

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRIGHT HOUSE NETWORKS, LLC
WIDEPENWEST FINANCE, LLC
KNOLOGY OF FLORIDA, INC.
BIRCH COMMUNICATIONS, INC.

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

Case IPR2016-01263
Patent Number: 8,155,298

**PATENT OWNER FOCAL IP, LLC'S LISTING OF IMPROPER
REPLY/NEW ARGUMENT AND EVIDENCE**

Pursuant to the Board's Order (Paper No.44), 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. 1-12 ("Patent Owner's first argument . . .")
- (2) Petitioner's Reply at p. 3 lns. 5-8 ("Moreover, Archer's description . . .")
- (3) Petitioner's Reply at p. 3 lns. 9-12 ("Because Patent Owner's first two . . .")
- (4) Petitioner's Reply at p. 4 lns. 6-8 ("A. Archer Discloses a Gateway . . .")
 - a. Ex. 1065 at p. 11 lns. 11-12
- (5) Footnote 2
- (6) Petitioner's Reply at p. 5 ln. 3-p. 6 ln. 15 (including footnote) ("Specifically, Archer discloses . . .")
 - a. Ex. 1065 at p. 12 ln. 4-p. 14 ln. 3 (including footnote) (¶¶ 25-28)
- (7) Petitioner's Reply at p. 6 ln. 16-p. 7 ln. 7 (including figure) ("Moreover, even if the claim . . .")
 - a. Ex. 1065 at p. 14 ln. 4-p. 15 ln. 3 (including figure) (¶¶ 29-30)
- (8) Petitioner's Reply at p. 7 ln. 8-p. 12 ln. 9 (including figures) ("B. A POSA Understood . . .")
 - a. Ex. 1065 at p. 15 ln. 4-p. 22 ln. 15 (including figures and footnote) (¶¶ 31-46)
 - b. Ex. 1058 (entirety)

- c. Ex. 1066 (entirety)
- (9) Petitioner’s Reply at p. 12 ln. 10-p. 13 ln. 2 (“C. Archer in view of Chang . . .”)
- a. Ex. 1065 at p. 22 ln. 16-p. 23 ln. 7 (¶¶ 47-48)
- (10) Petitioner’s Reply at p. 13 lns. 3-10 (“As also set forth in the Petition . . .”)
- a. Ex. 1065 at p. 23 lns. 8-15 (¶ 49)
- (11) Petitioner’s Reply at p. 13 ln. 11-p. 14 ln. 5 (including footnote) (“As further set forth . . .”)
- a. Ex. 1065 at p. 23 ln. 16-p. 24 ln. 11 (including footnote) (¶¶ 50-52)
- (12) Petitioner’s Reply at p. 15 ln. 15-p. 16 ln. 13 (“Patent Owner’s additional arguments . . .”)
- a. Ex. 1065 at p. 26 ln. 8-p. 27 ln. 7 (¶¶ 58-60)
- (13) Petitioner’s Reply at p. 16 ln. 14-p. 17 ln. 12 (“E. Conclusion . . .”)
- a. Ex. 1065 at p. 27 ln. 8-p. 28 ln. 6 (¶¶ 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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