

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

Case IPR2016-01254
Patent Number: 8,457,113

**PATENT OWNER FOCAL IP, LLC'S LISTING OF IMPROPER
REPLY/NEW ARGUMENT AND EVIDENCE**

Pursuant to the Board's Order (Paper No. 33), Patent Owner provides the following listing of statements and evidence that are beyond the proper scope of a reply, including new argument and evidence:

- (1) Petitioner's Reply at p. 1 ln. 11-p. 2 ln. 2 ("PO's first argument . . .")
- (2) Petitioner's Reply at p.2 lns. 12-15 ("Moreover, Archer's description . . .")
- (3) Petitioner's Reply at p.3 lns. 1-5 ("Because PO's first two arguments . . .")
- (4) Petitioner's Reply at p. 4 lns. 9-11 ("A. Burger (Ground 1) Discloses . . .")
- (5) Footnote 3 ("In his deposition . . .")
- (6) Petitioner's Reply at p. 4 ln. 5-p. 6 ln. 4 ("Specifically, Burger discloses . . .")
- (7) Petitioner's Reply at p. 6 lns. 5-11 ("Moreover, even if the claims . . .")
- (8) Petitioner's Reply at p. 6 lns. 12-14 ("B. Archer (Ground 3) Discloses . . .")
- (9) Petitioner's Reply at p. 6 lns. 17-21 ("A POSA would understand . . .")
- (10) Petitioner's Reply at p. 7 lns. 1-10 (including figure) ("Even if the claims . . .")
- (11) Petitioner's Reply at p. 8 ln. 1-p. 11 ln. 15 (including figures) ("C. A POSA Understood . . .")
 - a. Ex. 1046 (entirety)
 - b. Ex. 1047 (entirety)
- (12) Petitioner's Reply at p. 11 lns. 16-20 ("D. Burger in view of Alexander . . .")

- (13) Petitioner's Reply at p. 13 ln. 8-p.15 ln. 2 (including footnote) ("E. Archer in view of Chang . . .")
- (14) Petitioner's Reply at p. 17 ln. 13-p. 18 ln. 5 ("PO's arguments . . .")
- (15) Petitioner's Reply at p. 18 lns. 6-19 ("H. Conclusion . . .")

Dated: July 14, 2017

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July 2017, a copy of Patent Owner Focal IP, LLC's Listing of Improper Reply/New Argument and Evidence has been served in its entirety via email on the following:

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