

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

FACEBOOK, INC. and INSTAGRAM, LLC,

Petitioner

v.

TLI COMMUNICATIONS LLC,

Patent Owner

Case IPR2015-00778

Patent 6,038,295

---

**PATENT OWNER'S SUBMISSION RE:  
JULY 23, 2015 ORDER (PAPER NO. 14)**

## I. COMMENTS REGARDING “TELEPHONE UNIT”

The Board sought additional briefing from the parties regarding whether, in view of *Williamson v. Citrix Online, LLC*, No. 2013-1130, 2015 WL 3687459 (Fed. Cir. June 16, 2015), the term “telephone unit” in claim 17 should be interpreted as a means-plus-function element. Paper 14 at 2.

Patent Owner agrees with Petitioner that “telephone unit” is not a means-plus-function element. See Paper 15 at 1.

*Williamson* rolls back the rule from *Lighting World, Inc. v. Birchwood Lighting, Inc.*, 382 F.3d 1354, 1358 (Fed. Cir. 2004), which held that “the presumption flowing from the absence of the term ‘means’ is a strong one that is not readily overcome.” *Williamson*, 2015 WL 3687459, at \*6. But *Williamson* clarified that

The standard is whether the words of the claim are understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. When a claim term lacks the word “means,” the presumption can be overcome and § 112, para. 6 will apply if the challenger demonstrates that the claim term fails to “recite sufficiently definite structure” or else recites “function without reciting sufficient structure for performing that function.” The converse presumption

remains unaffected: “use of the word ‘means’ creates a presumption that § 112, ¶ 6 applies.”

*Id.* at \*7 (internal citations removed). Here, in the case of claim 17, “telephone unit” lacks the word “means,” and a person of ordinary skill in the art would understand that “a telephone unit” is a sufficiently definite name for particular structural devices. *See, e.g.*, Preliminary Response at 5-6. Thus “telephone unit” should not be construed as a means-plus-function term.

Respectfully submitted,

Date: August 7, 2015

by: /Tarek N. Fahmi/  
Tarek N. Fahmi, Reg. No. 41,402

ASCENDA LAW GROUP, PC  
333 W San Carlos St., Suite 200  
San Jose, CA 95110  
1 866 877 4883  
Email: [tarek.fahmi@ascendalaw.com](mailto:tarek.fahmi@ascendalaw.com)

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing

PATENT OWNER'S SUBMISSION RE:

JULY 23, 2015 ORDER (PAPER NO. 14)

were served on August 7, 2015, by filing these document though the Patent Review Processing System as well as delivering a copy via email directed to the attorneys of record for the Petitioner at the following address:

Heidi L. Keefe  
Andrew C. Mace  
Cooley LLP  
ATTN: Patent Group  
1299 Pennsylvania Ave., NW, Suite 700  
Washington, DC 20004

hkeefe@cooley.com  
amace@cooley.com  
zpatdcdocketing@cooley.com

Date: August 7, 2015

by: /Tarek N. Fahmi/  
Tarek N. Fahmi, Reg. No. 41,402

ASCENDA LAW GROUP, PC  
333 W San Carlos St., Suite 200  
San Jose, CA 95110  
1 866 877 4883  
Email: [patents@ascendalaw.com](mailto:patents@ascendalaw.com)