

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc.,
Petitioner

Case IPR2016-_____

U.S. Patent No. 8,718,158

**DECLARATION OF DR. JOSE TELLADO, UNDER
37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 8,718,158**

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I, Dr. Jose Tellado, do hereby declare as follows:

I. INTRODUCTION

1. I have been retained as an independent expert declarant on behalf of Cisco Systems, Inc. (“Cisco”) for the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 8,718,158 (“the ’158 patent”). I am being compensated at my usual and customary rate for the time I spend in connection with this IPR. My compensation is not affected by the outcome of this matter.

2. I have been asked to provide my opinions regarding whether claims 1-30 (“the Challenged Claims”) of the ’158 patent are invalid 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 claims 1-30 would have been obvious to a POSITA after reviewing the Shively, Stopler, Gerszberg, and Bremer references, as discussed further below.

3. The ’158 patent issued on May 6, 2014, from U.S. Patent Appl. No. 13/303,417 (“the ’417 Application”), filed on November 23, 2011. The ’417 Application is a continuation of application No. 12/783,725, filed on May 20, 2010, now U.S. Pat. No. 8,090,008, which is a continuation of U.S. Patent Appl. No. 12/255,713, filed Oct. 22, 2008, now U.S. Pat. No. 7,769,104, which is a continuation of U.S. Patent Appl. No. 11/863,581, filed Sep. 28, 2007, now U.S. Pat. No. 7,471,721, which is a continuation of U.S. Appl. No. 11/211,535, filed

Aug. 26, 2005, now U.S. Pat. No. 7,292,627, which is a continuation of U.S. Patent Appl. No. 09/710,310, filed Nov. 9, 2000, now U.S. Pat. No. 6,961,369.

4. The '158 patent also claims the benefit of U.S. Provisional Application No. 60/164,134, filed on November 9, 1999.

5. The face of the '158 patent names Marcos C. Tzannes as the purported inventor. Further, the face of the '158 patent identifies TQ Delta, LLC as the initial assignee of the '158 patent.

6. In preparing this Declaration, I have reviewed:

- a) the '158 patent, Ex. 1001;
- b) the file history of the '158 patent, Ex. 1002;
- c) the file histories of the patent applications to which the '158 patent claims priority, Ex. 1003-1008; and
- d) the prior art references discussed below, Ex. 1011-1013, 1017, and 1019.

7. In forming the opinions expressed in this Declaration, I relied upon my education and experience in the relevant field of art, and have considered the viewpoint of a POSITA, as of November 9, 1999 (the earliest claimed priority date). I have also considered:

- a) the documents listed above,

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