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

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| VOIP-PAL.COM, INC.,<br><br>  Plaintiff,<br><br> v.<br><br>AMAZON.COM, INC.,<br>AMAZON.COM SERVICES LLC, and<br>AMAZON WEB SERVICES, INC.,<br><br>  Defendants. | CASE NO. 6:20-cv-00272-ADA |

**AMAZON'S RESPONSE IN OPPOSITION TO PLAINTIFF VOIP-PAL.COM'S
OPPOSED MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S
CLAIM CONSTRUCTION ORDER**

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## I.      INTRODUCTION

In its motion for reconsideration, VoIP-Pal fails to identify any change in law, any new facts, or any manifest error of law or fact.  Instead, VoIP-Pal rehashes its prior arguments and asks the Court to reach a different conclusion.  That is not a proper basis for reconsideration.

The Court correctly held that the "routing message" in the '606 patent[1] is defined to include a time-to-live field, and VoIP-Pal has not demonstrated any error in that holding.  VoIP-Pal once again relies instead on inaccurate or incomplete descriptions of the patent specification, and it repeats the claim differentiation argument that it raised for the first time at oral argument and Amazon nevertheless refuted by walking through the multiple differences between the '606 patent's claims and those of VoIP-Pal's other related patents.

Remarkably, VoIP-Pal also argues that the parties "did not focus their arguments on whether the TTL field should be excluded from the final construction of 'routing message.'" (Mot. at 2.)  But that was the central disputed issue for the only claim limitation argued at the *Markman* hearing, with counsel for both parties and the Court extensively discussing the time-to-live field. (*See, generally*, Ex. A (*Markman* hearing transcript).)[2]  The Court decided that issue in Amazon's favor, and VoIP-Pal has identified no basis to disturb that ruling.

VoIP-Pal's motion for reconsideration should therefore be denied.

## II.     LEGAL STANDARD

In addressing another motion to reconsider a claim construction order, this Court noted that a court "should not revisit its prior decisions in the absence of extraordinary circumstances such

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[1] U.S. Patent No. 10,218,606.

[2] Unless otherwise noted, all Exhibits referenced herein refer to the Declaration of Daniel T. Shvodian in Support of Amazon's Response in Opposition to Plaintiff VoIP-Pal.com's Opposed Motion for Partial Reconsideration of Claim Construction Order.

as where the initial decision was clearly erroneous and would work a manifest injustice." *Unifi-cation Techs. LLC v. Micron Tech., Inc.*, No. 6:20-cv-00500-ADA, 2021 WL 9950497, at *1 (W.D. Tex. July 16, 2021) (internal quotation omitted).  Instead, reconsideration is "an extraordinary remedy that should be used sparingly," and motions for reconsideration "are not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before entry of judgment." *Id*. (internal quotations omitted.)  Furthermore, "[a] motion that repeats pre-viously advanced arguments and case law that was available at the time of the original briefing is insufficient to justify revisiting an issued order." *Id*.

III.   **ARGUMENT**

A.   **The Court's Construction Applies the Definition of "Routing Message" in the Specification, and VoIP-Pal's Recycled Arguments Fail to Demonstrate Any Error.**

As Amazon explained in its Opening Claim Construction Brief (ECF No. 65 at 11) and at the oral argument (Ex. A at 4:12-5:23), the '606 patent defines "routing message" by stating that a "generic" routing message has three non-optional fields – a callee username field, a route field, and a time-to-live field ('606 patent at 21:47-60; *id*. at Fig. 15).  A *generic* routing message does not describe just a single embodiment but rather indicates the characteristics of all routing mes-sages.  (ECF No. 65 at 11-12.)  Consistent with that definition, Amazon demonstrated that every embodiment of the invention in the '606 patent disclosed a routing message that contained all three of those non-optional fields.  Amazon further demonstrated that while the Summary of the Inven-tion repeatedly used permissive language to describe different features, the Summary did not use permissive language when describing that the routing message contains those three required fields.  (Ex. A at 6:11-7:6.)

The parties fully briefed this issue, with Amazon submitting opening and reply briefs (ECF No. 65 at 11-13; ECF No. 71 at 6-7) and VoIP-Pal submitting response and sur-reply briefs (ECF

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