

Filed on behalf of TQ Delta, LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and ARRIS GROUP, INC.,
Petitioners,

v.

TQ DELTA, LLC
Patent Owner

Case No. IPR2016-01007¹
Patent No. 8,432,956

**PATENT OWNER'S LISTING OF IMPROPER REPLY / NEW
ARGUMENT AND EVIDENCE**

¹ ARRIS Group, Inc., who filed a Petition in IPR2017-00422, has been joined in this proceeding.

Pursuant to the Board's Order (Paper No. 20) entered June 22, 2017, Patent Owner identifies the following statements, including new argument and evidence, from Petitioner's reply that are beyond the proper scope of a reply:

- (1) Petitioner's Reply at p. 13, ln. 7-p. 14, ln. 7 (“**c. V.90 protocol is an alternative . . .**”)
 - a. Ex. CSCO-1100 (Kiaei Reply Decl.) at p. 14, lns. 5-19 (¶ 25).
- (2) Petitioner's Reply at p. 17, ln. 1-p. 18, ln. 3 (“Power and PSD are related as each other's . . .”);
 - a. Ex. CSCO-1100 at p. 9, ln. 15-p. 10, ln. 10 (¶¶ 16-17) and p. 14, ln. 6-p. 17, ln. 17 (¶¶ 29-31).
- (3) Petitioner's Reply at p. 20, ln. 18-p. 21, ln. 15 (“That SNR is measured “*during Showtime*” . . . “);
 - a. Ex. CSCO-1100 at ln. 1-p. 27, ln.2 (¶¶ 50-52),
 - b. Ex. CSCO-1014 at pp. 108, 109 and 111.
- (4) Petitioner's Reply at page 22, line 16 – page 23, line 7 (“**4. ANSI T1.413's “SNR margin . . .**”);
 - a. Ex. CSCO-1100 at p. 27, ln. 11-p. 29, ln. 17 (¶¶ 54-58).
- (5) Petitioner's Reply at page 24, line 5 – page 26, line 13 (“By measuring SNR at the subscriber modem as ANSI T1.413 teaches”); and

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- a. Ex. CSCO-1100 at p. 31, ln. 9-p. 34, ln. 5 (¶¶ 62-68).
- (6) Petitioner's Reply at page 28, footnote 5;
 - a. Ex. CSCO-1100 at p. 21, ln. 5-p. 22, ln. 7 (¶¶ 39-40),
 - b. Ex. 1109 (entirety).

Dated: June 27, 2017

/Peter J. McAndrews/

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **PATENT OWNER'S LISTING OF IMPROPER REPLY/NEW ARGUMENT AND EVIDENCE** was served on June 27, 2017 via electronic mail to counsel for Petitioner at the following:

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Respectfully submitted,

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