

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PANDUIT CORP.,  
Petitioner,

v.

CORNING OPTICAL COMMUNICATIONS LLC,  
Patent Owner.

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Case IPR2017-01073  
Patent RE45,482 E1

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Before JENNIFER S. BISK, DANIEL J. GALLIGAN, and  
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*Inter Partes* Review  
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

Petitioner, Panduit Corp. (“Petitioner”), filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 25, 32–34, 36, and 43 of U.S. Patent No. RE45,482 E1 (Ex. 1001, “the ’482 patent”) pursuant to 35 U.S.C. §§ 311–319. Patent Owner, Corning Optical Communications LLC (“Patent Owner”), filed a Preliminary Response (Paper 8, “Prelim. Resp.”) to the Petition. Taking into account the arguments presented in

Patent Owner's Preliminary Response, we determined that the information presented in the Petition established that there was a reasonable likelihood that Petitioner would prevail in challenging claims 25, 32–34, 36, and 43 of the '482 patent under 35 U.S.C. § 103(a). Pursuant to 35 U.S.C. § 314, we instituted this proceeding on October 2, 2017, as to claims 25, 32–34, 36, and 43 of the '482 patent. Paper 9 (“Dec. on Inst.”).

During the course of trial, Patent Owner filed a Patent Owner Response (Paper 14, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner Response (Paper 27<sup>1</sup>, “Pet. Reply”). An oral hearing was held on June 27, 2018, and a transcript of the hearing is included in the record. Paper 35 (“Tr.”).

Petitioner filed a Declaration of Casimer DeCusatis, Ph.D. (Ex. 1003) with its Petition. Patent Owner filed Declarations of Brandon Barnes (Ex. 2002), Sean Kelly (Ex. 2003), and Eric Pearson (Ex. 2004) with its Response. The parties also filed transcripts of the depositions of Dr. DeCusatis (Ex. 2005), Mr. Barnes (Exs. 1023<sup>2</sup>, 2019<sup>3</sup>), Mr. Kelly (Exs. 1021<sup>2</sup>, 2018<sup>3</sup>), and Mr. Pearson (Ex. 1022<sup>1</sup>).

We have jurisdiction under 35 U.S.C. § 6. This decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of claims 25, 32–34, 36, and 43 of the '482 patent. For the reasons discussed

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<sup>1</sup> These papers were unsealed pursuant to our Order of June 21, 2018. Paper 33.

<sup>2</sup> These papers are sealed pursuant to our Order of June 21, 2018. Paper 33.

<sup>3</sup> These papers are public versions pursuant to our Order of June 21, 2018. Paper 33.

below, Petitioner has demonstrated by a preponderance of the evidence that claims 25, 32–34, 36, and 43 of the '482 patent are unpatentable.

## I. BACKGROUND

### A. *Related Proceedings*

The parties identify the following district court case related to the '482 patent (Pet. 1; Paper 4, 1):

*Corning Optical Comms. LLC v. Panduit Corp.*, No. 1:16-cv-00268-GMS (D. Del. filed Apr. 15, 2016).

We also instituted an *inter partes* review of claims 15, 16, 18–24, 49, 50, 63–68, and 71 of the '482 patent in co-pending Case IPR2017-01074.

### B. *The '482 patent*

The '482 patent is a reissue of U.S. Patent No. RE42,094, which in turn is a reissue of U.S. Patent No. 6,816,661 (“the '661 patent”). Ex. 1001, [64], 1:29–34. The application that led to the '661 patent was filed on March 22, 2000. *Id.* As discussed below, Petitioner establishes that, at a minimum, its asserted references qualify as prior art relative to that March 22, 2000, filing date.

The '482 patent relates to “multifiber connectors, installation tools and associated methods for validating optical fiber continuity during the connectorization process.” *Id.* at 1:39–42. Figure 1 of the '482 patent is reproduced below.

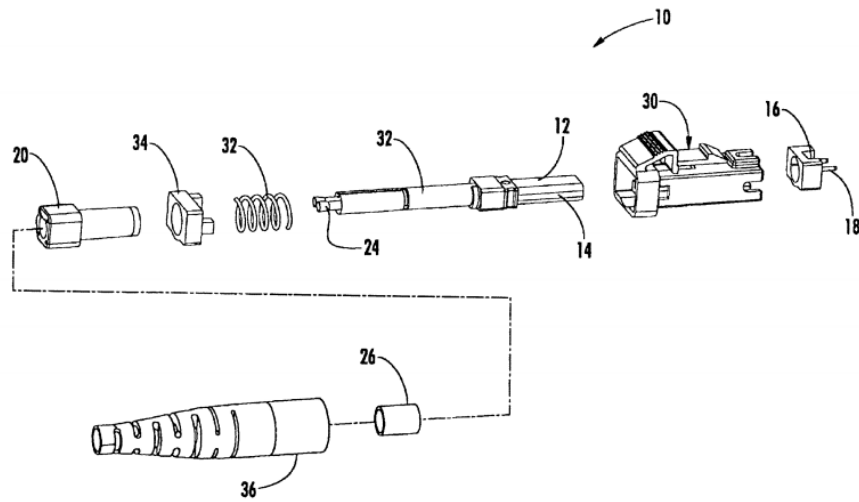


FIG. 1

Figure 1 depicts a multifiber connector 10 (specifically, the MT-RJ UNICAM fiber optic connector) having multifiber ferrule 12, through which a number of optical fiber stubs extend and by which these optical fiber stubs are secured. *Id.* at 7:62–63, 8:41–45. Multifiber connector 10 also includes sleeve/ferrule holder 22,<sup>4</sup> which defines a passageway for at least partially receiving ferrule 12. *Id.* at 9:6–9. Multifiber connector 10 additionally includes splice components positioned proximate the rear face of the multifiber ferrule for aligning optical field fibers with respective optical fibers stubs. *Id.* at 6:17–21. Cam member 20 is adapted to actuate the splice components by urging the splice components toward one another as the cam member is rotated relative to ferrule holder 22. *Id.* at 9:59–10:1.

Figure 6 of the '482 patent is reproduced below.

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<sup>4</sup> Sleeve/ferrule holder 22 appears to be mismarked with reference numeral 32 in Figure 1.

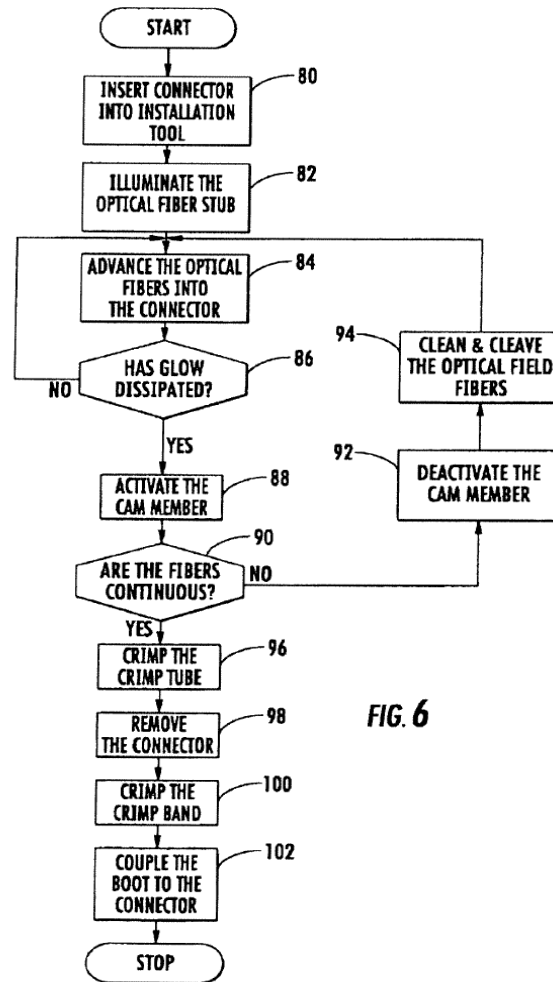


FIG. 6

Figure 6 is a flowchart illustrating the operations performed to validate the continuity of optical field fibers with their respective optical fiber stubs. *Id.* at 8:12–15. At block 82, a light source is introduced into the optical fiber stub in each optical fiber stub–optical field fiber pair. *Id.* at 12:58–60. While the optical fiber stubs and optical field fibers are apart, a glow emanates from the end portions of the optical fiber stubs within the splice components. *Id.* at 13:29–33. The optical fiber stubs and optical field fibers are advanced into the connector in block 84. *Id.* at 13:21–25. When the glow has dissipated sufficiently to indicate optical contact between the optical fiber stubs and optical field fibers in block 86, the cam member is

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