

# EXHIBIT 4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VOIP-PAL.COM, INC.,  
Plaintiff,  
v.  
APPLE INC,  
Defendant.

Case No. 18-CV-06217-LHK  
**ORDER GRANTING CONSOLIDATED  
MOTIONS TO DISMISS**

VOIP-PAL.COM, INC.,  
Plaintiff,  
v.  
AT&T CORP,  
Defendant.

Case No. 18-CV-06177-LHK

VOIP-PAL.COM, INC.,  
Plaintiff,  
v.  
TWITTER INC.,  
Defendant.

Case No. 18-CV-04523-LHK

1 VOIP-PAL.COM, INC.,

Case No. 18-CV-06054-LHK

2 Plaintiff,

3 v.

4 VERIZON WIRELESS SERVICES, LLC,  
5 *et al.*,

6 Defendant.

7 Plaintiff Voip-Pal.Com, Inc. filed 4 related patent infringement suits against Defendants  
8 Apple Inc. (“Apple”), AT&T Corp. (“AT&T”), Twitter Inc. (“Twitter”), and Cellco Partnership  
9 d/b/a/ Verizon Wireless Services, LLC (“Verizon”) (collectively, “Defendants”). Plaintiff alleges  
10 that Apple, AT&T, and Verizon (but not Twitter) infringe various claims of U.S. Patent No.  
11 8,542,815 (“the ’815 Patent”) to Perreault et al. Plaintiff also alleges that all Defendants infringe  
12 various claims of U.S. Patent No. 9,179,005 (“the ’005 Patent”) to Perreault et al. In all 4 related  
13 cases, each Defendant filed an omnibus motion to dismiss, thus resulting in 4 omnibus motions to  
14 dismiss. However, the briefing on the omnibus motions to dismiss, Plaintiff’s oppositions, and  
15 Defendants’ replies is identical in all 4 cases. Thus, for ease of reference and unless otherwise  
16 specified, the Court refers to documents filed in the Twitter litigation, Case No. 18-CV-04523-  
17 LHK.

18 Before the Court is Defendants’ consolidated motions to dismiss, which contend that the  
19 asserted claims of the patents-in-suit fail to recite patent-eligible subject matter under 35 U.S.C. §  
20 101. ECF No. 71 (“Mot.”). Having considered the submissions of the parties, the relevant law, and  
21 the record in this case, the Court GRANTS Defendants’ consolidated motions to dismiss the  
22 asserted claims of the ’815 Patent and the ’005 Patent.

23 **I. BACKGROUND**

24 **A. Factual Background**

25 **1. The Parties**

26 Plaintiff is a Nevada corporation with its principal place of business in Bellevue,  
27 Washington. ECF No. 65 at ¶ 5. Plaintiff “owns a portfolio of [Voice over Internet Protocol]

1 patents and patent applications.” *Id.* at ¶ 1.

2 Defendant Twitter is a California corporation with its principal place of business in San  
3 Francisco, California. *Id.* at ¶ 6. Twitter uses and sells “messaging services using messaging  
4 application software and/or equipment, servers and/or gateways that route messages to computing  
5 devices such as smartphones, tablet computers, and personal computers.” *Id.* at ¶ 23.

6 Defendant Apple is a California corporation with its principal place of business in  
7 Cupertino, California. Case No. 18-CV-06217-LHK, ECF No. 11 at ¶ 7. Apple “provides,  
8 supports and/or operates messaging technology, including iMessage, an instant messaging service  
9 supported by Apple’s Messages application and computer infrastructure that allows smartphone  
10 and desktop users to send messages including text, images, video and audio to other users.” *Id.* at ¶  
11 15.

12 Defendant AT&T is a Delaware corporation with its principal place of business in  
13 Bedminster, New Jersey. Case No. 18-CV-06177-LHK, ECF No. 59 at ¶ 2. AT&T “supports and  
14 operates a messaging platform . . . [that] allows smartphone users to send messages including text,  
15 images, video and audio to others.” *Id.* at ¶ 40. AT&T also offers Voice over Internet Protocol  
16 products and services “utilizing equipment at the customer or business premises and a collection  
17 of servers and gateways.” *Id.* at ¶ 41. Moreover, AT&T “supports a Wi-Fi based calling platform .  
18 . . . [that] allows a mobile device to initiate a communication such as a call or text message between  
19 a caller, or a first participant, and a callee, or a second participant, using an AT&T assisted voice  
20 over IP (“VoIP”) system.” *Id.* at ¶ 42.

21 Defendant Verizon is a Delaware corporation with its principal place of business in  
22 Basking Ridge, New Jersey. Case No. 18-CV-06054-LHK, ECF No. 119 at ¶ 2. Verizon “supports  
23 and operates a messaging platform . . . [that] allows smartphone users to send messages including  
24 text, images, video and audio to others.” *Id.* at ¶ 40. Verizon also offers Voice over Internet  
25 Protocol products and services “utilizing equipment at the customer or business premises and a  
26 collection of servers and gateways.” *Id.* at ¶ 41. Moreover, Verizon “supports a Wi-Fi based  
27 calling platform . . . [that] allows a mobile device to initiate a communication such as a call or a

1 text message between a caller, or a first participant, and a callee, or a second participant, using a  
2 [Verizon] assisted voice over IP (“VoIP”) system.” *Id.* at ¶ 42.

### 3 **2. The Patents**

4 The ’815 Patent and the ’005 Patent (collectively, the “Patents”) are both titled “Producing  
5 Routing Messages for Voice over IP Communications.” ’815 Patent at front page; ’005 Patent at  
6 front page. The ’815 Patent was filed on November 1, 2007 and was issued on September 24,  
7 2013. The ’005 Patent was filed on August 13, 2013 and was issued on November 3, 2015. The  
8 ’815 Patent and the ’005 Patent share the same specification.

9 Defendants posit that the asserted claims of the Patents fall within two categories: “multi-  
10 network claims” and “single-network claims.” Mot. at 2. Defendants argue that asserted claims 1,  
11 7, 12, 27, 28, 72, 73, 92, and 111 of the ’815 Patent and claims 49 and 73 of the ’005 Patent are  
12 multi-network claims. *Id.* at 2, 2 n.2. Moreover, Defendants argue that asserted claims 74, 75, 77,  
13 78, 83, 84, 94, 96, and 99 of the ’005 Patent are single-network claims. *Id.* at 2, 2 n.3. The  
14 differences between the multi-network claims and the single-network claims will be explained  
15 below, but for present purposes, the Court finds Defendants’ differentiation of the claims into 2  
16 groups useful, and adopts Defendants’ groupings.

17 In addition, Defendants identify claim 1 of the ’815 Patent as representative of the multi-  
18 network claims, an identification that Plaintiff does not dispute. Defendants identify claim 74 of  
19 the ’005 Patent as representative of the single-network claims, an identification that Plaintiff also  
20 does not dispute. Thus, the Court will adopt the parties’ identification of representative claims.  
21 Claim 1 of the ’815 Patent shall be representative of the multi-network claims, and claim 74 of the  
22 ’005 Patent shall be representative of the single-network claims.

23 In general, the asserted claims of the Patents relate to the process of routing calls (either  
24 voice or video) between a caller and a callee, in which calls are classified as either public network  
25 calls or private network calls.<sup>1</sup> ’815 Patent at 1:50-54. More specifically, the process of routing the

26 \_\_\_\_\_  
27 <sup>1</sup> The Patents refer to “callee” to mean the recipient of a call. The Court adopts the Patents’ term of  
28 art and will use “callee” to refer to a call recipient.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.