

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC. AND WHATSAPP, INC.,

Petitioners,

v.

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

Case IPR2017-01257
U.S. Patent 8,199,747

DECLARATION OF DR. VAL DI EULIIS

SEPTEMBER 7, 2017

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I, Dr. Val DiEuliis, hereby declare and state as follows:

1. Introduction

1. My name is Val DiEuliis, and I have been retained by Uniloc, USA, Inc., and Uniloc Luxembourg S.A. (“Uniloc” or the “Patent Owner”). My client Uniloc and its associated counsel, Etheridge Law Group, have asked me to study U.S. Patent No. 8,199,747 (“the ’747 patent”), the Petition, and the proffered prior art in this case, and other relevant documents. I document my findings in this declaration.

2. I have concluded that International Application WO 01/11824 (“Zydney”) [EX1003], either alone or combined with U.S. Patent No. 6,750,881 (“Appelman”) [EX1004], does not render obvious any challenged claim of the patent at issue, the ’747 patent, at least for the following reasons:

- a) Zydney fails to disclose or render obvious “generating an instant voice message, wherein generating includes recording the instant voice message in an audio file and **attaching one or more files to the audio file**” (Claim 1 with emphasis added)
- b) Zydney fails to disclose or render obvious “**controlling a method of generating** the instant voice message based upon a connectivity status[of] each recipient” (Claim 3 with emphasis added)

- c) The proposed combination of Zydney and Appelman fails to render obvious “**receiving a list of nodes** within the packet-switched network, **the list of nodes including a connectivity status** of each node” (Claim 2 with emphasis added)
- d) The proposed combination of Zydney and Appelman fails to render obvious “wherein a node within the list is adapted to be **selected as a recipient** of an instant voice message ... wherein the instant voice message is temporarily stored when **at least one recipient is unavailable**” (Claim 2 with emphasis added)
- e) The Petition’s asserted combination of Zydney and Appelman would render Zydney unsatisfactory for an intended purpose of Zydney

3. The limited scope of my opinions and analysis in this declaration do not imply that I may not later express other opinions or report other results from other investigations concerning other issues raised by the Petitioners or their experts in this IPR.

2. Qualifications

4. I am an electrical engineer with over 45 years of experience developing, programming, and analyzing computer algorithms and software. I am experienced with and able to create, read, and interpret firmware and software in C, C++, Java, assembly language, HTML, and

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