

EXHIBIT 1

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

VOIP-PAL.COM, INC. *
* February 15, 2023
VS. *
* CIVIL ACTION NO. W-20-CV-272
AMAZON.COM, INC., ET AL *

BEFORE THE HONORABLE ALAN D ALBRIGHT
MARKMAN HEARING (via Zoom)

APPEARANCES:

For the Plaintiff: Lewis E. Hudnell III, Esq.
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09:36 1 looks like I have Mr. Shvodian. So I guess if I can't
09:36 2 have a young first-year associate, I can't do any
09:36 3 better than you. So I'm happy to hear your arguments.

09:36 4 MR. SHVODIAN: Well, thank you, Your
09:36 5 Honor.

09:36 6 And as you know, the parties were able to
09:36 7 meet and confer and narrow the issues here today, and
09:36 8 we have narrowed it down to just one claim term.

09:36 9 I know Your Honor is generally familiar
09:36 10 with the VoIP technology. You have the other VoIP-Pal
09:36 11 cases pending in front of you. So I don't intend to
09:36 12 spend time going over the technology, other than to
09:36 13 note that this is a highly technical area, the area of
09:36 14 voice-over IP calling.

09:36 15 And it's not an area that the lay jury
09:36 16 would be typically familiar with and wouldn't have an
09:36 17 understanding how a person of ordinary skill in the art
09:37 18 back in 2006/2007 would understand a technical claim
09:37 19 term such as "routing message."

09:37 20 And there is a clear dispute between the
09:37 21 parties as to what this term means. So we think this
09:37 22 is an issue of claim construction that needs to be
09:37 23 resolved today. And we believe there is a clear
09:37 24 definition of this term in the patent.

09:37 25 And, Your Honor, if I may share my screen

10:10 1 Chrysler case that Mr. Hudnell cites also says that
10:10 2 claim differentiation, the concept of that is much
10:10 3 weaker when trying to compare across different patents
10:10 4 as opposed to if it -- they were claims in the same
10:10 5 patent.

10:10 6 Does Your Honor have any further
10:10 7 questions?

10:10 8 THE COURT: No. Anything else?

10:11 9 Mr. Hudnell?

10:11 10 MR. HUDNELL: I think the -- just one
10:11 11 last point, Your Honor. I think it's important to keep
10:11 12 in mind, specifically with respect to the time to live
10:11 13 field, that has absolutely nothing to do with routing.
10:11 14 That is so that these -- these patents come from the
10:11 15 RBR family, routing, billing and rating. There's three
10:11 16 concepts contained in these patents.

10:11 17 That time to live field is an optional
10:11 18 component that can be added to the message so that you
10:11 19 know how long the call is so that -- for billing
10:11 20 purposes.

10:11 21 And the reason why the claims of the --
10:11 22 of the other patents, the parent patents and the family
10:11 23 of the '606, recite that feature in the dependent
10:11 24 claims is because you can have a routing message that
10:11 25 doesn't have a time to live field. It's completely

10:11 1 optional. It's there for billing purposes.

10:11 2 The '606 claims don't deal with billing,
10:11 3 and so there's nothing inherent about a routing message
10:11 4 to require a field that's associated with billing.

10:12 5 And so we think that that, at a minimum,
10:12 6 should be excluded from Amazon's construction.

10:12 7 THE COURT: Anything else, Mr. Shvodian?

10:12 8 MR. SHVODIAN: Your Honor, I just note
10:12 9 that the RBR is not something that's said in this
10:12 10 patent. That's a phrase that VoIP-Pal has made up for
10:12 11 this litigation. And I note that the title of this
10:12 12 patent is "Producing Routing Messages For Voice-Over IP
10:12 13 Communications."

10:12 14 THE COURT: Mr. Hudnell?

10:12 15 MR. HUDNELL: Nothing, Your Honor. Thank
10:12 16 you.

10:12 17 THE COURT: I'll be back in a few
10:12 18 seconds.

10:12 19 (Pause in proceedings.)

10:28 20 THE COURT: If we could go back on the
10:28 21 record.

10:28 22 And I thank you for your patience. That
10:28 23 took longer than usual for us to -- not back and forth
10:28 24 on our end to try and get it right.

10:28 25 However, I am persuaded by defendants

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