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Paper 7
Entered: September 13, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

FOCAL IP, LLC,
Patent Owner.

Case IPR2016-01252[1]
Patent 8,155,298 B2

Before SALLY C. MEDLEY and BARBARA A. PARVIS, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5(a)

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[1] This Order addresses the same issues in the *inter partes* reviews listed in the Appendix. Therefore, we issue one Order to be filed in all of the cases. The parties, however, are not authorized to use this style of filing in subsequent papers.

I. INTRODUCTION

Petitioner, along with two other petitioners, filed a total of ten petitions on three patents assigned to Patent Owner, Focal IP, LLC. Appendix (attached). The ten petitions were filed either on June 23, 2016, or June 24, 2016. A Notice of Filing Date Accorded to Petition ("Notice") was filed in each one of the proceedings within the first week of July, 2016. *See, e.g.*, IPR2016-01252, Paper 6. Each Notice specifies the time for Patent Owner to file its preliminary response in each proceeding, which is three months from the date of the Notice. *Id.* Notwithstanding the Notices, this order sets forth a new schedule for Patent Owner to file preliminary responses in the ten proceedings.

II. DISCUSSION

The decisions on whether to institute *inter partes* review in the identified proceedings would be due around January 1, 2017. Taking into consideration Federal Holidays and Board resources two weeks prior to January 1, 2017, we have determined to modify the due dates for Patent Owner to file preliminary responses in the ten proceedings.

The Board may determine a proper course of conduct in a proceeding for any situation not specifically covered by the rules and may enter non-final orders to administer a proceeding. 37 C.F.R. § 42.5(a). Based on the records of these proceedings, we exercise our discretion to alter the due dates for Patent Owner's preliminary responses. Patent Owner's preliminary responses are due in accordance with the Appendix attached to this order.

III. ORDER

Upon consideration of the record before us, it is

ORDERED that notwithstanding the dates specified in the Notices filed in the identified proceedings, Patent Owner may file a preliminary response in the proceedings in accordance with the Appendix due dates attached to this Order; and

FURTHER ORDERED that if Patent Owner wants to file any preliminary response for any of the proceedings listed in the Appendix prior to the due dates listed there, Patent Owner must arrange a conference call with opposing counsel and the Board.

APPENDIX[2]

U.S. Patent No.	*Inter Partes* Review	Patent Owner Preliminary Response Due Date
7,764,777 B2	IPR2016-01258 IPR2016-01262	October 19, 2016
8,155,298 B2	IPR2016-01252 IPR2016-01256 IPR2016-01259 IPR2016-01263	October 26, 2016
8,457,113 B2	IPR2016-01254 IPR2016-01257 IPR2016-01260 IPR2016-01261	October 12, 2016

[2] Bright House Networks, LLC, WideOpenWest Finance, LLC, Knology of Florida, Inc., and Birch Communications are Petitioner in IPR2016-01252, -01259, -01263, -01261, and -01262.

YMax Corporation is Petitioner in IPR2016-01256, -01258, and -01260.

Cisco Systems, Inc. is Petitioner in IPR2016-01254 and -01257.

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