

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. 12,401,720

Filing Date: May 8, 2025

Issue Date: August 26, 2025

Inventors: Yehuda Binder and Benjamin Maytal

Title: SYSTEM AND METHOD FOR SERVER BASED CONTROL

PATENT OWNER'S PRELIMINARY RESPONSE

Case No. IPR2026-00280

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 Any Asserted Combination Discloses “ <i>emit, by the electric light source, in response to data received from the server over the Internet via the WLAN by the WLAN transceiver,</i> ” as Required by Claim Element 1[I]	6
1. Lindahl Does Not Disclose an Electric Light Source that Emits Light in Response to Server Data	7
2. Lim Does Not Disclose an Electric Light Source that Emits Light in Response to Server Data	9
3. Evermann Does Not Cure the Deficiency, and All Remaining Grounds Fail for the Same Reasons	10
B. The Petition Does Not Show that Lindahl-Williams or Lindahl- Evermann Discloses “ <i>multiple microphones for capturing first human voice data,</i> ” as Required by Claim Element 1[A]	11
1. Ground 1 Improperly Supplies the “ <i>multiple microphones</i> ” Limitation with a Reference Outside the Stated Lindahl-Williams Combination	11
2. Ground 2’s Addition of the iPhone User Guide Does Not Establish “ <i>multiple microphones for capturing first human voice data</i> ”	13
3. Ground 14 Does Not Disclose “ <i>multiple microphones</i> ” Because Evermann Discloses Only a Single Microphone	15

C.	The Dependent-Claim Grounds Built on These Combinations Fail for the Same Reasons.....	15
V.	CONCLUSION.....	16

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)	4
<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).....	5, 6, 13, 16
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LIST OF EXHIBITS

Exhibit No.	Description of Document
2001	Memorandum from John A. Squires, Director of USPTO, entitled “Additional Discretionary Institution Considerations – U.S. Manufacturing and Small Business Use of AIA Proceedings,” dated March 11, 2026
2002	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
2003	Photograph of the underside of an Amazon Echo Dot sold in the United States
2004	Article entitled “Watchdog criticizes conditions at Chinese factory that builds Amazon Echo speakers” by Matt Day, The Seattle Times, published June 9, 2018
2005	Article entitled, “Alexa is Infecting All Electronic Devices Near You,” dated June 25, 2018
2006	Article from Amazon Jobs entitled “Devices Operations and Supply Chain,” accessed May 4, 2026
2007	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
2008	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
2009	Appeal Statistics, Patent Trial and Appeal Board, dated October 31, 2025
2010	Patent Trial and Appeals Board (PTAB) data at a glance December 2025

I. INTRODUCTION

On March 23, 2026, Amazon.com Services LLC (“Petitioner”) submitted a petition (Paper 2, “Petition” or “Pet.”) to institute *inter partes* review (“IPR”) of U.S. Patent No. 12,401,720 (EX1001, the “’720 Patent”), challenging Claims 1–2, 4–26, and 28–29 (the “Challenged Claims”) as obvious across fourteen grounds. The Petition should be denied in its entirety because none of its asserted combinations discloses two limitations of independent Claim 1—the only independent claim.

The ’720 Patent claims a single integrated device. The device has “*multiple microphones*” that capture human voice data, a “*speaker,*” and “*an electric light source for emitting light,*” all housed within “*an enclosure that houses the multiple microphones, the WLAN transceiver, the speaker, and the electric light source.*” EX1001, Claim 1. The device sends the captured voice data to a server over the Internet, plays “*an audio data received from the server*”, and—critically—“*emit[s], by the electric light source, in response to data received from the server over the Internet via the WLAN by the WLAN transceiver.*” *Id.* Two independent deficiencies run through the grounds and are each independently dispositive of independent Claim 1.

First, no asserted combination discloses “*emit, by the electric light source, in response to data received from the server*” (element 1[I]). Grounds 1-2 and 14 rely on Lindahl (EX1011), whose light-emitting diodes “present visual information and

status data” about the device—not light emitted in response to server data—and whose disclosure of a device that “display[s] the results” on a screen is neither the claimed “electric light source” nor light emitted in response to server data. Ground 8 relies on Lim (EX1005), whose illuminated LED is a local prompt that solicits voice input from the user—not a light source that emits light in response to data from the server. And Evermann (EX1012), added in Ground 14, discloses only “a display for displaying text and graphics.” None of these references discloses the claimed function of emitting “*in response to data received from the server.*”

Second, no asserted combination discloses “*multiple microphones for capturing first human voice data*” (element 1[A]). For Grounds 1-2, Lindahl refers to “microphones” only generically, in a list of “user input devices 50 such as buttons, touch screens, joysticks, click wheels, scrolling wheels, touch pads, key pads, keyboards, microphones, cameras, etc.” To supply the “multiple” requirement, the Petition reaches outside the stated Lindahl-Williams combination and relies on Benesty (EX1010)—a reference that is not part of Ground 1—under a “common knowledge” rationale. For Ground 14, the Petition fares no better: Evermann discloses only “a microphone”—a single microphone—and the Petition simply cross-references its deficient Ground 1 analysis.

Because each independent-claim ground (Grounds 1, 2, 8, and 14) fails to account for at least one limitation of independent Claim 1, and because every

remaining ground depends on one of those combinations and adds references that do not cure these deficiencies, 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 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 4-5.

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 Any Asserted Combination Discloses “*emit, by the electric light source, in response to data received from the server over the Internet via the WLAN by the WLAN transceiver,*” as Required by Claim Element 1[I]

Independent Claim 1 requires “*an electric light source for emitting light*” (element 1[D]) and requires the device to “*emit, by the electric light source, in response to data received from the server over the Internet via the WLAN by the WLAN transceiver*” (element 1[I]). Element 1[I] is specific: the claimed “*electric light source*” must emit light “*in response to data received from the server.*” The claim separately recites “*a speaker for sounding audio data*” (element 1[C]) and that the device “*play, by the speaker, an audio data received from the server*” (element 1[H])—confirming that the patent distinguishes the electric light source and its server-responsive light-emitting function from the device’s other input/output components and from the mere display of information. As shown below, none of the asserted combinations disclose an electric light source that emits light in response to data received from the server.

**1. Lindahl Does Not Disclose an Electric Light Source
that Emits Light in Response to Server Data**

Grounds 1, 2 and 14 rely on Lindahl for element 1[I]. Pet. at 33–34, 100-101. Lindahl discloses a user device 12 that includes “display and audio devices 52,” which “may include liquid-crystal display (LCD) screens or other screens, light-emitting diodes (LEDs), and other components that present visual information and status data.” EX1011, [0048]. The Petition maps the claimed “electric light source” to these LCD screens and LEDs. Pet. at 21–22; EX1002, ¶¶ 104–106. But Lindahl does not disclose that any such light source emits light “*in response to data received from the server*,” as element 1[I] requires.

On its face, Lindahl describes its LEDs as components that “present visual information and *status data*”—that is, information about the state of the device (for example, power or charging status). EX1011, [0048]. Lindahl nowhere discloses that its LEDs emit light in response to data the device receives from a server. The Petition does not identify any passage of Lindahl tying the operation of an LED, or any other light source, to data received from the server.

Recognizing this gap, the Petition pivots to Lindahl’s *display*. It argues that, “[a]fter processing the voice command and contextual information, computing equipment 14 may transmit results associated with the voice command to user device 12 which may then display the results,” and that “[a] POSITA would have

understood displaying the results/data involves emitting light.” Pet. at 33–34; EX1011, [0043]; EX1002, ¶¶ 139–142. That argument fails for two independent reasons. First, displaying results on a screen is not the same as the claimed “*electric light source*” emitting light: Claim 1 separately recites the device’s other components and functions, and element 1[I] requires the *electric light source* specifically to emit light in response to receiving server data. Showing text or images on a display is the function of a display, not a disclosure that the recited electric light source emits light in response to server data. Second, the Petition’s bridge—that “displaying . . . involves emitting light”—rewrites the claim. Dr. Houh’s empty opinion in support does not identify any actual disclosure in Lindahl that the claimed electric light source emits light in response to data received from the server. *See* EX1002, ¶ 142.

At most, then, Lindahl discloses: (i) LEDs that present device *status data*, and (ii) a display that shows requested results. Neither is an “*electric light source*” that emits light “*in response to data received from the server*,” as element 1[I] requires. Because Grounds 1, 2 and 14 depend on Lindahl for this limitation, each fails with respect to independent Claim 1.

2. Lim Does Not Disclose an Electric Light Source that Emits Light in Response to Server Data

Ground 8 relies on Lim for element 1[I]. Pet. at 57. Lim discloses a controlling device with “a means 202 to provide feedback to the user (e.g., one or more LEDs, illuminable keys, display)” and “an LCD display 306.” EX1005, [0019], [0023]. The Petition maps the claimed “*electric light source*” to Lim’s LEDs and display. Pet. at 70–71; EX1002, ¶¶ 373–376. But Lim does not disclose that its LED or display emits light “*in response to data received from the server.*”

Lim discloses the opposite: its illuminated LED is a **local prompt** by which the device solicits voice input **from the user**. Lim explains that “[t]his and subsequent prompts for voice input may take the form of an illuminated LED and/or ‘speak’ symbol, a displayed text or image.” EX1005, [0027]. In other words, the device illuminates an LED to tell the user when to speak. That is a local, outbound user-interface cue—it occurs to elicit input, not in response to data the device receives from the server. Lim does not disclose the controlling device’s LED or display emitting light in response to data received from a server.

The Petition’s contrary theory rests on unsupported inference. The Petition asserts that Lim’s server returns “speech processing result(s)” and that those results include “information triggering a visual output such as an illuminated LED.” Pet. at 78–79; EX1002, ¶¶ 407–409. But Lim discloses no such thing. Lim’s server is a

“speech recognition means” that, at most, returns recognition *data*—it does not return a directive that causes the device’s light source to emit light. *See* EX1005, [0027]. The Petition supplies the missing link—server data driving the light source—through attorney argument, not through any disclosure in Lim. Lim therefore does not disclose element 1[I], and Ground 8 fails with respect to independent Claim 1.

3. Evermann Does Not Cure the Deficiency, and All Remaining Grounds Fail for the Same Reasons

Ground 14 adds Evermann to Lindahl, but Evermann does not disclose an electric light source that emits light in response to server data either. The Petition relies on Evermann only for “a display for displaying text and graphics.” Pet. at 97; EX1012, [0020]; EX1002, ¶ 551. As with Lindahl’s display, a screen that displays text and graphics is not the claimed “*electric light source*” emitting light “*in response to data received from the server*.” Ground 14 thus fails for the same reason as Ground 1.

Because Grounds 1, 2, 8, and 14 each fail to show that the asserted combination discloses element 1[I] of independent Claim 1, every dependent claim challenged in those grounds fails as well. And the remaining grounds—Grounds 3–7 (which add Doherty, Rossing, Benesty, Goldsmith, or Slaby to Lindahl-Williams) and Grounds 9–13 (which add the iPhone User Guide, Doherty, Rossing, Goldsmith,

or Slaby to Williams-Lim-Benesty)—each depend on Ground 1 or Ground 8 and address only particular dependent-claim features. Pet. at 47–56, 89–91. None of those additional references is cited for, or remedies, the failure to disclose an electric light source that emits light in response to server data. The Board should therefore deny institution on every ground.

B. The Petition Does Not Show that Lindahl-Williams or Lindahl-Evermann Discloses “multiple microphones for capturing first human voice data,” as Required by Claim Element 1[A]

Independent Claim 1 requires “multiple microphones for capturing first human voice data” (element 1[A]), and element 1[G] confirms that the device sends “at least part of the first human voice data captured by the multiple microphones.” The claim thus requires more than one microphone, used to capture the user’s voice. The Lindahl-based grounds challenging Claim 1—(Lindahl-Williams), Ground 2 (Lindahl-Williams-iPhone User Guide), and Ground 14 (Lindahl-Evermann)—do not show that the asserted combination discloses this limitation.

1. Ground 1 Improperly Supplies the “multiple microphones” Limitation with a Reference Outside the Stated Lindahl-Williams Combination

For element 1[A], the Petition relies primarily on Lindahl. Pet. at 15–16; EX1002, ¶¶ 85–91. But Lindahl does not disclose “multiple microphones for capturing first human voice data.” Lindahl refers to “microphones” only generically,

in a list of candidate input devices: “user input devices 50 such as buttons, touch screens, joysticks, click wheels, scrolling wheels, touch pads, key pads, keyboards, microphones, cameras, etc.” EX1011, [0048]. That generic listing—which groups “microphones” with an assortment of electronics components—does not disclose a device equipped with **multiple** microphones that capture the user’s voice, much less the claimed arrangement in which the device sends voice data “*captured by the multiple microphones.*”

The Petition effectively concedes that Lindahl does not disclose this limitation. To supply the “*multiple*” requirement, the Petition argues that “[i]t was common knowledge before 2012 that using multiple microphones improve audio capturing and reduce background noise,” and it supports that assertion by citing Benesty’s teaching that “microphone arrays have the ability to offer directional gains that can significantly improve the quality of signal pickup in reverberant and noisy environments.” Pet. at 15–16 (citing EX1010, 1021); EX1002, ¶¶ 90–91.

But Benesty (EX1010) and the iPhone User Guide (EX1008) are *not* part of Ground 1. Ground 1 is expressly limited to “Lindahl and Williams.” Pet. at 8. Williams is not cited for the “multiple microphones” limitation—to the contrary, Williams discloses only “a microphone 202” (singular) in its interface device 116. EX1006, [0023]. The Petition therefore supplies a limitation that is missing from both references actually in Ground 1 by importing the teachings of another reference

under a “common knowledge” rationale. That is precisely what a petition may not do: it must show “where [each] element of the claim is found in the prior art patents or printed publications relied upon” for the ground. *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”). Because Ground 1 supplies the “multiple microphones” limitation only through references outside the stated combination and through “common knowledge,” it has not shown that Lindahl-Williams discloses element 1[A], and Ground 1 independently fails at Claim 1 on this basis as well.

2. Ground 2’s Addition of the iPhone User Guide Does Not Establish “*multiple microphones for capturing first human voice data*”

Ground 2 is the only ground that adds a reference—the iPhone User Guide (EX1008)—expressly to supply the “*multiple microphones*” limitation, pointing to the manual’s labeling of a “Top microphone” and a “Bottom microphone.” Pet. at 42–44 (citing EX1008, 9); EX1002, ¶¶ 197–205. Ground 2 nonetheless fails to show that the asserted combination discloses element 1[A].

First, the Petition offers no non-conclusory reason to combine the iPhone User Guide’s microphones with Lindahl-Williams. It asserts only that “the iPhone was a prevalent type of mobile phone,” that “Mobile phones were known to include

multiple microphones by 2012,” and that “Customer expectations, design incentives, and market forces would prompt their applications in Lindahl-Williams.” Pet. at 43–44; EX1002, ¶ 200. That is the kind of result-oriented rationale that cannot establish obviousness: an unsupported appeal to “market forces” is no different than the conclusory statement that the combination would have been obvious. The Petition never explains why a POSITA would have modified Lindahl’s device—or Williams’s single-microphone interface device 116—to adopt the iPhone’s particular multi-microphone arrangement, or how the references would be combined to yield the claimed integrated device.

Second, even crediting the iPhone User Guide, the Petition does not show “multiple microphones for capturing first human voice data.” The iPhone User Guide is a consumer manual whose cited page merely labels a “Top microphone” and a “Bottom microphone” on a diagram of the device; it does not disclose that both microphones capture the user’s voice, as opposed to performing other functions, much less the claimed arrangement in which the device transmits “*at least part of the first human voice data captured by the multiple microphones*” to the server (element 1[G]). The Petition supplies those missing links through attorney argument and the same “common knowledge” assertions advanced for Ground 1. Accordingly, Ground 2 does not show that the Lindahl-Williams-iPhone User Guide combination discloses element 1[A], and it independently fails at Claim 1.

3. Ground 14 Does Not Disclose “*multiple microphones*” Because Evermann Discloses Only a Single Microphone

Ground 14 (Lindahl-Evermann) fares no better. For element 1[A], the Petition again relies on Lindahl’s generic reference to “microphones” and simply cross-references its Ground 1 analysis. Pet. at 96 (“Supra §IV.A.4.b”); EX1002, ¶ 548. For the reasons above, Lindahl’s generic listing does not disclose “multiple microphones for capturing first human voice data.”

Nor does Evermann supply the limitation. The Petition relies on Evermann only for “a microphone”—a *single* microphone—“for capturing ‘utterance by the user of the mobile device.’” Pet. at 96; EX1012, [0086]; EX1002, ¶ 548. A single microphone is not “*multiple microphones*.” Because neither Lindahl nor Evermann discloses multiple microphones that capture the user’s voice, and because the Petition supplies nothing more than its already-deficient Ground 1 “common knowledge” theory, Ground 14 does not show that Lindahl-Evermann discloses element 1[A], and Ground 14 independently fails at Claim 1 on this basis as well.

C. The Dependent-Claim Grounds Built on These Combinations Fail for the Same Reasons

Every remaining ground that depends on Lindahl-Williams (Grounds 3–7) incorporates independent Claim 1 and its “*multiple microphones*” limitation. Pet. at 47–56. None of the additional references in those grounds—Doherty, Rossing,

Benesty, Goldsmith, or Slaby—is cited to cure the absence of “*multiple microphones for capturing first human voice data*” in the underlying Lindahl-Williams combination. Accordingly, those grounds fail for the same reasons.

In sum, the Petition has not shown that any asserted combination discloses every limitation of independent Claim 1. No combination discloses “*emit, by the electric light source, in response to data received from the server*” (element 1[I]), and the Lindahl-based combinations do not disclose “*multiple microphones for capturing first human voice data*” (element 1[A]). Further, as every challenged claim depends from Claim 1, and because the Petition has not shown “where each element of the claim is found in the prior art patents or printed publications relied upon” as required by 37 C.F.R. § 42.104(b)(4), the Board should deny institution of the Petition in its entirety.

V. CONCLUSION

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

Respectfully submitted,

Dated: June 24, 2026

By: /Peter Lambrianakos /
Peter Lambrianakos (Reg. No. 58,279)
Fabricant, Rubino & Lambrianakos LLP
411 Theodore Fremd Avenue,
Suite 206 South
Rye, New York 10580

Tel. 212-257-5797
Fax. 212-257-5796
Email: plambrianakos@frlip.com

CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned PATENT OWNER'S PRELIMINARY RESPONSE has 3,629 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.

Respectfully submitted,

June 24, 2026

By: /Peter Lambrianakos/
Peter Lambrianakos (Reg. No. 58,279)
Lead Counsel for Patent Owner
Fabricant, Rubino & Lambrianakos LLP
411 Theodore Fremd Avenue,
Suite 206 South
Rye, New York 10580
Tel. 212-257-5797
Fax. 212-257-5796

CERTIFICATE OF SERVICE

A copy of the foregoing PATENT OWNER'S PRELIMINARY RESPONSE
has been served on Petitioner's counsel of record as follows:

Alex S. Yap
Email: Amazon_SmartSpeaker_IPRs@mofo.com
E-mail: AYap@mofo.com
Mehran Arjomand
E-mail: MArjomand@mofo.com
MORRISON & FOERSTER LLP
707 Wilshire Blvd., Suite 6000
Los Angeles, CA 90017

Yunan Yuan
E-mail: AYuan@mofo.com
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

Attorneys for Amazon.com Services LLC

June 24, 2026

By: /Peter Lambrianakos/
Peter Lambrianakos (Reg. No. 58,279)
Lead Counsel for Patent Owner