UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC. AND WHATSAPP, INC.,

Petitioners,

v.

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

_____

Case IPR2017-01365
U.S. Patent 8,243,723

_____

DECLARATION OF DR. VAL DIEULIIS

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. 8,243,723 ("the '723 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] combined with U.S. Patent No. 6,750,881 ("Appelman") [EX1004] does not render obvious any challenged claim of the patent at issue, the'723 patent, at least for the following reasons:

- The Petitioners rely on an incorrect claim interpretation of the term "node" as a "software agent."
- The proposed combination of Zydney and Appelman fails to render obvious "associating a sub-set of the nodes with a client" recited in independent claim 1.

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- The proposed combination of Zydney and Appelman fails to render obvious "transmitting a signal to a client including a list of the recorded connectivity status for each of the nodes in the sub-set corresponding to the client" recited in independent claim 1.
- The proposed combination of Zydney and Appelman would render Zydney unsatisfactory for an intended purpose of Zydney.
- The proposed combination of Zydney and Appelman fails to disclose or render obvious "wherein the instant voice message includes one or more files attached to an audio file" recited in dependent claim 2.
- The proposed combination of Zydney and Appelman fails to render obvious "controlling a method of generating the instant voice message based upon the connectivity status of said one or more recipient" recited in dependent claim 3.

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

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