

Filed on behalf of TQ Delta, LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARRIS GROUP, INC.  
Petitioner

v.

TQ DELTA, LLC  
Patent Owner

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Case No. IPR2016-00428  
Patent No. 7,835,430

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**PATENT OWNER'S PRELIMINARY RESPONSE**

**TABLE OF CONTENTS**

I. INTRODUCTION .....1

II. SUMMARY OF THE '430 PATENT .....7

III. CLAIM CONSTRUCTION .....8

IV. NO REVIEW SHOULD BE INSTITUTED BECAUSE THE PETITION IS  
UNTIMELY .....8

    A. Factual Background of Petitioner Arris.....9

    B. The 1-Year Bar of 35 U.S.C. § 315(b) Applies to Any Privity of a  
    Company Served With a Complaint And Is Not Limited in Time .....11

    C. Even if Privity Must Exist as of the Petition Date for § 315(b)'s  
    Bar to Apply, That Requirement Would Also Be Satisfied Here .....15

V. NO REVIEW SHOULD BE INSTITUTED WITH RESPECT TO THE  
GROUNDS RAISED BY PETITIONER.....17

    A. Ground 1: Obviousness of Claims 1-6 Over T2500 Manual In  
    View of Held-DataComDev4 .....21

        1. Petitioner Improperly Relies On a Product Rather Than a  
        Printed Publication, Fails to Identify All Prior Art Forming  
        the Basis for the Challenge, and Relies on Unauthenticated  
        and Unreliable Evidence .....21

        2. The Combination of T2500 and Held-DataComDev4 Fails to  
        Disclose All Limitations of Claims 1-6.....25

        3. Petitioner Fails to Provide Sufficient Non-Conclusory Evidence  
        to Support a Reason to Combine the References .....33

B.	Ground 2: Obviousness of Claims 1-6 Over US Patent 4,679,227 (Hughes), US Patent 4,438,511 (Baran), and US Patent 5,838,268 (Frenkel).....	40
1.	The Combination of the Hughes, Baran, and Frenkel Would Still Fail to Disclose Several Claim Elements .....	40
2.	Petitioner Fails to Provide Sufficient Non-Conclusory Evidence to Support a Reason to Combine the References .....	48
VI.	CONCLUSION.....	52

**EXHIBIT LIST**

**Exhibit 2001:** IEEE Dictionary Excerpts

**Exhibit 2002:** Co-operation Agreement

**Exhibit 2003:** 10/21/2015 Arris Press Release

**Exhibit 2004:** Common Defense Agreement, May 20, 2015

**Exhibit 2005:** 12/23/2015 Pace Press Release

**Exhibit 2006:** 1/4/2016 Arris Press Release

**Exhibit 2007:** Corporate Disclosure Statement, 13-cv-01835-RGA, (D. Del.), D.I.  
142, Filed 02/17/16

**Exhibit 2008:** Second Amended Complaint for Patent Infringement, 13-cv-01835-  
RGA, (D. Del.), D.I. 24, Filed and Served via ECF on 02/07/14

## I. INTRODUCTION

Patent Owner TQ Delta, LLC (“TQ Delta” or “Patent Owner”) submits this preliminary response to the Petition filed by Arris Group, Inc. (“Arris” or “Petitioner”) requesting *inter partes* review of claims 1-6 of U.S. Pat. No. 7,835,430 (“the ’430 patent”).

As an initial matter, the Board must deny Institution of this proceeding under the 1-year bar date of 35 U.S.C. § 315(b). 2Wire, Inc., a privy of Petitioner Arris and a real party in interest, was served with a complaint alleging infringement of the ’430 Patent on February 7, 2014—more than one year before the January 2, 2016 filing date of this Petition. Arris is the acquirer and successor-in-interest of 2Wire. Arris should not be allowed to circumvent the statutory bar of § 315(b), especially when Arris controls the on-going district court proceedings where it can still challenge the validity of the ’430 patent.

But in any event, the Petition also fails to demonstrate a reasonable likelihood that claims 1-6 of the ’430 patent are unpatentable. Each of the asserted prior art references differs significantly from the inventions claimed by the ’430 patent. Numerous claim limitations are missing from each of the asserted prior art references. Not surprisingly, each of Petitioner’s asserted grounds for unpatentability therefore relies on obviousness. Petitioner, however, unsuccessfully attempts to cobble together various discrete features from multiple

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