

Filed on behalf of TQ Delta, LLC  
By: Peter J. McAndrews  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th Floor  
Chicago, IL 60661  
Tel: 312-775-8000  
Fax: 312-775-8100  
E-mail: pmcandrews@mcandrews-ip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC., DISH NETWORK, LLC,  
COMCAST CABLE COMMUNICATIONS, LLC,  
COX COMMUNICATIONS, INC.,  
TIME WARNER CABLE ENTERPRISES LLC,  
VERIZON SERVICES CORP., and ARRIS GROUP, INC.,  
Petitioner,

v.

TQ DELTA, LLC  
Patent Owner

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Case No. IPR2016-01021<sup>1</sup>  
Patent No. 8,718,158

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE  
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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<sup>1</sup> DISH Network, L.L.C., who filed a Petition in IPR2017-00255, and Comcast Cable Communications, L.L.C., Cox Communications, Inc., Time Warner Cable Enterprises L.L.C., Verizon Services Corp., and ARRIS Group, Inc., who filed a Petition in IPR2017-00417, have been joined in this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), TQ Delta, LLC (“Patent Owner”) serves the following objections to evidence Petitioners Cisco Systems, Inc. *et al.* served on June 8, 2017. A chart listing Patent Owner’s objections and its basis for the objections is provided below.

Exhibit	Objection
Ex. 1021	<p><b>Relevance:</b> Ex. 1021 is not cited in the Reply, and is therefore not relevant. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.61.</p> <p><b>Authentication:</b> Ex. 1021 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>
Ex. 1022	<p><b>Relevance:</b> Ex. 1022 is cited in Petitioners’ Reply to allegedly show what would have been obvious to a person having ordinary skill in the art, but it was published almost 10 years after the priority date of the ’158 patent (2008 vs. 1999). Because Ex. 1022 is almost 10 years too late, it is not relevant. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.61.</p>
Ex. 1023	<p><b>Relevance:</b> Ex. 1023, according to Petitioner, provides new evidence going to the alleged invalidity of challenged claims. It is improperly introduced in the Reply. It is not relevant and improper. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.23; 37 C.F.R. § 42.61.</p> <p><b>Authentication:</b> Ex. 1023 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>
Ex. 1024	<p><b>Relevance:</b> Ex. 1024, according to Petitioner, provides new evidence going to the alleged invalidity of challenged claims. It is improperly introduced by the Reply. It is not relevant and improper. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.23; 37 C.F.R. § 42.61.</p> <p><b>Authentication:</b> Ex. 1024 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>

<b>Exhibit</b>	<b>Objection</b>
Ex. 1025	<p><b>Relevance:</b> Ex. 1025 is not cited in the Reply, and is therefore not relevant. Also, there is no evidence that Ex. 1025 was ever published. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.61.</p> <p><b>Authentication:</b> Ex. 1025 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>
Ex. 1026	<p><b>Relevance:</b> ¶¶ 4, 5, 8, 15, 17, 19, 23, 27, 30–36, 39–45, 53, and 59 are not cited in the Reply, and are therefore not relevant. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.61.</p> <p>¶¶ 3, 7, 19–14, 16, 18, 20, 21, 24, 29, 37, 38, 42, 43, 46, 47, 48, 49, 50, 51, 52, 54, 55–58 are directed to provide new evidence going to the alleged invalidity of challenged claims. These sections are improperly introduced by the Reply. These sections are not relevant and improper. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.23; 37 C.F.R. § 42.61.</p>
Ex. 1028	<p><b>Relevance:</b> Ex. 1028, according to Petitioner, provides new evidence going to the alleged invalidity of challenged claims. It is improperly introduced by the Reply. It is not relevant and improper. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.23; 37 C.F.R. § 42.61.</p> <p><b>Authentication:</b> Ex. 1028 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>
Ex. 1029	<p><b>Relevance:</b> Ex. 1029, according to Petitioner, provides new evidence going to the alleged invalidity of challenged claims. It is improperly introduced by the Reply. It is not relevant and improper. F.R.E. 402; F.R.E. 403; 37 C.F.R. § 42.23; 37 C.F.R. § 42.61.</p> <p><b>Authentication:</b> Ex. 1029 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>
Ex. 1030	<p><b>Authentication:</b> Ex. 1030 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>
Ex. 1032	<p><b>Authentication:</b> Ex. 1032 is not self-authenticating and has not been authenticated. F.R.E. 901.</p>

IPR2016-01021

Patent Owner's Objection To Evidence Pursuant To 37 C.F.R. § 42.64(b)(1)

U.S. Patent No. 8,718,158

<b>Exhibit</b>	<b>Objection</b>
Ex. 1033	<b>Authentication:</b> Ex. 1033 is not self-authenticating and has not been authenticated. F.R.E. 901.

These objections are made within 5 business days from service of the aforementioned exhibits, June 8, 2017.

Dated: June 15, 2017

/Peter J. McAndrews/

Peter J. McAndrews

Registration No. 38,547

McANDREWS, HELD & MALLOY,  
LTD.

500 West Madison St., Suite 3400

Chicago, IL 60661

Telephone: (312) 775-8000

IPR2016-01021

Patent Owner's Objection To Evidence Pursuant To 37 C.F.R. § 42.64(b)(1)

U.S. Patent No. 8,718,158

### CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing **PATENT OWNER'S**

**OBJECTION TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** was

served on June 15, 2017 in its entirety electronically on:

Lead Counsel	Back-up Counsel
David L. McCombs HAYNES & BOONE, LLP 2323 Victory Ave., Suite 700 Dallas, TX 75219 Tel. 214-651-5533 Fax 214-200-0853 david.mcombs.ipr@haynesboone.com	Theodore M. Foster Tel. 972-739-8649 Russell Emerson Tel. 214-651-5328 Jamie H. McDole Tel. 972-651-5121 HAYNES & BOONE, LLP 2323 Victory Ave., Suite 700 Dallas, TX 75219 Fax 972-692-9156 ipr.theo.foster@haynesboone.com russell.emerson.ipr@haynesboone.com jamie.mcdole@haynesboone.com
Heidi L. Keefe COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., Suite 700 Washington, DC 20004 Tel. 650-843-5001 Fax 650-849-7400 hkeefe@cooley.com Dish-TQDelta@cooley.com zpatdcdocketing@cooley.com	Stephen McBride COOLEY LLP ATTN: Patent Group 1299 Pennsylvania Ave., Suite 700 Washington, DC 20004 Tel. 650-843-5001 Fax 650-849-7400 smcbride@cooley.com
John M. Baird Duane Morris LLP 505 9 <sup>th</sup> St. NW, Ste 1000	Christopher Tyson Duane Morris LLP 505 9 <sup>th</sup> St. NW, Ste 1000

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