UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VOIP-PAL.COM INC.,
Patent Owner.

Cases IPR2016-01198 and IPR2016-01201
Patents 9,179,005 B2 and 8,542,815, B2

Record of Oral Hearing
Held: July 20, 2017

Before JOSIAH C. COCKS, JENNIFER MEYER CHAGNON, and JOHN A. HUDALLA, *Administrative Patent Judges.*

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The above-entitled matter came on for hearing on Thursday, July 20, 2017, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia in courtroom A, at 10:02 a.m.

P R O C E E D I N G S

JUDGE COCKS: Good morning. Welcome to the board. We're here today for a consolidated oral argument in two cases -- in connection with two cases, IPR2016-01198 and IPR2016-01201 involving patents 9,179,005 and 8,542,815.

Let's begin with introductions of counsel.

Would counsel for the Petitioner please state your appearance.

MR. SEITZ: Good morning, Your Honors. I'm Adam Seitz with Erise IP for Petitioner, Apple. With me is Paul Hart.

JUDGE COCKS: All right. Thank you, Mr. Seitz.

And would counsel for Patent Owner please state their appearance.

MR. MELVIN: Steven Melvin with Patent Owner, VoIP-PAL. And with me is Kerry Taylor.

JUDGE COCKS: All right. Thank you, Mr. Melvin.

Now will be set forth in the trial hearing order. Each side has 60 minutes of argument time. Petitioner bears the burden of showing unpatentability and will proceed first. They may reserve rebuttal time. The Patent Owner will then argue their opposition and may also reserve rebuttal time. Petitioner will then use any time they reserve to respond to all aspects of the Patent Owner's case. And then the Patent

Owner will use their reserve time to respond to the Petitioner's case when it comes to the motion to exclude and to antedating certain references involved in this proceeding.

With that being said, Mr. Seitz, you may begin.

MR. SEITZ: Thank you, Your Honor. I have paper copies of the presentation submitted.

JUDGE COCKS: Yes, you may approach.

MR. SEITZ: Thank you.

Your Honors, I would like to reserve 10 minutes, please.

JUDGE COCKS: Okay. Thank you.

You may proceed.

MR. SEITZ: Thank you.

My may it please the Court. Your Honors, we already mentioned we're here on two different petitions today relating to two different patents, the '005 and the '815. The issues in these patents are nearly identical.

The challenged grounds are identical between the two relating to Chu in combination with Chu, and Chu in combination with Chen. Our base reference is Chu '684. The other reference, to avoid confusion, is Chu '366.

Let's talk about the challenged patents and get an understanding for what the basic functionality is here. Looking at DX3, there's three fundamental aspects I'm going

to be focusing on today. Specifically in the challenged patents, this is from the abstract, they talk about a caller identifier, and a callee identifier, and then a receipt. They talk about a call classification criteria that's associated with the caller identifier that's used to classify the call as a public call or a private call. And then a routing message identifying an address that sends that call along.

Moving to DX4 let's talk about how this works in practice. So the main concepts of the challenged patents. You have a VoIP phone system, a voice over Internet protocol phone system, that allows a user, a caller, to make a phone call to one of two different locations. Another user on the private network, an IP-to-IP call, or a phone call from the IP network to what is called the PSTN, public switched telephone network, that's your standard landline.

The system of the challenged patents will then look at the caller information and look at the attributes of the dialed phone number, and it's going to compare the number that you've dialed to see what format you've put it in. For example, have you used a short form seven-digit phone number such as 555-1234. It's going to compare that to a caller profile, the caller information, to look at the attributes to make certain assumptions about the phone number you're trying to reach. It's then going to reformat that number based on

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