

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BELDEN INC. and PPC BROADBAND, INC.

Petitioner,

v.

COMMSCOPE, INC. OF NORTH CAROLINA

Patent Owner.

IPR2025-00833
Patent 9,266,697

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE '697 PATENT AND PROSECUTION HISTORY	2
	A. The '697 Patent	2
	B. The Prosecution History	3
III.	THE CHALLENGED CLAIMS AND THE PETITION GROUNDS.....	8
IV.	PETITIONER'S REFERENCES	9
	A. Cohn (Ex-1004).....	9
	B. Redzisz (Ex-1005).....	9
	C. Young (Ex-1007)	11
	D. Bass (Ex-1009) and Barnett (Ex-1008).....	11
V.	ARGUMENT.....	12
	A. The Ground 1 References (Cohn and Redzisz) Do Not Disclose A <i>"main compartment constructed of a flexible material."</i>	12
	B. The Grounds 3 and 6 References (Young, Bass, Barnett) Do Not Disclose The Claimed Cable Payout Passageway Configuration.	15
VI.	CONCLUSION.....	23

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Exhibit Description
2001	Screenshot of CommScope's Product Patent website results for search term "bag"
2002	Complaint from <i>CommScope, Inc. of North Carolina v. Belden Inc. and PPC Broadband, Inc.</i> , C.A. No. 24-427-RGA (D. Del)
2003	Amended Answer from <i>CommScope, Inc. of North Carolina v. Belden Inc. and PPC Broadband, Inc.</i> , C.A. No. 24-427-RGA (D. Del)
2004	Scheduling Order from <i>CommScope, Inc. of North Carolina v. Belden Inc. and PPC Broadband, Inc.</i> , C.A. No. 24-427-RGA (D. Del)
2005	United States Patent No. 12,304,766 (Honsinger et al.)
2006	Screenshot from "CablePak Jr installation guide" (https://www.youtube.com/watch?v=3E8Eah60Oro)
2007	Defendants' Initial Invalidity Contentions from <i>CommScope, Inc. of North Carolina v. Belden Inc. and PPC Broadband, Inc.</i> , C.A. No. 24-427-RGA (D. Del)
2008	Defendants' Initial Reduction of Asserted Prior Art from <i>CommScope, Inc. of North Carolina v. Belden Inc. and PPC Broadband, Inc.</i> , C.A. No. 24-427-RGA (D. Del)

I. INTRODUCTION

The Petition challenges only two independent claims, claims 10 and 9. It challenges each independent claim on three alternative Grounds: Ground 1 (Cohn and Redzisz), Ground 3 (Young and Bass), and Ground 6 (Young and Barnett). Petition, 2. Each of these Grounds fails to show disclosure of claimed elements.

For Ground 1, the Petition fails to show at least that the relied-upon prior art discloses a main compartment “*constructed of a flexible material,*” as required by both independent claims 10 and 9. Redzisz, the reference Ground 1 relies on for this element, actually teaches a tool bag with a main compartment constructed of integrally sewn in “rigid” or “semi-rigid” panels and with rigid reinforcing bars.

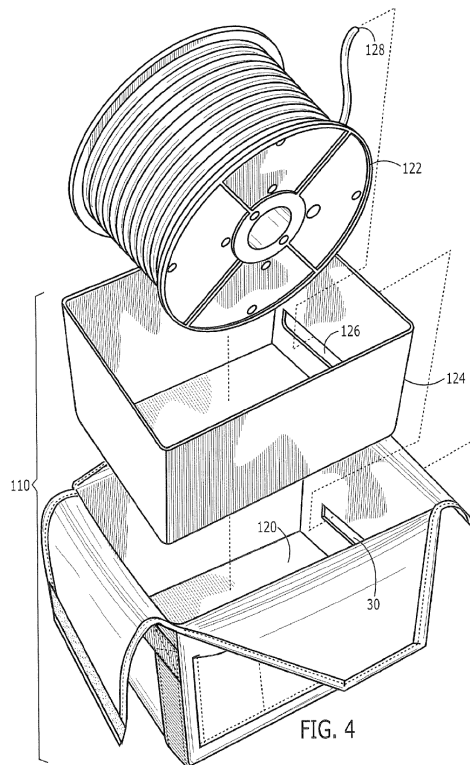
For Grounds 3 and 6, the Petition fails to show at least that the relied-upon prior art discloses a cable bag as claimed with a main compartment having a “*cable payout passageway*” that is configured/aligned to receive the loose end of cable from “*the outer portion of the reel,*” as required by both independent claims 10 and 9. In fact, the Young reference Petitioner relies on for these Grounds was *already* distinguished during prosecution as lacking this very feature.

Because the Petition does not show that the relied-upon references disclose at least these claimed elements, Petitioner has not demonstrated a reasonable likelihood that its challenge will succeed, and Patent Owner respectfully requests that the Petition be denied.

II. THE '697 PATENT AND PROSECUTION HISTORY

A. The '697 Patent

The '697 patent issued on February 23, 2016. The '697 patent protects CommScope's invention of an innovative communications cable payout bag. The innovative cable payout bag is illustrated, for example, at Figure 4 of the '697 patent:



Ex-1001, Fig. 4. The innovative cable payout bag has a main compartment constructed of a flexible material, and a removable insert with a reel of communications cable that is supported by the removable insert. The cable payout bag is designed with a cable payout passageway in the main compartment that is aligned to receive the loose end of the cable from the outer portion of the reel.

B. The Prosecution History

The application leading to the '697 patent, application number 12/484,393 (“’393 Application”), was subject to extensive examination, both by the Examiner and via a subsequent appeal to the Patent Trial and Appeal Board. During examination, the Young reference—which Petitioner uses as the lead reference for the Petition’s Grounds 3 through 8 challenges—was thoroughly considered, and the Applicant specifically amended the claims to distinguish it.

The ’393 Application was filed on June 15, 2009. Ex-1001. On October 5, 2011, the Examiner issued a non-final rejection that included a rejection of claims as anticipated and obvious in view of the “Fontana” reference (US-6,145,780), either alone or in combination with one or more of Hickey (US-2,400,417), Godshaw (US-6,601,743), and Kotzur (US-4,160,533). Ex-1003, 218–233.

The Applicant responded on January 4, 2012. The response included amending application claim 1 to recite a “*main compartment constructed of a flexible material.*” Ex-1003, 200. The Applicant explained that Fontana disclosed “a box-like container” and taught “that the box-like container be constructed of rigid molded plastics or the like.” Ex-1003, 206. Regarding other claims, the Applicant explained that Fontana did not teach the claimed removable insert, and it would not have been obvious to combine the insert of Kotzur with Fontana. Ex-1003, 207–209.

The Examiner then issued a final rejection on February 16, 2012. Ex-1003, 179–194. The Examiner again rejected claims as obvious, this time in view of Fontana and Godshaw and/or Eastwood (US-7,320,445). *Id.* The Examiner contended that while Fontana disclosed a molded plastic main compartment, “molded plastic is flexible to some extent.” Ex-1003, 181, 190.

The Applicant filed an appeal brief on May 15, 2012, arguing, *inter alia*, that “the Examiner's first position that ‘Fontana teaches the compartment constructed of flexible material’ is unreasonable,” because Fontana teaches a main compartment composed of molded plastics. Ex-1003, 152, 157.

The Examiner then issued another non-final office action on July 20, 2012, Ex-1003, 134–149, replacing Fontana with citation to a new lead reference, “Young” (US-4,650,073). Ex-1003, 139, 140–142. “Young” is the same reference that the Petitioner now seeks to rely on for its Grounds 3 through 8 challenges. Petition, at 2.

In response to the new rejection based on Young, the Applicant amended the claims to add the requirement of a cable payout passageway “configured to receive therethrough the loose end of cable from the outer portion of the reel”:

21. A communications cable payout bag, comprising:
a main compartment constructed of a flexible material, the main compartment having an interior and an exterior, the main compartment being openable and closable;
a removable insert within the interior of the main compartment;
a reel of communications cable that is supported by the removable insert, the reel of communications cable having a loose end of cable at an outer portion thereof;
a shoulder strap attached to the exterior of the main compartment;
a 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

Ex-1003, 126 (filed October 19, 2012). The Applicant distinguished Young, explaining that Young was designed to have a cable payout passageway that received the cable loose end from the *center* of a cable coil:

As an initial matter, Applicants respectfully point out that Claim 11 has been amended to recite a reel of communications cable that is supported by the removable insert, with the reel of communications cable having a loose end of cable at an outer portion thereof and that the cable payout passageway is configured to receive therethrough the loose end of cable from the outer portion of the reel of communications cable. As discussed above in connection with Claim 1, Young describes a contrary arrangement wherein a centrally located hole receives a cable from the center of a coil. Therefore, Applicants submit that Young does not disclose or suggest, and actually teaches away from, these recitations of Claim 11.

Ex-1003, 123; *see also id.* at 126–127 (citing and incorporating same for claim 21).

On December 6, 2012, the Examiner issued a final rejection, replacing the Young reference with new anticipation and obviousness rejections based on “Cote” (US-20020125161) in view of the already-cited Godshaw reference. Ex-1003, 94–

106. In particular, the Examiner rejected application claim 20¹ as anticipated by Cote (Ex-1010), and application claims including claim 21² as obvious in view of Cote and Godshaw (Ex-1011). Ex-1003, 96–104. In particular, the Examiner found that Cote disclosed a communications cable payout bag that was “constructed of a flexible material (cardboard, see paragraph [0009], which is a flexible material).” Ex-1003, 96–97.

In response, the Applicant filed an appeal brief with the PTAB. Ex-1003, 59–80. The Applicant explained that “Cote does not disclose a bag having a main compartment that is constructed of a **flexible material**. Cote is directed to a **box** to contain a spool of wire or cable....” Ex-1003, 65 (emphasis in original). In particular, Cote disclosed a “box for storing, shipping and dispensing cable or wire from a spool contained within the box.” Ex-1010, Abstract. Cote taught that the box was “preferably formed of heavy duty corrugated cardboard or other relatively stiff cardboard” that was folded at perforated or creased lines to create panels forming a box. Ex-1010, [0023], [0027] (emphasis added).

After receiving full briefing, the PTAB reversed in part (as to the claims that thereafter issued as the ’697 patent) and affirmed in part (as to other claims in the then-pending application that were subsequently cancelled). Ex-1003, 24–35

¹ Independent claim 9 in the issued patent.

² Independent claim 10 in the issued patent.

(Decision on Appeal (P.T.A.B., Sept. 28, 2015)).

The PTAB first addressed the construction of the term “flexible material.” The PTAB explained that while the Examiner did not expressly apply a construction, the Examiner concluded that “the term flexible is a relative term and every material is flexible to some extent.” Ex-1003, 27–28. The PTAB rejected this overly broad view. Instead, the PTAB construed “flexible materials” as materials “capable of being bent, usually without breaking; easily bent.” Ex-1003, 28.

The PTAB then reversed the Examiner’s finding that Cote disclosed the claimed “*main compartment constructed of a flexible material.*” Ex-1003, 28–29. The Examiner had found Cote to disclose material “capable of being bent,” pointing to Figure 5 of Cote, and concluded that Cote therefore disclosed the claimed “main compartment constructed of a flexible material.” Ex-1003, 28–29; *see also* Ex-1010 (Cote), Fig. 5. The PTAB reversed, finding that the Examiner’s reading of Cote was “not reasonable.” Ex-1003, 29. The PTAB explained that the use of fold or perforation lines did not mean the compartment was constructed of “flexible material” and also noted that Cote described the box as formed of “*relatively stiff cardboard* or other material which is rugged...” *Id.* (emphasis added), quoting Ex-1010 (Cote), [0023]. The PTAB also reversed the obviousness rejections as to additional claims (application claims 1, 3, 7, 9, 10, 21, 23, 25, 28, and 29), because the obviousness rejections had relied on Cote for the “flexible

material” limitation. *Id.*, 29–30.

Following the PTAB’s decision on appeal, the claims subject to affirmed rejections were cancelled, the claims subject to reversed rejections were allowed, and the ’697 patent issued. Ex-1003, 34–35; *id.* at 22.

III. THE CHALLENGED CLAIMS AND THE PETITION GROUNDS

The Petition challenges only claims 9–13 of the ’697 patent. Claims 9 and 10 are independent claims; claims 11–13 each depend from claim 10.

Both of independent claims 9 and 10 require a communications cable payout bag that includes a “*main compartment [that is] constructed of a **flexible material.***” Ex-1001, 8:52–53 (cl. 9), 8:60 (cl. 10) (emphasis added).

Both of independent claims 9 and 10 also require that the claimed “*main compartment*” that is “*constructed of a flexible material*” has “*a cable payout passageway*” that is configured to receive “*the loose end of cable from the **outer portion of the reel.***” Ex-1001, 8:52–56 (cl. 9), 9:3–7 (cl. 10) (emphasis added).

The Petition challenges each of independent claims 10 and 9 on three alternative grounds:

- Ground 1: “obvious over *Cohn* and *Redzisz*”;
- Ground 3: “obvious over *Young* and *Bass*”;
- Ground 6: “obvious over *Young* and *Barnett*”

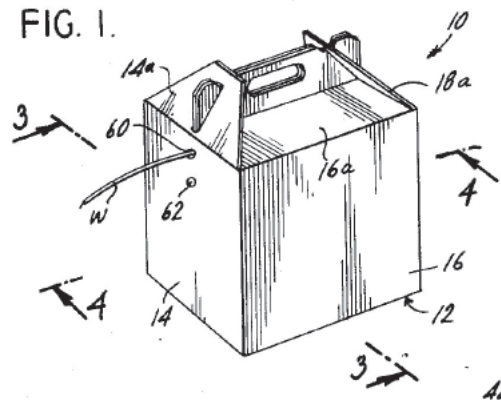
Petition, 2³.

IV. PETITIONER'S REFERENCES

A. Cohn (Ex-1004)

Cohn discloses a “box” for a “wire-carrying spool.” Ex-1004, 1:50–65, Fig.

1. Cohn further explains that the box is a “packaging device” that should be of “sufficient strength and rigidity” so that the spool may be used “without destruction of the packaging material.” Ex-1004, 1:42–46. Cohn’s Figure 1 provides an illustration:

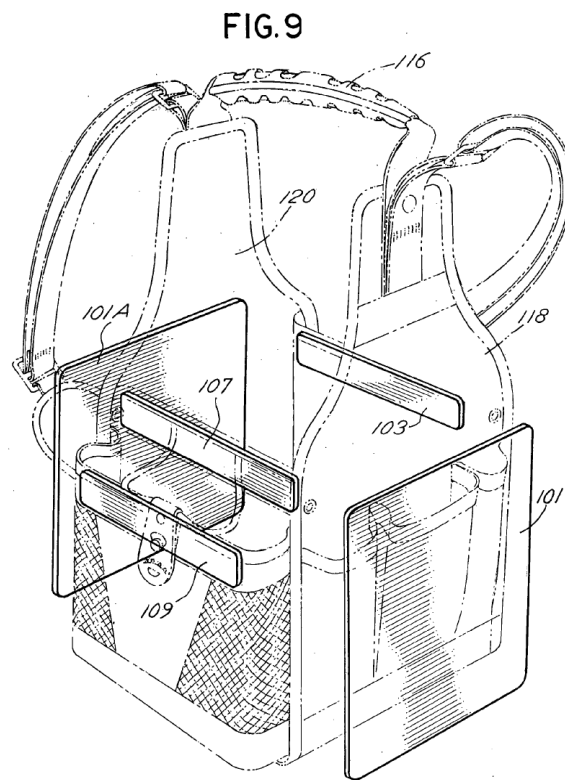


B. Redzisz (Ex-1005)

Redzisz discloses a “Tool Carrying and Storage Case,” having integral rigid or semi-rigid structural panels. Redzisz explains that an “object of the invention” is

³ The remaining Grounds 2, 4-5, and 7-8 address dependent claims and therefore do not address the failure of Grounds 1, 3, and 6 to show all the limitations of the independent claims.

“to provide a storage and carrying case which includes generally rigid, spaced, end panels and generally flexible, but reinforced, front and back panels all sewn together.” Ex-1005, [0011]. Redzisz further explains that the tool case “includes congruently shaped, relatively rigid or semi-rigid, spaced and opposed end panels connected by a relatively rigid bottom panel”. *Id.*, [0005]. An example of the Redzisz tool-carrying case of Figures 6 through 9 is provided at Figure 9:

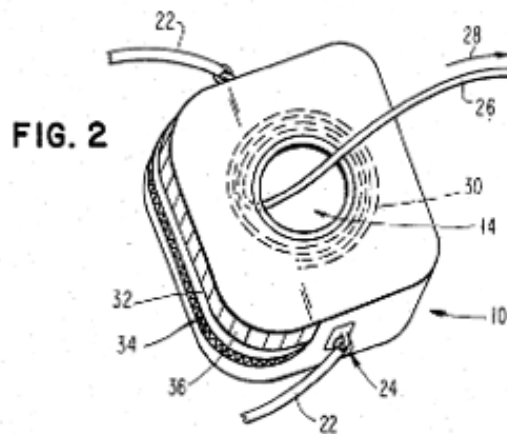


Ex-1005, Fig. 9 and [0039]–[0041] (“This arrangement [shown in Figs. 6–8] is depicted in greater detail in FIG. 9.”).

C. Young (Ex-1007)

Young discloses a container for dispensing a coil of “heavy electrical cable.” Ex-1007, Abstract. Young’s container is designed for central payout of cable, having “an opening which is generally circular for the central payout of cable from the enclosed coil.” Ex-1007, 4:21–25. Young explains that “FIG. 2 is another view of the present container/dispenser, illustrating ... dispensing of this cable from a central payout opening.” Ex-1007, 4:53–56. Figure 2 illustrates the central payout design:

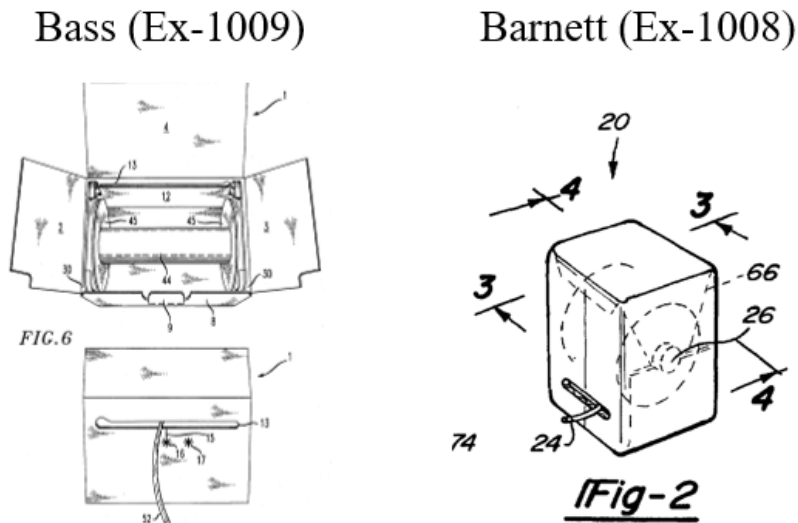
Young (Ex-1007):



D. Bass (Ex-1009) and Barnett (Ex-1008)

Bass and Barnett each discloses boxes for wire or cable spools. *Bass* discloses a box “made from corrugated fiberboard or the like” and illustrated for example at Figure 6. Ex-1009, 3:58–60. *Barnett* similarly discloses a container

“preferably formed from a unitary blank of boxboard of an appropriate crush-resistance” and illustrated for example at Figure 2. Ex-1008, 3:42–44.



V. ARGUMENT

A. The Ground 1 References (Cohn and Redzisz) Do Not Disclose A “main compartment constructed of a flexible material.”

The Petition’s first challenge to independent claims 10 and 9 is Ground 1, relying on the Cohn and Redzisz references. Petition, 14. Each of claims 10 and 9 requires a cable bag having a “main compartment [that is] **constructed of a flexible material.**” Ex-1001, cls. 10, 9 (emphasis added). The Petition fails to show a reasonable likelihood of success as to Ground 1 at least because it fails to show that either Cohen or Redzisz discloses a bag meeting this limitation.

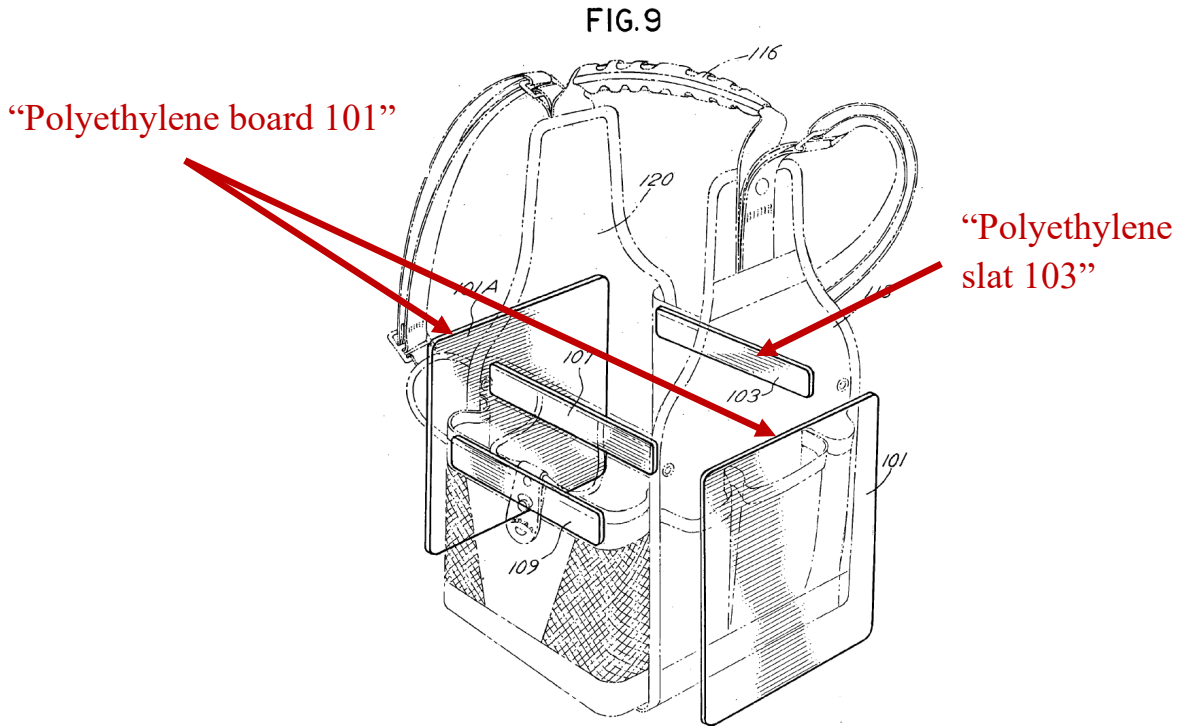
The Petition does not rely on Cohen for disclosure of a cable bag with a “main compartment constructed of a flexible material”—it relies only on Redzisz for disclosure of this. Petition, 23 (cl. 10), 40 (cl. 9). But Redzisz does not disclose

this element.

The Petition purports to quote Redzisz: “Redzisz’s bag is constructed of a ‘flexible material such as canvas, plastic or the like.’ Redzisz, [0028], [0037]; Section V.A.2.” Petition, 23. But Petitioner misleadingly truncates the quotation. Redzisz does not, as the Petition implies, disclose a *bag* with a “*main compartment constructed of a flexible material.*” Rather, Redzisz discloses a tool carrying “case” constructed of integral “**generally rigid**” panels and reinforcing bars:

- An “object of the invention” is “to provide a storage and carrying case which includes **generally rigid, spaced, end panels** and generally flexible, but **reinforced, front and back panels** all sewn together.” Ex-1005, [0011] (emphasis added).
- The tool “case which includes congruently shaped, **relatively rigid or semi-rigid, spaced and opposed end panels** connected by a **relatively rigid bottom panel**”. *Id.*, [0005] (emphasis added).
- The case including end panels 10 and 12 each comprised of “an interior **generally semi-rigid or rigid member**, for example, a **polyethylene board or sheet**,” and a “**generally rigid bottom panel 24**,” covered in fabric and all sewn together. *Id.*, [0026]–[0027] (emphasis added).
- “As depicted, for example, in Fig. 8, the first end panel 100 includes a **semi-rigid or rigid polyethylene board 101** encapsulated between layers of fabric. Similarly, a reinforcing element, for example, a **rigid or semi-rigid polyethylene slat 103** is sewn into the back panel 104 at or adjacent the upper margin 105 thereof. In a similar fashion, a rigid or semi-rigid slat 107

is sewn in the front panel 106 again adjacent the upper margin 134 thereof. The slats or reinforcing elements 103 and 107 extend generally totally between the first side panel 100 and second side panel 102 **to enhance the structural integrity of the case or carrier.**” *Id.*, [0039].



Ex-1005, Fig. 9 and [0039]–[0041] (“This arrangement [shown in Figs. 6–8] is depicted in greater detail in FIG. 9.”) (annotations added).

Redzisz thus teaches that each of the two end panels (10, 12) and the bottom panel (24) of Redzisz’s case are intentionally reinforced to be *rigid*. In addition, even the remaining front and back panels (28, 30) which include “flexible fabric” also include “[a] reinforcing element or rod 36” that is “fitted into the channel or passageway 32 that extends between the end panels 10 and 12 thereby **providing**

an enhanced stiffening and form retention function.” *Id.*, [0029] (emphasis added). Therefore, the tool cases disclosed in Redzisz include rigid or semi-rigid rods, board, or panels integrally sewn into the case that stiffen the walls defining the case and its compartments. *See, e.g., id.*, Fig. 3 (rod 36), Fig. 4 (rigid bottom board or panel 24), Fig. 8 (board 101, slats 103, 107), Fig. 11.

Tellingly, the Petition does not even acknowledge or address Redzisz’s disclosure of the main compartment being constructed of “generally rigid,” encapsulated, reinforced, and stitched together panels. Petitioner has not shown that there is a reasonable likelihood that it would succeed as to Ground 1 at least because the Petition fails to show that Redzisz discloses a bag with a “*main compartment constructed of a flexible material*,” as claimed in independent claims 10 and 9.

B. The Grounds 3 and 6 References (Young, Bass, Barnett) Do Not Disclose The Claimed Cable Payout Passageway Configuration.

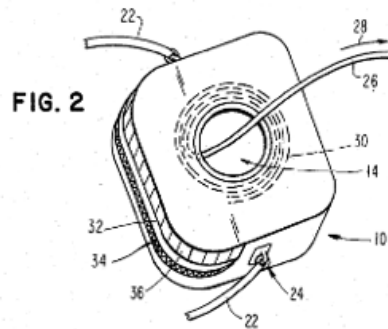
The Petition provides two more challenges to independent claims 10 and 9. Petition, 43 (Ground 3) and 68 (Ground 6). The Petition fails to show a reasonable likelihood of success as to each of Grounds 3 and 6 at least because it fails to show that the relied upon references disclose a cable bag with a cable payout passageway configured/aligned to receive the loose end of cable from the *outer portion* of a cable reel.

Each of independent claims 10 and 9 expressly requires a bag with “*a cable payout passageway*” that is “*configured*” / “*align[ed]*” to receive “*the loose end of cable from the **outer** portion of the reel*” (emphasis added). Ex-1001, cls. 10, 9. For convenience, Patent Owner will refer to this as the “cable passageway configuration.” . None of the references the Petition cites for Grounds 3 and 6 (Young, Bass, or Barnett) discloses this.

The Petition relies on Young as disclosing a cable bag, but Young does not disclose the claimed cable passageway configuration for that bag. Young in fact discloses something different—a cable bag with a cable payout opening designed to pay out cable from the “**center**” or “**inner**” portion of a coil:

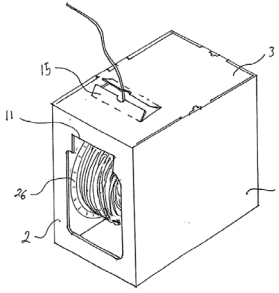
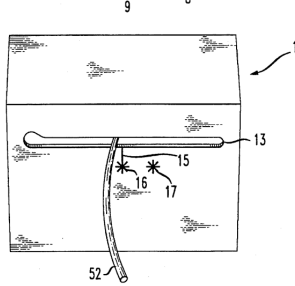
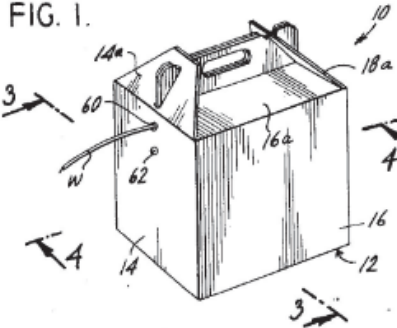
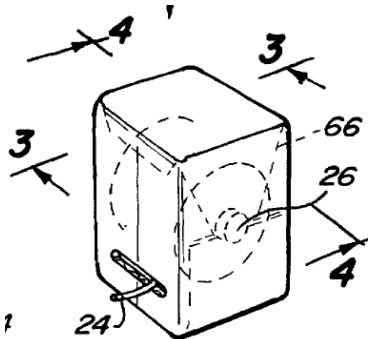
- “a **central exit opening** is provided for extruding cable **from the center of the coil**” (Ex-1007, Abstract (emphasis added));
- A “container and dispenser” of a “unitary construction” and “having an opening which is generally circular **for the central payout** of cable from the enclosed coil” (Ex-1007, 4:21–25 (emphasis added));
- “FIG. 2 is another view of the present container/dispenser, illustrating ... **dispensing** of this cable **from a central payout opening**.” (Ex-1007, 4:53–56 (emphasis added));
- “reinforced exit opening 14 is located for **payout** of cable **from the inner portion of a coil**” (Ex-1007, 5:2–4 (emphasis added));

Young (Ex-1007):



Young thus expressly teaches a cable bag with a cable payout passageway designed “for central payout” from a coil—to receive the loose end of the cable from the center of the coil, not the outer portion of a cable reel. And as noted above, the claims were amended during original prosecution to require the recited cable passageway configuration expressly to overcome a rejection based on Young, and in response the Examiner withdrew the rejection. Ex-1003, 146–148 and 126–127.

The Petition does not rely on either Bass (Ground 3) or Barnett (Ground 6) as disclosing either the cable bag or the specific claimed cable passageway configuration for such a bag. *See* Petition, 59–61, 67–68 (Ground 3) and 76–77, 82 (Ground 6). And neither teaches the required passageway configuration in a bag. Neither Bass nor Barnett discloses a cable bag at all—each just shows a cable in a rigid box, like the Cote and Cohn references already considered during prosecution:

<u>Cote (Ex-1010)</u>  Figure 3 *already considered by Office (Ex-1003, 28–30)	<u>Bass (Ex-1009)</u> FIG. 6 
<u>Cohn (Ex-1004)</u> FIG. 1.  *already considered by Office (Ex-1003, 246)	<u>Barnett (Ex-1008)</u>  <u>Fig-2</u>

The Petition argues only that a POSITA would have placed the cable pool of Bass or Barnett in Young’s bag in “in two ways,” each of which would purportedly result in the claimed cable passageway configuration. Petition, 49–50, 59–61, 67–68 (Ground 3); *id.* at 70–71, 76–77, 82 (Ground 6). However, the Petition does not show that either purported “way” discloses the cable passageway configuration.

As to the first purported “way,” the Petition implicitly admits that the relied-upon references do **not** actually disclose the cable passageway configuration. The Petition instead argues that cable payout passageway of Young’s bag—designed to receive cable payout from the **center** of a cable coil—would be somehow “relocate[d]”/“modified” so that it would meet the claim language requiring it to receive cable payout from an “**outer portion**” of a reel. Petition, 49 (Ground 3) and 77 (Ground 6). This is not evidence of disclosure by a patent or printed publication of the claimed cable passageway configuration.

As to the second purported “way,” for Ground 3 the Petition just asserts without support that “a POSITA would have placed Bass’s end plates against the two sides of Young’s bag,” and “[i]n this way, the loose end of the cable of Bass’s reel would pay out from the outer portion of the reel through Young’s exit opening.” Petition, 49, 60–61 (cl. 10), 67–68 (cl. 9). For Ground 6, the Petition provides no explanation whatsoever as to how the claimed cable passageway configuration is purportedly disclosed by Young and Barnett. *See* Petition, 70–71, 76–77 (cl. 10), 82 (cl. 9). This is entirely conclusory. Neither Petitioner nor its expert provides any examples showing **how** either combination (Young and Bass,

or Young and Barnett) would purportedly disclose this limitation.⁴

Nor does Petitioner provide evidentiary support for its conclusory assertion with respect to Ground 3 that merely placing Bass's endplates against the two sides of Young's bag would result in the end of Bass's cable "pay[ing] out from the outer portion of the reel through Young's exit opening." *See* Petition, 49, 60–61. The Petition cites its expert at Exhibit 1002, paragraphs 112–113 and 139. But the only specific support for the assertion is just an almost verbatim recitation of the same

⁴ Further, the Petition does not identify anything new in Bass or Barnett that the Examiner did not already have before him in multiple other references. For example, Cote and Cohn were both before the Examiner (Ex-1010, Ex-1004) and each shows a cable box with an opening to allow cable to pay off a spool. *See* Ex-1001 at 1-2 (citing Cote (20020125161) and Cohn (US3150769) as "References Cited"). When considering the amendment that added the cable passageway configuration limitation to distinguish Young, the Examiner had both Young's bag and Cote's box and spool in front of him. His next Office Action even based rejections on the Cote reference. Ex-1003, 94-106. Therefore, the Examiner already considered whether the combination of Young and a cable box with a spool such as Cote would render the newly added claim limitation obvious. Bass's and Barnett's similar boxes with spools do not teach anything new.

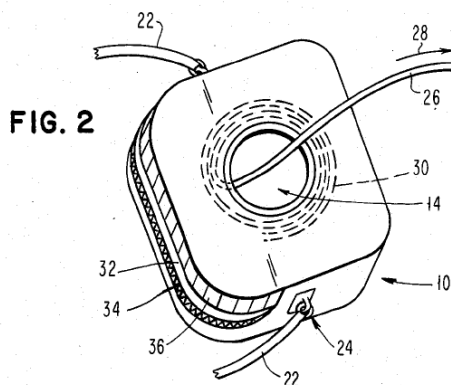
conclusory assertion from the Petition:

<u>Petition, at page 49:</u> Second, a POSITA would have placed <i>Bass</i>'s end plates against the two sides of <i>Young</i>'s bag. In this way, the loose end of the cable of <i>Bass</i>'s reel would pay out from the outer portion of the reel through <i>Young</i>'s exit opening.	<u>Ex-1002 (Decl. of Dr. Eldering), ¶113:</u> Second, a [POSITA] would have placed <i>Bass</i>'s end plates against the two sides of <i>Young</i>'s bag. A [POSITA] would have understood that in this way, the loose end of the cable of <i>Bass</i>'s reel would pay out from the outer portion of the reel through <i>Young</i>'s exit opening.
<u>Petition, at page 61:</u> Second, <i>Bass</i>'s end plates would be proportioned and fit against the two sides 18 of <i>Young</i>'s bag. The loose end of the cable of <i>Bass</i>'s reel would payout from the outer portion of the reel through <i>Young</i>'s exit opening ("cable payout passageway").	<u>Ex-1002 (Decl. of Dr. Eldering), ¶139:</u> Second, in <i>Young</i> combined with <i>Bass</i>, <i>Bass</i>'s end plates would be proportioned and fit against the two sides 18 of <i>Young</i>'s bag. The loose end of the cable of <i>Bass</i>'s reel would payout from the outer portion of the reel through <i>Young</i>'s exit opening ("cable payout passageway").

Under PTAB precedent, this does not constitute evidence that is entitled to any weight. *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 (August 24, 2022) (precedential) (denying institution, explaining that "Dr. Jones does not cite to any additional supporting evidence or provide any technical reasoning to support his statement. Thus, the cited declaration testimony is conclusory and unsupported, adds little to the conclusory assertion for which it is offered to support, and is

entitled to little weight”).

This means that the Petitioner provides *no evidence* that merely placing Bass’s spool (or Barnett’s spool, for that matter) with the endplates against the two sides of Young’s bag would somehow end up with the exit opening 14 of Young’s bag configured/aligned to receive the loose end of the cable from the *outer* portion of a reel, as required by independent claims 9 and 10. In fact, Young expressly teaches something very different. Young teaches an “exit opening” in its cable bag that is specifically configured to be in the middle of the side panel so as to allow the cable to pay out from the inner part of a cable coil: “reinforced exit opening 14 **is located for payout of cable from the inner portion** of a coil.” Ex-1007, 5:2–4 (emphasis added); *see also id.*, 6:37–41 (claiming a “facing wall” with a “dispensing opening...being located substantially in the center of said one facing wall”). Young’s Figure 2 also illustrates this:



Petitioner has not shown that there is a reasonable likelihood that it would succeed as to its Grounds 3 and 6 challenges, at least because the Petition fails to provide evidence showing that the references relied on (Young and Bass or Barnett) disclose the claimed cable passageway configuration.

VI. CONCLUSION

For the foregoing reasons, the Petitioner has not shown a reasonable likelihood that the Petitioner would prevail with respect to at least one of the challenged claims, and Patent Owner respectfully requests that the Petition be denied.

Dated: August 25, 2025

Respectfully submitted,

By: /Samuel A. Hamer/
Philip P. Caspers, Reg. No. 33,227
Samuel A. Hamer, Reg. No. 46,754
Carlson, Caspers, Vandenburg
& Lindquist PA
Capella Tower, Suite 4200
225 South Sixth Street
Minneapolis, MN 55402
pcaspers@carlsoncaspers.com
shamer@carlsoncaspers.com
Phone: 612.436.9615
Fax: 612.436.9605

*Counsel for Patent Owner
CommScope, Inc. of North Carolina*

CERTIFICATION UNDER 37 CFR § 42.24(d)

Under the provisions of 37 C.F.R. § 42.24(d), the undersigned hereby certifies that the word count for the foregoing *Patent Owner's Preliminary Response* totals 4,084 words per Microsoft Word 365, which complies with the word limit set forth in 37 C.F.R. § 42.24.

Dated: August 25, 2025

Respectfully submitted,

By: /Samuel A. Hamer/
Philip P. Caspers, Reg. No. 33,227
Samuel A. Hamer, Reg. No. 46,754
Carlson, Caspers, Vandenburg
& Lindquist PA
Capella Tower, Suite 4200
225 South Sixth Street
Minneapolis, MN 55402
pcaspers@carlsoncaspers.com
shamer@carlsoncaspers.com
Phone: 612.436.9615
Fax: 612.436.9605

*Counsel for CommScope, Inc. of North
Carolina*

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and the agreement of the parties, the undersigned certifies that on August 25, 2025, a true and correct copy of the foregoing *Patent Owner's Preliminary Response* was served via electronic mail upon the following:

Cory C. Bell (Reg. No. 75,096)
cory.bell@finnegan.com

Denis J. Sullivan (Reg. No. 47,980)
dsullivan@barclaydamon.com

Xirui Zhang (Reg. No. 78,809)
xirui.zhang@finnegan.com

Belden-IPR@finnegan.com

/Samuel A. Hamer/
Samuel A. Hamer