

Filed on behalf of: Meta Platforms, Inc.

Filed: January 24, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.
Petitioner,

v.

JAWBONE INNOVATIONS, LLC
Patent Owner.

Case No. IPR2023-01291
U.S. Patent No. 8,467,543

**PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

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Petitioner respectfully submits this Reply. PO wrongly attributes a claim construction to Petitioner and fails to establish the claims exclude the prior art.

I. PO Attributes a Construction to Petitioner that It Did Not Advance

The Petition made clear “no construction is necessary” for any term, including [1H]. Pet. 5. In particular, [1H] states “*wherein the denoising method includes generating a noise waveform estimate associated with noise of the acoustic signals and subtracting the noise waveform estimate from the acoustic signal when the acoustic signal includes speech and noise.*” The Petition establishes that no construction is necessary because Andrea discloses this limitation under any reasonable construction. *Id.* 40.

Andrea discloses “*generating a noise waveform estimate*” in two ways:

1. “converting the background noise supplied to the second microphone signal into a corresponding electrical signal” (*Id.*); or
2. “match[ing] the level of the noise signal received from the second microphone 14 to the noise contained in the speech-plus-noise signal from the first microphone 12” (*Id.* 40-41).

A POSITA would have understood the scope of the plain and ordinary meaning of “*generating a noise waveform estimate*” to encompass both.

PO argues that Petitioner is effectively writing out the claim language, stating: “Petitioner’s argument would only have merit if claim term [1H] . . . were properly

construed as “wherein the denoising method includes *subtracting the signal received at the noise* microphone from the acoustic signal when the acoustic signal includes speech and noise.” POPR 23. This is a red herring. Nowhere did Petitioner argue the term should be written out. To the contrary, the Petition itself confirms that “*generating the noise waveform estimate*” is a separate step in Andrea either through a signal conversion or by matching the signal level.

II. The Claims Do Not Exclude The Prior Art

Notably, PO never asserts its own construction for [1H], because PO cannot assert a good faith construction that would exclude the Andrea disclosure. Indeed, PO agreed with Petitioner that no term needs construction, including term [1H]. *Id.*

11. Rather, PO argues the term “*generating a noise waveform estimate*” must exclude both of Petitioner's mappings based only on attorney argument.

Regarding converting background noise, PO only states the prior art “describes the typical operation of a microphone converting acoustic signals to electrical signals” (*id.* 22), but fails to explain why such converting cannot meet “*generating a noise waveform estimate.*” For matching noise level, PO only contends that “[s]imply making the noise signal louder so that the subtraction operation will be more useful does not seek to estimate a noise waveform.” *Id.* 23. But this again fails to explain why level-matching a noise signal must be outside of “*generating a noise waveform estimate.*”

PO's apparent position is that "*generating a noise waveform estimate*" must involve something other than acoustic-to-electrical conversion, and something other than level-matching a noise signal. However, the '543 patent itself does not limit "*generating a noise waveform estimate*" in such a manner. At most, the '543 patent repeats the claim language or similar language (e.g., "estimates the noise") in multiple places (EX1001, 4:62-63, 5:14-15, 19:41-43, 20:67-21:2, 22:30-32), but does not restrict this limitation in any specific way.

PO's vague reference to the patent's "use of transfer functions" at 14:40-16:3 suggests PO is attempting to limit the term to include transfer functions. POPR 22. But PO does not propose such an express construction because it is incorrect. The disputed term does not even appear in the cited passage of the patent. Notably, the cited passage does not disclaim an acoustic-to-electrical conversion or level-matching from "*generating a noise waveform estimate*." Nor does it state the phrase should be limited to implementations using transfer functions.

Interpreting the claims to require transfer functions would "improper[ly] [] read a limitation from the specification into the claims." *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 904 (Fed. Cir. 2004). Indeed, the patent makes clear the claims "should not be construed to limit the invention to the specific embodiments disclosed in the specification." EX1001, 23:51-53.

IPR2023-01291 (U.S. Patent No. 8,467,543)
Petitioner's Reply to Preliminary Response

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CERTIFICATE OF SERVICE

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