

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

VB ASSETS, LLC,

Plaintiff,

v.

AMAZON.COM SERVICES, LLC,

Defendant.

C.A. No. 24-839-MN

**PLAINTIFF VB ASSETS, LLC'S RESPONSES TO DEFENDANT'S FIRST  
SET OF INTERROGATORIES (NOS. 1-14)**

Pursuant to Federal Rule of Civil Procedure 33, Plaintiff VB Assets, LLC ("VBA"), through counsel, objects and responds to Defendants Amazon.com Services LLC's ("Amazon's") First Set Interrogatories Nos. 1-14.

**PRELIMINARY STATEMENT**

The following responses are made solely for the purpose of, and in relation to, this action. Each response is provided subject to all appropriate objections (including, without limitation, objections concerning competency, relevancy, materiality, propriety, and admissibility) that would require the exclusion of any statement contained herein if the statement were made by a witness present and testifying in court. All such objections and grounds are therefore reserved and may be interposed at the time of trial.

The following responses are based on the facts and information presently known and available to VBA. The responses refer only to those contentions that have been asserted to date, based on the facts now known to VBA. Discovery, investigation, research, and analysis are ongoing in this case and may disclose the existence of additional facts, add meaning to known facts, establish entirely new factual conclusions or legal contentions, or possibly lead to additions,

variations, and changes to these responses. VBA reserves the right to change or supplement these responses as additional facts are discovered, revealed, recalled, or otherwise ascertained.

### **OBJECTIONS TO DEFINITIONS**

1. VBA objects to Amazon's definition of "plaintiff," "you," "your," and "VBA" as overly broad and unduly burdensome. For purposes of these requests, reference to "plaintiff," "you," "your," and "VBA" shall refer to plaintiff VB Assets, LLC only.

2. VBA objects to Amazon's definition of "VoiceBox" as overly broad and unduly burdensome. For purposes of these requests, reference to "VoiceBox" shall refer to VoiceBox Technologies Corporation and VoiceBox Technologies, Inc. only.

3. VBA objects to Amazon's use and definition of the term "related patents/applications" as inaccurate, vague and ambiguous, overly broad and unduly burdensome, irrelevant, not proportional to the needs of the case, and as seeking a legal conclusion by purporting to include all patents, patent applications and/or patent publications concerning subject matter similar to the claimed subject matter of the asserted patents. VBA will limit its responses to the asserted patents.

4. VBA objects to Amazon's use and definition of the term "prior art" as inaccurate, overly broad and unduly burdensome, vague and ambiguous, and as seeking a legal conclusion, including to the extent it includes things or acts that are not prior art under 35 U.S.C. §§ 102 or 103.

5. VBA objects to Amazon's use and definition of the term "document" as vague and ambiguous, overly broad and unduly burdensome, and to the extent it purports to impose requirements or obligations on VBA beyond those set forth in the Federal Rules of Civil Procedure, the Court's Scheduling Order (D.I. 32 ¶ 1), and the Court's Default Standard for Discovery.

6. VBA objects to Amazon's use and definition of the term "all documents" as overly broad and unduly burdensome, and to the extent it purports to impose requirements or obligations on VBA beyond those set forth in the Federal Rules of Civil Procedure, the Court's Scheduling Order (D.I. 32 ¶ 1), and the Court's Default Standard for Discovery.

7. VBA objects to Amazon's use and definition of the term "communication" as overly broad and unduly burdensome, and to the extent it purports to impose requirements or obligations on VBA beyond those set forth in the Federal Rules of Civil Procedure, the Court's Scheduling Order (D.I. 32 ¶ 1), and the Court's Default Standard for Discovery.

8. VBA objects to Amazon's use and definition of the terms "relate to," "relates to," "related to," "relating to," "referring to," "pertaining to," "pertain to," and "regarding" and all requests incorporating these terms, as overly broad, vague, ambiguous, unintelligible, requiring subjective judgment on the part of VBA and/or its attorneys, and calling for conclusions or opinions of counsel in violation of the attorney work product doctrine.

9. VoiceBox objects to the definition of "identify" as overly broad, unduly burdensome, and calling for the provision of information that is in the public domain and/or is equally available to Amazon.

### **OBJECTIONS TO INSTRUCTIONS**

1. VBA objects to the instructions accompanying Amazon's interrogatories to the extent that such instructions are not consistent with the provisions of the Federal Rules of Civil Procedure, Local Rules of the United States District Court for the District of Delaware, or other applicable law, or to the extent that the instructions purport to require VBA to take actions or provide information not required or which exceed the scope of the Federal Rules of Civil

Procedure, Local Rules of the United States District Court for the District of Delaware, or other applicable law.

2. VBA objects to Instruction No. 1 to the extent it purports to impose requirements or obligations on VBA beyond those set forth in the Federal Rules of Civil Procedure, the Court's Scheduling Order (D.I. 19 ¶ 1), and the Court's Default Standard for Discovery, including by purporting to require information outside the possession, custody, or control of VBA or that cannot be found in the course of a reasonable search.

3. VBA objects to Instruction No. 3 to the extent Amazon purports to place any burden on VBA to construe any vague or ambiguous term Amazon chose to use in its interrogatories.

4. VBA objects to Instruction No. 4 to the extent Amazon purports to place any burden on VBA beyond the requirements of Rule 33(d).

5. VBA objects to Instruction No. 5 to the extent Amazon purports to place any burden on VBA beyond the requirements of Rule 26(b)(5).

6. VBA objects to Instruction Nos. 6–8 to the extent that the instructions purport to require VBA to take actions or provide information not required or which exceed the scope of the Federal Rules of Civil Procedure, Local Rules of the United States District Court for the District of Delaware, or other applicable law.

## **OBJECTIONS AND RESPONSES**

### **INTERROGATORY NO. 1.**

Identify all products, technologies, or services that you contend practice or embody (or have at any time practiced or embodied) any alleged invention described or claimed in each of the asserted patents, including without limitation any allegedly practicing products and/or services of any named inventor, VB Assets, LLC, VoiceBox Technologies, Inc., VoiceBox Technologies,

Corp., or any of their licensees, assignees, subsidiaries, affiliates, predecessors, or successors-in-interest.

### **RESPONSE TO INTERROGATORY NO. 1**

VBA objects that this interrogatory is vague and ambiguous, overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests information related to all products, technologies, or services that practice or embody (or have at any time practiced or embodied) any alleged invention described or claimed in each of the asserted patents. VBA further objects that this interrogatory is vague and ambiguous, overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests information related to “products and/or services of any named inventor, [] VoiceBox Technologies, Inc., VoiceBox Technologies, Corp.” and “any of their licensees, assignees, subsidiaries, affiliates, predecessors, or successors-in-interest.” VBA further objects to this interrogatory to the extent it seeks information that is not in VBA’s possession, custody, or control. VBA further objects to this interrogatory as premature to the extent it calls for information that is the subject of expert discovery. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

VBA is currently unaware of any publicly available products or services of VBA, VoiceBox Technologies, Inc., VoiceBox Technologies, Corp. or licensees of the asserted patents that practice or embody any claim of the asserted patents. VBA’s investigation is ongoing and it reserves the right to supplement its response to this Interrogatory.

## **INTERROGATORY NO. 2.**

For each asserted claim of the asserted patents, describe in detail the circumstances of its invention, including without limitation: the earliest claimed date(s) of conception and reduction to practice, when and where such conception and reduction to practice occurred, all persons involved in or otherwise having knowledge of such conception and reduction to practice, the nature and extent of each individual's involvement in and their relative contribution to such activities, and the identification of all documents and tangible things relating to the earliest claimed date(s) of conception and reduction to practice. If you contend the inventors were diligent in reducing such claim to practice, include the full factual and legal basis for that contention, including any basis you contend excuses any period(s) of non-diligence.

## **RESPONSE TO INTERROGATORY NO. 2**

VBA objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, not proportional to the needs of the case, and compound to the extent that it requests information about “when and where such conception and reduction to practice occurred” and “all persons involved in or otherwise having knowledge of such conception and reduction to practice, the nature and extent of each individual's involvement in and their relative contribution to such activities” and “the identification of all documents and tangible things relating to the earliest claimed date(s) of conception and reduction to practice.” VBA further objects to the phrase “the circumstances of its invention” as vague and ambiguous. VBA further objects to this interrogatory as vague and ambiguous, overbroad and unduly burdensome, to the extent it seeks information not relevant to any claim or defense in this action, immaterial, and not proportional to the needs of the case, particularly to the extent it seeks information relevant to “diligence” or “excuses any period(s) of non-diligence.” To the extent diligence becomes relevant in this case,

diligence is only relevant from a time just before the effective date of an identified prior art reference. VBA further objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

VBA's investigation is ongoing, but at the present time, VBA contends that each asserted claim of the asserted patents was conceived and reduced to practice by the named inventors no later than the earliest effective filing date for each patent, including any provisional applications. VBA does not contend that it is entitled to an earlier effective filing date based on conception prior to filing the earliest filed patent application in the chain of priority.

### **INTERROGATORY NO. 3.**

For each asserted claim of the asserted patents, describe in detail all facts and circumstances relating to the first written description, offer for sale, sale, public disclosure, public use, or disclosure to any person other than a named inventor of the claimed invention, including, without limitation, the identity of the person involved in each such event, the date on which each such event occurred, and the identification of each document that reflects or relates to such facts and circumstances.

### **RESPONSE TO INTERROGATORY NO. 3**

VBA objects that this interrogatory is overly broad and unduly burdensome to the extent that it seeks information that is not related to any claim or defense in this action and is not proportional to the needs of the case. In particular, VBA objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the

needs of the case to the extent that it requests “all facts and circumstances relating to the first written description, offer for sale, sale, public disclosure, public use, or disclosure to any person other than a named inventor of the claimed invention.” VBA further objects to this interrogatory as vague and ambiguous and seeking a legal conclusion as to the terms “first written description, offer for sale, sale, public disclosure, public use.” VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

VBA understands that, with respect to the asserted patents, VBA, VoiceBox Technologies, Inc., or VoiceBox Technologies, Corp. did not provide a written description, offer for sale, sale, public disclosure, public use, or disclosure to any person prior to the first effective filing date of the asserted patents. However, Tom Freeman and Larry Baldwin did submit a paper entitled “Enhancing the VUE (Voice-User-Experience) Through Conversational Speech” for a conference scheduled for October 16-18, 2006. VoiceBox-0006684-0006691.

In accordance with Federal Rule of Civil Procedure 33(d), VBA refers to the following documents because the burden of deriving or ascertaining the answer to this interrogatory from these produced documents is substantially the same for Amazon as for VBA: VoiceBox-0000018-0000419; VoiceBox-0000442-00081599; VoiceBox-0002665-0004642; VoiceBox-0048079-0048174; VBA\_00000001-00001395, VBA\_00001519-00003160, VBA\_00003290-00003315, VBA\_00004004-00006143, and VBA\_00006200-00006143.

VBA’s investigation is ongoing and it reserves the right to supplement its response to this Interrogatory.

#### **INTERROGATORY NO. 4.**

If you contend that any of the asserted patents or any of the asserted claims is entitled to a priority date prior to the filing date of that patent, state all factual and legal bases for that contention, including identifying which claims and patents you contend are entitled to which priority dates, the written description that supports such claim of priority, and which documents support your contentions.

#### **RESPONSE TO INTERROGATORY NO. 4**

VBA objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests “all factual and legal bases for that contention.” VBA further objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, not proportional to the needs of the case, and calling for a legal conclusion to the extent that it requests an identification of “which claims and patents . . . are entitled to which priority dates” and “the written description that supports such claim of priority.” VBA further objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory as premature to the extent it calls for information that is the subject of expert discovery. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows: The asserted patents claim priority to the following patents. The specification and figures in each of the asserted patents is the same as the patents to which they claim priority because the asserted patents are continuation and/or divisional applications of these patents.

| <b>Asserted Patent</b> | <b>Filed</b> | <b>Claims Priority to</b>                          | <b>Filed</b> |
|------------------------|--------------|----------------------------------------------------|--------------|
| 9,502,025              | 11/10/2010   | Provisional application No. 61/259,820             | 11/10/2009   |
| 10,297,249             | 04/20/2015   | Application No. 11/580,926, now Pat. No. 8,073,681 | 10/16/2006   |
| 10,755,699             | 05/29/2019   | Application No. 11/580,926, now Pat. No. 8,073,681 | 10/16/2006   |
| 11,080,758             | 11/19/2018   | Application No. 11/671,526, now Pat. No. 7,818,176 | 02/06/2007   |
| 11,087,385             | 08/28/2019   | Application No. 14/855,334, now Pat. No. 9,626,703 | 09/15/2015   |

In accordance with Federal Rule of Civil Procedure 33(d), VBA refers to the following documents because the burden of deriving or ascertaining the answer to this interrogatory from these produced documents is substantially the same for Amazon as for VBA: VoiceBox-0000018-0000419; VoiceBox-0000442-00081599; VoiceBox-0002665-0004642; VoiceBox-0048079-0048174; VBA\_00000001-00001395. VBA\_00001519-00003160, VBA\_00003290-00003315, VBA\_00004004-00006143, and VBA\_00006200-00006143.

VBA's investigation is ongoing and it reserves the right to supplement its response to this Interrogatory.

#### **INTERROGATORY NO. 5.**

If you contend that there exist any secondary considerations or objective evidence of non-obviousness with respect to each of the claimed inventions of the asserted patents, state in detail the full factual and legal basis for your contention, including identifying all persons and documents supporting this contention. Your answer should also identify and explain any nexus you contend exists between the claimed invention(s) and any evidence of secondary considerations or objective evidence of non-obviousness, including without limitation a claim-by-claim description of the connection between each of the asserted claims and any evidence of commercial success.

## **RESPONSE TO INTERROGATORY NO. 5**

VBA objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests “all factual and legal bases for that contention.” VBA further objects that this interrogatory is overly broad and unduly burdensome to the extent that it seeks an identification and explanation of “any nexus . . . between the claimed invention(s) and any evidence of secondary considerations or objective evidence of non-obviousness, including without limitation a claim-by-claim description of the connection between each of the asserted claims and any evidence of commercial success.” VBA further objects to this interrogatory as premature to the extent it calls for information that will be the subject of expert discovery. VBA further objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

Pursuant to 35 U.S.C. § 282, the asserted patents are presumed valid and Amazon bears the burden of proving, by clear and convincing evidence, that each of the asserted claims of the asserted patent is invalid, which it has not done. Furthermore, various objective indicia evidence that the asserted patents were non-obvious.

*First*, the commercial success of Amazon’s accused products demonstrates objective evidence of nonobviousness of the asserted patents. Amazon launched Echo devices with the Alexa voice assistant in late 2014. Amazon then incorporated Alexa into its Fire Tablets and Fire TV products, and, over time, has expanded the use of Alexa into third party products from partners such as Sonos, Bose, Samsung, LG and others. Worldwide, Amazon has sold over 1 billion Alexa-

enabled devices. The asserted patents provide an important contribution to the overall success of Alexa, including because they allow Amazon to improve the customer experience for users of Alexa products by, among other things, reducing the number of unproductive, extra dialog turns in interactions with Alexa and Alexa Shopping, as these would lead to higher customer friction, poor customer experience, and higher customer lapse.

*Second*, Amazon's copying of the technology claimed by the asserted patents provides further objective evidence of nonobviousness of the asserted patents. For instance, as outlined in response to Interrogatory No. 13, which VBA incorporates by reference, Amazon had access to VBA's technology in the 2011 timeframe (at a time early in Echo/Alexa's development when Amazon was still forming its plans for Alexa's natural language understanding capabilities) and again in 2017 (when Amazon was still trying to improve its Alexa shopping customer experience). Those facts, coupled with the inclusion by Amazon of features of VBA's technology in the accused products, as outlined in VBA's March 4, 2025 infringement contentions, which are incorporated by reference, constitute evidence of copying.

*Third*, the asserted patents satisfied a long felt, but unmet need. Voice user interface systems in existence before the inventions of the asserted patents were typically of the "Command and Control" type. Such systems used verbal menus to restrict information that a person can provide at a given point. For example, the voice system would present the list of available options either verbally and/or on a screen. The user could then respond by speaking the menu item. Such a system could include numerous menus that the user would have to get through in order to convey the desired information to the system and/or to cause the system to take the desired action. These systems had a significant problem in that users would have to memorize exact words and phrases in order to interact with the system. This required significant learning because the user had to

know which words and phrases to use in order to make a request of a Command and Control voice user interface system. Additionally, the process of stepping through menus could be time-consuming and, in some cases might dissuade a user from utilizing the voice-based system.

Similar problems existed for online shopping, where a user had to search a website in order to locate a product or service to be purchased, and fill-out numerous payment and shipping forms to complete checkout. Thus, there existed a need for a way to communicate with computers in a more conversational manner.

In 2011, Amazon aspirationally described requirements for its launch use cases for Echo/Alexa, including the must-have use cases of Alexa and Amazon Shopping. *See, e.g.,* AMZ\_VB\_00000104 at 107-108. Thus, Amazon recognized that it needed to streamline voice interactions and minimize the turns in customer dialogs, both for Alexa and Shopping.

Other industry leaders also recognized this need. In a Pew Research article published in August 2014, just a few months before Amazon announced Echo and Alexa, the chief economist for Google described that implementation of the technology would be commonplace *by 2025*:

Hal Varian, chief economist for Google, views the current wave of smartphone-enabled assistants as the tip of the iceberg: “We will rely on personal assistance from devices such as Google Now, Siri, Watson, etc. Much of the interaction will be verbal, so this will look a lot like the Star Trek computer interaction. We will expect computers that we meet to know us and our history of interaction with them. In general, they will infer what we want, and our role is Simply to refine and verify that expectation. We will be well on our way to universal access to all human knowledge via the worldwide network of mobile devices and data centers. Day-to-day interaction with devices and data will be by voice. One Industry that will be

hugely affected is education: what should be people be taught when they can access all human knowledge all the time?

Aaron Smith & Janna Anderson, “Predictions for the State of AI and Robotics in 2025”, Pew Research Center (August 6, 2014), available at

<https://www.pewresearch.org/internet/2014/08/06/predictions-for-the-state-of-ai-and-robotics-in-2025/>.

To overcome the shortcoming of prior art systems and deliver upon the long-awaited desire for a more conversational computer, the inventors provided a solution that used an “Automatic Speech Recognizer” (or ASR) to generate a preliminary interpretation and provide that preliminary interpretation to a “conversational speech engine,” which communicates with databases to generate an adaptive conversational response. The inventors were thereby able to provide a solution addressing the problems of the prior art, allowing a user to converse naturally with a voice user interface system instead of “dumbing down” their requests to match the simple sets of instructions that existing Command and Control systems required.

The innovations in other asserted patents also meet the long felt need for simpler online shopping or content designating by preparing and completing a shopping or content dedication transaction using natural language, without further user input identifying a product or service, payment information, or shipping information, as was necessary in prior systems.

VBA’s investigation is ongoing and it reserves the right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 6.**

Identify the level of ordinary skill in the art that you contend is applicable to each of the asserted patents, including the date against which you contend the level of ordinary skill in the art

should be measured, and identify all documents and things upon which you rely to establish or support such level of skill.

#### **RESPONSE TO INTERROGATORY NO. 6**

VBA objects to this interrogatory to the extent that it is premature and seeks information that is not related to any claim or defense in this action. Amazon has failed to identify any level of ordinary skill in the art on which its invalidity contentions are based. Furthermore, Amazon has failed to identify any disputed issues regarding infringement, invalidity, or claim construction that turn on the level of skill in the art. VBA further objects to this interrogatory as premature to the extent it calls for information that is the subject of expert discovery.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

Preliminarily, VBA identifies the following level of skill in the art: at least a bachelor-level degree in computer science, computer engineering, electrical engineering, engineering, computational linguistics, or a related field; two years of experience with automatic speech recognition, natural language understanding, engineering, or computational linguistics; and/or equivalent education, research experience, or knowledge. With regard to the date against which the level of ordinary skill in the art should be measured, VBA incorporates by reference its responses to Interrogatory Nos. 2 and 4. VBA may rely on documents regarding: named inventors' educational background and experience; types of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and the educational level of active workers in the field. Discovery and VBA's investigation are ongoing and VBA reserves the right to supplement its response to this interrogatory as appropriate. Further information regarding the level of ordinary skill in the art will

be provided in expert report(s) that will be served in accordance with the applicable scheduling order, which VBA incorporates by reference.

**INTERROGATORY NO. 7.**

Identify all prior art or art that anyone has alleged is prior art relating to the subject matter claimed in the asserted patents that at any time was known by, made known to, or considered by you or any of the named inventors, and for each prior art reference identify the circumstances under which such prior art was discovered, including, when it was discovered, who discovered it, and how it became known and considered by you or any of the named inventors.

**RESPONSE TO INTERROGATORY NO. 7**

VBA objects to this interrogatory to the extent that it is overly broad and unduly burdensome, vague and ambiguous, and seeks a legal conclusion regarding “prior art.” VBA further objects to this interrogatory to the extent that it is overly broad, and unduly burdensome, vague and ambiguous by purporting to request information about “prior art” that was “at any time . . . known by, made known to, or considered by you or any of the named inventors.” VBA further objects to this interrogatory to the extent that it is overly broad and unduly burdensome, not related to any claim or defense in this action, not proportional to the needs of the case, and compound by seeking an identification of “the circumstances under which such prior art was discovered, including, when it was discovered, who discovered it, and how it became known and considered by you or any of the named inventors.” VBA further objects to this interrogatory to the extent it seeks information already in the possession, custody, or control of Amazon. VBA further objects to this interrogatory as premature to the extent it calls for information that will be the subject of expert discovery. VBA further objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-

client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

In accordance with Federal Rule of Civil Procedure 33(d), VBA refers to the following documents because the burden of deriving or ascertaining the answer to this interrogatory from these produced documents is substantially the same for Amazon as for VBA: VBA\_00000001-00001395, VBA\_00001519-00003160, VBA\_00003290-00003315, VBA\_00004004-00006143, and VBA\_00006200-00006143.

VBA's investigation is ongoing and it reserves the right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 8.**

Describe in detail each instance in which any rights in the asserted patents and/or related patents/applications have been licensed (whether for a fee or free), offered to license (whether consummated or not), sold, offered for sale, assigned, offered for assignment, transferred, or offered for transfer, and for each such instance, identify (a) all persons involved; (b) the date(s) of each instance; (c) all draft and final agreements and all communications related to each agreement; (d) all terms offered, requested, or accepted, including fees, rates, restrictions on the terms, including field of use restrictions; (e) all monies received, including providing all details concerning specific product sales or uses that were the purported bases for those monies, and financial statements corroborating the monies received; (f) whether the agreement is currently in effect; (g) whether the agreement was ever in breach or terminated, and if so, by whom and for what; and (h) any valuation(s) of the asserted patents used in any actual or attempted agreement.

## **RESPONSE TO INTERROGATORY NO. 8**

VBA objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests information about “related patents/applications.” VBA further objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests information about “each instance in which any rights in the asserted patents . . . have been . . . offered to license (whether consummated or not), . . . offered for sale, . . . offered for assignment, . . . or offered for transfer.” VBA further objects that this interrogatory is vague and ambiguous, overly broad, not relevant to the claims and defenses at issue in this case, not proportional to the needs of the case, and compound to the extent that it requests information related to separate subparts (a) through (h). VBA further objects that this interrogatory is overly broad and unduly burdensome, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests “draft” agreements and “all communications related to each agreement” and “all terms offered [or] requested . . . including fees, rates, restrictions on the terms, including field of use restrictions” and “all monies received, including providing all details concerning specific product sales or uses that were the purported bases for those monies, and financial statements corroborating the monies received” and “whether the agreement was ever in breach or terminated, and if so, by whom and for what” and “any valuation(s) of the asserted patents used in any actual or attempted agreement.” VBA further objects to this interrogatory to the extent that it seeks information subject to confidentiality agreements, protective orders, and/or any other obligation pursuant to which VBA is required to protect and/or maintain the confidentiality of any third party’s documents. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-

client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

VoiceBox transferred the asserted patents to VBA. *See* VoiceBox-0009570-0009594. The asserted patents have been licensed on a non-exclusive basis to Oracle and Nuance. VoiceBox-0010112-0010121; VoiceBox-0009717-0009726. Also, VoiceBox had preliminary discussions about selling certain asserted patents to various companies, including, without limitation, Adobe, Alibaba, Amazon, Apple, AST, Baidu, Facebook, Fortress, Google, Intel, Microsoft, Nagra, RPX, Samsung, TiVo, Uber, and Walmart. Ultimately, no agreement was reached with these companies.

VBA's investigation is ongoing and it reserves the right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 9.**

For each asserted claim of the asserted patents, identify and describe any investigations, evaluations, or opinions relating to the validity, patentability, and/or enforceability of such claim, whether performed by you or any other entity, and identify all persons with knowledge of such investigations, evaluations, or opinions.

**RESPONSE TO INTERROGATORY NO. 9**

VBA objects that this interrogatory is vague and ambiguous to the extent it seeks information about "any investigations, evaluations, or opinions relating to the validity, patentability, and/or enforceability." VBA further objects to this interrogatory to the extent it seeks information that is not in VBA's possession, custody, or control. VBA further objects to this interrogatory as premature to the extent it calls for information that will be the subject of expert discovery. VBA further objects to this interrogatory as seeking a legal conclusion. VBA further

objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory as premature to the extent it calls for information that is the subject of expert discovery. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

VBA is not aware of any investigations, evaluations, or opinions relating to the validity, patentability, and/or enforceability of the asserted patents that are not privileged or protected by the attorney work product doctrine.

**INTERROGATORY NO. 10.**

If you contend that you are entitled to an award of damages by way of any claim in this action, state what you believe to be the type(s) and amount(s) of damages to be paid by defendant and describe in detail the factual bases upon which you base your calculation of such damages and identify all persons with knowledge of such factual bases.

**RESPONSE TO INTERROGATORY NO. 10**

VBA objects that this interrogatory as premature to the extent it calls for information that is the subject of expert discovery. VBA further objects to this interrogatory as vague and ambiguous because and calling for a legal conclusion as to “what you believe to be the type(s) and amount(s) of damages to be paid by defendants.” VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows: VBA incorporates by reference its December 17, 2024 Identification of Asserted Patents, Accused Products, and Damages Model and any supplements thereto.

Additional information on this subject will be provided in expert reports and other submissions at the appropriate time under the Court's Scheduling Order, Local Rules, and the Federal Rules of Civil Procedure. Discovery and VBA's investigation are ongoing and VBA reserves the right to supplement its response to this Interrogatory as appropriate.

**INTERROGATORY NO. 11.**

Identify each covered product or service, if any, and whether it has ever been marked with the patent numbers of any of the asserted patents, including the date when such marking was first made and the date on which such marking stopped (whether temporarily or permanently); identify all documents or things that you contend provide evidence of such marking; identify all persons with knowledge concerning such facts (specifically identifying the person or persons most knowledgeable); and, if you contend that any basis exists for excusing any failure to mark by any person (including without limitation by any licensee) or for any time period, provide the full factual and legal basis for that contention.

**RESPONSE TO INTERROGATORY NO. 11**

VBA objects that this interrogatory is overly broad and unduly burdensome to the extent that it seeks information that is not related to any claim or defense in this action and is not proportional to the needs of the case. In particular, VBA objects that this interrogatory is vague and ambiguous, overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests information related to "each covered product or service." VBA further objects that this interrogatory is overly broad, not

relevant to the claims and defenses at issue in this case, not proportional to the needs of the case, and compound to the extent that it requests information about “whether it has ever been marked with the patent numbers of any of the asserted patents” and “the date when such marking was first made and the date on which such marking stopped (whether temporarily or permanently)” and “all documents or things that you contend provide evidence of such marking” and “all persons with knowledge concerning such facts (specifically identifying the person or persons most knowledgeable)” and “if you contend that any basis exists for excusing any failure to mark by any person (including without limitation by any licensee) or for any time period, provide the full factual and legal basis for that contention.” VBA further objects to this interrogatory to the extent it seeks information that is not in VBA’s possession, custody, or control. VBA further objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory as premature to the extent it calls for information that is the subject of expert discovery. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

VBA is currently unaware of any “covered product or service” of VBA or any licensee for the asserted patents. VBA’s investigation is ongoing and it reserves the right to supplement its response to this Interrogatory.

**INTERROGATORY NO. 12.**

Describe in detail your contention that “Amazon Steals Echo Concept from VoiceBox,” as alleged in paragraphs 4-13 of your complaint (D.I. 1), including each specific functionality of the technology that you contend was taken; identify all information shared with Amazon (or its current

or previous employees) related to your contention, including technical documents, presentations, demonstrations, communications, meetings, phone calls, emails, letters, meeting notes, meeting minutes, and meeting agendas describing each specific functionality of the technology shared with Amazon; and for each functionality explain how it was incorporated by Alexa and identify the specific Alexa source code corresponding to the functionality.

#### **RESPONSE TO INTERROGATORY NO. 12**

VBA objects that this interrogatory is overly broad and unduly burdensome to the extent that it seeks information that is not related to any claim or defense in this action and is not proportional to the needs of the case. In particular, VBA objects that this interrogatory is vague and ambiguous, overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests information about “each specific functionality of the technology that you contend was taken.” VBA further objects to this interrogatory to the extent it seeks information that is not in VBA’s possession, custody, or control to the extent it seeks information regarding “for each functionality explain how it was incorporated by Alexa and identify the specific Alexa source code corresponding to the functionality.” VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

VBA incorporates by reference its March 4, 2025 infringement contentions and any supplements thereto. In accordance with Federal Rule of Civil Procedure 33(d), VBA refers to the following documents because the burden of deriving or ascertaining the answer to this interrogatory from these produced documents is substantially the same for Amazon as for VBA:

VoiceBox-0004645-0004794; VoiceBox-0004982-0004989; VoiceBox-0005099-0005101;  
VoiceBox-0005142-0005146; VoiceBox-0005160-0005176; VoiceBox-0005283-0005288;  
VoiceBox-0006956-00006986; VoiceBox-0007329-0007365; VoiceBox-0007987-0007989;  
VoiceBox-0008541-0008571.

VBA's investigation is ongoing and VBA reserves the right to further supplement its response to this interrogatory as appropriate.

**INTERROGATORY NO. 13.**

For each of the asserted patents, state the full factual and legal basis for your contention that Amazon's alleged infringement has been willful.

**RESPONSE TO INTERROGATORY NO. 13**

VBA objects that this interrogatory is overly broad and unduly burdensome to the extent that it seeks information that is not related to any claim or defense in this action and is not proportional to the needs of the case. VBA further objects to this interrogatory to the extent it seeks information that is not in VBA's possession, custody, or control. VBA further objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory as premature to the extent it calls for information that is the subject of expert discovery. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

Post-*Halo*, VoiceBox only needs to show by a preponderance of the evidence that Amazon's conduct was and is willful. *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S. Ct. 1923, 1932 (2016). "The subjective willfulness of a patent infringer, intentional or knowing, may warrant

enhanced damages, without regard to whether his infringement was objectively reckless.” *Id.* at 1933. Subjective willfulness requires finding that “the risk of infringement ‘was either known or so obvious that it should have been known to the accused infringer.’” *Id.* at 1928 (quoting *In re Seagate Technology, LLC*, 497 F.3d 1360, 1371 (2007)). Under *Halo*, the concept of willfulness requires a jury to find no more than deliberate or intentional infringement. *Eko Brands, LLC v. Adrian Rivera Maynez Enterprises, Inc.*, 946 F.3d 1367, 1378 (Fed. Cir. 2020) (internal quotation marks omitted); *see also SRI Int’l, Inc. v. Cisco Sys., Inc.*, 14 F.4th 1323, 1330 (Fed. Cir. 2021), *cert. denied*, No. 21-1267, 2022 WL 1528531 (2022). Willfulness is based on the “totality of the circumstances presented in the case.” *Shiley, Inc. v. Bentley Labs., Inc.*, 794 F. 2d 1568 (Fed. Cir. 1986).

As to knowledge of an asserted patent, the Federal Circuit and ensuing district court decisions have made clear that a finding of willfulness does not require direct evidence of actual knowledge, but that circumstantial evidence of knowledge of the patent, or even willful blindness, can be sufficient. *See, e.g., WCM Indus., Inc. v. IPS Corp.*, 721 F. App’x 959, 970 (Fed. Cir. 2018); *SiOnyx, LLC v. Hamamatsu Photonics K.K.*, 330 F. Supp. 3d 574, 609-10 (D. Mass. Aug. 30, 2018); *Ansell Healthcare Prods. LLC v. Reckitt Benckiser LLC*, No. 15-915-RGA, 2018 WL 620968, \*6 (D. Del. Jan. 30, 2018). “Willful blindness has two requirements: ‘(1) the defendant must subjectively believe that there is as high probability that a fact exists and (2) the defendant must take deliberate actions to avoid learning of a fact.’” *Ansell Healthcare*, 2018 WL 620968, at \*6 (quoting *GlobalTech Appliances, Inc. v. SEB S.A.*, 563 U.S. 754, 769 (2011)). In addition, the fact-finder may consider one or more of the *Read* factors. *Read Corp. v. Portec, Inc.*, 970 F.2d 816, 826-27 (Fed. Cir. 1992), *abrogated in part on other grounds by Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996). The *Read* factors include: (1) whether a defendant

deliberately copied a patentee's patented technology or designs; (2) whether a defendant had a good-faith belief that the patents were invalid or not infringed; (3) a defendant's litigation conduct; (4) a defendant's size and financial condition; (5) closeness of the case; (6) duration of a defendant's misconduct; (7) remedial action by a defendant; (8) a defendant's motivation to harm; and (9) whether a defendant attempted to conceal its misconduct. 970 F.2d at 826-27. Not all factors must be present for a court to award enhanced damages; rather, a court "must consider factors that render defendant's conduct more culpable, as well as factors that are mitigating or ameliorating." *Id.* at 826. These factors are exemplary, and "there are no hard and fast per se rules in respect of willfulness." *Studiengesellschaft Kohle, m.b.H. v. Dart Indus., Inc.*, 862 F.2d 1564, 1573 (Fed. Cir. 1988). As shown below, Amazon's conduct satisfies the standard set forth in *Halo*. As a result of at least the 2011 and 2017 meetings between VoiceBox Technologies and Amazon, as well as Amazon's admitted knowledge of certain VoiceBox Patents in 2015 and 2017, Amazon had actual knowledge of the patents, followed by Amazon's copying of VoiceBox Technologies' patented technology, deliberate infringement, and/or willful blindness to the VoiceBox Patents.

In 2011, VBA's predecessor VoiceBox contacted Amazon to explore a potential business relationship where VoiceBox would provide core NLU services to Amazon. Amazon's corporate development, department expressed interest and asked for "company and/or product overview slides" to facilitate an October 7, 2011 teleconference. See VoiceBox-0005234; see also AMZ\_VB\_00234441. In response, VoiceBox provided Amazon with a presentation that described its award-winning patented technology and explicitly referred to VoiceBox's "patented Contextual Speech Technology." See VoiceBox-0007348; see also VoiceBox-0007352-0007365; AMZ\_VB\_100000843-100000857.

Amazon was so impressed by the technology VoiceBox presented on October 7, 2011, that its representative emailed VoiceBox the next business day to invite VoiceBox to visit Amazon's offices on October 19, 2011. *See* VoiceBox-0005233. That meeting was with Douglas Booms, Amazon's Vice President of Worldwide Corporate Development, as well as engineers and product/business development members of Amazon's devices and digital teams. The email from Amazon stated that this was "the right audience to discuss [VoiceBox's] personal digital assistant and underlying conversational voice technology." *See* VoiceBox-0005232; *see also* AMZ\_VB\_0023446. On information and belief, in addition to Mr. Booms and several engineers, at least the following Amazon executives attended the meeting: Nick Komorous (Director, Corporate Development), Ian Freed (VP, Amazon Devices), Greg Hart (VP, Digital), Al Lindsay (Director, Software Engineer), and Frederic Deramat (Senior Principal Engineer). *See* VoiceBox-0005231; *see also* AMZ\_VB\_0023458–0023460.

Two days later, on Friday October 21, 2011, Amazon's Mr. Komorous emailed VoiceBox and asked to visit the company's office for a "deeper dive." *See* VoiceBox-0007043; *see also* AMZ\_VB\_00234507. Mr. Komorous wanted to meet as soon as possible. VoiceBox agreed to meet at VoiceBox's office on October 26, 2011. *See* VoiceBox-0006999; *see also* AMZ\_VB\_00234506.

In advance of the meeting, Mr. Komorous sent a detailed set of technical questions that would help Amazon's "tech team understand the scope and [r]ange of things [Amazon] can try to tackle with VoiceBox[] as a partner." *See* VoiceBox-0006998; *see also* AMZ\_VB\_00234505. Mr. Komorous also conveyed that Amazon's culture was "engineering heavy" and asked that VoiceBox "have engineering and speech representation at the meeting." *See* VoiceBox-0007269; *see also* AMZ\_VB\_00234505.

The October 26, 2011 meeting at VoiceBox Technologies’ office ran from 10 am until 12 noon with some Amazon engineers staying even later until around 2:30 pm. *See* AMZ\_VB\_00234524; *see also* AMZ\_VB\_00234547. The meeting included a tour with additional demos, a review of the technical architecture for VoiceBox Technologies’ server software, and plans for next generation products.

During the meeting, VoiceBox made a slide presentation providing even more detail about VoiceBox’s patented technology and informed Amazon that VoiceBox had 12 patents at the time with an additional 14 pending applications. VoiceBox’s presentation also proposed a business arrangement where VoiceBox would provide “Voice Services” to Amazon. *See* VoiceBox-0006986.

On information and belief, some of the Amazon personnel involved in the 2011 meetings became technical leaders for Amazon’s Alexa Products while others became high-level executives with close working relationships with the senior leadership of Amazon. For instance, on information and belief, Mr. Freed was the Technical Advisor to the CEO, effectively Jeff Bezos’s “shadow” advisor. On information and belief, Mr. Freed later became Vice President, Amazon Devices where he led a team of engineers working on Amazon’s Alexa Products. On information and belief, Mr. Hart has also been Mr. Bezos’s “shadow” advisor—he held the Technical Advisor to the CEO position around 2011. On information and belief, around 2011, Mr. Lindsay was promoted to Vice President managing the Alexa Engine Software team. On information and belief, around 2011, Mr. Deramat was promoted to the position of Vice President & Distinguished Engineer for Amazon Alexa. On information and belief, around 2011, Mr. Thimsen was promoted to the position of Director of Engineering for Amazon Echo. As for Mr. Typrin, he states on his

LinkedIn page that he is “[o]ne of the founding members of the team that shaped the vision and direction for Amazon's Echo and Alexa Voice Services.”

On information and belief, Amazon did not have its own NLU technology, nor did Amazon have NLU expertise in-house. As a result, Amazon had to look externally to provide that NLU technology and expertise as it was developing the Alexa Products. This was Amazon’s true motive for meeting with VoiceBox.

A couple of days after the last meeting in 2011, VoiceBox sent an email to Amazon asking for Amazon’s feedback. Mr. Komorous from Amazon replied that Amazon was “still discussing internally how contextual speech / cybermind 2012 could play a part in [Amazon’s] future.” See VoiceBox-0218012; AMZ\_VB\_00234547–00234548. Amazon abruptly went silent. Amazon did not provide the results of these discussions and did not pursue a business relationship with VoiceBox.

In November 2014, Amazon announced the launch of Alexa, a virtual assistant, along with the first-generation Echo product, a smart speaker. VoiceBox was stunned and dismayed. Amazon had clearly mimicked VoiceBox’s products and technology. The 2011 meetings were a ploy that Amazon used to learn as much as it could about VoiceBox’s technology, business, products and vision for the future.

Amazon’s efforts to supplant and replace VoiceBox did not stop with mimicry. In 2016, Amazon abruptly hired Philippe Di Cristo, who was VoiceBox’s Chief Scientist. While at VoiceBox, Dr. Di Cristo gained knowledge of the company’s voice technology and had full access to VoiceBox’s intellectual property. As Dr. Di Cristo explains on his LinkedIn Page, he had worked on an “Amazon Echo-like system” while at VoiceBox.

On information and belief, Dr. Di Cristo was pivotal in soliciting additional VoiceBox employees to join Amazon. For example, on January 10, 2017, Amazon rented the entire high-end seafood restaurant near VoiceBox to host an “Evening with the Leadership of Amazon Voice & Advanced Shopping,” which Amazon expressly described as an “invite only networking event for Voice Box employees . . . to talk . . . about opportunities at Amazon.” See VoiceBox-0135417–0135421. Dr. Di Cristo’s boss invited a large number of VoiceBox engineers—including Mike Kennewick’s own son—and shared that Amazon was “building a world-class speech & NLU engineering team” and “[y]our profile looks quite relevant and we’d love to talk to you and see if there’s a fit.” Dr. Di Cristo was originally scheduled to speak at the event—but abruptly withdrew.

By January 17, 2017, it was apparent that Amazon was using its vast resources to recruit and capture VoiceBox’s engineering talent. In response, Mike Kennewick, CEO of VoiceBox, sent a letter to Jeff Bezos, CEO of Amazon, to propose a business solution. The letter explains that, at the time, VoiceBox had “a deep portfolio of technology and IP, including a large number of significant patents not only in NLU but also in Voice[]Commerce, running on over 200 million devices.” See VoiceBox-004443–004444.

Mr. Booms, Amazon’s Vice President of Worldwide Corporate Development, responded the very next day. He requested a meeting at VoiceBox’s offices for purposes of “go[ing] fairly deep on the technology, data, customer relationships.” See, e.g., VoiceBox-0004879–0004884; see also AMZ\_VB\_10000611; AMZ\_VB\_10000757.

On February 2, 2017, the parties met at VoiceBox’s office. Amazon came with a team of technologists from its Alexa program, including on information and belief, Manoj Sindhvani (Director, Alexa), Karthik Ramakrishnan (Senior Manager, Alexa software), Nikko Strom (Scientist, Alexa), and Deepesh Mohnani (Alexa Voice Services Product Management) joined by

Mr. Booms. *See* VoiceBox-0285866–0285868; *see also* AMZ\_VB\_00233913. VoiceBox provided a detailed technical presentation, which included information about patents and pending applications then owned by VoiceBox. Slides in the presentation listed all VoiceBox patents and published applications at the time, including U.S. Patent Publication No. 2015/0228276, later issued as the ’249 patent. The slides further confirmed the strength of VoiceBox’s patent portfolio in the areas of NLU, Voice Shopping and Voice Ad technology. The presentation also emphasized industry recognition of VoiceBox’s patent portfolio.

Following the meeting, Mr. Booms emailed VoiceBox to request even more technical details. Then, on February 20, 2017, Amazon specifically asked VoiceBox for a list of all patents owned by the company. VoiceBox responded to Amazon’s request by providing the requested materials, including the identity of all patents including patent applications.

In March 2017, the parties met again at VoiceBox’s office. The Amazon attendees included senior executives and Alexa technologists. VoiceBox informed Amazon by email after the meeting that VoiceBox had “[p]atents that could be useful as the market goes mainstream.” *See* VoiceBox-0007463–0007464; *see also* AMZ\_VB\_100000803. Shortly thereafter, Mr. Komorous from Amazon emailed VoiceBox, writing that Amazon had been “[p]oring] through the material” that VoiceBox had provided and that Amazon had created yet another, even more detailed, list of requests. Then, in April 2017, VoiceBox shared a written summary of VoiceBox’s patent portfolio with Amazon. *See* VoiceBox-0372565–0372571.

On July 29, 2019, VBA filed a complaint for patent infringement against Amazon in this District, asserting infringement of certain patents related to and in the same patent families as the asserted patents.

Amazon pulled out all the stops in litigation, including challenging the patent eligibility of each patent, putting up obstinate witnesses who went so far as disputing the veracity of their own internal documents, and submitting a 1500-page opening expert report on alleged invalidity. At trial, Amazon abandoned nearly all of those many invalidity arguments and focused on a simple theme: Alexa was a neural network-based system that could not infringe VBA's patents. After hearing all the evidence, the jury rejected Amazon's theme as utterly false. On November 8, 2023, a Delaware federal jury found that Amazon willfully infringed four VBA patents (related to the asserted patents) and determined that Amazon should pay VBA an ongoing royalty for its infringement which, at the time of trial, equated to \$46.7 million in damages. The jury also resoundingly rejected Amazon's invalidity defenses.

Despite this history, Amazon doubled down on its exploitation of VBA's technology. In September 2023, shortly before trial commenced, Amazon heavily promoted Alexa's improved conversation capabilities based on personalization and context.

Amazon's announcement came while it was, in effect, arguing in court that Alexa did not utilize "context" at all. Amazon accompanied its announcement with a live show-and-tell led by Dave Limp, one of Alexa's highest-ranking executives. Mr. Limp demonstrated an example where Alexa knew the identity of his favorite football team based on his previous conversations and provided a response tailored to his prior interactions. Following trial, Amazon moved still closer to VBA, introducing a smart speaker nearly identical in appearance to the original VBA.

On May 1, 2024, VBA sent Amazon a letter notifying it of what Amazon already knew. Namely, that Alexa Products infringed the patents-in-suit. Amazon denied infringement, but its reasons, as before, were meritless.

Additionally, VBA incorporates by reference: its March 4, 2025 infringement contentions and any supplements thereto, and its response to Amazon's Interrogatory No. 15.

VBA's investigation is ongoing and reserves the right to supplement this response.

**INTERROGATORY NO. 14.**

For each asserted claim of the asserted patents, state the full factual and legal basis for your contention that the asserted claims are patent eligible under 35 U.S.C. § 101, including without limitation the basis for your contention that the asserted claims are not directed to an abstract idea at Alice Step One and/or recite an inventive concept at Alice Step Two. Your response should include an identification and explanation of any specific improvement to computing technology or specific technological solution in the claims; an identification and explanation of any claim element(s) that you contend are not well-understood, routine, and conventional, either individually or as an ordered combination.

**RESPONSE TO INTERROGATORY NO. 14**

VBA objects that this interrogatory is overly broad and unduly burdensome to the extent that it seeks information that is not related to any claim or defense in this action and is not proportional to the needs of the case. In particular, VBA objects that this interrogatory is overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests "all factual and legal bases for that contention." VBA further objects that this interrogatory is vague and ambiguous, overly broad, not relevant to the claims and defenses at issue in this case, and not proportional to the needs of the case to the extent that it requests information related to "an identification and explanation of any specific improvement to computing technology or specific technological solution in the claims; an identification and explanation of any claim element(s) that you contend are not well-understood,

routine, and conventional, either individually or as an ordered combination.” VBA further objects to this interrogatory as seeking a legal conclusion. VBA further objects to this interrogatory as premature to the extent it calls for information that is the subject of expert discovery. VBA further objects to this interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, and/or any other applicable privilege, immunity, or protection.

Subject to and without waiver of the foregoing objections, VBA responds as follows:

Pursuant to 35 U.S.C. § 282, the asserted patents are presumed valid and Amazon bears the burden of proving, by clear and convincing evidence, that each of the asserted claims of the asserted patent is invalid, which it has not done.

VBA’s investigation is ongoing and reserves the right to supplement this response.

Dated: April 10, 2025

*Of counsel:*

James C. Yoon  
Ryan R. Smith  
WILSON SONSINI GOODRICH  
& ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304  
*jyoon@wsgr.com*  
*rsmith@wsgr.com*

Matthew A. Macdonald  
Jamie Otto  
953 East Third Street, Suite 100  
Los Angeles, CA 90013  
*matthew.macdonald@wsgr.com*  
*jotto@wsgr.com*

Mikaela E. Evans-Aziz  
One Market Plaza  
Spear Tower, Suite 3300  
San Francisco, CA 94105  
*mevansaziz@wsgr.com*

David Greenbaum  
GREENBAUM LAW LLC  
210 Allison Court  
Englewood, NJ 07631  
*david@greenbaum.law*

**SMITH, KATZENSTEIN & JENKINS LLP**

/s/ Daniel A. Taylor

Neal C. Belgam (No. 2721)  
Daniel A. Taylor (No. 6934)  
1000 North West Street, Suite 1501  
Wilmington, Delaware 19801  
(302) 652-8400  
*nbelgam@skjlaw.com*  
*dtaylor@skjlaw.com*

*Attorneys for Plaintiff VB Assets, LLC*