UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Cisco Systems, Inc.,
Petitioner

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Case IPR2016-_____

U.S. Patent No. 8,611,404

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**DECLARATION OF DR. SAYFE KIAEI, UNDER
37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 8,611,404**

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I, Sayfe Kiaei, do hereby declare as follows:

I.   INTRODUCTION

1.   I have been retained as an independent expert witness on behalf of

Cisco Systems, Inc. ("Cisco") for the above-captioned Petition for *Inter Partes*

Review ("IPR") of U.S. Patent No. 8,611,404 ("the '404 patent"). I am being

compensated at my usual and customary rate of $400 per hour for the time I spend

in connection with this IPR. My compensation is not affected by the outcome of

this IPR.

2.   I have been asked to provide my opinions regarding whether claims 6,

10, 11, 15, 16, and 20 ("the Challenged Claims") of the '404 patent are

unpatentable 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 these claims would have been obvious to a POSITA after

reviewing the Bowie, Yamano, and ANSI T1.413 references, as discussed further

below.

3.   The '404 patent issued on December 17, 2013, from U.S. Patent Appl.

No. 13/152,558, filed Jun. 3, 2011, now U.S. Pat. No. 8,437,382, which is a

continuation of U.S. Patent Appl. No. 12/615,946, filed Nov. 10, 2009, now U.S.

Pat. No. 7,978,753, which is a continuation of U.S. Patent Appl. No. 11/425,507,

filed Jun. 21, 2006, now U.S. Pat. No. 7,697,598, which is a continuation of U.S.

Patent Appl. No. 11/289,516, filed Nov. 30, 2005, which is a continuation of U.S.

Patent Appl. No. 11/090,183, filed Mar. 28, 2005, which is a continuation of U.S.

Patent Appl. No. 10/778,083, filed Feb. 17, 2004, which is a continuation of U.S.

Patent Appl. No. 10/175,815, filed Jun. 21, 2002, which is a continuation of U.S.

Patent Appl. No. 09/581,400, filed Jun. 13, 2000, now U.S. Pat. No. 6,445,730,

which is a 371 of International Application No. PCT/US99/01539, filed Jan. 26,

1999, which claims the benefit of and priority to U.S. Application No. 60/072,447,

filed Jan. 26, 1998.

4.   The face of the '440 patent names John A. Greszczuk, Richard W.

Gross, Halil Padir N., Michale A. Tzannes, as the inventors. Further, the face of the

'404 patent identifies TQ Delta, LLC, as the assignee of the '404 patent.

5.   In preparing this Declaration, I have reviewed:

a)   the '404 patent, Ex. 1001;

b)   the file history of the '404 patent, Ex. 1002; and

c)   the prior art references discussed below: Ex. 1005 (Bowie), Ex.

1006 (Yamano), and Ex. 1007 (ANSI T1.413), and

d)   prior art relevant DSL technology: Ex. 1009 (Fosmark).

6.   In forming the opinions expressed in this Declaration, I have relied

upon my education and experience in the relevant field of art, and have considered

the viewpoint of a POSITA, as of January 26, 1998. 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 provided in and any additional authoritative documents as cited in the body of this declaration, and

d) my knowledge and experience based upon my work in this area as described below.

7. 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.

II. BACKGROUND AND QUALIFICATIONS

8. My qualifications are set forth in my curriculum vitae, a copy of which is included as Exhibit 1004. As set forth in my curriculum vitae:

9. I earned my B.S. in Computer and Electrical Engineering from Washington State University-Northeastern in 1982, a M.S. in Electrical and Computer Engineering from Washington State University in 1984, and a PhD. in Electrical and Computer Engineering from Washington State University in 1987.

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