

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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CISCO SYSTEMS, INC.,  
Petitioner,

v.

TQ DELTA, LLC,  
Patent Owner.

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Case IPR2016-01760  
Patent No. 9,094,268

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**PATENT OWNER'S LISTING OF  
NEW ARGUMENTS AND EVIDENCE IN PETITIONER'S REPLY**

*Patent Owner's Listing of New Arguments and Evidence in Petitioner's Reply*  
*IPR2016-01760*  
*U.S. Patent No. 9,094,268*

Pursuant to the Board's Order of September 26, 2017 (Paper No. 22), Patent Owner provides the following list of statements, argumetns, and evidence from Petitioner's Reply that are beyond the proper scope of a reply because they are not responsive, raise new issues, and/or could have been submitted in the Petition. *See* 37 C.F.R. § 42.23(b); 77 Fed. Reg. 48612, 48620; 77 Fed. Reg. 48,756, 48,767.

- (1) P. 6, ln. 14 – p. 7, ln. 4 (“While the . . .”) including cites to new Ex. 1012;
- (2) P. 7, ln. 9 – p. 8, ln. 5 (“The specification. . .”) including new cites to Ex. 1001 at 2:17-22 and 2:23-24, to Ex. 2008 at 82 and 108, and to Ex. 1012;
- (3) P. 10, lns. 5-12 (“As Dr. Kiaei . . .”) including new cites to Ex. 1006 at Figs. 2 and 4 and cites to new Ex. 1012 and new Ex. 1016;
- (4) P. 13, lns. 11-14 (“As Dr. Kiaei . . .”) including cites to new Ex. 1012;
- (5) P. 15, lns. 2-13 (“In this example . . .”);
- (6) P. 16, lns. 10-15 (“Parameters such . . .”) including new cite to Ex. 2008;
- (7) P. 17, lns. 10-12 (“Bowie’s disclosure which . . .”);
- (8) P. 17, ln. 13 – p. 18, ln. 20 (“Further, as . . .”) including new cites to Ex. 1005 at 4:64-5:5, Ex. 1001 at 3:12-25 and 3:29-34, and Ex. 2008 at 87;
- (9) P. 20, lns. 8-9 (“Accordingly . . .”) including cite to new Ex. 1012;
- (10) P. 20, lns. 12-18 (“Patent Owner . . .”) including new cite to Ex. 2008 and cite to new Ex. 1012;

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- (11) P. 22, Ins. 8-9, new cite to Ex. 1006 at 10:58-59;
- (12) P. 23, Ins. 10-13 (“As discussed . . .”); and
- (13) P. 29, Ins. 8-13 (“Bowie already . . .”) including new cite to Ex. 1005 at 5:28-31 and to new Ex. 1012.

Dated: September 29, 2017

Respectfully submitted,

/Peter J. McAndrews/

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*Lead Counsel for Patent Owner*

*Patent Owner's Listing of New Arguments and Evidence in Petitioner's Reply*  
*IPR2016-01760*  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **Patent Owner's Listing of New Arguments and Evidence in Petitioner's Reply** was served on September 29, 2017, via email to counsel for Petitioner at the following:

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