

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

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

JURY TRIAL DEMANDED



**JAWBONE INNOVATIONS, LLC'S
SUR-REPLY CLAIM CONSTRUCTION BRIEF**

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Pursuant to the Court’s Scheduling Order (Dkt. 23), Plaintiff Jawbone Innovations, LLC (“Jawbone”) hereby submits its Sur-Reply Claim Construction Brief in response to Defendant Apple Inc. (“Apple”)’s Opening Brief (Dkt. 54, “Open.”). The asserted patents are U.S. 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”) (together, the “Asserted Patents”).

I. INTRODUCTION

Apple’s Reply (Dkt. 67, “Reply”) provides no justification for its efforts to either rewrite or declare indefinite the easily understandable claims of the Asserted Patents. As explained in Jawbone’s Responsive Brief (Dkt. 62, “Resp.”), Apple’s constructions seek to import limitations from the specification into the claims, and its indefiniteness positions lack any merit. The Court should reject Apple’s indefiniteness arguments and unsupported constructions and adopt Jawbone’s proposals.

II. DISPUTED TERMS

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

Term	Jawbone’s Construction	Apple’s Construction
“microphone”	Plain and ordinary meaning; no construction necessary	Plain and ordinary meaning which is “physical microphone”

The dispute turns on whether “microphone” should be limited to only a “physical microphone” or if it can include virtual or beamformed microphones. Apple presents no evidence that “microphone” was understood by a POSITA as of the filing date of the Asserted Patents as encompassing only physical microphones. Rather, Apple attempts to limit “microphone” to one

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