

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

VOIP-PAL.COM, INC.,

Plaintiff,

v.

AMAZON.COM, INC.;
AMAZON.COM SERVICES LLC; and
AMAZON WEB SERVICES, INC.

Defendants.

CIVIL ACTION NO. 6:20-cv-00272-ADA

**PLAINTIFF VOIP-PAL.COM, INC.'S REPLY IN SUPPORT OF OPPOSED MOTION FOR
PARTIAL RECONSIDERATION OF THE COURT'S CLAIM CONSTRUCTION**

TABLE OF CONTENTS

I. INTRODUCTION 1

II. ARGUMENT..... 2

 A. The Specification Lacks Words Restricting A “Routing Message” To Having A Time-To-Live Field. 2

 B. The Specification And The Claims Show That The Time-To-Live Field Has Nothing To Do With Routing..... 4

 C. Claim Differentiation Shows That The Claimed Routing Message Does Not Require A Time-To-Live Field. 6

III. CONCLUSION..... 7

..

TABLE OF AUTHORITIES

Cases

Arlington Industries, Inc. v. Bridgeport Fittings, Inc., 632 F.3d 1246 (Fed. Cir. 2011) 4

Hill-Rom Servs., Inc. v. Stryker Corp., 755 F.3d 1367 (Fed. Cir. 2014) 3

Liebel- Flarsheim Co. v. Medrad, Inc., 358 F.3d 898 (Fed. Cir. 2004)..... 3

MBO Labs., Inc. v. Becton, Dickinson & Co., 474 F.3d 1323 (Fed. Cir. 2007) 5

Pisomy v. Commando Constr., Inc., No. W-17-CV-00055-ADA, 2019 U.S. Dist. LEXIS 31524 (W.D. Tex. Jan. 23, 2019)..... 3

...

TABLE OF ABBREVIATIONS

ABBREVIATION	TERM
VoIP-Pal	Plaintiff VoIP-Pal.com, Inc.
Amazon	Amazon.com, Inc., Amazon.com Services, LLC, and Amazon Web Services, Inc.
Defendant	Amazon
The '606 patent or the patent-in-suit	U.S. Patent No. 10,218,606
The '005 patent	U.S. Patent No. 9,179,005
The '864 patent	U.S. Patent No. 11,171,864

I. INTRODUCTION

Contrary to what Amazon claims, VoIP-Pal has a proper basis for reconsideration because requiring a “routing message” to include a time-to-live field is clearly erroneous. Amazon repeatedly argues that a time-to-live field is a non-optional field of a routing message. But this argument is nothing more than clever misdirection. The Federal Circuit has unequivocally held that in order to limit the claims to a single embodiment, the patentee must have had a clear intent to limit the claim scope using words or expressions of manifest exclusion or restriction. Amazon identifies no such words or expressions in the ’606 patent. Rather, the ’606 patent claims evidence the patentee’s intent not to limit the claims to an embodiment of a routing message that has a time-to-live field. Thus, this limitation is clearly erroneous under the law.

Even if the Court determines that VoIP-Pal has not met the reconsideration standard, which it should not, the Court can still modify its construction through rolling claim construction. VoIP-Pal notes this authority in its Motion and Amazon neglects to address it.¹

Finally, Amazon mischaracterizes the parties’ dispute at the Claim Construction Hearing. At the hearing, the parties argued whether the Court should adopt VoIP-Pal’s proposed construction of “routing message” (plain and ordinary meaning) or Amazon’s proposed construction (a message that includes a callee user name field, a route field, and a time-to-live field). The parties did not argue whether “routing message” should be construed to have only two fields (a callee user name field and a route field) and not a third time-to-live field. VoIP-Pal’s Motion merely asks the Court to fine tune its construction of “routing message,” not to reconsider the parties’ original dispute, and should be granted.

¹ Dkt. No. 89 at 3-4.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.