

Gavin Snyder

From: Gavin Snyder
Sent: Friday, July 17, 2020 5:56 PM
To: 'Paven Malhotra'; 'voxer-kvp@keker.com'
Cc: QE-Voxer-Facebook; 'mark@themannfirm.com'; 'agollwitzer@michaelbest.com'; 'mikejones@potterminton.com'; 'patrickclutter@potterminton.com'
Subject: RE: Voxer v. Facebook and Instagram - Invalidity Contentions

Counsel,

Voxer asserts the following 45 claims:

'030 patent: 1, 4, 13, 16, 33, 36, 38, 44, 47-48
'969 patent: 6, 8, 15-16, 25, 28
'028 patent: 5, 12
'270 patent: 34, 36-38, 40-41, 43-44, 47-49, 51, 55
'557 patent: 1-3, 9, 14, 16, 18, 23, 45-46, 51, 54, 57-58

Voxer voluntarily makes this claim election at this early stage of the case without prejudice to its ability to later amend its asserted claims. Voxer reserves all appropriate rights to seek a reduction in Defendants' asserted prior art.

Best,
Gavin

From: Gavin Snyder
Sent: Monday, July 6, 2020 6:22 PM
To: 'Paven Malhotra' ; 'voxer-kvp@keker.com'
Cc: QE-Voxer-Facebook ; 'mark@themannfirm.com' ; 'agollwitzer@michaelbest.com' ; 'mikejones@potterminton.com' ; 'patrickclutter@potterminton.com'
Subject: RE: Voxer v. Facebook and Instagram - Invalidity Contentions

Paven,

Following up on our discussion concerning claim and prior art narrowing from last week, Voxer asserts the following 60 claims:

'030 patent: 1, 4, 7, 9, 12-13, 16, 33, 36, 38, 40, 43-44, 46-48
'969 patent: 1, 6, 8, 15-16, 19, 25, 28-29
'028 patent: 1, 5, 12
'270 patent: 34-44, 47-49, 51, 55
'557 patent: 1-3, 9, 14-16, 18, 23, 45-46, 51, 54, 57-59

Voxer has made a significant and meaningful reduction in its number of asserted claims. Voxer voluntarily makes this claim election at this early stage of the case without prejudice to its ability to later amend its asserted claims. As noted last week, we anticipate further narrowing the asserted claims to a total of 45, with no more than 14 claims per patent, by July 17, 2020. By contrast, Facebook's number of prior art references and obviousness combinations remains excessive and prejudicial to Voxer. We request that by July 20, Facebook narrow to no more than 14 prior art references against each patent and not more than a total of 52 references. Please confirm that Facebook agrees to this narrowing by Tuesday EOD at latest.

Best,
Gavin

Gavin Snyder

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From: Gavin Snyder

Sent: Thursday, July 2, 2020 3:32 PM

To: 'Paven Malhotra' <pmalhotra@keker.com>; 'voxer-kvp@keker.com' <voxer-kvp@keker.com>

Cc: QE-Voxer-Facebook <qe-voxer-facebook@quinnemanuel.com>; 'mark@themannfirm.com' <mark@themannfirm.com>; 'agollwitzer@michaelbest.com' <agollwitzer@michaelbest.com>; 'mikejones@potterminton.com' <mikejones@potterminton.com>; 'patrickclutter@potterminton.com' <patrickclutter@potterminton.com>

Subject: Voxer v. Facebook and Instagram - Invalidity Contentions

Paven,

We've received and reviewed Facebook's preliminary invalidity contentions. We reserve the right to raise other deficiencies in the contentions in due course, but the threshold issue is that Facebook is asserting an excessive number of references, far beyond what it could raise at trial. For example, Facebook asserts 53 separate references against the '557 patent, and around 40 references each for the '030, '969, and '270 patents. Together, Facebook asserts 98 unique references. And in many of its charts, Facebook appears to assert thousands of permutations of obviousness combinations. The sheer number of Facebook's references and combinations unfairly prejudices Voxer, particularly in preparation for the claim construction deadlines that are approaching shortly.

We request that by July 20, Facebook narrow to no more than 14 prior art references against each patent and not more than a total of 52 references. As you know, Voxer recently agreed to reduce its asserted claims to 14 per patent and not more than 45 total by July 17. This cannot be a one-sided exchange, where Voxer trims to well below the Court's guidance while Facebook continues to assert unlimited prior art references. Please confirm Facebook agrees to this narrowing by Tuesday EOD at latest.

Best,
Gavin

Gavin Snyder

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