

**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, INC.

Defendants.

CIVIL ACTION NO. 6:20-cv-267-ADA

VOIP-PAL.COM, INC.

Plaintiff,

v.

GOOGLE LLC,

Defendant.

CIVIL ACTION NO. 6:20-cv-269-ADA

VOIP-PAL.COM, INC.

Plaintiff,

v.

AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC, and
AMAZON WEB SERVICES, INC.,

Defendants.

CIVIL ACTION NO. 6:20-cv-272-ADA

PLAINTIFF'S RESPONSIVE CLAIM CONSTRUCTION BRIEF

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TABLE OF ABBREVIATIONS

ABBREVIATION	TERM
VoIP-Pal	Plaintiff VoIP-Pal.com, Inc.
Facebook	Facebook, Inc.
WhatsApp	WhatsApp, Inc.
Google	Google LLC
Amazon	Amazon.com, Inc., Amazon.com Services, LLC, and Amazon Web Services, Inc.
Defendants	Facebook, WhatsApp, Google, and Amazon
The '606 patent or the patent-in-suit	U.S. Patent No. 10,218,606
The '234 patent	U.S. Patent No. 8,630,234
The '721 patent	U.S. Patent No. 10,880,721
The Mobile Gateway patents	The '234 and '721 patents
RBR	Routing, Billing, Rating
Mangione-Smith Decl.	Declaration of William Henry Mangione-Smith
POSITA	Person of ordinary skill in the art
2020 NDCAL actions	<i>Twitter, Inc. v. VoIP-Pal.com, Inc.</i> , Case No. 5:20-cv-02397-LHK (N.D. Cal.); <i>Apple, Inc. v. VoIP-Pal.com, Inc.</i> , Case No. 5:20-cv-02460-LHK (N.D. Cal.); <i>AT&T Corp., et al. v. VoIP-Pal.com., Inc.</i> , Case No. 5:20-cv-02995-LHK (N.D. Cal.); and <i>Cellco Partnership d/b/a Verizon Wireless v. VoIP-Pal.com., Inc.</i> , Case No. 5:20-cv-03092-LHK (N.D. Cal.)

I. INTRODUCTION

Rather than cease their unlawful use of VoIP-Pal's intellectual property, Defendants attempt to misuse the claim construction process to invalidate the patent-in-suit and escape patent infringement liability. Most if not all of Defendants' proposed constructions import improper and unnecessary limitations into the disputed claim terms. Their self-serving constructions seeks to limit the asserted claims to the preferred embodiment disclosed in the specification and in many instances violate basic claim construction principles. In addition, Defendants fail to establish that the term "network element" is indefinite by clear and convincing evidence. Defendants further fail to appreciate that for one term, "private network," the specification uses the term in an unconventional manner. The motive behind Defendants' proposed constructions is clear—when properly construed, the asserted claims are valid over the prior art and Defendants' accused products literally infringe the patent-in-suit. VoIP-Pal's proposed constructions of the disputed claim terms, on the other hand, are consistent with the plain claim language and the intrinsic record. Accordingly, VoIP-Pal respectfully requests that the Court enter an order adopting its proposed constructions and reject Defendants' proposed constructions.

II. THE '606 PATENT

A. The Pioneering Work of Digifonica

Digifonica was first established in 2004 and eventually came to employ over a dozen top professionals (*e.g.*, software developers, system administrators, QA/test analysts) including three Ph.D.'s with engineering backgrounds, to develop innovative solutions for communications. Digifonica spent over \$15,000,000 researching, developing, and testing a communication solution capable of seamlessly integrating a private voice-over-internet-protocol ("VOIP") communication network with an external network, like, for example, a public switched telephone network ("PSTN"). By the mid-2000's, Digifonica had successfully tested intra- and inter-network communications (*e.g.*,

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