

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRIGHT HOUSE NETWORKS, LLC, WIDEPEN WEST FINANCE,
LLC, KNOLOGY OF FLORIDA, INC., and BIRCH
COMMUNICATIONS, INC.,
Petitioner,

v.

FOCAL IP, LLC,
Patent Owner.

Cases: IPR2016-01259 and IPR2016-01263 (Patent 8,155,298 B2)
IPR2016-01261 (Patent 8,457,113 B2)
IPR2016-01262 (Patent 7,764,777 B2)¹

Before SALLY C. MEDLEY, JONI Y. CHANG, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

ORDER

Conduct of Proceeding and Expungement of Exhibit
37 C.F.R. §§ 42.5 and 42.7

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

IPR2016-01259, IPR2016-01263 (Patent 8,155,298 B2)

IPR2016-01261 (Patent 8,457,113 B2)

IPR2016-01262 (Patent 7,764,777 B2)

Petitioner filed replies to Patent Owner's Preliminary Responses under 37 C.F.R. § 42.108(c) in each of the above-referenced cases. With its replies, Petitioner filed supplemental declarations i.e., IPR2016-01259, Ex. 1153; IPR2016-01261, Ex. 1054; IPR2016-01262, Ex. 1054; and IPR2016-01263, Ex. 1053.

Petitioner was authorized to file a 10-page reply to discuss the disclaimer issue in each of IPR2016-01259, IPR2016-01261, IPR2016-01262, and IPR2016-01263. Petitioner, however, was not authorized to file supplemental declarations. The supplemental declarations are unauthorized and shall be expunged from the record. 37 C.F.R. § 42.7 (a) ("The Board may expunge any paper directed to a proceeding . . . that is not authorized.")² We will take into consideration whether the replies include unauthorized arguments in due course when we consider the parties' briefs and evidence in determining whether to institute trial.

For the foregoing reasons, it is hereby:

ORDERED that Petitioner's supplemental declarations (i.e., IPR2016-01259, Ex. 1153; IPR2016-01261, Ex. 1054; IPR2016-01262, Ex. 1054; and IPR2016-01263, Ex. 1053) be expunged from the records of the above-referenced proceedings.

² If a trial is instituted, after institution a party may file a motion to submit supplemental information in accordance with the requirements set forth in 37 C.F.R. § 42.123.

IPR2016-01259, IPR2016-01263 (Patent 8,155,298 B2)

IPR2016-01261 (Patent 8,457,113 B2)

IPR2016-01262 (Patent 7,764,777 B2)

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