

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

VOIP-PAL.COM, INC.,

Plaintiff,

v.

META PLATFORMS, INC. and  
WHATSAPP LLC,

Defendants.

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CASE NO. 6:20-cv-00267-ADA

JURY TRIAL DEMANDED

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VOIP-PAL.COM, INC.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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CASE NO. 6:20-cv-00269-ADA

JURY TRIAL DEMANDED

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VOIP-PAL.COM, INC.,

Plaintiff,

v.

AMAZON.COM, INC., et al.,

Defendants.

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CASE NO. 6:20-cv-00272-ADA

JURY TRIAL DEMANDED

**DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF**

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## I. INTRODUCTION

Asserted U.S. Patent No. 10,218,606 (Ex. 1<sup>1</sup>) (“’606 patent”) describes a call routing process that builds upon traditional public switched telephone network (PSTN) infrastructure. It purports to make Voice over Internet Protocol (VoIP) calling compatible with traditional PSTNs by describing a method for producing call routing messages. The disputed claim terms focus on aspects of this call routing process, with the exception of the term “network element,” which has no commonly accepted meaning, is not used in the specification, and therefore renders the asserted claims indefinite.

Defendants’ proposed constructions of the other disputed terms are consistent with the ’606 patent’s description of producing call routing messages to make VoIP calling compatible with traditional PSTNs. By contrast, Plaintiff’s proposed constructions reflect a modern view of communication routing utilized by purely IP-based services that are not compatible with traditional PSTNs. Plaintiff’s constructions are untethered to the specification.

The distinction between Plaintiff’s and Defendants’ proposals are exemplified by the dispute over the term “first participant profile,” where Defendants’ construction relates to a “call participant in a PSTN system,” while Plaintiff’s proposed construction relates to a “participant[] of a communication system” generally. The ’606 patent is unequivocal that the first participant (caller) profile contains “calling attributes of respective subscribers” such as area codes and telephone dialing prefixes (Ex. 1 at 18:51-52, 19:36-48) and that for each user there is “an E.164 [traditional telephone] number associated with the user on the PSTN network.” *Id.* at 19:56-58. The other disputed terms involve related issues, as Plaintiff seeks to read the claims of its fifth-generation continuation patent far more broadly than the original disclosure allows.

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<sup>1</sup> Unless otherwise noted, all exhibit citations refer to exhibits to the declaration of Robert W. Unikel, filed concurrently herewith.

## II. THE ASSERTED PATENT

The asserted claims describe the process of routing a call originating from a caller in a private network to a call recipient (“callee”) who may be in the private network or in a public network outside the private network. Ex. 1 at Abstract. The components of the system are generally shown in Figure 1:

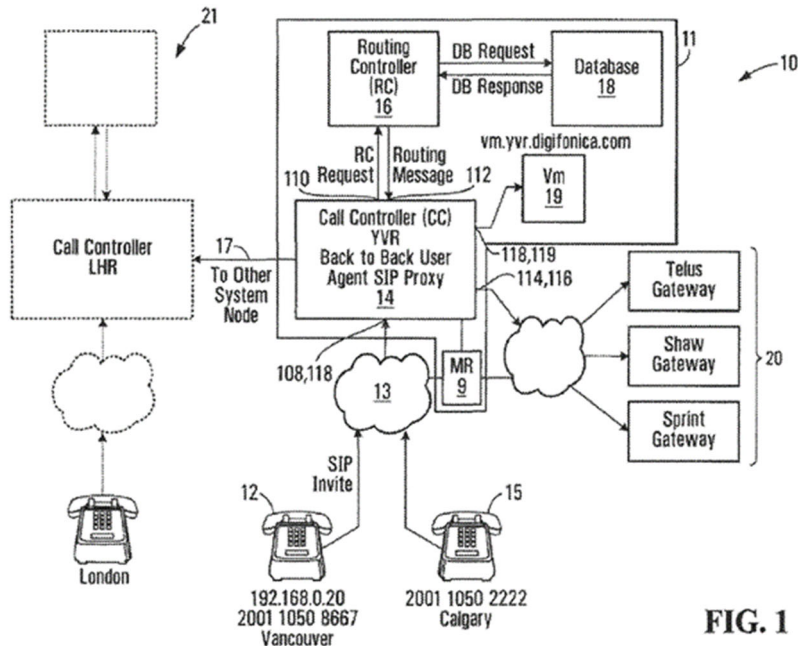


FIG. 1

*Id.* at Figure 1, 13:19-21. Call routing is performed by a routing controller (item 16) in a “super node” (item 11). *Id.* at 14:50-57. The super node receives call routing requests from subscribing devices and generates routing messages that enable the call to be routed to either a telephone device within the private network or through a gateway (item 20) to a telephone in a public network. *Id.* at 2:5-11.

For example, if a caller in Vancouver (item 12) wants to call a private network subscriber in Calgary (item 15), the calling device must send a routing request to the Vancouver super node (item 11). *Id.* at 14:50-57. The routing request includes an identifier of the callee that the caller wishes to communicate with. *Id.* at 1:67-2:2, 14:64-15:9. Upon receipt of the routing request, the

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