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. IPR2016-01201
U.S. Patent 8,542,815

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

I, Johan Emil Viktor Bjorsell, declare as follows:

1.   I was an early employee of Digifonica Canada Ltd. ("Digifonica"), which was founded around July 2004 and I worked there until October 2008. I started as an IP Centrex Developer, became a Systems Architect in November 2005 and became the Director of Operations in August 2006. My responsibilities at Digifonica included software development, systems engineering, testing and deployment.

2.   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.

3.   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 functions for a set of IP phones. By mid-2005 Digifonica had deployed two supernodes, one in London, UK and one in Vancouver, Canada.

4.   One of the components of the Digifonica system was referred to as "RBR". RBR was a software and hardware platform that received information related to the initiation of a call and responded with call routing messages. The

Digifonica source code, including the RBR source code, was maintained in a source code control system known as "Subversion", which maintains the complete history of all changes to the RBR source code.

5.   The RBR software ran on the FreeBSD operating system running on commodity server hardware.   The RBR software communicated using an "XMLRPC" interface, which operates via TCP over port 80 and passes information back and forth in an XML format.   XMLRPC is a standard remote procedure protocol.   The RBR software also communicated using a MySQL interface with a MySQL database that typically ran on a separate server.   The RBR software acted as a server to a client machine that was configured as a B2BUA (back to back user agent), which is software that implements multiple SIP clients coupled together.   The B2BUA system was coupled to the RBR server through a Radius interface.

6.   I received an email from Konstantin Kropivny dated: "Tue, Jun 14, 2005 at 7:33 PM" (**Ex. 2017**) with an attached document entitled: "Production VoIP Architecture.doc" which includes diagrams illustrating how the Digifonica system handled private, or "On-Net" calls and public, or "Off-Net" calls.   The diagram accurately depicts how Digifonica handled private and public calls in the system that was operating in June 2005.

7.   I recall Digifonica was visited by two employees of Smart 421, a British company, in mid to late June 2005 and I recall reviewing a report they sent shortly after their visit. I received an email from Clay Perreault dated: "Tue, Jul 5, 2005 at 4:45 PM" (**Ex. 2007**) which forwards an email from John Rutter with an attached document entitled "Digifonica Technical Review v0.7.pdf". I have reviewed a copy of a 35–page report entitled "Technical Review of Digifonica VoIP System" dated July 5, 2005 (**Ex. 2003**) and it appears to be the Smart 421 report attached to the email that I received and reviewed in July 2005.

8.   I was responsible for operation and deployment of RBR software to the production systems. I sent and received numerous emails related to the release or 'roll-out' of this software. Deployment typically consisted of first installing RBR software on a machine known as a "package server". The software would then be installed on a "staging" system, followed by installation of the software on a "production" system. The staging system was fully functional and operated the same as the production system, including the ability to place and receive phone calls in the same manner.

9.   I received an email from Arafa Fuad dated: "Tue, May 31, 2005 at 1:13 PM" (**Ex. 2021**) indicating that Version 341 of the RBR software was being deployed. I sent an email dated: "Tue, May 31, 2005 at 2:38 PM" (**Ex. 2022**)

announcing that Version 341 of the RBR software had been deployed to both the Vancouver and the London supernodes.

10.   I received an email from Faud Arafa dated: "Thu, Jun 2, 2005 at 1:12 PM" (**Ex 2023**) indicating that Version 353 of the RBR software was being deployed. I received an email from Faud Arafa dated: "Sun, Jun 5, 2005 at 1:18 PM" (**Ex 2024**) indicating that Version 358 of the RBR software was being deployed.

11.   I received an email from Faud Arafa dated: "Mon, Jun 6, 2005 at 9:26 AM" (**Ex 2025**) indicating that Version 361 of the RBR software was being deployed. I received an email from David Terry dated: "Mon, Jun 6, 2005 at 9:33 AM" (**Ex. 2026**) indicating that Version 361 of the RBR software had been installed on the package server. I sent an email dated: "Mon, Jun 6, 2005 at 11:33 AM" (**Ex. 2027**) indicating that Version 361 of the RBR software had been deployed to both the Vancouver and London supernodes. Based on these emails and my recollection of deployment procedures, I'm certain that Version 361 of the RBR software was running on the production system 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.

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