

**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

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Scheduling Order (Dkt. 23), Plaintiff Jawbone Innovations, LLC (“Jawbone”) and Defendant Apple Inc. (“Apple”) submit this Joint Claim Construction Statement. Pursuant to the Standing Order Governing Proceedings (OGP) 4.1 – Patent Cases, an editable copy of this statement is being emailed to the Court’s law clerks.

The Asserted Patents are U.S. Patent Nos. 7,246,058 (“the ’058 patent”), 8,019,091 (“the ’091 patent”), 8,280,072 (“the ’072 patent”), 8,321,213 (“the ’213 patent”), 8,326,611 (“the ’611 patent”), 8,467,543 (“the ’543 patent”), 8,503,691 (“the ’691 patent”), 10,779,080 (“the ’080 patent”), and 11,122,357 (“the ’357 patent”) (collectively, the “Asserted Patents”).

I. AGREED CONSTRUCTIONS

Term	Agreed Construction
“acoustic microphone” ’091 Patent	“physical microphone”
“virtual microphone” ’072 Patent ’213 Patent ’611 Patent ’080 Patent ’357 Patent ’691 Patent	“microphone constructed using two or more omnidirectional microphones and associated signal processing”
“voice activity” ’213 Patent ’611 Patent	“user speech”
“null” ’691 Patent	“a zero or minima in the spatial response of a physical or virtual directional microphone”

The parties request that the Court enter the above agreed constructions.

II. DISPUTED TERMS

The parties provide the following list of disputed terms for construction.

Term	Jawbone's Construction	Apple's Construction
<p>“microphone”</p> <p>'058 Patent, claim 1 '543 Patent, claims 1, 8, 19, 20, 26</p> <p>Proposed by Apple</p>	<p>Plain and ordinary meaning; no construction necessary</p>	<p>Plain and ordinary meaning, which is “physical microphone”</p>
<p>“the acoustic signals” / “the acoustic signal received at the one receiver” / “the acoustic signals received at each of the two receivers”</p> <p>'058 Patent, claim 1</p> <p>Proposed by Apple</p>	<p>Plain and ordinary meaning; no construction necessary</p>	<p>Indefinite</p>
<p>“transfer function”</p> <p>'091 Patent, claims 1, 2, 4, 5, 9, 11, 15 '357 Patent, claims 1, 15 '080 Patent, claims 1, 14</p> <p>Proposed by Jawbone</p>	<p>“a mathematical expression that specifies the relationship between an output signal and an input signal”</p>	<p>Plain and ordinary meaning</p>

Term	Jawbone's Construction	Apple's Construction
<p>“generating one transfer function of the at least two transfer functions . . . when the VAD indicates that user voice activity is present”</p> <p>'091 Patent, claim 2</p> <p>Proposed by Apple</p>	<p>No construction necessary except for “transfer function[s]”</p>	<p>Indefinite</p>
<p>“virtual microphone array”</p> <p>'072 Patent, claim 1</p> <p>Proposed by Apple</p>	<p>Plain and ordinary meaning.</p> <p>Alternatively: “group of two or more virtual microphones”</p>	<p>“two or more virtual microphones used together, each virtual microphone is constructed using two or more physical omnidirectional microphones and associated signal processing, wherein at least one physical omnidirectional microphone is common to all of the virtual microphones”</p>
<p>“acoustic noise”</p> <p>'072 Patent, claims 1, 2, 9</p> <p>Proposed by Jawbone</p>	<p>“unwanted environmental acoustic noise”</p>	<p>Plain and ordinary meaning</p>
<p>“less acoustic noise”</p> <p>'072 Patent, claims 1, 2, 9</p> <p>Proposed by Apple</p>	<p>“less unwanted environmental acoustic noise”</p>	<p>Indefinite</p>

Term	Jawbone's Construction	Apple's Construction
<p>“approximately similar” / “approximately, dissimilar” / “approximately dissimilar”</p> <p>'213 Patent, claims 2, 37, 38 '611 Patent, claim 3, 4, 30*</p> <p>Proposed by Apple</p> <p>* The parties' respective claim construction briefs mistakenly listed claim 29 of the '611 Patent (instead of claim 30) as containing this term. In the '611 Patent, the term is recited only in claims 3, 4, and 30; it is not recited in claim 29</p>	<p>Plain and ordinary meaning; no construction necessary</p>	<p>Indefinite</p>
<p>“a relationship for speech”</p> <p>'213 Patent claims 14, 42 '611 Patent claim 1</p> <p>Proposed by Apple</p>	<p>Plain and ordinary meaning; no construction necessary</p>	<p>Indefinite</p>
<p>“... substantially similar/dissimilar...”</p> <p>'691 Patent, claims 1, 23, 27, 28, 29, 41 '080 Patent, claims 1, 14 '357 Patent, claims 1, 15</p> <p>Proposed by Apple</p>	<p>Plain and ordinary meaning; no construction necessary</p>	<p>Indefinite</p>

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