

Petition for *Inter Partes* Review
U.S. Patent No. 8,457,113

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION,
Petitioner

v.

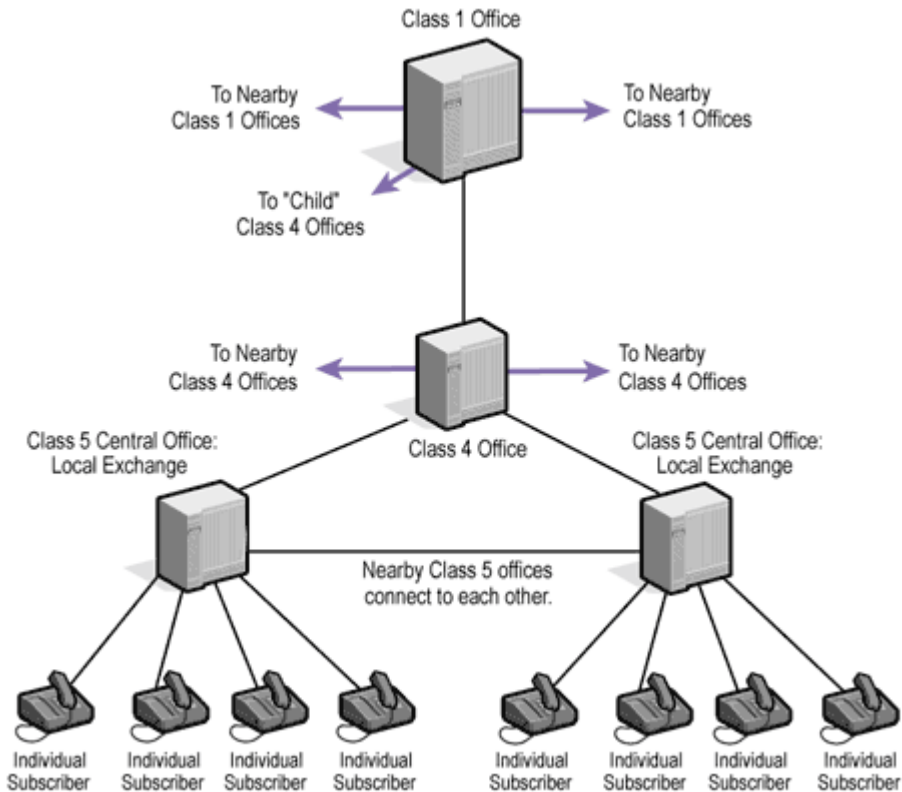
FOCAL IP, LLC,
Patent Owner

Inter Partes Review No.: Unassigned

U.S. Patent No. 8,457,113

**PETITION FOR *INTER PARTES* REVIEW OF
CLAIMS 1, 2, 8, 11, and 15-19 OF U.S. PATENT NO. 8,457,113
UNDER 35 U.S.C. §§ 311-319 and 37 C.F.R. §§ 42.100 *ET SEQ.***

{38562528;5}



See Ex. 1002 ¶¶ 39-40.

When a telephone call is placed on the PSTN, the call typically travels from the caller's phone to the edge switch in the caller's local central office. Unless the recipient is in the same geographical area and directly connected to the same central office, the call is then typically routed to one or more tandem switches (in sequence), until it reaches the edge switch that is directly connected to the recipient's phone, and finally to the recipient's phone. The switches use the telephone number dialed by the caller to know where to route the call. Thus, the

Id. at 3:14-16. Based on the subscriber’s selections, the TAC will determine where to route the telephone call. *Id.* 3:16-23, 5:5-20, 6:26-29, 10:1-3. If the subscriber set a forwarding number, the TAC 10 will place a second call to the forwarding number. *Id.* When the second call is answered, the TAC 10 connects the first call to the second call, “thereby connecting the calling party 20 to the subscriber 12.” *Id.*; *see also* Ex. 1002 ¶¶ 53-54.

E. **Claim Construction**

For purposes of this petition for *Inter Partes* Review, the challenged claims must be given their broadest reasonable interpretations to one of ordinary skill in light of the specification. 37 C.F.R. § 42.100(b). Claim language not specifically addressed below should be given its plain and ordinary meaning.

1. **“web enabled”**

Claim 1 recites “A method performed by a **web enabled** processing system including one or more web servers coupled to a call processing system...”

The broadest reasonable interpretation of the phrase “web enabled” is “capable of receiving information from, or sending information over, the Internet’s world wide web.” This is supported by the specification, which has numerous disclosures of the disclosed processing system either receiving or sending

information through the web. *See, e.g.*, Ex. 1001 at 2:67-3:3, 4:1-3, 5:16-20, 5:22-24, 6:41-46, 8:8-12; *see also* Ex. 1002 ¶ 55.

2. “coupled to”

Claim 1 recites “the call processing system **coupled to** at least one switching facility ...” The broadest reasonable interpretation of the phrase “coupled to” is “connected either directly or indirectly.” *See* Ex. 1002 ¶ 56. Support for this interpretation can be found in the specification at 3:29-40. The specification there sets forth two embodiments. In one, the call processing system (what it calls a tandem access controller) is simply “connected to the PSTN” (Ex. 1001 at 3:28-31). Because (as explained above) the PSTN is a network of switches in which all the switches are connected at least indirectly, “connected to the PSTN” allows for an indirect connection with respect to any particular class of PSTN switch. In contrast, in the second embodiment, the tandem access controller is described as “[c]onected *directly* to the PSTN tandem switch.” *Id.* at 3:33-40. (emphasis added).

“Connected” (and its synonym “coupled”) is different from (and broader than) “connect[ed] directly.” The applicants used the word “directly” in the phrase “Conneced directly to the PSTN tandem switch” when they wanted to be specific about a direct connection.

Support for this broadest reasonable interpretation for “coupled to” can also be seen in dependent claim 124 of the ’113 patent. Claim 124 recites “A method as defined in claim 1 wherein the one or more web servers *coupled* to the call processing system are *coupled through a data base.*” (emphases added). That a web server can be “coupled to” the call processing system “through” something else requires “coupled” to be broad enough to include being connected indirectly.

That “coupled to” encompasses both direct and indirect connection is also seen in the prosecution history of related U.S. Patent No. 6,529,596. There, the applicant differentiated between a connection and a direct connection by amending the claims to state “said TAC being directly connected to a PSTN tandem switch” in an attempt to overcome prior art. Ex. 1006 at 108.

3. “switching facility”

Claim 1 uses the phrase “switching facility”/”switching facilities” as follows (emphases added):

a second network coupled to a *switching facility* of a telecommunications network, the telecommunications network comprising edge switches for routing calls from and to subscribers within a local geographic area and *switching facilities for routing*

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