

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

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

JURY TRIAL DEMANDED

**PLAINTIFF’S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Plaintiff Jawbone Innovations, LLC, (“Jawbone” or “Plaintiff”) hereby makes the following infringement disclosures under the Court’s Standing Order Governing Proceedings in Patent Cases with respect to United States Patent Nos. 8,019,091 (the “’091 Patent”), 7,246,058 (the “’058 Patent”), 8,280,072 (the “’072 Patent”), 8,321,213 (the “’213 Patent”), 8,326,611 (the “’611 Patent”), 10,779,080 (the “’080 Patent”), 11,122,357 (the “’357 Patent”), 8,467,543 (the “’543 Patent”), and 8,503,691 (the “’691 Patent”) (collectively, the “Jawbone Patents” or “Asserted Patents”). Jawbone’s investigation is ongoing, and discovery is in its preliminary stages. Accordingly, these disclosures are based on information available to Jawbone at this time. Jawbone reserves the right to supplement this disclosure after further discovery from Defendant Apple Inc. (“Apple” or “Defendant”) and non-parties, particularly documents and other discovery regarding Defendant’s Accused Products. Jawbone also reserves the right to assert additional claims of the Asserted Patents, accuse different products, or find alternative literal and/or equivalent infringing elements in Defendant’s products.

I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

A. ASSERTED CLAIMS

Apple has infringed and/or continues to infringe one or more of the following claims of the Jawbone Patents in connection with the Accused Products set forth below:

- Claims 1-18 of the '091 Patent;
- Claims 1-4 of the '058 Patent;
- Claims 1-9 of the '072 Patent;
- Claims 1-42 of the '213 Patent;
- Claims 1-44 of the '611 Patent;
- Claims 1-20 of the '080 Patent;
- Claims 1-20 of the '357 Patent;
- Claims 1, 3, 6-13, 19-23, and 26 of the '543 Patent; and
- Claims 1-46 of the '691 patent.

B. ACCUSED INSTRUMENTALITIES

1. Accused Products

Jawbone is currently aware that certain of Defendant's products infringe one or more of the Asserted Patents. Upon information and belief, these Accused Products include all versions and variants of Apple smartphones, smart speakers, laptops, desktop computers, and earbuds made, sold, offered for sale, used, or imported in the United States since 2015, including but not limited to: all versions and variants of iPhone 6, iPhone 6 Plus, iPhone 6s, iPhone 6s Plus, iPhone SE (1st generation), iPhone 7, iPhone 7 Plus, iPhone 8, iPhone 8 Plus, iPhone X, iPhone XR, iPhone XS, iPhone XS Max, iPhone 11, iPhone 11 Pro, iPhone 11 Pro Max, iPhone SE (2nd generation), iPhone 12 mini, iPhone 12, iPhone 12 Pro, iPhone 12 Pro Max, iPhone 13 mini,

iPhone 13, iPhone 13 Pro, iPhone 13 Pro Max, HomePod, HomePod Mini, AirPods (1st generation), AirPods (2nd Generation), AirPods Pro, AirPods Max, Beats Solo Pro, Beats Solo 3 Wireless, Beats Studio 3 Wireless, Beats Fit Pro, Beats Studio Buds, Powerbeats, Powerbeats Pro, all MacBook Pro and MacBook Air laptops (e.g. MacBook Pro (13-inch, 2018, Four Thunderbolt 3 ports), MacBook Pro (15-inch, 2018), MacBook Pro (13-inch, 2019, Four Thunderbolt 3 ports), MacBook Pro (15-inch, 2019), MacBook Pro (13-inch, 2019, Two Thunderbolt 3 ports), MacBook Pro (16-inch, 2019), MacBook Pro (13-inch, 2020, Four Thunderbolt 3 ports), MacBook Pro (13-inch, 2020, Two Thunderbolt 3 ports), MacBook Pro (13-inch, M1, 2020), MacBook Pro (16-inch, 2021), MacBook Pro (14-inch, 2021), MacBook Air (Retina, 13-inch, 2018), MacBook Air (Retina, 13-inch, 2019), MacBook Air (Retina, 13-inch, 2020), MacBook Air (M1, 2020)), iMac Pro, and iMacs (e.g. iMac (Retina 5K, 27-inch, 2020), iMac (24-inch, M1, 2021), as well as software providing and/or utilizing acoustic noise suppression functionalities, including but not limited to all versions of the iOS and macOS operating systems, and applications including voice sensing, input, recording, and/or transmission functionality, including but not limited to, Siri, CarPlay, Phone, Camera, Clips, FaceTime, Voice Memos, and Walkie-Talkie...¹ For avoidance of doubt, these products include all versions and revisions thereto and associated software.

2. Claim Charts

Claim charts identifying a location of every element of every asserted claim of the Jawbone Patents within the Accused Products are attached hereto as Appendices A through I. Jawbone believes that the Accused Products cited in the claim charts are representative of the Accused Products, including all generations and versions.

¹ Jawbone has provided additional information regarding certain aspects of the Accused Products in the attached Claim Charts, Appendices A-I.

Jawbone 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 identified after these contentions were served or learned during the course of discovery including, but not limited to, information that is not publicly available or readily discernible without discovery.²

C. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

Jawbone asserts that, under the proper construction of the asserted claims and their claim terms, the limitations of the asserted claims of the Jawbone Patents are literally present in the Accused Products, as set forth in the claim charts attached hereto as Appendices A through I. Jawbone contends that any and all elements found not to be literally infringed are infringed under the doctrine of equivalents because the differences between the claimed inventions and the accused instrumentalities, if any, are insubstantial.

Jawbone also contends that Defendant has directly infringed and/or continues to directly infringe the asserted claims by making, using offering for sale, selling, and importing into the United States the accused instrumentalities. Furthermore, Jawbone also contends that Defendant indirectly infringes by contributing to and/or inducing others (*e.g.*, Defendant's service providers or partners, suppliers, Defendant's customers, or its customers' customers) to directly infringe those claims by making or using the Accused Products. In addition, Jawbone contends that Defendant directly infringes to the extent that activities of third parties may be legally attributable to Defendant. Jawbone contends that Defendant induces infringement of the Jawbone Patents by others (*e.g.*, end-users of the Accused Products and Defendant's customers) by inducing others to make or use the Accused Products with the knowledge that this making or

² Dkt. 23 at 1 n.1.

using directly infringes the Jawbone Patents or, in the alternative, with the belief that there was a high probability that others infringe the Jawbone Patents, but while remaining willfully blind to the infringement. Such indirect infringement is further 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 other business documents and communications conveyed to Defendant's customers.

Jawbone also contends that Defendant has contributorily infringed and/or continues to contributorily infringe with knowledge that the Accused Products, or the use thereof, infringe the Jawbone Patents. Defendants knowingly and intentionally contributed to the direct infringement of the Jawbone Patents by others, by supplying the Accused Products and/or associated software, that embody a material part of the claimed invention of the Jawbone Patents, that are known by the 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 the Court's Standing Order Governing Patent Cases, Jawbone reserves the right to amend its Infringement Contentions as to literal infringement or infringement under the doctrine of equivalents in light of the Court's claim construction.

D. PRIORITY DATES

Each of the asserted claims of the '091 Patent has an earliest invention date in June 2000. Each of the asserted claims of the '091 Patent is further entitled to at least the priority date of its earliest application, U.S. Provisional Patent Application No. 60/219,297, with a filing date of July 19, 2000.

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