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8 VOIP-PAL.COM, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 TWITTER, INC.,

14 Plaintiff,

15 v.

16 VOIP-PAL.COM, INC.,

17 Defendant.
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Case No. 5:21-CV-09773-JD

**DEFENDANT VOIP-PAL.COM, INC.'S
REPLY IN SUPPORT OF MOTION TO
DISMISS**

Honorable James Donato

Date: TBD

Time: TBD

Courtroom 11, 19th Floor

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TABLE OF AUTHORITIES

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TABLE OF ABBREVIATIONS

ABBREVIATION	TERM
VoIP-Pal	Defendant VoIP-Pal.com, Inc.
Twitter	Plaintiff Twitter, Inc.
Apple	Apple, Inc.
AT&T	AT&T Corp., AT&T Services, Inc., and AT&T Mobility LLC
The '606 patent	U.S. Patent No. 10,218,606
The '872 patent	U.S. Patent No. 9,935,872
The '234 patent	U.S. Patent No. 8,630,234
The '721 patent	U.S. Patent No. 10,880,721
WDTX	Western District of Texas
NDCAL	Northern District of California
RBR	Routing, Billing, Rating
IPR	<i>Inter Partes</i> Review
<i>Twitter I</i>	<i>Twitter, Inc. v. VoIP-Pal.com, Inc.</i> , No. 5:20-cv-2397-LHK (N.D. Cal.)
<i>Twitter II</i>	<i>Twitter, Inc. v. VoIP-Pal.com, Inc.</i> , No. 5:21-cv-2769-LHK (N.D. Cal.)
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The 2016 NDCAL cases	<i>VoIP-Pal.com, Inc. v. Twitter, Inc.</i> , No. 5:18-cv-04523-LHK (N.D. Cal.); <i>VoIP-Pal.com, Inc. v. Verizon Wireless Services, LLC</i> , No. 18-cv-06054-LHK (N.D. Cal.); <i>VoIP-Pal.com, Inc. v. AT&T Corp.</i> , No. 3:18-cv-06177-LHK (N.D. Cal.); and <i>VoIP-Pal.com, Inc. v. Apple, Inc.</i> , No. 3:18-cv-06217-LHK (N.D. Cal.)
The 2018 NDCAL cases	<i>VoIP-Pal.com, Inc. v. Amazon.com, Inc.</i> , No. 5:18-cv-7020 (N.D. Cal.) and <i>VoIP-Pal.com,</i>

1 *Inc. v. Apple Inc.*, No. 5:18-cv-6216 (N.D.
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3 The 2020 WDTX cases

4 *VoIP-Pal.Com, Inc. v. Facebook, Inc.*, No.
5 6:20-cv-00267-ADA (W.D. Tex.); *VoIP-*
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7 00269-ADA (W.D. Tex.); *VoIP-Pal.Com,*
8 *Inc. v. Amazon.com, Inc. et al.*, No. 6:20-cv-
9 00272-ADA (W.D. Tex.); *VoIP-Pal.Com,*
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11 (W.D. Tex.); *VoIP-Pal.Com, Inc. v. AT&T,*
12 *Inc. et al.*, No. 6:20-cv-00325-ADA (W.D.
13 Tex.); and *VoIP-Pal.Com, Inc. v. Verizon*
14 *Communications, Inc. et al.*, No. 6:20-cv-
15 00327-ADA (W.D. Tex.)

16 The 2020 NDCAL actions

17 *Apple, Inc. v. VoIP-Pal.com, Inc.*, Case No.
18 5:20-cv-02460-LHK (N.D. Cal.); *AT&T*
19 *Corp., et al. v. VoIP-Pal.com., Inc.*, Case No.
20 5:20-cv-02995-LHK (N.D. Cal.); and *Cellco*
21 *Partnership d/b/a Verizon Wireless v. VoIP-*
22 *Pal.com., Inc.*, Case No. 5:20-cv-03092-LHK
23 (N.D. Cal.)

24 The 2021 WDTX cases

25 *VoIP-Pal.com, Inc. v. Facebook, Inc., et al.*,
26 Case No. 6:21-cv-665-ADA (W.D. Tex.);
27 *VoIP-Pal.com, Inc. v. Google, LLC*, Case No.
28 6:21-cv-667-ADA (W.D. Tex.); *VoIP-*
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Case No. 6:21-cv-66-ADA (W.D. Tex.);
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670-ADA (W.D. Tex.); *VoIP-Pal.com, Inc. v.*
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Tex.); *VoIP-Pal.com, Inc. v. Verizon*
Communications, Inc., et al., 6:21-cv-672-
ADA (W.D. Tex.); *VoIP-Pal.com, Inc. v. T-*
Mobile US, Inc., et al., 6:21-cv-674-ADA
(W.D. Tex.); *VoIP-Pal.com, Inc. v. Samsung*
Electronics Co., Ltd. et al., 6:21-cv-1246-
ADA (W.D. Tex.); and *VoIP-Pal.com, Inc. v.*
Huawei Technologies Co. Ltd. et al., 6:21-cv-
1247-ADA (W.D. Tex.)

29 The 2021 NDCAL actions

30 *AT&T Corp. et al. v. VoIP-Pal.com, Inc.*,
31 Case No. 3:21-cv-05078 (N.D. Cal.); *Apple*
32 *Inc. v. VoIP-Pal.com., Inc.*, Case No. 3:21-cv-
33 05110 (N.D. Cal.); and *Cellco Partnership*
34 *d/b/a Verizon Wireless Inc. et al v. VoIP-*
35 *Pal.com, Inc.*, Case No. 3:21-cv-05275 (N.D.

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