EXHIBIT A

From:	Shvodian, Daniel T. (PAO)
To:	Lewis Hudnell
Cc:	Tyler, M. Craig (AUS); Kelley, Christopher L. (PAO); Nick Gikkas; Sean Parmenter
Subject:	RE: VoIP-Pal v. Amazon (WDTX 2020)
Date:	Tuesday, March 14, 2023 11:03:39 AM
Attachments:	image001.png

Lewis,

VoIP-Pal has chosen to extend the claim construction proceedings by seeking reconsideration, and VoIP-Pal cannot justify taking broad discovery while its motion for reconsideration is pending. If Judge Albright reverses his claim construction (which Amazon believes is unlikely), Amazon will agree to the entry of a case schedule. If Judge Albright does not reverse his claim construction, the parties can enter a stipulation of noninfringement, and VoIP-Pal can take the issue up on appeal.

To enter a schedule now and proceed with discovery while VoIP-Pal's motion for reconsideration is pending would unreasonably multiply the proceedings and cause the parties and the Court to incur unnecessary burden and expense because VoIP-Pal cannot prove that Amazon infringes under the Court's claim construction. That construction requires that the "routing message" has a "Time-to-Live" field, and as VoIP-Pal noted in its motion for reconsideration, 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*." (Motion at 4 (emphasis in original).)

VoIP-Pal bears the burden to identify a basis for its infringement allegation in light of the Court's claim construction, which VoIP-Pal has failed to do, despite Amazon's repeated requests. Instead, VoIP-Pal has asked Amazon to identify documents that prove a negative. While Amazon has no obligation to do so, Amazon identifies, at a minimum, the document Bates-labelled Amazon-VoipPAL-0003037-66 as demonstrating that Amazon does not infringe. To the extent that VoIP-Pal contends that any documents in Amazon's production show that the "routing message" limitation is met under the Court's claim construction, please identify the Bates numbers of those documents.

As to the protective order issue, Amazon agrees. But Amazon reserves the right to rely on the Court's entry of that protective order in the 2021 case in support of any protective order disputes in this case.

Regards,
Dan

From: Lewis Hudnell <lewis@hudnelllaw.com>
Sent: Friday, March 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>

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

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
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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>

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,

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."

Many thanks.

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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.

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