

Filed: December 6, 2016

Filed on behalf of:

Patent Owner Voip-Pal.com Inc.

By: Kerry Taylor

John M. Carson

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, 14<sup>th</sup> Floor

Irvine, CA 92614

Tel.: (858) 707-4000

Fax: (858) 707-4001

Email: [BoxDigifonica@knobbe.com](mailto:BoxDigifonica@knobbe.com)

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

**APPLE INC.**

Petitioner,

v.

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

Patent Owner

---

Case No. IPR2016-01198

U.S. Patent 9,179,005

---

**PATENT OWNER OBJECTIONS TO APPLE EVIDENCE  
SERVED WITH PETITION**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Voip-Pal.com, Inc. (“Voip-Pal”) hereby timely files its objections to the admissibility of evidence served with the Petition on June 15, 2016 (Paper 2).

<b>Exhibit Number and Description</b>	<b>Objections</b>
Ex. 1009 – Declaration of Henry Houh	<p><b>Improper Testimony (FRE 701, 702, or 703, or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993)):</b> Paragraphs 18 and 34 of the exhibit include opinions that are not based on sufficient facts or data, and do not reliably apply facts and data using scientific principles in reaching their conclusions.</p> <p><b>Relevance and Mischaracterizes the Document (FRE 401, 402, 403):</b> Paragraphs 23-25, and 48 mischaracterize Ex. 1001 (‘005 patent) and provide misleading arguments. Paragraphs 36-38, 41-43, 45, 48 and 49 mischaracterize Ex. 1006 (Chu ‘684) and provide misleading arguments. Paragraph 48 mischaracterizes Exs. 1007 &amp; 1008 (Chu ‘366 and Chen, respectively) and provides misleading arguments.</p>

IPR2016-01198  
Apple Inc. v. Voip-Pal

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 6, 2016

By: /Kerry Taylor/

Kerry Taylor, Reg. No. 43,947

John M. Carson, Reg. No. 34,303

Customer No. 20,995

Attorneys for Patent Owner

Voip-Pal.com, Inc.

(858) 707-4000

IPR2016-01198  
Apple Inc. v. Voip-Pal

### CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of **PATENT OWNER OBJECTIONS TO APPLE EVIDENCE SERVED WITH PETITION** is being served on December 6, 2016, via FedEx Priority Overnight pursuant to 37 C.F.R. § 42.6(e) and as a courtesy via electronic mail, for Petitioners as addressed below:

Adam P. Seitz  
Eric A. Buresh  
ERISE IPA, P.A.  
6201 College Blvd., Suite 300  
Overland Park, KS 66211  
Telephone: (913) 777-5600  
[Adam.seitz@eriseip.com](mailto:Adam.seitz@eriseip.com)  
[eric.buresh@eriseip.com](mailto:eric.buresh@eriseip.com)

Paul R. Hart  
ERISE IPA, P.A.  
5600 Greenwood Plaza Blvd., Suite 200  
Greenwood Village, CO 80111  
Telephone: (913) 777-5600  
[Paul.Hart@EriseIP.com](mailto:Paul.Hart@EriseIP.com)

Dated: December 6, 2016

/Kerry Taylor/  
Kerry Taylor, Reg. No. 43,947  
John M. Carson, Reg. No. 34,303  
Attorneys for Patent Owner  
Voip-Pal.com, Inc.

24701849