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. 9,094,268

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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. 9,094,268**

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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. 9,094,268 ("the '268 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 1, 2, 4, 11, 12, 14, 16, and 18 ("the Challenged Claims") of the '268 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 and Yamano references, as discussed further below.

**3.**    The '268 patent issued on July 28, 2015, from U.S. Patent App. No. 14/295,981, filed Jun. 4, 2014, and claims priority to a series of U.S. Patent and Provisional Applications with the earliest being U.S. Prov. App. No. 60/072,447, filed Jan. 26, 1998. *See* Ex. 1001.

**4.** The face of the '268 patent names John A. Greszczuk, Richard W. Gross, Halil Padir, and Michale A. Tzannes, as the inventors. Further, the face of the '268 patent identifies TQ Delta, LLC, as the assignee.

**5.** In preparing this Declaration, I have reviewed:

a) the '268 patent, Ex. 1001;

b) the file history of the '268 patent, Ex. 1002; and

c) the prior art references discussed below: Ex. 1005 (Bowie) and Ex. 1006 (Yamano), 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.

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**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.

**10.** I have been a Professor at Arizona State University (ASU) since 2001. In this capacity, I have served as a Motorola Endowed Professor and Chair in analog and RF integrated circuits. I am also Director of ASU's Center on Global Energy Research and Director of NSF Connection One Research Center with a focus on integrated communication systems.

**11.** From 2009 to 2012, and concurrent with my position at ASU, I was the Associate Dean of Research at the Ira A. Fulton Schools of Engineering.

**12.** From 1993 to 2001, I was a senior member of technical staff with the Wireless Technology Center and Broadband Operations at Motorola. In that

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