

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  
WIDOPENWEST FINANCE, LLC  
KNOLOGY OF FLORIDA, INC.  
BIRCH COMMUNICATIONS, INC.

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

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

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**PATENT OWNER FOCAL IP, LLC'S OBJECTIONS TO EVIDENCE  
SUBMITTED UNDER 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Focal IP, LLC hereby objects to the following evidence submitted, relied on, or cited to by Petitioners Bright House Networks, LLC, WideOpenWest Finance, LLC, Knology of Florida, Inc., and Birch Communications, Inc. in connection with Petitioners' Reply to Patent Owner's Response filed on June 26, 2017 and Petitioners' Opposition to Patent Owner's Contingent Motion to Amend filed on June 26, 2017.

1. Exhibit 1061 (transcript of deposition of Edward Dean Willis in IPR2016-01254 and IPR2016-01257) is objected to as hearsay under Fed. R. Evid. 801-802 because Dr. Willis is not an expert for Petitioners and the deposition of Dr. Willis was taken in different proceedings with different claims and/or prior art at issue. In addition, Exhibit 1061 is objected to under Fed. R. Evid. 401-403 and 37 C.F.R. § 42.62 because the deposition was taken in different proceedings with different claims and/or prior art at issue. The Exhibit is therefore irrelevant to this proceeding. Alternatively, the Exhibit is unfairly prejudicial, misleading, and confuses the issues.
2. The use of Exhibits 1057 (U.S. Patent No. 6,442,169 to Lewis) and 1058 (U.S. Patent No. 6,333,931 to LaPier) in connection with the Petition for *Inter Partes* Review is objected to under Fed. R. Evid. 401-403 and 37 C.F.R. § 42.62. Trial was not instituted with respect to these prior art references. These Exhibits are therefore irrelevant to this proceeding.

Alternatively, these Exhibits are unfairly prejudicial, misleading, and confuse the issues.

3. Paragraphs 35-37, 40, 42-44, and other paragraphs of Exhibit 1065 (Expert Declaration of Thomas F. La Porta) that rely, directly or indirectly, on Exhibits 1057, 1058, and 1061 are objected to under Fed. R. Evid. 401-403 and 37 C.F.R. § 42.62. As explained above, Exhibits 1057, 1058, and 1061 are irrelevant, unfairly prejudicial, misleading, and confuse the issues. Accordingly, testimony regarding Exhibits 1057, 1058, and 1061 is irrelevant, unfairly prejudicial, misleading, and confuses the issues.
4. Exhibits 1067 and 1068 are objected to under 37 C.F.R. § 42.24(b) and the Board's guidance in Paper No. 29 because they circumvent the page limits for Petitioners' Opposition to Patent Owner's Contingent Motion to Amend.

Dated: June 30, 2017

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of June 2017, a copy of Patent Owner FOCAL IP, LLC's Response to Petition for Inter Partes Review has been served in its entirety via email on the following:

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