

**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**

**PATENT CASE**

**JURY TRIAL DEMANDED**



**APPLE INC.'S REPLY CLAIM CONSTRUCTION BRIEF**

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## I. INTRODUCTION

Defendant Apple Inc.’s proposed claim constructions provide necessary guidance for the jury on essential terms of the asserted patent claims, consistent with the core legal principles of claim construction. In contrast, Jawbone repeatedly asserts that “no construction is necessary” while advancing broad interpretations of the claim language in an effort to broaden the patents’ reach beyond the legitimate scope of the claims. Similarly, Jawbone attempts to salvage numerous indefinite terms by rewriting (or reading out) claim limitations. The Court should reject Jawbone’s proposals and adopt Apple’s proposed constructions for all the disputed terms.

## II. DISPUTED TERMS

### A. “microphone” (’058 patent, claim 1; ’543 patent, claims 1, 8, 19, 20, & 26) (proposed by Apple)

JAWBONE	APPLE
Plain and ordinary meaning; no construction necessary	Plain and ordinary meaning, which is “physical microphone”

Jawbone’s proposed construction of “microphone”—encompassing both physical and virtual microphones—is improper because it does not accord with “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (*en banc*) (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). In its responsive brief, Jawbone fails to identify any intrinsic evidence to support its assumption that the term “microphone” would be understood to encompass both physical and virtual microphones at the time of the alleged invention. Its failure is a tacit admission that the ’058 and ’543 patents do not provide support for virtual microphones. *See* Jawbone Br. at 7 (conceding “the specifications do not specifically call out virtual (e.g. beamformed) microphones”). Indeed, Jawbone admits that microphones are physical (and not virtual) structures. *See id.* at 12 (arguing “the two microphones are the only

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