

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC., and APPLE INC.,

Petitioners,

v.

JAWBONE INNOVATIONS, LLC,

Patent Owner.

Patent No. 11,122,357  
Filing Date: August 5, 2013  
Issue Date: September 14, 2021

Inventor: Gregory C. Burnett  
Title: FORMING VIRTUAL MICROPHONE ARRAYS USING  
DUAL OMNIDIRECTIONAL MICROPHONE ARRAY (DOMA)

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**PATENT OWNER'S SUR-REPLY**

Case No. IPR2022-01321

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**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description of Document</b>
2001	Apple, Inc.'s Opening Claim Construction Brief (Public Version) in <i>Jawbone Innovations, LLC v. Apple, Inc.</i> , Case No. 6:21-cv-00984-ADA, dated May 25, 2022
2002	Google LLC's Opening Claim Construction Brief (Public Version) in <i>Jawbone Innovations, LLC v. Google LLC</i> , Case No. 6:21-cv-00985-ADA, dated May 25, 2022
2003	Defendant Google LLC's Opposed Motion to Transfer to the Northern District of California (Public Version), Dkt. 43, in <i>Jawbone Innovations, LLC v. Google LLC</i> , Case No. 6:21-cv-00985-ADA dated April 29, 2022
2004	Defendant's Preliminary Invalidity Contentions in <i>Jawbone Innovations, LLC v. Apple, Inc.</i> , Case No. 6:21-cv-00984-ADA, dated April 6, 2022
2005	Defendants' Preliminary Invalidity Contentions and Eligibility Contentions in <i>Jawbone Innovations, LLC v. Samsung Electronics Co.</i> , Case No. 2:21-cv-00186-JRG, dated March 24, 2022
2006	First Amended Complaint in <i>Jawbone Innovations, LLC v. Apple Inc.</i> , No. 6:21-cv-00984-ADA, Dkt. 19 (W.D. Tex. Dec. 23, 2021)
2007	Amended Scheduling Order in <i>Jawbone Innovations, LLC v. Apple Inc.</i> , No. 6:21-cv-00984-ADA, Dkt. 107 (W.D. Tex. Oct. 20, 2022)
2008	Order Denying Motion to Stay in <i>RFCyber Corp. v. Google LLC</i> , No. 2:20-cv-00274-JRG, Dkt. 201 (E.D. Tex. Jan. 4, 2022)
2009	Claim Construction Order in <i>Jawbone Innovations, LLC v. Samsung Electronics Co., et al.</i> , Case No. 2:21-cv-00186-JRG, Dkt. 119 (E.D. Tex. Aug. 17, 2022)
2010	Joint Motion to Enter Amended Scheduling Order in <i>Jawbone Innovations, LLC v. Apple Inc.</i> , No. 6:21-cv-00984-ADA, Dkt. 106 (W.D. Tex. Oct. 19, 2022)

Exhibit No.	Description of Document
2011	Plaintiff's Disclosure of Asserted Claims and Infringement Contentions in <i>Jawbone Innovations, LLC v. Apple Inc.</i> , No. 6:21-cv-00984-ADA, dated January 13, 2022
2012	Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. Final Election of Asserted Prior Art in <i>Jawbone Innovations, LLC v. Samsung Elecs. Co., e al.</i> , Case No. 2:21-cv-00186-JRG, dated September 19, 2022
2013	Joint Motion to Stay all Deadlines and Notice of Settlement in <i>Jawbone Innovations, LLC v. Samsung Elecs. Co.</i> , No. 2:21-cv-00186-JRG-RSP, Dkt. 257, dated November 28, 2022

## I. INTRODUCTION

Petitioners Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Apple Inc.’s (collectively, “Petitioner”) Reply (Paper No. 13, “Reply”) fails to show that the Petition presents compelling evidence of unpatentability or that the *Fintiv* factors weigh against discretionary denial. Accordingly, as explained in Jawbone’s Patent Owner Preliminary Response (Paper No. 12, “POPR”), the Board should deny the Petition.

## II. ARGUMENT

### A. The Petition Does Not Present Compelling Evidence

The Petition does not present compelling evidence of unpatentability. As explained in the POPR, Petitioner does not show that its combination renders any claim obvious. POPR, 7-13. In its Reply, Petitioner merely provides attorney argument. Reply at 1-3.

Further, Petitioner does not substantively address its failure to identify a motivation to combine Kanamori and McCowan. *Id.* at 2. Instead, Petitioner merely cites its original, deficient arguments and asserts that a POSITA would use Kanamori’s far-field noise cancellation in a headset. *Id.* As explained in the POPR, the Petitioner’s arguments are infected with hindsight. POPR, 7-9. Finally, Petitioner merely asserts that its manufactured responses “look like” the Figures of the ’357 Patent. Reply, 2. Petitioner’s argument is irrelevant.

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