UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,
Petitioner,

v.

ZILKR TECHNOLOGIES, LLC,
Patent Owner.

_____

IPR2023-00553
U.S. Patent No. 9,210,254

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SUPPLEMENTAL DECLARATION OF DR. HENRY HOUH IN SUPPORT OF PETITIONER'S REPLY

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I, Henry Houh, do hereby declare as follows:

I. INTRODUCTION

1. I am making this Supplemental Declaration at the request of Cisco Systems, Inc. ("Petitioner") in support of Petitioner's Reply in the matter of the *Inter Partes* Review of U.S. Patent No. 9,210,254 ("the '254 patent").

2. I am being compensated for my work in this matter at my standard hourly rate. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this proceeding. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

3. I have been asked to provide my supplemental opinions responding to certain arguments Patent Owner and its expert have made regarding the obviousness of claims 1, 2, 6-8, and 12-14 ("the Challenged Claims") of the '254 patent.

4. In the preparation of this supplemental declaration, I have studied:

a. the '254 patent, Ex.1001.

b. the prosecution history of the '254 patent ("'254 File History"), Ex. 1002.

c. U.S. Pat. Pub. No. 2007/0043687 to Bodart et al. ("Bodart"), Ex.1005.

d. U.S. Pat. No. 6,621,892 to Banister et al. ("Banister"), Ex.1006.

e. U.S. Pat. No. 7,089,585 to Dharmarajan ("Dharmarajan"), Ex.1007.

f. U.S. Pat. Pub. No. 2012/0016932 to de Castro et al. ("de Castro"), Ex.1008.

5. In forming the opinions expressed below, I have considered: the documents listed above; the relevant legal standards, including the standard for obviousness; and my own knowledge and experience based upon my work in the field of network communications and security as described below, as well as portions of the following additional materials:

a. Ben Langfeld, Jose de Castro, "XEP-0327: Rayo," XMPP Standards Foundation (archived August 18, 2013) ("the Rayo Specification"), Ex.1009.

b. U.S. Pat. No. 6,298,128 to Ramey et al. ("Ramey"), Ex.1010.

c. John Letzing "Facebook Raises Hackles on Email," Wall Street Journal Online, June 26, 2012 (archived June 30, 2012), ("Letzing") Ex.1011.

d. Shelley O'Hara, "Easy Microsoft® Office Outlook® 2003," (Que Publishing, September 2003) ("O'Hara"), Ex.1012.

e. U.S. Pat. No. 8,130,751 to Berkley et al. ("Berkley"), Ex.1013.

f. U.S. Pat. No. 7,929,519 to Goldman et al. ("Goldman"), Ex.1014.

g. U.S. Pat. Pub. No. 2007/0143231 to Pegaz-Paquet et al. ("Pegaz-Paquet"), Ex.1015.

h. U.S. Pat. No. 1,276,825 to Swope ("Swope"), Ex.1016.

i. U.S. Pat. No. 2,308,778 to Prince ("Prince"), Ex.1017.

j. U.S. Pat. No. 8,090,787 to Polis et al. ("Polis"), Ex.1022.

k. "AT&T Digital Life Launches in Seven Additional U.S. Markets," AT&T Press Release, May 20, 2013, ("AT&T Digital Life"), Ex.1028.

l. Transcript of Deposition of Dr. Vijay Madisetti ("Madisetti Dep."), (March 5, 2024), Ex.1029.

m. AT&T Answer Center – How do I activate Call Forwarding? (The Wayback Machine archived webpage dated June 17, 2008), Ex.1031.

n. Verizon Support – Call Forwarding (The Wayback Machine archived webpage dated June 29, 2010), Ex.1032.

o. Sprint Support – Services & Features (The Wayback Machine archived webpage dated March 3, 2007), Ex.1033.

p. Verizon Support – Call Intercept (The Wayback Machine archived webpage dated May 24, 2010), Ex.1034.

q. U.S. Pat. Pub. No. 2010/0329140 to Buford et al., Ex.1035.

r. U.S. Pat. No. 6,005,929 to Chemin, Ex.1036.

s. Webster's Collegiate Dictionary, 10th ed. (1998), Ex.1037.

t. Patent Owner's Response ("POR"), Paper 17.

u. Declaration of Dr. Vijay Madisetti ("Madisetti Dec."), Ex.2006.

v. My previously provided declaration in this case ("Houh Dec."), Ex.1003.

6. Unless otherwise noted, all **emphasis** in any quoted material has been added. Claim terms are *italicized*.

II. SUPPLEMENTAL OPINIONS

A. Patent Owner Misconstrues Claim Terms.

1. "request to provision" and "activate" ([1.4])

7. Patent Owner alleges that the term "*request to provision*" is limited to a request to subscribe to a ***new*** service, and that the term "*activate*" means the corresponding action of ***creating*** that subscription or ***adding*** a new service. POR, 34. In my opinion, a POSITA would not have understood the '254 patent to be limited as Patent Owner suggests.

8. The '254 patent quotes Patent Owner identifies do not impose requirements on the claim terms; they are just examples or suggestions. POR, 33-35. For instance, one of the quoted passages of the '254 patent states: "Client 110 **may** subscribe to a standard telephone service provided by provider 120, and the

telephone service **may** be associated with telephone number 105." '254 patent, 3:35-37. The choice of language in this passage is permissive ("**may** subscribe"). In other words, this passage demonstrates that "subscrib[ing]" is optional, and far from a definition or limitation on the terms "*request to provision*" and "*activate*." The rest of the quoted passages use similar permissive language that suggest features that are optional, and non-limiting. *See* '254 patent, 6:49-52 ("…**may** provide…"), 6:52-55 ("…**may** be activated…"), 6:58-62 ("…**may** be generated…"), 6:62-66 ("…**may** then generate…"), 4:32-35 ("…**may** include…"), 3:65-4:13 ("…**may** require… **may** have…").

9. Regarding the term "*request to provision*," Dr. Madisetti references a website that purportedly offers a description of "provisioning." Madisetti Dec., p.108. The website explains that "provisioning" includes more than just service activation. It also includes "altering the state of an existing priority service," for example. Madisetti Dec., p.108. The website does not support Dr. Madisetti's conclusion or Patent Owner's arguments. Madisetti Dec., ¶¶90, 93.

10. Regarding the term "*activate*," Patent Owner relies on '254 patent's process for "activating a service." POR, 39-44. But the described steps of that process do not propose a definition or impose requirements on "*activate*." On the contrary, the '254 patent states that its steps for "activating a service" "may be omitted entirely" and that undisclosed steps may be added. '254 patent, 10:4-11.

This passage is essentially the opposite of a definition, since it affirmatively rejects the idea that "activating" either requires or precludes any particular step. The '254 patent also explains that after activation, "the provider…will deliver the requested service." '254 patent, 4:28-31. This language is consistent with how a POSITA would have understood "*activate*," which includes performing an action causing a provider to deliver a requested service.

2. "utilized by" ([1.3])

11. Patent Owner argues that the server hosting Bodart's virtual assistant server is "*utilized by*" a user, and not the telephone service provider. POR, 24-25. A POSITA would not have understood the term "*utilized by*" to be limited as Patent Owner suggests. Telecommunications service providers would have used network components and infrastructure, including routers, switches, communication lines, servers, base stations, and terminal equipment, to provide communications services. This would have been background knowledge to a POSITA. Houh Dec., ¶22 (POSITA "would have had a working knowledge of the telecommunications and networking art that is pertinent to the '254 patent."); *see also* US6005929, 24:6-10, 4:32-36, (describing use of switches and terminals for telephone service); US2010/0329140, [0009], [0030], [0032], [0036], [0044], [0048], [0123] (describing the use of switches, terminals, routers, servers (e.g., voicemail servers), base stations, and telephone lines for telephone service). The

fact that telephone service users would have *also* used those components and infrastructure to use telephone service does not change this analysis. Nothing in the '254 patent supports Patent Owner's suggestion that Bodart's server is not "*utilized by*" the telephone service provider merely because the virtual assistant user also uses Bodart's server.

12. Patent Owner suggests that Bodart's server is only "*utilized by*" whomever "operate[s] or control[s] it." POR, 28. Dr. Madisetti further testified that the virtual assistant server would not be "*utilized by*" the telephone service provider to provide telephone service because the provider has no knowledge of what the virtual assistant is doing with calls directed to its user. Madisetti Dep., 93:19 – 94:3. I disagree with Patent Owner and Dr. Madisetti that operation, control, or even knowledge are required by the '254 patent through the term "*utilized by*." Indeed, the '254 patent uses the term "utilize" to describe a variety of relationships, including "utilizing a telephone number" as a common ID, "utiliz[ing]" APIs to interface with a provider, and a user "utiliz[ing] a first provider to provide connectivity to the internet, public cloud, and/or PSTN." '254 patent, 5:62-64, 10:40-46, 11:35-37. I see no reason to depart from the most common understanding of "*utilized by*," which is "used by." *See* Webster's Collegiate Dictionary, 10th ed. (1998), p.1298 (defining "utilize:" "to make use of.")

3. "associated with" ([1.3])

13. Patent Owner argues that "*associated with a first telephone number*" in Ground 2 requires "an **established** 'association' or link between the service and the telephone number," and that "an **affirmative action**" must be taken "to establish an association." POR, 53, 54. A POSITA would not have understood the '254 patent to impose these additional limitations.

14. Phrases like "affirmative action" or "established" do not appear in the '254 patent. Patent Owner's citations to the '254 patent are just examples or suggestions. POR 53-55. For instance, one quoted passage of the '254 patent states:

> In one embodiment, a unified services enabler platform **may allow** for the association of internet protocol (IP) enabled services with telephone numbers tied to legacy telephone services. Within this platform, the telephone number **may be used** as the central, unifying ID to associate services and applications that are utilized by the corresponding user. 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. A customer **may continue to use** existing telephone services but **can also utilize** IP-enabled services and applications which are associated with their legacy telephone number.

'254 patent, 1:40-56.

15. Like the passages Patent Owner cited for the terms "*request to provision*" and "*activate*" above, the choice of language in this passage is consistently permissive or optional (e.g., "**may** allow…**may** be used…**may** be coupled…**can** also utilize…"). This language does not impose any definitions or limitations on the term "*associated with*" as claimed. The rest of the quoted passages use similar permissive language that suggest features that are optional, and non-limiting. *See* '254 patent, 4:32-35 ("…**may** include…"), 6:58-62 ("…**may** be generated…"), 5:62-64 ("…**one embodiment**…"), 5:64-67 ("…may be…"), 4:15-22 ("…**may be** configured… **may** associate…"). A POSITA reading the '254 patent, including Patent Owner's quoted language, would have understood the term "*associated with*" consistent with its ordinary meaning. The ordinary meaning of "*associated with*" describes things that are related, or logically connected. *See* Webster's Collegiate Dictionary, p. 70 (defining "associate:" "to bring together or into relationship in any of various intangible ways (as in memory or imagination)."

B. Ground 1

1. "wherein the server is utilized by a first provider to provide...telephone service." ([1.3])

16. Patent Owner argues that Bodart's virtual assistant server is not "*utilized by*" telephone service providers to provide telephone service. POR, 22-23, 30-31. Patent Owner's arguments rely primarily on an incorrect interpretation of

"*utilized by*," which I discussed above. *See* §II.A.2. Patent Owner's remaining arguments are independently wrong.

(a) The Bodart virtual assistant server is "*utilized by*" a telephone service provider to provide telephone service.

17. Patent Owner argues that Bodart's virtual assistant server is not "*utilized by*" a telephone service provider because it is user-controlled rather than "under the control" of the telephone service provider. POR, 28, 31. Patent Owner's interpretation is wrong. *See* §II.A.2.

18. Bodart's virtual assistant receives, directs, and initiates calls through various telephone interfaces, including Public Switched Telephone Network (PSTN) (landline) and cellular telephone interfaces. *See* Houh Dec., ¶¶81, 99; Bodart, Fig. 1, [0025], [0027], [0044]. A POSITA would have found it obvious for the virtual assistant to send and respond to network commands and signaling from the telephone service provider to provide such telephone services to the user, because this is how telephone service was provided. Houh Dec., ¶101. For PSTN telephony, these signals include dial tones, busy tones, disconnect tones, ring signaling, dial tones, caller ID signaling, and conference call tones, to name a few. *See* Madisetti Dep., 34:13 – 36:14 (acknowledging ring signals, dial tones, busy signals, and caller ID signaling). Other telephony protocols, such as Session Initiation Protocol (SIP) and cellular telephony have their own standardized

signaling and commands. *See* Houh Dec., ¶261 (quoting de Castro, [0124] ("[i]nbound calls originate from the PSTN or via SIP..."); Bodart, [0030], [0033]-[0034] (describing virtual assistant cell phone interface).

19. Telephony signaling and commands for any of the protocols I described above would have been within the background knowledge of a POSITA. *See, e.g.*, US2010/0329140, [0032] (describing "signaling…used for controlling the state of communication sessions, such as telephone calls."); Madisetti Dep., 34:13 – 36:14 (demonstrating knowledge of ring signals, dial tones, busy signals, and caller ID signaling); US 2010/0329140, [0037] (describing cellular (e.g., GSM, CDMA) signaling protocols).

20. Telecommunications service providers had long used a variety of equipment in their networks to provide communications services to their customers. For example, US2010/0329140 explains how the "communication network of the telephone service provider enables terminal 110 to participate in real-time communication sessions, such as telephone calls, video calls, etc." US2010/0329140, [0037]. The telephone service provider's communication network includes "communication terminals, proxy servers, registrar servers, etc." US2010/0329140, [0032]. The servers in a telephone service provider's communication network provided "call-related services, such as call-blocking." US2010/0329140, [0039]. Like Bodart, US2010/0329140 describes a "virtual

assistant feature" (available through communication terminal 110 in the telephone service provider's network, US2010/0329140, [0032], Fig. 1) that provides "both call-related and web-enabled features," such as "answering incoming telephone calls when a call recipient is busy or not answering." US2010/0329140, [0066]-[0067]. Coordination among available services is provided by a "feature interaction detector," which executes on one or more servers in the telephone service provider's network. US2010/0329140, [0119], [0122], [0127]-[0143] (describing how to coordinate and resolve potential conflicts among available features), Fig. 4. Thus, US2010/0329140 confirms that it was known for the telecommunications service providers to use a server to provide telephone services to their customers.

21. Telephone service providers also knew, in the prior art, how to integrate servers into their networks to provide new services to customers. For example, US6005929 describes a service provider network that includes a "service server" connected to a telephone routing exchange (e.g., a digital telephone switch). US6005929, Fig. 1, 3:6-22, 4:6-8. The service server is used to provide new services to the customer, and thus, would be a suitable location in the service provider's network to run Bodart's virtual assistant software:

> All calls addressed to a subscriber are forwarded by the subscriber's routing autonomy exchange to a service server connected to the exchange. If a service provided by the service server necessitates a call

> to the subscriber, a call from the service server is routed to a virtual subscriber terminal which is connected to the exchange…. The service server can therefore offer the subscriber a plurality of new services.

US6005929, Abstract.

22. As US6005929 further explains, the "service server" can be integrated with a "virtual subscriber server X" so that they jointly coordinate the delivery of telephone services—including telephone calls—to the subscriber. US6005929, 4:57-5:2. Notably, US6005929 describes providing similar telephony services as Bodart's virtual assistant, including various forms of call forwarding and call filtering. US6005929, 5:53-55 ("Unconditional call forwarding"), 6:9-12 ("Call forwarding on busy"), 6:32-35 ("Call forwarding on no reply"), 6:57-61 ("Call filtering"), 7:9-14 ("Selective call forwarding"). Providing services like call forwarding and call filtering to multiple users is expressly contemplated by US6005929, including even multiple users associated with different routing exchanges. US6005929, 7:58-62. And as with Bodart, "the services offered are remotely programmable by subscribers." US6005929, 8:19-20.

23. Moreover, Bodart's virtual assistant's use of rules for directing and routing calls shows that the virtual assistant server is actively involved in providing telephone service to the user. Houh Dec., ¶98; Bodart, [0025]. For example, the virtual assistant was configured with rules to determine whether or not to route a

call, or send to voicemail. Bodart, [0044], [0057]. A user may configure a rule to route all calls from Person A (e.g., a "recognized contact[] from particular categories") to the user and all calls from Person B ("e.g., all calls from Fred...") to voicemail. Bodart, [0057]. The virtual assistant would intercept all calls directed to the user and then, based on the user's rules, determine whether to route the call to the user or to voicemail. Bodart, [0044], [0057]. In this way, the virtual assistant server played a role in how the telephone service was provided to the user. Houh Dec., ¶98. A POSITA would have therefore understood that the virtual assistant provided "*telephone service*" to the user. Houh Dec., ¶¶81, 99-101; Bodart, [0057]

(b) Patent Owner overlooks the record.

24. Patent Owner alleges that my original Declaration did not demonstrate that Bodart's virtual assistant is "*utilized by*" a telephone service provider (the "*first provider*"). POR, 22-24. Patent Owner is wrong.

25. I explained in my original Declaration that "[b]y providing the ability to receive, route, and initiate calls, the virtual assistant is 'utilized' to provide 'telephone service to the first user." Houh Dec., ¶100. Further, "it would have been obvious...that **the telephone service would be provided by a telephone service provider**." Houh Dec., ¶101. I also explained that Bodart's virtual assistant has wired and wireless (cellular) interfaces, and receives, directs, and initiates phone calls. Houh Dec., ¶¶43, 44, 98-100; Bodart, [0030], [0044].

26. Thus, my original Declaration shows how Bodart renders obvious the virtual assistant server providing "*telephone service*." Houh Dec., ¶101.

(c) The Board correctly summarized the record.

27. Patent Owner accuses the Board of allegedly "fill[ing] in… gaps" in the Petition. POR, 24. I disagree. The Board's summary of the record and the relevant teachings of Bodart is consistent with what I argued in my original Declaration. DI, 36. As explained in my original Declaration, Bodart's virtual assistant receives, initiates, and routes calls. The virtual assistant is accessible to the user by a variety of telephone interfaces—including "cell phone 145" and "conventional phone 146." Houh Dec., ¶99. A telephone service provider would "*utilize*[]" a telephone by sending it a signal or command that causes the telephone to ring, thereby alerting the user to an incoming telephone call. *See above,* §II.B.1.a (telephony signaling would have been background knowledge to a POSITA). A POSITA would have known that landline telephones and cell phones are "*utilized by*" a telephone service provider. Bodart, Fig. 1, [0030]. Bodart's virtual assistant server, with its telephone interfaces and functionality, would have also received telephony signals or commands as part of its telephone-related functions (e.g., receiving, and routing calls). Bodart, [0030], [0044]. Thus, a POSITA would have also understood, as the Board understood, that Bodart's virtual assistant server would be "*utilized by*" the telephone service provider

similar to the landline telephones and cell phones that interface with it. Houh Dec., ¶¶99-101. Indeed, terminal equipment that initiates and receives phone calls is an essential and well-known part of providing telephone service.

(d) Telephone service providers had ample expertise to offer Bodart's virtual assistant.

28. Patent Owner argues that telephone carriers like AT&T, Verizon, or Sprint, lacked the expertise to provide users with Bodart's functionality. POR, 30-31; Madisetti Dec., ¶86. I disagree. Patent Owner provides no basis or support for this assertion. On the contrary, it was common for telephone service providers to offer service enhancements and products that demonstrated ample expertise to provide Bodart's virtual assistant. Telephone service providers like AT&T, Verizon, and Sprint, offered "call forwarding" and "call intercept" features similar to Bodart's. *See* Exs.1031-1034. Moreover, in May 2013, AT&T expanded its feature-rich home automation service called "Digital Life" to include functionality for controlling "lighting and thermostats for convenience and energy efficiency" among other things. AT&T Digital Life (Ex.1028), p.3. This is in direct contrast to Patent Owner's arguments.

29. Patent Owner also asserts that Bodart's virtual assistant "is more appropriately left under the control of the user." POR, 31. Whether Bodart's virtual assistant is "under the control of the user" is irrelevant. As explained in my original

Declaration, Bodart's virtual assistant server would have been "*utilized by*" the telephone service provider because it executes rules that receive, route, and initiate telephone calls, and thus, the virtual assistant is "*utilized*" to provide telephone service to the first user. Houh Dec., ¶100. Bodart's virtual assistant server would have therefore been "*utilized by*" the telephone service provider whether the virtual assistant was "under the control of the user" or "under the control of" the telephone service provider.

2. "a request to provision a second service" ([1.4])

30. Patent Owner argues that the prior art's disclosure of storing and sending login credentials does not disclose "*a request to provision a second service*." POR, 32. Patent Owner's arguments are based on an incorrect interpretation of the "*request to provision*" which would be limited to a request to subscribe or add a new service. POR, 35. As I explain above, I disagree with Patent Owner's interpretation. *See* above, §II.A.1.

31. Even under Patent Owner's incorrect interpretation, the prior art still renders [1.4] obvious. As I explained in my original Declaration, accessing communication application services like IM and email typically requires sending login credentials to an application server. Houh Dec., ¶¶31, 32, 110, 114. A POSITA would have understood that a user does not have access to a service (e.g., email, IM) until the application server accepts and verifies those credentials. Houh

Dec., ¶¶31, 32.

32. Bodart's virtual assistant uses configurable rules or automations, including "sending an IM to a user receiving a phone call," "having a user's email read to her by phone," and sending a text or IM message "to determine the user's availability to take a particular call." *See, e.g.*, Houh Dec., ¶¶127, 57, 120. These rules involve the virtual assistant accessing the user's IM or email accounts to use or manipulate data on the user's account (e.g., accessing emails, sending IMs) as part of providing rule-based services. Bodart, [0022], [0060]. The virtual assistant would gain access to those accounts by sending login credentials to the service provider's server, as explained above. *See* Houh Dec., ¶¶31, 32, 110, 114. A POSITA would have therefore understood that Bodart's IM- or email-based rules would not be functional until the login credentials are verified by the email or IM service provider's server, and the rules are configured (collectively, the "*request to provision*"). Thus, a POSITA would have also understood that Bodart's use of rules to automate "routine tasks" are new services that access the user's existing service accounts (e.g., email, IM). Bodart, [0001].

33. This understanding is consistent with the '254 patent, which indicates that the claimed "*second service*" may be "any" service ('254 patent, 8:33-36), and that the "*second identifier*" may be the user's "**real** email address." '254 patent, 7:47-48. A would have understood that the user's "**real** email address" refers to the

user's personal, *existing* email address. Indeed, it would be very bizarre to interpret the '254 patent's provisioning and activating steps to exclude users' existing service accounts, and instead require newly minted ones. Users would prefer to use the virtual assistant services with their existing accounts, and avoid creating a profusion of additional, disjoint accounts after which they have to ask all their contacts to update their contact information to the newly created address in order to use virtual assistant.

3. *"create a mapping from the first telephone number to a second identifier"* responsive to receiving the request to provision. ([1.6])

34. Patent Owner argues that there would be no "*mapping*" in the prior art combination because "the virtual assistant already knows the user's telephone number." POR, 38. Patent Owner misunderstands the prior art combination. As my original Declaration explains, Banister describes implementation details for "*mapping*" an email address to a telephone number in a database. Houh Dec., ¶127; Banister, 2:1-5, 4:14-17. A POSITA would have found it obvious for both the user's telephone number and the IM address (or email address) to be used to execute Bodart's rules and automations. Houh Dec., ¶129. Thus, by configuring the rules, the virtual assistant server would "*create a mapping*" from the user's telephone number ("*the first telephone number*") to an email address or IM username ("*a second identifier*") in a database. Houh Dec., ¶129; Banister, 2:1-5.

4. "activate the second service with the second provider" responsive to receiving the request to provision ([1.7])

35. Many of Patent Owner's arguments rely on its interpretations of the "*request to provision*" and to "*activate the second service*." POR, 39, 44. As I explain above, Patent Owner's interpretations are wrong. *See* §II.A.1.

36. A POSITA would have understood that activating a service includes making that service available at or within a device, including Bodart's virtual assistant. Houh Dec., ¶137. A POSITA would have understood that the service is not accessible or usable – and therefore not "*activate*[d]" – until the service provider (e.g., IM server or email server) accepts the login credentials and authorizes access to the service. Houh Dec., ¶¶31, 32, 139-140.

37. Patent Owner argues that that this form of *activat[ion]* "would at most be made available within Bodart's virtual assistant, and not '*activate*[d]… *with the second provider*.'" POR, 39. This is also wrong. As I explained in my original Declaration, login credentials are sent to the application server of the second service provider, and the application server responds to acknowledge and grant access (e.g., with a security token, authenticated session file, etc.). Houh Dec., ¶¶31, 32, 137, 139. Thus, a POSITA would have understood that having the virtual assistant server gaining authenticated access to the service is activating the service "*with the second provider*." Houh Dec., ¶¶137, 139.

5. "associate the second service with the first telephone number" ([1.8])

38. Patent Owner argues that Bodart's virtual assistant would only associate "the caller's number" with IM or email service, and not the called number (i.e., the virtual assistant's telephone number or user's telephone number). POR, 45. I disagree.

39. The Bodart virtual assistant's rules are "user-created," and specific to the user's own preferences. Bodart, [0024], Abstract. It would have been obvious for different users to specify different rules, because different users would have different preferences. Accordingly, it would have been obvious for the virtual assistant server to associate each user's rules with that user's telephone number. When the virtual assistant intercepts an incoming call, the virtual assistant would then be able to use the called number to identify the relevant user and their specified rules. In an example, in response to an incoming call to the user, the user's phone number ("*the first telephone number*") would be used to identify the user's rules. Thus, the user's phone number would be "*associate*[d] *with*" the IM or email processing action ("*second service*") configured by the user. Houh Dec., ¶¶145, 149. In other words, Bodart's rules associate the user's telephone service (identified by a "*first telephone number*") with other communication modalities, such as email or IM services ("*with the second service*").

40. Patent Owner also argues that "[e]xecuting [Bodart's] rules would not be '*responsive to*'" storing user credentials. POR, 46. Patent Owner misunderstands my original argument. My original Declaration demonstrates that the creation of the rules corresponds to the claimed "*associate*" step. Houh Dec., ¶145. It would have been obvious for the rules to be configured as part of the same "*request*" process in which a user provides their login credentials for email and IM service ("*the second service*"). Pet., 42-43; Bodart, [0024].

C. Ground 2

1. "a request to provision a second service for the first user" ([1.4])

41. Patent Owner argues that de Castro's disclosure of a user's phone call to a phone number that gives access to de Castro's communication application is not a "*request to provision*." POR, 57-59. That argument is based on its incorrect interpretation of "*request to provision*." *See* §II.A.1.

42. A POSITA would have understood that dialing a telephone number that causes an application to execute is "*a request provision*" the service provided via that application. Houh Dec., ¶¶232-234. de Castro refers to the process of allocating resources and executing multiple applications in a server as "resource provisioning." de Castro, [0036]. As I explained in my original Declaration, de Castro shows that a telephone call to a number associated with a communication

application causes de Castro's server to "*provision*" the application. Houh Dec., ¶¶232-234. de Castro's execution of the communication application in response to the incoming phone call includes registering the call, initiating a call actor, and identifying an IP address of the server to execute that application. Houh Dec., ¶¶232-234; de Castro, [0116], [0124], [0126]. Thus, the server "*provision*[s]" the application by allocating computational resources and initiating the back end processes necessary to execute the application for the caller.

43. Patent Owner also suggests that the claim requires "both services [to] be used at the same time by the same user," and that the user must be "aware" that two different services are being used. POR, 58, 59. There is no language in the claim that supports these conclusions. And even if Patent Owner were correct, it would have been obvious for the user to be "aware" of the fact that different applications are being accessed. As I explained in my original Declaration, several different app scripts, such as "app script 1" and "app script k," may be accessed by the same user 40. de Castro, Fig. 14; Houh Dec., ¶¶230, 219. It would have been obvious for the user 40 to access a first app script 1, and also to access a second app script k, for example. Houh Dec., ¶¶230, 219; de Castro, Fig. 14. de Castro discloses that these app scripts are accessible by dialing a corresponding telephone number. Houh Dec., ¶231; de Castro, [0116]. Users would know that they are accessing different applications because they are dialing different numbers to

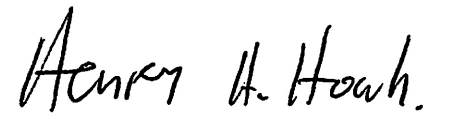
access those applications.

III. CONCLUSION

44. This declaration and my opinions herein are made to the best of my knowledge and understanding, and based on the material available to me, at the time of signing this declaration. I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 35 U.S.C. § 1001.

Date: 3/14/24

Respectfully submitted,



Henry H. Houh, Ph.D.