

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

Case IPR2017-00225¹
Patent 8,995,433

**PETITIONER APPLE INC.'S
REPLY TO PATENT OWNER RESPONSE**

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U.S. Patent & Trademark Office
O. Box 1450
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¹ Snap Inc., which filed a petition in IPR2017-01611, as well as Facebook, Inc. and WhatsApp, Inc., which filed a petition in IPR2017-01634, have been joined as petitioners in this proceeding.

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 A. The specification does not describe the “instant voice messaging application” as being limited to residing on a single device since it is not mentioned once in the specification.....1

 B. “displays at least one of the plurality of instant voice messages”8

III. Ground 1: Claims 1, 2, 4, and 8 are invalid over the combination of Abburi and Holtzberg.9

 A. Abburi-Holtzberg teaches “*wherein the instant voice messaging application includes a message database storing the instant voice message,*” as recited in independent claim 1.9

 B. Abburi-Holtzberg teaches the “*file manager system*” limitation of independent claims 1 and 6.16

IV. Ground 3: Claims 5 and 6 are invalid over the combination of Abburi, Holtzberg, and Logan.18

 A. The combination of Abburi, Holtzberg, and Logan teaches the “*compression/decompression*” limitation of independent claim 6.18

V. Ground 4: Claims 1, 2, 4, 5, and 8 are invalid over the combination of Väänänen and Holtzberg.20

 A. Väänänen-Holtzberg teaches “*wherein the instant voice messaging application includes a message database storing the instant voice message,*” as recited in independent claim 1.20

 B. Väänänen-Holtzberg teaches the “*compression/decompression*” limitation of independent claim 6.21

 C. Väänänen-Holtzberg teaches the “*file manager system*” limitation of independent claims 1 and 6.23

 D. The Board correctly decided to institute Grounds 4 and 5 of the Petition based on Väänänen.24

VI. PO relies on a flawed level of ordinary skill by removing the requirement of experience in VoIP and mobile telephony, which is contradicted by its own expert’s testimony.25

VII. Conclusion.27

UPDATED EXHIBIT LIST

Exhibit No.	Description
1001	Rojas, U.S. Patent No. 8,995,433 (filed March 25, 2014, issued March 31, 2015).
1002	File History for U.S. Patent No. 8,995,433.
1003	Declaration of Leonard J. Forys, Ph.D.
1004	<i>Curriculum Vitae</i> of Leonard J. Forys, Ph.D.
1005	Abhuri, U.S. Patent Application Publication No. 2003/0147512 (filed February 1, 2002, published August 7, 2003).
1006	Väänänen, U.S. Patent No. 7,218,919 (filed August 8, 2001, issued May 15, 2007).
1007	Holtzberg, U.S. Patent No. 6,625,261 (filed December 20, 2000, issued September 23, 2003).
1008	Logan et al., U.S. Patent No. 5,732,216 (filed October 2, 1996, issued March 24, 1998).
1009	Vuori, U.S. Patent Application Publication No. 2002/0146097 (filed July 23, 2001, published October 10, 2002).
1010	Excerpts from <i>Microsoft Computer Dictionary</i> , 5th ed. (2002).
1011	Clarke et al., Experiments with packet switching of voice traffic, IEE Proceedings G - Electronic Circuits and Systems, V.130, N.4 , 105-13 (August 1983).
1012	Sharma, VoP (voice over packet), IEEE Potentials, V. 21, N. 4, Oct./Nov. 2002, 14-17 (October, 2002).
1013	Locascio, U.S. Patent No. 6,603,757 (filed April 14, 1999, issued August 5, 2003).
1014	Lotito et al., U.S. Patent No. 4,625,081 (filed November 30, 1982, issued November 25, 1986).
1015	Excerpts from <i>American Heritage Dictionary</i> , 4th ed. (2001).
1016	File History of U.S. Patent No. 7,535,890.
1017	Pershan, U.S. Patent No. 5,260,986 (filed April 23, 1991, issued November 9, 1993).
1018	Deposition Transcript of William C. Easttom, II, November 28, 2017
1019	Declaration of Leonard J. Forys, Ph.D. in support of Petitioner's Reply
1020	Excerpts from <i>Dictionary of Information Science and Technology</i> , First Edition (2007).
1021	Excerpts from <i>Dictionary of Information Science and Technology</i> , Second Edition (2013).

Exhibit No.	Description
1022	“MP3 (MPEG Layer III Audio Encoding)”. The Library of Congress. 27 July 2017, accessible at https://www.loc.gov/preservation/digital/formats/fdd/fdd000012.shtml , last accessed December 14, 2017.

I. Introduction

The Board should find that claims 1-6 and 8 of the '433 Patent are not patentable based upon the instituted grounds of this proceeding. The '433 Patent broadly claims conventional voice messaging and storage techniques already known and employed at the time of the patent. To avoid the compelling evidence showing obviousness, Patent Owner (“PO”) hangs its arguments on an overly narrow interpretation of the term “instant voice messaging application” being required to reside only on a single client device—which is unsupported by any disclosure in the patent specification—although the prior art provided in this proceeding renders the claims obvious even under Patent Owner’s narrow construction. And the PO attempts to articulate reasons why storage, i.e., the claimed message database and file manager system, is somehow different based on its location—central vs. local—even when a same system can be used at either location without modification.

II. Claim Construction

A. The specification does not describe the “instant voice messaging application” as being limited to residing on a single device since it is not mentioned once in the specification.

PO banks almost its entire case on the “instant voice messaging application” only being able to reside on a single device “at the particular client where the claimed ‘instant voice message’ originates.” (Paper 11, POR, 9.) As shown below, this position is incorrect for several reasons. Moreover, the cited prior art teaches

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