

Declaration of Jim Shead in Support of
Petition for *Inter Partes* Review of
U.S. Patent No. 8,462,835

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. 8,462,835
Issue Date: June 11, 2013
Title: Impulse Noise Management

Case No. IPR2022-00352

**DECLARATION OF JIM SHEAD IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 8,462,835**

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

TQ Delta Exhibit 2030
COMMSCOPE, INC. v. TQ DELTA LLC
IPR2023-00064

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U.S. Patent No. 8,462,835

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 parent company. Prior to CommScope’s acquisition of ARRIS International, ARRIS International acquired an entity named 2Wire, Inc.

3. At the time that CommScope Holding Company, Inc., acquired ARRIS International, 2Wire had been engaged in ongoing litigation in federal district court in the District of Delaware in a case styled *TQ Delta LLC v. Pace Americas LLC*, No. 1:13-cv-01835 (D. Del.). The District of Delaware action concerns allegations that 2Wire infringed a number of patents owned by TQ Delta, including U.S. Patent No. 8,462,835 (“the ’835 patent”).

4. I understand that neither 2Wire nor its parent companies that were

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initially served as defendants in the District of Delaware action petitioned for IPR of the '835 patent.

5. CommScope was not involved in any deliberations 2Wire may have had regarding whether to file a petition for IPR of the '835 patent nor did it have any control at all over 2Wire's decision.

B. THE INSTANT IPR

6. 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."

7. In the Eastern District of Texas action, TQ Delta has asserted claims 8, 10, 24, and 26 of the '835 Patent against CommScope.

8. CommScope was served with the Eastern District of Texas Complaint on August 17, 2021.

9. In direct response to the allegations in the Eastern District of Texas Complaint that CommScope has infringed one or more claims of the '835 patent,

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CommScope, in an exercise of its sole discretion and control, decided to file a petition in the instant IPR, IPR2022-00352.

10. 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.

11. While CommScope is of course aware that a favorable outcome in this proceeding could benefit ARRIS International and 2Wire, CommScope would have petitioned for IPR of the '835 patent in light of the Eastern District of Texas action regardless of the ongoing proceedings in the District of Delaware in order to defend against TQ Delta's allegations that CommScope infringes the '835 Patent.

C. VERIFICATION

12. 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.

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Executed on 12/29/21 Austin, TX.



Jim Shead