UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioner,

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner.

_____

Case IPR2017-01800
United States Patent No. 8,243,723

_____

**SUPPELEMENTAL DECLARATION OF
WILLIAM C. EASTTOM II**

I, William C. Easttom II (Chuck Easttom), do hereby declare, and supplement my prior declaration filed in this matter as Exhibit 2001, as follows:

Claim 2

67.   Claim 2 of the '723 Patent recites "wherein the instant voice message includes one or more files attached to an audio file." This language makes it clear that Claim 1 requires one or more files be attached to an audio file, and not to the instant voice message that is recorded in that audio file or to some other container that might contain the audio file.

68.   Petitioner argues that the message 400 of *Griffin* is the claimed "instant voice message." Pet., pp. 54. *Griffin's* message 400 is shown in FIG.4 of *Griffin*. The message 400 includes a message type 401, number of recipients 402, recipient IDs 403, thread ID 404, message length 405, message content 406, and number of attachments 407. *Griffin*, 6:38-44 and FIG. 4. *Griffin* teaches that attachments are to be included in a payload of the message 400, i.e., within the message 400 itself. *Griffin*, 6:50-52.

69.   Thus, *Griffin* does not teach attaching files to an audio file. In *Griffin*, the attachments are included as part of the message 400, which Petitioner argues is the claimed "instant voice message." Attaching a file to the message 400 does not disclose attaching a file to an audio file in which the claimed "instant voice message" is recorded, and also does not disclose attaching a file to any purported

file or contents within the message 400.

70.   *Zydney* also does not teach attaching files to an audio file. Petitioner cites to attaching of files to *Zydney's* "voice container." Pet., pp. 59. However, in *Zydney*, the voice container is separate from the file in which voice data is stored. *Zydney*, 16:1-4. The voice data in that file is inserted into a voice container, and it is the voice container that is sent over the network in *Zydney*: "A pack and send mode of operation is one in which the message is first acquired, compressed and then stored in a voice container 26 which is then sent to its destination(s)." *Zydney*, 11:1-3.

71.   *Zydney's* voice container is not an audio file. In fact, *Zydney* teaches that the voice container is specifically used to carry far more than just audio data. Specifically, FIG. 3 of *Zydney* shows that the voice container includes a large amount of other information, such as originator's code, recipient codes, originating time, delivery times, number of plays, voice container source, voice container reuse restrictions, delivery priority, session values, and repeating information.

72.   For the above reasons, Petitioner has not shown that Claim 1, or Claim 13 which depends from Claim 1, is obvious in view of *Griffin* and *Zydney*.

Claim 3

73.   Claim 3 of the '723 Patent recites "controlling a method of generating the instant voice message based upon a connectivity status [of] each

recipient."

74.   Petitioner cites exclusively to *Zydney* for this element of Claim 3, and I agree with Petitioner that *Griffin* does not disclose this element of Claim 3. Pet., p. 62.

75.   In citing *Zydney* for this claim element, Petitioner states that, in *Zydney*, "the connectivity status of the recipient determines whether the pack and send mode is mandatory or optional." Pet. at 64. Whether the pack and send mode of *Zydney* is mandatory or optional does not disclose controlling <u>how</u> a message is <u>generated</u>.

76.   *Zydney* describes the same message generation methodology is used regardless of whether pack and send mode or intercom mode is used. Pack and send mode is described as a single unvarying mode: "A pack and send mode of operation is <u>one</u> in which the message is first acquired, compressed and then stored in a voice container 26 which is then sent to its destination(s)." *Zydney*, 11:1-3 (emphasis added). Intercom mode is described as having the same message generation methodology as pack and send mode: "[once] the delivery mode [i.e., intercom or pack-and-send] has been selected, the originator digitally records messages for one or more recipients using a microphone-equipped device and the software agent." *Zydney*, 17:1-3. Thus, messages are generated in the same way regardless of whether pack and send mode or intercom mode will be used as the delivery mode.

77.   A PHOSITA would therefore interpret *Zydney* as teaching a single unchanging message generation methodology and multiple delivery mechanisms. Petitioner's citations to *Zydney* actually disclose variation in how a message is delivered after it has been generated, not controlling how the message is generated based on a recipient's connectivity status.

78.   For the above reasons, Petitioner has not shown that Claim 3 is obvious in view of *Griffin* and *Zydney*.

79.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated June 8, 2018

_____

William C. Easttom II