

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

PETITIONER'S UPDATED MANDATORY NOTICES

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

Petitioner hereby submits the following updated mandatory notices in connection with the above captioned *inter partes* review of U.S. Patent No. 9,485,055

A. Real Parties in Interest – 37 C.F.R. §42.8(b)(1)

As set forth in the Petition, the real parties in interest are CommScope Holding Company, Inc., and CommScope Inc. Both entities are named defendants in the district court proceedings. Out of an abundance of caution, and in response to the real party in interest and privy arguments raised by Patent Owner in its Preliminary Response in IPR2022-00352 and IPR2022-00470, Petitioner identifies ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, Inc. as additional real parties in interest. 2Wire, Inc. was merged into ARRIS Solutions, Inc. and no longer exists. Therefore, 2Wire, Inc. is not a real party in interest to this proceeding.

While Petitioner stands by its real party in interest and privy arguments in the Petition, if the Board were to rule against Petitioner on this issue, Petitioner could be precluded from updating its real party in interest identification due to the application of the 1-year statutory bar with respect to the ARRIS entities. Accordingly, Petitioner hereby identifies the additional ARRIS entities at issue as real parties in interest.

B. Related Matters – 37 C.F.R. §42.8(b)(2)

The '055 patent is the subject of litigation pending against Petitioner filed on August 13, 2021, styled *TQ Delta, LLC v. CommScope Holding Company, Inc.*, Case No. 2:21-cv-00310 (E.D. Tex.). The '055 patent is also the subject of *TQ Delta, LLC v. Nokia, Inc. et al*, Case No. 2:21-cv-00309 (E.D. Tex.).

Petitioner hereby informs the Board that it filed the prior art stipulation, attached hereto as Exhibit 1035, in the related Eastern District of Texas matter. The stipulation is relevant to the Board's consideration of discretionary denial issues under *Fintiv*. Under the USPTO Director's June 21, 2022 policy pronouncement¹, the Petition should not be denied under *Fintiv* in view of Petitioner's prior art stipulation.

Petitioner is not aware of any other judicial or administrative matter that would affect or be affected by a decision in this IPR.

C. Lead and Backup Counsel – 37 C.F.R. §42.8(b)(3); Service Information – 37 C.F.R. §42.8(b)(4)

Petitioner designates the following lead and backup counsel:

<i>Lead Counsel</i>	<i>Back-up Counsel</i>
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¹ See June 21, 2022 Memorandum from Director Vidal To Members of the Patent Trial and Appeal Board Regarding *Interim Procedures for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation*.

<p>Sanjeet K. Dutta (Reg. No. 46,145) sdutta@goodwinlaw.com GOODWIN PROCTER LLP 601 Marshall Street Redwood City, CA 94063 Tel: (650) 752-3100 Fax: (650) 853-1038</p>	<p>Brett M. Schuman (<i>pro hac vice</i> application to be filed) bschuman@goodwinlaw.com GOODWIN PROCTER LLP Three Embarcadero Center, 28th Floor San Francisco, CA 94111 Tel: (415) 733-6000 Fax: (415) 677-9041</p>
	<p>Andrew S. Ong (Reg. No. 69,076) aong@goodwinlaw.com GOODWIN PROCTER LLP 601 Marshall Street Redwood City, CA 94063 Tel: (650) 752-3100 Fax: (650) 853-1038</p>
	<p>Amadou Diaw (<i>pro hac vice</i> application to be filed) adiaw@goodwinlaw.com GOODWIN PROCTER LLP 1900 N Street, N.W. Washington, D.C. 20036 Tel: (202) 346-4000 Fax: (202) 346-4444</p>

Pursuant to 37 C.F.R. §42.8(b)(4), counsel agrees to service by mail as detailed above, and to electronic service by email at the following addresses:

sdutta@goodwinlaw.com; bschuman@goodwinlaw.com; aong@goodwinlaw.com;
adiaw@goodwinlaw.com.

Dated: July 8, 2022

/Sanjeet K. Dutta/

Sanjeet K. Dutta (Reg. No. 46,145)

GOODWIN PROCTER LLP

601 Marshall Street

Redwood City, California 94063

Email: sdutta@goodwinlaw.com

Tel.: +1 (650) 752-3100

Fax: +1 (650) 853-1038

Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR 42.6, the undersigned hereby certifies that
“PETITIONER’S UPDATED MANDATORY NOTICES” and Exhibit 1035
were served by email upon lead counsel for Patent Owner, pursuant to Patent
Owner’s agreement to accept service by email as set forth in Patent Owner’s
Mandatory Notices.

Christian J. Hurt (Reg No. 63,659)
churt@davisfirm.com
The Davis Firm PC
213 N. Fredonia Street, Suite 230
Longview, Texas 75601
Tel: (903) 230-9090
Peter J. McAndrews (Reg No. 38,547)
pmcandrews@mcandrews-ip.com
David Z. Petty (Reg No. 52,119)
dpetty@mcandrews-ip.com
McAndrews, Held & Malloy Ltd.
500 West Madison Street, 34th Floor
Chicago, IL 60661
Tel. (312) 775-8269
tqd@davisfirm.com
TQD-IPR2022-00833@mcandrews-ip.com

Dated: July 8, 2022

/Sanjeet K. Dutta/

Sanjeet K. Dutta (Reg. No. 46,145)
GOODWIN PROCTER LLP
601 Marshall Street
Redwood City, California 94063
Email: sdutta@goodwinlaw.com
Tel.: +1 (650) 752-3100
Fax: +1 (650) 853-1038

Lead Counsel for Petitioner