

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

ZILKR CLOUD TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2023-00553
Patent 9,210,254

PATENT OWNER'S RESPONSE

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<i>Google Inc. & Twitter, Inc., v. Everymd.com LLC.</i> , No. IPR2014-00347, 2014 WL 2175007 (P.T.A.B. May 22, 2014)	2
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Exhibit List

Ex. No.	Description
2001	Declaration of Theresa M. Dawson, Esq. For Pro Hac Vice Admission
2002	Declaration of Robert Akl, D.Sc.
2003	Ex. A-19 Invalidity Chart (Bodart for '254) (Cisco's Invalidity Contentions in <i>Zilkr v Cisco Systems, Inc.</i> , No. 2:22-cv-00166-JRG-RSP (E.D. Tex.)
2004	Ex. A-1 Invalidity Chart (de Castro 932 for '254) (Cisco's Invalidity Contentions in <i>Zilkr v Cisco Systems, Inc.</i> , No. 2:22-cv-00166-JRG-RSP (E.D. Tex.)
2005	Corrected Declaration of Theresa M. Dawson, Esq. For Pro Hac Vice Admission
2006	Declaration of Vijay K. Madiseti, Ph.D
2007	Claim Construction Order, <i>Zilkr v. Cisco Systems, Inc.</i> , No. 2:22-cv-00166-JRG-RSP, Dkt. No. 121 (E.D. Tex. Aug. 3, 2023)
2008	Deposition of Dr. Henry Houh (Dec. 12, 2023)

Claim Listing

Independent Claim 1	
1.0	A telephone system comprising:
1.1	a database; and
1.2	a server coupled to the database,
1.3	wherein the server is utilized by a first provider to provide a first service to a first user, wherein the first service is telephone service, and wherein the telephone service is associated with a first telephone number;
1.4	wherein the server is configured to: receive a request to provision a second service for the first user,
1.5	wherein the second service is provided by a second provider, and wherein the second provider is different than the first provider;
1.6	responsive to receiving the request: create a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user;
1.7	activate the second service with the second provider utilizing the second ID as a user ID for the first user; and
1.8	associate the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service.

Dependent Claims 2 and 6	
2.0	The telephone system as recited in claim 1, wherein the server is further configured to associate a plurality of services with the first telephone number,
2.1	wherein the plurality of services are provided by a plurality of providers different than the first provider, and wherein the plurality of services are utilized by the first user.
6.0	The telephone system as recited in claim 1, wherein the second service is a conferencing application, voice attendant application, or text messaging application.

Independent Claim 7	
7.0	A method comprising:
7.1	providing a first service to a first user by a first provider, wherein the first service is telephone service, and wherein the first user has a first telephone number;
7.2	receiving a request to provision a second service for the first user, wherein the second service is provided by a second provider, and wherein the second provider is different than the first provider;
7.3	responsive to receiving the request: creating a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user;
7.4	activating the second service with the second provider utilizing the second ID as a user ID for the first user; and
7.5	associating the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service.

Dependent Claims 8 and 12	
8.0	The method as recited in claim 7, further comprising associating a plurality of services with the first telephone number,
8.1	wherein the plurality of services are provided by a plurality of providers different than the first provider, and wherein the plurality of services are utilized by the first user.
12.0	The method as recited in claim 7, wherein the second service is a conferencing application, voice attendant application, or text messaging application.

Independent Claim 13	
13.1	A non-transitory computer readable storage medium comprising program instructions, wherein when executed the program instructions are operable to:
13.1	provide a first service to a first user by a first provider, wherein the first service is telephone service, and wherein the first user has a first telephone number;
13.2	receive a request to provision a second service for the first user, wherein the second service is provided by a second provider, and wherein the second provider is different than the first provider;
13.3	responsive to receiving the request: create a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user;
13.4	activate the second service with the second provider utilizing the second ID as a user ID for the first user; and
13.5	associate the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service.

Dependent Claim 14	
14.0	The non-transitory computer readable storage medium as recited in claim 13, wherein the program instructions are further operable to associate a plurality of services with the first telephone number,
14.1	wherein the plurality of services are provided by a plurality of providers different than the first provider, and wherein the plurality of services are utilized by the first user.

I. Introduction

Zilkr Cloud Technologies, LLC, the owner of U.S. Patent No. 9,210,254 (“the ’254 Patent”), submits this Response to the Petition of Cisco Systems, Inc. (“Petitioner”) challenging the validity of Claims 1, 2, 6-8, and 12-14 the ’254 Patent (“Challenged Claims”).

Petitioner’s grounds fail on the merits for multiple reasons. As examples, each of the Challenged Claims requires a “request to provision a second service for the first user” and “responsive to receiving the request: ... activate the second service with the second provider utilizing the second ID as a user ID for the first user.” A “request to provision” in the ’254 Patent involves a user request to add a new service, including by activating a new subscription or account for the new service. Petitioner’s theories relate instead to merely accessing or logging into an existing service, rather than requesting to provision a new service or activating a new subscription or account for the service. The Petition fails to show that the cited references teach or suggest numerous other limitations of the Challenged Claims.

Patent Owner submits the Declaration of Dr. Vijay Madisetti in support, and requests that the Board determine Petitioner has not met its burden to show that any Challenged Claim is unpatentable.

II. Related Proceedings In The District Court (Mandatory Notice Under 37 C.F.R. § 42.8)

The '254 Patent is involved in *Zilkr Cloud Technologies, LLC v. Cisco Systems, Inc.*, 2:22-cv-00166-JRG-RSP (E.D. Tex.) (“Texas Litigation”). Deadlines in the case are stayed pending the outcome of IPR proceedings at the Board. The '254 Patent was also involved in *Zilkr Cloud Technologies, LLC v. RingCentral, Inc.*, 3:21-cv-02807-S (N.D. Tex.), which was terminated on April 12, 2022.

III. Standards

Petitioner must prove unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e); *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1375-77 (Fed. Cir. 2016).

A. Petitions Based on Obviousness

A petition based on obviousness, which all grounds raised by Petitioner are, must “meaningfully” address the first two *Graham* factors: (i) the scope and content of the prior art, and (ii) any differences between the claimed subject matter and the prior art. *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966). It is not the Board’s (or Patent Owner’s) role to “sift through the information” provided with a petition to identify the differences between a challenged claim and the prior art. *Google Inc. & Twitter, Inc., v. Everymd.com LLC.*, No. IPR2014-00347, 2014 WL 2175007, at *11 (P.T.A.B. May 22, 2014).

To assert obviousness by combining prior art references, Petitioner must prove that: (1) a motivation to combine the references exists; and (2) a POSITA would have had a reasonable expectation of success in combining the references. *Apotex Inc. v. Wyeth LLC*, IPR2014-00115, Paper 94 at 11 (P.T.A.B. Apr. 20, 2015) (“A party that petitions the Board for a determination of obviousness must show that ‘a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had reasonable expectation of success in doing so.’”).

B. Claim Construction

In an *inter partes* review filed on or after November 13, 2018, claim terms are construed based on their ordinary and customary meaning. 37 C.F.R. § 42.100(b). The Board “need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’” *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (citing *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)); *see also* Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340, 51,353 (Oct. 11, 2018) (Final Rule) (“Moreover, it also may not be necessary to determine the exact outer boundary of claim scope because only those terms that are in controversy need

be construed, and only to the extent necessary to resolve the controversy (e.g., whether the claim reads on a prior art reference).” (citing *Nidec*)).

IV. The '254 Patent Presents A Novel System And Method For Enabling The Telephone Number As A Platform For The Association Of IP-Enabled Services With Telephone Services

The '254 Patent, entitled “Unified Services Platform Using a Telephone Number as a Common Subscriber Identifier,” was filed on November 22, 2013, and issued on December 8, 2015. Ex. 1001 at 1. The '254 Patent claims priority to provisional application No. 61/888,856, filed on October 9, 2013. The '254 Patent “relates generally to integrating communications services, and in particular to managing services and applications using telephone numbers as common subscriber identifiers.” Ex. 1001, 1:16-19.

According to the '254 Patent, “telecommunications service providers still have large numbers of customers with traditional analog telephone service,” whose “telephone number remains the universal identifier (ID) for communicating with the outside world.” *Id.*, 1:21-26. With the availability of new technologies and services, “increasing numbers of customers wish to add services and applications to their existing telephone service,” but “many services and applications are supplied by third-party providers in different ecosystems,” which oftentimes “use different types of IDs and have different rules and policies for managing and activating their services and applications.” *Id.*, 1:27-33. For example, “if a user activated 10 different

services from 10 different providers, the existing prior art techniques would require the user to use 10 different telephone numbers to activate these 10 services.” *Id.*, 10:60-63. The ’254 Patent solves these issues by allowing the user “to use a single telephone number to associate with these 10 different services.” *Id.*, 10:63-65.

Figure 1 (shown below) describes an embodiment of an end user client connecting to a communications network:

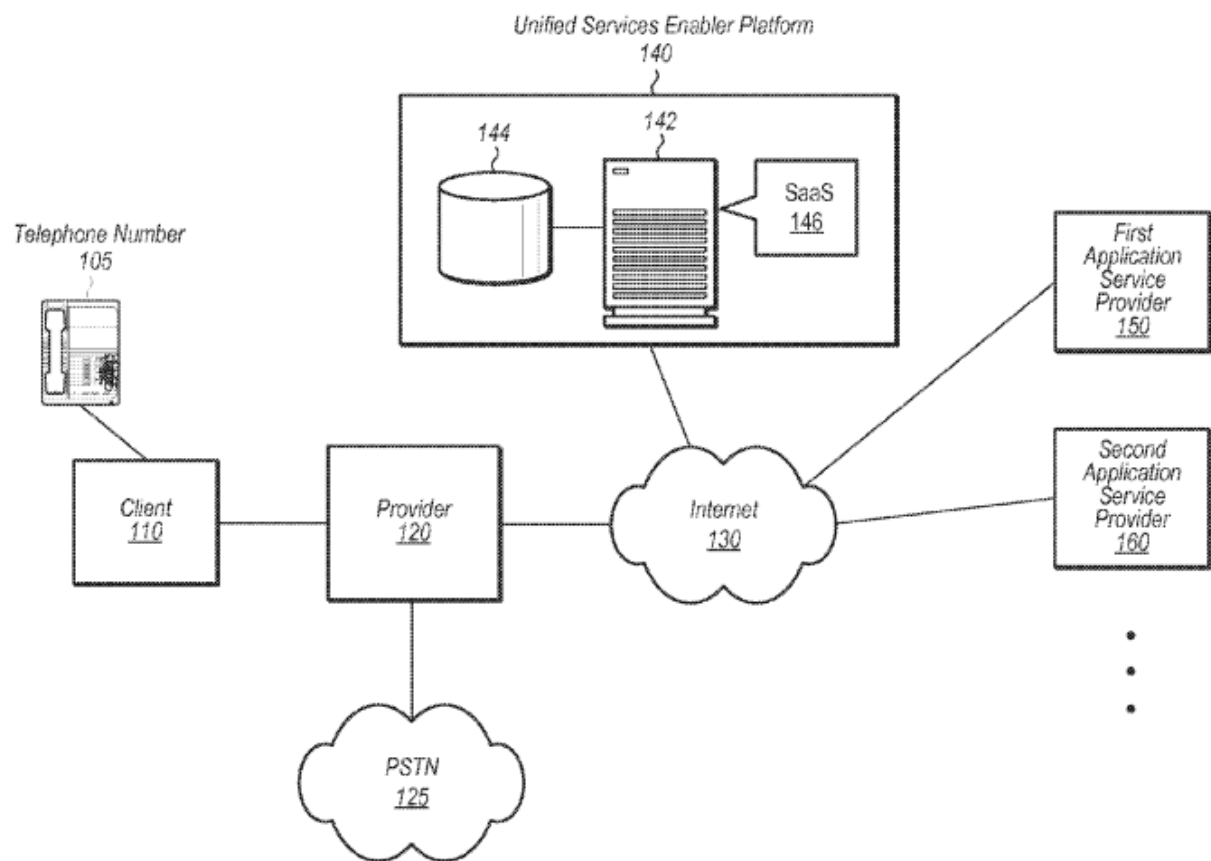


FIG. 1

Id., Fig. 1. “Client **110** may subscribe to a standard telephone service provided by provider **120**, and the telephone service may be associated with telephone number **105**.” *Id.*, 3:35-37. Client **110** may request to add services and applications

from another application service provider (e.g., first application service provider **150** and/or second application service provider **160**) to the existing telephone service provided by provider **120**, such as “video conferencing, text messaging, interactive texting, hosted private branch exchange (PBX) seats, voice mail systems, and other services and applications.” *Id.*, 3:53-61.

First application service provider **150** and second application service provider **160** “may be part of a first ecosystem with a first identifier (ID) for each user and using a first application programming interface (API) for selecting and activating apps,” and “a second ecosystem with a second ID for each user and using a second API for selecting and activating apps,” respectfully. *Id.*, 3:65-4:4. “[T]he first and second ecosystems may not be compatible and may require separate IDs (for the same customer) and may have different types of rules and APIs for accessing, provisioning, and using their various services.” *Id.*, 4:4-13.

Unified services enabler platform **140**, which may be coupled to provider **120** via internet **130**, “may be configured to unify all of the available services and applications in a single platform that is associated with a single ID to identify client **110**.” *Id.*, 4:14-18. For example, “[r]ather than using an identifier such as an email address or a completely separate identifier, unified services enabler platform **140** may associate the various services and applications provided to client **110** with telephone number **105**.” *Id.*, 4:18-22. Unified services enabler

platform **140** may include software and/or hardware for performing the various tasks to configure and provision a variety of services and applications and associate them with telephone number **105**. *Id.*, 4:32-35.

Client **110** may request to provision another application by selecting it from a catalog in the portal for platform **140**. *Id.*, 5:6-8. In response to detecting this selection, “platform **140** may collect the relevant data from client **110** which the [selected] application needs to function properly for client **110**.” *Id.*, 5:8-11. Platform **140** activates the selected application by sending a standardized data notification to both provider **120** and the selected application provider. *Id.*, 5:16-33. Provider **120** and the selected application provider “may translate the information into appropriate systems, databases, and/or internally relevant systems required to allow telephone number **105** of client **110** to function with the [selected] application.” *Id.*, 5:21-25.

V. Overview Of The Relevant Alleged Prior Art

A. Bodart (Ex. 1005)

Bodart,¹ entitled “Virtual Assistant,” was filed on August 19, 2005, and published on February 22, 2007. Ex. 1005 at 1. Bodart is directed to “personal productivity systems” (i.e., a virtual assistant), which “provide[] for the integration

¹ Ex. 1005, U.S. Patent Application Pub. No. 2007/0043687 (“Bodart”).

of personal and public information to enable more productive individuals by automating routine tasks.” Ex. 1005, ¶ 1.

Figure 1 below “depicts one possible set of components of a virtual assistant 101,” which is “software designed to simplify, streamline and enhance the often repetitive activities which occupy the daily lives of many people”:

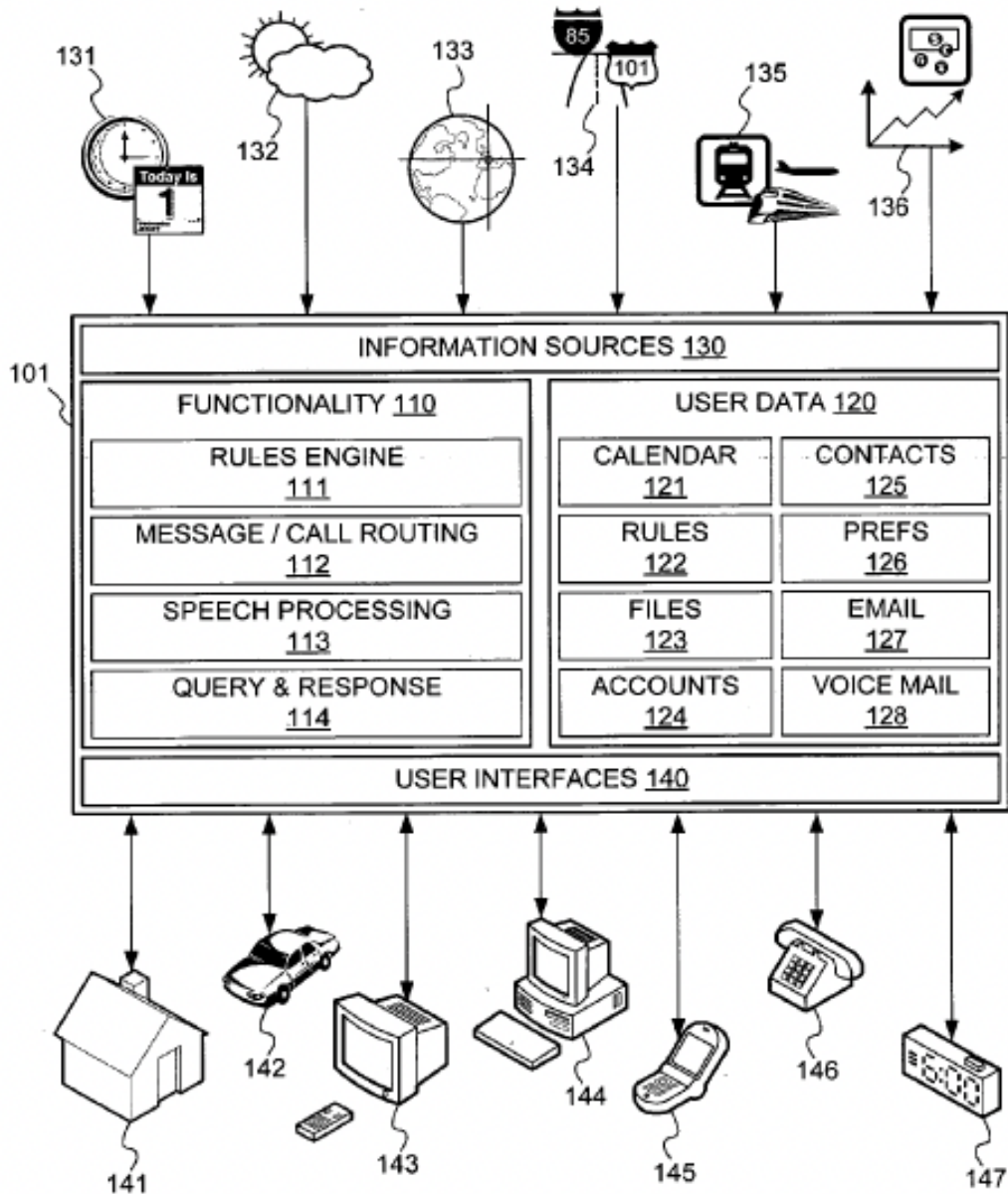


FIG. 1

Id., ¶ 20; Fig. 1. The “virtual assistant” software “may interact with a user via any number of interfaces 140,” “is able to retrieve data from a variety of information sources 130, in part to augment its ability to make decisions on the user’s behalf,” and “may include the ability to access user data 120, combined with technical

functionality 110, to assist the user and make the most accurate decisions possible.”

Id. Virtual assistant 101 functions may be performed by a single device or by multiple devices in communication with each other. *Id.*

User data 120 may be available to virtual assistant 101 either through its own user interface and data storage, or by an electronic interface with the data and functions of other existing software packages. *Id.* User data may include “contact information 125, the equivalent of a software rolodex, where users can store contact email addresses and phone numbers, along with other information” and “a set of rules for use with rules engine 111, setting forth the logic used by virtual assistant to aid the user.” *Id.*, ¶ 21.

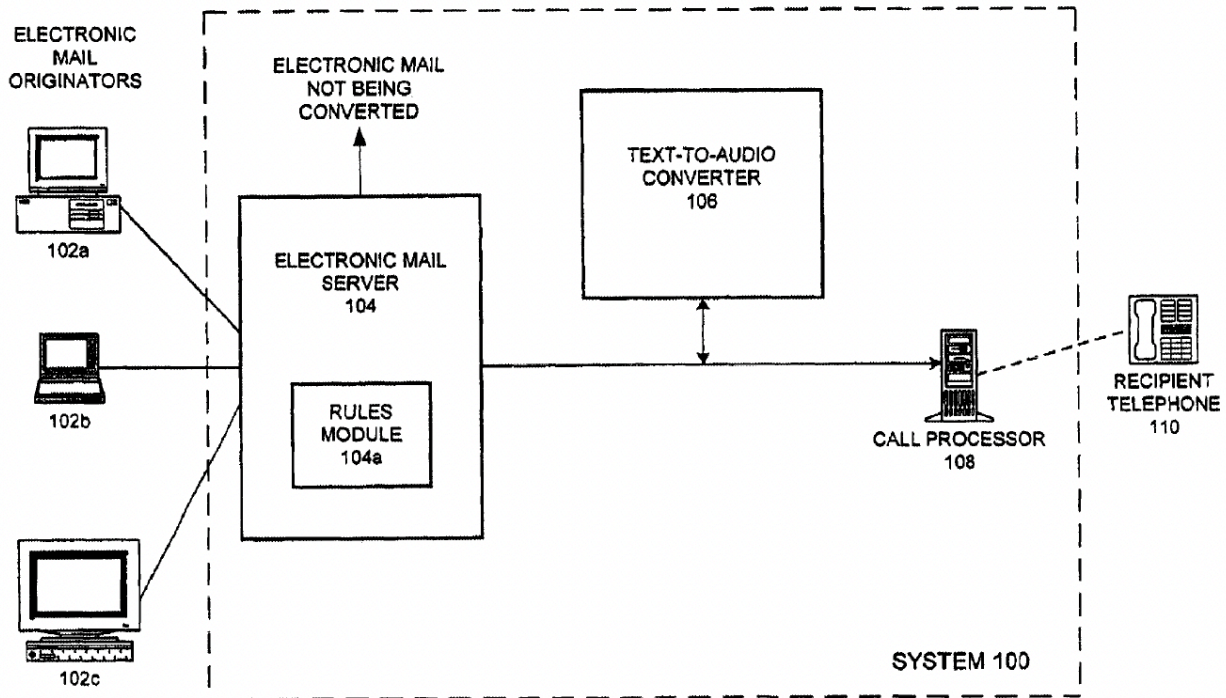
“Rules engine 111 takes user-created rules, which may be represented as a series of textual if-then-else statements, and translates them into a series of actions.” *Id.*, ¶ 24. “Technologies such as voice over internet protocol (VoIP) may enable call routing functionality 112, where telephone conversations are converted to binary data which can be routed via a computer network such as the Internet.” *Id.*, ¶ 25. In addition, message & call routing 112 “may enable virtual assistant 101 to intercept incoming telephone calls, instant messages, and other real time communication requests.” *Id.* “Based on the rules set forth for rules engine 111, calls may be selectively routed to a user based on the current context of date, time, user location, and so forth.” *Id.*

B. Banister (Ex. 1006)

Banister,² entitled “System and Method for Converting Electronic Mail Text to Audio for Telephonic Delivery,” was filed on July 14, 2000, and issued on September 16, 2003. Ex. 1006 at 1. Banister is directed to a system and method for receiving an electronic mail message, retrieving a telephone number associated with the intended recipient, converting the email message to audio, establishing a telephonic connection with the recipient, and playing an audio form of the message text to the recipient. *Id.*, 1:51-57.

Figure 1 below “depicts a system for converting an electronic mail message into an audio message for delivery via telephone according to one embodiment of the invention”:

² Ex. 1006, U.S. Patent No. 6,621,892 (“Banister”).



System 100 “includes an electronic mail gateway or server 104 that receives electronic mail messages from electronic mail originators such as originators 102a, 102b, 102c,” a “text-to-audio converter 106 for converting the text of all or part of an electronic mail message to audio form, and one or more call processors (e.g., call processor 108),” which “use[] a telephone number provided by server 104 to set up a call to a recipient” and “then play[] the audio information received from electronic mail server 104 and/or text-to audio converter 106 to the recipient.” *Id.*, 3:36-50, 5:51-56.

According to Banister, “messages received at the system for conversion to audio and delivery via a telephone call may include addresses in the form of prefix@domain.” *Id.*, 6:50-53. The system of Banister “may use the prefix to search

a list or database of registered accounts or users.” *Id.*, 6:65-66. “The telephone number derived from the prefix of the message address or located by searching a database for the prefix is passed to a call processor . . . [and used] to set up a call to the addressee.” *Id.*, 7:50-54. “The call processor builds and places a telephone call to the message addressee using the telephone number received from the mail server.” *Id.*, 8:8-10. When the call is answered by the message addressee, the “call processor plays an audio message including any or all of an identity of the originator of the electronic mail message, the subject of the message, the body of the message and an audio attachment.” *Id.*, 8:29-32.

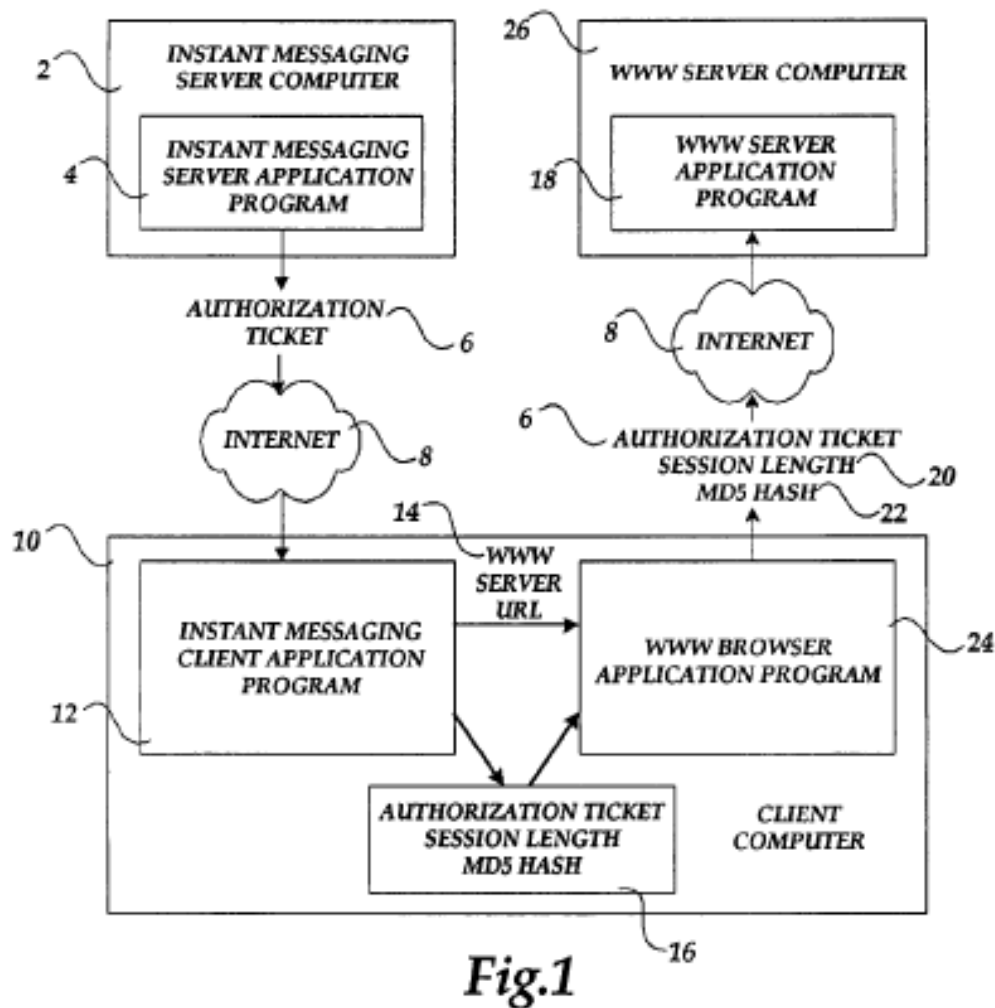
C. **Dharmarajan (Ex. 1007)**

Dharmarajan,³ entitled “Method and System for Authorizing a Client Computer to Access a Server Computer,” was filed on August 29, 2000, and issued on August 8, 2008. Ex. 1007 at 1. Dharmarajan is directed to “a method and system for providing authorization to access to a second computer system based upon previously provided authorization to access to a first computer system that does not require a user to provide login information more than once.” *Id.*, 2:1-8.

Figure 1 below depicts “an illustrative operating environment for an embodiment of the present invention” and includes “a client computer 10, an instant

³ Ex. 1007, U.S. Patent No. 7,089,585 (“Dharmarajan”).

messaging server computer 2, and a Web server computer 26 are each connected to the Internet 8”:



Id., 4:14-19; Fig. 1. The client computer 10 executes an instant messaging client application program 12, which communicates through the Internet 8 with an instant messaging server application 4 executing on the instant messaging server computer 2.” *Id.*, 4:44-52. “The client computer 10 also executes a Web browser application program 24, such as Internet Explorer.” *Id.*, 4:56-58.

The instant messaging client application program 12 utilizes “a sophisticated secure login mechanism” to gain access to the instant messaging server application program 4, in which “the instant messaging server application program 4 transmits an encrypted authentication ticket 6 to the client computer 10 when authorization is provided to the client computer 10 to access the instant messaging server computer 2.” *Id.*, 5:4-12. The authentication ticket 6, which “contains a time stamp indicating the time at which the authentication ticket was created and transmitted to the client computer 10, . . . is stored by the client computer 10 for subsequent use in accessing the Web server computer 26.” *Id.*, 5:12-16.

To allow a user of the instant messaging server application program 4 to “quickly gain access” to a Web-based application, such as to access “their Web-based e-mail account with the HotMail service,” the “instant messaging client application program 12 may provide a menu item, button, or other user interface item for quickly accessing the Web server computer 26.” *Id.*, 5:24-34. In response to the selection of this user interface item, “the client computer 10 may gain authorization to access to the Web server computer 26 based upon the previously provided authorization to access the instant messaging server computer 2 . . . by first determining the session length of the communications session with the instant messaging server computer 2 . . . [and] then concatenate[ing] the authorization ticket received from the instant messaging server computer 2, the session length, and a

shared secret stored at the client computer 10.” *Id.*, 5:39-46. “The shared secret comprises a secret such as a user login, e-mail address or password, that is shared between the client computer and the Web server computer.” *Id.*, 5:46-49. A hash function is applied to the concatenated data “to determine a unique hash value,” and “[t]he authorization ticket, session length, and hash value are then stored in a file 16 on the client computer 10 in a location that is accessible to the Web browser application program 24.” *Id.*, 5:49-54.

“The instant messaging client application program 12 causes the Web browser application program 24 to be executed on the client computer and provides a Uniform Resource Locator (‘URL’) corresponding to the Web server computer 26.” *Id.*, 5:55-59. It “also causes the Web browser application program 24 to post the file 16 containing the authorization ticket, session length, and hash value to the Web server application program 18 as a part of a request for authorization to access the Web server computer 26.” *Id.*, 5:59-64.

D. de Castro (Ex. 1008)

de Castro,⁴ entitled “System and Method for Telephony and Communication Services with Message-Base API,” was filed on July 20, 2011, and published on January 19, 2012. Ex. 1008 at 1. de Castro is directed to a communication

⁴ Ex. 1008, U.S. Patent Application Pub. No. 2012/0016932 (“de Castro”).

application server with a unified framework for call control and media control, which “supports a unified API having class objects and functions conforming to a telephony object model.” *Id.*, ¶ 38. In particular, the method and system of de Castro enables an application script to pass commands to the communication application server to operate it, which “allows application scripts to be processed remotely by appropriate scripting engines.” *Id.*

Figure 14 below illustrates de Castro’s network architecture, comprising a service domain 201 and a customer/developer domain 601:

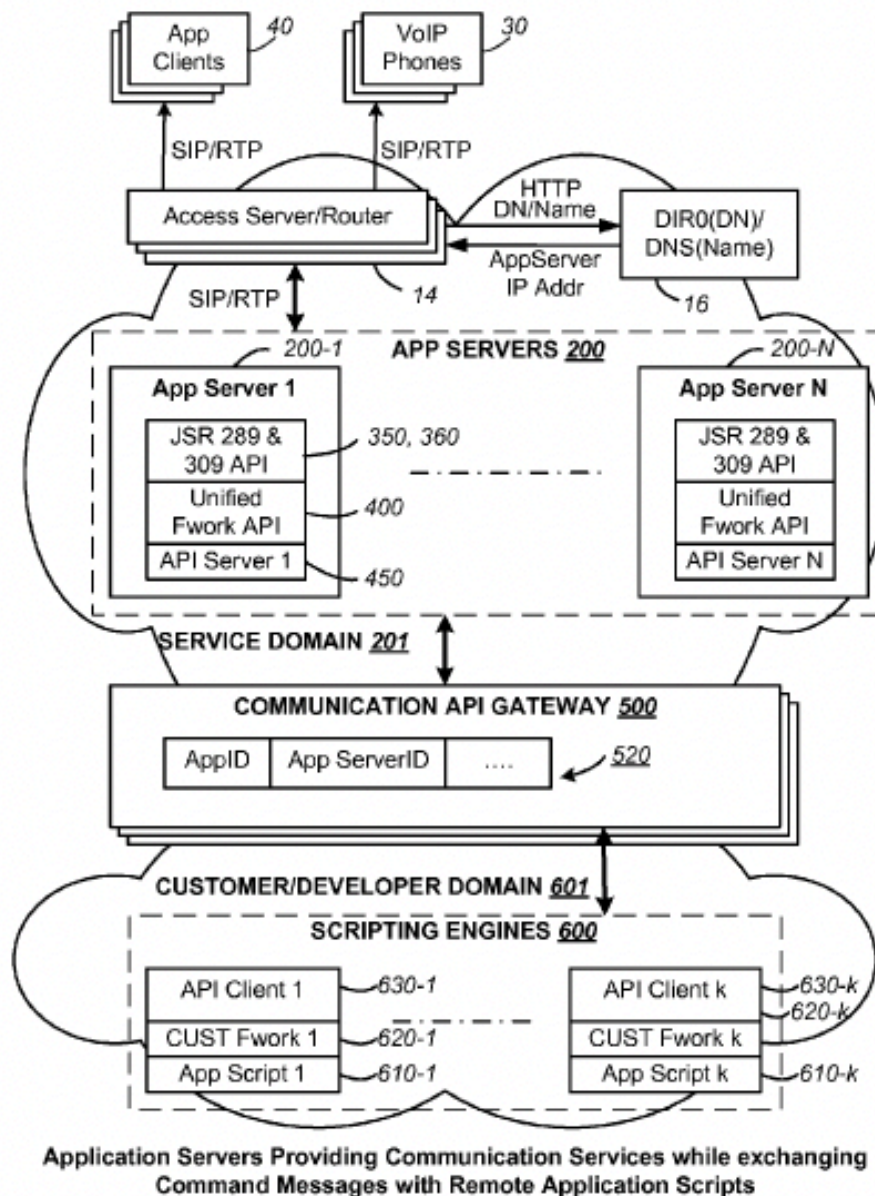


FIG. 14

Id., Fig. 14. The service domain includes a plurality of communication application servers 200 (App Server 1 to App Server N), which “provide telephony and communication services to applications and allows application clients 40 such as, for example, VoIP phones to access the applications hosted in the communication application servers.” *Id.*, ¶ 115.

Application clients, such as VoIP phones 30, are “able to access a specific communication application by calling a dialed number or an URL.” *Id.*, ¶ 116. “The call is routed by an access server/router 14 into the IP network 10 to one of the communication application servers 200, such as App server 1,” “by looking up a directory service DIR016 with the IP address/dialed number in order to return the address of the communication application server executing the specific communication application.” *Id.*

“Each communication application server 200 comprises a virtual machine for executing codes with access to the unified communication API of the unified communication framework 400,” which is a “further abstraction of a basic call control API and media control API.” *Id.*, ¶ 117. In the customer/developer domain 601 is a plurality of scripting engines 600 “for the customers to host and process the customers application scripts 610.” *Id.*, ¶ 119. “For example, a customer 1 has the scripting engines 600 host and process[es] an application script such as App Script 1 610-1.” *Id.* An API client 630, such as API client 1 630-1, interprets the App Script and “renders it in terms of the commands of the finite set defined at the API server 450 of the communication application server 200.” *Id.* The API client 630 then packages the commands as messages in accordance with the messaging API protocol to be sent to a connected communication application server 200, such as App server 1 200-1. *Id.* One or more communication API gateway 500 “is deployed on

the network to serve as a messaging broker between the plurality of customers with application scripts in the customer/developer domain 601 and the group of communication application servers 200 in the service domain 201.” *Id.*, ¶ 120.

VI. Level of Ordinary Skill in the Art

Petitioner defines a POSITA as having “a bachelor’s degree in electrical engineering, computer science, computer engineering, or equivalent, and two years of relevant experience in telecommunications and networking,” but that “[l]ack of professional experience can be remedied by additional education, and vice versa.” Pet. 11-12.

A POSITA would have a bachelor’s degree in electrical engineering, computer engineering, and/or computer science and experience with computer software development, particularly for telecommunications related applications. Extensive experience and technical training may substitute for educational requirements, and advanced education may substitute for experience. Ex. 2006, ¶ 43.

VII. Claim Construction

Patent Owner provides arguments herein on the scope of certain claim terms in relation to Petitioner’s challenges. Patent Owner does not propose a comprehensive construction, as it would not be necessary to resolve the controversy and determine that Petitioner has not met its burden to show unpatentability of any challenged claim.

The district court has construed “routing and interworking data necessary to utilize the second service” to have its plain and ordinary meaning. Ex. 2007 at 18.

VIII. Petitioner’s Proposed Obviousness Challenges

Ground	’254 Patent Claims	Type	Reference(s)
1	1-2, 6-8, and 12-14 ⁵	§ 103	Bodart in view of Banister and Dharmarajan
2	1-2, 6-8, and 12-14	§ 103	de Castro

IX. Ground 1: Petitioner Failed To Show That Bodart In View Of Banister And Dharmarajan Renders Obvious Claims 1-2, 6-8, and 12-14

Petitioner relies on the combination of Bodart in view of Banister and Dharmarajan to purportedly render obvious the Challenged Claims of the ’254 Patent in Ground 1. But, as discussed below, Petitioner has not established by a preponderance of the evidence that its combination renders obvious any of the Challenged Claims. For these and the reasons stated below, Ground 1 fails.

A. Petitioner Has Not Shown That Bodart in View of Banister and Dharmarajan Renders Obvious Claim 1

The Petition fails to show by a preponderance of the evidence that Bodart in view of Banister and Dharmarajan teaches at least the following claim limitations.

⁵ Petitioner identifies claims 1, 2-6, and 12-14 in Section XIB of its Petition, but argues throughout its Petition that the Challenged Claims include claims 1-2, 6-8, and 12-14 for both Ground 1 and Ground 2.

1. Claim Element [1.3]: “wherein the server is utilized by a first provider to provide a first service to a first user, wherein the first service is telephone service, and wherein the telephone service is associated with a first telephone number”

Petitioner argues that Bodart’s virtual assistant 101 “includes ‘*a server*’ [that is] ‘*utilized*’ to provide ‘*telephone service*’ (e.g., receiving and directing telephone calls) to the user 201 (‘*a first user*’).” Pet. 31. Petitioner also argues that “it would have been obvious that the telephone service would be provided to the user by a telephone service provider,” and provides examples of telephone carriers such as AT&T, Verizon, and Sprint. *Id.* But the claims require that the “server” is utilized by a first provider to provide telephone service. *See, e.g.*, Ex. 1001, cl. 1.

Nothing in the Petition or in Petitioner’s expert declaration shows that Bodart’s purported “server” is “utilized by a first provider to provide a first service to a first user, wherein the first service is telephone service.” *See* Ex. 2006, Declaration of Dr. Vijay Madiseti, ¶¶ 69-76. Petitioner argues that the server “is ‘utilized’ to provide ‘telephone service,’” but the Petitioner does not show that the server is “utilized by” a first provider, as required by the claim. Pet. 31. That the virtual assistant can “receive and direct calls” does not meet the claim limitations. Indeed, it would be impractical for a telephone service provider to “utilize” Bodart’s personal virtual assistant, especially when a POSITA would understand that there is no reason to do so to “intercept” and “forward” phone calls and instant messages on behalf of individual users. Ex. 2006, ¶ 76. A POSITA would further understand that

“intercepting” and “forwarding calls” is not providing a telephone service to a first user. *Id.*

The Board’s Decision on Institution (“DI,” Paper 11) finds Dr. Houh’s testimony adequate for purposes of institution, and “encourage[s] the parties to more fully develop a record that would further explain how a ‘*first provider*,’ such as Verizon, AT&T, or Sprint, would go about ‘*utilizing*’ the ‘*server*’ of Bodart’s ‘virtual assistant’ to provide ‘*telephone service*’ to a ‘*first user*.’” DI at 36, n.4. Patent Owner respectfully submits that the Board’s Institution Decision supplies arguments for Petitioner that are not fairly contained in the Petition or even Dr. Houh’s declaration and that any new theory or evidence from Petitioner would be improper and belated. *See* Consolidated Trial Practice Guide 73 (Nov. 2019) (“Petitioner may not submit new evidence or argument in reply that it could have presented earlier, e.g. to make out a prima facie case of unpatentability.”); *Wasica Fin. GmbH v. Cont’l Auto. Sys., Inc.*, 853 F.3d 1272, 1286 (Fed. Cir. 2017) (“We also are unpersuaded by Continental’s attempts to cure the petition’s deficiencies in its subsequent briefing to the Board and to us.” (citing *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016))).

The Petition contains carefully worded piecemeal assertions that fail to even allege that the prior art teaches limitation [1.3] as a whole. Limitation [1.3] requires “*wherein the server is utilized by a first provider to provide a first service to a first*

user, wherein the first service is telephone service, and wherein the telephone service is associated with a first telephone number.” The Petition alleges that (1) Bodart’s “virtual assistant 101, which includes ‘a server’ . . . , is ‘utilized’ to provide ‘telephone service’ (e.g., receiving and directing telephone calls) to the user 201 (‘a first user’)” (Pet. 31, in paragraph that begins “First”); (2) “a POSITA would have found it obvious that the telephone service would be provided to the user by a telephone service provider” (Pet. 31, in paragraph that begins “Second”), and (3) the telephone service is associated with a telephone number (Pet. 31-32, in paragraph that begins “Third”). The Petition’s use of the passive voice intentionally does not specify an entity that utilizes Bodart’s virtual assistant; nowhere does the Petition even allege that it would have been obvious for the telephone service provider to utilize the virtual assistant to provide telephone services. This failure is fatal to the Petition.

The Board’s Institution Decision attempts to fill in these gaps for Petitioner. Whereas the Petition relied on Bodart’s virtual assistant receiving and directing calls and messages, Pet. 31, the Board emphasizes Dr. Houh’s testimony that Bodart’s virtual assistant may “initiate” telephone calls, DI at 36. But the ability to initiate a call also does not mean a telephone service provider utilizes Bodart’s virtual assistant. A POSITA would understand that Bodart’s virtual assistant would initiate a call on behalf of the user using the user’s telephone without the telephone service

provider utilizing the virtual assistant. Ex. 2006, ¶ 79. A POSITA would further understand that providing a user the ability for Bodart's virtual assistant to initiate calls with the user's telephone and service, like "intercepting" and "forwarding calls," is not providing a telephone service to a first user by a "telephone service provider." *Id.*

The Institution Decision also incorrectly characterizes Dr. Houh's testimony, stating that Dr. Houh "testifies that the telephone service provider's use of a virtual assistant server to provide telephone service to Bodart's user is analogous to a telephone service provider's historical use of landline telephones to provide telephone service to users." DI at 36 (citing Ex. 1003, ¶¶ 100-101). That is not the testimony of Dr. Houh. Unlike the prior two sentences of the Board describing Dr. Houh's testimony, this sentence of the Institution Decision is unable to quote Dr. Houh, and instead only cites to paragraphs 100-101 of Dr. Houh's declaration. These paragraphs state:

100. By providing the ability to receive, route, and initiate calls, the virtual assistant is "*utilized*" to provide "*telephone service to the first user.*"

101. Further, it would have been obvious to a POSITA that the telephone service would be provided by a telephone service provider ("*first provider*"). Fig.1 above shows a conventional telephone 146. It

was well-known that telephone companies or carriers provided telephone service for use by conventional, landline telephones. *See, e.g.,* Swope, p. 2, col. 2, ll. 80-84 (“...without cutting or in any way interfering with the telephone company’s installation.”); Prince, p. 1, col. 2, ll. 5-6 (“...the telephone company uses only a few of the numbers from 1 to 0”); Pegaz-Paquet, [0106] (example local and long-distance telephone carriers include Verizon, AT&T, and Sprint). Thus, it would have been obvious that the virtual assistant 101, which includes “*a server,*” is “*utilized by a first provider to provide a first service to a first user, wherein the first service is telephone service.*”

Thus, Dr. Houh is testifying that one of skill in the art would understand that a telephone carrier would provide the telephone service for the landline telephone shown in Bodart’s Figure 1 to use, which the virtual assistant is connected to, and concludes from this that the claim limitation is met: “[t]hus, it would have been obvious that the virtual assistant 101, which includes ‘*a server,*’ is “*utilized by a first provider to provide a first service to a first user, wherein the first service is telephone service.*” Ex. 2006, ¶¶ 80-81.

Dr. Houh nowhere states that a telephone service provider uses Bodart’s virtual assistant. Accordingly, Dr. Houh also does not provide any reasoning or motivation to modify Bodart such that a telephone service provider would use

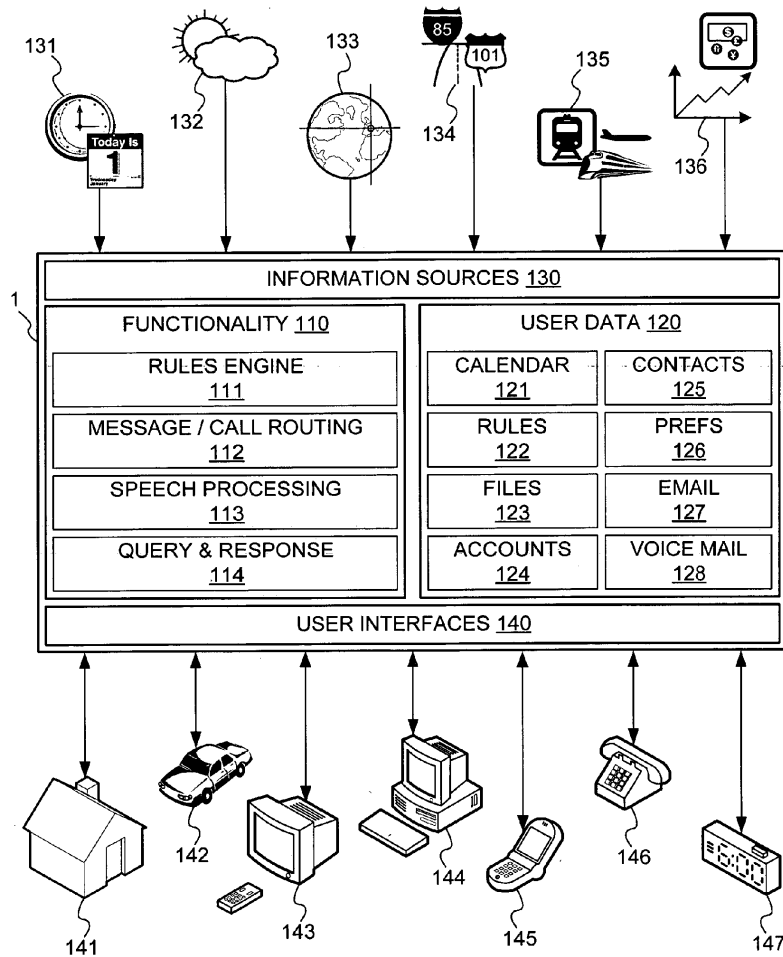
Bodart’s virtual assistant to provide telephone service, or why one of ordinary skill in the art would have a reasonable expectation of success in doing so. The Petition’s lack of explanation for how to modify Bodart in this way, lack of reasoning or a motivation to modify Bodart in this way, and lack of explanation for a reasonable expectation of success, is fatal to the Petition, even if Dr. Houh’s declaration could be interpreted to suggest this theory. *See, e.g., TQ Delta, LLC v. Cisco Sys., Inc.*, 942 F.3d 1352, 1359 (Fed. Cir. 2019) (“‘[A] conclusory assertion with no explanation is inadequate to support a finding that there would have been a motivation to combine’ because ‘[t]his type of finding, without more, tracks the *ex post* reasoning *KSR* warned of and fails to identify any actual *reason* why a skilled artisan would have combined the elements in the manner claimed.’” (quoting *In re Van Os*, 844 F.3d 1359, 1361-62 (Fed. Cir. 2017))). Patent Owner reiterates that neither the Petition nor Dr. Houh’s declaration is fairly interpreted to advance this theory, and the absence of reasoning for modifying Bodart in this way (and a reasonable expectation of success in doing so) is further evidence that the Petition does not rely on this theory.

The reasoning from the Institution Decision—which is not presented in the Petition nor in Dr. Houh’s declaration—is also not sufficient to support the contention that it would have been obvious for a telephone service provider to use Bodart’s virtual assistant to provide telephone service to Bodart’s user. According to the Institution Decision, “Dr. Houh further testifies that the telephone service

provider's use of a virtual assistant server to provide telephone service to Bodart's user is analogous to a telephone service provider's historical use of landline telephones to provide telephone service to users." DI at 36. In addition to nowhere stating that such use would be "analogous," Dr. Houh also does not state that telephone service providers historically *used landline telephones* to provide telephone service. Instead, Dr. Houh stated that "[i]t was well-known that telephone companies or carriers provided telephone service *for use by conventional, landline telephones*." Houh Decl. ¶ 101 (emphasis added). Thus, it would not be "analogous," as incorrectly asserted by the Board to have been Dr. Houh's testimony, for a telephone company to use Bodart's virtual assistant to provide telephone services. In addition, the mere existence of landline phones and telephone service providers is not sufficient to explain why one of skill in the art would have been motivated to have a telephone service provider use Bodart's virtual assistant to provide telephone services. Ex. 2006, ¶ 83.

Because neither Petitioner nor the Board have articulated how a telephone service provider such as Verizon, AT&T, or Sprint would use Bodart's virtual assistant or articulated any reasoning for doing so, Patent Owner cannot effectively respond to such reasoning. To the extent the Institution Decision suggests to Petitioner that it may have been obvious for a telephone carrier to provide its customers with Bodart's virtual assistant and operate or control it, one of ordinary

skill in the art would not have been motivated to do so. Ex. 2006, ¶ 84. Bodart's virtual assistant is for "assisting a user with a variety of tasks," not only those related to telephone calls. Ex. 1005, Abstract. Bodart "relates generally to personal productivity systems," and "provides for the integration of personal and public information to enable more productive individuals by automating routine tasks." Ex. 1005, ¶ 1. The background for Bodart's virtual assistant is "personal productivity software," which Bodart explains began with "basic email clients," and "has grown to include a variety of other 'desktop' applications, replacing paper calendars, rolodexes, and task lists with their software equivalents." *Id.*, ¶ 2. Thus, the virtual assistant is "personal," and intended to perform many tasks not associated with a telephone service. Ex. 2006, ¶ 84. The virtual assistant connects to many information sources and devices of the user, not just telephones, as shown in Bodart's Figure 1:



Ex. 1005, Fig. 1.

Bodart's virtual assistant may interact with devices such as a home automation system, an automobile navigation system, an alarm clock, a television, and a desktop computer, in addition to telephones. Ex. 1005, ¶ 30. The virtual assistant may have access to user data, including calendars, but also web services to pull information such as weather, traffic, mass transit, and user location. *Id.*, ¶ 41. A telephone carrier such as Verizon, AT&T, or Sprint would not have expertise in providing a desktop application with such wide-ranging inputs, outputs, and functions, and thus would

not suggest itself to one of ordinary skill in the art for utilizing Bodart's virtual assistant. Ex. 2006, ¶ 86.

Many telephone carrier customers also likely would have privacy concerns with providing the carrier such access to the user's personal information and devices, including the user's documents and account information such as bank account information. *See* Ex. 1005, ¶ 42 ("Virtual assistant 101 may also access user files, preferences and account information 210 stored either locally on the same machine, or on remote servers and devices. . . . Accounts may include passwords for specific websites, or possibly to bank accounts and the like."). One of ordinary skill in the art would recognize that such a system is more appropriately left under the control of the user. Ex. 2006, ¶ 87.

For at least these reasons, Petitioner has not shown that Bodart teaches or renders obvious limitation [1.3], "wherein the server is utilized by a first provider to provide a first service to a first user, wherein the first service is telephone service, and wherein the telephone service is associated with a first telephone number."

2. Claim Element [1.4]: "wherein the server is configured to: receive a request to provision a second service for the first user,"

Petitioner has not shown that Bodart in view of Dharmarajan teaches or renders obvious the "request to provision a second service." According to Petitioner, the "request to provision" occurs when the user reconfigures Bodart's personal virtual assistant "with a preferred IM platform, an IM username, and a password"

based on combining Dharmarajan’s disclosure of providing an IM username and password upon login, or when the user configures the virtual assistant’s user data module with email server settings based on the knowledge of a POSITA (Pet. 33), so that the virtual assistant can “handle IMs” (Pet. 32) and “access” and “search” emails (Pet. 34).

Petitioner has not shown that storing a preferred IM platform, IM username, and IM password, or storing email server settings, an email address, and email password in Bodart’s virtual assistant, would be “receiv[ing] a request to provision” as recited in the Challenged Claims. Ex. 2006, ¶ 90. As discussed further below and in Dr. Madisetti’s declaration, a “request to provision” in the ’254 Patent involves a user request to add a new service, including by activating a new subscription or account for the new service. Ex. 2006, ¶¶ 90-101. The Petition relies on storing in Bodart’s system existing username and password information, meaning the user already has access to these services through other platforms using the same account, which cannot be a “request to provision” as used in the ’254 Patent. *Id.*, ¶ 91.

As discussed above, the background of the ’254 Patent discusses that “[a]s the availability of new technologies has spread, increasing numbers of customers wish to add services and applications to their existing telephone service.” Ex. 1001, 1:27-29. Services and applications in different ecosystems “often use different types of IDs and have different rules and policies for managing and activating their services

and applications.” Ex. 1001, 1:29-33. For example, “if a user activated 10 different services from 10 different providers, the existing prior art techniques would require the user to use 10 different telephone numbers to activate these 10 services.” *Id.*, 10:60-63. The ’254 Patent solves these issues by allowing the user “to use a single telephone number to associate with these 10 different services.” *Id.*, 10:63-65.

In the ’254 Patent, “[c]lient 110 may subscribe to a standard telephone service provided by provider 120, and the telephone service may be associated with telephone number 105.” *Id.*, 3:35-37. In one embodiment, the telephone service provider may “present a storefront to the user to allow the user to *select and add new services and applications to their existing service.*” *Id.*, 6:49-52 (emphasis added). The user may select applications via the storefront hosted by the provider, “and then the selected applications may be *activated via the unified services platform 404.*” *Id.*, 6:52-55 (emphasis added). “When the *user selects a new application to add to their existing voice service*, a request may be generated via sourcing and settlement API 408 to *activate the new application* and associate the new application with the user’s telephone number.” *Id.*, 6:58-62 (emphasis added). “Unified services platform 404 may then generate the necessary configuration data to *activate the new application* in accordance with the specific API 410 utilized by the application *service provider responsible for delivering the new application.*” *Id.*, 6:62-66 (emphasis added). The description in the ’254 Patent consistently refers

to adding new services and applications to existing service by activating them via the unified services platform. Ex. 2006, ¶ 96. A request to add a new service via the unified services enabler platform is a request to provision it: “Unified services enabler platform 140 may include software and/or hardware for performing the various tasks to configure and *provision a variety of services and applications* and associate them with telephone number 105.” Ex. 1001, 4:32-35 (emphasis added).

From the ’254 Patent’s description, it is evident that provisioning a service is different than accessing or using a service. Ex. 2006, ¶ 97. For example, the ’254 Patent explains that first and second service providers 150 and 160 may be part of different ecosystems with different APIs “for selecting and activating apps,” such that “the first and second ecosystems may not be compatible and may require separate IDs (for the same customer) and may have different types of rules and APIs *for accessing, provisioning, and using their various services.*” Ex. 1001, 3:65-4:13 (emphasis added).

The claims of the ’254 Patent define the specific steps that must be performed in response to the request to provision, and these steps inform the meaning of the term “request to provision.” For claim 1, the server must be configured to, “responsive to receiving the request”:

[1.6] create a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user;

[1.7] activate the second service with the second provider utilizing the second ID as a user ID for the first user; and

[1.8] associate the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service.

As discussed below with respect to limitation [1.7], to “activate” a service in the ’254 Patent involves creating a new subscription or account for the service. Ex. 2006, ¶ 99. This understanding of the term “activate” from the ’254 Patent reinforces that a “request to provision” is a request to add a new service, including by activating a new subscription or account for the new service.⁶

⁶ This argument does not relate only to claim element [1.7], for the reasons explained. In addition, because activation occurs in response to the “request to provision,” and the “request” identified by Petitioner requires information that would not exist prior to activation, a correct understanding of activation as used in the claims is relevant to whether Petitioner has shown a “request to provision.”

The Petition's contention that a "request to provision" is met by "[c]onfiguring Bodart's virtual assistant by providing the username and password for accessing the IM service, per Dharmarajan," Pet. 32, or similarly for an email service, Pet. 33-34, contradicts the '254 Patent's use of the term "provision," as discussed above. Ex. 2006, ¶ 100. Provisioning requires adding a new service, not simply configuring a particular platform to access an existing service. *Id.* The '254 Patent focuses on using the unified services platform to facilitate adding new services for a user. For example, in some embodiments the application service provider ultimately *delivers* the new service requested, but the unified services enabler platform is used to activate the services. *See, e.g.,* Ex. 1001, 4:28-31 ("Each separate provider may have a different API, and *unified services enabler platform 140 may activate services* using the appropriate API for the *provider which will deliver the requested service.*" (emphasis added)); 8:7-11 ("Then, in step 560, provider 504 may activate the new services for subscriber 502. The actual functionality of the new services may be provided directly from the host application providers 508 to subscriber 502 in step 570.").

For at least the foregoing reasons, the Petition fails to prove by a preponderance of evidence that Bodart and Dharmarajan teach claim element [1.4], "wherein the server is configured to: receive a request to provision a second service for the first user."

3. Claim Element [1.6]: “responsive to receiving the request: create a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user;”

According to Petitioner, “it would have been obvious to incorporate Banister’s database of telephone numbers mapped to electronic addresses to facilitate Bodart’s two different types of communication identifiers (e.g., IM username and telephone number)” to “facilitate the virtual assistant notifying the user by IM about [an] incoming call.” Pet. 36-37. Incorporating Banister’s database into Bodart’s virtual assistant does not show that any “mapping” is done “responsive to” receiving a request to provision a second service as required by the Challenged Claims. Ex. 2006, ¶¶ 103. There would be no need to include Banister’s database because Bodart explains that “call routing” is handled by rules set up by the user or by default rules and is based on the caller’s telephone number. Ex. 1005, ¶ 57; Ex. 2006, ¶ 103.

A POSITA would understand from Bodart’s disclosures that the user-set rules determine how to route calls, IMs, and emails based on the caller’s contact information, and not on the virtual user’s telephone number. Ex. 2006, ¶ 104; Ex. 1005, ¶¶ 24, 57. Petitioner has not shown that the “mapping” or “associat[ing]” limitations occur in response to saving login information together with the virtual assistant user’s telephone number because it is the caller’s contact information that drives the decision of how to handle the incoming call in Bodart and not the user’s telephone number. Ex. 2006, ¶¶ 104.

Petitioner also argues that Bodart’s virtual assistant can “create a mapping” from the virtual assistant’s telephone number “when the user configures the virtual assistant with email account information.” Pet. 39. But, as discussed above, a POSITA would understand that the virtual assistant already knows the user’s telephone number, and the user-set rules determine how to route IM and emails (Ex. 1005, ¶ 24). Ex. 2006, ¶ 105.

For at least the foregoing reasons, the Petition fails to prove by a preponderance of evidence that Bodart in view of Banister and Dharmarajan teach claim element [1.6], “responsive to receiving the request: create a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user.”

4. Claim Element [1.7]: responsive to receiving the request: “activate the second service with the second provider utilizing the second ID as a user ID for the first user”

Petitioner cannot show that the “server” is configured to, “responsive to receiving the request: . . . activate the second service with the second provider utilizing the second ID as a user ID for the first user.” The Petition contends that Bodart’s virtual assistant logging into an IM service or email service meets the limitation “activate the second service.” Pet. 40 (“It would have been obvious to a POSITA that Bodart’s virtual assistant would login to an IM service (*‘activate the second service’*)”); Pet. 40-41 (“Similar to the IM example, it would have been

obvious to a POSITA that Bodart's virtual assistant would login to an email service ('activate the second service')."). As discussed further below and in the Declaration of Dr. Madisetti, one of skill in the art would not interpret logging into a service to "activate" the service as used in the '254 Patent. Ex. 2006, ¶¶ 108-119. In addition, the Petition ignores the claim language requiring that the server be configured to activate the second service "with the second provider." Logging in to an existing service through a different platform does not "activate the second service with the second provider," as the claim requires. Even if logging in could be considered some sort of "activation," it would at most be made available within Bodart's virtual assistant, and not "activate[d] . . . with the second provider," as required by the claim. *Id.*, ¶ 109. During deposition, Dr. Houh (Petitioner's expert) repeatedly referred to activating as making an application available *within* Bodart's virtual assistant, demonstrating that he did not consider the term as used in the claim, where the service is activated "with the second provider." *See, e.g.*, Ex. 2008, 32:15-16 ("service is now active in the virtual assistant in Bodart ..."); 33:15-16 ("activating the service within the virtual assistant of Bodart ..."); 34:10-21; 47:21-23 ("if the user has activated it themselves, ... the application still wouldn't be an active application ...").

The '254 Patent uses the terms "access" and "activate," and does not indicate that they mean the same thing. For example, the '254 Patent explains that "first and

second ecosystems may not be compatible and may require separate IDs (for the same customer) and may have different types of rules and APIs *for accessing, provisioning, and using their various services.*” Ex. 1001, 3:65-4:13 (emphasis added). Provisioning includes activating, and this passage is sufficient to show that Petitioner’s understanding of “activate” to mean log in or access is not consistent with the description of the ’254 Patent. Ex. 2006, ¶ 112.

In addition, as discussed in relation to claim element [1.3], the term “provision” as used in the ’254 Patent involves adding “new” services. Claim element [1.7] is performed “responsive to receiving the request” to provision, and the reasons given for understanding “provision” as used in the ’254 Patent to involve adding “new” services also apply to consideration of claim element [1.7].

As used throughout the ’254 Patent, to “activate” a service involves creating a new subscription or account for the service, and the term “activate” is not used to refer to logging into or accessing an existing service through a particular platform. The language of claim 1, which requires that the server be configured to “activate the second service *with the second provider*,” indicates the creation of a new subscription or account with the second provider, and does not apply to whether any potential “activation” may occur with the primary provider. Ex. 2006, ¶ 114.

For example, the ’254 Patent describes an embodiment in relation to Figure 11 in which “a customer of the primary provider may *select the SMS application in*

the master catalog, indicating they wish to purchase this SMS application and associate the SMS application with their existing telephone number (block 1115).” Ex. 1001, 13:24-27 (emphasis added). “After block 1115, activation data may be sent to the primary provider informing the primary provider that this SMS application will now be accepting SMS messages on behalf of the customer (block 1120).” *Id.*, 13:44-47. This, however, does not activate the service “with the second provider,” which is accomplished by sending “activation data . . . to the third party provider *so that an account is created for the customer by the third party provider* to use the SMS messaging application (block 130).” *Id.*, 13:53-56 (emphasis added). “Next, the third party provider may consume and translate the activation data into their own proprietary API to create an account and properly accept SMS messages from the primary provider for the user's telephone number (block 1135).” *Id.*, 14:3-6.

As another example, the '254 Patent describes that when a user selects a new application to add to her existing voice service, the unified services platform “may *notify the corresponding application service provider that provider 406 is activating the new application in place of the end user.*” Ex. 1001, 6:66-7:2 (emphasis added). “As a result, the new application may be assigned to provider 406 and different rules may apply than *if the end user were directly activating the new application by themselves.*” *Id.*, 7:2-5 (emphasis added). “In one embodiment, this

notification may be indicated by setting an extra configuration field bit *during the activation process*, and in response, the corresponding application service provider may *allow provider 406 to directly control and manage the account for the end user.*” *Id.*, 7:5-9 (emphasis added). Among other things, these passages show that an end user can “activate” an application without going through the unified services platform,⁷ but that when provider 406 activates the application in the place of the end user through the unified services platform, the provider may “directly control and manage the account for the end user.” Thus, activation involves a new subscription with the third-party application provider. Ex. 2006, ¶ 116.

As an additional example, the ’254 Patent describes a third-party conferencing application that may be available through a standalone environment, but that is also included in the catalog of unified services enabler platform 140. Ex. 1001, 4:63-5:5. “When *client 110 decides to subscribe* to this conferencing application, client 110 may select the conferencing application from the catalog in the portal for platform 140.” *Id.*, 5:6-8 (emphasis added). “Once [third-party application service provider 150] *activates client 110* to use its conferencing application, platform 140 receives

⁷ See also, e.g., Ex. 1001, 10:60-63 (“For example, if a user activated 10 different services from 10 different providers, the existing prior art techniques would require the user to use 10 different telephone numbers to activate these 10 services.”).

notification and a billing event may be generated” *Id.*, 5:34-36 (emphasis added). “In one embodiment, *as long as client 110 remains subscribed* to the conferencing application, provider 150 may bill provider 120 and provider 120 may bill client 110 for the conferencing application.” *Id.*, 5:39-42 (emphasis added). “Platform 140 may remain the *database of record for all active and inactive applications and services subscribed to and/or purchased through platform 140* for all of the customers of provider 120.” *Id.*, 5:42-45 (emphasis added). It is evident from these passages that active applications are those to which a client remains subscribed with the corresponding service provider, and inactive applications are those to which the client is no longer subscribed. There is no discussion here of providing or accessing the applications through a particular platform, and the relevant criteria is that the applications and services were “subscribed to and/or purchased through platform 140.” Ex. 2006, ¶ 117.

As discussed above in relation to claim element [1.4], the ’254 Patent focuses on using the unified services platform to facilitate adding new services for a user, and is not limited to providing access to the new services within a specific platform. For example, in some embodiments, the application service provider ultimately *delivers* the new service requested, but the unified services enabler platform is used to activate the services. *See, e.g.*, Ex. 1001, 4:28-31 (“Each separate provider may have a different API, and *unified services enabler platform 140 may activate*

services using the appropriate API for the *provider which will deliver the requested service.*” (emphasis added)); 8:7-11 (“Then, in step 560, provider 504 may activate the new services for subscriber 502. The actual functionality of the new services may be provided directly from the host application providers 508 to subscriber 502 in step 570.”). This is consistent with an understanding of “activate” to involve a new subscription to a service, rather than accessing the service itself through a particular platform. Ex. 2006, ¶ 118.

In light of the descriptions in the ’254 Patent, one of skill in the art would not interpret logging into a service to “activate” the service as used in the ’254 Patent. Petitioner’s contention that logging into an IM service or email service with Bodart’s virtual assistant thus fails to teach “activate the second service,” as required by claim element [1.7]. In addition, the Petition fails to address activating the second service “with the second provider.”

For at least the foregoing reasons, the Petition fails to prove by a preponderance of evidence that Bodart in view of Banister and Dharmarajan teach claim element [1.7], “responsive to receiving the request:” “activate the second service with the second provider utilizing the second ID as a user ID for the first user.”

5. Claim Element [1.8]: responsive to receiving the request: “associate the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service.”

Petitioner argues that it would have been obvious for Bodart’s virtual assistant to use stored rules associating the IM service with “the first telephone number” to send an IM to the user when the virtual assistant “intercepts a call to a telephone number associated with the user.” Pet. 41. Petitioner also argues that the “virtual assistant 101 may attempt to send a text or email to user 201 to determine the user’s availability to take a particular call.” Pet. 42.

But the handling of an incoming call to the virtual assistant is based on user-set rules and is determined by the caller’s number—not the telephone number of the virtual assistant user. Ex. 1005, ¶¶ 57, 61-64; Ex. 2006, ¶ 122. A POSITA would understand from Bodart’s disclosures that the user-set rules determine how to route calls, IMs, and emails based on the caller’s contact information, and not based on the virtual user’s telephone number (i.e., not the “first telephone number”). Ex. 2006, ¶ 122; Ex. 1005, [0024], [0057]. For example, Bodart’s disclosures teach that a user may configure a rule to send a text message to the user if a call to the user’s telephone number is intercepted from a certain contact. Ex. 1005, [0057] (“If the contact 215 is recognized, then virtual assistant 101 may forward the call appropriately (according to predefined rules).”). A POSITA would understand that the user-set rule associated with the “certain contact” is what establishes the routing and

interworking of a call, including whether a call is forwarded and/or how the user is notified, such as by IM or email. Ex. 2006, ¶ 122.

A POSITA would understand that the virtual assistant already knows the telephone number of the virtual assistant user because it can “intercept” calls to that number and handle them according to the user-set rules. Ex. 2006, ¶ 123. In other words, it is the caller’s number that is “associated with routing and interworking” and not the “first telephone number” of the virtual assistant. *Id.*

In addition, the Petition fails to show that the alleged “associat[ing]” happens “responsive to receiving the request” to provision. Indeed, the arguments in the Petition do not address the “responsive to the request” limitation as applicable to claim element [1.8]. The Petition fails for that reason.

For other aspects of claim element [1.8], the Petition appears to rely on executing rules. *See, e.g.*, Pet. 41 (“It would have been obvious to a POSITA for the virtual assistant to use stored rules associating the IM service with “*the first telephone number*” to automate the IM functionality described above.”). Executing such rules would not be “responsive to receiving the request” to provision, which Petitioner equates to storing a preferred IM platform, IM username, and IM password, or storing email server settings, an email address, and email password in Bodart’s virtual assistant. *See* Pet. 32-34. Even under Petitioner’s theory, a call meeting the criteria of one of the pre-set rules would be necessary to cause execution

of the rule. This additional and uncertain condition evidences that the alleged associating is not “responsive to receiving the request.” Ex. 2006, ¶ 125.

For at least the foregoing reasons, the Petition fails to prove by a preponderance of evidence that Bodart in view of Banister and Dharmarajan teach claim element [1.8], “responsive to receiving the request: . . . associate the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service.”

B. Petitioner Has Not Shown That Bodart in View of Banister and Dharmarajan Renders Obvious Dependent Claims 2 and 6

For the reasons discussed in Section IX.A (incorporated by reference herein), Petitioner has not shown that Bodart in view of Banister and/or Dharmarajan teaches or renders obvious claims 2 and 6, which depend from claim 1.

C. Petitioner Has Not Shown That Bodart in View of Banister and Dharmarajan Renders Obvious Independent Claim 7

Petitioner states that limitations [7.1]-[7.5] are purportedly rendered obvious “for the same reasons discussed above” with reference to limitations [1.2]-[1.8]. Pet. 46-47. Petitioner argues that limitation [7.0] is met because Bodart teaches “[s]ystems and methods for assisting a user with a variety of tasks.” Pet. 47.

Unlike independent claim 1, independent claim 7 does not recite a “server.” However, claim 7 requires “provid[ing] a first service to a first user by a first

provider, wherein the first service is telephone service.” Ex. 1001, cl. 7. And, according to Petitioner, “a first provider” is a “telephone carrier company[], such as “AT&T, Verizon, and Sprint.” Pet. 31. A POSITA would understand that Bodart’s virtual assistant’s ability to “forward” and “intercept” calls is not a “telephone service” that is provided by “a first provider,” such as “AT&T, Verizon, and Sprint.” Ex. 2006, ¶ 76.

For these and the reasons discussed in Section IX.A (incorporated by reference herein), Petitioner has not shown that Bodart in view of Banister and/or Dharmarajan teaches or renders obvious claim 7.

D. Petitioner Has Not Shown That Bodart in View of Banister and Dharmarajan Renders Obvious Dependent Claims 8 and 12

For the reasons discussed in Section IX.A (incorporated by reference herein), Petitioner has not shown that Bodart in view of Banister and/or Dharmarajan teaches or renders obvious claims 8 and 12, which depend from claim 7.

E. Petitioner Has Not Shown That Bodart in View of Banister and Dharmarajan Renders Obvious Independent Claim 13

Petitioner states that limitations [13.1]-[13.5] are purportedly rendered obvious “for the same reasons discussed above” with reference to limitations [1.2]-[1.8]. Pet. 48. Petitioner argues that limitation [13.0] is met because Bodart describes a “‘virtual assistant 101,’ which may be implemented as ‘software.’” Pet. 47.

Unlike independent claim 1, independent claim 13 does not recite a “server.” However, claim 13 requires “program instructions” that are operable to “provide a first service to a first user by a first provider, wherein the first service is telephone service.” Ex. 1001, cl. 13. And, according to Petitioner, “a first provider” is a “telephone carrier company[y], such as “AT&T, Verizon, and Sprint.” Pet. 31. A POSITA would understand that Bodart’s virtual assistant’s ability to “forward” and “intercept” calls is not a “telephone service” that is provided by “a first provider,” such as “AT&T, Verizon, and Sprint.” Ex. 2006, ¶ 76.

For these and the reasons discussed in Section IX.A (incorporated by reference herein), Petitioner has not shown that Bodart in view of Banister and/or Dharmarajan teaches or renders obvious claim 13.

F. Petitioner Has Not Shown That Bodart in View of Banister and Dharmarajan Renders Obvious Dependent Claim 14

For the reasons discussed in Section IX.A (incorporated by reference herein), Petitioner has not shown that Bodart in view of Banister and/or Dharmarajan teaches or renders obvious claim 14, which depends from claim 13.

X. Ground 2: Petitioner Has Failed To Show That de Castro Renders Obvious Claims 1-2, 6-8, And 12-14

Petitioner relies on de Castro to render obvious the Challenged Claims of the ’254 Patent in Ground 2. For the reasons discussed below, Petitioner has not

established by a preponderance of the evidence that de Castro renders obvious any of the Challenged Claims. Ground 2 thus fails.

A. Petitioner Has Not Shown That de Castro Renders Obvious Claim 1

Petitioner fails to show that de Castro renders obvious claim 1 of the '254 Patent. de Castro does not describe a unified services platform, e.g., a platform to combine applications and services and provide them in a single offering to end users, as in the '254 Patent. Instead, de Castro describes a system that hosts customer (developer) application scripts and facilitates call control when a “client” accesses a communication application by calling a phone number or URL. *See, e.g.*, Ex. 1008, ¶ 116. For example, a user may call a number to reach an interactive voice response application that is hosted by a customer/developer. Ex. 1008, ¶ 11. The unrelated environment of de Castro as compared to the '254 Patent requires Petitioner to eviscerate the meaning of several terms and limitations of the '254 Patent in an attempt to show that de Castro teaches these limitations. But, for at least the reasons given below, Petitioner has not shown that de Castro teaches or suggests at the least the following limitations of claim 1. Ex. 2006, ¶ 128.

1. Claim Element [1.3]: “wherein the server is utilized by a first provider to provide a first service to a first user, wherein the first service is telephone service, and wherein the telephone service is associated with a first telephone number”

Petitioner argues that “customer 1” is the “first provider” because it has “the scripting engines 600 host and process an application script such as App Script 1 610-1” (Pet. 57 (citing Ex. 1008, ¶ 119)), and “App Server-1 (‘server’) provides ‘application clients 40’ (‘a first user’) with access to the application of app script 1 (‘the server . . . provide[s] a first service to a first user’)” (*id.*). Petitioner further argues that de Castro’s disclosure of “providing a telephony-enabled service via a message-based API interface” purportedly shows that the “first service is [a] telephone service.” Pet. 60. None of Petitioner’s arguments has merit.

The “telephony-enabled service” referenced in de Castro ¶ 2 refers to de Castro’s system as a whole and does not relate specifically to “customer 1” or “App Script 1 610-1.” And a POSITA would understand that neither de Castro’s “telephony-enabled service” as a whole nor the “customer 1” is a telephone service provider. *See* Ex. 2006, ¶ 130. Rather, a POSITA would understand that the “telephony-enabled service” provides third-party call and media control between any numbers of clients, and the application script directs how the call/media is to be handled by issuing commands “for invoking the class objects relative to a call.” Ex. 1008, ¶ 135; Ex. 2006, ¶ 130. Issuing or executing commands for invoking class objects relative to a call is not a “telephone service.” Ex. 2006, ¶ 130.

A POSITA would further understand that “customer 1” is not a “provider,” let alone the “first provider” that provides the “telephone service” recited in the Challenged Claims. Ex. 2006, ¶ 131. Rather, “customer 1” is an application developer who codes application scripts with the user’s preferred programming languages and protocols for purposes of issuing commands for invoking and manipulating the class objects relative to a call. Ex. 1008, ¶ 37, ¶ 41 (“A customer using the communication services can code the application script in a preferred programming language using a custom framework providing a set of customer-specific libraries”), ¶ 135; Ex. 2006, ¶ 131.

A POSITA would further understand that the App Script 1 is not a “telephone service”/“first service” provided to a first user because it is not “associated with the first telephone number.” Ex. 2006, ¶ 132. According to Petitioner, the “first telephone number” is purportedly either “the dialed number or the dialing-user’s number.” Pet. 60.

Although the Petition initially refers to the “dialed number,” the explanation that follows this statement maps the “first telephone number” only to de Castro’s dialing-user’s number. *See* Pet. 60. As noted below with respect to claim elements [1.6] and [1.8], these sections of the Petition further confirm that the Petition does not consider the “dialed number” to be the claimed “first telephone number.” Petitioner’s expert, Dr. Houh, similarly confirmed it is the telephone number of the

client seeking to access a communication application that Petitioner considers the “first telephone number.” Ex. 2008, Houh Tr. 75:15-76:1.

With respect to the “dialing-user’s number,” Petitioner argues that de Castro’s disclosure of including the caller’s telephone number for an incoming call event in the exchange of messaging between the scripting engine and the application server renders obvious “wherein the telephone service is associated with a first telephone number.” Pet. 60-61. This argument lacks merit, as discussed further below.

A provider utilizing a server “to provide a first service to a first user, wherein the first service is telephone service, and wherein the telephone service is associated with a first telephone number,” as required by claim 1, requires more than merely handling calls from a telephone number. When viewing the claim language in light of the description in the ’254 Patent, a POSITA would understand that there must be an established “association” or link between the service and the telephone number, not merely ad hoc use of a telephone number in handling calls. Ex. 2006, ¶ 135.

The ’254 Patent emphasizes the importance of the telephone number and teaches associating the telephone number provided by a network provider system with various third-party services. The patent is titled “Unified Services Platform Using a Telephone Number as a Common Subscriber Identifier.” Ex. 1001 at 1. The Abstract describes “[a] system and method for *enabling the telephone number as a platform for the association* of IP-enabled services with legacy telephone service.”

Id. (emphasis added). The Patent discloses techniques for customers to add services and applications to their existing telephone service by provisioning applications from different application developer systems to the network provider system through a unified services platform. *See, e.g., id.*, 1:40-56. Throughout the specification, “association” of a service with a telephone number is described as an affirmative action taken to establish such an association or link, not mere use of the telephone number in internal messaging. *See* Ex. 2006, ¶ 136.

For example, the '254 Patent describes that “[a] telecommunications provider which provides traditional telephone services to customers may be coupled to the unified services enabler platform in order to associate customer telephone numbers with various IP-enabled services and applications.” *See* Ex. 1001, 1:48-53. The '254 Patent’s language here indicates affirmatively establishing an ongoing association, not merely use of a caller’s number in messages relating to the call. Similarly, the specification provides that “[u]nified services enabler platform 140 may include software and/or hardware for performing the various tasks to configure and provision a variety of services and applications and associate them with telephone number 105.” *Id.*, 4:32-35; *see also id.*, 6:58-62 (“When the user selects a new application to add to their existing voice service, a request may be generated via sourcing and settlement API 408 to activate the new application and associate the new application with the user’s telephone number.”).

In addition, the '254 Patent describes “a diagram of an embodiment of utilizing a telephone number as the common subscriber ID across a plurality of services.” *Id.*, 5:62-64. “Telephone number 202 may be the central ID ***which is associated with all of the features 204, services 206, and apps 208*** which are provided to the subscriber.” *Id.*, 5:64-67 (emphasis added). Consistent with this description, a provider utilizing a server “to provide a first service to a first user, wherein the first service is telephone service, and wherein the telephone service is associated with a first telephone number,” as required by claim 1, requires an established link between the telephone number and the service, and is not met merely by using a caller’s telephone number as relied on in the Petition. *See* Ex. 2006, ¶ 138.

In another passage demonstrating consistent use of “associate” to require an established link, the '254 Patent provides:

Unified services enabler platform 140 may be configured to unify all of the available services and applications in a single platform that is ***associated with a single ID*** to identify client 110. Rather than using an identifier such as an email address or a completely separate identifier, unified services enabler platform 140 ***may associate the various services and applications provided to client 110 with telephone number 105.***

Ex. 1001, 4:15-22 (emphasis added).

The portions of de Castro alleged in the Petition to teach claim element [1.3] at most indicate that de Castro may use phone numbers in messages relating to incoming calls. *See* Pet. 60; Ex. 2006, ¶ 140. There is no description of a particular

association or established link between App Script 1 610-1 (identified in the Petition as the “first service”) and the telephone number of a client. *Id.* Indeed, any caller could have their telephone number show up in the internal messages relating to the call, demonstrating there is no association between the telephone number of the subscriber and the service provided. *See* Ex. 1008, ¶ 116 (“[Application clients such as VoIP phones 30, is able to access a specific communication application by calling a dialed number or an URL.”); Houh Tr. 77:11-19;⁸ Ex. 2006, ¶ 140. This understanding is further bolstered by de Castro’s statement that its application server can “provide telephony and communication services to a plurality of *customers*,” which is what de Castro calls developers with application scripts hosted on scripting engines. Ex. 1008, ¶ 39. A developer “customer” hosting a service that can be called by anyone, and incidentally using the calling number in messages used to control the call, fails to establish any association between a telephone service provided to a first

⁸ Q. So any number of clients may have their telephone number associated with that application if they call that -- the number that brings them to that application script?

A. Yes, I think that's what I'm saying here is that that's how the association is -- occurs, is that, there's a message and the message -- showing that there's an association because it is listing the "from" number.

user and a first telephone number, as properly understood in the context of the '254 Patent. Ex. 2006, ¶ 140. Moreover, de Castro's service is not a "telephone service" within the meaning of the '254 Patent, as reflected in the passages discussed above, if the service can be "associated" with many different telephone numbers under Petitioner's theory. *See* Houh Tr. 77:11-19; Ex. 2006, ¶ 140.

For at least these reasons, Petitioner has not shown that de Castro teaches or renders obvious limitation [1.3].

2. Claim Element [1.4]: "wherein the server is configured to: receive a request to provision a second service for the first user,"

Petitioner argues that "App Script 1 is the "first service" and "App Script k" is the "second service," and that the "request to provision" limitation is purportedly met when "one of the application servers 200 ('server') receiv[es], from an application client ('first user'), a call to access one of the communication applications." Pet. 61. Petitioner's theory falls short for several reasons.

First, merely accessing a communication application is not a request to "provision," a service, which involves more than accessing. *See, e.g.*, Ex. 1001, 3:65-4:13 (distinguishing between accessing and provisioning services); Ex. 2006, ¶ 143. The Petition fails for at least this reason.

In addition, as discussed in Section IX.A, incorporated by reference herein, a "request to provision" in the '254 Patent involves a user request to add a new service, including by activating a new subscription or account for the new service. Accessing

a service by calling a number is not a request to “add” a new service and does not involve activating a new subscription or account for the new service. Ex. 2006, ¶ 114.

The Petition does not acknowledge that, under Petitioner’s theory, the same client that accessed a first app script for claim element [1.3] would have to access a second app script hosted by de Castro’s system. *See* Pet. 61-62. The Petition nowhere explains why this would necessarily occur or why it would have been obvious to do so. In addition, to provision a second service within the meaning of the ’254 Patent requires adding a new service to existing service, meaning the first service is still active. Ex. 2006, ¶ 145; *see, e.g.*, Ex. 1001, 1:27-29 (“As the availability of new technologies has spread, increasing numbers of customers wish to add services and applications to their existing telephone service.”); 4:32-35 (“Unified services enabler platform 140 may include software and/or hardware for performing the various tasks to configure and *provision a variety of services and applications* and associate them with telephone number 105.” (emphasis added)); 6:49-66 (describing how a user may “select and add new services and applications to their existing service” and how a request is generated to activate the new application). Even if an individual were to access two different communication applications that happened to be hosted by two different developers using de Castro’s system, the Petition does not allege that both services would be used at the same time by the same user or even attempt to explain

how that would even be possible. Ex. 2006, ¶ 145. Accordingly, even apart from the issue of whether “accessing” is “provisioning (it is not), there is no request to add a new service to existing service under Petitioner’s tortured mapping of de Castro.

In addition, a caller in de Castro may not even be aware they are accessing a second service that uses de Castro’s system. In the context of the ’254 Patent, a user has a first provider for telephone service and uses the unified services platform to request to provision a new service to add to their existing service. This intentional act by the user generates a “request to provision” the second service. The Petition does not address any connection discernable by a user between the alleged first service and second service, which also precludes the Petition’s call to access an application from being considered a “request to provision” a second service. Ex. 2006, ¶ 146; *see* Ex. 2008, Houh Tr. 78:24-79:11.

For at least these reasons, Petitioner has not shown that “a call from a client 40” in de Castro is “a request to provision a second service for the first user.”

3. Claim Element [1.5]: “wherein the second service is provided by a second provider, and wherein the second provider is different than the first provider;”

As discussed in Section X.A.2 (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious “wherein the server is configured to: receive a request to provision a second service for the first user.” For

at least the reasons discussed, Petitioner has not shown that de Castro teaches limitation [1.5].

4. Claim Element [1.6]: “responsive to receiving the request: create a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user;”

As discussed in Section X.A.2 (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious “wherein the server is configured to: receive a request to provision a second service for the first user.” Thus, Petitioner cannot show that any purported “mapping” is done “responsive to receiving the request.” For at least these reasons, Petitioner has not shown that de Castro teaches or renders obvious limitation [1.6].

In addition, to the extent that Petitioner relies on de Castro’s “dialed number” as the “first telephone number” for claim element [1.3], the Petition fails to even allege with respect to the “dialed number” that de Castro teaches “responsive to receiving the request: create a mapping from the first telephone number to a second identifier (ID), wherein the second ID is utilized by the second provider to identify the first user,” much less explain why this is so or provide any evidence. *See* Pet. 63 (“De Castro describes offering an inbound call from a telephone number (*“the first telephone number”*) to a Rayo client”). Thus, the Petition fails on the “dialed number” mapping for this additional reason.

5. Claim Element [1.7]: responsive to receiving the request: “activate the second service with the second provider utilizing the second ID as a user ID for the first user; and”

As discussed in Section X.A.2 (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious “wherein the server is configured to: receive a request to provision a second service for the first user.” Thus, Petitioner cannot show that any purported “activating” is done “responsive to receiving the request.” For at least these reasons, Petitioner has not shown that de Castro teaches or renders obvious limitation [1.7].

In addition, as discussed in Section IX.A, incorporated by reference herein, to “activate” a service involves creating a new subscription or account for the user of the service. Ex. 2006, ¶ 152. Petitioner argues that “[a] POSITA would have understood that registering a call ID of an incoming call and starting an associated call actor for an App Script such as App Script 610-k (*“the second service”*) would include “*activat[ing]*” the App Script 610-k.” Pet. 67. Petitioner’s mapping to a single call fails to render obvious “activat[ing]” the second service as used in the ’254 Patent. Ex. 2006, ¶ 152.

For at least these reasons, Petitioner has not shown that de Castro teaches or renders obvious limitation [1.7].

6. Claim Element [1.8]: responsive to receiving the request: “associate the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service.”

As discussed in Section X.A.2 (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious “wherein the server is configured to: receive a request to provision a second service for the first user.” Thus, Petitioner cannot show that any purported “associating” is done “responsive to receiving the request.”

In addition, to the extent that Petitioner relies on de Castro’s “dialed number” as the “first telephone number” for claim element [1.3], the Petition fails to even allege with respect to the “dialed number” that de Castro teaches “responsive to receiving the request: . . . associate the second service with the first telephone number, wherein the first telephone number is associated with routing and interworking data necessary to utilize the second service,” much less explain why this is so or provide any evidence. *See* Pet. 68 (“As discussed . . ., de Castro teaches that the JID is mapped to the telephone number (“*the first telephone number*”) of the client accessing the communication application.”). Thus, the Petition fails on the “dialed number” mapping for this additional reason.

Petitioner’s argument that storing the caller’s phone number with the JID in the call ID registry purportedly renders obvious “wherein the first number is associated with routing and interworking data necessary to utilize the second

service” lacks merit. Pet. 68. As discussed in Section X.A.1, incorporated by reference herein, a POSITA would understand that to “associate” a service with a telephone number there must be an established “association” or link between the service and the telephone number, not merely ad hoc use of a telephone number in handling calls. Ex. 2006, ¶ 156.

For at least these reasons, Petitioner has not shown that de Castro teaches or renders obvious limitation [1.8].

B. Dependent Claims 2 and 6

For the reasons discussed in Section X.A (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious claims 2 and 6, which both depend from claim 1.

C. Independent Claim 7

Petitioner states that limitations [7.1]-[7.5] are purportedly rendered obvious “for the same reasons discussed above” with reference to limitations [1.2]-[1.8] with the exception of claim 7’s preamble [7.0]. Pet. 72-73. Petitioner argues that limitation [7.0] is met because de Castro “discloses that a server performs the method of Fig. 20 to provide services to clients or users.” Pet. 73. For at least the same reasons discussed in Section X.A (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious claim 7. In addition, claim 7 is a method claim that requires performance of each of the steps, for example, at

minimum having a user's phone access two different communication applications hosted by different customers/developers using de Castro's system. The Petition nowhere explains that this necessarily occurs or why it would have been obvious to do so.

D. Dependent Claims 8 and 12

For the reasons discussed in Section X.A (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious claims 8 and 12, which both depend from claim 7.

E. Independent Claim 13

Petitioner states that limitations [13.1]-[13.5] are purportedly rendered obvious "for the same reasons discussed above" with reference to limitations [1.2]-[1.8] with the exception of claim 13's preamble [13.0]. Pet. 74-75. Petitioner argues that limitation [13.0] is met because "[i]t would have been obvious to a POSITA that de Castro's App server would include a "non-transitory computer readable storage medium comprising program instructions." Pet. 75. For at least the same reasons discussed in Section X.A (incorporated by reference herein), Petitioner has not shown that de Castro teaches or renders obvious claim 13.

F. Dependent Claim 14

For the reasons discussed in Section X.A (incorporated by reference herein), Petitioner has not shown that deCastro teaches or renders obvious claim 14, which depends from claim 13.

XI. Conclusion

For the reasons stated above, Patent Owner respectfully submits that Petitioner has failed to prove by a preponderance of the evidence that any challenged claim is unpatentable.

Dated: December 22, 2023

Respectfully submitted,

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CERTIFICATE OF WORD COUNT UNDER 37 C.F.R. § 42.24(b)(1)

I, the undersigned, do hereby certify that the foregoing Patent Owner Response, including footnotes, contains no more than 14,000 words, as measured by the Word Count function of Microsoft Word as specified by 37 C.F.R. §§ 42.24(a)(1) & (b)(1).

/Bradley Liddle/

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023, a true and correct copy of the foregoing PATENT OWNER'S RESPONSE was served by electronic mail upon the following counsel of record for Petitioners:

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