.

A POSITA would have expected reasonable success in modifying *Young*’s bag to include at least one external pouch using ordinary skill, such as by attaching the pouch to the outside of the bag by riveting, binding, or stitching, clips, snaps, or other suitable attachment methods. *Redzisz*, [0037]; *Thurner*, [0013]. A POSITA would have understood that such modification would have been using a known device to improve a similar device in the same way. Indeed, it was common and well-known for a tool bag to have a storage pouch on the exterior of the main compartment of the bag for additional storage. See, e.g., *Thurner*, [0010], [0013], FIGS. 1-4; *Ho*, [0025], FIG. 3; *Williams*, [0025], FIGS. 3-5; Ex. 1002, ¶ 213.

B. Dependent Claim 12: “The communications cable payout bag of claim 10, further comprising at least one storage pouch on the exterior of the main compartment.”

Young, Bass, and Redzisz (Ground 4) and *Young, Barnett, and Redzisz* (Ground 7) render obvious claim 12. Ex. 1002, ¶¶ 214-216.

A POSITA would have found it obvious to attach at least one auxiliary pouch as taught in *Redzisz* (“storage pouch”) to the exterior of *Young*’s bag as modified by *Bass* (or *Barnett*) for storing tools and accessories and versatility. Ex. 1002, ¶¶ 214-216; Sections VIII.A, VIII.B.

IX. *Cohn, Redzisz, and Eastwood* (Ground 2), *Young, Bass, and Eastwood* (Ground 5), or *Young, Barnett, and Eastwood* (Ground 8) Render Obvious Claim 13

A. *Eastwood* (Ex. 1017)

Eastwood discloses a caddy 2 for carrying and dispensing wire wound on spools. *Eastwood*, 1:5-21, 4:62-67. The caddy 2 includes a cover 27 that is secured to the bottom portion and provides apertures 29 through which wire can be drawn from the spools. *Id.*, 6:50-7:21, 7:65-8:21, 9:15-27, FIGS. 1-2, 10-14, 19, 21-24; Ex. 1002, ¶¶ 217-218.

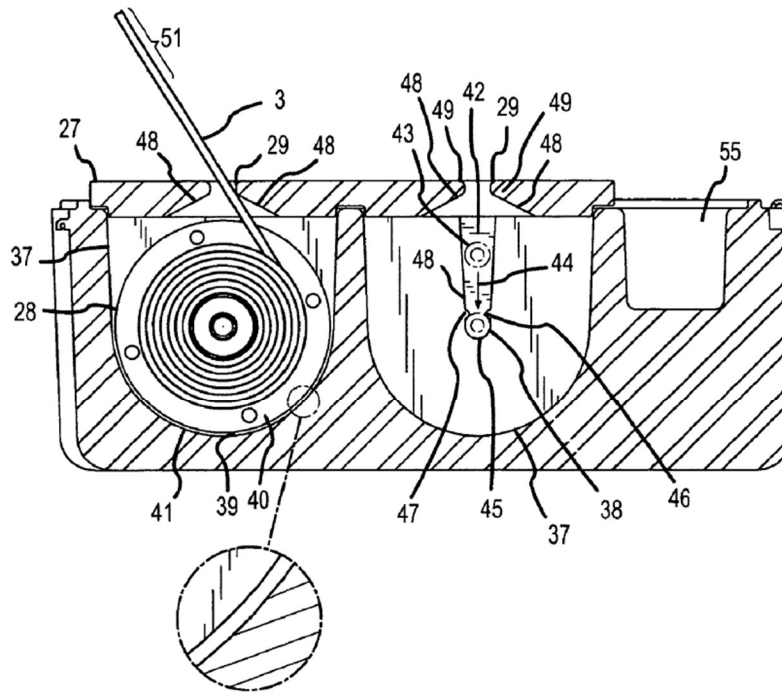


FIG.19

Eastwood, FIG. 19.

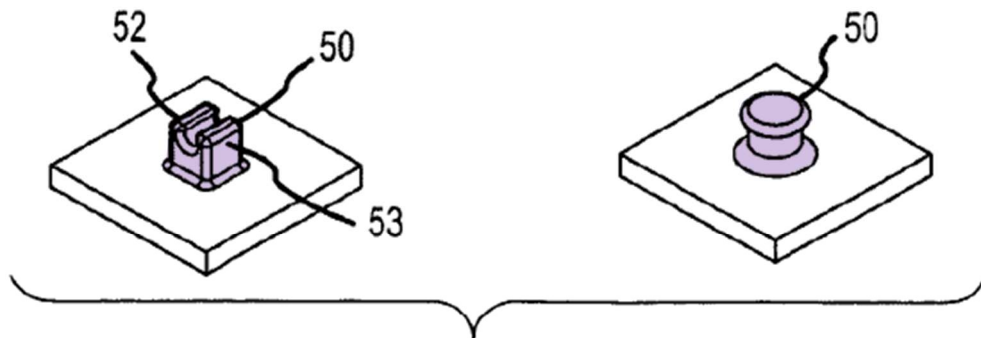


FIG.25

Id., FIG. 25.

A **wire retainer 50** (shown above) is coupled to cover 27 to secure a terminal portion 51 of wire 3 drawing from wire spool 28 through aperture 29 in the cover 27. *Id.*, 8:22-41, FIGS. 23-25. Wire retainer 50 can be a pair of members or a single member projecting from surface 31 of cover 27 to secure the wire. *Id.*, 8:27-41, FIGS. 23-25; Ex. 1002, ¶ 219.

Eastwood is analogous to the '697 patent because it also relates to an apparatus and method for carrying and paying out cable. *Id.*, 4:62-5:2, 5:55-65; Ex. 1001, 1:5-59; Section II.A (Overview of the '697 Patent); Ex. 1002, ¶ 220.

B. Obviousness Rationale

The combinations of *Cohn* and *Redzisz* (Ground 1, Section V), *Young* and *Bass* (Ground 3, Section VI), and *Young* and *Barnett* (Ground 6, Section VII) each render obvious a communication cable payout bag. Ex. 1002, ¶ 221.

A POSITA would have been motivated to modify the communication cable payout bag of *Redzisz* (as combined with *Cohn*) or that of *Young* (as modified by *Bass* or *Barnett*) to add a wire retainer (“cable lock”) on the outside surface of the bag to secure a terminal portion of the cable drawing out of the bag, as taught by *Eastwood*. A POSITA would have understood that the retainer would prevent the terminal end of the cable from retracting into the bag and prevent unwinding or tangling and thus would constitute a cable lock. *See Cohn*, 3:20-27, FIGS. 1, 4; *Bass*,

4:9-26, 8:23-25, FIG. 6. A POSITA also would have understood that such retainer would provide various benefits during the cable transportation and installation. *Bass*, 8:40-45; Ex. 1002, ¶¶ 222-223.

A POSITA further would have had a reasonable expectation of success in modifying *Redzisz*'s bag or *Young*'s bag to have the wire container using ordinary skill, such as by attaching the wire container to the outside of the bag by glue, stitching, or a fastener. A POSITA would have understood that such modification would have used a known device to improve a similar device in the same way. Ex. 1002, ¶ 224; *KSR*, 550 U.S. at 421. Indeed, the Board affirmed the Examiner's finding that *Eastwood* discloses the claimed cable lock, and when combined with *Cote* and *Godshaw*, renders obvious a cable lock on a cable payout bag. Ex. 1003, 18-19.

C. Dependent Claim 13: “The communications cable payout bag of claim 10, further comprising a cable lock configured to secure the loose end of cable on the exterior of the main compartment, wherein the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway.”

Cohn, *Redzisz*, and *Eastwood* (Ground 2), *Young*, *Bass*, *Eastwood* (Ground 5), or *Young*, *Barnett*, and *Eastwood* (Ground 8) render obvious claim 13. Ex. 1002, ¶¶ 225-226.

Eastwood's wire 3 exists from an aperture 29 in cover 27 and its terminal end

51 is secured by wire retainer 50 (“cable lock”) adjacent aperture 29. *Eastwood*, 6:53-57, 7:15-21, 7:65-8:21, FIGS. 14, 19, 21-24; Ex. 1002, ¶ 226.

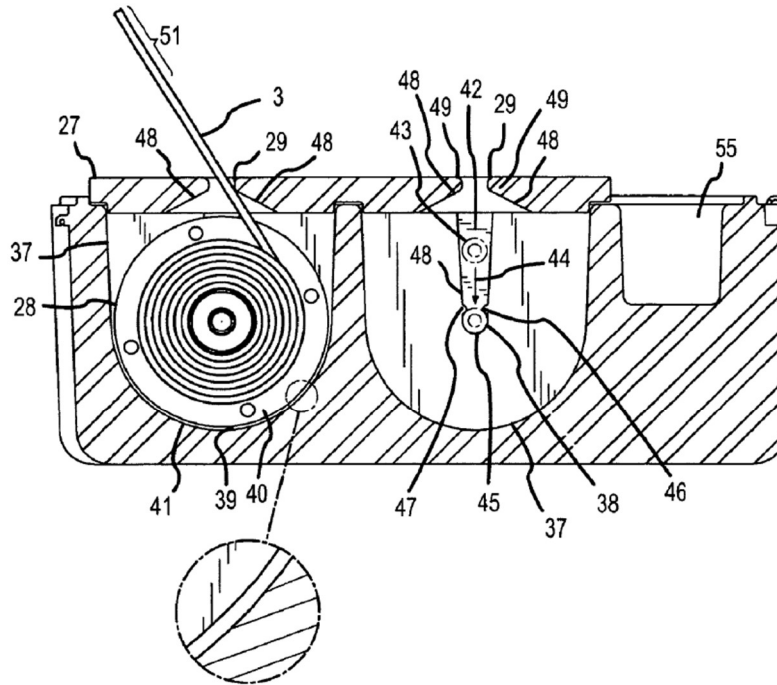
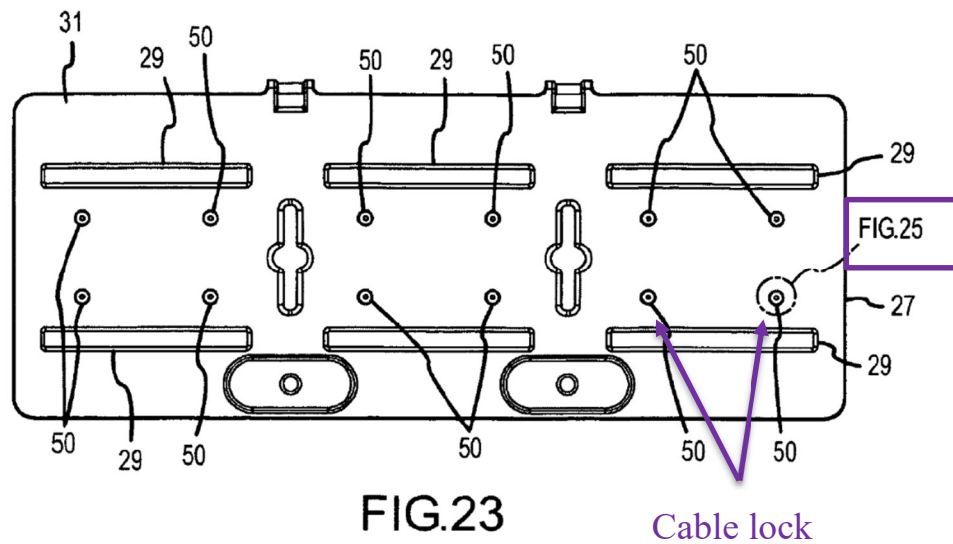


FIG.19

Eastwood, FIG. 19.



Id., FIG. 23 (annotated).

Eastwood discloses wire retainer 50 (“cable lock”) can be a pair of members or a single member projecting from a surface 31 of the cover 27 to secure the terminal portion of the wire (“the loose end of cable”). *Id.*, 8:30-40, FIG. 25. A POSITA would have understood that wire retainer 50 is on the exterior of well 37 (“main compartment”) because it is located on outside surface 31 of well 37. Ex. 1002, ¶ 227; Ex. 1003, 18-19 (Board affirming the Examiner’s finding that *Eastwood*’s wire retainer is on the external portion of the main compartment.).

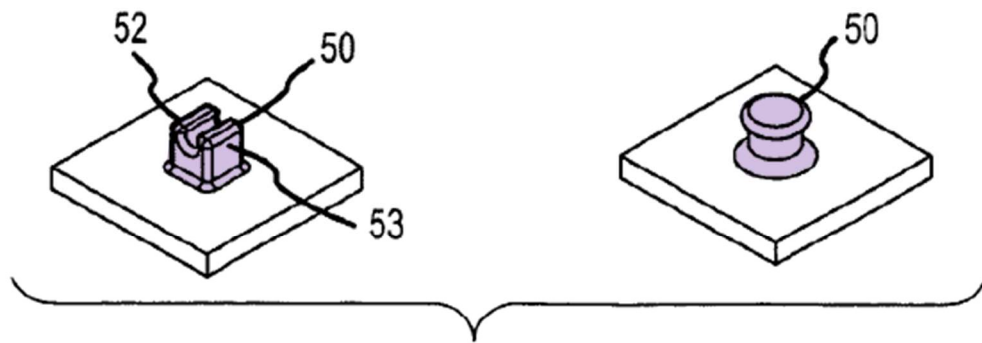
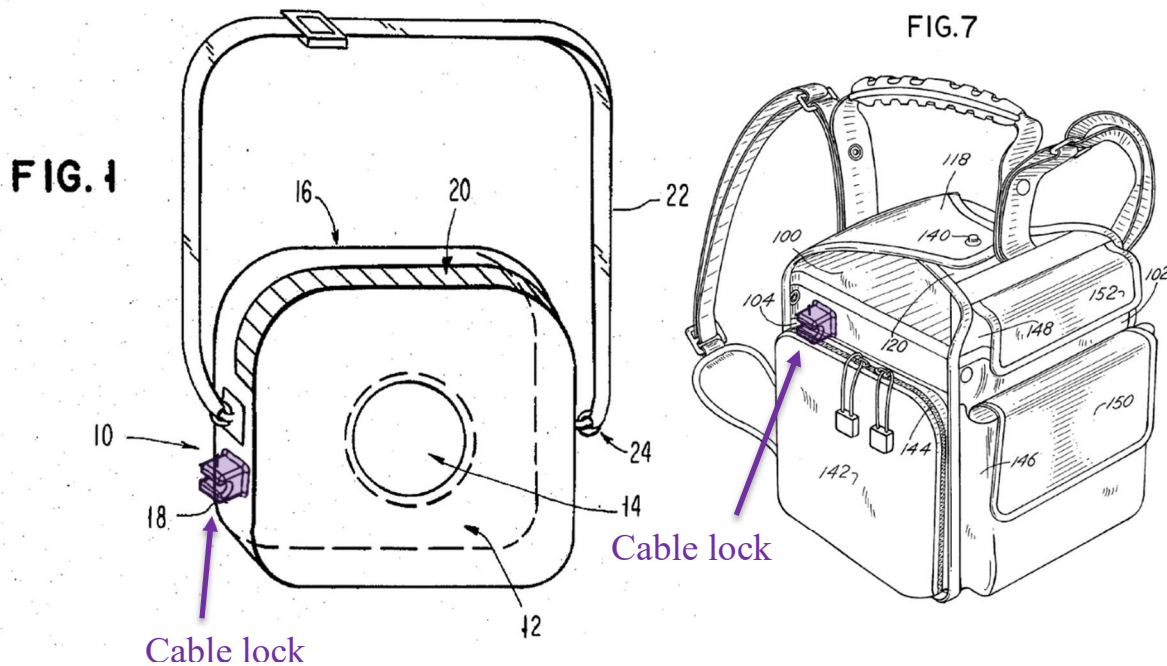


FIG. 25

Eastwood, FIG. 25 (annotated).

A POSITA would have found it obvious to modify *Redzisz*'s bag (as combined with *Cohn*) or *Young*'s bag (as modified by *Bass* or *Barnett*) to have a wire retainer ("cable lock") projecting from the outside surface of the bag ("on the exterior of main compartment") as taught by *Eastwood* to secure the terminal portion of the cable ("the loose end of cable") for reasons discussed in Section IX.B above and as illustrated below (Ex. 1002, ¶¶ 228-229):



Young, FIG. 1 (modified, annotated)

Redzisz, FIG. 7 (modified, annotated)

X. The Board Should Not Deny Institution Under 35 U.S.C. § 314

No trial date has been set in the parallel district court litigation, so a discretionary denial is not warranted.

XI. The Board Should Not Deny Institution Under 35 U.S.C. § 325(d)

Section 325(d) denial would be improper because this Petition presents new prior art, grounds, and arguments not yet presented to the Office.

None of *Redzisz*, *Bass*, or *Barnett* were before the Examiner during prosecution. Ex. 1003. Although *Cohn* was before the Office, it was cited in an IDS but not part of a ground of rejection (*id.*, 246), and its combination with *Redzisz* was never considered by the Office.

Young was applied by the Examiner, but *Young* in combination with *Bass* or *Barnett* was never considered by the Office. Ex. 1003, 140-148. The Petition shows that *Young* discloses a cable payout bag comprising a main compartment constructed of a flexible material, and *Young* in combination with *Bass* or *Barnett* renders obvious the claims obvious. Sections VI-VII.

XII. Mandatory Notices

A. Real Parties-in-Interest

The real parties-in-interest for this petition are PPC Broadband, Inc., and Belden Inc., which wholly owns PPC Broadband, Inc.

B. Related Matters

To Petitioners' knowledge, the '697 patent is involved in the following:

Name	Number	Court	Filed
<i>CommScope, Inc. of North Carolina v. Belden Inc. et al.</i>	1:24-cv-00427	D. Del.	April 4, 2024

C. Lead and Back-Up Counsel

Lead Counsel	Back-Up Counsel
Cory C. Bell (Reg. No. 75,096) cory.bell@finnegan.com Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 2 Seaport Lane, 6th Floor Boston, MA 02210-2001 Tel.: 617-646-1641 Fax: 202-408-4400	Denis J. Sullivan (Reg. No. 47,980) dsullivan@barclaydamon.com BARCLAY DAMON, LLP Barclay Damon Tower 125 East Jefferson St. Syracuse, NY 13202 Tel.: 315-425-2868 Xirui Zhang (Reg. No. 78,809) xirui.zhang@finnegan.com Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 2 Seaport Lane, 6th Floor Boston, MA 02210-2001 Tel.: 617-646-1626 Fax: 202-408-4400

D. Service Information

Please address correspondence to counsel at the addresses above and Belden-IPR@finnegan.com. Petitioners consent to service by e-mail.

XIII. Standing

The '697 patent is eligible for *inter partes* review, and Petitioners are not barred or estopped from requesting review.

XIV. Conclusion

Petitioners have established a reasonable likelihood of success and request institution and cancellation of the Challenged Claims.

Dated: April 25, 2025

Respectfully submitted,

/Cory Bell/

Cory Bell, Reg. No. 75,096
Lead Counsel

CERTIFICATION UNDER 37 C.F.R. § 42.24(d)

Pursuant to 37 C.F.R. § 42.24(a)(1)(i), the undersigned hereby certifies that the foregoing **Petition for *Inter Partes* Review** contains 13,869 words, excluding the parts of this Petition that are exempted under 37 C.F.R. § 42.24(a), as measured by the word-processing system used to prepare this paper.

/Cory Bell/
Cory Bell, Reg. No. 75,096
Lead Counsel

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. §§ 42.6(e) and 42.105(a), the **Petition for *Inter Partes* Review of U.S. Patent No. 9,266,697, the associated Power of Attorney, and Exhibits 1001-1023** were served via FedEx Priority Overnight delivery on April 25, 2025, on the correspondence address of record below indicated in the U.S. Patent Office's Patent Center for U.S. Patent No. 9,266,697:

D. Randal Ayers
Myers Bigel, P.A.
4130 Parklake Avenue, Suite 250
Raleigh, NC 27612

Courtesy copies have been concurrently served by the same means on Patent Owner's litigation counsel at:

Kelly E. Farnan
Richards Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801

Dated: April 25, 2025

By: /William Esper/
William Esper
Legal Assistant and PTAB Coordinator
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP