

From: [Trials](#)
To: [Colin.Heideman](#)
Cc: [Vincent Rubino](#); [Peter Lambrianakos](#); [Enrique Iturralde](#); [zhong@zhong-law.com](#); [Joe.Re](#); [Joshua.Stowell](#); [Jeremy.Anapol](#); [BoxSEAZNL1608LP](#)
Subject: RE: IPR2020-00864: Amazon.com, Inc. v. Vocalife LLC (U.S. Pat. No. RE47,049)
Date: Thursday, October 22, 2020 12:38:33 PM

Counsel,

We authorize each party to file a two-page supplemental brief limited to the issue of discretionary denial under § 314(a) by 6:00 pm Eastern on Friday, October 23, 2020. No conference call is necessary.

Thank you,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Colin.Heideman <Colin.Heideman@knobbe.com>
Sent: Friday, October 16, 2020 2:02 PM
To: Trials <Trials@USPTO.GOV>
Cc: Vincent Rubino <vrubino@fabricantllp.com>; Peter Lambrianakos <plambrianakos@fabricantllp.com>; Enrique Iturralde <eiturralde@fabricantllp.com>; zhong@zhong-law.com; Joe.Re <Joe.Re@knobbe.com>; Joshua.Stowell <Joshua.Stowell@knobbe.com>; Jeremy.Anapol <Jeremy.Anapol@knobbe.com>; BoxSEAZNL1608LP <BoxSEAZNL1608LP@knobbe.com>
Subject: IPR2020-00864: Amazon.com, Inc. v. Vocalife LLC (U.S. Pat. No. RE47,049)

Dear PTAB,

Petitioner Amazon.com, Inc. respectfully requests authorization for each party to file a supplemental 2-page brief to correct statements made in the parties' prior briefing (Papers 10, 12) regarding the co-pending litigation.

On August 3, 2020, the Board authorized supplemental briefing relating to discretionary denial under Section 314(a) in view of the co-pending litigation. (Paper 9.) The parties filed supplemental briefs on August 10th and 17th. (Papers 10, 12.) The district court litigation proceeded to trial on October 1st. Patent Owner asserted only claims 1 and 8 at trial and, as a result, the validity of only claims 1 and 8 under 35 U.S.C. §§ 101, 103, and 112 were tried to the jury. On October 8th, the jury found claims 1 and 8 of the '049 patent not invalid.

Petitioner respectfully requests authorization for each party to file a supplemental brief on the issue

of discretionary denial to correct inaccuracies in the current record regarding the claims and prior art references considered by the jury. For example, the parties' prior briefing indicated that 8 claims would be tried to the jury (*see* Paper 10 at 2); however, only 2 claims were actually tried. The parties' briefing also indicated that the jury would consider invalidity arguments based on Saric, which is the primary reference in Petition Grounds 1a-1e. (*See* Paper 12 at 1.) However, Saric was never presented as an invalidity reference at trial and therefore the obviousness grounds presented in Ground 1a-1e of the Petition have never been considered.

Patent Owner opposes Petitioner's request and has stated that it disputes Petitioner's characterization above. Accordingly, and in view of the rapidly approaching institution deadline, Amazon respectfully requests that the Board authorize each party to file a 2-page supplemental brief limited to the issue of discretionary denial under § 314(a) by 6:00pm Eastern on Tuesday, October 20, 2020.

The parties are available on Monday, October 19th or Tuesday, October 20th for a conference call with the Board if the Board determines that such a call is necessary.

-Colin Heideman
Counsel for Petitioner

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