

Responsive Listing of Support Showing Reply Arguments Are Proper
IPR 2016-01263
U.S. Patent No. 8,155,298

IN THE 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.,
Petitioners

v.

Focal IP, LLC,
Patent Owner

Case No. IPR2016-01263
U.S. Patent No. 8,155,298

Before SALLY C. MEDLEY, JONI Y. CHANG, and BARBARA A. PARVIS,
ADMINISTRATIVE PATENT JUDGES.

**PETITIONERS' RESPONSIVE LISTING OF SUPPORT SHOWING
REPLY ARGUMENTS ARE PROPER**

Pursuant to the Board's Order (Paper No. 44), Petitioners provide the following citations to show that statements made in the Petitioners' Reply were (1) first raised in the Petition, and/or (2) raised in response to arguments and statements made by Patent Owner in the Patent Owner's Response ("P.O. Resp.") and its expert in his declaration ("Bates Dec."). For the Board's convenience, Petitioners have repeated Patent Owner's assertions of new argument/evidence using the same numbering as Patent Owner, followed by Petitioners' support by citation to the record to show that all arguments constitute a proper reply:

- (1) Petitioners' Support: P.O. Resp., 39:3-47:20, 55:7-14; Bates Dec., ¶¶68-79, 88; Pet., 23:17-20, 33:12-34:2, 35:7-11, 46:15-47:3, 47:19-48:8, 53:18-22, 54:5-12, 15:16-16:2, 9:10-14.
- (2) Petitioners' Support: P.O. Resp., 48:5-7, 49:16-17; Bates Dec., ¶¶81, 83; EX1059, 155:13-158:11; Pet., 40:7-41:15, 22:8-23:4 (FIG. 4 (68)).
- (3) Petitioners' Support: P.O. Resp., 39:3-47:20, 55:7-14, 48:5-7, 49:16-17, 53:22-54:2; Bates Dec., ¶¶68-79, 81, 83, 88; Pet., 23:17-20, 33:12-34:2, 35:7-11, 40:7-41:15, 46:15-47:3, 47:19-48:8, 53:18-22, 54:5-12, 15:16-16:2, 22:8-23:4.
- (4) Petitioners' Support: Pet., 23:17-20, 33:12-34:2, 35:7-11, 46:15-47:3, 47:19-48:8, 53:18-22, 54:5-12, 15:16-16:2, 9:10-14; P.O. Resp., 39:3-40:14, 43:5-45:20, 51:18-56:2; Bates Dec., ¶¶68-70, 74-76, 84-89.

- (5) Petitioners' Support: P.O. Resp. 51:18-56:2; Bates Dec. ¶¶80-89; EX1060, 356:9-357:8; Pet., 23:17-20, 33:12-34:2, 34:19-35:6, 46:15-47:3, 53:22-54:12, 54:17-57:2.
- (6) Petitioners' Support: P.O. Resp., 44:1-45:20, 53:9-54:7, 56:3-57:7, 39:3-40:14, 55:7-14; Bates Dec. ¶¶74-76, 85, 88-89, 68-70, 45; EX1059, 22:23-23:8; 26:7-15; Pet. 33:12-34:2, 35:7-11, 46:15-47:3, 47:19-48:8, 53:18-22, 54:5-12.
- (7) Petitioners' Support: P.O. Resp., 30:16-35:10; 35:11-38:5, 56:18-20, 57:5-10; Bates Dec., ¶¶61-66, 90-91; Pet., 22:2-7, 24:1-9, 26:6-10, 48:6-16, 52:4-9.
- (8) Petitioners' Support: P.O. Resp. 39:3-47:20, 51:18-57:7; Bates Dec., ¶¶61-79, 84-89; EX1059, 201:22-202:11, 205:15-206:16, 211:21-213:14.
- (9) Petitioners' Support: P.O. Resp., 39:3-40:14, 47:2-20, Bates Dec., ¶¶45, 68-70, 78-79; Pet., 20:1-9, 36:9-37:4, 38:6-7, 38:16-21, 49:7-12.
- (10) Petitioners' Support: P.O. Resp., 39:3-40:14, 47:2-20, Bates Dec., ¶¶45, 68-70, 78-79; Pet., 20:1-21:5, 27:13-29:12, 30:3-13, 31:8-32:19, 36:8-37:4, 38:8-41:11, 49:7-12.
- (11) Petitioners' Support: P.O. Resp., 60:12-61:10; Bates Dec., ¶95; Pet., 20:1-21:5, 36:8-37:4, 38:8-41:11, 49:7-12.
- (12) Petitioners' Support: P.O. Resp., 48:5-7, 49:16-17; Bates Dec., ¶¶81, 83; EX1059, 155:13-158:11; Pet., 40:7-41:15, 22:8-23:4 (FIG. 4 (68)).
- (13) Petitioners' Support: *see* (1), (4), (6)-(8), (9)-(10) above.

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Respectfully submitted,

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Dated: July 21, 2017

CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.6(e)

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the 21st day of July 2017, a complete and entire copy of this Responsive Listing of Support Showing Reply Arguments Are Proper was provided via the Patent Trial and Appeal Board End to End (PTAB E2E) System as well as delivering a copy via email on the following counsel for Patent Owner at:

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