

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

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Case IPR2017-01427  
U.S. Patent 8,995,433

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**DECLARATION OF DR. VAL DI EULIIS**

SEPTEMBER 7, 2017

# TABLE OF CONTENTS

<b>1. INTRODUCTION .....</b>	<b>4</b>
<b>2. QUALIFICATIONS.....</b>	<b>5</b>
<b>3. COMPENSATION, TESTIMONY, AND PUBLICATIONS .....</b>	<b>8</b>
<b>4. INFORMATION CONSIDERED .....</b>	<b>10</b>
<b>5. LEGAL STANDARDS.....</b>	<b>11</b>
<b>6. THE '433 PATENT .....</b>	<b>12</b>
6.1 Claims.....	20
<b>7. ORDINARY SKILL IN THE ART .....</b>	<b>21</b>
<b>8. CLAIM CONSTRUCTION .....</b>	<b>22</b>
8.1 “instant voice messaging application” .....	23
8.2 “client platform system” .....	29
<b>9. INTERNATIONAL APPLICATION WO 01/11824     (“ZYDNEY”) .....</b>	<b>30</b>
<b>10. U.S. PATENT NO. 6,725,228 (“CLARK”).....</b>	<b>38</b>
<b>11. THE PROPOSED COMBINATION OF ZYDNEY AND CLARK     FAILS TO RENDER OBVIOUS ANY CHALLENGED CLAIM     OF THE 433 PATENT .....</b>	<b>43</b>
11.1 The Modification of Zydney with Clark’s Database Renders Inoperative Zydney’s Teaching of Temporary Storage of Voice Messages .....	44
11.2 The Proposed Combination of Zydney and Clark Fails to Render Obvious “wherein the instant voice message application generates an audible or visual effect indicating receipt of an instant voice message” (Claim 8) .....	47
<b>12. U.S. PATENT NO. 6,750,881 (“APPELMAN”).....</b>	<b>50</b>

**13. THE PROPOSED COMBINATION OF ZYDNEY AND CLARK WITH APPELMAN FAILS TO RENDER OBVIOUS “WHEREIN THE INSTANT VOICE MESSAGING APPLICATION DISPLAYS AN INDICIA FOR EACH OF THE ONE OR MORE POTENTIAL RECIPIENTS INDICATING WHETHER THE POTENTIAL RECIPIENT IS CURRENTLY AVAILABLE TO RECEIVE AN INSTANT VOICE MESSAGE” (CLAIM 7) .....53**

13.1 The Proposed Combination of Zydney and Appelman is Improper because the Combination of Zydney and Appelman would Render Zydney Unsatisfactory for an Intended Purpose of Zydney .....56

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. 8,995,433 (“the ’433 patent”), the Petition, 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. 6,725,228 (“Clark”) [EX1008] and/or 6,750,881 (“Appelman”) [EX1004] do not render obvious any challenged claim of the patent at issue, the ’433 patent, at least for the following reasons:

- A POSITA would not have been motivated to modify Zydney with Clark because, if combined, neither Zydney nor Clark would operate according to their intended purposes. (Claims 1 and 6)
- A POSITA would not have been motivated to combine Zydney and Clark with Appelman because, if combined as proposed, Zydney would have been rendered unsatisfactory for an intended purpose. (Claim 7)

- The proposed combination of Zydney and Clark fails to render obvious “wherein the instant voice message application generates an audible or visual effect indicating receipt of an instant voice message.” (Claim 8)

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 other computer programming languages. I have served as an expert witness in multiple cases for which I analyzed computer source code in various languages and testified at ITC hearings and two jury trials concerning my results.

5. During my career, I have developed and managed projects for various applications, including sensors, controls, communications,

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