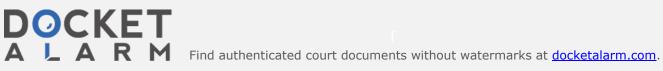
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1	UNITED STATES PATENT AND TRADEMARK OFFICE
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD
3	
4	APPLE, INC.,
	Petitioner,
5	vs.
6	
7	VOIP-PAL.COM, INC., Patent Owner
8	
9	CASE: IPR2016-01198 PATENT: 9,179,005 B2
10	and
11	CASE: IPR2016-01201 PATENT: 8,542,815 B2
12	PAIENI: 0,342,013 B2
13	
14	TELEPHONIC HEARING BEFORE THE
15	ADMINISTRATIVE PATENT JUDGES:
	JOSIAH C. COCKS,
16	JENNIFER MEYER CHAGNON JOHN A. HUDALLA
17	
18	JANUARY 19TH, 2018
19	HELD AT
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1 JUDGE COCKS: So this is a conference call for IPR2016-01198 and 01201. Mr. Malek, I think 2 3 you requested the call so. 4 MR. MALEK: Your Honor, just quickly 5 here. Probably the most contentious request for a 6 motion to withdraw, but in any event, the patent 7 owner respectfully requests authorization from the 8 board to file a motion for withdrawal of counsel by 9 Knobbe, Martens and that withdrawal is mandated by 10 the rules, and Apple indicated they oppose or would 11 oppose the motion, so that's I think what 12 precipitated this call. I just submit that my firm would become lead counsel and so patent owner would 13 14 continue to be represented by what I would submit is 15 confident counsel and that would be the basis of the 16 motion. 17 JUDGE COCKS: Okay. And before I hear from Mr. Seitz, I just want to verify that there is 18 19 no other counsel on this call for patent owner, is 20 that correct? So none of the counsel that are seeking to withdraw are on this call or that you are 21 22 seeking to have withdrawn are on this call? 23 MR. MALEK: Not that I'm aware of. When I dialed in I got a message that said there were 24 25 seven participants and that's all I know, but not to

1 my knowledge. 2 JUDGE COCKS: Okay. So let me ask, is 3 there any counsel on the call for Knobbe, Martens? 4 Okay. 5 Mr. Seitz, go ahead, you oppose? MR. SEITZ: Yes, Your Honor. Let me 6 clarify our position. Apple has no objection to 7 8 Viop-Pal hiring whoever it wants to represent itself 9 in these proceedings and does not object per se to Knobbe's withdraw. We're not trying to interfere 10 11 with the party's right to select counsel, but there 12 are many issues and factual questions that remain about the course of this proceeding in which Knobbe 13 14 is implicated that give rise to a concern on our end. 15 And to explain briefly, in our last 16 conference call, Voip-Pal's position was that it had 17 no involvement with Dr. Sawyer, the author of the letters, the ex parte letters, and that he was 18 19 essentially nothing more than a concerned third party 20 shareholder. Of course, as we discussed last time, 21 Dr. Sawyer's October 23 letter admitted that he had 22 been meeting with and working with both Voip-Pal and 23 its attorneys. Since the filing of our motion and in the opposition that came in last week, Voip-Pal has 24 now reversed course and admitted that it was involved 25

- 1 with Dr. Sawyer from the very beginning and was
- 2 working with him on each and every letter. But it
- 3 is, however, still unclear as to which of Voip-Pal's
- 4 attorneys were involved in these meetings and
- 5 essentially who knew what and when. Presumably it
- 6 would have been lead counsel, which was Knobbe at
- 7 that time, and throughout the course of this
- 8 proceeding.
- 9 Now there are certainly questions
- 10 about the waiver of the attorney/client privilege in
- 11 the meetings between Sawyer, Voip-Pal and Voip-Pal's
- 12 attorneys, but more importantly, we don't know where
- 13 this proceeding is going to go. There are scenarios
- 14 here that could implicate significant ethical issues.
- 15 We want to make sure that Voip-Pal's attorneys, the
- ones who were counsel of record during the time Dr.
- 17 Sawyer and Voip-Pal were writing these letters,
- 18 remain involved and subject to the board's
- 19 jurisdiction. The board doesn't have third party
- 20 subpoena power and that's essentially my concern. In
- 21 the event it becomes necessary to determine which
- 22 particular attorneys were involved with Dr. Sawyer in
- 23 his campaign or to conduct other discovery into who,
- what and when, we simply think Knobbe should remain
- in this case and subject to the board's jurisdiction



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