

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

Inter Partes Review No. IPR2026-00280

PETITIONER'S OBJECTIONS TO PRE-INSTITUTION EVIDENCE

Amazon.com Services LLC (“Petitioner”) hereby objects to the following evidence that was submitted by Smart Speaker LLC (“Patent Owner”) with its Patent Owner Preliminary Response (Paper 10) in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), Petitioner is filing and serving these objections within 10 business days of the institution of trial on July 28, 2026, *see* Decision, Paper 12.

A. EX2002 Plaintiff’s Disclosure of Asserted Claims and Infringement Contentions in Smart Speaker LLC v. Amazon.com Servs. LLC, Case No. 2:25-cv-00707-JRG (E.D. Tex.), dated September 16, 2025

Petitioner objects to Exhibit 2002 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted. Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner’s unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2002 as an exhibit to the POPR but does not cite or discuss any

specific content within Exhibit 2002. Accordingly, the entirety of Exhibit 2002 is objected to as not being relevant to any issue in this proceeding.

B. EX2003 Photograph of the underside of an Amazon Echo Dot sold in the United States

Petitioner objects to Exhibit 2003 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted. Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2003 as an exhibit to the POPR but does not cite or discuss any specific content within Exhibit 2003. Accordingly, the entirety of Exhibit 2003 is objected to as not being relevant to any issue in this proceeding.

- C. EX2004** Article entitled “Watchdog criticizes conditions at Chinese factory that builds Amazon Echo speakers” by Matt Day, The Seattle Times, published June 9, 2018

Petitioner objects to Exhibit 2004 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted. Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner’s unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2004 as an exhibit to the POPR but does not cite or discuss any specific content within Exhibit 2004. Accordingly, the entirety of Exhibit 2004 is objected to as not being relevant to any issue in this proceeding.

- D. EX2005** Article entitled, “Alexa is Infecting All Electronic Devices Near You,” dated June 25, 2018

Petitioner objects to Exhibit 2005 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted. Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2005 as an exhibit to the POPR but does not cite or discuss any specific content within Exhibit 2005. Accordingly, the entirety of Exhibit 2005 is objected to as not being relevant to any issue in this proceeding.

E. EX2006 Article from Amazon Jobs entitled "Devices Operations and Supply Chain," accessed May 4, 2026

Petitioner objects to Exhibit 2006 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking

foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted. Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2006 as an exhibit to the POPR but does not cite or discuss any specific content within Exhibit 2006. Accordingly, the entirety of Exhibit 2006 is objected to as not being relevant to any issue in this proceeding.

F. EX2007 Second Amended Docket Control Order (Dkt. 33) in Smart Speaker LLC v. Amazon.com Servs. LLC, Case No. 2:25-cv-00707-JRG (E.D. Tex.), dated October 29, 2025

Petitioner objects to Exhibit 2007 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation under FRE 901. Petitioner objects to this exhibit as containing hearsay

to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted.

Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2007 as an exhibit to the POPR but does not cite or discuss any specific content within Exhibit 2007. Accordingly, the entirety of Exhibit 2007 is objected to as not being relevant to any issue in this proceeding.

G. EX2008 Defendant's Invalidity and Subject Matter Eligibility Contentions in Smart Speaker LLC v. Amazon.com Servs. LLC, Case No. 2:25-cv-00707-JRG (E.D. Tex.), dated December 9, 2025

Petitioner objects to Exhibit 2008 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted.

Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2008 as an exhibit to the POPR but does not cite or discuss any specific content within Exhibit 2008. Accordingly, the entirety of Exhibit 2008 is objected to as not being relevant to any issue in this proceeding.

H. EX2009 Appeal Statistics, Patent Trial and Appeal Board, dated October 31, 2025

Petitioner objects to Exhibit 2009 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation under FRE 901.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted.

Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2009 as an exhibit to the POPR but does not cite or discuss any

specific content within Exhibit 2009. Accordingly, the entirety of Exhibit 2009 is objected to as not being relevant to any issue in this proceeding.

**I. EX2010 Patent Trial and Appeals Board (PTAB) data at a glance
December 2025**

Petitioner objects to Exhibit 2010 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation under FRE 901.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted. Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner lists Exhibit 2010 as an exhibit to the POPR but does not cite or discuss any specific content within Exhibit 2010. Accordingly, the entirety of Exhibit 2010 is objected to as not being relevant to any issue in this proceeding.

IPR2026-00280
Patent No. 12,401,720

Dated: August 11, 2026

Respectfully submitted,

By: /Yunan Yuan/
Yunan Yuan, Reg. 73,637
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304-1018
Email: AYuan@mofo.com
Tel: (650) 813-4083

Counsel for Petitioner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER’S OBJECTIONS TO PRE-INSTITUTION EVIDENCE was served as of the below date via e-mail (by agreement) to the following counsel of record for the Patent Owner:

Peter Lambrianakos
Vincent J. Rubino, III
Clark Gordon
Ryan F. Oliver
ptab@frlip.com

Dated: August 11, 2026

/Yunan Yuan/
Yunan Yuan