UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc.
Petitioner

v.

Focal IP, LLC
Patent Owner

Patent No. 8,457,113 B2
Filing Date: Jun. 22, 2010
Issue Date: Jun. 4, 2013

Title: BRANCH CALLING AND CALLER ID BASED CALL ROUTING TELEPHONE FEATURES

Petition for *Inter Partes* Review
of U.S. Patent No. 8,457,113 B2

Inter Partes Review No. 2016-01254

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C. The Telephone Network

The PSTN is an interconnected network of the world's telephone networks. *Id.* at ¶¶ 38-40. In the US, the PSTN consists of two levels of interconnected digital circuit switches, class 3 switches and class 5 switches. *Id.* Class 5 switches are also known as edge switches and serve to connect end-user devices, such as telephones and fax machines, to the PSTN. *Id.* Class 3 switches are also known as tandem switches and generally provide long distance calling links by interconnecting between edge switches and other tandem switches. *Id.*; EX1001, 1:42–51.

1. Telephone Calls

Telephone calls over the telephone network have two parts, signaling and media. EX1002, ¶¶ 38-40. A telephone call is initiated with a call request signal that is routed through the telephone network to an edge switch, which causes the dialed telephone to ring. *Id.* When a user picks up the telephone, a call accept signal is sent which causes the telephone network to establish the circuit for carrying the call participants' voices (i.e. media). *Id.* The telephone call signaling and media generally take different paths through the telephone network. *Id.*

2. Telephone Network Standards

In order to allow the PSTN to be interconnected, the International Telecommunications Union (ITU) has published an extensive set of recommended standards for governing the operation of the world's telephone networks. *Id.* ¶¶ 44-45. ITU standards govern telephone numbering, signaling, and data transmission

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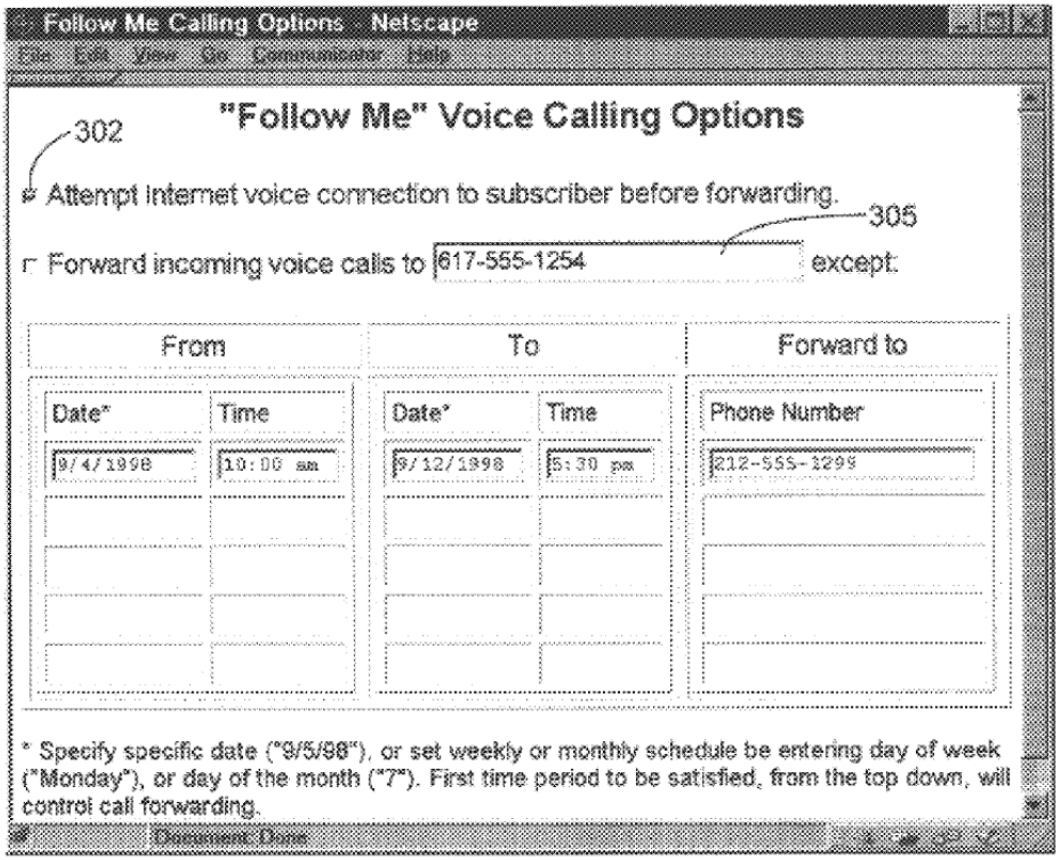

Fig. 7

EX1027, Figs. 2-3, 5-7, 9-10; 3:39-7:10; EX1002 at ¶ 55-60.

F. Telephone Calls Over the Internet – VOIP

In the 1990s, voice telephone calls began to be carried over the Internet using the Internet Protocol (IP). EX1002, ¶ 61. This became known as VOIP or voice over Internet Protocol. *Id.* By mid-1999 to 2000, the PSTN and VOIP networks were interconnected and one telephone call could be routed across both the Internet and the PSTN by using protocol converting gateways. EX1002, ¶¶ 61-65, 84-86, 95 (citing EX1004; EX1017-1120; EX1023). VOIP signaling protocols, such as H.323 and the SIP, were standardized between 1998 and 1999. *Id*. Cable

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16, 1999, and issued September 28, 2004, to Alexander *et al*. ("Alexander," EX1006). Alexander is prior art to the '113 patent under at least 35 U.S.C. § 102(e) because it is an issued patent that was filed prior to the earliest claimed priority date of the '113 patent of May 4, 2000.

Alexander teaches a call controller coupled to a packet network and a circuit switched network. EX1006, Figs. 1-2, Abstract. Alexander's call controller can establish voice communications across both networks and provides call control features such as call forwarding. EX1006, Figs. 2, 5A-B; 1:35-2:27.

VII. SUMMARY OF THE '113 PATENT

The '113 patent depends through continuations and divisionals to application no. 10/426,279, filed Apr. 30, 2003, which in turn is a continuation-in-part of application no. 09/565,565, filed May 4, 2000. EX1001, 1:7–16. As a result, the earliest possible filing date for the '113 patent is May 4, 2000.

The petitioned claims of the '113 patent recite controllers that interface between a packet network and a circuit switched network for establishing a voice communication between two parties and implementing call control features such as call forwarding or blocking. EX1001, cls. 38 and 65.

VIII. CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.104(B)(3)

A. Legal Overview

Claims in *inter partes* review proceedings are construed to have their broadest reasonable interpretation. Claim terms that are not construed are given

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their plain and ordinary meaning to a POSA at the time in light of the specification and file history. Petitioner applies the plain and ordinary meaning of the petitioned claims to the asserted prior art references in support of grounds 1-4, which involve terms that are readily understood by a POSA upon review of the specification and file histories. Petitioner provides additional explanation of the scope of the plain and ordinary meaning for the claim terms "call data," and "switching facility," below and further explanation of the plain and ordinary meaning of these and other claim terms in sections X and XI below as relevant.

B. Plain and ordinary meaning of "call data"

Petitioned claims 38 and 65 of the '113 patent includes the term "call data." EX1001, cls. 38 and 65. Claims that depend from claims 38 and 65 and other claims provide examples of what is included in "call data." For example claims 131-32 and 136-37, which depend from claims 38 and 65, and claims 144-46 and 177-78, which depend from claims 143 and 163, provide that call data can include a call request, a telephone number, or an IP address. EX1001, cls. 131-32, 136-37, 144-46, 177-78; EX1002, ¶¶ 72-74. Therefore, based on the doctrine of claim differentiation, the plain and ordinary meaning of "call data" at least includes telephone numbers, IP addresses and/or call requests. Petitioner addresses these claim limitations in the context of the detailed claim analysis provided in Sections X and XI below.

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