UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Facebook, Inc., WhatsApp, Inc.
Petitioners

v.

Uniloc USA, Inc., Uniloc Luxembourg S.A.,
Patent Owner

U.S. Patent No. 8,243,723

TITLE: SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING

# DECLARATION OF TAL LAVIAN, PH.D.

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B. Zydney in view of Appelman Renders Obvious Claims 1, 2, and 3 ....44

1. Independent Claim 1 ....44

(a) Preamble of claim 1: "A method for instant voice messaging over a packet-switched network, the method comprising:" ....45

(b) "monitoring a connectivity status of nodes within the packet-switched network, said connectivity status being available and unavailable;" (Claim 1[a])....49

(c) "recording the connectivity status for each of the nodes;" (Claim 1[b]) ....54

(d) "associating a sub-set of the nodes with a client;" (Claim 1[c]) ....54

(e) "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;" (Claim 1[d]) ....56

(f) "receiving an instant voice message having one or more recipients" (Claim 1[e])....71

(g) "delivering the instant voice message to the one or more recipients over a packet-switched network;" (Claim 1[f])....74

(h) "temporarily storing the instant voice message if a recipient is unavailable; and" (Claim 1[g]) ....76

(i) "delivering the stored instant voice message to the recipient once the recipient becomes available." (Claim 1[h]) ....80

2. Dependent Claim 2....83



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(a) Preamble of claim 2: "The method for instant voice messaging over a packet-switch network according to claim 1,"....83

(b) "wherein the instant voice message includes one or more files attached to an audio file." (Claim 2[a])....83

3. Dependent Claim 3....87

(a) Preamble of claim 3: "The method for instant voice messaging over a packet-switch network according to claim 1, further comprising the step of:"....88

(b) "controlling a method of generating the instant voice message based upon the connectivity status of said one or more recipient." (Claim 3[a])....88

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I, Tal Lavian, Ph.D., declare as follows:

## I. INTRODUCTION AND QUALIFICATIONS

### A. Qualifications and Experience

1. I have more than 25 years of experience in the networking, telecommunications, Internet, and software fields. I received a Ph.D. in Computer Science, specializing in networking and communications, from the University of California at Berkeley in 2006 and obtained a Master's of Science ("M.Sc.") degree in Electrical Engineering from Tel Aviv University, Israel, in 1996. In 1987, I obtained a Bachelor of Science ("B.Sc.") in Mathematics and Computer Science, also from Tel Aviv University.

2. I am employed by the University of California at Berkeley and was appointed as a lecturer and Industry Fellow in the Center of Entrepreneurship and Technology ("CET") as part of UC Berkeley College of Engineering. I have been with the University of California at Berkeley since 2000 where I served as Berkeley Industry Fellow, Lecturer, Visiting Scientist, Ph.D. Candidate, and Nortel's Scientist Liaison. I have taught several classes on wireless devices and smartphones. Some positions and projects were held concurrently, while others were held sequentially.

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