

EXHIBIT A

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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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09:35 1 (Hearing begins.)

09:35 2 DEPUTY CLERK: A Civil Action in Case
09:35 3 6:20-CV-272, VoIP-Pal.com, Incorporated versus
09:35 4 Amazon.com, Incorporated, et al. Case called for a
09:35 5 Markman hearing.

09:35 6 THE COURT: If I could have announcements
09:35 7 from counsel, please.

09:35 8 MR. HUDNELL: Good morning, Your Honor.
09:35 9 Lewis Hudnell, Hudnell Law Group for plaintiff
09:35 10 VoIP-Pal.com, Inc.

09:35 11 MR. SHVODIAN: Good morning, Your Honor.
09:35 12 Dan Shvodian of Perkins Coie representing the Amazon
09:35 13 defendants.

09:35 14 THE COURT: Well, you all need to invent
09:35 15 something that will make my computer boot up faster
09:35 16 than the ten minutes it takes for me to get on Zoom in
09:35 17 the morning. I'm losing -- I'm going to have to have
09:35 18 my clerks start my computer early so I don't just stand
09:35 19 here and make you all wait. I apologize for being
09:35 20 late.

09:35 21 The claim term I have this morning is
09:35 22 "routing message." My understanding is that the
09:35 23 defendant would like to take it up.

09:35 24 I was hoping I would have some young
09:36 25 first-year associate who would be arguing it. But it

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

09:37 1 to show some slides?

09:37 2 THE COURT: Sure. Of course.

09:37 3 MR. SHVODIAN: Is Your Honor able to see
09:37 4 my slide on the screen?

09:37 5 THE COURT: Yes, sir.

09:37 6 MR. SHVODIAN: Okay. So here on the
09:37 7 first slide, I'm just showing the competing
09:37 8 constructions. VoIP-Pal just says plain and ordinary
09:37 9 meaning. Amazon's proposed construction says that it
09:38 10 is a message that has to include three fields, a callee
09:38 11 username field, a route field and a time to live field.

09:38 12 And I recognize that Your Honor's
09:38 13 preliminary construction was plain and ordinary
09:38 14 meaning. So I intend to show why we believe that there
09:38 15 is a specific definition for this term in the '606
09:38 16 patent.

09:38 17 And here, Your Honor, I have a quote from
09:38 18 the '606 patent. It's describing one of the figures in
09:38 19 the patent. And it says what's shown in Figure 15 is a
09:38 20 generic routing message.

09:38 21 And I want to be clear that "generic"
09:38 22 does not just mean exemplary or an embodiment. Generic
09:38 23 is a term -- the definition of generic means: A
09:38 24 characteristic of or relating to a class or group of
09:38 25 things.

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