

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 LISTING OF IMPROPER  
REPLY/NEW ARGUMENT AND EVIDENCE**

Pursuant to the Board's Order (Paper No. 40), Patent Owner provides the following listing of statements and evidence that are beyond the proper scope of a reply, including new argument and evidence:

- (1) Petitioner's Reply at p. 2 lns. 3-14 ("Patent Owner's first argument . . .")
- (2) Petitioner's Reply at p. 2 ln. 15-p. 3 ln. 6 ("Patent Owner's second argument . . .")
- (3) Petitioner's Reply at p. 3 lns. 7-10 ("Because Patent Owner's first two . . .")
- (4) Petitioner's Reply at p. 4 lns. 5-7 ("A. Archer Discloses a Gateway . . .")
  - a. Ex. 1065 at p. 12 lns. 6-8
- (5) Footnote 3
- (6) Petitioner's Reply at p. 6 ln. 2-p. 7 ln. 13 (including footnote) ("Specifically, Archer discloses . . .")
  - a. Ex. 1065 at p. 14 ln. 1-p. 15 ln. 9 (including footnote) (¶¶ 26-29)
- (7) Petitioner's Reply at p. 7 ln. 14-p. 8 ln. 5 (including figure) ("Moreover, even if the claims . . .")
  - a. Ex. 1065 at p. 15 ln. 9-p. 16 ln. 4 (including figure) (¶¶ 30-31)
- (8) Petitioner's Reply at p. 8 ln. 6-p. 13 ln. 7 (including figures) ("B. A POSA Understood . . .")
  - a. Ex. 1065 at p. 16 ln. 5-p. 23 ln. 16 (including figures and footnote) (¶¶ 32-47)

- b. Ex. 1057 (entirety)
- c. Ex. 1058 (entirety)
- (9) Petitioner’s Reply at p. 13 lns. 8-20 (“C. Archer in view of Chang . . .”)
  - a. Ex. 1065 at p. 23 ln. 17-p. 24 ln. 8 (¶¶ 48-49)
- (10) Petitioner’s Reply at p. 14 lns. 1-7 (“As also set forth in the Petition . . .”)
  - a. Ex. 1065 at p. 24 lns. 9-15 (¶ 50)
- (11) Petitioner’s Reply at p. 14 ln. 8-p. 15 ln. 4 (including footnote) (“As further set forth . . .”)
  - a. Ex. 1065 at p. 24 ln. 16-p. 25 ln. 11 (including footnote) (¶¶ 51-53)
- (12) Petitioner’s Reply at p. 15 ln. 5-p. 16 ln. 6 (“D. Archer Discloses a Controller . . .”)
  - a. Ex. 1065 at pg. 26 ln. 1-pg. 27 ln. 4 (¶¶ 54-57)
- (13) Petitioner’s Reply at p. 16 ln. 6-p. 17 ln. 3 (“Patent Owner’s additional arguments . . .”)
  - a. Ex. 1065 at pg. 27 lns. 5-20 (¶¶ 58-60)
- (14) Petitioner’s Reply at p. 17 lns. 4-20 (“E. Conclusion . . .”)
  - a. Ex. 1065 at p. 28 lns. 1-17 (¶¶ 61-62)

Dated: July 14, 2017

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of July 2017, a copy of Patent Owner Focal IP, LLC's Listing of Improper Reply/New Argument and Evidence has been served in its entirety via email on the following:

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Case IPR2016-01261  
Patent 8,457,113

Paper No. 41

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