

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BRIGHT HOUSE NETWORKS, LLC  
WIDEPENWEST FINANCE, LLC  
KNOLOGY OF FLORIDA, INC.  
BIRCH COMMUNICATIONS, INC.

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

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Case IPR2016-01259  
Patent Number: 8,155,298

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**PATENT OWNER FOCAL IP, LLC'S LISTING OF IMPROPER  
REPLY/NEW ARGUMENT AND EVIDENCE**

Pursuant to the Board's Order (Paper No. 40), Patent Owner provides the following listing of statements and evidence that are beyond the proper scope of a reply, including new argument and evidence:

- (1) Petitioner's Reply at p. 1 ln. 17-p. 2 ln. 9 ("Patent Owner's first argument . . .")
- (2) Petitioner's Reply at p. 2 lns. 10-13 ("Because Patent Owner's first argument . . .")
- (3) Petitioner's Reply at p. 3 ln.18-p. 4 ln. 2 ("A. Archer Discloses a Gateway . . .")
  - a. Ex. 1165 at at p. 12 lns. 2-3
- (4) Footnote 4
  - a. Ex. 1165, footnote 4
- (5) Petitioner's Reply at p. 5 ln. 2-p. 6 ln. 13 (including footnote) ("Specifically, Archer discloses . . .")
  - a. Ex. 1165 at p. 14 ln. 2-p. 15 ln. 15 (including footnote) (¶¶ 26-29)
- (6) Petitioner's Reply at p. 6 ln. 14-p. 7 ln. 5 (including figure) ("Moreover, even if the claim . . .")
  - a. Ex. 1065 at p. 15 ln. 16-p. 16 ln. 7 (including figure) (¶¶ 30-31)
- (7) Petitioner's Reply at p. 7 ln. 6-p. 12 ln. 6 (including figures) ("B. A POSA Understood . . .")

- a. Ex. 1065 at p. 16 ln. 8-p. 23 ln. 15 (including figures and footnote) (¶¶ 32-47)
  - b. Ex. 1158 (entirety)
  - c. Ex. 1166 (entirety)
- (8) Petitioner's Reply at p. 12 ln. 7-p. 13 ln.5 ("E. Conclusion . . .")
- a. Ex. 1065 at p. 23 ln. 16-p. 24 ln. 14 (¶¶ 48-49)

Dated: July 14, 2017

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of July 2017, a copy of Patent Owner Focal IP, LLC's Listing of Improper Reply/New Argument and Evidence has been served in its entirety via email on the following:

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Patent 8,155,298

Paper No. 41

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