

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC. AND WHATSAPP, INC.,

Petitioners,

v.

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

Case IPR2017-01428
U.S. Patent 8,995,433

DECLARATION OF DR. VAL DI EULIIS

SEPTEMBER 8, 2017

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11. THE PROPOSED COMBINATION OF ZYDNEY AND GREENLAW DOES NOT RENDER OBVIOUS CLAIMS 11, 15, OR 16 OF THE '433 PATENT53

11.1 Zydney Combined with Greenlaw Does Not Disclose or Suggest “wherein the instant voice messaging application displays one or more controls for audibly playing the instant voice message.” (Claim 11)54

11.2 Zydney Combined with Greenlaw Does Not Disclose or Suggest “wherein the instant voice messaging application displays the attachment.” (Claim 15)56

11.3 Zydney Combined with Greenlaw Does Not Disclose or Suggest “wherein the instant voice messaging application displays one or more controls for performing at least one of reviewing, re-recording or deleting the instant voice message.” (Claim 16).....57

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”) [EX1103], alone or combined with Greenlaw [EX1110], does not render obvious any challenged claim of the patent at issue, the ’433 patent, at least because the Petitioners fail to show that Zydney discloses or renders obvious the limitation “wherein the instant voice message application attaches one or more files to the instant voice message” recited in independent claim 9.

3. In addition, the Petitioners fail to show that at least the further limitations of dependent claims 11, 14, 15, 16, 17, and 26 are rendered obvious.

4. 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

5. 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.

6. During my career, I have developed and managed projects for various applications, including sensors, controls, communications, user interfaces, device firmware, handheld devices, medical devices and systems, and test systems for optical and magnetic disk systems.

7. I have designed, developed, and implemented hardware and software for digital communication networks, including factory

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