UNITED STATES PATENT AND TRADEMARK OFFICE _____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner

v.

FOCAL IP, LLC,

Patent Owner

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

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

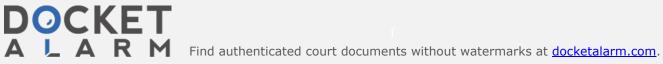


TABLE OF CONTENTS

QUALIFICATIONS		1
PERSON OF ORDINARY SKILL		
LEG	AL UNDERSTANDING	4
A.	ANTICIPATION	5
B.	OBVIOUSNESS	5
C.	BROADEST REASONABLE INTERPRETATION	8
A.	Disparaging Statements in the '298 Patent	.16
B.	Applicants' Statements in the Prosecution History to Distinguish of Schwab	
1.	. '777 Patent Prosecution - First Response to an Office Action	.21
2.	. '777 Patent Prosecution - Second Response to an Office Action	.23
C.	Scope of General Disclaimer	.27
CLA	IM CONSTRUCTIONS	.28
A.	"Switching Facility"	.28
B.	"Coupled To"	.33
	PER LEG A. B. C. DISC PAT GEN SWI A. B. C. C. CLA A.	PERSON OF ORDINARY SKILL LEGAL UNDERSTANDING A. ANTICIPATION

Declaration of Regis J. "Bud" Bates

	C.	"Web-Enabled Processing System"		
VII.	SUM	MARY OF THE REFERENCES36		
	A.	Summary of Archer36		
	B.	Summary of Chang38		
VIII.	ARGUMENTS39			
	A.	Archer's Server Processor is not Directly Connected to Switching Facilities		
	1.	The Subject Matter of Archer was Disclaimed and Does Not Satisfy the Construction of "Web-Enabled Processing System" Element40		
	2.	Archer's Converters 128/132a are not Switching Facilities40		
	3.	Archer's Converters Are not Switching Facilities of the Circuit Switched Network		
	B.	Archer's Server Processor is not Indirectly Connected to Switching Facilities		
	C.	Chang Doesn't Suggest Connecting Archer's Server Processor to Switching Facilities		
	1.	Chang's Secure Access Platform Is not Comparable to the Claimed Web-Enabled Processing System		
	2.	Coupling Archer's Server Processor to a PSTN Switching Facility Would not Be Obvious		
	D.	Substituting Archer's Server Processor in Place of Chang's Secure Access Platform Does Not Render Claim 1 Obvious49		
IX.	CON	CONCLUSION50		



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 IPR2016-01263.
- 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 '298 Patent.
- 7. I am of the opinion that the Challenged Claims of the '298 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.



- 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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