

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONOS, INC.,
Petitioner,

v.

GOOGLE, LLC,
Patent Owner.

Case No. IPR2023-00806
U.S. Pat. No. 11,050,615

PATENT OWNER'S RESPONSE

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EXHIBIT LIST

Exhibits	Description
Ex. 2001	ITC Initial Determination in Inv. No. 337-TA-1330, dated September 15, 2023

I. Introduction

In its IPR Petition, Sonos challenges the validity of claims 1-3, 5-12, and 15-19 of U.S. Patent No. 11,050,615 (“the ’615 patent”). The Initial Determination in the related ITC investigation addressed anticipation and obviousness of claims 1, 5, 6, 9, 16, 17, and 19 based on the primary reference applied in the Petition’s first ground—Roberts. Ex. 2001, 157. The Administrative Law Judge found claims 1, 5, 9, 16, and 17 anticipated by Roberts but found that Sonos failed to show Roberts disclosed the limitations recited in claims 6 and 19. *Id.*, 160-164 (“Roberts does not anticipate claim 6 ... Roberts does not anticipate claim 19”), 176-177 (claims 6 and 19 have not been shown to be obvious over the single reference Roberts.”). The Board should find that Sonos likewise failed to carry its burden here to show claims 6 and 19 unpatentable for both the Roberts ground and the Suumäki ground.

Dependent claims 6 and 19 are similar in scope. Both claims recite:

contacting the wireless device via the communication
network to indicate that the target device has successfully
entered the communication network.

Ex. 1001 (“’615 Pat.”), 14:7-10, 16:17-22. For both grounds, the Petition’s arguments for claim 19 simply reference back to claim 6. Pet. 43, 73.

For the Roberts ground, Sonos’s Petition relies on Roberts alone. The text below is the entire argument in the Petition:

This is rendered obvious by Roberts and Asokan. Roberts explains that if enrollee device “setup succeeds,” then the device “deletes the L2 data port” it previously used to communicate with the registrar and reconfigures its “802.11 stack with an 802.11 profile and credentials to connect the enrollee device ... as a member of the 802.11 network domain.” (Ex. 1004, 13:51-57.) After this, “[o]n a registrar device,” the matching “L2 data port” is also deleted. (*Id.*, 13:58-62.) Because the enrollee deletes the L2 data port it used for setup upon joining a network, a POSITA would understand that any further messages or notifications sent to the registrar—which obviously includes a notification that the setup was successful such that the registrar can delete its own matching L2 port—would be transmitted over the wireless network itself. (See Ex. 1003, ¶¶ 246-251.) This is consistent with the remainder of Roberts’s disclosure. For instance, Roberts explains that its system operates to “give[] system wide visibility into setup progress.” (Ex. 1004, 11:32-33; see also Ex. 1003, ¶¶ 252-254.)

Pet. 36-37 (alterations in original). This argument fails to assert that the alleged “notification” sends a message over the WiFi network indicating the enrollee device successfully connected to the WiFi network. Instead, Sonos merely asserts that the notification informs the registrar device of a successful *setup*, which Roberts explains as setting up the enrollee device so that it can subsequently connect to the WiFi network. Moreover, this argument also fails because it does not prove that Roberts’s enrollee device sends any success communications to the registrar device *over the WiFi network* (i.e., “the communication network”) and relating to *connecting to the WiFi network*, as the claims require.

For the Suumäki ground, Sonos asserts two arguments: (i) device B sends authentication information to the hub device informing the hub device of device B's successful connection to the WiFi network, and (ii) an Enrollee device sends a WSC_Done message to the Access Point informing the Access Point of the Enrollee device's successful connection to the WiFi network. Both arguments include a critical flaw—they both accuse communications that occur *before* device B or the Enrollee device connect to the WiFi network, i.e., device B is not connected to the WiFi network at the time it sends the authentication information, and the Enrollee device is not connected to the WiFi network at the time it sends the WSC_Done message. Thus, these accusations fail because the alleged communications are neither sent over the WiFi network nor indicate a successful WiFi connection to the Access Point. Pet. 67-68.

Sonos's inability to prove that claims 6 and 19 are unpatentable also undermines Sonos's challenges to claims 7 and 8 (both of which depend from claim 6) and claim 20 (which depends from claim 19). '615 Pat., 14:11-18, 16:23-29.

II. Standard of Review

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent [claims] it challenges [are] unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing

35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with particularity . . . the evidence that supports the grounds for the challenge to each claim”)); *Twitter, Inc. v. VidStream LLC*, 825 F. App’x 844, 851 (Fed. Cir. 2020) (explaining that it is the petitioner’s burden “to establish the scope and content of a prior art reference by a preponderance of the evidence”). This burden of persuasion never shifts to the patent owner. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). The petitioner cannot satisfy its burden of proving obviousness by employing “mere conclusory statements.” *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016). Relatedly, expert testimony is given little weight when it merely repeats the petitioner’s conclusory argument for which the testimony was offered to prove and does not provide any additional evidence or technical reasoning to support the arguments. *See Xerox Corp. v. Bytemark, Inc.*, No. IPR2022-00624, 2022 WL 3648989, at *5-6 (PTAB Aug. 24, 2022); *Xerox Corp. v. Bytemark, Inc.*, No. IPR2022-00624, Paper 12 at 3-6 (PTAB Feb. 10, 2023) (Director Vidal designating the Board’s decision as precedential and affirming the decision because little weight should be given to declarations that “do[] not provide any technical detail, explanation, or statements supporting *why* the” expert’s position is correct).

Additionally, the petitioner’s case-in-chief must be made in the petition, and “[the] [p]etitioner may not submit new evidence or argument in reply that it could

have presented earlier,” e.g., to make out a prima facie case of unpatentability. *VidStream LLC v. Twitter, Inc.*, 981 F.3d 1060, 1064 (Fed. Cir. 2020) (quoting U.S. Patent Trial and Appeal Board, Consolidated Trial Practice Guide 73 (Nov. 2019)); 35 U.S.C. § 312(a)(3) (“the *petition*” must identify supporting evidence “with particularity” (emphasis added)); 37 C.F.R. § 42.104(b)(4) (“The *petition* must specify where each element of the claim is found in the prior art” (emphasis added)). Moreover, the Board has noted that it “will not consider arguments that are not made in the [p]etition, but are instead incorporated by reference to the cited paragraphs . . . of [the petitioner’s expert’s declaration].” *Cisco Sys., Inc. v. C-Cation Techs., LLC*, No. IPR2014-00454, Paper 12 at 10 (PTAB Aug. 29, 2014) (informative); *see also* 37 C.F.R. § 42.6(a)(3) (“Arguments must not be incorporated by reference from one document into another document.”).

III. Roberts Does Not Render Claim 6 Unpatentable

Just like Sonos failed to meet its burden at the ITC, Sonos similarly fails to satisfy its burden here to show that claim 6 is unpatentable in view of Roberts. Section III.A provides an overview of the portions of Roberts relevant to Sonos’s arguments. Section III.B summarizes Sonos’s arguments and Section III.C explains why those arguments fail to show that Roberts discloses claim 6.

A. Overview of Relevant Portions of Roberts

Sonos's claim 6 mapping is entirely derived from one example in Roberts about setting up the enrollee device (the alleged target device), so the device receives the configuration information needed to connect to the WiFi network. *See* Pet. 36-37 (citing Ex. 1004, 13:51-62); Ex. 1004, 9:5-13:62. There are two main points from Roberts that are helpful to understand.

First, Roberts generally explains that “configuration information can be communicated” out of band “via a connection other than Wi-Fi,” e.g., “USB flash, USB cable, Ethernet cable, and a Bluetooth™ connection,” or in band “via a Wi-Fi connection using cryptography, which may involve public key cryptography . . . or some other type of secure exchange.” Ex. 1004, 2:6-15. Sonos's mapping of claim 6 relies on an example describing the setup of the enrollee device using the in-band WiFi connection such that, when successful, the enrollee receives configuration information from the registrar device (the alleged wireless device). Pet. 36-37 (citing Ex. 1004, 13:51-62); Ex. 1004, 9:7-8, 9:38-47 (“For example, the frame exchange sequence for a probe request is supported in the base 802.11 standard, so it is available in all versions of the 802.11 implementation.”), 13:21-36 (discussing that, in the example, the devices acquire an encryption “key” during the “setup exchange” to communicate securely). However, for the independent

claims, Sonos relies upon the out-of-band embodiment, Pet. 25-29, 16-17, which the Board also relied upon at institution, Pap. 7 at 20, 23-24.

Second, it is important to understand what Roberts teaches (and does not teach) after enrollee device setup is successful. Specifically, the setup exchange process—i.e., the process of exchanging setup information—between the enrollee device and registrar device “terminates with success or failure.” Ex. 1004, 13:35-36. “If the setup succeeds,” the enrollee uses the configured profile and credentials to connect to the 802.11 network domain. Accordingly, the successful setup referred to by Roberts and a successful communication network connection (e.g., WiFi connection) are not the same. *Id.*, 13:35-36, 13:51-62. Roberts also explains that both devices close their L2 data port used to communicate over the in-band channel. *Id.*, 13:51-54, 13:58-62.

As shown below, the example in Roberts cited by Sonos does not disclose or suggest any additional details on what happens after the enrollee device is successfully set up with connection information:

If the setup succeeds, then on the enrollee device 300 the enrollee device setup entity requests the 802.11 stack to delete the L2 data port. The 802.11 stack simply deletes the specified port. Then the enrollee device setup entity configures the 802.11 stack with an 802.11 profile and credentials to connect the enrollee device 300 as a member of the 802.11 network domain. The 802.11 stack uses the configured profile and credentials to connect to the 802.11 network domain. On a registrar device 302 or a proxy thereto, a registrar device setup

entity (or registrar proxy device setup entity) requests the 802.11 stack to delete the L2 data port. The 802.11 stack simply deletes the specified port.

Id., 13:51-62. Moreover, while Roberts does not specifically detail *how* the devices delete the L2 ports after setup succeeds, it discloses that both devices *always* delete their L2 ports, regardless of whether the process is successful and *even when no response is received*. *Id.*, 10:25-28 (explaining that the registrar device “brings down the [L2] port” if it (i) “does not receive any response from the enrollee device,” (ii) “fails setup with the enrollee device,” or (iii) after a certain amount of times passes), 10:67-11:3 (same for the enrollee device).

B. Sonos’s Mapping of Roberts to Claim 6

Sonos argues that Roberts discloses claim 6 because, after successfully completing setup for the enrollee device, the enrollee device contacts the registrar device to notify the registrar that such “setup was successful.” Pet. 36-37 (discussing device activity after “setup succeeds” (quoting Ex. 1004, 13:51-57)); Ex. 1003, ¶¶ 247-250. Specifically, Sonos argues that after the “setup succeeds,” the following device activity occurs in order:

(i) the enrollee device uses the WiFi configuration information received during setup to connect to the WiFi network;

(ii) the enrollee device deletes its L2 data port used to communicate with the registrar device on the out-of-band channel;

(iii) the enrollee device “obviously” messages the registrar device over the WiFi network to notify the registrar “that the setup was successful,” enabling the registrar to delete its own L2 data port; and

(iv) the registrar device deletes its own L2 port.

Pet. 36-37 (noting that step (iii) occurs after the enrollee device deletes its L2 port); Ex. 1003, ¶¶ 248-250 (explaining the order of steps (i), (ii), and (iv)).

C. Sonos Fails to Meet Its Burden to Prove that Claim 6 Is Unpatentable in View of Roberts

Sonos fails to meet its burden to show that Roberts discloses “*contacting the wireless device via the communication network to indicate that the target device has successfully entered the communication network,*” as claim 6 requires. ’615 Pat., 14:7-10. Sonos’s arguments fail for three reasons—each of which provides an independent basis for the Board to find that Sonos fails to meet its burden to show claim 6 is unpatentable in view of Roberts.

First, Sonos’s claim 6 mapping contradicts how it mapped claim 1. Specifically, for claim 1, Sonos argued that Roberts teaches both in-band and out-of-band communication channels but mapped only the out-of-band system to this claim. Pet. 27 (Roberts “reference[s] both in-band [communication] and out-of-band communication such as Bluetooth,” and it would have been obvious to a skilled artisan “to use an out-of-band channel when implementing Roberts” and send the configuration over that channel), 28-29 (“The configuration information

transmitted by the registrar can be sent to the enrollee” via “[the] ‘out of band’ communication connection such as a ‘Bluetooth™ connection.’” (quoting Ex. 1004, 2:6-10)).

However, for claim 6, Sonos changes course and instead relies on disclosures from Roberts of setting up an enrollee device that uses an in-band WiFi communication channel to send configuration information from the registrar to the enrollee. *Id.*, 36-37; *see supra* Section III.A. Neither Sonos nor its expert attempt to explain how this portion of Roberts could be or would be applied to Roberts’s system that utilizes the out-of-band communication channel, as asserted in Sonos’s claim 1 mapping, or how Roberts’s system would combine using both in-band and out-of-band communication channels. In fact, Roberts consistently describes using in-band and out-of-band channels as distinct and separate embodiments for the same purpose: to provide the configuration information to the enrollee device. Ex. 1004, Abstract (“One of the registrar devices then provides configuration information to the enrollee, for example as a registrar information element. The configuration information may be passed out of band *or* in band” (emphasis added)), 1:67-2:15, 6:23-28 (describing the registrar device providing the enrollee device with configuration information using either an out-of-band channel *or* in-band channel), 7:43-52. This failure undermines Sonos’s entire argument that Roberts discloses claim 6.

Second, Sonos argues that the enrollee device sends “messages or notifications” to the registrar device after successfully setting up the enrollee device. Pet. 36-37. However, Sonos fails to prove that Roberts’s enrollee device communicates with the registrar device after the enrollee device is successfully set up. It points to no disclosures in Roberts that supports its position because, as noted in Section III.A, Roberts does not disclose or suggest the enrollee sending any such messages to the registrar after setup succeeds. *Id.*

Instead, Sonos simply alleges that such communication would be “obvious[]” and cites to expert testimony in support. *Id.* (citing Ex. 1003, ¶¶ 246-251). But this testimony provides a single sentence about the alleged communication, and this sentence merely restates Sonos’s conclusory assertion that the enrollee device “obviously” sends a success notification to the registrar device to enable the registrar to delete its L2 data port. *Id.*; see Ex. 1003, ¶ 251 (“[Enrollee device sends] a notification . . . to the registrar informing the registrar that enrollee setup was successful such that the registrar can delete its own matching L2 port.”). Sonos’s expert provides no additional support or technical reasoning explaining why sending such message would be obvious based on Roberts’s disclosures or why the registrar device needs a notification from the enrollee device to close its L2 port. See Ex. 1003, ¶¶ 246-251. Instead, Roberts clearly discloses the registrar devices always delete their L2 ports, regardless of

whether the process is successful and even when no response is received, so there is no success notification required before the registrar deletes its L2 port. *See supra* Section III.A. Thus, Sonos’s expert testimony is entitled to little weight since it merely repeats Sonos’s conclusory argument for which the testimony is offered to support. *See Xerox*, 2022 WL 3648989, at *5-6; *Xerox*, No. IPR2022-00624, Paper 12 at 3-5. In sum, Sonos points to no evidence—neither disclosures from Roberts or useful expert testimony—that supports its position.

Sonos raises one ancillary argument regarding Roberts’s system “operat[ing]” to “give[] system wide *visibility into [the] setup progress*,” and that this is “consistent with” Sonos’s position that the enrollee device sends a message to the registrar device after connecting to the WiFi network. Pet. 37 (second alteration in original) (emphasis added) (quoting Ex. 1004, 11:32-33). But, as Sonos only argues that this disclosure is potentially “consistent with” its position, it concedes that the disclosure does not prove that the enrollee device communicates with the registrar device. Moreover, this disclosure misrepresents Roberts—the “system wide visibility” only describes the system *during the channel setup process* and is silent as to any general messaging between the devices about system statuses or any communications after the setup process terminates, i.e., when the process succeeds. Ex. 1004, 11:32-33; *see also id.*, 11:32-40 (explaining that using L2 data ports during setup helps provide system visibility). Sonos also cites expert

testimony that a skilled artisan would have found it obvious that Roberts’s “system wide visibility” disclosure “would have included messages indicating that an enrollee device successfully joined a network as originally requested,” Pet. 37 (citing Ex. 1003, ¶¶ 252-254); Ex. 1003, ¶ 253, but the Board should not consider this argument as it was not presented in the Petition. *Cisco*, No. IPR2014-00454, Paper 12 at 10 (citing 37 C.F.R. § 42.6(a)(3)); *Unified Patents, LLC v. Ikorongo Tech. LLC*, No. IPR2020-01379, Paper 21 at 19-21 (PTAB Feb. 11, 2021). Even if this testimony is considered, it is unpersuasive because (i) it misrepresents Roberts’s “system wide visibility” disclosure for the same reasons noted above, and (ii) the testimony should be given little weight under *Xerox* since it is conclusory and provides no additional evidence or technical reasoning. *See* Ex. 1003, ¶¶ 252-253. *See Xerox*, 2022 WL 3648989, at *5-6; *Xerox*, No. IPR2022-00624, Paper 12 at 3-5.

Third, Sonos argues that the enrollee device “obviously” includes a notification to the registrar device that “the *setup* was successful.” Pet. 36-37 (emphasis added) (citing Ex. 1003, ¶¶ 246-251). But this fails to allege or prove that the enrollee device messages the registrar device *over the WiFi network* about the enrollee device *successfully connecting to the WiFi network*, as claim 6 requires. As explained in Section III.A, “setup” refers to setting up the enrollee device so the device receives the configuration information needed to subsequently

connect to the WiFi network. Thus, Sonos only alleges that the enrollee device informs the registrar that the enrollee device was successfully set up, not that it successfully connected to the WiFi network. Pet. 36-37. Sonos provides no explanation or evidence that sending this notification could or would indicate to the registrar that the enrollee device successfully connected to the WiFi network. *See id.*; Ex. 1003, ¶¶ 246-254. In fact, as Sonos concedes, the enrollee device does not connect to the WiFi network until *after* the setup succeeds, so the alleged notification cannot be sent over the WiFi network. Pet. 36; Ex. 1003, ¶¶ 248, 250. Thus, Sonos’s argument that the enrollee device sends a notification that “the setup was successful” fails to allege (let alone prove) that Roberts discloses claim 6’s requirement of sending an indication over the WiFi network of a successful network connection.

IV. Suumäki Does Not Render Claim 6 Unpatentable

Sonos also does not satisfy its burden to show that claim 6 is unpatentable in view of Suumäki. Section IV.A provides an overview of the portions of Suumäki relevant to Sonos’s arguments. Section IV.B summarizes Sonos’s arguments and Section IV.C explains why those arguments fail to show that Suumäki discloses claim 6.

A. Overview of Relevant Portions of Suumäki

Suumäki explains that device B (the alleged target device) receives authentication information 25 during a Near Field Communication (NFC) touch event. Ex. 1005, 21:32-33, 27:17-21. Device B then sends a request frame to hub device AP/GO (the alleged wireless device for claim 6) that includes the authentication information previously received. *Id.*, 27:22-30. The hub device recognizes this information as proof that device B engaged in the NFC touch event and then begins the process to provide device B network access to the WiFi network. *Id.*, 27:34-46. This process includes numerous steps, including: (i) device B connecting to the hub device and initiating a network access control procedure; (ii) device B running a WiFi simple configuration Extensible Authentication Protocol (EAP) method by sending an EAPoL-Start message to the hub device; and (iii) device B and the hub device exchanging registration protocol messages M1-M8, which provide device B with the network credentials needed to connect to the WiFi network. *Id.*, 27:34-46, 15:55-16:18 (Table 1), 15:31-34 (“A credential is a data structure issued by a Registrar to an Enrollee [(or device B)], allowing the latter to gain access to the network. . . . [C]redentials are sent across the out-of-band channel to the Enrollee.”). Device B then “disassociates and reconnects” to the hub device using the network credentials and is finally connected to the WiFi network. *Id.*, 27:47-51.

Suumäki describes another embodiment detailing the same process with different terminology. Specifically, Suumäki discloses that, when an “Enrollee” (similar to device B) decides to connect to the WiFi network, it then associates with the Access Point (AP) (similar to the hub device) and sends an EAPoL-Start message. *Id.*, 14:52-54. The Enrollee and Access Point exchange registration protocol messages, including message M8. *Id.*, 14:52-61. If the Enrollee successfully processes the M8 message, it receives network credentials and sends a WSC_Done message. *Id.*, 14:61-15:2, 15:31-34. After sending the WSC_Done message, the Enrollee then “disassociates and reconnects” to the WiFi network using the network credentials. *Id.*, 14:65-15:2.

B. Sonos’s Mapping of Suumäki to Claim 6

Sonos makes two arguments in mapping Suumäki to claim 6. First, it argues that device B’s transmission of authentication information to hub device AP/GO constitutes device B contacting the hub device via the communication network to indicate that device B has successfully entered the communication network, as claim 6 requires. Sonos specifically alleges that, after device B and the hub device create an NFC communication link, then “[d]evice B issues a request frame’ and sends [the frame] to the ‘hub device AP/GO in a Wi-Fi Protected Setup procedure.’” Pet. 68 (first alteration in original) (quoting Ex. 1005, 27:22-25). This request frame “includes ‘the authentication information 25[, which is] recognizable

by the hub device’ [and] ‘serve[s] as proof that the device B did, in fact[,] engage in an NFC touch.’” *Id.* (third alteration in original) (quoting Ex. 1005, 27:25-30, 27:34-36). Sonos concludes that device B’s transmission of authentication information “‘*indicate[s] that*’ [device B] ‘*has successfully entered the communication network.*’” *Id.* (citing only Ex. 1003, ¶¶ 458-462 in support of this conclusion).

Second, Sonos argues that “Suumäki also explains that an ‘Enrollee’ device can transmit a ‘WSC_Done message’ once it processe[s] any received network credentials.” *Id.* (quoting Ex. 1005, 14:59-64). This is the entirety of Sonos’s second argument. Presumably, Sonos asserts that the Enrollee’s transmission of the WSC_Done message to the Access Point constitutes the Enrollee contacting the Access Point via the communication network to indicate that Enrollee has successfully entered the communication network, as claim 6 requires.

C. Sonos Fails to Meet Its Burden to Prove that Claim 6 Is Unpatentable in View of Suumäki

Both of Sonos’s arguments fail to disclose claim 6 for the same reason: Sonos points to communications that occur *before* the alleged target device connects to the WiFi network and, thus, these allegations fail to show that the alleged target device sends a message over the WiFi network that it has successfully connected to the WiFi network, as claim 6 requires.

First, Sonos’s first argument—that device B’s transmission of authentication information to the hub device indicates to the hub device that device B has successfully entered the WiFi network—fails because device B has not connected to the WiFi network at the time it sends the authentication information. As explained in Section IV.A, Suumäki makes clear that, *after* the hub device receives and recognizes the authentication information from device B, *then* multiple steps take place before device B receives the network credentials to join the WiFi network. *See supra* Section IV.A (explaining that after receiving the authentication information, the hub device grants network access to device B, the devices exchange additional messages, the hub device eventually sends device B network credentials to join the WiFi network, and device B finally “disassociates and reconnects” to join the WiFi network using the network credentials (quoting Ex. 1005, 27:41-51)).

Sonos’s own arguments for claim 1 concede Google’s position. *See* Pet. 61-63. Sonos admits that “the successful addition of device B to the existing wireless network” does not occur until after device B receives and uses the network credentials to join the network. *Id.*, 62-64 (citing Ex. 1005, Figs. 1I and 7, 21:60-67, 22:21-45, 26:48-51); *see also id.*, 61-62 (citing Ex. 1005, 21:32-37, 27:51-54, Fig. 1G) (conceding that the request frame sent by device B that has authentication information only “*enable[s] the connection* of device B to the

existing IEEE 802.11 network” (emphasis added)). As explained above, device B has not received network credentials at the time it sends authentication information to the hub device.

Thus, because device B has not connected to the WiFi network at the time it transmits authentication information to the hub device, such transmission cannot occur over “the communication network” or “indicate that [device B] has successfully entered the communication network.”

Second, Sonos’s second argument—that the Enrollee’s transmission of the WSC_Done message to the Access Point indicates that the Enrollee has successfully entered the WiFi network—fails for the same reason as Sonos’s first argument. Specifically, as explained in Section IV.A, at the time the Enrollee sends the WSC_Done message, the Enrollee has not connected to the WiFi network. *See supra* Section IV.A (explaining that *after* the Enrollee sends the WSC_Done message, *then* the Enrollee “disassociates and reconnects” to the Access Point using the received network credentials (quoting Ex. 1005, 27:47-51)).

Sonos’s arguments for claim 1 also support Google’s position. *See* Pet. 61-63. Sonos admits that “the successful addition of device B to the existing wireless network” does not occur until after device B uses the network credentials to join the network and cites Figure 1I as showing this success. *Id.*, 62-64 (citing Ex. 1005, Figs. 1I and 7, 21:60-67, 22:21-45, 26:48-51). As noted above, the

Enrollee disassociates and reconnects to the hub device *after* sending the WSC_Done message, Ex. 1005, 14:65-15:2—and this dissociation and reconnection step happens before the Enrollee successfully connects to the WiFi network. *Compare id.*, 22:30-34, Fig. 1H (collectively describing the dissociation and reconnection step), *with id.*, 22:33-45, Fig 1I (collectively describing that the step after dissociation and reconnection involves connecting to the WiFi network). Thus, the WSC_Done message occurs before the Enrollee connects to the WiFi network.

To support its position, Sonos cites expert testimony that copies the Petition’s argument nearly word for word. *Compare* Pet. 68 (“Moreover, Suumäki also explains that an ‘Enrollee’ device can transmit a ‘WSC_Done message’ once it processes any received network credentials.” (quoting Ex. 1005, 14:59-64) (citing Ex. 1003, ¶ 463)), *with* Ex. 1003, ¶ 463 (“Moreover, Suumäki also explains that other ‘*indicatfions*’ are sent from its enrollee to its hub. For example, the ‘Enrollee’ device can transmit a ‘WSC_Done message’ once it processes any received network credentials.” (alteration in original) (quoting Ex. 1005, 14:59-64)). Such testimony should be given little weight. *See Xerox*, 2022 WL 3648989, at *5-6; *Xerox*, No. IPR2022-00624, Paper 12 at 3-5 (finding that little weight should be given to expert declarations that “merely offered conclusory assertions

without underlying factual support and repeated, *verbatim*, Petitioner’s conclusory arguments”).

Thus, because the Enrollee has not connected to the WiFi network at the time it transmits WSC_Done message to the Access Point, such transmission cannot occur over “the communication network” or “indicate that [the Enrollee] has successfully entered the communication network.”

V. Conclusion

For the aforementioned reasons, Petitioner fails to meet its burden of establishing that claims 6-8 and 19-20 are unpatentable in view of the asserted prior art grounds.

Respectfully submitted,

Dated: January 30, 2024

By: /Erika H. Arner/
Erika H. Arner, Reg. No. 57,540
Lead Counsel

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), I, Cory C. Bell, certify that **PATENT OWNER'S RESPONSE** contains 4,723 words, excluding those portions identified in 37 C.F.R. § 42.24(a), as measured by the word-processing system used to prepare this paper.

Dated: January 30, 2024

By: /Cory C. Bell/
Cory C. Bell, Reg. No. 75,096

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on January 30, 2024, a copy of **Patent Owner's Response and Exhibit 2001** was served upon the below-listed counsel by electronic mail:

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Dated: January 30, 2024

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