

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., FACEBOOK, INC., and WHATSAPP, INC.,
Petitioner

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.
Patent Owner

Case IPR2017-00222¹
Patent 8,243,723

**DECLARATION OF LEONARD J. FORYS, PH.D.
IN SUPPORT OF PETITIONER APPLE INC.'S
REPLY TO PATENT OWNER RESPONSE**

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¹ Facebook, Inc. and WhatsApp, Inc., who filed a petition in IPR2017-01635, have been joined as petitioners in this proceeding.

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 A. The term “list” means a list of “*one or more nodes.*”5

 B. Vuori’s SVM watcher *is* user-facing, therefore Vuori teaches or suggests
 “transmitting a signal to a client including a list of the recorded connectivity
 status...”8

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I. Introduction

I, Dr. Leonard J. Forys, declare as follows:

1. This declaration supplements my declaration (Ex. 1003) submitted with Apple's Petition in IPR2017-00222. For the sake of brevity, I rely on and confirm the facts and opinions contained in my Declaration dated November 14, 2016 – Ex. 1003. My qualifications and background information can be found in my original Declaration. (Ex. 1003 ¶¶1-2, 6-53.)

2. I am making this declaration to respond to certain arguments raised by Uniloc USA Inc. and Uniloc Luxembourg S.A., (“Uniloc” or “PO”) in its Patent Owner Response (“POR”) and the declaration of William C. Easttom II (Ex. 2001) submitted therewith. In view of Uniloc's and Mr. Easttom's arguments, it is still my opinion that all of the claim elements in the '723 patent are taught or suggested by Vuori alone or in combination with Malik and the other prior art references presented in the Grounds of the Petition. In my opinion, Uniloc's arguments rely on overly narrow interpretations of the claim elements, inaccurate explanations of the prior art references, and unfounded concerns about the combinations of prior art references that inflate potential “detriments” and ignore an artisan's understanding of design tradeoffs. My opinions are set forth below.

3. In preparing this declaration, I have reviewed and am familiar with the

following documents:

Exhibit	Description
1001	Rojas, U.S. Patent No. 8,243,723 (earliest priority date December 18, 2003; filed March 4, 2009; issued August 14, 2012).
1002	File History for U.S. Patent No. 8,243,723.
1003	Declaration of Leonard J. Forys, Ph.D.
1004	<i>Curriculum Vitae</i> of Leonard J. Forys, Ph.D.
1005	Vuori, U.S. Patent Application Publication No. 2002/0146097 (filed July 23, 2001, published October 10, 2002).
1006	SMSS, Universal Mobile Telecommunications System (UTMS); Technical realization of the Short Message Service (SMS) (3G TS 23.040 version 3.5.0 Release 1999) (published on August 16, 2000).
1007	Holtzberg, U.S. Patent No. 6,625,261 (filed December 20, 2000, issued September 23, 2003).
1008	Väänänen, U.S. Patent No. 7,218,919 (filed August 8, 2001, issued May 15, 2007).
1009	Dahod et al., U.S. Patent Application Publication No. 2004/0022208 (filed on August 1, 2002, published February 5, 2004).
1010	Hogan et al., U.S. Patent No. 5,619,554 (filed June 8, 1994, issued April 8, 1997).
1011	Logan et al., U.S. Patent No. 5,732,216 (filed October 2, 1996, issued March 24, 1998).
1012	Peersman et al., The Global System for Mobile Communications Short Message Service, IEEE Personal Communications (June 2000).

Exhibit	Description
1013	SMS Forum, SMPP v3.4 Protocol Implementation guide for GSM / UMTS, Version 1.0 (May 30, 2002).
1014	Clarke et al., Experiments with packet switching of voice traffic, IEE Proceedings G - Electronic Circuits and Systems, Vol.130, Pt. G, No. 4, pp. 105-13 (August 1983).
1015	Oouchi et al., Study on Appropriate Voice Data Length of IP Packets for VoIP Network Adjustment, Proceedings of the IEEE Global Telecommunications Conference (GLOBECOM) 2002, V. 2, Taipei, Taiwan, 2002, pp. 1618–1622.
1016	Lotito et al., U.S. Patent No. 4,625,081 (filed November 30, 1982, issued November 25, 1986).
1017	Pershan, U.S. Patent No. 5,260,986 (filed April 23, 1991, issued November 9, 1993).
1018	Old Version of AOL Instant Messenger 2.1 Download, retrieved from http://www.oldapps.com/aim.php?old_aim=4#screenshots .
1019	Malik, Patent Publication No. 2003/0219104 (filed August 19, 2002, published November 27, 2003).
1020	Staack et al., WO Patent Publication No. 02/07396 (filed July 13, 2000, published January 24, 2002).
1021	Lerner et al., U.S. Patent No. 6,192,395 (filed December 17, 1999, issued February 20, 2001).
1022	Stubbs, WO Patent Publication No. 99/63773 (filed June 3, 1999, published December 9, 1999).
1023	Abhuri, U.S. Patent Application Publication No. 2003/0147512 (filed on February 1, 2002, published August 7, 2003).
1024	File History for U.S. Patent No. 7,535,890.
1025	Day et al., A Model for Presence and Instant Messaging, Network Working Group, RFC 2778, pp. 1-17 (February 2000).

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