

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 IPR2016-01260  
Patent Number: 8,457,113

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**DECLARATION OF REGIS J. “BUD” BATES IN SUPPORT OF PATENT  
OWNER’S PRELIMINARY RESPONSE**

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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 IPR2016-01260.
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 Preliminary Response.
4. Capitalized terms found in this Declaration that are not defined herein have the meaning given them in Patent Owner’s Preliminary Response.
5. In preparing this Declaration, I have reviewed the Petition, the declaration that accompanies the Petition (hereinafter referred to as “Petitioner’s Declaration”), and the exhibits that have been submitted with the aforementioned filings.
6. This Declaration is a statement of my opinions on issues related to the validity of the Challenged Claims of the ’113 Patent.
7. I am of the opinion that the Challenged Claims of the ’113 Patent are patentable for the reasons discussed below.

## **I. QUALIFICATIONS**

8. This section summarizes my career history, education, publications, and other relevant qualifications. My full curriculum vitae is attached as Appendix A to this report.

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