

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

JAWBONE INNOVATIONS, LLC,	§	Case No. 6:21-cv-00984
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
APPLE INC.,	§	
	§	
Defendant.	§	
	§	
	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Jawbone Innovations, LLC (“Jawbone” or “Plaintiff”) for its Complaint against Defendant Apple Inc. (“Apple” or “Defendant”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Jawbone is a corporation organized and existing under the laws of the State of Texas, with a place of business located at 2226 Washington Avenue, Suite Number 1, Waco, Texas 76701. Jawbone is in the business of developing software products, including products that exploit the technology disclosed in its patent portfolio.

2. Apple is a California corporation and maintains its principal place of business located at One Apple Park Way, Cupertino, California 95014, and may be served with process through its registered agent, CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

3. Apple does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in this judicial District.

4. On information and belief, Apple maintains regular and established places of business within this Judicial District including at least the following locations: 12545 Riata Vista Circle, Austin, Texas 78727; 12801 Delcour Drive, Austin, Texas 78727; and 3121 Palm Way, Austin, Texas 78758. Upon information and belief, Defendant employs individuals in this Judicial District involved in the sales and marketing of its products.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant. Defendant regularly conducts business and has committed acts of patent infringement within this Judicial District and the State of Texas that give rise to this action and has established minimum contacts with this forum such that exercise of jurisdiction over Apple would not offend traditional notions of fair play and substantial justice. Apple has committed and continues to commit acts of infringement in this Judicial District and State by, among other things, offering to sell, selling, using, importing, and making products and services that infringe the asserted patents. Apple has further induced acts of patent infringement by others and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Apple is registered to do business in Texas and, upon information and belief, Apple has transacted

business in this Judicial District, has committed acts of direct and indirect infringement in this Judicial District, and has regular and established places of business in this Judicial District as set forth above.

8. Apple is subject to this Court's jurisdiction pursuant to due process and the Texas Long Arm Statute due at least to its substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

FACTUAL BACKGROUND

9. On February 8, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,019,091 (the "'091 Patent") entitled "Voice activity detector (VAD)-based multiple-microphone acoustic noise suppression." A true and correct copy of the '091 Patent is attached hereto as Exhibit A.

10. On July 17, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,246,058 (the "'058 Patent") entitled "Detecting Voiced and Unvoiced Speech Using Both Acoustic and Nonacoustic Sensors." A true and correct copy of the '058 Patent is attached hereto as Exhibit B.

11. On October 2, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,280,072 (the "'072 Patent") entitled "Microphone Array with Rear Venting." A true and correct copy of the '072 Patent is attached hereto as Exhibit C.

12. On November 27, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,321,213 (the "'213 Patent") entitled "Acoustic Voice Activity

Detection (AVAD) for Electronic Systems.” A true and correct copy of the ’213 Patent is attached hereto as Exhibit D.

13. On December 4, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,326,611 (the “’611 Patent”) entitled “Acoustic Voice Activity Detection (AVAD) for Electronic Systems.” A true and correct copy of the ’611 Patent is attached hereto as Exhibit E.

14. On September 15, 2020, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,779,080 (the “’080 Patent”) entitled “Dual Omnidirectional Microphone Array (DOMA).” A true and correct copy of the ’080 Patent is attached hereto as Exhibit F.

15. On September 14, 2021, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 11,122,357 (the “’357 Patent”) entitled “Forming Virtual Microphone Arrays Using Dual Omnidirectional Microphone Array (DOMA).” A true and correct copy of the ’357 Patent is attached hereto as Exhibit G.

16. On June 18, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,467,543 (the “’543 Patent”) entitled “Microphone and Voice Activity Detection (VAD) Configurations for Use with Communications Systems.” A true and correct copy of the ’543 Patent is attached hereto as Exhibit H.

17. Jawbone is the sole and exclusive owner of all right, title, and interest to and in the ’091 Patent, ’058 Patent, ’072 Patent, ’213 Patent, ’611 Patent, ’’080 Patent, ’357 Patent, and ’543 Patent (together, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit.

Jawbone also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

18. The technology of the Patents-in-Suit was developed by Jawbone, Inc. which was originally founded in 1998 as AliphCom, Inc. (“AliphCom”). AliphCom set out to develop a noise reducing headset that would allow soldiers to communicate better in combat conditions. In 2002, AliphCom won a contract with the Defense Advanced Research Projects Agency to research noise suppression techniques for the United States military.

19. AliphCom launched a mobile headset called the “Jawbone” in 2004. The “Jawbone” included the innovative noise-suppression technology that AliphCom developed for the military.¹ This technology virtually eliminated background noise while increasing the volume of the speakers’ voices. AliphCom followed with a Bluetooth version of the “Jawbone” in 2008 which was sold in the Apple Store.

20. On the heels of the success of the “Jawbone” products, AliphCom changed its name to Jawbone, Inc. in 2011 and later expanded its product offerings into Bluetooth speakers and wearables, such as health tracking devices. Unfortunately, due to the intensely competitive marketplace, Jawbone, Inc. was forced into liquidation in 2017.

21. Following Jawbone, Inc.’s liquidation “[a] host of technology companies including Apple, Samsung, Google, LG, and Fitbit [were] identified as potential buyers of Jawbone’s US Patents.”² Upon information and belief, Envision IP (and other parties) contacted Apple regarding the value of the Patents-in-Suit, including regarding Apple’s infringement of the Patents-in-Suit.

¹ See <https://www.wired.com/2004/09/military-headset-reaches-masses/>

² See <https://www.worldipreview.com/news/apple-google-and-fitbit-touted-to-acquire-jawbone-patents-14322>; <https://www.gipi.com.br/en/apple-google-and-fitbit-touted-to-acquire-jawbone-patents/>; see also <http://patentvue.com/2017/07/11/jawbone-patents-could-be-leveraged-by-a-competitor/>

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