

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,

Petitioner,

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)

PATENT OWNER'S PRELIMINARY RESPONSE

Case No. IPR2023-01130

TABLE OF CONTENTS

	<u>Page(s)</u>
I. INTRODUCTION	1
II. THE '357 PATENT	2
III. THE RELEVANT ALLEGED PRIOR ART	5
A. Brandstein (Ex. 1003)	5
B. Gannot (Ex. 1004)	6
IV. CLAIM CONSTRUCTION	6
V. LEVEL OF ORDINARY SKILL IN THE ART	7
VI. ARGUMENT	7
A. Legal Standard.....	7
B. Ground 1: Brandstein and Gannot Do Not Render Obvious Claims 1-20	8
1. Petitioner’s Combination Does Not Disclose or Render Obvious “wherein the first virtual microphone and the second virtual microphone are distinct virtual directional microphones with substantially similar responses to noise and substantially dissimilar responses to speech” as recited in independent Claims 1 and 15.....	8
2. Petitioner Does Not Identify Any Motivation to Combine Embodiments and References Within Brandstein	14
C. Ground 2: Brandstein, Gannot, and Griffiths-Jim Do Not Render Any Claims Obvious.....	18
D. Ground 3: Brandstein, Gannot, and McCowan Do Not Render Any Claims Obvious	18
VII. CONCLUSION.....	19

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Apple Inc. v. Samsung Elecs. Co.</i> , 839 F.3d 1034 (Fed. Cir. 2016)	8
<i>Application of Arkley</i> , 455 F.2d. 586 (C.C.P.A. 1972).....	14
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064 (Fed. Cir.2015)	16
<i>Forest Lab 'ys, LLC v. Sigmapharm Lab 'ys, LLC</i> , 918 F.3d 928 (Fed. Cir. 2019)	8
<i>Graham v. John Deere Co. of Kansas City</i> , 383 U.S. 1 (1966).....	7, 8
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	8
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008)	14
Statutes	
35 U.S.C. § 103	7

EXHIBIT LIST

Exhibit No.	Description of Document
2001	Order Granting Dismissal with Prejudice, <i>Jawbone Innovations, LLC v. Amazon.com Inc.</i> , No. 3:22-cv-06727-TLT, Dkt. 107 (N.D. Cal. Jul. 26, 2023)
2002	Declaration of Akbar M. Sayeed, Ph.D.
2003	Curriculum Vitae of Akbar M. Sayeed, Ph.D.
2004	Excerpts of MICROPHONE ARRAYS: SIGNAL PROCESSING TECHNIQUES AND APPLICATIONS, Ch. 18, Future Directions in Microphone Array Processing (Michael Brandstein & Darren Ward eds., Springer-Verlag 2001) (“Brandstein”)

I. INTRODUCTION

On June 27, 2023, Meta Platforms, Inc. (“Meta” or “Petitioner”) filed a Petition requesting *inter partes* review of claims 1-20 (“Challenged Claims”) of U.S. Patent No. 11,122,357 (the “’357 Patent”) (Ex. 1001). Paper 2 (“Petition” or “Pet.”). The Declaration of Richard M. Stern, Ph.D. (Ex. 1002) accompanied the Petition. On July 13, 2023, the Board issued a Notice of Filing Date Accorded for the Petition and set the time for filing patent owner’s preliminary response. Paper 4.

The Board should deny the Petition because the Petition fails to show a reasonable probability of success as to any claim. In particular, the Petition does not show that Brandstein and Gannot render obvious “wherein the first virtual microphone and the second virtual microphone are distinct virtual directional microphones with substantially similar responses to noise,” as recited in both independent claims of the ’357 Patent. To the contrary, the cited portions of Brandstein contemplate a Griffiths-Jim beamformer in which a top path passes through speech and where “**all other signals are attenuated,**” and a bottom path that suppresses speech and where “**all other signals are passed through.**” In other words, the top path nulls out noise, and the bottom path nulls out speech. This sharply contrasts with the ’357 Patent invention where the first virtual microphone includes **both** speech and noise, such that a second virtual microphone with a substantially similar noise response may be used to cancel the noise, and is exactly

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.