From: Lewis Hudnell
To: Bervik, Trevor (DEN)
Cc: Nick Gikkas; #FACEBOOK-WA-VOIPPAL; Mike Jones; Google-VoIP-Pal; Paige Amstutz; Steve McConnico; *DShvodian@perkinscoie.com; *CKelley@perkinscoie.com; *CTyler@perkinscoie.com; Thomas, Lois (SEA); Hector, Bill; Cimino, Frank C., Jr.; Woodworth, Megan S.; *TMobile-VOIP; *melissa@gillamsmithlaw.com; GTu@mcguirewoods.com
Subject: Re: VoIP-Pal"s Proposed Claim Constructions (2021 WDTX cases)
Date: Wednesday, March 2, 2022 3:29:12 PM
Attachments: image001.jpg
image002.jpg
Hudnell Law Group59.jpg
Claim construction comparison chart [Mobile Gateway].docx

Trevor,

Tomorrow at 1p PT still works assuming we only need the half hour proposed in your invite. If we need longer, then I would suggest proposing a different time.

Attached is a claim construction chart for the Mobile Gateway patents showing the modifications to VoIP-Pal's proposed constructions in redline. The rows highlighted in green indicate the terms where VoIP-Pal believes the parties appear to be in agreement. We can discuss the plain and ordinary meaning issues tomorrow.

Regards,

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On Wed, Mar 2, 2022 at 11:41 AM Bervik, Trevor (DEN) <TBervik@perkinscoie.com> wrote:

> Lewis – We have confirmed that tomorrow (3/3) at 1:00 PM PT will work for our side. I'll distribute a meeting invitation and call-in details shortly. If the time no longer works for you, or if you need to reschedule, please let me know.
>
> Thanks,
>
> Trevor
>
> **Trevor Bervik** | **Perkins Coie LLP**

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META V. VOIP-PAL
GOOGLE EXHIBIT 1018

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E. TBervik@perkinscoie.com

From: Bervik, Trevor (DEN)
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Subject: RE: VoIP-Pal's Proposed Claim Constructions (2021 WDTX cases)

Thank you, Lewis.

We haven't been able to confirm with everyone yet, but it looks like 1:00 PM PT tomorrow (3/3) will work for most – so let's hold that time for now. I'll let you know when we can all lock it in (or if we need to shift it).

For the "plain and ordinary meaning" constructions, we want to be sure that we don't get surprised later by a specific alleged "plain and ordinary meaning" that isn't what we'd anticipated. We are hopeful that VoIP-Pal can tell us, for the terms where it has proposed "plain and ordinary meaning," what that plain and ordinary meaning is and whether our proposed constructions are consistent with VoIP-Pal's belief as to the "plain and ordinary meaning." We understand your point that the defendants have also said "plain and ordinary meaning" for a few terms, and we are conferring in hopes of reaching a joint position on whether VoIP-Pal's proposed constructions are consistent with our understanding of the plain and ordinary meaning.

Regards,

Trevor

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From: Lewis Hudnell <lewis@hudnelllaw.com>
Sent: Wednesday, March 2, 2022 9:00 AM
To: Bervik, Trevor (DEN) <TBervik@perkinscoie.com>
Cc: Nick Gikkas <nick@hudnelllaw.com>; #FACEBOOK-WA-VOIPPAL <FACEBOOK-WA-VOIPPAL@kirkland.com>; Mike Jones <mikejones@potterminton.com>; Google-VoIP-Pal <Google-VoIP-Pal@paulhastings.com>; Paige Amstutz <pamstutz@scottdoug.com>; Steve McConnico <smcconnico@scottdoug.com>; Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>; Kelley, Christopher L. (PAO) <CKelley@perkinscoie.com>; Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Thomas, Lois (SEA) <LThomas@perkinscoie.com>; Hector, Bill <wahector@venable.com>; Cimino, Frank C., Jr. <fccimino@venable.com>; Woodworth, Megan S. <mswoodworth@venable.com>; *TMobile-VOIP <TMobile-VOIP@perkinscoie.com>; Melissa Smith <melissa@gillamsmithlaw.com>; GTu@mcguirewoods.com
Subject: Re: VoIP-Pal's Proposed Claim Constructions (2021 WDTX cases)

Hi Trevor,

Thanks for your email. I'll be sending a list of potential agreed constructions and proposed revised constructions later today. I am not sure that I understand your inquiry regarding the plain and ordinary meaning constructions as Defendants are proposing plain and ordinary meaning constructions for certain terms as well.

VoIP-Pal is available to meet and confer tomorrow afternoon PT (except between 2-3p PT) or Friday between 9a-11a PT.

Regards,

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On Tue, Mar 1, 2022 at 1:57 PM Bervik, Trevor (DEN) <TBervik@perkinscoie.com> wrote:

> Hi Lewis,
>
> I'm just checking in on the below email regarding certain aspects of VoIP-Pal's proposed constructions. Could you please let us know when we can expect a response?
>
> We'd also like to set up a call to confer. Please let us know your upcoming availably and we can set aside some time to discuss.
>
> Regards,
>
> Trevor
>
> **Trevor Bervik** | **Perkins Coie LLP**
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> ---
>
> **From:** Bervik, Trevor (DEN) <TBervik@perkinscoie.com>
> **Sent:** Thursday, February 24, 2022 5:35 PM
> **To:** Lewis Hudnell <lewis@hudnelllaw.com>
> **Cc:** Nick Gikkas <nick@hudnelllaw.com>; #FACEBOOK-WA-VOIPPAL <FACEBOOK-WA-VOIPPAL@kirkland.com>; Mike Jones <mikejones@potterminton.com>; Google-VoIP-Pal <Google-VoIP-Pal@paulhastings.com>; Paige Amstutz <pamstutz@scottdoug.com>; Steve McConnico <smcconnico@scottdoug.com>; Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>; Kelley, Christopher L. (PAO) <CKelley@perkinscoie.com>; Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Thomas, Lois (SEA) <LThomas@perkinscoie.com>; Hector, Bill <wahector@venable.com>; Cimino, Frank C., Jr. <fccimino@venable.com>; Woodworth, Megan S. <mswoodworth@venable.com>; *TMobile-VOIP <TMobile-VOIP@perkinscoie.com>; Melissa Smith <melissa@gillamsmithlaw.com>; GTu@mcguirewoods.com
> **Subject:** RE: VoIP-Pal's Proposed Claim Constructions (2021 WDTX cases)
>
> Dear Lewis,
>
> By way of introduction, my name is Trevor and I am working with Amanda Tessar on

behalf of T-Mobile for the above-referenced case. It's a pleasure to (virtually) meet you.

Thank you for providing VoIP-Pal's proposed constructions earlier this week. We just have a few follow-up questions where we'd like your assistance.

For three of the four terms that VoIP-Pal initially identified as needing construction (i.e., "Access server," "Access code request message," and "Access code reply message"), VoIP-Pal proposed the "plain and ordinary" meaning. Can you please clarify what you believe the "plain and ordinary" meaning is for these terms? We note that, if you attempt to request a specific proposal for the "plain and ordinary" meaning of the three terms identified above at a later date, we will seek relief from the Court.

Alternatively, would you agree that the "plain and ordinary" meaning of at least the terms "access code request message" and "access code reply message" comports with our proposed constructions?

We also note that it seems like we are close to agreement on constructions for at least some of the means-plus-function terms. For those, can you let us know whether VoIP-Pal can agree to at least some of defendants' proposed constructions or if VoIP-Pal has compromise positions to offer?

We are continuing to evaluate whether compromises are possible for the remainder of the terms and we suggest setting a time now to confer, unless VoIP-Pal has any written compromise proposals to suggest in advance of a call.

Best regards,

Trevor

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Woodworth, Megan S. <mswoodworth@venable.com>; *TMobile-VOIP <TMobile-VOIP@perkinscoie.com>; Melissa Smith <melissa@gillamsmithlaw.com>
Cc: Nick Gikkas <nick@hudnelllaw.com>
Subject: VoIP-Pal's Proposed Claim Constructions (2021 WDTX cases)

Dear Counsel,

Attached for service is VoIP-Pal's Proposed Claim Constructions.

Regards,

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Term	Proposed Construction		Patent(s)/Claim(s)
"Access server"	Plain and ordinary meaning	Plain and ordinary meaning	'234 patent claims 1, 11, 19, 20, 21, 25, 28 '721 patent claims 1, 16, 20, 34, 38, 39, 46, 49, 50
"Access code request message"	Plain and ordinary meaning	"message sent from the [mobile device / wireless device / wireless apparatus] and received by the access server"	'234 patent claims 1, 10, 11, 19, 20, 21, 28, 40, 46, 62, 72 '721 patent claims 1, 16, 20, 34, 38, 39, 49, 50, 51, 77, 103, 104
"Access code reply message"	Plain and ordinary meaning	"message sent from the access server and received by the [mobile device / wireless device / wireless apparatus]"	'234 patent claims 1, 11, 19, 20, 43, 45, 46, 61, 62, 75 '721 patent claims 1, 16, 20, 34, 38, 46, 49, 50, 51, 77, 103, 124
"routing controller"	~~One or more devices that produce messages to setup communication between callers and callees~~Plain and ordinary meaning	Plain and ordinary meaning	'234 patent claims 10, 19, 32, 62, 64 '721 patent claims 15, 16, 34, 49, 51, 77, 103, 109, 110, 124
"roaming"	Plain and ordinary meaning	Preamble limiting "being in another mobile telephone service provider's network and not the mobile	'234 patent, claims 1, 19, 28, 30, 46, 62 '721 patent, claims 34, 49

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		telephone's home network"	
"callee identifier"	Plain and ordinary meaning	"telephone number, and not a username"	'234 patent, claims 1, 11, 20, 25, 28, 30, 46, 62
"access code"	Plain and ordinary meaning	"code used by the [mobile telephone / wireless device / wireless apparatus] in place of the callee identifier"	'234 patent, claims 1, 10, 11, 19, 20, 21, 25, 28, 30, 31, 32, 33, 38, 40, 43, 45, 46, 47, 48, 54, 61, 62, 64, 65, 70, 72, 75 '721 patent, claims 1, 14, 16, 20, 34, 38, 39, 46, 49, 50, 51, 57, 63, 77, 103, 104, 109, 110, 124, 130, 135, 138, 139, 140
"pool of access codes"	Plain and ordinary meaning	"table containing access codes for exclusive association with a [callee identifier / destination node identifier]"	'234 patent, claims 1, 11, 20, 30, 38, 46, 54, 57, 62, 70 '721 patent, claims 63, 109
"local call"	~~Plain and ordinary meaning~~A call that is made in a geographical area associated with the caller's device	"call within the PSTN local calling area of the mobile telephone"	'234 patent, claims 1, 11, 20
"means for receiving, from a user of the mobile telephone, a callee identifier"	**Function**: "receiving, from a user of the mobile telephone, a callee identifier" **Corresponding structure**: a dialing input, which is a key pad, a voice recognition unit, or a parameter memory with prestored callee	Governed by 35 U.S.C. § 112 ¶ 6 Function: receiving, from a user of the mobile telephone, a callee identifier Structure: a dialing input, which is a key pad, a voice	'234 patent, claim 11

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	identifiers ~~Mobile wireless device 12 having a microprocessor 52 programmed to implement the algorithm illustrated in FIG. 3, which includes block 104 labeled "Obtain callee identified." The telephone 12 includes an I/O port (56) and dialing function (62, 64). See FIG. 2.~~	recognition unit, or a parameter memory with prestored callee identifiers	
"means for transmitting an access code request message to an access server"	**Function**: "transmitting an access code request message to an access server" **Corresponding structure**: ~~Mobile wireless device 12 having a microprocessor 52 programmed to implement the algorithm illustrated in FIG. 3, which includes block 106 labeled "Transmit access code request message to access server." The wireless device 12 includes I/O port(s) 56 capable of acting as an interface to external networks (70, 72, 15, 16). *See* FIG. 2.~~A network interface	Function: transmitting an access code request message to an access server Structure: a network interface	'234 patent, claim 11 '721 patent, claim 20
"means for receiving an access code reply message from the	**Function**: "receiving an access code reply message from the	Governed by 35 U.S.C. § 112 ¶ 6	'234 patent, claim 11

access server in response to [said/the] access code request message"	access server in response to [said/the] access code request message" **Corresponding structure**: ~~Mobile wireless device 12 having a microprocessor 52 programmed to implement the algorithm illustrated in FIG. 3, which includes block 130 labeled "Receive access code reply message from access server." The wireless device 12 includes I/O port(s) 56 capable of acting as an interface to external networks (70, 72, 15, 16). *See* FIG. 2.~~A network interface	Function: receiving an access code reply message from the access server in response to [said/the] access code request Message Structure: a network interface	'721 patent, claim 20
"means for initiating a call using said access code to identify the callee"	**Function**: "initiating a call using said access code to identify the callee" **Corresponding structure**: Mobile wireless device 12 having a microprocessor 52 programmed to implement the algorithm illustrated in FIG. 3, which includes block 149 labeled "Initiate voice/video call using access code." The wireless device 12 includes I/O	Function: initiating a call using said access code to identify the callee Structure: a network interface, including switched line channels in a public switched telephone network (PSTN)	'234 patent, claim 11

	port(s) 56 capable of acting as an interface to external networks (70, 72, 15, 16). *See* FIG. 2.		
"means for receiving from the mobile telephone [said/an] access code request message"	**Function**: "receiving from the mobile telephone [said/an] access code request message" **Corresponding structure**: ~~Access server 14 having a microprocessor 152 programmed to implement the algorithm illustrated in FIG. 7, which includes block 196 labeled "Obtain an access code." The access server 14 includes one or more I/O ports 156 which can provide interfaces to external networks 162 or internal components 164 of the communication network. *See* FIG. 6.~~A network interface	Governed by 35 U.S.C. § 112 ¶ 6 Function: receiving from the mobile telephone [said/an] access code request message Structure: a network interface	'234 patent, claims 19, 46
"means for communicating with [said/the] routing controller to obtain from [said/the] routing controller [said/the] access code"	**Function**: "communicating with [said/the] routing controller to obtain from [said/the] routing controller [said/the] access code" **Corresponding structure** An I/O port of an access server	Function: communicating with [said/the] routing controller to obtain from [said/the] routing controller [said/the] access code Structure: an input/output port that transmits the access code	'234 patent, claim 19 '721 patent, claim 34

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	and/or an I/O port of a routing controller.~~: *See* FIGS. 6 and 7. Access server 14 having a microprocessor 152, performs a process including "Obtain an access code" 196. Routing Controller 30 has a microprocessor 232 in communication with I/O interface 236 and access server interface 242 for communicating with access server 14, as illustrated in FIG. 8. In some embodiments, the routing controller is part of or integrated with the access server; *see* col. 17 lines 19-30. See also col. 14, lines 30-54.~~	request message, as received from the [mobile telephone / wireless apparatus], to the routing controller and receives, from the routing controller, the access code reply message[5]	
"means for transmitting [said/an/the] access code reply message including [said/the] access code to the [mobile telephone/wireless apparatus]"	**Function**: "transmitting [said/an/the] access code reply message including [said/the] access code to the [mobile telephone/wireless apparatus]" **Corresponding structure**: ~~Access server 14 having a microprocessor 152 programmed to implement the algorithm illustrated in FIG. 7, which includes block 198 labeled "Transmit access code reply message." The access~~	Function: transmitting [said/an/the] access code reply message including [said/the] access code to the [mobile telephone / wireless apparatus] Structure: a network interface	'234 patent, claims 19, 46 '721 patent, claims 34, 77

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	~~server 14 includes one or more I/O ports 156 providing interfaces to external networks 162 or internal components 164 of the communication network. *See* FIG. 6. In some embodiments, the routing controller is part of or integrated with the access server; *see* col. 17 lines 19-30.~~A network interface		
"means for producing an access code"	**Function**: "producing an access code" **Corresponding structure**: Access server 14 and/or routing controller 30.~~Access server 14 having a microprocessor 152 programmed to implement the algorithm illustrated in FIG. 7, which includes block 196 labeled "Obtain an access code." The access server 14 includes one or more I/O ports 156 which can provide an interface for communicating with a routing controller (164). *See* FIG. 6. In some embodiments, the routing controller is part of or integrated with the access~~	Function: producing an access Code Structure: a processing circuit of the routing controller, a table memory storing an access code association table in a form given in FIG. 10, a temporary memory containing a local calling area identifier and an access code store, and a clock for selecting an access code from a pool of access codes using the algorithm given in FIG. 12	'234 patent, claim 46

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	~~server; see col. 17 lines 19-30. Various embodiments of a routing controller 30 producing an access code are disclosed at col. 15, line 7 to col. 22 line 60, for example.~~		
"means for selecting said access code from a pool of access codes"	**Function**: "selecting said access code from a pool of access codes" **Corresponding structure**: Access server 14 and/or routing controller 30.~~Access server 14 having a microprocessor 152 programmed to implement the algorithm illustrated in FIG. 7 or an equivalent algorithm, which includes block 196 labeled "Obtain an access code." Alternatively, various embodiments of a routing controller 30 producing an access code are disclosed at col. 15, line 7 to col. 22 line 60, for example. In some embodiments, the routing controller is part of or integrated with the access server; *see* col. 17 lines 19-30.~~	Function: selecting said access code from a pool of access codes Structure: a processing circuit of the routing controller, a table memory storing an access code association table in a form given in FIG. 10, a temporary memory containing a local calling area identifier and an access code store, and a clock for selecting an access code from a pool of access codes using the algorithm given in FIG. 12	'234 patent, claim 46

"gateway"	Plain and ordinary meaning	"device that connects networks that use different communication protocols	'721 patent, claims 1, 20, 38, 51, 77, 103, 133
"means for receiving from a user of the wireless apparatus a destination node identifier"	**Function**: "receiving from a user of the wireless apparatus a destination node identifier" **Corresponding structure**: a dialing input, which is a key pad, a voice recognition unit, or a parameter memory with prestored callee identifiers~~Mobile wireless apparatus 12 having a microprocessor 52 programmed to implement the algorithm illustrated in FIG. 3, which includes block 104 labeled "Obtain callee identifier." The apparatus 12 includes an I/O port (56) and dialing function (62, 64). See FIG. 2.~~	Function: receiving from a user of the wireless apparatus a destination node identifier Structure: a dialing input, which is a key pad, a voice recognition unit, or a parameter memory with prestored callee identifiers	'721 patent, claim 20
"means for causing the wireless apparatus to establish communications with the destination node through the communications channel identified by the access code"	**Function**: "causing the wireless apparatus to establish communications with the destination node through the communications channel identified by the access code" **Corresponding structure**:	Function: causing the wireless apparatus to establish communications with the destination node through the communications channel identified by the access code Structure: a network interface,	'721 patent, claim 20

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	Mobile telephone 12 having a microprocessor 52 programmed to implement the algorithm illustrated in FIG. 3, which includes block 149 labeled "Initiate voice/video call using access code." The apparatus 12 includes an I/O port (56) for communication. See FIG. 2.	including switched line channels in a public switched telephone network (PSTN)	
"means for receiving from the wireless [apparatus/device] [the/an] access code request message"	**Function**: "receiving from the wireless [apparatus/device] [the/an] access code request message" **Corresponding structure**: ~~Access server 14 having a microprocessor 152 programmed to implement the algorithm illustrated in FIG. 7, labeled "Receive Access Code Request Message 192", which includes block 196 labeled "Obtain an access code." The access server 14 includes one or more I/O ports 156 which can provide interfaces to external networks 162 and/or internal components of the communication network (164). *See* FIG. 6. In some embodiments, the routing~~	Function: receiving from the wireless [apparatus/device] [the/an] access code request message Structure: a network interface	'721 patent, claims 34, 77

	~~controller is part of or integrated with the access server; see col. 17 lines 19-30.~~ A network interface		
"network element"	Plain and ordinary meaning/ Not indefinite	Indefinite	'721 patent, claim 50
"means for causing a routing controller to produce an access code"	**Function**: "causing a routing controller to produce an access code" **Corresponding structure**: Access server 14 and/or routing controller 30. ~~having a microprocessor 152 programmed to implement the algorithm illustrated in FIG. 7, which includes block 196 labeled "Obtain an access code." In some embodiments, the routing controller is part of or integrated with the access server; see col. 17 lines 19-30.~~	Function: causing a routing controller to produce an access code Structure: an input/output port for transmitting the access code request message, as received from the wireless device, to the routing controller and for receiving, from the routing controller, the access code reply message	'721 patent, claim 77

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