

Case IPR2016-01254  
Patent No. 8,457,113

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.

FOCAL IP, LLC  
Patent Owner

Case No. IPR2016-01254  
Patent: 8,457,113

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**PETITIONER'S REQUEST FOR ORAL ARGUMENT**

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Pursuant to 37 C.F.R. § 42.70(a), Petitioner requests an oral hearing in IPR Nos. IPR2016-01254 and IPR2016-01257. The Board has set Due Date 7 for September 19, 2017 for these IPRs. Paper No. 16 at 4, 6. Petitioner requests (without any intent to waive consideration of any issue not requested) a total of 30 minutes for the Petitioner to address the following issues at the oral hearing for these IPRs:

1. The unpatentability of claims 143-147, 149, 150, 163, and 176-178 of U.S. Patent No. 8,457,113 (the “113 Patent”) from Ground 1 (U.S. Patent No. 6,353,660 (“Burger”) in view of the knowledge and skill of a person of ordinary skill in the art (“POSA”) in May 2000) as relied upon in the Petition in IPR2016-01257;
2. The unpatentability of claims 143-147, 149, 150, 163, and 176-178 of U.S. Patent No. 8,457,113 (the “113 Patent”) from Ground 2 (Burger in view of U.S. Patent No. 6,798,767 (“Alexander”) and the knowledge and skill of a POSA in May 2000) as relied upon in the Petition in IPR2016-01257;
3. The unpatentability of claims 143-147, 149, 150, 163, and 176-178 of U.S. Patent No. 8,457,113 (the “113 Patent”) from Ground 3 (U.S. Patent No. 6,683,870 (“Archer”) in view of the knowledge and skill of

a POSA in May 2000) as relied upon in the Petition in IPR2016-01257;

4. Whether Patent Owner has met its burden to demonstrate patentability of proposed substitute claim 184 of the '113 Patent in view of the teachings of Burger, Archer, Chang, U.S. Patent No. 6,442,169 to Lewis ("Lewis"), U.S. Patent No. 6,333,931 to LaPier ("LaPier"), and combinations of the teachings of such references in view of the knowledge and skill of a POSA, and the state of the art, in May 2000 as set forth in IPR2016-01257;
5. The unpatentability of claims 38 and 65 of U.S. Patent No. 8,457,113 (the "'113 Patent") from Ground 1 (U.S. Patent No. 6,353,660 ("Burger") in view of the knowledge and skill of a person of ordinary skill in the art ("POSA") in May 2000) as relied upon in the Petition in IPR2016-01254;
6. The unpatentability of claims 38 and 65 of U.S. Patent No. 8,457,113 (the "'113 Patent") from Ground 2 (Burger in view of U.S. Patent No. 6,798,767 ("Alexander") and the knowledge and skill of a POSA in May 2000) as relied upon in the Petition in IPR2016-01254;
7. The unpatentability of claims 38 and 65 of U.S. Patent No. 8,457,113 (the "'113 Patent") from Ground 3 (U.S. Patent No. 6,683,870

(“Archer”) in view of the knowledge and skill of a POSA in May 2000) as relied upon in the Petition in IPR2016-01254;

8. The unpatentability of claims 38 and 65 of U.S. Patent No. 8,457,113 (the “113 Patent”) from Ground 4 (Archer in view of U.S. Patent No. 5,958,016 (“Chang”) in view of the knowledge and skill of a POSA in May 2000) as relied upon in the Petition in IPR2016-01254;
9. Petitioners’ Motion to Exclude;
10. Responses to any issues identified in Patent Owner’s Request for Oral Argument; and
11. Any other issues the Board deems necessary for issuing a final written decision.

In coordination with Bright House Networks, LLC, (Petitioners in IPR2016-01259; IPR2016-01261; IPR2016-01262; and IPR2016-01263) (“Bright House”), YMax Corporation (Petitioners in IPR2016-01256, IPR2016-01258, and IPR2016-01260) (“YMax”) and the Patent Owner, Petitioners also propose the following order for the oral hearings on September 19, 2017:

1. Bright House Networks’ IPRs where each side has 90 minutes;
2. Petitioner’s IPRs where each side has 30 minutes; and
3. YMax’s IPRs where each side has 90 minutes.

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Petitioners and Bright House Networks have discussed areas of overlap between the IPR2016-01261, IPR2016-01262, IPR2016-01254 and IPR2016-01257 proceedings, and, to be respectful of the Board's time, will coordinate so as not to present redundant arguments to the Board during the hearing. Petitioners additionally request that the Board provide audio-visual equipment to display demonstrative exhibits, including a projector to be connected to a laptop, and an ELMO for displaying documents of record. In accordance with the Trial Practice Guide, Fed. Reg. Vol. 77, No. 157, at 48768, Petitioners will contact the Board Trial Division paralegal to discuss this request.

August 21, 2017

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Respectfully submitted,  
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