

Declaration of Thomas La Porta
Petition for *Inter Partes* Review of Patent No. 8,457,113

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

Focal IP, LLC,
Patent Owner

Patent No. 8,457,113 B2
Filing Date: June 22, 2010
Issue Date: June 4, 2013

BRANCH CALLING AND CALLER ID BASED CALL ROUTING
TELEPHONE FEATURES

**DECLARATION OF THOMAS F. LA PORTA IN SUPPORT OF PETITION
FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,457,113**

Inter Partes Review No. _____

YMAX CORPORATION v. FOCAL IP, LLC
FOCAL IP, LLC EX2064 - 1

II. LEGAL PRINCIPLES USED IN THE ANALYSIS

25. I am not a patent attorney, nor have I independently researched the law on patent validity. Attorneys for the Petitioners explained certain legal principles to me that I have relied upon in forming my opinions set forth in this report.

A. Person Having Ordinary Skill in the Art (“POSA”)

26. I understand that I must undertake my assessment of the claims of the ’113 patent from the perspective of what would have been known or understood by a POSA as of the invention dates of the prior art references in 1997 and 1998. I understand the claimed priority date of the patent claims is May 4, 2000. The opinions and statements that I provide herein regarding the ’113 patent and the references that I discuss are made from the perspective of the person of ordinary skill in the art in the time frame of the mid- to late 1990s and 2000.

27. Counsel has advised me that to determine the appropriate level of one of ordinary skill in the art I may consider the following factors: (a) the types of problems encountered by those working in the field and prior art solutions thereto; (b) the sophistication of the technology in question, and the rapidity with which innovations occur in the field; (c) the educational level of active workers in the field; and (d) the educational level of the inventor.

28. The relevant technology field for the ’113 patent is

Declaration of Thomas La Porta

Petition for Inter Partes Review of Patent No. 8,457,113

telecommunications networks. Based on this, a POSA at the time of the '113 patent filing would have been an engineer or computer scientist with at least a bachelor's degree, or equivalent experience in electrical engineering, or a related field, and at least three years of industry experience in the fields of analog and digital communications, inclusive of exposure to telecommunications standards as applied in circuit-switched and packet-switched networks.

29. Unless otherwise specified, when I mention a POSA or someone of ordinary skill, I am referring to someone with at least the above level of knowledge and understanding.

30. Based on my experiences, I have a good understanding of the capabilities of a person of ordinary skill in the relevant field. Indeed, in addition to being a person of at least ordinary skill in the art, I have worked closely with—and taught—many such persons over the course of my career.

31. Although my qualifications and experience exceed those of the hypothetical person having ordinary skill in the art defined above, my analysis and opinions regarding the '113 patent have been based on the perspective of a person of ordinary skill in the art in the mid-1990s to mid-2000 time frame.

32. My opinions regarding the level of ordinary skill in the art are based on, among other things, the content of the '113 patent, my years of experience in the field, my understanding of the basic standards that would be relevant to

Declaration of Thomas La Porta
Petition for *Inter Partes* Review of Patent No. 8,457,113

IX. CONCLUSION

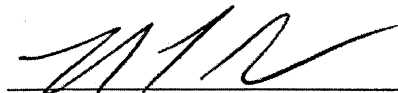
277. I reserve the right to offer opinions relevant to the invalidity of the '113 patent claims at issue and/or offer testimony in support of this Declaration.

278. In signing this Declaration, I recognize that the Declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case. If required, I will appear for cross-examination at the appropriate time.

279. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Dated: 6/23/16

Respectfully submitted,



Dr. Thomas La Porta