

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SMART SPEAKER LLC,)	Case No. 2:25-cv-00707-JRG
)	
Plaintiff,)	<u>JURY TRIAL DEMANDED</u>
)	
v.)	
)	
AMAZON.COM SERVICES LLC,)	
)	
Defendant.)	
)	
)	
)	

**PLAINTIFFS’ DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS**

Plaintiff Smart Speaker LLC (“Smart Speaker” or “Plaintiff”) hereby makes the following infringement disclosures under the Patent Local Rules with respect to U.S. Patent No. 12,316,706 (the “706 Patent”), U.S. Patent No. 12,010,174 (the “174 Patent”), U.S. Patent No. 11,128,710 (the “710 Patent”), and U.S. Patent No. 11,190,590 (the “590 Patent”) (collectively, the “Asserted Patents”). Smart Speaker’s investigation is ongoing and discovery is not open. Accordingly, these disclosures are based on information available to Smart Speaker at this time. Smart Speaker reserves the right to supplement these disclosures after further discovery from Defendant and non-parties, particularly documents and other discovery regarding the Accused Products as defined below. Smart Speaker also reserves the right to accuse different products or find alternative literal and/or equivalent infringing elements in the Accused Products.

I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO PATENT LOCAL RULE 3-1

A. ASSERTED CLAIMS

Defendant Amazon.com Services LLC (hereinafter, “Amazon” or “Defendant”) has infringed and/or continues to infringe one or more of the following claims of the Asserted Patents in connection with the Accused Products set forth below:

- Claims 1-14, 16, 20, 21, 23-25, and 27-29 of the ’706 Patent;
- Claims 1-11, 13, 14, 16, 20, 21, 23-25, and 27-29 of the ’174 Patent;
- Claims 1-11, 13, 14, 16, 20, 21, 23-25, and 27-29 of the ’710 Patent; and
- Claims 1, 7, 20-24, 26-28, 32, 34-36, 38, 48-50, 52-53, 55, 60-63 of the ’590 Patent.

B. ACCUSED INSTRUMENTALITIES

1. Accused Products

The Accused Products include the Accused Amazon Echo Products and the Accused Amazon Echo Systems. The Accused Amazon Echo Products, as defined herein, include all versions and variants of Alexa-enabled, Amazon smart speaker products made, sold, offered for sale, used, or imported in the United States since 2021, including but not limited to: Amazon Echo (1st Generation); Amazon Echo (2nd Generation); Amazon Echo (3rd Generation); Amazon Echo (4th Generation); Amazon Echo Dot (1st Generation); Amazon Echo Dot (2nd Generation); Amazon Echo Dot (3rd Generation); Amazon Echo Dot (4th Generation); Amazon Echo Dot (5th Generation); Amazon Echo Dot Kids (1st Generation); Amazon Echo Dot Kids (2nd Generation); Amazon Echo Dot Kids (3rd Generation); Amazon Echo Dot Kids (4th Generation); Amazon Echo Dot Kids (5th Generation); Amazon Echo Dot with Clock (3rd Generation); Amazon Echo Dot with Clock (4th Generation); Amazon Echo Dot with Clock (5th Generation); Amazon Echo Glow; Amazon Echo Look; Amazon Echo Plus (1st Generation); Amazon Echo Plus (2nd Generation);

Amazon Echo Pop Kids; Amazon Echo Pop; Amazon Echo Show (1st Generation); Amazon Echo Show (2nd Generation); Amazon Echo Show 10 (3rd Generation); Amazon Echo Show 15 (2nd Generation); Amazon Echo Show 15; Amazon Echo Show 21; Amazon Echo Show 5 (1st Generation); Amazon Echo Show 5 (2nd Generation); Amazon Echo Show 5 (3rd Generation); Amazon Echo Show 5 Kids (3rd Generation); Amazon Echo Show 8 (1st Generation); Amazon Echo Show 8 (2nd Generation); Amazon Echo Show 8 (3rd Generation); Amazon Echo Spot (2024 Release); Amazon Echo Spot; Amazon Echo Studio; Amazon Fire TV Cube (2nd Generation); Amazon Fire TV; Amazon Glow; Amazon Tap; Carrera Smart Glasses with Alexa; Echo Auto; Echo Buds (1st Generation); Echo Buds (2nd Generation); Echo Buds (2023 Release); Echo Flex; Echo Frames (2nd Generation); Echo Frames (3rd Generation); Echo Hub; Echo Input; and Echo Loop. For example, the Accused Amazon Echo Products also include, but are not limited to, software providing and/or utilizing acoustic noise suppression functionalities, including but not limited to all versions of Echo operating systems, and digital applications/skills including voice sensing, input, recording, and/or transmission functionality. The Accused Amazon Echo Products are directed and controlled by Amazon via the servers of the Amazon Cloud and Amazon's software.

The Accused Amazon Echo Systems, as defined herein, are comprised of one or more Accused Amazon Echo Products, Amazon's servers operating the Amazon Cloud, and Amazon's software used to direct and control the Accused Amazon Echo Products.

2. Claim Charts

A claim chart identifying a location of every element of every Asserted Claim of the '706 Patent within the Accused Amazon Echo Products is attached hereto as **Appendix A**. Smart Speaker believes the charted products are representative of all Accused Amazon Echo Products because the Accused Amazon Echo Products all share the same operating system and capabilities

with respect to the elements of the Asserted Claims, including all generations and versions. Smart Speaker further contends that Amazon directs and controls its customers, at least as illustrated in the attached charts, to use the Accused Amazon Echo Products in an infringing manner.

A claim chart identifying a location of every element of every Asserted Claim of the '174 Patent within the Accused Amazon Echo Systems is attached hereto as **Appendix B**. Smart Speaker believes the chart is representative because the Accused Amazon Echo Products operating within the Accused Amazon Echo Systems all share the same operating system and capabilities with respect to the elements of the Asserted Claims, including all generations and versions. Smart Speaker further contends that Amazon directs and controls its customers, at least as illustrated in the attached charts, to use the Accused Amazon Echo Products and to make and/or use the Accused Amazon Echo Systems in an infringing manner.

A claim chart identifying how the Accused Amazon Echo Systems perform every step of every asserted method claim of the '710 Patent is attached hereto as **Appendix C**. Smart Speaker believes the chart is representative because the Accused Amazon Echo Products operating within the Accused Amazon Echo Systems all share the same operating system and capabilities with respect to the elements of the Asserted Claims, including all generations and versions. Smart Speaker further contends that Amazon directs and controls its customers, at least as illustrated in the attached charts, to use the Accused Amazon Echo Products and to make and/or use the Accused Amazon Echo Systems in an infringing manner.

A claim chart identifying a location of every element of every Asserted Claim of the '590 Patent within the Accused Amazon Echo Products is attached hereto as **Appendix D**. Smart Speaker believes the charted products are representative of all Accused Amazon Echo Products because the Accused Amazon Echo Products all share the same operating system and capabilities

with respect to the elements of the Asserted Claims, including all generations and versions. Smart Speaker further contends that Amazon directs and controls its customers, at least as illustrated in the attached charts, to use the Accused Amazon Echo Products in an infringing manner.

Smart Speaker reserves the right to amend these claim charts, as well as other information contained in this document and the Appendices attached hereto, to incorporate new information learned during the course of discovery including, but not limited to, information that is not publicly available or readily discernible without discovery. Smart Speaker further reserves the right to amend these claim charts, as well as other information contained in this document and the exhibits attached hereto, pursuant to Patent Local Rules 3-1 and 3-6, and the Court's Standing Proposed Discovery Order Section 3(a)(i).

C. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

Smart Speaker asserts that, under the proper construction of the Asserted Claims and their claim terms, the limitations of the Asserted Claims of the '706 and '590 Patents are literally present in the Accused Amazon Echo Products, as set forth in the claim charts attached hereto as **Appendices A and D**. Smart Speaker contends that any and all elements found not to be literally met are met under the doctrine of equivalents because the differences between the claimed inventions and the accused instrumentalities, if any, are insubstantial.

Smart Speaker asserts that, under the proper construction of the Asserted Claims and their claim terms, the limitations of the Asserted Claims of the '174 Patent are literally present within the Accused Amazon Echo Systems, including within the Accused Amazon Echo Products operating within the Accused Amazon Echo Systems, as set forth in the claim chart attached hereto as **Appendix B**. Smart Speaker contends that any and all elements found not to be literally met are met under the doctrine of equivalents because the differences between the claimed inventions and the accused instrumentalities, if any, are insubstantial.

Smart Speaker asserts that, under the proper construction of the Asserted Claims and their claim terms, the steps of the asserted method claims of the '710 Patent are literally performed by the Accused Amazon Echo Systems, including by the Accused Amazon Echo Products operating within the Accused Amazon Echo Systems, as set forth in the claim chart attached hereto as **Appendix C**. Smart Speaker contends that any and all claimed method steps found not to be literally performed are satisfied under the doctrine of equivalents because the differences between the claimed methods and the method performed by the accused instrumentalities, if any, are insubstantial.

Smart Speaker also contends that Defendant has directly infringed and/or continues to directly infringe the Asserted Claims by making, using, offering for sale, and/or importing into the United States the Accused Products. Moreover, Defendant has directly infringed and/or continues to directly infringe the asserted method claims by using the Accused Products in the United States. Furthermore, Defendant has indirectly infringed and/or continues to indirectly infringe by contributing to and/or inducing others (*e.g.*, Defendant's suppliers, Defendant's customers or their customers' customers) to directly infringe those claims by making, using, and/or offering for sale, the Accused Products. Smart Speaker also contends that Defendant has contributorily infringed and/or continues to contributorily infringe with the knowledge that the Accused Products, or the use thereof, infringe the Asserted Patents. Defendant has knowingly and intentionally contributed to the direct infringement of the Asserted Patents by others by supplying the Accused Products and/or associated software that embody a material part of the claimed invention of the Asserted Patents that are known by Defendant to be specially made or adapted for use in an infringing manner and are not staple articles with substantial non-infringing uses.

Pursuant to Patent Local Rule 3-6(a)(1), Smart Speaker reserves the right to amend its infringement contentions as to literal infringement and/or infringement under the doctrine of equivalents in light of the Court’s claim construction.

D. INFRINGEMENT BY DIRECTION AND CONTROL

Amazon directs and controls all aspects of the alleged infringement. Such control is evidenced by Defendant’s technical materials and marketing materials including, but not limited to, marketing materials, product briefs, product specifications, troubleshooting guides, technical support websites, reference manuals, and/or other business documents and communications conveyed to Defendant’s customers. For example, Amazon’s website offers customers downloadable User Manuals for the Accused Products that instruct Amazon’s customers to, among other things, set up and use applications and products. These instructions include, for example, requiring a user to verbalize a wake word or press a button to activate and enable customers to utilize the Accused Amazon Echo Products.

Additionally, Amazon’s customers must agree to Amazon’s Alexa Terms of Use (the “Amazon.com Services LLC Agreement”), which is “an agreement between [Amazon’s customers] and Amazon.com Services LLC.”¹ The Amazon.com Services LLC Agreement applies to all users of any “Alexa Enabled Product,” which Amazon.com Services LLC defines as “any product or application that enables access to Alexa, such as Amazon Echo devices and the Alexa App.” Should a customer not agree to or abide by the Amazon.com Services LLC Agreement, Alexa Terms of Use, or Amazon Device Terms of Use,² Amazon will “automatically terminate without notice” its services. In these cases, “Amazon may immediately revoke [customers’] access

¹ See <https://www.amazon.com/gp/help/customer/display.html?nodeId=201809740>.

² See <https://www.amazon.com/gp/help/customer/display.html?nodeId=201809740>; <https://www.amazon.com/gp/help/customer/display.html?nodeId=202002080>.

to the Services without refund of any fees.”³ Amazon’s Terms of Use include controlling customers’ use of Amazon’s software to “only on or through an Alexa Enabled Product or Auxiliary Product” (as defined in the Alexa Terms of Use).⁴

Similarly, Amazon controls and directs the functionality of Alexa-compatible devices. For these devices, Amazon has control by either being the direct producer of the Alexa-compatible device or by conditioning the compatibility of the Alexa-compatible device with the Accused Products on the performance of the infringing acts by the user and/or producer of the Alexa-compatible device. As with the Amazon.com Services LLC Agreement and Amazon Device Terms of Use applicable for Amazon’s customers, Amazon has in place an Amazon Developer Services Agreement that allows Amazon to terminate all services and remove developer products from the Amazon platform if the agreement is breached by a developer.⁵

Pursuant to Patent Local Rule 3-6(a)(1), Smart Speaker reserves the right to amend its infringement contentions as to Amazon’s direction and control in light of the Court’s claim construction.

E. APPLICATION PRIORITY DATES

Each of the Asserted Claims of the ’706 Patent claim priority to U.S. Patent No. 12,010,174, which in turn claims priority to U.S. Patent No. 11,128,710, which in turn claims priority to U.S. Application No. 13/733,634, which claims priority to U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

³ *See Id.*

⁴ *See* <https://www.amazon.com/gp/help/customer/display.html?nodeId=201809740>.

⁵ *See* <https://developer.amazon.com/support/legal/da>.

Each of the Asserted Claims of the '174 Patent claim priority to U.S. Patent No. 11,128,710, which in turn claims priority to U.S. Application No. 13/733,634, which claims priority to U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Each of the Asserted Claims of the '710 Patent claim priority to U.S. Application No. 13/733,634, which claims priority to U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

Each of the Asserted Claims of the '590 Patent claim priority to U.S. Application No. 15/361,434, which in turn claimed priority to U.S. Application No. 13/733,634, which claims priority to U.S. Provisional Application Nos. 61/584,500 (filed on January 9, 2012), 61/620,129 (filed on April 4, 2012), 61/637,030 (filed on April 23, 2012), and 61/647,034 (filed on May 15, 2012).

F. PRODUCTS THAT PRACTICE THE ASSERTED PATENTS

In addition to the Accused Products, Smart Speaker is continuing to investigate what current and/or historical products and/or services may practice the claimed inventions, including those products and/or services of third parties of the Asserted Patents. Smart Speaker's investigation is ongoing, and Smart Speaker will supplement these contentions following its investigation (and claim construction as necessary).

**II. PRODUCTION OF DOCUMENTS PURSUANT TO PATENT LOCAL
RULE 3-2**

Smart Speaker is producing or making available for inspection documents that are in Smart Speaker's possession, custody, or control as set forth in Patent Local Rule 3-2. A Smart Speaker 3-2 Production Index identifying these documents is attached hereto.

This preliminary identification of documents is for convenience and is not an admission that each document falls within any exemplary categories in the Patent Local Rules, or that any document qualifies as prior art. Thus, Smart Speaker reserves its right to add to, delete from, or otherwise modify its disclosures in this section as its investigation proceeds.

Production of these documents is governed by Patent Local Rule 2-2 and, with the exception of documents produced pursuant to P.R. 3.2(c) and public documents listed in the infringement charts, are considered "Confidential – Outside Attorneys Eyes Only" and disclosure of the confidential document or information, shall be limited to each party's outside attorney(s) of record and the employees of such outside attorney(s).

Dated: September 16, 2025

Respectfully submitted,

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***ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2025, a true and correct copy of the above and foregoing document has been served by email on:

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/s/ Peter Lambrianakos
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SMART SPEAKER 3-2 PRODUCTION INDEX

3-2(c)

Bates Start	Bates End
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