

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

~~Facebook,~~ _____

~~APPLE Inc., WhatsApp, Inc.,~~
Petitioners
Petitioner

v.

~~Uniloc~~ UNILOC USA, Inc., Uniloc Luxembourg INC., UNILOC LUXEMBOURG
S.A.,
Patent ~~Owner~~ Owners

Cases IPR2017-01804 and IPR2017-01805
U.S. Patent No. 8,724,622

~~TITLE: SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING~~

TABLE OF CONTENTS
(continued)

Page

DECLARATION OF TAL LAVIAN, PH.D.

~~TABLE OF CONTENTS~~

Page

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.	INTRODUCTION AND QUALIFICATIONS	1
A.	Qualifications and Experience	1
B.	Materials Considered.....	5
II.	PERSON OF ORDINARY SKILL IN THE ART	8
III.	BASIS FOR MY OPINION AND STATEMENT OF LEGAL PRINCIPLES	10
A.	Claim Construction.....	10
B.	Anticipation	10
C.	Obviousness.....	11
1.	Motivation to Combine	14
IV.	RELEVANT TECHNOLOGY BACKGROUND	16
A.	The Internet and TCP/IP Protocol Suite.....	16
B.	Voice over IP (VoIP).....	18
C.	Instant messaging (IM).....	21
1.	IETF in RFC 2778 – “A Model for Presence and Instant Messaging”	25
2.	IETF RFC 2779 “Instant Messaging / Presence Protocol Requirements”	26
3.	Prior Art Instant Messaging (“IM”) Systems	27
V.	THE ’622 PATENT	31
A.	The Specification.....	31
B.	The Claims of the ’622 Patent.....	32
C.	Claim Construction.....	32
1.	“an instant voice messaging application”	32
2.	“client platform system”	38

3.	“communication platform system”	41
4.	“connection object messages”	43
VI.	APPLICATION OF THE PRIOR ART TO THE CLAIMS	45
A.	Brief Description and Summary of the Prior Art	46
1.	Brief Summary of Zydney [Ex. 1003/1103]	46
2.	Brief Summary of Shinder [Ex. 1014/1114]	53
3.	Brief Summary of Appelman [Ex. 1004/1104]	54
4.	Brief Summary of Clark [Ex. 1008/1108]	59
5.	Brief Summary of Hethmon [Ex. 1009/1109]	63
6.	Brief Summary of <i>Microsoft Press Computer Dictionary</i> (1991) [Ex. 1018/1118] and Moghe [Ex. 1019/1119]	66
B.	Zydney and Shinder Render Obvious Claims 3, 6-8, 10, 11, 13, 18-21, 23, 27, 32-35, and 38.	69
1.	Independent Claim 3	69
(a)	Preamble of claim 3: “A system comprising:”	70
(b)	“a network interface connected to a packet- switched network” (Claim 3[a])	71
(c)	“a messaging system communicating with a plurality of instant voice message client systems via the network interface; and” (Claim 3[b])	80
(d)	“a communication platform system maintaining connection information for each of the plurality of instant voice message client systems indicating whether there is a current connection to each of the plurality of instant voice message client systems,” (Claim 3[c])	85
(e)	“wherein the messaging system receives an instant voice message from one of the plurality of instant voice message client systems, and” (Claim 3[d])	88

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.