UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Bright House Networks, LLC,
WideOpenWest Finance, LLC,
Knology of Florida, Inc.
Birch Communications, Inc.
Petitioners

v.

Focal IP, LLC,
Patent Owner

Patent No. 7,764,777 B2
Filing Date: Nov. 30, 2007
Issue Date: July. 27, 2010

BRANCH CALLING AND CALLER ID BASED CALL ROUTING
TELEPHONE FEATURES

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DECLARATION OF THOMAS F. LA PORTA IN SUPPORT OF PETITION

FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,764,777

Inter Partes Review No. _____

Declaration of Thomas F. La Porta
Petition for *Inter Partes* Review of Patent No. 7,764,777

1.   I, Thomas F. La Porta, declare as follows:

2.   I have personal knowledge of the facts stated in this declaration, and could and would testify to these facts under oath if called upon to do so.

I.   INTRODUCTION AND QUALIFICATIONS

A.   Engagement Overview

3.   I have been retained by counsel for Bright House Networks, LLC, WideOpenWest Finance, LLC, Knology of Florida, Inc., and Birch Communications, Inc. (Petitioners) in this case as an expert in the relevant art. I am being compensated for my work at the rate of $550 per hour. No part of my compensation is contingent upon the outcome of this petition.

4.   I was asked to study U.S. Patent No. 7,764,777 ("the '777 patent"), its prosecution history, and the prior art and to render opinions on the obviousness or non-obviousness of the claims of the '777 patent in light of the teachings of the prior art, as understood by a person of ordinary skill in the art in the late 1990s to May 2000 time frame. I understand that the claims being challenged in the Petition are claims 18, 21, 23, 25-26, 28-31, 37, 38, 41, 45 and 46 ("the challenged claims").

B.   Summary of Opinions

5.   After studying the '777 patent, its file history, and the prior art, and considering the subject matter of the claims of the '777 patent in light of the state

of technical advancement in the area of telephony in circuit-switched and packet-switched networks in the mid-1990s to 2000 time frame, I reached the conclusions discussed herein.

6.   In light of these general conclusions, and as explained in more detail throughout this declaration, it is my opinion that each of the challenged claims of the '777 patent were invalid as obvious in light of the knowledge of skill in the art in the late 1990s and early 2000 and the teachings, suggestions, and motivations present in the prior art and commercially.

7.   This declaration, and the conclusions and opinions herein, provide support for the Petition for *Inter Partes* Review of the '777 patent filed by Petitioners. I have reviewed the Petition in its entirety as well as its corresponding exhibits.

C.   Qualifications and Experience

8.   I am the Director of the School of Electrical Engineering and Computer Science at Penn State University. I am also an Evan Pugh Professor and the William E. Leonhard Chair Professor in the Department of Computer Science and Engineering and the Department of Electrical Engineering at Penn State University. I am the founding Director of the Institute of Networking and Security Research at Penn State. I have worked on telecommunications networks since 1986.

1. Education

9. I received my B.E. and M.E. in Electrical Engineering from The Cooper Union for the Advancement of Science and Art in 1986 and 1987, respectively, and my Ph.D. in Electrical Engineering from Columbia University in 1992.

2. Career

10. I joined AT&T Bell Labs (which later became Bell Labs, Lucent Technologies) in 1986 after receiving my B.E. degree, and pursued my M.E. degree part-time. In my first job at Bell Labs, I tested the performance and interoperability of many data communication devices within the AT&T network. I transferred into Bell Labs Research in 1990 to pursue research full-time.

11. Starting in 1993, I performed research directed towards signaling and control of broadband telecommunication networks which I then extended to include mobile and wireless networks. A large portion of my work was directed at architectures, protocols, and software for providing advanced services in telecommunication networks. I gave several tutorials at professional conferences on telecommunication signaling and control, including IEEE ICCC '93, IEEE ICC '94, and IEEE ICNP '94.

12. In 1997, I became the Director of the Mobile Networking Research Department within Bell Labs Research. This group, which included approximately

30 researchers and support developers, carried out basic research on mobile networks including telephony. Starting in 2000, I was also the Director of the Advanced Mobile Networking Department within the Wireless Business Unit of Lucent Technologies. My role in this job was to work with development organizations to turn technology into products.

13. During both my development and research careers, I interacted extensively with computer scientists and engineers responsible for the design, development, and testing of telephony and data networking products. As a research manager, I oversaw a department that executed many large-scale joint projects with development organizations to release products for Lucent Technologies. Examples of these joint projects include the control software for Lucent Technologies' 3G network access controllers used for interconnecting CDMA base stations, processor overload controls in Lucent Technologies' cellular soft switches, and the industry's first multi-protocol Home Location Register, and servers and protocols for enabling interactive text messaging via cellular networks. These interactions exposed me to a wide range of computer scientists and engineers working on telecommunication network technologies.

14. I also taught as an adjunct member of the faculty at Columbia University in 1993 and from 1996-2001. I taught graduate classes in networking protocol design (1993) and mobile networking (1996-2001). As such, I am

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