

Apple Inc. vs. Voip-Pal.com, Inc.

**Reporter's Transcript of Telephonic Hearing
June 07, 2017**



Voip-Pal.com, Inc. 0050

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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

Case No. IPR2016-01201
U.S. Patent 8,542,815

REPORTER'S TRANSCRIPT OF TELEPHONIC HEARING

WEDNESDAY, JUNE 7, 2017

8:00 A.M. - 8:21 A.M.

Reported by:
Annette Moore
CSR No. 2648

Job No. 10033665

1 APPEARING VIA TELEPHONE:

2 Patent Trial and Appeal Board:

3 JUDGE COX

4 JUDGE SCALA

5 JUDGE SHAGNON

6

For the Petitioner:

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ERISE IP

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1 THE COURT: Hello, good morning. This is
2 Judge Cox. I'm joined on the call with Justice Scala and
3 Shagnon. Who do we have on the call for the petitioner?

4 MR. SEITZ: Adam Seitz. Also with me is Paul
5 Hart.

6 THE COURT: All right. Thank you. Who do we
7 have on the call for the patent owner?

8 MR. TAYLOR: Kerry Taylor.

9 THE COURT: It sounds like we have a court
10 reporter, is that correct?

11 THE COURT REPORTER: Yes.

12 THE COURT: Who arranged for the court
13 reporter?

14 MR. TAYLOR: The patent owner arranged for
15 that.

16 THE COURT: Once we're done with this call,
17 please file the transcript, once it's available, as an
18 exhibit.

19 MR. TAYLOR: Sure.

20 THE COURT: All right. This is a conference
21 call in connection with two proceedings, IPR2016-01198 and
22 IPR2016-01201.

23 (The court reporter lost connection on the call.)

24 THE COURT: Thank you. Mr. Seitz, I want to
25 hear from you. Before you start, I wanted to ask: Have

1 you taken the position that the Board, this panel would be
2 prohibited from allowing a sur-reply?

3 MR. SEITZ: No, Your Honor, we have not taken
4 that position. Our position is just that the Board
5 certainly has the power to grant the sur-reply. When you
6 look at the cases that are out there, the decisions that
7 are out there, nobody needs sur-replies. We believe that
8 there's something very clear that's apparent there, and
9 that is that a sur-reply is not a matter of right even
10 when a patent owner raises an antedating prior art issue.

11 If you look at the cases cited by the
12 parties, we believe that supports that, your Honor. For
13 example, Belden, which Mr. Taylor was just discussing,
14 clearly does not support the idea to an automatic
15 sur-reply. They also cited the Cox case. That was
16 unopposed because there was a new declaration, new
17 evidence that was submitted in the reply.

18 There are other cases that were cited in
19 Mr. Taylor's email that walk through whether a sur-reply
20 was granted or not. When you look at those cases,
21 there's, again, a very clear indication of something that
22 was added in the reply. If you look at, for example,
23 Cencio, these were cited in Mr. Kerry Taylor's last email,
24 there was a challenge to inventorship that was raised for
25 the first time in their reply brief. In the HTC case,

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