

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CORNING OPTICAL COMMUNICATIONS RF, LLC,  
Petitioner,

v.

PPC BROADBAND, INC.,  
Patent Owner.

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Case IPR2013-00342  
Patent 8,323,060 B2

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Before JAMESON LEE, MICHAEL R. ZECHER, and  
JACQUELINE WRIGHT BONILLA, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER  
Conduct of Proceeding  
*37 C.F.R. § 42.5*

On November 21, 2014, we issued a Final Written Decision, holding that claims 10–25 of U.S. Patent 8,323,060 B2 are unpatentable. Paper 49. On February 22, 2016, the United States Court of Appeals for the Federal Circuit vacated that holding of unpatentability and remanded. *PPC Broadband, Inc. v. Corning Optical Communications RF, LLC*, 815 F.3d 747 (Fed. Cir. 2016).

It is

ORDERED that the parties shall confer with each other with regard to the following:

1. All matters, identified specifically, that must be reconsidered / reassessed before the Board on remand, e.g., claims, prior art references, grounds of unpatentability, particular secondary consideration factors, particular terms within claims, etc.;
2. Whether additional briefing and /or submission of new evidence is required for anything identified in Item (1) above, or if it is not required but should be permitted, and why; and
3. Whether the party would request additional briefing and/or submission of new evidence with respect to one or more subjects identified in response to Item (1), and if so, which particular subjects;

FURTHER ORDERED that if the parties are in agreement with respect to Items (1) and (2) above, then a joint paper shall be filed by the parties, within twenty (20) days of the date of this communication, to

provide a joint response with respect to Items (1) and (2), and to indicate each party's separate answer to Item (3) within the joint paper;<sup>1</sup> and

FURTHER ORDERED that if the parties are not in agreement with respect to either Item (1) or Item (2) above, then separate papers shall be filed by the parties, within twenty (20) days of the date of this communication, to provide each party's separate responses to all three Items (1), (2), and (3).<sup>2</sup>

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<sup>1</sup> Not identifying a matter under this category indicates that the matter need not be revisited or reevaluated on remand.

<sup>2</sup> See Footnote 1.