

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc.,
Petitioner

Case IPR2016-_____

U.S. Patent No. 9,014,243

**DECLARATION OF DR. JOSE TELLADO, UNDER
37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 9,014,243**

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I, Dr. Jose Tellado, do hereby declare as follows:

I. INTRODUCTION

1. I have been retained as an independent expert declarant on behalf of Cisco Systems, Inc. (“Cisco”) for the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 9,014,243 (“the ’243 patent”). I am being compensated at my usual and customary rate for the time I spend in connection with this IPR. My compensation is not affected by the outcome of this matter.

2. I have been asked to provide my opinions regarding whether claims 1-25 (“the Challenged Claims”) of the ’243 patent are invalid as they would have been obvious to a person having ordinary skill in the art (“POSITA”) at the time of the alleged invention. It is my opinion that all of the limitations of claims 1-25 would have been obvious to a POSITA after reviewing the Shively, Stopler, and Gerszberg references, as discussed further below.

3. The ’243 patent issued on April 21, 2015, from U.S. Patent Appl. No. 13/718,016 (“the ’016 Application”), filed on December 18, 2012. The ’016 Application is a continuation of Application No. 13/439,605, filed on Apr. 4, 2012, now Pat. No. 8,355,427, which is a continuation of Application No. 13/284,549, filed on Oct. 28, 2011, now Pat. No. 8,218,610, which is a continuation of Application No. 11/860,080, filed on Sep. 24, 2007, now Pat. No. 8,073,041, which is a division of Application No. 11/211,535, filed on Aug. 26, 2005, now

Pat. No. 7,292,627, which is a continuation of Application No. 09/710,310, filed on Nov. 9, 2000, now Pat. No. 6,961,369.

4. The '243 patent also claims the benefit of U.S. Provisional Application No. 60/164,134, filed on November 9, 1999.

5. The face of the '243 patent names Marcos C. Tzannes as the purported inventor. Further, the face of the '243 patent identifies TQ Delta, LLC as the initial assignee of the '243 patent.

6. In preparing this Declaration, I have reviewed:

- a) the '243 patent, Ex. 1001;
- b) the file history of the '243 patent, Ex. 1002;
- c) the file histories of the patent applications to which the '243 patent claims priority, Ex. 1003-1008; and
- d) the prior art references discussed below, Ex. 1011-1013.

7. In forming the opinions expressed in this Declaration, I relied upon my education and experience in the relevant field of art, and have considered the viewpoint of a POSITA, as of November 9, 1999 (the earliest claimed priority date). I have also considered:

- a) the documents listed above,
- b) the additional documents and references cited in the analysis below,

- c) the relevant legal standards, including the standard for obviousness, and
- d) my knowledge and experience based upon my work in this area as described below.

8. I understand that claims in an IPR are given their broadest reasonable interpretation in view of the patent specification and the understandings of a POSITA. I further understand that this is not the same claim construction standard as one would use in a District Court proceeding.

9. Unless otherwise noted, all *bold italics* emphasis in any quoted material has been added.

II. BACKGROUND AND QUALIFICATIONS

10. My qualifications are set forth in my curriculum vitae, a copy of which is attached as Ex. 1010 submitted with this declaration. As set forth in my curriculum vitae:

11. I received a Ph.D. in Electrical Engineering from Stanford in 1999. The topic of my Ph.D. dissertation was peak-to-average ratio (PAR) power reduction for multicarrier modulation. I also received a Master of Science degree in Electrical Engineering from Stanford in 1994 and a Bachelor of Science degree in Telecommunication Engineering from the University of Santiago de Compostela (Spain) in 1992.

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