

Filed on behalf of YMax Corporation

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

---

**PETITIONER'S SUPPLEMENTAL BRIEF**  
**IN OPPOSITION TO PATENT OWNER'S MOTION TO AMEND**

**TABLE OF CONTENTS**

I. THE *AQUA PRODUCTS* DECISION.....1  
II. OVERVIEW OF PROPOSED SUBSTITUTE CLAIMS 47 AND 48 .....3  
III. O’NEAL IN VIEW OF BLAZE AND SCHERER.....5  
IV. LAMB.....10

**TABLE OF AUTHORITIES**

**CASES**

*Aqua Prods., Inc. v. Matal*,  
No. 2015-1177, slip op. (Fed. Cir. Oct. 4, 2017) (*en banc*) .....1, 2

**STATUTES AND RULES**

37 C.F.R. § 42.11 .....1

## 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 (“Bates Tr.”)
1042	Declaration of Dr. Leonard J. Forys in Support of Opposition to Motion to Amend (“Forys Dec.”)
1043	Curriculum vitae of Dr. Leonard J. Forys

# 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.