

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM SERVICES LLC,

Petitioner,

v.

VB ASSETS, LLC,

Patent Owner.

Case: IPR2025-01240

U.S. Patent No. 11,080,758

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
REQUEST FOR DISCRETIONARY DENIAL**

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EXHIBIT LIST (37 C.F.R. § 42.63(e))

Exhibit	Description
1001	U.S. Patent No. 11,080,758 (“the ’758 patent”)
1002	Declaration of Padhraic Smyth, Ph.D.
1003	Prosecution File History for the ’758 patent
1004	WO Pub. No. 02/073331 (“Aretoulaki”)
1005	U.S. Patent No. 7,752,209 (“Ramer”)
1006	U.S. Patent App. Pub. No. 2004/0193420 (“Kennewick”)
1007	U.S. Patent App. Pub. No. 2008/0189187 (“Hao”)
1008	U.S. Patent No. 6,173,250 (“Jong”)
1009	U.S. Patent No. 7,376,586 (“Partovi”)
1010	Asthana, A. & Krzyzanowski, P., “A Small Domain Communications System for Personalized Shopping Assistance,” Proceedings of 1994 International Conference on Personal Wireless Communications (pp. 199-203), IEEE Press (1994, August), (“Asthana”)
1011	Lucente, M., “Conversational interfaces for e-commerce applications,” Communications of the ACM (Sept. 2000), 43(9), 59-61, (“Lucente”)
1012	Huang et al., “Spoken Language Processing: A Guide to Theory, Algorithm, and System Development,” Prentice Hall (2001) (“Huang”)
1013	U.S. Patent No. 6,859,776 (“Cohen”)
1014	U.S. Patent No. 7,640,160 (“Di Cristo”)
1015	Complaint for Patent Infringement, <i>VB Assets, LLC, v. Amazon.com Services, LLC</i> , 1:24-cv-00839-MN (D. Del. July 18, 2024), Dkt. 1
1016	Claim Construction Memorandum Order, <i>VB Assets, LLC, v. Amazon.com, Inc., et al.</i> , 1:19-cv-01410-MN (D. Del. June 23, 2021), Dkt. 90
1017	Curriculum Vitae of Padhraic Smyth, Ph.D.

Exhibit	Description
1018	Docket Navigator statistics regarding Judge Noreika decisions on motions to stay pending IPR

I. INTRODUCTION

The Director should deny Patent Owner's ("PO") request for discretionary denial. PO filed its application for the challenged patent in 2018, four years *after* Petitioner Amazon released to the public its revolutionary speech recognition technology called "Alexa." With the benefit of Alexa's public disclosures and through claims of earlier priority, PO drafted the claims of the challenged '758 patent in a way that it could try to accuse Alexa of infringement. The '758 patent then issued in 2021, but PO chose to wait until mid-2024 to accuse Alexa of infringing the patent. In response, Petitioner diligently and promptly filed its IPR Petition that shows how the prior art discloses each claim of the '758 patent. Discretionary denial would be fundamentally unfair in view of PO's gamesmanship in crafting the patent claims to try to read on Alexa and then belatedly accusing Alexa, particularly given Petitioner's diligence in filing its IPR Petition that complies with all applicable rules.

The relevant discretionary denial factors warrant referral to the merits panel. The challenged patent issued just four years ago, so no settled expectations exist. And the Board will enter its Final Written Decision ("FWD") in this IPR before trial in the related district court case. The other *Fintiv* factors also weigh against discretionary denial. The district court case is in its early stages before Judge Noreika, who routinely grants stays once IPRs are instituted. The scope of this IPR is broader than the litigation because Petitioner challenges all 44 claims of the '758

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patent, while the district court case is limited to the 20 claims PO asserts. And the merits of this IPR also weigh against discretionary denial because the Petition presents strong invalidity challenges. The Examiner materially erred by allowing the '758 patent without first finding and considering the grounds presented in this IPR Petition that disclose each claim limitation.

PO misapplies the *Fintiv* factors to request discretionary denial. Rather than address the facts specific to this challenged patent and proceeding, PO points to unrelated patents, separate proceedings, and alleged historical meetings. It asserts that this IPR should be denied because Petitioner has challenged other unrelated patents in pending IPRs, has initiated prior IPRs against other patents in PO's portfolio, was allegedly shown PO's portfolio years before the application for the '758 patent was filed, and has previously faced litigation before Judge Noreika involving different patents. None of these arguments justify discretionary denial in this case. They instead distract from the proper inquiry, which—when applied to the '758 patent—warrant referral to the merits panel.

II. ANALYSIS

As explained below, no strong settled expectations exist for the challenged patent, and the FWD in this IPR will issue before the scheduled trial date in the district court litigation. These factors support referral for merits review. *See, e.g., TankLogix, LLC v. SitePro, Inc.*, IPR2025-00651, Paper 10 at 2 (July 31, 2025)

(denying discretionary denial request because there were no settled expectations and FWD expected before trial date); *Google LLC v. Withrow Networks Inc.*, IPR2025-00775, Paper 10 (Aug. 14, 2025) (same); *Google LLC v. BrodTi Inc.*, IPR2025-00472, Paper 19 (June 25, 2025) (same).

A. Absence of Settled Expectations Favors Referral

The challenged patent issued only four years ago—on August 3, 2021. There can be no reasonable claim of settled expectations, let alone strong settled expectations because the patent has “not been in force for a significant period of time.” *See Microsoft Corp. v. Edge Networking Sys., LLC*, IPR2025-00617, Paper 12 at 2 (July 31, 2025) (challenged patent issued in 2021 has “not been in force for a significant period of time”); *Advanced Micro Devices, Inc. v. Concurrent Ventures, LLC*, IPR2025-00479, Paper 10 at 2 (July 10, 2025) (“the challenged patent issued in 2021, and Patent Owner has not developed strong settled expectations that favor discretionary denial”). To the contrary, Petitioner presents an “early challenge” that serves to promote “robust, predictable patent rights,” which “weigh[s] against discretionary denial.” *Microsoft*, IPR2025-00617, Paper 12 at 2; *see also Micron Tech., Inc. v. Yangtze Memory Techs. Co. Ltd.*, IPR2025-00190, Paper 21 at 3 (June 25, 2025) (2021 patent “issued recently” and was subject to an “early challenge”).

PO argues that strong settled expectations exist because “Amazon was on notice of the ’758 patent well before its issue date of August 3, 2021,” but it provides

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no evidence supporting this false claim. PO Br. at 15. Instead, PO asserts that an ancestor of the '758 patent was “part of a slide presentation to Amazon” in 2011, that PO’s predecessor VoiceBox purportedly “provided the details of its entire patent portfolio to Amazon in early 2017,” and that a related patent was cited by the Examiner during prosecution of two “Amazon-owned patent[s].” PO Br. at 18. But, according to PO’s own allegations, these events occurred *before the application for the '758 patent was even filed* on November 19, 2018. *Id.* These allegations do not establish Amazon’s knowledge of the '758 patent before it issued, much less create settled expectations for the '758 patent that had not yet been filed or issued. PO cites decisions to try to show that knowledge of a challenged patent’s parents creates settled expectations (*id.* at 17-19), but the decisions simply confirm that settled expectations may exist for challenged patents that had been in force for more than six years. *See Murata Mfg. Co., Ltd. v. Georgia Tech. Rsch. Corp.*, IPR2025-00384, Paper 13 at 2-3 (July 29, 2025) (challenged patent issued 16 years ago creates strong settled expectations); *see Amazon.com, Inc. v. Audio Pod IP, LLC*, IPR2025-00777, Paper 15 at 2-3 (Aug. 14, 2025) (challenged patents issued 7, 9, and 11 years ago create strong settled expectations). In contrast, Petitioner sought “early review” by filing this Petition less than four years after the challenged patent issued. *See Murata*, IPR2025-00384, Paper 13 at 3. PO also contends that *Dabico Airport Sols. Inc. v. AXA Power ApS* held that published patent applications provide sufficient

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notice to create settled expectations, but *Dabico* instead granted discretionary denial because “the *challenged patent* has been in force almost eight years, creating settled expectations.” IPR2025-00408, Paper 21 at 2 (June 18, 2025) (emphasis added).

PO argues that Petitioner “was also put on notice of its potential infringement of the ’758 patent family through assertion of [related patents] in the 2019 district court litigation.” PO Br. at 19. But PO filed that suit well *before* its ’758 patent issued in 2021. *See* PO Br. at 5. PO also argues that “the Examiner issued a notice of allowance in March 2021,” but this is irrelevant as it fails to establish that Petitioner had earlier knowledge of the ’758 patent, which had not yet issued, much less create strong settled expectations. PO Br. at 19.

PO further contends that this IPR should be discretionarily denied because Petitioner should have instead filed a PGR soon after the ’758 patent issued. PO Br. at 19. But, as explained above, PO fails to provide any evidence that Petitioner had knowledge of the ’758 patent before it issued, and it cites no authority supporting its PGR argument. Instead, PO proposes a policy that would render IPRs obsolete by requiring petitioners to either file a PGR or fall victim to IPR discretionary denial. PO’s proposal is entirely inconsistent with the America Invents Act, which provides *both* pathways as appropriate means for challenging an issued patent.

PO cannot establish strong settled expectations for the ’758 patent challenged in this IPR, so as a last resort, it argues that discretionary denial is warranted because

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two of four *other* pending IPRs Petitioner filed challenge patents issued 6.5 and eight years ago. PO Br. at 20. PO thus concedes that—based on the age of the patents—no settled expectations exist for three out of the five patents challenged in Petitioner’s pending IPRs. *Id.* Referral to the merits panel is therefore proper for this additional reason. *See TankLogix*, IPR2025-00651, Paper 10 at 2-3 (referring four IPRs where challenged patents were less than six years old, even though three other challenged patents in other pending IPRs filed by same petitioner were more than six years old). In contrast, the decisions PO cites denied institution when only a *minority* of the patents challenged in co-pending IPRs had no strong settled expectations. *See Audio-Pod*, IPR2025-00777, Paper 15 at 2-3 (only one of six challenged patents was less than six years old); *Samsung Elecs. Am., Inc. v. iCashe, Inc.*, IPR2025-00641, Paper 12 at 3 (Aug. 22, 2025) (only two out of seven challenged patents were less than six years old). Here, the relevant factors favor referral for merits consideration for each IPR,¹ especially because most of the challenged patents issued less than six years ago and because the FWD for each IPR will precede the scheduled trial date.

¹ Petitioner will explain in opposition to any forthcoming discretionary denial requests from PO how the relevant factors favor referral, as it did in *Amazon.com Servs. LLC v. VB Assets, LLC*, IPR2025-01167, Paper 7 (Oct. 7, 2025).

B. FWD Before Trial Favors Referral

The FWD will issue before trial in the district court case. The FWD in this IPR is expected by January 16, 2027. *See* PO Br. at 9. Trial is scheduled to begin two months later, on March 15, 2027. EX2003 at 16. The time-to-trial statistics suggest that trial will start even later, in June 2027. EX2007. These schedules weigh against discretionary denial. *See Apple Inc. v. Apex Beam Techs. LLC*, IPR2025-00910, Paper 10 at 2 (Sept. 3, 2025) (granting referral to merits panel where FWD projected less than one month before scheduled trial date); *Am. Airlines, Inc. v. Intell. Ventures I LLC*, IPR2025-00785, Paper 11 at 2-3 (Aug. 29, 2025) (granting referral to merits panel where FWD expected two months before scheduled trial date); *Amazon.com Servs. LLC v. NL Giken, Inc.*, IPR2025-00250, Paper 14 at 2 (May 16, 2025) (granting referral to merits panel where FWD expected same month as scheduled trial date and time-to-trial statistics suggested that trial will start six months later).

PO's argument that "[t]he Director has exercised her discretion to deny institution under similar timeframes" is wrong. PO Br. at 9. The decisions PO cites *support Petitioner* because the Director determined that the anticipated issuance of FWDs before trial "counsel[ed] against discretionary denial." *See OnePlus Tech. (Shenzhen) Co., Ltd. v. Pantech Corp.*, IPR2025-00637, Paper 17 at 2 (Aug. 14, 2025); *Intel Corp. v. Advanced Cluster Sys., Inc.*, IPR2025-00794, Paper 13 at 2 (Aug. 14,

2025). And the other decisions PO cites (PO Br. at 9-10) are inapposite because they address IPRs where the FWD would issue *after* trial. See *Advanced Micro Devices, Inc. v. XtreamEdge, Inc.*, IPR2025-00223, Paper 9 at 2 (June 12, 2025) (“it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs”); *Shenzhen Tuozhu Tech. Co., Ltd. v. Stratasys, Inc.*, IPR2025-00354, Paper 11 at 2 (June 12, 2025) (FWD would issue over a month *after* scheduled trial date); *Amazon.com, Inc. v. KAIFI LLC*, IPR2025-00626, Paper 16 at 2 (July 29, 2025) (FWD would issue five months *after* scheduled trial date).²

C. The *Fintiv* Factors Weigh Against Discretionary Denial

As explained below, no *Fintiv* factor weighs in favor of discretionary denial. On balance, the factors warrant referral to the merits panel.

1. Factor 1: Likelihood of a stay is neutral or favors referral

Factor 1 is neutral at worst because Judge Noreika has not indicated whether the litigation will be stayed pending final resolution of Petitioner’s IPRs, and the Director “decline[s] to infer” how a district court might rule on a stay motion. *Apple*,

² PO is also wrong that Judge Noreika’s experience presiding over the previous litigation outweighs the benefits of the FWD issued before the trial date. PO Br. at 10. Neither the ’758 patent challenged in this IPR nor any of the other four patents challenged in Petitioner’s other four pending IPRs were at issue in the earlier case.

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Inc. v. Fintiv, Inc., IPR2020-00019, Paper 15 at 12 (May 13, 2020) (“We decline to infer, based on actions taken in different cases with different facts, how the District Court would rule should a stay be requested by the parties in the parallel case here.”); *see also Sand Revolution II, LLC v. Cont’l Intermodal Grp. – Trucking LLC*, IPR2019-01393, Paper 24 at 7 (June 16, 2020).

That said, Judge Noreika grants or partially grants 84% of motions to stay pending instituted IPRs or PGRs. EX1018. When multiple patents are asserted in the litigation, Judge Noreika has granted stays when IPRs have been instituted for most of the asserted patents. *See, e.g., MQ Gaming, LLC v. Lego Sys., Inc.*, No. 1:19-cv-00905, Dkt. 145 at 1 (Feb. 18, 2021); *see also id.*, Minute Entry (D. Del. Mar. 17, 2021) (granting motion to stay following instituted IPRs for five of eight patents); *Nuance Commc’ns, Inc. v. MModal, LLC*, No. 1:17-cv-01484, Dkt. 226 at 25-30 (D. Del. Apr. 11, 2019) (granting stay pending IPR of five of six asserted patents). PO asserts five patents in the pending litigation, and Petitioner challenges each one in pending IPRs. *See* EX2001; PO Br. at 2. Given the strong merits of each Petition and absence of factors supporting discretionary denial, each IPR will likely be instituted, leading to a stay of the litigation.

PO’s arguments to the contrary fail. PO first criticizes Petitioner because it has not yet requested a stay of the district court case. PO Br. at 7. But this argument ignores that the customary practice in the District of Delaware is to wait until after

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institution to seek a stay because pre-institution motions to stay are typically denied as premature. *See, e.g., Waters Corp. v. Agilent Techs., Inc.*, No. 1:18-cv-01450, Dkt. 95 (D. Del. Aug. 6, 2019) (denying “request to stay the litigation pending IPR without prejudice to renew after the PTAB decision on institution”). Petitioner will submit a motion for a stay immediately upon institution of its IPRs.

PO also argues that the likelihood of a stay is low because an institution decision for the last-filed IPR is expected on February 13, 2026, one month before the *Markman* hearing in the litigation. PO Br. at 8. But Judge Noreika routinely grants stays just before the *Markman* hearing. *See Chemours Co. FC, LLC v. Daikin Indus., Ltd.*, No. 1:17-cv-01612, Dkt. Entry for May 31, 2018 (D. Del.); *see also id.*, Dkt. Entry for Dec. 21, 2018 (Judge Noreika granting stay pending IPRs less than one month before scheduled *Markman* hearing); *see also Rein Tech, Inc. v. Mueller Sys., LLC*, No. 1:18-cv-01683, Dkt. 24 (D. Del. June 3, 2019); *see also id.*, Dkt. Entry for Mar. 12, 2020 (Judge Noreika granting stay pending *ex parte* reexamination less than one month before scheduled *Markman* hearing).

Finally, PO argues that a stay is unlikely because patents *related to* the five patents Petitioner now challenges in IPRs were previously held to not be invalid. PO Br. at 8. These prior challenges do not bear on the pending IPRs, which challenge patents and claims that the Board has never previously considered based on invalidity grounds that the Board has never previously considered.

2. Factor 2: FWD before trials favors referral

As discussed above, the Board's statutory deadline for issuing its FWD falls before both the scheduled trial date and anticipated trial date based on time-to-trial statistics. *Supra* § II.B. This factor therefore favors referral to the merits panel.

3. Factor 3: Litigation in early stages favors referral

The district court litigation is in its early stages. By the January 16, 2026 institution deadline, the *Markman* hearing will still be nearly two months away and close of expert discovery will be over seven months away. EX2003 at 15-16. This early phase of the litigation weighs against discretionary denial. *See, e.g., SAP Am., Inc. v. Cyandia, Inc.*, IPR2024-01433, Paper 13 at 10-11 (Apr. 7, 2025) (factor 3 favors referral where claim construction terms and contentions exchanged, no *Markman* hearing held, and expert discovery to close in approximately two months); *Shenzhen Tuozyu Tech. Co., Ltd. v. Stratasys, Inc.*, IPR2025-00321, Paper 10 at 12 (June 18, 2025) (factor 3 weighs against discretionary denial where “expert discovery do[es] not close until next year”). Given the early phase, “the district court has not issued orders related to the patent at issue in the petition,” which further “weighs against exercising discretion to deny institution.” *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 10 (Mar. 20, 2020).

PO argues that “Amazon waited nearly a year to file its IPR petitions, with the last IPR petition being filed just ten days before Amazon’s statutory bar deadline.”

PO Br. at 11. But Petitioner diligently prepared each IPR Petition and timely filed them within statutory deadline, including this Petition filed over a month before the deadline. Petitioner's diligence is highlighted by the fact that it filed this Petition without the benefit of PO's amended infringement contentions, approximately two months after serving its initial invalidity contentions, and less than four months after receiving PO's initial infringement contentions. *See, e.g., Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 17 (Dec. 1, 2020) (diligence shown where "Petitioner filed its Petition approximately two months after serving its initial invalidity contentions, and approximately two weeks before the statutory deadline").

And PO's complaint that the FWD here will issue after the *Markman* hearing and may therefore lead to inconsistent constructions ignores the high likelihood that the district court case is stayed pending resolution of the instituted IPRs, as discussed for factor 1, above. Moreover, "it is neither uncommon nor impermissible" for different claim constructions to be advanced "before a District Court and the PTAB," as district court proceedings involve additional issues "outside the scope of *inter partes* review" such as infringement and indefiniteness. *See Chanel, Inc. v. Molo Design, Ltd.*, IPR2022-00543, Paper 7 at 9 (Aug. 12, 2022).³

³ PO also argues that claim terms from related patents were construed in the previous litigation and that the parallel litigation involves some products also accused in the

4. Factor 4: Lack of overlapping issues in IPR and litigation favors referral

This Petition challenges all 44 claims of the '758 patent. Only 20 of the claims are at issue in the district court case. Thus, this Petition challenges 24 additional claims—more than half of the claims recited in the '758 patent—which weighs in favor of referral to the merits panel. *POSCO Co., Ltd. v. ArcelorMittal*, IPR2024-01377, Paper 11 at 15-16 (Mar. 18, 2025) (factor 4 “weighs heavily against discretionary denial” where petition “addresses 16 more claims” than the parallel litigation); *Samsung Elecs. Co., Ltd. v. SiOnyx, LLC*, IPR2024-01431, Paper 21 at 16 (Apr. 10, 2025) (factor 4 weighs against discretionary denial where litigation will not adjudicate invalidity of claims challenged in petition); *Samsung Elecs. Co., Ltd. v. Dynamics Inc.*, IPR2020-00504, Paper 16 at 9 (Oct. 13, 2020) (same).

PO's emphasis on a *Sotera* stipulation is misplaced because the PTO's Guidance explains that “a stipulation may not be particularly meaningful” where, as here, “the petitioner is relying on corresponding system art in a co-pending proceeding.” EX2013 at 5. As PO is well-aware, Petitioner relies on several prior art systems in the district court case to prove invalidity. Thus, any *Sotera* stipulation here would “not be particularly meaningful” to the discretionary denial inquiry. *Id.*

previous litigation. PO Br. at 12-13. PO does not explain how these points support discretionary denial under factor 3, because these points are irrelevant.

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Moreover, estoppel under § 315(e)(2) precludes Petitioner from submitting overlapping grounds of invalidity at the district court. As such, PO's concerns of inefficiency are limited in this case by the combination of IPR estoppel and a high likelihood of a stay upon institution. *See Anthony, Inc. v. ControlTec, LLC*, IPR2025-00636, Paper 9 (July 16, 2025) (referring IPR to merits panel over PO's complaint in discretionary denial request that Petitioner had not filed a *Sotera* stipulation); *see also id.*, Paper 6 (June 10, 2025). On balance with the lack of overlap between the 44 claims of the '758 patent challenged here and the 20 claims at issue in the district court case, this factor favors referral.

5. Factor 5: Petitioner is the defendant in the litigation, favoring referral

Petitioner is the defendant in the district court case. Since the FWD will be entered "around" the same time as the scheduled trial date (two months prior) this factor favors referral to the merits panel. *NVIDIA Corp. v. Invensas Corp.*, IPR2020-00603, Paper 11 at 23 (Sept. 3, 2020) (factor 5 favors referral "[b]ecause NVIDIA is the same party in both district court case and this proceeding, and we are likely to reach the merits at or around the same time as the district court"). At worst, this factor is "neutral or weighs slightly in favor of not exercising discretionary denial" because, like here, "the district-court trial—and hence any ruling on the validity of the claims asserted in the district court—may not occur before the entry of a final written decision in this IPR." *BOE Tech. Grp. Co. v. Optronix Scis. LLC*, IPR2024-

01130, Paper 16 at 13-14 (Jan. 27, 2025) (factor 5 is neutral or in favor of institution where parties are the same in IPR and district court case); *Shenzhen Root Tech. Co. v. Chiaro Tech. Ltd.*, IPR2024-01296, Paper 9 at 19-20 (Feb. 25, 2025) (same); see *Nokia of Am. Corp. v. Soto*, IPR2023-00680, Paper 30 at 13 (Dec. 3, 2024) (“*Fintiv* factor 5 is neutral” where the petitioner is a defendant in the district court case).

6. Factor 6: Other relevant considerations favor referral

Other “relevant considerations” outlined in the Interim Processes for PTAB Workload Management weigh against discretionary denial. First, “the validity or patentability of the challenged patent claims” has not already been adjudicated at the PTAB or any other forum. “Interim Processes for PTAB Workload Management” (Mar. 26, 2025) at 2. Second, the Petition does not exceedingly rely on expert testimony because, as explained below, the “unpatentability challenge” is strong based on the express disclosures of the prior art cited in the Petition that the Examiner failed to consider during prosecution. *See id.*

The Examiner committed “material error during patent examination” to allow the ’758 patent. *See Microsoft Corp. v. ParTec Cluster Competence Ctr. GmbH*, IPR2025-00318, Paper 9 at 3 (June 12, 2025). Specifically, the Examiner allowed the patent after determining that the prior art did not disclose the claim limitation “determining...a context for the natural language utterance based on the recognized words or phrases.” EX1003 at 32. But the Petition shows that both the Aretoulaki-

Ramer and Kennewick-Hao invalidity grounds render this limitation obvious. In the Aretoulaki-Ramer ground, the claimed “context” is disclosed in Aretoulaki as the “domain or application” of an utterance, which Aretoulaki determines based on “individual words” (i.e., the claimed “recognized words or phrases”) of the utterance. Pet. at 15. In the Kennewick-Hao ground, Kennewick discloses determining a “context” by “keyword matching” “tokens” corresponding to “recognized words or phrases,” as recited in the claim. *Id.* at 51-52. The Examiner erred by failing to consider these grounds during prosecution, and “it is an appropriate use of Office resources to review [such] potential error.” *Microsoft*, IPR2025-00318, Paper 9 at 3; *see also Taiwan Semiconductor Mfg. Co. Ltd. v. Marlin Semiconductor Ltd.*, IPR2025-00847, Paper 11 at 3-4 (Sept. 3, 2025).

PO contends that the prior art does not disclose other claim limitations, but each of PO’s arguments fail. *See* PO Br. at 15-17. First, PO argues that the Petition inconsistently relies on two different modules in Aretoulaki (“NLP Manager” and “Dialogue/Knowledge Manager”) for determining a “context for the natural language utterance” as recited in limitation 1.c. *See id.* at 15-16. But the Petition consistently explains that Aretoulaki’s NLP Manager determines the context for the natural language utterance, as claimed. Pet. at 15. When the context is ambiguous, the NLP Manager calls Dialogue and Knowledge Managers for assistance, but it is the NLP Manager that ultimately determines the context. *Id.*; EX1004, 15:16-29.

PO next argues that the Petition maps “domain semantic representation” to the claimed context, but this is wrong. PO Br. at 15-16. The Petition explains that Aretoulaki’s NLP Manager determines a context (a “domain or application”) that is used to generate a “domain semantic representation.” Pet. at 15-16. The Petition does not equate the “domain semantic representation” to the claimed “context.”

PO then argues that the Petition, for limitation 1.d, fails to address “additional steps” that occur in Aretoulaki’s system between “determining...a context” and “selecting...a purchase opportunity.” PO Br. at 16. But these “additional steps” are irrelevant because the claims do not recite or prohibit them. Regardless, PO is wrong because the Petition discusses Aretoulaki’s “additional steps.” Pet. at 15-16.

Finally, PO contends that the Board previously held that Hao’s Fig. 4 does not relate to “speech input processing” in a previous IPR challenging another patent. PO Br. at 16. But there the Board held that the petition “ha[d] not established that the embodiment disclosed in Figure 4 uses voice input.” *Amazon.com, Inc. v. VB Assets, LLC*, IPR2020-01380, Paper 8 at 20 (Feb. 4, 2021). In contrast, the Petition here establishes how the Fig. 4 embodiment is used for voice input. The Petition explains how the “free form text processing” shown in Fig. 4 is one step of speech processing. Pet. at 63-64. Specifically, speech processing includes two steps—speech recognition and natural language understanding (NLU). Pet. at 63-64; EX1007, [0022], claim 15. As part of speech recognition, voice inputs are converted into text.

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Id. Then, as part of the NLU step, the text is processed. *Id.* Fig. 4 shows one example of this NLU processing, where the system analyzes tokens to determine the meaning of the text. Pet. at 63-64; EX1007, [0042]-[0046], [0050]. A POSITA would have understood that Hao's systems, including those shown in Figs. 1 and 2, perform both speech processing steps and therefore perform the "text processing" of Fig. 4 on voice inputs. Pet. at 63-64; EX1007, [0042]. Thus, no modification of Hao is necessary to process speech because, as the Petition explains, it is already configured to process voice inputs. Additionally, the Petition does not rely on Hao's Fig. 4 alone to disclose the relevant claim limitation (1.h). Pet. at 62-65. The Petition also cites Fig. 3 and its corresponding written description as disclosing limitation 1.h, and PO does not contend that this invalidity analysis is deficient. *Id.* Thus, the invalidity of this limitation does not rise or fall on Fig. 4, weighing against discretionary denial.

D. PO's Mischaracterizations Do Not Justify Discretionary Denial

PO's discretionary denial request should be denied for the reasons provided above. The Director should afford no weight to PO's additional mischaracterizations of Petitioner and prior meetings PO alleges occurred, which are addressed here.

PO discusses at length alleged meetings between its predecessor VoiceBox and Amazon that purportedly occurred in 2011 and 2017—before the '758 patent application was even filed. PO Br. at 2-5. PO also harps on the previous litigation

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between the parties, which also began before the '758 patent issued and never involved the '758 patent. *Id.* at 5-7. The '758 patent has never been challenged in IPR, so PO instead raises previous IPRs addressing patents that are not subject to a pending IPR. *Id.* at 6, 8, 19. While the PTAB denied institution of IPRs challenging patents related to the '758 patent, it did so because it found that certain claim limitations of those patents were not disclosed in the prior art. *See Amazon.com, Inc. v. VB Assets, LLC*, IPR2020-01388, Paper 10 at 17-18 (Feb. 24, 2021) (claim limitation: “responsive to the existence of a pronoun in the natural language utterance, determining whether the pronoun refers to one or more of the product or service”); *Amazon.com, Inc. v. VB Assets, LLC*, IPR2020-01390, Paper 7 at 18-23 (Mar. 11, 2021) (claim limitation: “mapping a stream of phonemes...to one or more syllables that are phonemically represented in an acoustic grammar”); *Amazon.com, Inc. v. VB Assets, LLC*, IPR2020-01374, Paper 10 at 16-21 (Feb. 4, 2021) (claim limitations: “obtaining a first interpretation of the second natural language utterance from the first domain agent” and “a second interpretation...from the second domain agent”); *Amazon.com, Inc. v. VB Assets, LLC*, IPR2020-01377, Paper 10 at 17-22 (Feb. 4, 2021) (same). None of those limitations are recited in the broader claims of the '758 patent challenged here.

When describing the alleged meetings and prior proceedings from years ago, PO repeatedly mischaracterizes Amazon. As just a few examples, PO asserts that

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VoiceBox “learned Amazon had been actively poaching its customers,” that Amazon “was using its vast resources to supplant VoiceBox,” and that after the judgment in the original litigation, “Amazon continued to heavily promote its infringing technology, even introducing a smart speaker nearly identical in *appearance* to the original VoiceBox.” PO Br. at 4-7. These statements are false.

Amazon is a pioneer in speech recognition. It developed its now ubiquitous “Alexa” speech recognition technology over many years and through the hard work of thousands of engineers. Amazon never poached customers from VoiceBox, does not infringe any of PO’s patents, never copied the design of any VoiceBox speaker, and never tried to “supplant VoiceBox.” Instead, Amazon focused on developing world-class speech recognition technology that its customers would love. After Amazon succeeded, VoiceBox focused its efforts on trying to craft patent claims that read on Alexa, years after Alexa’s release. PO’s statements to the contrary are wrong, and those gratuitous statements do not justify discretionary denial.

III. CONCLUSION

For the foregoing reasons, PO’s discretionary denial request should be denied.

IPR2025-01240

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Dated: October 16, 2025

Respectfully submitted,

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J. David Hadden

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on October 16, 2025, I caused a true and correct copy of the foregoing PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL and related Exhibit 1018 to be served electronically on Petitioner's lead and backup counsel at the following addresses:

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The foregoing was also electronically served upon counsel of record for Patent Owner in the litigation pending before the U.S. District Court for the District of Delaware entitled *VB Assets, LLC v. Amazon.com Services LLC*, No. 1:24-cv-00839-MN, as follows:

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