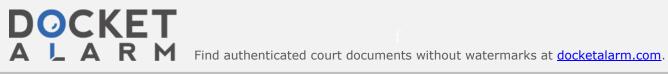
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Page 1
1
                        DR. SAYFE KIAEI
2
           UNITED STATES PATENT AND TRADEMARK OFFICE
3
            BEFORE THE PATENT TRIAL AND APPEAL BOARD
 4
    CISCO SYSTEMS, INC. AND DISH ) Case IPR
5
     NETWORK, LLC, et al.,
                                     ) 2016-01006
6
                                      ) Patent No.
                   Petitioners,
                                      ) 7,835,430
7
                                      ) Case IPR
    vs.
                                      ) 2016-01007
                                      ) Patent No.
     TQ DELTA, LLC,
                                      ) 8,432,956
                   Patent Owner.
10
                                      ) Case IPR
                                      ) 2016-01008
11
                                      ) Patent No.
                                      ) 8,238,412
12
                                      ) Case IPR
13
                                      ) 2016-01009
                                      ) Patent No.
14
                                      ) 8,238,412
15
16
                 DEPOSITION OF DR. SAYFE KIAEI
17
18
                         Phoenix, Arizona
                          June 26, 2017
19
                            8:44 a.m.
20
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22
23
     JOB NO. 125980
     REPORTED BY:
24
     Janice Gonzales, RPR, CRR
     AZ Certified Court
     Reporter No. 50844
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		Page 2		Page 3
1	DR. SAYFE KIAEI		1	DR. SAYFE KIAEI
2	DEPOSITION OF DR. SAYFE KIAEI		2	APPEARANCES CONTINUED:
3	commenced at 8:44 a.m. on June 26, 2017, at Snell &		3	For the Patent Owner:
4 5	Wilmer, LLP, 400 East Van Buren Street, One Arizona		4	McANDREWS, HELD & MALLOY
6	Center, Suite 1900, Phoenix, Arizona 85004, before Janice Gonzales, RPR, CRR, Arizona Certified Court			By: Raj Chiplunkar, Esq.
7	Reporter No. 50844.	ica Court	5	Thomas Wimbiscus, Esq.
8				500 West Madison Street
9	* * *		6	Chicago, Illinois 60661
10 11	APPEARANCES:		7	C ,
12	For the Petitioners:		8	
13	HAYNES AND BOONE		9	
1.4	By: John Russell Emerson, Esq.		10	
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15	Dallas, Texas 75219		12	
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17			14 15	
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24	(via telephone)		24	
25			25	
		Page 4		Page 5
1	DR. SAYFE KIAEI	Page 4	1	Page 5 DR. SAYFE KIAEI
1 2	DR. SAYFE KIAEI INDEX	Page 4	1 2	
2		Page 4		DR. SAYFE KIAEI
2	I N D E X Name Examination By DR. SAYFE KIAEI	Page	2	DR. SAYFE KIAEI DR. SAYFE KIAEI,
2 3 4	I N D E X Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR	Page 5	2	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	INDEX Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR MR. EMERSON MR. CHIPLUNKAR EXHIBITS Exhibit Description	Page 5 173 174 Page	2 3 4 5 6 7 8 9 10 11 12 13 14 15	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. CHIPLUNKAR: Q. Could you please state your name for the record again. A. Good morning. My name is Sayfe Kiaei. Q. So, Dr. Kiaei, I'll refer to you as Dr. Kiaei or simply Doctor or sir. Is that okay? A. Yes, Counsel. Q. Okay. Some housekeeping. You've done this before. I'll take a break maybe every hour or so. Feel free to ask for a break whenever you think you need a break. Just complete answering the question. Speak audibly so she can get your answers down. So let's get started.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	INDEX Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR MR. EMERSON MR. CHIPLUNKAR EXHIBITS Exhibit Description	Page 5 173 174 Page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. CHIPLUNKAR: Q. Could you please state your name for the record again. A. Good morning. My name is Sayfe Kiaei. Q. So, Dr. Kiaei, I'll refer to you as Dr. Kiaei or simply Doctor or sir. Is that okay? A. Yes, Counsel. Q. Okay. Some housekeeping. You've done this before. I'll take a break maybe every hour or so. Feel free to ask for a break whenever you think you need a break. Just complete answering the question. Speak audibly so she can get your answers down. So let's get started. A. Thank you, Counsel.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	INDEX Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR MR. EMERSON MR. CHIPLUNKAR EXHIBITS Exhibit Description	Page 5 173 174 Page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. CHIPLUNKAR: Q. Could you please state your name for the record again. A. Good morning. My name is Sayfe Kiaei. Q. So, Dr. Kiaei, I'll refer to you as Dr. Kiaei or simply Doctor or sir. Is that okay? A. Yes, Counsel. Q. Okay. Some housekeeping. You've done this before. I'll take a break maybe every hour or so. Feel free to ask for a break whenever you think you need a break. Just complete answering the question. Speak audibly so she can get your answers down. So let's get started. A. Thank you, Counsel. Q. You previously submitted separate
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	INDEX Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR MR. EMERSON MR. CHIPLUNKAR EXHIBITS Exhibit Description	Page 5 173 174 Page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. CHIPLUNKAR: Q. Could you please state your name for the record again. A. Good morning. My name is Sayfe Kiaei. Q. So, Dr. Kiaei, I'll refer to you as Dr. Kiaei or simply Doctor or sir. Is that okay? A. Yes, Counsel. Q. Okay. Some housekeeping. You've done this before. I'll take a break maybe every hour or so. Feel free to ask for a break whenever you think you need a break. Just complete answering the question. Speak audibly so she can get your answers down. So let's get started. A. Thank you, Counsel. Q. You previously submitted separate declarations in each of IPR 2016-01006, IPR
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	INDEX Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR MR. EMERSON MR. CHIPLUNKAR EXHIBITS Exhibit Description	Page 5 173 174 Page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. CHIPLUNKAR: Q. Could you please state your name for the record again. A. Good morning. My name is Sayfe Kiaei. Q. So, Dr. Kiaei, I'll refer to you as Dr. Kiaei or simply Doctor or sir. Is that okay? A. Yes, Counsel. Q. Okay. Some housekeeping. You've done this before. I'll take a break maybe every hour or so. Feel free to ask for a break whenever you think you need a break. Just complete answering the question. Speak audibly so she can get your answers down. So let's get started. A. Thank you, Counsel. Q. You previously submitted separate declarations in each of IPR 2016-01006, IPR 2016-1007, IPR 2016-1008, and IPR 2016-1009. Is that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	INDEX Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR MR. EMERSON MR. CHIPLUNKAR EXHIBITS Exhibit Description	Page 5 173 174 Page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. CHIPLUNKAR: Q. Could you please state your name for the record again. A. Good morning. My name is Sayfe Kiaei. Q. So, Dr. Kiaei, I'll refer to you as Dr. Kiaei or simply Doctor or sir. Is that okay? A. Yes, Counsel. Q. Okay. Some housekeeping. You've done this before. I'll take a break maybe every hour or so. Feel free to ask for a break whenever you think you need a break. Just complete answering the question. Speak audibly so she can get your answers down. So let's get started. A. Thank you, Counsel. Q. You previously submitted separate declarations in each of IPR 2016-01006, IPR 2016-1007, IPR 2016-1008, and IPR 2016-1009. Is that correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	INDEX Name Examination By DR. SAYFE KIAEI MR. CHIPLUNKAR MR. EMERSON MR. CHIPLUNKAR EXHIBITS Exhibit Description	Page 5 173 174 Page	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	DR. SAYFE KIAEI DR. SAYFE KIAEI, called as a witness herein, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MR. CHIPLUNKAR: Q. Could you please state your name for the record again. A. Good morning. My name is Sayfe Kiaei. Q. So, Dr. Kiaei, I'll refer to you as Dr. Kiaei or simply Doctor or sir. Is that okay? A. Yes, Counsel. Q. Okay. Some housekeeping. You've done this before. I'll take a break maybe every hour or so. Feel free to ask for a break whenever you think you need a break. Just complete answering the question. Speak audibly so she can get your answers down. So let's get started. A. Thank you, Counsel. Q. You previously submitted separate declarations in each of IPR 2016-01006, IPR 2016-1007, IPR 2016-1008, and IPR 2016-1009. Is that



	Page 6		Page 7
1	DR. SAYFE KIAEI	1	DR. SAYFE KIAEI
2	as the diag mod IPRs or simply the IPRs and the	2	A. I have only had communications with the
3	patents that they challenge as the diag mod patents.	3	counsels.
4	So would that be okay with you?	4	Q. Okay. And can you confirm that you
5	A. Yes, Counsel.	5	previously submitted a declaration in each of these
6	Q. Okay. I will refer to U.S. Patent No.	6	IPRs in support of Cisco's petition for IPRs?
7	7,835,430 as the '430 patent, U.S. Patent No.	7	A. Yes, Counsel, I have.
8	8,238,412 as the '412 patent, and U.S. Patent No.	8	Q. You also submitted a CV or a resume with
9	8,432,956 as the '956 patent. Would that be okay	9	your prior declaration. Are there any changes in
10	with you?	10	that resume? Any major changes?
11	A. Yes, Counsel.	11	A. No major changes. Two or three
12	Q. And for the record, can you please	12	publications may have come up, but no, no major
13	confirm that you are petitioner Cisco's expert	13	changes.
14	declarant for each of these IPRs?	14	Q. Okay. And you submitted a single
15	A. Yes, Counsel.	15	declaration that was filed with petitioners' reply in
16	Q. There are additional parties that have	16	each of these IPRs?
17	joined some of these IPRs. Are you aware of that?	17	A. Yes, Counsel.
18	A. Additional parties?	18	Q. And for the record, this second
19	Q. Parties, yeah. Other than Cisco, a few	19	declaration has already been marked Petitioners'
20	other parties have joined some of these IPRs. Are	20	Exhibit 1100. Can you confirm that?
21	you aware of that?	21	A. I believe that's the correct number, but
22	A. No.	22	if you have a copy of it, I can confirm that.
23	Q. Okay. So I take it, then, you had no	23	Q. I will refer to your declaration as your
24	communications with any other parties except Cisco	24	reply declaration, and you will understand that this
25	and Cisco's counsel?	25	is the declaration that you submitted with Cisco's
	Page 8		Page 9
1	DR. SAYFE KIAEI	1	DR. SAYFE KIAEI
2	reply. Is that okay with you?	2	Q. Okay. Fair enough. For the record,
3	A. Yes, Counsel.	3	petitioner submitted with their reply declaration
4	Q. Okay. And the opinion in this	4	exhibits that have already been marked 1100 through
5	declaration, these are your own opinions?	5	1111.
6	A. Yes, Counsel, they're my opinions.	6	You prepared for this declaration,
7	Q. Can you confirm for the record that for	7	Dr. Kiaei, in advance of this deposition?
8	these opinions you rely for support on several new	8	A. Yes, Counsel, I did.
9	exhibits?	9	Q. Did you meet with counsel?
10	A. The list of exhibits I have is in the	10	A. Yes, Counsel, I did.
11	declaration I submitted. So I have to look at it and	11	Q. Did you review Dr. Chrissan's deposition
12	see which ones are new, but	12	testimony?
13	Q. Do you agree that there are declarations	13	A. Dr.?
14	that you cite that are documents that you cite to in	14	Q. Chrissan.
15	this present declaration that you didn't cite to in	15	A. Dr. Chrissan, yes. Yes, I did.
16	your prior declaration?	16	Q. His declaration?
17	A. I don't quite exactly remember. There	17	A. I reviewed his declaration, yes.
18	may have been one or two of them, yes.	18	Q. Your prior declaration?
19	Q. So there were one or two new references	19 20	A. I focused mostly on the recent
20	that you cite to in your present declaration?	21	declaration I've given. I did not look at my prior
21	A. There were one or two references in reply	21	declaration.
22	to Mr. Chrissan's declaration. To answer those, I	23	Q. So you did not look at your prior
23 24	may have added one or two additional ones, from what I remember, but I have to look at my declaration to	24	declaration? A. No.
	r remember built have to look at my declaration to		A. INU.
		25	O Okay Did you review the new references
25	be firm about it.	25	Q. Okay. Did you review the new references

Page 10 Page 11 1 1 DR. SAYFE KIAEI DR. SAYFE KIAEI 2 2 that you cite to in your second declaration? Dr. Chrissan's deposition? 3 3 A. Yes, I did. A. I don't recall that. Primarily I 4 Q. How many hours did you take preparing for 4 attended to -- to hear what he has to say. 5 5 this deposition? Q. Okay. Do you recall the attorney for 6 6 A. I didn't add the hours. The last couple petitioner who deposed Dr. Chrissan? 7 7 of weeks I've been working on this. A. Yes, I believe that was Russ, yes. That 8 8 Q. Couple of weeks? would be the gentleman here. 9 9 A. Yeah, the last two weeks here and there. Q. Mr. Emerson. And like I previously 10 10 Not every day, but hours here and there, so... stated, you cited to several books in your second 11 11 Q. Okay. Fair enough. So you already declaration. One of these is Exhibit 1101 that I'll 12 stated that you reviewed the declaration of 12 refer to as the Abe publication. Do you recall 13 Dr. Chrissan in preparing this declaration and in 13 looking at this book? 14 14 preparing for this deposition. Were you aware that A. Yes, Counsel, I have looked at this book. 15 Dr. Chrissan was deposed on his declaration? 15 Q. Okay. Who identified -- who identified 16 16 this book? Your Counsel? 17 17 Q. Did you attend Dr. Chrissan's deposition? MR. EMERSON: Object to the form. 18 18 THE WITNESS: I don't actually remember. A. Yes, I did. That's the one in Chicago, 19 19 BY MR. CHIPLUNKAR: right? 2.0 20 Q. Do you have this book in your possession? Q. Yes. 21 21 A. Yes, I have a copy of this book in my A. Yeah, I was there. 22 22 Q. Did you help petitioners' counsel prepare possession. 23 for the deposition of Dr. Chrissan? 23 Q. Okay. 2.4 A. What do you mean by "help"? 24 A. Yeah. 25 25 Q. Did they consult with you prior to Q. You did not rely on this book in your Page 12 Page 13 1 DR. SAYFE KIAEI 1 DR. SAYFE KIAEI 2 2 first declaration; is that correct? question, but I'm going to ask it. So during 3 A. No, I did not. As I said, this was in Dr. Chrissan's deposition, Mr. Emerson asked 4 4 reference to the reply to Dr. Chrissan's statements Dr. Chrissan the following question: "Are you 5 5 in his declaration. familiar with this book? Are you familiar with this 6 6 Q. Is it your understanding that this book book in any way?" 7 7 represents a person of ordinary skill in the art's Same question to you. Prior to this --8 8 understanding or the understanding of a person of prior to this deposition and prior to you preparing 9 9 ordinary skill in the art? your declaration, were you familiar with this book? 10 10 A. Pertaining to materials I discussed here, A. I knew it existed, yeah. I was aware of 11 11 the book, yeah. It was one of the books at the time yes. 12 12 Q. Okay. Is it your understanding then that that was available on the subject, yeah. I don't 13 13 the author of this book is a person of ordinary skill recall exactly how detailed I read it at the time, 14 14 in the art? but I was aware of it. 15 15 A. I don't know Dr. Abe. I presume it's Q. And in your declaration that you 16 16 Dr. Abe -- George Abe, but I believe so, yes. I submitted with the petition -- and I'm just going to 17 17 believe so. quote for the record. You stated at paragraph 36 of 18 18 Q. So you think he's a doctor? Exhibit 1009, "In my opinion, the level of a POSITA 19 A. I don't know that. 19 needed to have the capability of understanding 20 2.0 O. Okay. multicarrier communications and engineering A. I don't know. 21 21 principles applicable to the '956 patent is (1) a 22 Q. But you presume he's a doctor? 22 master's degree in electrical or computer engineering 23 23 A. I don't know that either. I take that or equal while in training, and approximately five 24 24 years of experience working in digital statement back. 25 25 Q. Okay. So you already answered this communication."

Page 14 Page 15 1 DR. SAYFE KIAEI DR. SAYFE KIAEI 2 2 If I told you Mr. Abe's qualifications THE WITNESS: First of all, in the POSITA 3 3 are a BA in mathematics and an MS in business I said that it was a master's in electrical 4 qualitative matters, would you consider him a POSITA? 4 engineering and computer engineering or equivalent. 5 5 A. I don't know Mr. Abe's background and Number 2, I don't have Mr. Abe's -- Mr. Abe's resume resume. I think that -- first of all, I'd like to 6 in front of me, but in general, a person with a 7 7 look at my declaration to see what I said for a background in mathematics and statistics would, and 8 8 POSITA. If you don't mind, hand me a copy of my having a background in other areas related to that 9 9 would understand some of the concepts that are declaration. 10 Q. I don't have your 1009 declaration. 10 discussed here. 11 11 That's why I just quoted it for the record. BY MR. CHIPLUNKAR: 12 A. Oh, I see. Can you read that again? 12 Q. So are you changing your definition of a 13 13 Q. "In my opinion, the level of a POSITA POSITA then? 14 14 needed to have the capability of understanding A. No, I'm not. I said equivalent. 15 multicarrier communications and engineering 15 Q. So you're supplementing your definition 16 16 principles applicable to the '956 patent is (1) a of a POSITA then? 17 17 master's degree in electrical and/or computer A. No, I'm not, Counsel. 18 18 engineering or equal valid training, and (2) Q. So bachelor's in mathematics is 19 approximately five years of experience working in 19 equivalent to a degree in electrical engineering? 20 20 digital telecommunications." A. As I said, I need to look at his resume 21 21 Under this definition, would a person and his publications. Having published -- having 22 22 with a BA in mathematics and an MS in business published this book which is a second edition of a 23 qualitative matters qualify as a POSITA? 23 book in residential broadband and having read what I 2.4 MR. EMERSON: I'm going to object to the 24 have read here, I have to look at his resume. 25 25 form and I'm going to object as beyond the scope. Q. Okay. Let's turn to page 4 of the Abe Page 16 Page 17 1 1 DR. SAYFE KIAEI DR. SAYFE KIAEI 2 2 travel faster than allowed by 4 kilohertz even if the reference, the third full sentence. Can you read 3 3 line was perfectly clean." that into the record. 4 4 A. On the first paragraph? Q. Can you explain to me what it means when 5 5 Q. Yes. you say "no bit can travel faster than allowed by 6 6 A. You're talking about "Frequency, 4 kilohertz"? 7 7 amplitude" sentence? The third sentence under MR. EMERSON: Object to the form. 8 8 "Discrete Multitone"? THE WITNESS: This is outside -- first of 9 9 Q. No, page 4, the last page. all, what he's talking about here is that the delays 10 10 A. Oh, page 4 of the book, not page 4 of the -- because of the fact that each one of the subbands 11 11 have a limited bandwidth, the delays of transmitting document. 12 12

Q. The last page of what you printed out. 13 A. Oh, I see. Last page with the figure? 14 Q. Yes, which has a graph on it. 15 A. Yeah. Q. That would be page 69 of the Abe 16 17 reference, the third full sentence. Could you please 18 read that into the record. 19 A. The third full sentence is "One of the 2.0 noisiest debates" you're talking about? 21 The first sentence is "Multicarrier

techniques have a latency." The second sentence is

A. The third sentence is "So no bit can

"In the DMT case for ADSL."

O. Now, the third sentence.

data is limited to this 4 kilohertz's bandwidth. That's what my understanding and a POSITA's understanding of this is. The data rate for each one of these subbands is limited. The bandwidth of this is limited to 4 kilohertz. BY MR. CHIPLUNKAR: O. So the maximum bandwidth of 80 SL is 4 kilohertz? MR. EMERSON: Object to the form. BY MR. CHIPLUNKAR:

22 Q. I'll rephrase that. Is it your 23 understanding that the maximum bandwidth of 80 SL is 24 4 kilohertz? 25

A. No, that's not what it's talking about.

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