

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

CASE NO. 2:21-cv-00186-JRG

JURY TRIAL DEMANDED

**DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.’S
FINAL ELECTION OF ASSERTED PRIOR ART**

Pursuant to the Court’s Order Focusing Patent Claims and Prior Art to Reduce Costs (Dkt. 49), Defendants Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively “Defendants” or “Samsung”) serve on Plaintiff Jawbone Innovations, LLC, (“Plaintiff” or “Jawbone”) the following Final Election of Asserted Prior Art for U.S. Patent Nos. 8,019,091 (the “’091 Patent”), 7,246,058 (the “’058 Patent”), 8,467,543 (the “’543 Patent”), 10,779,080 (the “’080 Patent”), 8,503,691 (the “’691 Patent”), and 11,122,357 (the “’357 Patent”) (collectively, the “Asserted Patents”).

Samsung’s election of asserted art is based on Plaintiff Jawbone’s Final Election of Asserted Claims to Defendants Samsung Electronics Co. Ltd., and Samsung Electronics America, Inc., dated August 16, 2022; Plaintiff’s Disclosure of Asserted Claims and Infringement Contentions, dated January 20, 2022; and Plaintiff’s Supplemental Infringement Contentions, dated June 14, 2022. Samsung reserves the right to modify its election of asserted art to the extent Jawbone modifies or amends its Infringement Contentions and Asserted Claims, or to the extent

that Jawbone’s expert report(s) on infringement rely on different facts and theories than reflected in Jawbone’s Infringement Contentions.

Samsung reserves the right to rely on any prior art references disclosed pursuant to Patent Rule 3-3 and 3-4 and any admissions regarding the prior art or state of the art made in the Asserted Patents themselves for purposes of any tutorial, background explanation of the technology at issue, to show the state of the art relating to the inventions claimed in the Asserted Patents, including any motivation to combine the prior art, or to rebut any denial by Plaintiff that one or more claim elements were known in the prior art.

Final Election of Prior Art

The ’091 Patent:

1. U.S. Patent No. 6,415,034 to Hietanen (“Hietanen”) combined with Japanese Patent App. Pub. No. H11305792 to Takano et al. (“Takano”) and A. Hussain et al., “A New Metric for Selecting Sub-band Processing in Adaptive Speech Enhancement Systems,” Proceedings of the Fifth European Conference on Speech Communication and Technology, September 1997 (“Hussain”)
2. M.J. Al-Kindi et al., “Improved Adaptive Noise Cancellation in the Presence of Signal Leakage on the Noise Reference Channel,” Signal Processing, July 1989 (“Al-Kindi”) combined with U.S. Patent No. 3,746,789 to Alcivar et al. (“Alcivar”) and Hussain
3. D. Van Compernelle, “Switching Adaptive Filters for Enhancing Noisy and Reverberant Speech from Microphone Array Recordings,” Proceedings of the IEEE International Conference on Acoustics, Speech, and Signal Processing, April 1990 (“Van Compernelle”) combined with Takano and Hussain

The '058 Patent:

1. U.S. Patent No. 6,377,919 to Burnett (“Burnett”) combined with Takano
2. U.S. Patent No. 4,718,096 to Meisel (“Meisel”) combined with U.S. Patent No. 6,148,313 to Freidin (“Freidin”)
3. Meisel combined with U.S. Patent No. 6,006,175 to Holzrichter (“Holzrichter”)
4. Meisel combined with Burnett
5. U.S. Patent No. 5,825,897 to Andrea (“Andrea”) combined with Holzrichter

The '543 Patent:

1. U.S. Pat. Pub. No. 2002/0193130 to Yang (“Yang”) combined with U.S. Patent No. 5,590,241 to Park (“Park”)
2. Yang combined with Park and Holzrichter
3. Yang combined with Park and Hussain
4. Yang combined with Park, Holzrichter, and Hussain
5. Hussain combined with Park and Andrea
6. Hussain combined with Park, Andrea, and Holzrichter

The '080 Patent:

1. Japanese Patent App. Pub. No. H1118186 to Ikeda (“Ikeda”)
2. U.S. Patent App. Pub. No. 2004/0185804 to Kanamori et al. (“Kanamori”) (anticipation)
3. Kanamori (obviousness)
4. Kanamori combined with International Patent App. Pub. No. WO2007106399 to Elko et al. (“Elko”)

The '357 Patent:

1. Kanamori
2. Kanamori combined with Elko

The '691 Patent:

1. Kanamori (anticipation)
2. Kanamori (obviousness)
3. Kanamori combined with Elko

DATE: September 19, 2022

Respectfully submitted,

/s/ Ryan M. Nishimoto

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