

# EXHIBIT 5

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:21-cv-00984-ADA

**JURY TRIAL DEMANDED**

**PLAINTIFF’S DISCLOSURE OF  
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Plaintiff Jawbone Innovations, LLC, (“Jawbone” or “Plaintiff”) hereby makes the following infringement disclosures under the Court’s Standing Order Governing Proceedings in Patent Cases with respect to United States Patent Nos. 8,019,091 (the “091 Patent”), 7,246,058 (the “058 Patent”), 8,280,072 (the “072 Patent”), 8,321,213 (the “213 Patent”), 8,326,611 (the “611 Patent”), 10,779,080 (the “080 Patent”), 11,122,357 (the “357 Patent”), 8,467,543 (the “543 Patent”), and 8,503,691 (the “691 Patent”) (collectively, the “Jawbone Patents” or “Asserted Patents”). Jawbone’s investigation is ongoing, and discovery is in its preliminary stages. Accordingly, these disclosures are based on information available to Jawbone at this time. Jawbone reserves the right to supplement this disclosure after further discovery from Defendant Apple Inc. (“Apple” or “Defendant”) and non-parties, particularly documents and other discovery regarding Defendant’s Accused Products. Jawbone also reserves the right to assert additional claims of the Asserted Patents, accuse different products, or find alternative literal and/or equivalent infringing elements in Defendant’s products.

**I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

**A. ASSERTED CLAIMS**

Apple has infringed and/or continues to infringe one or more of the following claims of the Jawbone Patents in connection with the Accused Products set forth below:

- Claims 1-18 of the '091 Patent;
- Claims 1-4 of the '058 Patent;
- Claims 1-9 of the '072 Patent;
- Claims 1-42 of the '213 Patent;
- Claims 1-44 of the '611 Patent;
- Claims 1-20 of the '080 Patent;
- Claims 1-20 of the '357 Patent;
- Claims 1, 3, 6-13, 19-23, and 26 of the '543 Patent; and
- Claims 1-46 of the '691 patent.

**B. ACCUSED INSTRUMENTALITIES**

1. Accused Products

Jawbone is currently aware that certain of Defendant's products infringe one or more of the Asserted Patents. Upon information and belief, these Accused Products include all versions and variants of Apple smartphones, smart speakers, laptops, desktop computers, and earbuds made, sold, offered for sale, used, or imported in the United States since 2015, including but not limited to: all versions and variants of iPhone 6, iPhone 6 Plus, iPhone 6s, iPhone 6s Plus, iPhone SE (1st generation), iPhone 7, iPhone 7 Plus, iPhone 8, iPhone 8 Plus, iPhone X, iPhone XR, iPhone XS, iPhone XS Max, iPhone 11, iPhone 11 Pro, iPhone 11 Pro Max, iPhone SE (2nd generation), iPhone 12 mini, iPhone 12, iPhone 12 Pro, iPhone 12 Pro Max, iPhone 13 mini,

iPhone 13, iPhone 13 Pro, iPhone 13 Pro Max, HomePod, HomePod Mini, AirPods (1<sup>st</sup> generation), AirPods (2<sup>nd</sup> Generation), AirPods Pro, AirPods Max, Beats Solo Pro, Beats Solo 3 Wireless, Beats Studio 3 Wireless, Beats Fit Pro, Beats Studio Buds, Powerbeats, Powerbeats Pro, all MacBook Pro and MacBook Air laptops (*e.g.* MacBook Pro (13-inch, 2018, Four Thunderbolt 3 ports), MacBook Pro (15-inch, 2018), MacBook Pro (13-inch, 2019, Four Thunderbolt 3 ports), MacBook Pro (15-inch, 2019), MacBook Pro (13-inch, 2019, Two Thunderbolt 3 ports), MacBook Pro (16-inch, 2019), MacBook Pro (13-inch, 2020, Four Thunderbolt 3 ports), MacBook Pro (13-inch, 2020, Two Thunderbolt 3 ports), MacBook Pro (13-inch, M1, 2020), MacBook Pro (16-inch, 2021), MacBook Pro (14-inch, 2021), MacBook Air (Retina, 13-inch, 2018), MacBook Air (Retina, 13-inch, 2019), MacBook Air (Retina, 13-inch, 2020), MacBook Air (M1, 2020)), iMac Pro, and iMacs (*e.g.* iMac (Retina 5K, 27-inch, 2020), iMac (24-inch, M1, 2021), as well as software providing and/or utilizing acoustic noise suppression functionalities, including but not limited to all versions of the iOS and macOS operating systems, and applications including voice sensing, input, recording, and/or transmission functionality, including but not limited to, Siri, CarPlay, Phone, Camera, Clips, FaceTime, Voice Memos, and Walkie-Talkie...<sup>1</sup> For avoidance of doubt, these products include all versions and revisions thereto and associated software.

## 2. Claim Charts

Claim charts identifying a location of every element of every asserted claim of the Jawbone Patents within the Accused Products are attached hereto as Appendices A through I. Jawbone believes that the Accused Products cited in the claim charts are representative of the Accused Products, including all generations and versions.

---

<sup>1</sup> Jawbone has provided additional information regarding certain aspects of the Accused Products in the attached Claim Charts, Appendices A-I.

Jawbone reserves the right to amend these claim charts, as well as other information contained in this document and the Appendices attached hereto, to incorporate new information identified after these contentions were served or learned during the course of discovery including, but not limited to, information that is not publicly available or readily discernible without discovery.<sup>2</sup>

### C. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

Jawbone asserts that, under the proper construction of the asserted claims and their claim terms, the limitations of the asserted claims of the Jawbone Patents are literally present in the Accused Products, as set forth in the claim charts attached hereto as Appendices A through I. Jawbone contends that any and all elements found not to be literally infringed are infringed under the doctrine of equivalents because the differences between the claimed inventions and the accused instrumentalities, if any, are insubstantial.

Jawbone also contends that Defendant has directly infringed and/or continues to directly infringe the asserted claims by making, using offering for sale, selling, and importing into the United States the accused instrumentalities. Furthermore, Jawbone also contends that Defendant indirectly infringes by contributing to and/or inducing others (*e.g.*, Defendant's service providers or partners, suppliers, Defendant's customers, or its customers' customers) to directly infringe those claims by making or using the Accused Products. In addition, Jawbone contends that Defendant directly infringes to the extent that activities of third parties may be legally attributable to Defendant. Jawbone contends that Defendant induces infringement of the Jawbone Patents by others (*e.g.*, end-users of the Accused Products and Defendant's customers) by inducing others to make or use the Accused Products with the knowledge that this making or

---

<sup>2</sup> Dkt. 23 at 1 n.1.

# 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.