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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner

v.

VOXATHON LLC
Patent Owner

IPR2016-01321

U.S. Patent 6,442,261
Call Recovery Method and Apparatus for an Attendant Telephone Set

PETITION FOR *INTER PARTES* REVIEW OF ALL CLAIMS 1–6 OF U.S. PATENT 6,442,261

TABLE OF CONTENTS

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent 6,442,261 (filed on Jan. 28, 1999)
1002	U.S. Patent 4,631,364 ("*Coyne*") (filed on Feb. 23, 1984; issued on Dec. 23, 1986)
1003	U.S. Patent 5,136,637 ("*Rust*") (filed on Jan. 22, 1990; issued on Aug. 4, 1992)
1004	U.S. Patent 6,597,785 ("*Burke*") (filed on Oct. 15, 1998; issued on Jul. 22, 2003)
1005	U.S. Patent 4,741,026 ("*Baxter*") (filed on May 29, 1986, issued on Apr. 26, 1988)
1006	Petitioner's Voluntary Interrogatory Responses
1007	Declaration of Joel R. Williams ("*Williams Decl.*" or "*Williams*")
1008	Curriculum Vitae of Joel R. Williams

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(B)

A. REAL PARTY IN INTEREST

Pursuant to 37 C.F.R. § 42.8(b)(1), Unified Patents Inc. ("Unified" or "Petitioner") is the real party-in-interest and further certifies that no other party exercised control or could exercise control over Unified's participation in this proceeding, the filing of this petition, or the conduct of any ensuing trial. In this regard, Unified has submitted voluntary discovery. *See* EX1006 (Petitioner's Voluntary Interrogatory Responses).

B. RELATED MATTERS

U.S. Patent 6,442,261 ("the '261 Patent" (EX1001)) is assigned to Voxathon LLC ("Voxathon" or "Patent Owner"). On Apr. 29, 2015, Voxathon filed lawsuits asserting the '261 Patent in the following cases in the Eastern District of Texas:

Voxathon v. Alpine Electronics of America, Inc., No. 2-15-cv-00562

Voxathon v. American Honda Motor Co., Inc., No. 2-15-cv-00563

Voxathon v. FCA US LLC, No. 2-15-cv-00564

Voxathon v. Ford Motor Co., No. 2-15-cv-00565

Voxathon v. General Motors Co., No. 2-15-cv-00566

Voxathon v. Hyundai Motor America, No. 2-15-cv-00567

Voxathon v. Jaguar Land Rover North America, LLC, No. 2-15-cv-00568

Voxathon v. Nissan North America Inc., No. 2-15-cv-00569

Voxathon v. Pioneer Electronics (USA) Inc., No. 2-15-cv-00570

Voxathon v. Subaru of America, Inc., No. 2-15-cv-00571

Voxathon v. Toyota Motor Sales, USA, Inc., No. 2-15-cv-00572

Voxathon v. Volkswagen Group of America, Inc., No. 2-15-cv-00573.

The suits against Alpine Electronics, American Honda, Ford, General Motors, Jaguar Land Rover, Pioneer, and Volkswagen were dismissed prior to Jan. 21, 2016. On Jan. 21, 2016, Judge Rodney Gilstrap issued a Memorandum Opinion and Order granting Hyundai's, Toyota's, and Subaru's Motions to Dismiss, finding that the claims of the '261 Patent were not patent-eligible subject matter under 35 U.S.C. § 101, and terminating the suits against the remaining defendants (FCA, Hyundai, Nissan, Subaru, and Toyota) pending appeal. Voxathon appealed the Memorandum Opinion and Order to the Federal Circuit on February 22, 2016, and the appeal (*Voxathon v. FCA US LLC*, case no. CAFC-16-1614) is pending.

C. PAYMENT OF FEES

This Petition for *inter partes* review of Claims 1–6 of the '261 Patent is accompanied by a payment of $23,000 in accordance with 37 C.F.R. § 42.15. Thus, this Petition meets the fee requirements under 35 U.S.C. § 312(a)(1).

D. DESIGNATION OF COUNSEL

Lead Counsel for Petitioner is Jeff Toler (Reg. No. 38,342), of Toler Law Group, PC. Back-up Counsel are Aakash Parekh (Reg. No. 63,536), of Toler Law Group, PC, and Jonathan Stroud (Reg. No. 72,518), of Unified.

E. SERVICE INFORMATION

As identified in the attached Certificate of Service, a copy of this Petition, in its entirety, is being served to the address of the attorney of record in the United States Patent & Trademark Office (USPTO) for the '261 Patent and to the Plaintiff's attorney of record in the above-described suits involving the '261 Patent. Petitioner may be served at the offices of their counsel, Jeff Toler, and consents to electronic service at jtoler@tlgiplaw.com, aparekh@tlgiplaw.com, and jonathan@unifiedpatents.com.

F. POWER OF ATTORNEY

Powers of attorney are being filed with the designation of counsel in accordance with 37 C.F.R. § 42.10(b).

II. REQUIREMENTS FOR *INTER PARTES* REVIEW

A. GROUND FOR STANDING

Petitioner certifies pursuant to 37 C.F.R. § 42.104(a) that the patent for which review is sought is available for *inter partes* review. Petitioner is not barred

or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition.

B. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.22(a)(1) and 37 C.F.R. § 42.104(b), Petitioner challenges claims 1–6 of the '261 Patent.

1. Prior Art References

The '261 Patent issued from a patent application filed prior to enactment of the America Invents Act ("AIA"). Accordingly, a pre-AIA statutory framework applies. The following references are pertinent to the grounds of unpatentability explained below:

i. U.S. Patent 4,631,364 ("*Coyne*" (EX1002)) (filed on Feb. 23, 1984; issued on Dec. 23, 1986). *Coyne* is prior art under 35 U.S.C. § 102(b).

ii. U.S. Patent 5,136,637 ("*Rust*" (EX1003)) (filed on Jan. 22, 1990; issued on Aug. 4, 1992). *Rust* is prior art under 35 U.S.C. § 102(b).

iii. U.S. Patent 6,597,785 ("*Burke*" (EX1004)) (filed on Oct. 15, 1998; issued on Jul. 22, 2003). *Burke* is prior art under 35 U.S.C. § 102(e).

iv. U.S. Patent 4,741,026 ("*Baxter*" (EX1005)) (filed on May 29, 1986, issued on Apr. 26, 1988). *Baxter* is prior art under 35 U.S.C. § 102(b).

2. Grounds for Challenge

This Petition, supported by the Expert Declaration of Joel R. Williams

(EX1007), requests cancellation of challenged claims 1–6 as unpatentable under 35 U.S.C. § 102 and/or § 103. *See* 35 U.S.C. § 314(a).

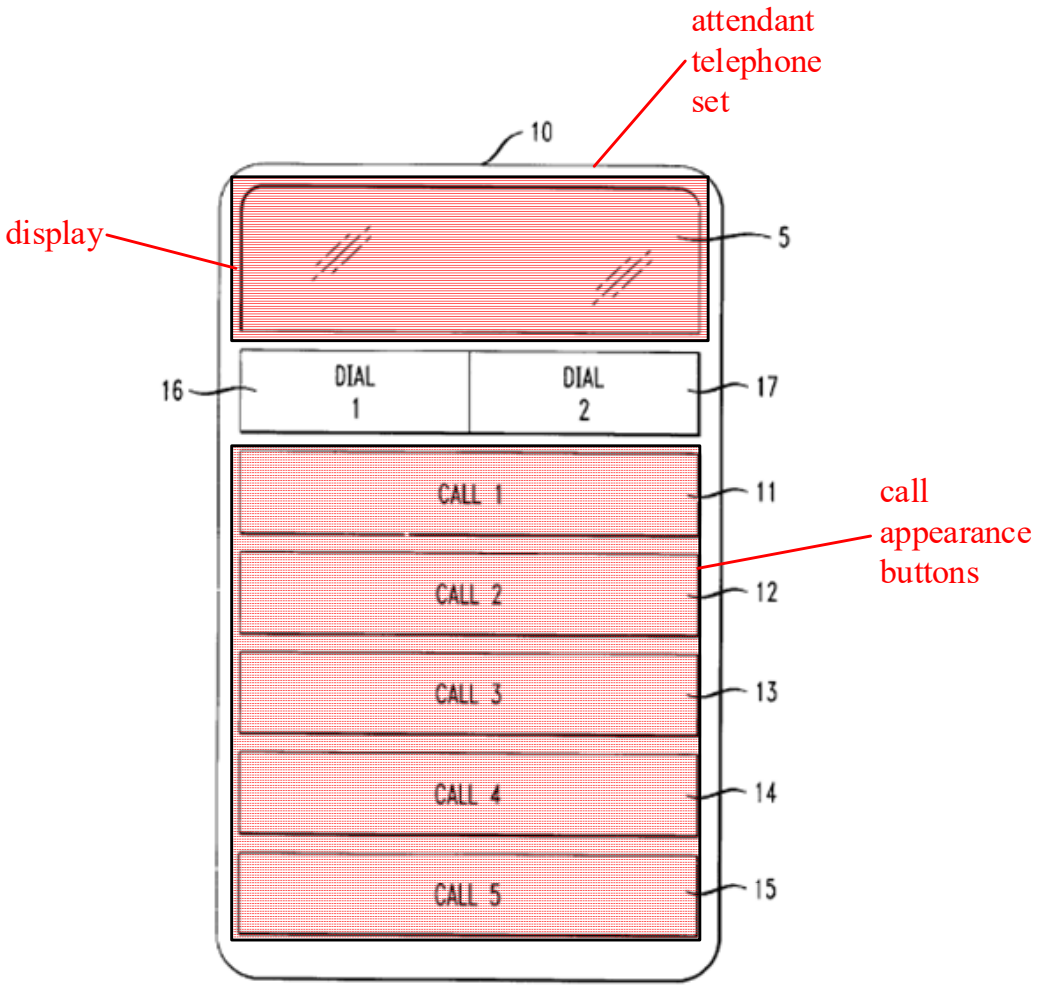
III. OVERVIEW OF THE '261 PATENT

A. SUMMARY OF THE ALLEGED INVENTION

The '261 Patent recognizes that it was well known to identify the telephone number of a calling party, such as by using "[c]onventional caller identification techniques." EX1001, at 4:27–39. The '261 Patent also recognizes that it was known that "[b]y pressing [a] sequence of buttons the telephone number of a calling party is automatically dialed and displayed[.]" *Id.* at 1:28–30.

The '261 Patent is directed to a call recovery system for an attendant telephone set and a method for using the same to recover a lost calling party, e.g., an inadvertently dropped call, by pushing one of multiple call appearance buttons on the set associated with an incoming call to redial the number automatically. *Id.* at Abstract; 1:64–2:22. The telephone set receives multiple incoming calls and assigns a call to the next available call appearance button, preferably in sequential order. *Id.* at Abstract. An identified telephone number associated with each incoming call is stored in a memory device. *Id.* In response to an attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button is automatically redialed. *Id.* Accordingly, an attendant may automatically redial the

telephone number of the calling party of any incoming call that is currently assigned to a call appearance button on the attendant's telephone set. *Id.* at 8:1–5. FIG. 1 (annotations added below) of the '261 Patent depicts the attendant telephone set 10 including five consecutively numbered call appearance buttons 11–15 and a display 5:



As explained in further detail below, the references cited herein describe, prior to the effective filing date of the '261 Patent, technologies that enable a telephone set to receive multiple incoming calls, store the telephone number of a

calling party of an incoming call, assign the incoming call to a next available call appearance button, and enable a user to select the call appearance button to automatically redial the stored telephone number of the calling party.

B. LEVEL OF ORDINARY SKILL IN THE ART

A person of ordinary skill in the art for the '261 Patent would have a degree in electrical engineering, computer science, or a related subject or the equivalent, and would also have at least three years of experience working with telephone devices, telecommunications, and call processing software. *See* EX1007 (*Williams*), at ¶ 13.

C. PROSECUTION HISTORY

The '261 Patent includes 6 claims and corresponds to U.S. Patent Application No. 09/239,435 ("'435 Application"), filed on January 28, 1999 and including 6 originally filed claims.

The USPTO issued a Non-Final Office Action on May 31, 2000 rejecting claims 1–6 under 35 U.S.C. § 103(a). The applicant of the '435 Application filed a Response to the Non-Final Office Action on June 22, 2000. The Response emphasized that the claimed invention identified, stored, and automatically redialed the number of a calling party of an incoming call rather than an outgoing telephone number of a party being called.

A Notice of Allowance was mailed on September 6, 2000. However, the

three-month statutory period for payment of the issue fee lapsed and a Notice of Abandonment was mailed on January 23, 2001. On February 23, 2001, the applicant filed a Petition to Withdraw Notice of Abandonment on the grounds that the Notice of Allowance mailed September 6, 2000 was not received. The Office granted the Petition on December 23, 2001, and a second Notice of Allowance was mailed March 22, 2002. The issue fee was paid on June 26, 2002 and the '261 Patent issued on August 27, 2002.

D. CLAIM CONSTRUCTION

A patent claim of an unexpired patent during *inter partes* review receives the broadest reasonable construction in light of the specification of the patent in which it appears. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. ___ (2016). In the following, claim terms are given their broadest reasonable interpretation in light of the specification. 37 C.F.R. § 42.100(b); *Cuozzo*, 579 U.S. ___ (2016).

IV. SPECIFIC GROUNDS FOR REVIEW

Petitioner submits that the grounds raised in the following sections are independent and meaningfully distinct. For example, *Coyne*, *Rust*, and *Baxter* are prior art under 35 U.S.C. § 102(b), while *Burke* is prior art under 35 U.S.C. § 102(e). Thus, Patent Owner would not be permitted to swear behind *Coyne*, *Rust*, *or Baxter*.

A. Ground 1: *Coyne* anticipates claims 1 and 4

1. Overview of *Coyne*

Coyne discloses a station set originating and terminating telephone calls (EX1002, at Abstract), and FIG. 2 (annotations added below) of *Coyne* depicts a station set having a predetermined number (e.g., 10) of call appearance buttons:

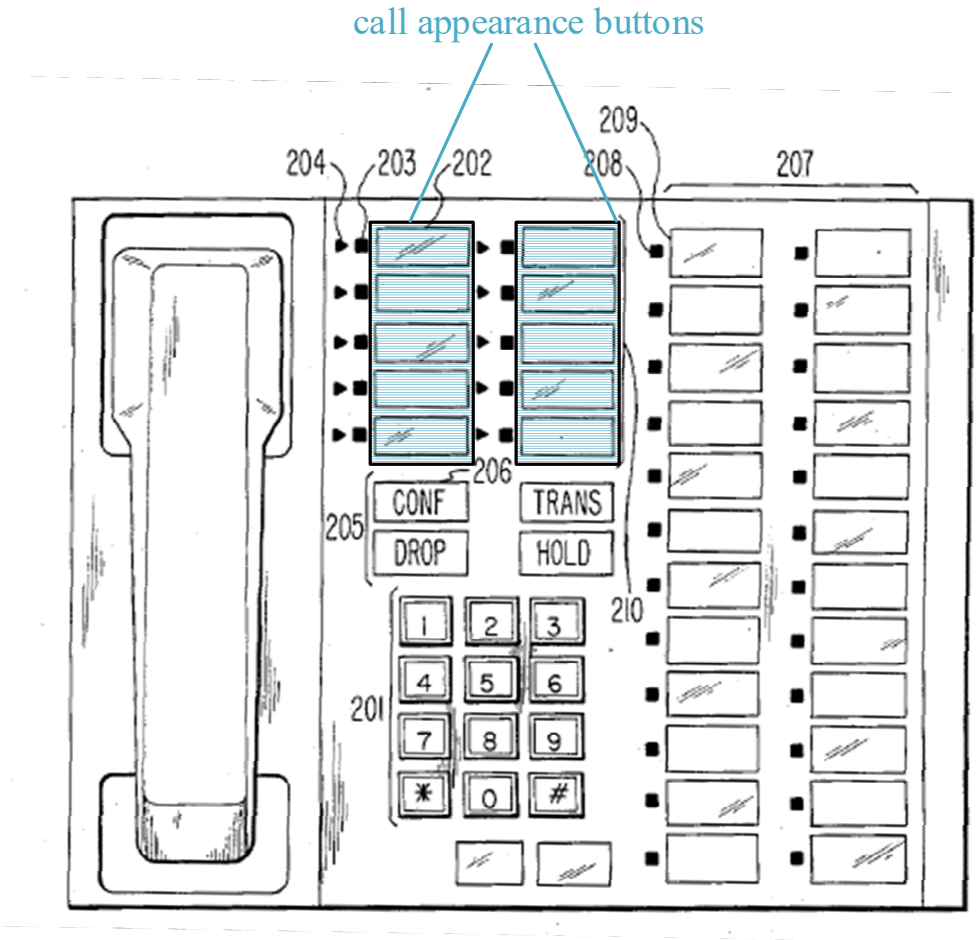
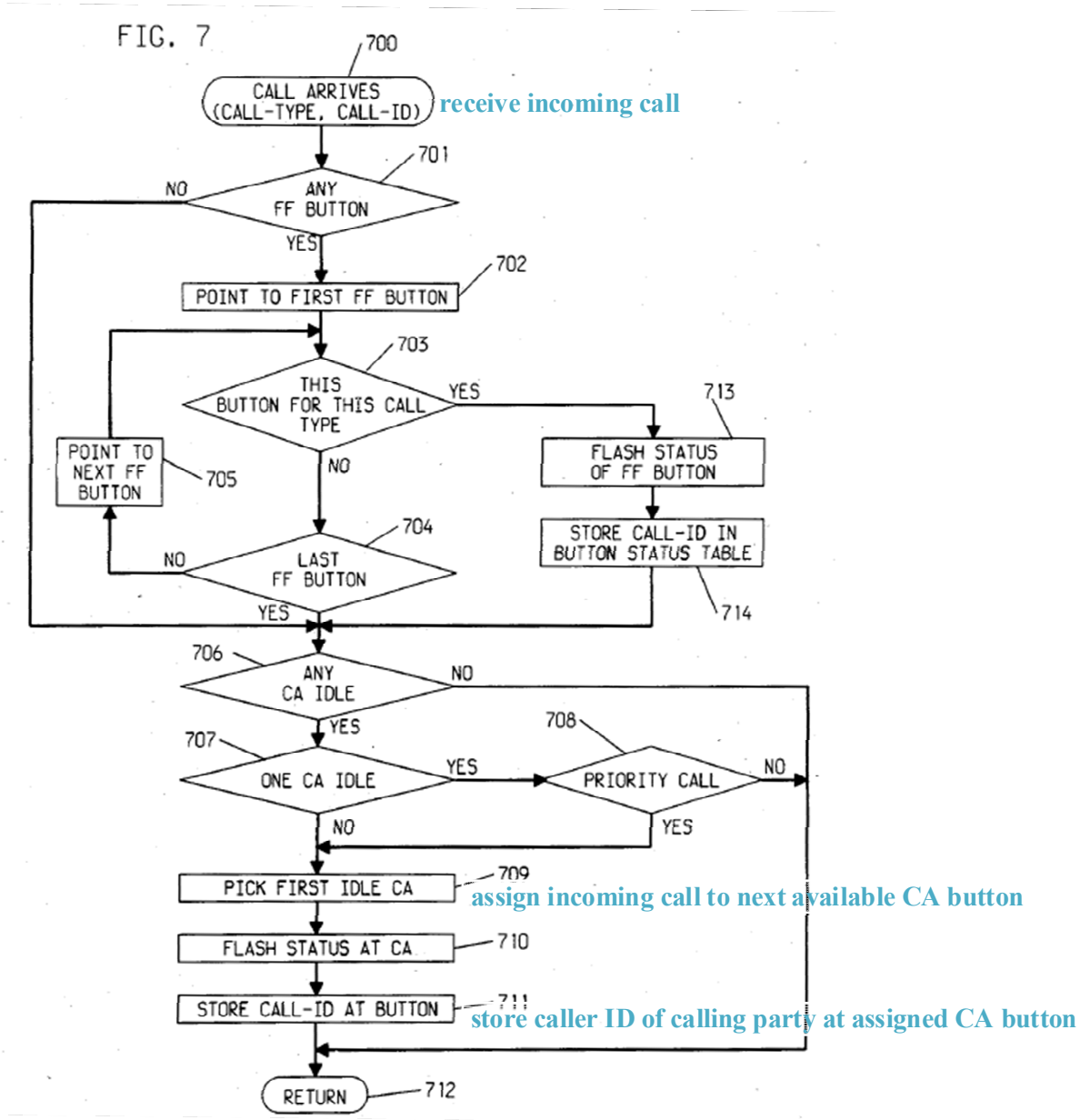
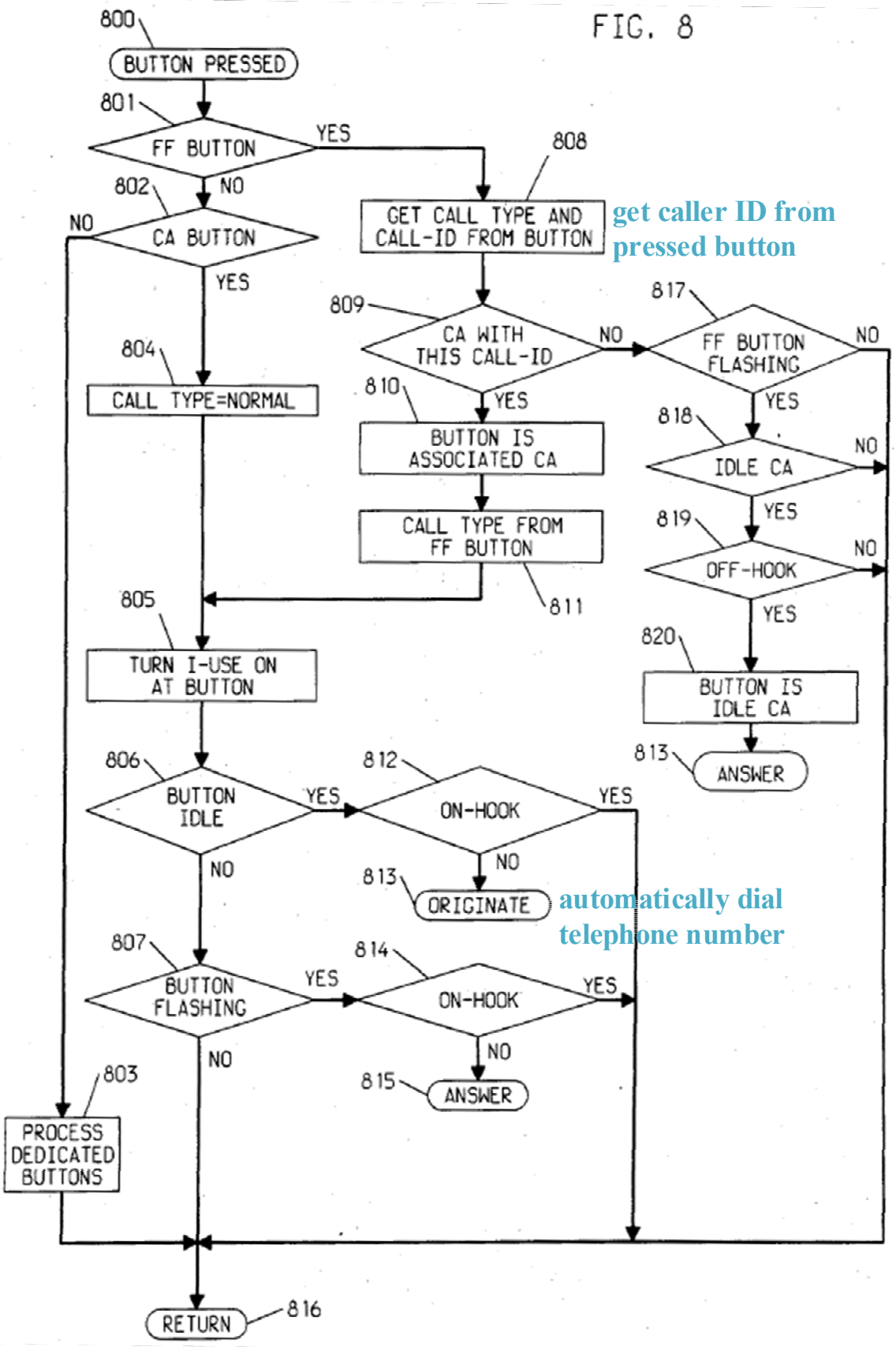


FIG. 7 (annotations added below) of *Coyne* depicts processing incoming calls, including assigning a call appearance button and storing the incoming caller ID:



In FIG. 8 (annotations added below), *Coyne* depicts initiating a call:

FIG. 8


800
BUTTON PRESSED
801
FF BUTTON
YES
808
NO
802
CA BUTTON
NO
GET CALL TYPE AND CALL-ID FROM BUTTON
get caller ID from pressed button
YES
809
CA WITH THIS CALL-ID
NO
817
FF BUTTON FLASHING
NO
804
CALL TYPE=NORMAL
810
YES
YES
818
BUTTON IS ASSOCIATED CA
IDLE CA
NO
CALL TYPE FROM FF BUTTON
YES
819
OFF-HOOK
NO
811
YES
805
820
TURN I-USE ON AT BUTTON
BUTTON IS IDLE CA
813
ANSWER
806
BUTTON IDLE
YES
812
ON-HOOK
YES
NO
NO
813
ORIGINATE
automatically dial telephone number
807
BUTTON FLASHING
YES
814
ON-HOOK
YES
NO
NO
803
815
ANSWER
PROCESS DEDICATED BUTTONS
RETURN
816

2. Claim Chart for Ground 1

As evidenced in the claim chart in Appendix A of *Williams* and further described herein, *Coyne* discloses each and every element of claims 1 and 4 of the '261 Patent. *See* EX1007 (*Williams*), at ¶ 24. Further, while Petitioner has presented *Coyne* as an anticipatory reference for claims 1 and 4, Petitioner submits that any differences the Board may perceive between *Coyne* and claims 1 or 4 of the '261 Patent would have been obvious to a person of skill in the art in view of the disclosure of *Coyne* (i.e., *Coyne* serves as the basis for a single-reference obviousness finding with respect to claims 1 and 4 of the '261 Patent).

3. Claim 1 is anticipated by *Coyne*

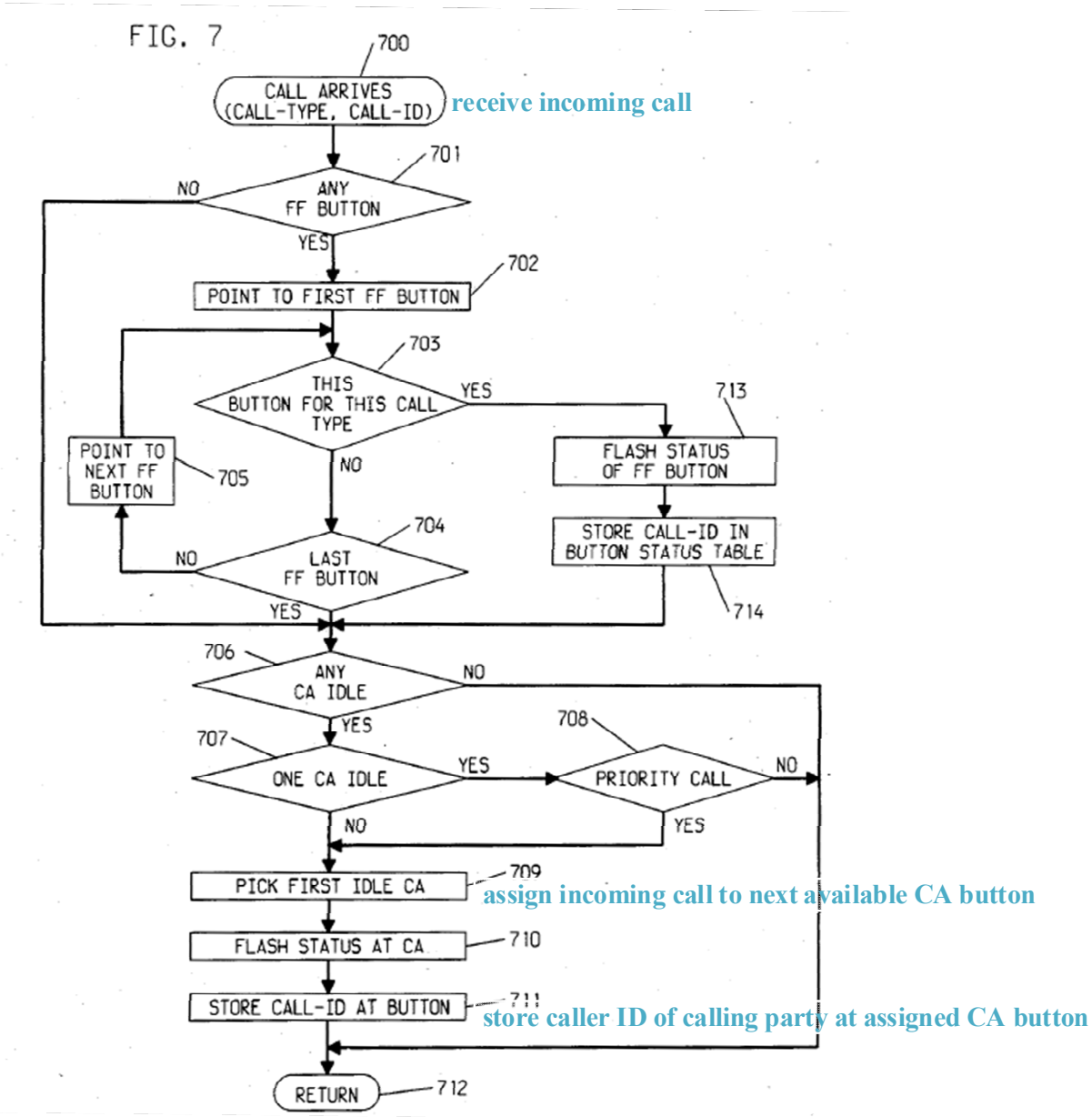
a. "method for recovering calls using an attendant telephone set having a predetermined number of call appearance buttons"

Coyne discloses "a communication system and operating method wherein the manner in which all telephone calls are displayed *at a station set* allows uniform user operations to *originate and terminate those calls*." EX1002, at Abstract (emphasis added). At FIG. 2, the station set is depicted having "*10 general call appearance (CA) buttons* and 24 feature function (FF) buttons" *Id.* at 5:10–12 (emphasis added). *Coyne* also discloses that "[w]hen a call arrives, 700, the call type and call identification are known … The system controls the visual display on LED status for that [call appearance] button, sets it to flashing, 710, and the call ID is stored in the button status table for that button, 711." *Id.* at 6:18–50.

By disclosing an operating method for originating and terminating calls using a station set having a fixed number (e.g., 10) of call appearance (CA) buttons, *Coyne* discloses a "method for recovering calls using an attendant telephone set having a predetermined number of call appearance buttons."

b. "receiving a plurality of incoming telephone calls from calling parties"

At step 706 of FIG. 7, *Coyne* discloses that "the system also tries to assign a call appearance button to the incoming calls." EX1002, at 6:32–33. *Coyne* discloses that "[w]hen a call arrives, 700, the call type and call identification are known … The system controls the visual display on LED status for that [call appearance] button, sets it to flashing, 710, and the call ID is stored in the button status table for that button, 711." *Id.* at 6:18–50 and FIG. 7 (annotations added below).



By describing how the station set processes incoming calls, including storing the caller identifications (call IDs) of the incoming calls, *Coyne* discloses the station set "receiving a plurality of incoming telephone calls from calling parties."

c. "identifying a telephone number of the calling party of each incoming telephone call"[1]

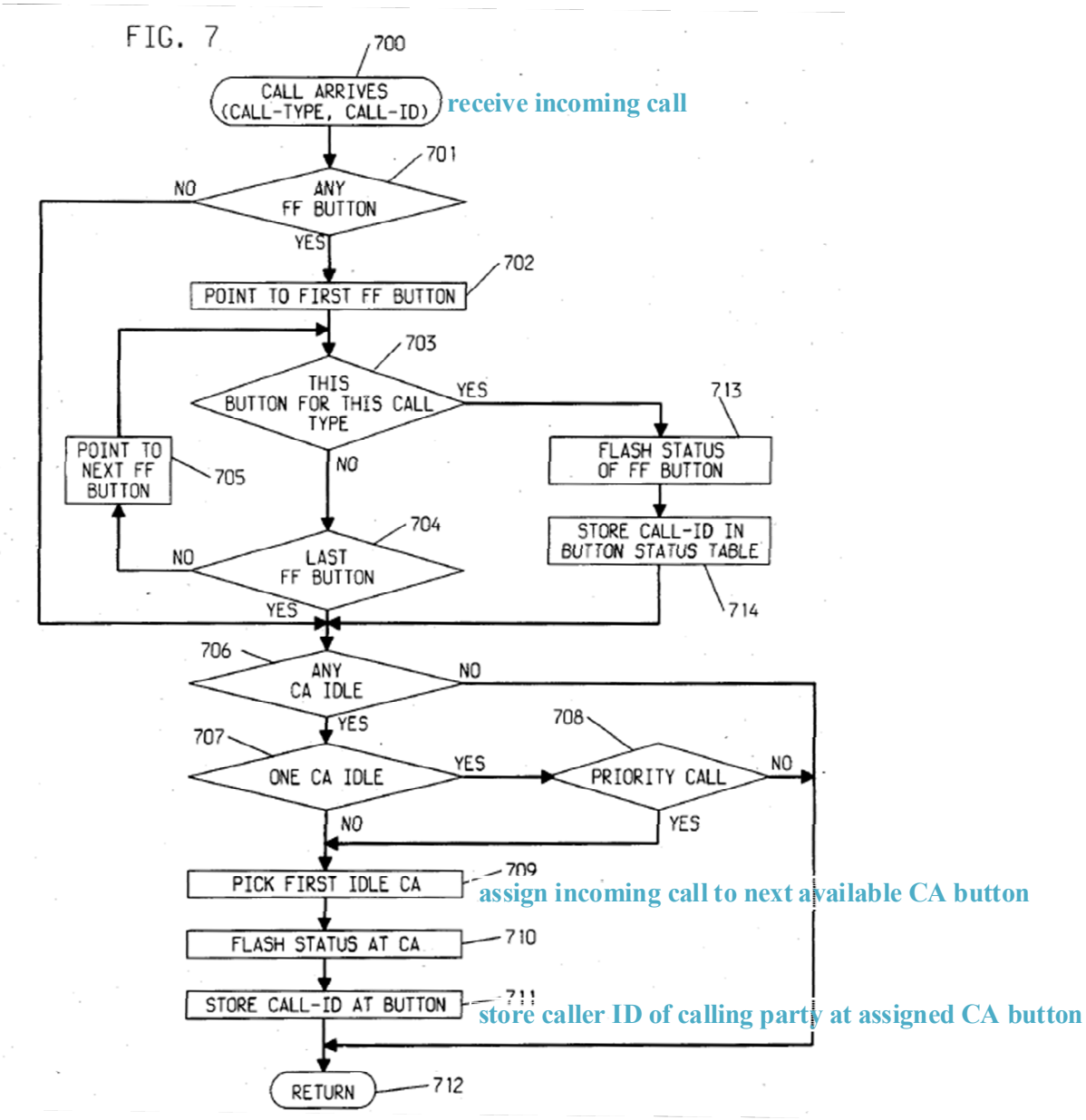
Coyne discloses that "[w]hen a call arrives, 700, the call type and call identification are known … The system controls the visual display on LED status for that [call appearance] button, sets it to flashing, 710, and the call ID is stored in the button status table for that button, 711." EX1002, at 6:18–50. By disclosing that the call ID of an incoming call is known and stored at the station set, *Coyne* discloses "identifying a telephone number of the calling party of each incoming telephone call."

d. "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons"

FIG. 2 of *Coyne* depicts a station set that has "*10 general call appearance (CA) buttons*." EX1002, at 5:10–11 (emphasis added). At step 706 of FIG. 7, *Coyne* discloses that "the system also tries to *assign a call appearance button to the incoming calls*. A search is made through the CA buttons (buttons 1-10) in the status table looking for idle call appearances … If there is more than one idle call appearance, or if there is only one idle call appearance and this is a priority call arriving at the station set STA-1, *the first idle call appearance button at the station*

[1] The specification of the'261 Patent admits that this feature, which is also recited in independent claim 4, is prior art: "a telephone number of the calling party of each incoming call is identified using well known and widely used caller identification techniques." '261 Patent at 4:38-41. Petitioner notes that this feature is also found in *Coyne* and in the combination of *Burke* and *Baxter*, as explained herein.

set is dynamically allocated." *Id.* at 6:32–55 (emphases added) and FIG. 7 (annotations added below).



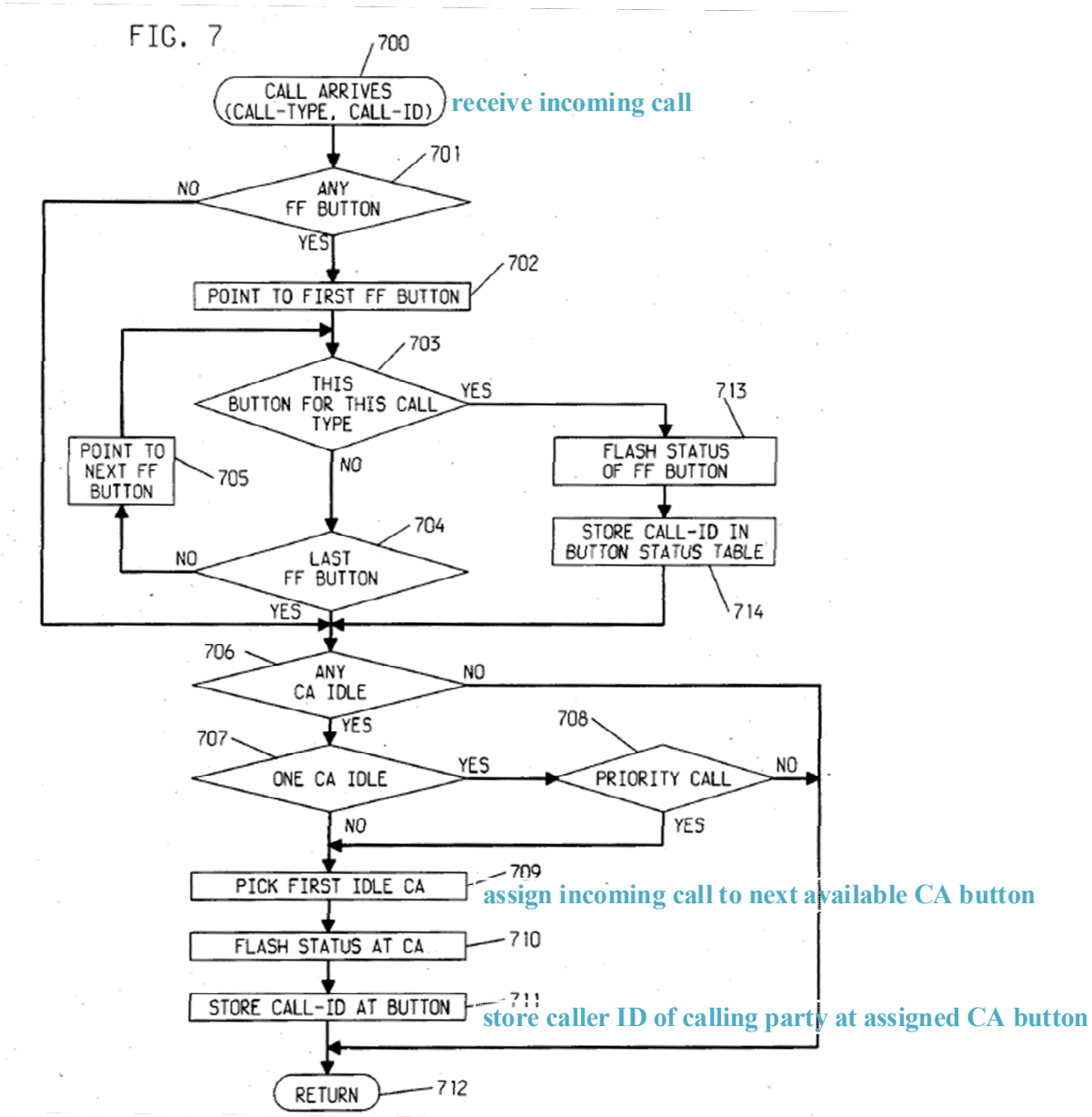
By describing that the station set includes a fixed number (e.g., 10) of call appearance buttons, *Coyne* discloses "a predetermined number of call appearance buttons." Further, by disclosing that the station set assigns incoming calls to the

first idle call appearance button, *Coyne* discloses "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons."

e. "storing the identified telephone number associated with each incoming telephone call in a memory device"

Coyne discloses that a "[c]all processor 10 using system configuration data (translation) and current state data (status) stored in *memory 11*, interprets the change of state and issues appropriate commands." EX1002, at 3:16–19 (emphasis added). *Coyne* also discloses that "for each station (STA-N) a station translation table 401 and associated station button status tables 402-405 are established … The CA button translation tables (402, 403, and 404) are initialized to an idle condition with I-use set to 'off', status set to 'off', and call ID set to 'null'." *Id.* at 4:66–5:23.

Coyne further discloses that "[w]hen a call arrives, 700, the call type and call identification are known … The system controls the visual display on LED status for that [call appearance] button, sets it to flashing, 710, and *the call ID is stored in the button status table for that button*, 711." *Id.* at 6:18–50 (emphasis added) and FIG. 7 (annotations added below).



By describing the memory 11 storing button status tables and the call ID of an incoming call being stored in a button status table, *Coyne* discloses "storing the identified telephone number associated with each incoming telephone call in a memory device."

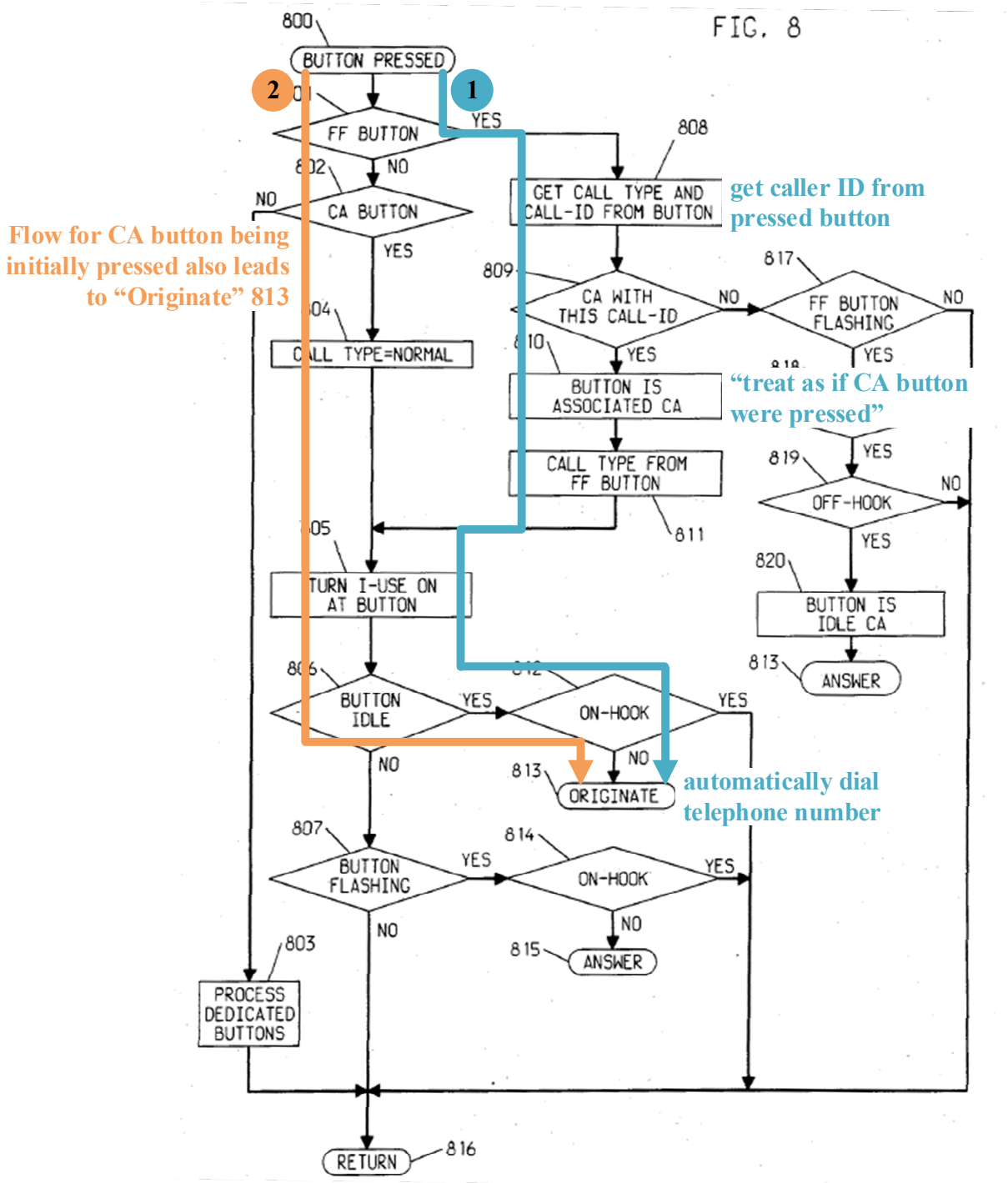
f. "automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button"

At step 802 of FIG. 8, *Coyne* discloses that "a CA button can be used to initiate a call." EX1002, at 6:48–49. Step 711 in FIG. 7 of *Coyne* illustrates storing the call ID of an incoming call in the button status table for the CA button assigned to the call. *Id.* at 6:55–58.

Coyne further discloses that "[w]ith reference to FIGS. 4 and 8, assume that station STA-1 is now in some arbitrary state and that a button is pushed, 800, at that station. The program actions that are taken are outline[d] in FIG. 8. Once a button is pressed, it is determined if this is a feature function button … If it is a feature function button that was pressed … the program gets the call type and call ID from the button status table, 405 …as shown in step 808. Thereafter, the program searches through the button status table, 405, for that feature function button as shown in step 808. Thereafter, in step 809, the program searches … to find a call appearance button associated with that call ID … If there is a call appearance button associated with this call ID … *the program treats the call as if that CA button was pressed … the program then originates a phone call*, 813." *Id.* at 6:64–7:23 (emphasis added). Additionally, *Coyne* discloses that "[a]nother case occurs when button 802 is pushed. In such a case, *the appropriate normal call processing steps* 804, 805, 806, 807, 812-816 are followed." *Id.* at 7:29–31

(emphasis added) and FIG. 8 (annotations added below).

By disclosing storing a call ID of an incoming call in the button status table of the call appearance button assigned to the call and originating a call responsive to a user pressing a call appearance button, *Coyne* discloses "automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button."



In FIG. 8, *Coyne* discloses that the process flow when a feature function (FF) button is pushed includes determining the call ID stored for that button (at step 808), searching for a call appearance button associated with the call ID (at step

809), and originating a call (at step 813). If a call appearance button is associated with the call ID, *Coyne* discloses the process flow operating *as if the call appearance button were pressed* (*see* path "1" in FIG. 8 (annotations added above)). *Coyne* discloses that when a call appearance button is pushed at step 802, "normal call processing steps" are followed, which can include originating a call at step 813 (*see* path "2" in FIG. 8 (annotations added above)). The call ID associated with a call appearance button is the call ID stored in the button status table for the call appearance button, i.e., the call ID of an incoming call that was assigned to the call appearance button, as disclosed at step 711 of *Coyne*.

Coyne teaches that in response to a call appearance button being pressed, the previously stored telephone number (in the button status table for that CA button) is automatically dialed. Thus, by disclosing the storing of the call ID of an incoming call in the button status table for the call appearance button assigned to the call and the process flow of initiating a call in FIG. 8, *Coyne* discloses "automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button."

4. Claim 4 is anticipated by *Coyne*

a. "call recovery system for an attendant telephone set receiving multiple incoming telephone calls from calling parties and having a predetermined number of call appearance buttons to which the incoming telephone calls are assigned"

Coyne discloses "a communication system and operating method wherein the manner in which all telephone calls are displayed *at a station set* allows uniform user operations to *originate and terminate those calls*." EX1002, at Abstract (emphases added). At FIG. 2, the station set is depicted having "*10 general call appearance (CA) buttons* and 24 feature function (FF) buttons" *Id.* at 5:10–12 (emphasis added). *Coyne* also discloses that "[w]hen a call arrives, 700, the call type and call identification are known … The system controls the visual display on LED status for that [call appearance] button, sets it to flashing, 710, and the call ID is stored in the button status table for that button, 711." *Id.* at 6:18–50. At step 706 of FIG. 7, *Coyne* discloses that "the system also tries to assign a call appearance button to the incoming calls. A search is made through the CA buttons (buttons 1-10) in the status table looking for idle call appearances … If there is more than one idle call appearance, or if there is only one idle call appearance and this is a priority call arriving at the station set STA-1, the first idle call appearance button at the station set is dynamically allocated." *Id.* at 6:32–55.

By disclosing a system for originating and terminating calls using a station set having a fixed number (e.g., 10) of call appearance buttons and assigning an

incoming call to a first idle call appearance button, *Coyne* discloses a "call recovery system for an attendant telephone set receiving multiple incoming telephone calls from calling parties and having a predetermined number of call appearance buttons to which the incoming telephone calls are assigned."

b. "a memory device for storing the identified telephone number of the calling party of each incoming telephone call"

Coyne discloses that a "[c]all processor 10 using system configuration data (translation) and current state data (status) stored in *memory 11*, interprets the change of state and issues appropriate commands." EX1002, at 3:16–19 (emphasis added). *Coyne* also discloses that "for each station (STA-N) a station translation table 401 and associated station button status tables 402–405 are established … The CA button translation tables (402, 403, and 404) are initialized to an idle condition with I-use set to 'off', status set to 'off', and call ID set to 'null'." *Id*. at 4:66–5:23. *Coyne* further discloses that "[w]hen a call arrives, 700, the call type and call identification are known … The system controls the visual display on LED status for that [call appearance] button, sets it to flashing, 710, and *the call ID is stored in the button status table for that button*, 711." *Id.* at 6:18–50 (emphasis added).

By describing the memory 11 storing button status tables and the call ID of an incoming call being stored in a button status table, *Coyne* discloses "a memory

device for storing the identified telephone number of the calling party of each incoming telephone call."

c. "a processor for identifying a telephone number of the calling party of each incoming telephone call"

Coyne discloses a "*[c]all processor 10 using system configuration data (translation) and current state data (status) stored in memory 11*, interprets the change of state and issues appropriate commands" EX1002, at 3:16–19 (emphasis added). *Coyne* further discloses that "[w]hen a call arrives, 700, the call type and call identification are known … The system controls the visual display on LED status for that [call appearance] button, sets it to flashing, 710, and the call ID is stored in the button status table for that button, 711." *Id.* at 6:18–50. By disclosing that the call processor of the station set stores the call ID of an incoming call, *Coyne* discloses "a processor for identifying a telephone number of the calling party of each incoming telephone call."

d. "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons"

FIG. 2 of *Coyne* depicts a station set that has "*10 general call appearance (CA) buttons*." EX1002, at 5:10–11 (emphasis added). At step 706 of FIG. 7, *Coyne* discloses that "the system also tries to *assign a call appearance button to the incoming calls*. A search is made through the CA buttons (buttons 1–10) in the status table looking for idle call appearances … If there is more than one idle call

appearance, or if there is only one idle call appearance and this is a priority call arriving at the station set STA-1, *the first idle call appearance button at the station set is dynamically allocated*." *Id.* at 6:32–55 (emphases added). By describing that the station set includes a fixed number (e.g., 10) of call appearance buttons, *Coyne* discloses "a predetermined number of call appearance buttons." Further, by disclosing that the station set assigns incoming calls to the first idle call appearance button, *Coyne* discloses "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons."

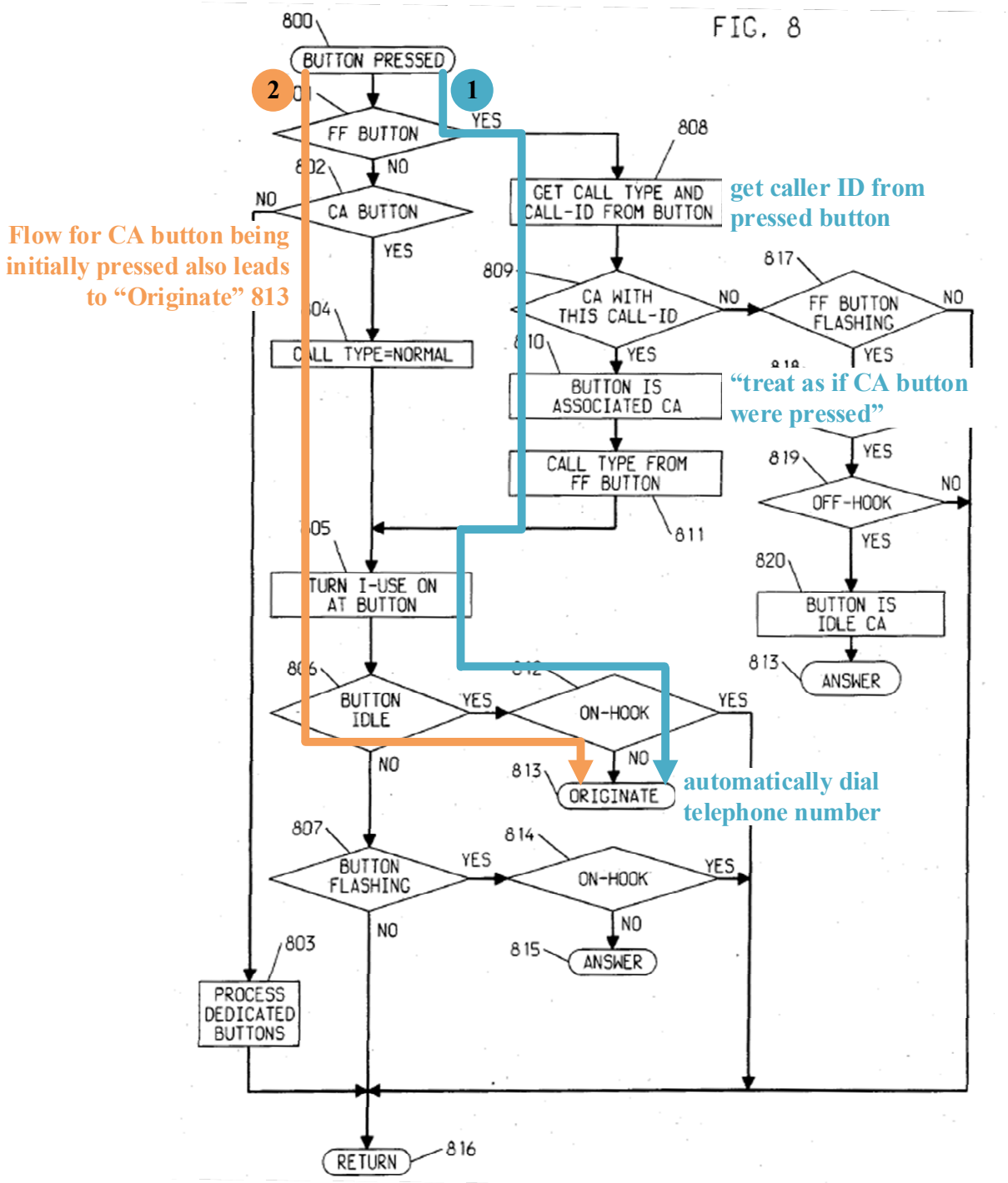
e. "said processor automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button"

Coyne discloses a "*[c]all processor 10 using system configuration data (translation) and current state data (status) stored in memory 11*, interprets the change of state and issues appropriate commands" EX1002, at 3:16–19 (emphasis added). At step 802 of FIG. 8, *Coyne* discloses that "a CA button can be used to initiate a call." *Id.* at 6:48–49. Step 711 in FIG. 7 of *Coyne* illustrates storing the call ID of an incoming call in the button status table for the CA button assigned to the call. "Moreover, as shown by 802 of FIG. 8, a CA button can be used to initiate a call." *Id.* at 6:48–49.

Coyne further discloses that "[w]ith reference to FIGS. 4 and 8, assume that

station STA-1 is now in some arbitrary state and that a button is pushed, 800, at that station. The program actions that are taken are outline[d] in FIG. 8. Once a button is pressed, it is determined if this is a feature function button … If it is a feature function button that was pressed … the program gets the call type and call ID from the button status table, 405 … as shown in step 808. Thereafter, the program searches through the button status table, 405, for that feature function button as shown in step 808. Thereafter, in step 809, the program searches … to find a call appearance button associated with that call ID … If there is a call appearance button associated with this call ID … *the program treats the call as if that CA button was pressed ... the program then originates a phone call*, 813." *Id.* at 6:64–7:23 (emphasis added). Additionally, *Coyne* discloses that "[a]nother case occurs when button 802 is pushed. In such a case, *the appropriate normal call processing steps* 804, 805, 806, 807, 812-816 are followed." *Id.* at 7:29–31 (emphasis added) and FIG. 8 (annotations added below).

By disclosing a call processor storing a call ID of an incoming call in the button status table of the call appearance button assigned to the call and originating a call responsive to a user pressing a call appearance button, *Coyne* discloses "said processor automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button."



In FIG. 8, *Coyne* discloses that the process flow when a feature function (FF) button is pushed includes determining the call ID stored for that button (at step 808), searching for a call appearance button associated with the call ID (at step

809), and originating a call (at step 813). If a call appearance button is associated with the call ID, *Coyne* discloses the process flow operating *as if the call appearance button were pressed* (*see* path "1" in FIG. 8 (annotations added above)). *Coyne* discloses that when a call appearance button is pushed at step 802, "normal call processing steps" are followed, which can include originating a call at step 813 (*see* path "2" in FIG. 8 (annotations added above)). The call ID associated with a call appearance button is the call ID stored in the button status table for the call appearance button, i.e., the call ID of an incoming call that was assigned to the call appearance button, as disclosed at step 711 of *Coyne*. Thus, *Coyne* teaches that in response to a call appearance button being pressed, the previously stored telephone number (in the button status table for that CA button) is automatically dialed. Thus, by disclosing the storing of the call ID of an incoming call in the button status table for the call appearance button assigned to the call and the process flow of initiating a call in FIG. 8, *Coyne* discloses "said processor automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button."

B. Ground 2: *Coyne* in view of *Rust* renders claims 2–3 and 5–6 obvious

1. Overview of *Rust*

Rust teaches a "method and apparatus for capturing and saving recently dialed telephone numbers and for redialing automatically a telephone number from among the most recently dialed telephone numbers." EX1003, at Abstract and 1:36–40. Rust also teaches "(a) captur[ing] an outgoing telephone number when it is dialed by a caller; (b) enter[ing] the telephone number into a database comprised of the last N telephone numbers that were dialed, where N is a predetermined number of telephone numbers … (c) display[ing] the telephone numbers in the directory … and (d) caus[ing] a telephone number in the directory to be redialed in response to caller input." *Id.* at Abstract. *Rust* also teaches determining whether a telephone number is valid, *id.* at 4:50–52, and checking to see whether a telephone number is duplicative of a previously stored telephone number. *Id.* at 4:60–5:2.

Rust teaches that "capturing and saving the N most recently dialed telephone numbers is performed on a continuing basis. Further, in accordance with the preferred embodiment of the present invention, the (N+1)st most recently dialed telephone number is purged from the redial list in database system 140 on a continuing basis." *Id.* at 3:39–52. That is, *Rust* discloses that after telephone numbers 1, 2, 3, … N are stored, the oldest telephone number, i.e., telephone number 1, will be replaced by telephone number N+1. This replacement occurs on

a continuing basis, i.e., telephone number 2 will then be replaced with telephone number N+2, telephone number 3 will be replaced by telephone number N+3, etc.

Additionally, *Rust* teaches that if a "caller invokes the function keypad of function keypads 115 which corresponds to the DISPLAY REDIAL LIST feature, processor 130 retrieves the most recently dialed telephone number from the redial list in database system 140 and transmits it to telephone 100 for display on display 120." *Id.* at 3:53–58.

2. A person having ordinary skill in the art would have combined *Coyne* with *Rust.*

A person of skill in the art would have been motivated to combine *Coyne* and *Rust* for several reasons. For example, *Coyne* and *Rust* are both directed to functionality for a telephone set, including the functions of originating and dialing a call and storing/retrieving phone numbers. A person of skill in the art would have combined *Coyne* with *Rust* to enable display and redialing of incoming telephone numbers (which *Coyne* describes as being stored in association with assigned call appearance buttons) other than a most recent incoming telephone number (as disclosed by *Rust* with respect to outgoing telephone numbers). In addition, *Rust* discloses a more detailed method of managing a redial list than *Coyne*, and a person of skill in the art would have combined *Coyne* with *Rust* to arrive at a more detailed method of managing a redial list. Further, because they are from different companies, a person of skill in the art would be motivated to consider *Coyne* and

Rust to compare how different companies achieve similar functionality. A person of skill in the art would also be motivated, for example when designing a telephone system, to combine *Coyne* and *Rust* to arrive at a system and method that incorporates selected features from both companies. *See* EX1007 (*Williams*), at ¶ 25.

3. Claim Chart for Ground 2

As evidenced in the claim chart in Appendix B of *Williams* and further described herein, claims 2–3 and 5–6 of the ’261 Patent are rendered obvious by *Coyne* in view of *Rust*. *See* EX1007 (*Williams*), at ¶ 25.

4. Claim 2 is obvious over *Coyne* in view of *Rust*

Claim 2 depends from claim 1 and recites “wherein said assigning step comprises assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons, in sequential order, starting with a first call appearance button through a last call appearance button, the next call appearance button after the last call appearance button being the first call appearance button.”

For at least the reasons articulated above at IV(A)(3), *Coyne* discloses each and every element of claim 1 of the ’261 Patent, including a predetermined number of call appearance buttons, assigning each incoming telephone call to a next available call appearance button of the predetermined number of call appearance

buttons, storing the telephone number of an incoming call assigned to a call appearance button in the button status table for that call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed.

Rust discloses that "processor 130 interacts with database system 140 to enter this telephone number into a redial list comprised of the N most recently dialed telephone numbers. *N is a predetermined number* and, in a preferred embodiment of the present invention, the steps of entering the telephone number into the redial list eliminates redundant entries, i.e., the same telephone number will not be entered twice. This process of capturing and saving the N most recently dialed telephone numbers is performed on a continuing basis. Further, in accordance with the preferred embodiment of the present invention, *the (N+1)st most recently dialed telephone number is purged from the redial list in database system 140 on a continuing basis*." EX1003 (*Rust*), at 4:10–25 (emphases added). *Rust* also discloses that "[i]f the presently displayed entry *is the last, then the redial list is wrapped around by next displaying the first entry*." *Id.* at 7:40–42 (emphasis added, internal quotations omitted).

Because there are a predetermined number of call appearance buttons in *Coyne*, there are a predetermined number of locations (button status tables) into which an incoming call telephone number is stored. Thus, *Coyne* discloses the

ability to store up to a maximum number of telephone numbers that can be dialed, the maximum number corresponding to the predetermined number of call appearance buttons. Like *Coyne*, *Rust* also discloses the ability to store up to a predetermined maximum number (*e.g.*, N) of outgoing telephone numbers that can be dialed. In *Rust*, the process of capturing and saving the N most recent telephone numbers is performed on a continuing basis. That is, in *Rust*, the (N+1)st most recent telephone number, i.e., the oldest stored telephone number, is purged when a new, i.e., most recent, telephone number is stored. Thus, in *Rust*, telephone numbers are stored in round-robin fashion, i.e., in sequential order, starting at telephone number 1 through telephone number N, and the next telephone number after telephone number N replaces telephone number 1.

Since *Coyne* discloses a correspondence between a stored incoming telephone number and a call appearance button and *Rust* teaches round-robin storage of outgoing telephone numbers, the combination of *Coyne* and *Rust* would result in a method in which call appearance buttons assigned to incoming calls (as taught by *Coyne*) would be assigned in sequential order from a first call appearance button to a last call appearance button, after which the next call appearance button to be assigned would be the first call appearance button. Therefore, the combination of *Coyne* and *Rust* discloses "wherein said assigning step comprises assigning each incoming telephone call to a next available call appearance button

of said predetermined number of call appearance buttons, in sequential order, starting with a first call appearance button through a last call appearance button, the next call appearance button after the last call appearance button being the first call appearance button." Hence, claim 2 is obvious over *Coyne* in view of *Rust*. *See* EX1007 (*Williams*), at ¶ 25.

5. Claim 3 is obvious over *Coyne* in view of *Rust*

Claim 3 depends from claim 1 and recites "displaying the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button on a display."

For at least the reasons articulated in Ground 1 above at IV(A)(3), *Coyne* discloses each and every element of claim 1 of the '261 Patent, including storing the telephone number of a calling party of an incoming call in the button status table of an assigned call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed.

Coyne discloses that "[i]f, for a given application, the only use of the FF buttons/LEDs (207) is for incoming call identification, the FF buttons may be replaced *on the station set by an alphanumeric display*." EX1002 (*Coyne*), at 3:49–52 (emphasis added). *Rust* discloses that "if the caller invokes the function keypad of function keypads 115 which corresponds to the DISPLAY REDIAL LIST feature, processor 130 retrieves the most recently dialed telephone number from

the redial list in database system 140 and transmits it *to telephone 100 for display on display 120*. The caller may the use the SCROLL-UP and SCROLL-DOWN function keypads to cause processor 130 to *display various entries in the redial list*." EX1003 (*Rust*), at 3:53–61 (emphases added).

The combination of *Coyne* and *Rust* would thus result in a method in which the stored telephone number of an incoming call (as taught by *Coyne*) is displayed upon selection (as taught by *Rust*) of the call appearance button assigned to the incoming call. Therefore, the combination of *Coyne* and *Rust* discloses "displaying the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button on a display." Hence, claim 3 is obvious over *Coyne* in view of *Rust*. *See* EX1007 (*Williams*), at ¶ 25.

6. Claim 5 is obvious over *Coyne* in view of *Rust*

Claim 5 depends from claim 4 and recites "wherein said processor identifies a telephone number of the calling party of each incoming telephone call and assigns each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons in sequential order, starting with a first call appearance button through a last call appearance button, the next call appearance button after the last call appearance button being the first call appearance button."

For at least the reasons articulated above at IV(A)(4), *Coyne* discloses each

and every element of claim 4 of the ’261 Patent, including a predetermined number of call appearance buttons, a processor assigning each incoming telephone call to a next available call appearance button of the predetermined number of call appearance buttons, storing the telephone number of an incoming call assigned to a call appearance button in the button status table for that call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed. Moreover, for at least the reasons articulated in (IV)(B)(4), *Rust* discloses that telephone numbers are stored in round-robin fashion, i.e., sequential order, starting at telephone number 1 through telephone number N, and the next telephone number after telephone number N replaces telephone number 1. Therefore, the combination of *Coyne* and *Rust* would result in a method in which call appearance buttons assigned to incoming calls (as taught by *Coyne*) would be assigned in sequential order from a first call appearance button to a last call appearance button, after which the next call appearance button to be assigned would be the first call appearance button. Therefore, the combination of *Coyne* and *Rust* discloses “wherein said processor identifies a telephone number of the calling party of each incoming telephone call and assigns each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons in sequential order, starting with a first call appearance button through a last call appearance button, the next call appearance button after the last

call appearance button being the first call appearance button." Hence, claim 5 is obvious over *Coyne* in view of *Rust*. *See* EX1007 (*Williams*), at ¶ 25.

7. Claim 6 is obvious over *Coyne* in view of *Rust*

Claim 6 depends from claim 4 and recites "a display for displaying the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button."

For at least the reasons articulated in Ground 1 above at IV(A)(4), *Coyne* discloses each and every element of claim 4 of the '261 Patent, including storing the telephone number of a calling party of an incoming call in the button status table of an assigned call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed. Moreover, for at least the reasons articulated above in (IV)(B)(5), *Rust* discloses that a telephone includes a display to display various entries in a redial list.

The combination of *Coyne* and *Rust* would thus result in a method in which the stored telephone number of an incoming call (as taught by *Coyne*) is displayed upon selection (as taught by *Rust*) of the call appearance button assigned to the incoming call. Therefore, the combination of *Coyne* and *Rust* discloses "a display for displaying the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button." Hence, claim 6 is obvious over *Coyne* in view of *Rust*. *See* EX1007 (*Williams*), at ¶ 25.

C. Ground 3: Claims 1 and 4 are obvious over *Burke* in view of *Baxter*

1. Overview of *Burke*

Burke teaches automated dialing of a telephone number stored in a caller ID log by determining a correct dialing procedure. EX1004 (*Burke*), at Abstract. A telephone system has an input device 140 with keys 141 used to access a caller ID memory and to select a specific caller ID record to automatically view and dial back. *Id.* at 4:24–31.

2. Overview of *Baxter*

Baxter teaches a signaling arrangement in which all terminal configuration data is stored in a switching system, but in which each user selects one of the user terminal buttons to respond to a message from the system, and activates that button as a call appearance button. EX1005 (*Baxter*), at Abstract. *Baxter* also teaches "inform[ing] the terminal that the determined appearance is both the destination appearance and the selected call appearance at the terminal. When the terminal subsequently goes off-hook, the terminal and the system exchange functional messages to terminate the call to the selected call appearance." *Id.* at 3:18–25.

Baxter teaches that a terminal 1030 includes 22 buttons: BN#1 through BN#18 and 1087 through 1090, and that the buttons are configured such that buttons BN#1 through BN#6 are call appearances. *Id.* at 6:28–35. *Baxter* discloses that "a user terminal responds to an activation of one of its buttons by transmitting

a first message to the system defining the activated button …Upon determining that *the activated button is a call appearance* … the terminal and the system exchange functional messages *to initiate a call from the selected call appearance*." *Id.* at 2:51–62 (emphases added).

3. A Person having ordinary skill in the art would have combined *Burke* with *Baxter.*

A person of skill in the art would have been motivated to combine *Burke* and *Baxter* for several reasons. For example, *Burke* and *Baxter* are both directed to functionality for a telephone system/terminal, including the functions of dialing a call and storing/retrieving phone numbers. A person of skill in the art would have been motivated to combine *Burke* with *Baxter*, for example, to determine a correct dialing procedure (as disclosed in *Baxter*) for a telephone number selected for dialing from a caller ID log (as disclosed in *Burke*). In addition, *Baxter* was filed in 1986 by AT&T, and *Burke* was filed in 1998 by Avaya (an entity derived from AT&T) and hence *Burke* represents an evolution of the general product line. A person of skill in the art would find it instructive to compare (and combine) *Burke* and *Baxter* to see how a company evolves its products over time (12 years in this case) to stimulate ideas for new designs. Further, *Burke* provides a system level treatment of the technology, whereas *Baxter* contains more implementation details, particularly at the messaging (e.g. ISDN signaling) level. Hence, *Burke* and *Baxter* complement each other and a person of skill in the art would combine *Burke* with

Baxter to arrive at a more complete picture of the technology. *See* EX1007 (*Williams*), at ¶ 26.

4. Claim Chart for Ground 3

As evidenced in the claim chart in Appendix C of *Williams* and further described herein, claims 1 and 4 of the '261 Patent are rendered obvious by *Burke* in view of *Baxter*. *See* EX1007 (*Williams*), at ¶ 26.

5. Claim 1 is obvious over *Burke* in view of *Baxter*

a. "A method for recovering calls using an attendant telephone set having a predetermined number of call appearance buttons"

Burke discloses "[a] telephone system incorporating the present invention provides the capability for automated dialing of a telephone number stored in a caller ID log." EX1004 (*Burke*), at Abstract. *Burke* also discloses that "[t]he input device 140 comprises keys 141 which may, by way of example, be user-depressible pushbutton switches … The keys 141 are used to access the caller ID memory and to select a specific caller ID record to automatically view and dial back." *Id.* at 4:24–31. *Baxter* discloses that "[t]erminal 1030 also includes 22 buttons BN#1 through BN#18 and 1087 through 1090 … The remaining buttons happen to be *configured ... such that buttons BN#1 through BN#6 are call appearances*." EX1005 (*Baxter*), at 6:28–35 (emphasis added).

By disclosing that buttons at a terminal are configured such that a particular number (e.g., six—BN#1 through BN#6) of the buttons are call appearances, *Baxter* discloses a telephone set having a predetermined number of call appearance buttons. The combination of *Burke* and *Baxter* would therefore result in a telephone set that receives and initiates calls and that has a predetermined number (e.g., six—BN#1 through BN#6) of call appearance buttons. The combination of *Burke* and *Baxter* thus discloses "an attendant telephone set having a predetermined number of call appearance buttons." *See* EX1007 (*Williams*), at ¶ 26.

b. "receiving a plurality of incoming telephone calls from calling parties"

Burke discloses "[Central Offices] now generally provide caller ID information for *incoming calls* to telephone systems … A further advantageous capability that is available is the caller ID logging function in which *the caller ID information is stored in a memory of the telephone set or system.*" EX1004 (*Burke*), at 1:31–45 (emphasis added). The combination of *Burke* and *Baxter* would therefore result in a telephone set "receiving a plurality of incoming calls from calling parties" (e.g., the calling parties associated with the caller ID information that is stored in the memory of the telephone set). *See* EX1007 (*Williams*), at ¶ 26.

c. "identifying a telephone number of the calling party of each incoming telephone call"

Burke discloses that "[Central Offices] now generally *provide caller ID information for incoming calls to telephone systems*." EX1004 (*Burke*), at 1:31–45 (emphasis added). *Baxter* discloses that "switch 1000 transmits a SETUP message informing terminal 1040 of the incoming call. The SETUP message includes *calling party identity information* … Terminal 1040 *visually displays such calling party identity information on display* 1042." EX1005 (*Baxter*), at 8:26–33 (emphases added). By disclosing the providing of caller ID information for incoming calls and visual display calling party identify information on a display, the combination of *Burke* and *Baxter* would result in a telephone set "identifying a telephone number of the calling party of each incoming call." *See* EX1007 (*Williams*), at ¶ 26.

d. "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons"

Baxter discloses that "[t]erminal 1030 also includes 22 buttons BN#1 through BN#18 and 1087 through 1090 … The remaining buttons happen to be *configured ... such that buttons BN#1 through BN#6 are call appearances*." EX1005 (*Baxter*), at 6:28–35 (emphasis added). *Baxter* also discloses that "[w]ith ringing preference, the system only *determines one idle call appearance in response to an incoming call* and informs the terminal that *the determined*

appearance is both the destination appearance and the selected call appearance at the terminal. When the terminal subsequently goes off-hook, the terminal and the system exchange functional messages *to terminate the call to the selected call appearance*." *Id.* at 3:18–25 (emphases added). Since *Baxter* teaches selection of an idle call appearance button for terminating an incoming call and since *Baxter* further teaches a particular number (e.g., six—BN#1 through BN#6) of buttons having been configured as call appearances, *Baxter* teaches a next available (e.g., idle) call appearance button of a predetermined number (e.g., six—BN#1 through BN#6) of call appearance buttons being assigned to an incoming call. The combination of *Burke* and *Baxter* thus discloses "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons." *See* EX1007 (*Williams*), at ¶ 26.

e. "storing the identified telephone number associated with each incoming telephone call in a memory device"

Burke discloses "the caller ID logging function in which *the caller ID information is stored in a memory of the telephone set or system*." EX1004 (*Burke*), at 1:31–45 (emphasis added). *Baxter* discloses that "[s]witch 1000 selects a CR for use in identifying the call in the signaling messages to be conveyed between switch 1000 and terminal 1040 and stores the selected CR in the call record of memory 3000 … switch 1000 transmits a SETUP message informing terminal 1040 of the incoming call. The SETUP message includes *calling party*

identity information … Terminal 1040 visually displays such calling party identity information on display 1042." EX1005 (*Baxter*), at 8:17–33 (emphasis added). The combination of *Burke* and *Baxter* would therefore result in storing caller ID information (or calling party identity information) in a memory of a telephone set and the combination of *Burke* and *Baxter* therefore discloses "storing the identified telephone number associated with each incoming telephone call in a memory device." *See* EX1007 (*Williams*), at ¶ 26.

f. "automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button"

Burke discloses that "*the user selects a caller ID record from the caller ID log* … The user then presses a "dial" button, *in response to which* the user's telephone system … reformat[s] the telephone number … and *the reformatted number is then dialed*." EX1004 (*Burke*), at 2:61–3:3 (emphases added). *Baxter* discloses that "a user terminal responds to an activation of one of its buttons by transmitting a first message to the system defining the activated button. The system reads stored data to determine whether the activated button is a call appearance. Upon determining that *the activated button is a call appearance*, the system transmits a second message to the terminal defining the activated button as the selected call appearance at the terminal. In response to the second message, the

terminal and the system exchange functional messages *to initiate a call from the selected call appearance*." EX1005 (*Baxter*), at 2:51–62 (emphases added).

Thus, *Burke* discloses storing a caller ID for each incoming call in a caller ID log and redialing a stored caller ID that is selected from the caller ID log. *Baxter* discloses that an incoming call is assigned to an idle call appearance button and that caller information for the incoming call assigned to the call appearance button is provided to a telephone terminal for display. *Baxter* also discloses that a call appearance button can be pressed to initiate an outgoing call. The combination of *Burke* and *Baxter* would therefore result in a telephone set in which the caller ID number from an incoming call is stored in memory and in which pressing the call appearance button assigned to that incoming call results in dialing the caller ID number. The combination of *Burke* and *Baxter* therefore discloses "automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button." *See* EX1007 (*Williams*), at ¶ 26.

6. Claim 4 is obvious over *Burke* in view of *Baxter*

a. "A call recovery system for an attendant telephone set receiving multiple incoming telephone calls from calling parties and having a predetermined number of call appearance buttons to which the incoming telephone calls are assigned"

Burke discloses "[a] telephone system incorporating the present invention provides the capability for automated dialing of a telephone number stored in a caller ID log." EX1004 (*Burke*), at Abstract. *Burke* also discloses that "[t]he input device 140 comprises keys 141 which may, by way of example, be user-depressible pushbutton switches … The keys 141 are used to access the caller ID memory and to select a specific caller ID record to automatically view and dial back." *Id.* at 4:24–31. Further, *Burke* discloses "[Central Offices] now generally provide caller ID information for *incoming calls* to telephone systems … A further advantageous capability that is available is the caller ID logging function in which *the caller ID information is stored in a memory of the telephone set or system*." *Id.* at 1:31–45 (emphases added).

Baxter discloses that "[t]erminal 1030 also includes 22 buttons BN#1 through BN#18 and 1087 through 1090 … The remaining buttons happen to be *configured ... such that buttons BN#1 through BN#6 are call appearances*." EX1005, at 6:28–35 (emphasis added). *Baxter* also discloses that "[w]ith ringing preference, the system only *determines one idle call appearance in response to an*

incoming call and informs the terminal that *the determined appearance is both the destination appearance and the selected call appearance at the terminal*. When the terminal subsequently goes off-hook, the terminal and the system exchange functional messages to *terminate the call to the selected call appearance*." *Id.* at 3:18–25 (emphases added).

Thus, *Burke* teaches a telephone set that receives incoming calls and that stores caller ID information in memory, and *Baxter* teaches selecting an idle call appearance of a particular number (e.g., six—BN#1 through BN#6) of previously configured call appearances at which to terminate an incoming call. The combination of *Burke* and *Baxter* would therefore result in a telephone set that receives and initiates calls, has a predetermined number (e.g., six—BN#1 through BN#6) of call appearance buttons, and assigns call appearance buttons to incoming telephone calls. The combination of *Burke* and *Baxter* thus discloses a call recovery system for "an attendant telephone set receiving multiple incoming telephone calls from calling parties and having a predetermined number of call appearance buttons to which the incoming telephone calls are assigned." *See* EX1007 (*Williams*), at ¶ 26.

b. "a memory device for storing the identified telephone number of the calling party of each incoming telephone call"

Burke discloses that "[Central Offices] now generally *provide caller ID information for incoming calls to telephone systems.*" EX1004 (*Burke*), at 1:31–45

(emphasis added). *Burke* also discloses "the caller ID logging function in which *the caller ID information is stored in a memory of the telephone set or system*." *Id.* at 1:31–45 (emphasis added).

Baxter discloses that "[s]witch 1000 selects a CR for use in identifying the call in the signaling messages to be conveyed between switch 1000 and terminal 1040 and stores the selected CR in the call record of memory 3000 … switch 1000 transmits a SETUP message informing terminal 1040 of the incoming call. The SETUP message includes *calling party identity information* … Terminal 1040 visually displays such calling party identity information on display 1042." EX1005 (*Baxter*), at 8:17–33 (emphasis added).

The combination of *Burke* and *Baxter* would therefore result in storing caller ID information (or calling party identity information) in a memory of a telephone set. The combination of *Burke* and *Baxter* thus discloses "a memory device for storing the identified telephone number of the calling party of each incoming call." *See* EX1007 (*Williams*), at ¶ 26.

c. "a processor for identifying a telephone number of the calling party of each incoming telephone call"[2]

Burke discloses that "[r]esidential phones and wireless phones may also have *processors for storing or processing information*." EX1004 (*Burke*), at 1:29–

[2] The specification of the '261 Patent admits that this feature is prior art. *Supra* n.1.

30 (emphasis added). *Burke* also discloses "telephone set or station 150 having or associated with a caller ID log device 160. The caller ID log device 160 comprises a *processor* 100." *Id.* at 3:52–54 (emphasis added). *Burke* further discloses "[Central Offices] now generally *provide caller ID information for incoming calls to telephone systems*." *Id.* at 1:31–45 (emphasis added).

Baxter discloses that "switch 1000 transmits a SETUP message informing terminal 1040 of the incoming call. The SETUP message includes *calling party identity information* … Terminal 1040 *visually displays such calling party identity information* on display 1042." EX1005 (*Baxter*), at 8:26–33 (emphases added).

The combination of *Burke* and *Baxter* would therefore result in a processor of a telephone set "identifying a telephone number of the calling party of each incoming telephone call." *See* EX1007 (*Williams*), at ¶ 26.

d. "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons"

Baxter discloses that "[t]erminal 1030 also includes 22 buttons BN#1 through BN#18 and 1087 through 1090 … The remaining buttons happen to be *configured ... such that buttons BN#1 through BN#6 are call appearances*." EX1005 (*Baxter*), at 6:28–35 (emphasis added). *Baxter* also discloses that "[w]ith ringing preference, the system only *determines one idle call appearance in response to an incoming call* and informs the terminal that *the determined*

appearance is both the destination appearance and the selected call appearance at the terminal. When the terminal subsequently goes off-hook, the terminal and the system exchange functional messages *to terminate the call to the selected call appearance*." *Id.* at 3:18–25 (emphases added). The combination of *Burke* and *Baxter* would therefore result in a next available (e.g., idle) call appearance button of a predetermined number (e.g., six—BN#1 through BN#6) of call appearance buttons being assigned to an incoming call. The combination of *Burke* and *Baxter* thus discloses "assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons." *See* EX1007 (*Williams*), at ¶ 26.

e. "said processor automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button"

Burke discloses that "[r]esidential phones and wireless phones may also have *processors for storing or processing information*" EX1004 (*Burke*), at 1:29–30 (emphasis added). *Burke* also discloses "telephone set or station 150 having or associated with a caller ID log device 160. The caller ID log device 160 comprises a *processor* 100." *Id.* at 3:52–54 (emphasis added).

Moreover, *Burke* discloses that "*the user selects a caller ID record from the caller ID log* … The user then presses a "dial" button, *in response to which* the

user's telephone system … reformat[s] the telephone number … and *the reformatted number is then dialed*." *Id.* at 2:61–3:3 (emphases added).

Baxter discloses that "a user terminal responds to an activation of one of its buttons by transmitting a first message to the system defining the activated button. The system reads stored data to determine whether the activated button is a call appearance. Upon determining that *the activated button is a call appearance*, the system transmits a second message to the terminal defining the activated button as the selected call appearance at the terminal. In response to the second message, the terminal and the system exchange functional messages *to initiate a call from the selected call appearance*." EX1005 (*Baxter*), at 2:51–62 (emphases added).

Thus, *Burke* discloses storing a caller ID for each incoming call in a caller ID log and redialing a stored caller ID that is selected from the caller ID log. *Baxter* discloses that an incoming call is assigned to an idle call appearance button and that caller information for the incoming call assigned to the call appearance button is provided to a telephone terminal for display. *Baxter* also discloses that a call appearance button can be pressed to initiate an outgoing call. The combination of *Burke* and *Baxter* would therefore result in a telephone set in which the caller ID number from an incoming call is stored in memory and in which pressing the call appearance button assigned to that incoming call results in dialing the caller ID number. *See* EX1007 (*Williams*), at ¶ 26. The combination of *Burke* and *Baxter*

therefore discloses "said processor automatically redialing, in response to the attendant's selection of one of the call appearance buttons, the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button." *See* EX1007 (*Williams*), at ¶ 26.

D. Ground 4: *Burke* in view of *Baxter* and *Rust* renders claims 2–3 and 5–6 obvious

1. A person having ordinary skill in the art would have combined *Burke* and *Baxter* with *Rust.*

A person of skill in the art would have been motivated to combine *Burke*, *Baxter*, and *Rust* for several reasons. For example, *Burke*, *Baxter*, and *Rust* are all directed to functionality for a telephone system/terminal, including the functions of dialing a call and storing/retrieving phone numbers. A person of skill in the art would have been motivated to combine *Burke* and *Baxter* with *Rust*, for example, to confirm that a telephone number being stored in a caller ID log or in association with an assigned call appearance button is valid and to determine the correct dialing procedure when a telephone number is selected for dialing, as disclosed by *Rust* and *Burke*, respectively. *Burke* discloses receiving, storing, and displaying a caller ID and re-dialing the stored number. *Baxter* also discloses receiving caller ID and re-dialing the number, and *Baxter* further discloses assigning the call to a "call appearance" button (*Baxter*, 3:18-26). Thus, a person of skill in the art would have looked to *Burke* and *Baxter* as examples for caller ID management, display,

and re-dial, and to *Baxter* for assigning calls to buttons. *See* EX1007 (*Williams*), at ¶ 27. *Rust* further discloses a method of selecting which call appearance button should be assigned. Thus, a person of skill in the art would have combined *Rust* with the combination of *Burke* and *Baxter* to assign call appearance buttons in a round-robin fashion. *See* EX1007 (*Williams*), at ¶ 27.

2. Claim Chart for Ground 4

As evidenced in the claim chart in Appendix D of *Williams* and further described herein, claims 2–3 and 5–6 of the ’261 Patent are rendered obvious by *Burke* in view of *Baxter* and *Rust*. *See* EX1007 (*Williams*), at ¶ 27.

3. Claim 2 is Obvious over *Burke* in view of *Baxter* and *Rust*

Claim 2 depends from claim 1 and recites “wherein said assigning step comprises assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons, in sequential order, starting with a first call appearance button through a last call appearance button, the next call appearance button after the last call appearance button being the first call appearance button.”

For at least the reasons articulated above at IV(C)(5), the combination of *Burke* and *Baxter* discloses each and every element of claim 1 of the ’261 Patent, including a predetermined number of call appearance buttons, assigning each incoming telephone call to a next available call appearance button of the

predetermined number of call appearance buttons, storing the telephone number of an incoming call assigned to a call appearance button in the button status table for that call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed.

Rust discloses that "processor 130 interacts with database system 140 to enter this telephone number into a redial list comprised of the N most recently dialed telephone numbers. *N is a predetermined number* and, in a preferred embodiment of the present invention, the steps of entering the telephone number into the redial list eliminates redundant entries, i.e., the same telephone number will not be entered twice. This process of capturing and saving the N most recently dialed telephone numbers is performed on a continuing basis. Further, in accordance with the preferred embodiment of the present invention, *the (N+1)st most recently dialed telephone number is purged from the redial list in database system 140 on a continuing basis*." EX1003 (*Rust*), at 4:10–25 (emphasis added). *Rust* also discloses that "[i]f the presently displayed entry *is the last, then the redial list is wrapped around by next displaying the first entry*." *Id.* at 7:40–42 (emphasis added, internal quotations omitted).

The combination of *Burke* and *Baxter* discloses there are a predetermined number of call appearance buttons (e.g., BN#1 to BN#6 in *Baxter*), that the caller ID information for an incoming call is stored in memory (e.g., in the caller ID log

of *Burke*), and that pressing a call appearance button initiates a call. *Rust* discloses the ability to store up to a predetermined maximum number (*e.g.*, N) of outgoing telephone numbers that can be dialed. *See* EX1007 (*Williams*), at ¶ 27. In *Rust*, the process of capturing and saving the N most recent telephone numbers is performed on a continuing basis. That is, in *Rust*, the (N+1)st most recent telephone number, i.e., the oldest stored telephone number, is purged when a new, i.e., most recent, telephone number is stored. Thus, in *Rust*, telephone numbers are stored in round-robin fashion, i.e., in sequential order, starting at telephone number 1 through telephone number N, and the next telephone number after telephone number N replaces telephone number 1. *See* EX1007 (*Williams*), at ¶ 27.

Therefore, the combination of *Burke*, *Baxter*, and *Rust* teaches assigning call appearance buttons to incoming calls (as taught by *Burke* and *Baxter*) in sequential order from a first call appearance button to a last call appearance button, after which the next call appearance button to be assigned would be the first call appearance button (as taught by *Rust*). *See* EX1007 (*Williams*), at ¶ 27. Therefore, the combination of *Burke*, *Baxter*, and *Rust* discloses "wherein said assigning step comprises assigning each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons, in sequential order, starting with a first call appearance button through a last call appearance button, the next call appearance button after the last call appearance

button being the first call appearance button." Hence, claim 2 is obvious over *Burke* in view of *Baxter* and *Rust*. *See* EX1007 (*Williams*), at ¶ 26.

4. Claim 3 is Obvious over *Burke* in view of *Baxter* and *Rust*

Claim 3 depends from claim 1 and recites "displaying the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button on a display."

For at least the reasons articulated above at IV(C)(5), the combination of *Burke* and *Baxter* discloses each and every element of claim 1 of the '261 Patent, including storing the telephone number of a calling party of an incoming call in the button status table of an assigned call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed. *See also* EX1007 (*Williams*), at ¶ 27.

Baxter teaches that "[t]erminal 1040 *visually displays such calling party identity information on display 1042*." *Id.* at 8:31–33 (emphasis added). *Rust* discloses that "if the caller invokes the function keypad of function keypads 115 which corresponds to the DISPLAY REDIAL LIST feature, processor 130 retrieves the most recently dialed telephone number from the redial list in database system 140 and transmits it *to telephone 100 for display on display 120*. The caller may the use the SCROLL-UP and SCROLL-DOWN function keypads to cause

processor 130 to *display various entries in the redial list*." EX1003 (*Baxter*), at 3:53–61 (emphases added).

The combination of *Burke*, *Baxter*, and *Rust* would thus result in a system in which the stored telephone number of an incoming call (as taught by *Burke* and *Baxter*) is displayed upon selection (as taught by *Rust*) of the call appearance button assigned to the incoming call. *See also* EX1007 (*Williams*), at ¶ 27. Therefore, the combination of *Burke*, *Baxter*, and *Rust* discloses "displaying the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button on a display." Hence, claim 3 is obvious over *Burke* in view of *Baxter* and *Rust*. *See* EX1007 (*Williams*), at ¶ 26.

5. Claim 5 is Obvious over *Burke* in view of *Baxter* and *Rust*

Claim 5 depends from claim 4 and recites "wherein said processor identifies a telephone number of the calling party of each incoming telephone call and assigns each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons in sequential order, starting with a first call appearance button through a last call appearance button, the next call appearance button after the last call appearance button being the first call appearance button."

For at least the reasons articulated above at IV(C)(6), the combination of *Burke* and *Baxter* discloses each and every element of claim 4 of the '261 Patent,

including a predetermined number of call appearance buttons, a processor assigning each incoming telephone call to a next available call appearance button of the predetermined number of call appearance buttons, storing the telephone number of an incoming call assigned to a call appearance button in the button status table for that call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed. Moreover, for at least the reasons articulated in (IV)(D)(3), *Rust* discloses that telephone numbers are stored in round-robin fashion, i.e., in sequential order, starting at telephone number 1 through telephone number N, and the next telephone number after telephone number N replaces telephone number 1. *See also* EX1007 (*Williams*), at ¶ 27. Therefore, the combination of *Coyne* and *Rust* would result in a method in which call appearance buttons assigned to incoming calls (as taught by *Burke* and *Baxter*) would be assigned in sequential order from a first call appearance button to a last call appearance button, after which the next call appearance button to be assigned would be the first call appearance button. *See* EX1007 (*Williams*), at ¶ 27. Therefore, the combination of *Burke*, *Baxter*, and *Rust* discloses "wherein said processor identifies a telephone number of the calling party of each incoming telephone call and assigns each incoming telephone call to a next available call appearance button of said predetermined number of call appearance buttons in sequential order, starting with a first call appearance button through a last call

appearance button, the next call appearance button after the last call appearance button being the first call appearance button." Hence, claim 5 is obvious over *Burke* in view of *Baxter* and *Rust*. *See* EX1007 (*Williams*), at ¶ 26.

6. Claim 6 is Obvious over *Burke* in view of *Baxter* and *Rust*

Claim 6 depends from claim 4 and recites "a display for displaying the stored telephone number of the calling party of the incoming call assigned to the selected call appearance button."

For at least the reasons articulated above at IV(C)(6), the combination of *Burke* and *Baxter* discloses each and every element of claim 4 of the '261 Patent, including storing the telephone number of a calling party of an incoming call in the button status table of an assigned call appearance button, and originating a call to the stored telephone number when the call appearance button is pressed. Moreover, for at least the reasons articulated above in (IV)(D)(4), *Rust* discloses that a telephone includes a display to display various entries in a redial list.

The combination of *Burke*, *Baxter*, and *Rust* would thus result in a system in which the stored telephone number of an incoming call (as taught by *Burke* and *Baxter*) is displayed upon selection (as taught by *Rust*) of the call appearance button assigned to the incoming call. *See also* EX1007 (*Williams*), at ¶ 27. Therefore, the combination of *Burke*, *Baxter*, and *Rust* discloses "a display for displaying the stored telephone number of the calling party of the incoming call

assigned to the selected call appearance button." Hence, claim 6 is obvious over *Burke* in view of *Baxter* and *Rust*. *See* EX1007 (*Williams*), at ¶ 26.

V. CONCLUSION

For these reasons, challenged claims 1–6 of the '261 Patent are unpatentable and should be cancelled. Petitioner respectfully requests that the Board grant this Petition for *inter partes* review for claims 1–6 of the '261 Patent and institute trial. Petitioner reserves the right to apply additional prior art and arguments, depending on what arguments and/or amendments Patent Owner might present. Petitioner also reserves the right to cite and apply any additional art it might discover as relevant to the issued claims or any amended claims, as the *inter partes* review proceeds. The USPTO is authorized to charge any fees or credit any overpayments to Deposit Account No. 50-6990.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies under 37 C.F.R. § 42.24(d) that this Petition for *Inter Partes* Review of U.S. Patent 6,442,261, contains 13,305 words, as measured by the word-processing system used to prepare this paper.

Respectfully

Dated: September 8, 2016

By: _____
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Petition for *Inter Partes* Review of U.S. Patent 6,442,261, including its supporting Exhibits (EX1001-EX1008) and Power of Attorney is being served via Express Mail (Label Nos. 9470111899563661393463 and 9470111899563661511416) on the Patent Owner at the following:

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