

Filed by: Petitioner ARRIS Group, Inc.

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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: IPR2016-01160

U.S. PATENT NO. 8,611,404 B2

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**PETITIONER ARRIS GROUP, INC.'S NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§ 141-44, and 319, 37 C.F.R. §§ 90.2, 90.3, and 104.2, and Rule 4(a) of the Federal Rules of Appellate Procedure, Petitioner ARRIS Group, Inc. (“ARRIS”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 34) entered by the Patent Trial and Appeal Board (the “Board”) on December 13, 2017, and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), ARRIS’s issues on appeal include at least:

(i) the Board erred in failing to find claims 1-20 of U.S. Patent No. 8,611,404 B2 (“the ‘404 patent”) unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,956,323 (“Bowie”), U.S. Patent No. 6,246,725 B1 (“Vanzielegem”), and *Network and Customer Installation Interfaces – Asymmetric Digital Subscriber Line (ADSL) Metallic Interface*, AMERICAN NATIONAL STANDARDS INSTITUTION (ANSI) T1.413-1995 STANDARD (“ANSI T1.413”);

(ii) the Board erred in construing the term “synchronization signal” in the Final Written Decision to mean “a signal allowing synchronization between the clock of the transmitter of the signal and the clock of the receiver of the signal,” which construction differed from the proposed constructions of both ARRIS and

Patent Owner, as well as the construction originally adopted by the Board in the Institution Decision;

(iii) the Board erred in excluding portions of ARRIS's Reply (Paper 17) in which ARRIS addressed Patent Owner's argument for a different construction of the term "synchronization signal" than that advanced in the Petition (and which was adopted by the Board in the Institution Decision), and in which ARRIS presented evidence that Vanzielegem and ANSI T1.413 disclose the claimed "synchronization signal" under Patent Owner's proposed construction and the construction adopted by the Board for the first time in the Final Written Decision;

(iv) the Board erred in failing to consider other evidence of record demonstrating that the claimed "synchronization signal" is disclosed by Vanzielegem and ANSI T1.413 under the construction adopted by the Board for the first time in the Final Written Decision;

(v) the Board erred in refusing to permit ARRIS any opportunity to show that the claimed "synchronization signal" is disclosed by Vanzielegem and ANSI T1.413 under the construction adopted by the Board for the first time in the Final Written Decision;

(vi) the Board erred in denying ARRIS's Request for Rehearing pursuant to 37 C.F.R. § 42.71 (Paper 35); and

(vii) any findings, determinations, and/or conclusions relating to the aforementioned issues as well as all other issues decided adversely to ARRIS in any orders, decisions, rulings and opinions.

Pursuant to 37 C.F.R. § 90.3(b), this Notice of Appeal is timely filed within 63 days of the Decision Denying ARRIS's Request for Rehearing (Paper 36), entered March 5, 2018.

Simultaneous with this submission, ARRIS is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

ARRIS Group, Inc.  
Petitioner

Date: May 2, 2018

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