

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BELDEN INC. and PPC BROADBAND, INC.

Petitioners,

v.

COMMSCOPE, INC. OF NORTH CAROLINA

Patent Owner.

IPR2025-00833
U.S. Patent No. 9,266,697

AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST

TABLE OF CONTENTS

A.	Petitioners Ignore the Acting Director’s Finding that There Are “Strong Settled Expectations”	1
B.	Petitioners Have Not Shown Any Material Error in the Examiner’s Searching.	1
C.	The Decision Correctly Rejected Petitioners’ Arguments Regarding Purported Examiner Error.	7

Patent Owner submits this response to Petitioners' Request for Director Review of Decision Denying Institution of *Inter Partes* Review (Paper 14), pursuant to email authorization of October 15, 2025.

A. Petitioners Ignore the Acting Director's Finding that There Are "Strong Settled Expectations"

Petitioners' request for Director Review fails on its face because it does not address the primary reason the Decision identified as favoring discretionary denial. Acting Director Stewart found that "the challenged patent has been in force for nine years creating strong settled expectations for Patent Owner," that "Petitioner has been aware of the challenged patent since at least 2022," and that the strong settled expectations combined with Petitioners' long awareness of the patent "favor discretionary denial." Decision Denying *Inter Partes* Review ("Decision"), Paper 13 at 2. Petitioners have not even attempted to show any error with this finding, and the request for Director Review should fail for this reason alone.

B. Petitioners Have Not Shown Any Material Error in the Examiner's Searching

Petitioners argue the Decision has a "mistaken factual finding" that "the Examiner did perform a search for flexible bags." Paper 14 at 2. By this argument, Petitioners attack this sentence in the Decision: "the Examiner did perform a search for flexible bags and Petitioner does not sufficiently address why this search was inadequate." Decision at 3. Petitioners' argument fails for three reasons.

First, both parts of Acting Director Stewart’s statements are factually accurate. The Examiner did perform a search for flexible bags:

L31	101	(cable same bag same flexible).clm.	US- PGPUB; USPAT	OR	ON	2015/12/03 08:04
-----	-----	-------------------------------------	------------------------	----	----	---------------------

Ex. 1003, 20. Further, Petitioners’ original brief did not sufficiently address this search. Petitioners’ original brief did not specifically address this line in the search notes but rather only included the general comment “only an interference search was performed.” Paper 8, 3. Petitioners’ present brief includes a new analysis of the M.P.E.P. rules for interference searches vs. other searches. But Petitioners’ original brief did not include this analysis; thus, Acting Director Stewart’s comment that the Petitioners’ original brief did not “sufficiently address why this search was inadequate” is factually accurate.¹

¹ Petitioners’ present brief also contains a clear error. It states: “Such interference search is conducted in the U.S. Patent Office internal databases, not in prior art databases.” Paper 14, 3. Not true. The search notes, above, show the searches are done on “US-PGPUB and USPAT.” Both are prior art databases. All of Petitioners own prior art are U.S. Patents (USPAT) or U.S. Patent Publications (US-PGPUB).

Second, Petitioners fail to show any material error because the Examiner actually did extensive U.S. classification searches in addition to the inference search. Here are the Examiner search notes filed after the appeal:

Search Notes 	Application/Control No. 12484393	Applicant(s)/Patent Under Reexamination HOUSTON ET AL.
	Examiner WILLIAM E DONDERO	Art Unit 3654

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
242	170,171,588,588.3,588.6,129	9/27/2011	/WED/
224	580,610,237,162	9/27/2011	/WED/
206	397,408,409,389,303,702,3	9/27/2011	/WED/
182	70,73	9/27/2011	/WED/
441	80,81,84,26	9/27/2011	/WED/
150	130,120,110	9/27/2011	/WED/
Above	Updated	2/14/2012	/WED/
242	588.4,588.5,579-580,125-125.3	2/14/2012	/WED/
Above	Updated	7/10/2012	/WED/
Above	Updated	12/4/2012	/WED/
Above	Updated	12/3/2015	/WED/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text Search - see attached printout	9/27/2011	/WED/
Inventor Name Search	9/27/2011	/WED/
224/600-622,627-659 - text search	9/27/2011	/WED/
Search Help - Luan Bui (206, cross 206/409), David Fidei (206, cross 206/408,409), Justin Larson (224), Alvin Chin-Shue (182, cross 182/73), Ajay Vasudeva (441), Lars Olson (441), Stephen Avila (182), Tri Mai (150, cross 150/130,120,110)	9/27/2011	/WED/
Above Updated	2/14/2012	/WED/
Above Updated	7/10/2012	/WED/
Above Updated	12/4/2012	/WED/
Above Updated	12/3/2015	/WED/

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
All Above		12/3/2015	/WED/
Entire Database	Text Search	12/3/2015	/WED/

Ex-1003, 14-16 (highlighting added, pages merger together, portion omitted for space). Note that the extensive U.S. Classification searches were also updated after the appeal on 12/3/2015.

Thus, the entire premise of Petitioners argument is wrong. Petitioners argue: “the only search entry is an interference search.” Paper 14, 2. Petitioners based this on the interference search notes at Page 19-20 of the file history (Ex-1003) but missed the more complete search notes Page 14-16 of the file history cited above. Petitioners entirely fail to address these more complete search notes and fail to address the update to the U.S. classification search performed after the Board’s decision on appeal. Petitioners’ burden was to show a “material” error. The interference search cannot be a “material” error because Examiner also performed extensive additional classification searches on the same day, regardless of the interference search.

The more complete search notes show that the Examiner performed extensive searching outside of the interference search, both before *and after* the Board’s decision reversing the Examiner’s rejection, and such searching included flexible bags. The Examiner’s search notes above state the Examiner repeatedly updated his search of the listed classifications in September of 2011, in February of 2012, in July of 2012, in December of 2012, and in December of 2015 after the appeal. *Id.* The search notes also indicate that ***eight additional examiners*** assisted Examiner Dondero in searching for relevant prior art. Ex-1003, 14 (“Search Help - Luan Bui...David Fidei...Justin Larson...Alvin Chin-Shue...Ajay Vasudeva...Lars Olseon....Stephen Avila...Tri Mai”).

The titles for classes/subclasses the Examiner repeatedly searched are shown below. These classes/subclasses do not exclude bags constructed of *flexible* materials:

CLASS	SUBCLASSES (searched subclasses highlighted)
242 – Winding, Tensioning, or guiding	150 WOUND STORAGE PACKAGE .170 Housing or outer peripheral support ..171 With strand guide 570 – COIL HOLDER OR SUPPORT (E.G., SPINDLE, DISPENSER, or SPOOL) .588 Randomly oriented coil holder (e.g. portable) ..588.3 Dispensing Container ...588.4 Unitary folded blank ...588.5 Light occludent construction ...588.6 With coil supporting hub ..579 With material end retainer ...580 Outer end 129 – HOLDER FOR COILED STRAND 118 – BOBBIN OR SPOOL .125 Thread fastener or guide ..125.1 Strand end attacher ...125.2 Outer end 125.3 Permits unwinding
224 – Package and article carriers	101 – CARRIED BY ANIMATE BEARER .575 Convertible or combined ..580 Multiple independently usable straps .191 Article held by receiver ..600 Flaccid attaching means looped around neck or crossing shoulder

	...607 Carrier having single shoulder or neck engaged attaching means with receiver attached to terminal end of attaching means ...610 Terminal ends attached to receiver wall on opposite sides of the receiver opening .191 Article held by receiver ..235 Receiver closing means ...236 Flap flexed between open and closed positions 237 Plural flaps on same receiver ..162 Including or carrying a reel
206 – Special receptacle or package	389 FOR ROLL OR REEL ..397 Wrapped, boxed, or secured through roll core ..408 With content positioner ..409 With payout aperture 303 FOR AN ANNULAR ARTICLE 701 HOLDER FOR REMOVABLE ELECTRICAL COMPONENT ..702 For an electrical cord
150 – Purses, wallets, and protective covers	100 PURSE OR HANDBAG TYPE .127 Wall detail ..130 Reinforced .118 With closure ..120 Hinged mouth-frame elements .111 With handle or carrying strap ..110 Single

See, e.g., <https://www.uspto.gov/web/patents/classification/selectnumwithtitle.htm>

In addition, not only were these classes and subclasses searched again *after* the Board’s decision addressing the term “flexible,” but also the examiner’s search

notes regarding the interference search with search terms using the term “flexible” demonstrate that the Examiner when updating the classification searching understood the importance of the term “flexible” in the claims.

Third, regardless of the searching, Petitioners fail to show any material error because it is undisputed that the Examiner *did* examine flexible bag prior art. As one example, the Examiner examined the “Young” reference that disclosed a flexible bag. Ex-1003, 139 (Examiner citing Young) (“Young discloses a communications cable payout bag, comprising a main compartment (inside of 12, 16, 18) constructed of a flexible material (see Abstract Lines 4-6)...”). Petitioners themselves contend Young discloses a main compartment constructed of a “flexible material.” Petition at 52 (arguing “Young’s bag....[is] made of a flexible material” and citing Young (Ex-1007) at 1:6-12, 3:41-44, 4:17-20, 4:60-68, 6:10-15). As another example, the Examiner’s searches found the “Godshaw” reference that had a flexible bag. Ex-1003, 190 (“Godshaw teaches a bag clearly made of flexible material.”).

C. The Decision Correctly Rejected Petitioners’ Arguments Regarding Purported Examiner Error

The Petitioners’ last two arguments—contentions that the “Board [sic]” purportedly failed to address the Petitioners’ arguments regarding Examiner error—are wrong and just an attempt to re-make the same arguments already found to be unpersuasive. *See* Paper 14 at 4-9.

Petitioners first reargue their contentions from the discretionary denial briefing that the *Advanced Bionics* analysis favors institution. Paper 14 at 4-7. However, as Patent Owner explained in its briefing, the *Advanced Bionics* analysis favors discretionary denial. The same or substantially the same art was already considered during prosecution, and additionally the Petitioner did not show that the Office had materially erred during prosecution. Paper 7 at 8-21.

Petitioners then contend that “[t]he Board [sic] never engaged Step 2 of *Advanced Bionics*.” *Id.* at 7. Petitioners are wrong here too. The Decision expressly explains that while it highlighted some arguments, it fully considered *all arguments*. Decision at 3 (“although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented”); *see also id.* at 2 (“[t]his determination is based on the totality of the evidence and arguments the parties have presented”).

Finally, Petitioners argue that the Board should spend resources to correct the purported material error. However, as explained above the Acting Director already correctly found Petitioners’ arguments about purported material error unpersuasive, so it would not be a good use of resources to conduct a trial regarding those purported deficiencies. Moreover, the Acting Director already found that other factors, including “strong settled expectations” also favor

discretionary denial.

Petitioner has not identified any erroneous conclusions of law or fact in the Acting Director's Decision finding that, based on a "holistic assessment of all the evidence and arguments presented," discretionary denial was appropriate. *See* Paper 13 at 3. Patent Owner respectfully requests that Petitioner's request for Director Review be denied.

Dated: October 22, 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 October 22, 2025, a true and correct copy of the foregoing AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST 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-II @finnegan.com

/Samuel A. Hamer/