

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

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

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

---

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

---

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

---

<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.

*Patent Owner's Listing of Improper Reply / New Argument and Evidence*  
*IPR2016-01021*

Pursuant to the Board's Order (Paper No. 21) entered June 22, 2017, Patent Owner provides the following listing of statements and evidence in that are beyond the proper scope of a reply, including new argument and evidence:

- (1) Petitioner's Reply at p. 8, lns. 16-17 ("scrambling the ..."), and 19-21 (In light ...");
- (2) Petitioner's Reply at p. 9, lns. 1-3 ("Rather than ..."), and 6-8 ("There is ...");
- (3) Petitioner's Reply at p. 11, lns. 9-11 ("Elsewhere TQ Delta ...");
- (4) Petitioner's Reply at p. 12, ln. 6 – p. 13, ln. 18 ("D. Phase scrambling ...");
- (5) Petitioner's Reply at p. 14, lns. 9-16 ("First, the ...");
- (6) Petitioner's Reply at p. 15, lns. 6-20 ("But the ...");
- (7) Petitioner's Reply at p. 17, lns. 5-8 ("Furthermore, there ...");
- (8) Petitioner's Reply at p. 18, lns. 11-20 ("The illogic ...");
- (9) Petitioner's Reply at p. 22, ln. 15 ("Notably, the ...") – p. 26, ln. 7;
- (10) Petitioner's Reply at p. 27, ln. 16 ("1. Likelihood of ...") – p. 35, ln. 19;
- (11) Petitioner's Reply at p. 36, lns. 1-18 ("D. High PAR ...");
- (12) Ex. CSCO-1026 (Tellado Reply Decl.) at p. 3, ln. 21 ("However, Shively ...") – p. 9, ln. 2;
- (13) Ex. CSCO-1026 (Tellado Reply Decl.) at p. 10, ln. 11 ("The likelihood ...") – p. 17, ln. 10;

*Patent Owner's Listing of Improper Reply / New Argument and Evidence*  
*IPR2016-01021*

- (14) Ex. CSCO-1026 (Tellado Reply Decl.) at p. 20, ln. 11 (“Below I ...”) – p. 25, ln. 13;
- (15) Ex. CSCO-1026 (Tellado Reply Decl.) at p. 25, ln. 20 (“A POSITA ...”) – p. 32, ln. 9;
- (16) Ex. CSCO-1026 (Tellado Reply Decl.) at p. 32, ln. 16 (“Shively’s bit-spreading ...”) – p. 33, ln. 12;
- (17) Ex. CSCO-1026 (Tellado Reply Decl.) at p. 33, ln. 17 (“First, I ...”) – p. 35, ln. 4;
- (18) Ex. CSCO-1018 at p.s 138, 140, 142, and 144;
- (19) Ex. CSCO-1022 (entirety);
- (20) Ex. CSCO-1023 (entirety);
- (21) Ex. CSCO-1024 (entirety);
- (22) Ex. CSCO-1025 (entirety);
- (23) Ex. CSCO-1028 (entirety);
- (24) Ex. CSCO-1029 (entirety);
- (25) Ex. CSCO-1030 (entirety);
- (26) Ex. CSCO-1032 (entirety);
- (27) Ex. CSCO-1033 (entirety);
- (28) Ex. CSCO-1034 (entirety); and
- (29) Ex. 2013 (Tellado Redirect Dep. Tr.) at p. 145, ln. 1 – p. 153, ln. 12.

*Patent Owner's Listing of Improper Reply / New Argument and Evidence*  
*IPR2016-01021*

Dated: June 27, 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

CUSTOMER NUMBER: 23446

**CERTIFICATE OF SERVICE**

I hereby certify that the Patent Owner's Listing of Improper Reply/New Argument and Evidence in connection with *Inter Partes* Review Case IPR2016-01021 was served on this 27<sup>th</sup> day of June, 2017 by electronic mail to the following:

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 Washington, DC 20004	Christopher Tyson Duane Morris LLP 505 9 <sup>th</sup> St. NW, Ste 1000 Washington, DC 20004

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.