

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

**JAWBONE INNOVATIONS, LLC,**

**Plaintiff(s),**

**v.**

**APPLE INC.,**

**Defendant(s).**

**Case No. 6:21-CV-00984-ADA**

**PATENT CASE**

**JURY TRIAL DEMANDED**

**DEFENDANT'S RENEWED MOTION TO DISMISS FIRST AMENDED COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(b)(6) FOR FAILURE TO STATE A CLAIM**

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Plaintiff Jawbone Innovations, LLC's ("Jawbone Innovations") allegations of indirect and willful infringement in the original complaint for patent infringement were missing necessary elements. Apple Inc. ("Apple") therefore filed a motion dismiss with prejudice Jawbone Innovations's indirect and willful infringement claims of the asserted patents.<sup>1</sup> In the motion to dismiss, Apple argued that Jawbone Innovations failed to allege facts showing Apple had pre-suit knowledge of the asserted patents. The bare suggestion, based on an online report, that third-party Envision IP **may have** contacted Apple about acquiring Jawbone, Inc.'s patents after the operating company's liquidation amounts to nothing more than wild speculation that is insufficient to allege Apple had the knowledge necessary for pre-suit indirect or willful infringement.

In an attempt to bolster its allegations that Apple had knowledge of the asserted patents, Jawbone Innovations filed a First Amended Complaint for Patent Infringement ("FAC") with more allegations regarding Apple's purported knowledge of the asserted patents.<sup>2</sup> The attempt fails. The FAC still does not adequately plead indirect or willful infringement.

In the FAC, Jawbone Innovations alleges that Apple listed the '091 patent in an information disclosure to the United States Patent Office. (FAC, ¶23.) That single allegation yields a string of speculations. According to Jawbone Innovations, because Apple is a "sophisticated technology company," Apple then investigated and discovered the '072 patent, which is a continuation of the '091 patent, and that alleged investigation then led to the alleged discovery of all other asserted patents, which have overlapping inventors. (FAC, ¶¶24-27.)

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<sup>1</sup> The patents asserted in the original complaint are U.S. Patent Nos. 8,019,091; 7,246,058; 8,280,072; 8,321,213; 8,326,611; 10,779,080; 11,122,357; 8,467,543.

<sup>2</sup> In the FAC, Jawbone Innovations added to the suit U.S. Patent No. 8,503,691.

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