

Filed on behalf of TQ Delta, LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO, INC.
Petitioner

v.

TQ DELTA, LLC
Patent Owner

Case No. IPR2016-01009
Patent No. 8,238,412

PATENT OWNER'S RESPONSE UNDER 37 CFR §42.120

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EXHIBIT LIST

Ex. 2001	Declaration of Douglas Chrissan, PhD for Inter Partes Review Nos. IPR2016-01006, -01007, -01008, -01009
Ex. 2002	Hargrave's Communications Dictionary (2001) at pp. 404, 485
Ex. 2003	U.S. Pat. Pub. No. 20050190826
Ex. 2004	Webster's Unabridged Dictionary of the English Language (1989 ed.) at p. 1217
Ex. 2005	Transcript of 2/8/17 Deposition of Sayfe Kiaei
Ex. 2006	ITU-T G.992.1 (6/99) Series G: Transmission Systems and Media, Digital Systems and Networks – Asymmetric Digital Subscriber Line (ADSL) Transceivers

I. INTRODUCTION

The Board has instituted *inter partes* review of claims 9-12, 15-18, and 21 of U.S. Pat. No. 8,238,412 (“the ’412 patent”) based on a single Ground—Petitioner’s allegations of obviousness in view of a combination of Milbrandt, Chang, Hwang, and ANSI T1.413. Patent Owner, however, respectfully submits that for purposes of institution the Board accepted as true numerous unsupported factual statements by Petitioner’s expert that are demonstrably incorrect. Indeed, based on his testimony at his deposition, Petitioner’s expert (Dr. Sayfe Kiaei) is unknowledgeable and unqualified regarding the technical issues in this proceeding. Patent Owner provides in this Response additional detail, technical explanations from its own qualified expert (Dr. Douglas Chrissan), and further legal support to clarify the deficiencies in the Petition. In addition, the Board overlooked or misapprehended several arguments set forth in the Preliminary Patent Owner Response—Patent Owner provides additional detail and support on those points.

First, Petitioner has not shown that it would have been obvious in a multicarrier transceiver (such as a DSL modem) to transmit or receive a test message having “*an array representing power level per subchannel information*” (“PLPSC”), as required by claims 9-12 and 21. None of the asserted references disclose anything that represents PLPSC—Petitioner incorrectly points to measured parameters in the references that convey very different information

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