

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 IPR2016-01262  
Patent Number: 7,764,777

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**DECLARATION OF REGIS J. "BUD" BATES IN SUPPORT OF PATENT  
OWNER'S PRELIMINARY RESPONSE**

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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 IPR2016-01262.

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 Preliminary Response.

4. Capitalized terms found in this Declaration that are not defined herein have the meaning given them in Patent Owner’s Preliminary Response.

5. In preparing this Declaration, I have reviewed the Petition, the declaration that accompanies the Petition (hereinafter referred to as “Petitioner’s Declaration”), and the exhibits that have been submitted with the aforementioned filings.

6. This Declaration is a statement of my opinions on issues related to the validity of the Challenged Claims of the ’777 Patent.

7. I am of the opinion that the Challenged Claims of the ’777 Patent are patentable for the reasons discussed below.

## **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.

## Declaration of Regis J. "Bud" Bates

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 this book, I am uniquely 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.

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.

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