

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,

v.

TQ DELTA, LLC,  
Patent Owner.

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Case IPR2016-01466 and IPR2016-01760  
Patent 8,611,404 B2 and 9,094,268 B2

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Record of Oral Hearing  
Held: November 8, 2017

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Before SALLY C. MEDLEY, TREVOR M. JEFFERSON and MATTHEW  
R. CLEMENTS, *Administrative Patent Judges*.

Case IPR2016-01466 and IPR2016-01760  
Patent 8,611,404 B2 and 9,094,268 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

THEODORE M. FOSTER, ESQUIRE  
DAVID MCCOMBS, ESQUIRE  
Haynes and Boone, LLP  
2323 Victory Avenue  
Suite 700  
Dallas, Texas 75219

ON BEHALF OF PATENT OWNER:

RAJENDRA A. CHIPLUNKAR, ESQUIRE  
PETER MCANDREWS, ESQUIRE  
McAndrews Held & Malloy, Ltd.  
500 West Madison Street  
34th Floor  
Chicago, Illinois 60661

The above-entitled matter came on for hearing Wednesday, November 8, 2017, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.



1 have a copy of your demonstratives here in front of me.

2 Any questions, petitioner?

3 MR. MCCOMBS: No, Your Honor.

4 JUDGE CLEMENTS: Okay. Any questions, counsel for patent  
5 owner?

6 MR. MCANDREWS: No, Your Honor.

7 JUDGE CLEMENTS: Okay. Very good.

8 Mr. Foster, would you like to reserve any rebuttal time?

9 MR. FOSTER: Yes, Your Honor. I would like to reserve 15 minutes.

10 JUDGE CLEMENTS: Okay. 15 minutes. I'll give you a warning as  
11 we get close to that. And otherwise, you may begin when ready.

12 MR. FOSTER: Thank you.

13 Good afternoon. May it please the Board. I believe the panel is  
14 already familiar with the patents and the technology involved in these two  
15 cases. And so I will jump straight into the issues. And going to slide 2,  
16 there are four issues that I've tried to encapsulate the arguments that patent  
17 owner has made regarding the obviousness of the two patents at issue.

18 And so I will go straight to slide 6. And the first of those issues, which  
19 is that Bowie, our primary reference, stores loop transmission characteristics  
20 which are associated with full power mode. And looking at slide 7, I have a  
21 short quotation from the patent owner's own response, where patent owner  
22 acknowledges that Bowie has a teaching to store in memory characteristics  
23 of the loop. So that is the line between two communicating transceivers.

24 And then the second quote -- and this is, again, from patent owner's  
25 response -- their footnote, number 1, page 10, of their response, where they  
26 acknowledge that when Bowie is talking about characteristics of the loop or

1 loop characteristics, those are indeed loop transmission characteristics.  
2 Those are characteristics or parameters associated with the transmission of  
3 data. And patent owner acknowledges that the term loop characteristics and  
4 loop transmission characteristics are used interchangeably in Bowie. And so  
5 I believe that shows that what Bowie is storing are indeed parameters  
6 associated with the transmission of data and associated with full power  
7 mode.

8 Moving to slide 8 and looking at quotations from Bowie itself as I  
9 highlighted at the top of the slide, Bowie describes storing loop  
10 characteristics and that that enables the rapid resumption of user data  
11 transmission after exiting low power mode.

12 So again, Bowie is describing that by storing these characteristics, it  
13 can resume data transmission. Therefore, those parameters being stored, the  
14 characteristics being stored, are associated with full power mode in data  
15 transmission.

16 Moving to slide 9, and this is an issue that is specific to the '404  
17 patent, which, in its independent claims, has a further limitation describing  
18 the parameters that are stored and requiring that they include a bit allocation  
19 of the fine gain parameter. And our position there is that that concept is  
20 obvious over the combination of Bowie and the ANSI T.1413 standard.

21 As we see in the quotations on slide 9 from Bowie, Bowie is storing in  
22 memory the characteristics that are determined during handshaking. And  
23 that handshaking process includes a process in which parameters and values,  
24 these -- characteristics is what it calls them -- those values are exchanged.

25 And the ANSI standard further explains that exchange process and  
26 explains that, included in the exchange of parameters during initialization of

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