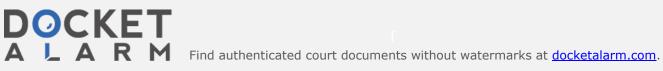
Page 1

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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	vs.
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	1711HN1. 0,312,013 B2
13	
14	TELEPHONIC HEARING BEFORE THE
15	ADMINISTRATIVE PATENT JUDGES:
	JOSIAH C. COCKS
16	JENNIFER MEYER CHAGNON JOHN A. HUDALLA
17	9 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
18	DECEMBER 19TH, 2017
19	HELD AT
20	ERISE IP
21	7015 College Boulevard Suite 700
22	Overland Park, Kansas 66211
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Page 2

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1 JUDGE COCKS: Why don't we go ahead and start off and give us a little bit of background. 2 3 MR. SEITZ: Yes, Your Honor. As my 4 e-mail noted, we're seeking permission to file a 5 motion for sanctions or in the alternative for 6 entirely new proceedings. The basis of our motion 7 relates to six different letters from an individual by the name of Dr. Thomas Sawyer, one of Voip-Pal's 9 largest shareholder, former CEO, former Chairman of the Board. 10 11 On May 1 Dr. Sawyer began what we 12 would later find out to be a very extensive letter 13 campaign, sending letters directly to the board and 14 to the individual panels involved with these two 15 It started with a May 1 letter, at proceedings. 16 least that's the first letter we're aware of, which 17 was sent to the Chief Judge and to our original panel at that time, Judges Margolies, Benoit and Pettigrew. 18 19 Dr. Sawyer did not copy Apple on that letter. 20 Voip-Pal did not send Apple a copy of that letter and 21 the board did not enter that letter into the record 22 or give Apple any chance to respond. The only reason 23 we knew about that letter is a copy was sent to the 24 District Court in Nevada, where the clerk entered it 25 into the record in the litigation there. No actions

1 were taken by Apple or the board with respect to that We didn't take any action in response to 2 3 that letter because we had no reason to believe that 4 it had any impact. The board did not take any formal 5 actions placing any findings on the record regarding 6 that letter, and no notice or record of a panel 7 change was made in response to that letter. 8 In early June Apple first learned of 9 the panel change during a hearing on a motion for Voip-Pal's sur-reply. Again, at that time no 10 11 explanation was given for the panel change. After 12 that first letter we became aware much, much later of 13 letters 2 through 5 from Dr. Sawyer. A June 21 14 letter, a June 11 letter, which also cc'd this panel, 15 a July 27 letter and an August 31 letter, which cc'd 16 this panel. As I noted Apple and its counsel were 17 unaware of letters 2 through 5 entirely. Dr. Sawyer did not send them to Apple, Voip-Pal did not send 18 19 them to Apple and the board did not place them on the 20 record or give Apple a chance to respond to those 21 Each of those letters requested a variation 22 on the same thing, sanctions in the form of a 23 reversal of the institution decision or judgment in 24 Voip-Pal's favor and dismissal or denial of any 25 pending petitions against Voip-Pal.

1	The final letter was sent on October
2	23 by Dr. Sawyer. That letter also cc'd the current
3	panel. We again learned of this letter only because
4	it was entered at the District Court as a copy of a
5	letter that was received by the clerk. Dr. Sawyer
6	and Voip-Pal did not copy Apple on that letter and
7	the board did not enter that letter into the record
8	and Apple was not given a chance to respond to that
9	letter. This letter again ratcheted up the threats
10	threatening criminal liability to the board, again,
11	requested reversal of the institution decision and
12	dismissal of the pending petitions. This letter,
13	however, was key. In this letter, the October 23
14	letter, Dr. Sawyer made clear that he, over the past
15	several months, has participated in a series of
16	meetings and consultations with attorneys for
17	Voip-Pal. He admitted that he continued to serve as
18	an advisor for Voip-Pal. He admitted that the
19	perceptions of Voip-Pal and its attorneys were what
20	he was writing about. He admitted the shared
21	perception of the attorneys was being put forth in
22	his letter, and finally he admitted in the October 23
23	letter that the attorneys for Voip-Pal shared or
24	provided him with the legal sections that formed the
25	basis of his October 23 letter. It was clear at that



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