

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION,

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

Case IPR2016-01260
Patent Number: 8,457,113

**DECLARATION OF REGIS J. "BUD" BATES IN SUPPORT OF PATENT
OWNER'S RESPONSE**

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Declaration of Regis J. “Bud” Bates

I, Regis J. “Bud” Bates, declare as follows:

1. My name is Regis J. “Bud” Bates, and I have been retained as an expert witness for *Inter Partes* Review of IPR2016-01257.

2. This report contains statements of my opinions formed to date and the bases and reasons for those opinions. I may offer additional opinions based on further review of materials in this case, including opinions and/or testimony of other expert witnesses.

3. I understand that this Declaration is being submitted along with Patent Owner’s Response. On December 28, 2016, the Patent Trial and Appeal Board (the “Board”) instituted an *inter partes* review (the “IPR”) and trial, pursuant to 35 U.S.C. § 314(a), as to Claims 1, 2, 8, 11, and 15-19 of U.S. Patent No. 8,457,113 (the “Challenged Claims” and the “’113 Patent”, respectively) on the grounds set forth in the Institution Decision. *See* Decision Granting Institution of *Inter Partes* Review, Dec. 28, 2016, Paper No. 12 (the “Decision”). This IPR is but one of nine IPRs dealing with the ’113 Patent and two other related patents (the “Related IPRs”).

4. Capitalized terms found in this Declaration that are not defined herein have the meaning given them in Patent Owner’s Response.

5. In preparing this Declaration, I have reviewed the Petition, the declaration that accompanies the Petition, and the exhibits that have been submitted with the aforementioned filings.

6. This Declaration is a statement of my opinions on issues, as understood by a “person of ordinary skill in the art” (“POSA”) in 1999-2000, related to the

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