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

JAWBONE INNOVATIONS, LLC ***Plaintiff*,**	§ § § §	
-v-	§	**6:21-CV-00985-ADA**
GOOGLE LLC F/K/A GOOGLE INC., ***Defendant*.**	§ § § § §	

CLAIM CONSTRUCTION ORDER

The Court held a *Markman* hearing on October 14, 2022. During that hearing, the Court provided its final constructions. The Court now enters those claim constructions.

SIGNED this 14th day of October, 2022.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

Note: The parties notified the Court that Terms #4, #5, #6, and #7 were no longer disputed.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Preliminary Construction
#1: "microphone" U.S. Patent No. 7,246,058, Claim 1; U.S. Patent No. 8,467,543, Claims 1, 8, 19, 20, 26 Proposed by Defendant	Plain and ordinary meaning; no construction necessary	Plain and ordinary meaning, which is "physical microphone"	Plain-and-ordinary meaning wherein the plain-and-ordinary meaning includes virtual microphones.
#2: "the acoustic signals" / "the acoustic signal received at the one receiver" / "the acoustic signals received at each of the two receivers" U.S. Patent No. 7,246,058, Claim 1 Proposed by Defendant	Plain and ordinary meaning; no construction necessary	Indefinite	"the acoustic signals": Not indefinite. Plain-and-ordinary meaning. Preamble is not limiting except for "acoustic signals having varying levels of background noise." "the acoustic signal[s] received at the [one / two] receiver[s]": Not indefinite. Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Preliminary Construction
#3: "transfer function" U.S. Patent No. 8,019,091, Claims 1, 4, 5, 9, 11, 15; U.S. Patent No. 10,779,080, Claims 1, 14; U.S. Patent No. 11,122,357, Claims 1, 15 Proposed by Plaintiff	"a mathematical expression that specifies the relationship between an output signal and an input signal"	Plain and ordinary meaning	Plain-and-ordinary meaning
#8: "approximately similar" / "approximately, dissimilar" / "approximately dissimilar" U.S. Patent No. 8,321,213, Claims 2, 37, 38; U.S. Patent No. 8,326,611, Claims 3, 4, 30* Proposed by Defendant * The parties' respective claim construction briefs mistakenly listed claim 29 of the '611 Patent (instead of claim 30) as containing this term. In the '611 Patent, the term is recited only in claims 3, 4, and 30; it is not recited in claim 29.	Plain and ordinary meaning; no construction necessary	Indefinite	Indefinite.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Preliminary Construction
#9: "a relationship for speech" U.S. Patent No. 8,321,213, Claims 14, 42; U.S. Patent No. 8,326,611, Claim 1 Proposed by Defendant	Plain and ordinary meaning; no construction necessary	Indefinite	Not indefinite
#10: ". . . substantially similar/dissimilar. . ." U.S. Patent No. 8,503,691, Claims 1, 23, 27, 28, 29, 41; U.S. Patent No. 10,779,080, Claims 1, 14; U.S. Patent No. 11,122,357, Claims 1, 15 Proposed by Defendant	Plain and ordinary meaning; no construction necessary	Indefinite	Indefinite
#11: "apply a varying linear transfer function between the first and second microphone signals" U.S. Patent No. 11,122,357, Claims 1, 15 Proposed by Defendant	Plain and ordinary meaning; no construction necessary	"calculate a linear transfer function using the first and the second microphone signals to apply the transfer function to a microphone signal"	Plain-and-ordinary meaning