

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DISH NETWORK L.L.C.  
Petitioner

v.

TQ DELTA LLC  
Patent Owner

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Case IPR2016-01469  
Patent 9,094,268

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**PETITIONER'S OBJECTION TO PATENT OWNER'S  
DEMONSTRATIVES**

Pursuant to the Board's Trial Hearing Order of October 6, 2017 (Paper No. 35),  
Petitioner hereby objects to the Patent Owner's demonstratives for the oral hearing  
scheduled for November 8, 2017:

(1) Petitioner's objects to slide 29 of the Patent Owner's demonstratives as  
containing new argument because the second bullet point cites to and provides an  
image from "Ex. 1002 at ¶ 65," and Patent Owner has never addressed or cited to this  
paragraph in any of its briefings. A copy of this slide is attached to this paper.

Dated: November 6, 2017

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Respectfully submitted,

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# Petitioner's '404 Reply – Incorrect Attorney Argument Mischaracterizes Patent Owner & Is Contradicted by Petitioner's Expert

## Petitioner's (Attorney-Argument-Only) Reply:

resume signal. A 16kHz resume signal is merely one option. The fact that there is a *remote* possibility of both Bowie's resume signal and Vanzieleghem's pilot tone being set at the same frequency (e.g., 16kHz), as the PO suggests (POR, 48), is not enough to defeat obviousness when Bowie discloses other frequency and tone options for its resume signal that would differentiate it from Vanzieleghem's pilot tone.

## IPR2016-01470 Reply at 19-20

## Petitioner's Expert:

65. **Common tones (sub-channels) not used for data transmission, include:**
- Guard Band (Tones 1 to 5 < 25.875kHz); Tone 1 (carrier 1) is reserved for POTS (telephone calls and fax); Tones 2-5 prevents cross talk between POTs and ADSL.

Ex. 1002 at ¶ 65 (cited at IPR2016-01470 at Pet. at 6)

**CERTIFICATE OF SERVICE**

I hereby certify, pursuant to 37 C.F.R. Sections 42.6, that a complete copy of the attached **PETITIONER'S OBJECTION TO PATENT OWNER'S DEMONSTRATIVES** is being filed with the PTAB and served via electronic mail on the 6<sup>th</sup> day of November, 2017, upon counsel of record for the Patent Owner as follows:

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