

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner

v.

TQ DELTA LLC,
Patent Owner

Case IPR2016-01466
Patent No. 8,611,404

PETITIONER'S REPLY

TABLE OF CONTENTS

I. Introduction.....5

II. Claim Construction.....5

 A. Petitioner’s construction of “synchronization signal” is the broadest reasonable interpretation.....5

 B. No construction is needed for “parameters associated with the full power mode operation.”7

III. The combination of Bowie, Yamano, and the ANSI specification renders the claims obvious.....8

 A. The combination of Bowie and the ANSI specification renders obvious “*store, in the low power mode, at least one parameter associated with the full power mode operation wherein the at least one parameter comprises at least one of a fine gain parameter and a bit allocation parameter.*”8

 1. Bowie’s loop characteristics include more than just attributes of the wire loop.9

 2. The combination of Bowie and the ANSI specification teaches storing loop transmission characteristics that include bit allocation and fine gain parameters.10

 3. The teachings of Bowie and the ANSI specification do not undermine a determination that it would be obvious to combine them.12

 B. The combination of Bowie and the ANSI specification renders obvious “*exit[ing] from the low power mode ... without needing to reinitialize the transceiver.*”13

 C. The combination of Bowie and the ANSI specification renders obvious “*receive/transmitting, in full power mode, a synchronization signal.*”14

D. The combination of Bowie, Yamano, and the ANSI specification renders obvious “*transmit/receiving, in low power mode, a synchronization signal.*”15

1. Yamano’s timing signal is a synchronization signal under the Board’s construction.16

2. Yamano’s timing signal is a synchronization signal under the Petitioner’s construction.16

3. Yamano’s timing signal is a synchronization signal under Patent Owner’s new construction.17

4. Yamano’s timing signal is received in the low power mode.....19

IV. A POSITA would have combined Bowie, Yamano, and the ANSI specification.....21

A. Bowie and the ’404 Patent teach similar systems and methods.21

B. A POSITA would have modified Bowie to transmit or receive a synchronization signal in low power mode.22

C. Yamano’s burst mode protocol is compatible with the ADSL standard.24

D. The obviousness analysis in the Petition is based on the teachings in the prior art, not hindsight.....26

E. The reasons for combing Bowie, Yamano, and the ANSI specification are consistent with the understanding of a POSITA.27

V. Patent Owner’s attack on Dr. Kiaei’s testimony is baseless.28

VI. Conclusion30

VII. Certificate of Word Count31

PETITIONER'S UPDATED EXHIBIT LIST

August 23, 2017

Ex. 1001	U.S. Patent No. 8,611,404 to Greszczuk et al.
Ex. 1002	Prosecution File History of U.S. Patent No. 8,611,404
Ex. 1003	Declaration of Sayfe Kiaei under 37 C.F.R. § 1.68
Ex. 1004	Curriculum Vitae of Dr. Sayfe Kiaei
Ex. 1005	U.S. Patent No. 5,956,323 to Bowie
Ex. 1006	U.S. Patent No. 6,075,814 to Yamano et al.
Ex. 1007	ANSI T1.413-1995
Ex. 1008	Declaration of David Bader
Ex. 1009	U.S. Patent No. 6,084,881 to Fosmark et al.
Ex. 1010	Declaration of Dr. Chrissan in IPR2016-01160
Ex. 1011	Deposition Transcript of Dr. Chrissan
Ex. 1012	Second Declaration of Dr. Sayfe Kiaei
Ex. 1013	Standard Dictionary of Computer and Information Processing (1977)
Ex. 1014	Reserved
Ex. 1015	Reserved
Ex. 1016	Reserved
Ex. 1017	Reserved
Ex. 1018	Reserved
Ex. 1019	District Court Claim Construction Order
Ex. 1020	Tina Rathbone, MORE MODEMS FOR DUMMIES (1996) (selected pages)
Ex. 1021	Copyright registration for Ex.1020

I. Introduction

Patent Owner argues that the combination set forth in the Petition does not teach: (1) storing fine gain and bit allocation parameters in low power mode; (2) exiting low power mode without the need for retraining; (3) transmitting/receiving a synchronization signal in full power mode; and (4) transmitting/receiving a synchronization signal in the low power mode. Patent Owner also argues that there is no motivation to combine Bowie, Yamano, and the ANSI specification. These arguments rely on narrow claim constructions and a mischaracterization of the references. As shown below, Patent Owner's arguments do not refute the obviousness of the challenged claims.

II. Claim Construction

A. Petitioner's construction of "synchronization signal" is the broadest reasonable interpretation.

Petitioner, Patent Owner, and the Board each propose distinct constructions for this term. The Board's construction is "*a signal allowing frame synchronization between the transmitter of the signal and the receiver of the signal.*" Institution Decision, 6. Patent Owner argues that this construction is incorrect because it "seems to implicate the wrong kind of synchronization." Response, 18. Petitioner agrees that by referring to only frame synchronization, the Board's construction incorrectly limits "*synchronization signal*" to just frame synchronization.

There is no dispute that the '404 patent describes both frame synchronization

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.