

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-CV-00984-ADA

PATENT CASE

JURY TRIAL DEMANDED



PUBLIC VERSION

APPLE INC.'S OPENING CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

- I. INTRODUCTION 1
- II. LEGAL STANDARD..... 2
- III. DISPUTED TERMS..... 3
 - A. “microphone” (’058 patent, claim 1; ’543 patent, claims 1, 8, 19, 20, 26) (proposed by Apple) 3
 - B. “the acoustic signals” / “the acoustic signal received at the one receiver” / “the acoustic signals received at each of the two receivers” (’058 patent, claim 1) (proposed by Apple) 9
 - C. “transfer function” (’091 patent, claims 1, 2, 4, 5, 9, 11, 15; ’357 patent, claims 1, 15; ’080 patent, claims 1, 14) (proposed by Jawbone) 12
 - D. “generating one transfer function of the at least two transfer functions . . . when the VAD indicates that user voice activity is present.” (’091 patent, claim 2) (proposed by Apple) 13
 - E. “virtual microphone array” (’072 patent, claim 1) (proposed by Apple) 14
 - F. “acoustic noise” (proposed by Jawbone) and “less acoustic noise” (proposed by Apple) (’072 patent, claims 1, 2, 9) 16
 - G. “approximately similar” / “approximately, dissimilar” / “approximately dissimilar” (’213 patent, claims 2, 37, 38; ’611 patent, claim 3, 4, 29) (proposed by Apple) 18
 - H. “a relationship for speech” (’213 patent claims 14, 42; ’611 patent claim 1) (proposed by Apple) 22
 - I. “. . . substantially similar/dissimilar. . .” (’691 patent, claims 1, 23, 27, 28, 29, 41; ’080 patent, claims 1, 14; ’357 patent, claims 1, 15) (proposed by Apple)..... 23
 - J. “apply a varying linear transfer function between the first and second microphone signals” (’357 patent, claims 1, 15) (proposed by Apple) 28
- IV. CONCLUSION..... 30

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Abdou v. Alphatec Spine, Inc.</i> , No. 12-CV-1804 BEN RBB, 2014 WL 6611422 (S.D. Cal. Nov. 19, 2014).....	22, 23
<i>Allergan Sales, LLC v. Sandoz, Inc.</i> , 935 F.3d 1370 (Fed. Cir. 2019).....	2
<i>Baldwin Graphics Sys., Inc. v. Siebert, Inc.</i> , 512 F.3d 1338 (Fed. Cir. 2008).....	11
<i>Biosig Instruments, Inc. v. Nautilus, Inc.</i> , 783 F.3d 1374 (Fed. Cir. 2015).....	3, 16, 19, 24
<i>Bushnell Hawthorne, LLC v. Cisco Sys. Inc.</i> , 813 F. App'x 522 (Fed. Cir. 2020)	11, 14
<i>Ernie Ball, Inc. v. Earvana, LLC</i> , 502 F. App'x 971 (Fed. Cir. 2013)	3, 16
<i>Geodynamics, Inc. v. Dynaenergetics US, Inc.</i> , No. 2:15-CV-1546-RSP, 2016 WL 6217181 (E.D. Tex. Oct. 25, 2016).....	26, 27
<i>Halliburton Energy Servs., Inc. v. M-I LLC</i> , 514 F.3d 1244 (Fed. Cir. 2008).....	9, 14
<i>Hoechst Celanese Corp. v. BP Chems. Ltd.</i> , 78 F.3d 1575 (Fed. Cir. 1996).....	2
<i>Hologic, Inc. v. SenoRx, Inc.</i> , 639 F.3d 1329 (Fed. Cir. 2011).....	16, 29
<i>Howmedica Osteonics Corp. v. Zimmer, Inc.</i> , 822 F.3d 1312 (Fed. Cir. 2016).....	28
<i>Interval Licensing LLC v. AOL, Inc.</i> , 766 F.3d 1364 (Fed. Cir. 2014).....	<i>passim</i>
<i>KLA-Tencor Corp. v. Xitronix Corp.</i> , No. A-08-CA-723-SS, 2011 WL 318123 (W.D. Tex. Jan. 31, 2011)	19, 24
<i>Lexion Medical, LLC v. Northgate Techs., Inc.</i> , 641 F.3d 1352 (Fed. Cir. 2011).....	2

Nautilus, Inc. v. Biosig Instruments, Inc.,
572 U.S. 898 (2014).....3, 12, 16, 22

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005)..... *passim*

U.S. Well Servs., Inc. v. Halliburton Co.,
No. 6:21-CV-00367-ADA, 2022 WL 819548 (W.D. Tex. Jan. 17, 2022) *passim*

Vitronics Corp. v. Conceptronic, Inc.,
90 F.3d 1576 (Fed. Cir. 1996).....2

TABLE OF EXHIBITS AND CITATIONS

Exhibits to Defendant's Opening Claim Construction Brief (Cited as "Ex. __")	
Exhibit 1	United States Patent No. 7,246,058 B2
Exhibit 2	United States Patent No. 8,019,091 B2
Exhibit 3	United States Patent No. 8,280,072 B2
Exhibit 4	United States Patent No. 8,321,213 B2
Exhibit 5	United States Patent No. 8,326,611 B2
Exhibit 6	United States Patent No. 8,467,543 B2
Exhibit 7	United States Patent No. 8,503,691 B2
Exhibit 8	United States Patent No. 10,779,080 B2
Exhibit 9	United States Patent No. 11,122,357 B2
Exhibit 10	Email exchange between Counsel from May 4, 2022 through May 23, 2022 re Preliminary Claim Constructions
Exhibit 11	Excerpt from '543 patent file history: Response to Office Action dated February 17, 2011
Exhibit 12	Burnett 2001 Notebook
Exhibit 13	Burnett 2007 Notebook
Exhibit 14	Definition of "microphone" from Modern Dictionary of Electronics (Seventh Edition, 1999)
Exhibit 15	Excerpt from Handbook For Sound Engineers (1988)
Exhibit 16	Definition of "microphone" from The Authoritative Dictionary of IEEE Standards Terms (2000)
Exhibit 17	Definition of "microphone" from The Illustrated Dictionary of Electronics (Seventh Edition, 1997)
Exhibit 18	Declaration of Cliff Reader, Ph.D.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.