

EXHIBIT 1

Re: VoIP-Pal v. Amazon (WDTX 2020)

Lewis Hudnell <lewis@hudnelllaw.com>

Fri 3/10/2023 3:03 PM

To: Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>

Cc: Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Kelley, Christopher L. (PAO) <CKelley@perkinscoie.com>; Nick Gikkas <Nick@hudnelllaw.com>; Sean Parmenter <sean@parmenterip.com>

Dan,

Amazon has no legitimate basis to object to entry of a schedule. If Amazon will not agree to entry of a schedule, then VoIP-Pal intends to move for entry of the version of the schedule that I last sent you. Please confirm whether Amazon will maintain its objection and oppose the motion.

Regarding VoIP-Pal's request that Amazon identify documents, VoIP-Pal disagrees that it is trying to flip the burden of proof. You asserted that "Amazon's system does not have any routing message that contains such a [time to live] field." If Amazon has documents that it believes supports that statement, then it is incumbent upon Amazon to identify them. Indeed, such documents would be covered by VoIP-Pal's RFPs 10, 11, and 14 and ROG 3.

While VoIP-Pal is willing to accept Amazon's production in the 2021 case for use in this case, VoIP-Pal will agree to do so only under the interim protective order and not the protective order in the 2021 case. VoIP-Pal intends to seek entry of a new protective order in this case. Please confirm that VoIP-Pal may use these documents under the interim protective order.

We intend to file the opposed motion for reconsideration today.

Regards,

Lewis E. Hudnell, III
Hudnell Law Group PC
t: 650.564.7720
f: 347.772.3034
m: 917.861.3494
e: lewis@hudnelllaw.com
www.hudnelllaw.com

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From: Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>**Sent:** Wednesday, March 8, 2023 7:28 PM**To:** Lewis Hudnell <lewis@hudnelllaw.com>

Nick Gikkas <Nick@hudnelllaw.com>; Sean Parmenter <sean@parmenterip.com>

Subject: RE: VoIP-Pal v. Amazon (WDTX 2020)

Lewis,

Amazon maintains that no schedule should be entered if VoIP-Pal cannot identify a basis for asserting that the "routing message" limitation, as construed by the Court, is met by the accused system. If VoIP-Pal cannot identify such a basis but intends to seek reconsideration of the Court's claim construction order, then the parties should address the case schedule after the resolution of that motion for reconsideration. Amazon will oppose any such motion for reconsideration.

In regard to your request that Amazon identify proof of noninfringement, you are trying to flip the burden of proof and are asking Amazon to prove a negative. This is made all the more difficult given VoIP-Pal's vague and deficient infringement contentions regarding what communications VoIP-Pal contends constitutes the alleged "routing message." VoIP-Pal bears the burden to maintain a basis for its infringement allegations throughout the life of this case.

VoIP-Pal is well-aware that Amazon does not charge for Alexa calling. Given that, VoIP-Pal also knows that Amazon does not generate any "message" that contains a "time-to-live field," which, as I mentioned previously, the '606 patent says "holds a value representing the number of seconds the call is permitted to be active, based on subscriber available minutes and other billing parameters." ('606 patent at 21:55-60.)

For purposes of discovery in this action, Amazon designates that the documents Amazon produced in the 2021 case are also produced in this case. Should VoIP-Pal believe it needs to confirm Amazon's position regarding the "routing message" limitation, it is welcome to refer to such production to do so.

Regards,
Dan

From: Lewis Hudnell <lewis@hudnelllaw.com>

Sent: Thursday, March 2, 2023 9:24 AM

To: Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>

Cc: Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Kelley, Christopher L. (PAO) <CKelley@perkinscoie.com>; Nick Gikkas <Nick@hudnelllaw.com>; Sean Parmenter <sean@parmenterip.com>

Subject: Re: VoIP-Pal v. Amazon (WDTX 2020)

Dan,

I accepted your changes and made a couple of changes to allow more time to finish expert discovery. Please let me know if these changes are agreeable.

Regarding the routing message issue, VoIP-Pal intends to move for reconsideration of the Court's claim construction order, specifically to request that the time to live field be dropped from the construction. I assume that Amazon opposes the motion but please let me know if you would like to meet and confer on the issue.

In the meantime, please provide the Bates numbers of whatever documents Amazon has produced in this case that support your statement that "Amazon's system does not have any routing message that contains such a [time to live] field."

Lewis E. Hudnell, III
Hudnell Law Group PC
t: 650.564.7720
f: 347.772.3034
m: 917.861.3494
e: lewis@hudnelllaw.com
www.hudnelllaw.com

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From: Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>
Sent: Monday, February 27, 2023 10:36 AM
To: Lewis Hudnell <lewis@hudnelllaw.com>
Cc: Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Kelley, Christopher L. (PAO) <CKelley@perkinscoie.com>; Nick Gikkas <Nick@hudnelllaw.com>; Sean Parmenter <sean@parmenterip.com>
Subject: RE: VoIP-Pal v. Amazon (WDTX 2020)

Lewis,

Thank you for the draft schedule. We have proposed edits in the attached. The change of dates in October is to accommodate a pre-scheduled trip I have planned to be out of the country. We also moved some later dates in the schedule to preclude filings being due immediately after the winter holidays. We also propose that Amazon will respond to the outstanding discovery requests within two weeks after the Court enters the schedule.

But before Amazon will agree to this schedule, we want to know what basis, if any, VoIP-Pal has for continuing with this case. The Court construed "routing message" to require a "time to live field." The '606 patent explicitly states that the "time to live" field "holds a value representing the number of seconds the call is permitted to be active, based on subscriber available minutes and other billing parameters." ('606 patent at 21:55-60.) Amazon's system does not have any routing message that contains such a field.

I understand that VoIP-Pal disagrees with that claim construction. If so, the appropriate steps would be to stipulate to a final judgment of noninfringement and then appeal the construction of "routing message." It is not appropriate for VoIP-Pal to continue this litigation and cause Amazon to incur additional, unnecessary expense if VoIP-Pal has no basis for contending that the "routing message" limitation is met.

So please let us know VoIP-Pal's basis for contending that the limitation is met in the accused system, or please agree to stipulate to a final judgment of noninfringement and then raise VoIP-Pal's issue on appeal.

Regards,
Dan

From: Lewis Hudnell <lewis@hudnelllaw.com>
Sent: Monday, February 27, 2023 7:04 AM
To: Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>
Cc: Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Kelley, Christopher L. (PAO) <CKelley@perkinscoie.com>;

<sean@parmenterip.com>

Subject: Re: VoIP-Pal v. Amazon (WDTX 2020)

Dan,

I don't believe that we received a response on the schedule. Please advise. Many thanks.

Lewis E. Hudnell, III
Hudnell Law Group PC
t: 650.564.7720
f: 347.772.3034
m: 917.861.3494
e: lewis@hudnelllaw.com
www.hudnelllaw.com

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From: Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>

Sent: Friday, February 17, 2023 4:51 PM

To: Lewis Hudnell <lewis@hudnelllaw.com>

Cc: Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Kelley, Christopher L. (PAO) <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 (WDTX 2020)

Lewis,

I am coordinating with my client and will get you a response next week.

Dan

From: Lewis Hudnell <lewis@hudnelllaw.com>

Sent: Wednesday, February 15, 2023 8:30 PM

To: Shvodian, Daniel T. (PAO) <DShvodian@perkinscoie.com>

Cc: Tyler, M. Craig (AUS) <CTyler@perkinscoie.com>; Kelley, Christopher L. (PAO) <CKelley@perkinscoie.com>; Valentine, James (PAO) <JValentine@perkinscoie.com>; Nick Gikkas <Nick@hudnelllaw.com>; Sean Parmenter <sean@parmenterip.com>

Subject: VoIP-Pal v. Amazon (WDTX 2020)

Dan,

Please see the attached proposed amended scheduling order for the 2020 case. It tracks the Court's default time periods based on today's Markman hearing except that I added a week to avoid the holidays. Please let me know if the dates are agreeable to Amazon and please also let me know Amazon's proposed date for responding to the pending discovery. Many thanks.

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