

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

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Case IPR2016-01257  
Patent Number: 8,457,113

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**PATENT OWNER FOCAL IP, LLC'S OBJECTIONS TO EVIDENCE  
SUBMITTED UNDER 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Focal IP, LLC hereby objects to the following evidence submitted, relied on, or cited to by Petitioner Cisco Systems, Inc. in connection with Petitioner's Reply to Patent Owner's Response filed on June 26, 2017 and Petitioner's Opposition to Patent Owner's Contingent Motion to Amend filed on June 26, 2017.

1. The use of Exhibits 1146 (U.S. Patent No. 6,442,169 to Lewis) and proposed substitute Exhibit 1147 (U.S. Patent No. 6,333,931 to LaPier) in connection with the Petition for *Inter Partes* Review is objected to under Fed. R. Evid. 401-403 and 37 C.F.R. § 42.62. Trial was not instituted with respect to these prior art references. These Exhibits are therefore irrelevant to this proceeding. Alternatively, these Exhibits are unfairly prejudicial, misleading, and confuse the issues.
2. Exhibits 1148 and 1149 (Transcripts of Deposition of Regis "Bud" Bates in IPR2016-01259, IPR2016-01261, IPR2016-01262, and IPR2016-01263) are objected to as hearsay under Fed. R. Evid. 801-802 because they are transcripts of depositions taken in other proceedings with different claims and/or prior art at issue and Mr. Bates was available for deposition in this proceeding. In addition, Exhibits 1048 and 1049 are objected to under Fed. R. Evid. 401-403 and 37 C.F.R. § 42.62 because the deposition was taken in different proceedings with different claims and/or prior art at

issue. The Exhibits are therefore irrelevant to this proceeding. Alternatively, the Exhibits are unfairly prejudicial, misleading, and confuse the issues.

3. Exhibit 1156 (Expert Declaration of Dr. Thomas F. La Porta for IPR2016-01259, IPR2016-01261, IPR2016-01262, and IPR2016-01263) is objected to as hearsay under Fed. R. Evid. 801-802 because Dr. LaPorta's declaration was prepared for third parties in different proceedings with different claims and/or prior art at issue, and Dr. La Porta was not subject to deposition in this proceeding. In addition Exhibit 1156 is objected to under Fed. R. Evid. 401-403 and 37 C.F.R. § 42.62 because the declaration is from different proceedings with different claims and/or prior art at issue. The Exhibit is therefore irrelevant to this proceeding. Alternatively, the Exhibit is unfairly prejudicial, misleading, and confuses the issues.

Dated: June 30, 2017

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of June 2017, a copy of Patent Owner FOCAL IP, LLC's Objections to Evidence Submitted Under 37 C.F.R. § 42.64(b)(1) has been served in its entirety via email on the following:

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