

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-310 -JRG

DEFENDANTS' STIPULATION REGARDING INVALIDITY CONTENTIONS

Defendants Commscope Holding Company, Inc., Commscope, Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, LLC, (collectively, “Defendants”) submit this stipulation regarding invalidity contentions.

On December 31, 2021, Defendant CommScope, Inc. (“CommScope”) filed petition number IPR2022-00352 with the Patent Trial and Appeal Board (the “Board”) requesting *inter partes* review (“IPR”) of U.S. Patent No. 8,462,835 (the “’835 Patent”); on January 28, 2022, CommScope filed petition number IPR2022-00470 with the Board requesting IPR of U.S. Patent No. 10,567,112 (the “’112 Patent”); on March 28, 2022, CommScope filed petition number IPR2022-00697 with the Board requesting IPR of U.S. Patent No. 8,468,411 (the “’411 Patent”); on April 22, 2022, CommScope filed petition number IPR2022-00833 with the Board requesting IPR of U.S. Patent No. 9,485,055 (the “’055 Patent”); on May 5, 2022, CommScope filed petition number IPR2022-00809 with the Board requesting IPR of U.S. Patent No. 9,094,348 (the “’348 Patent”); on May 20, 2022, CommScope filed petition number IPR2022-01012 with the Board requesting IPR of U.S. Patent No. 10,833,809 (the “’809 Patent”).

The Petitions assert the following grounds of invalidity:

IPR2022-00352 on the ’835 Patent

Ground	Claims	Basis of Unpatentability
1	8–10, 15, 24–26, 31	Anticipated under 35 U.S.C. § 102 over G.992.1 ITU-T Recommendation (“G.992.1”)
2	8–10, 15, 24–26, 31	Obvious under 35 U.S.C. § 103 over SC-060 ITU-T SG15/Q4 Contribution (“SC-060”)
3	8–10, 15, 24–26, 31	Obvious under 35 U.S.C. § 103 over G.992.1 in view of SC-060
4	8–10, 15, 24–26, 31	Obvious under 35 U.S.C. § 103 over G.992.1 in view of U.S. Patent Pub. No. 2002/0172188

IPR2022-00470 on the '112 Patent

Ground	Claims	Basis of Unpatentability
1	1, 3-5, 7, 8, 10-12, 14	Anticipated under 35 U.S.C. § 102 over G.992.1
2	1, 3-5, 7, 8, 10-12, 14	Obvious under 35 U.S.C. § 103 over U.S. Patent No. 7,428,669 in view of G.992.1
3	1, 3-5, 7, 8, 10-12, 14	Anticipated under 35 U.S.C. § 102 over U.S. Patent No. 7,428,669

IPR2022-00697 on the '411 Patent

Ground	Claims	Basis of Unpatentability
1	1, 2, 9, 10, 11, 17, 18, 19, 25	Obvious under 35 U.S.C. § 103 over ITU-T Recommendation G.993.2 ("G.993.2") in view of ITU-T SG15/Q4 Contribution BI-089 ("BI-089")
2	1, 2, 9, 10, 11, 17, 18, 19, 25	Obvious under 35 U.S.C. § 103 over U.S. Patent Application Publication No. 2003/0021338 in view of ITU-T Recommendation G.993.1 ("G.993.1") in view of BI-089

IPR2022-00833 on the '055 Patent

Ground	Claims	Basis of Unpatentability
1	1, 5, 10, 11, 15, 20	Obvious under 35 U.S.C. § 103 over U.S. Patent Application Publication No. 2005/0036497
2	1, 4, 5, 7, 9, 10, 11, 14, 15, 17, 19, 20	Obvious under 35 U.S.C. § 103 over Reynders, D. and Wright, E., "Practical TCP/IP and Ethernet Networking," 2003 ("Reynders")
3	1, 4, 5, 7, 9, 10, 11, 14, 15, 17, 19, 20	Obvious under 35 U.S.C. § 103 over RFC 791, "Internet Protocol," Information Sciences Institute, Sept. 1981 in view of RFC 793, "Transmission Control Protocol," Information Sciences Institute, Sept. 1981 in view of RFC 768, "User Datagram Protocol," Information Sciences Institute, Aug. 1980

IPR2022-00809 on the '348 Patent

Ground	Claims	Basis of Unpatentability
1	1-4, 6, 7, 9-12, 14, 15, 17-20, 2224, 26, and 28	Obvious under 35 U.S.C. § 103 over G.993.2 in view of U.S. Patent No. 7,103,096
2	1-4, 6, 7, 9-12, 14, 15, 17-20, 2224, 26, and 28	Obvious under 35 U.S.C. § 103 over G.993.2 in view of U.S. Patent No. 7,103,096 in view of Reynders

IPR2022-01012 on the '809 Patent

Ground	Claims	Basis of Unpatentability
1	1-28	Obvious under 35 U.S.C. § 103 over G.993.2 in view of U.S. Patent Application Publication No. 2002/0108081 in view of U.S. Patent Application Publication No. 2005/0053093
2	1-28	Obvious under 35 U.S.C. § 103 over G.993.2 in view of U.S. Patent Application Publication No. 2002/0108081 in view of Reynders

Defendants hereby stipulate that if the Board institutes IPR in IPR2022-00352, IPR2022-00470, IPR2022-00697, IPR2022-00833, IPR2022-00809, and/or IPR2022-01012, they will not pursue in this case the specific grounds identified above in connection with the referenced patent(s) and claim(s) as originally issued on the instituted IPR petition(s), or any other ground for a given patent for which the Board institutes that was raised or reasonably could have been raised in an IPR.

This stipulation is not intended, and should not be construed, to limit Defendants' ability to assert invalidity of the asserted claims of the '835 Patent, '112 Patent, '411 Patent, '055 Patent, '348 Patent, and '809 Patent in this case on any other ground (e.g., invalidity under §§ 102 or 103 based on any product prior art, or under §§ 101 or 112), regardless of whether IPR is instituted, and Defendants expressly reserve all rights thereto.

Dated this 7th day of July, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2022, I electronically filed the foregoing notice with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ *Eric H. Findlay*

Eric H. Findlay