

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AT&T SERVICES, INC.,
Petitioner,

v.

VoIP-PAL.COM, INC.,
Patent Owner.

Case IPR2017-01384
Patent 9,179,005 B2

Before JOSIAH C. COCKS, JENNIFER MEYER CHAGNON, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Petitioner filed Exhibit 1003, the Declaration of James Bress, with its Petition in this case. Exhibit 1003 is 2085 pages long, comprising Mr. Bress's declaration and Appendices labeled A through II. Petitioner does not provide any listing of these Appendices and their corresponding page numbers. In addition, certain of the Appendices appear to be redundant of other exhibits in this case. *Compare, e.g.,* Ex. 1003, 214, *with* Ex. 1004, 1, *and* Ex. 1003, 280–320, *with* Ex. 1009, 4–44. Mr. Bress's declaration also appears to cite to the Appendices by their titles, rather than by Appendix label, exhibit page number, or any other means that would allow the panel to efficiently refer to the underlying material. *See, e.g.,* Ex. 1003 ¶ 78 (referencing “Telcordia Technologies Special Report, SR-2275, Issue 4, October 2000 entitled ‘Telcordia Notes on the Networks’, Section 3.7, ‘Dialing Procedures’, at pages 3-8 to 3-12, and Section 3.10 ‘International Direct Distance Dialing’, at pages 3-13 to 3-14.”).

The format of Exhibit 1003 contravenes 37 C.F.R. § 42.63, which requires exhibits in an *inter partes* review to be filed and numbered separately. In addition, the current citation format of Mr. Bress's declaration is impracticable and unwieldy. To ensure a clear record, Petitioner shall re-file Mr. Bress's declaration separately from the accompanying materials, as explained in the Order below. To the extent a given Appendix cited in the declaration is not already part of the record, Petitioner shall separately file the Appendix with the next available exhibit number in the 1000 series. Petitioner shall not re-file Appendices that are already part of the record. Finally, Petitioner shall file a revised version of Mr. Bress's declaration as Exhibit 1003 with pinpoint citations to the numbered exhibits in the record.

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In consideration of the foregoing, it is hereby:

ORDERED that, within 10 calendar days of this Order, Petitioner shall re-file each Appendix to Exhibit 1003 that is not already part of the record as a separately numbered exhibit in the 1000 series;

FURTHER ORDERED that Petitioner shall not re-file any Appendix to Exhibit 1003 that is already part of the record;

FURTHER ORDERED that Petitioner shall re-file the Declaration of James Bress without any other accompanying materials as Exhibit 1003, and once Petitioner does so, the original Exhibit 1003 will be expunged; and

FURTHER ORDERED that the re-filed version of the Declaration of James Bress shall be revised to include pinpoint citations to the numbered exhibits in the record; and

FURTHER ORDERED that no other changes shall be made to the re-filed version of the Declaration of James Bress.

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