

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 COMMUNICATIONS, INC,

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

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

**DECLARATION OF REGIS J. "BUD" BATES IN SUPPORT OF PATENT
OWNER'S CONTINGENT MOTION TO AMEND**

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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 IPR2016-01261.

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 Contingent Motion to Amend.

4. Capitalized terms found in this Declaration that are not defined herein have the meaning given them in Patent Owner’s Contingent Motion to Amend Claim 1 of U.S. Patent No. 8,457,113.

5. In preparing this Declaration, I have reviewed the Petitions, the declarations that accompany the Petitions, the Institution Decision, and the exhibits that have been submitted with in this IPR proceeding as well as the Related IPR Proceedings.

6. This Declaration is a statement of my opinions on issues related to the validity of the Proposed Substitute Claim and the other issues raised in the Contingent Motion to Amend.

7. I am of the opinion that the Proposed Substitute Claim is patentable over the IPR Art, as well as all other art about which I am aware.

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.

9. I have been involved in and with the telecommunications industry for 50 years and have seen the development and growth of the various technologies, infrastructure, legal, regulatory, and technical services.

10. Notably, I am the author of 20 books which outline the use of Voice and Data technologies used throughout the industry. As author of these books, I am situated to opine upon the state of the Telephone Networks, as well as the conclusions that both parties in this proceeding draw therefrom.

11. I am the founder and president of TC International Consulting, Inc. (TCIC), based in Heber, Arizona. I have held this position since the inception of the company in October 1989. TCIC is a full service consulting and training firm specializing in communications and computer convergence.

12. My role is to assist our client companies with the analysis of options, selection of vendors or products to meet their strategic goals, and training for technologies including voice, telephone systems, data networks, video, Internet, wireless, wireless local area networks (LAN), voice over Internet Protocol (VoIP) systems and services, fiber optics, and infrastructure. We have been responsible for selecting and implementing over 100 private branch exchange (PBX) systems for our client companies. TCIC develops and conducts training for corporate users, equipment manufacturers, and Telephone and Internet carriers.

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