

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PPC BROADBAND, INC.,
Petitioner,

v.

TIMES FIBER COMMUNICATIONS, INC.,
Patent Owner.

IPR2022-00946
Patent 10,988,342 B2

Before BART A. GERSTENBLITH, GEORGE R. HOSKINS, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

PPC Broadband Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–12 and 14–22 of U.S. Patent No. 10,988,342 B2 (Ex. 1001, “the ’342 patent”). Paper 2 (“Pet.”). Times Fiber Communications, Inc. (“Patent Owner”) did not file a Preliminary Response to the Petition.

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition and any response thereto shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Considering the arguments presented in the Petition, we conclude that the information presented in the Petition establishes that there is a reasonable likelihood that Petitioner would prevail in challenging at least one of claims 1–12 and 14–22 of the ’342 patent as unpatentable under the grounds presented in the Petition. Pursuant to § 314, we hereby institute an *inter partes* review.

A. *Real Parties-in-Interest and Related Matters*

Petitioner identifies itself and Belden Inc. as real parties-in-interest. *See* Pet. 89. In its Mandatory Notices, Patent Owner identifies itself as a real party-in-interest. *See* Paper 5, 1.

There are five related IPR proceedings, challenging patents related to the ’342 patent. *See, e.g.*, Paper 5, 1. They are IPR2022-00830 (U.S. Patent No. 10,913,632 B2, in which institution was denied after Patent Owner canceled all challenged claims); IPR2022-00831 (U.S. Patent No. 10,589,957 B2, in which institution was denied after Patent Owner canceled all challenged claims); IPR2022-00947 (U.S. Patent

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No. 11,001,471 B2); IPR2022-01087 (U.S. Patent No. 10,941,016 B2); and IPR2022-01088 (U.S. Patent No. 10,906,771 B2).

The parties indicate that the '342 patent has been asserted in *Times Fiber Communications, Inc. v. PPC Broadband, Inc.*, No. 1:21-cv-01823-UNA (D. Del.) filed December 27, 2021 (“District Court Litigation”). Pet. 89; Paper 5, 1. On July 1, 2022, the District Court Litigation was stayed “pending at least a decision by the PTAB on institution of the [five] IPR petitions.” *Times Fiber*, Docket Nos. 36, 37.

B. The '342 Patent

The '342 patent is directed generally to a system for using a cable reel. *See* Ex. 1001, code (57). Figure 1, reproduced below, shows cable reel apparatus 100 without a supporting bag or box. *Id.* at 7:22–23.

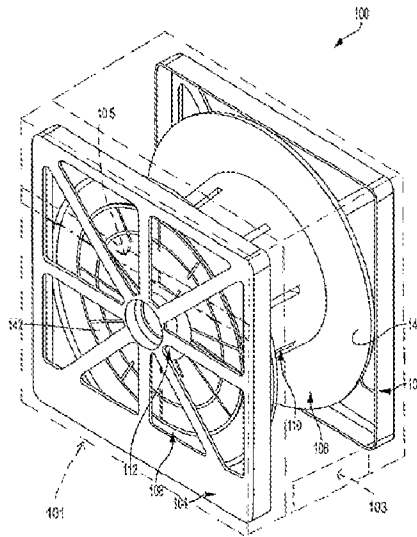


Figure 1, above, shows support frames 102 and 104 of cable reel 100 that rotatably support flanges 106 and 108 with hub member 110 therebetween. *Id.* at 8:40–43. The '342 patent teaches that the support flanges may be sized to fit within the outer frame portions of its respective support frame. *Id.* at 9:4–6. Further, the '342 patent teaches that hub member 110 supports and holds the cable coil. *Id.* at 9:23–24. Additionally, the hub member may

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include a first hub portion and a second hub portion that are axially aligned and configured to mate with one another. *See id.* at 9:24–27.

The '342 patent also discloses that cable reel 100 may be inserted into and supported by the payout bag or box wherein support frames 102 and 104 are attached to the bag's cover and base. *Id.* at 8:46–50.

C. Challenged Claims

Petitioner challenges claims 1–12 and 14–22. Claims 1, 12, and 19 are independent. Claims 1 and 12 are illustrative and reproduced below:

1. A system for using a cable reel apparatus, comprising:

providing components of a separable cable reel for assembly of a cable reel apparatus, the components of the separable cable reel including,

a first frame,

a second frame, the second frame being separate from the first frame,

a first flange configured to engage the first frame, the first flange having an inner side and an outer side, the outer side of the first flange faces the first frame when the first flange is engaged therewith,

a second flange configured to engage the second frame, the second flange having an inner side and an outer side, the outer side of the second flange faces the second frame when the second flange is engaged therewith;

providing a bag having a base and a cover, wherein the bag is sized to hold the cable reel apparatus when assembled, the first frame has a geometry configured for placement in the base of the bag, and the second frame has a geometry configured for placement at or near the cover of the bag; and

providing a pre-wound, reel-less coil of cable that is separate from the separable cable reel,

wherein the first and second flanges are configured to releasably couple with one another to support the pre-wound, reel-less coil of cable therebetween.

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Ex. 1001, 11:35–61.

12. A system for using a cable reel apparatus, comprising:
- providing components of a separable cable reel for assembly of a cable reel apparatus, the components of the separable cable reel including,
 - a first frame,
 - a second frame, the second frame being separate from the first frame,
 - a first flange having an inner side and an outer side, the first flange being configured for engaging the first frame such that the outer side of the first flange faces the first frame, and the first flange having a first hub portion on the inner side of the first flange, and
 - a second flange having an inner side and an outer side, the second flange being configured for engaging the second frame such that the outer side of the second flange faces the second frame, and the second flange having a second hub portion on the inner side of the second flange; and
 - providing a bag having a base and a cover, wherein the bag is sized to hold the cable reel apparatus when assembled, the first frame is configured to be disposed in the base of the bag, and the second frame is configured to be disposed at or near the cover of the bag; and
 - providing a pre-wound, reel-less coil of cable that is separate from the separable cable reel, and
 - wherein the first and second hub portions are sized to fit within the inner diameter of the coil of cable and are configured to releasably couple with one another to form a hub member for supporting the pre-wound, reel-less coil of cable between the first and second flanges.

Id. at 12:26–56.

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