

Declaration of Jim Shead in Support of
Petition for *Inter Partes* Review of
U.S. Patent No. 9,485,055

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE, INC.
Petitioner

v.

TQ DELTA, LLC.
Patent Owner

U.S. Patent No. 9,485,055
Issue Date: November 1, 2016
Title: PACKET RETRANSMISSION AND MEMORY SHARING

Case No. IPR2022-00833

**DECLARATION OF JIM SHEAD IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 9,485,055**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Jim Shead in Support of
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U.S. Patent No. 9,485,055

I, Jim Shead, declare as follows:

A. INTRODUCTION

1. I am a Lead Counsel for CommScope, Inc. (“CommScope”). I am over 21 years old and otherwise competent to make this Declaration. I make this Declaration based on facts and matters within my own knowledge and on information provided to me by others, and, if called as a witness, I could and would competently testify to the matters set forth herein.

2. On April 4, 2019, CommScope Holding Company, Inc., CommScope’s parent entity, acquired ARRIS International Limited (UK) (“ARRIS International”), becoming its controlling parent company.

B. THE INSTANT IPR

3. On August 13, 2021, TQ Delta filed suit against CommScope Holding Company Inc., CommScope Inc., ARRIS International Limited, ARRIS Global Ltd., ARRIS US Holdings Inc., ARRIS Solutions Inc., ARRIS Technology Inc., and ARRIS Enterprises LLC in federal district court in the Eastern District of Texas. This case is styled *TQ Delta, LLC v. CommScope Holding Company, Inc. et al.*, No. 2:21-cv-00310 (E.D. Tex.). The Complaint names numerous entities as defendants and alleges that all Defendants are a single combined “CommScope.”

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4. In the Eastern District of Texas action, TQ Delta has asserted claims 11, 17, and 19 of U.S. Patent No. 9,485,055 (“’055 patent”) against CommScope.

5. In direct response to the allegations in the Eastern District of Texas Complaint that CommScope has infringed one or more claims of the ’055 patent, CommScope, in an exercise of its sole discretion and control, decided to file a petition in the instant IPR, IPR2022-00833.

6. CommScope has paid all fees and expenses associated with this petition and no individuals other than CommScope’s employees, counsel, and consultants acting under the direction of CommScope participated in CommScope’s decision to file this IPR, or its strategy regarding the filing of this IPR.

7. While CommScope is of course aware that a favorable outcome in this proceeding could benefit ARRIS International, CommScope would have petitioned for IPR of the ’055 patent in light of TQ Delta’s allegations that CommScope infringes the ’055 patent regardless of TQ Delta’s allegations that the named ARRIS entities also infringe the ’055 patent.

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C. VERIFICATION

8. I, Jim Shead, declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Executed on April 21, 2022 in Austin TX.



Jim Shead