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**



DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

# TABLE OF CONTENTS

I. Introduction....1
II. Qualifications....2
III. Materials Considered....10
IV. Applicable Legal Standards....10
V. Person of Ordinary Skill in the Art....14
VI. Overview of the Substitute Claims....14
VII. Claim Interpretation....19
VIII. Background Technologies....22
A. Access Tandems/Tandem Switches....22
B. SS7....24
IX. Overview of Lamb....26
X. Lamb teaches that "communications, including the first request to establish the first incoming call, between the tandem access controller and the particular PSTN tandem switch, occur without passing through any of the edge switches"....28
XI. The PBX-based prior art teaches that "communications, including the first request to establish the first incoming call, between the tandem access controller and the particular PSTN tandem switch, occur without passing through any of the edge switches"....38
XII. The prior art teaches "answering the first incoming call at the tandem access controller when the second call is answered" and "connecting the first incoming call and the second call at the tandem access controller after the second call is received and answered"....41

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

XIII. The prior art teaches "establishing the voice communication between the calling party and the subscriber, by the tandem access controller, after the second call is completed and answered, across both the packet network and the second network" .....48

XIV. It would have been obvious to connect O'Neal's UMS directly to a tandem switch .....51

XV. It would have been obvious to include the call sequencing feature in O'Neal's system .....52

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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

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

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

**LAW FIRMS**
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

**FINANCIAL INSTITUTIONS**
Litigation and bankruptcy checks for companies and debtors.

**E-DISCOVERY AND LEGAL VENDORS**
Sync your system to PACER to automate legal marketing.