

From: Cockings, Orville R. <ocockings@lerner david.com>
Sent: Thursday, November 16, 2023 8:27 PM
To: Trials <Trials@USPTO.GOV>
Cc: plambrianakos@fabricantllp.com; vrubino@fabricantllp.com; eiturralde@fabricantllp.com; rcowell@fabricantllp.com; jostling@fabricantllp.com; ffabricant@fabricantllp.com; Gewirtz, Gregory S. <ggewirtz@lerner david.com>; Faegenburg, Russell W. <rfaegenburg@lerner david.com>; Apicella, Laura <laticella@lerner david.com>
Subject: Petitioner Sony Request for Reply in Sony Electronics Inc. v. Jawbone Innovations, LLC, IPR2023-01153 (US Patent 11,122,357)

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Dear Board,

Pursuant to 37 C.F.R. § 42.108(c), Petitioner Sony Electronics Inc. (“Sony”) respectfully requests authorization to file a reply of no more than 3 pages to Patent Owner’s Preliminary Response (“POPR”) in the above-captioned case. Patent Owner Jawbone Innovations, LLC (“Jawbone”) has used its POPR, in part, to respond to the Board’s comment in an earlier *Amazon v. Jawbone* IPR (involving the same patent claims and prior art) that Figure 5.2 of Brandstein and Sony’s declarant’s explanation established disclosure of the limitation calling for “distinct virtual directional microphones with substantially similar responses to noise and substantially dissimilar responses to speech.” (IPR2023-00251, Paper No. 7 at 19.) The POPR in the present case includes extensive discussions mischaracterizing Sony’s petition, Brandstein, the accompanying declaration discussing Brandstein’s disclosure and other issues relating to the Board’s comment. (Paper No. 8, at 8-18.) As a matter of fundamental fairness, Sony requests that it be given the opportunity to respond briefly to those discussions prior to a decision on institution, given that Jawbone has already had the opportunity to do so. Sony thus maintains that good cause exists for a reply.

On November 15 and 16, 2023, the undersigned notified Jawbone of its intent to seek leave from the Board and requested Jawbone’s consent to Sony’s proposed reply based on the good cause discussed above. Jawbone responded it would not consent but that if Sony’s request is approved, Jawbone requests a corresponding sur-reply of equal length.

Sony wishes to make the Board aware that it is also seeking replies in the following co-pending *Sony v. Jawbone* IPRs: IPR2023-01117 (Cls. 14-42, US Patent 8,321,213); IPR2023-01118 (Cls. 1-13, US Patent 8,321,213); IPR2023-01119 (US Patent 7,246,058); IPR2023-01166 (US Patent 8,019,091); IPR2023-01176 (Cls. 29-44, US Patent 8,326,611); IPR2023-01177 (Cls. 1-28, US Patent 8,326,611); IPR2023-01222 (US Patent 8,467,543); and IPR2023-01228 (Cls. 1-22, 29-40, US Patent 8,503,691).

Respectfully submitted,

Orville Cockings
Counsel for Sony Electronics Inc.

[IPR, CBM, or PGR] [number]
Patent [number]

Orville R. Cockings

ocockings@lerner david.com

908-518-6397 Direct.



Lerner David Littenberg Krumholz & Mentlik LLP
20 Commerce Drive, Cranford NJ 07016

[Bio](#) • [LinkedIn](#) • [vCard](#) • [lerner david.com](#)

CONFIDENTIALITY and PRIVILEGE NOTICE

The information contained in this email message and any attachments originated from Lerner David Littenberg Krumholz & Mentlik LLP, are covered by the Electronic Communications Privacy Act, 18 USC § 2510 et seq., and are exclusively for the use of the intended recipient. They may contain legally privileged, confidential information or work product subject to attorney-client privilege or otherwise protected from disclosure. No waiver of any privilege is intended. If you are not the intended recipient or a person responsible for delivering this message to the intended recipient, you are hereby notified that the unauthorized use, disclosure, distribution or copying is strictly prohibited and may be in violation of court order or otherwise unlawful. If you have received this transmission in error, please immediately notify us at (908) 654-5000 (Collect, if necessary).