

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION
Petitioner

v.

STRAIGHT PATH IP GROUP, INC.
(FORMERLY KNOWN AS INNOVATIVE COMMUNICATIONS
TECHNOLOGIES, INC.)
Patent Owner

INTER PARTES REVIEW OF U.S. PATENT NO. 6,108,704
Case IPR No.: *To Be Assigned*

DECLARATION OF LIOR HARAMATY

I, Lior Haramaty, declare under penalty of perjury that:

1. I have been retained as a consultant by Wolf Greenfield & Sacks, P.C., counsel for Petitioner Sony Corporation (“Sony”). I submit this declaration in connection with Sony’s Petition for *Inter Partes* Review of Claims 1, 11-12, 19, 22-23, and 30 of U.S. Patent No. 6,108,704 (“the ‘704 patent”). I am being compensated for my time at the rate of \$600 per hour, plus actual expenses. My compensation is not dependent in any way upon the outcome of Sony’s petition.

I. BACKGROUND

2. In 1985, I co-founded VocalTec which we registered as VocalTec, Ltd. (“VocalTec”) in 1989. VocalTec was one of the first companies to provide software that enables voice and multimedia communications over packet-based computer networks, like the Internet or a private intranet. VocalTec continues today to offer its software products to consumers under the name “magicJack VocalTec.”

3. One of VocalTec’s first voice communication products was VocalChat. VocalChat allowed users to engage in real-time voice communication over local and wide area computer networks. The first version of the VocalChat product was commercially released worldwide, including in the United States, in 1993.

II. OVERVIEW OF VOCALCHAT VERSION 2.0

4. VocalChat Version 2.0 (“VocalChat 2.0”) was commercially released and available for purchase from VocalTec no later than June 1994.

5. The availability of VocalChat 2.0 was widely publicized and advertised in trade magazines and other publications covering voice over IP (“VoIP”) technologies. Exhibit 1038 is a copy of an article entitled “Networking roundup,” published in the Washington Post (Newsweek Interactive Section) on June 10, 1994. This article confirms the introduction of VocalChat Version 2.0 in June 1994: “VocalTec Inc., (Northvale, N.J.), introduced VocalChat Version 2.0 software, which reportedly gives networked workgroups the combined capabilities of a full-featured intra-office voice mail system, an advanced network dictation system and a real-time audio conference service in a single software package.” Another article dated June 13, 1994 called “Pipeline” from InfoWorld, Exhibit 1039, also confirms that VocalTec began shipping VocalChat 2.0 in June 1994: “VocalTec Inc., in Northvale, N.J., is now shipping VocalChat 2.0, software that enables members of a networked workgroup to use voice mail and audioconferencing.”

6. Exhibit 1040 is a copy of another article entitled “Leave your message on my PC after the beep,” published in PC Week on October 3, 1994. That article also confirms the public availability of VocalChat 2.0 in 1994: “VocalChat 2.0 ... Available now in a 10-user license for \$239.”

7. Indeed, the PC Week article evidences that PC Week itself obtained a copy of VocalChat 2.0 and tested the product in 1994: “PC Week Labs installed VocalChat 2.0 on a variety of 386 and 486 PCs attached to a NetWare 3.12 server.... Installation and general use of VocalChat were easy.”

8. In many instances, publications and advertisements during 1994 included instructions on how to purchase VocalChat 2.0 directly from VocalTec. For example, Exhibit 1038 on page 2: “VocalTec, of Northvale, N.J. can be reached at (201) 768-9400.” Likewise, Exhibit 1041, a buyer’s guide entitled “Communications Connectivity Networking,” Miller Freeman Supplement to Microsoft Systems Journal (Jan. 1995), provides similar instructions on page 28.

9. By June 1994, it was known to the public how to obtain VocalChat 2.0. Indeed, I have personal knowledge from my work at VocalTec that members of the public did, in fact, obtain VocalChat 2.0 from June 1994 onward. Members of the public were under no obligation to keep confidential their knowledge of the VocalChat software or its availability.

10. Members of the public that obtained VocalChat 2.0 received a box that contained a 3.5-inch disk of the VocalChat 2.0 software and printed documents, including a User's Guide.

11. In addition to the electronic files needed to install the VocalChat 2.0 software, the disk included electronic files (e.g., "help" and "Read Me" files) that users were expected to access to learn more about the VocalChat product and to find answers to frequently asked questions. Members of the public were under no obligation to keep the electronic files or printed documents confidential.

III. UNOPENED BOX CONTAINING VOCALCHAT 2.0 THAT HAS BEEN IN MY POSSESSION SINCE JUNE 1994

12. Since around June 1994, I have had in my possession, continuously, an unopened box containing VocalChat 2.0. When I was at VocalTec, I obtained samples of products as we released them. This box came off the same production line as other VocalChat 2.0 boxes that were made available to the public. Indeed, this box is the same commercial product that the general public could have, and did, obtain starting by June 1994. It is the same product discussed in the articles attached as Exhibits 1038-1041.

13. From around June 1994 through October 31, 2013, this box was never opened. Until I opened it, the box was encased in unbroken shrink-wrap. Below are images that I took of box just before I opened it, showing the unbroken seams of the shrink wrap:

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