UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON.COM SERVICES LLC,
AMAZON WEB SERVICES, INC., and AUDIBLE, INC.,
Petitioners

v.

AUDIO POD IP, LLC,
Patent Owner

Case IPR2025-00777
U.S. Patent No. 9,319,720

DECLARATION OF KEVIN SPRENGER IN SUPPORT OF PATENT OWNER'S BRIEF ON DISCRETIONARY DENIAL

I, Kevin Sprenger, hereby declare as follows:

1. I am an attorney with the firm Daignault Iyer LLP, counsel of record for Patent Owner Audio Pod IP, LLC ("Audio Pod") in this proceeding. I also represent Audio Pod in each district court proceeding involving this patent. I submit this Declaration in support of Patent Owner's Brief on Discretionary Denial.

2. I make this declaration on the basis of personal knowledge and if called to testify as a witness, I would and could testify competently here.

3. Petitioners, alone or in combination, are named defendants in multiple pending district court proceedings involving the patent at issue in this inter partes review proceeding or related patents, including Audio Pod IP, LLC v. Amazon.com, Inc. et al., Lead Case No. 3:24-cv-00406-RCY ("the consolidated case").

4. Petitioners have not supplemented their document production in the consolidated case since March 31, 2025.

5. As of June 16, 2025, Petitioners have not produced a single confidential document in the consolidated case, despite repeated requests by Audio Pod.

6. Audio Pod served three deposition notices, first set of requests for the production of documents (RFPs), and first set of interrogatories in the consolidated

case on November 29, 2024.

7. Defendants served their first sets of interrogatories and requests for production ("RFPs") in the consolidated case on December 13, 2024.

8. Audio Pod served three additional deposition notices in the consolidated case on December 20, 2024.

9. Defendants identified an extensive list of alleged prior art references in response to interrogatories in the consolidated case on December 30, 2024.

10. Audio Pod served full, detailed preliminary infringement contentions in response to interrogatories in the consolidated case on January 13, 2025.

11. To date, Defendants have declined to provide invalidity contentions in the consolidated case despite being requested in interrogatories served on November 29, 2024.

12. Audio Pod deposed Bruce Li, Director for Amazon Prime Video, on February 4, 2025.

13. Audio Pod served another deposition notice in the consolidated case on February 14, 2025.

14. Audio Pod deposed Matthew Baldwin, Principal Engineer for Amazon CloudFront, on February 22, 2025.

15. Audio Pod deposed Jeffrey Mroczkowski, Senior Manager Software Development at Amazon, on March 24, 2025.

16. Defendants served their expert claim construction declaration in the consolidated case on April 30, 2025.

17. Defendants served first set of RFAs (all addressing pure legal questions related to claim construction) and second set of RFAs, second set of interrogatories in the consolidated case on May 9, 2025.

18. Audio Pod served first set of requests for admission (RFAs), second set of interrogatories, and second set of RFPs in the consolidated case on May 16, 2025.

19. Audio Pod served a Notice of Subpoena on Defendants for third party discovery in the consolidated case on June 13, 2025. The subpoena will be served shortly.

20. All parties have collected, produced, and reviewed source code—a process that is ongoing. Audio Pod has reviewed Petitioner's source code for several weeks. Petitioner has reviewed Audio Pod's source code for several days.

21. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day, June 16, 2025, in Arlington, Virginia.

/s/ Kevin H. Sprenger

Kevin H. Sprenger