

## **EXHIBIT 2**

**RE: VoIP Pal v. Amazon, et. al, Civil Action No. 6:20 cv 272 ADA**

Nolan Mcqueen <Nolan\_Mcqueen@txwd.uscourts.gov>

Tue 2/14/2023 8:22 AM

To: Lewis Hudnell lewis@hudnelllaw.com

Cc: DShvodian@perkinscoie.com <DShvodian@perkinscoie.com>;CTyler@perkinscoie.com <CTyler@perkinscoie.com>;CKelley@perkinscoie.com <CKelley@perkinscoie.com>;Valentine, James (PAO) <JValentine@perkinscoie.com>;Nick Gikkas <Nick@hudnelllaw.com>;Sean Parmenter sean@parmenterip.com ;Kristie Davis Kristie.Davis@txwd.uscourts.gov

Counsel,

The Court provides the following preliminary constructions in advance of the **9:30AM 2/15/2023 Markman** hearing. The purpose of preliminary constructions is to streamline the hearing by providing the parties an indication of the Court's current position for each term. Although the parties are, of course, free to argue for their originally proposed construction, it is generally unlikely that the Court will select a party's originally proposed construction over the preliminary construction. As such, the Court believes that making arguments to fine-tune the preliminary construction may be more helpful. The preliminary constructions are not final as the Court may change some of those constructions based on the arguments at the hearing.

Of the below terms, please let me know what terms each side would like to argue by **8:00AM tomorrow**. Each side may email their list separately (but please CC the other side) or jointly (please indicate which side, or both, wants to argue each term). Based on the parties' lists, the Court will provide the order of terms that the Court would like to hear arguments on. Also, by **8:00 AM tomorrow**, please submit any slides the parties (and CC the other side) wish to use at the Markman hearing.

To assist the court reporter (Kristie Davis, CC-ed), please email her a copy of your slides as soon as possible (it's okay if it's just a draft). When you email her, no need to CC the other side or the Court.

No.	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Preliminary Construction
1	<b>"routing message"</b> claims 1, 8, 14, 19, 21, 26, 27, 32	Plain and ordinary meaning	"a message that includes a callee user name field, a route field, and a time to live field"	Plain and ordinary meaning
2	<b>"gateway"</b> claims 14, 26	Plain and ordinary meaning	Plain and ordinary meaning, which is "device that connects networks that use different communication protocols."	"a device that connects networks and can adjust a protocol of traffic moving between the networks"

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**Nolan McQueen**

*Law Clerk to the  
Hon. Alan D Albright*  
U S District Court  
Western District of Texas  
Office: **254 750 1517**

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**From:** Lewis Hudnell <lewis@hudnelllaw.com>

**Sent:** Monday, February 6, 2023 5 25 PM

**To:** Nolan McQueen <Nolan\_Mcqueen@txwd.uscourts.gov>

**Cc:** DShvodian@perkinscoie.com; CTyler@perkinscoie.com; CKelley@perkinscoie.com; Valentine, James (PAO) <JValentine@perkinscoie.com>; Nick Gikkas <Nick@hudnelllaw.com>; Sean Parmenter <sean@parmenterip.com>

**Subject:** Re VoIP Pal v Amazon, et al, Civil Action No 6 20 cv 272 ADA

**CAUTION - EXTERNAL:**

Dear Mr. McQueen,

Further to the parties' initial communication regarding postponing the Claim Construction hearing and in view of the transfer of Google and Meta in the related cases, the parties have met and conferred regarding narrowing the terms in dispute and intend to file, likely by tomorrow, a First Amended Joint Claim Construction Statement in this case. Please let us know if you have any questions or concerns. Many thanks.

Respectfully submitted,

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