

**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 WEB SERVICES, INC.,

Defendants.

Civil Action No. 6:20-cv-272-ADA

**REPLY OF AMAZON IN SUPPORT OF ITS OPPOSED MOTION FOR
JUDGMENT ON THE PLEADINGS**

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I. INTRODUCTION

This is not a typical § 101 motion. Six patents in the same family as the '606 patent have already been invalidated on motions to dismiss for claiming ineligible subject matter, and each decision was summarily affirmed on appeal. The claims of the '606 patent are directed to the same abstract idea – routing communications based upon characteristics of the participants using known IP and telephone networks.

In its opposition, VoIP-Pal attempts to create complexity where there is none. Like the invalid predecessors from the rest of the patent family, the claims of the '606 patent lack an inventive concept and thus fail each step of the *Alice* test. This Court therefore can and should decide this motion on the pleadings and hold the asserted claims invalid under § 101.

II. ARGUMENT

A. Claim 1 is representative, and no asserted claims are patent-eligible.

VoIP-Pal argues that 35 U.S.C. § 282 requires evaluating patent eligibility for each claim and that using a representative claim “oversimplif[ies]” the claims for “expediency.” (ECF No. 106 (“Resp.”) at 4.) But addressing each claim of an asserted patent can be “unnecessary” when one claim is representative, such as when “all the claims are ‘substantially similar and linked to the same abstract idea.’” *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343, 1348 (Fed. Cir. 2014) (citation omitted). If there are “only minor differences” and a “performance of the same basic process,” the claims “should rise or fall together.” *Smart Sys. Innovations, LLC v. Chi. Transit Auth.*, 873 F.3d 1364, 1368 n.7 (Fed. Cir. 2017). The claims of the '606 patent are worded in broad, functional terms, and VoIP-Pal has failed to demonstrate that any differences between the claims materially change the same basic focus us describing a desired result of routing a communication based on participant characteristics.

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