

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION,
Petitioner

v.

FOCAL IP, LLC
Patent Owner

Case IPR2016-01258
U.S. Patent No. 7,764,777

**DECLARATION OF LEONARD J. FORYS, PH.D.
IN SUPPORT OF PETITIONER'S OPPOSITION TO
PATENT OWNER'S MOTION TO AMEND**

YMAX EXHIBIT 1042

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I, Dr. Leonard J. Forys, declare as follows:

I. Introduction

1. I am over 21 years of age and otherwise competent to make this Declaration. I make this Declaration based upon facts and matters within my own knowledge and on information provided to me by others. I have used my education and my years of experience working in the field of telecommunications and my understanding of the knowledge, creativity, and experience of a person of ordinary skill in the art, in forming the opinions expressed in this report.

2. I have been retained as an expert witness to provide testimony on behalf of YMax Corporation (“YMax” or “Petitioner”) in two *inter partes* review proceedings (“IPRs”): IPR2016-01258 concerning U.S. Patent No. 7,764, 777 (“the ‘777 patent’”) and IPR2016-01260 concerning U.S. Patent No. 8,457,113 (“the ‘113 patent’”).

3. I understand that in each of these proceedings Patent Owner has submitted a contingent Motion to Amend the claims of patent. In particular, it my understanding that the Motion in IPR2016-01258 seeks to substitute original claim 18 of the ‘777 patent with proposed substitute claim 47 and original claim 37 with proposed substitute claim 48. It is also my understanding that the Motion in

IPR2016-01260 seeks to substitute original claim 1 of the '113 patent with proposed substitute claim 183.

4. I am being compensated for my time in connection with these IPRs at a rate of \$400.00 per hour. I am also being compensated for any out-of-pocket expenses for my work in these proceedings. My compensation as an expert is in no way dependent upon the results of any investigations I undertake, the substance of any opinion I express, or the ultimate outcome of the review proceedings. I have been advised that Bryan Cave LLP represents the Petitioner YMax Corporation in this matter. I have no personal or financial stake or interest in the outcome of this matter.

II. Qualifications

5. I have nearly 50 years of experience in the telecommunications industry working for corporations including AT&T Bell Telephone Laboratories for almost two decades and Bellcore (formerly Bell Communications Research), the research and development organization for the Bell Operating Companies (*e.g.*, Bell Atlantic, Southwestern Bell, US West, etc.), for over a decade. As detailed below, I have worked on many projects and technologies highly relevant to the subject matter of the '777 and '113 patents.

6. My academic background in electrical engineering and computer science provides a technical foundation for work in telephone communications

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