

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 IPR2016-01263  
Patent Number: 8,155,298

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

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## Declaration of Regis J. “Bud” Bates

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 Response. On December 19, 2016, the Patent Trial and Appeal Board (the “Board”) instituted an *inter partes* review (the “IPR”) trial, pursuant to 35 U.S.C. § 314(a), as to Claim 1 of U.S. Patent No. 8,155,298 (the “Challenged Claim” and the “298 Patent,” respectively) that the Challenged Claim is obvious over U.S. Pat. No. 6,683,870 to Archer (“Archer”), U.S. Pat. No. 5,958,016 to Chang (“Chang”), and the Admitted Prior Art. *See* Decision Granting Institution of *Inter Partes* Review, Dec. 19, 2016, Paper No. 26.

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

5. In preparing this Declaration, I have reviewed the Petition, the declaration that accompanies the Petition, and the exhibits that have been submitted with the aforementioned filings.

6. This Declaration is a statement of my opinions on issues, as understood by a “person of ordinary skill in the art” (“POSA”) in 1999-2000, related to the validity

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