

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY ELECTRONICS, INC.,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2023-01119
Patent No. 7,246,058 B2

Before GEORGIANNA W. BRADEN, NORMAN H. BEAMER, and
JASON M. REPKO, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

ORDER
Denying Leave to File Reply to Preliminary Response
37 C.F.R. § 42.108(c)

On November 16, 2023, Petitioner contacted the Board via email to seek leave to file a Reply to Patent Owner's Preliminary Response under 37 C.F.R. § 42.108(c). Ex. 3001. The same email indicates that Patent Owner opposed Petitioner's request. *Id.*

Petitioner explains that it is seeking leave to file a reply to address "extensive discussions [in the Preliminary Response] mischaracterizing Sony's petition, the accompanying declaration, Takano's disclosure and other issues relating to the Board's comment." *Id.* (citing Paper 9, 8–12). Petitioner further explains that Patent Owner's Preliminary Response addresses "the Board's comment in an earlier *Amazon v. Jawbone* IPR (involving the same patent claims and prior art) that 'Takano discloses that, when the level difference is lower than the threshold, 'the target signal is not dominant,' meaning that the signal is identified as noise instead of speech.'" *Id.* (citing IPR2023-00222, Paper 7, 41–42.)

Our rules provide that "[a] petitioner may seek leave to file a reply to the preliminary response" but that "[a]ny such request must make a showing of good cause." 37 C.F.R. § 42.108(c). Having reviewed the record and after considering Petitioner's email, we find Petitioner has not shown that good cause exists for a reply under these circumstances. The Petition already addresses Takano, and we will consider the evidence of record, as submitted by the parties. We are not persuaded that Petitioner has shown good cause to warrant additional briefing to address the sufficiency of the arguments and evidence it chose to submit with its Petition.

We note that, prior to contacting the Board, the parties met and conferred to discuss this issue, and the parties agreed to certain briefing

parameters, including requesting a sur-reply for Patent Owner, if Petitioner's request for leave was granted. We appreciate the parties' good faith efforts to meet and confer before contacting the Board. Patent Owner's request for a sur-reply, however, was conditioned on our granting Petitioner's request and, therefore, is moot.

It is

ORDERED that Petitioner's request for leave to file a Reply to Patent Owner's Preliminary Response under 37 C.F.R. § 42.108(c) is *denied*.

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For PETITIONER

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