

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.,

Petitioners

v.

FOCAL IP, LLC,

Patent Owner

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Case IPR2016-01262  
Patent Number: 7,764,777

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**PATENT OWNER'S REQUEST FOR REHEARING  
UNDER 37 C.F.R. § 42.71(d)**

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## **I. INTRODUCTION**

Pursuant to 37 C.F.R. § 42.71 (c)-(d), Patent Owner FOCAL IP, LLC requests a rehearing of the Board’s Decision granting institution of *inter partes* review entered January 3, 2017 (Paper No. 19) (“Decision”) regarding Claims 18, 21, 23, 25, 26, 28-31, 37, 38, 41, 45, and 46 of the ’777 Patent (collectively, the “Challenged Claims”). The Decision was based upon erroneous claim constructions of “switching facility,” “in communication with”/“coupled to,” and “controlling device.”

## **II. RELIEF REQUESTED**

The Board misapprehended or overlooked Patent Owner’s argument as to the construction of the terms “switching facility,” “in communication with”/“coupled to,” and “controlling device” of the Challenged Claims. Accordingly, pursuant to 37 C.F.R. § 42.71 (c)-(d), Patent Owner requests that the Board reconsider its Decision of the Challenged Claims in light of the proper constructions of these terms, as proposed by Patent Owner, and deny instituting *inter partes* review of the Challenged Claims of the ’777 Patent.

## **III. LEGAL STANDARD**

A request for rehearing is appropriate when the requesting party believes “the Board misapprehended or overlooked” a matter that was previously addressed in the record. *See* 37 C.F.R. § 42.71(d). The request “must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.” *Id.* In

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