

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

COMMSCOPE, INC. OF NORTH
CAROLINA,

Plaintiff,

v.

BELDEN INC. and PPC BROADBAND, INC.,

Defendants.

C.A. No. 24-427-RGA

DEFENDANTS' INITIAL INVALIDITY CONTENTIONS

Pursuant to Section 3(h)(i)(d) of the Scheduling Order (D.I. 16) (the “Scheduling Order”), defendants Belden Inc. and PPC Broadband, Inc., (collectively referred to as “Belden”) hereby serves these Initial Invalidity Contentions on the plaintiff, CommScope, Inc. of North Carolina (“CommScope”).

I. Introductory Statement

CommScope asserts the following Claims (“Asserted Claims”) of United States Patent No. 9,266,697 (the “’697 Patent”).

Patent	Asserted Claim(s)
U.S. Pat. No. 9,266,697	9, 10, 11, 12, 13

These initial invalidity contentions are limited to just these Asserted Claims in the Patents-in-Suit, and to the extent CommScope asserts additional claims of the Patents-in-Suit, clarifies its infringement positions with respect to the presently Asserted Claims, or asserts additional patents, Belden reserves its right to amend these contentions to address those additional claims, infringement positions, and/or patents.

These contentions are based on information reasonably and presently available to Belden with respect to the Asserted Claims at this time. Belden reserves all rights to revise, amend and/or supplement these contentions for any reason. Further, because discovery is in its early stages and Belden has not yet completed its search for and analysis of relevant prior art, Belden reserves the right to revise, amend and/or supplement the contentions provided herein, including identifying and relying on additional references, consistent with the Federal Rules of Civil Procedure, Local Rules and the Scheduling Order. Moreover, Belden reserves the right to revise, amend and/or supplement its ultimate contentions concerning the invalidity of the Asserted Claims, which may change depending upon any findings as to the priority date(s) of the Asserted Claims and/or positions that CommScope or its expert witness(es) may take concerning claim construction, infringement and/or invalidity issues.

These contentions do not indicate Belden's position with regard to the proper claim construction of any term of the Patents-in-Suit, and Belden's Initial Invalidity Contentions are not, and should not be construed as, an endorsement or acceptance by Belden of any claim interpretations. Belden's Initial Invalidity Contentions are stated in the alternative, and without prejudice, to other its defenses in this case, including, without limitation, non-infringement. Belden reserves the right to update, amend or supplement these contentions as prompted by discovery or following any clarification or alteration of the meaning of claim terms by the Court and/or as otherwise authorized or permitted by the Local Rules, the Federal Rules of Civil Procedure and/or this Court's Orders.

Prior art not included in this disclosure, whether known or unknown to Belden, may become relevant, and/or may be used to establish the state of the art at the time of the alleged invention in the Patents-in-Suit. In particular, Belden is currently unaware of the extent, if any, to

which CommScope will contend that limitations of the Asserted Claims are not disclosed in the prior art identified by Belden. To the extent that such an issue or a similar issue arises, Belden reserves the right to identify additional teachings in the same references or in other references that anticipate or would have made the addition of the allegedly missing limitation to the device or method obvious.

In an effort to focus the issues, Belden has cited representative portions of identified prior art references, even where a prior art reference may contain additional support for a particular claim element. Persons of ordinary skill in the art generally read a prior art reference as a whole and in the context of the file history, other publications and literature. Thus, to understand and interpret any specific statement or disclosure within a prior art reference, such persons would rely on other information within the reference, along with other publications and their general scientific knowledge. Belden may rely upon uncited portions of the prior art references and on other publications and expert testimony to provide context, and as aids to understanding and interpreting the portions that are cited. Belden may also rely on uncited portions of the prior art references, other disclosed publications, disclosures in the patents' file histories and the testimony of experts to establish the state of the prior art and/or that a person of ordinary skill in the art would have been motivated to modify or combine certain of the cited references so as to render the claims obvious.

Belden may further rely on inventor admissions concerning the scope or state of the prior art relevant to the Asserted Claims, the patent prosecution history for the '697 Patent, and related patents and/or patent applications; any deposition or trial testimony of the named inventors on the Patents-in-Suit; and the papers filed and any evidence produced or submitted by CommScope in connection with this or related litigation. In particular, Belden reserves the right to contend that

the Asserted Claims are invalid under pre-AIA 35 U.S.C. § 102(f) in the event Belden obtains evidence that the named inventors did not invent the subject matter in the Asserted Claims.

In determining whether each item of prior art anticipates each asserted claim or renders it obvious, Belden contends that the motivations to combine include, *inter alia*, (i) common knowledge in the art; (ii) improvement of processing and security of the principal reference; (iii) combining prior art elements according to known methods to yield predictable results; (iv) simple substitution of one known element for another; (v) use of a known technique to improve the operation of this technology; (vi) “obvious to try;” (vii) known work in the field of endeavor; (viii) the promotion of interoperability of systems through the use of accepted standards in the community; and (ix) explicit or inherent reference to certain references as being relevant or necessary to the operation of the principal reference.

Where Belden cites to a particular figure in a prior art reference, the citation should be understood to encompass the caption and description of the figure and any text relating to the figure in addition to the figure itself. Conversely, where a recited portion of text refers or relates to a figure, the citation should be understood to include the figure as well.

Belden further reserves all rights to amend and/or supplement its Initial Invalidity Contentions if the Patents-in-Suit are not entitled to the priority dates claimed by CommScope. If for any reason the Patents-in-Suit are not entitled to any of these priority dates, there is even further art that would invalidate the claims. Belden reserves all rights to supplement its disclosures with further prior art in the event that priority issues result in a priority date subsequent to the dates claimed by CommScope.

Belden reserves the right to modify, amend or supplement its contentions in view of, without limitation: (1) information provided by CommScope concerning its infringement

allegations, theories, contentions or facts supporting them; (2) information provided by CommScope concerning the alleged priority, conception and reduction to practice dates for any of the Asserted Claims; (3) any change by CommScope in the claims it is asserting; (4) any positions CommScope takes in any other litigation or proceeding involving any Patents-in-Suit or related foreign counterparts; (5) additional prior art obtained through discovery, including without limitation discovery from CommScope and/or from third parties; (6) any changes to the Court's claim construction; and (7) any other basis in law or in fact.

In addition to the positions and prior art identified below and the accompanying invalidity claim charts, Belden also incorporates by reference all invalidity contentions, prior art, and invalidity claim charts (including, without limitation, all anticipation positions, obviousness positions (including all prior art combinations and motivations to combine), indefiniteness positions, and enablement positions) disclosed at any time by parties in the present litigation or by any party to any other litigation or U.S. Patent and Trademark Office or foreign patent office proceeding involving the '69 Patent, or any related U.S. or foreign family members or counterparts.

Belden's discovery and investigation in connection with this lawsuit are continuing, and, thus, these disclosures are based on information obtained to date. The preceding statements and reservations of rights are hereby expressly incorporated by reference into each of the disclosures below and in the attached invalidity charts and other exhibits.

II. Invalidity Contentions Regarding U.S. Patent No. US 9,266,697

Based on its investigation to date, and subject to the reservation of rights set forth above, Belden provides its invalidity contentions regarding the Asserted Claims of the '697 Patent.

A. Invalidity under 35. U.S.C. §§ 102 and 103 (Anticipation and Obviousness)

Belden identifies the following prior art references that anticipate and/or render obvious, either alone or in combination (as explained below), the Asserted Claims of the '697 Patent.

1. Identification of Prior Art

Belden identifies the prior art disclosed on the face of the '697 Patent and the following prior-art patents and publications that anticipate and/or render obvious the Asserted Claims of the '697 Patent (collectively, the "'697 Prior Art References"):

Prior Art Reference	Inventor(s)/ Author(s)	Filing Date	Publication/Issue Date
U.S. Pat. No. 2,400,417 ("Hickey")	John P. Hickey	Apr. 6, 1944.	May 14, 1946.
U.S. Pat. No. 3,150,769 ("Cohn")	Max Cohn	Sep. 6, 1962.	Sep. 29, 1964.
U.S. Pat. No. 4,650,073 ("Young")	David J. Young	Aug. 9, 1985.	Mar. 17, 1987.
U.S. Pat. No. 5,337,933 ("Nunez")	Raul Nunez	Jan. 11, 1993.	Aug. 16, 1994.
U.S. Pat. No. 5,529,186 ("Bass")	Benjamin A. Bass	Dec. 9, 1994.	Jun. 25, 1996.
U.S. Pat. No. 5,704,479 ("Barnett")	David H. Barnett David B. Camillo	Dec. 5, 1995.	Jan. 6, 1998.
U.S. Pat. No. 6,591,858 ("Peterson")	Rebekah A. Peterson	Nov. 27, 2001.	Jul. 15, 2003.
U.S. Pat. No. 6,655,529 ("Ho")	Cheng-I Ho	Nov. 1, 2001.	Dec. 2, 2003.
U.S. Pat. No. 7,320,445 ("Eastwood")	Kenneth Brian Eastwood Sondra Kay Eastwood	Apr. 15, 2005.	Jan. 22, 2008.
U.S. Pat. No. 7,534,041 ("Godshaw 2")	Donald E. Godshaw Andrezj M. Redzsiz	Jun. 10, 2005.	May 19, 2009.

Prior Art Reference	Inventor(s)/ Author(s)	Filing Date	Publication/Issue Date
U.S. Pat. No. 8,424,795 ("Galgano")	Richard Galgano Mark K. Winkel Martin C. McGuire Martin J. McGuire	Aug. 9, 2011.	Apr. 23, 2013.
U.S. Pat. Pub. 2002/0125161 ("Cote")	Gerard Cote	Jan. 16, 2002.	Sep. 12, 2002.
U.S. Pat. Pub. No. 2005/0189388 ("Godshaw 3")	Donald E. Godshaw Andrezj M. Redzsiz	Jan. 27, 2005.	Sep. 1, 2005.
U.S. Pat. Pub. No. 2006/0219587 ("Redzsiz")	Andrezj M. Redzsiz Donald E. Godshaw	Mar. 9, 2006.	Oct. 5, 2006.
U.S. Pat. Pub. No. 2007/0062997 ("Thurner")	Darryl G. Thurner	Sep. 9, 2005.	Mar. 22, 2007.
U.S. Pat. Pub. No. 2008/0179370 ("Williams")	Matthew G. Williams	Jan. 30, 2008.	Jul. 31, 2008.
U.S. Pat. Pub. No. 2008/0240624 ("Godshaw")	Donald E. Godshaw Andrezj M. Redzsiz	Mar. 26, 2007.	Oct. 2, 2008.

2. Claim Charts

Attached hereto as the Exhibits identified below are claim charts that identify where and how in each item of prior art each limitation of each Asserted Claim is found.

Exhibit No.	Prior Art Reference(s)
A	Obvious over U.S. Pat. No. 4,650,073 (“Young”) in view U.S. Pat. No. 5,704,479 (“Barnett”), U.S. Pat. Pub. No. 2002/0125161 (“Cote”), U.S. Pat. No. 8,424,795 (“Galgano”), 5,529,186 (“Bass”), U.S. Pat. Pub. No. 2006/0219587 (“Redzsiz”), U.S. Pat. No. 2,400,417 (“Hickey”), U.S. Pat. Pub. No. 2007/0062997 (“Thurner”), U.S. Pat. No. 7,320,445 (“Eastwood”), U.S. Pat. No. 6,655,529 (“Ho”), U.S. Pat. No. 7,534,041 (“Godshaw 2”), U.S. Pat. Pub. No. 2005/0189388 (“Godshaw 3”), and/or U.S. Pat. Pub. No. 2008/0179370 (“Williams”).
B	Obvious over U.S. Pat. No. 2,400,417 (“Hickey”) in view of U.S. Pat. No. 5,704,479 (“Barnett”), U.S. Pat. Pub. No. 2002/0125161 (“Cote”), U.S. Pat. No. 8,424,795 (“Galgano”), U.S. Pat. Pub. No. 2006/0219587 (“Redzsiz”), U.S. Pat. Pub. No. 2007/0062997 (“Thurner”), U.S. Pat. No. 7,320,445 (“Eastwood”), U.S. Pat. No. 6,655,529 (“Ho”), U.S. Pat. No. 7,534,041 (“Godshaw 2”), U.S. Pat. Pub. No. 2005/0189388 (“Godshaw 3”), and/or U.S. Pat. Pub. No. 2008/0179370 (“Williams”).
C	Obvious over U.S. Pat. Pub. No. 2008/0240624 (“Godshaw”) in view of U.S. Pat. No. 5,704,479 (“Barnett”), U.S. Pat. Pub. 2002/0125161 (“Cote”), U.S. Pat. No. 8,424,795 (“Galgano”), and/or U.S. Pat. No. 7,320,445 (“Eastwood”).
D	Obvious over U.S. Pat. No. 6,591,858 (“Peterson”) in view U.S. Pat. No. 5,704,479 (“Barnett”), U.S. Pat. Pub. No. 2002/0125161 (“Cote”), U.S. Pat. No. 8,424,795 (“Galgano”), U.S. Pat. Pub. No. 2006/0219587 (“Redzsiz”), U.S. Pat. No. 2,400,417 (“Hickey”), U.S. Pat. Pub. No. 2007/0062997 (“Thurner”), U.S. Pat. No. 7,320,445 (“Eastwood”), U.S. Pat. No. 6,655,529 (“Ho”), U.S. Pat. No. 7,534,041 (“Godshaw 2”), U.S. Pat. Pub. No. 2005/0189388 (“Godshaw 3”), U.S. Pat. Pub. No. 2008/0179370 (“Williams”), U.S. Pat. No. 4,650,073 (“Young”), and/or U.S. Pat. No. 2,400,417 (“Hickey”).
E	Obvious over U.S. Pat. No. 3,150,769 (“Cohn”) in view of U.S. Pat. No. 5,337,933 (“Nunez”), U.S. Pat. Pub. No. 2007/0062997 (“Thurner”), and/or U.S. Pat. No. 7,320,445 (“Eastwood”).

Belden's claim charts contain only representative examples of where each element may be found in each prior-art reference and may not list every time a given reference discloses each claim element, and Belden reserves the right to rely upon other portions of the prior-art reference.

If it is determined that any reference charted in these Exhibits does not disclose one or more elements of any Asserted Claim, the Asserted Claim is obvious in view of each of the '697 Prior Art References in combination with the knowledge of a person of ordinary skill in the art. Each Asserted Claim merely combines elements known in the art to achieve predictable results.

For instance, at the time of the alleged invention, a person of ordinary skill in the art would have been motivated to modify or combine each of the References with any of the other References. Each of the References relates to the same field as the '697 Patent, and/or is reasonably pertinent to the problems faced by the inventor. For example, all references relate to devices for carrying tools and equipment for work, including devices for paying out a reel of wire, cable, tubing, or the like. Further, all references seek to address the challenges of carrying tools or equipment in a working environment, and/or the challenges associated with paying out a reel of wire, cable, tubing, or the like. Thus, being within the same field of endeavor and/or facing similar problems, a person of ordinary skill would have been motivated to modify or combine the '697 Prior Art References to address the problems identified by those references and/or purportedly solved by the '697 Patent. There existed at the time of the invention a limited number of options (including the claimed elements) for achieving the claimed results, and a person of ordinary skill in the art would thus have been motivated to incorporate or combine the claimed elements with the prior art. A person of ordinary skill in the art would have had a reasonable expectation of successfully modifying each of the '697 Prior Art References or combining them with any other, or the knowledge of a person of ordinary skill in the art, because the patented invention, as it is

being construed by CommScope in its infringement contentions and/or its interrogatory responses, would require only minor modifications to the prior art that require mere substitution or addition of an element known in the field according to its established functions, to yield predictable results. Incorporating and combining such elements would have been routine for a person of ordinary skill in the art at the time of the invention.¹

B. Invalidity under 35. U.S.C. § 112

As set forth in the below, the Asserted Claims are invalid for lack of written description because the specification does not reasonably convey to those skilled in the art that the named inventors were in possession of the claimed subject matter. *See Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). The required written description under 35 U.S.C. § 112 “‘must clearly allow [persons of ordinary skill in the art] to recognize that the inventor invented what is claimed,’ such that ‘the disclosure of the application relied upon reasonably conveys to [a person of ordinary skill in the art] that the inventor had possession of the claimed subject matter as of the filing date.’” *D Three Enters., LLC v. SunModo Corp.*, 890 F.3d 1042, 1047 (Fed. Cir. 2018) (quoting *Ariad*, 598 F.3d at 1351).

As set forth below, the Asserted Claims are indefinite for failing to inform, with reasonable certainty, those skilled in the art about the scope of the invention. To meet this requirement, a claim, when viewed in light of the intrinsic evidence, must “inform those skilled in the art about the scope of the invention with reasonable certainty.” *See Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 910 (2014). A claim that fails to inform those skilled in the art about the scope of the invention with reasonable certainty is invalid as indefinite. *Id.* at 901.

¹ The assertions in this paragraph, based at least in part on how CommScope is construing the Asserted Claims in its infringement contentions and/or interrogatory responses, is made without prejudice to Belden’s position that the accused products are invalid under Sections 112, as set forth below.

More specifically, the Asserted Claims are invalid for lack of written description and indefiniteness for reciting an “outer portion”, including in the following claims:

Claim 9: “wherein the reel of communications cable has a loose end of cable at an outer portion thereof...” and “aligning the loose end of cable from the outer portion of the reel of communications cable...”

Claim 10 (and all claims depending therefrom): “the reel of communications cable having a loose end of cable at an outer portion thereof...” and “the cable payout passageway configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable...”

Additionally, claim 10 and all claims depending therefrom are invalid for lack of written description and indefiniteness for reciting “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.”

Additionally, claim 13 is invalid for lack of written description and indefiniteness for reciting: “the cable lock is located on the exterior of the main compartment adjacent the cable payout passageway.”

III. Document Production

Belden has produced a contemporaneous document production including the invalidating references set forth herein, as production Volume 001, bearing Bates Numbers BDC_CB0000043 - BDC_CB0000258.

Dated: February 28, 2025

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EXHIBIT A

EXHIBIT A

Invalidity Claim Chart (U.S. Pat. No. 9,266,697 (the “’697 Patent”) in view of U.S. Pat. No. 4,650,073 (“Young”), the knowledge of one skilled in the art at the time of the invention, and the other references disclosed herein)

- A. Claims 9, 10, and 11 of the ’697 Patent are obvious over Young in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: U.S. Pat. No. 5,704,479 (“Barnett”), U.S. Pat. Pub. No. 2002/0125161 (“Cote”), U.S. Pat. No. 8,424,795 (“Galgano”), and/or U.S. Pat. No. 5,529,186 (“Bass”) as shown below.
- B. Claim 12 of the ’697 Patent is obvious over Young in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: Barnett, Cote, Galgano, Bass, U.S. Pat. Pub. No. 2006/0219587 (“Redzsiz”), U.S. Pat. No. 2,400,417 (“Hickey”), and/or U.S. Pat. Pub. No. 2007/0062997 (“Thurner”) as shown below.
- C. Claim 13 of the ’697 Patent is obvious over Young in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: Barnett, Cote, Galgano, Bass, and/or U.S. Pat. No. 7,320,445 (“Eastwood”), as shown below.

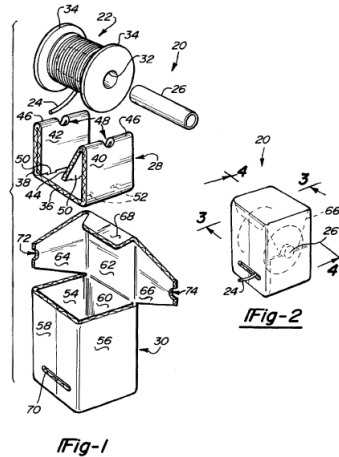
Asserted Claim	’697 Patent Claim Language/Elements	Prior Art
[Preamble Claim 9]	A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:	The method disclosed in claim 9 is obvious in view of the teachings of Young in combination with any one of Barnett, Cote, Galgano, or Bass, as discussed below. <u>Young</u> Young discloses a method of paying out communications cable from a bag that includes a main compartment (<i>i.e.</i> container/dispenser 10) and a cable payout passageway (<i>i.e.</i> opening 14).¹ See FIGs. 1-2. “This invention relates to a user-oriented container for carrying and dispensing heavy electrical cable, such as the plastic or rubber-coated cable used for electrical circuits in homes and businesses, and more particularly to such a container which is flexible and reusable without any of the problems attendant to the presently used cardboard containers and dispensers.” 1:6-12.

¹ Claim construction has not yet commenced. The reference to “communications cable” in the preamble is believed to be non-limiting. Further, the term “communications cable” merely refers to one type of wire or cable. To the extent the term “communications cable” differentiates from, and is not taught explicitly by, a prior art teaching related to a wire or cable, it would be an obvious modification thereof.

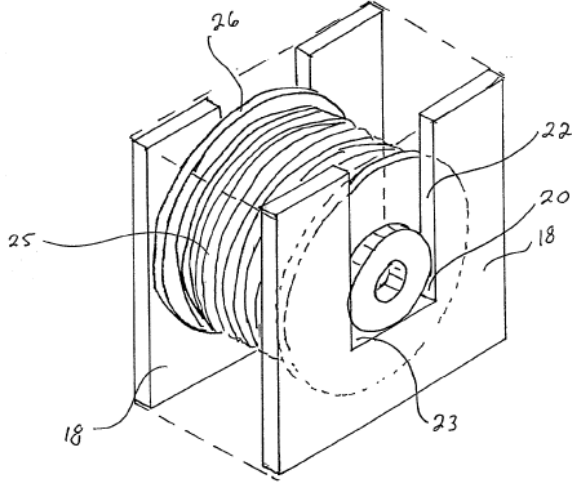
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		“FIG. 2 illustrates the use of the container/dispenser 10 wherein an electrical cable 26 is withdrawn in the direction of arrow 28. The coil of electrical cable is indicated by the dashed lines 30 in container/dispenser 10.” 2:53-56. “Container/dispenser 10 includes a front face 12 into which a reinforced exit opening 14 is located for payout of cable from the inner portion of a coil placed within container 10.” 5:1-4. “FIG. 2 illustrates the use of the container/dispenser 10 wherein an electrical cable 26 is withdrawn in the direction of arrow 28. The coil of electrical cable is indicated by the dashed lines 30 in container/dispenser 10.” 5:40-44. <i>See also</i> Young, Abstract; 4:5-12. <i>See also</i> Preamble Claim 10 and Element 10D.
[Element 9A]	inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment,	<i>See also</i> Element 10B. <u>Young</u> The communications cable payout bag of Young is designed to contain a coil of cable for dispensing. <i>See</i> Abstract; <i>see also</i> Preamble Claim 9. That coil of cable is inserted into the main compartment of Young through an opening. 5:4-8 (“Container-dispenser 10 includes a rear face 16 and sides 18. A closeable opening is provided into container/dispenser 10 by using the velcro closure flap 20. This opening is used to insert and remove coils of wire from the interior of container 10.”); 4:21-25. Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, Young discloses in the Background Section that cable is generally purchased as a coil packaged in a cardboard box having a rectangular cross-section, similar to the removable insert disclosed in the ‘697 Patent. <i>See</i> Young 1:25-27 (“The electrical cable described hereinabove is generally purchased as a coil packaged in a cardboard box having a generally rectangular cross-section.”). Therefore Young discloses that it is common to receive the coil of communications cable supported by a removable insert before the cable coil is inserted into the interior of the payout bag. Thus, it would be obvious to utilize

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		such a removable insert, inserting the removable insert and supported reel of communications cable into the main compartment of Young to assist in cable payout.² In the alternative, this limitation is obvious over Young in combination with Barnett, Cote, Galgano, or Bass as shown below. <u>Barnett</u> In one alternative, Barnett discloses inserting a removable insert 28 and cylindrical cable reel 22 in a container 30 for dispensing cable, as shown below:

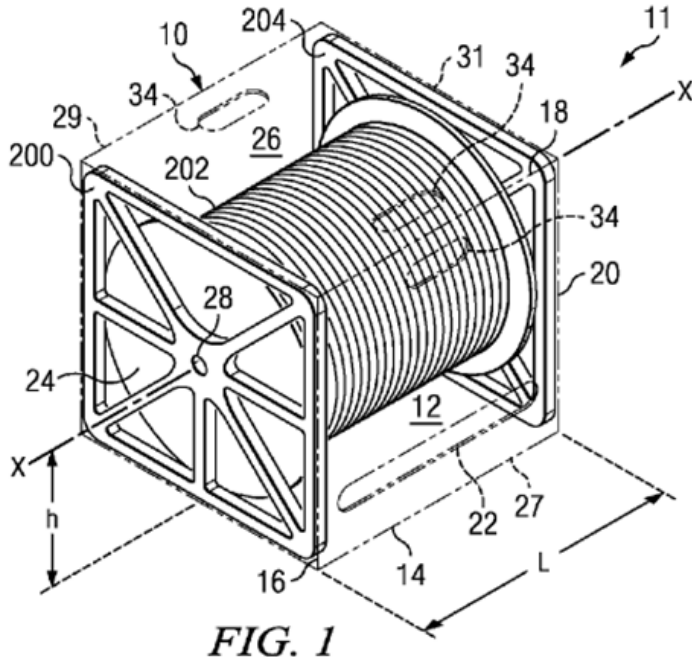
² To the extent the removable insert disclosed in Young, or in any of the other references discussed herein, does not explicitly disclose the use of a “plastic” removable insert, this is an obvious modification. Plastics are commonly used materials which would be expected to function consistent with the functions of the removable inserts discussed herein. Further, certain prior art references explicitly disclose that plastic is one of the known materials used for similar removable inserts which support reels of cable. *See e.g.* Barnett, 1:47-52 (“For example, one conventional design uses plastic inserts to support the spool for rotation, which are expensive, require special tooling and molding equipment, and are likely provided by a source other than the wire container supplier itself, thus requiring coordination among multiple vendors.”); Cote, ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process.”); Galgano, 3:27-29; 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); Bass, 5:33-39 (“Preferably, the end plate 30 is formed of a material such as polycarbonate, that is light-weight to ease in the transport of the boxed spool system of the present invention, but also that is a high-strength material resistant to significant impact to protect the optic fiber cable, wire or the like.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. <i>See</i> Barnett 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and supported cable reel 22 are then inserted inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. <i>See</i> 4:3-12 (“Insert 28 is then positioned in container 30. Spool 22, wound with, for example, wire 24, is then placed over tube 25, and disposed in container 30, wherein tube 26 is received, seated and held in the cradle formed by support notches 48. An end of wire 24 is fed out of payout slot 70, and retaining flap 64, and 66 are folded to the position illustrated by flap 64, and are next moved to the closed position; the trapezoidal-shape of the flaps facilitating movement of retaining flaps 64 and 66 from the open to the closed position.”); FIG. 2.

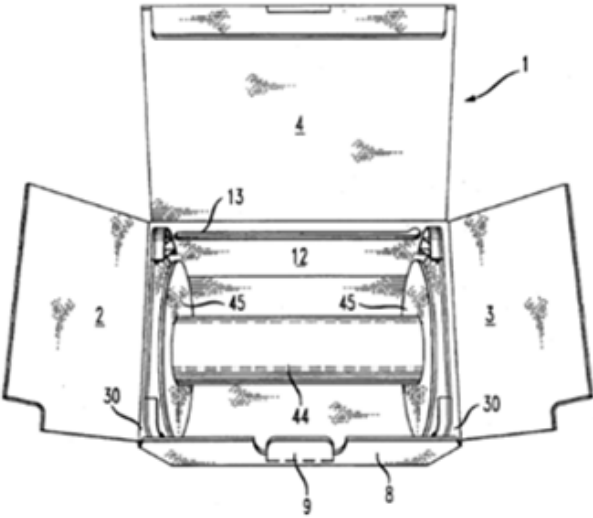
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Barnett into the main compartment of the bag of Young, in lieu of the unsupported reel of cable disclosed in Young, for cable payout. In particular, Young already discloses inserting an unsupported reel of cable into the main compartment of the bag. Barnett discloses inserting the removable insert 28 into a cable payout container 30 to improve cable payout. <i>See e.g.</i> Barnett 2:1-10 (“The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff.”). Thus, inserting the removable insert and supported reel of cable of Barnett into the bag of Young would involve the simple substitution of parts, and would improve cable payout. To the extent the Court’s construction of “removable insert” precludes the removable insert 28 of Barnett from teaching the removable insert as claimed, the combination of the payout container 30 and removable insert 28 of Barnett would still teach this limitation. It would similarly be obvious to insert the entire payout container 30 and removable insert 28 of Barnett into the bag disclosed in Young for cable payout. <u>Cote</u> In another alternative, Cote discloses inserting a removable insert 18 and a cylindrical reel of cable (spool 26) into a box, as shown below:

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		 Figure 4 See Cote, ¶ 4. The removable insert 18 is made of a plastic material, and generally supports the spool 26 (i.e. reel of communications cable) for dispensing a cable 25. ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process... The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 and supported spool 26 are inserted into the interior of a main compartment of a box for dispensing cable 25. See ¶ 28 (“As illustrated in FIGS. 2 and 3, the spool 26 with the cable 25 is pre-packaged within the box. The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2,

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		depending upon the particular needs and desire of the user of the box.”); ¶ 26; FIGs. 2-4; Claim 1. The reel of communications cable can then be withdrawn from the box through one of the openings. ¶ 28. See FIGs. 2-3, 9. One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Cote into the main compartment of the bag of Young, in lieu of the unsupported reel of cable disclosed in Young, for cable payout. In particular, Young already discloses inserting an unsupported reel of cable into the main compartment of the bag. Cote discloses inserting the removable insert and supported spool of cable into a box to improve cable dispensing. See <i>e.g.</i> Cote, ¶ 8 (“A further advantage of an embodiment of the present invention is to provide an improved means of paying out cable at a steady rate, avoiding tangling and backlash of the cable.”); Abstract; ¶ 4-7. Thus, inserting the removable insert and supported reel of cable of Cote into the bag of Young would involve the simple substitution of parts, and would improve cable payout. To the extent the Court’s construction of “removable insert” precludes the supports 18 of Cote from teaching a removable insert as claimed, the combination of the entire box of Cote, and components directly supporting the spool 26, including the supports 18, still teach this limitation. It would similarly be obvious to insert the entire box of Cote, along with the spool 26 and supporting components, including supports 18, into the bag of Young in lieu of the unsupported reel of cable in Young to improve cable payout. <u>Galgano</u> In another alternative, Galgano discloses inserting a removable insert (supports or caddies 200, 204) and supported cylindrical reel of cable 202 into a box (<i>e.g.</i> carton 10 or container 11) for dispensing cable, as shown below:

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		 <i>See Abstract; 2:48-59.</i> The removable insert supports a cable reel within the communication cable dispensing box. <i>See Abstract; 1:45-65; FIGs. 1-3.</i> In particular, the removable insert provides opposing bushings 206 which allow for rotation of a cable reel 202 within the box. <i>See FIG. 2; Abstract; 1:45-65; 3:34-60; 4:48-50.</i> Galgano discloses that the removable insert may be a plastic. 3:27-29; 3:51-53. The reel of cable and supporting removable are inserted into the communication cable dispensing box. <i>See Abstract (“A container for the dispensing of electrical or communications cable has an external carton which receives a reel of cable and is supported by left and right supports.”).</i> In use, a loose end of the cable is pulled through the slot 22 to dispense cable. 2:53-59.

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		One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Galgano into the main compartment of the bag of Young, in lieu of the unsupported reel of cable disclosed in Young, for cable payout. In particular, Young already discloses inserting an unsupported reel of cable into the main compartment of the bag. Galgano discloses inserting the removable insert and supported spool of cable into a container to improve cable dispensing therefrom. <i>See e.g.</i> Abstract; 1:45-65; 3:34-60; 4:48-50. Thus, inserting the removable insert and supported reel of cable of Galgano into the bag of Young would involve the simple substitution of parts, and would improve cable payout. To the extent the Court’s construction of “removable insert” precludes the supports or caddies 200, 204 of Galgano from teaching a removable insert as claimed, the combination of the entire box (<i>e.g.</i> carton 10 or container 11) of Galgano, and components directly supporting the cable reel 202, including caddies 200, 204, also teach this limitation. It would similarly be obvious to insert the entire box of Galgano, along with the reel of cable and supporting components, including caddies 200, 204, into the bag of Young in lieu of the unsupported reel of cable in Young to improve cable payout. <u>Bass</u> In one alternative, Bass discloses inserting a removable insert supporting a cylindrical reel of cable (spool 44) into a box 1, as shown in FIG. 5:

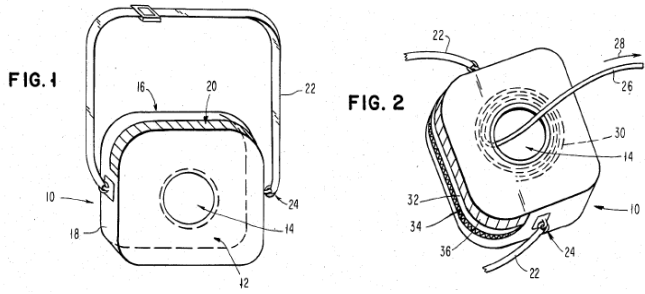
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		FIG. 5  See 8:17-20 (“Again, in FIG. 5, the spool 44 does not have wire or cable wound thereon to better show the features of the present invention, but the spool 44 would of course be fully-wound with cable or wire before shipment.”). The removable insert can include end plates 30 on either side of the spool 44, which serve to support the spool 44 within the box, as well as related components of the end plates 30. See 5:28-32 (“FIG. 2A is a first side view of an end plate 30 in accordance with the present invention. The end plate 30 is structured and functions to support an end of the spool assembly yet to be described in detail.”); <i>see also</i> 5:32-7:38. The end plates 30 can be a plastic material. See <i>e.g.</i> 5:33-39 (“Preferably, the end plate 30 is formed of a material such as polycarbonate, that is light-weight to ease in the transport of the boxed spool system of the present invention, but also that is a high-strength material resistant to significant impact to protect the optic fiber cable, wire or the like.”). During assembly, the spool 44 is fixed between the supporting end plates 30 (<i>i.e.</i> the removable insert) and the spool assembly together with the supporting end plates 30 is inserted into the interior of the main compartment of the box 1. See 8:1-23. A loose end of the cable 52 can then be pulled, from the outer portion of the spool, through slot 13 in the box 1 to dispense cable. See 8:37-42; FIGs. 5-6.

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		One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Bass into the main compartment of the bag of Young, in lieu of the unsupported reel of cable disclosed in Young, for cable payout. In particular, Young already discloses inserting an unsupported reel of cable into the main compartment of the bag. Bass discloses inserting the removable insert and spool into a box to improve cable payout therefrom. <i>See e.g.</i> Bass 6:17-21. (“The payout of optic fiber cable, wire or the like, from the spool assembly is thus made very uniform and smooth in the present invention. Thus, tangling or breakage of wire or optic fiber cable or the like is virtually eliminated with the present invention.”). Thus, inserting the removable insert and supported reel of cable of Bass into the bag of Young would involve the simple substitution of parts, and would improve cable payout. To the extent the Court’s construction of “removable insert” precludes the end plates 30 and related components of Bass from teaching the removable insert as claimed, the combination of the payout container box 1, spool 44, and components supporting the spool 44 within the box 1, including end plates 30, would still teach this limitation. It would similarly be obvious to insert the entire box 1, spool 44, and components supporting the spool 44 of Bass into the bag disclosed in Young for cable payout.
[Element 9B]	wherein the reel of communications cable has a loose end of cable at an outer portion thereof,	<i>See also</i> Element 10B and Element 10D. <u>Young</u> While Young mentions extruding communications cable from the center of the reel of cable (<i>see e.g.</i> Abstract), it is well understood in the art that cable may also be extruded from an outer portion of a reel of cable (for example, as discussed with respect to the other references below). Therefore, it would be obvious to one of ordinary skill in the art to dispense the loose end of cable from the outer portion of the reel of communications cable, as this merely represents one alternative of a limited number of design choices. Alternatively each of Barnett, Cote, Galgano, and Bass disclose that the loose end of cable is at an outer portion of the reel of cable. <u>Barnett</u> The combination of Young and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is inserted within the communications cable

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12. <u>Cote</u> The combination of Young and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Cote after it is inserted within the communications cable bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28. <u>Galgano</u> The combination of Young and Galgano as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is inserted within the communications cable bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59. <u>Bass</u> The combination of Young and Bass, as discussed above, would dispense cable from the cable reel and removable insert of Bass after it is placed within the communications cable bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Bass. <i>See</i> Bass 8:37-42; FIG. 6.
[Element 9C]	and wherein the main compartment is constructed of a flexible material;	<i>See also</i> Element 10A. <u>Young</u> The communications cable payout bag of Young has a main compartment which is a flexible material. “The container has unitary construction and is fabricated from a strong but flexible material, such as nylon, sailcloth, etc.” Abstract. “In FIG. 1, the electrical cable container/dispenser 10 is comprised of a strong but flexible material, and has a unitary construction. Examples of suitable material for the container/dispenser 10 include nylon, sailcloth, canvas, etc. The material chosen must be flexible and sufficiently strong to support the stiff electrical cable and must be capable of being

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		used over an extended period of time without deterioration, under adverse conditions of weather and rough usage.” 4:60-68. “Container/dispenser 10 is characterized by rounded corners and a flexible construction which allows it to adapt to the actual coil shape during use.” 5:31-33. “Still further, it is made for very rapid use with but a single hand, which is important for electricians who must often work under awkward conditions and with only one free hand. These advantages result from the unitary construction using strong, flexible materials, and the general shape of the container/dispenser 10, both when it is filled with a full coil of electrical cable, and when only a small amount of cable is in the container. When the container/dispenser 10 is not in use, it can be easily folded for shelf storage.” 6:7-6:16.
[Element 9D]	aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and	<i>See also</i> Preamble Claim 10 and Element 10D. <u>Young</u> As discussed above, Young (alone or as combined with the other references disclosed herein) discloses that the loose end of cable can be dispensed from an outer portion of the reel of communications cable. <i>See</i> Element 9B. Young discloses, as shown in FIG. 2, that the loose end of cable 26 is aligned with the cable payout passageway 14 when cable is dispensed from the bag. <i>See</i> 4:21-25; 5:40-44. Further, aligning that loose end of cable with the cable payout passageway is obvious in view of the knowledge of one of ordinary skill in the art. In any cable dispensing system in which cable is dispensed through a cable payout passageway, aligning the loose end of the cable with that passageway would be at least obvious (or inherently required) to reduce friction between the cable and passageway and allow for easier dispensing. This limitation would also be obvious in any of the combinations with Young disclosed herein, as each of Barnett, Cote, Galgano, and Bass disclose this limitation. <u>Barnett</u> As shown in FIGs. 1-3 of Barnett, the loose end of cable 24 from the outer portion of the reel is aligned with the cable payout passageway (<i>i.e.</i> slot 70) in the outermost container 30 when dispensing cable. Therefore it would be obvious when the cable reel of Barnett is inserted into

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		the bag of Young to align the loose end of cable with the payout passageway of the bag of Young. <u>Cote</u> As shown in FIGs. 2-3 of Cote, the loose end of cable from the outer portion of the reel is aligned with the cable payout passageway through the surrounding box when dispensing cable. Therefore it would be obvious when the reel of cable of Cote inserted into the bag of Young to align the loose end of cable with the payout passageway of the bag of Young. <u>Galgano</u> As disclosed in Galgano, the loose end of cable from the outer portion of the reel 202 is aligned with the cable payout passageway (<i>i.e.</i> slot 22) through the surrounding box when dispensing cable. <i>See</i> FIG. 1; 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspooled.”). Therefore it would be obvious when the reel of cable of Galgano is inserted into the bag of Young to align the loose end of cable with the payout passageway of the bag of Young. <u>Bass</u> As shown in FIGs. 5-6 of Bass, the loose end of cable 52 from the outer portion of the reel is aligned with the cable payout passageway (<i>i.e.</i> slot 13) in the outermost box 1 when dispensing cable. <i>See</i> 8:37-42. Therefore it would be obvious when the cable reel of Bass is inserted into the bag of Young to align the loose end of cable with the payout passageway of the bag of Young.
[Element 9E]	pulling the loose end of cable through the cable payout passageway.	<u>Young</u> Young discloses pulling a loose end of the cable 26 through the cable payout passageway 14 during use to dispense cable. <i>See</i> 5:40-42. (“FIG. 2 illustrates the use of the container/dispenser 10 wherein an electrical cable 26 is withdrawn in the direction of arrow 28. The coil of electrical cable is indicated by the dashed lines 30 in container/dispenser 10.”); 5:1-4; 5:46-50; FIG. 2.

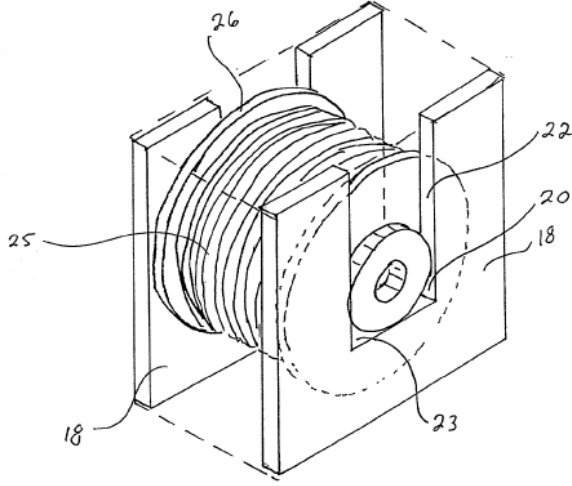
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		See also Preamble Claim 10 and Element 10D below.
[Preamble Claim 10]	A communications cable payout bag, comprising:	Young Young discloses a container/dispenser 10, which is a communications cable payout bag:  “A container/dispenser is described for carrying and dispensing heavy electrical cable of the plastic or rubber-coated variety that is used in wiring homes and businesses.” Abstract. “This invention relates to a user-oriented container for carrying and dispensing heavy electrical cable, such as the plastic or rubber-coated cable used for electrical circuits in homes and businesses, and more particularly to such a container which is flexible and reuseable without any of the problems attendant to the presently used cardboard containers and dispensers.” 1:6-12. “This invention is specifically directed to an improved container and dispenser for heavy electrical cable (wire), and particularly the well known plastic or rubber-coated electrical cable which comes in various wire sizes and lengths. It is particularly directed to such a container for transportation and payout of this electrical cable which comes in coil lengths of from 50 feet to 250 feet.” 4:5-12. “Container/dispenser 10 includes a front face 12 into which a reinforced exit opening 14 is located for payout of cable from the inner portion of a coil placed within container 10.” 5:1-4.

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[Element 10A]	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 The communications cable payout bag of Young has a main compartment which is a flexible material. “The container has unitary construction and is fabricated from a strong but flexible material, such as nylon, sailcloth, etc.” Abstract. “This invention relates to a user-oriented container for carrying and dispensing heavy electrical cable, such as the plastic or rubber-coated cable used for electrical circuits in homes and businesses, and more particularly to such a container which is flexible and reuseable without any of the problems attendant to the presently used cardboard containers and dispensers.” 1:6-12. “In FIG. 1, the electrical cable container/dispenser 10 is comprised of a strong but flexible material, and has a unitary construction. Examples of suitable material for the container/dispenser 10 include nylon, sailcloth, canvas, etc. The material chosen must be flexible and sufficiently strong to support the stiff electrical cable and must be capable of being used over an extended period of time without deterioration, under adverse conditions of weather and rough usage.” 4:60-68. “Container/dispenser 10 is characterized by rounded corners and a flexible construction which allows it to adapt to the actual coil shape during use.” 5:31-33. “Still further, it is made for very rapid use with but a single hand, which is important for electricians who must often work under awkward conditions and with only one free hand. These advantages result from the unitary construction using strong, flexible materials, and the general shape of the container/dispenser 10, both when it is filled with a full coil of electrical cable, and when only a small amount of cable is in the container. When the container/dispenser 10 is not in use, it can be easily folded for shelf storage.” 6:7-6:16. The main compartment has an interior and exterior and can be opened or closed, for example through the use of velco fasteners, such that a coil of cable can be received in the interior of the main compartment. “In operation, a preformed coil of electrical cable is inserted through the opening into the container/dispenser and is strand-wise extruded from the central exit opening. The opening

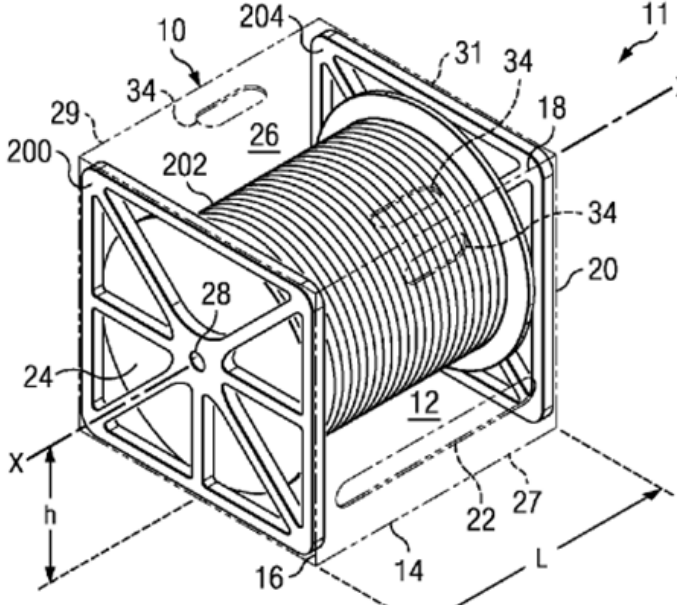
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		through which the coil is placed in the container/dispenser can be closed, by means such as velcro fasteners.” Abstract. “A closeable opening is provided into container/dispenser 10 by using the velcro closure flap 20. This opening is used to insert and remove coils of wire from the interior of container 10. Although a velcro closure is shown, it will be appreciated that other types of closeable openings can be employed, such as those using zipper or closure snaps. However, in practice it has been found that the velcro closure tends to be easiest to use by an electrician who is constantly reusing container/dispenser 10.” 5:5-14. “In operation, an opening 32 is made by separating the velcro-layered flaps 34 and 36. Opening 32 is sufficiently wide to allow the ready placement of a coil of electrical cable into the center of container/dispenser 10, and the reinforced opening 14 is sufficiently wide to allow easy exit of cable 26.” 5:45-50. <i>See also</i> container/dispenser 10, FIGs. 1-2.
[Element 10B]	a removable insert within the interior of the main compartment; 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;	<u>Young</u> The communications cable payout bag of Young is designed to contain a coil of cable for dispensing. <i>See</i> Abstract. In use, a loose end of cable 26 extends from the interior of the communications cable payout bag, through an opening 14 to an outer portion. <i>See</i> FIG. 2; 5:40-44 (“FIG. 2 illustrates the use of the container/dispenser 10 wherein an electrical cable 26 is withdrawn in the direction of arrow 28. The coil of electrical cable is indicated by the dashed lines 30 in container/dispenser 10.”); 5:46-50 (“Opening 32 is sufficiently wide to allow the ready placement of a coil of electrical cable into the center of container/dispenser 10, and the reinforced opening 14 is sufficiently wide to allow easy exit of cable 26.”). Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, Young discloses in the Background Section that cable is generally purchased as a coil packaged in a cardboard box having a rectangular cross-section, similar to the removable insert disclosed in the ‘697 Patent. <i>See</i> Young 1:25-27 (“The electrical cable described hereinabove is generally purchased as a coil packaged in a cardboard box having a generally rectangular cross-section.”). Therefore Young discloses that it is common to receive the coil of communications cable supported by a removable insert before the cable coil is inserted into the interior of the payout bag. Thus, it would be obvious to utilize such a removable insert within the interior of the main compartment of Young to support the

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		reel of communication cable therein and assist in cable payout. One of skill in the art would understand that cable being dispensed from a reel of cable would ordinarily have a loose end at an outer portion thereof (for example, as shown in the other references below). In the alternative, this limitation is obvious over Young in combination with Barnett, Cote, Galgano, or Bass as shown below. <u>Barnett</u> In one alternative, Barnett discloses a cable dispensing device that utilizes a removable insert 28, as shown below: The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. See Barnett 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while

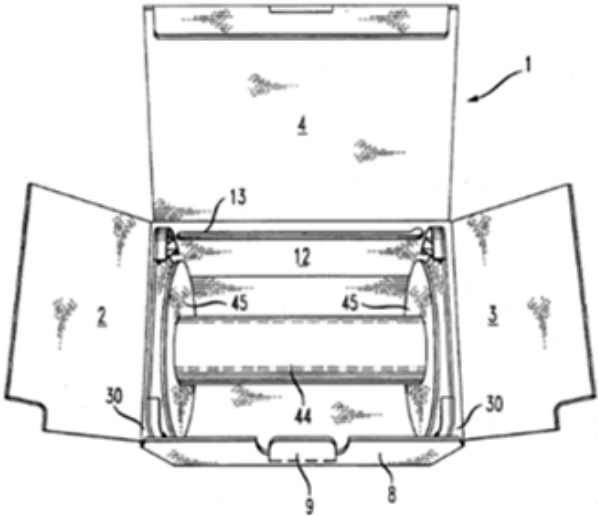
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and cable reel 22 can then be placed inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. <i>See</i> 4:3-12; FIG. 2. One of ordinary skill in the art would have found it obvious to modify the cable payout bag of Young to include the removable insert for supporting a reel of cable within the interior of the main compartment of the cable payout bag as disclosed in Barnett. In particular, Young already discloses a reel of communications cable being dispensed from within the interior of the main compartment of the communications cable payout bag, and Barnett's removable insert is designed to improve cable payout from a container. <i>See e.g.</i> Barnett 2:1-10 ("The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff."). Thus, it would be obvious to substitute the unsupported reel of cable disclosed in Young with a reel of cable supported by the removable insert disclosed in Barnett. Further, Barnett already discloses use of the removable insert 28 within a cable payout container 30. Thus, the combination of Young and Barnett would involve the simple substitution of the container of Barnett with the bag of Young to yield a cable payout system with the disclosed benefits of each system. To the extent the Court's construction of "removable insert" precludes the removable insert 28 of Barnett from teaching the removable insert as claimed, the combination of the payout container 30 and removable insert 28 of Barnett would still teach this limitation. It would similarly be obvious to insert the entire payout container 30 and removable insert 28 of Barnett within the bag disclosed in Young for cable payout. <u>Cote</u> In another alternative, Cote discloses an apparatus for dispensing cable wire including a removable insert 18, as shown below:

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		 Figure 4 See Cote, ¶ 4. The removable insert 18 generally supports the spool 26 (i.e. reel of communications cable) for dispensing a cable 25. ¶ 26 (“The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 is positioned within an interior of a main compartment of a box for dispensing cable 25. ¶ 26 (“Positioned within the box is an interior support, with its relative position within the box illustrated in FIG. 4.”); See FIGs. 2-4; Claim 1. The reel of communications cable has a loose end at an outer portion thereof. ¶ 28 (“The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2, depending upon the particular needs and desire of the user of the box”). See FIGs. 2-3, 9.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to modify the cable payout bag of Young to include the removable insert for supporting a reel of cable within the interior of the main compartment of the cable payout bag as disclosed in Cote. In particular, Young already discloses a reel of communications cable being dispensed from within the interior of the main compartment of the communications cable payout bag, and the removable insert disclosed in Cote is designed to improve cable payout from a container. <i>See e.g.</i> Cote, ¶ 8 (“A further advantage of an embodiment of the present invention is to provide an improved means of paying out cable at a steady rate, avoiding tangling and backlash of the cable.”); Abstract; ¶ 4-7. Thus, it would be obvious to substitute the unsupported reel of cable disclosed in Young with the reel of cable supported by the removable insert disclosed in Cote, to allow for the efficient dispensing of cable. To the extent the Court’s construction of “removable insert” precludes the supports 18 of Cote from teaching a removable insert as claimed, the combination of the entire box 1, and components directly supporting the spool 26, including the supports 18, also teach this limitation. It would similarly be obvious to combine these components with Young, replacing the existing reel of cable in Young with the box, reel of cable (i.e. spool), and supporting components of Cote to improve cable payout as described above. <u>Galgano</u> In another alternative, Galgano discloses a box (<i>e.g.</i> carton 10 or container 11) for dispensing communications cable that includes a removable insert (supports or caddies 200, 204), as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 FIG. 1 See Abstract; 2:48-59. The removable insert supports a cable reel within the communication cable dispensing box. See Abstract; 1:45-65; FIGs. 1-3. In particular, the removable insert provides opposing bushings 206 which allow for rotation of a cable reel 202 within the box. See FIG. 2; Abstract; 1:45-65; 3:34-60; 4:48-50. In use, a loose end of cable is pulled from the outer portion of the cable reel through the slot 22 to dispense cable. 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspooled.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to modify the cable payout bag of Young to include the removable insert for supporting a reel of cable within the interior of the main compartment of the cable payout bag as disclosed in Galgano. In particular, Young already discloses a reel of communications cable being dispensed from the interior of the main compartment of the communications cable payout bag, and the removable insert disclosed in Galgano is designed to improve cable dispensing from a container. <i>See e.g.</i> Abstract; 1:45-65; 3:34-60; 4:48-50. Thus, it would be obvious to substitute the unsupported reel of cable disclosed in Young with the reel of cable supported by the removable insert disclosed in Galgano. To the extent the Court's construction of "removable insert" precludes the supports or caddies 200, 204 of Galgano from teaching a removable insert as claimed, the combination of the entire box (e.g. carton 10 or container 11) of Galgano, and components directly supporting the cable reel 202, including caddies 200, 204, also teach this limitation. It would similarly be obvious to combine these components with Young, replacing the existing reel of cable in Young, with the reel of cable and components supporting it from Galgano to improve cable payout. <u>Bass</u> In one alternative, Bass discloses a cable dispensing device that utilizes a removable insert supporting a reel of cable (spool 44) within a box 1, as shown in FIG. 5:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<i>FIG. 5</i>  See 8:17-20 (“Again, in FIG. 5, the spool 44 does not have wire or cable wound thereon to better show the features of the present invention, but the spool 44 would of course be fully-wound with cable or wire before shipment.”). The removable insert can include end plates 30 on either side of the spool 44, which serve to support the spool 44 within the box, as well as related components of the end plates 30. See 5:28-32 (“FIG. 2A is a first side view of an end plate 30 in accordance with the present invention. The end plate 30 is structured and functions to support an end of the spool assembly yet to be described in detail.”); see also 5:32-7:38. During assembly, the spool 44 is fixed between the supporting end plates 30 (<i>i.e.</i> the removable insert) and the spool assembly together with the supporting end plates 30 is placed in the interior of the main compartment of the box 1. See 8:1-23. A loose end of the cable 52 can then be pulled, from the outer portion of the spool, through slot 13 in the box 1 to dispense cable. See 8:37-42; FIGs. 5-6. One of ordinary skill in the art would have found it obvious to modify the cable payout bag of Young to include the removable insert for supporting a reel of cable within the interior of the main compartment of the cable payout bag as disclosed in Bass. In particular, Young already discloses a reel of communications cable being dispensed from within the interior of the main

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		compartment of the communications cable payout bag, and Bass' removable insert is designed to improve cable payout from a container. <i>See e.g.</i> Bass 6:17-21. ("The payout of optic fiber cable, wire or the like, from the spool assembly is thus made very uniform and smooth in the present invention. Thus, tangling or breakage of wire or optic fiber cable or the like is virtually eliminated with the present invention.") Thus, it would be obvious to substitute the unsupported reel of cable disclosed in Young with a reel of cable supported by the removable insert disclosed in Bass for improved payout. Further, Bass already discloses use of the removable insert within a cable payout box 1. Thus, the combination of Young and Bass would involve the simple substitution of the box 1 of Bass with the bag of Young to yield a cable payout system with the disclosed benefits of each system. To the extent the Court's construction of "removable insert" precludes the end plates 30 and corresponding components from teaching a removable insert as claimed in the '697 Patent, the combination of those components with the entire box 1 of Bass would still teach this limitation. It would similarly be obvious to insert the entire box 1, supporting end plates 30, and spool 44 (along with related components disclosed therein) within the bag disclosed in Young for cable payout.
[Element 10C]	a shoulder strap attached to the exterior of the main compartment;	<u>Young</u> Young teaches an adjustable shoulder strap 22 attached to the exterior of the main compartment of the communications cable payout bag (container/dispenser 10), as shown in FIGs. 1-2. "An adjustable strap is also provided to allow a user to carry the container while dispensing cable therefrom." 4:28-30. "A detachable, adjustable strap 22 is provided for carrying container/dispenser 10 during use." 5:27-30.
[Element 10D]	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	<u>Young</u> Young includes a cable payout passageway 14 defined between the interior and exterior of the main compartment, with the passageway 14 configured to receive therethrough a loose end of cable 26, as shown in FIG. 2.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
	end of cable from the outer portion of the reel of communications cable; and	“FIG. 2 illustrates the use of the container/dispenser 10 wherein an electrical cable 26 is withdrawn in the direction of arrow 28. The coil of electrical cable is indicated by the dashed lines 30 in container/dispenser 10.” 5:40-44. “Opening 32 is sufficiently wide to allow the ready placement of a coil of electrical cable into the center of container/dispenser 10, and the reinforced opening 14 is sufficiently wide to allow easy exit of cable 26.” 5:46-50. While Young mentions extruding cable from the center of the reel of cable (<i>see e.g.</i> Abstract), it is well understood in the art that cable may also be extruded from an outer portion of a reel of cable (for example, as discussed with respect to the other references below). Therefore, it would be obvious to one of ordinary skill in the art to dispense the loose end of cable from the outer portion of the reel of communications cable, as this merely represents one alternative of a limited number of design choices. In the alternative, this limitation is obvious over Young in combination with Barnett, Cote, Galgano, or Bass, as shown below. <u>Barnett</u> The combination of Young and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is placed within the communications cable bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12. <u>Cote</u> The combination of Young and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Cote after it is placed within the communications cable bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28. <u>Galgano</u> The combination of Young and Galgano as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is placed within the communications cable bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Bass</u> The combination of Young and Bass, as discussed above, would dispense cable from the cable reel and removable insert of Bass after it is placed within the communications cable bag of Young. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Bass. <i>See</i> Bass 8:37-42; FIG. 6.
[Element 10E]	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;	<u>Young</u> Young discloses a closure mechanism for closing the main compartment of the communications cable bag (container/dispenser 10), thereby closing the reel of communications cable (and any supporting removable insert, as discussed above) in the interior of the main compartment. <i>See</i> Element 10A; <i>e.g.</i> Abstract (“The opening through which the coil is placed in the container/dispenser can be closed, by means such as velcro fasteners.”).
[Element 10F]	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.	<u>Young</u> Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “substantially rectangular.” Young discloses a main compartment of a communications cable bag (container/dispenser 10) that appears substantially rectangular as shown in FIGs. 1-2. The communications cable bag of Young is formed of a flexible material which allows it to adapt to the shape of a coil of cable in the interior when in use. <i>See</i> Element 10A; <i>e.g.</i> Abstract (“The container has unitary construction and is fabricated from a strong but flexible material, such as nylon, sailcloth, etc.”); 4:25-28. In the alternative, this limitation is obvious over Young in combination with Barnett, Cote, Galgano, or Bass as shown below. <u>Barnett</u>

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		The removeable insert 28 of Barnett is a rigid material and has a substantially rectangular profile.³ See 3:20-22 (“Insert 28 is, in the preferred embodiment, unitary and may be formed using two-layer, triple-faced corrugated boxboard.”); FIGs. 1-4. Therefore when the removable insert of Barnett is inserted into the main compartment of the communications cable bag of Young, the flexible main compartment of Young would adapt to, and take on, the substantially rectangular shape of the removable insert. <u>Cote</u> The removable insert 18 of Cote is a rigid material and has a substantially rectangular profile. See ¶ 26 (“The interior support is preferably formed of two opposed rigid supports 18. These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process. Alternatively, the rigid supports may also be comprised of internal panels of cardboard that may be integrally formed from the same sheet of cardboard used to form the box. The supports are positioned parallel to one another on the inner surfaces of the side walls 1 in a spaced relation.”); FIG. 4.⁴ Therefore when the removable insert of Cote is inserted into the main compartment of the communications cable bag of Young, the flexible main compartment of Young would adapt to, and take on, the substantially rectangular shape of the removable insert.

³ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the container 30 of Barnett would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. See *e.g.* Abstract; FIG. 1.

⁴ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the box of Cote would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. See FIGs. 1-3; ¶ 9 (“The box comprising a pair of opposed, rectangular side walls, a front wall adjacent to each of the pair of side walls, a back wall adjacent to each of the pair of side walls and opposite from the front wall, a top wall adjacent to each of the pair of side walls, with the front wall and the back wall and a bottom wall adjacent to each of the pair of side walls and opposite the top wall.”); ¶ 23 (“The present invention comprises a box preferably formed of heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents, and typically used for shipping spools of wire and cable”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Galgano</u> The removeable insert (caddies 200, 204) of Galgano is a rigid material (e.g. hard plastic) and has a substantially rectangular profile when supporting a cable reel. <i>See</i> 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); FIGs. 1-2; <i>see also</i> 3:64-4:2 (explaining that the caddies 200, 204 have dimensions conforming to the interior of the carton 10, which is rectangular).⁵ Therefore when the removable insert of Galgano is inserted into the main compartment of the communications cable bag of Young, the flexible main compartment of Young would adapt to, and take on, the substantially rectangular shape of the removable insert. <u>Bass</u> The removeable insert of Bass (<i>e.g.</i> end plates 30) is a rigid material and has a substantially rectangular profile.⁶ <i>See</i> 5:34-39. (“Preferably, the end plate 30 is formed of a material such as polycarbonate, that is light-weight to ease in the transport of the boxed spool system of the present invention, but also that is a high-strength material resistant to significant impact to protect the optic fiber cable, wire or the like.”); FIGs. 4-5. Therefore when the removable insert of Bass is inserted into the main compartment of the communications cable bag of Young, the flexible main compartment of Young would adapt to, and take on, the substantially rectangular shape of the removable insert.

⁵ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the carton 10 (or container 11) of Galgano would likewise meet this limitation as it is a substantially rectangular shape and made of corrugated cardboard. *See* FIGs. 1-2, 9; 2:48-53 (“Carton 10 is preferably formed of a single sheet of corrugated cardboard and includes a front panel 12 having a bottom side 14, a left side 16, a top side 18 and a right side 20.”).

⁶ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the box 1 of Bass would likewise meet this limitation as it is a substantially rectangular shape and made corrugated fiberboard. *See e.g.* Abstract; FIGs. 5-6.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
[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.	<u>Young</u> See Element 10C. The shoulder strap 22 of Young is adjustable, and therefore Young inherently discloses, or at least renders obvious, the use of a single shoulder strap that can be adjusted to a length of 37 inches. For example, 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.’” <i>In re Applied Materials, Inc.</i>, 692 F.3d 1289, 1295, 1297 (Fed. Cir. 2012) (quoting <i>In re Aller</i>, 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.”)) Accordingly, adjusting and optimizing the length of Young’s adjustable shoulder strap is nothing more than the exercise of ordinary skill in the art. <i>Iron Grip Barbell Co. v. USA Sports, Inc.</i>, 392 F.3d 1317, 1322-23 (Fed. Cir. 2004); <i>In re Huang</i>, 100 F.3d 135, 139 (Fed. Cir. 1996).
[Claim 12]	The communications cable payout bag of claim 10, further comprising at least one storage pouch on the exterior of the main compartment.	<u>Knowledge of a POSITA</u> This limitation is obvious in view of the knowledge of one of skill in the art. In particular, exterior storage pouches are a well known feature on bags, including bags for carrying tools and equipment (<i>see e.g.</i> references listed below with respect to Claim 12).⁷ It would have been obvious to one of skill in the art to add a storage pouch on the exterior of the main compartment of the communications cable bag of Young (alone or as combined with another reference as disclosed herein) to provide additional stroage for tools used during cable payout and related work. In the alternative, this limitation is obvious over Young (alone or as combined with another reference as disclosed herien), in combination with Redzsiz, Hickey, or Thurner as shown below. <u>Redzsiz</u>

⁷ While the prior art is replete with exterior storage pouches in accordance with the limitations of claim 12, a few additional exemplary references showing such storage pouches in the prior art include the following: US 6,655,529; US 7,534,041; US 2005/0189388A1; and US 2008/0179370A1.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		Redzsiz discloses a storage and carrying case which, in various embodiments, utilizes a number of auxiliary pouches (or pockets) on the exterior of the main compartment of a tool bag. <i>e.g.</i> ¶ 42 (“Thus, as illustrated, additional pouches, such as pouch 142 with a zipper fastener or closure 144, may be provided on a backside panel 104. End panel 102 may include pouches 146 and 148 each with its own flap 150 and 152, respectively. Thus, the versatility of the construction of bags of the nature named and described is clearly apparent.”); <i>see also</i> ¶ 37. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Redzsiz with the cable payout bag of Young (alone or as combined with another reference herein) to provide for additional storage for tools, equipment, or the like, and increase the overall versatility of the bag. <i>Id.</i> <u>Hickey</u> Hickey discloses a wire holder or carrier 10, which is a payout bag for distributing wire. <i>See</i> FIGs. 1, 3; 1:47-51; 2:31-32; 2:46-60; 3:10-14; 3:21-23. Hickey discloses two storage pouches 9 (or pockets), which are on the exterior of the main compartment (<i>e.g.</i> wire holder or carrier 10), as shown in FIG. 4. Hickey discloses that these pouches may be used for holding tools, such as wire manipulating and cutting pliers. 2:27-30. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Hickey with the cable payout bag of Young (alone or as combined with another reference herein), to provide for additional storage for tools. <i>Id.</i> <u>Thurner</u> Thurner discloses a storage device (<i>i.e.</i> tool pouch 100) for carrying tools, construction materials, or other similar devices. <i>See</i> Abstract; ¶ 2, 10-12; FIGs. 1-4. Thurner discloses a first storage compartment 102 in the main compartment of the pouch 100. <i>Id.</i> A second storage compartment 128 is on the exterior of the main compartment, as shown in FIGs. 2-4. <i>See also</i> ¶ 13. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Thurner with the cable payout bag of Young (alone or as combined with another reference herein), to provide for additional storage for tools. Thurner, ¶ 13.
[Claim 13]	The communications cable payout bag of claim 10, further comprising a cable lock	The '697 Patent discloses a number of cable locks, and specifically discloses that the shoulder straps of the cable payout bag may be considered a cable lock configured to secure the loose

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
	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.	end of the cable. 7:45-59; <i>see also</i> FIG. 6 (showing shoulder strap 280 securing loose cable end 228). <u>Young</u> This limitation is taught by Young. Young includes shoulder straps 22 along the sides of the communications cable payout bag (container 10), adjacent to the cable payout passageway 14. <i>See</i> Element 10C. In accordance with the teachings of the '697 Patent, the shoulder strap 22 of Young is a cable lock configured to secure the loose end of the cable on the exterior of the main compartment. The shoulder strap 22 of Young is adjacent the cable payout passage 14.⁸ However, to the extent the Court's constructions preclude the shoulder strap 22 of Young from teaching a cable lock as claimed, this limitation is obvious over one or more of the following combinations. <u>Knowledge of a POSITA</u> This limitation is an obvious modification of Young (alone or as combined with another reference as disclosed herein) in view of the knowledge of one of ordinary skill in the art. Shoulder straps are a well known feature on bags, including bags for carrying tools and equipment. Further, Young already discloses a shoulder strap used on a cable payout bag. <i>See</i> Element 10C. Therefore, it would have been obvious for one of skill in the art to modify the strap of Young to function as a cable lock in accordance with the limitations of claim 13, in order to retain the loose end of the dispensed cable when not in use. <u>Cote</u> Cote includes a cable lock 19 configured to secure a loose end of cable on the exterior of the main compartment. <i>See</i> FIG. 10; ¶ 29 ("One aspect of the invention includes a cable lock 19 that can be used to hold the free end of the cable. This lock 19 is illustrated in FIG. 10. The lock would likely be used when only a portion of the cable in the box has been dispensed and the remaining portion is stored. In such a situation, the free end of the cable is wedged between the die cut handle opening 15 and the corresponding portion of the box. The wedging action locks

⁸ The term "adjacent" as used in claim 13 of the '697 Patent should be found indefinite, at least in view of the intrinsic record. However, to the extent "adjacent" is found to be definite, FIG. 6 of the '697 Patent shows a shoulder strap 280 and cable payout passage 230 that are similarly positioned to the shoulder strap 22 and cable payout passage 14 of Young.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		the cable in place until it needs to be dispensed again.”). The cable lock 19 operates through opposing flaps of handle opening 15, located on the exterior of the box, which wedge the free end of the cable against the box to lock the cable in place. <i>Id.</i> The cable lock is adjacent the cable payout passageway, the passageway running between the flaps of handle opening 15 as shown on FIG. 3. <i>See also</i> ¶ 24. It would be obvious to combine the cable lock of Cote with the cable payout bag of Young (alone or as combined with another reference herein), to lock the loose end of the cable in place between uses. <i>See</i> ¶ 29. <u>Eastwood</u> Eastwood teaches a cable lock in accordance with Claim 13. Eastwood discloses a caddy for carrying and dispensing spools of wire through an aperture in the caddy. <i>See</i> FIGs. 13, 19. The caddy of Eastwood can include a wire retainer (<i>e.g.</i> reference numeral 50 of FIGs. 23 and 25) projecting from a surface of the exterior of the main compartment (<i>e.g.</i> the exterior of caddy 2) adjacent the cable payout passageway (<i>e.g.</i> reference numeral 29 of FIG. 23). <i>See</i> 8:22-27. The wire retainer 50 functions as a cable lock by providing a pair of opposing members between which a cable is secured, or by providing a single member around which the cable may be wound and secured, after the loose end of the cable passes to the exterior of the main compartment of the caddy 2. 8:33-41. It would be obvious to combine the cable lock of Eastwood with the cable payout bag of Young (alone or as combined with another reference herein), to secure the loose end of the cable and prevent it from retracting or unwinding when not in use.

EXHIBIT B

EXHIBIT B

Invalidity Claim Chart (U.S. Pat. No. 9,266,697 (the “’697 Patent”) in view of U.S. Pat. No. 2,400,417 (“Hickey”), the knowledge of one skilled in the art at the time of the invention, and the other references disclosed herein)

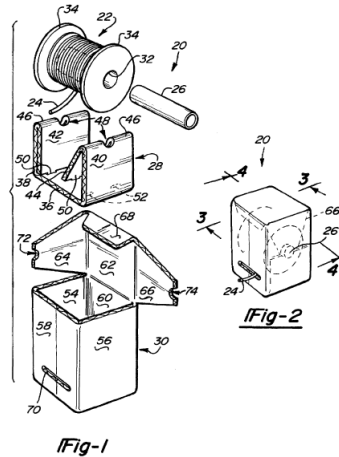
- A. Claims 9, 10, and 11 of the ’697 Patent are obvious over Hickey in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: U.S. Pat. No. 5,704,479 (“Barnett”), U.S. Pat. Pub. No. 2002/0125161 (“Cote”), and/or U.S. Pat. No. 8,424,795 (“Galgano”), as shown below.
- B. Claim 12 of the ’697 Patent is obvious over Hickey in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: Barnett, Cote, Galgano, U.S. Pat. Pub. No. 2006/0219587 (“Redzsiz”), and/or U.S. Pat. Pub. No. 2007/0062997 (“Thurner”), as shown below.
- C. Claim 13 of the ’697 Patent is obvious over Hickey in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: Barnett, Cote, Galgano, and/or U.S. Pat. No. 7,320,445 (“Eastwood”), as shown below.

Asserted Claim	’697 Patent Claim Language/Elements	Prior Art
[Preamble Claim 9]	A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:	The method disclosed in claim 9 is obvious in view of the teachings of Hickey in combination with any one of Barnett, Cote, or Galgano, as discussed below. <u>Hickey</u> Hickey discloses a method of paying out communications cable from a bag that includes a main compartment (<i>i.e.</i> carrier 10) and a cable payout passageway (<i>i.e.</i> in top wall 16). <i>See</i> FIGs. 1-2.¹ “The free end portions of the wire withdrawn from the spool 20 are passed through an opening in the top wall 16 and then trained through spaced guides 27, conveniently eye guides, carried by one or both of the shoulder straps 7.” 3:10-14. “The free end of the wire is grasped by the worker and is drawn outwardly, unreeling from the spool 20.” 3:21-23.

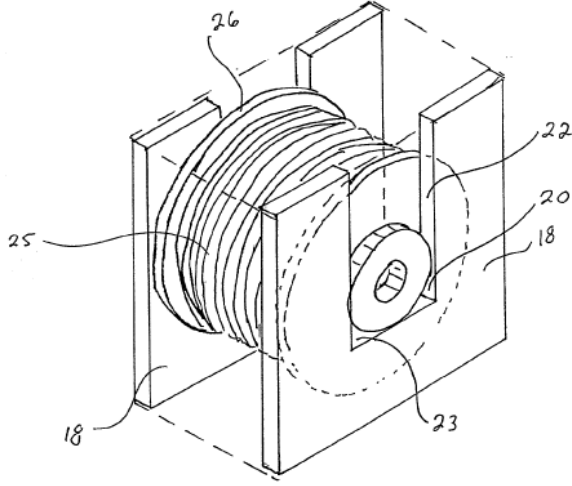
¹ Claim construction has not yet commenced. The reference to “communications cable” in the preamble is believed to be non-limiting. Further, the term “communications cable” merely refers to one type of wire or cable. To the extent the term “communications cable” differentiates from, and is not taught explicitly by, a prior art teaching related to a wire or cable, it would be an obvious modification thereof.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<i>See also</i> Preamble Claim 10 and Element 10D.
[Element 9A]	inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment,	<i>See also</i> Element 10B. <u>Hickey</u> The carrier 10 of Hickey is designed to contain a cylindrical reel of wire (<i>e.g.</i> spool 20) for dispensing. <i>See</i> 2:31-42; 2:46-47; FIGs. 1, 3. Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, Hickey discloses several components that support the spool 20 of wire (which is a cylindrical reel of communications cable), and which are removable from the main compartment. For example, Hickey discloses a U-shaped metallic frame 11, over which the outer covering that forms the carrier 10 is placed, and which, in combination with components such as the pin 21, supports the spool 20. <i>See</i> 2:32-3:23. As such, Hickey discloses inserting a removable insert and cylindrical reel of communications cable supported by the removable insert in the main compartment of the bag (<i>i.e.</i> carrier 10).² In the alternative, this limitation is obvious over Hickey in combination with Barnett, Cote, or Galgano, as shown below. <u>Barnett</u> In one alternative, Barnett discloses inserting a removable insert 28 and cylindrical cable reel 22 in a container 30 for dispensing cable, as shown below:

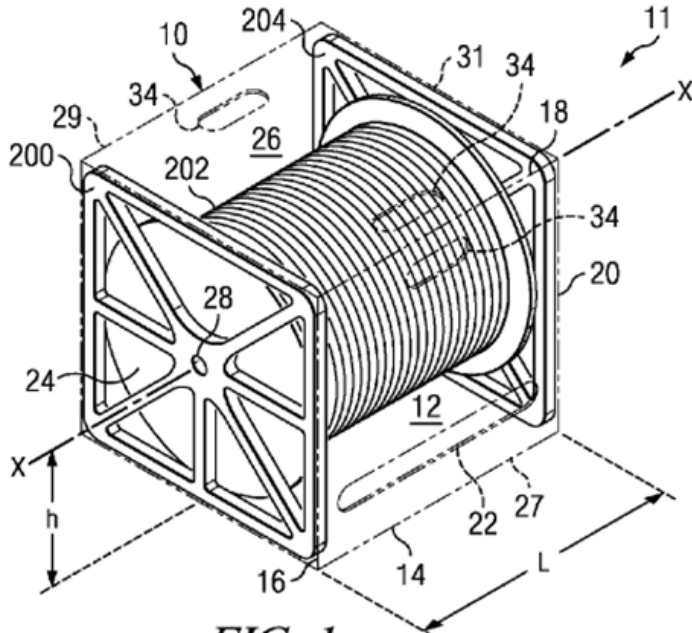
² To the extent the removable insert disclosed in Hickey, or in any of the other references discussed herein, does not explicitly disclose the use of a “plastic” removable insert, this is an obvious modification. Plastics are commonly used materials which would be expected to function consistent with the functions of the removable inserts discussed herein. Further, certain prior art references explicitly disclose that plastic is one of the known materials used for similar removable inserts which support reels of cable. *See e.g.* Barnett, 1:47-52 (“For example, one conventional design uses plastic inserts to support the spool for rotation, which are expensive, require special tooling and molding equipment, and are likely provided by a source other than the wire container supplier itself, thus requiring coordination among multiple vendors.”); Cote, ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process.”); Galgano, 3:27-29; 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); U.S. Pat. No. 5,529,186, 5:33-39 (“Preferably, the end plate 30 is formed of a material such as polycarbonate, that is light-weight to ease in the transport of the boxed spool system of the present invention, but also that is a high-strength material resistant to significant impact to protect the optic fiber cable, wire or the like.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. <i>See</i> Barnett, 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and supported cable reel 22 are then inserted inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. <i>See</i> 4:3-12 (“Insert 28 is then positioned in container 30. Spool 22, wound with, for example, wire 24, is then placed over tube 25, and disposed in container 30, wherein tube 26 is received, seated and held in the cradle formed by support notches 48. An end of wire 24 is fed out of payout slot 70, and retaining flap 64, and 66 are folded to the position illustrated by flap 64, and are next moved to the closed position; the trapezoidal-shape of the flaps facilitating movement of retaining flaps 64 and 66 from the open to the closed position.”); FIG. 2.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Barnett into the main compartment of the bag of Hickey, in lieu of the reel of cable and supporting components of Hickey, for cable payout. In particular, Hickey already discloses inserting a reel of cable into the main compartment of the bag. Barnett discloses inserting the removable insert 28 into a cable payout container 30 to improve cable payout. <i>See e.g.</i> Barnett, 2:1-10 (“The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff.”). Thus, inserting the removable insert and supported reel of cable of Barnett into the bag of Hickey would involve the simple substitution of parts, and would improve cable payout. To the extent the Court’s construction of “removable insert” precludes the removable insert 28 of Barnett from teaching the removable insert as claimed, the combination of the payout container 30 and removable insert 28 of Barnett would still teach this limitation. It would similarly be obvious to insert the entire payout container 30 and removable insert 28 of Barnett into the bag disclosed in Hickey for cable payout. <u>Cote</u> In another alternative, Cote discloses inserting a removable insert 18 and a cylindrical reel of cable (spool 26) into a box, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 Figure 4 See Cote, ¶ 4. The removable insert 18 is made of a plastic material, and generally supports the spool 26 (<i>i.e.</i> reel of communications cable) for dispensing a cable 25. ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process... The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 and supported spool 26 are inserted into the interior of a main compartment of a box for dispensing cable 25. See ¶ 28 (“As illustrated in FIGS. 2 and 3, the spool 26 with the cable 25 is pre-packaged within the box. The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2,

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		depending upon the particular needs and desire of the user of the box.”); ¶ 26; FIGs. 2-4; Claim 1. The reel of communications cable can then be withdrawn from the box through one of the openings. ¶ 28. See FIGs. 2-3, 9. One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Cote into the main compartment of the bag of Hickey, in lieu of the reel of cable and supporting components of Hickey, for cable payout. In particular, Hickey already discloses inserting a reel of cable into the main compartment of the bag. Cote discloses inserting the removable insert and supported spool of cable into a box to improve cable dispensing. See <i>e.g.</i> Cote, ¶ 8 (“A further advantage of an embodiment of the present invention is to provide an improved means of paying out cable at a steady rate, avoiding tangling and backlash of the cable.”); Abstract; ¶ 4-7. Thus, inserting the removable insert and supported reel of cable of Cote into the bag of Hickey would involve the simple substitution of parts, and would improve cable payout. To the extent the Court’s construction of “removable insert” precludes the supports 18 of Cote from teaching a removable insert as claimed, the combination of the entire box of Cote, and components directly supporting the spool 26, including the supports 18, still teach this limitation. It would similarly be obvious to insert the entire box of Cote, along with the spool 26 and supporting components, including supports 18, into the bag of Hickey in lieu of the reel of cable (and related components) in Hickey to improve cable payout. <u>Galgano</u> In another alternative, Galgano discloses inserting a removable insert (supports or caddies 200, 204) and supported cylindrical reel of cable 202 into a box (<i>e.g.</i> carton 10 or container 11) for dispensing cable, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 FIG. 1 <i>See Abstract; 2:48-59.</i> The removable insert supports a cable reel within the communication cable dispensing box. <i>See Abstract; 1:45-65; FIGs. 1-3.</i> In particular, the removable insert provides opposing bushings 206 which allow for rotation of a cable reel 202 within the box. <i>See FIG. 2; Abstract; 1:45-65; 3:34-60; 4:48-50.</i> Galgano discloses that the removable insert may be a plastic. 3:27-29; 3:51-53. The reel of cable and supporting removable are inserted into the communication cable dispensing box. <i>See Abstract (“A container for the dispensing of electrical or communications cable has an external carton which receives a reel of cable and is supported by left and right supports.”).</i> In use, a loose end of the cable is pulled through the slot 22 to dispense cable. 2:53-59.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Galgano into the main compartment of the bag of Hickey, in lieu of the reel of cable and supporting components of Hickey, for cable payout. In particular, Hickey already discloses inserting a reel of cable into the main compartment of the bag. Galgano discloses inserting the removable insert and supported spool of cable into a container to improve cable dispensing therefrom. <i>See e.g.</i> Abstract; 1:45-65; 3:34-60; 4:48-50. Thus, inserting the removable insert and supported reel of cable of Galgano into the bag of Hickey would involve the simple substitution of parts, and would improve cable payout. To the extent the Court's construction of "removable insert" precludes the supports or caddies 200, 204 of Galgano from teaching a removable insert as claimed, the combination of the entire box (<i>e.g.</i> carton 10 or container 11) of Galgano, and components directly supporting the cable reel 202, including caddies 200, 204, also teach this limitation. It would similarly be obvious to insert the entire box of Galgano, along with the reel of cable and supporting components, including caddies 200, 204, into the bag of Hickey in lieu of the reel of cable (and related components) of Hickey to improve cable payout.
[Element 9B]	wherein the reel of communications cable has a loose end of cable at an outer portion thereof,	<i>See also</i> Element 10B and Element 10D. <u>Hickey</u> While Hickey mentions extruding communications cable from the center of the reel of cable (<i>see e.g.</i> Abstract), it is well understood in the art that cable may also be extruded from an outer portion of a reel of cable (for example, as discussed with respect to the other references below). Therefore, it would be obvious to one of ordinary skill in the art to dispense the loose end of cable from the outer portion of the reel of communications cable, as this merely represents one alternative of a limited number of design choices. Alternatively each of Barnett, Cote, and Galgano disclose that the loose end of cable is at an outer portion of the reel of cable. <u>Barnett</u> The combination of Hickey and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is inserted within the communications cable bag of Hickey. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12.

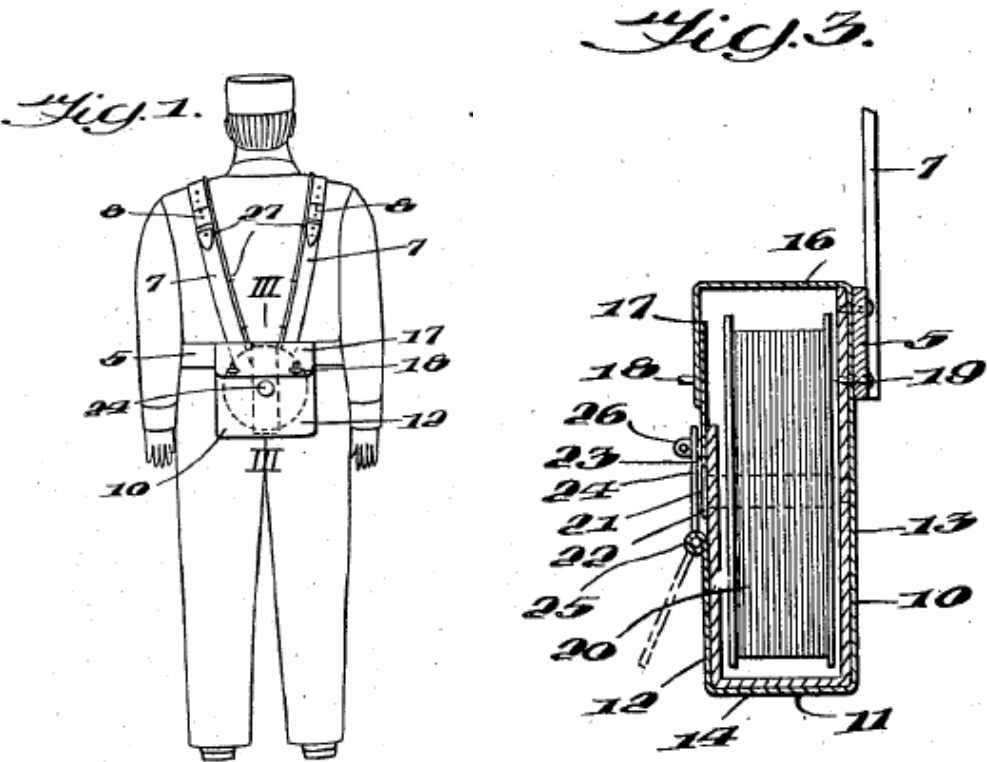
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Cote</u> The combination of Hickey and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Cote after it is inserted within the communications cable bag of Hickey. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28. <u>Galgano</u> The combination of Hickey and Galgano as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is inserted within the communications cable bag of Hickey. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59.
[Element 9C]	and wherein the main compartment is constructed of a flexible material;	<i>See also</i> Element 10A. <u>Hickey</u> The carrier 10 of Hickey has a main compartment of a flexible material which is applied around a U-shaped frame 11.³ 2:31-42 (“Supported at the back of the waist belt 5 is a wire holder or carrier 10. In this instance, the latter comprises a u-shaped metallic frame 11 to which is applied an outer covering or casing of any suitable material, the said casing embodying a front wall 12, a parallel back wall 13, a bottom 14, vertical end walls 15 and a flexibly or hingedly movable top wall 16, the latter being provided at its front with a depending flap 17 which is adapted to be retained in its closed position by turnable fasteners 18.”); 2:31-42.
[Element 9D]	aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and	<i>See also</i> Preamble Claim 10 and Element 10D. <u>Hickey</u> Hickey discloses that the loose end of the cable is withdrawn from the reel of cable (<i>i.e.</i> spool 20) at its outer portion and passed through an opening in the top wall 16. 3:10-14 (“The free end portions of the wire withdrawn from the spool 20 are passed through an opening in the top wall 16 and then trained through spaced guides 27, conveniently eye guides, carried by one or

³ Claim construction has not yet commenced, and it is unclear how the term “flexible material” will be interpreted. To the extent that the construction of this term precludes the material of the carrier disclosed in Hickey, it would be an obvious modification of the carrier of Hickey, which can be any suitable material. 2:31-42.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		both of the shoulder straps 7.”); 3:21-23; FIG. 4. As shown in FIG. 4, the loose end of the cable is aligned with the payout passageway as it is withdrawn. Further, this limitation is obvious in view of the knowledge of one of ordinary skill in the art. In any cable dispensing system in which cable is dispensed from a reel of cable and through a cable payout passageway, aligning the loose end of the cable with that passageway would be at least obvious (or inherently required) to reduce friction between the cable and passageway and allow for easier dispensing. This limitation would also be obvious in any of the combinations with Hickey disclosed herein, as each of Barnett, Cote, and Galgano, disclose this limitation. <u>Barnett</u> As shown in FIGs. 1-3 of Barnett, the loose end of cable 24 from the outer portion of the reel is aligned with the cable payout passageway (<i>i.e.</i> slot 70) in the outermost container 30 when dispensing cable. Therefore it would be obvious when the cable reel of Barnett is inserted into the bag of Hickey to align the loose end of cable with the payout passageway of the bag of Hickey. <u>Cote</u> As shown in FIGs. 2-3 of Cote, the loose end of cable from the outer portion of the reel is aligned with the cable payout passageway through the surrounding box when dispensing cable. Therefore it would be obvious when the reel of cable of Cote inserted into the bag of Hickey to align the loose end of cable with the payout passageway of the bag of Hickey. <u>Galgano</u> As disclosed in Galgano, the loose end of cable from the outer portion of the reel 202 is aligned with the cable payout passageway (<i>i.e.</i> slot 22) through the surrounding box when dispensing cable. <i>See</i> FIG. 1; 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspooled.”). Therefore it would be obvious when

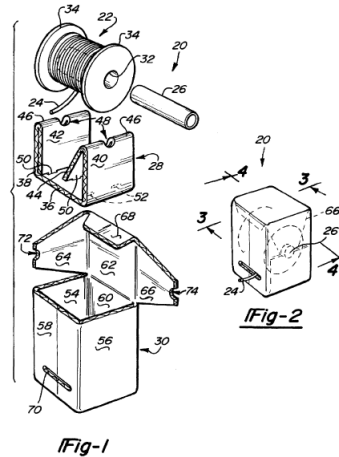
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		the reel of cable of Galgano is inserted into the bag of Hickey to align the loose end of cable with the payout passageway of the bag of Hickey.
[Element 9E]	pulling the loose end of cable through the cable payout passageway.	<u>Hickey</u> Hickey discloses pulling a loose end of the cable through the cable payout passageway during use to dispense cable. <i>See</i> FIGs. 3-4. “The free end portions of the wire withdrawn from the spool 20 are passed through an opening in the top wall 16 and then trained through spaced guides 27, conveniently eye guides, carried by one or both of the shoulder straps 7.” 3:10-14. “The free end of the wire is grasped by the worker and is drawn outwardly, unreeling from the spool 20.” 3:21-23. <i>See also</i> Preamble Claim 10 and Element 10D below.
[Preamble Claim 10]	A communications cable payout bag, comprising:	<u>Hickey</u> Hickey discloses a wire holder or carrier 10, which is a cable payout bag for distributing wire:⁴

⁴ Claim construction has not yet commenced. The preamble limitation specifying that the cable bag be a “communication” cable bag is a non-limiting intended use. To the extent this limitation is construed as a structural limitation of the bag, any such structural limitation would be inherently taught by, or an obvious modification to, the bag disclosed by Hickey.

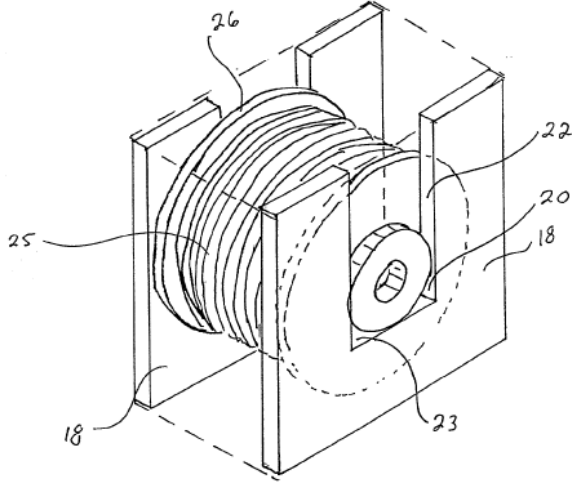
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 Fig. 1. Fig. 3. “It is another object of the invention to provide a workman’s tool and material carrier of the character indicated, and wherein the holder for the wire coil is constructed to provide for ready insertion and removal of the spooled wire.” 1:47-51. “Supported at the back of the waist belt 5 is a wire holder or carrier 10.” 2:31-32. See also 2:46-60; 3:10-14; 3:21-23.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
[Element 10A]	a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;	<u>Hickey</u> The carrier 10 of Hickey has a main compartment which is a flexible material.⁵ In particular, the main compartment is formed by a flexible material which is placed over a U-shaped metallic frame. The main compartment can be closed by top wall 16 and flap 17, the latter of which can be held closed by fasteners 18. The main compartment can then be opened to receive a spool for wire 20. As such, the main compartment is openable or closable. “Supported at the back of the waist belt 5 is a wire holder or carrier 10. In this instance, the latter comprises a u-shaped metallic frame 11 to which is applied an outer covering or casing of any suitable material, the said casing embodying a front wall 12, a parallel back wall 13, a bottom 14, vertical end walls 15 and a flexibly or hingedly movable top wall 16, the latter being provided at its front with a depending flap 17 which is adapted to be retained in its closed position by turnable fasteners 18.” 2:31-42. “The said holder or carrier is adapted to receive in a removable manner a spool 20 of wire.” 2:46-47. <i>See also</i> FIG. 3.
[Element 10B]	a removable insert within the interior of the main compartment; 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;	<u>Hickey</u> The carrier 10 of Hickey is designed to contain a reel of wire (<i>e.g.</i> spool 20) for dispensing, as discussed above. <i>See</i> Element 10A. Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, Hickey discloses several components that support the spool 20 of wire (i.e. reel of communications cable), and which are removable from the main compartment. For example, Hickey discloses a U-shaped metallic frame 11, over which the outer covering that forms the carrier 10 is placed, and which, in combination with components such as the pin 21, supports the spool 20. 2:32-3:23. The loose end of the cable is withdrawn from the spool 20 at its outer portion. 3:21-23; <i>see also</i> FIG. 4. As such, Hickey teaches this limitation.

⁵ Claim construction has not yet commenced, and it is unclear how the term “flexible material” will be interpreted. To the extent that the construction of this term precludes the material of the carrier disclosed in Hickey, it would be an obvious modification of the carrier of Hickey, which can be any suitable material. 2:31-42.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		In the alternative, this limitation is obvious over Hickey in combination with Barnett, Cote, or Galgano, as shown below. <u>Barnett</u> In one alternative, Barnett discloses a cable dispensing device that utilizes a removable insert 28, as shown below:  The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. See Barnett 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and cable reel 22 can then be placed inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. See 4:3-12; FIG. 2.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to modify the carrier of Hickey to include the removable insert for supporting a reel of cable within the interior of the main compartment of the cable payout bag as disclosed in Barnett. In particular, Hickey already discloses a spool of wire being dispensed from within the interior of the main compartment of a container, and Barnett's removable insert is designed to improve cable payout from a container. <i>See e.g.</i> Barnett 2:1-10 ("The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff."). Further, the container of Hickey utilizes a structural frame (<i>e.g.</i> U-shaped metallic frame 11), which could be replaced by the removable insert of Barnett to provide a similar structural support. Thus, it would be obvious to modify the container Hickey to include the removable insert of Barnett to support the container and improve cable payout. Further, Barnett already discloses use of the removable insert 28 within a cable payout container 30. Thus, the combination of Hickey and Barnett would involve the simple substitution of the container of Barnett with the container of Hickey to yield a cable payout system with the disclosed benefits of each system. To the extent the Court's construction of "removable insert" precludes the removable insert 28 of Barnett from teaching the removable insert as claimed, the combination of the payout container 30 and removable insert 28 of Barnett would still teach this limitation. It would similarly be obvious to insert the entire payout container 30 and removable insert 28 of Barnett within the container disclosed in Hickey for cable payout. <u>Cote</u> In another alternative, Cote discloses an apparatus for dispensing cable wire including a removable insert 18, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 Figure 4 See Cote, ¶ 4. The removable insert 18 generally supports the spool 26 (i.e. reel of communications cable) for dispensing a cable 25. ¶ 26 (“The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 is positioned within an interior of a main compartment of a box for dispensing cable 25. ¶ 26 (“Positioned within the box is an interior support, with its relative position within the box illustrated in FIG. 4.”); see FIGs. 2-4; Claim 1. The reel of communications cable has a loose end at an outer portion thereof. ¶ 28 (“The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2, depending upon the particular needs and desire of the user of the box”). See FIGs. 2-3, 9.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to modify the carrier of Hickey to include the removable insert for supporting a reel of cable within the interior of the main compartment as disclosed in Cote. In particular, Hickey already discloses a spool of wire being dispensed from within the interior of the main compartment of a container, and the removable insert disclosed in Cote is designed to improve cable payout from a container. See <i>e.g.</i> Cote, Abstract (“The box having features to allow efficient dispensing of cable in measured amounts.”). Further, the container of Hickey utilizes a structural frame (<i>e.g.</i> U-shaped metallic frame 11), which could be replaced by the removable insert of Cote to provide a similar structural support. Thus, it would be obvious to modify the container Hickey to include the removable insert disclosed in Cote, to allow for the efficient dispensing of cable. To the extent the Court’s construction of “removable insert” precludes the supports 18 of Cote from teaching a removable insert as claimed, the combination of the entire box 1, and components directly supporting the spool 26, including the supports 18, also teach this limitation. It would similarly be obvious to insert the entire box 1, spool 18, and other components supporting spool 26, within the container disclosed in Hickey for cable payout. <u>Galgano</u> In another alternative, Galgano discloses a box (<i>e.g.</i> carton 10 or container 11) for dispensing communications cable that includes a removable insert (supports or caddies 200, 204), as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to modify the carrier of Hickey to include the removable insert for supporting a reel of cable within the interior of the main compartment as disclosed in Galgano. In particular, Hickey already discloses a spool of wire being dispensed from within the interior of the main compartment of a container, and the removable insert disclosed in Galgano is designed to improve cable dispensing from a container. <i>See e.g.</i> Abstract; 1:45-65; 3:34-60; 4:48-50. Further, the container of Hickey utilizes a structural frame (<i>e.g.</i> U-shaped metallic frame 11), which could be replaced by the removable insert of Galgano to provide a similar structural support. Thus, it would be obvious to modify the container Hickey to include the removable insert of Galgano to support the container and improve cable payout. To the extent the Court's construction of "removable insert" precludes the supports or caddies 200, 204 of Galgano from teaching a removable insert as claimed, the combination of the entire box (<i>e.g.</i> carton 10 or container 11) of Galgano, and components directly supporting the cable reel 202, including caddies 200, 204, also teach this limitation. It would similarly be obvious to insert these components within container disclosed in Hickey for improved cable payout.
[Element 10C]	a shoulder strap attached to the exterior of the main compartment;	<u>Hickey</u> Hickey teaches shoulder straps 7 attached to the exterior of the main compartment, as shown in FIG. 1. "This invention relates to workmen's article carriers, and has particular reference to an improved harness having waist and shoulder straps formed to receive and support various tools and materials used by workman in performing industrial operations." 1:1-6. "The belt has secured thereto the lower ends of a pair of shoulder straps 7, each of these straps being provided with adjusting buckles 8 to adapt the harness to workers of different stature, and to enable the same to fit snugly without undue looseness." 2:22-27. "A wire carrier for workers utilizing wire in industrial occupations, comprising a harness composed of a waist belt and a pair of shoulder straps adapted to be worn over the outer garments of a worker, a holder carried by said waist belt at the back thereof for the rotatable reception of a spool of wire, and guides carried by at least one of said shoulder straps through which wire withdrawn from the spool is trained over the shoulders of the wearer to the front." Claim 1; <i>see also</i> Claims 2-4.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
[Element 10D]	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	<u>Hickey</u> Hickey includes a cable payout passageway defined between the interior and exterior of the main compartment, with the passageway configured to receive a loose end of cable from the outer portion of the reel of communications cable. <i>See</i> FIGs. 3-4. “The free end portions of the wire withdrawn from the spool 20 are passed through an opening in the top wall 16 and then trained through spaced guides 27, conveniently eye guides, carried by one or both of the shoulder straps 7.” 3:10-14. “The free end of the wire is grasped by the worker and is drawn outwardly, unreeling from the spool 20.” 3:21-23. Further, Hickey in combination with Barnett, Cote, or Galgano, as discussed above, teach this limitation as cable would be dispensed through the passageway of Hickey from the removable insert and cable reel of Barnett, Cote, or Galgano, as discussed below. <u>Barnett</u> The combination of Hickey and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is placed within the container of Hickey. The cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12. <u>Cote</u> The combination of Hickey and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Cote after it is placed within the container of Hickey. The cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28. <u>Galgano</u> The combination of Hickey and Galgano as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is placed within the container of Hickey. The cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
[Element 10E]	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;	<u>Hickey</u> Hickey discloses a closure mechanism for closing the main compartment of the carrier 10. <i>See</i> Element 10A; <i>e.g.</i> 2:41-43 (“... flap 17 which is adapted to be retained in its closed position by turnable fasteners 18.”). Closure of the main compartment thereby closes the removable insert (<i>e.g.</i> U-shaped frame 11) and reel of communications cable (spool 20) in the interior of the main compartment, as seen in FIG. 3. <i>See also</i> Element 10A.
[Element 10F]	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.	<u>Hickey</u> Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “substantially rectangular.” Hickey discloses a main compartment (of the carrier 10) that appears substantially rectangular as shown in FIGs. 1 and 3-4. The carrier 10 of Hickey is formed of a flexible material which allows it to surround and adapt to the shape of the U-shaped metal frame 11. <i>See</i> Element 10A. In the alternative, the combinations of Hickey with Barnett, Cote, or Galgano, as discussed herein, would also cause the main compartment to have a substantially rectangular profile. <u>Barnett</u> The removeable insert 28 of Barnett is a rigid material and has a substantially rectangular profile.⁶ <i>See</i> 3:20-22 (“Insert 28 is, in the preferred embodiment, unitary and may be formed using two-layer, triple-faced corrugated boxboard.”); FIGs. 1-4. Therefore when the removable insert of Barnett is inserted into the main compartment of the carrier of Hickey, the flexible main compartment of Hickey would adapt to, and take on, the substantially rectangular shape of the removable insert. <u>Cote</u> The removable insert 18 of Cote is a rigid material and has a substantially rectangular profile. <i>See</i> ¶ 26 (“The interior support is preferably formed of two opposed rigid supports 18. These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or

⁶ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the container 30 of Barnett would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. *See e.g.* Abstract; FIG. 1.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		other rigid plastic elements made through a molding, blow forming, or other plastic forming process. Alternatively, the rigid supports may also be comprised of internal panels of cardboard that may be integrally formed from the same sheet of cardboard used to form the box. The supports are positioned parallel to one another on the inner surfaces of the side walls 1 in a spaced relation.”); FIG. 4.⁷ Therefore when the removable insert of Cote is inserted into the main compartment of the carrier of Hickey, the flexible main compartment of Hickey would adapt to, and take on, the substantially rectangular shape of the removable insert. <u>Galgano</u> The removeable insert (caddies 200, 204) of Galgano is a rigid material (e.g. hard plastic) and has a substantially rectangular profile when supporting a cable reel. <i>See</i> 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); FIGs. 1-2; <i>see also</i> 3:64-4:2 (explaining that the caddies 200, 204 have dimensions conforming to the interior of the carton 10, which is rectangular).⁸

⁷ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the box of Cote would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. *See* FIGs. 1-3; ¶ 9 (“The box comprising a pair of opposed, rectangular side walls, a front wall adjacent to each of the pair of side walls, a back wall adjacent to each of the pair of side walls and opposite from the front wall, a top wall adjacent to each of the pair of side walls, with the front wall and the back wall and a bottom wall adjacent to each of the pair of side walls and opposite the top wall.”); ¶ 23 (“The present invention comprises a box preferably formed of heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents, and typically used for shipping spools of wire and cable”).

⁸ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the carton 10 (or container 11) of Galgano would likewise meet this limitation as it is a substantially rectangular shape and made of corrugated cardboard. *See* FIGs. 1-2, 9; 2:48-53 (“Carton 10 is preferably formed of a single sheet of corrugated cardboard and includes a front panel 12 having a bottom side 14, a left side 16, a top side 18 and a right side 20.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		Therefore when the removable insert of Galgano is inserted into the main compartment of the carrier of Hickey, the flexible main compartment of Hickey would adapt to, and take on, the substantially rectangular shape of the removable insert.
[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.	<u>Hickey</u> See Element 10C. The shoulder strap 7 of Hickey is adjustable, and therefore Hickey inherently discloses, or at least renders obvious, the use of a shoulder strap that can be adjusted to a length of 37 inches⁹. 2:22-27 (“The belt has secured thereto the lower ends of a pair of shoulder straps 7, each of these straps being provided with adjusting buckles 8 to adapt the harness to workers of different stature, and to enable the same to fit snugly without undue looseness.”). For example, 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.’” <i>In re Applied Materials, Inc.</i>, 692 F.3d 1289, 1295, 1297 (Fed. Cir. 2012) (quoting <i>In re Aller</i>, 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.”)). Accordingly, adjusting and optimizing the length of Hickey’s adjustable shoulder strap is nothing more than the exercise of ordinary skill in the art. <i>Iron Grip Barbell Co. v. USA Sports, Inc.</i>, 392 F.3d 1317, 1322-23 (Fed. Cir. 2004); <i>In re Huang</i>, 100 F.3d 135, 139 (Fed. Cir. 1996).
[Claim 12]	The communications cable payout bag of claim 10, further comprising at least one storage pouch on the exterior of the main compartment.	<u>Hickey</u> Hickey discloses two storage pouches 9 (or pockets), which are on the exterior of the main compartment (<i>e.g.</i> wire holder or carrier 10), as shown in FIG. 4. Hickey discloses that these pouches may be used for holding tools, such as wire manipulating and cutting pliers. 2:27-30.

⁹ While claim 11 recites a “single” adjustable shoulder strap, it also uses the open-ended transitional phrase “comprises.” Thus, the claim limitation of a single adjustable shoulder strap is taught by the disclosure of two shoulder straps of Hickey. In the alternative, using a single adjustable shoulder strap rather than two adjustable shoulder straps would be an obvious modification, as devices with a single shoulder strap are well known in the art.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		In the alternative, this limitation is obvious over Hickey in view of the knowledge of one of skill in the art, and/or in combination with Redzsiz or Thurner, as shown below. <u>Knowledge of a POSITA</u> This limitation is obvious in view of the knowledge of one of skill in the art. In particular, exterior storage pouches are a well known feature on bags, including bags for carrying tools and equipment (<i>see e.g.</i> Redzsiz discussed below with respect to Claim 12).¹⁰ It would have been obvious to one of skill in the art to add a storage pouch on the exterior of the main compartment of the communications cable bag of Hickey (alone or as combined with another reference as disclosed herein) to provide additional stroage for tools used during cable payout and related work. <u>Redzsiz</u> Redzsiz discloses a storage and carrying case which, in various embodiments, utilizes a number of auxiliary pouches (or pockets) on the exterior of the main compartment of a tool bag. <i>e.g.</i> ¶ 42 (“Thus, as illustrated, additional pouches, such as pouch 142 with a zipper fastener or closure 144, may be provided on a backside panel 104. End panel 102 may include pouches 146 and 148 each with its own flap 150 and 152, respectively. Thus, the versatility of the construction of bags of the nature named and described is clearly apparent.”); <i>see also</i> ¶ 37. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Redzsiz with the carrier of Hickey (alone or as combined with another reference herein) to provide for additional storage for tools, equipment, or the like, and increase the overall versatility of the bag. <i>Id.</i> <u>Thurner</u> Thurner discloses a storage device (<i>i.e.</i> tool pouch 100) for carrying tools, construction materials, or other similar devices. <i>See</i> Abstract; ¶ 2, 10-12; FIGs. 1-4. Thurner discloses a first storage compartment 102 in the main compartment of the pouch 100. <i>Id.</i> A second storage compartment 128 is on the exterior of the main compartment, as shown in FIGs. 2-4. <i>See also</i> ¶ 13. It would be obvious to combine the pouch on the exterior of the main compartment as

¹⁰ While the prior art is replete with exterior storage pouches in accordance with the limitations of claim 12, a few additional exemplary references showing such storage pouches in the prior art include the following: US 6,655,529; US 7,534,041; US 2005/0189388A1; and US2008/0179370A1.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		disclosed in Thurner with the bag of Hickey (alone or as combined with another reference herein), to provide for additional storage for tools. Thurner, ¶ 13.
[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.	The '697 Patent discloses a number of cable locks, and specifically discloses that the shoulder straps of the cable payout bag may be considered a cable lock configured to secure the loose end of the cable. 7:45-59; <i>see also</i> FIG. 6 (showing shoulder strap 280 securing loose cable end 228). <u>Hickey</u> This limitation is taught by Hickey. Hickey discloses shoulder straps 7 which are adjacent the cable payout passageway.¹¹ <i>See</i> FIGs. 1-4; 2:22-27 (“The belt has secured thereto the lower ends of a pair of shoulder straps 7, each of these straps being provided with adjusting buckles 8 to adapt the harness to workers of different stature, and to enable the same to fit snugly without undue looseness.”). Additionally, Hickey discloses a button 28, which is a cable lock located on the exterior of the main compartment adjacent the cable payout passageway that is configured to secure the loose end of the cable on the exterior of the main compartment. 3:26-30 (“The shoulder straps 7 may be provided with buttons 28, around which the free end of the wire is wrapped to prevent it from injuring the worker or becoming caught in adjacent bodies.”). However, to the extent the Court’s constructions precludes the shoulder strap 22 of Hickey, Eastwood teaches a cable lock in accordance with Claim 13. However, to the extent the Court’s constructions preclude the shoulder strap 22 of Hickey from teaching a cable lock as claimed, this limitation is obvious over one or more of the following combinations. <u>Knowledge of a POSITA</u> This limitation is an obvious modification of Hickey (alone or as combined with another reference as disclosed herein) in view of the knowledge of one of ordinary skill in the art.

¹¹ The term “adjacent” as used in claim 13 of the '697 Patent should be found indefinite, at least in view of the intrinsic record. However, to the extent “adjacent” is found to be definite, FIG. 6 of the '697 Patent shows a shoulder strap 280 and cable payout passage 230 that are similarly positioned to the shoulder strap 7 and cable payout passage of Hickey.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		Shoulder straps are a well known feature on bags, including bags for carrying tools and equipment. Further, Hickey already discloses a shoulder strap used on a cable payout bag, and additionally discloses the use of a button 28 as a cable lock. <i>See</i> Element 10C; Hickey 3:26-30. Therefore, it would have been obvious for one of skill in the art to modify the strap of Hickey to function as a cable lock in accordance with the limitations of claim 13, in order to retain the loose end of the dispensed cable when not in use. <u>Cote</u> Cote includes a cable lock 19 configured to secure a loose end of cable on the exterior of the main compartment. <i>See</i> FIG. 10; ¶ 29 (“One aspect of the invention includes a cable lock 19 that can be used to hold the free end of the cable. This lock 19 is illustrated in FIG. 10. The lock would likely be used when only a portion of the cable in the box has been dispensed and the remaining portion is stored. In such a situation, the free end of the cable is wedged between the die cut handle opening 15 and the corresponding portion of the box. The wedging action locks the cable in place until it needs to be dispensed again.”). The cable lock 19 operates through opposing flaps of handle opening 15, located on the exterior of the box, which wedge the free end of the cable against the box to lock the cable in place. <i>Id.</i> The cable lock is adjacent the cable payout passageway, the passageway running between the flaps of handle opening 15 as shown on FIG. 3. <i>See also</i> ¶ 24. It would be obvious to combine the cable lock of Cote with the carrier of Hickey (alone or as combined with another reference herein), to lock the loose end of the cable in place between uses, as Hickey already teaches the advantages of such a feature. <i>See</i> Cote ¶ 29; Hickey 3:26-30. <u>Eastwood</u> Eastwood teaches a cable lock in accordance with Claim 13. Eastwood discloses a caddy for carrying and dispensing spools of wire through an aperture in the caddy. <i>See</i> FIGs. 13, 19. The caddy of Eastwood can include a wire retainer (<i>e.g.</i> reference numeral 50 of FIGs. 23 and 25) projecting from a surface of the exterior of the main compartment (<i>e.g.</i> the exterior of caddy 2) adjacent the cable payout passageway (<i>e.g.</i> reference numeral 29 of FIG. 23). <i>See</i> 8:22-27. The wire retainer 50 functions as a cable lock by providing a pair of opposing members between which a cable is secured, or by providing a single member around which the cable may be wound and secured, after the loose end of the cable passes to the exterior of the main compartment of the caddy 2. 8:33-41. It would be obvious to combine the cable lock of Eastwood with the carrier of Hickey (alone or as combined with another reference herein), to

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		secure the loose end of the cable and prevent it from retracting or unwinding, or being caught in adjacent bodies when not in use. <i>See</i> Hickey 3:26-30.

EXHIBIT C

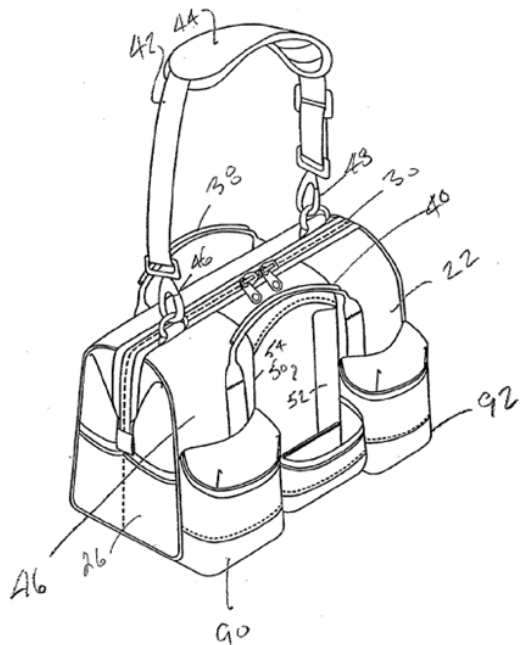
EXHIBIT C

Invalidity Claim Chart (U.S. Pat. No. 9,266,697 (the “’697 Patent”) in view of U.S. Pat. Pub. No. 2008/0240624 (“Godshaw”), the knowledge of one skilled in the art at the time of the invention, and the other references disclosed herein)

- A. Claims 9, 10, 11, and 12 of the ’697 Patent are obvious over Godshaw in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: U.S. Pat No. 5,704,479 (“Barnett”), U.S. Pat. Pub. 2002/0125161 (“Cote”), and/or U.S. Pat. No. 8,424,795 (“Galgano”).
- B. Claim 13 of the ’697 Patent is obvious over Godshaw (in any of the combinations described herein) in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: Cote, and/or U.S. Pat. No. 7,320,445 (“Eastwood”).

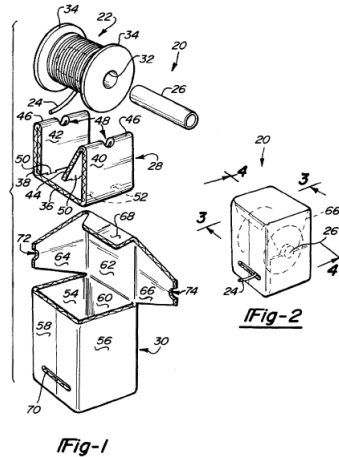
Asserted Claim	’697 Patent Claim Language/Elements	Prior Art
[Preamble Claim 9]	A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:	The method disclosed in claim 9 is obvious in view of the teachings of Godshaw in combination with any one of Barnett, Cote, or Galgano, as discussed below.¹ <u>Godshaw</u> Godshaw discloses a bag with a main compartment which can be used for many purposes, including for carrying tools, as shown, for example, in FIG. 1:

¹ Claim construction has not yet commenced. The reference to “communications cable” in the preamble is believed to be non-limiting. Further, the term “communications cable” merely refers to one type of wire or cable. To the extent the term “communications cable” differentiates from, and is not taught explicitly by, a prior art teaching related to a wire or cable, it would be an obvious modification thereof.

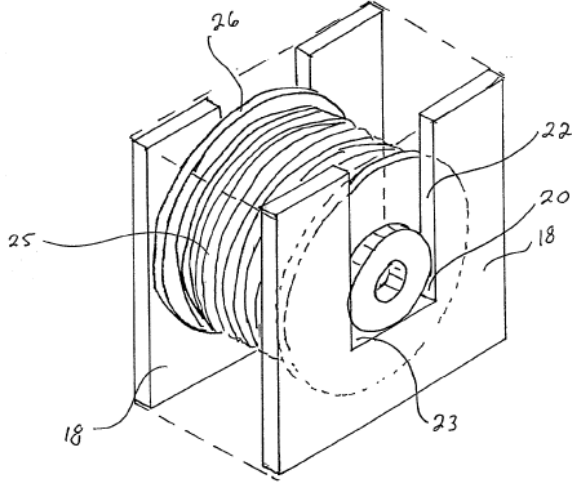
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 See also FIGs. 2-4; Abstract; Claim 1; ¶ 1-2, 30. Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “cable payout passageway.” Godshaw includes a top which can be opened, fully or partially by zippers or fastener mechanisms 30, to create a passageway between the interior and the exterior of the main compartment. FIGs. 1-2; <i>See also</i> Element 10A. Therefore, this opening could be a cable payout passageway between the interior and the exterior of the main compartment. As described in Element 9A below, each of Barnett, Cote, and Galgano disclose a device and method for paying out cable from a cable payout passageway. It would be obvious to combine any of Barnett, Cote, and Galgano with the bag of Godshaw to carry out a method of paying out cable from a bag in accordance with this limitation.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<i>See also</i> Element 10D.
[Element 9A]	inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment,	<i>See also</i> Element 10B. Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, this limitation is believed to be taught by any of Barnett, Cote, or Galgano, as shown below, in combination with Godshaw. <u>Barnett</u> Barnett discloses inserting a removable insert 28 and cylindrical cable reel 22 in a container 30 for dispensing cable, as shown below:²

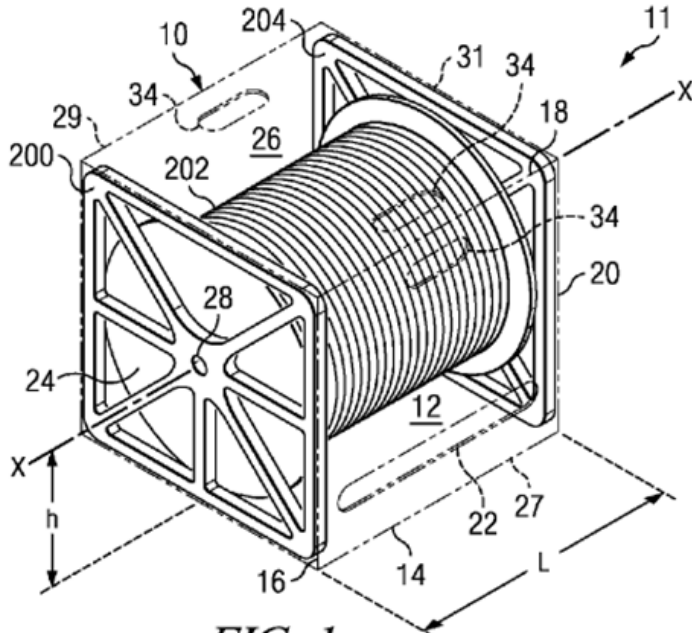
² To the extent the removable insert disclosed in Barnett does not explicitly disclose the use of a “plastic” removable insert, this is an obvious modification. Plastics are commonly used materials which would be expected to function consistent with the functions of the removable inserts discussed herein. Further, the prior art, including Barnett, explicitly discloses that plastic is one of the known materials used for similar removable inserts which support reels of cable. *See e.g.* Barnett, 1:47-52 (“For example, one conventional design uses plastic inserts to support the spool for rotation, which are expensive, require special tooling and molding equipment, and are likely provided by a source other than the wire container supplier itself, thus requiring coordination among multiple vendors.”); Cote, ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process.”); Galgano, 3:27-29; 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); U.S. Pat. No. 5,529,186, 5:33-39 (“Preferably, the end plate 30 is formed of a material such as polycarbonate, that is light-weight to ease in the transport of the boxed spool system of the present invention, but also that is a high-strength material resistant to significant impact to protect the optic fiber cable, wire or the like.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. <i>See</i> Barnett, 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and supported cable reel 22 are then inserted inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. <i>See</i> 4:3-12 (“Insert 28 is then positioned in container 30. Spool 22, wound with, for example, wire 24, is then placed over tube 25, and disposed in container 30, wherein tube 26 is received, seated and held in the cradle formed by support notches 48. An end of wire 24 is fed out of payout slot 70, and retaining flap 64, and 66 are folded to the position illustrated by flap 64, and are next moved to the closed position; the trapezoidal-shape of the flaps facilitating movement of retaining flaps 64 and 66 from the open to the closed position.”); FIG. 2.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Barnett into the main compartment of the bag of Godshaw for dispensing cable. In particular, Barnett discloses inserting the removable insert 28 into a cable payout container 30 to improve cable payout. <i>See e.g.</i> Barnett, 2:1-10 (“The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff.”). Replacing the dispensing container of Barnett with the bag of Godshaw would realize the advantageous features of the bag of Godshaw (<i>e.g.</i> tool storage, mobility, and flexibility) as well as implementing Barnett’s design goals of improving cable payout from a container. <i>See</i> Godshaw, ¶ 5-9, 24; <i>See e.g.</i> Barnett, 2:1-10. Thus, inserting the removable insert and supported reel of cable of Barnett into the bag of Godshaw would involve the simple replacement of container 30 of Barnett for the bag of Godshaw, and would improve cable payout. <u>Cote</u> In another alternative, Cote discloses inserting a removable insert 18 and a cylindrical reel of cable (spool 26) into a box, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 Figure 4 See Cote, ¶ 4. The removable insert 18 is made of a plastic material, and generally supports the spool 26 (<i>i.e.</i> reel of communications cable) for dispensing a cable 25. ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process... The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 and supported spool 26 are inserted into the interior of a main compartment of a box for dispensing cable 25. See ¶ 28 (“As illustrated in FIGS. 2 and 3, the spool 26 with the cable 25 is pre-packaged within the box. The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2,

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		depending upon the particular needs and desire of the user of the box.”); ¶ 26; FIGs. 2-4; Claim 1. The reel of communications cable can then be withdrawn from the box through one of the openings. ¶ 28. <i>See</i> FIGs. 2-3, 9. One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Cote into the main compartment of the bag of Godshaw for cable payout. In particular, Cote discloses inserting the removable insert and supported spool of cable into a box to improve cable dispensing. <i>See e.g.</i> Cote, ¶ 8 (“A further advantage of an embodiment of the present invention is to provide an improved means of paying out cable at a steady rate, avoiding tangling and backlash of the cable.”); Abstract; ¶ 4-7. Replacing the outer box of Cote with the bag of Godshaw would realize the advantageous features of the bag of Godshaw (<i>e.g.</i> tool storage, mobility, and flexibility) as well as implementing Cote’s design goals of improving cable payout from a container. <i>See</i> Godshaw, ¶ 5-9, 24; <i>See e.g.</i> Cote, Abstract (“The box having features to allow efficient dispensing of cable in measured amounts.”). Thus, inserting the removable insert and supported reel of cable of Cote into the bag of Godshaw would involve the simple replacement of the outer box of Cote with the bag of Godshaw, and would improve cable payout. <u>Galgano</u> In another alternative, Galgano discloses inserting a removable insert (supports or caddies 200, 204) and supported cylindrical reel of cable 202 into a box (<i>e.g.</i> carton 10 or container 11) for dispensing cable, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 FIG. 1 See Abstract; 2:48-59. The removable insert supports a cable reel within the communication cable dispensing box. See Abstract; 1:45-65; FIGs. 1-3. In particular, the removable insert provides opposing bushings 206 which allow for rotation of a cable reel 202 within the box. See FIG. 2; Abstract; 1:45-65; 3:34-60; 4:48-50. Galgano discloses that the removable insert may be a plastic. 3:27-29; 3:51-53. The reel of cable and supporting removable are inserted into the communication cable dispensing box. See Abstract (“A container for the dispensing of electrical or communications cable has an external carton which receives a reel of cable and is supported by left and right supports.”). In use, a loose end of the cable is pulled through the slot 22 to dispense cable. 2:53-59.

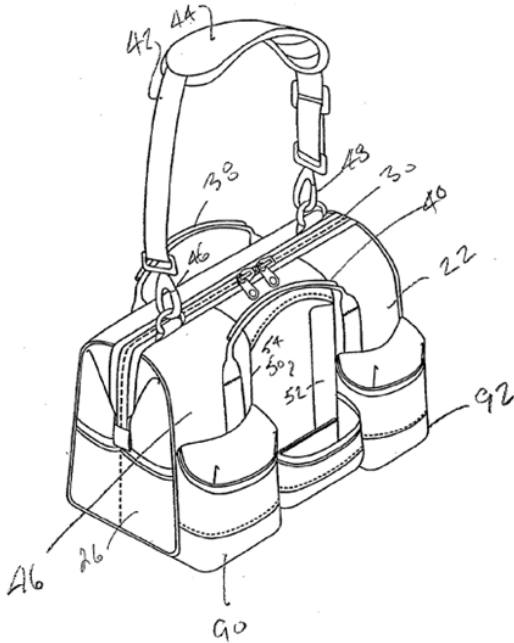
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to insert the removable insert and supported reel of cable disclosed in Galgano into the main compartment of the bag of Godshaw for cable payout. In particular, Galgano discloses inserting the removable insert and supported spool of cable into a container to improve cable dispensing therefrom. <i>See e.g.</i> Abstract; 1:45-65; 3:34-60; 4:48-50. Replacing the outer container of Galgano with the bag of Godshaw would realize the advantageous features of the bag of Godshaw (<i>e.g.</i> tool storage, mobility, and flexibility) as well as implementing Galgano's design goals including improved cable dispensing from a container. <i>See</i> Godshaw, ¶ 5-9, 24; <i>See e.g.</i> Galgano, Abstract; 1:45-65; 3:34-60; 4:48-50. Thus, inserting the removable insert and supported reel of cable of Galgano into the bag of Godshaw would involve the simple replacement of the container (<i>e.g.</i> carton 10) of Galgano for the bag of Godshaw, and would improve cable payout.
[Element 9B]	wherein the reel of communications cable has a loose end of cable at an outer portion thereof,	<i>See also</i> Element 10B and Element 10D. It would be well understood by a person of skill in the art that a loose end of cable may be extruded from an outer portion of a reel of cable (for example, as discussed with respect to the other references below), as this is a common way of dispensing cable from a reel, and there are a limited number of alternative ways to do so. As such, this limitation would be obvious to one of skill in the art. Alternatively each of Barnett, Cote, and Galgano disclose that the loose end of cable is at an outer portion of the reel of cable. <u>Barnett</u> The combination of Godshaw and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is inserted within the bag of Godshaw. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12. <u>Cote</u> The combination of Godshaw and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Cote after it is inserted within the bag of Godshaw. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Galgano</u> The combination of Godshaw and Galgano, as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is inserted within the bag of Godshaw. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59.
[Element 9C]	and wherein the main compartment is constructed of a flexible material;	<i>See also</i> Element 10A. <u>Godshaw</u> The bag of Godshaw has a main compartment which is constructed of a flexible material, such as fabric or canvas.³ ¶ 24 (“The embodiment of a tool bag depicted in the figures includes a bottom panel 20 which is generally rectangular in shape and typically is comprised of a fabric covered reinforced polyethylene board that is generally rectangular... Typically, the end panels 26 and 28 and side panels 22 and 24 are fabricated from a generally flexible material such as a fabric material or a canvas material.”); Abstract (“A soft sided bag for storage of tools includes a grotto shaped recessed pocket in at least one of the lateral side panels of the bag and further includes optional pouches affixed adjacent the grotto shaped pocket, the pouches including lids which may be pivoted between an open and closed position.”).
[Element 9D]	aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and	<i>See also</i> Element 10D. This limitation is obvious in view of the knowledge of one of ordinary skill in the art. In any cable dispensing system in which cable is dispensed from a reel of cable and through a cable payout passageway, aligning the loose end of the cable with that passageway would be at least obvious (or inherently required) to reduce friction between the cable and passageway and allow for easier dispensing. Alternatively, this limitation would also be obvious in any of the combinations with Godshaw disclosed herein, as each of Barnett, Cote, and Galgano, disclose this limitation. <u>Barnett</u>

³ Claim construction has not yet commenced, and it is unclear how the term “flexible material” will be interpreted. To the extent this limitation is not met by the canvas and/or fabric bag of Godshaw, it is an obvious modification thereof.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		As shown in FIGs. 1-3 of Barnett, the loose end of cable 24 from the outer portion of the reel is aligned with the cable payout passageway (<i>i.e.</i> slot 70) in the outermost container 30 when dispensing cable. Therefore it would be obvious when the cable reel of Barnett is inserted into the bag of Godshaw to align the loose end of cable with the payout passageway of the bag of Godshaw. <u>Cote</u> As shown in FIGs. 2-3 of Cote, the loose end of cable from the outer portion of the reel is aligned with the cable payout passageway through the surrounding box when dispensing cable. Therefore it would be obvious when the reel of cable of Cote inserted into the bag of Godshaw to align the loose end of cable with the payout passageway of the bag of Godshaw. <u>Galgano</u> As disclosed in Galgano, the loose end of cable from the outer portion of the reel 202 is aligned with the cable payout passageway (<i>i.e.</i> slot 22) through the surrounding box when dispensing cable. <i>See</i> FIG. 1; 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspooled.”). Therefore it would be obvious when the reel of cable of Galgano is inserted into the bag of Godshaw to align the loose end of cable with the payout passageway of the bag of Godshaw.
[Element 9E]	pulling the loose end of cable through the cable payout passageway.	<i>See also</i> Element 10B below. As discussed above, Godshaw in combination with any of Barnett, Cote, or Galgano discloses a method of dispensing cable which includes a cable payout passageway. <i>See</i> Element 9A and Element 9D. It would be obvious to one of skill in the art to pull the loose end of cable through the cable payout passageway when using a cable dispensing device which included a cable payout passageway, as that is the primary design function of including a cable payout passageway. Alternatively, this limitation is obvious in any of the combinations with Godshaw disclosed herein, as each of Barnett, Cote, and Galgano, disclose this limitation.

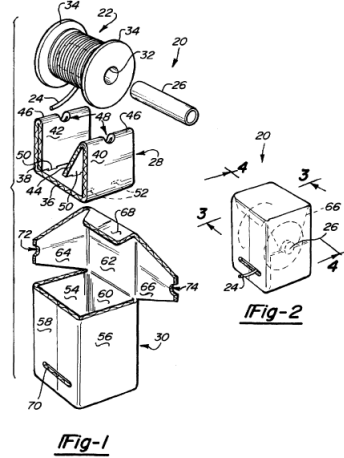
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Barnett</u> Barnett discloses that the loose end of wire 24 is pulled through the slot 70 in the container 30. See 4:7-10 (“An end of wire 24 is fed out of payout slot 70, and retaining flap 64, and 66 are folded to the position illustrated by flap 64, and are next moved to the closed position...”); FIG. 2. Thus, it would be obvious to pull the loose end of cable through the cable payout passageway in the bag of Godshaw when Godshaw and Barnett are combined as indicated above. <u>Cote</u> Cote discloses that the loose end of cable 25 is pulled through the opening in the surrounding box to dispense cable. ¶ 28 (“The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2, depending upon the particular needs and desire of the user of the box”); See FIGs. 2-3, 9. Thus, it would be obvious to pull the loose end of cable through the cable payout passageway in the bag of Godshaw when Godshaw and Cote are combined as indicated above. <u>Galgano</u> Galgano discloses that a loose end of cable is pulled through the opening (slot 12) in the surround carton 10 to dispense cable. 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspool.”). Thus, it would be obvious to pull the loose end of cable through the cable payout passageway in the bag of Godshaw when Godshaw and Galgano are combined as indicated above.
[Preamble Claim 10]	A communications cable payout bag, comprising:	<u>Godshaw</u> Godshaw discloses a bag which can be used for many purposes, including for carrying tools, as shown, for example, in FIG. 1:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 See also FIGs. 2-4; Abstract; Claim 1; ¶ 1-2, 30. As described in more detail below, it would be obvious to combine the bag of Godshaw with any one of Barnett, Cote, or Galgano. When combined with any of those references as described, the bag of Godshaw would be a communications cable payout bag.
[Element 10A]	a main compartment constructed of a flexible material, the main compartment having an interior and an	<u>Godshaw</u> The bag of Godshaw has a main compartment which is a flexible material, such as fabric or canvas.⁴ ¶ 24 (“The embodiment of a tool bag depicted in the figures includes a bottom panel 20 which is generally rectangular in shape and typically is comprised of a fabric covered

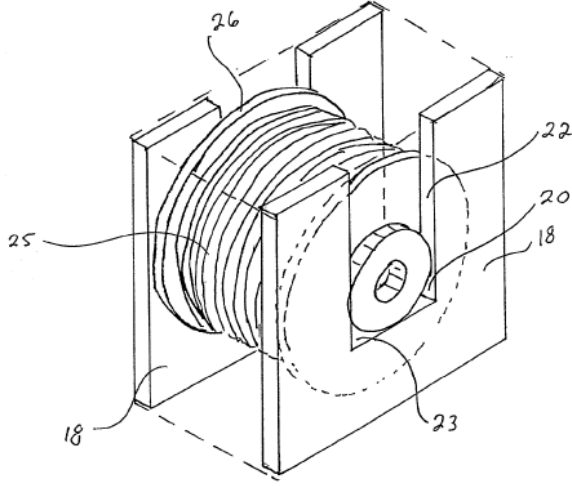
⁴ Claim construction has not yet commenced, and it is unclear how the term “flexible material” will be interpreted. To the extent this limitation is not met by the canvas and/or fabric bag of Godshaw, it is an obvious modification thereof.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
	exterior, the main compartment being openable and closable;	reinforced polyethylene board that is generally rectangular... Typically, the end panels 26 and 28 and side panels 22 and 24 are fabricated from a generally flexible material such as a fabric material or a canvas material.”); Abstract (“A soft sided bag for storage of tools includes a grotto shaped recessed pocket in at least one of the lateral side panels of the bag and further includes optional pouches affixed adjacent the grotto shaped pocket, the pouches including lids which may be pivoted between an open and closed position.”). The main compartment has an interior and exterior and can be opened or closed, for example through the use of zipper or fastener mechanism 30. ¶ 24 (“The lateral top edges of the side panels 22 and 24 as well as the end panels 26 and 28 include a generally circumferential fastener arrangement which is typically a zipper 30. The sides or top margins thereof may then be formed by folding against each other and the zipper or fastener mechanism 30 closed as shown typically in FIGS. 1 and 2 to form an enclosure for tools and the like.”). <i>See also</i> FIGs. 1-9.
[Element 10B]	a removable insert within the interior of the main compartment; 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;	Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, the limitations of Element 10B appear to be taught by any of Barnett, Cote, or Galgano, as shown below, which each teach a cable payout device, in combination with Godshaw. As discussed below, it would be obvious to insert a removable insert and reel of communications cable, as disclosed in any of Barnett, Cote, or Galgano, inside the bag of Godshaw. This would result in a communications cable payout bag which realizes the benefits of the bag of Godshaw (<i>e.g.</i> pockets for tool storage, shoulder straps for mobility, and flexibility)⁵ as well as the cable payout benefits of, respectively, Barnett, Cote, or Galgano. <u>Barnett</u> Barnett discloses a cable dispensing device that utilizes a removable insert 28, as shown below:

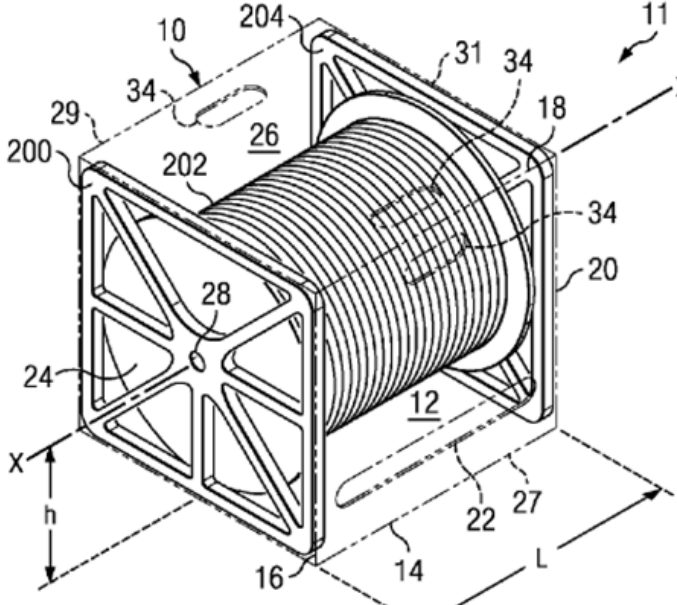
⁵ See Godshaw, ¶ 5-9, 24.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. See Barnett 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and cable reel 22 can then be placed inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. See 4:3-12; FIG. 2. One of ordinary skill in the art would have found it obvious to include the removable insert for supporting a reel of cable and the reel of cable of Barnett within the bag disclosed in Godshaw. In particular, Barnett already discloses the removable insert and reel of cable within the main compartment of the dispensing container 30. Replacing the dispensing container of Barnett with the bag of Godshaw would realize the advantageous features of the bag of Godshaw (e.g. tool storage, mobility, and flexibility) as well as implementing Barnett’s design goals of improving

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		cable payout from a container. <i>See e.g.</i> Barnett 2:1-10 (“The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff.”). Thus, the combination of Godshaw and Barnett would involve the simple substitution of the container of Barnett with the bag of Godshaw to yield a cable payout system with the disclosed benefits of each system. To the extent the Court’s construction of “removable insert” precludes the removable insert 28 of Barnett from teaching the removable insert as claimed, the combination of the payout container 30 and removable insert 28 of Barnett would still teach this limitation. It would similarly be obvious to insert the entire payout container 30 and removable insert 28 of Barnett within the bag disclosed in Godshaw for cable payout. <u>Cote</u> Cote discloses an apparatus for dispensing cable wire including a removable insert 18, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 Figure 4 See Cote, ¶ 4. The removable insert 18 generally supports the spool 26 (i.e. reel of communications cable) for dispensing a cable 25. ¶ 26 (“The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 is positioned within an interior of a main compartment of a box for dispensing cable 25. ¶ 26 (“Positioned within the box is an interior support, with its relative position within the box illustrated in FIG. 4.”); See FIGs. 2-4; Claim 1. The reel of communications cable has a loose end at an outer portion thereof. ¶ 28 (“The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2, depending upon the particular needs and desire of the user of the box”); See FIGs. 2-3, 9.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to include the removable insert for supporting a reel of cable and the reel of cable of Cote within the bag disclosed in Godshaw. In particular, Cote already discloses the removable insert and reel of cable within the main compartment of the box disclosed therein. Replacing the Box of Cote with the bag of Godshaw would realize the advantageous features of the bag of Godshaw (<i>e.g.</i> tool storage, mobility, and flexibility) as well as implementing Cote's design goals of improving cable payout from a container. <i>See e.g.</i> Cote, Abstract ("The box having features to allow efficient dispensing of cable in measured amounts."). Thus, the combination of Godshaw and Cote would involve the simple substitution of the container of Cote with the bag of Godshaw to yield a cable payout system with the disclosed benefits of each system. To the extent the Court's construction of "removable insert" precludes the supports 18 of Cote from teaching a removable insert as claimed, the combination of the entire box 1, and components directly supporting the spool 26, including the supports 18, also teach this limitation. It would similarly be obvious to insert the entire box of Cote, including the supports 18, spool 26, and related components, within the bag of Godshaw for cable payout. <u>Galgano</u> Galgano discloses a box (<i>e.g.</i> carton 10 or container 11) for dispensing communications cable that includes a removable insert (supports or caddies 200, 204), as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 FIG. 1 See Abstract; 2:48-59. The removable insert supports a cable reel within the communication cable dispensing box. See Abstract; 1:45-65; FIGs. 1-3. In particular, the removable insert provides opposing bushings 206 which allow for rotation of a cable reel 202 within the box. See FIG. 2; Abstract; 1:45-65; 3:34-60; 4:48-50. In use, a loose end of cable is pulled from the outer portion of the cable reel through the slot 22 to dispense cable. 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspooled.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to include the removable insert for supporting a reel of cable and the reel of cable of Galgano within the bag disclosed in Godshaw. In particular, Galgano already discloses the removable insert and reel of cable within the main compartment of a box for dispensing cable. Replacing the box of Galgano with the bag of Godshaw would realize the advantageous features of the bag of Godshaw (<i>e.g.</i> tool storage, mobility, and flexibility) as well as implementing Galgano's design goals including improved cable dispensing from a container. <i>See e.g.</i> Abstract; 1:45-65; 3:34-60; 4:48-50. Thus, the combination of Godshaw and Galgano would involve the simple substitution of the container of Barnett with the bag of Godshaw to yield a cable payout system with the disclosed benefits of each system. To the extent the Court's construction of "removable insert" precludes the supports or caddies 200, 204 of Galgano from teaching a removable insert as claimed, the combination of the entire box (<i>e.g.</i> carton 10 or container 11) of Galgano, and components directly supporting the cable reel 202, including caddies 200, 204, also teach this limitation. It would similarly be obvious to insert this entire system within the bag disclosed in Godshaw for cable payout.
[Element 10C]	a shoulder strap attached to the exterior of the main compartment;	<u>Godshaw</u> Godshaw teaches a shoulder strap 42 attached to the exterior of the main compartment of the bag, as shown in FIGs. 1-2. "A carry strap 42 with a shoulder pad 44 may be attached by buckle elements 46 and 48 to the top edge of the boundary or margin formed of the opposite lateral side panels 22 and 24." ¶ 24.
[Element 10D]	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	<u>Godshaw</u> Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term "cable payout passageway." Godshaw includes a top which can be opened, fully or partially by zippers or fastener mechanisms 30, to create a passageway between the interior and the exterior of the main compartment. <i>See</i> Element 10A; FIGs. 1-2. Therefore, this opening could be a cable payout passageway between the interior and the exterior of the main compartment. This limitation would be obvious over the disclosed combinations of Godshaw and one of Barnett, Cote, or Galgano, as follows.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Barnett</u> The combination of Godshaw and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is placed within the bag of Godshaw. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12. The loose end of cable would then be received through the cable payout passageway of Godshaw during use as it is dispensed from the interior of the bag. Alternatively, it would be obvious to modify the bag of Godshaw to include the slot 70 of Barnett (which is a cable payout passageway in accordance with Element 10D), given that the slot 70 is provided through the outermost container 30 of Barnett to allow for cable to be dispensed therethrough. <i>See</i> Barnett, FIGs. 1-2; 3:58-59. In such a case it would then be obvious to dispense the loose end of cable through the cable payout passage, as now included on the bag of Godshaw. <u>Cote</u> The combination of Godshaw and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Cote after it is placed within the bag of Godshaw. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28. The loose end of cable would then be received through the cable payout passageway of Godshaw during use as it is dispensed from the interior of the bag. Alternatively, it would be obvious to modify the bag of Godshaw to include the opening 16 of Cote (which is a cable payout passageway in accordance with Element 10D), given that the opening 16 is provided through the outermost box of Cote to allow for cable to be dispensed therethrough. <i>See</i> Cote FIG. 1; ¶ 24. In such a case it would then be obvious to dispense the loose end of cable through the cable payout passage, as now included on the bag of Godshaw. <u>Galgano</u> The combination of Godshaw and Galgano as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is placed within the bag of Godshaw. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59. The loose end of cable would then be

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		received through the cable payout passageway of Godshaw during use as it is dispensed from the interior of the bag. Alternatively, it would be obvious to modify the bag of Godshaw to include the dispensing slot 22 of Galgano (which is a cable payout passageway in accordance with Element 10D), given that the dispensing slot 22 is provided through the outermost container 11 of Galgano to allow for cable to be dispensed therethrough. <i>See</i> Galgano FIGs. 1, 3; 2:53-59. In such a case it would then be obvious to dispense the loose end of cable through the cable payout passage, as now included on the bag of Godshaw.
[Element 10E]	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;	<u>Godshaw</u> Godshaw discloses a closure mechanism (e.g. zipper or fastener mechanism 30) for closing the main compartment of the bag, thereby closing any reel of communications cable and supporting removable insert (as included per the combinations discussed above) in the interior of the main compartment. <i>See</i> Elements 10A and 10B; ¶ 24 (“The lateral top edges of the side panels 22 and 24 as well as the end panels 26 and 28 include a generally circumferential fastener arrangement which is typically a zipper 30. The sides or top margins thereof may then be formed by folding against each other and the zipper or fastener mechanism 30 closed as shown typically in FIGS. 1 and 2 to form an enclosure for tools and the like.”).
[Element 10F]	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.	<u>Godshaw</u> Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “substantially rectangular.” Godshaw discloses a main compartment of a bag that appears substantially rectangular as shown in FIGs. 1-3. Further, the bag of Godshaw is described as having a rectangular bottom panel, and side panels extending upward therefrom which are sometimes described as in a “parallelepiped shape” and/or a rectangular shape. <i>See</i> ¶ 5, 24; Claim 1. Thus, the bag of Godshaw has a substantially rectangular profile. The outer most layer of the bag of Godshaw is also formed of a flexible material which would allow it to conform to the shape of a more rigid removable insert within its interior. <i>See</i> Element 10A; ¶ 24 (“The embodiment of a tool bag depicted in the figures includes a bottom panel 20 which is generally rectangular in shape and typically is comprised of a fabric covered reinforced polyethylene board that is generally rectangular. A first lateral side 22 is attached along one edge to the bottom panel 20. A second side panel 24, which is substantially identical in shape and size to the first side panel 22, is attached to the opposite side of the bottom panel

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		20. A first end panel 26 is attached along one remaining side of the bottom panel 20 and a second end panel 28 is attached to the opposite remaining side of the bottom panel 20. Thus, the bottom panel 20, first side panel 22, second side panel 24, first end panel 26 and second end panel 28 form an open enclosure such as depicted in FIG. 3. Typically, the end panels 26 and 28 and side panels 22 and 24 are fabricated from a generally flexible material such as a fabric material or a canvas material.”). Therefore this limitation is further rendered obvious by the combination of Godshaw with one of Barnett, Cote, or Galgano, as shown below. <u>Barnett</u> The removeable insert 28 of Barnett is a rigid material and has a substantially rectangular profile.⁶ See 3:20-22 (“Insert 28 is, in the preferred embodiment, unitary and may be formed using two-layer, triple-faced corrugated boxboard.”); FIGs. 1-4. Therefore when the removable insert of Barnett is inserted into the main compartment of the bag of Godshaw, the flexible main compartment of Godshaw would adapt to, and take on, the substantially rectangular shape of the removable insert. <u>Cote</u> The removable insert 18 of Cote is a rigid material and has a substantially rectangular profile. See ¶ 26 (“The interior support is preferably formed of two opposed rigid supports 18. These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process. Alternatively, the rigid supports may also be comprised of internal panels of cardboard that may be integrally formed from the same sheet of cardboard used to form the box. The supports are positioned parallel to one another on the inner surfaces of the side walls 1 in a spaced relation.”); FIG. 4.⁷

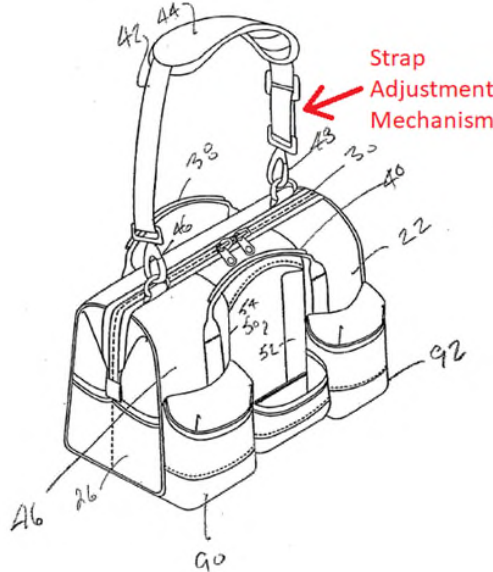
⁶ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the container 30 of Barnett would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. See *e.g.* Abstract; FIG. 1.

⁷ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the box of Cote would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. See FIGs. 1-3; ¶ 9 (“The box comprising a pair of opposed, rectangular side walls, a front wall adjacent to each of the pair of side walls, a back wall adjacent to each of the pair of side walls and opposite from

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		Therefore when the removable insert of Cote is inserted into the main compartment of the bag of Godshaw, the flexible main compartment of Godshaw would adapt to, and take on, the substantially rectangular shape of the removable insert. <u>Galgano</u> The removeable insert (caddies 200, 204) of Galgano is a rigid material (e.g. hard plastic) and has a substantially rectangular profile when supporting a cable reel. <i>See</i> 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); FIGs. 1-2; <i>see also</i> 3:64-4:2 (explaining that the caddies 200, 204 have dimensions conforming to the interior of the carton 10, which is rectangular).⁸ Therefore when the removable insert of Galgano is inserted into the main compartment of the bag of Godshaw, the flexible main compartment of Godshaw would adapt to, and take on, the substantially rectangular shape of the removable insert.
[Claim 11]	The communications cable payout bag of claim 10, wherein the shoulder strap comprises a single adjustable shoulder strap, and wherein the	<u>Godshaw</u> <i>See</i> Element 10C. The shoulder strap 42 of Godshaw is a single adjustable shoulder strap and incorporates a strap adjustment mechanism for adjusting its length, as shown in annotated FIG. 1 below:

the front wall, a top wall adjacent to each of the pair of side walls, with the front wall and the back wall and a bottom wall adjacent to each of the pair of side walls and opposite the top wall.”); ¶ 23 (“The present invention comprises a box preferably formed of heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents, and typically used for shipping spools of wire and cable”).

⁸ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the carton 10 (or container 11) of Galgano would likewise meet this limitation as it is a substantially rectangular shape and made of corrugated cardboard. *See* FIGs. 1-2, 9; 2:48-53 (“Carton 10 is preferably formed of a single sheet of corrugated cardboard and includes a front panel 12 having a bottom side 14, a left side 16, a top side 18 and a right side 20.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
	shoulder strap can be adjusted to a length of at least 37 inches.	 Therefore Godshaw inherently discloses, or at least renders obvious, the use of a shoulder strap that can be adjusted to a length of at least 37 inches. For example, 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.’” <i>In re Applied Materials, Inc.</i>, 692 F.3d 1289, 1295, 1297 (Fed. Cir. 2012) (quoting <i>In re Aller</i>, 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.”)). Accordingly, adjusting and optimizing the length of Godshaw’s adjustable shoulder strap is nothing more than the exercise of ordinary skill in the art. <i>Iron Grip Barbell Co. v. USA Sports, Inc.</i>, 392 F.3d 1317, 1322-23 (Fed. Cir. 2004); <i>In re Huang</i>, 100 F.3d 135, 139 (Fed. Cir. 1996).
[Claim 12]	The communications cable payout bag of claim 10, further comprising at least one storage	<u>Godshaw</u>

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
	pouch on the exterior of the main compartment.	Godshaw discloses storage pouches on the exterior of the main compartment, as shown in FIGs. 1-2. “The bag of the invention optionally includes pouches attached to the outside of the lateral sides of the bag with lids on the pouches that are easily opened inasmuch as they pivot about a hinge type connection to the outside face of the bag. Thus, a workman may easily raise the lid and reach into the pocket or pouch to retrieve whatever item is desired.” ¶ 5. “Yet a further object of the invention is to provide a ruggedly constructed bag which includes various pouches and pockets that facilitate the storage of and access to tools and their component parts and accessories.” ¶ 8. “FIG. 1 is an isometric view of an embodiment of the invention as viewed to expose an externally accessible pocket in a lateral side of a tool bag and to further illustrate additional pouches or pockets attached to the outside face of a lateral side of the bag.” ¶ 12. “A feature which is considered to be unique alone or in combination with a bag comprises a recessed, external side pocket 45 fitted in the generally flat planar side wall section 46 of the first side panel 22.” ¶ 25. “A pouch 90 is affixed to the outside flap section 46 on one side of pocket 45 and a second pouch 92 is affixed on the opposite side thereof.” ¶ 27. <i>See also</i> claims 1-5; ¶ 26.
[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.	The '697 Patent discloses a number of cable locks, and specifically discloses that the shoulder straps of the cable payout bag may be considered a cable lock configured to secure the loose end of the cable. 7:45-59; <i>see also</i> FIG. 6 (showing shoulder strap 280 securing loose cable end 228). <u>Godshaw</u> This limitation is taught by Godshaw. Godshaw includes a shoulder strap 42 which, when the bag of Godshaw is combined with Barnette, Cote, or Galgano for use as a cable dispensing device as discussed herein, could be a cable lock configured to secure the loose end of cable in

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		accordance with the teachings of the '697 Patent. <i>See</i> Element 10C. The shoulder strap 42 of Godshaw is adjacent the cable payout passage (<i>e.g.</i> the opening at the top of the bag).⁹ However, to the extent the Court's constructions preclude the shoulder strap 42 of Godshaw from teaching a cable lock as claimed, this limitation is obvious over one or more of the following combinations. <u>Knowledge of a POSITA</u> This limitation is an obvious modification of Godshaw (alone or as combined with another reference as disclosed herein) in view of the knowledge of one of ordinary skill in the art. Shoulder straps are a well known feature on bags, including bags for carrying tools and equipment. Further, Godshaw already discloses a shoulder strap used on a cable payout bag. <i>See</i> Element 10C. Therefore, it would have been obvious for one of skill in the art to modify the strap of Godshaw to function as a cable lock in accordance with the limitations of claim 13, in order to retain the loose end of the dispensed cable when not in use. <u>Cote</u> Cote includes a cable lock 19 configured to secure a loose end of cable on the exterior of the main compartment. <i>See</i> FIG. 10; ¶ 29 ("One aspect of the invention includes a cable lock 19 that can be used to hold the free end of the cable. This lock 19 is illustrated in FIG. 10. The lock would likely be used when only a portion of the cable in the box has been dispensed and the remaining portion is stored. In such a situation, the free end of the cable is wedged between the die cut handle opening 15 and the corresponding portion of the box. The wedging action locks the cable in place until it needs to be dispensed again."). The cable lock 19 operates through opposing flaps of handle opening 15, located on the exterior of the box, which wedge the free end of the cable against the box to lock the cable in place. <i>Id.</i> The cable lock is adjacent the cable payout passageway, the passageway running between the flaps of handle opening 15 as shown on FIG. 3. <i>See also</i> ¶ 24. It would be obvious to combine the cable lock of Cote with the

⁹ The term "adjacent" as used in claim 13 of the '697 Patent should be found indefinite, at least in view of the intrinsic record. However, to the extent "adjacent" is found to be definite, FIG. 6 of the '697 Patent shows a shoulder strap 280 and cable payout passage 230 that are similarly positioned to the shoulder strap 42 and top opening of Godshaw. Further, to the extent the bag of Godshaw was modified to include a different cable payout passageway in on of the alternatives suggestions in Element 10D above, it would be obvious to position that cable payout passageway near the top of the bag (*i.e.* adjacent the shoulder strap 42) to allow for easy access to the loose end of cable and improved payout.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		bag of Godshaw (alone or as combined with another reference herein), to lock the loose end of the cable in place between uses. <i>See</i> ¶ 29. <u>Eastwood</u> Eastwood teaches a cable lock in accordance with Claim 13. Eastwood discloses a caddy for carrying and dispensing spools of wire through an aperture in the caddy. <i>See</i> FIGs. 13, 19. The caddy of Eastwood can include a wire retainer (<i>e.g.</i> reference numeral 50 of FIGs. 23 and 25) projecting from a surface of the exterior of the main compartment (<i>e.g.</i> the exterior of caddy 2) adjacent the cable payout passageway (<i>e.g.</i> reference numeral 29 of FIG. 23). <i>See</i> 8:22-27. The wire retainer 50 functions as a cable lock by providing a pair of opposing members between which a cable is secured, or by providing a single member around which the cable may be wound and secured, after the loose end of the cable passes to the exterior of the main compartment of the caddy 2. 8:33-41. It would be obvious to combine the cable lock of Eastwood with the bag of Godshaw (alone or as combined with another reference herein), to secure the loose end of the cable and prevent it from retracting or unwinding when not in use.

EXHIBIT D

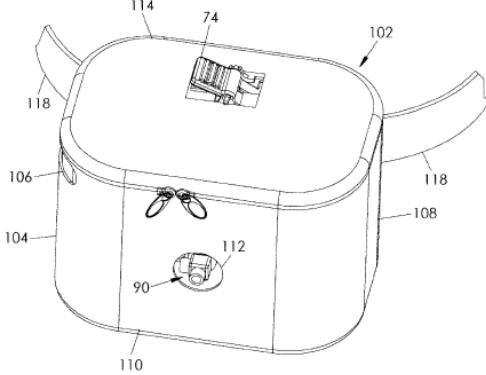
EXHIBIT D

Invalidity Claim Chart (U.S. Pat. No. 9,266,697 (the “’697 Patent”) in view of U.S. Pat. No. 6,591,858 (“Peterson”), the knowledge of one skilled in the art at the time of the invention, and the other references disclosed herein)

- A. Claims 9, 10, and 11 of the ’697 Patent are obvious over Peterson in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: U.S. Pat. No. 5,704,479 (“Barnett”), U.S. Pat. Pub. No. 2002/0125161 (“Cote”), and/or U.S. Pat. No. 8,424,795 (“Galgano”).¹
- B. Claim 12 of the ’697 Patent is obvious over Peterson in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: Barnett, Cote, Galgano, U.S. Pat. Pub. No. 2006/0219587 (“Redzsiz”), U.S. Pat. No. 2,400,417 (“Hickey”), and/or U.S. Pat. Pub. No. 2007/0062997 (“Thurner”) as shown below.
- C. Claim 13 of the ’697 Patent is obvious over Peterson (in any of the combinations described herein) in view of the knowledge of one skilled in the art at the time of the invention, alone and/or in combination with any of the following references: Barnett, Cote, Galgano, and/or U.S. Pat. No. 7,320,445 (“Eastwood”).

Asserted Claim	’697 Patent Claim Language/Elements	Prior Art
[Preamble Claim 9]	A method of paying out communications cable from a bag that includes a main compartment and a cable payout passageway, the method comprising:	<u>Peterson</u> Peterson discloses a bag 102 which is used to carry a reel of gas tubing for dispensing, as shown in FIG. 1, as well as a related method of dispensing the gas tubing:

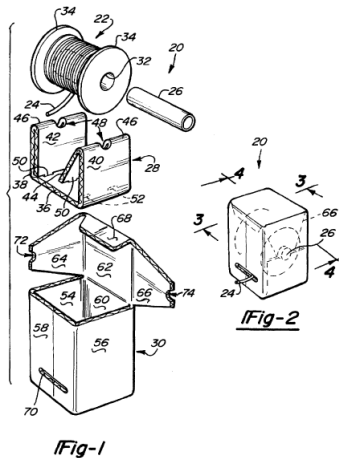
¹ As discussed in Element 10C, this combination may also be further modified, in some combinations, by one of Hickey or U.S. Pat. No. 4,650,073 (“Young”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 FIG. 8 <i>See e.g.</i> Abstract; 4:29-31. Peterson generally discloses a device for distributing gas tubing, including a tubing reel device 10 with a main compartment which supports a tubing-reel 54. <i>See</i> Abstract; 3:30-33; FIG. 8. The tubing reel device 10 is inserted into a bag 102, which allows it to be conveniently carried. 4:29-41. The device of Peterson can be used to pay out tubing through a payout passageway defined in one of the sidewalls of the main compartment of the bag 102. <i>See</i> Abstract; 1:30-50; 4:31-38. As described in more detail below, it would be obvious to combine the bag of Peterson with any one of Barnett, Cote, or Galgano- all of which are also payout devices, but for cable payout systems rather than for a gas tubing payout system. Peterson and the aforementioned references are analogous art, at least in that they face similar problems related to payout of an item wound on a reel, including handling and mobility issues in practically carrying and implementing a device which allows for effective payout through a container and from a reel. The combination of Peterson with any one of these references would involve, for example, the simple substitution of the tubing reel device 10 of Peterson with a removable insert and cable reel, as

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		disclosed in any of Barnett, Cote, or Galgano. When combined with any of those references as described, the bag of Peterson would be a communications cable payout bag. ²
[Element 9A]	inserting a removable plastic insert and a cylindrical reel of communications cable supported by the removable insert in the main compartment,	<i>See also</i> Element 10B. <u>Peterson</u> The bag 102 of Peterson is designed to contain a tubing reel 54, which is supported by a tubing reel device 10 within the bag 102. <i>See</i> Abstract; 3:30-33; 4:29-41; <i>see also</i> Preamble Claim 9. The tubing reel 54 may be inserted into the main compartment of the bag 102, for example, through the zippered top 114, which allows it to be easily carried. <i>See</i> FIG. 8; 4:29-41. Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, the limitations of Element 9A are taught by, and obvious in view of, any of Barnett, Cote, or Galgano, as shown below, in combination with Peterson. <u>Barnett</u> In one alternative, Barnett discloses inserting a removable insert 28 and cylindrical cable reel 22 in a container 30 for dispensing cable, as shown below:³

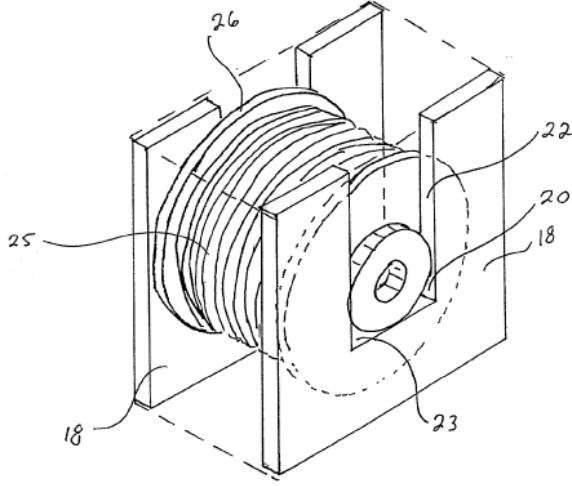
² Claim construction has not yet commenced. The reference to “communications cable” in the preamble is believed to be non-limiting. Further, the term “communications cable” merely refers to one type of wire or cable. To the extent the term “communications cable” differentiates from, and is not taught explicitly by, a prior art teaching related to a wire or cable, it would be an obvious modification thereof.

³ To the extent the removable insert disclosed in Barnett does not explicitly disclose the use of a “plastic” removable insert, this is an obvious modification. Plastics are commonly used materials which would be expected to function consistent with the functions of the removable inserts discussed herein. Further, certain prior art references explicitly disclose that plastic is one of the known materials used for similar removable inserts which support reels of cable. *See e.g.* Barnett, 1:47-52 (“For example, one conventional design uses plastic inserts to support the spool for rotation, which are expensive, require special tooling and molding equipment, and are likely provided by a source other than the wire container supplier itself, thus requiring coordination among multiple vendors.”); Cote, ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process.”); Galgano, 3:27-29; 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); U.S. Pat. No. 5,529,186, 5:33-39 (“Preferably, the end plate 30 is formed of a material such as polycarbonate, that is light-weight to ease in the transport of the boxed spool system of the present invention, but also that is a high-strength material resistant to significant

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. See Barnett 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and supported cable reel 22 are then inserted inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. See 4:3-12 (“Insert 28 is then positioned in container 30. Spool 22, wound with, for example, wire 24, is then placed over tube 25, and disposed in container 30, wherein tube 26 is received, seated and held in the cradle formed by support notches 48. An end of wire 24 is fed out of payout slot 70,

impact to protect the optic fiber cable, wire or the like.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		and retaining flap 64, and 66 are folded to the position illustrated by flap 64, and are next moved to the closed position; the trapezoidal-shape of the flaps facilitating movement of retaining flaps 64 and 66 from the open to the closed position.”); FIG. 2. One of ordinary skill in the art would have found it obvious to insert the reel of cable and removable insert supporting the reel of cable disclosed in Barnett into the main compartment of the bag of Peterson for cable payout. In particular, Peterson already discloses a reel of tubing being dispensed from within the interior of the main compartment of the bag, and Barnett’s removable insert is designed to improve cable payout from a container. <i>See e.g.</i> Barnett 2:1-10 (“The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff.”). Thus, it would be obvious to insert the removable insert and supported reel of cable of Barnett into the bag of Peterson, as it would involve the simple substitution of parts and would result in an improved cable payout device. To the extent the Court’s construction of “removable insert” precludes the removable insert 28 of Barnett from teaching the removable insert as claimed, the combination of the payout container 30 and removable insert 28 of Barnett would still teach this limitation. It would similarly be obvious to insert the entire payout container 30 and removable insert 28 of Barnett into the bag disclosed in Peterson for cable payout. <u>Cote</u> In another alternative, Cote discloses inserting a removable insert 18 and a cylindrical reel of cable (spool 26) into a box, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 Figure 4 See Cote, ¶ 4. The removable insert 18 is made of a plastic material, and generally supports the spool 26 (i.e. reel of communications cable) for dispensing a cable 25. ¶ 26 (“These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process... The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 and supported spool 26 are inserted into the interior of a main compartment of a box for dispensing cable 25. See ¶ 28 (“As illustrated in FIGS. 2 and 3, the spool 26 with the cable 25 is pre-packaged within the box. The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2,

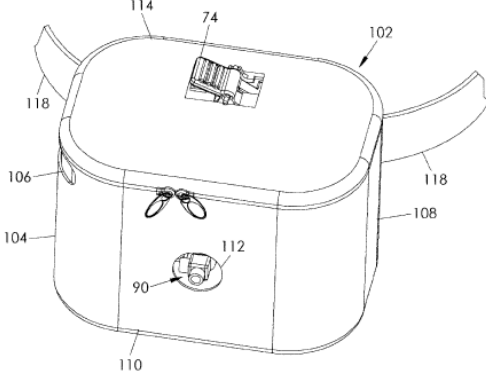
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		depending upon the particular needs and desire of the user of the box.”); ¶ 26; FIGs. 2-4; Claim 1. The reel of communications cable can then be withdrawn from the box through one of the openings. ¶ 28. See FIGs. 2-3, 9. One of ordinary skill in the art would have found it obvious to insert the reel of cable and removable insert supporting the reel of cable disclosed in Cote into the main compartment of the bag of Peterson for cable payout. In particular, Peterson already discloses a reel of tubing being dispensed from within the interior of the main compartment of the bag, and Cote discloses inserting the removable insert and supported spool of cable into a box to improve cable dispensing. See <i>e.g.</i> Cote, ¶ 8 (“A further advantage of an embodiment of the present invention is to provide an improved means of paying out cable at a steady rate, avoiding tangling and backlash of the cable.”); Abstract; ¶ 4-7. Thus, it would be obvious to insert the removable insert and supported reel of cable of Barnett into the bag of Peterson, as it would involve the simple substitution of parts and would result in an improved cable payout device. To the extent the Court’s construction of “removable insert” precludes the supports 18 of Cote from teaching a removable insert as claimed, the combination of the entire box of Cote, and components directly supporting the spool 26, including the supports 18, still teach this limitation. It would similarly be obvious to insert the entire box of Cote, along with the spool 26 and supporting components, including supports 18, into the bag of Peterson to improve cable payout. <u>Galgano</u> In another alternative, Galgano discloses inserting a removable insert (supports or caddies 200, 204) and supported cylindrical reel of cable 202 into a box (<i>e.g.</i> carton 10 or container 11) for dispensing cable, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to insert the reel of cable and removable insert supporting the reel of cable disclosed in Galgano into the main compartment of the bag of Peterson for cable payout. In particular, Peterson already discloses a reel of tubing being dispensed from within the interior of the main compartment of the bag, and Galgano discloses inserting the removable insert and supported spool of cable into a container to improve cable dispensing therefrom. <i>See e.g.</i> Galgano, Abstract; 1:45-65; 3:34-60; 4:48-50. Thus, it would be obvious to insert the removable insert and supported reel of cable of Galgano into the bag of Peterson, as it would involve the simple substitution of parts and would result in an improved cable payout device. To the extent the Court's construction of "removable insert" precludes the supports or caddies 200, 204 of Galgano from teaching a removable insert as claimed, the combination of the entire box (<i>e.g.</i> carton 10 or container 11) of Galgano, and components directly supporting the cable reel 202, including caddies 200, 204, also teach this limitation. It would similarly be obvious to insert the entire box of Galgano, along with the reel of cable and supporting components, including caddies 200, 204, into the bag of Peterson to improve cable payout.
[Element 9B]	wherein the reel of communications cable has a loose end of cable at an outer portion thereof,	<i>See also</i> Element 10B and Element 10D. It would be well understood by a person of skill in the art that a loose end of cable may be extruded from an outer portion of a reel of cable (for example, as discussed with respect to the other references below), as this is a common way of dispensing cable from a reel, and there are a limited number of alternative ways to do so. As such, this limitation would be obvious to one of skill in the art. Alternatively, each of Barnett, Cote, and Galgano disclose that the loose end of cable is at an outer portion of the reel of cable. <u>Barnett</u> The combination of Peterson and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is inserted within the bag of Peterson. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12. <u>Cote</u>

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		The combination of Peterson and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Peterson after it is inserted within the bag of Peterson. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28. <u>Galgano</u> The combination of Peterson and Galgano, as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is inserted within the bag of Peterson. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59.
[Element 9C]	and wherein the main compartment is constructed of a flexible material;	<i>See also</i> Element 10A. <u>Peterson</u> Claim construction has not yet commenced, and it is unclear how the term “flexible material” will be interpreted. Peterson discloses that reference numeral 102 is a “bag”, which inherently discloses a flexible material, in accordance with the teachings of the ‘697 Patent. To the extent the bag 102 of Peterson is not considered a flexible material, it would be obvious to modify the bag 102 of Peterson to make the main compartment a flexible material to allow it to better accommodate the removable insert for cable payout, as bags made of a flexible material are well known in the art, including bags used to payout cable and wire. (<i>See</i> Exhibit A, Element 10A; Exhibit B, Element 10A; Exhibit C, Element 10A).
[Element 9D]	aligning the loose end of cable from the outer portion of the reel of communications cable with the cable payout passageway; and	<i>See also</i> Element 10D. This limitation is obvious in view of the knowledge of one of ordinary skill in the art. In any cable dispensing system in which cable is dispensed from a reel of cable and through a cable payout passageway, aligning the loose end of the cable with that passageway would be at least obvious (or inherently required) to reduce friction between the cable and passageway and allow for easier dispensing. Alternatively, this limitation would also be obvious in any of the combinations with Peterson disclosed herein, as each of Barnett, Cote, and Galgano, disclose this limitation. <u>Barnett</u>

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		As shown in FIGs. 1-3 of Barnett, the loose end of cable 24 from the outer portion of the reel is aligned with the cable payout passageway (<i>i.e.</i> slot 70) in the outermost container 30 when dispensing cable. Therefore it would be obvious when the cable reel of Barnett is inserted into the bag of Peterson to align the loose end of cable with the payout passageway of the bag of Peterson. <u>Cote</u> As shown in FIGs. 2-3 of Cote, the loose end of cable from the outer portion of the reel is aligned with the cable payout passageway through the surrounding box when dispensing cable. Therefore it would be obvious when the reel of cable of Cote inserted into the bag of Peterson to align the loose end of cable with the payout passageway of the bag of Peterson. <u>Galgano</u> As disclosed in Galgano, the loose end of cable from the outer portion of the reel 202 is aligned with the cable payout passageway (<i>i.e.</i> slot 22) through the surrounding box when dispensing cable. <i>See</i> FIG. 1; 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspooled.”). Therefore it would be obvious when the reel of cable of Galgano is inserted into the bag of Peterson to align the loose end of cable with the payout passageway of the bag of Peterson.
[Element 9E]	pulling the loose end of cable through the cable payout passageway.	<i>See also</i> Element 10B below. As discussed above, Peterson in combination with any of Barnett, Cote, or Galgano discloses a method of dispensing cable which includes a cable payout passageway. <i>See</i> Element 9A and Element 9D. It would be obvious to one of skill in the art to pull the loose end of cable through the cable payout passageway when using a cable dispensing device which included a cable payout passageway, as that is the primary design function of including a cable payout passageway. Alternatively, this limitation is obvious in any of the combinations with Peterson disclosed herein, as each of Barnett, Cote, and Galgano, disclose this limitation.

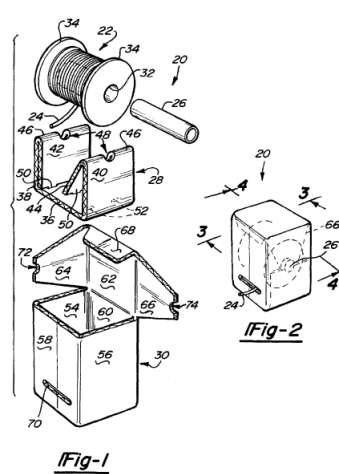
Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Barnett</u> Barnett discloses that the loose end of wire 24 is pulled through the slot 70 in the container 30. See 4:7-10 (“An end of wire 24 is fed out of payout slot 70, and retaining flap 64, and 66 are folded to the position illustrated by flap 64, and are next moved to the closed position...”); FIG. 2. Thus, it would be obvious to pull the loose end of cable through the cable payout passageway in the bag of Peterson when Peterson and Barnett are combined as indicated above. <u>Cote</u> Cote discloses that the loose end of cable 25 is pulled through the opening in the surrounding box to dispense cable. ¶ 28 (“The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2, depending upon the particular needs and desire of the user of the box”); See FIGs. 2-3, 9. Thus, it would be obvious to pull the loose end of cable through the cable payout passageway in the bag of Peterson when Peterson and Cote are combined as indicated above. <u>Galgano</u> Galgano discloses that a loose end of cable is pulled through the opening (slot 12) in the surround carton 10 to dispense cable. 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspool.”). Thus, it would be obvious to pull the loose end of cable through the cable payout passageway in the bag of Peterson when Peterson and Galgano are combined as indicated above.
[Preamble Claim 10]	A communications cable payout bag, comprising:	<u>Peterson</u> Peterson discloses a bag 102 which is used to carry a reel of gas tubing for dispensing, as shown in FIG. 1:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 FIG. 8 “Further, the tubing reel device 10 may include a carrying apparatus in the form of a bag 102 with straps 118 (FIG. 8).” 4:29-31. Peterson generally discloses a device for distributing gas tubing, including a tubing reel device 10 which supports a tubing-reel 54. <i>See</i> Abstract; 3:30-33. The tubing reel device 10 is inserted into a bag 102, which allows it to be conveniently carried. 4:29-41. As described in more detail below, it would be obvious to combine the bag of Peterson with any one of Barnett, Cote, or Galgano- all of which are cable payout devices. Peterson and the aforementioned references are analogous art, at least in that they face similar problems related to payout of an item wound on a reel, including handling and mobility issues in practically carrying and implementing a device which allows for effective payout through a container and from a reel. The combination of Peterson with any one of these references would involve, for example, the simple substitution of the tubing reel device 10 of Peterson with a removable insert and cable reel, as disclosed in any of Barnett, Cote, or Galgano. When combined with any of those references as described, the bag of Peterson would be a communications cable payout bag.⁴

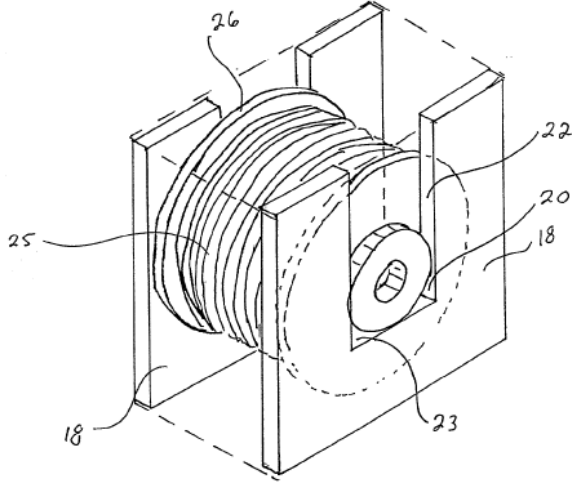
⁴ Claim construction has not yet commenced. The preamble limitation specifying that the cable bag be a “communication” cable bag is a non-limiting intended use. To the extent this limitation is construed as a structural limitation of the bag, any such structural limitation would be inherently taught by, or an obvious modification to, the bag disclosed by Peterson, as modified in combination with other references herein. *See e.g.* Element 10C.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
[Element 10A]	a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;	<u>Peterson</u> See Preamble Claim 10. The bag 102 of Peterson includes a main compartment formed between walls 104, 108, 110, and bottom and top panels. See FIG. 8; 4:31-38. The main compartment includes an interior (<i>i.e.</i> where the tubing reel device 10 is located in FIG. 8), and an exterior, and is openable and closable via the zippered top 114. <i>Id.</i> Claim construction has not yet commenced, and it is unclear how the term “flexible material” will be interpreted. Peterson discloses that reference numeral 102 is a “bag”, which inherently discloses a flexible material, in accordance with the teachings of the ‘697 Patent. To the extent the bag 102 of Peterson is not considered a flexible material, it would be obvious to modify the bag 102 of Peterson to make the main compartment a flexible material to allow it to better accommodate the removable insert for cable payout, as bags made of a flexible material are well known in the art, including bags used to payout cable and wire. (See Exhibit A, Element 10A; Exhibit B, Element 10A; Exhibit C, Element 10A).
[Element 10B]	a removable insert within the interior of the main compartment; 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;	<u>Peterson</u> See Preamble Claim 10 (discussing combination of Peterson with Barnett, Cote, or Galgano). The bag 102 of Peterson is designed to contain a tubing reel 54, which is supported by a tubing reel device 10 within the bag 102. See Abstract; 3:30-33; 4:29-41. Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, the limitations of Element 10B are taught by any of Barnett, Cote, or Galgano, as shown below, which each teach a cable payout device, in combination with Peterson. As discussed below, it would be obvious to insert a removable insert and reel of communications cable, as disclosed in any of Barnett, Cote, or Galgano, inside the bag of Peterson. This would result in a communications cable payout bag which realizes the benefits of the bag of Peterson (<i>e.g.</i> convenience in holding the removable insert and mobility / carry ability)⁵ as well as the cable payout benefits of, respectively, Barnett, Cote, or Galgano.

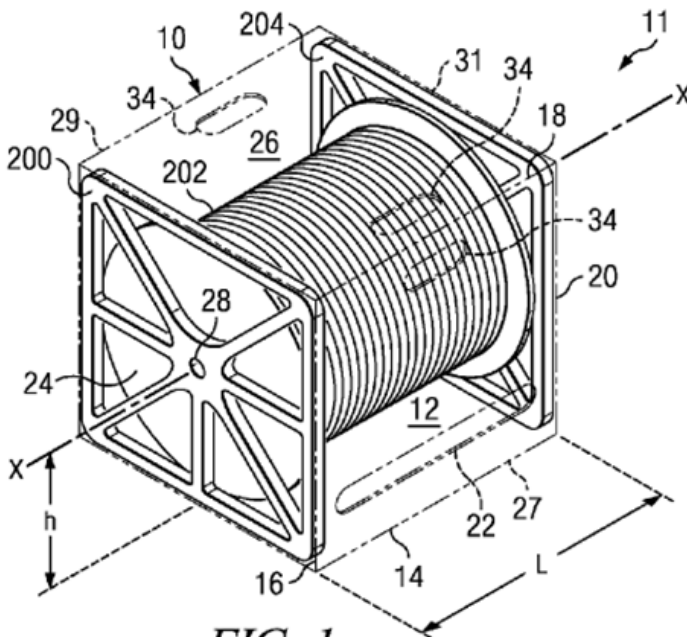
⁵ See Peterson 4:29-41.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Barnett</u> In one alternative, Barnett discloses a cable dispensing device that utilizes a removable insert 28, as shown below:  The removable insert 28 generally supports the cable reel 22 for dispensing cable 24. <i>See</i> Barnett 1:62-2:22; 2:66-4:12. In particular, the removable insert 28 includes a base portion 36 between end walls 38, 40 with supporting flaps 42, 44. 3:22-25 (“Insert 28 includes a base portion 36, a pair of end walls 38 and 40 extending vertically from opposing ends of base 36, and a pair of support flaps 42 and 44 extending from vertical end walls 38 and 40, respectively.”). The cable reel 22 has a central bore positioned around a tube 26. 3:11-14 (“The spool includes a centrally-disposed through-bore 32 sized to accommodate tube 26, and flanges 34 for retaining wound wire 24.”). The end walls 38, 40, and supporting flaps 42, 44 include notches 48 which support the tube 26, thereby supporting the cable reel 22 while allowing rotation. 1:62-2:22; 2:66-4:12. The removable insert 28 and cable reel 22 can then be placed inside the container 30, and a loose end of wire 24 at the outer portion of the cable reel 22 can be dispensed through a payout slot 70 in the container 30. <i>See</i> 4:3-12; FIG. 2. One of ordinary skill in the art would have found it obvious to modify the bag of Peterson to include the removable insert for supporting a reel of cable within the interior of the main

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		compartment of the cable payout bag as disclosed in Barnett. In particular, Peterson already discloses a reel of tubing being dispensed from within the interior of the main compartment of the bag, and Barnett's removable insert is designed to improve cable payout from a container. <i>See e.g.</i> Barnett 2:1-10 ("The support is, in a preferred embodiment, disposed inside the container and is provided for receiving and supporting the axle upon which the spool will rotate. The retaining flaps of the container each have a flute or notch corresponding to the shape and size of the axle so that when the retaining flaps are moved from an open position to a closed position to close the container, the flaps engage the axle. This engagement holds the axle and the support firmly in place, thus providing a sturdy package for improved wire payoff."). Thus, it would be obvious to substitute the tubing reel device from Peterson with a reel of cable supported by the removable insert disclosed in Barnett, particularly for an improved cable payout device as disclosed in Barnett. Further, Barnett already discloses use of the removable insert 28 within a cable payout container 30. Thus, the combination of Peterson and Barnett would involve the simple substitution of the container of Barnett with the bag of Peterson to yield a cable payout system with the disclosed benefits of each system. To the extent the Court's construction of "removable insert" precludes the removable insert 28 of Barnett from teaching the removable insert as claimed, the combination of the payout container 30 and removable insert 28 of Barnett would still teach this limitation. It would similarly be obvious to insert the entire payout container 30 and removable insert 28 of Barnett within the bag disclosed in Peterson for cable payout. <u>Cote</u> In another alternative, Cote discloses an apparatus for dispensing cable wire including a removable insert 18, as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 Figure 4 See Cote, ¶ 4. The removable insert 18 generally supports the spool 26 (i.e. reel of communications cable) for dispensing a cable 25. ¶ 26 (“The supports 18 are each formed with an integrally defined journal to function as an axle or spindle support 20 in the preferred embodiment.... A spool 26 of wire or cable 25 is conventionally formed with a spool 26 supported on a spindle 24 with the spindle 24 preferably integrally formed within the spool...”). The removable insert 18 is positioned within an interior of a main compartment of a box for dispensing cable 25. ¶ 26 (“Positioned within the box is an interior support, with its relative position within the box illustrated in FIG. 4.”); See FIGs. 2-4; Claim 1. The reel of communications cable has a loose end at an outer portion thereof. ¶ 28 (“The free end of the cable 25 may be drawn or fed from the box either through the handle opening 15 as illustrated in FIG. 3 or, alternately, through the large opening 11 as shown in FIG. 2, depending upon the particular needs and desire of the user of the box”). See FIGs. 2-3, 9.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to modify the bag of Peterson to include the removable insert for supporting a reel of cable within the interior of the main compartment of the cable payout bag as disclosed in Cote. In particular, Peterson already discloses a reel of tubing being dispensed from within the interior of the main compartment of the bag, and the removable insert disclosed in Cote is designed to improve cable payout from a container. <i>See e.g.</i> Cote, Abstract (“The box having features to allow efficient dispensing of cable in measured amounts.”). Thus, it would be obvious to substitute the tubing reel device from Peterson with a reel of cable supported by the removable insert disclosed in Cote, particularly for an improved cable payout device as disclosed in Cote. To the extent the Court’s construction of “removable insert” precludes the supports 18 of Cote from teaching a removable insert as claimed, the combination of the entire box 1, and components directly supporting the spool 26, including the supports 18, also teach this limitation. It would similarly be obvious to combine these components with Peterson, replacing the existing reel of tubing in Peterson with the reel of cable (<i>i.e.</i> spool 26) and supporting components of Cote for an improved cable payout device as described above. <u>Galgano</u> In another alternative, Galgano discloses a box (<i>e.g.</i> carton 10 or container 11) for dispensing communications cable that includes a removable insert (supports or caddies 200, 204), as shown below:

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		 FIG. 1 See Abstract; 2:48-59. The removable insert supports a cable reel within the communication cable dispensing box. See Abstract; 1:45-65; FIGs. 1-3. In particular, the removable insert provides opposing bushings 206 which allow for rotation of a cable reel 202 within the box. See FIG. 2; Abstract; 1:45-65; 3:34-60; 4:48-50. In use, a loose end of cable is pulled from the outer portion of the cable reel through the slot 22 to dispense cable. 2:53-59 (“The front panel 12 preferably has, in a lower portion thereof, an elongate die-cut cable dispensing or payout slot 22 through which cable or wire may be pulled. The slot 22 is elongate in a direction parallel to a cable reel axis X and is long enough to permit cable to come off the reel at right angles to the reel axis and through the slot 22, no matter where on the reel the cable is presently being unspooled.”).

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		One of ordinary skill in the art would have found it obvious to modify the bag of Peterson to include the removable insert for supporting a reel of cable within the interior of the main compartment of the cable payout bag as disclosed in Galgano. In particular, Peterson already discloses a reel of tubing being dispensed from within the interior of the main compartment of the bag, and the removable insert disclosed in Galgano is designed to improve cable dispensing from a container. <i>See e.g.</i> Abstract; 1:45-65; 3:34-60; 4:48-50. Thus, it would be obvious to substitute the tubing reel device from Peterson with a reel of cable supported by the removable insert disclosed in Galgano, particularly for an improved cable payout device as disclosed in Galgano. To the extent the Court’s construction of “removable insert” precludes the supports or caddies 200, 204 of Galgano from teaching a removable insert as claimed, the combination of the entire box (e.g. carton 10 or container 11) of Galgano, and components directly supporting the cable reel 202, including caddies 200, 204, also teach this limitation. It would similarly be obvious to combine these components with Peterson, replacing the existing reel of tubing in Peterson with the reel of cable and components supporting it from Galgano to improve cable payout.
[Element 10C]	a shoulder strap attached to the exterior of the main compartment;	<u>Peterson</u> Peterson teaches that the bag 102 includes a strap 118 attached to the exterior of the main compartment, as shown in FIG. 8. 4:28-41. Peterson discloses that the strap 118 can be used to secure the bag 102 to a user’s waist. <i>Id.</i> Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “shoulder strap.” While Peterson does not specifically mention strap 118 being used as a shoulder strap, the strap 118 appears to be structurally similar to a shoulder strap as disclosed in the ‘697 Patent. Thus, the strap 118 of Peterson discloses a shoulder strap in accordance with Element 10C. <u>Hickey or Young</u> To the extent the construction of “shoulder strap” precludes the strap 118 of Peterson from teaching this limitation, it would be obvious to the strap 118 of Peterson to be a shoulder strap in accordance with Element 10C. Use of shoulder straps on the exterior of the main compartment of equipment bags is well known in the art. For example, Hickey discloses shoulder straps attached to the exterior of the main compartment as part of a cable payout

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		device. <i>See</i> Hickey, 1:1-6; Claims 1-4. Similarly, Young teaches a shoulder strap 22 attached to the exterior of the main compartment of a communications cable payout bag. <i>See</i> Young, Abstract; 4:28-30; 5:27-30. Thus, it would be obvious to further modify Peterson to include a shoulder strap, as disclosed in Hickey or Young, to facilitate carrying the bag during cable payout.
[Element 10D]	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	<u>Peterson</u> The bag 102 of Peterson includes two openings, 106 and 112, through which tubing may pass between the interior and exterior of the bag, which is a cable payout passageway⁶ defined between the interior and the exterior of the main compartment. <i>See</i> 4:34-35; FIG. 8. Further, when Peterson is combined with Barnett, Cote, or Galgano, as discussed above, the loose end of cable being dispensed from the outer portion of the reel would be received through the cable payout passageway, as discussed below. <u>Barnett</u> The combination of Peterson and Barnett, as discussed above, would dispense cable from the cable reel and removable insert of Barnett after it is placed within the communications cable bag of Peterson. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Barnett. <i>See</i> Barnett, FIGs. 1-3; 1:62-2:22; 2:66-4:12. <u>Cote</u> The combination of Peterson and Cote, as discussed above, would dispense cable from the cable reel and removable insert of Cote after it is placed within the communications cable bag of Peterson. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Cote. <i>See</i> Cote, FIGs. 2-3, 9; ¶ 28. <u>Galgano</u> The combination of Peterson and Galgano as discussed above, would dispense cable from the cable reel and removable insert of Galgano after it is placed within the communications cable

⁶ Peterson, as modified in combination with Barnett, Cote, or Galgano would result in a cable payout device, as described above, and therefore the payout passageway would be a cable payout passageway.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		bag of Peterson. Therefore, the cable would be dispensed from the outer portion of the reel of cable, as is disclosed in Galgano. <i>See</i> Galgano, FIGs. 1-2, 9; 2:53-59.
[Element 10E]	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;	<u>Peterson</u> Peterson discloses a zippered top 114 (i.e. closure mechanism) which is configured to close the main compartment. <i>See</i> FIG. 8; 4:31-38. Therefore, when Peterson is combined with Barnett, Cote, or Galgano, closing the zippered top 114 would close the removable insert and the reel of communications cable in the interior of the main compartment.
[Element 10F]	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.	<u>Peterson</u> Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “substantially rectangular.” Peterson discloses a main compartment of a bag which has a substantially rectangular profile when the reel of tubing is closed within the interior. <i>See</i> FIG. 8. As modified, the removable insert and the reel of communications cable of Barnett, Cote, or Galgano would be within the interior rather than the reel of tubing, while the main compartment of the bag of Peterson would still be a substantially rectangular shape. Alternatively, the bag of Peterson would conform to the shape of the removable insert and reel of communications cable disclosed in one of Barnett, Cote, or Galgano when combined therewith, as shown below. <u>Barnett</u> The removeable insert 28 of Barnett is a rigid material and has a substantially rectangular profile.⁷ <i>See</i> 3:20-22 (“Insert 28 is, in the preferred embodiment, unitary and may be formed using two-layer, triple-faced corrugated boxboard.”); FIGs. 1-4. Therefore when the removable insert of Barnett is inserted into the main compartment of the bag of Peterson, the flexible main compartment of Peterson would adapt to, and take on, the substantially rectangular shape of the removable insert.

⁷ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the container 30 of Barnett would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. *See e.g.* Abstract; FIG. 1.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Cote</u> The removable insert 18 of Cote is a rigid material and has a substantially rectangular profile. See ¶ 26 (“The interior support is preferably formed of two opposed rigid supports 18. These rigid supports 18 may comprise STYROFOAM (expanded plastic made from polystyrene) or other rigid plastic elements made through a molding, blow forming, or other plastic forming process. Alternatively, the rigid supports may also be comprised of internal panels of cardboard that may be integrally formed from the same sheet of cardboard used to form the box. The supports are positioned parallel to one another on the inner surfaces of the side walls 1 in a spaced relation.”); FIG. 4.⁸ Therefore when the removable insert of Cote is inserted into the main compartment of the bag of Peterson, the flexible main compartment of Peterson would adapt to, and take on, the substantially rectangular shape of the removable insert. <u>Galgano</u> The removeable insert (caddies 200, 204) of Galgano is a rigid material (e.g. hard plastic) and has a substantially rectangular profile when supporting a cable reel. See 3:51-53 (“Since caddies 200, 204 are preferably molded of a hard plastic, the surfaces of bushings 206 tend to have a low amount of friction and can be used without augmentation.”); FIGs. 1-2; see also 3:64-4:2 (explaining that the caddies 200, 204 have dimensions conforming to the interior of the carton 10, which is rectangular).⁹

⁸ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the box of Cote would likewise meet this limitation as it is a substantially rectangular shape and made of cardboard. See FIGs. 1-3; ¶ 9 (“The box comprising a pair of opposed, rectangular side walls, a front wall adjacent to each of the pair of side walls, a back wall adjacent to each of the pair of side walls and opposite from the front wall, a top wall adjacent to each of the pair of side walls, with the front wall and the back wall and a bottom wall adjacent to each of the pair of side walls and opposite the top wall.”); ¶ 23 (“The present invention comprises a box preferably formed of heavy duty corrugated cardboard or other relatively stiff cardboard or other material which is rugged, capable of supporting heavy contents, and typically used for shipping spools of wire and cable”).

⁹ To the extent the Court’s construction of “removable insert” requires a rectangular box as shown in the ‘697 Patent, the carton 10 (or container 11) of Galgano would likewise meet this limitation as it is a substantially rectangular shape and made of corrugated cardboard. See FIGs. 1-2, 9; 2:48-53

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		Therefore when the removable insert of Galgano is inserted into the main compartment of the bag of Peterson, the flexible main compartment of Peterson would adapt to, and take on, the substantially rectangular shape of the removable insert.
[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.	<u>Peterson</u> Peterson discloses a single strap 118 on the bag 102 disclosed therein. <i>See</i> Element 10C. It would be obvious to modify the bag of Peterson (as combined with another reference as disclosed herein) to change the strap 118 to a single adjustable shoulder strap which can be adjusted to a length of 37 inches. For example, it would be obvious to combine Peterson with either Hickey or Young, as discussed in more detail below, each of which disclose an adjustable shoulder strap as part of a cable payout device. <u>Hickey or Young</u> Hickey teaches an adjustable shoulder 7 attached to the exterior of the main compartment, as shown in FIG. 1. <i>See also</i> 1:1-6; 2:22-27; Claims 1-4.¹⁰ Similarly, Young teaches an adjustable shoulder strap 22 attached to the exterior of the main compartment of the communications cable payout bag (container/dispenser 10), as shown in FIGs. 1-2. <i>See also</i> 4:28-30; 5:27-30. The shoulders straps disclosed in Hickey and Young are both adjustable, and therefore each inherently discloses, or at least renders obvious, the use of a single shoulder strap that can be adjusted to a length of 37 inches. For example, 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.’” <i>In re Applied Materials, Inc.</i>, 692 F.3d 1289, 1295, 1297 (Fed. Cir. 2012) (quoting

(“Carton 10 is preferably formed of a single sheet of corrugated cardboard and includes a front panel 12 having a bottom side 14, a left side 16, a top side 18 and a right side 20.”).

¹⁰ While claim 11 recites a “single” adjustable shoulder strap, it also uses the open-ended transitional phrase “comprises.” Thus, the claim limitation of a single adjustable shoulder strap is taught by the disclosure of two shoulder straps of Hickey. In the alternative, using a single adjustable shoulder strap rather than two adjustable shoulder straps would be an obvious modification, as devices with a single shoulder strap are well known in the art.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<i>In re Aller</i> , 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.”)). Accordingly, adjusting and optimizing the length of the adjustable shoulder strap is nothing more than the exercise of ordinary skill in the art. <i>Iron Grip Barbell Co. v. USA Sports, Inc.</i> , 392 F.3d 1317, 1322-23 (Fed. Cir. 2004); <i>In re Huang</i> , 100 F.3d 135, 139 (Fed. Cir. 1996).
[Claim 12]	The communications cable payout bag of claim 10, further comprising at least one storage pouch on the exterior of the main compartment.	<u>Knowledge of a POSITA</u> This limitation is obvious in view of the knowledge of one of skill in the art. In particular, exterior storage pouches are a well known feature on bags, including bags for carrying tools and equipment (<i>see e.g.</i> references listed below with respect to Claim 12).¹¹ It would have been obvious to one of skill in the art to add a storage pouch on the exterior of the main compartment of the bag of Peterson (as combined with another reference as disclosed herein) to provide additional stroage for tools used during cable payout and related work. In the alternative, this limitation is obvious over Peterson (as combined with another reference as disclosed herien), in combination with Redzsiz, Hickey, or Thurner as shown below. <u>Redzsiz</u> Redzsiz discloses a storage and carrying case which, in various embodiments, utilizes a number of auxiliary pouches (or pockets) on the exterior of the main compartment of a tool bag. <i>e.g.</i> ¶ 42 (“Thus, as illustrated, additional pouches, such as pouch 142 with a zipper fastener or closure 144, may be provided on a backside panel 104. End panel 102 may include pouches 146 and 148 each with its own flap 150 and 152, respectively. Thus, the versatility of the construction of bags of the nature named and described is clearly apparent.”); <i>see also</i> ¶ 37. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Redzsiz with the cable payout bag of Peterson (as combined with another reference herein) to provide for additional storage for tools, equipment, or the like, and increase the overall versatility of the bag. <i>Id.</i>

¹¹ While the prior art is replete with exterior storage pouches in accordance with the limitations of claim 12, a few additional exemplary references showing such storage pouches in the prior art include the following: US 6,655,529; US 7,534,041; US 2005/0189388A1; and US 2008/0179370A1.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Hickey</u> Hickey discloses a wire holder or carrier 10, which is a payout bag for distributing wire. <i>See</i> FIGs. 1, 3; 1:47-51; 2:31-32; 2:46-60; 3:10-14; 3:21-23. Hickey discloses two storage pouches 9 (or pockets), which are on the exterior of the main compartment (<i>e.g.</i> wire holder or carrier 10), as shown in FIG. 4. Hickey discloses that these pouches may be used for holding tools, such as wire manipulating and cutting pliers. 2:27-30. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Hickey with the cable payout bag of Peterson (as combined with another reference herein), to provide for additional storage for tools. <i>Id.</i> <u>Turner</u> Turner discloses a storage device (<i>i.e.</i> tool pouch 100) for carrying tools, construction materials, or other similar devices. <i>See</i> Abstract; ¶ 2, 10-12; FIGs. 1-4. Turner discloses a first storage compartment 102 in the main compartment of the pouch 100. <i>Id.</i> A second storage compartment 128 is on the exterior of the main compartment, as shown in FIGs. 2-4. <i>See also</i> ¶ 13. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Turner with the cable payout bag of Peterson (alone or as combined with another reference herein), to provide for additional storage for tools. Turner, ¶ 13.
[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.	The '697 Patent discloses a number of cable locks, and specifically discloses that the shoulder straps of the cable payout bag may be considered a cable lock configured to secure the loose end of the cable. 7:45-59; <i>see also</i> FIG. 6 (showing shoulder strap 280 securing loose cable end 228). <u>Peterson</u> This limitation is taught by Peterson. Peterson teaches a strap 118 (which could also be modified as discussed in Element 10C to be a shoulder strap as claimed). <i>See</i> Element 10C. In accordance with the teachings of the '697 Patent, the strap 118 of Peterson, alone or as modified, is a cable lock configured to secure the loose end of the cable on the exterior of the

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		main compartment. The strap 118 of Peterson is adjacent the cable payout passage (opening 106 or 112).¹² However, to the extent the Court’s constructions preclude the strap 118 of Peterson, alone or as modified, from teaching a cable lock as claimed, this limitation is obvious over one or more of the following combinations. <u>Knowledge of a POSITA</u> This limitation is an obvious modification of Peterson (as combined with another reference as disclosed herein) in view of the knowledge of one of ordinary skill in the art. Shoulder straps are a well known feature on bags, including bags for carrying tools and equipment. Further, Peterson already discloses a strap 118 for carrying the bag. <i>See</i> Element 10C. Therefore, it would have been obvious for one of skill in the art to modify the strap of Peterson to function as a cable lock in accordance with the limitations of claim 13, in order to retain the loose end of the dispensed cable when not in use. <u>Cote</u> Cote includes a cable lock 19 configured to secure a loose end of cable on the exterior of the main compartment. <i>See</i> FIG. 10; ¶ 29 (“One aspect of the invention includes a cable lock 19 that can be used to hold the free end of the cable. This lock 19 is illustrated in FIG. 10. The lock would likely be used when only a portion of the cable in the box has been dispensed and the remaining portion is stored. In such a situation, the free end of the cable is wedged between the die cut handle opening 15 and the corresponding portion of the box. The wedging action locks the cable in place until it needs to be dispensed again.”). The cable lock 19 operates through opposing flaps of handle opening 15, located on the exterior of the box, which wedge the free end of the cable against the box to lock the cable in place. <i>Id.</i> The cable lock is adjacent the cable payout passageway, the passageway running between the flaps of handle opening 15 as shown on FIG. 3. <i>See also</i> ¶ 24. It would be obvious to combine the cable lock of Cote with the bag of Peterson (as combined with another reference herein), to lock the loose end of the cable in place between uses. <i>See</i> ¶ 29.

¹² The term “adjacent” as used in claim 13 of the ‘697 Patent should be found indefinite, at least in view of the intrinsic record. However, to the extent “adjacent” is found to be definite, FIG. 6 of the ‘697 Patent shows a shoulder strap 280 and cable payout passage 230 that are similarly positioned to the strap 118 and cable payout passageways 106, 112 of Peterson.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		<u>Eastwood</u> Eastwood teaches a cable lock in accordance with Claim 13. Eastwood discloses a caddy for carrying and dispensing spools of wire through an aperture in the caddy. <i>See</i> FIGs. 13, 19. The caddy of Eastwood can include a wire retainer (<i>e.g.</i> reference numeral 50 of FIGs. 23 and 25) projecting from a surface of the exterior of the main compartment (<i>e.g.</i> the exterior of caddy 2) adjacent the cable payout passageway (<i>e.g.</i> reference numeral 29 of FIG. 23). <i>See</i> 8:22-27. The wire retainer 50 functions as a cable lock by providing a pair of opposing members between which a cable is secured, or by providing a single member around which the cable may be wound and secured, after the loose end of the cable passes to the exterior of the main compartment of the caddy 2. 8:33-41. It would be obvious to combine the cable lock of Eastwood with the bag of Peterson (as combined with another reference herein), to secure the loose end of the cable and prevent it from retracting or unwinding when not in use.

EXHIBIT E

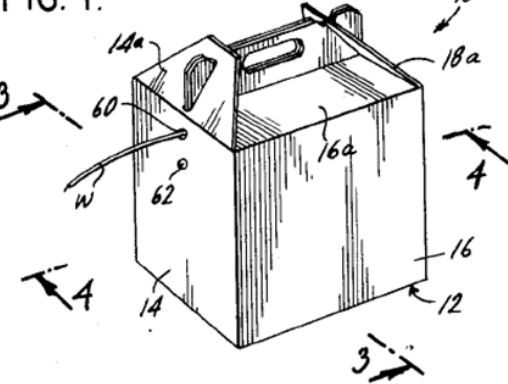
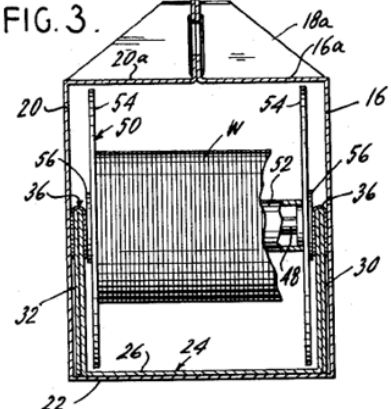
EXHIBIT E

Invalidity Claim Chart (U.S. Pat. No. 9,266,697 (the “’697 Patent”) is obvious in view of U.S. Pat. No. 3,150,769 to Cohn, the knowledge of one skilled in the art at the time of the invention, and the other references disclosed herein)

- A. Claims 10 and 11 of the ’697 Patent are obvious over U.S. Pat. No. 3,150,769 (“Cohn”) in view of the knowledge of one skilled in the art at the time of the invention, in combination with U.S. Pat. No. 5,337,933 (“Nunez”).
- B. Claim 12 of the ’697 Patent is obvious over Cohn in view of the knowledge of one skilled in the art at the time of the invention and Nunez, in combination with U.S. Pat. Pub. No. 2007/0062997 (“Thurner”).
- C. Claim 13 of the ’697 Patent is obvious over Cohn in view of the knowledge of one skilled in the art at the time of the invention and Nunez, in combination with U.S. Pat. No. 7,320,445 (“Eastwood”).

Asserted Claim	’697 Patent Claim Language/Elements	Prior Art
[Preamble Claim 10]	A communications cable ¹ payout bag, comprising:	<i>See also</i> , Element 10A and Element 10B. <u>Cohn</u> Cohn discloses a cable payout device 10, which is designed to transport and paying out cable wound on a reel, as shown below:

¹ Claim construction has not yet commenced. The reference to “communications cable” in the preamble is believed to be non-limiting. Further, the term “communications cable” merely refers to one type of wire or cable. To the extent the term “communications cable” differentiates from, and is not taught explicitly by, a prior art teaching related to a wire or cable, it would be an obvious modification thereof.

Asserted Claim	'697 Patent Claim Language/Elements	Prior Art
		FIG. 1.  FIG. 3.  See 1:9-67; 2:15-30; FIGs. 1-4. The reel of cable (<i>i.e.</i> wire spool 50) is supported by various components, including a U-shaped cradle 24 and spindle 48, which assist in rotation for cable payout. 2:31-3:5; Claim 1. The cradle, reel of cable, and related components are placed within the box 12. 3:18-22. The box includes a cable payout passageway 60, which allows cable to be dispensed, from the cable reel, out of the box. See 1:62-67; 3:20-22; FIG. 1. Cohn includes top flaps which hook together to form a handle for carrying the device. See 2:26-30; FIG. 1. <u>Nunez</u> Nunez discloses a multipurpose carrier bag 10 for electricians and telecommunication installers. See Abstract; 1:5-9; 3:18-20; FIGs. 1, 5-6. Bag 10 has a lid flap 52, a front rectangular flap 58, and two rectangular side flaps 64 and 76, forming an interior for carrying and storing articles, such as mechanical tools, electronic and telecommunication tools, and carpentry and electrical tools. See 2:23-34; 3:67-4:6; FIGs. 1-3. An adjustable shoulder strap 12 allows the bag 10 to be carried over the user's shoulder, keeping both of their hands free. 2:48-50; 3:20-47; FIG. 1. One of skill in the art would find it obvious to combine Cohn and Nunez. Cohn discloses a cable payout device that must be carried by a handler. Nunez discloses a bag for carrying articles that can be carried by an adjustable shoulder strap 12, allowing a worker to free up both of their hands. Thus, it would be obvious to combine Cohn and Nunez, inserting the device of

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		Cohn into the bag of Nunez and replacing the top flaps of Cohn with the top flap and shoulder straps of Nunez, to provide a cable payout device which can be easily carried.
[Element 10A]	a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;	<u>Nunez</u> The bag of Nunez includes a main compartment (defined by flaps 52, 58, 64, 76, 84, 86) constructed of a flexible material, and which includes an interior and an exterior. <i>See</i> 1:14-18; 4:5- 3-53; 5:4-8; Claim 1; FIGs. 1-3. The main compartment of Nunez is openable and closeable through the operation of zippers 38, 40, 42, 44. 2:23-47; 3:52-4:4; 4:10-12; <i>See e.g.</i> FIG. 1.
[Element 10B]	a removable insert within the interior of the main compartment; 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;	Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “removable insert.” However, the combination of Cohn and Nunez, as described above, would meet this limitation in accordance with the teachings of the '697 Patent. <i>See</i> Preamble Claim 10. <u>Cohn</u> Cohn discloses a reel of cable (<i>i.e.</i> spool 50) that is supported by a removable insert comprised of various components, including a U-shaped cradle 24 and spindle 48, within the interior of a box 12. 2:31-3:5; Claim 1; FIGs. 1-4. In the combination of Cohn and Nunez described herein, the reel of cable, removable insert, and surrounding box are all placed within the interior of the main compartment of the bag of Nunez. As shown in FIGs. 1 and 4 of Cohn, the reel of cable has a loose end (<i>i.e.</i> wire W) at the outer portion of the reel of cable. <i>See</i> 1:63-67.
[Element 10C]	a shoulder strap attached to the exterior of the main compartment;	<u>Nunez</u> Nunez discloses a shoulder strap 12 attached to the exterior of the main compartment. 2:48-50; 3:20-51; FIG. 1.
[Element 10D]	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	<u>Nunez</u> Claim construction has not yet commenced, and therefore it is unclear how the Court will construe the term “cable payout passageway.” Nunez discloses that the main compartment of the bag can be opened and closed by zippers, which could be partially opened to create a cable

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	end of cable from the outer portion of the reel of communications cable; and	payout passageway between the interior and exterior of the main compartment. 2:23-47; 3:52-4:4; 4:10-12; <i>See e.g.</i> FIG. 1. To the extent this disclosure does not constitute a “cable payout passageway” as claimed in Element 10D, Cohn teaches a cable payout passageway in accordance with Element 10D. <u>Cohn</u> The box of Cohn includes a cable payout passageway 60 between the interior and exterior of the main compartment of the box 12. <i>See</i> 1:62-67; 3:20-22; FIG. 1. As shown in FIGs. 1 and 4 of Cohn, the reel of cable has a loose end (<i>i.e.</i> wire W) at the outer portion of the reel of cable which is passed through the cable payout passageway 60 to dispense cable. <i>See</i> 1:63-67. It would be obvious to incorporate the cable payout passageway of Cohn into the combined device of Cohn and Nunez to allow for cable payout.
[Element 10E]	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;	<u>Nunez</u> The main compartment of Nunez includes zippers 38, 40, 42, 44 (<i>i.e.</i> a closure mechanism) which are operable to close the main compartment, thereby closing any items inside the main compartment in the interior of the main compartment. <i>See</i> 3:52-4:4; 4:10-12; FIG. 1. Therefore, when Cohn and Nunez are combined as described herein, and the removable insert and reel of cable of Cohn has been placed into the interior of the main compartment of the bag of Nunez, the zippers of Nunez are configured to close the removable insert and reel of communications cable in the interior of the main compartment.
[Element 10F]	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.	<u>Nunez</u> The main compartment of the bag of Nunez has a substantially rectangular profile when the removable insert and the reel of communications cable are closed in the interior thereof. Nunez discloses the front flap 58, rear flap 84, and side flaps 64, 76 are rectangular, causing the main compartment of the bag to have a substantially rectangular profile when closed, as shown in FIG. 1. 3:67-4:56. In the combination described herein, the entire box 12 of Cohn, which is a substantially rectangular shape, would be inserted in the interior of the main compartment of the bag of Nunez (including the removable insert and cable reel within the box 12). <i>See</i> Cohn, 1:48-52; 2:22-30. Therefore, to the extent the bag of Nunez conformed to the shape of box of Cohn after

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		insertion, the main compartment of the bag of Nunez would still have a substantially rectangular shape when the box of Nunez is closed in the interior.
[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.	<u>Nunez</u> See Element 10C. The single shoulder strap 12 of Nunez is adjustable, and therefore Nunez inherently discloses, or at least renders obvious, the use of a single shoulder strap that can be adjusted to a length of at least 37 inches. See 3:20-47; FIGs. 1-3. For example, 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.’” <i>In re Applied Materials, Inc.</i>, 692 F.3d 1289, 1295, 1297 (Fed. Cir. 2012) (quoting <i>In re Aller</i>, 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.”)). Accordingly, adjusting and optimizing the length of Nunez’s adjustable shoulder strap is nothing more than the exercise of ordinary skill in the art. <i>Iron Grip Barbell Co. v. USA Sports, Inc.</i>, 392 F.3d 1317, 1322-23 (Fed. Cir. 2004); <i>In re Huang</i>, 100 F.3d 135, 139 (Fed. Cir. 1996).
[Claim 12]	The communications cable payout bag of claim 10, further comprising at least one storage pouch on the exterior of the main compartment.	<u>Turner</u> Turner discloses a storage device (<i>i.e.</i> tool pouch 100) for carrying tools, construction materials, or other similar devices. See Abstract; ¶ 2, 10-12; FIGs. 1-4. Turner discloses a first storage compartment 102 in the main compartment of the pouch 100. <i>Id.</i> A second storage compartment 128 is on the exterior of the main compartment, as shown in FIGs. 2-4. See also ¶ 13. It would be obvious to combine the pouch on the exterior of the main compartment as disclosed in Turner with the cable payout bag of Nunez (as modified by Cohn), to provide for additional storage for tools. Turner, ¶ 13.
[Claim 13]	The communications cable payout bag of claim 10, further	<u>Eastwood</u>

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	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.	Eastwood teaches a cable lock in accordance with Claim 13. Eastwood discloses a caddy for carrying and dispensing spools of wire through an aperture in the caddy. <i>See</i> FIGs. 13, 19. The caddy of Eastwood can include a wire retainer (<i>e.g.</i> reference numeral 50 of FIGs. 23 and 25) projecting from a surface of the exterior of the main compartment (<i>e.g.</i> the exterior of caddy 2) adjacent the cable payout passageway (<i>e.g.</i> reference numeral 29 of FIG. 23). <i>See</i> 8:22-27. The wire retainer 50 functions as a cable lock by providing a pair of opposing members between which a cable is secured, or by providing a single member around which the cable may be wound and secured, after the loose end of the cable passes to the exterior of the main compartment of the caddy 2. 8:33-41. It would be obvious to combine the cable lock of Eastwood with the cable payout bag of Nunez (as modified by Cohn), to secure the loose end of the cable and prevent it from retracting or unwinding when not in use.