

Google LLC v. Flypsi, Inc.

IPR2023-00357 ('585 Patent)

IPR2023-00358 ('094 Patent)

IPR2023-00359 ('554 Patent)

IPR2023-00360 ('770 Patent)

IPR2023-00361 ('105 Patent)

WINSTON
& STRAWN
LLP

Patent Owner Flypsi, Inc.'s Demonstratives

Outbound Call Patents

'585 (IPR2023-00357)

'094 (IPR2023-00358)

'554 (IPR2023-00359)

Overview – Outbound Call Patents

Issues	Relevant Grounds
Using the same “switch” is not inherent in Backhaus.	'585 Grounds 1-2 '094 Grounds 1-2 '554 Grounds 1-2
Backhaus does not disclose sending the relationship number “via a data channel.” • Claim construction of “data channel” • Petition’s ‘first way’ • Petition’s ‘second way’ • Petition’s inconsistent positions on “channel”	'585 Grounds 1-4 '094 Grounds 1-4 '554 Grounds 1-2 '770 <i>Grounds 1-4</i> '105 <i>Grounds 1, 4</i>
Backhaus-Taylor does not render obvious using the same “switch.”	'585 Grounds 3-4 '094 Grounds 3-4 '554 Grounds 3-4

Using the same “switch” is not inherent in Backhaus.

'585 Grounds 1-2

'094 Grounds 1-2

'554 Grounds 1-2

The claims require using the same “switch.”

'585 PATENT CLAIM 1

[1.d] receiving, at **a switch** associated with the server, an outgoing call from the mobile device to the access telephone number via a second channel;

...

[1.f] receiving, at **the switch**, information from the server directing the switch to: (a) connect the outgoing call to the contact telephone number...

'094 PATENT CLAIM 1

[1.e] receiving, at **a switch** associated with the server, an outgoing call from the handset to the bridge or access telephone number via a second channel;

...

[1.g] receiving, at **the switch**, information from the server directing the switch to: (a) connect the outgoing call to a contact telephone number...

'554 PATENT CLAIM 1

[1.e] receiving, at **a switch** associated with the server, an outgoing call from the handset to the bridge or access telephone number via a second channel;

...

[1.g] receiving, at **the switch**, information from the server directing the switch to: (a) connect the outgoing call to a contact telephone number...

Inherency requires prior art “necessarily” discloses a claim limitation.

“To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently.” *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed.Cir.1997). As this court's predecessor stated in *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) (quoting *Hansgirk v. Kemmer*, 26 C.C.P.A. 937, 102 F.2d 212, 214, 40 USPQ 665, 667 (1939)) (internal citations omitted):

Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. If, however, the disclosure is sufficient to show that the natural result flowing from the operation as taught would result in the performance of the questioned function, it seems to be well settled that the disclosure should be regarded as sufficient.

Thus, a prior art reference may anticipate when the claim limitation or limitations not expressly found in that reference are nonetheless inherent in it. See *In re Oelrich*, 666 F.2d at 581; *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 630, 2 USPQ2d 1051, 1053 (Fed.Cir.1987). Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claimed limitations, it anticipates. See *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed.Cir.1986). Inherency is not necessarily coterminous with the knowledge of those of ordinary skill in the art. Artisans of ordinary skill may not recognize the inherent characteristics or functioning of the prior art. See *id.*, 801 F.2d at 1326.

The possibility of an alternate arrangement defeats inherency.

The manual teaches aiming the laser at skin pigmented with tattoo ink. The record discloses no necessary relationship between the location of a tattoo and the location of hair follicles. Therefore, an operator of the RD-1200 laser could use the laser according to the manual without necessarily aligning the laser “substantially vertically over a hair follicle opening.” The possibility of such an alignment does not legally suffice to show anticipation. See *In re Oelrich*, 666 F.2d at 581. Occasional results are not inherent. Because this court holds that the manual does not inherently teach this limitation of the claimed invention, it does not address MEHL/Biophile's other arguments. To anticipate, a single reference must teach every limitation of the claimed invention. Without an inherent teaching about alignment, the manual does not anticipate the claimed invention.

Using the same “switch” is not inherent in Backhaus.

90. A POSITA would understand that an alternative design would be for Backhaus to receive a call leg from the handset at a first switch, but then to place the second call leg from the SLS platform to a third-party on a second switch. The calls could then be bridged over Backhaus’ SLS platform server.

91. A POSITA would understand this architecture is one technically possible way to implement Backhaus. This implementation would be consistent with Backhaus’ statement that it is “SLS platform 115” that “complete[s] the subscriber’s call.” Ex. 1005 at [0060]; *see also id.* at [0056] (“SLS platform 115 connects the two legs of the call ... by methods known and understood by those of ordinary skill in the art of telecommunications. As non-limiting examples, the calls can be connected via a forward or a bridge, as well as other technologies.”) In fact, this alternative architecture could even be advantageous, for example as a way to balance the load between different switches.

Using the same “switch” is not inherent in Backhaus.

[0056] Returning to the example, having recognized that the incoming call is from the SLS platform 115, the SLS module 105 stores the combination of the relationship number 1.678.222.0001 and third party actual number 1.305.229.9999 in the local SLS database 106. To complete the exemplary call, the SLS module 105 may cause the actual phone number associated with the third party TD 120A, 1.305.229.9999, to be rendered on display component 103 as an identification of the calling party and rings the phone. Once the subscriber #1 answers, the SLS platform 115 connects the two legs of the call (leg 1 represented by third party TD 120A to SLS platform 115 and leg 2 represented by SLS platform 115 to subscriber TD 110) by methods known and understood by those of ordinary skill in the art of telecommunications. As non-limiting examples, the calls can be connected via a forward or a bridge, as well as other technologies.

[0060] When the SLS platform 115 processes this first leg of the call, it may recognize that the calling number is the subscriber's primary number 1.408.544.1212 (which is associated with the subscriber's SLS number 1.770.555.0001) and the called number is the relationship number 1.678.222.0001. Querying the Subscriber Relationship ID Table 310 in central SLS database 116, the redirection module 117 may apply the following logic: “when primary number 1.408.544.1212 calls relationship number 1.678.222.0001, it is actually SLS number 770.555.0001 calling 1.305.229.9999.” The SLS platform 115 may then follow that logic and complete the subscriber's call by calling the actual number 1.305.229.9999 associated with third party TD 120A. Notably, in completing the second leg of the call from Subscriber #1 to the third party associated with third party TD 120A, the SLS platform 115 may cause the calling number to be reflected as the SLS number 1.770.555.0001 instead of the actual primary number of subscriber TD 110.

Expert testimony is sufficient to defeat inherency.

While the long shank in the Konstantinou screw may serve as a body portion, this shank directly abuts the rounded head portion without a tapering shoulder. Danek urges that the lower half of the Konstantinou screw head meets the written description of the shoulder portion in the '311 patent: “[A] tapering circular surface with a diameter which increases as the shoulder portion extends in a direction from the body portion toward the seat portion.” AcroMed, however, put forth evidence of figures in the Konstantinou patent itself as well as the testimony of its expert, Dr. Katz, to show that the Konstantinou screw does not have a tapering shoulder.

Petitioner's “local” switch theory fails.

(Ex. 1007, FIG. 1A (annotated).) Thus, in Backhaus, given that the outgoing calls are routed through network 125 (which includes the PSTN) to SLS platform 115, a person of ordinary skill in the art would have understood that a local switch (the claimed “switch”) in network 125 necessarily receives the outgoing calls before routing the same to SLS platform 115. Moreover, Backhaus discloses that the local switch in network 125 (the claimed “switch”) is associated with SLS server 205 (claimed “server”) of SLS platform 115 because network 125 (including the local

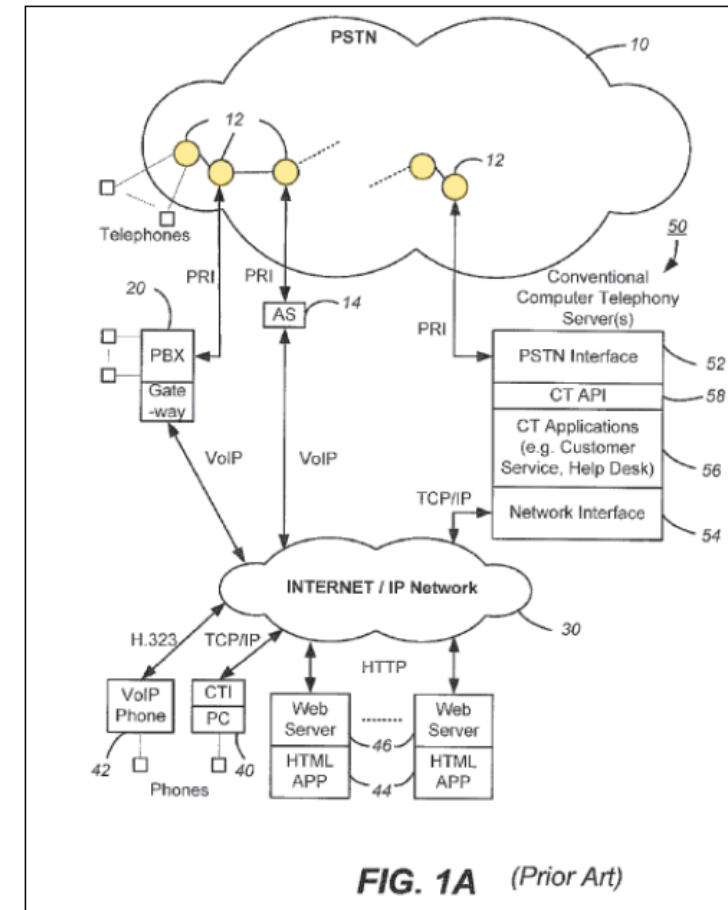
84. A person of ordinary skill in the art would have understood that, when SLS platform 115 calls the third party's number, the local switch in network 125 receives the called number from SLS platform 115 (“receiving...information from the server”), where the received number directs the local switch to route the call to the third party through network nodes formed between the calling party (SLS platform 115) and the called party (the third party). (Ex. 1011, 6-8 (“[I]f a [party] wishes to place a call, the call must be signaled to the [party's] local switch.... When a complete called party number is received or enough digits are collected to allow the routing process to proceed, the calling party's local switch begins signaling to the other nodes that form part of the core network” to “set up a circuit between the calling and called parties so that user traffic (voice, fax, and analog dial-up modem, for example) can be transported bi-directionally”).) Such an understanding is

Petitioner's “local” switch theory fails.

93. The Petition also refers to the concept of a “local” switch. Petition at 35-37. A POSITA would understand that a “local” switch is not a fixed switch that calls to or from a particular endpoint will always use. Instead, a POSITA would understand that for a given call, each endpoint of the call will connect via their own local switch (which may be the same if the users are geographically close to one another). But a given endpoint would not make and receive all of its calls through the same local switch. For example, with a conventional cell phone, the switch that is local for one call may not be used for a later call if the user has changed locations between the two calls. Or, for server-based systems, if the server software is running at multiple physical locations (as is commonly done to balance loads), the switch used by the software in one instance might not be the same as the switch used in another instance. Thus, a POSITA would not understand the concept of a “local” switch to mean that limitations [1.d], [1.e], and [1.f] must necessarily occur on the same switch.

Petitioner's “local” switch theory fails.

94. The Petition also cites to the Taylor reference, which I discuss further below in connection with Ground 3. Petition at 35-37. For example, the Petition states “Ex. 1007 shows a local switch that communicates with a server 50.” Petition at 35. But nothing in Taylor teaches that an endpoint must necessarily use the same local switch for all calls. A POSITA would understand that Taylor is simply describing conventional telephony in which multiple switches can be used. In fact, Taylor’s Figure 1 clearly depicts that there are multiple switches (below, highlighted yellow) in the network, and it would be possible to implement Backhaus by using multiple switches for different legs of the call.



Ex. 1007 at Fig. 1A, [0004] (identifying “switches 12”).

Backhaus does not disclose sending the relationship number “via a data channel.”

'585 Grounds 1-4

'094 Grounds 1-4

'554 Grounds 1-2

'770 *Grounds 1-4*

'105 *Grounds 1, 4*

The proper construction of “channel.”

The proper construction of “channel.”

Term	Construction
channel	A channel does not have to be fully connected on both ends or actually transmitting a particular type of information to qualify as a channel.

The Petition is based on an erroneous construction of channel.

A POSITA would have understood that the encoded message, as described above, containing the relationship number and the third party number (from SLS platform 115 to subscriber TD 110) is automatically transmitted to subscriber TD 110 via a data channel rather than a voice channel because Backhaus discloses that that a voice path is not connected until the subscriber answers the call. (Ex. 1002, ¶69; Ex. 1005, [0052] (“the third party uses TD 120A to place a call to the subscriber #1 SLS number.... As described above, the call is routed to the SLS platform 115. The SLS platform 115 accepts the call (**without connecting the voice path** to the third party TD 120A) and determines that the call is for SLS number”), [0056] (describing that the voice call is not connected until the call is answered, e.g., “[o]nce the subscriber #1 answers, the SLS platform 115 connects the two legs of the call”).) As an example, Backhaus discloses that communication

The Petition is based on the erroneous premise that a **“voice path” must be “connected”** to qualify as a voice channel

The Petition is based on an erroneous construction of channel.

DR. LIN DECLARATION (EX. 1002)

69. A person of ordinary skill in the art would have understood that the encoded message, as described above, containing the relationship number and the third party number (from SLS platform 115 to subscriber TD 110) is automatically transmitted to subscriber TD 110 via a data channel rather than a voice channel because Backhaus discloses that that a voice path is not connected until the subscriber answers the call. (Ex. 1005, [0052] (“the third party uses TD 120A to place a call to the subscriber #1 SLS number.... As described above, the call is routed to the SLS platform 115. The SLS platform 115 accepts the call (**without connecting the voice path** to the third party TD 120A) and determines that the call is for SLS number”), [0056] (describing that the voice call is not connected until the call is answered, e.g., “[o]nce the subscriber #1 answers, the SLS platform 115 connects the two legs of the call”).) As an example, Backhaus discloses that communication

PETITION

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Petitioner takes inconsistent positions on whether a voice channel exists before a call is connected.

PETITION

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REPLY

Flyp also asserts that “voice calls, while ringing..., are still using a voice channel,” appearing to suggest that this necessitates that the “encoded message” of the calling party field is also sent via a voice channel. (POR, 16; *see also id.*, 17.) To the contrary, regardless whether the voice channel exists when the call is ringing, that does not impact the existence of a separate data channel. The Petition does *not* argue the same “channel” serves as a data channel before a voice call is connected and then as a voice channel after a voice call is connected. Indeed, Dr. Lin, when he was asked whether a POSITA “consider[s] the call to be using a voice channel when it is ringing,” explained that “the teaching that [he has] applied doesn’t bring that into question.” (Ex. 2009, 54:3-11; *see also id.*, 54:12-16.)

Dr. Lin could not identify any basis for this 'voice path' opinion.

Q. Your understanding that a voice path has to be connected in order for something to qualify as a voice channel, what is that based on?

A. That is based on -- that is based on my understanding when I read these patents.

Q. What specifically in the patents led you to that understanding?

A. I, it is my opinion that a person of skill in the art would have understood when reading this patent that a channel, when carrying voice, is a voice channel.

And when it is not carrying voice, it is carrying non-voice data, it would be a data channel.

Q. But what is the basis for that opinion?

A. The basis of that opinion is a person of skill in the art would have understood that. And when I read it, that is how I -- when I read it putting myself at the time, that is how I would have understood it myself.

Dr. Lin cannot explain how conventional caller ID is transmitted.

Q. In a conventional landline to landline call, would a person of ordinary skill in the art consider the call to be using a voice channel when it is ringing before the call has been picked up or answered?

THE WITNESS: Yeah, so I think the teaching that I have applied doesn't bring that into question.

Again, my analysis of Limitation 1B, for example in the '585, I describe how information that is sent before the voice path is connected, Backhaus teaches that to be sent over a data channel.

The Petition's construction contradicts the specification.

If the call is accepted in step 414, however, the handset application may automatically cause the handset 340 to call the bridge telephone number in step 422 over a voice channel. The return call from the handset 340 to the bridge telephone number may be routed over the PSTN 310 to the switch 110 using a voice channel connection. In step 424, once the call to the bridge telephone number is received at the switch 110, the switch may “bridge” the incoming voice channel call to the bridge telephone number with the incoming voice channel call to the secondary telephone number to thereby connect the incoming call from the calling party to the handset 340 via a voice channel. Further, the switch 110

The specification teaches that call legs occur on a “voice channel” at every stage of the call, even before the two call legs are connected (i.e., the ‘voice path’ is connected)

Dr. Lin's opinions contradict the specification.

PATENT SPECIFICATION

If the call is accepted in step 414, however, the handset application may automatically cause the handset 340 to call the bridge telephone number in step 422 over a voice channel. The return call from the handset 340 to the bridge telephone number may be routed over the PSTN 310 to the switch 110 using a voice channel connection. In step 424, once the call to the bridge telephone number is received at the switch 110, the switch may “bridge” the incoming voice channel call to the bridge telephone number with the incoming voice channel call to the secondary telephone number to thereby connect the incoming call from the calling party to the handset 340 via a voice channel. Further, the switch 110 may automatically send signaling information to the calling party telephone which causes the secondary telephone number to be displayed as the number to which the call has been completed.

DR. LIN DEPOSITION (EX. 2009)

Q. And that call in step 422 is before the voice path is connected by bridging the two calls in step 424. Correct?

A. Well, I think when it says over a channel, over a voice channel, I think it is talking about making a call over something that, that can act as a voice channel.

Dr. Lin's opinions contradict the specification.

PATENT SPECIFICATION

If the call is accepted in step 414, however, the handset application may automatically cause the handset 340 to call the bridge telephone number in step 422 over a voice channel. The return call from the handset 340 to the bridge telephone number may be routed over the PSTN 310 to the switch 110 using a voice channel connection. In step 424, once the call to the bridge telephone number is received at the switch 110, the switch may “bridge” the incoming voice channel call to the bridge telephone number with the incoming voice channel call to the secondary telephone number to thereby connect the incoming call from the calling party to the handset 340 via a voice channel. Further, the switch 110 may automatically send signaling information to the calling party telephone which causes the secondary telephone number to be displayed as the number to which the call has been completed.

DR. LIN DEPOSITION (EX. 2009)

Q. Is the call in step 422 using a voice channel before the voice path is established, yes or no?

THE WITNESS: So, I think it is the same answer which is the passage here talks about a handset trying to make a call over a voice channel.

And **over a voice channel is over something that can act as the voice channel.**

And so, I think the voice channel -- **the bridging occurs, the voice channel becomes active when the calls, when the call is fully established.**

Dr. Lin's opinions contradict the specification.

PATENT SPECIFICATION

If the call is accepted in step 414, however, the handset application may automatically cause the handset 340 to call the bridge telephone number in step 422 over a voice channel. The return call from the handset 340 to the bridge telephone number may be routed over the PSTN 310 to the switch 110 using a voice channel connection. In step 424, once the call to the bridge telephone number is received at the switch 110, the switch may “bridge” the incoming voice channel call to the bridge telephone number with the incoming voice channel call to the secondary telephone number to thereby connect the incoming call from the calling party to the handset 340 via a voice channel. Further, the switch 110 may automatically send signaling information to the calling party telephone which causes the secondary telephone number to be displayed as the number to which the call has been completed.

DR. LIN DEPOSITION (EX. 2009)

Q. Can you or can you not **tell me the number of the step where the handset begins actually using a voice channel?**

[long answer that did not identify step number]

Q. And that is step 424?

THE WITNESS: So, as written in this paragraph, there is a bridging of the incoming voice channel call to the bridge telephone number with the incoming voice channel call to the secondary number.

And this bridging is what is connecting incoming call from the calling party to the handset via a voice channel.

So, this connection provides a way for the calling party in the handset to exchange voice. And that voice exchange is carried over a voice channel.

So, that would be at step 424.

The specification support's Patent Owner's proposed construction.

PATENT SPECIFICATION

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DR. AKL DECLARATION (EX. 2010)

45. A POSITA would understand the scenario described above, where call legs are pending at the switch is substantially similar to a conventional phone call between two cell phones when the first person places the call, and it is ringing. In such a circumstance, there is a pending call leg because the call has not been accepted yet (because the second person has not answered the phone yet), but a POSITA would, consistent with the specification, still understand the call to be occurring on a “voice channel” because it will be transmitted according to a typical voice channel such as CDMA, GSM, LTE, 3G, and/or 4G (or a similar newer protocol, such as 5G).

The specification does not support the Petition's construction.

PATENT SPECIFICATION

The communications between the server 100 and the handset 340 over the Internet 316 may utilize IP as a protocol opposed to protocols used to establish communications according to CDMA, GSM, or like standards. Such IP governed communications are referred to herein as being conducted over a “data channel.” Conversely, communications between the switch 110 and the handset over the PSTN 310 may be transmitted and received in accordance with CDMA, GSM or like standards as opposed to using IP. Such CDMA, GSM or like governed communications, when used to carry voice information, are referred to herein as being conducted over a “voice channel.”

DR. AKL DECLARATION (EX. 2010)

43. The specification includes the following statement: “Such CDMA, GSM or like governed communications, when used to carry voice information, are referred to herein as being conducted over a ‘voice channel.’” Ex. 1001 at 4:57-60. A POSITA would not understand the language “when used to carry voice information” to mean that a voice channel only qualifies as a channel when actually transmitting voice but not at other times (e.g., when the phone is ringing, before the audio is connected). There is no teaching anywhere in the specification that would support such a temporal limitation, and it is not consistent with how POSITAs describe channels and protocols.

The specification does not support the Petition's construction.

46. Thus, a POSITA would understand the “when used to carry voice information” phrase in the specification relates to the fact that protocols like CDMA, GSM, LTE, 3G, and/or 4G can also be used to transport data protocols. For example, when accessing the Internet over a cellphone, a POSITA would know that the communication would use IP traffic that is transported over a standard cellular protocol such as CDMA, GSM, LTE, 3G, and/or 4G. In such a situation, a POSITA would look to the protocol that is actually set to transmit information (in this case, IP), and not the protocol that is used merely for transport over wires or air waves (in this case, one of the cellular protocols). By contrast, in a voice call, the cellular protocol is actually set to be used to transmit information (the voices of the call participants) and would qualify as a voice channel. Thus, a POSITA would understand that “when used to carry voice information” is distinguishing between circumstances where the voice protocol is set to be used to transmit voice information rather than where the voice protocol is merely used to transport another protocol.

The Petition's 'first way' fails to invalidate because the relationship number is delivered as part of the call, not via a "data channel."

The Petition's 'first way' theory.

PETITION

Backhaus discloses this limitation in a **first way**. As discussed above, with “the relationship number...ha[ving] been established in connection with subscriber #1 and the calling third party, the SLS platform 115 may proceed to establish the second half of the call—the call from the SLS platform 115 to the subscriber’s TD 110” by “plac[ing] the call to the primary number...that points to subscriber TD 110....” (*Id.*, [0054].) Backhaus discloses that “calling party field of the call placed from SLS platform 115 to subscriber TD 110 may contain a specially encoded message for the SLS phone app running on SLS module 105,” where the calling party field may “contain the relationship number established by the SLS platform 115...and the actual primary number of the calling third party.”

PETITION'S 'FIRST WAY' THEORY

- Third-party calls subscriber
- SLS platform establishes second leg call:
 - Leg is from platform to subscriber
 - Has a calling party field (which includes relationship number)
- Petition: “data channel”

Petitioner concedes caller ID depends on implementation.

message” is transmitted for sharing the combination of the relationship number and the third party number and setting up TD 110’s relationship database (Ex. 1005, [0055]-[0057]), and that IP-based communications may be used for “setting up the relationship databases” and “sharing information between the SLS module 105 and the SLS platform 115” (*id.*, [0073]). Dr. Lin explained that the way in which a CLID is transmitted “depend[s] on the implementation.” (Ex. 2009, 60:21-61:13.) On the other hand, Dr. Akl refused to answer questions about whether a caller ID can be transmitted using a data channel and stated that he does not have an opinion on it. (Ex. 1102, 50:13-18 (when asked “[c]an a caller ID be transmitted using a data channel,” Dr. Akl stated “I don’t believe that I have an opinion on it.”); *see also id.*, 50:19-53:10.)

The Petition's 'first way' does not rely on Backhaus' implementation, but its improper construction of "channel."

DR. LIN DECLARATION (EX. 1002)

69. A person of ordinary skill in the art would have understood that the encoded message, as described above, containing the relationship number and the third party number (from SLS platform 115 to subscriber TD 110) is automatically transmitted to subscriber TD 110 via a data channel rather than a voice channel because Backhaus discloses that that a voice path is not connected until the subscriber answers the call. (Ex. 1005, [0052] ("the third party uses TD 120A to place a call to the subscriber #1 SLS number.... As described above, the call is routed to the SLS platform 115. The SLS platform 115 accepts the call (**without connecting the voice path** to the third party TD 120A) and determines that the call is for SLS number"), [0056] (describing that the voice call is not connected until the call is answered, e.g., "[o]nce the subscriber #1 answers, the SLS platform 115 connects the two legs of the call").) As an example, Backhaus discloses that communication

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The Petition's 'first way' fails because Backhaus teaches the relationship number is transmitted as part of the call.

[0055] The calling party field of the call placed from SLS platform 115 to subscriber TD 110 may contain a specially encoded message for the SLS phone app running on SLS module 105. In some embodiments, the calling party field may contain the relationship number established by the SLS platform 115 (in this example, 1.678.222.0001) and the actual primary number of the calling third party (in this example, 1.305.229.9999), separated by a dialable separator such as a “star” character. In other embodiments, the calling party field may be populated with “unknown caller” or the like in the event that the relationship number is a new number assigned by the SLS platform 115 and not yet recognized by the SLS phone app (more details regarding such an embodiment is described below relative to FIGS. 4 and 7). Notably, it is envisioned that other embodiments may populate the calling party field, or provide other metadata, that serves to trigger recognition of the incoming call as a call directed to the SLS number of the subscriber. As such, by describing the exemplary embodiment to populate the calling party field with a combination of the relationship number and the third party's actual phone number, the scope of the disclosure will not be limited.

[0060] When the SLS platform 115 processes this first leg of the call, it may recognize that the calling number is the subscriber's primary number 1.408.544.1212 (which is associated with the subscriber's SLS number 1.770.555.0001) and the called number is the relationship number 1.678.222.0001. Querying the Subscriber Relationship ID Table 310 in central SLS database 116, the redirection module 117 may apply the following logic: “when primary number 1.408.544.1212 calls relationship number 1.678.222.0001, it is actually SLS number 770.555.0001 calling 1.305.229.9999.” The SLS platform 115 may then follow that logic and complete the subscriber's call by calling the actual number 1.305.229.9999 associated with third party TD 120A. Notably, in completing the second leg of the call from Subscriber #1 to the third party associated with third party TD 120A, the SLS platform 115 may cause the calling number to be reflected as the SLS number 1.770.555.0001 instead of the actual primary number of subscriber TD 110.

The Petition's 'first way' fails because Backhaus teaches the relationship number is transmitted as part of the call.

59. A POSITA would understand that the “calling party field of the call” is delivered as part “of the call” (as Backhaus teaches), and thus is transmitted on the same voice channel as the call itself, which may be some channel like CDMA, GSM, LTE, 3G, or 4G. Indeed, a POSITA would understand this teaching in Backhaus to be referring to conventional caller ID, where Backhaus describes replacing the actual calling number in the caller ID with the relationship number (possibly with some additional information) so that it will “trigger recognition of the incoming call as a call directed to the SLS number of the subscriber.” Ex. 1005 at [0055].

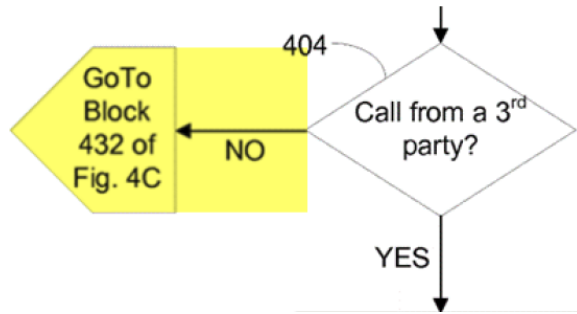
60. A POSITA would be familiar with caller ID, which was well understood in telephony prior to the 2013 timeframe of the '585 Patent. A POSITA would understand that caller ID is delivered over the same channel as the call itself, either over the PSTN or some wireless protocol such as CDMA, GSM, LTE, 3G, or 4G. Thus, a POSITA would understand caller ID to be provided over the same voice channel that the call is being made on.

Backhaus paragraph 73 relates to Figure 4D.

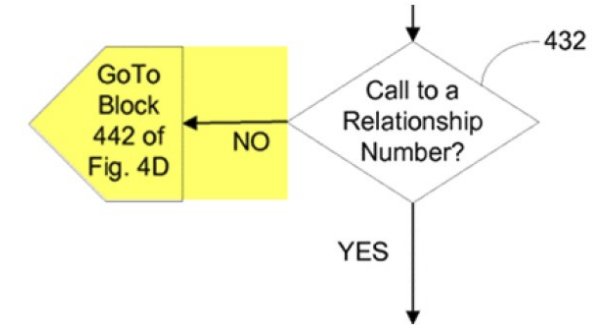
[0071] Turning now to FIG. 4D, if the “no” branch is followed from block 432 of FIG. 4C, at decision block 442 the SLS platform 115 determines that the communication is a data communication over network 125 that originated from an SLS client of a subscriber TD. If not, then it is assumed that it was an errant communication and the “no” branch is followed to block 444 and the communication is disconnected. If the communication did originate from a second line client (i.e., an SLS module 105 in a subscriber TD 110) associated with a subscriber to the SLS service, then the “yes” branch is followed to block 446. It is envisioned that the communication from an SLS client application to an SLS platform may be of any protocol suitable for communicating over network 125. At block 446, it is deduced by the SLS platform 115 that the subscriber associated with the calling SLS client desires to use the SLS service to call a third party with which no relationship number has been associated with the actual third party number. The SLS module 105 has provided the request for the new relationship number, along with the third party number it desires to call, to the SLS platform 115 via the communication. The central SLS database 116 is queried at block 446 to determine the next available relationship number for the subscriber’s given SLS number.

[0073] Moreover, USSD is offered herein for exemplary purposes and is not meant to limit the type of communications protocol that may be used by certain embodiments. For example, it is envisioned that short message service (“SMS”) protocol, multimedia messaging service (“MMS”) protocol, and/or other protocols may be used by some embodiments. It is envisioned that an IP-based interaction over the TD’s data service may be used by some embodiments. As would be recognized by one of ordinary skill in the art, use of session based protocols or other communication protocols may minimize temporal delays in allocating and acquiring relationship numbers between an SLS module 105 and an SLS platform 115. In fact, it is anticipated that any mechanism that can be used to establish a communication path between the SLS module 105 and the SLS platform 115 for the purposes of supporting the SLS service can be utilized. This may include any of the varieties of cellular data, WiFi, Bluetooth technologies, proprietary wireless or wired technologies, etc. Such channels can be used in setting up the relationship databases, sharing information between the SLS module 105 and the SLS platform 115, initiating voice communication establishment from the TD 110 to the SLS platform 115, the TD 110 requesting the SLS platform 115 to place a call to a third party TD 120, etc.

Figure 4D is not reachable as part of an incoming or outgoing call.



Backhaus Fig. 4A



Backhaus Fig. 4C

67. Thus, the only way to get to Figure 4D is to determine that the communication to the SLS platform is not a call from a third party to a subscriber and also is not a call to a relationship number. A POSITA would therefore understand that the teachings in paragraphs [0071]-[0074] relating to Figure 4D are unrelated to either an incoming or outgoing call. This is consistent with Backhaus'

The Reply introduces a genus-species argument.

(*Id.*, 17-19.) Contrary to both of Flyp’s assertions, Backhaus [0073] discloses communication mechanisms, including “an IP-based interaction over the TD’s data service,” and “[s]uch channels can be used in setting up the relationship databases, sharing information between the SLS module 105 and the SLS platform 115.” (Ex. 1005, [0073]; Pet., 24-25.) Thus, given that the “encoded message” is transmitted for “setting up the relationship databases” and “sharing information between the SLS module 105 and the SLS platform 115” as described in Backhaus [0073], Backhaus discloses that the encoded message may be transmitted using IP-based communications (“data channel”) as discussed in the “first way.” (Pet., 23-25; *see also* Ex. 1005, [0010] and [0054]-[0070].)¹

The Reply's genus-species argument is contrary to law.

most favorably for LabCorp, Refsum discloses no more than a broad genus of potential applications of its discoveries. A prior art reference that discloses a genus still does not inherently disclose all species within that broad category. See *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1262 (Fed.Cir.1989) (“Under [defendant's] theory, a claim to a genus would inherently disclose all species. We find [this] argument wholly meritless....”).

The Petition's 'second way' fails to invalidate because Backhaus does not teach transmitting the relationship number specifically via a “data channel.”

The Petition's 'second way' fails.

[0072] It is envisioned that the SLS module 105 may com-

communicate with the SLS module 105 to obtain a relationship database 115. The SLS module 105 may be implemented using a protocol that may be used by certain embodiments. For example, it is envisioned that short message service (“SMS”) protocol, multimedia messaging service (“MMS”) protocol, and/or other protocols may be used by some embodiments. It is envisioned that an IP-based interaction over the TD’s data service may be used by some embodiments. As would be recognized by one of ordinary skill in the art, use of session based protocols or other communication protocols may minimize temporal delays in allocating and acquiring relationship numbers between an SLS module 105 and an SLS platform 115. In fact, it is anticipated that any mechanism that can be used to establish a communication path between the SLS module 105 and the SLS platform 115 for the purposes of supporting the SLS service can be utilized. This may include any of the varieties of cellular data, WiFi, Bluetooth technologies, proprietary wireless or wired technologies, etc. Such channels can be used in setting up the relationship databases, sharing information between the SLS module 105 and the

Backhaus ¶¶ 72-73: “data channel” but no relationship number

[0074] At block 448, the determined next available relationship number is returned to the SLS module 105 of the subscriber TD 110. At block 450, the central SLS database 116 is updated with the new relationship number and the third party CLID provided to the SLS platform by the SLS client 105 of the subscriber TD 110. The new relationship number is now associated in the central SLS database 116 with the subscriber primary number, the subscriber SLS number and the third party CLID. Notably, after blocks 448 and/or 450, the method 400 may return to the start of method 400 at block 402 as the SLS module 105 of the subscriber TD 110 has acquired a new relationship number in association with a third party CLID. Consequently, using the newly acquired relationship number may essentially start over the method 400 with the SLS platform receiving a communication. If so, the method 400 would follow to FIG. 4C where the communication was recognized as the subscriber TD 110 having placed a call to the new relationship number.

**Backhaus ¶ 74: relationship number
but no “data channel”**

The Petition's 'second way' fails.

[0072] It is envisioned that the SLS module 105 may com-

municate with the SLS platform 115 to obtain a relationship number previously been established but not limited to, data ("USSD") protocol, multimedia messaging service ("MMS") protocol, and/or other protocols may be used by some embodiments. It is envisioned that an IP-based interaction over the TD's data service may be used by some embodiments. Notably, after blocks 448 and/or 450, the method 400 may return to the start of method 400 at block 400 where the SLS module 105 of the subscriber TD 110 has acquired a new relationship number in association with a third party CLID. Consequently, using the newly acquired relationship number may essentially start over the method 400 with the SLS platform receiving a communication. If so, the method 400 would follow to FIG. 4C where the communication was recognized as the subscriber TD 110 having placed a call to the new relationship number.

[0073] Moreover, USSD is offered herein for exemplary purposes and is not meant to limit the type of communications protocol that may be used by certain embodiments. For example, it is envisioned that short message service ("SMS") protocol, multimedia messaging service ("MMS") protocol, and/or other protocols may be used by some embodiments. It is envisioned that an IP-based interaction over the TD's data service may be used by some embodiments. Notably, after blocks 448 and/or 450, the method 400 may return to the start of method 400 at block 400 where the SLS module 105 of the subscriber TD 110 has acquired a new relationship number in association with a third party CLID. Consequently, using the newly acquired relationship number may essentially start over the method 400 with the SLS platform receiving a communication. If so, the method 400 would follow to FIG. 4C where the communication was recognized as the subscriber TD 110 having placed a call to the new relationship number.

Petitioner relies on its legally defective genus-species argument to bridge the gap

Backhaus ¶¶ 72-73: "data channel" but no relationship number

[0074] At block 448, the determined next available relationship number is returned to the SLS module 105 of the subscriber TD 110. At block 450, the central SLS database 116 is updated with the new relationship number and the third party CLID provided to the SLS platform by the SLS client 105 of the subscriber TD 110. The new relationship number is now associated in the central SLS database 116 with the

number, the subscriber SLS number and ID. Notably, after blocks 448 and/or 450, the method 400 may return to the start of method 400 at block 400 where the SLS module 105 of the subscriber TD 110 has acquired a new relationship number in association with a third party CLID. Consequently, using the newly acquired relationship number may essentially start over the method 400 with the SLS platform receiving a communication. If so, the method 400 would follow to FIG. 4C where the communication was recognized as the subscriber TD 110 having placed a call to the new relationship number.

Backhaus ¶ 74: relationship number but no "data channel"

The Petition and Petitioner's expert take
inconsistent positions on “channel.”

The Petition takes inconsistent positions on “channel.”

PETITION

Backhaus discloses this limitation in a **first way**. As discussed above, with “the relationship number...ha[ving] been established in connection with subscriber #1 and the calling third party, the SLS platform 115 may proceed to establish the second half of the call—the call from the SLS platform 115 to the subscriber’s TD 110” by “plac[ing] the call to the primary number...that points to subscriber TD 110....” (*Id.*, [0054].) Backhaus discloses that “calling party field of the call placed from SLS platform 115 to subscriber TD 110 may contain a specially encoded message for the SLS phone app running on SLS module 105,” where the calling party field may “contain the relationship number established by the SLS platform 115...and the actual primary number of the calling third party.”

PETITION’S ‘FIRST WAY’ THEORY

- Third-party calls subscriber
- SLS platform establishes second leg call:
 - Leg is from platform to subscriber
 - Has a calling party field (which includes relationship number)
- Petition: “data channel”

The Petition takes inconsistent positions on “channel.”

PETITION

(Ex. 1002, ¶76.) For example, Backhaus discloses that subscriber TD 110 (“mobile device”) makes a call to a relationship number (“access telephone

“By calling the relationship number associated with [the third party contact], the network 125 routes the call to the SLS platform 115 instead of directly to third party TD 120A phone.” (*Id.*; *see also id.*, [0049] (“The application run by the SLS

Indeed, Backhaus discloses that “[w]hen the SLS platform 115 processes this first leg of the call, it may recognize that the calling number is the subscriber’s primary number... and the called number is the relationship number....” (*Id.* at [0060]; *see also id.* (SLS platform 115 “may apply the following logic: ‘when

PETITION’S ’585 CLAIM [1.D] THEORY

- Subscriber makes outgoing call
- First call leg:
 - Leg is from subscriber to platform
 - Has a field indicating the calling party
- Petitioner: **“second channel”**

The Petition takes inconsistent positions on “channel.”

PETITION’S ‘FIRST WAY’ THEORY

- Third-party calls subscriber
- SLS platform establishes second leg call:
 - Leg is from platform to subscriber
 - Has a calling party field (which includes relationship number)
- Petition: “**data channel**”

PETITION’S ‘585 CLAIM [1.D] THEORY

- Subscriber makes outgoing call
- First call leg:
 - Leg is from subscriber to platform
 - Has a field indicating the calling party
- Petitioner: “**second channel**”

Dr. Lin refused to fully embrace the [1.d] theory at deposition.

'585 PATENT LIMITATION [1.D]

receiving, at a switch associated with the server, an outgoing call from the mobile device to the access telephone number via a second channel;

DR. LIN DEPOSITION (EX. 2009)

Q. I'm not talking about things that can happen after the call is received. Just at the one moment where the call is very first received by the SLS platform, at that moment, is it being received on a voice channel?

THE WITNESS: So again, the call itself, I think the call itself, there is certainly, **once the voice path is established is certainly over the voice channel.**

But **in the setup of that call and so forth, I think the information being exchanged is not voice.**

Dr. Lin could not explain the difference between his 'first way' theory and his limitation [1.d] theory.

Q. Sure. So, I'm asking about the two different calls you rely on. First in Paragraph 68, what you call the first way.

And then the call from the subscriber's device to the relationship number that you are relying on for Limitation 1D.

And, both of those calls are between a subscriber's terminal device and the SLS platform. They both have a calling party field. They are both received before the voice path is connected.

So, why do you conclude that the call in Paragraph 68 is a voice -- or is a data channel but the call in Limitation 1D is a voice channel?

Dr. Lin could not explain the difference between his 'first way' theory and his limitation [1.d] theory.

THE WITNESS: So, going back to 1B, the limitation just requires transferring information that indicates an access telephone number to the mobile device by data channel.

So, the first way that I explain is in that scenario, the SLS platform is, is providing information that are not just for that second half of the call.

It is providing information about the relationship number and the actual number of the actual calling party.

And so, that information, as I discussed, Backhaus teaches that it -- the IP can be used for that communication. And so that would be the channel.

So, I think the issue is that Limitation 1B, I am showing how Backhaus describes how this information is sent over data channel. And this information is the specially encoded message.

Dr. Lin's conclusory opinions should be given little to no weight.

In *Xerox*, the Board considered an expert's declaration that (1) repeated verbatim a conclusory statement in a brief and (2) did not “cite to any additional supporting evidence or provide any technical reasoning to support [the] statement.” *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 (PTAB Aug. 24, 2022) (precedential); *see id.* at 16 (noting that the declaration contained another “restatement of the assertion being supported, without any supporting evidence or technical reasoning”). Here, in contrast to *Xerox*, Petitioner and Dr. Bederson cite supporting evidence and provide technical reasoning regarding how Hariki teaches limitation 1b. *See* Pet. 24–29, 35–36; Ex. 1002 ¶¶ 107–113, 125–126.

Backhaus-Taylor does
not render obvious
using the same
“switch.”

'585 Grounds 3-4

'094 Grounds 3-4

'554 Grounds 3-4

Grounds 3-4 are irrelevant, conditional arguments.

PETITION

C. Grounds 3-4: Each of the Above Prior Art Combinations in view of Taylor Renders Obvious the Challenged Claims

Grounds 1-2 demonstrate how Backhaus and/or combinations of prior art stemming from Backhaus discloses and/or suggests claims 1-4. (Sections IX.A-IX.B.) To the extent that the claimed “switch” is interpreted as required to be a device separate from the PSTN, it would have been obvious to implement the claimed “switch” in light of Taylor. (Ex. 1002, ¶¶94-100.)

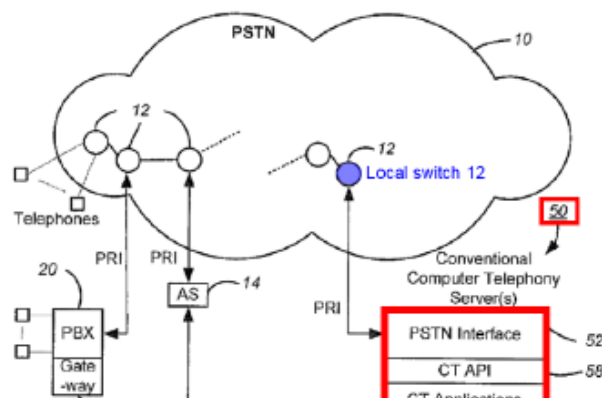
REPLY

similar arguments presented by Flyp unavailing.) As explained in the Petition, Grounds 3 and 4 are relevant “[t]o the extent that the claimed ‘switch’ is interpreted as required to be a device separate from the PSTN.” (Pet., 50.) Thus, Flyp’s

Taylor's PSTN interface is not a switch.

PETITION

consistent with a POSITA's knowledge, Ex. 1007 shows a local switch that communicates with a server 50. (Ex. 1007, [0004] ("External digital communication systems typically communicate with the PSTN by interfacing with an exchange such as [local switch] 12"), FIG. 1A (showing a local switch 12 that is in communication with server 50); Ex. 1002, ¶79.)



TAYLOR (EX. 1007)

[0004] FIG. 1A illustrates a typical configuration of a conventional computer telephony server operating with a Public Switched Telephone Network (PSTN) and/or the Internet. Telephone service is traditionally carried by the PSTN. The PSTN 10 includes a network of interconnected local exchanges or switches 12. Around each exchange is provisioned a cluster of telephone lines to which telephones, modems, facsimile machines may be attached. Other private

Taylor's PSTN interface is not a switch.

99. Thus, a POSITA would understand, based on Taylor's teachings, that the PSTN interface is not itself a switch. Claim limitations [1.d], [1.e], and [1.f] expressly require a "switch," and therefore Taylor's PSTN interface would not render these limitations obvious.

100. Further, even if the PSTN interface were considered a switch, a POSITA still would not find this combination to render obvious using the same switch for each of limitations [1.d], [1.e], and [1.f]. As I explained above, multiple switches could be used, and the same would be true for PSTN interfaces – multiple can be used, different ones for different call legs.

The Reply's improper new construction of “switch” is overbroad.

know, take an input and provide an output.” (Ex. 1102, 89:13-19.) Taylor’s PSTN interface, connected between an exchange 12 of the PSTN and CT server 50 “to receive and process calls” (Ex. 1007, [0008]; Pet., 51-52) is certainly an element in the communications networks that facilitates connections between transmitters and receivers (or takes an input and provides an output), i.e., a “switch” as acknowledged by Flyp.

Backhaus communicates with the PSTN, so already has its own PSTN interface.

BACKHAUS (EX. 1005)

[0032] In general, any call directed to either of the primary phone number or the SLS phone number are transmitted from a third party TD 120 to the subscriber TD 110 by way of communications network 125. Notably, communications network 125 envisions any and all networks for transmitting and terminating communications between telecommunications devices such as, but not limited to, cellular networks, PSTNs, cable networks and the Internet. Methods for effecting the transmission of data across communications network 125 from one device to another, including call setups, terminations and the like are understood by those of ordinary skill in the art of data transmission and may include the use of protocols and standards such as, but not limited to, signaling system seven (“SS7”) protocol suite, SIP, customized appli-

DR. AKL DECLARATION (EX. 2010)

101. Finally, although Backhaus does not have an element expressly named “PSTN interface,” a POSITA would understand that Backhaus already has its own interface to the PSTN because Backhaus describes that it can place and/or receive calls routed through the PSTN. *E.g.*, Ex. 1005 at [0032], [0136]. The Petition does not identify any reason why a POSITA would replace Backhaus’ own existing PSTN interface with Logan’s PSTN interface, and I am aware of none.

Inbound Call Patents

'770 (IPR2023-00360)

'105 (IPR2023-00361)

Overview – Inbound Call Patents

Issues	Relevant Grounds
Backhaus-Logan does not render obvious “the handset” using a bridge telephone number to connect the call.	'770 Grounds 1-4 '105 Grounds 1, 4
The prior art does not render obvious pre-call information transmitted “via a data channel.”	'770 Grounds 1-4 '105 Grounds 1, 4
The Petition’s ‘second way’ fails to disclose “transmitting pre-call information.”	'770 Grounds 1-4 '105 Grounds 1, 4
Backhaus and Logan do not render obvious that the “pre-call information” includes the “handset-associated telephone number.”	'770 Grounds 1-4
A POSITA would not combine Backhaus and Winbladh.	'105 Grounds 2, 3, 5, 6
Backhaus-Winbladh does not render obvious using the same “switch.”	'105 Grounds 2, 3, 5, 6
Backhaus-Winbladh does not render obvious accepting the incoming call using the bridge number.	'105 Grounds 2, 3, 5, 6

Backhaus-Logan does not render obvious “the handset” using a bridge telephone number to connect the call.

'770 Grounds 1-4
'105 Grounds 1, 4

The plain claim language makes clear the bridge phone number is for use by the handset to connect the call.

'770 PATENT CLAIM 1

[1.g] transmitting pre-call information to the handset over the at least one data channel the pre-call information including the bridge telephone number and the handset-associated telephone number, such that the handset is capable of displaying the handset-associated telephone number to a user and, based on user input, **accepting the incoming call by connecting** with the switch over the at least one voice channel using the bridge telephone number.

'105 PATENT CLAIM 1

[1.g] said pre-call information including a bridge telephone number for connecting the handset to the incoming call at the switch; and

The plain claim language makes clear the bridge phone number is for use by the handset to connect the call.

56. In addition to the timing and logical relationship for claim limitation [1.g] that I described above, a POSITA would also understand that the bridge telephone number is for use *by the handset* to connect to the incoming call recited in limitation [1.d].

57. The plain claim language makes this clear by indicating that the pre-call information is transmitted to “the handset” and is for connecting *the handset* to the incoming call at the switch.” Thus, a POSITA would understand the bridge telephone number is for use by the handset to connect the call (not, for example, the server).

Surrounding claim language in the '105 Patent confirms this construction.

'105 PATENT CLAIM 1

[1.i] establishing a voice channel connection between the handset and the switch as a result of the handset calling the switch using the bridge telephone number.

DR. AKL DECLARATION (EX. 2010)

58. The surrounding claim language in limitation [1.i] provides further support by reciting “*the handset* calling the switch using the bridge telephone number.” Limitation [1.i] is optional (because of the “or” preceding it, only one of limitations [1.h] and [1.i] need to be performed), but this claim language is still consistent with a POSITA’s understanding that the bridge telephone number is for use by the handset.

The specification supports that it is “the handset” that uses the bridge number.

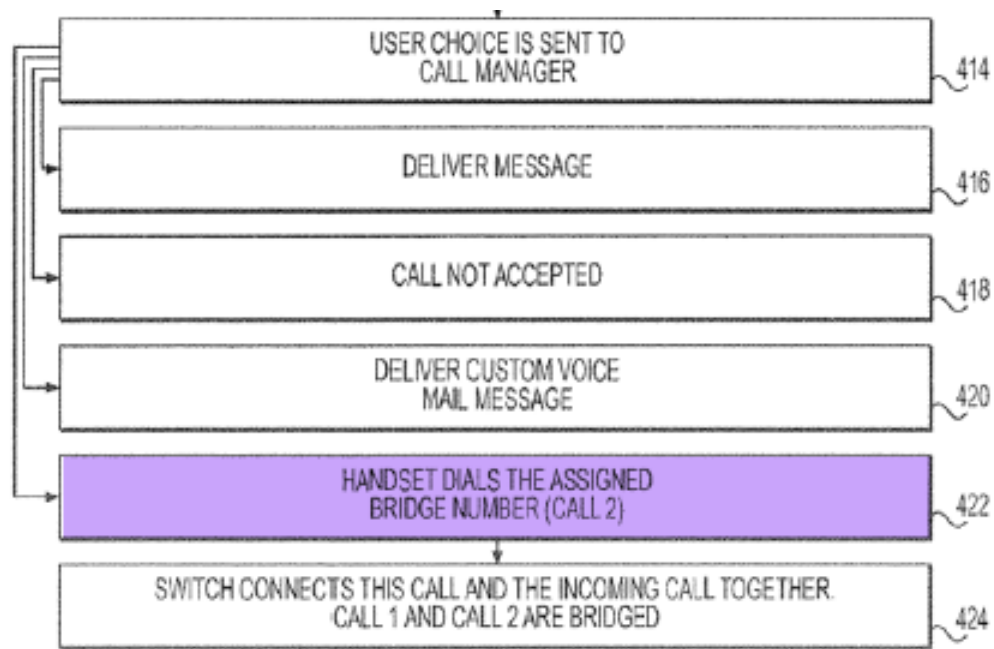


FIG. 4

PATENT SPECIFICATION

If the call is accepted in step 414, however, the handset application may automatically cause the handset 340 to call the bridge telephone number in step 422 over a voice channel. The return call from the handset 340 to the bridge telephone number may be routed over the PSTN 310 to the switch 110 using a voice channel connection. In step 424,

The Petition's theory is based solely on actions by the server.

Additionally, Backhaus discloses “based on user input, accepting the incoming call by connecting with the switch over the at least one voice channel using the bridge telephone number.” (Ex. 1002, ¶103.) Backhaus discloses using the relationship number (“bridge telephone number”) to connect an incoming call from a third party. For example, Backhaus discloses that, when a known third party calls subscriber’s SLS number, SLS platform 115 “queries the central SLS database 116 for the relationship number that maps to the combination of the third

party CLID and subscriber’s SLS number” and “the subscriber’s primary number.”

(Ex. 1005, [0067].) SLS platform 115 then calls subscriber’s TD 110 using the relationship number for connecting the call. (*Id.*)

At block 424, the **subscriber’s primary number, as also identified from the query of block 422, is called by the SLS platform 115.** At block 426, the call is received at the subscriber’s TD 110 and the SLS module 105 [of subscriber TD 110] recognizes that it originated from the SLS platform 115. It is envisioned that some embodiments of a SLS module 105 may recognize that an incoming **call is from the SLS platform 115 by virtue of the call originating from a relationship number....**

(Ex. 1005, [0067]; *see also id.*, [0052]-[0055] (disclosing that, after setting up the relationship with a first-time third party caller, SLS platform 115 sets up the second half of the call where the “calling party field” includes “the relationship number”); Ex. 1002, ¶103.)

The Reply's improper new theory fails to show the handset using the bridge number to connect the call.

'770 REPLY

As discussed in the Petition, when connecting an incoming call, the relationship number is used for connecting SLS platform 115 and TD 110 ("handset"). (Pet., 45-46.) Not only is the relationship number used to call the disclosed "handset," the call is capable of being accepted by the "handset." (*Id.*) Backhaus explains that when "the [relationship number] call is received at...TD 110," TD 110 "recognize[s] that an incoming call is from the SLS platform 115 by virtue of the call originating from a relationship number." (Pet., 46-47; Ex. 1002, ¶103; Ex. 1005, [0067]-[0068].) "[T]he relationship number in the calling party field of the call signaling causes...[TD 110] to handle the call and display the associated third party CLID," where "the third party CLID may be queried...by use of the relationship number." (Ex. 1005, [0067]; Ex. 1002, ¶103; Pet., 46). Thus, the relationship number ("bridge telephone number") is not only used by SLS platform 115 to make the call, but also used by subscriber's TD 110 ("handset") to handle or accept the call. (Inst. Dec., 29-30.)

'105 REPLY

As discussed in the "first way" of addressing limitation [1.g], an encoded message, containing the relationship number ("bridge telephone number") and the third party number, is transmitted to TD 110 ("handset"). (Pet., 32-33; Ex. 1005, [0055].) TD 110 stores the transmitted numbers in its database in the process of connecting to the incoming call. (Ex. 1005, [0056], [0064]-[0065] (at block 416, TD 110 updates its database to include "the newly assigned relationship number"; at block 420 the call is connected); Pet., 33.) As discussed in the Petition (Pet., 35-36), because the incoming call is routed via network 125, TD 110 necessarily connects to the incoming call at the local switch in network 125. Thus, Backhaus discloses the "handset" uses the "bridge telephone number" to connect to the incoming call at the switch.

In Backhaus-Logan, the bridge number is not used to connect the call.

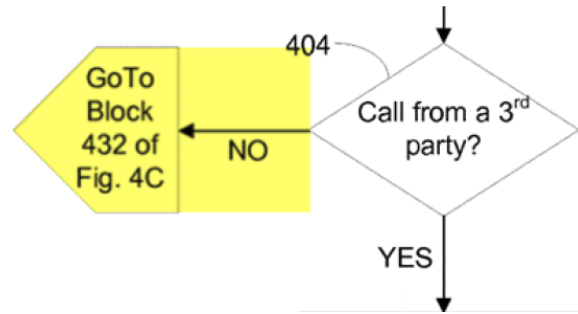
66. Additionally, I disagree that the SLS platform “uses” the relationship number “for connecting the incoming call.” Backhaus teaches that the SLS platform “places the call to the primary number.” Ex. 1005 at [0054]. The relationship number may be provided in the “calling party field of the call.” *Id.* at [0055]. A POSITA would not consider providing a caller ID to be “using” the caller ID “for connecting the incoming call.” The caller ID is not “used” to connect the call—it plays no role in routing the call or connecting the two ends of the call. Thus, a POSITA would not agree that even the SLS platform uses the relationship number “for connecting the handset to the incoming call at the switch.”

The prior art does not
render obvious pre-call
information
transmitted “via a data
channel.”

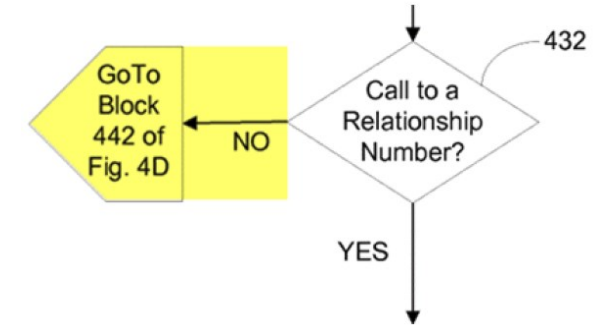
'770 Grounds 1-4

'105 Grounds 1, 4

Figure 4D is not reachable as part of an incoming or outgoing call.



Backhaus Fig. 4A



Backhaus Fig. 4C

67. Thus, the only way to get to Figure 4D is to determine that the communication to the SLS platform is not a call from a third party to a subscriber and also is not a call to a relationship number. A POSITA would therefore understand that the teachings in paragraphs [0071]-[0074] relating to Figure 4D are unrelated to either an incoming or outgoing call. This is consistent with Backhaus'

The Petition does not offer any reason to combine distinct embodiments of Backhaus.

78. These are distinct processing paths in Backhaus that are only reachable with distinct types of communications. A POSITA would understand you cannot mix and match elements from different processing paths, because that is not consistent with the teachings of Backhaus, and the Petition provides no reason why doing so would have been obvious.

The Petition's delay argument is meritless.

81. Moreover, the delay argument would not be convincing to a POSITA. A POSITA would understand Backhaus' method of using the "calling party field of the call" (Ex. 1005 at [0055]) means that the call and relationship number are transmitted together and would arrive together at the same time. If the relationship number were split into a separate transmissions and transmitted faster than the call itself, as the Petition appears to suggest, then the relationship number could arrive before the call. In this case, the handset would have a notification relating to a call that is not ready to accept, which would be a bad experience for the user because the user would be able to see the incoming call notification but would be unable to accept it. Or, if the incoming call notification were held back until the call is received, then there was no reason to separate them in the first place. Additionally, even if IP can

sometimes reduce delays, a POSITA would understand it may not always do so (*e.g.*, if the network is congested, or if particular internet service providers and/or transmission lines are not working due to weather). Thus, separating the transmissions would allow for the possibility that the relationship number arrives after the call, which means the handset would be receiving an incoming call without having the relationship number to display to the user (or to use to indicate to the user that the call is one made to the secondary number). This would be a bad experience for the user as well because the user would have to accept or reject a call without having all information about that call. Thus, a POSITA would not be motivated to separate the transmission of the relationship number from the call itself, because that would provide no benefits and instead could lead to bad experience for the users.

The Petition's 'second way' fails to disclose "transmitting pre-call information."

'770 Grounds 1-4

'105 Grounds 1, 4

The plain claim language includes an antecedent basis relationship.

'770 PATENT CLAIM 1

[1.f] receiving **an incoming call** over at least one voice channel at a switch...

[1.g] transmitting pre-call information to the handset over the at least one data channel the pre-call information including the bridge telephone number and the handset-associated telephone number, such that the handset is capable of displaying the handset-associated telephone number to a user and, based on user input, accepting **the incoming call** by connecting with the switch over the at least one voice channel using the bridge telephone number.

'105 PATENT CLAIM 1

[1.d] receiving an electronic indication of **an incoming call** to the secondary telephone number at the server, said electronic indication of an incoming call being received from a switch associated with the server;

[1.g] said pre-call information including a bridge telephone number for connecting the handset to **the incoming call** at the switch; and

'105 PATENT CLAIM 2

[2.a] in response to an incoming call to the secondary telephone number received by a switch ...

[2.b] transmitting ... pre-call information including the first bridge telephone number, whereby the pre-call information allows the telephone handset to accept **the incoming call** to the secondary telephone number by making a first bridge call using the first bridge telephone number to connect **the incoming call** to the telephone handset via the switch.

The “pre-call information” must relate to the received incoming call at the switch/server.

'770 Patent Claim 1

The transmission must occur after the incoming call is received in step [1.f]. The “pre-call information” must be information relating to the specific call received in step [1.f].

'105 Patent Claim 1

The transmission must occur after the indication of an incoming call is received in step [1.d]. The “pre-call information” must be information relating to the specific call received in step [1.d].

'105 Patent Claim 2

The transmission must occur after the incoming call is received in step [2.a]. The “pre-call information” must be information relating to the specific call received in step [2.a].

The “pre-call information” must relate to the received incoming call at the switch/server.

52. Thus, a POSITA would understand the claim language imposes a logical and temporal relationship between the incoming call and the pre-call information, namely that the pre-call information is transmitted after and relates to the specific call received in step [1.f].

The specification supports that “pre-call information” must relate to the received incoming call at the switch/server.

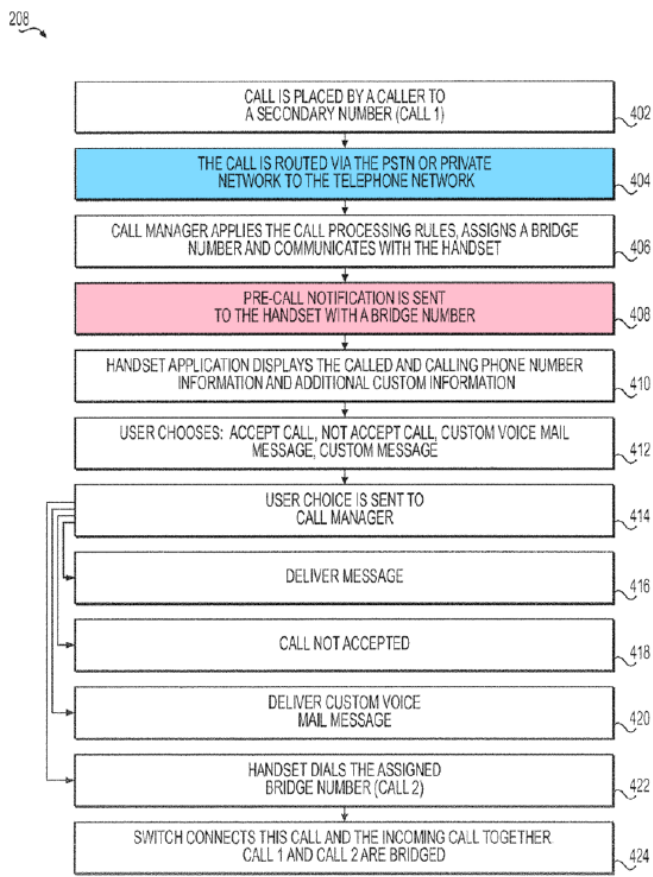


FIG. 4

DR. AKL DECLARATION (EX. 2010)

53. The specification is also consistent with this understanding. As I described above, the specification teaches that a call is received in step 404 (highlighted in blue below). Ex. 1001 at 5:58-59. After receiving the call, the server transmits pre-call information in step 408 (highlighted in pink). *Id.* at 6:32-37. The pre-call information relates to the specific incoming call because it includes a bridge telephone number that can be dialed by the handset to connect to the previously-received incoming call. *Id.* at 6:32-37, 6:62-7:6. These teachings, as well as the flow depicted in Figure 4, clearly indicate to a POSITA that the pre-call information is transmitted after receiving an incoming call and relates to that specific call.

Dr. Akl explained how the plain claim language supports this construction.

Q. So in limitation [1.g], the claim recites the pre-call information including the bridge telephone number and the handset associated telephone number, correct?

A. Yes, that's part of [1.g].

Q. Are they relating to the incoming call?

A. Well, the claim language says pre-call information including a bridge telephone number, so it's -- that's -- the claim itself is stating that a bridge telephone number is part of a said pre-call information.

Q. Are those numbers relating to an incoming call?

A. Yes, because the last part of the limitation says to "the incoming call" at the switch, and "the incoming call" is referring back to the "an incoming call" from element [1.d.].

The Reply's ringing argument is irrelevant.

'770 PATENT CLAIM 1

[1.f] receiving **an incoming call** over at least one voice channel **at a switch**...

[1.g] transmitting pre-call information to the handset over the at least one data channel the pre-call information including the bridge telephone number and the handset-associated telephone number, such that the handset is capable of displaying the handset-associated telephone number to a user and, based on user input, accepting **the incoming call** by connecting with the switch over the at least one voice channel using the bridge telephone number.

PATENT SPECIFICATION

Internet **316** and the Mobile Data Network **348**. The pre-call information may include information used by the application installed on the handset **340** to cause a display of the calling telephone number, the calling party name, calling party location, such as GPS location, and/or the called secondary telephone number, as well as other information in step **410**. The incoming pre-call information may be received at the handset **340** before or during the call ringing **on the handset**.

The specification does not teach any example of pre-call information unrelated to a specific incoming call.

PATENT SPECIFICATION

telephone number to be used for completion of the call in step 406. The bridge telephone number may be associated with the switch 110, and calls to the bridge telephone number may be automatically routed to this switch.

This passage of the specification:

- Does not describe “pre-call information”
- Does not describe any ordering of “pre-call information” vs. when a call is received at the switch/server

The Petition's 'second way' theory relates to an outgoing call, not “pre-call information” for a call already received at the server/switch.

Backhaus discloses and/or suggests transmitting pre-call information to subscriber TD 110 (“handset”), where the pre-call information includes the relationship number (“bridge telephone number”) and the primary/SLS number (“the handset-associated telephone number”) “over the at least one data channel” **in a second way.** (Ex. 1002, ¶100.) Backhaus discloses with reference to FIG. 4D processes for handling data communication between subscriber TD 110 and SLS platform 115 over network 125. (Ex. 1005, FIG. 4D, [0071]-[0074].) **When the subscriber of TD 110 desires to call a third party** but “no relationship number has

The possibility of re-using a relationship number for a hypothetical future incoming call does not render obvious.

87. This theory does not relate to any incoming call, and certainly not the specific incoming call that the Petition relies on for limitation [1.f].

88. The fact that the same relationship number may be used in a later incoming phone call does not change my analysis. A POSITA would not understand the information exchanged when a user wants to make an outgoing call to relate to a specific, already-received incoming call (even if the relationship numbers for both cases happen to be the same). The timing and logical relationship in Backhaus simply does not match that of the claims, and therefore this limitation is not obvious.

The Reply makes a new argument based on an incoming call, which is its ‘first way’ not the ‘second way.’

Flyp asserts that the Petition’s “second way” does not meet limitation [1.g] under its proposed construction associated with “transmitting pre-call information.” (POR, 28.) However, Backhaus discloses that **after a third party’s call is received** at SLS platform 115, TD 110 “may establish a **data connection**...with the SLS platform 115” for “acquiring [the combination the third party and relationship numbers]” (“transmitting pre-call information to the handset over the at least one data channel”). (Ex. 1005, [0066]; *see also* Pet., 12.) Thus, the disclosed “transmitting pre-call information” process may occur **after** receiving an incoming call and the transmitted “pre-call information” (including the relationship number) **relates to** the incoming call, consistent with Flyp’s proposed construction in Section II.B.

The Reply's new argument only shows obtaining the third-party number, not the relationship number.

[0066] It is envisioned that the steps taken at block 414 of the method 400 may differ in some embodiments. For instance, when a third party call to a subscriber SLS number is received at the SLS platform 115, and the third party calling number is not yet associated with a relationship number, the SLS platform 115 may assign a next relationship number as described relative to blocks 410-412 then redirect the call to the subscriber TD 110. The SLS module 105 of the subscriber TD 110, having no record of the new relationship number in its local database 106, may display the calling number as “unknown caller” on the display of the subscriber TD 110. At the same time, the SLS module 105 may establish a data connection over network 125 with the SLS platform 115 for the purpose of acquiring the third party calling number associated with the new relationship number. Once the actual third party calling number is acquired, the SLS module 105 may update the local database 106 and change the display from “unknown caller” to the actual third party calling number.

Backhaus and Logan do not render obvious that the “pre-call information” includes the “handset-associated telephone number.”

'770 Grounds 1-4

The Petition's obviousness theory depends on needing the handset-associated number to distinguish between calls to the primary and secondary number(s).

displayed for the benefit of a subscriber.” (Id.) Consistent with Backhaus, a POSITA would have been motivated and found it beneficial to include the primary number and/or an SLS number in its transmission of pre-call information because such information would have enabled subscriber TD 110 to display whether it is the primary number or SLS number(s) that the calling party intends to call, allowing the subscriber to determine whether the call is for a personal or business matter, for example, particularly when the subscriber has multiple SLS numbers.

Backhaus does not handle calls directed to the primary number.

BACKHAUS (EX. 1005)

[0033] A call made from a third party TD 120 to the primary number associated with subscriber TD 110 is transmitted across communications network 125 and routed to subscriber TD 110, as is understood in the art. The radio transceiver 104, if the TD 110 is a portable and wireless device, enables the receipt and transmission of signals to and from subscriber TD 110. The call signal may include the calling line identification (“CLID”), i.e. the phone number, associated with third party TD 120 such that when the call is received at subscriber TD 110, the CLID may be displayed for the benefit of the subscriber on display component 103. Notably, although the

DR. AKL DECLARATION (EX. 2010)

92. Furthermore, a POSITA would not find this limitation obvious as argued in the Petition. Backhaus’ SLS system does not handle calls to the primary number. See Ex. 1005 at [0033] (calls from third parties to the primary number are routed “as is understood in the art”). Thus, the handset already knows that any call from the SLS platform was directed to the SLS number, not the primary number.

Backhaus only teaches re-using numbers for different subscribers, never for the same subscriber.

BACKHAUS (EX. 1005)

[0053] The SLS platform 115 creates the following relationship in Subscriber Relationship ID Table 310: When 1.770.555.0001 receives (or places) a call from/to 1.305.229.9999, the interaction with the subscriber's phone (1.408.544.1212) will use dialable telephone number 1.678.222.0001. Notably, it is envisioned that a given relationship number, such as relationship number 1.678.222.0001 in the present example, may be used as a relationship number for many different SLS subscribers as it is the combination of the subscriber's primary number and/or the SLS number and the relationship number that map to the external number (in this case, 1.305.229.2999).

DR. AKL DECLARATION (EX. 2010)

98. There is no example or teaching in Backhaus of re-using a relationship number for different contacts, and a POSITA would understand that is not possible in Backhaus' system. Specifically, Backhaus teaches that outgoing calls from the subscriber are made to the relationship number, which routes the call to the SLS platform. The SLS platform then determines how to route the call based on the user's primary number and the relationship number (highlighted in blue below), which are used to determine the SLS number (for caller ID) and third-party contact number (highlighted in green below):

Backhaus cannot reuse relationship numbers for different third-party contacts.

the call. I have illustrated this with a modified version of the relationships in paragraph [0047] below. In the below modified scenario, subscriber D has the same relationship number X for two different contacts J and K. If subscriber D placed a call to relationship number X, Backhaus’ SLS platform would not know whether to route the call to contact J or contact K.

Modified Relationship Numbers Described in Backhaus at [0047]		
Subscriber	Relationship Number	Contact
D	X	J
~~E~~ <u>D</u>	X	K
F	X	L
G	X	E

100. Thus, a POSITA would understand that Backhaus only teaches re-using relationship numbers for different subscribers, but never for the same subscriber. The same is true even if the subscriber has multiple SLS numbers – Backhaus would still require the use of unique relationship numbers for that subscriber in order to know how to route calls.

A POSITA would not
combine Backhaus and
Winbladh.

'105 Grounds 2, 3, 5, 6

Backhaus relies on the conventional PSTN for routing.

109. Backhaus clearly teaches that call routing is done through the conventional PSTN (or other conventional network such as a cellular network) for calls to both the primary and SLS numbers:

[0032] In general, any call directed to either of the primary phone number or the SLS phone number are transmitted from a third party TD 120 to the subscriber TD 110 by way of communications network 125. Notably, communications network 125 envisions any and all networks for transmitting and terminating communications between telecommunications devices such as, but not limited to, cellular networks, PSTNs, cable networks and the Internet. ...

Ex. 1005 at [0032].

Backhaus is directed to providing cross-carrier functionality.

111. Backhaus also contains multiple teachings that it is directed to providing cross-carrier functionality and to working without coordinating with the subscriber's primary service provider, which a POSITA would understand means Backhaus is designed to work with and across existing phone networks rather than supplanting them:

[0001] This application is a Continuation-In-Part of the currently pending United States application for patent filed on May 7, 2012, entitled SYSTEM AND METHOD FOR PROVISION OF A SECOND LINE SERVICE TO A TELECOMMUNICATIONS DEVICE and assigned Ser. No. 13/466,074, the entire contents of which are hereby incorporated by reference. Priority is also hereby claimed under 35 U.S.C. §119(e) to U.S. provisional application entitled "**CROSS CARRIER** MOBILE DEVICE CLIENT USING DATA CHANNEL FOR SIP CALL," filed on Jun. 17, 2012 and assigned application Ser. No. 61/660,772, the entire contents of which are hereby incorporated by reference.

[0008] Accordingly, what is needed is a system and method for providing a plurality of dedicated phone numbers to a single telecommunications device in such a manner that the user of the device can separate and manage communications on each. Further, what is needed is a system and method for providing a second line service to a device in such a manner that only a single primary phone number is required from the device's primary service provider. Even further, *what is needed is* a system and method for providing a second line service to a device in such a manner that *the second line service can be provided to the subscriber without having to coordinate with the subscriber's primary service provider.*

Ex. 1005 at [0001] and [0008]; *see also id.* at [0121]-[0122] (referencing "cross-carrier" functionality").

Backhaus teaches away from any solution that requires non-standard routing.

112. A POSITA would therefore understand Backhaus to teach the importance of working with and across existing phone networks, and to teach away from any solution that requires coordination or control over conventional phone routing.

Winbladh teaches its own, non-standard routing.

113. Winbladh, however, is exactly the kind of reference a POSITA would understand Backhaus to teach away from. Rather than using the conventional call routing system, a POSITA would understand that Winbladh requires control over the routing system (which would either require replacing the existing telephone network or coordinating with the user's service provider, as Backhaus teaches away from). Specifically, Winbladh makes clear that its system involves a "host resource" that manages multiple call legs, receives the termination request from caller B (in lieu of that termination request being received and processed by the normal network), keeps the call active (in lieu of the normal network terminating the call), receives a call from B to a specified number, provides some backhaul between the re-dialed call from B and the original call leg from A (in lieu of it being routed over the normal network), and then connects those two call legs:

[0056] In FIG. 4, we assume that a two-legged L1, L2 bi-directional primary connection has been set up between the first terminal A and the second terminal B. According to one preferred embodiment of the invention, as soon as such a connection exists, the terminal B may disconnect the second leg L2, reconnect to the host resource 110 at a local-call rate, and reestablish the connection with the terminal A.

[0057] To this aim, the host resource 110 is specifically adapted to receive a termination request from the second terminal B after having set up the bi-directional primary connection L1, L2 between the terminals A and B. In response to such a request, the host resource 110 is further adapted to disconnect the second leg L2 while maintaining the first leg L1 during a threshold period T after having disconnected the second leg L2.

[0058] If a return call to a predefined telephone number βr is received from the second terminal B before expiry of the threshold period T, the host resource 110 is adapted to set up a new second leg L2' and associate this leg with the first leg L1, such that a bi-directional secondary connection L1, L2' is established between the first terminal A and the second terminal B. Naturally, a precondition for this type of secondary connection L1, L2' is that no termination request has yet been received from the terminal A.

Ex. 1020 at [0056]-[0058].

The Reply concedes Winbladh replaces PSTN with Internet routing.

the alleged requirement. (Ex. 1102, 121:10-124:6.) While Dr. Akl said implementing Winbladh would require “replac[ing] major parts of the routing system” and cannot use the existing Internet (*id.*, 121:21-122:7), that contradicts Winbladh, disclosing that using “the **Internet**...to bridge any distances between the communicating parties at a constant and low rate” (Ex. 1020, [0009], [0031]). Flyp’s assertion that Backhaus teaches away from the combination because Backhaus does not “coordinate” with service provider(s) (POR, 37) is also contradicted by Dr. Akl’s admissions during deposition. (Ex. 1102, 118:17-119:15 (acknowledging Backhaus may work with multiple service providers).)

The Reply's collect-call rate theory has no connection to Backhaus.

process. (*Id.*) Winbladh explained an incoming long-distance call (covering both first and second call legs) may be expensive, for example, where “the terminating subscriber [may] be charged a collect-call rate.” (Ex. 1020, [0055]; Pet., 50; Ex. 1020, [0037]; Pet., 47.) By reconnecting the second leg “at a local-call rate,” the terminating subscriber avoids paying an entire long-distance collect call rate. (Ex. 1020, [0056]; Pet., 50; Ex. 1020, [0055] (“allows reduction of the costs for the terminating subscriber”).)

The Petition's local call rate theory does not make sense.

115. The Petition alleges that it would have been obvious because “calls that are long distance or international calls are relatively expensive” and Winbladh permits the second leg call-back to occur at a local rate. Petition at 50. But this does not articulate how, or why, a POSITA would combine Backhaus and Winbladh. A POSITA would understand that in Backhaus, the second leg of the call is between the subscriber and the SLS platform. Because the SLS platform is stationary, the call leg between it and the subscriber will cost the same regardless of which direction the call is placed. A POSITA would understand that the cost of calls is based on the physical path between terminals (e.g., what physical resources are used such as wires or cell towers, what provider networks are passed through, etc.). This cost would be the same in both directions.

The local call theory does not make sense in light of Backhaus' single relationship number system.

118. Additionally, Backhaus provides a single relationship number for a given subscriber, SLS number, and third party contact. Winbladh's system, on the other hand would require constantly regenerating numbers based on the physical location of the user, which can vary significantly, for example if the user is using a cell phone. The Petition does not explain how these features would work together, and having multiple numbers would interfere with Backhaus' database lookups (or would require the addition of different databases for different locations, which would significantly increase the complexity of combining these systems). A POSITA would not be motivated to make this combination given the conflicting teachings regarding the relationship and call-back numbers.

It was not well-known to accept an incoming call by making an outbound call to a bridge number.

119. The Petition also argues that “[i]t was well known to accept an incoming call by making an outbound call to a bridge number.” Petition at 50 (citing Ex. 1021 at [0016]). I disagree. Exhibit 1021 switching between a data mode and a voice mode in accepting an incoming call. Ex. 1021 at [0016]. There is a statement that the wireless device may make an “outbound call to a bridge number,” but one single reference in an unrelated patent application does not support that this was “well known” to a POSITA at the time of the invention. Furthermore, a POSITA would understand this teaching to be irrelevant to both Backhaus (which does not use an outgoing call to a bridge number to connect to an incoming call) and Winbladh (which accepts the call as normal, and only later re-connects to a previously terminated call).

A POSITA would not combine Backhaus and Winbladh.

114. A POSITA therefore would not be motivated to combine Backhaus and Winbladh. They are vastly different systems that operate in different ways, and a POSITA would not find it obvious to combine them. Backhaus is expressly designed to plug into and work with a normal telephone network. Winbladh is the opposite: designed to replace a normal telephone network (or, at a minimum, require cooperation with the service provider of a normal network to add the additional terminate and keep active pending re-dial functionality described in Winbladh).

120. For all the above described reasons, a POSITA would understand that Backhaus and Winbladh are significantly different systems and would not be motivated to combine them. Combining these references would be no simple task and would require significantly more explanation than is provided in the Petition. For example, there is no explanation of how to implement Backhaus' system, which is built based on having fixed relationship numbers, with Winbladh's teaching of changing numbers depending based on the user's location. A POSITA would understand Backhaus teaches away from a system like Winbladh that either supplants normal call routing or requires coordination with a service provider to modify call routing. Thus, a POSITA would not find any attempt to combine these references to make sense or to be easy, predictable, or expected to succeed. A POSITA would therefore not find it obvious to combine Backhaus and Winbladh.

Backhaus-Winbladh does
not render obvious using
the same “switch.”

'105 Grounds 2, 3, 5, 6

Claim 2 requires both call legs use the same “switch.”

[2.a] in response to **an incoming call** to the secondary telephone number received by **a switch**, retrieving, by a server from a database, a first bridge telephone number to be used for completion of the incoming call to the secondary telephone number, wherein the first bridge telephone number is associated with the switch such that calls to the first bridge telephone number are automatically routed to the switch; and

[2.b] transmitting, from the server to the telephone handset via at least one data channel, pre-call information including the first bridge telephone number, whereby the pre-call information allows the telephone handset to accept the incoming call to the secondary telephone number by **making a first bridge call** using the first bridge telephone number to connect the incoming call to the telephone handset via **the switch**.

To obtain cost savings, the Backhaus-Winbladh combination could not use the same “switch.”

122. A POSITA would understand that in order to obtain the cost savings of the proposed construction, the combination would involve reconnecting to a *different* switch. If the call were reconnected at the same switch, then there would be no cost savings because the second call leg would be between the same two endpoints (the subscriber and the same switch), and would therefore cost the same.

123. Thus, a POSITA would understand that in order to achieve the benefit the Petition identifies, a different switch would have to be used, which fails to meet the claim language.

The Reply's new Internet bridging argument confirms that Winbladh "bridges" between different switches.

the alleged requirement. (Ex. 1102, 121:10-124:6.) While Dr. Akl said implementing Winbladh would require "replac[ing] major parts of the routing system" and cannot use the existing Internet (*id.*, 121:21-122:7), that contradicts Winbladh, disclosing that using "the **Internet**...to bridge any distances between the communicating parties at a constant and low rate" (Ex. 1020, [0009], [0031]). Flyp's assertion that Backhaus teaches away from the combination because Backhaus does not "coordinate" with service provider(s) (POR, 37) is also contradicted by Dr. Akl's admissions during deposition. (Ex. 1102, 118:17-119:15 (acknowledging Backhaus may work with multiple service providers).)

Backhaus-Winbladh does
not render obvious
accepting the incoming
call using the bridge
number.

'105 Grounds 2, 3, 5, 6

Claim 2 requires the handset “accept” a call by using the bridge number to connect.

[2.b] transmitting, from the server to the telephone handset via at least one data channel, pre-call information including the first bridge telephone number, whereby the pre-call information **allows the telephone handset to accept the incoming call** to the secondary telephone number **by making a first bridge call using the first bridge telephone number to connect the incoming call to the telephone handset via the switch.**

Winbladh's call-back process is not accepting a call.

128. A POSITA would also understand that Winbladh does not teach this limitation either. The Petition relies on Winbladh's call-back process. Petition at 47-48. Winbladh teaches that this process is to "reestablish" a connection after sending a "termination request":

[0056] In FIG. 4, we assume that a two-legged L1, L2 bi-directional primary connection has been set up between the first terminal A and the second terminal B. According to one preferred embodiment of the invention, as soon as such a connection exists, the terminal B may disconnect the second leg L2, reconnect to the host resource 110 at a local-call rate, and reestablish the connection with the terminal A.

[0057] To this aim, the host resource 110 is specifically adapted to receive a termination request from the second terminal B after having set up the bi-directional primary connection L1, L2 between the terminals A and B. In response to such a request, the host resource 110 is further adapted to disconnect the second leg L2 while maintaining the first leg L1 during a threshold period T after having disconnected the second leg L2.

Ex. 1020 at [0056]-[0057].

Winbladh teaches that the call has already been accepted.

130. Winbladh itself teaches a distinction between “accepting” a call, which relates to the initial call being connected, and “reestablishing” the call, which relates to Winbladh’s call-back process. For example, the following paragraphs all refer to a “call-accept message,” which Winbladh teaches is “acceptance of the call” and which relates to the initial call being connected (before any call-back process occurs):

[0011] According to yet another preferred embodiment of the invention, after having routed said call, the host resource is adapted to set up a bi-directional primary connection between the first terminal and the second terminal after having routed said call provided that a *call-accept message* is generated by the second terminal. Thus, a conventional telephone conversation can be initiated.

[0014] According to another aspect of the invention the object is achieved by the method described initially, wherein a dialing code is received from the first terminal. The dialing code identifies a first common telephone number in the first home telephone network. The first common telephone number, in turn, is adapted to be shared among a first group of users in the first home telephone network. The method involves receiving user data specifying the first network identity, and routing a call from the first terminal to the second terminal based on a unique combination of the first common telephone number and the first network identity. The method also involves setting up a bi-directional primary connection between the first terminal and the second terminal provided that a *call-accept message* is generated by the second terminal. The primary connection is established via at least one interconnecting network of packet switched type.

[0054] The host resource 110 also receives user data specifying the first network identity CLIA. Typically, this data is forwarded automatically along with dialing code #an in the form of a CLI. However, according to one preferred embodiment of the invention, it is also possible to use this service from first terminals A having network identities that are not registered with the host resource 110. Namely, if a call is originated from such a terminal A, the host resource 110 will not find a matching entry in the database 120. As a result, the user of the non-registered first terminal A is prompted to enter a valid first network identity CLIA, for example represented by his/her telephone number. Provided that a matching entry is found for this number, the host resource 110 routes the call to the second terminal B. Normally, this involves generating a page signal P. As mentioned earlier, the call is routed based on the unique combination of the first common telephone number #an and the first network identity CLIA. *Upon acceptance of the call (i.e. reception of a call-accept message*, or off-hook, from the terminal B), a bi-directional primary connection is set up between the first terminal A and the second terminal B. This connection is here denoted L1 and L2, where L1 symbolizes a first leg between the first terminal A and the host resource 110; and L2 symbolizes a second leg between the host resource 110 and the second terminal B.

Ex. 1020 at [0011], [0014], and [0054].

A POSITA would not consider Winbladh's reconnect process to be “accepting” a call.

131. However, for the call-back process, Winbladh describes that functionality as “reestablishing” a connection:

[0056] In FIG. 4, we assume that a two-legged L1, L2 bi-directional primary connection has been set up between the first terminal A and the second terminal B. According to one preferred embodiment of the invention, as soon as such a connection exists, the terminal B may disconnect the second leg L2, reconnect to the host resource 110 at a local-call rate, and *reestablish the connection* with the terminal A.

Ex. 1020 at [0056].

132. Thus, a POSITA would understand Winbladh to teach that the initial connection of the call is “acceptance” (and that connection does not involve the call-back number, which is the alleged bridge telephone number). A POSITA would understand, based both on their knowledge of the art and Winbladh's express teachings, that the call-back functionality is instead reestablishing a connection, but not “accepting the incoming call” as claimed.