

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC., *et al.*

Plaintiffs,

v.

Case No. 2:16-cv-642-JRG

LEAD CASE

<u>SAMSUNG ELECTRONICS AMERICA, INC.,</u>	
<u>APPLE INC.,</u>	Case No. 2:16-cv-0638-JRG
<u>BLACKBERRY CORPORATION, ET AL.,</u>	Case No. 2:16-cv-0639-JRG
<u>KAKAO CORPORATION,</u>	Case No. 2:16-cv-0640-JRG
<u>LINE EURO-AMERICAS CORP., ET AL.,</u>	Case No. 2:16-cv-0641-JRG
<u>VIBER MEDIA S.A.R.L.,</u>	Case No. 2:16-cv-0643-JRG
<u>VOXERNET LLC,</u>	Case No. 2:16-cv-0644-JRG
<u>WHATSAPP, INC.,</u>	Case No. 2:16-cv-0645-JRG
<u>AOL INC.</u>	Case No. 2:16-cv-0722-JRG
<u>BEETALK PRIVATE LTD.</u>	Case No. 2:16-cv-0725-JRG
<u>FACEBOOK, INC.</u>	Case No. 2:16-cv-0728-JRG
<u>GREEN TOMATO LIMITED</u>	Case No. 2:16-cv-0731-JRG
<u>SONY INTERACTIVE ENTERTAINMENT</u>	Case No. 2:16-cv-0732-JRG
<u>TANGOME, INC. D/B/A TANGO</u>	Case No. 2:16-cv-0733-JRG

DEFENDANTS' PRELIMINARY INVALIDITY CONTENTIONS

Pursuant to Local Patent Rule 3-3 and the Court's Docket Control Order ("DCO"), the undersigned Defendants in the above-captioned cases (collectively, "Defendants") set forth their Invalidity Contentions concerning U.S. Patent Nos. 7,535,890 ("the '890 patent"), 8,199,747 ("the '747 patent"), 8,243,723 ("the '723 patent"), 8,724,622 ("the '622 patent") and 8,995,433 ("the '433 patent") (collectively, the "Asserted Patents").¹

These Invalidity Contentions are served pursuant to the Court's DCO. Defendants also

¹ These Preliminary Invalidity Contentions should not be construed as a waiver to any defense, objection, or motion related to personal jurisdiction or venue, and each Defendant maintains any and all objections, defenses, and motions relating to jurisdiction and venue that have been previously raised. For example, Kakao Corp. maintains that the Court lacks personal jurisdiction over it and has filed a motion to dismiss for lack of personal jurisdiction. Sony Interactive Entertainment LLC maintains that the Court lacks personal jurisdiction over it and that venue is improper in this case, and instead avers that it has been improperly named in this suit. VoxelNet LLC, Apple Inc., Facebook, Inc. and WhatsApp, Inc., also maintain that venue is not proper in the cases against them.

serve herewith the document production accompanying these disclosures. These contentions set forth Defendants' preliminary Invalidity Contentions with respect to the claims currently asserted by Plaintiffs Uniloc USA, Inc. and Uniloc Luxembourg S.A. (collectively, "Plaintiff" or "Uniloc").

I. INTRODUCTORY STATEMENT

The Asserted Claims² of the Asserted Patents are neither novel nor non-obvious in view of the state of the prior art and the understanding of those of ordinary skill in the art at the time of the alleged inventions. The Asserted Claims instead attempt to lay claim over the use of "instant voice messaging systems," "generating an instant voice message," systems and methods for "transmitting [] selected recipients and [] instant voice message[s] [] over [various] networks," an "instant messaging application," and other features and functionality, which were well-known in the field prior to the alleged inventions of the Asserted Patents.

The Asserted Claims are also invalid because they fail to claim patent-eligible subject matter under 35 U.S.C. § 101 and *Alice Corp. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2354 (2014) and its progeny, as set forth herein. The Asserted Claims are also invalid for lack of written description and lack of enablement under 35 U.S.C. § 112, as explained herein.

II. INVALIDITY CONTENTIONS

The following contentions are based on Defendants' current understanding of the Asserted Claims as applied in Plaintiff's Infringement Contentions, without the benefit of claim construction and only limited discovery. Accordingly, these Invalidity Contentions may reflect various potential and alternative positions regarding claim construction and scope. To the extent these contentions reflect or suggest a particular interpretation or reading of any claim element,

² As used herein, the term "Asserted Claims" encompasses all claims that Plaintiff asserts against each individual Defendant in these consolidated cases.

Defendants do not adopt, advocate, or acquiesce to such an interpretation or reading. Nor do these Invalidity Contentions constitute any admission by Defendants that any accused products or services, including any current or past versions of those products or services, are covered by any Asserted Claim. Defendants do not take any position herein regarding the proper scope or construction of the Asserted Claims.

Any assertion herein that a particular limitation is disclosed by a prior art reference or references may be based in part on Plaintiff's apparent interpretation, as identified in Plaintiff's Infringement Contentions and/or Complaints in these actions, and is not intended to be, and is not, an admission by Defendants that any such construction is supportable or correct. To the extent the following contentions reflect constructions of claim limitations consistent with or implicit in Plaintiff's Infringement Contentions, no inference is intended, nor should any be drawn, that Defendants agree with or concedes those claim constructions. Defendants expressly do not do so, and reserves its right to contest them.

To the extent that prior art cited for a particular limitation discloses functionality that is the same or similar in some respects to the alleged functionality in the accused products and/or services as set forth in Plaintiff's Infringement Contentions, Defendants do not concede that those limitations are in fact met by those accused functionalities.

Defendants further reserve the right to seek to supplement and amend these disclosures and associated document production based on further investigation, analysis, and discovery, Defendants' consultation with experts and others, and contentions or court rulings on relevant issues such as claim construction and priority dates. For example, since discovery is in the early stages, deposing the alleged inventors may reveal information that affects the disclosures and contentions herein. Also, Defendants have not completed discovery from third parties who have

information concerning the prior art cited herein and possible additional art. Defendants also reserve the right to seek leave to amend these Invalidity Contentions and/or to modify their selection of prior art references in the event that Plaintiff serves supplemental or modified infringement contentions.

Because Defendants are continuing their search for and analysis of relevant prior art, Defendants reserve the right to seek to revise, amend, and/or supplement the information provided herein, including identifying, charting, and/or relying upon additional prior art references, relevant disclosures, and bases for Invalidity Contentions. Additional prior art, disclosures, and invalidity defects, whether or not cited in this disclosure and whether known or not known to Defendants, may become relevant as investigation, analysis, and discovery continue. Defendants are currently unaware of the extent, if any, to which Plaintiff will contend that limitations of the Asserted Claims are not disclosed in the prior art identified by Defendants. To the extent that such an issue arises, Defendants reserve the right to identify and rely upon other references or portions of references regarding the allegedly missing limitation(s).

Additionally, because discovery has only recently commenced, Defendants reserve the right to present additional prior art references and/or disclosures under 35 U.S.C. §§ 102(a), (b), (e), (f), and/or (g), and/or § 103, located during the course of such discovery or further investigation, and to assert invalidity under 35 U.S.C. §§ 102(c), (d), or (f), to the extent that such discovery or investigation yields information forming the basis for such invalidity.

A. Identity of Each Item of Prior Art—P.R. 3-3 (a)

Pursuant to P.R. 3-3 (a), and subject to Defendants' reservation of rights, Defendants identify each item of prior art that anticipates or renders obvious one or more of the Asserted Claims in the attached Prior Art Index submitted herewith. *See Appendix A, infra.* To the

extent that the references listed in **Appendix A** are not identified as items of prior art that anticipate or render obvious an Asserted Claim, Defendants intend to rely on these references as background and as evidence of the state of the art at the time of Plaintiff's alleged invention.

Additionally, the prior art references cited by Defendants include references that are related patent applications and issued patents that contain substantially the same subject matter (e.g., published U.S. patent applications, and issued U.S. patents, foreign applications or issued patents). Any citation to or quotation from any of these patent applications or patents, therefore, should be understood as encompassing any parallel citation to the same subject matter in other related or corresponding applications or patents. For example, where a claim chart cites a published patent application that ultimately issued as a patent with substantially the same written description, Defendants may rely upon the published patent application and/or the issued patent as prior art.

Defendants also reserve the right to later rely upon all references or portions of references provided in **Appendix A** to supplement or amend their disclosures contained herein. Also, to the extent not expressly mentioned herein, Defendants incorporate by reference (1) any and all prior art contained or identified in documents produced thus far by Plaintiff in this or any other proceeding, and (2) any and all additional materials regarding or bearing upon invalidity in Plaintiff's possession or control that have not been produced to date, to the extent that any exist.

Each disclosed item of prior art describing a product, system, or other implementation made in the United States is evidence of a prior invention by another under 35 U.S.C. § 102(g), as evidenced by the named inventors, authors, organizations, and publishers involved with each such reference. Defendants further intend to rely on admissions of the named inventors concerning the prior art, including statements found in the Asserted Patents, their prosecution

histories, related patents and/or patent applications, any deposition testimony, and the papers filed and any evidence submitted by Plaintiff in conjunction with this litigation.

Finally, Defendants note that disclosures in the Asserted Patents themselves either anticipate the claimed inventions or render the claimed inventions obvious, either alone or in combination with the prior art references disclosed in these contentions. Defendants may rely upon the statements in the Asserted Patents as admitted prior art. For example, in the Background of the Invention section of the Asserted Patents, the specification describes “prior art IP telephony system **100**,” which is also represented in Figure 1 of the Asserted Patents. *See, e.g.*, U.S. Patent No. 7,535,890 (“the ’890 patent”)³ at 1:40-2:10, Fig. 1. System **100** has many similarities with the alleged inventions claimed in the Asserted Patents. In addition, the inventor states the following in the Background of the Invention section of the specification of the Asserted Patents:

Voice messaging in both the VoIP and PSTN is known. More specifically, the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients, which is a feature that is familiar to anyone who uses a telephone. Conventionally, leaving a voice message involves dialing the recipient's telephone number (often without knowing whether the recipient will answer), waiting for the connection to be established, speaking to an operator or navigating through a menu of options, listening to a greeting message, and recording the message for later pickup by the recipient. In that message, the user must typically identify himself or herself in order for the recipient to return the call.

Instant text messaging is likewise known. More specifically, a user is provided with a client terminal, which is typically a general-purpose PC programmed with instant text messaging software and in data communication over an IP network with an instant text-messaging server. The instant text-messaging server presents the user, via the client terminal, with a list of persons who are currently “online” and ready to receive text messages on their own client terminals. The user then uses the client terminal to select one or more persons to whom the message will be sent and types in a text message. The text message is sent

³ The specification of each Asserted Patent is identical, as all of the Asserted Patents resulted from continuation applications in the same patent family. As such, only one patent is cited here for clarity and brevity.

immediately via the text-messaging server to the selected one or more persons and is displayed on their respective client terminals.

Id. at 2:11-42. Finally, the inventor recognizes that “[t]he VoIP telephones which may be implemented to provide instant voice messaging functionality according to the present invention are commercially available from many vendors, including Alcatel™, Lucent™, NEC™ and Cisco™, to name just a few.” *Id.* at 7:22-26.

B. Whether Prior Art Anticipates or Renders Obvious—P.R. 3-3 (b)

Pursuant to P.R. 3-3(b), and subject to Defendants’ reservation of rights, Defendants identify in the attached **Exhibits A-1 to A-36, B-1 to B-28, C-1 to C-31, D-1 to D-37, E-1 to E-36** (Prior Art Invalidity Charts) prior art references that anticipate the Asserted Claims under at least 35 U.S.C. §§ 102(a), (b), (e), and/or (g), either expressly or inherently, and/or render obvious the Asserted Claims under 35 U.S.C. § 103 either alone or in combination with other references. Each Asserted Claim is anticipated by, and/or obvious in view of, one or more items of prior art identified in these disclosures, alone or in combination. A table identifying exemplary ways in which the prior art references cited herein anticipate and/or render obvious the Asserted Claims is provided below in Part **II.B.2** below.

Much of the art identified in the attached exhibits/charts reflects common knowledge and the state of the art at the time of the earliest filing date of the Asserted Patents. Defendants may rely on additional citations, references, expert testimony, and other material to provide context or to aid in understanding the cited portions of the references and/or cited features of the systems. Defendants may also rely on expert testimony explaining relevant portions of references, relevant hardware or software products or systems, and other discovery regarding these subject matters. Additionally, Defendants may rely on other portions of any prior art reference for purposes of explaining the background and general technical subject area of the reference.

Where an individual reference is cited with respect to all elements of an Asserted Claim, Defendants contend that the reference anticipates the claim under 35 U.S.C. §§ 102(a), (b), (e), and/or (g) and also renders obvious the claim under 35 U.S.C. § 103, both by itself in view of the knowledge of a person of ordinary skill in the art and in combination with the other cited references to the extent the reference is not found to disclose one or more claim elements. A single prior art reference, for example, can establish obviousness where the differences between the disclosures within the reference and the claimed invention would have been obvious to one of ordinary skill in the art. For example, “[c]ombining two embodiments disclosed adjacent to each other in a prior art patent does not require a leap of inventiveness.” *Boston Scientific Scimed, Inc. v. Cordis Corp.*, 554 F.3d 982, 991 (Fed. Cir. 2009). To the extent Plaintiff contends that an embodiment within a particular item of prior art does not fully disclose all limitations of a claim, Defendants accordingly reserve their right to rely on other embodiments in that prior art reference, or other information, to show single reference obviousness under 35 U.S.C. § 103(a).

Where an individual reference is cited with respect to fewer than all elements of an Asserted Claim, Defendants contend that the reference renders obvious the claim under 35 U.S.C. § 103(a) in view of each other reference and combination of references that discloses the remaining claim element(s), as indicated in the claim charts submitted herewith. “Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007), quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17 (1966). Exemplary motivations to combine references

are discussed below and in the accompanying charts. Defendants reserve the right to rely upon any references or assertions identified herein in connection with Defendants' contention that each Asserted Claim is invalid under 35 U.S.C. § 103 and to rely upon expert testimony addressing such references and assertions. The fact that prior art is identified to anticipate the Asserted Claims presents no obstacle in also relying on that reference as a basis for invalidity based on obviousness. It is established that "a rejection for obviousness under § 103 can be based on a reference which happens to anticipate the claimed subject matter." *In re Meyer*, 599 F.2d 1026, 1031 (C.C.P.A. 1979). To the extent any cited prior art item may not fully disclose a limitation of an Asserted Claim or is alleged by Plaintiff to lack disclosure of the limitation, such limitation is present and identified in another prior art item as shown in the attached claim charts.

Many of the cited references cite or relate to additional references and/or products, services, or projects. Many of the cited references also cite software, hardware, or systems. Defendants may rely upon such cited additional references and copies or exemplars of such software, hardware, or systems. Defendants will produce or make available for inspection any such cited references, software, hardware, or systems that it intends to rely upon. Defendants may also rely upon the disclosures of the references cited and/or discussed during the prosecution of the Asserted Patents and/or the assertions presented regarding those references.

Defendants reserve the right to further streamline and reduce the number of anticipation or obviousness references relied upon with respect to a given Asserted Claim and to exchange or otherwise modify the specific references relied upon for anticipation and within each obviousness combination for each Asserted Claim. Discovery is at an early stage and Plaintiff has not provided any contentions or documentation with respect to any alleged pre-filing invention dates or with respect to claim limitations that are allegedly lacking or not obvious in

the prior art. Each limitation of the Asserted Claims was well-known to those of ordinary skill in the art before, at least, December 18, 2003 (the application filing date for the '890 patent, which the Asserted Patents identify for their earliest priority claim), as detailed below. Plaintiff's also identifies this date as the priority date for each Asserted Claim in its P.R. 3-1 (e) Infringement Contentions. Plaintiff has provided no evidence showing that the Asserted Patents are entitled to an invention date earlier than December 18, 2003. As explained in detail throughout these Contentions, the Asserted Claims of the Asserted Patents are anticipated and/or obvious in view of the prior art references listed in **Appendix A**.

1. Obviousness and Motivations to Combine

Each prior art reference may be combined with one or more other prior art references to render obvious the Asserted Claims in combination, as explained in more detail below. The disclosures of these references also may be combined with information known to persons skilled in the art at the time of the alleged invention, and understood and supplemented in view of the common sense of persons skilled in the art at the time of the alleged invention, including any statements in the intrinsic record of the Asserted Patents and related applications.

A person of ordinary skill would have been motivated to combine the prior art cited in **Appendix A** based on the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. The identified prior art references, including portions cited in the Prior Art Invalidity Charts, address the same or similar technical issues and suggest the same or similar solutions to those issues as the Asserted Claims. On such bases, on an element-by-element basis, Defendants expressly intend to combine one or more prior art items identified in **Appendix A** with each other to address any further contention from Plaintiff that a particular prior art item supposedly lacks one or more elements of an Asserted

Claim. In other words, Defendants contend that each charted prior art item can be combined with other charted prior art items when a particular prior art item lacks or does not explicitly disclose an element or feature of an Asserted Claim. The suggested obviousness combinations described below are not to be construed to suggest that any reference included in the combinations is not anticipatory. Further, to the extent that Plaintiff contends that any of the anticipatory prior art fails to disclose one or more limitations of the Asserted Claims, Defendants reserve the right to identify other prior art references that, when combined with the anticipatory prior art, would render the claims obvious despite an allegedly missing limitation. Defendants will further specify the motivations to combine the prior art, including through reliance on expert testimony, at the appropriate later stage of this lawsuit.

A person of skill in the art would have been motivated to combine the above-identified prior art items. As the United States Supreme Court held in *KSR International Company v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007): “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” The Supreme Court further held that, “[w]hen a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.” *Id.* at 417.

The Court has further held that “in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle.” *Id.* at 420. It is sufficient

that a combination of elements was “obvious to try” holding that, “[w]hen there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.” *Id.* at 421. “In that instance the fact that a combination was obvious to try might show that it was obvious under § 103.” *Id.* Finally, the Supreme Court recognized that “[g]ranting patent protection to advances that would occur in the ordinary course without real innovation retards progress and may, in the case of patents combining previously known elements, deprive prior inventions of their value or utility.” *Id.* at 419. All of the following rationales recognized in *KSR* support a finding of obviousness with respect to each of the obviousness combinations disclosed herein:

- 1) Combining prior art elements according to known methods to yield predictable results;
- 2) Simple substitution of one known element for another to obtain predictable results;
- 3) Use of known technique to improve similar devices (methods, or products) in the same way;
- 4) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- 5) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- 6) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and

- 7) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Certain of these rationales are discussed more specifically below. The fact that others are not discussed more specifically should not be interpreted as an admission or concession that it does not apply. To the contrary, the discussion below simply provides more explanation of these specific rationales.

Defendants further contend that the prior art identified in these Invalidity Contentions is evidence of simultaneous or near-simultaneous independent invention by others of the alleged invention as recited in one or more of the Asserted Claims. Defendants reserve their right to rely on the simultaneous or near-simultaneous independent invention by others as further evidence of the obviousness of the Asserted Claims.

Each limitation of the Asserted Claims was well known to those of ordinary skill in the art before December 18, 2003 (the filing date of the '890 patent, which the Asserted Patents identify for their earliest priority claim), as detailed below. Plaintiff also identifies this date as the priority date for each Asserted Claim in its P.R. 3-1 Infringement Contentions. Plaintiff has asserted no evidence suggesting that the Asserted Patents are entitled to an invention date earlier than December 18, 2003. The elements recited in the Asserted Claims are mere combinations and modifications of these well-known elements. A person of ordinary skill in the art would be able, and motivated, to improve the existing technology in the same or similar manner by combining or modifying the individual elements that were already known in the art to yield predictable results.

Subject to the foregoing, Defendants identify the following exemplary reasons that

skilled artisans would have combined elements of the prior art to render obvious the Asserted Claims. The fact that others are not discussed more specifically should not be interpreted as an admission or concession that it does not apply. To the contrary, the discussion below simply provides more explanation of these specific rationales.

a. **Motivations Identified During Prosecution**

Defendants hereby expressly incorporate by reference any statements and reasons set forth by the Examiner during prosecution of the Asserted Patents and related patent applications as to why it would have been obvious to modify or combine references to achieve the limitations of the Asserted Claims.

b. **Combinations of Related References**

In some instances, multiple prior art publications and/or physical references discuss or address the same or substantially similar underlying system, software, or other project, such as commercial software products and successive versions thereof, or multiple publications discussing the same subject matter. Where multiple references discuss or relate to the same or related underlying projects, systems, or other subject matter, it was obvious to combine the discussions and disclosures of the references as they would be understood to describe features or potential features of the underlying project, system, or subject matter. Similarly, where one reference cites or discusses other references or their teachings, or references have one or more authors in common and a related area of subject matter, it was obvious to consider the teachings of the references in combination with each other due to the express relationships and commonalities between the references.

c. **Groups of References**

In addition to combinations of references and motivations to combine identified

elsewhere herein, including within claim charts, Defendants identify combinations and motivations to combine based on references grouped by subject matter, in the manner approved by courts applying Patent Local Rules regarding invalidity contentions. *See, e.g., Avago Techs. Gen IP PTE Ltd. v. Elan Micro. Corp.*, No. C04-05385 JW (HRL), 2007 U.S. Dist. LEXIS 97464, at *10-11 (N.D. Cal. Mar. 28, 2007) (organizing prior art references into “groups” and identifying combinations as a set of references “and/or” another set of references); *Keithley v. Homestore.com, Inc.*, 553 F. Supp. 2d 1148, 1150 (N.D. Cal. 2008) (following *Avago* – “Apple’s grouping method is permissible under the Local Rules”).

Furthermore, the particular cited disclosures for each reference addressed in the numbered subsections within this section constitute additional charts identifying where specifically in each item of prior art each applicable element of each Asserted Claim is found, pursuant to Local Patent Rule 3-3(c). The cited disclosures identified in this section are provided in addition to the citations set forth in the claim charts submitted separately herewith.

(1) “Voice Message” References

Each of the Asserted Claims of the Asserted Patents recites limitations regarding the transmission of an instant voice message. For purposes of these Contentions, references that disclose a system or process for transmitting an instant voice message are “Voice Message” references. While each reference that discloses any of the “Voice Message” limitations as indicated in the claim charts submitted herewith is a “Voice Message” reference, for convenient reference the following is a non-exhaustive list of references that are “Voice Message” references:

- Nokia 7650 User’s Guide Issue 4 (2002) (“Nokia 7650”)
- U.S. Patent No. 6,829,331 to Cullis (“Cullis ’331”)

- U.S. Patent No. 7,123,695 to Malik (“Malik ’695”)
- U.S. Patent No. 7,058,036 to Yu (“Yu ’036”)
- U.S. Patent No. 7,072,941 to Griffin et al. (“Griffin ’941”)
- U.S. Patent No. 6,192,395 to Lerner *et al.* (“Lerner ’395”)
- U.S. Patent No. 6,301,609 to Aravamudan (“Aravamudan ’609”)
- U.S. Patent No. 6,636,733 to Helferich (“Helferich ’733”)
- U.S. Patent Application Publication No. 2005/0043951 to Schurter (“Schurter ’951”)
- ICQ 2000 for Dummies (2001) (“ICQ 2000”)
- Mastering ICQ the Official Guide (2001) (“Mastering ICQ”)
- Teach Yourself ICQ in 24 Hours (2001) (“ICQ in 24 Hrs.”)
- U.S. Patent No. 6,219,694 to Lazaridis *et al.* (“Lazaridis ’694”)
- U.S. Patent No. 6,707,890 (“Gao ’890”)
- U.S. Patent No. 7,305,438 to Christensen (“Christensen ’438”)
- U.S. Patent No. 8,150,922 to Griffin (“Griffin ’922”)
- U.S. Patent No. 7,124,123 to Roskind (“Roskind ’123”)
- Windows XP Professional: The Ultimate User’s Guide (2002) (“WMS-Ballew”)
- Windows XP Professional: The Ultimate User’s Guide, Second Edition (July 2003) (“WMS-Ballew2”)
- The Complete Idiot’s Guide to Windows XP (2002) (“WMS-McFedries”)
- The Complete Reference: Windows XP (2001) (“WMS-Levine”)
- Mastering Windows XP Professional (2001) (“WMS-Minasi”)
- Inside Windows Messenger – How it Communicates (2001) (“WMS-Fout”)

- Using Windows Messenger: Online Voice Communications (2002) (“WMS-Online”)
- Microsoft Real-Time Communications: Protocols and Technologies (July 2003) (“WMS-Carter”)
- How to: Use Windows Messenger Instant Messaging in Windows Messenger (“WMS-How To”)
- U.S. Patent Application Publication No. 2003/0147512 to Abburi (“Abburi ’512”)
- U.S. Patent Application Publication No. 2004/0022208 to Dahod (“Dahod ’208”)
- U.S. Patent No. 7,113,767 to Väänänen (“Väänänen ’767”)
- U.S. Patent No. 7,218,919 to Väänänen (“Väänänen ’919”)
- U.S. Patent No. 6,990,180 to Vuori (“Vuori ’180”)
- United States Patent Application Publication No. 2002/0023131 to Wu (“Wu ’131”)
- Yahoo! for Dummies (2001) (“Y! for Dummies”)
- How to Do Everything with Yahoo! (2000) (“How to Do Everything with Yahoo!”)
- United States Patent Application Publication No. 2004/0151158 to Gannage (“Gannage ’158”)
- U.S. Patent No. 9,801,431 to Dodrill (“Dodrill ’431”)
- United States Patent Application Publication No. 2004/0003046 (“Grabelsky ’046”)
- U.S. Patent No. 5,878,351 to Alanara (“Alanara ’351”)
- U.S. Patent No. 7,039,040 to Burg (“Burg ’040”)

- U.S. Patent No. 7,245,612 to Petty (“Petty ’612”)
- U.S. Patent No. 7,065,186 to Myers (“Myers ’186”)
- U.S. Patent No. 6,304,573 to Hicks (“Hicks ’573”)
- U.S. Patent No. 6,757,365 to Bogard (“Bogard ’365”)
- WO Patent No. 2001/011824 to Zydney (“Zydney ’824”)

(2) “Temporary Storage” References

Various claims of the Asserted Patents recite limitations regarding “Temporary Storage” including functionality that stores an instant voice message at a server if the selected one or more recipients of the message is unavailable and/or delivers a message when one or more selected recipients become available. For example:

- Claim 1 of the ’890 patent recites “the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.”
- Claim 2 of the '890 patent recites “[t]he instant voice messaging system according to claim 1, wherein the packet-switched network is a local network.”
- Claim 3 of the '890 patent recites “[t]he instant voice messaging system according to claim 1, wherein the packet-switched network is the Internet.”
- Claim 28 of the ’890 patent recites “the local server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.”
- Claim 31 of the '890 patent recites “[t]he instant voice messaging system

according to claim 28, wherein the external network is the Internet.”

- Claim 40 of the '890 patent recites “temporarily storing at the server the instant voice message if a selected recipient is unavailable; delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available.”
- Claim 51 of the '890 patent recites “temporarily storing the instant voice message at the external server if a selected recipient is unavailable; delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.”
- Claim 62 of the '890 patent recites “temporarily storing the instant voice message at the local server if a selected recipient is unavailable; delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.”
- Claim 1 of the '747 patent recites “receiving a temporarily stored instant voice message when a recipient becomes available, wherein the instant voice message is temporarily stored when at least one recipient is unavailable.”
- Claim 2 of the '747 patent recites “receiving a temporarily stored instant voice message when a recipient becomes available, wherein the instant voice message is temporarily stored when at least one recipient is unavailable.”
- Claim 3 of the '747 patent recites “receiving a temporarily stored instant voice message when a recipient becomes available, wherein the instant voice message is temporarily stored when at least one recipient is unavailable.”
- Claim 26 of the '433 patent recites “stores the instant voice message for the one

or more intended recipients who are not currently available; and delivers the instant voice message to the one or more intended recipients who are not currently available when the instant voice messaging server determines that the not currently available one or more intended recipients become available.”

- Claim 1 of the ’723 patent recites “temporarily storing the instant voice message if a recipient is unavailable; and delivering the stored instant voice message to the recipient once the recipient becomes available.”

For purposes of these Contentions, references that disclose any of the “Temporary Storage” limitations are “Temporary Storage” references. While each reference that discloses any of the “Temporary Storage” limitations as indicated in the claim charts submitted herewith is a “Temporary Storage” reference, for convenient reference the following is a non-exhaustive list of references that are “Temporary Storage” references:

- Nokia 7650
- Vaananen ’767
- ETSI TS 123 140 V4.4.0 (2001-09)
- AOL ICQ vs. MSN Messenger (2002) (“AOL ICQ”)
- OMA Enabler Release Definition for MMS Version 1.1 (2002) (“OMA Enabler”)
- Griffin ’941
- Aravamudan ’609
- Helferich ’733
- Schurter ’951
- ICQ 2000
- Mastering ICQ

- ICQ in 24 Hrs.
- Cullis '331
- U.S. Patent No. 7,043,530 (“Isaacs”)
- Gao '890
- Christensen '438
- Griffin '922
- Abburi '512
- Dahod '208
- Malik '695
- Väänänen '919
- Vuori '180
- How to Do Everything with Yahoo!
- Gannage '158
- Dodrill '431
- Grabelsky '046
- Alanara '351
- Bogard '365
- Hicks '573
- Zydney '824
- U.S. Patent App. No. 2002/0083127 (“Agrawal '127”)

Nothing about these claim limitations adds anything non-obvious over the prior art. The features of maintaining a message in temporary storage if the recipient is unavailable and/or delivering a message once the recipient becomes available were well-known in the art before the

alleged invention of the Asserted Patents and are described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 35, 70-73, 83-85
- Väänänen '767: Abstract; 1:22-37; 4:56-65; 5:23-25; 5:64-6:5; 6:6-16; 7:45-65; Figures 1-3
- ETSI TS 123 140 V4.4.0 (2001-09): pp. 10, 17, 20
- AOL ICQ: pp. 4, 5
- OMA Enabler: p. 8
- Griffin '941: 9:2-5, 14:34-54, 15:19-26, 17:13-34, 18:41-51, 22:31-49
- Aravamudan '609: 7:20-40; 8:63-9:9; Figure 5
- Helferich '733: 2:54-65; 9:25-65; 7:51-67; 9:66-10:30
- Schurter '951: pp. 2-3; Figure 1
- Cullis '331: 4:3-16
- Isaacs '530: 7:23-31
- Gao '890: 3:43-4:28; Figures 3 & 4
- Christensen '438: 7:37-8:9; claims 1, 6, 7
- Abburi '512: Fig. 1, Par. 11, Par. 12, Par. 21, Par. 23, Par. 24, Par. 25, Par. 29, Par. 31, Par. 33, Par. 39, Par. 47

- Dahod '208: Par. 52, Par. 65
- Malik '695: Fig. 4, Fig. 5, Par. 29, Par. 31, Par. 35, Par. 57
- Väänänen '919: 3:35-41, 7:67-8:2, 12:10-14
- Vuori '180: 1:53-60, 2:11-19, 2:28-42, 8:7-11, 10:18-32
- How to Do Everything with Yahoo!: pp. 440, 446
- Gannage '158: Par. 7, Par. 15, Par. 22, Par. 33, Par. 34, Fig. 4
- Dodrill '431: 4:47-50, 7:25-27, 9:25-30, 11:58-62, 12:37-13:53, Fig. 7A, Fig. 7B
- Grabelsky '046: Par. 34, Par. 36, Par. 49, Par. 60, Par. 66
- Alanara '351: Fig. 4, 1:26-32, 2:23-39, 2:46-50, 3:3-14, 6:63-7:6
- Bogard '365: 6:20-24, 8:1-5, 9:21-26, 9:35-49, Fig. 6
- Hicks '573: Abstract, 2:40-43, 7:28-32
- Zydney '824: Abstract, 1:20-22, 2:4-5, 11:3-6, 13:12-15, 14:9-11, 15:15-21, 25:1-4, Fig. 4
- Agrawal '127: [0032], [0033]

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have

been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, storing a message for a recipient allowed a sender to record or transmit a message and rely on the message being delivered to the intended recipient(s) at a later time, even if the recipient(s) were not available to receive the message at the time it was initially recorded or transmitted. A skilled artisan would recognize the benefits of permitting a message to be stored so that it could be communicated at a later time when the intended recipient(s) became available to receive the message, as opposed to requiring the recipient to be available at the time the message was originally recorded or transmitted.

- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine also includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(3) “Recipient List” References

Various claims of the Asserted Patents recite limitations regarding a “Recipient List” for a list of recipients, such as a list of recipients or connection list that may be provided to or from a server in communication with a client. For example:

- Claim 4 of the '890 patent recites “wherein the client requests a list of recipients associated with the client from the server and the server transmits the list of recipients to the client for selection of the one or more recipients.”
- Claim 18 of the '890 patent recites “wherein the client requests a list of recipients associated with the client from the server and the server transmits the list of recipients to the client for selection of the one or more recipients.”
- Claim 32 of the '890 patent recites “wherein the client requests a list of recipients associated with the client from the external server system and the external server system transmits the list of recipients to the client for selection of the one or more recipients.”
- Claim 41 of the '890 patent recites “wherein the method further comprises: requesting from the client a list of recipients associated with the client from the server.”
- Claim 52 of the '890 patent recites “[t]he method for instant voice messaging according to claim 51, wherein the method further comprises: requesting from the external server a list of external recipients associated with the client; and transmitting the list of external recipients from the external server to the client for selection of the one or more external recipients.”
- Claim 63 of the '890 patent recites “requesting a list of recipients associated with the client from the external server system; and transmitting the list of recipients from the external server system to the client for selection of the one or more recipients.”
- Claim 2 of the '747 patent recites “receiving a list of nodes within the packet-

switched network, the list of nodes including a connectivity status of each node, said connectivity status being available and unavailable, wherein a node within the list is adapted to be selected as a recipient of an instant voice message, displaying said list of nodes.”

- Claim 1 of the ’433 patent recites “wherein the instant voice messaging application displays a list of one or more potential recipients for the instant voice message.”
- Claim 21 of the ’622 patent recites “wherein the instant voice messaging application displays a list of one or more potential recipients for the instant voice message.”
- Claim 26 of the ’622 patent recites “wherein the communication platform system populates a connection list for the plurality of instant voice message client systems with the data in the connection object messages received from each of the plurality of instant voice message client systems.”
- Claim 38 of the ’622 patent recites “a display displaying a list of one or more potential recipients for an instant voice message.”

For purposes of these Contentions, references that disclose any of the “Recipient List” limitations are “Recipient List” references. While each reference that discloses any of the “Recipient List” limitations as indicated in the claim charts submitted herewith is a “Recipient List” reference, for convenient reference the following is a non-exhaustive list of references that are “Recipient List” references:

- Nokia 7650
- AOL ICQ

- AOL ICQ End User License Agreement (2002) (“AOL ICQ License”)
- ICQ for WAP User Guide (2002) (“ICQ for WAP”)
- U.S. Patent Application No. 2003/0018726 to Low et al. (“Low ’726”)
- European Patent Application No. 1185068A2 to Lewin et al. (“Lewin ’068”)
- Griffin ’941
- Aravamudan ’609
- Helferich ’733
- Schurter ’951
- ICQ 2000
- Mastering ICQ
- ICQ in 24 Hrs.
- Isaacs ’530
- Gao ’890
- Christensen ’438
- Griffin ’922
- Roskind ’123
- WMS-How To
- WMS-Fout
- WMS-Minasi
- WMS-Online
- WMS-Ballew
- WMS-Ballew2
- WMS-McFedries

- WMS-Levine
- Abburi '512
- Dahod '208
- U.S. Patent Application Publication No. 20030046273 (“Deshpande '273”)
- Malik '695
- Väänänen '767
- Väänänen '919
- Vuori '180
- Wu '131
- Y! For Dummies
- How to Do Everything with Yahoo!
- Gannage '158
- Wu '768
- Grabelsky '046
- Burg '040
- Petty '612
- U.S. Patent No. 6,366,962 (“Teibel '962”)
- Bogard '365
- Hicks '573
- Myers '186
- Zydney '824
- Agrawal '127

Nothing about these claim limitations adds anything non-obvious over the prior art. The

feature of a recipient list was well-known in the art before the alleged invention of the Asserted Patents and is described at length in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 42-48, 60, 67-69
- AOL ICQ: p. 14
- AOL ICQ License: p. 1
- ICQ for WAP: p. 15
- Low '726: [0039]; Table 1
- Lewin '068: [0016], [0025], [0054]
- Griffin '941: 8:42-9:22, 10:45-57, 10:65-11:25; Figure 9
- Aravamudan '609: 2:45-48; 6:18-31; 9:45-52; Claim 1; Figures 2 and 9
- Helferich '733: 6:21-49
- Schurter '951: Abstract; pp. 2-3; Figures 1 and 3; Claim 1
- ICQ 2000: pp. 8-9, 22, 40, 68; "Cheat Sheet"
- Mastering ICQ: pp. 9, 47, 50, 55
- ICQ in 24 Hrs.: pp. 14, 29, 45, 60, 66, 70-71, 81
- Isaacs '530: 5:46-6:14; Figure 2
- Gao '890: 2:46-59; 3:43-64; Figures 1 & 3

- Christensen '438: 1:45-50; Figure 4A; Claims 7, 20, 22
- Griffin '922; 8:15-16, 39-52, Figures 9, 10
- Roskind '123; 4:13-31, Figure 2A
- WMS-How To: p.2
- WMS-Fout: p.3-4
- WMS-Minasi: p.467, Figure 12.11
- WMS-Online: p.1
- Abburi '512: Par. 39, Par. 49
- Dahod '208: Par. 26, Par. 28, Par. 30
- Deshpande '273: Fig. 2, Fig. 4, Par. 23, Par. 25, Par. 46
- Malik '695: Par. 27, Par. 31, Par. 39
- Väänänen '767: Fig. 3, 8:33-54, 13:53-14:2
- Väänänen '919: 4:25-32
- Vuori '180: 5:16-39
- Wu '131: Par. 57, Par. 58, Par. 64, Par. 66
- Y! For Dummies: p. 228; Figure 15-1
- Gannage '158: Par. 7
- Wu '768: 9:38-45, 10:41-47, 11:30-40
- Grabelsky '046: Par. 28, Par. 29, Par. 32, Par. 41, Par. 44, Par. 52, Par. 57, Par. 84, Par. 87, Fig. 3A
- Burg '040: 1:16-24, 1:28-32, 1:53-56, 4:39-47, 5:34-43, 7:21-26, 9:21-24, 11:46-65
- Petty '612: 10:2-7, 10:19-24, Claim 22

- Teibel '962: 4:21-34, 6:38-63, Figs. 1-7
- Bogard '365: Abstract, 1:25-31, 2:16-22, 6:20-24, 7:36-46, Figs. 1-2, Figs. 4-5
- Hicks '573: 3:29-35, 4:40-44, 6:26-67
- Myers '186: 2:50-63, Fig. 2
- Zydney '824: 14:17-19, 18:21-22, 24:11-14, 26:10-14, 30:11-15
- Agrawal '127: [0006], [0041], [0026]

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, using a list of actual or potential recipients was a convenient and efficient way of providing for addressing and/or delivering a message to multiple recipients, as opposed to separately addressing each individual recipient.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to

combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(4) “Availability of Recipients” References

Various claims of the Asserted Patents recite limitations regarding the “Availability of Recipients,” such as one or more selected recipients of a message being available or being determined to be available or having a certain connectivity status. For example:

- Claim 5 of the '890 patent recites “wherein the server delivers the instant voice message to the selected recipients that are available.”
- Claim 19 of the '890 patent recites “wherein the server delivers the instant voice message to the selected recipients that are available.”
- Claim 33 of the '890 patent recites “wherein the local server delivers the instant voice message to the selected recipients that are available.”
- Claim 42 of the '890 patent recites “wherein the method further comprises: delivering the instant voice message from the server to the selected recipients that are available.”
- Claim 53 of the '890 patent recites “wherein the method further comprises: delivering the instant voice message from the external server to the selected recipients that are available.”
- Claim 64 of the '890 patent recites “delivering the instant voice message from the

local server to the selected recipients that are available.”

- Claim 1 of the '747 patent recites “receiving an instant voice message when a recipient is available.”
- Claim 2 of the '747 patent recites “the list of nodes including a connectivity status of each node, said connectivity status being available and unavailable” and “receiving an instant voice message when a recipient is available.”
- Claim 3 of the '747 patent recites “controlling a method of generating the instant voice message based upon a connectivity status each recipient” and “receiving an instant voice message when a recipient is available.”
- Claim 7 of the '433 patent recites “wherein the instant voice messaging application displays an indicia for each of the one or more potential recipients indicating whether the potential recipient is currently available to receive an instant voice message.”
- Claim 25 of the '433 patent recites “wherein the instant voice messaging server determines availability of the one or more intended recipients for receipt of the instant voice message.”
- Claim 26 of the '433 patent recites “wherein the instant voice messaging server: delivers the instant voice message to the one or more intended recipients who are determined to be currently available.”
- Claim 3 of the '622 patent recites “a communication platform system maintaining connection information for each of the plurality of instant voice message client systems indicating whether there is a current connection to each of the plurality of instant voice message client systems.”

- Claim 11 of the '622 patent recites “wherein, upon receipt of an instant voice message, the communication platform system determines if there is the current connection to one of the plurality of instant voice message client systems identified as a recipient of the instant voice message.”
- Claim 12 of the '622 patent recites “[t]he system according to claim 3, wherein the communication platform system updates the connection information for each of the instant voice message client systems by periodically transmitting a connection status request to the given one of the plurality of instant voice message client systems.”
- Claim 13 of the '622 patent recites “[t]he system according to claim 3, wherein each of the instant voice message client systems comprises an instant voice messaging application generating an instant voice message and transmitting the instant voice message over the packet-switched network to the messaging system.”
- Claim 22 of the '622 patent recites “wherein the instant voice messaging application displays an indicia for each of the one or more potential recipients indicating whether the potential recipient is currently available to receive an instant voice message.”
- Claim 24 of the '622 patent recites “wherein the messaging system receives connection object messages from the plurality of instant voice message client systems, wherein each of the connection object messages includes data representing a state of a logical connection with a given one of the plurality of instant voice message client systems.”

- Claim 25 of the '622 patent recites “[t]he system according to claim 24, wherein the connection object messages identifies at least one of a socket, a size of data to be transferred and a priority of the data.”
- Claim 39 of the '622 patent recites “wherein the display includes an indicia for each of the one or more potential recipients indicating whether the potential recipient is currently available to receive an instant voice message.”
- Claim 1 of the '723 patent recites “monitoring a connectivity status of nodes within the packet-switched network, said connectivity status being available and unavailable; recording the connectivity status for each of the nodes” and “transmitting a signal to a client including a list of the recorded connectivity status for each of the nodes in the sub-set corresponding to the client.”
- Claim 3 of the '723 patent recites “further comprising the step of: controlling a method of generating the instant voice message based upon the connectivity status of said one or more recipient.”

For purposes of these Contentions, references that disclose any of the “Availability of Recipients” limitations are “Availability of Recipients” references. While each reference that discloses any of the “Availability of Recipients” limitations as indicated in the claim charts submitted herewith is an “Availability of Recipients” reference, for convenient reference the following is a non-exhaustive list of references that are “Availability of Recipients” references:

- AOL ICQ
- AOL ICQ License
- U.S. Patent No. 6,920,478 to Mendiola et al. (“Mendiola ’478”)
- U.S. Patent No. 7,200,634 to Mendiola et al. (“Mendiola ’634”)

- Low '726
- Väänänen '767
- ICQ for WAP
- ETSI TS 123 140 V4.4.0 (2001-09)
- OMA Enabler
- Aravamudan '609
- U.S. Patent No. 6,697,840 to Godefroid et al. ("Godefroid '840")
- Skype User Guide
- D. Farber, IP telephone meets instant messaging, March 30, 2003 (<http://www.zdnet.com/article/ip-telephony-meets-instant-messaging/>) ("Farber")
- S.Borthick, Microsoft calling: don't shoot the Messenger; new products and partners might make for me-too instant messaging and Web conferencing—or catapult Redmond into real-time class by itself (October 2003) ("Borthick")
- U.S. Patent No. 5,809,428 to Garahi *et al.* ("Garahi '428")
- Lazaridis '694
- Griffin '941
- Aravamudan '609
- Helferich '733
- Schurter '951
- ICQ 2000
- Mastering ICQ
- ICQ in 24 Hrs.
- Isaacs '530

- Gao '890
- Christensen '438
- Griffin '922
- Roskind '123
- WMS-Fout
- WMS-Control
- WMS-Minasi
- WMS-McFedries
- Abburi '512
- Dahod '208
- Deshpande '273
- Malik '695
- WO 99/63773 to Stubbs ("Stubbs '773")
- Väänänen '767
- Väänänen '919
- Vuori '180
- Wu '131
- Y! for Dummies
- How to Do Everything with Yahoo!
- Gannage '158
- Dodrill '431
- Wu '768
- Grabelsky '046

- Burg '040
- Petty '612
- Myers '186
- Bogard '365
- Hicks '573
- Teibel '962
- Zydney '824
- Agrawal '127

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of determining recipient availability and delivering messages to one or more available recipients was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- AOL ICQ: pp. 2, 4, 14
- AOL ICQ License: p. 1
- Mendiola '478: Abstract; 1:15-22; 3:16-36; 4:34-41; 5:22-43; 6:66-7:7; Claim 1; Claim 2; Claim 8; Figures 3-5
- Mendiola '634: 6:65-7:17; Figure 1

- Low '726: [0033]; [0036]; [0038]; [0039]; [0045]; Table 1
- ICQ for WAP: p. 15
- ETSI TS 123 140 V4.4.0 (2001-09): p. 10, 13, 14, 17, 18, 20, 29, 30, 42-43
- OMA Enabler: p. 8
- Aravamudan '609: 8:10-31
- Godefroid '840: Abstract; 1:17-22; 1:52-57; 2:38-44; 4:66-5:14
- Skype User Guide: pp. 2-3
- Farber: pp. 1-2
- Borthick: pp. 1-3
- Garahi '428: Abstract; 1:62-2:13; 3:63-67; 4:1-11; 4:22-34; 4:61-4:3; 5:40-53; 7:49-58; Figures 3, 6
- Lazaridis '694: [0005], [0016], [0029]-[0031]; Figures 2 & 3
- Griffin '941: 5:39-6:15, 8:60-9:22; Figures 6 & 7
- Aravamudan '609: 7:20-40; Figure 5
- Helferich '733: 2:54-65; 7:51-67; 9:25-10:30
- Schurter '951: pp. 2-3; Figure 1
- ICQ 2000: pp. 64-65, 68-69; "Cheat Sheet"
- Mastering ICQ: pp. 32, 43-45, 221
- ICQ in 24 Hrs.: pp. 14, 29, 45-46, 48-49, 62, 73, 361
- Isaacs '530: 6:42-63; 7:39-45
- Gao '890: 1:10-24
- Christensen '438: 4:5-13; Claims 1, 6, 11, 20, 22
- Griffin '922: 5:9-7:17, 8:15-16, 8:39-52, Figures 9, 10

- Roskind '123: 4:13-31, Figure 2A
- WMS-Fout: p. 1-4
- WMS-Control: p.1, 3
- WMS-Minasi: p. 466, 467
- WMS-McFedries: p.305
- Abburi '512: Par. 22, Par. 42, Par. 43, Par. 53
- Dahod '208: Par. 28, Par. 30, Par. 64
- Deshpande '273: Fig. 2, Fig. 4, Par. 23, Par. 25, Par. 46
- Malik '695: Fig. 4, Fig. 5, Par. 29, Par. 31, Par. 35, Par. 57
- Stubbs '773: 12:1-4, 12:16-13:3, 18:7-11, Fig. 8, Fig. 7, 18:12-19:19, 19:20-20:2
- Väänänen '767: Abstract; Summary; 1:22-37; 7:45-50; 5:13-32; 14:25-28; Figure 1
- Väänänen '919: 12:7-13, 6:14-17, 10:44-46
- Vuori '180: 1:37-51, 1:53-60, 2:11-19, 2:28-42, 4:66-5:2, 5:16-39, 8:7-11, 10:12-14, 10:18-32
- Wu '131: Par. 52, Par. 64, Par. 66, Par. 68
- How to Do Everything with Yahoo!: p. 443
- Gannage '158: Par. 11, Par. 12, Par. 21, Par. 33, Par. 34, Par. 35, Par. 40, Fig. 10
- Dodrill '431: 12:37-13:53, Fig. 7A, Fig. 7B
- Wu '768: 11:63-67
- Grabelsky '046 Par. 29, Par. 52, Par. 53, Par. 59, Par. 60, Par. 61, Par. 62, Par. 63, Par. 67, Par. 88, Fig. 3A
- Burg '040: 1:34-50, 4:65-5:4, 6:46-66, 7:10-26, 11:46-65

- Petty '612: 7:38-50, 8:29-34, 8:64-67, 10:2-7, 10:13-15, 10:19-24, Claim 22
- Myers '186: 2:63-3:5, 3:20-23
- Bogard '365: 1:25-21, 2:16-22, 6:20-24, 7:36-46, 8:25-44, Fig. 2, Figs. 4-5
- Hicks '573: 2:40-43, 5:27-32
- Teibel '962: 4:21-, 6:59-63, Figs. 1-7
- Zydney '824: Abstract, 14:9-11, 24:21-23, 25:4-7, Fig. 4
- Agrawal '127: [0006], [0041], [0026]

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, determining the availability and/or connectivity status of one or more intended recipients of a message was a convenient and efficient way to determine processing of a message, including a determination of whether or not the message could be delivered to an available recipient or could not be delivered at the present time.

- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(5) “Generate Audio File” References

Various claims of the Asserted Patents recite limitations regarding “Generate Audio File” limitations, such as recording an instant voice message in an audio file. For example:

- Claim 6 of the ’890 patent recites “wherein the client records the instant voice message in an audio file.”
- Claim 20 of the ’890 patent recites “wherein the client records the instant voice message in an audio file.”
- Claim 34 of the ’890 patent recites “wherein the client records the instant voice message in an audio file.”
- Claim 43 of the ’890 patent recites “recording the instant voice message at the client in an audio file.”
- Claim 54 of the ’890 patent recites “recording the instant voice message in an audio file at the client.”
- Claim 65 of the ’890 patent recites “recording the instant voice message in an

audio file at the client.”

- Claim 1 of the '747 patent recites “wherein generating includes recording the instant voice message in an audio file and attaching one or more files to the audio file.”
- Claim 13 of the '747 patent recites “separating the instant voice message into an audio file and one or more files.”
- Claim 4 of the '433 patent recites “wherein the instant voice messaging application includes an audio file creation system creating an audio file for the instant voice message based on input received via an audio input device.”
- Claim 18 of the '622 patent recites “ wherein the instant voice messaging application includes an audio file creation system creating an audio file for the instant voice message based on input received via an audio input device coupled to the client device.”
- Claim 23 of the '622 patent recites “wherein the instant voice message application generates an audible or visual effect indicating receipt of an instant voice message.”
- Claim 32 of the '622 patent recites “wherein the instant voice messaging application includes an audio file creation system creating an audio file for the instant voice message based on input received via an audio input device coupled to the client device.”
- Claim 35 of the '622 patent recites “wherein the instant voice message application generates an audible or visual effect indicating receipt of an instant voice message.”

For purposes of these Contentions, references that disclose any of the “Generate Audio File” limitations are “Generate Audio File” references. While each reference that discloses any of the “Generate Audio File” limitations as indicated in the claim charts submitted herewith is an “Generate Audio File” reference, for convenient reference the following is a non-exhaustive list of references that are “Generate Audio File” references:

- Nokia 7650
- ETSI TS 123 140 V4.4.0 (2001-09)
- MMS Conformance Document Version 2.0.0 (2002) (“Conformance Document”)
- Aravamudan ’609
- Helferich ’733
- Schurter ’951
- ICQ 2000
- Mastering ICQ
- ICQ in 24 Hrs.
- Lerner ’395
- Griffin ’941
- Isaacs ’530
- Gao ’890
- Christensen ’438
- Griffin ’922
- Abburi ’512
- Dahod ’208
- Malik ’695

- Universal Mobile Telecommunications System (UTMS); Technical realization of the Short Message Service (SMS) (3G TS 23.040 version 3.5.0 Release 1999) (published on August 16, 2000) (“SMSS”)
- Väänänen ’767
- Väänänen ’919
- Vuori ’180
- Wu ’131
- Gannage ’158
- Dodrill ’431
- Wu ’768
- Grabelsky ’046
- Alanara ’351
- Burg ’040
- Petty ’612
- Myers ’186
- Bogard ’365
- Hicks ’573
- Zydney ’824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of generating an audio file, such as recording an instant voice message in an audio file, was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim

charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 66-70, 101
- ETSI TS 123 140 V4.4.0 (2001-09): p. 16
- Conformance Document: p. 5, 17 (Table 2)
- Helferich '733: 2:8-53; 4:57-5:9; 6:50-64; 7:32-42; 8:1-28; Figure 2.B; Claims and 4
- Schurter '951: Abstract; pp. 1-3; Figure 1
- ICQ 2000: pp. 128-130
- Mastering ICQ: pp. 203, 360-362
- ICQ in 24 Hrs.: pp. 74, 80-81, 234
- Lerner '395: Abstract
- Griffin '941: 4:25-32, 5:1-22, 11:26-40, 14:28-33, 15:27-43; Figure 12
- Isaacs '530: 6:42-63; 7:39-45
- Gao '890: 1:10-24
- Abburi '512: Par. 8, Par. 9, Par. 18, Fig. 3, Par. 38, Pars. 39-40
- Dahod '208: Fig. 7, Fig. 8, Par. 48, Par. 50, Par. 54
- Malik '695: Fig. 4, Fig. 9, Par. 12, Par. 13, Par. 25, Par. 29, Par. 31, Par. 32, Par. 33, Par. 34, Par. 56
- SMSS: pp. 38, 50, 52, 58

- Väänänen '767: Fig. 3, Fig. 5, 2:14-21, 2:42-44, 2:59-61, 4:40-48
- Väänänen '919: Fig. 1, Fig. 2, Fig. 3, 3:1-5, 3:16-21, 3:28-31, 3:53-58, 4:35-36, 5:51-43, 6:55, 10:12-17
- Vuori '180: Abstract, 4:32-36, Fig. 1, 4:37-56
- Wu '131: Par. 81
- Gannage '158: Abstract, Par. 9, Par. 11, Par. 25, Fig. 9
- Dodrill '431: 1:24-26, 12:43-46
- Wu '768: 4:44-52, 11:58-61, 13:7-8, 14:5-7, 14:27-29
- Grabelsky '046: Par. 24, Par. 45, Par. 60, Par. 63, Par. 84, Par. 89, Par. 90, Par. 103, Fig. 12
- Alanara '351: Figure 4, 2:61-64, 3:3-14, 4:17-20, 7:57-63
- Burg '040: 4:55-61, 6:46-59
- Petty '612: 10:2-7, 10:19-24, 10:61-11:4, Claim 22
- Myers '186: 2:63-3:5
- Bogard '365: Abstract, 6:20-24, 9:21-33, Figs. 5- 7
- Hicks '573: Abstract, 2:40-45, 3:52-59, 4:1-19, 5:35-45, 7:28-49, 7:56-8:6
- Zydney '824: 5:7-9, 16:1-3, 20:11-14, 21:14-22:2, Figs. 5-7, 10, 16

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their

respective functions, and the combination would have yielded nothing more than predictable results.

- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, recording an instant voice message in an audio file was a convenient way to capture voice message data for storage and transmission, such as by using a standard audio file type used by operating systems. File systems with standard file types, including audio file types, were well known and predictable ways to organize, store, and transmit information including voice message and other audio information.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(6) “Manage Audio File” References

Various claims of the Asserted Patents recite limitations regarding “Manage Audio File” limitations, such as transmitting, routing, delivering, audibly playing, and/or other handling and

processing of audio files. For example:

- Claim 6 of the '890 patent recites “transmits the audio file to the server, and the server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.”
- Claim 20 of the '890 patent recites “transmits the audio file to the server, and the server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.”
- Claim 34 of the '890 patent recites “transmits the audio file to the external server, the external server system routes the audio file to the local server, and the local server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.”
- Claim 43 of the '890 patent recites “transmitting the audio file to the server; delivering the audio file from the server to the selected recipients; and audibly playing the audio file at the least one of the selected recipients.”
- Claim 54 of the '890 patent recites “transmitting the audio file to the external server; delivering the audio file to the selected recipients from the external server; and audibly playing the audio file at the selected recipients.”
- Claim 65 of the '890 patent recites “transmitting the audio file from the client to the external server system; routing the audio file from the external server system to the local server; and delivering the audio file from the local server to the selected recipients; and audibly playing the audio file at the selected recipients.”
- Claim 13 of the '747 patent recites “playing the audio file.”
- Claim 3 of the '622 patent recites “wherein the instant voice message includes an

object field including a digitized audio file.”

For purposes of these Contentions, references that disclose any of the “Manage Audio File” limitations are “Manage Audio File” references. While each reference that discloses any of the “Manage Audio File” limitations as indicated in the claim charts submitted herewith is an “Manage Audio File” reference, for convenient reference the following is a non-exhaustive list of references that are “Manage Audio File” references:

- Nokia 7650
- How to Create MMS Services, Version 3.2 (2001) (“How to Create MMS Services”)
- Multimedia Messaging Service Architecture Overview Version 1.1 (“OMA Architecture Specification”)
- ETSI TS 123 140 V4.4.0 (2001-09)
- Conformance Document
- Lewin ’068
- Aravamudan ’609
- Helferich ’703
- Schurter ’951
- ICQ 2000
- Mastering ICQ
- ICQ in 24 Hrs.
- Lerner ’395
- Lazaridis ’694
- Isaacs ’530

- Gao '890
- WMS-Fout
- WMS-Minasi
- Abburi '512
- Dahod '208
- Malik '695
- U.S. Patent No. 6,848,008 (“Sevanto '008”)
- Väänänen '767
- Väänänen '919
- Vuori '180
- How to Do Everything with Yahoo!
- Gannage '158
- Dodrill '431
- Wu '768
- Grabelsky '046
- Alanara '351
- Burg '040
- Petty '612
- Hicks '573
- Bogard '365
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The features of managing, processing, and transmitting audio files such as transmitting, routing, and

playing audio files were well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 70-73, 85
- How to Create MMS Services: pp. 15, 25
- OMA Architecture Specification: p. 9
- ETSI TS 123 140 V4.4.0 (2001-09): pp. 16, 65-67
- Conformance Document: pp. 5, 17 (Table 2)
- Lewin '068: [0018], [0045]
- Helferich '733: 2:8-53; 4:57-5:9; 6:50-64; 7:32-42; 8:1-28; Figure 2.B; Claims and 4
- Schurter '951: Abstract; pp. 1-3; Figure 1
- ICQ 2000: pp. 128-130
- Mastering ICQ: pp. 203, 360-362
- ICQ in 24 Hrs.: pp. 74, 80-81, 234
- Lazaridis '694: 3:36-43; 6:10-13; 7:57-61; Figure 1; Figure 2; Claims 5, 6, and 15
- Isaacs '530: 6:42-63; 7:3-18; 7:39-45
- Gao '890: 1:10-24; 2:46-59

- WMS-Minasi: p.470, 480–81, Figure 12.14, Figure 12.28, Figure 12.32
- Abburi '512: Abstract, Par. 7, Par. 22, Par. 23, Par. 38, Pars. 39-40, Par. 44
- Dahod '208: Par. 46, Fig. 5, Par. 28, Par. 29, Fig. 7, Par. 14, Par. 15, Par. 54
- Lerner '395: Abstract, Fig. 1, Fig. 4, Fig. 5, 1:51-55, 3:15-21, 3:62-4:3, 5:44-54, 9:33-55, 10:20-40, 10:41-11:22
- Malik '695: Fig. 4, Fig. 5, Fig. 9, Par. 29, Par. 35, Par. 36, Par. 37, Par. 52, Par. 53, Par. 54, Par. 55, Par. 57
- Sevanto '008: Abstract, 1:13-1:39, 5:22-5:42, 6:13-6:29, 7:09-7:17, 7:22-7:29, 8:11-8:47, 9:24-9:32, 9:43-10:11, 10:19-10:40, 11:06-11:20
- Väänänen '767: Fig. 3, Fig. 5, 2:14-21, 2:42-44, 2:59-61, 4:40-48, 7:27-30
- Väänänen '919: Fig. 1, Fig. 2, Fig. 3, 3:1-5, 3:16-21, 3:28-31, 3:53-58, 4:35-36, 5:51-43, 6:55, 10:12-17
- Vuori '180: 4:66-5:15, Fig. 2
- How to Do Everything with Yahoo!: pp. 446-48
- Gannage '158: Abstract, Par. 3, Par. 7, Par. 11, Par. 12, Par. 15, Par. 20, Par. 21, Par. 26, Par. 27, Par. 28, Par. 32, Par. 34, Par. 35, Par. 36, Par. 40, Fig. 1, Fig. 2, Fig. 4, Fig. 5, Fig. 6, Fig. 9, Fig. 10
- Dodrill '431: 1:24-26, 4:47-50, 7:25-27, 9:25-30, 11:58-62, 12:46-48
- Wu '768: 4:30-31, 5:29-32, 7:23-53, 9:28-31, 11:58-61, 11:67-12:3, 12:34-37, 13:7-8, 14:5-7, 14:32-34, Fig. 4
- Grabelsky '046: Par. 24, Par. 45, Par. 57, Par. 61, Par. 62, Par. 63, Par. 67, Par. 69, Par. 79, Par. 90, Par. 103, Fig. 4A, Fig. 5A, Fig. 8, Fig. 12
- Alanara '351: 2:57-64, 3:3-14, 3:47-61, 4:8-20, 5:23-25, 7:57-63

- Burg '040: 1:53-64, 4:55-61, 6:46-59
- Petty '612: 10:4-7, 10:19-24
- Hicks '573: Abstract, 2:40-45, 3:52-59, 4:1-19, 5:35-45, 7:28-49, 7:56-8:6
- Bogard '365: 6:20-24, 8:1-5, 8:11-41, 8: 11:50-60, 25-44, Figs. 4-7
- Zydney '824: Abstract, 1:20-22, 13:1-14:13, 21:14-22:2, 23:14-17, Figs. 1, 2, 4-9, 11, 14-18

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, transmitting, routing, and delivering audio files provide efficient ways to transmit audio data in the context of computer systems and electronic networks, as opposed to other forms of transmitting audio information. Likewise, playing an audio file to a recipient to convey audio content, such as a voice message, was a convenient and predictable way to convey audio content.
- References disclosing these concepts teach the beneficial utility of them,

including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(7) “Attachment” References

Various claims of the Asserted Patents recite limitations regarding “Attachment” limitations, such as attaching one or more files to an instant voice message or to an audio file. For example:

- Claim 9 of the '890 patent recites “wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.”
- Claim 23 of '890 patent recites “wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.”
- Claim 37 of the '890 patent recites “wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.”
- Claim 46 of the '890 patent recites “attaching one or more files to the instant voice message at the client.”

- Claim 57 of the '890 patent recites “wherein the method thither[sic] comprises: attaching one or more files to the instant voice message.”
- Claim 68 of the '890 patent recites “attaching one or more files to the instant voice message at the client.”
- Claim 1 of the '747 patent recites “wherein generating includes recording the instant voice message in an audio file and attaching one or more files to the audio file.”
- Claim 9 of the '433 patent recites “wherein the instant voice message application attaches one or more files to the instant voice message.”
- Claim 15 of the '433 patent recites “wherein the instant voice messaging application displays the attachment.”
- Claim 27 of the '622 patent recites “wherein the instant voice messaging application includes a document handler system for attaching one or more files to the instant voice message.”
- Claim 2 of the '723 patent recites “wherein the instant voice message includes one or more files attached to an audio file.”

For purposes of these Contentions, references that disclose any of the “Attachment” limitations are “Attachment” references. While each reference that discloses any of the “Attachment” limitations as indicated in the claim charts submitted herewith is an “Attachment” reference, for convenient reference the following is a non-exhaustive list of references that are “Attachment” references:

- Nokia 7650
- Helferich '733

- ICQ in 24 Hrs.
- Griffin '941
- Yu '036
- Isaacs '530
- Gao '890
- Christensen '438
- Griffin '922
- WMS-Minasi
- WMS-Fout
- WMS-How To
- Dahod '208
- U.S. Patent Publication No. 20040068545 ("Daniell '545")
- Malik '695
- Sevanto '008
- Väänänen '767
- Vuori '180
- How to Do Everything with Yahoo!
- Gannage '158
- Wu '768
- Petty '612
- Myers '186
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The

feature of attaching an attachment to an audio file or to a voice message was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 68-69, 72
- Helferich '733: 8:1-28; 5:1-10; 6:64-7:14
- ICQ in 24 Hrs., p. 234; Figure 17.2
- Griffin '941: 12:30-58, 13:38-50, 15:50-55, 15:60-16:1; Figure 11
- Yu '036: 21:20-44
- Isaacs '530: 6:42-63
- Gao '890: 3:65-4:28
- Christensen '438: 2:54-63; 3:25-30
- Griffin '922: 10:53-58, 12:24-27, Figure 11
- WMS-Minasi: p.470, 480-81, Figure 12.14, Figure 12.28, Figure 12.32
- WMS-How To: p.2
- Dahod '208: Pars. 90-91, Par. 31, Par. 66, Par. 89, Pars. 95-96, Par. 104
- Daniell '545: Abstract, Fig. 13, Fig. 14, Fig. 15, Fig. 16, Par. 2, Par. 4, Par. 8, Par. 9, Par. 30, Par. 31, Par. 45, Par. 52, Par. 53, Par. 56, Par. 57, Par. 58, Par. 59

- Malik '695: 6:47-6:56, 7:15-7:27, 7:28-7:36
- Sevanto '008: 1:13-1:26
- Väänänen '767: 2:30-2:33; 4:40-48; 4:59-5:12
- Vuori '180: 2:65-3:04, 4:26-4:36, 4:36-4:55, 4:66-5:15, 11:16-11:32, 12:33-12:42
- Gannage '158: Par. 7
- Wu '768: Abstract, 1:9-12, 1:41-53, 1:60-62, 3:52-54, 7:28-33, 10:51-53, Fig. 2, Fig. 4, Fig. 5, Fig. 6
- Petty '612: 10:4-7, 10:19-24
- Myers '186: 2:63-3:5
- Zydney '824: 5:7-9, 10:20-11:1, 19:2-10, 27:7-11, Fig. 18

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, attaching a file or other to an audio file or voice message was a predictable, convenient and efficient way to convey information by maintaining

both the attached file and underlying file or message together while separating the attached file and underlying file or message so that each item could be separately copied, opened, or otherwise manipulated.

- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(8) “Multiple Networks” References

Various claims of the Asserted Patents recite limitations regarding “Multiple Networks” limitations, such as transmitting a message over a plurality of packet-switched networks, transmitting to or from an external network outside of a local network, and similar limitations. For example:

- Claim 14 of the ’890 patent recites “An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising” and “the client selecting one or more external recipients connected to an external network outside the local network.”
- Claim 15 of the ’890 patent recites “the client further selects one or more local recipients connected to the local network and transmits the selected local

recipients and the instant voice message therefor over the local network, wherein the system further comprises.”

- Claim 28 of the '890 patent recites “An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising” and “generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the external network” and “the external server system receiving the selected recipients and the instant voice message, and routing the selected recipients and the instant voice message over the external network and the local network.”
- Claim 29 of the '890 patent recites “[t]he instant voice messaging system according to claim 28, the client further selects one or more external recipients connected to the external and transmits the selected external recipients over the external network to the external server, and the external server receives the selected external recipients and delivers the instant voice message to the selected external recipients over the external network, the selected external recipients being enabled to audibly play the instant voice message.”
- Claim 51 of the '890 patent recites “A method for instant voice messaging over a plurality of packet-switched networks” and “selecting one or more external recipients for instant voice messaging at a client connected to a local network, the one or more external recipients connected to an external network outside the local network” and “transmitting the selected external recipients and the instant voice message therefor over the local network and the external network.”
- Claim 62 of the '890 patent recites “A method for instant voice messaging over a

plurality of a plurality of packet-switched networks, the method comprising” and “selecting one or more recipients connected to a local network at a client connected to an external network” and “routing the selected recipients and the instant voice message over the external network and the local network.”

For purposes of these Contentions, references that disclose any of the “Multiple Networks” limitations are “Multiple Networks” references. While each reference that discloses any of the “Multiple Networks” limitations as indicated in the claim charts submitted herewith is a “Multiple Networks” reference, for convenient reference the following is a non-exhaustive list of references that are “Multiple Networks” references:

- OMA Enabler
- Väänänen ’767
- U.S. Patent No. 7,283,620 to Adamczyk (“Adamczyk ’620”)
- Nokia 7650
- ETSI TS 123 140 V4.4.0 (2001-09)
- ETSI TS 101 348 V7.7.0 (GPRS)
- Multimedia Messaging Service Client Transactions Version 1.1 (2002) (“OMA Client Transactions Specification”)
- U.S. Patent No. 6,285,745 to Bartholomew et al. (“Bartholomew ’745”)
- Aravamudan ’609
- Helferich ’733
- Schurter ’951
- ICQ 2000
- Mastering ICQ

- Griffin '941
- Yu '036
- Isaacs '530
- Gao '890
- Christensen '438
- Griffin '922
- Roskind '123
- WMS-Fout
- WMS-How To
- WMS-Online
- WMS-Carter
- Abburi '512
- Wu '131
- Y! For Dummies
- How to Do Everything with Yahoo!
- Wu '768
- Grabelsky '046
- Myers '186
- Hicks '573
- Zydney '824
- Agrawal '127

Nothing about these claim limitations adds anything non-obvious over the prior art. The features of communicating messages and data among local networks and external networks were

well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- OMA Enabler: Figure 1; pp. 8-9
- Väänänen '767: 10:9-16; Claim 8
- Adamczyk '620: 6:41-67, 8:26-45; Figure 2
- Nokia 7650: p. 29
- ETSI TS 123 140 V4.4.0 (2001-09): p. 10, 13 (Figure 2 MMS Architectural Elements), 14, 15, 17-18, 29-30, 42-43, 65-67
- ETSI TS 101 348 V7.7.0 (GPRS): p. 11
- OMA Client Transactions Specification: p. 18
- Bartholomew '745: 27:42-59, 28:5-59; Figure 8.
- Aravamudan '609: 3:26-52
- Helferich '733: 5:15-41; Figure 1
- Schurter '951: Abstract; p. 2
- ICQ 2000: pp. 18, 24
- Mastering ICQ: Introduction; p. 9
- Griffin '941: 3:27-43, 3:63-4:18, 4:20-32, 4:42-67; Figures 2 & 3

- Yu '036: 10:38-46, 11:6-17, 11:18-35; Figure 6
- Isaacs '530: 4:53-59
- Gao '890: 2:31-42; Figure 1
- Christensen '438: 2:11-22
- Griffin '922: 3:59-4:5
- Roskind '123: 4:4-12
- WMS-Fout: p.3
- WMS-Carter: p. 5–6, Figure 6
- Abburi '512: Pars. 62-63
- Wu '131: Par. 18
- Wu '768: 9:48-10:24, 14:64-67, Fig. 5, Fig. 8
- Grabelsky '046: Abstract, Par. 1, Par. 8, Par. 24, Par. 31, Par. 33, Par. 38, Par. 40, Par. 43, Par. 82, Par. 83, Par. 85, Par. 92, Par. 95, Par. 99, Fig. 1, Fig. 2, Fig. 7, Fig. 9, Fig. 11
- Myers '186: 1:44-50, 3:37-46, Fig. 3
- Hicks '573: 3:52-59, 7:58-66
- Zydney '824: Abstract, 5:3-7, 6:20-22, 14:5-12, Claim 1
- Agrawal '127: [0031], [0038]

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, local networks connecting multiple local computers or other terminals were predictable and convenient structures to connect and transfer information between terminals, while connecting to networks external to local networks was a predictable and efficient way to connect with and communicate with additional terminals not on a local network.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(9) “Read Receipt” References

Various claims of the Asserted Patents recite limitations regarding “Read Receipt” limitations, such as receiving and/or displaying an indication that a voice message has been

received or providing an audible or visual effect indicating receipt. For example:

- Claim 12 of the '747 patent recites “displaying an indication that an instant voice message has been received.”
- Claim 13 of the '747 patent recites “displaying an indication that an instant voice message has been received.”
- Claim 8 of the '433 patent recites “wherein the instant voice message application generates an audible or visual effect indicating receipt of an instant voice message.”
- Claim 17 of the '433 patent recites “an instant voice messaging server receiving the instant voice message and an indication of one or more intended recipients of the instant voice message.”
- Claim 23 of the '622 patent recites “wherein the instant voice message application generates an audible or visual effect indicating receipt of an instant voice message.”
- Claim 35 of the '622 patent recites “wherein the instant voice message application generates an audible or visual effect indicating receipt of an instant voice message.”

For purposes of these Contentions, references that disclose any of the “Read Receipt” limitations are “Read Receipt” references. While each reference that discloses any of the “Read Receipt” limitations as indicated in the claim charts submitted herewith is a “Read Receipt” reference, for convenient reference the following is a non-exhaustive list of references that are “Read Receipt” references:

- Nokia 7650

- OMA Enabler
- How to Create MMS Services
- Lewin '068
- Adamczyk '620
- ICQ in 24 Hrs.
- Griffin '941
- Isaacs '530
- Christensen '438
- Griffin '922
- WMS-Minasi
- WMS-McFedries
- WMS-Levine
- Abburi '512
- Väänänen '767
- Väänänen '919
- How to Do Everything With Yahoo!
- Gannage '158
- Grabelsky '046
- Myers '186
- Bogard '365
- Hicks '573
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The

feature of providing an indicating that a message has been received was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 70-73
- OMA Enabler: pp. 8-9
- How to Create MMS Services: pp. 15, 25
- Lewin '068: [0019], [0044], [0054]
- Adamczyk '620: 2:33-45, 9:2-9, 10:57-11:3
- ICQ in 24 Hrs.: p. 73; Figure 6.5
- Griffin '941: 12:64-13:27
- Isaacs '530: 13:21-29
- Christensen '438: 8:1-3, 8:26-27; Claims 1, 6, 7, 11, 20, 22
- Griffin '922: 8:28-32, 10:17-19, Figure 9
- WMS-Levine: p.667
- WMS-McFedries: p.304, 306
- WMS-Minasi: p.469, 477, 478, 482, Figure 12.33, Figure 12.26
- Abburi '512: Par. 50
- Väänänen '767: 7:53-58, 8:15-21

- Väänänen '919: 10:37-41, 6:7-11
- Gannage '158: Abstract, Par. 7, Par. 22, Par. 34, Par. 40, Fig. 10
- Grabelsky '046: Par. 61, Par. 62, Par. 103
- Myers '186: 3:16-21
- Bogard '365: 6:25-28, 6:67-7:3, 9:27-34, 11:26-32, 11:44-60, Figure 9
- Hicks '573: 2:40-44, 7:35-40
- Zydney '824: 11:16-18, 13:7-11, 16:17-19, 17:16-18, 21:15-18, 25:7-9

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, providing an indication that a message was received was advantageous and beneficial to inform the sender, or inform a monitoring system or other agent, that the message had been received and therefore had reached its intended destination and did not need to be re-transmitted.
- References disclosing these concepts teach the beneficial utility of them,

including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(10) “Database” References

Various claims of the Asserted Patents recite limitations regarding “Database” limitations, such as a message database storing one or more instant voice messages, which may have database records with unique identifiers. For example:

- Claim 1 of the ’433 patent recites “wherein the instant voice messaging application includes a message database storing the instant voice message, wherein the instant voice message is represented by a database record including a unique identifier.”
- Claim 2 of the ’433 patent recites “wherein the message database includes a plurality of instant voice messages received over the packet-switched network.”
- Claim 3 of the ’433 patent recites “wherein the instant voice messaging application displays at least one of the plurality of instant voice messages stored in the message database.”
- Claim 10 of the ’622 patent recites “a message database storing the instant voice messages received from the instant voice message client systems.”

- Claim 14 of the '622 patent recites “wherein the instant voice messaging application includes a message database storing the instant voice message, wherein the instant voice message is represented by a database record including a unique identifier.”
- Claim 15 of the '622 patent recites “wherein the message database includes a plurality of instant voice messages recorded by a user of the client device and instant voice messages received over the packet-switched network.”
- Claim 16 of the '622 patent recites “wherein the instant voice messaging application displays at least one of the plurality of instant voice messages stored in the message database.”
- Claim 17 of the '622 patent recites “wherein the instant voice messaging application includes a file manager system performing at least one of storing, deleting and retrieving the instant voice messages from the message database.”
- Claim 28 of the '622 patent recites “wherein the instant voice messaging application includes a message database storing the instant voice message.”
- Claim 29 of the '622 patent recites “wherein the instant voice message stored in the message database include a plurality of instant voice messages recorded by a user of the client device and instant voice messages received over the packet-switched network.”
- Claim 30 of the '622 patent recites “a display displaying at least one of the plurality of instant voice messages stored in the message database.”

For purposes of these Contentions, references that disclose any of the “Database” limitations are “Database” references. While each reference that discloses any of the “Database”

limitations as indicated in the claim charts submitted herewith is a “Database” reference, for convenient reference the following is a non-exhaustive list of references that are “Database” references:

- Nokia 7650
- ETSI TS 123 140 V4.4.0 (2001-09)
- Bartholomew '745
- Helferich '733
- Schurter '951
- Aravamudan '609
- Cullis '331
- Isaacs '530
- Gao '890
- WMS-Minasi
- U.S. Patent No. 5,619,554 (“Hogan '554”)
- U.S. Patent No. 6,625,261 (“Holtzberg '261”)
- Väänänen '767
- Väänänen '919
- How to Do Everything with Yahoo!
- Gannage '158
- Dodrill '431
- Petty '612
- Bogard '365
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of storing messages in a database was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 58-59; 69; 72
- ETSI TS 123 140 V4.4.0 (2001-09): p. 10
- Bartholomew '745: 17:22-27, 17:40-49, 18:6-27, 22:50-61
- Aravamudan '609: 4:25-53; Figure 2
- Helferich '733: 2:54-65; 3:66-4:9; Figure 2A; Claims 3 and 4
- Schurter '951: pp. 2-3; Figure 1
- Cullis '331: 1:35-38; Figure 1
- Isaacs '530: 7:23-31; 8:46-50
- Gao '890: 1:10
- WMS-Minasi: Figure 12.14, Figure 12.33, p.470, p. 482-24; 2:46-59
- Hogan '554: Abstract, Fig. 11, 3:37-39, 13:22-32
- Holtzberg '261: 2:55-59, Fig. 3, 3:5-13, 3:14-25, 3:26-34, 4:37-52
- Väänänen '767: 2:17-20
- Väänänen '919: 11:40-46

- How to Do Everything With Yahoo!: pp. 440, 446
- Gannage '158: Par. 7, Par. 15, Par. 22, Par. 33, Par. 34, Fig. 4
- Dodrill '431: 4:47-50, 7:25-27, 9:25-30, 11:58-62, 12:46-48
- Petty '612: 3:35-40, 9:18-22, 10:2-7, 10:19-24, Claim 22
- Bogard '365: 2:51-58, 5:14-26
- Zydney '824: 10:18-11:6, 13:12-15, 23:14-17, 24:7-10, 32:1-2

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, databases were well-known to provide stable, fast, and efficient storage and retrieval of data, including voice message data, for various purposes. Storing received messages in a database provided the predictable advantage of allowing the messages to be efficiently searched, sorted, and retrieved.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely

upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(11) “Voice Message Identifier” References

Various claims of the Asserted Patents recite limitations regarding “Voice Message Identifier” limitations, such as a unique identifier for a voice message, which may be part of a source field or destination field with a voice message. For example:

- Claim 1 of the '433 patent recites “wherein the instant voice message is represented by a database record including a unique identifier.”
- Claim 6 of the '622 patent recites “wherein the instant voice message includes an identifier field including a unique identifier associated with the instant voice message.”
- Claim 7 of the '622 patent recites “wherein the instant voice message includes a source field including a unique identifier associated with at least one of a given one of the plurality of instant voice message client systems that created the instant voice message and a given one of the plurality of users using the given one of the plurality of instant voice message client systems.”
- Claim 8 of the '622 patent recites “wherein the instant voice message includes a destination field including a unique identifier associated with at least one of a

given one of the plurality of instant voice message client systems identified as a recipient of the instant voice message and a given one of the plurality of users using the given one of the plurality of instant voice message client systems.”

- Claim 14 of the '622 patent recites “wherein the instant voice messaging application includes a message database storing the instant voice message, wherein the instant voice message is represented by a database record including a unique identifier.”
- Claim 28 of the '622 patent recites “wherein the instant voice messaging application includes a message database storing the instant voice message.”

For purposes of these Contentions, references that disclose any of the “Voice Message Identifier” limitations are “Voice Message Identifier” references. While each reference that discloses any of the “Voice Message Identifier” limitations as indicated in the claim charts submitted herewith is a “Voice Message Identifier” reference, for convenient reference the following is a non-exhaustive list of references that are “Voice Message Identifier” references:

- How to Create MMS Services
- AOL ICQ
- Multimedia Messaging Service Encapsulation Protocol Version 1.1 (2002)
- Zephyr System
- Helferich '733
- Isaacs '530
- Gao '890
- Griffin '922
- Hogan '554

- Holtzberg '261
- SMSS
- Wu '768
- Grabelsky '046
- Petty '612
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of providing unique identifiers for voice messages was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- How to Create MMS Services: pp. 15, 25
- AOL ICQ: pp. 4, 14
- Multimedia Messaging Service Encapsulation Protocol Version 1.1 (2002): pp. 13-15
- Zephyr System
 - R.S. French and J.T. Kohl, "The Zephyr Programmer's Manual: Protocol Version ZEPH0.2," April 5, 1989: pp. 10-11, 13
- Helferich '733: 2:54-65; 3:66-4:9; Figure 2A; Claims 3 and 4

- Isaacs '530: 5:46-6:14; 6:42-63; 8:16-31
- Gao '890: 3:43-64; FIG. 3.
- Griffin '922: 6:38-55, Figure 4, Claims 8 and 9
- Hogan '554: 12:63-67, 13:34-37, 13:60-14:2, 14:7-14
- Holtzberg '261: 2:55-59, Fig. 3, 3:5-13, 3:14-25, 3:26-34, 4:37-52
- SMSS: pp. 43, 52, and 58
- Wu '768: 12:4-8
- Grabelsky '046: Par. 26, Par. 27, Par. 28, Par. 29, Par. 34, Par. 41, Par. 42, Par. 50, Par. 52, Par. 61, Par. 68
- Petty '612: 9:18-22, 10:4-7, 10:19-24
- Zydney '824: 34:4-8

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, unique identifiers for messages and other data provided the well-

recognized advantage and predictable result of enabling the identification, storage, retrieval, and transmission of messages in an efficient manner based on their unique identifiers.

- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(12) “File Manager” References

Various claims of the Asserted Patents recite limitations regarding “File Manager” limitations, such as a file manager system for managing voice messages. For example:

- Claim 1 of the ’433 patent recites “wherein the instant voice messaging application includes a file manager system performing at least one of storing, deleting and retrieving the instant voice messages from the message database in response to a user request.”
- Claim 17 of the ’622 patent recites “wherein the instant voice messaging application includes a file manager system performing at least one of storing, deleting and retrieving the instant voice messages from the message database.”
- Claim 31 of the ’622 patent recites “wherein the instant voice messaging

application includes a file manager system storing, deleting and retrieving the instant voice messages from the message database in response to a user request.”

For purposes of these Contentions, references that disclose any of the “File Manager” limitations are “File Manager” references. While each reference that discloses any of the “File Manager” limitations as indicated in the claim charts submitted herewith is a “File Manager” reference, for convenient reference the following is a non-exhaustive list of references that are “File Manager” references:

- Nokia 7650
- Helferich ’733
- Schurter ’951
- Isaacs ’530
- Gao ’890
- WMS-Minasi
- WMS-Levine
- Abburi ’512
- Dahod ’208
- Holtzberg ’261
- Malik ’695
- Sevanto ’008
- Vaananen ’767
- Vaananen ’919
- Vuori ’180
- How to Do Everything with Yahoo!

- Gannage '158
- Dodrill '431
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of using a file manager system to in a voice messaging application for managing voice messages was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 58-59, 70-72
- Helferich '733: 2:54-65; 3:66-4:9; Figure 2A; Claims 3 and 4
- Schurter '951: pp. 2-3; Figure 1
- Isaacs '530: 6:42-63; 7:3-18; 7:39-45
- Gao '890: 1:10-24; 2:46-59
- WMS-Minasi: Figure 12.14, Figure 12.33, p.470, p. 482
- Abburi '512: Par. 32, Par. 12, Par. 21, Par. 23, Par. 31, Par. 32, Par. 33, Par. 46, Par. 47, Par. 49
- Dahod '208: Par. 63, Par. 68, Par. 88, Par. 89, Pars. 95-96, Par. 98
- Holtzberg '261: 1:12-1:19, 1:20-1:24, 1:24-1:26, 2:08-2:12, 3:45-3:49, 4:23-4:36

- Malik '695: 5:01-5:10, 5:21-5:26, 6:57-6:64, 6:65-7:14, 11:11-11:22
- Sevanto '008: 8:59-9:03, 10:12-10:18, 10:63-11:05, 1:34-1:39, 9:60-10:11
- Vaananen '767: 1:30-1:36, 1:40-1:42, 1:42-1:45, 3:24-3:31, 5:21-5:27, 6:04-6:05, 6:65-7:05, 7:23-7:26, 7:45-7:48, 7:58-7:65, 8:11, 8:15-8:21, 11:46-11:55
- Vaananen '919: 1:47-1:55, 2:29-2:32, 6:14-6:20, 7:67-8:19, 11:63-12:06
- Vuori '180: 1:53-1:60, 2:11-2:19, 2:42-2:49, 3:09-3:20, 4:66-5:6, 10:17-10:32, 11:57-12:04, 12:22-12:42
- How to Do Everything with Yahoo!: pp. 440., 446
- Gannage '158: Par. 7, Par. 15, Par. 22, Par. 33, Par. 34, Par. 40, Fig. 4, Fig. 10
- Dodrill '431: 7:25-27, 9:25-30, 11:58-62, 12:47-49
- Zydney '824: 10:20-11:1, 26:10-14

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, using a file manager system as part of a voice messaging application

was an advantageous technique providing for organized and efficient storage, searching, and retrieval of voice messages.

- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(13) “Encryption” References

Various claims of the Asserted Patents recite limitations regarding “Encryption” limitations, such as providing a system for encrypting and decrypting voice messages for transmission. For example:

- Claim 5 of the ’433 patent recites “wherein the instant voice messaging application includes an encryption/decryption system for encrypting the instant voice messages to be transmitted over the packet-switched network and decrypting the instant voices messages received over the packet-switched network.”
- Claim 12 of the ’433 patent recites “wherein the instant voice messaging application encrypts the instant voice message.”
- Claim 19 of the ’622 patent recites “wherein the instant voice messaging

application includes an encryption/decryption system for encrypting the instant voice messages to be transmitted over the packet-switched network and decrypting the instant voices messages received over the packet-switched network.”

- Claim 33 of the '622 patent recites “wherein the instant voice messaging application includes an encryption/decryption system for encrypting the instant voice messages to be transmitted over the packet-switched network and decrypting the instant voices messages received over the packet-switched network.”

For purposes of these Contentions, references that disclose any of the “Encryption” limitations are “Encryption” references. While each reference that discloses any of the “Encryption” limitations as indicated in the claim charts submitted herewith is an “Encryption” reference, for convenient reference the following is a non-exhaustive list of references that are “Encryption” references:

- Nokia 7650
- ETSI TS 123 140 V4.4.0 (2001-09)
- Zephyr System
- ICQ in 24 Hrs.
- Griffin '941
- Isaacs '530
- Griffin '922
- WMS-Fout
- WMS-Carter

- U.S. Patent No. 5,732,216 (“Logan ’216”)
- Sevanto ’008
- Wu ’768
- Burg ’040
- Zydney ’824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of encrypting voice messages, such as using an encryption/decryption system, was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: p. 107
- ETSI TS 123 140 V4.4.0 (2001-09): p. 15
- Zephyr System
 - C. Anthony DellaFera et al., “The Athena Notification Service: Zephyr,” Massachusetts Institute of Technology, 1987: p. 3
 - R.S. French and J.T. Kohl, “The Zephyr Programmer’s Manual: Protocol Version ZEPH0.2,” April 5, 1989: p. 18
 - J.T. Kohl, “Zephyr Installation and Operation Guide,” Massachusetts

- ICQ in 24 Hrs.: p. 325
- Griffin '941: 6:16-28
- Isaacs '530: 9:9-17
- Griffin '922: 4:27-61, 5:38-42
- WMS-Fout: p. 2
- WMS-Carter: Table 9, Table 10
- Logan '216: 10:54-11:3
- Sevanto '008: 3:48-49, 3:50-61
- Wu '768: 9:17-23, 9:60-67
- Burg '040: 2:43-54
- Zydney '824: 27:1-6, 31:16-19

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references.

For example, using encryption of voice messages was a well-known advantageous technique providing benefits of confidentiality and security for voice messages, where the content of encrypted messages could not easily be misappropriated.

- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(14) “WiFi” References

Various claims of the Asserted Patents recite limitations regarding “WiFi,” such as where the network is a WiFi network. For example:

- Claim 10 of the ’433 patent recites “wherein the packet-switched network comprises a WiFi network.”

For purposes of these Contentions, references that disclose any of the “WiFi” limitations are “WiFi” references. While each reference that discloses any of the “WiFi” limitations as indicated in the claim charts submitted herewith is a “WiFi” reference, for convenient reference the following is a non-exhaustive list of references that are “WiFi” references:

- Väänänen ’767
- Zephyr System

- Schurter '951
- Abburi '512
- Dahod '208
- Malik '695
- Väänänen '919
- Grabelsky '046
- Zydney '824
- Bogard '365

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of using a local WiFi network was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Väänänen '767: 10:9-16; Claim 8
- Zephyr System:
 - C. Anthony DellaFera *et al.*, “Project Athena Technical Plan Section E.4.1: Zephyr Notification Service,” Massachusetts Institute of Technology, 1987: p. 14, 31
- Schurter '951: Abstract; p. 2; Claims 1 and 2

- Abburi '512: Par. 23, Par. 62
- Dahod '208: Par. 2, Par. 3
- Malik '695: 20:18-20:23, 8:03-8:11
- Väänänen '767: 13:21-13:25, 6:40-6:43, 13:2-13:31, 12:60-12:64
- Väänänen '919: 7:37-7:47, claim 1
- Grabelsky '046: Par. 24, Par. 40
- Zydney '824: 5:3-7, 11:16-18
- Bogard '365: 5:14-26, 5:55-67, 12:34-38

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, the WiFi protocols are well-known standardized protocols for high-speed and reliable local network data transmission, which would obviously be used for local wireless network transmission in order to provide the benefits provided by WiFi including high-speed, reliable wireless communication.

- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(15) “VoIP” References

Various claims of the Asserted Patents recite limitations regarding “VoIP,” such as providing input audio from a VoIP network through a local network to a client. For example:

- Claim 69 of the ’890 patent recites “providing input audio of the instant voice message from a voice-over-internet-protocol (VoIP) telephone to the client via a local network connecting the VoIP telephone to the client.”

For purposes of these Contentions, references that disclose any of the “VoIP” limitations are “VoIP” references. While each reference that discloses any of the “VoIP” limitations as indicated in the claim charts submitted herewith is a “VoIP” reference, for convenient reference the following is a non-exhaustive list of references that are “VoIP” references:

- ETSI TS 123 140 V4.4.0 (2001-09)
- Farber
- Business Editors/High-Tech Writers, Business Wire, Cyber Greetings and MessageBay to Offer Industry First Voice Greeting Cards, Sept. 7, 1999 (“Cyber

Greetings”)

- Business Editors/High-Tech Writers, Business Wire, Net2Phone Launches Suite of Corporate VoIP Solutions, (October 9, 2003) (“Net2Phone”)
- Väänänen ’767
- Lerner ’395
- Schurter ’951
- Aravamudan ’609
- Christensen ’438
- Roskind ’123
- WMS-Ballew
- WMS-Ballew2
- WMS-Minasi
- WMS-Carter
- Abburi ’512
- Dahod ’208
- Malik ’695
- Sevanto ’008
- Väänänen ’767
- Vuori ’180
- Wu ’131
- Gannage ’158
- Grabelsky ’046
- Bogard ’365

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of using a VoIP network was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- ETSI TS 123 140 V4.4.0 (2001-09): pp. 59-61
- Farber: pp. 1-2
- Cyber Greetings: p. 1
- Net2Phone: pp. 1-2
- Aravamudan '609: 3:25-52; 3:63-4:5; Figure 3
- Schurter '951: p. 2; Figure 1
- Lerner '395: 1:45-55
- Christensen '438: 5:33-36, Claim 9
- Roskind '123: 13:60-63
- WMS-Manasi: p. 478
- WMS-Carter: p. 1-2
- Abburi '512: Abstract, Pars. 6-7, Par. 23, Par. 31, Pars. 34-35, Pars. 41-42
- Dahod '208: Par. 46, Par. 70, Par. 85, Par. 27, Par. 36, Par. 73, Par. 92
- Malik '695: 10:36-11:10

- Sevanto '008: 1:13-1:19, 2:05-2:20, 3:62-4:03, 7:17-7:24, 10:19-10:31
- Väänänen '767: 3:67-4:07, 10:36-10:47, 112:62-13:25, 13:53-13:56
- Vuori '180: 4:17-4:19, Fig. 11, 10:1-10:17, 4:20-4:22, Fig. 12, 11:16-11:47
- Wu '131: Par. 7, Par. 43, Par. 76-78
- Gannage '158: Par. 5, Par. 6, Par. 32, Par. 33, Fig. 1, Fig. 2, Fig. 3
- Grabelsky '046: Par. 40, Fig. 2, Fig. 11
- Bogard '365: 8:25-44

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, using a VoIP network was a well-known option for connectivity for communications, with known benefits and advantages such as increased flexibility, scalability, and mobility of network service and telephony.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely

upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(16) “Controls” References

Various claims of the Asserted Patents recite limitations regarding “Controls,” such as an instant voice messaging application displaying or otherwise providing controls for playing, recording, deleting, or otherwise managing voice messages. For example:

- Claim 11 of the ’433 patent recites “wherein the instant voice messaging application displays one or more controls for audibly playing the instant voice message.”
- Claim 16 of the ’433 patent recites “wherein the instant voice messaging application displays one or more controls for performing at least one of reviewing, re-recording or deleting the instant voice message.”
- Claim 4 of the ’622 patent recites “wherein the instant voice message includes an action field identifying one of a predetermined set of permitted actions requested by the user.”

For purposes of these Contentions, references that disclose any of the “Controls” limitations are “Controls” references. While each reference that discloses any of the “Controls” limitations as indicated in the claim charts submitted herewith is a “Controls” reference, for

convenient reference the following is a non-exhaustive list of references that are “Controls” references:

- Nokia 7650
- OMA Architecture Specification
- Lewin '068
- ICQ 2000
- Mastering ICQ
- ICQ in 24 Hrs.
- Griffin '941
- Isaacs '530
- Christensen '438
- Griffin '922
- WMS-How To
- WMS-Minasi
- Abburi '512
- Dahod '208
- Malik '695
- Sevanto '008
- Väänänen '767
- Väänänen '919
- Vuori '180
- How to Do Everything with Yahoo!
- Dodrill '431

- Burg '040
- Petty '612
- Bogard '365
- Hicks '573
- Zydney '824
- Myers '186

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of providing controls for a user to manage voice messages was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 58-59, 70-73, 101
- OMA Architecture Specification: p. 9
- Lewin '068: [0018], [0045], [0054]-[0056]
- ICQ 2000: p. 130
- Mastering ICQ: p. 362
- ICQ in 24 Hrs.: p. 81
- Griffin '941: 3:26-42, 5:1-22, 14:34-54, 15:5-18, 15:44-66; Figures 1 & 13
- Isaacs '530: 7:59-67

- Christensen '438: 7:25-31, 8:3-8, Claim 14, Figure 4B
- Griffin '922: 8:60-9:16, 11:48-67
- WMS-How To: p.1
- WMS-Minasi: Figure 12.2
- Abburi '512: Par. 29, Par. 32, Par. 34, Par. 53
- Dahod '208: Par. 37, Pars. 51-54, Par. 65, Par. 83, Par. 104
- Malik '695: 4:26-4:33, 6:65-7:14
- Sevanto '008: 1:13-1:19, 9:04-9:24, 10:63-11:05
- Väänänen '767: 5:13-5:22, 5:33-5:37, 10:62-11:02, 11:54-11:57, 14:03-14:09
- Väänänen '919: 2:25-2:39, 5:22-5:30, 6:20-6:25, 6:34-6:42, 8:48-8:57, 9:09-9:16, 10:17-10:24, 10:49-10:55
- Vuori '180: 2:42-2:49, 2:65-3:04, 5:16-5:24, 5:29-5:39, 12:33-12:42
- How to Do Everything with Yahoo!: p. 440
- Dodrill '431: 1:24-26, 4:47-50, 7:25-27, 9:25-30, 11:58-62, 12:46-48
- Wu '768: 12:14-13:24, 13:59-14:13
- Burg '040: 3:21-29, 11:5-9
- Petty '612: 10:2-7, 10:19-24, Claim 22
- Bogard '365: 2:12-15, 9:38-49
- Myers '186: 3:16-19, 2:23-27
- Hicks '573: 4:10-13, 7:40-44, 7:56-8:6
- Zydney '824: 20:14-17, 21:15-18, 25:7-9, 30:4-6

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings

of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, providing controls for a user to play, record, delete, or otherwise manage or perform actions regarding voice messages provided advantages to users of a voice messaging application to control and manage voice messages.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(17) “Document Handler” References

Various claims of the Asserted Patents recite limitations regarding “Document Handler,”

such as a document handler for creating a link between, or attaching, files with voice messages.

For example:

- Claim 14 of the '433 patent recites “wherein the instant voice messaging application invokes a document handler to create a link between the instant voice message and the one or more files.”
- Claim 27 of the '622 patent recites “wherein the instant voice messaging application includes a document handler system for attaching one or more files to the instant voice message.”

For purposes of these Contentions, references that disclose any of the “Document Handler” limitations are “Document Handler” references. While each reference that discloses any of the “Document Handler” limitations as indicated in the claim charts submitted herewith is a “Document Handler” reference, for convenient reference the following is a non-exhaustive list of references that are “Document Handler” references:

- Nokia 7650
- Isaacs '530
- Gao '890
- WMS-McFedries
- WMS-Minasi
- WMS-How To
- Abburi '512
- Dahod '208
- Daniell '545
- Holtzberg '261

- Malik '695
- Väänänen '919
- Vuori '180
- Gannage '158
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of providing a document handler to link or attach files to a voice message was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Nokia 7650: pp. 67-69
- Isaacs '530: 6:42-63
- Gao '890: 3:65-4:28; Figures 3 & 4
- WMS-Minasi: pp. 480-481; Figure 12.28
- Abburi '512: Par. 12, Par. 33, Par. 42, Par. 44, Par. 49
- Dahod '208: Par. 31, Pars. 90-91
- Daniell '545: Abstract, Fig. 13, Fig. 14, Fig. 15, Fig. 16, Par. 2, Par. 4, Par. 8, Par. 9, Par. 30, Par. 31, Par. 45, Par. 52, Par. 53, Par. 56, Par. 57, Par. 58, Par. 59

- Holtzberg '261: Abstract, 2:16-2:19, 2:26-2:32, 3:26-3:33, 4:14-4:16
- Malik '695: 6:47-6:56, 7:15-7:27, 7:28-7:36
- Väänänen '919: 1:37-1:41, 2:59-2:62, 9:04-9:08, 12:29-12:41
- Vuori '180: 4:26-4:36, 4:36-4:55
- Gannage '158: Par. 7
- Zydney '824: 19:2-10

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, it was advantageous to use a document handler for a convenient, reliable and effective way to record connections between voice messages and other files, such as through links and attachment relationships.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to

combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(18) “Compression” References

Various claims of the Asserted Patents recite limitations regarding “Compression,” such as compressing an instant voice message for transmission and decompressing it upon receipt. For example:

- Claim 34 of the '622 patent recites “wherein the instant voice messaging application includes a compression/decompression system for compressing the instant voice messages to be transmitted over the packet-switched network and decompressing the instant voice messages received over the packet-switched network.”

For purposes of these Contentions, references that disclose any of the “Compression” limitations are “Compression” references. While each reference that discloses any of the “Compression” limitations as indicated in the claim charts submitted herewith is a “Compression” reference, for convenient reference the following is a non-exhaustive list of references that are “Compression” references:

- Westerlund, Magnus. *Media-specific Forward Error Correction in a CELP Speech Codec Applied to IP Networks*. Diss. Luleå tekniska universitet, 1999 (“Westerlund”)

- Conformance Document
- Cyber Greetings
- Aravamudan '609
- Griffin '922
- WMS-Carter
- Abburi '512
- Logan '216
- Sevanto '008
- Väänänen '919
- Gannage '158
- Wu '768
- Grabelsky '046
- Hicks '573
- Zydney '824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of compressing voice messages for transmission was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Westerlund: p. 9
- Conformance Document: p. 5, 17 (Table 2)
- Cyber Greetings: p. 1
- Aravamudan '609: 4:6-25
- Griffin '922: 7:11-17
- WMS-Carter: p. 15; Figure 10
- Abburi '512: Par. 40
- Logan '216: Fig. 7, 3:37-41, 3:61-4:3, 4:4-8, 4:46-52, 4:53-58, 4:59-5:5, 5:16-32
- Sevanto '008: 3:50-61
- Väänänen '919: 2:13-14, 7:52-54
- Gannage '158: Abstract, Par. 25, Par. 26, Par. 29, Par. 32, Par. 34, Par. 35, Par. 40, Fig. 1, Fig. 2, Fig. 4, Fig. 5, Fig. 6
- Wu '768: 14:48-50
- Grabelsky '046: Par. 35, Par. 79, Par. 84, Par. 85
- Hicks '573: 3:59-61, 4:13-15, 5:27-32, 7:46-49, 7:10-27
- Zydney '824: 10:19-11:6, 11:20-22, 13:7-11, 16:1-4

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than

predictable results.

- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, it was advantageous to compress files for transmission for the predictable benefits of reducing transmission bandwidth and conserving network resources.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

(19) “Intercom” References

Various claims of the Asserted Patents recite limitations regarding “Intercom” such as communicating in an “intercom mode” or using an “intercom mode.” For example:

- Claim 36 of the ’622 patent recites “wherein the instant voice message application communicates in an intercom mode when a recipient of the instant voice message is currently available to receive the instant voice message and communicates in a record mode when the recipient of the instant voice message is currently

unavailable to receive the instant voice message.”

- Claim 37 of the ’622 patent recites “wherein the instant voice message application utilizes the intercom mode as a default communication mode.”

For purposes of these Contentions, references that disclose any of the “Intercom” limitations are “Intercom” references. While each reference that discloses any of the “Intercom” limitations as indicated in the claim charts submitted herewith is an “Intercom” reference, for convenient reference the following is a non-exhaustive list of references that are “Intercom” references:

- Schurter ’951
- Isaacs ’530
- Gao ’890
- Christensen ’438
- Griffin ’922
- WMS-Carter
- How to Do Everything With Yahoo!
- Y! For Dummies
- Gannage ’158
- Wu ’768
- Grabelsky ’046
- Zydney ’824

Nothing about these claim limitations adds anything non-obvious over the prior art. The feature of an intercom mode was well-known in the art before the alleged invention of the Asserted Patents and described in the disclosures of numerous references submitted and charted

herewith. The claimed functionality is disclosed in the prior art cited herein, including the disclosures cited in the claim charts served herewith and within each of the foregoing identified references. Further exemplary specific disclosures of the claimed functionality in the prior art, which disclose the applicable claim limitations and also reflect and illustrate the motivations to implement the claimed functionality and to modify and combine the teachings of the prior art to include the claimed functionality, are identified as follows:

- Schurter '951: Abstract; pp. 1-3; Figure 1
- Isaacs '530: 17:10-46; Figure 7
- Gao '890: 3:43-4:28; Figures 3 & 4
- Christensen '438: 7:57-62
- Griffin '922: 3:20-30
- WMS-Carter: Figure 2
- How to Do Everything With Yahoo!: p. 440
- Gannage '158: Par. 6, Par. 7, Par. 15, Par. 20, Par. 21, Par. 22, Par. 33, Par. 34, Par. 35, Fig. 3, Fig. 4, Fig. 5, Fig. 9, Fig. 10
- Wu '768: 11:58-61, 13:7-8, 14:5-7
- Grabelsky '046: Par. 63, Par. 103, Par. 104, Fig. 12
- Zydney '824: 10:11-16, 15:8-10

To the extent a prior art reference is argued or found not to disclose the limitations addressed in this section as recited in the Asserted Claims, and as an alternative to the teachings of that reference if it discloses the limitations, the claimed features would have been obvious to modify or combine with that reference for at least the following reasons in addition to the motivations to combine identified separately in these contentions.

- All elements of the claim are disclosed in the references with no change in their respective functions, and the combination would have yielded nothing more than predictable results.
- The advantages associated with this feature were well-known and would have been appreciated by persons of ordinary skill in the art, thereby motivating the usage of this feature to combine with or modify the teachings of other references. For example, it was advantageous to provide an option to use an intercom system for communications in an intercom mode, for the efficiency of intercom communications.
- References disclosing these concepts teach the beneficial utility of them, including as cited in the claim charts submitted herewith. Defendants may rely upon the cited disclosures, among others, to show and illustrate the motivations to combine.

Specific evidence of the motivation to combine includes the references and passages therein cited in the claim charts submitted herewith for the applicable claim limitations, which reflect the reasons and motivations to combine and modify listed above and additional reasons and motivations to combine and modify that Defendants may rely upon. Defendants also expect to rely on expert testimony regarding motivation to combine.

2. Application of the Prior Art to the Claims

Defendants' disclosure of anticipating references is provided above with reference to the claim charts submitted herewith. With respect to obviousness, a person of ordinary skill in the art would be able to modify and/or combine each feature present in the prior art described above to arrive at the Asserted Claims of the Asserted Patents. The chart below discloses combinations

of reference through which the Asserted Claims are obvious over the prior art cited herein. References to categories in bold underlined text (e.g., “**Temporary Storage**”) refer back to the discussions above in which specific references were applied against particular claim limitations based on specific subject matter. For each instance in which such a category is referenced, one of more of the references cited in that category (as identified above) may supply the claim element to which the category applies. The discussion above accompanying each category sets forth the detailed rationale and motivation for combining each category’s respective references with respect to the claimed features they disclose.

'890 Patent, Asserted Claims	Application of Prior Art
Claim 1	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference
Claim 2	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference
Claim 3	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference
Claim 4	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Recipient List</u> reference
Claim 5	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 6	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Generate Audio File</u> reference and/or

'890 Patent, Asserted Claims	Application of Prior Art
	each <u>Manage Audio File</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 9	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Attachment</u> reference
Claim 14	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference
Claim 15	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference
Claim 17	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference
Claim 18	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Recipient List</u> reference
Claim 19	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 20	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Generate Audio File</u> reference and/or each <u>Manage Audio File</u> reference

'890 Patent, Asserted Claims	Application of Prior Art
Claim 23	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Generate Audio File</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Attachment</u> reference
Claim 28	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference
Claim 29	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference
Claim 31	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference
Claim 32	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Recipient List</u> reference
Claim 33	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 34	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Generate Audio File</u> reference

'890 Patent, Asserted Claims	Application of Prior Art
Claim 37	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Multiple Networks</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Attachment</u> reference
Claim 40	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference
Claim 41	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Recipient List</u> reference
Claim 42	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 43	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Generate Audio File</u> reference and/or each <u>Manage Audio File</u> reference
Claim 46	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Attachment</u> reference
Claim 51	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference
Claim 52	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or

'890 Patent, Asserted Claims	Application of Prior Art
	each <u>Recipient List</u> reference
Claim 53	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 54	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or each <u>Generate Audio File</u> reference and/or each <u>Manage Audio File</u> reference
Claim 57	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or each <u>Attachment</u> reference
Claim 62	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference
Claim 63	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or each <u>Recipient List</u> reference
Claim 64	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 65	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or

'890 Patent, Asserted Claims	Application of Prior Art
	each <u>Attachment</u> reference and/or each <u>Manage Audio File</u> reference
Claim 68	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or each <u>Generate Audio File</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Attachment</u> reference
Claim 69	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Multiple Networks</u> reference and/or each <u>VoIP</u> reference

'747 Patent, Asserted Claims	Application of Prior Art
Claim 1	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Availability of Recipients</u> reference and/or each <u>Generate Audio File</u> reference and/or each <u>Attachment</u> reference
Claim 2	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Recipient List</u> reference and/or each <u>Availability of Recipients</u> reference and/or each <u>Temporary Storage</u> reference
Claim 3	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Temporary Storage</u> reference
Claim 12	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Recipient List</u> reference and/or each

'747 Patent, Asserted Claims	Application of Prior Art
	<u>Availability of Recipients</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Read Receipt</u> reference
Claim 13	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Temporary Storage</u> reference and/or each <u>Availability of Recipients</u> reference and/or each <u>Generate Audio File</u> reference and/or each <u>Attachment</u> reference and/or each <u>Read Receipt</u> reference and/or each <u>Manage Audio File</u> reference

'433 Patent, Asserted Claims	Application of Prior Art
Claim 1	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Database</u> reference and/or each <u>Recipient List</u> reference and/or each <u>File Manager</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 2	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Database</u> reference and/or each <u>Recipient List</u> reference and/or each <u>File Manager</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 3	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Database</u> reference and/or each <u>Recipient List</u> reference and/or each <u>File Manager</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 4	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Database</u> reference and/or each <u>Recipient List</u> reference and/or each <u>File Manager</u> reference and/or each <u>Voice</u>

'433 Patent, Asserted Claims	Application of Prior Art
	<u>Message Identifier</u> reference and/or each <u>Generate Audio File</u> reference
Claim 5	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Database</u> reference and/or each <u>Recipient List</u> reference and/or each <u>File Manager</u> reference and/or each <u>Voice Message Identifier</u> reference and/or each <u>Encryption</u> reference
Claim 7	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Database</u> reference and/or each <u>Recipient List</u> reference and/or each <u>File Manager</u> reference and/or each <u>Voice Message Identifier</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 8	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Database</u> reference and/or each <u>Recipient List</u> reference and/or each <u>File Manager</u> reference and/or each <u>Voice Message Identifier</u> reference and/or each <u>Read Receipt</u> reference
Claim 9	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference
Claim 10	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>WiFi</u> reference
Claim 11	<ul style="list-style-type: none"> Obvious over <ul style="list-style-type: none"> Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>Controls</u> reference
Claim 12	<ul style="list-style-type: none"> Obvious over

'433 Patent, Asserted Claims	Application of Prior Art
	<ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>Encryption</u> reference
Claim 14	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>Document Handler</u> reference
Claim 15	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference
Claim 16	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>Controls</u> reference
Claim 17	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>Read Receipt</u> reference
Claim 25	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>Read Receipt</u> reference and/or each <u>Availability of Recipients</u> reference
Claim 26	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Attachment</u> reference and/or each <u>Read Receipt</u> reference and/or each <u>Availability of Recipients</u> reference and/or each <u>Temporary Storage</u> reference

'622 Patent, Asserted Claims	Application of Prior Art
Claim 3	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of

'622 Patent, Asserted Claims	Application of Prior Art
	each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference
Claim 4	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Controls</u> reference
Claim 6	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 7	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 8	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 10	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Database</u> reference
Claim 11	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference
Claim 12	<ul style="list-style-type: none"> • Obvious over

'622 Patent, Asserted Claims	Application of Prior Art
	<ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference
Claim 13	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference
Claim 14	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Database</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 15	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Database</u> reference
Claim 16	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Database</u> reference
Claim 17	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Database</u> reference and/or each <u>File Manager</u> reference
Claim 18	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Generate Audio File</u> reference
Claim 19	<ul style="list-style-type: none"> ● Obvious over

'622 Patent, Asserted Claims	Application of Prior Art
	<ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Encryption</u> reference
Claim 21	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Recipient List</u> reference
Claim 22	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Recipient List</u> reference
Claim 23	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Read Receipt</u> reference
Claim 24	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference
Claim 25	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference
Claim 26	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Recipient List</u> reference
Claim 27	<ul style="list-style-type: none"> ● Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference

'622 Patent, Asserted Claims	Application of Prior Art
Claim 28	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Database</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 29	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Database</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 30	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Database</u> reference and/or each <u>Voice Message Identifier</u> reference
Claim 31	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Database</u> reference and/or each <u>Voice Message Identifier</u> reference and/or each <u>File Manager</u> reference
Claim 32	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Generate Audio File</u> reference
Claim 33	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Encryption</u> reference

'622 Patent, Asserted Claims	Application of Prior Art
Claim 34	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Compression</u> reference
Claim 35	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Read Receipt</u> reference and/or each <u>Generate Audio File</u> reference
Claim 36	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Intercom</u> reference
Claim 37	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Document Handler</u> reference and/or each <u>Attachment</u> reference and/or each <u>Intercom</u> reference
Claim 38	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Recipient List</u> reference
Claim 39	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Recipient List</u> reference and/or each <u>Availability of Recipients</u> reference

'723 Patent, Asserted Claims	Application of Prior Art
Claim 1	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference

'723 Patent, Asserted Claims	Application of Prior Art
	and/or each <u>Temporary Storage</u> reference
Claim 2	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Manage Audio File</u> reference and/or each <u>Attachment</u> reference
Claim 3	<ul style="list-style-type: none"> • Obvious over <ul style="list-style-type: none"> ○ Each <u>Voice Message</u> reference in view of each <u>Availability of Recipients</u> reference and/or each <u>Temporary Storage</u> reference and/or each <u>Presence of Recipients</u> reference

Defendants also reserve the right to rely on any combination of references describing the systems listed in **Appendix A**, *infra*, in order to establish obviousness of the Asserted Claims. Such references would have been regarded as readily combinable by one of ordinary skill in the art because they address the common problem and describe the same underlying systems (*see* discussion preceding the table above).

C. Claim Charts—P.R. 3-3 (c)

Pursuant to P.R. 3-3 (c), and subject to Defendants' reservation of rights, attached hereto as **Exhibits A-1 to A-36, B-1 to B-28, C-1 to C-31, D-1 to D-37, E-1 to E-36** and incorporated by reference are claim charts providing a limitation-by-limitation analysis of where specifically, in each prior art item, each limitation of the Asserted Claims of the Asserted Patents is found. Any reference to a figure in cited text incorporates by reference the figure itself, and any citation to a figure incorporates by reference any description of that figure in a reference. As noted above, these claim charts are based on Defendants' understanding of the claim constructions

applied by Plaintiff, even though Defendants do not necessarily agree with those constructions, and reserves the right to dispute them. To the extent any limitation is deemed not to be met exactly by an item of prior art, Defendants contend that the difference would have been obvious to a person of ordinary skill in the art and within the knowledge of one skilled in the art at the time of the alleged invention, so that the claimed invention would have been obvious both in light of the single reference alone and/or in light of combined references. Defendants do not admit or concede that the element is not expressly or inherently disclosed by the reference at issue.

As a general matter, all portions of each prior art item are relied upon to support the disclosure of each patent claim limitation, as all portions provide general support. Supporting citations are nevertheless provided, but do not necessarily represent every location where a particular claim term may be found in the prior art item. Defendants reserve the right to rely on additional, or different, portions of the prior art items other than those specifically cited in these claims charts, and to supplement and/or amend these charts.

D. Invalidity Under 35 U.S.C. § 101 and 35 U.S.C. § 112—P.R. 3-3 (d)

Pursuant to P.R. 3-3 (d), and subject to Defendants' reservation of rights, Defendants identify below the grounds upon which Defendants currently contend the Asserted Claims are invalid under 35 U.S.C. § 101 and 35 U.S.C. § 112(1) and (2). The disclosures below do not attempt to identify all recitations of a given term or phrase in each claim. To the extent that Defendants have identified any instance of a term or limitation in a particular claim as rendering the claim invalid under Sections 101 or 112, Defendants contend that every instance of the challenged term or limitation in the claim renders the claim invalid for the same reasons.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Orders of record in this matter to the extent appropriate in

light of further investigation and discovery regarding the defenses below, the Court's construction of the claims at issue, and/or the review and analysis of expert witnesses.

1. Disclosure of Invalidity Under 35 U.S.C. § 101

Although not required to do so under the Patent Local Rules, Defendants include below certain grounds on which Defendants contend that the asserted claims of the Asserted Patents are invalid because they fail to claim subject matter eligible for patenting pursuant to 35 U.S.C. § 101. Defendants reserve the right to supplement, amend, and/or modify these Section 101 invalidity contentions as discovery progresses. As the Patent Local Rules do not require Defendants to provide their contentions regarding unpatentable subject matter under Section 101, these contentions do not limit Defendants' rights to advance other and different arguments regarding invalidity of any of the Asserted Patents or to pursue relief in the form of dispositive motions directed to other or different claims of any of the Asserted Patents.

All claims of the Asserted Patents are invalid because they fail to claim subject matter eligible for patenting pursuant to 35 U.S.C. § 101. Whether an invention is eligible for patent protection under 35 U.S.C. § 101 is a "threshold test." *See Bilski v. Kappos*, 130 S. Ct. 3218, 3225 (2010). Under this "threshold test," the court "must first determine whether the claims at issue are directed to a patent-ineligible concept," such as an abstract idea. *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2355 (2014). If so, the court must then "consider the elements of each claim both individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." *See id.* (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1297 (2012)).

In *Alice*, the Supreme Court set forth a two-part test to analyze patent eligibility: (1) determine whether the claims are directed to an abstract idea or other patent-

ineligible concept, and (2) if so, determine whether the claim amounts to “significantly more” than the abstract idea. If the claim does not recite “significantly more” than the abstract idea, it is invalid. *Id.* at 2355.

The Asserted Claims are invalid under 35 U.S.C. § 101 because they are directed to unpatentable subject matter—namely, systems and methods for delivering instant voice messages over a network. Specifically, each of the Asserted Claims fails the two-step *Alice* test for determining whether a patent is valid under Section 101. First, the claims are directed to unpatentable subject matter. An idea is patent ineligible if it “discloses only generic computers performing generic functions.” *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016). The Asserted Patents purportedly addresses a need in the art for providing local and global instant voice messaging over VoIP. *See, e.g.*, ’890 Patent, 2:40-42. The Asserted Patents concede that “allow[ing] users to leave voice messages for recipients [] is a feature that is familiar to anyone who uses a telephone.” *See* ’890 Patent, 2:13-25. The Federal Circuit has previously rejected a similar attempt to transform a well-known, conventional idea into a patent eligible subject matter through application of computer and networking technology. *See Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (use of computers and Internet did not transform abstract idea of mail sorting into patentable subject matter). Because, as in *Intellectual Ventures*, “each step does no more than require a generic computer to perform generic computer functions,” the Asserted Claims are unpatentable. *Id.*

Second, the Asserted Claims contain no inventive concept sufficient to transform the claimed unpatentable generic computer use into a patent-eligible invention. The alleged novelty of the Asserted Patents is the use of computers and the Internet to facilitate instant voice

messaging. In the words of the disclosure, the alleged invention is a “system and method for providing instant voice messaging over an IP network.” Since “[v]oice messaging in both the VoIP [voice over Internet protocol] and PSTN [packet-switched telephone network] is known,” the Asserted Patents cannot be regarded as solving “a challenge particular to the Internet.” *See* 890 Patent, 2:11; *Intellectual Ventures*, 838 F.3d at 1318. For at least these reasons, the Asserted Claims fail to meet the standard for patentability set forth in section 101.

2. Disclosure of Invalidity under 35 U.S.C. § 112(1) for Lack of Enablement and Written Description

As detailed below, certain claims of the Asserted Patents are indefinite and/or lack enablement or written description under provisions of 35 U.S.C. § 112. Claims are indefinite under 35 U.S.C. § 112, ¶ 2 when they “fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 134 S. Ct. 2120, 2124 (2014). To the extent an asserted apparatus claim includes both apparatus and method limitations, that claim is invalid for indefiniteness under § 112, ¶ 2 because it fails to identify or notify the public of what constitutes direct infringement. *See IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377 (Fed. Cir. 2005). As required by P.R. 3-3(c), Defendants identify each claim element governed by 35 U.S.C. § 112, ¶ 6. Claims governed by § 112, ¶ 6 are indefinite if “the claim term fails to recite sufficiently definite structure or else recites function without reciting sufficient structure for performing that function.” *Williamson v. Citrix Online, LLC*, No. 2013-1130, slip op. at 14 (Fed. Cir. June 16, 2015) (en banc) (citations omitted). Claims need not contain the word “means” to implicate § 112, ¶ 6. *Id.*

The enablement requirement of § 112 demands that the patent specification enable “those skilled in the art to make and use the full scope of the claimed invention without ‘undue experimentation.’” *Genentech, Inc. v. Novo Nordisk A/S*, 108 F.3d 1361, 1365 (Fed. Cir. 1997)

(quoting *In re Wright*, 999 F.2d 1557, 1561 (Fed. Cir. 1993)). “[T]he scope of the claims must be less than or equal to the scope of the enablement.” *Nat’l Recovery Tech., Inc. v. Magnetic Separation Sys., Inc.*, 166 F.3d 1190, 1196 (Fed. Cir. 1999).

35 U.S.C. § 112, ¶ 1 requires that the specification contain a written description of the invention. “[T]he hallmark of written description is disclosure.” *Boston Scientific Corp. v. Johnson & Johnson*, 647 F.3d 1353, 1361-62 (Fed. Cir. 2011) (citation omitted). The test for whether a specification adequately describes an invention is “whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.... [T]he test requires an objective inquiry into the four corners of the specification from the perspective of a person of ordinary skill in the art.... [It] is a question of fact.” *Ariad Pharms., Inc. v. Eli Lilly and Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc); *Boston Scientific*, 647 F.3d at 1362.

The enablement requirement of § 112 demands that the patent specification enable “those skilled in the art to make and use the full scope of the claimed invention without ‘undue experimentation.’” *Genentech, Inc. v. Novo Nordisk A/S*, 108 F.3d 1361, 1365 (Fed. Cir. 1997) (quoting *In re Wright*, 999 F.2d 1557, 1561 (Fed. Cir. 1993)). “[T]he scope of the claims must be less than or equal to the scope of the enablement.” *Nat’l Recovery Tech., Inc. v. Magnetic Separation Sys., Inc.*, 166 F.3d 1190, 1196 (Fed. Cir. 1999).

Subject to Defendants’ reservation of rights, Defendants contend that the following asserted claims lack written description and/or are not enabled.

All Asserted Claims of the Asserted Patents that recite routing and/or transmitting “recipients,” such as one or more “recipients,” and each claim dependent therefrom are invalid because the specification fails to provide a sufficient written description or enabling disclosure of

the full scope of the claim language.

All Asserted Claims of the Asserted Patents that recite “temporarily” storing, such as temporarily storing a voice message, and each claim dependent therefrom are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of the claim language.

All Asserted Claims of the Asserted Patents that recite “available” and/or “unavailable,” such as a recipient being available or unavailable, and each claim dependent therefrom are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of the claim language.

All Asserted Claims of the Asserted Patents that recite a “node” or “nodes” and each claim dependent therefrom are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of the claim language.

All Asserted Claims of the Asserted Patents that recite the term “instant,” such as in the context of “instant voice message” or “instant voice messaging,” and each claim dependent therefrom are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of the claim language.

All Asserted Claims of the Asserted Patents that recite an “instant voice messaging application,” “communication platform system maintaining...,” “client platform system for generating...,” and/or “a messaging system communicating...” and each claim dependent therefrom are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of the claim language.

All Asserted Claims of the Asserted Patents that recite a “document handler” and/or “document handler system” and each claim dependent therefrom are invalid because the

specification fails to provide a sufficient written description or enabling disclosure of the full scope of the claim language.

Defendants further identify additional written description and enablement grounds with respect to the following asserted claims. The following additional disclosure of grounds is provided in addition to the foregoing disclosed grounds applicable across numerous Asserted Claims, and does not purport to list every claim subject to the foregoing disclosed grounds. Where a particular claim term or element is identified, Defendants contend that the identified term or element, as well as the surrounding claim language in context as recited in the applicable claim, suffer from the identified Section 112 defect. Furthermore, where a particular claim term or element is identified with respect to one or more particular claims, Defendants contend that each other Asserted Claim in the Asserted Patents that recites the same claim term or element is subject to the same Section 112 defect.

a. Lack of Enablement/Written Description in the '890 Patent

Claim 1 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “selecting one or more recipients,” “generating,” “instant,” “enabled to audibly play,” “temporarily,” “unavailable,” and “available.”

Claim 9 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the term “enabled to audibly play.”

Claim 14 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “selecting one or more recipients,” “generating,” “instant,” “external recipients,” “enabled to audibly play,” “temporarily,” “unavailable,” and “available.”

Claim 15 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the term “enabled to audibly play.”

Claim 23 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the term “enabled to store or display.”

Claim 28 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the terms “selecting one or more recipients,” “generating,” “instant,” “enabled to audibly play,” “temporarily,” “unavailable,” and “available.”

Claim 29 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the term “enabled to audibly play.”

Claim 34 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the term “enabled to audibly play.”

Claim 37 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the term “enabled to store or display.”

Claim 40 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “selecting one or more recipients,” “generating,” “instant,” “temporarily,” “unavailable,” and “available.”

Claim 51 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “selecting one or more recipients,” “generating,” “instant,” “external recipients,” “temporarily,” “unavailable,” and “available.”

Claim 62 of the '890 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the terms “selecting one or more recipients,” “generating,” “instant,” “temporarily,” “unavailable,” and “available.”

b. Lack of Enablement/Written Description in the '723 Patent

Claim 1 of the '723 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant,” “monitoring,” “recording,” “nodes,” “associating a subset of the nodes with a client,” “signal,” “temporarily,” “unavailable,” and “available.”

Claim 3 of the '723 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “controlling a method of generating the instant voice message based on the connectivity status.”

c. Lack of Enablement/Written Description in the '622 Patent

Claim 3 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant,” “unique identifier,” “communication platform system,” and “an object field.”

Claim 4 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “action field,” “predetermined,” and “permitted actions.”

Claim 6 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “identifier field,” “unique identifier,” “associated with,” and “at least one of a given one of.”

Claim 7 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “source field,” “unique identifier,” “associated with,” and “at least one of a given one of.”

Claim 8 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “destination field,” “unique identifier,” “associated with,” and “at least one of a given one of.”

Claim 11 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “if there is the current connection,” and “re-established a connection.”

Claim 12 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant voice messaging application” and “periodically.”

Claim 14 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant voice messaging application” and “unique identifier.”

Claim 16 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 17 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 18 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 19 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 21 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 22 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 23 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 24 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the terms “instant,” “unique identifier,” “communication platform system,” “connection object messages,” and “logical connection.”

Claim 25 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “socket.”

Claim 26 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a written description of or enable at least the terms “communication platform system,” “instant,” and “connection object messages.”

Claim 27 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 32 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 33 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 34 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 35 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 36 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 37 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 38 of the '622 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant voice messaging application” and “client platform system.”

d. Lack of Enablement/Written Description in the '433 Patent

Claim 1 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant voice messaging application” and “unique identifier.”

Claim 3 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 4 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 5 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 7 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “indicia” and “instant voice messaging application.”

Claim 8 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 9 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant” and “instant voice messaging application.”

Claim 11 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 12 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 14 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full

scope of at least the terms “invokes a document handler” and “instant voice messaging application.”

Claim 15 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 16 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging application.”

Claim 17 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging server.”

Claim 18 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “successive buffered portion” and “instant voice messaging server.”

Claim 19 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant voice messaging server,” “successive buffered portion” and “instant voice messaging application.”

Claim 21 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “automatically,” “instant voice messaging server,” and “next successive portion.”

Claim 23 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging server.”

Claim 24 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant voice messaging sever” and “instant voice messaging application.”

Claim 25 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant voice messaging server” and “availability.”

Claim 26 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant,” “unavailable,” “available,” “instant voice messaging server,” “currently available,” and “determines.”

Claim 27 of the '433 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the term “instant voice messaging server.”

e. Lack of Enablement/Written Description in the '747 Patent

Claim 1 of the '747 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant,” “available,” “unavailable,” “temporarily,” and “attaching one or more files to the audio file.”

Claim 2 of the '747 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full

scope of at least the terms “instant,” “nodes,” “is adapted to,” “available,” “temporarily,” and “unavailable.”

Claim 3 of the ’747 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant,” “controlling,” “available,” “temporarily,” and “unavailable.”

Claim 12 of the ’747 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant” and “displaying an indication that an instant voice message has been received.”

Claim 13 of the ’747 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “separating the instant voice message into an audio file and one or more files.”

Claim 14 of the ’747 patent and each of its dependent claims are invalid because the specification fails to provide a sufficient written description or enabling disclosure of the full scope of at least the terms “instant” and “receiving a record start signal.”

3. Disclosure of Invalidity Under 35 U.S.C. § 112(2) for Indefiniteness

Claims are indefinite under 35 U.S.C. § 112, ¶ 2 when they “fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 134 S. Ct. 2120, 2124 (2014). To the extent an asserted apparatus claim includes both apparatus and method limitations, that claim is invalid for indefiniteness under § 112, ¶ 2 because it fails to identify or notify the public of what constitutes direct infringement. *See IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377 (Fed. Cir. 2005).

As required by P.R. 3-3(c), Defendants identify each claim element governed by 35 U.S.C. § 112, ¶ 6. Claims governed by § 112, ¶ 6 are indefinite if “the claim term fails to recite sufficiently definite structure or else recites function without reciting sufficient structure for performing that function.” *Williamson v. Citrix Online, LLC*, No. 2013-1130, slip op. at 14 (Fed. Cir. June 16, 2015) (en banc) (citations omitted). Claims need not contain the word “means” to implicate § 112, ¶ 6. *Id.*

In addition to Defendants’ reservation of rights stated above, Defendants note that the Court’s DCO contemplates that all indefiniteness issues be brought to the Court’s attention through the *Markman* briefing process (*see* Dkt. 71, at 5), which begins on May 24, 2017. Defendants’ detailed arguments as to indefiniteness will be presented at that time, through the *Markman* meet and confer and briefing process.

Subject to Defendants’ reservation of rights, Defendants contend that the following asserted claims are indefinite.

All Asserted Claims of the Asserted Patents that recite routing and/or transmitting “recipients,” such as one or more “recipients,” and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

All Asserted Claims of the Asserted Patents that recite “temporarily” storing, such as temporarily storing a voice message, and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

All Asserted Claims of the Asserted Patents that recite “available” and/or “unavailable,” such as a recipient being available or unavailable, and each claim dependent therefrom are

invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

All Asserted Claims of the Asserted Patents that recite a “node” or “nodes” and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

All Asserted Claims of the Asserted Patents that recite the term “instant,” such as in the context of “instant voice message” or “instant voice messaging,” and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

All Asserted Claims of the Asserted Patents that recite an “instant voice messaging application,” “communication platform system maintaining...,” “client platform system for generating...,” and/or “a messaging system communicating...” and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Each such claim is also invalid because the claim language is governed by 35 U.S.C. § 112, ¶ 6 and neither the claim terms nor the specification recite sufficiently definite structure to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

All Asserted Claims of the Asserted Patents that recite a “document handler” and/or “document handler system” and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Defendants further identify additional indefiniteness grounds with respect to the following specific asserted claims. The following additional disclosure of grounds is provided in addition to the foregoing disclosed grounds applicable across numerous Asserted Claims, and does not purport to list every claim subject to the foregoing disclosed grounds. Where a particular claim term or element is identified, Defendants contend that the identified term or element, as well as the surrounding claim language in context as recited in the applicable claim, suffer from the identified Section 112 defect. Furthermore, where a particular claim term or element is identified with respect to one or more particular claims, Defendants contend that each other Asserted Claim in the Asserted Patents that recites the same claim term or element is subject to the same Section 112 defect.

a. Indefiniteness in the '890 Patent

Claim 1 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “selecting one or more recipients,” “generating,” “instant,” “enabled to audibly play,” “temporarily,” “unavailable,” and “available” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claims 9, 15, 29, and 34 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “enabled to audibly play” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 14 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “selecting one or more recipients,” “generating,” “instant,” “external recipients,” “enabled to audibly play,” “temporarily,” “unavailable,” and “available” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claims 23 and 37 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “enabled to store or display” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 28 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “selecting one or more recipients,” “generating,” “instant,” “enabled to audibly play,” “temporarily,” “unavailable,” and “available” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 40 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “selecting one or more recipients,” “generating,” “instant,” “temporarily,” “unavailable,” and “available” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 51 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “selecting one or more recipients,” “generating,” “instant,” “external recipients,” “temporarily,” “external recipients,” “unavailable,” and “available” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 62 of the '890 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “selecting one or more recipients,” “generating,” “instant,” “temporarily,” “unavailable,” and “available” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

In addition, all claims of the Asserted Patents that recite routing and/or transmitting “recipients” and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because those limitations fail to inform, with reasonable certainty, those skilled in the art

about the scope of the invention. All such claims and each claim dependent therefrom are also invalid because the specification fails to provide a written description of or enable those terms.

b. Indefiniteness in the '723 Patent

Claim 1 of the '723 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “monitoring,” “recording,” “nodes,” “associating a subset of the nodes with a client,” “signal,” “temporarily,” “unavailable,” and “available” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 3 of the '723 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “controlling a method of generating the instant voice message based upon the connectivity status” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

c. Indefiniteness in the '622 Patent

Claim 3 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “unique identifier,” “communication platform system,” and “an object field” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 3 of the '622 patent is also invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “communication platform system maintaining...” and “a messaging system communicating...” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitations “communication platform system maintaining...” and “a messaging system communicating...” are governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure for “communication platform system maintaining...” or “a messaging system communicating...” to inform, with

reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 4 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “action field,” “predetermined,” and “permitted actions” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 6 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “identifier field,” “unique identifier,” “associated with” and “at least one of a given one of” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 7 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “source field,” “unique identifier,” “associated with” and “at least one of a given one of” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 8 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “destination field,” “unique identifier,” “associated with” and “at least one of a given one of” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 11 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “if there is the current connection” and “re-

established a connection” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 12 of the ’622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “periodically” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 13 of the ’622 patent and each claim dependent therefrom are invalid as indefinite because the limitation “instant voice messaging application” is governed by governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 14 of the ’622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “unique identifier” and “instant voice messaging application” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 16 of the ’622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 17 of the ’622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 18 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 19 of the '622 patent is invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging application” and “encryption/decryption system for encrypting...and decrypting” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitation “encryption/decryption system for encrypting...and decrypting” is governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure for “encryption/decryption system for encrypting...and decrypting” to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 21 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 22 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 23 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 24 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “unique identifier,” “communication platform system,” “connection object messages,” and “logical connection” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitations “communication platform system maintaining...” and “a messaging system communicating...” are governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure for “communication platform system maintaining...” or “a messaging system communicating...” to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 25 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “socket” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 26 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “communication platform system,” “instant,” and “connection object messages” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 27 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging application” and “client platform system” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitations “client platform system for generating...” and

“instant voice messaging application” are governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 32 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 33 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 34 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 35 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 36 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging application” and “intercom mode” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 37 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 38 of the '622 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “instant voice messaging application,” and “client platform system” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitations “instant voice messaging application” and “client platform system for generating...” are governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

d. Indefiniteness in the '433 Patent

All claims of the '433 patent that recite “application” and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 1 of the '433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging application” and “unique identifier” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 1 of the '433 patent is also invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging application,” “a client platform system for generating,”

“a messaging system for transmitting...,” and “a file manager system performing at least one of...” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitations “a client platform system for generating ...,” “a messaging system for transmitting...,” “instant voice messaging application,” and “a file manager system performing at least one of...” are governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 3 of the ’433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 4 of the ’433 patent is invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging application” and “audio file creating system creating...” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitation “audio file creating system creating...” is governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure for “audio file creating system creating...” to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 5 of the ’433 patent is invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging application” and “encryption/decryption system for

encrypting...and decrypting” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitation “encryption/decryption system for encrypting...and decrypting” is governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure for “encryption/decryption system for encrypting...and decrypting” to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 7 of the ’433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “indicia” and “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 8 of the ’433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 9 of the ’433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “client platform system,” and “instant voice messaging application” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention. The limitations “a client platform system for generating ...,” “a messaging system for transmitting...,” “instant voice messaging application,” and “a file manager system performing at least one of...” are governed by 35 U.S.C. § 112, ¶ 6, and neither the claim terms nor the specification recite sufficiently definite structure to inform, with reasonable certainty, those skilled in the art about the scope of the invention. Accordingly, the

claim is indefinite under § 112, ¶ 2. Additionally, given the lack of disclosure of corresponding structure by Uniloc, there is at least as much structure set forth in the cited prior art as there is in the specification.

Claim 11 of the '433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 12 of the '433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 14 of the '433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “invokes a document handler” and “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 15 of the '433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 16 of the '433 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging application” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 17 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging server” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 18 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “successive buffered portion” and “instant voice messaging server” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 19 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging server,” “successive buffered portion” and “instant voice messaging application” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 21 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “automatically,” “instant voice messaging server,” and “next successive portion” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 23 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging server” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 24 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging server” and “instant voice messaging application” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 25 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant voice messaging server” and “availability” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 26 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “unavailable,” “available,” “instant voice messaging server,” “currently available,” and “determines” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 27 of the '433 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “instant voice messaging server” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

e. Indefiniteness in the '747 Patent

Claim 1 of the '747 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “available,” “temporarily,” and “unavailable” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 2 of the '747 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “nodes,” “is adapted to,” “available,” “temporarily,” and “unavailable” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 3 of the '747 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant,” “controlling,” “available,” “temporarily,” and “unavailable” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 12 of the '747 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant” and “displaying an indication that an instant voice message has been received” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 13 of the '747 patent and each claim dependent therefrom are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitation “separating the instant voice message into an audio file and one or more files” fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Claim 14 of the '747 patent and each of its dependent claims are invalid as indefinite under 35 U.S.C. § 112, ¶ 2 because the limitations “instant” and “receiving a record start signal” fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.

Defendants’ analysis of the Asserted Claims is ongoing. Defendants accordingly reserve the right to supplement this disclosure with additional bases for invalidity based on indefiniteness as that analysis progresses.

III. OTHER PRIOR ART

In addition to the prior art references that Defendants has specifically discussed in these Invalidity Contentions, Defendants identify each reference produced and cited in the accompanying document production of the same date. All of these references are relevant prior art, and Defendants reserves the right to rely on them based on their continuing research and analysis of the Asserted Claims, accused instrumentalities, and the prior art.

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***Uniloc USA In. et al. v. Samsung Elecs. Am.*, No. 2:16-cv-642 (Lead Case)**
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

I. PATENTS AND PUBLISHED PATENT APPLICATIONS

Abbreviated Name	Patent or Publication Number	Country of Origin	Filing Date	Issuance or Publication Date
Griffin '922	U.S. Patent No. 8,150,922	United States	07/17/2002	04/03/2012
Garahi '428	U.S. Patent No. 5,809,428	United States	7/25/1996	9/15/1998
Walters '019	U.S. Patent Application Publication No. 2001/0052019	United States	2/5/2001	12/13/2001
Wu '131	U.S. Patent Application Publication No. 2002/0023131	United States	3/19/2001	2/21/2002
Vuori '097	U.S. Patent Application Publication No. 2002/0146097	United States	7/23/2001	10/10/2002
Deshpande '273	U.S. Patent Application Publication No. 2003/0046273	United States	8/28/2001	3/6/2003
Malik '104	U.S. Patent Application Publication No. 2003/0219104	United States	8/19/2002	11/27/2003
Daniell '545	U.S. Patent Application Publication No. 2004/0068545	United States	12/19/2002	4/8/2004
Dahod '208	U.S. Patent Application Publication No. 2004/0022208	United States	8/1/2002	2/5/2004
Gannage '158	U.S. Patent Application Publication No. 2004/0151158	United States	11/10/2003	8/5/2004

Uniloc USA In. et al. v. Samsung Elecs. Am., No. 2:16-cv-642 (Lead Case)
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Patent or Publication Number	Country of Origin	Filing Date	Issuance or Publication Date
Hogan '554	U.S. Patent No. 5,619,554	United States	6/8/1994	4/8/1997
Logan '216	U.S. Patent No. 5,732,216	United States	10/2/1996	3/24/1998
Krishnaswamy '494	U.S. Patent No. 5,867,494	United States	11/18/1996	2/2/1999
Lerner '395	U.S. Patent No. 6,192,395	United States	12/17/1999	2/20/2001
Hanson '151	U.S. Patent No. 6,269,151	United States	3/13/1998	7/31/2001
Bartholomew '745	U.S. Patent No. 6,285,745	United States	2/9/1996	9/4/2001
Holtzberg '261	U.S. Patent No. 6,625,261	United States	12/20/2000	9/23/2003
Cullis '331	U.S. Patent No. 6,829,331	United States	1/18/2002	12/7/2004
Sevanto '008	U.S. Patent No. 6,848,008	United States	4/18/2000	1/25/2005
Dodrill '431	U.S. Patent No. 6,901,431	United States	5/9/2000	5/31/2005
Vuori '180	U.S. Patent No. 6,990,180	United States	7/23/2001	1/24/2006

Uniloc USA In. et al. v. Samsung Elecs. Am., No. 2:16-cv-642 (Lead Case)
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Patent or Publication Number	Country of Origin	Filing Date	Issuance or Publication Date
Burg '040	U.S. Patent No. 7,039,040	United States	6/7/1999	5/2/2006
Yashchin '635	U.S. Patent No. 7,200,635	United States	1/9/2002	4/3/2007
Väänänen '919	U.S. Patent No. 7,218,919	United States	8/8/2001	5/15/2007
Petty '612	U.S. Patent No. 7,245,612	United States	3/21/2001	7/17/2007
Adamczyk '620	U.S. Patent No. 7,283,620	United States	1/31/2003	10/16/2007
Yach '836	U.S. Patent No. 7,295,836	United States	3/11/2002	11/13/2007
Wu '768	U.S. Patent No. 8,014,768	United States	3/19/2001	10/18/2011
Low '726	U.S. Patent Application Publication No. 2003/0018726	United States	4/29/2002	1/23/2003
Väänänen '767	U.S. Patent No. 7,113,767	United States	8/20/2001	9/26/2006
Malik '695	U.S. Patent No. 7,123,695	United States	8/19/2002	10/17/2006
Marsot '925	U.S. Patent Application Publication No. 2004/0125925	United States	9/30/2003	7/1/2004

Uniloc USA In. et al. v. Samsung Elecs. Am., No. 2:16-cv-642 (Lead Case)
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Patent or Publication Number	Country of Origin	Filing Date	Issuance or Publication Date
Adamczyk '620	U.S. Patent No. 7,283,620	United States	1/31/2003	10/16/2007
Aravamudan '609	U.S. Patent No. 6,301,609	United States	9/8/1999	10/9/2001
Bogard '365	U.S. Patent No. 6,757,365	United States	10/16/2000	6/29/2004
Christensen '438	U.S. Patent No. 7,305,438	United States	12/9/2003	12/4/2007
Ertugrul '645	U.S. Patent Application Publication No. 2002/0087645	United States	9/28/2001	7/4/2002
Gao '890	U.S. Patent No. 6,707,890	United States	9/3/2002	3/16/2004
Grabelsky '046	U.S. Patent Application Publication No. 2004/0003046	United States	12/12/2001	1/1/2004
Griffin '941	U.S. Patent No. 7,072,941	United States	9/18/2002	7/4/2006
Helferich '733	U.S. Patent No. 6,636,733	United States	3/31/2000	10/21/2003
Hicks '573	U.S Patent No. 6,304,573	United States	4/3/1997	10/16/2001
Isaacs '530	U.S. Patent No. 7,043,530	United States	3/30/2001	5/9/2006

Uniloc USA In. et al. v. Samsung Elecs. Am., No. 2:16-cv-642 (Lead Case)
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Patent or Publication Number	Country of Origin	Filing Date	Issuance or Publication Date
Lewin '068	EP 1185068 A2	Europe	8/23/2001	3/6/2002
Nachman '474	U.S. Patent Application Publication No. 2001/0027474	United States	12/26/2000	10/4/2001
Ron '359	U.S. Patent No. 6,775,359	United States	12/28/1999	8/10/2004
Roskind '123	U.S. Patent No. 7,124,123	United States	6/30/2003	10/17/2006
Schurter '951	U.S. Patent Application Publication No. 2005/0043951	United States	7/7/2003	2/24/2005
Yu '036	U.S. Patent No. 7,058,036	United States	2/25/2000	6/6/2006
Godefroid '840	U.S. Patent No. 6,697,840	United States	2/29/2000	2/24/2004
Mendiola '478	U.S. Patent No. 6,920,478	United States	5/2/2001	7/19/2005
Mendiola '634	U.S. Patent No. 7,200,634	United States	5/2/2001	4/3/2007
Väänänen '658	WO Patent Publication No. 02/17658		8/20/2001	2/28/2002
Abburi '512	U.S. Patent Application Publication No. 2003/0147512	United States	2/1/2002	8/7/2003

Uniloc USA In. et al. v. Samsung Elecs. Am., No. 2:16-cv-642 (Lead Case)
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Patent or Publication Number	Country of Origin	Filing Date	Issuance or Publication Date
Lerner '395	U.S. Patent No. 6,192,395	United States	12/17/1999	2/20/2001
Myers '186	U.S. Patent No. 7,065,186	United States	11/8/2000	6/20/2006
Alanara '351	U.S. Patent No. 5,878,351	United States	11/7/1996	3/2/1999
Roach '401	U.S. Patent No. 5,526,401	United States	10/31/1994	6/11/1996
Stubbs '773	WO 99/063773		6/3/1999	12/9/1999
Zydney '824	WO 01/11824		8/7/2000	2/15/2001
Enete '098	U.S. Patent No. 7,984,098	United States	7/25/2001	7/19/2011
Abhuri '390	U.S. Patent No. 7,130,390	United States	2/1/2002	8/7/2003
Dahod '826	U.S. Patent No. 7,372,826	United States	8/1/2002	8/13/2008
Elwyn '757	WO 01/045368	Europe	11/27/2000	8/5/2009
Teibel '962	U.S. Patent No. 6,366,962	United States	12/18/1998	4/2/2002

***Uniloc USA In. et al. v. Samsung Elecs. Am.*, No. 2:16-cv-642 (Lead Case)**
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Patent or Publication Number	Country of Origin	Filing Date	Issuance or Publication Date
Agrawal '127	U.S. Patent Application Publication No. 2002/0083127	United States	11/20/2001	6/27/2002
Lazardis '694	U.S. Patent No. 6,219,694	United States	5/29/1998	4/17/2001

II. PUBLICATIONS

Abbreviated Name	Title	Date of Publication	Author / Publisher
Borthick	Microsoft calling: don't shoot the Messenger	Oct. 2003	Sandra L. Borthick
Net2Phone	Net2Phone Launces Suite of Corporate VoIP	10/9/2003	Business Editors/High-Tech Writers
Cyber Greetings	Cyber Greetings and MessageBay to Offer Industry First Voice Greeting Cards	9/7/1999	Business Editors/High-Tech Writers
Farber	IP telephony meets instant messaging	3/30/2003	Dan Farber
Westerlund	Media-specific forward error correction in a CELP speech codec applied to IP networks	Dec. 1999	Magnus Westerlund
Skype User Guide	Skype User Guide	2003	Skype
ETSI TS 123 140 V.4.4.0	ETSI TS 123 140 V.4.4.0	Sept. 2001	Global System for Mobile Communications
AOL ICQ	AOL ICQ v. MSN Messenger		Liew Kwek Sing

Uniloc USA In. et al. v. Samsung Elecs. Am., No. 2:16-cv-642 (Lead Case)
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Title	Date of Publication	Author / Publisher
AOL ICQ License	ICQ End User License Agreement	1/1/2002	ICQ Inc.
MMS	How to Create MMS Services	9/6/2002	Forum Nokia
ICQ for WAP	ICQ for WAP User Guide	Nov. 2002	ICQ Inc.
Nokia 7650	Nokia 7650 User Guide	6/7/1998	Nokia
OMA Enabler	Enabler Release Definition for MMS Version 1.1	11/4/2002	Open Mobile Alliance, Ltd.
Conformance Document	MMS Conformance Document Version 2.0.0	2/6/2002	Open Mobile Alliance, Ltd.
OMA Architecture Specification	Multimedia Messaging Service Architecture Overview Version 1.1	11/1/2002	Open Mobile Alliance, Ltd.
OMA Client Transactions Specification	Multimedia Messaging Service Client Transactions Version 1.1	10/31/2002	Open Mobile Alliance, Ltd.
Multimedia Messaging Service Encapsulation Protocol	Multimedia Messaging Service Encapsulation Protocol Version 1.1	10/30/2002	Open Mobile Alliance, Ltd.
ETSI TS 101 348 V7.7.0	ETSI TS 101 348 V7.7.0	June 2006	Global System for Mobile Communications
Zephyr System	Zephyr (protocol)	8/10/2015	Wikipedia
Zephyr System	The Zephyr Notification Service		C. Anthony DellaFera
Y! for Dummies	Yahoo! for Dummies	2001	Brad Hill

Uniloc USA In. et al. v. Samsung Elecs. Am., No. 2:16-cv-642 (Lead Case)
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Title	Date of Publication	Author / Publisher
	(2d ed.)		
How to Do Everything with Yahoo!	How to Do Everything with Yahoo!	2000	Alan Neibauer
Yahoo! Executable	yahoo50.exe		
SAMS Teach Yourself ICQ in 24 Hours	SAMS Teach Yourself ICQ in 24 Hours	2001	Preston Gralla
ICQ	ICQ Tour, Help, FAQ	2002, 2003	
Mastering ICQ	Mastering ICQ: The Official Guide	2001	Peter Weverka
ICQ 2000	ICQ 2000 for Dummies	2001	Peter Weverka, Michael Taylor
Paltalk	Paltalk, Paltalk.com (Internet Archive)		Paltalk
SMSS	Universal Mobile Telecommunications System (UTMS); Technical realization of the Short Message Service (SMS) (3G TS 23.040 version 3.5.0 Release 1999)	8/16/2000	
WMS-Ballew	Windows XP Professional: The Ultimate User's Guide	2002	Joli Ballew
WMS-Ballew2	Windows XP Professional, The Ultimate User's Guide Second Edition	2003	Joli Ballew
WMS-Online	Using Windows Messenger, Online Voice Communications	11/1/2002	Microsoft

***Uniloc USA In. et al. v. Samsung Elecs. Am.*, No. 2:16-cv-642 (Lead Case)**
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Abbreviated Name	Title	Date of Publication	Author / Publisher
	(Internet Archive)		
WMS-Fout	Inside Windows Messenger - How it Communicates	10/1/2011	Tom Fout
WMS-Carter	Microsoft Real-Time Communications: Protocols and Technologies	7/3/2003	Ross Carter
WMS-Control	Using Windows Messenger, Control Your Online Status (Internet Archive)	11/1/2002	Microsoft Corporation
WMS-How To	How to: Use Windows Messenger Instant Messaging in Windows Messenger (Internet Archive)		Microsoft Knowledge Base Article
WMS-Levine	The Complete Reference: Windows XP	2001	John Levine, Margaret LevineYoung, Doug Muder, Allison Barrows, Rima Regas
WMS-Minasi	Mastering Windows XP	2001	Mark Minasi
WMS-McFedries	The Complete Idiot's Guide to Windows XP	2002	Paul McFedries
Nuance and Jabber	Nuance and Jabber.com Team to Provide Voice Instant Messaging Solutions	6/7/2001	PR Newswire

III. SYSTEMS (PRODUCTS, DEVICES, AND SOFTWARE)

Company/Individual	Product
Yahoo!	Yahoo! Messenger

***Uniloc USA In. et al. v. Samsung Elecs. Am.*, No. 2:16-cv-642 (Lead Case)**
Defendant's Invalidity Contentions — Appendix A — Prior Art Index

Mirabilis / AOL	ICQ
AVM Software	Paltalk Messenger
Skype Technologies	Skype
Microsoft	Windows Messenger
IBM	Sametime
Microsoft Corporation	Windows Messenger, MSN Messenger
Avaya	AvayaIM
MeetingOne	MeetingOne
Jabber	Jabber
DellaFerra, <i>et al.</i>	Zephyr
America Online	AIM
3Com Corp.	Superstack 3 NBX Networked Telephony
Nortel Networks	Meridian Mail 13 Voice Messaging

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record have been served a copy of the forgoing on December 16, 2016, via electronic means.

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