UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner

v.

VOIP-PAL.COM INC.,
Patent Owner

IPR2016-01082
Patent No. 8,542,815
Producing Routing Messages for Voice Over IP Communications

DECLARATION OF MICHAEL CALOYANNIDES

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I, Michael Caloyannides, declare as follows:

I.   Introduction

1.   I have been retained by Unified Patents Inc. ("Unified" or "Petitioner") as an independent expert consultant in this proceeding before the United States Patent and Trademark Office. Although I am being compensated at my hourly rate for the time I spend on this matter, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

2.   I understand that this proceeding involves U.S. Patent No. 8,542,815 ("the '815 patent") (attached as EX1001 to Unified's petition). I understand the application for the '815 patent was filed on October 26, 2012, as U.S. Patent Application No. 13/662,213 having a priority date of May 10, 2002, and the patent issued on January 28, 2014.

3.   I have been asked to consider whether one of ordinary skill in the art of the '815 patent would understand that certain references disclose or suggest the features recited in the claims of the '815 patent, or that the features would have been obvious based on the combination of the references. My opinions are set forth below. While I discuss certain prior art challenges specifically, I note that I reviewed a number of additional prior art references that also seemed to anticipate, disclose, and render obvious the claims of the '815 patent.

4.   I have been advised that a patent claim may be anticipated if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. I have also been advised that the prior art elements must be arranged as required by the patent claim, but that the prior art need not use identical terminology as the patent claim.

5.   I have been advised that a patent claim may be obvious if the differences between the subject matter of the claim and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. I have also been advised that several factual inquiries underlie a determination of obviousness. These inquiries include the scope and content of the prior art, the level of ordinary skill in the field of the invention, the differences between the claimed invention and the prior art, and any objective evidence of non-obviousness.

6.   I have been advised that objective evidence of non-obviousness, known as "secondary considerations of non-obviousness," may include commercial success, satisfaction of a long-felt but unsolved need, failure of others, copying, skepticism or disbelief before the invention, and unexpected results. I am not aware of any such objective evidence of non-obviousness of the subject matter claimed in the '815 patent at this time.

7.   In addition, I have been advised that the law requires a "common sense" approach of examining whether the claimed invention is obvious to a person skilled in the art. For example, I have been advised that combining familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.

II.   Qualifications

8.   I am an Adjunct Professor of Computer Science at Johns Hopkins University and, until recently when I retired, George Washington University, teaching courses in Network and Data Communications, Internet Communications, and IP Networks. I also worked in both Government and private industry for over forty years in senior technologist positions such as a chief scientist, senior fellow and senior consultant for emerging technologies in computer networks and telecommunications.

9.   I received a Ph.D. in Electrical Engineering, Applied Mathematics and Philosophy from the California Institute of Technology in 1972. I also hold an M.S. in Electrical Engineering (1968) and a B.Sc. in Science with honors (1967), both awarded by the California Institute of Technology.

10.   After graduation, I was employed for approximately 15 years at the highest technical ranks (Member of Technical Staff, Level 7) by the Rockwell International Corporation, where, among other projects that I lead, I lead various

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