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

_____

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

I, David Terry, declare as follows:

1.   I am currently employed as a Software Engineer at NAV CANADA, the operator of Canada's civil air navigation system. I have over 15 years of experience in software development.

2.   I was employed by Digifonica in Vancouver, Canada from March 2005 through November 2006. My responsibilities included software development, software packaging and release engineering.

3.   The Digifonica system that was in operation by June 2005 was 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.

4.   The Digifonica system functioning in June 2005 included hardware and software that established a user-specific profile for each user containing attributes such as international dialing digits (IDD), national dialing digits (NDD) and area code. When a call was placed, the caller identifier was used to locate the profile associated with the caller containing these attributes from a database. The caller attributes were then matched against the callee identifier (the dialed digits) to

2

create a reformatted callee identifier. Based on the reformatted callee identifier and a lookup of that number in a database of Digifonica subscribers, a call was classified as a private, or on-net call if the destination was another Digifonica subscriber, 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 Digifonica IP phone. Once a call was classified, appropriate routing messages were generated so that a call controller could direct the call according to the classification of the call. All of these features were incorporated into the Digifonica system that was deployed and fully operational by June 2005.

5.   The RBR platform was a server within a Digifonica supernode that received call set up information and responded with call routing messages. I was responsible for performing various tasks related to the deployment of RBR software to the production systems. I sent and received numerous emails related to the release or 'roll-out' of this software. One of the tasks I performed was to install RBR software on a machine known as a "package server" which was then used for the deployment of the software. Digifonica had a "staging" system and a "production" system. Software was typically first deployed to the staging system and then deployed to the 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.

6.   I received an email from Emil Bjorsell dated: "Tue, May 31, 2005 at 2:38 PM" and another dated "Tue, May 31, 2005 at 2:44 PM" (**Ex. 2022**) announcing that Version 341 of the RBR software had been deployed to both the Vancouver and the London supernodes.

7.   I sent an email dated: "Mon, Jun 6, 2005 at 9:33 AM" (**Ex. 2026**) indicating that RBR Version 361 had been installed on the package server and I received an email later that day from Emil Bjorsell dated: "Mon, Jun 6, 2005 at 11:33 AM" (**Ex. 2027**) indicating that RBR Version 361 had been deployed to the Vancouver and London supernodes. Based on these emails and my recollection of our deployment procedures, I'm certain that Version 361 of the RBR software was in operation on the production system on June 6, 2005 and successfully performed the call routing functions described above in paragraph 4 on that date.

8.   I sent an email dated: "Thu, Aug 4, 2005 at 1:58 PM" (**Ex. 2031**) indicating that RBR Version 541 had been installed on the package server. I received an email from Emil Bjorsell dated: "Thu, Aug 4, 2005 at 3:59 PM" (**Ex 2032**) indicating that RBR Version 541 had been deployed to the staging system.

9.   I sent an email dated: "Mon, Aug 8, 2005 at 11:48 AM" and another dated "Mon, Aug 8, 2005 at 12:00 PM" (**Ex 2034**) indicating that RBR Version

554 had been installed on the package server. I received an email from Emil Bjorsell dated: "Mon, Aug 8, 2005 at 12:09 PM" (**Ex. 2035**) indicating that RBR Version 544 had been deployed to the staging system. I received an email from Samantha Edwards dated: "Mon, Aug 8, 2005 at 7:12 PM" (**Ex. 2036**) indicating that RBR Version 554 was going to be released on August 9, 2005.

10.   I received an email from Chris Huff dated: "Tue, Aug 23, 2005 at 1:33 PM" (**Ex. 2042**) indicating that RBR Version 694 was ready to be installed on the package server. I received an email from Samantha Edwards dated: "Wed, Aug 24, 2005 at 4:02 PM" (**Ex. 2019**) indicating that RBR Version 694 was going to be released on August 25, 2005.

11.   Throughout 2005 and 2006, Digifonica continued updating this RBR system and deploying further updates in addition to those listed above.

12.   I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: ___Feb 8/2017___   By: _____