

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

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**DECLARATION OF REGIS J. "BUD" BATES IN SUPPORT OF PATENT  
OWNER'S REPLY IN SUPPORT OF 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 Reply in Support of its Motion to Amend.

4. Capitalized terms found in this Declaration that are not defined herein have the meaning given them in Patent Owner’s Reply in Support of 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, Patent Owner’s Response to the Petitions, Petitioners’ Replies in Support of the Petitions, the Motions to Amend, Petitioner’s Oppositions to the Motions to Amend, and the exhibits that have been submitted 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 Reply in Support of 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.

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.

Declaration of Regis J. “Bud” Bates

13. From September 1986 to October 1989, I was the chief information officer at Pepper, Hamilton, and Scheetz in Philadelphia, PA. My responsibilities included the complete automation of the law firm’s multiple offices around the country.

14. From September 1979 to September 1986, I was the telecommunications manager at Air Products and Chemicals, Inc. My responsibilities were to design, select, analyze and implement voice and data communications projects at U.S. and international sites.

15. From April 1977 to September 1979, I was the senior telecommunications manager for manufacturing and international sites at Data General Corporation in Westboro, MA. I was responsible for selecting telecommunications equipment for sites across the world, selecting services (voice, data and fax traffic) from common carriers, and selecting appropriate means and protocols to use these goods and services.

16. From September 1974 to April 1977, I was the manager of administrative services at a retail chain in Canton, MA called Hills Department Stores. There, I was responsible for communications matters including voice, data, fax, telex, and teletype.

17. From April 1972 to September 1974, I worked as the telecommunications and facilities manager at Damon Corporation, a conglomerate that included medical-biological development, veterinary products, clinical labs, security manufacturing, and hobby craft. My responsibilities included voice and data communications for a variety of locations across the country.

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