

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CORNING OPTICAL COMMUNICATIONS RF LLC,
CORNING INC., and CORNING OPTICAL COMMUNICATIONS LLC,
Petitioner,

v.

PPC BROADBAND, INC.,
Patent Owner.

Case IPR2015-01952
Patent 8,647,136 B2

Before JOSIAH C. COCKS, TRENTON A. WARD, and
WILLIAM M. FINK, *Administrative Patent Judges*.

FINK, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Corning Optical Communications RF LLC, Corning Incorporated, and Corning Optical Communications LLC (collectively, “Petitioner”) filed a Corrected Petition requesting an *inter partes* review of claims 27, 30 and 34–38 of U.S. Patent No. 8,647,136 B2 (Ex. 1001, “the ’136 patent”). Paper 10 (“Pet.”). Patent Owner, PPC Broadband Incorporated, filed a Preliminary Response. Paper 13 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons that follow, we determine that Petitioner has not established a reasonable likelihood of prevailing with respect to claims 27, 30 and 34–38 of the ’136 patent. Accordingly, we deny the Petition and do not institute an *inter partes* review.

A. Related Matters

Petitioner and Patent Owner identify the following pending matters as relating to the ’136 patent: *PPC Broadband, Inc. v. Corning Optical Communications RF, LLC.*, No. 5:14-CV-01170 (N.D.N.Y.); *PPC Broadband, Inc. v. Corning Gilbert Inc.*, No. 5:13-cv-1310 (N.D.N.Y.); *PPC Broadband, Inc. v. Corning Gilbert Inc.*, No. 5:12-cv-00911 (N.D.N.Y.); *PPC Broadband, Inc. v. Corning Gilbert Inc.*, No. 5:13-cv-00538 (N.D.N.Y.); *In the Matter of Certain Coaxial Cable Connectors and Components Thereof and Products Containing Same*, Inv. No. 337-TA-938

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(U.S.I.T.C.); U.S. Patent Interference No. 105,680; and Reexamination Control No. 95/002,246 and 95/002,400. Pet. 2–3; Paper 6, 1–3.

In addition to IPR2015-01955, also challenging certain claims of the '136 patent, Petitioner and Patent Owner identify eight additional *inter partes* reviews concerning patents related to the '136 patent: IPR2013-00346, IPR2013-00347, IPR2013-00343, IPR2013-00342, IPR2014-00441, and IPR2014-00440. Pet. 2–3; Paper 6, 2–3. Petitioner and Patent Owner identify the following appeals in the United States Court of Appeals for the Federal Circuit as concerning a number of these *inter partes* reviews: *Corning Optical Communications RF, LLC v. PPC Broadband, Inc.*, Case Nos. 2015-1361, -1366, -1368, -1369 (Fed. Cir. February 22, 2016) (affirming-in-part, vacating-in-part and remanding final written decisions in IPR2013-00340, -00345, -00346, and -00347); and *Corning Optical Communications RF, LLC v. PPC Broadband, Inc.*, Case No. 2015-1364 (Fed. Cir. February 22, 2016) (vacating and remanding final written decision in IPR2013-00342). Pet. 2–3; Paper 14, 1.

B. The '136 Patent

The '136 patent relates to “coaxial connectors having electrical continuity members that extend continuity of an electromagnetic interference shield from the cable through the connector.” Ex. 1001, 1:20–22. When a coaxial connector is not properly tightened or improperly installed, a loss of ground and discontinuity may occur between the connector and interface port. *Id.* at 1:43–57. The continuity member mitigates this problem by “physically and electrically” contacting both the nut and the post, “thereby extending ground continuity between

components.” *Id.* at 13:46–51. Figure 5 of the ’136 patent is reproduced below:

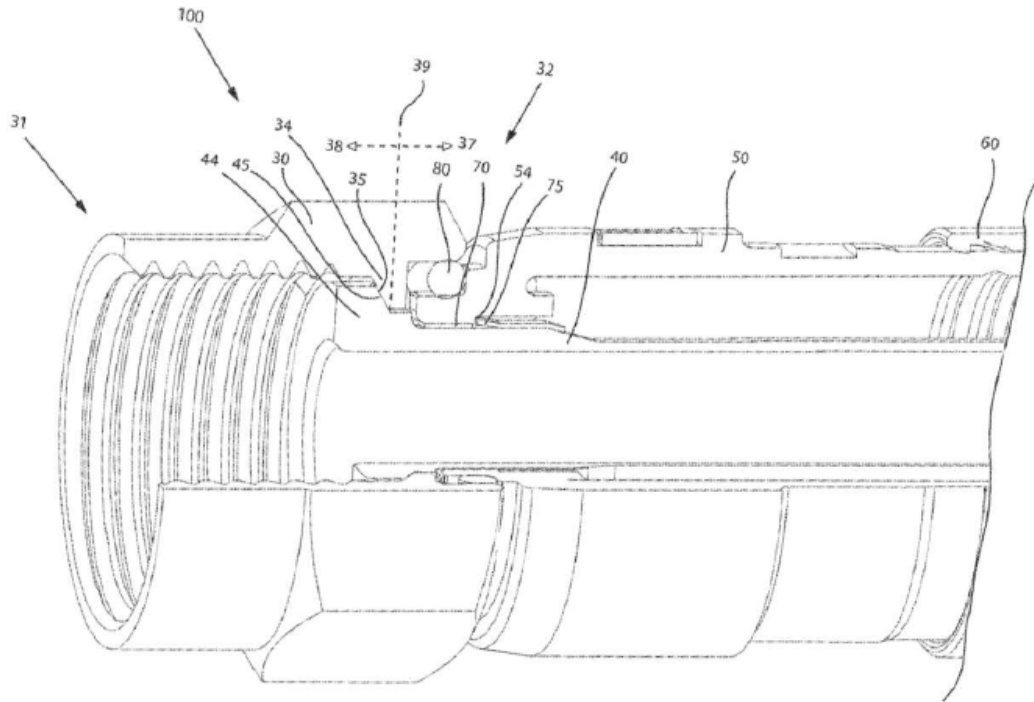


FIG. 5

Figure 5 of the ’136 patent depicts a cut-away view of the elements of assembled coaxial cable connector 100 having electrical continuity member 70. *Id.* at 5:66–6:1, 12:13–17. The assembled coaxial connector comprises threaded nut 30, post 40, connector body 50, continuity member 70, and connector body sealing member 80. *Id.* at 7:10–16, 8:8–15. The post may comprise flange 44, such as an externally extending annular protrusion, located at the end of the post. *Id.* at 8:8–10. The flange 44 includes a rearward facing surface 45 that faces the forward facing surface 35 of the nut. *Id.* at 8:10–13. The nut is free to rotate, and has some freedom for axial movement with respect to the connector body. *Id.* at 18:1–3. The continuity

member is located at the rearward end of the nut, and “physically and electrically contacts both the nut 30 and the post 40, thereby extending ground continuity between the components.” *Id.* at 13:46–51.

C. Illustrative Claim

Claim 27 is an independent claim. Claims 30 and 34–38 depend from claim 27. Claim 27 is reproduced below.

27. A connector for coupling a coaxial cable to an interface port, the connector comprising:

 a body having a forward end, an opposing rearward end configured to receive a portion of the coaxial cable, and a continuity member contact portion;

 a post configured to engage the body, the post including an outward flange including a protrusion having a rearward facing surface;

 a nut configured to move between a first position and a second position, the nut including:

 a first end configured for coupling to the interface port;

 an opposing second end; and

 an inward protrusion comprising:

 a forward facing nut surface;

 a rearward facing nut surface; and

 an innermost nut surface extending between the forward facing nut surface and the rearward facing nut surface;

 wherein the nut is further configured to move between a first nut-to-post position relative to the post, where the forward facing nut surface of the nut contacts the rearward facing surface of the post, and a second nut-to-post position relative to the post, where the forward facing nut surface of the nut is spaced away from the rearward facing surface of the post;

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