

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner

v.

FOCAL IP, LLC
Patent Owner

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

**PETITIONER'S REPLY IN SUPPORT OF THEIR MOTION TO
EXCLUDE**

I. EXHIBITS 2023, 2025, AND 2028-2030 SHOULD BE EXCLUDED

Patent Owner acknowledges that Exhibits 2023, 2025, 2028-2030 are *incomplete* transcripts and submissions of witnesses who have not submitted declarations or any direct testimony in the present case, and of entities who are not petitioners in the present case. Opposition at 1. Patent Owner's argument that Petitioners, instead of itself, needed to submit the complete transcripts and submissions for each of these exhibits with their Reply is yet another improper attempt to shift Patent Owner's burden of complying with the F.R.E. onto Petitioners. Rather, Petitioners followed the procedures set forth in F.R.E. 106 and 37 C.F.R. 42.64 by timely objecting to these exhibits as incomplete and preserving those objections in its Motion to Exclude. *See* Paper No. 26 (Cisco's Objections to Evidence). Patent Owner refused to respond to these objections with supplemental evidence including the complete documents and thus failed to cure its lack of compliance with the F.R.E. Thus, Exhibits 2023, 2025, and 2028-2030 remain inadmissible in this IPR.

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Dated: September 5, 2017

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Respectfully submitted,
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.53, the undersigned certifies that on September 5, 2017, a complete and entire electronic copy of **Petitioner's Reply ISO Patent Owner's Motion to Exclude** were provided via the Patent Trial and Appeal Board End to End (PTAB E2E) System as well as delivering a copy electronically via email on the following:

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