

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
Petitioner,

v.

IARNACH TECHNOLOGIES, LIMITED,
Patent Owner.

Case IPR: 2024-01287
Patent No. 9,287,982

**PETITIONER’S REPLY TO PATENT OWNER’S OPPOSITION TO
PETITIONER’S MOTION TO EXCLUDE EVIDENCE**

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Patent Owner Iarnach Technologies Limited's opposition to Petitioner Charter Communications, Inc.'s motion to exclude misrepresents Petitioner's arguments and continues to ignore the Petition's direct allegations.

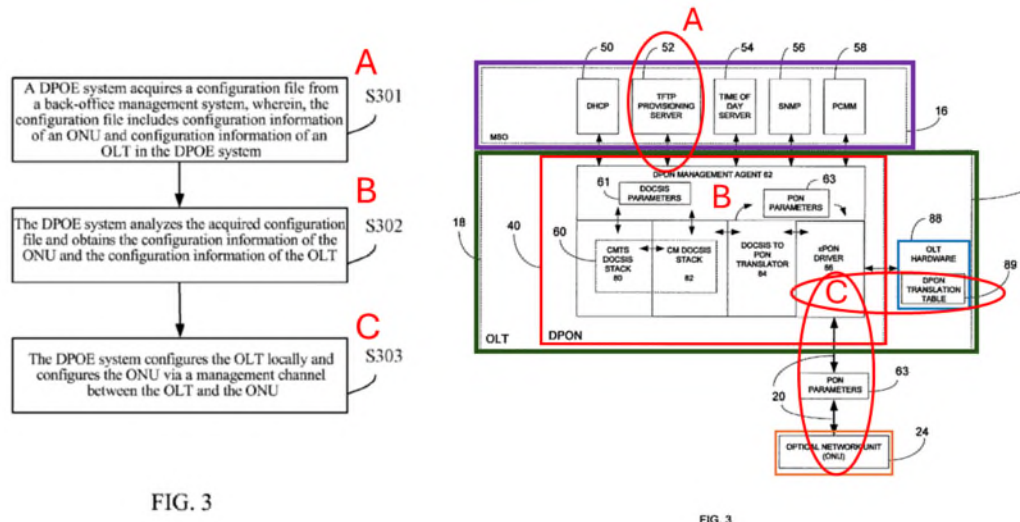
I. Paragraphs 39-42 and 58-61 of EX2008 Are Unreliable

PO's response fails to save Dr. Litvin's Declaration from improperly considering only a subset of the cited evidence with respect to the "service auto-configuration" language in the preamble and then viewing that subset through the narrowest of lenses. Nor does it excuse his failure to apply PO's own understanding of the term "service auto-configuration."

While PO has yet to define the term "service auto-configuration," it cited the '982 Patent's Figure 3 as a portion of the specification allegedly explaining the term. *See, e.g.* PO Resp. at 18 (citing EX1001 at 4:49-51); see also Pet. Reply at 2-7. Contrary to Dr. Litvin's misrepresentation, the Petitioner's citations to Bernstein and Tsuge explicitly depicts a "service auto-configuration" method/network at the same level of detail as Figure 3 of the '982 Patent.

For example, the Petition alleges that a "service auto-configuration" method/network is shown by Bernstein's "DPON 40" (Fig. 3), which is shown to: acquire a DOCSIS configuration file from TFTP server 52 (Step A), analyze and obtain DOCSIS parameters 61 (step B) and convert them into PON parameters (unlisted step), and then configure both the OLT 18 locally using a DPON

Translation Table 89 and the ONU 24 remotely:



EX1001, Fig. 3 and EX1008, Fig. 3 (annotations added). The same is true of the discussion of Tsuge (“discloses an auto-configuration method . . . for provisioning DOCSIS services on ONU/OLT hardware”) and the evidence cited therein:

...**[A- the CM setting information file is obtained . . . According to the DOCSIS standard . . .] [B- Subsequently, the OLT 101 executes an OLT/ONU setting sequence by using the obtained CM setting information file (step 930). . . the OLT 101 sequentially interprets setting parameters included in the CM setting information file. The contents of the setting parameters are converted into the ONU setting information signal 543 or the settings to the OLT itself or into both of them (there is also a possibility that the contents of the setting parameters are not converted into any of them).] [C- In the case where they are converted into the settings to the OLT itself, the settings are reflected to the OLT (step 934). In the case where they are converted into the ONU setting information signal 543, an ONU setting request message is transmitted to the ONU 102 as a setting target (step 931).]**

Pet. at 60 citing EX1008 at 14:40-15:22 (emphasis added). At a minimum, Dr.

Litvin’s characterization of this evidence as describing “nothing” about “the

automatic configuration of the ONU and OLT” shows a complete disregard for the Petition’s allegations and is unreliable.

In addition, the remainder of the analysis of claim 1 in Sections VIII(A)(1)(b)-(g) and VIII(C)(1)(b)-(g) also provides additional explanation for how the operation of Bernstein’s DPON 40 and Tsuge’s configuration process that may properly be relied upon to establish invalidity. First, the particularity requirement set forth in 35 U.S.C. § 312(a)(3) requires only that “the petition identif[y], in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim.” PO has cited no cases in which the full breadth of the analysis of a feature in the prior art (i.e. Fig. 3’s DPON 40) as set forth in a single claim (i.e. claim 1) has been disregarded.

Second, even if the analysis in Sections VIII(A)(1)(b)-(g) are considered to have been raised with respect to “service auto-configuration” for the first in the reply (they were not), those arguments are still not “new” with respect to the legal ground being asserted and must be considered. *Wildcat Licensing WI LLC v. Atlas Copco Tools & Assembly Sys. LLC*, No. 2022-1304, 2024 WL 89395, *3 (Fed. Cir. Jan. 9, 2024) (assertion that hall effect sensor “measured” torque opened door to supplement with new evidence in reply); *Rembrandt Diagnostics, LP v. Alere, Inc.*, 76 F.4th 1376, 1384–85 (Fed. Cir. 2023) (allowing expanded argument about

“efficiency” by elaborating specific efficiencies gained). The same is true here—Petitioner has consistently relied on the same embodiments of Bernstein and Tsuge, and each additional disclosure relating to these embodiments within Ground 1’s analysis of claim 1 is proper. Dr. Litvin’s testimony is unreliable.

II. Paragraphs 43-53 of EX2008 Are Unreliable

As the Board correctly noted, the Petition and Petitioner’s expert both explicitly state that such “analyzing” is performed by Bernstein’s DPON 40 (Paper 12 at 32-33 citing Pet. at 28) and the cited evidence mirrors claim 1’s language:

Cited portion of Bernstein	Claim 1
“A DOCSIS-to-PON translator 84 is then used for converting any of the parameters 61 obtained by the cable modem proxy 60 into associated PON parameters 63 that can be used by the OLT 18 and ONU 24. ” EX1006 at 3:53-63	the DPOE system analyzing the acquired configuration file, and obtaining both the configuration information of the ONU and the configuration information of the OLT. . . . when analyzing the acquired configuration file, the DPOE system further converts. . .

At least because he mischaracterizes this evidence as “not discuss analyzing the acquired configuration file, at all,” Dr. Litvin’s testimony is unreliable. These paragraphs also are unreliable because Dr. Litvin disregards the Board’s determination that the “analyzing” and “converting” steps of claim 1 occur as a single process. *Compare* Paper 12 at 33 with EX2008 at ¶45 (claims “require two separate steps, one of analyzing ... and the other of converting.”)

Dr. Litvin also ignores his own understanding that DOCSIS configuration files require analysis to translate—as Bernstein describes the use of such files. For

all these reasons, paragraphs 43-53 are unreliable.

III. Paragraphs 55-57 and 82-85 of EX2008 Are Unreliable

PO's response fails to excuse Dr. Litvin's disregard of his own understanding of "services opened by the ONU" as including common DOCSIS services subscribed to by the customer, including internet and voice over IP services (EX1017 at 72:7-20 and 73:9-22) when the Petition describes Bernstein and Tsuge providing the same types of conventional DOCSIS services. *See*, Pet. at 29-32, 65-68. These paragraphs are unreliable.

IV. Paragraphs 64-68 of EX2008 Are Unreliable

The petition repeatedly explains that in Tsuge, "[t]he contents of the setting parameters are converted into . . . the settings to the OLT itself" including in the very first section of analysis, Section VIII(C)(1)(a). Pet. at 60, 62-63, 65-66. Because Dr. Litvin failed to consider these arguments and is directly contradicted, these paragraphs are unreliable. Even if those portions are considered raised first on reply (it was not) in connection with element 1[g], this argument is not a "new" "legal ground" for the reasons in Section I above.

V. Paragraphs 70-73 and 76-80 of EX2008 Are Unreliable

Lastly, Dr. Litvin again ignored his own understanding of conventional DOCSIS back-office systems—used in both Tsuge and the '982 Patent— which operate using TFT servers he admits store files and DHCP servers to allocate IP addresses. EX1017 at 63:22-64:6 and 75:9-17. These paragraphs are unreliable.

Respectfully submitted,

/Raymond R. Ricordati III/

November 13, 2025

Raymond R. Ricordati III (Reg. No. 62,586)

rricordati@marshallip.com

Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, pursuant to 37 CFR §§ 42.6(e), copies of the foregoing “PETITIONER’S REPLY TO PATENT OWNER’S OPPOSITION TO PETITIONER’S MOTION TO EXCLUDE EVIDENCE” is being served today, November 13, 2025, by electronic mail on counsel for the Patent Owner and through filing this document through the Patent Trial and Appeal Board End to End System:

Blaine A. Larson
Heim Payne & Chorush, LLP
609 Main Street, Suite 3200
Houston, TX 77002
E: blarson@hpcllp.com

Michael F. Heim
Eric J. Enger
William B. Collier, Jr.
Heim Payne & Chorush, LLP
609 Main Street, Suite 3200
Houston, TX 77002
E: mheim@hpcllp.com
E: eenger@hpcllp.com
E: wcollier@hpcllp.com

/ Raymond R. Ricordati (Reg. No. 62,856)/

Raymond R. Ricordati (Reg. No. 62,856)
Backup Counsel for Petitioner