

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

VOIP-PAL.COM, INC.

Plaintiff,

v.

AMAZON.COM, INC.;
AMAZON.COM SERVICES, LLC; and
AMAZON.COM WEB SERVICES, INC.;

Defendants.

CIV. ACTION NO. 6:20-cv-00272-ADA

**NOTICE OF SUPPLEMENTAL FACTS IN SUPPORT OF VOIP-PAL.COM'S OPPOSITION
TO DEFENDANTS' MOTION TO STAY PENDING THE OUTCOME OF *EX PARTE*
REEXAMINATION REJECTING ALL ASSERTED CLAIMS**

VoIP-Pal submits this notice to inform the Court of supplemental facts supporting its Opposition To Defendants' Motion To Stay Pending The Outcome Of *Ex Parte* Reexamination Rejecting All Asserted Claims (Dkt. No. 101). These facts were not available to VoIP-Pal at the time it filed its Opposition.

As VoIP-Pal noted at the time of its Opposition, "[t]he USPTO has only issued a non-final office action, and [sic] VoIP-Pal still has an opportunity to respond. No final rejection has been issued, and there is no argument scheduled before the Board of Patent Appeals and Interferences." Dkt. No. 101 at 1. VoIP-Pal submitted a response to the non-final office action on July 24, 2023 and a response to a Notification of a Defective Paper in Reexam on September 29, 2023. On November 9, 2023, the USPTO issued a Notice of Intent to Issue an *Ex Parte* Reexamination Certificate confirming all of the challenged claims of U.S. Patent No. 10,218,606 ("606 patent) as patentable. A copy of the Notice is attached as Exhibit 1. Because all of the challenged claims of the '606 patent will remain valid and unchanged, the reexamination will not simplify any issues in this action.

Dated: November 15, 2023

Respectfully submitted,

By: /s/Lewis E. Hudnell, III

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ATTORNEYS FOR PLAINTIFF

VOIP-PAL.COM, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the forgoing NOTICE OF SUPPLEMENTAL FACTS IN SUPPORT OF VOIP-PAL.COM'S OPPOSITION TO DEFENDANTS' MOTION TO STAY PENDING THE OUTCOME OF EX PARTE REEXAMINATION REJECTING ALL ASSERTED CLAIMS via the Court's CM/ECF system pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5(b)(1) this 15th day of November, 2023.

By: /s/Lewis E. Hudnell, III
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