

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., WHATSAPP, INC.,
Petitioners

v.

UNILOC USA, INC., UNILOC LUXEMBOURG S.A.,
Patent Owners

Patent 8,995,433

Title: System and Method for Instant VoIP Messaging

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,995,433**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	Identification of challenge (37 C.F.R. § 42.104(b)).....	1
A.	Statutory grounds for the challenge.	1
B.	Meaningful distinction between Abburi and Väänänen.....	2
II.	The '433 Patent.....	3
A.	Overview of the '433 Patent.....	3
B.	Level of ordinary skill in the art.....	7
C.	Claim construction.	8
III.	State of the Art.....	9
A.	Packet-Switched Networks	10
B.	Voice Messaging	10
IV.	Ground 1: Claims 1, 2, 4, and 8 are unpatentable under Pre-AIA 35 U.S.C. § 103(a) over Abburi in view of Holtzberg.	12
A.	Overview of Abburi.....	12
B.	Overview of Holtzberg.....	15
C.	KSR rationale to combine the teachings of Abburi and Holtzberg.....	17
D.	Claim 1.	18
1.	[1.P]: “A system comprising.”	18
2.	[1.1] “an instant voice messaging application including a client platform system for generating an instant voice message and a messaging system for transmitting the instant voice message over a packet-switched network via a network interface.”	20
3.	[1.2] “wherein the instant voice messaging application displays a list of one or more potential recipients for the instant voice message.”	24
4.	[1.3] “wherein the instant voice messaging application includes a message database storing the instant voice message, wherein the instant voice message is represented by a database record including a unique identifier.”	25

*Petition for Inter Partes Review of
U.S. Pat. No. 8,995,433*

5.	[1.4] “wherein the instant voice messaging application includes a file manager system performing at least one of storing, deleting and retrieving the instant voice messages from the message database in response to a user request.”	32
E.	Claim 2.	34
F.	Claim 4.	35
G.	Claim 8.	36
V.	Ground 2: Claim 3 is unpatentable under Pre-AIA 35 U.S.C. § 103(a) over Abburi, Holtzberg, and Vuori.....	37
A.	Claim 3.	37
1.	Abburi and Holtzberg.....	37
2.	Vuori.....	39
3.	KSR.	40
VI.	Ground 3: Claims 5 and 6 are unpatentable under Pre-AIA 35 U.S.C. § 103(a) over Abburi, Holtzberg, and Logan.	41
A.	Claim 5.	42
1.	Abburi and Holtzberg.....	42
2.	Logan.....	42
3.	KSR.	43
VII.	Ground 4: Claims 1, 2–4, 6, and 8 are unpatentable under Pre-AIA 35 U.S.C. § 103(a) over Väänänen in view of Holtzberg.	48
A.	Overview of Väänänen.....	49
B.	KSR rationale to combine the teachings of Väänänen and Holtzberg.....	52
C.	Claim 1.	53
1.	[1.P]: “A system comprising.”	53
2.	[1.1] “an instant voice messaging application including a client platform system for generating an instant voice message and a messaging system for transmitting the instant voice message over a packet-switched network via a network interface.”	53
3.	[1.2] “wherein the instant voice messaging application displays a list of one or more potential recipients for the instant voice message.”	58

*Petition for Inter Partes Review of
U.S. Pat. No. 8,995,433*

4.	[1.3] “wherein the instant voice messaging application includes a message database storing the instant voice message, wherein the instant voice message is represented by a database record including a unique identifier.”	59
5.	[1.4] “wherein the instant voice messaging application includes a file manager system performing at least one of storing, deleting and retrieving the instant voice messages from the message database in response to a user request.”	63
D.	Claim 6.	65
1.	[6.P]: “A system comprising.”	65
2.	[6.1]: “an instant voice messaging application including a client platform system for generating an instant voice message and a messaging system for transmitting the instant voice message over a packet-switched network via a network interface.”	66
3.	[6.2]: “wherein the instant voice messaging application displays a list of one or more potential recipients for the instant voice message.”	66
4.	[6.3]: “wherein the instant voice messaging application includes a file manager system performing at least one of storing, deleting and retrieving the instant voice messages from a message database in response to a user request.”	66
5.	[6.4]: “wherein the instant voice messaging application includes a compression/decompression system for compressing the instant voice messages to be transmitted over the packet-switched network and decompressing the instant voice messages received over the packet-switched network.”	66
E.	Claim 2.	68
F.	Claim 4.	69
G.	Claim 5.	71
H.	Claim 8.	72
VIII.	Ground 5: Claim 3 is unpatentable under Pre-AIA 35 U.S.C. § 103(a) over Väänänen, Holtzberg, and Vuori.	73
A.	Claim 3.	73
1.	Väänänen, Holtzberg, and Vuori teachings.....	73
2.	<i>KSR</i>	74

*Petition for Inter Partes Review of
U.S. Pat. No. 8,995,433*

IX.	Mandatory notices under 37 C.F.R. §42.8.....	76
A.	Real parties-in-interest (§42.8(b)(1))	76
B.	Notice of related matters (§42.8(b)(2))	76
C.	Lead and back-up counsel with service information (§42.8(b)(3) and (4))	81
D.	Service Information (§42.8(b)(4)).....	81
E.	Power of Attorney	82
X.	Payment of Fees – 37 C.F.R. § 42.103	82
XI.	Grounds for Standing.....	82
XII.	Conclusion.	83

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.