

Filed on behalf of YMax Corporation

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YMAX CORPORATION,  
Petitioner

v.

FOCAL IP, LLC  
Patent Owner

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

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**PETITIONER'S OBSERVATIONS ON CROSS-EXAMINATION OF  
PATENT OWNER'S REPLY WITNESS REGIS J. "BUD" BATES**

## LIST OF EXHIBITS

<b><u>YMax Ex.</u></b>	<b><u>Description</u></b>
1001	U.S. Patent No. 7,764,777 to Wood et al. (the “777 patent”)
1002	Declaration of Tal Lavian, Ph.D.
1003	U.S. Patent No. 6,463,145 to O’Neal et al. (“O’Neal”)
1004	W. Bressler, SS7 Level Two over IP, dated January 1999
1005	U.S. Patent No. 6,381,323 to Schwab et al. (“Schwab”)
1006	Prosecution history of U.S. Patent No. 6,529,596
1007	Prosecution history of U.S. Patent No. 7,764,777
1008	Federal Standard 1037C (Glossary of Telecommunications Terms) (Aug. 7, 1996)
1009	Newton’s Telecom Dictionary (February 1999)
1010	<a href="http://www.internetlivestats.com/total-number-of-websites">http://www.internetlivestats.com/total-number-of-websites</a>
1011	U.S. Patent No. 8,457,113 to Wood et al.
1012	ITU-T Specification of Signaling System No. 7 Q.700 dated March 1993
1013	<a href="http://www.thefreelibrary.com/eBay's+AuctionWeb+Tops+One+Million+Bids%3B+Leading+Online+Auction...-a018940197">http://www.thefreelibrary.com/eBay's+AuctionWeb+Tops+One+Million+Bids%3B+Leading+Online+Auction...-a018940197</a>
1014	B. Leiner, et al., The Past and Future History of the Internet, Communication of the ACM, Feb. 1997, Vol. 40, No. 2
1015	U.S. Patent No. 6,031,836 to Haserodt
1016	Curriculum vitae for Tal Lavian, Ph.D.
1017	ITU-T Recommendation Q.700-Q.705. Introduction to CCITT Signaling System Number 7. Melbourne 1988-1992
1018	<a href="http://www.speakfreely.org/history.html">http://www.speakfreely.org/history.html</a>
1019	Lucent Technologies and Ascend Communications announce voice over IP interoperability, dated June 2, 1999
1020	C. Huitema, et al., Media Gateway Control Protocol (MGCP) Call Flows, dated January 20, 1999

<b><u>YMax Ex.</u></b>	<b><u>Description</u></b>
1021	C. Huitema, et al., Media Gateway Control Protocol (MGCP) Call Flow Test Case 1, dated February 25, 1999
1022	The iNOW! [VoIP Interoperability Now!] Joint Press Release, dated December 19, 1998
1023	L. Ong, et al. Framework Architecture for Signaling Transport, dated October 1999
1024	U.S. Patent No. 5,333,185 (“Burke”)
1025	U.S. Patent No. 5,574,781 (“Blaze”)
1026	U.S. Patent No. 5,440,613 (“Fuentes”)
1027	U.S. Patent No. 6,327,258 (“Deschaine”)
1028	Hanmer and Wu, Traffic Congestion Patterns (“Hanmer”)
1029	U.S. Patent No. 5,566,236 (“MeLampy”)
1030	U.S. Patent No. 6,747,970 (“Lamb”)
1031	US Patent No. 6,169,735 (“Allen”)
1032	US Patent No. 6,614,781 (“Elliot”)
1033	U.S. Patent No. 6,215,790 (“Voit”)
1034	U.S. Patent No. 5,377,186 (“Wegner”)
1035	U.S. Patent No. 5,841,854 (“Schumacher”)
1036	U.S. Patent No. 5,867,562 (“Scherer”)
1037	Prosecution History of Application No. 13/358, 353 (“353 Pros.”)
1038	U.S. Patent No. 8,848,894 (“the ‘894 patent”)
1039	Signaling System #7 4 <sup>th</sup> ed. (“Russell”)
1040	Divestiture: A Record of Technical Achievement, IEEE Communications Magazine, Vol. 23, Issue No. 12, Dec. 1995 (“Andrews”)
1041	Transcript of Deposition of Regis Jerome "Bud" Bates taken on May 4, 2017
1042	Declaration of Dr. Leonard J. Forsys in Support of Opposition to Motion to Amend

<b><u>YMax Ex.</u></b>	<b><u>Description</u></b>
1043	Curriculum vitae of Dr. Leonard J. Forys
1044	Affidavit of Alexander D. Walden
1045	Transcript of Deposition of Regis "Bud" Bates taken on August 9, 2017
1046	Declaration of Regis J. "Bud" Bates in Support of Patent Owner's Reply in Support of Motion to Amend (Ex. 2070, IPR2016-01260)

Pursuant to the stipulation of the parties dated July 6, 2017 (paper no. 34 at 2), Petitioner respectfully makes the following observations regarding the August 9, 2017 cross-examination testimony of Patent Owner's Reply declarant, Regis J. Bates (Ex. 1045):

1. In Exhibit 1045, on page 7, lines 7-18, the witness testified that in preparing his declarations in support of the Patent Owner's replies he "tried not to read [the references] in full --if it only cited to a specific quote." The testimony is relevant because it demonstrates that Mr. Bates' testimony regarding the scope of the teachings of the prior art cited in Petitioner's Opposition to the Motion to Amend should be given little to no weight.

2. In Exhibit 1045, on page 8, line 21 – page 9, line 11, the witness testified that he didn't believe that Lamb used the term "edge switch." This testimony is relevant to the argument on pages 12-13 of Petitioner's Opposition to the Motion to Amend (paper no. 32) and to the argument on page 1 of Patent Owner's Reply in Support of the Motion to Amend (paper no. 38). The testimony is relevant because it supports Petitioner's argument that Lamb's public phone switch 202-2 may be a tandem switch. *See also* Exhibit 2071, p. 43, l. 25 – p. 46, l. 3 (Dr. Forsys testifying regarding Lamb's options for placement of the TNS). This testimony is also

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