

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
Petitioner

v.

VOIP-PAL.COM, INC.  
Patent Owner

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Case No. IPR2016-01201  
Patent 8,542,815

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**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

**PURSUANT TO 37 C.F.R. § 42.120**

**TABLE OF CONTENTS**

<b>I. INTRODUCTION</b>	<b>1</b>
<b>II. ARGUMENT</b>	<b>3</b>
<b>A) CHU ‘366 AND CHEN ARE PRIOR ART—PATENT OWNER FAILED TO PROVE A JUNE 2005 ACTUAL REDUCTION TO PRACTICE</b>	<b>3</b>
<b><i>I) PATENT OWNER HAS FAILED TO ESTABLISH THE PROFFERED DIGIFONICA SOURCE CODE WAS OPERATIONAL IN JUNE 2005.</i></b>	<b>4</b>
<b><i>II) PATENT OWNER HAS FAILED TO ESTABLISH THE DIGIFONICA SYSTEM WAS OPERATIONAL FOR THE FEATURES REQUIRED BY CHALLENGED CLAIMS</i></b>	<b>10</b>
<b><i>III) PATENT OWNER HAS FAILED TO ESTABLISH THE PROFFERED DIGIFONICA SOURCE CODE PRACTICED THE CHALLENGED CLAIMS.</i></b>	<b>12</b>
<b>B) PETITIONER’S PRIOR ART COMBINATIONS RENDER OBVIOUS EACH OF THE CHALLENGED CLAIMS.</b>	<b>15</b>
<b><i>I) PATENT OWNER’S SUGGESTION THAT CHU ‘684 REQUIRES SPECIAL DIALING CONVENTIONS FINDS NO SUPPORT IN THE RECORD</i></b>	<b>16</b>
<b><i>(1) PSTN CALLS IN CHU ‘684 DO NOT REQUIRE A PREFIX DIGIT</i></b>	<b>17</b>
<b><i>(2) IP CALLS IN CHU ‘684 DO NOT REQUIRE PRIVATE NUMBERS</i></b>	<b>21</b>
<b><i>(3) PATENT OWNER’S SECONDARY CRITIQUE—THAT THE</i></b>	

***DIALING PLAN OF CHU '684 IS NOT USER-SPECIFIC—  
IGNORES PETITIONER'S PROPOSED COMBINATIONS  
ENTIRELY*** **23**

**III. CONCLUSION** **24**

**TABLE OF AUTHORITIES**

**Cases**

*Cooper v. Goldfarb*, 154 F.3d 1321, 1327 (Fed. Cir. 1998) ..... 7

*Newkirk v. Lulejian*, 825 F.2d 1581, 1582 (Fed. Cir. 1987) ..... 7

*Senju Pharmaceutical Co. v. Lupin Ltd.*, 780 F.3d 1337, 1347 (Fed. Cir. 2015)... 27

*UMC Elecs. Co. v. United States*, 816 F.2d 647, 652 (Fed. Cir. 1987). ..... 7

**Rules**

37 C.F.R. § 42.120 ..... 1

37 C.F.R. §§ 42.24(c)..... 34

## I. INTRODUCTION

Voip-Pal focuses its opposition almost exclusively on establishing an actual reduction to practice that it alleges occurred on June 6, 2005, nearly **17 months before the provisional patent application was actually filed**. Voip-Pal's swear-behind effort suffers from a common deficiency—it relies on witness testimony that Voip-Pal could not corroborate. Voip-Pal points to Exhibit 2014 as the source code that embodied its reduction to practice. Presenting source code is not enough, however. Voip-Pal must demonstrate that the source code (a) worked for its intended purpose and (b) was coextensive with the Challenged Claims. Voip-Pal has done neither. With respect to the first point, Voip-Pal relies exclusively on witness testimony that it cannot corroborate and that is extremely biased with witnesses with enormous personal stakes in this proceeding. Voip-Pal did not compile and execute the code, despite having the code in its possession. Voip-Pal did not present a single test log or other record of testing, despite having such records in its possession. Voip-Pal did not provide a single detail as to any call that was successfully connected using the source code version in Exhibit 2014. In fact, the documentary record shows only that the source code in Exhibit 2014 was an incomplete work as of June 6, 2005, a work that continued to be edited, modified, and added to for a lengthy period thereafter.

Similarly, Voip-Pal relies heavily on the Smart421 Report (Exhibit 2003) to

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