

**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 MOTION TO DISMISS
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 are missing necessary elements and Apple Inc. (“Apple”) respectfully moves this Court to dismiss with prejudice Jawbone Innovations’s indirect and willful infringement claims of the asserted patents.¹

Jawbone Innovations fails to state a claim for indirect and willful infringement claims because Jawbone Innovations does not allege any facts showing that Apple knew of the asserted patents, much less that Apple had the specific intent to induce infringement. Instead, Jawbone Innovations speculates that Apple was among “a host of technology companies” that were “identified as potential buyers of Jawbone’s US Patents.” (Complaint, ¶21). Jawbone Innovations’s willful infringement allegations suffer from another shortcoming: they fail to allege facts that support an inference that Apple knew or should have known that its acts infringed the patent. Jawbone Innovations’s mere recitation of the element that Apple knew or took deliberate steps to avoid learning that those acts infringe cannot suffice because this recitation amounts to a legal conclusion insufficient to establish willful infringement as plausible. Consequently, Jawbone Innovations’s claims of indirect and willful infringement should be dismissed.

I. BACKGROUND

Jawbone Innovations filed its Complaint against Apple on September 23, 2021. Jawbone Innovations alleges that each of Apple’s iPhone, iPad, AirPods Pro, and HomePod products infringes one or more claims of eight asserted patents that Jawbone Innovations acquired from Jawbone Inc.—an entity that appears to have no relationship to Plaintiff—after Jawbone Inc. was liquidated in 2017. (Complaint, ¶ 20.) The asserted patents are generally directed to noise suppression and/or voice detection technology. (*Id.*, ¶¶ 22-36.) Jawbone Innovations alleges Apple

¹ The asserted patents 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.

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