

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRIGHT HOUSE NETWORKS, LLC
WIDOPENWEST FINANCE, LLC
KNOLOGY OF FLORIDA, INC.
BIRCH COMMUNICATINOS, INC.

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

Case IPR2016-01261
Patent Number: 8,457,113 B2

**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 IPR2016-01261.

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 January 3, 2017, the Patent Trial and Appeal Board (the “Board”) instituted an *inter partes* review (the “IPR”) trial, pursuant to 35 U.S.C. § 314(a), as to Claims 1, 2, 8, 11, 15-19, 94, 95, 102, 109-113, 128, 163, 164, 166-168, 175, and 179-181 of Patent No. 8,457,113 (the “Challenged Claims” and the “113 Patent,” respectively) that the Challenged Claims were obvious over 1) Archer and the knowledge of a POSA and 2) Archer and Chang. *See* Decision Granting Institution of *Inter Partes* Review, Jan. 3, 2017, Paper No. 19 (the “Institution Decision”).

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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