

Filed on behalf of TQ Delta, LLC

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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 IPR2016-01470  
Patent No. 8,611,404

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**PATENT OWNER'S RESPONSE**

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Exhibit 2003	Declaration of Douglas A. Chrissan, Ph.D. for Inter Partes Review No. IPR2016-01470
Exhibit 2004	May 3, 2017 Deposition Transcript of Leo Hoarty (IPR2016-01470)
Exhibit 2005	IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition
Exhibit 2006	<i>Curriculum Vitae</i> of Douglas A. Chrissan, Ph.D.
Exhibit 2007	Merriam-Webster's Collegiate Dictionary, 10th Ed. (2003) at 70
Exhibit 2008	Dictionary Of Networking, Third Edition (1999) at 360

## **I. INTRODUCTION**

The Board instituted *inter partes* review of four claims (6, 11, 16, and 20) of U.S. Pat. No. 8,611,404 (“the ’404 patent”) based on a single Ground—alleged obviousness in view of a combination of U.S. Patent No. 5,956,323 (“Bowie”), U.S. Patent No. 6,247,725 (“Vanzielegem”), and the American National Standards Institute (ANSI) T1.413-1995 Standard, entitled “Network and Customer Installation Interfaces—Asymmetric Digital Subscriber Line (ADSL) Metallic Interface” (the “1995 ADSL Standard”).

For purposes of institution, however, the Board accepted as true several unsupported factual statements by Petitioner and its expert that are incorrect and contradicted by the asserted references themselves. The Board did not have the benefit of a complete record with respect to how a person of ordinary skill in the art (“POSITA”) would have understood the teachings of the cited references. Therefore, Patent Owner provides additional details and technical explanations from Dr. Douglas Chrissan, an expert in DSL technologies, along with further legal support, that show that a POSITA would not have found the claims of the ’404 patent obvious in view of Bowie, Vanzielegem, and the 1995 ADSL Standard.

*First*, Petitioner has not established that any of the references teaches or suggests the limitation of storing, in the low power mode, at least one “*parameter associated with full power mode operation,*” as required by each of the instituted

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