

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

META PLATFORMS, INC., D/B/A META,

Defendant.

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Case No. 6:23-cv-00158-ADA

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Amended Scheduling Order (Dkt. 58), Plaintiff Jawbone Innovations, LLC (“Jawbone”) and Defendant Meta Platforms, Inc., d/b/a Meta (“Meta”) submit this Joint Claim Construction Statement. Pursuant to the Standing Order Governing Proceedings (OGP) 4.4 – 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. 8,321,213 (“the ’213 patent”), 8,326,611 (“the ’611 patent”), 8,503,691 (“the ’691 patent”), 10,779,080 (“the ’080 patent”), and 11,122,357 (“the ’357 patent”) (collectively, the “Asserted Patents”). Jawbone previously asserted U.S. Patent Nos. 7,246,058 (“the ’058 patent”), 8,019,091 (“the ’091 patent”), and 8,467,543 (“the ’543 patent”), but informed Meta on March 4, 2024, that it was withdrawing its assertion of those patents. Meta did not separately brief the terms “microphone[s]” and “acoustic microphone,” which were only found in claims of the ’058, ’091, and/or ’543 patents. On April 24, 2024, Jawbone further informed Meta that it withdrew its assertion of claims 10 and 11 of the ’080 patent. While Jawbone believes disputes as to any terms found solely within those claims are moot, Meta maintains its positions on terms from these patents and claims until they are formally withdrawn from this action.

I. AGREED CONSTRUCTIONS

Term	Agreed Construction
<p>“virtual microphone”</p> <p>’213 Patent, claims 1, 2, 5-8, 10, 14, 19-22, 24, 36-38, and 42</p> <p>’611 Patent, claims 1-4, 9-12, 14, 29, 30, 33-36, 38, and 44</p> <p>’080 Patent, claims 1, 7, 14, 18, and 19</p> <p>’357 Patent, claims 1, 5, 11-15, and 17-19</p> <p>’691 Patent, claims 1, 4, 10, 12, 15, 17, 21-23, 27-29, 31, 38, 41, and 42</p>	<p>“microphone constructed using two or more omnidirectional microphones and associated signal processing”</p>

Term	Agreed Construction
Proposed by Meta	
<p>“null”</p> <p>'691 Patent, claims 3-5, 20, 23, 24, 30-32, 41-43, and 46 '080 Patent, claims 7 and 9 '357 Patent, claims 15 and 17</p> <p>Proposed by Jawbone and Meta</p>	<p>“a zero or minima in the spatial response of a physical or virtual directional microphone”</p>
<p>“transfer function”</p> <p>'091 Patent, claims 1, 2, 4, 5, 9, 11, 15, 18 '357 Patent, claims 1 and 15 '080 Patent, claims 1, 7, and 14</p> <p>Proposed by Jawbone and Meta</p>	<p>“a mathematical expression that specifies the relationship between an output signal and an input signal”</p>
<p>“acoustic noise”</p> <p>'091 Patent, claims 1, 9, 11, 15, 18 '080 Patent, claims 1, 2, and 7</p> <p>Proposed by Meta</p>	<p>“any acoustic signal (which may include human speech other than the user’s) that is not desired”</p>
<p>“voice activity”</p> <p>'213 Patent, claims 1, 14, and 42 '611 Patent, claims 1, 29, and 44 '080 Patent, claims 4, 10, and 15</p> <p>Proposed by Meta</p>	<p>“user speech”</p>

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

II. DISPUTED TERMS THAT THE PARTIES BRIEFED IN THIS LITIGATION

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

Term	Jawbone's Construction	Meta's Construction
<p>“approximately similar [responses to noise]”</p> <p>'213 Patent, claims 2 and 37 '611 Patent, claim 3 and 30</p> <p>Proposed by Meta</p>	<p>Plain and ordinary meaning; no construction necessary</p> <p>Alternatively, “responses to noise whose ratio has an absolute value of less than 10 dB”</p>	<p>Indefinite</p>
<p>“approximately, dissimilar [responses to speech]” / “approximately dissimilar [responses to speech]”</p> <p>'213 Patent, claims 2 and 38 '611 Patent, claims 4 and 30</p> <p>Proposed by Meta</p>	<p>Plain and ordinary meaning; no construction necessary</p> <p>Alternatively, “responses to speech whose ratio has an absolute value of 10 dB or more”</p>	<p>Indefinite</p>
<p>“substantially similar [responses to noise]” / “[is] substantially similar [to the first linear response to noise]”</p> <p>'691 Patent, claims 1, 23, 27, 29, 41 '080 Patent, claims 1, 7, and 14 '357 Patent, claims 1 and 15</p> <p>Proposed by Meta</p>	<p>Plain and ordinary meaning; no construction necessary</p> <p>Alternatively, “responses to noise whose ratio has an absolute value of less than 10 dB” / “deviates from the first linear response to speech such that the absolute value of their ratio is less than 10 dB”</p>	<p>Indefinite</p>
<p>“substantially similar [across a plurality of frequencies for a speech source]”</p>	<p>Plain and ordinary meaning; no construction necessary</p>	<p>Indefinite</p>

Term	Jawbone's Construction	Meta's Construction
'080 Patent, claim 7 '691 Patent, claims 1, 23, 27-29, and 41 Proposed by Meta	Alternatively, "within a range of 10 dB [across a plurality of frequencies for a speech source]"	
"substantially dissimilar [responses to speech]" / "[is] substantially dissimilar [to the first linear response to speech]" '080 Patent, claims 1, 7, and 14 '691 Patent, claims 1, 23, 27-29, and 41 '357 Patent, claims 1 and 15 Proposed by Meta	Plain and ordinary meaning; no construction necessary Alternatively, "responses to speech whose ratio has an absolute value of 10 dB or more" / "deviates from the first linear response to speech such that the absolute value of their ratio is at least 10 dB"	Indefinite
"the processing component" '080 Patent, claims 10, 11 Proposed by Meta	Plain and ordinary meaning; no construction necessary	Indefinite

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