

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM SERVICES LLC,

Petitioner,

v.

SMART SPEAKER LLC,

Patent Owner.

Patent No. 12,010,174

Filing Date: August 23, 2021

Issue Date: June 11, 2024

Inventors: Yehuda Binder and Benjamin Maytal

Title: SYSTEM AND METHOD FOR SERVER BASED CONTROL

PATENT OWNER'S PRELIMINARY RESPONSE

Case No. IPR2026-00147

TABLE OF CONTENTS

	<u>Page(s)</u>
I. INTRODUCTION	1
II. CLAIM CONSTRUCTION	3
III. LEVEL OF ORDINARY SKILL IN THE ART	3
IV. PETITIONER HAS NOT DEMONSTRATED A REASONABLE LIKELIHOOD OF SUCCESS FOR THE GROUNDS ADVANCED IN THE PETITION, AND THE PETITION SHOULD BE DENIED	3
A. The Petition Does Not Show That Lim Discloses <i>an Internet- connected server device external to the building configured for processing first and second human voice data, and to produce first and second messages respectively in response to the processing,</i> ” as Required by Claim Elements 1[A][2], “ <i>the system is ... operative for receiving from the server the first and second messages in response to the sending,</i> ” as Required by Claim Element 1[F][1], “ <i>to operate the first actuator in the client device in response to the received first message,</i> ” as Required by Claim Element 1[F][2], “ <i>and to operate the second actuator in the controlled device in response to the received second message,</i> ” as Required by Claim Element 1[F][3].....	6
1. Lim’s Server Provides Recognition Data, Not Actuator- Directing “ <i>messages</i> ”	7
2. Lim Does Not Disclose a “ <i>second message</i> ” from the Server in Response to “ <i>second human voice data</i> ”	9
3. All Other Grounds Relying on Lim Alone Fail for the Same Reasons	12
B. The Petition Does Not Show That Any Combination of Williams and Lim Discloses That a Server “ <i>produce[s] first and second messages respectively in response to the processing,</i> ” as Required by Claim Element 1[A][2], or a System That “ <i>receiv[es] from the server the first and second messages in response to the sending,</i> ” as Required by Limitation 1[F][1], or	

“operate[s] the second actuator in the controlled device in response to the received second message,” as Required by Claim Element 1[F][3]	13
1. The Williams-Lim Combined System Does Not Disclose a Server That “produce[s]” a “second message” That Operates a Controlled Device’s Actuator in Response to Voice Commands	13
2. All Other Grounds Relying on the Williams-Lim Combination Fail for the Same Reasons.....	17
V. CONCLUSION.....	18

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Apple, Inc. v. Contentguard Holdings, Inc.</i> , IPR2015-00355, Paper 9 at 9-10 (P.T.A.B. June 26, 2015)	3
<i>Broadcom Corp. v. Emulex Corp.</i> , 732 F.3d 1325 (Fed. Cir. 2013)	5
<i>Graham v. John Deere Co. of Kansas City</i> , 383 U.S. 1 (1966)	3
<i>Innogenetics, N.V. v. Abbott Lab'ys</i> , 512 F.3d 1363 (Fed. Cir. 2008)	5
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016)	4
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	3
<i>Los Angeles Biomedical Rsch. Inst. at Harbor-UCLA Med. Ctr. v.</i> <i>Eli Lilly & Co.</i> , 849 F.3d 1049, 1067 (Fed. Cir. 2017)	4
<i>Pers. Web Techs., LLC v. Apple, Inc.</i> , 848 F.3d 987 (Fed. Cir. 2017)	4
<i>Stratoflex, Inc. v. Aeroquip Corp.</i> , 713 F.2d 1530 (Fed. Cir. 1983)	3
<i>In re Van Os</i> , 844 F.3d 1359 (Fed. Cir. 2017)	5

Statutes

35 U.S.C. § 312(a)(3)	5
35 U.S.C. § 312(a)(4)	5

Other Authorities

37 C.F.R. § 42.104(b)(4).....*passim*

LIST OF EXHIBITS

Exhibit No.	Description of Document
2001	Plaintiff's Disclosure of Asserted Claims and Infringement Contentions in <i>Smart Speaker LLC v. Amazon.com Servs. LLC</i> , Case No. 2:25-cv-00707-JRG (E.D. Tex.), dated September 16, 2025
2002	Defendant's Invalidity and Subject Matter Eligibility Contentions in <i>Smart Speaker LLC v. Amazon.com Servs. LLC</i> , Case No. 2:25-cv-00707-JRG (E.D. Tex.), dated December 9, 2025
2003	Federal Register, Vol. 90, No. 199, dated Friday, October 17, 2025
2004	Second Amended Docket Control Order (Dkt. 33) in <i>Smart Speaker LLC v. Amazon.com Servs. LLC</i> , Case No. 2:25-cv-00707-JRG (E.D. Tex.), dated October 29, 2025
2005	Letter to Amazon.com, Inc. re May Patents Ltd. Patent Portfolio, dated July 23, 2024
2006	Appeal Statistics, Patent Trial and Appeal Board, dated October 31, 2025
2007	Patent Trial and Appeals Board (PTAB) data at a glance December 2025

I. INTRODUCTION

On November 21, 2025, Amazon.com Services LLC (“Petitioner”) submitted a petition (Paper 2, “Petition” or “Pet.”) to institute *inter partes* review (“IPR”) of U.S. Patent No. 12,010,174 (EX1001, the “’174 Patent”), challenging Claims 1-29 (the “Challenged Claims”). The Petition should be denied in its entirety because neither set of prior art discloses core limitations of Claim 1.

The ’174 Patent claims a system for operating actuators in response to captured human voice data. The system includes a client device and a controlled device in a building communicating over a wireless network, and an Internet-connected server device external to the building configured for processing voice data and “*produc[ing] first and second messages respectively in response to the processing.*” The system is operative for receiving those messages from the server and, in response, operating a first actuator in the client device and a second actuator in the controlled device. Two independent deficiencies run through every ground and are dispositive.

Grounds 1–8 rely on Lim (EX1005) as the primary reference. Lim does not disclose a server that “*produce[s] first and second messages respectively in response to the processing*” of voice data. Lim’s server functions as a speech recognition engine that returns recognition data—*e.g.*, confirming that the user said “Samsung”—to the client device, which then independently determines what

actuator operation to perform based on its own pre-programmed app logic. That is not a server “*producing*” a “*message*” that directs actuator operation, as Claim 1 requires. For the “*second message*,” the Petition alternatively points to Lim’s “command code data” downloaded from a server database. But this is a pre-existing static codeset that is merely retrieved from a database, not a “*message*” produced by the server “*in response to*” the processing of “*captured voice data*.” None of the secondary references in Grounds 2–8 remedies these deficiencies.

Separately, Grounds 9–16 rely on the combination of Williams (EX1006) and Lim. Williams does not disclose a server that “*produce[s]*” a “*second message*” that “*operate[s]* the second actuator in the controlled device in response to the received *second message*.” Rather, Williams’ “services 218” are merely the provision of informational content related to various services—*e.g.*, ordering groceries, identifying songs, or answering questions. Williams’ sole mention of device control, in paragraph [0051], does not describe any server-produced messaging path or functionality. None of the secondary references in Grounds 10–16 remedies these deficiencies.

Because Grounds 1–8 and Grounds 9–16 each fail to account for multiple limitations of independent Claim 1, the Board should deny institution of the Petition in its entirety.

II. CLAIM CONSTRUCTION

For the purposes of this Preliminary Response only, Patent Owner agrees with Petitioner that the Board need not construe any claims. Pet. at 4-5.

III. LEVEL OF ORDINARY SKILL IN THE ART

For the purposes of this Preliminary Response only, Patent Owner applies Petitioner's definition of a POSITA. Pet. at 4.

IV. PETITIONER HAS NOT DEMONSTRATED A REASONABLE LIKELIHOOD OF SUCCESS FOR THE GROUNDS ADVANCED IN THE PETITION, AND THE PETITION SHOULD BE DENIED

The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) so-called secondary considerations where in evidence. *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966); *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1537 (Fed. Cir. 1983).

The Board has held that a failure to identify the differences between the claimed subject matter and the prior art is fatal to an obviousness challenge. *See, Apple, Inc. v. Contentguard Holdings, Inc.*, IPR2015-00355, Decision Denying

Institution of *Inter Partes* Review, Paper 9 at 9-10 (P.T.A.B. June 26, 2015) (denying institution for failure to identify the differences between the claimed subject matter and the prior art).

In arriving at an obviousness determination, the Board must sufficiently explain and support the conclusions that the prior-art references disclose all the elements recited in the Challenged Claims and a relevant, skilled artisan not only could have made, but would have been motivated to combine all the prior art references in the way the patent claims and reasonably expected success. *Pers. Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 994 (Fed. Cir. 2017). That is, even if all the claim elements are found across a number of references, an obviousness determination must consider whether a person of ordinary skill in the art would have the motivation to combine those references. *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1368 (Fed. Cir. 2016); *Los Angeles Biomedical Rsch. Inst. at Harbor-UCLA Med. Ctr. v. Eli Lilly & Co.*, 849 F.3d 1049, 1067 (Fed. Cir. 2017) (vacating and remanding an obviousness determination, in part, because the Board did not make factual finding as to whether there was an apparent reason to combine all three prior art references to achieve the claimed invention and whether a person of skill in the art would have had a reasonable expectation of success from such a combination). This combinability determination, as supported by an articulated motivation to combine, requires a plausible rationale as to why those

prior art references would have worked together. *Broadcom Corp. v. Emulex Corp.*, 732 F.3d 1325, 1335 (Fed. Cir. 2013). Absent some articulated rationale, a “common sense” finding is no different than the conclusory statement “would have been obvious.” *In re Van Os*, 844 F.3d 1359, 1361 (Fed. Cir. 2017). Of additional importance, “knowledge of a problem and motivation to solve it are entirely different from motivation to combine particular references” *Innogenetics, N.V. v. Abbott Lab’ys*, 512 F.3d 1363, 1373 (Fed. Cir. 2008).

35 U.S.C. § 312(a)(3) requires that an IPR petition must identify, “in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim.” 35 U.S.C. § 312(a)(4) requires that a “petition filed under section 311 may be considered only if . . . the petition provides such other information as the Director may require by regulation.” 37 C.F.R. § 42.104(b)(4) requires that a petition for *inter partes* review “must specify where each element of the claim is found in the prior art patents or printed publications relied upon.” General knowledge, such as applicant admitted prior art, expert testimony, common sense, and other evidence, that is not prior art consisting of patents or printed publications may not be used to supply a missing claim limitation. *See* July 31, 2025 Memorandum from Acting Director Stewart Regarding Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4). The Board may deny an IPR petition that fails to comply with Rule

104(b)(4). *Id.*

- A. The Petition Does Not Show That Lim Discloses *an Internet-connected server device external to the building configured for processing first and second human voice data, and to produce first and second messages respectively in response to the processing,*** as Required by Claim Elements 1[A][2], *“the system is ... operative for receiving from the server the first and second messages in response to the sending,”* as Required by Claim Element 1[F][1], *“to operate the first actuator in the client device in response to the received first message,”* as Required by Claim Element 1[F][2], *“and to operate the second actuator in the controlled device in response to the received second message,”* as Required by Claim Element 1[F][3]

Claim 1 of the '174 Patent requires *“an Internet-connected server device external to the building configured for processing first and second human voice data, and to produce first and second messages respectively in response to the processing”* (limitation 1[A][2]). Claim 1 further requires that *“the system is ... operative for receiving from the server the first and second messages in response to the sending”* (limitation 1[F][1]), *“to operate the first actuator in the client device in response to the received first message”* (limitation 1[F][2]), *“and to operate the second actuator in the controlled device in response to the received second message”* (limitation 1[F][3]). Together, these limitations define a voice-command architecture in which the server processes voice data and produces distinct *“messages”* in response to captured voice data, and those messages cause the system to operate actuators in both the client device and a controlled device. As

demonstrated below, Lim does not disclose this architecture.

1. Lim’s Server Provides Recognition Data, Not Actuator-Directing “messages”

The Petition maps the “*first message*” to Lim’s server’s speech processing results during the FIG. 4 setup and configuration workflow. Pet. at 22–24, 36–38. In that workflow, the user speaks a brand name at step 402, and “[t]he resulting spoken syllables may be digitized and presented to a speech recognition means for processing” on “a remote server 500.” EX1005, [0027]. The Petition then argues that the server returns speech processing results to the client device, and the client device operates its actuator (display, speaker, or LEDs) in response—for example, by presenting the next prompt in the setup sequence. Pet. at 37–38; EX1002, ¶¶ 134–135.

But Lim does not disclose the server returning any control “*message*” to the client device during the FIG. 4 workflow. The text of paragraphs [0027]–[0030] describes voice input being sent to the server for speech recognition and then jumps directly to what the client device does next—without identifying any specific data “*message*” transmitted from server to client device in between. After describing the server’s speech recognition processing, Lim states: “[a]t step 404, if the speech recognition means is unable to uniquely identify the desired brand, step 402 may be repeated in order to solicit additional identifying information from the user.”

EX1005, [0028]. And: “[o]nce a brand has been successfully identified, at step 406 the user may be prompted to provide spoken appliance type and/or model number information.” *Id.*, [0029]. In each case, the narrative proceeds from server-side recognition directly to the next user-facing prompt—without identifying any server-to-client-device data transmission in between.

Further, even assuming that a recognition result were returned to the client device, Lim does not disclose that the server “*produce[s]*” the “*first message*” as required by limitation 1[A][2], or “*operat[ing] the first actuator in the client device in response to the received first message*” as required by limitation 1[F][2]. The client device’s purported actuator operation—displaying the next prompt in the setup sequence—is not “*in response to the received first message*,” as required by the claim. Rather, Lim discloses that the display of prompts is determined by the client device’s own pre-programmed branching logic as opposed to any purported “*first message*” received by the “*client device*” from the “*server*.” If recognition fails, step 402 repeats. *Id.*, [0028]. If it succeeds, the client moves to step 406. *Id.*, [0029]. The server’s recognition output merely provides a success/failure input to the client device’s local decision tree—it does not itself direct the client device to perform a specific actuator operation. The server functions as a speech recognition engine, not as an actuator-command-producing server.

Claim 1’s architecture envisions a server that processes voice data and

“*produce[s]*” messages that direct specific actuator operations—just as the “*second message*” must direct a specific operation of the “*second actuator in the controlled device*.” In Lim’s FIG. 4 workflow, however, the server functions as a speech recognition engine that converts audio into text, and the client device’s own firmware determines what to do next. The claimed “*first message*” must be a server-produced directive that causes an actuator operation—Lim’s speech recognition result, however, is a data input to a local configuration wizard. The Petition’s reliance on the Houh Declaration to bridge this gap (EX1002, ¶ 101) cannot save the analysis, because Dr. Houh speculates that the server might send “information triggering a visual or auditory output” without identifying where Lim actually discloses this. Expert testimony cannot supply missing claim limitations. *See* July 31, 2025 Memorandum from Acting Director Stewart Regarding Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4).

2. Lim Does Not Disclose a “*second message*” from the Server in Response to “*second human voice data*”

The Petition offers two alternative mappings for the “*second message*” received from the server, and neither satisfies the claim. Pet. at 24–27, 36; EX1002, ¶¶ 106–110, 129–131.

First, the Petition argues that the “*second message*” is “the speech processing result(s) from the speech recognition server to determine whether to perform step

610” and “the recognized speech (e.g., text strings), a result of further analyzing the recognized speech, etc.” Pet. at 25; EX1002, ¶¶ 106–107. But the Petition’s own framing demonstrates why this cannot be the claimed “*second message*”: by the Petition’s own description, the speech processing result merely allows the client device to “determine whether to perform step 610”—an internal determination about whether to proceed. A recognition result that enables a local decision is not a server-produced “*message*” that causes the system to “*operate the second actuator in the controlled device.*” The recognition result is no different from the “*first message*” mapping—it is a speech-recognition output that feeds the client device’s local decision tree.

Second, the Petition argues in the alternative that the “*second message*” is the “command code data” downloaded from the server at block 610 of FIG. 6. Pet. at 26–27; EX1005, [0036]; EX1002, ¶¶ 107, 130. This mapping has two independent deficiencies.

The first deficiency is that the command code data is not produced “*in response to the processing*” of “*second human voice data,*” as required by limitations 1[A][2] and 1[F][1]. The claim requires the server to “*produce*” the second message “*in response to the processing*” of human voice data that was sent to the server. But Lim’s command code data at step 610 of FIG. 6 is provisioned to the client device from a pre-existing library of codesets. Lim states: “Once the desired function has

been uniquely identified, at step 610 the indicated command code data may be provisioned to the controlling device. As appropriate for the particular implementation, such provisioning may comprise downloading the data itself, supply of a pointer to an entry in a local database, etc.” EX1005, [0036]. The command code data is a pre-existing entry in a codeset library keyed to a particular appliance and function—it is not “*produce[d]*” by the server “*in response to*” processing of voice data. This distinction is critical: the claimed architecture requires the server to generate a responsive message as a product of its voice processing; Lim’s server merely looks up and transmits a pre-existing code from a database.

The second deficiency is that FIG. 6—the workflow on which the Petition relies for the “*second message*” mapping—does not itself disclose any server generating or sending messages at all. FIG. 6 depicts a local workflow on the client device: “solicit function name” (step 604), determine whether the function is “uniquely identified” (step 606), “load function” (step 610), , and “transmit signal to appliance” (step 614). EX1005, FIG. 6. The steps are described from the perspective of the controlling device, and the Figure contains no server component. The Petition imports server involvement from the FIG. 4 setup workflow’s description of remote speech recognition, but this conflates two distinct workflows described in different sections of Lim. The FIG. 4 workflow (paragraphs [0025]–[0033]) describes device setup and configuration. FIG. 6 (paragraphs [0034]–

[0041]) describes “extended function access” during device operation. The Petition does not explain why the Board should graft the FIG. 4 server involvement onto the FIG. 6 workflow when FIG. 6 itself is silent on any server participation.

3. All Other Grounds Relying on Lim Alone Fail for the Same Reasons

Claims 5–6, 10–12, 16, 20–21, 23, and 29 are challenged in Ground 1 alongside Claim 1. Because the Petition’s Ground 1 mapping fails to establish that Lim discloses a server that “*produce[s] first and second messages respectively in response to the processing*” of human voice data, or that Lim discloses a system that “*operat[es] the first actuator in the client device in response to the received first message,*” Ground 1 necessarily fails as to all Challenged Claims.

Additionally, Grounds 2–8 each rely on Lim as their foundation and add one secondary reference (Wittenberg (EX1008), Gruber (EX1009), Benesty (EX1010), Goldsmith (EX1042), Chatterjee (EX1012), Rosenberger (EX1013), and Rossing (EX1014), respectively) to address dependent claim limitations. Pet. at 45–64. None of these secondary references is cited for, or remedies, Lim’s failure to disclose a server that produces actuator-directing “messages” in response to voice data, or a system that operates the first actuator in response to such a message. Accordingly, Grounds 2–8 fail for the same reasons as Ground 1.

B. The Petition Does Not Show That Any Combination of Williams and Lim Discloses That a Server “*produce[s] first and second messages respectively in response to the processing,*” as Required by Claim Element 1[A][2], or a System That “*receiv[es] from the server the first and second messages in response to the sending,*” as Required by Limitation 1[F][1], or “*operate[s] the second actuator in the controlled device in response to the received second message,*” as Required by Claim Element 1[F][3]

Claim 1 requires the server device to be “*configured for processing first and second human voice data, and to produce first and second messages respectively in response to the processing*” (limitation 1[A][2]). The system must be operative for “*receiving from the server the first and second messages in response to the sending*” (limitation 1[F][1]), and must “*operate the second actuator in the controlled device in response to the received second message*” (limitation 1[F][3]). The Williams-Lim combination fails to satisfy these limitations for the reasons set forth below.

1. The Williams-Lim Combined System Does Not Disclose a Server That “*produce[s]*” a “*second message*” That “*operate[s] the second actuator in the controlled device in response to the received second message*”

The Petition’s mapping of the “*second message*” rests on Williams’ disclosure that its server’s applications 120 “may use the information from the event notifications 216 to initiate or customize services 218 on behalf of users associated with the home 102,” and that “[s]uch services may be provided through media devices 106 . . . as well as through other application devices 220.” Pet. at 91 citing

EX1006, [0036]. For the reasons set forth below, these disclosures do not establish that Williams' server "*produce[s]*" a "*second message*" that causes the system to "*operate the second actuator in the controlled device.*"

First, Williams' "services 218" are not "*messages*" produced by the server in response to voice commands and sent to a controlled device" to operate an actuator in the controlled device as required by the claim. In context, Williams explains that the server's applications 120 "may use the information from the event notifications 216 to initiate or customize services 218 on behalf of users associated with the home 102." EX1006, [0036]. Williams then provides eight examples of these "services 218": ordering groceries ([0044]), purchasing movie tickets ([0045]), identifying songs ([0046]–[0047]), answering questions ([0048]), providing driving directions ([0049]), and looking up flight information ([0050]). In each example, the "service" is the delivery of information content to the user—*e.g.*, displaying search results, playing audio answers, or presenting recipes. *See id.*, [0044]–[0050]. Thus, Williams's services 218 do not "*operate[s] the second actuator in the controlled device in response to the received second message*" as required by the claims because services 218 is merely the provision of information content.

Second, the Petition's mapping of the "*second message*" relies on two distinct Williams disclosures, neither of which discloses a server-generated control message. For the voice command input, the Petition cites paragraph [0051], which states that

“[a]n application *might* also be designed to allow a user to control various on-premises devices and equipment.” Pet. at 72; EX1006, [0051]; EX1002, ¶¶ 312–313 (emphasis added). This passage merely states *what* the system can hypothetically do—accept voice commands and interact with devices—but says nothing about *how*. Critically, [0051] is silent on whether the server generates any control message, what form it would take, how it would reach a specific device, or what actuation would result. The passage does not identify any data object sent by the server to the controlled device, any communication protocol used to deliver it, or any resulting actuation at the controlled device. And for the server’s response—*i.e.*, the actual “*second message*”—the Petition does not point to any specific server-generated message at all. Instead, the Petition maps the “*second message*” to Williams’ general disclosure that “services 218 . . . may be provided through any of the media devices 106 located in the home.” Pet. at 89 citing EX1006, [0036]. But again, “services 218” are content-delivery functions—*i.e.*, grocery ordering, movie tickets, music identification, question-and-answer—not directed control “*messages*.”

Third, the arguments as framed in the Petition confirm that Williams alone does not disclose the claimed “*second message*.” To bridge the gap between Williams’ “services” and the claimed control “*message*,” the Petition inserts the parenthetical “(e.g., a control message)” after “services 218” and then cites three references *outside* of Ground 9 for purportedly “common implementations.”

EX1019, 3:19–22; EX1008, Claim 1; EX1012, [0012]. Pet. at 90; EX1002, ¶ 380. Hence, including Lim, Ground 9 is in actuality a five-reference obviousness combination disguised as a two-reference combination. Regarding the claimed “*second message*,” the Petition has not shown “where [this] element of the claim is found in the prior art patents or printed publications relied upon” for Ground 9. *See* 37 C.F.R. § 42.104(b)(4); *see* July 31, 2025 Memorandum from Acting Director Stewart Regarding Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4) (general knowledge, expert testimony, and common sense “may not be used to supply a missing claim limitation”).

Fourth, FIG. 2 of Williams further confirms this deficiency. FIG. 2 shows “services 218” flowing from applications 120 to media devices 106 and application devices 220, but these arrows represent the general availability of services through home devices—*i.e.*, the user experiences the service via a particular device. EX1006, [0036], FIG. 2. For instance, Williams explains that a music identification application “may identify the song the user is currently listening to, and in response may provide information about related articles, offer samples, suggest related music and playlists, or present information allowing the user to purchase individual music tracks.” *Id.*, [0047]. Streaming media content to a speaker, however, is fundamentally different from sending a directed control “*message*” to a device in response to a voice command.

2. All Other Grounds Relying on the Williams-Lim Combination Fail for the Same Reasons

Claims 5–6, 10–12, 16, 20–21, 23, and 29 are challenged in Ground 9 alongside Claim 1. Because the Petition’s Ground 9 mapping fails to establish that the Williams-Lim combination discloses a server that “*produce[s] first and second messages respectively in response to the processing*” of human voice data, or a system that “*operate[s] the second actuator in the controlled device in response to the received second message,*” the Petition necessarily fails to show that the Williams-Lim combination renders obvious any of the claims challenged under Ground 9.

Additionally, Grounds 10–16 each rely on the Williams-Lim combination as their foundation and add one secondary reference (Wittenberg (EX1008), Gruber (EX1009), Benesty (EX1010), Goldsmith (EX1042), Chatterjee (EX1012), Rosenberger (EX1013), and Rossing (EX1014), respectively) to address dependent claim limitations. Pet. at 95–100. None of these secondary references is cited for, or remedies, Williams’ and Lim’s failure to disclose a server that produces actuator-directing “*messages*” in response to voice data, or a system that operates a controlled device’s actuator in response to such a message. Accordingly, Grounds 10–16 fail for the same reasons as Ground 9.

In sum, the Petition has not identified where in the Williams-Lim system the

“*first message*” and “*second message*” limitations of Claim 1 are found. Williams’ “services 218” are not “*messages*”—they are the informational content delivered through home devices. Further, Williams’ audio 222 is informational content, not an actuator-directing “*first message*.” Neither Williams nor Lim, alone or in combination, discloses a server that “*produce[s] first and second messages respectively in response to the processing*” of voice data, or a system that operates a controlled device’s actuator in response to a server-produced message. The Board should deny institution of all grounds relying on the Williams-Lim combination.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board deny institution of the Petition in its entirety.

Respectfully submitted,

Dated: February 27, 2026

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CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned PATENT OWNER'S PRELIMINARY RESPONSE has 4,124 words in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24. This word count was prepared using Microsoft Word for Office 365.

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February 27, 2026

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