

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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**DECLARATION IN SUPPORT PATENT OWNER  
RESPONSE TO INTER PARTES PETITION**

I, Clay Perreault, declare as follows:

1. I was a founder of Digifonica Canada Ltd. (“Digifonica”), which was founded around July 2004 and I was the CEO until December 2005.

2. Digifonica developed a voice over IP (“VOIP”) system that allowed voice calls to be placed between two IP phones and between an IP phone and the public switched telephone network (“PSTN”). The Digifonica system utilized multiple geographically distributed “supernodes” which each handled routing and billing functions for a set of IP phones. By June 2005 Digifonica had deployed two supernodes, one in London, UK and one in Vancouver, Canada.

3. I am a named inventor on U.S. Patent No. 8,542,815 and U.S. Patent No. 9,179,005. I have reviewed the claims and figures of ‘815 Patent and the ‘005 Patent, and I understand the information described in the figures and the subject matter recited in the claims.

4. In May and June of 2005, I prepared a document entitled “Next Generation Networks - A Migration Path, Digifonica Voice Over IP Technologies, Technology Overview” (**Ex. 2020**). This document describes the vision and feature development of the Digifonica system that was being put into operation during the spring and summer of 2005.

5. In June 2005 Digifonica retained Smart 421, a company headquartered in Ipswich, England to perform a high level technical review and

appraisal of the Digifonica VoIP application software and development processes. I sent an email dated: “6/6/05, 8:53 AM” (**Ex. 2004**) indicating that a contract with Smart 421 had been signed and that they would be beginning their review. The terms of the engagement was that all information received by Smart 421 regarding Digifonica’s system was to remain confidential.

6. In June 2005 I sent numerous documents to a Smart 421 FTP site in connection with their review. I sent an email to John Rutter dated: “6/6/05, 5:37 PM” (**Ex. 2005**). I sent another email to John Rutter dated: “6/15/05, 3:28 PM” (**Ex. 2006**). These emails refer to documents that I sent to Smart 421.

7. John Rutter and Stuart Gare of Smart 421 visited the offices of Digifonica in Vancouver, Canada in June 2005. I and other Digifonica employees demonstrated the operation of our system to John Rutter and Stuart Gare. We demonstrated the ability to place phone calls between two SIP phone devices, on the same or different supernodes, and between a SIP phone device and the PSTN network.

8. Smart 421 prepared a 35-page report entitled “Technical Review of Digifonica VoIP System” dated July 5, 2005 (**Ex. 2003**), which was sent to me in an email from John Rutter dated: “Tue, 5 Jul 2005 17:41:31 +0100” which I subsequently forwarded to Emil Bjorsell and others in an email dated: “Tue, Jul 5, 2005 at 4:45 PM” (**Ex. 2007**). I have reviewed a copy of **Ex. 2003** and it appears

to be the Smart 421 report attached to the email that I received and reviewed in July 2005.

9. The RBR platform was software operating on servers within a Digifonica supernode that received call set up information and responded with call routing messages. Digifonica would periodically release or roll out new versions of RBR software to operate on the “supernodes”.

10. I received an email from Emil Bjorsell dated: “Mon, Jun 6, 2005 at 11:33 AM” (**Ex. 2027**) indicating that Version 361 of the RBR software had been deployed to the Vancouver and London supernodes. Based on this email and my recollection of our deployment procedures, I’m certain that Version 361 of the RBR software was in operation on the Vancouver and London supernodes on June 6, 2005. It’s also the case that since the visit from Smart 421 occurred after June 6, 2005, the demonstration we gave them would have had all of the features that are present in Version 361 of the RBR software.

11. I received an email from Samantha Edwards dated: “Mon, Aug 8, 2005 at 7:12 PM” (**Ex. 2036**) indicating that Version 554 of the RBR software would be released on August 9, 2005. I received an email from Samantha Edwards dated: “Wed, Aug 24, 2005 at 4:02 PM” (**Ex. 2019**) indicating that Version 694 of the RBR software would be released on August 25, 2005.

12. I am very familiar with how the Digifonica system operated in mid-2005, including the operation of the RBR applications on the servers. Digifonica's RBR platform performs the overall functions described in the '815 Patent and the '005 Patent as the Routing Controller (16) and illustrated in Fig. 1. The flow chart illustrated in Fig. 8A – 8D closely corresponds to functions performed by Digifonica's RBR server as it operated in June 2005.

13. The Digifonica system established a user-specific profile for each user containing attributes such as an internal routing code and if applicable for PSTN routing, associated international dialing digits (IDD), national dialing digits (NDD) and area code. When a call was placed, the RBR server received caller and callee identifiers and used the caller identifier was used to locate the profile associated with the caller containing the caller attributes. The caller attributes were then matched against the callee identifier (the dialed digits) to create a reformatted callee identifier. Based on the matching setup and a lookup of the reformatted callee identifier in a database of Digifonica subscribers, a call was classified as a private, or on-net call if the destination was another Digifonica IP phone, and classified as a public, or off-net call if the destination was the PSTN. The Digifonica system was capable of classifying a call as an on-net call after a user had dialed a PSTN number by first matching the dialing string according to the caller's profile, and then checking to see if the destination number was mapped to a

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