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Filed on behalf of:

Patent Owner Voip-Pal.com Inc.  
By: Kevin N. Malek  
MALEK MOSS PLLC  
340 Madison Avenue, 19<sup>th</sup> Floor  
New York, NY 10173  
Tel.: +1-212-812-1491  
Tel.: +1-855-291-7407  
Fax: +1-561-910-4134  
Email: kevin.malek@malekmoss.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**APPLE INC.**

Petitioner,

v.

**VOIP-PAL.COM, INC.,**

Patent Owner

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Case No. IPR2016-01198  
U.S. Patent 9,179,005

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**PATENT OWNER'S OPPOSITION TO APPLE'S REQUEST FOR  
REHEARING PURSUANT TO BOARD ORDER OF DECEMBER 21, 2018**

## TABLE OF CONTENTS

|  | Page No. |
|--|----------|
| I. INTRODUCTION .....  | 1        |
| II. LEGAL STANDARD ON REVIEW .....   | 2        |
| III. ARGUMENT .....  | 3        |
| A. The Board Reviewed and Rejected Petitioner’s Motivation to<br>Combine the Prior Art References. ....                                | 4        |
| 1. The Board considered and rejected all of Petitioner’s<br>arguments. ....  | 4        |
| 2. The Second Panel relied on evidence from Patent Owner’s<br>expert to reject Petitioner’s interpretation of Chu ‘684 .....           | 6        |
| 3. The Second Panel did not “overlook” or “ignore” Petitioner’s<br>motivation to combine arguments.....                                | 10       |
| B. The Second Panel Understood the Proposed Combination And<br>Rejected It As Unsupported .....  | 12       |
| 1. The Second Panel did not misunderstand the combination; it<br>rejected Petitioner’s underlying assumptions about Chu ‘684 .         | 13       |
| 2. Petitioner’s reliance on Chu ‘684’s alleged “infrastructure” for<br>applying calling attributes was refuted by expert evidence..... | 15       |
| 3. Petitioner’s proposal ignores corruption of private numbers ...   | 16       |
| 4. The Petitioner distorts the record in alleging that the Patent<br>Owner “mischaracterized” its Proposed Combinations.....           | 17       |
| C. Petitioner’s Arguments Are Moot Due to Reliance on Uncitable Prior<br>Art.....  | 20       |
| IV. CONCLUSION.....  | 21       |

## TABLE OF AUTHORITIES

Page No(s).

|   |       |
|---|-------|
| <i>Amerigen Pharm. Ltd. v. Janssen Oncology, Inc.</i> ,<br>IPR2016-00286, 2018 WL 6317959 (P.T.A.B. Dec. 3, 2018) ..... | 3     |
| <i>Arnold P'ship v. Dudas</i> ,<br>362 F.3d 1338, 1340 (Fed. Cir. 2004) .....   | 3     |
| <i>Belden Inc. v. Berk-Tek LLC</i> ,<br>Nos. 2014-1575, -1576 (Fed. Cir. Nov. 5, 2015) .....                            | 9, 20 |
| <i>Dynamic Drinkware v. National Graphics</i> ,<br>800 F.3d 1375 (Fed. Cir. 2015) .....                                 | 5     |
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| <i>In re Gordon</i> ,<br>733 F.2d 900 (Fed. Cir. 1984) .....  | 16    |
| <i>Intelligent Biosystems v. Illumina Cambridge</i> ,<br>821 F.3d 1359, 1367-1368 (Fed. Cir. 2016) .....                | 5     |
| <i>PTAB Trial Guide</i><br>77 Fed. Reg. 48763 (Aug. 14, 2012) .....   | 6     |
| <i>Star Fruits S.N.C. v. United States</i> ,<br>393 F.3d 1277, 1281 (Fed. Cir. 2005) .....                              | 3     |

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|                       |       |
|-----------------------|-------|
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| 35 U.S.C. § 312 ..... | 19    |
| 35 U.S.C. § 316 ..... | 5     |

**TABLE OF AUTHORITIES**  
*(cont'd)*

**Page No(s).**

|                          |             |
|--------------------------|-------------|
| 37 C.F.R. § 42.65 .....  | 6           |
| 37 C.F.R. § 42.71 .....  | 1, 3, 7, 13 |
| 37 C.F.R. § 42.104 ..... | 5, 6        |

Patent Owner Voip-Pal.com, Inc. (“Voip-Pal”) hereby opposes Petitioner Apple’s Motion for Rehearing (Paper 71) and respectfully requests denial thereof.

## I. INTRODUCTION

Petitioner alleges that, following institution of *inter partes* review of U.S. Patent 9,179,005 (“the ‘005 Patent”) (Paper 6) by an original panel of the Board (“First Panel”), a replacement panel of the Board (“Second Panel”) erred in ruling against Petitioner in a Final Written Decision (“FWD,” Paper 53), specifically because it misapprehended or overlooked Petitioner’s arguments. In the present Motion (Paper 71), Petitioner seeks rehearing under 37 C.F.R. § 42.71(d) of the FWD before a new panel (“Third Panel”) of the Board as authorized in Paper 70.

Through blanket speculation and mischaracterization of the record, Petitioner tries to mislead the Board into finding error where there has been none. Petitioner mischaracterizes the scope of review by the Board in arriving at the FWD in order to create the illusion that the Board misapprehended and overlooked its arguments. But the evidence shows that the FWD was based on a full review of the entire record, and that Petitioner’s attempt at a do-over should be denied—for *multiple* reasons:

*First*, the Second Panel did *not* misapprehend or overlook Petitioner’s motivation to combine argument or the related testimony of Petitioner’s expert, but rather, *rejected* it as insufficient and/or implausible in light of the well-supported evidence of Patent Owner’s expert evidence—which was *not before the First Panel*;

*Second*, the Second Panel did *not* misapprehend or overlook the Proposed

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