UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC, and
AMAZON WEB SERVICES, INC.,
Petitioners,

v.

SOUNDCLEAR TECHNOLOGIES LLC,
Patent Owner.

Case No. IPR2025-00565
U.S. Patent No. 11,069,337

AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST

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INTRODUCTION

The claims of the ’337 patent recite a simple device that: (a) uses a proximity sensor to calculate the distance between a user and the device; (b) classifies the user’s voice as a “first voice” or “second voice” based on that distance; and (c) alters the output (content and volume) depending on the classification. Patent Owner’s (“PO”) Request for Director Review (Paper 40, “Request” or “Req.”) does not contest the Board’s findings with respect to features (a) and (c). PO argues only that the Board erred in finding that the prior art discloses classifying a user’s voice as a “first” or “second” voice based on the user-to-device distance.

The Board’s findings that two prior art references (Shin and Shimomura) each disclose distance-based voice classification were thoroughly explained and well supported by the evidence. As the Board correctly recognized, the ’337 patent describes a straightforward method for distance-based voice classification: a voice is classified as a “first voice” (e.g., far) or “second voice” (e.g., near) based on whether the user-to-device distance exceeds a threshold. (Final Written Decision, Paper 39 (“FWD”), 14-15.) Shin and Shimomura plainly disclose this same classification method. For example, in Shin’s Table 3, the voice is in a first class if the distance is less than 1 meter and a second class if it is more than 4 meters. And in Shimomura’s Figure 7, the voice is in a first class if the distance is more than 350 cm and a second class if it is less than 350 cm:

TABLE 3

	Distance (D) between user and electronic device	Output amount of information of content
First Voice	D < 1 m	Amount of information of original content
	1 m ≤ D < 2 m	Content of first abbreviation level
	2 m ≤ D < 3 m	Content of second abbreviation level
	3 m ≤ D < 4 m	Content of third abbreviation level
Second Voice	D ≥ 4 m	Content of fourth abbreviation level (abstract content)

[FIG. 7]

Second Voice	First Voice
Less than 350 cm	350 cm or more
None	Implementation

The Board thoroughly considered both parties' arguments and its findings were well supported by the references' disclosures and the testimony from Petitioners' expert. (*Id.*, 24, 30-41, 60, 67-76.)

PO's Request characterizes its objections as issues of claim construction. But both parties agreed with the Board's only construction (of "a user") and agreed that the remaining terms should have their plain and ordinary meanings. PO now asserts the Board implicitly construed certain terms, but PO simply disagrees with the factual findings. Because the FWD contains no claim-construction error and its factual findings are correct and well supported, the Director should deny PO's Request.

LEGAL STANDARD

Director Review may be requested where a final decision "implicates potential (a) abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law." *Director Review Process* §5.A. PO does not argue that the Board's FWD represents an "abuse of discretion" or contains "important issues of law or policy." And, as explained below, the Board committed no legal or factual error. Thus, Director Review is unwarranted.

ARGUMENT

I. THE BOARD CORRECTLY APPLIED ITS CONSTRUCTION.

What PO characterizes as a claim-construction issue is not. PO agreed with the construction of "a user" and agreed that "classify" and "voice" should have their plain and ordinary meanings. (Req., 3.) Instead, PO disputes the Board's finding that Shin and Shimomura disclose limitation 1[b], which recites classifying a received voice as a first or second voice based on distance. (*Id.*) That is a factual dispute, and the Board's findings were correct. (*Infra* §II.)

PO first mischaracterizes what prompted the Board's construction. There was no "gap" in the prior art that "led to the Board's … construction." (Req., 3.) Rather, PO's Preliminary Response (Paper 9) argued that Shin and Shimomura failed to disclose limitation 1[b] because they did not distinguish between multiple users' voices. (Paper 12 ("DI"), 13-16.) The Board rejected that argument and construed the phrase "a user" to mean "one or more users," explaining that the claims encompass classifying a single user's voice based on distance. (*Id.*) Both parties later agreed that the construction is correct. (EX-1201, 30:7-23 (PO's expert agreeing); Paper 38, 29:1-14 (PO agreeing); Reply, 1 (Petitioners agreeing).) Thus, PO's own argument, rather than any prior art "gap," prompted the construction.

Second, the Board never "explained" or "emphasized" that its preliminary construction affected the scope of other terms. (Req., 3.) The Board simply

construed "a user" to mean "one or more users." (DI, 13-16; Paper 38, 28:11-29:8 (PO agreeing that "[a]ll [the Board] said is that the user is one or more users, that is it").) The Board emphasized only that its construction renders unpersuasive PO's arguments that were premised on a multi-user requirement. (DI, 16.)

In its POR and Sur-Reply, PO argued that the preliminary construction somehow impacted the scope and meaning of other claim terms, such as "classify" and "voice," relying on other parts of the Board's decision rather than the construction itself. (Paper 23 ("POR"), 6-21; Paper 34, 3-5.) In the FWD, the Board rejected PO's arguments, maintained its construction of "a user," and confirmed that other terms would have their plain and ordinary meaning because "there is nothing ambiguous or linguistically obscure" about them. (FWD, 13-16.)

PO now argues that the Board failed to apply those ordinary meanings and used a "different construction." (Req., 4.) Not so. As discussed below (*infra* §II), the Board's findings that the prior art discloses classifying a voice based on distance are consistent with the claims' plain language and the specification, and are well supported by the evidence. PO simply disagrees with the resulting factual findings.

In finding that Shin and Shimomura disclosed limitation 1[b], the Board did not implicitly construe the claims. (Req., 4.) It declined PO's request to construe the claims in a manner that was inconsistent with the intrinsic record, gave commonly understood terms their plain and ordinary meanings, and found that the prior

art discloses the limitation by disclosing exactly what the plain language of the claim recites and exactly what the specification describes. (FWD, 9-16.)

II. THE BOARD CORRECTLY FOUND THE PRIOR ART DISCLOSES DISTANCE-BASED VOICE CLASSIFICATION.

A. Shin Discloses Voice Classification Based on Distance.

The Board correctly found that Shin discloses voice classification based on distance. (FWD, 34-36.) After receiving a user's voice, Shin's device—like the '337 patent—determines the user-to-device distance. (EX-1003 ¶¶[0053], [0066], Fig. 5A; Paper 1 ("Pet."), 9-11.) Then, like the '337 patent, Shin classifies the voice by comparing that distance to predetermined thresholds. As the Board correctly found, "Shin's Table 3 sets forth several levels of classification based on distance thresholds, one of which classifies the user's voice as a first voice when the distance … is less than 1 meter, and another that classifies the user's voice as a second voice when the distance … is more than 4 meters." (FWD, 36.) This finding was supported by the testimony of Petitioners' expert, who annotated Table 3 as follows:

TABLE 3

	Distance (D) between user and electronic device	Output amount of information of content
First Voice	D < 1 m	Amount of information of original content
	1 m ≤ D < 2 m	Content of first abbreviation level
	2 m ≤ D < 3 m	Content of second abbreviation level
	3 m ≤ D < 4 m	Content of third abbreviation level
Second Voice	D ≥ 4 m	Content of fourth abbreviation level (abstract content)

(EX-1003, Table 3 (annotated); EX-1002 ¶¶64-66; EX-1202 ¶¶18-19.)

PO argues that Shin's Table 3 discloses distance and output "only." (Req., 5.)

The FWD correctly rejected that argument. (FWD, 32, 34-37.) PO ignores that Table 3 shows *thresholds* for the distance from which the voice originates. (*Id.*; EX-1003, Table 3; EX-1202 ¶18.) This is exactly how the '337 patent describes voice classification. (EX-1001, 8:60-66, 8:30-34; EX-1202 ¶¶19-20.)

PO next argues that Shin only "classifies the *robot's output* content[.]" (Req., 6; *id.*, 7.) The Board also properly rejected this argument. (FWD, 33-34, 36-37.) The Board found that "the left-hand column of Shin's [Table] 3 discloses levels of classification based on the distance between the user providing the voice input and [the] device …, whereas the right-hand column of Shin's [Table] 3 discloses the amount of output content corresponding to each classification level[.]" (*Id.*, 37.) That finding is fully supported by Shin's disclosure and Petitioners' expert. (EX-1003, Table 3; EX-1002 ¶¶64-66; EX-1202 ¶¶18-19; Pet., 11-14.)

PO then asserts the FWD "recognized that Shin fails to provide any express disclosure" of voice classification, and instead only "effectively performs" classification. (Req., 6.) That is incorrect. The Board found that Shin "*explicitly disclos[es]* a classification scheme based on distance thresholds[.]" (FWD, 37 (emphasis added).) And, the Board explained that Shin does so even though it does not use the word "classification." (*Id.*, 34 ("Shin discloses classifying a user's voice … based on [user-to-device] distance"), 36 ("Shin discloses classifying a user's voice … as required by limitation 1[b]."), 36 (the test for anticipation is not an

ipsissimis verbis test).) Those findings were fully supported by Shin's disclosure and Petitioners' expert. (EX-1002 ¶¶64-66; EX-1202 ¶¶18-19; Pet., 11-14.)

The Board did not "conflat[e] distance with voice" as PO suggests. (Req., 6.) The Board consistently explained how Shin discloses calculating the user-to-device distance and classifying the received voice using distance thresholds. (*E.g.*, FWD, 34-36 (Shin "analyzes … voice input … to classify the user's voice based on distance thresholds between the user and electronic device 101"), 39-41, 22-23 (discussing Amazon's uncontested argument that Shin discloses a proximity sensor).)

Accordingly, the Board correctly found that Shin discloses distance-based voice classification, and that finding was well supported by the evidence.

B. The FWD Did Not Rely on a New Theory.

PO argues that the Board cited "additional portions of Shin for the first time" in rejecting PO's arguments and argues the findings are not "based on the arguments identified by the parties." (Req., 7.) But the Board was free to cite any disclosure in the reference; it is not limited to the portions the parties cite. *IGT v. Zynga Inc.*, 144 F.4th 1357, 1373 (Fed. Cir. 2025); *Anacor Pharms., Inc. v. FlatWing Pharms., LLC*, 825 F. App'x 811, 815 n.2 (Fed. Cir. 2020). In any event, Petitioners made this argument in the Reply, which the Board cited with portions of Shin that were also cited in the Reply. (FWD, 40 (citing Reply, 14; EX-1003 ¶¶[0037]-[0038]).)

C. Petitioners' Reply Did Not Rely on a New Theory.

PO argues that Petitioners' Reply "introduced a new argument that Shin Fig. 5A determines distance 'through analysis of voice input.'" (Req., 7-8.) But Petitioners' reliance on Figure 5A was not new. Petitioners cited it on *page two* of the Petition when explaining that Shin discloses analyzing a voice input and computing the user-to-device distance. (Pet., 2.) Petitioners cited it again in connection with the limitation relating to calculating the user-to-device distance. (*Id.*, 9.)

In the POR, PO argued that Petitioner made "no allegation that Shin determines the user-to-device distance … based on any voice analysis[.]" (POR, 31.) To rebut that incorrect assertion, Petitioners again cited Figure 5A to show that Shin discloses distance determination via voice analysis. (Reply, 14-15.) That response was not a new theory "that relies on a new and separate disclosure … to make out a new prima facie case." (Req., 8.) But even if the argument were new, exclusion would be inappropriate because the argument was responsive to PO's argument in its POR, was a fair extension of the arguments in the Petition, and was part of the same legal argument (anticipation) based on the same prior art reference (Shin). *Rembrandt Diagnostics, LP v. Alere, Inc.*, 76 F.4th 1376, 1384-85 (Fed. Cir. 2023).

PO's argument that Figure 5A does not disclose voice classification (Req., 8) misses the point. Figure 5A discloses *analyzing a voice* to classify it based on distance. (FWD, 32, 38-39, 41.) The *classification* is disclosed in Table 3. (*Supra*

§II.A.) Neither Petitioners nor the Board relied on Figure 5A for classification.

Even if the FWD's reliance on Figure 5A were improper, it would not change the outcome. The Board relied on Figure 5A to explain that Shin renders the claim obvious even under PO's incorrect reading of the claim language, which the Board declined to adopt. (FWD, 41.) Under the Board's actual construction, no reliance on Figure 5A was necessary. (*Id.*) PO's argument is therefore immaterial.

D. Shimomura Discloses Distance-Based Voice Classification.

Shimomura, like Shin and the '337 patent, determines the user-to-device distance after receiving a voice input. (EX-1004 ¶[0039]; Pet., 37.) Shimomura's device compares the calculated distance from which the voice was received to predetermined thresholds (e.g., 350 cm) to classify the voice, and then alters the output depending on the classification as shown in Shimomura's Figure 7:

[FIG. 7]

Second Voice	First Voice
Less than 350 cm	350 cm or more
None	Implementation

(EX-1004, Fig. 7 (annotated); Pet., 37-40, 43-46.) The classifications are based on whether the user-to-device distance exceeds a threshold as shown in the top row. (EX-1002 ¶¶139-40.) Relying on Shimomura's disclosure, the Board correctly found that "Shimomura's Figure 7 sets forth several levels of classification based on distance thresholds, one of which classifies the user's voice as a first voice when the distance between the user and robot is more than 350 cm, and another that classifies

the user's voice as a second voice when the distance between the user and the robot is less than 350 cm." (FWD, 75; *id.*, 69-71.) Thus, the Board correctly found that Shimomura discloses analyzing a voice to classify it based on distance, and that finding was fully supported by Shimomura's disclosure and Petitioners' expert. (*Id.*)

PO argues that "Shimomura does not use voice analysis to determine distance." (Req., 9.) But nothing in the claims requires determining distance using voice analysis. (EX-1001, claim 1; EX-1202 ¶26.) Nor does the '337 patent describe doing so. The claims recite determining distance with a proximity sensor, and this is the only way disclosed in the specification. (EX-1001, 8:20-34; EX-1202 ¶26.) As the Board correctly found, Shimomura discloses the same thing. (EX-1004 ¶[0093]; EX-1202 ¶26; FWD, 75, 72.) But even if the claims required determining distance based on voice analysis, they still would have been obvious because Shimomura "clearly contemplates using other means for detecting distance[.]" (FWD, 75 (citing EX-1004 ¶¶[0039], [0093]).)

PO next argues that Shimomura's speech recognition unit 42 "has nothing to do with determining distance." (Req., 9.) But neither Petitioners nor the Board relied on Shimomura's speech recognition unit 42 for that limitation. (*See, e.g.*, Pet., 38-39 (mapping Shimomura's speech recognition unit 42 to the claimed "voice acquiring unit"); FWD, 59, 70.) Thus, PO's argument is irrelevant.

PO next argues that Shimomura fails to disclose voice classification because

Figure 7 "has nothing to do with a *user's voice*" and merely "classifies the *robot's* output, not the *user's* voice[.]" (Req., 9, 11.) This is wrong for the reasons discussed above for Shin's Table 3. (*Supra* §II.A.) As the Board correctly found, the top row of Figure 7 does not merely show distance; it shows a user-to-device distance *thresh-old*, which is used to classify the voice input. (FWD, 70-72, 74-75; EX-1202 ¶24.) Indeed, Figure 7 classifies the user's voice based on whether the distance exceeds a threshold (e.g., 350 cm) in exactly the same way the '337 patent classifies the user's voice. (*Supra* §II.A; EX-1001, 8:60-66, 8:30-34; EX-1202 ¶¶24-25.)

PO next argues that the FWD "speculat[ed] it would have been obvious to supply the missing limitation." (Req., 10.) That is incorrect. The Board found that Shimomura "analyzes the speech of a conversation partner user … to classify the user's voice based on distance thresholds between the user and the robot" and there-fore "teaches or suggests" limitation 1[b]. (FWD, 71.) This finding was not "*sua sponte*" (Req., 10)—the parties fully briefed that issue. (FWD, 71 (citing Pet., 39-40, Reply, 18-19, and rejecting PO's arguments at POR, 38-39).)

PO's argument also ignores that the Shimomura ground is based on obvious-ness. The Board must "take into account not only specific *teachings* of the reference but also the *inferences* which one skilled in the art would reasonably be expected to draw therefrom." *In re Preda*, 401 F.2d 825, 826 (C.C.P.A. 1968) (emphasis added); *Eli Lilly & Co. v. Los Angeles Biomed. Rsch. Inst.*, 849 F.3d 1073, 1074-75 (Fed.

Cir. 2017); M.P.E.P. §2144.01. Thus, the Board correctly considered what Shimomura teaches and what it infers (or suggests). (FWD, 71-72.) There was no "gap" to fill or "missing limitation" to supply. PO's cases are not to the contrary. (Req., 10 n.1.) They confirm that considering what a reference suggests is required.

Lastly, PO argues that the FWD improperly relied on additional disclosure relating to distance detection. (Req., 11.) But that disclosure was cited in the Petition. (Pet., 37 (citing EX-1004 ¶¶[0039], [0093]).) Regardless, even PO admits its argument is irrelevant. (Req., 11.) It is undisputed that Shimomura calculates the user-to-device distance as recited in the claims.

E. The Board Did Not Alter Its Claim Construction.

PO argues the FWD broadened the claim construction by eliminating a volume-based classification requirement. (Req., 11-12.) But the Institution Decision imposed no such requirement; it construed "a user" to mean "one or more users." (DI, 15-16.) Petitioners' Reply agreed with PO that the claims do not require any classification based on volume. (Reply, 5.) The FWD, consistent with both parties' positions, likewise did not impose any such requirement. (FWD, 16.)

PO argues the FWD implicitly construed the claims by finding tables showing distance "and nothing else" disclose voice classification. (Req., 11-12.) That premise is false: the tables disclose distance *thresholds* for classifying the incoming voice based on user-to-device distance, and further disclose the output

corresponding to each classification. (FWD, 34-36, 74-75; *supra* §§II.A, II.D.)

III. THE BOARD'S DECISION IS WELL-SUPPORTED.

PO argues that the FWD "implicitly acknowledged that neither Shin nor Shimomura expressly discloses classifying user voices based on distance" and that the Board filled "gaps" with "what it might infer or envision." (Req., 12.) Not so. (*Supra* §II.) The Board found that both references expressly disclose distance-based voice classification. (FWD, 34-41, 71-76.) PO incorrectly quotes from *its own argument*, which the Board expressly rejected. (*Compare* Req., 12 *with* FWD, 71.)

PO also argues the Board erred in relying "solely on inputs and outputs[.]" (Req., 12-13.) But the Board did not rely *solely* on inputs and outputs. The references describe how they classify the received voice inputs—by comparing the user-to-device distance to a threshold—and then alter output accordingly. (*Supra* §II; FWD, 104.) Thus, Dr. Stern's general testimony about inferring classification from inputs and outputs alone is irrelevant. (Req., 12-13.)

PO then argues the Board ignored the requirements of inherency and substantial evidence. (Req., 13.) Not so. The Board found that Shin and Shimomura explicitly disclose voice classification even though they do not use those exact words. (FWD, 34-36, 74-75.) It cited ample evidence and did not rely on inherency. (*Id.*)

PO's argument that the Board "admitted to characterizing what—in its view—the prior art '*effectively*' does" (Req., 13) mischaracterizes the FWD. As discussed

above, the Board found that Shin explicitly discloses the limitation. (*Supra* §II.A.)

PO next argues that "[t]here is no argument or evidence in the record about … what a POSITA would have inferred or understood from the prior art." (Req., 13.) But both parties' experts presented extensive declarations opining on exactly that. (*E.g.*, EX-1002 ¶¶13, 20, 24, 30, 34; *see generally, e.g.*, EX-1002, EX-1202.)

PO's reliance on *smaXtec Inc. v. ST Reproductive Techs., LLC* is misplaced. (Req., 13.) The claim in that case required health information to be stored *and* used to indicate illness. IPR2024-00875, Paper 54 at 3-4 (D.R.P. May 18, 2026). The Director reversed because the evidence showed only that health information could be stored, not that it could be used to indicate illness. *Id.* at 4-6. Here, the evidence includes no such gap. (*Supra* §II.) With no gap, PO's assertion that gaps "can only be filled with inherency" (Req., 14) fails.

IV. THE PETITION AND FWD ARE NOT CONCLUSORY.

PO argues that the Petition relies on only a "conclusory one-sentence assumption" and tables showing output based on distance. (Req., 14.) PO is incorrect. The Petition supplied substantial additional analysis and citations for this limitation. (*E.g.*, Pet., 11-14, 37-40.) PO's argument ignores that analysis.

PO argues that Dr. Stern admitted tables "disclose distance and 'nothing else.'" (Req., 14.) But PO misrepresents Dr. Stern's testimony. In soliciting that testimony, PO's counsel stated he was *not* asking Dr. Stern about classification.

(EX-2015, 72:20-22 ("[Y]ou keep answering in the context of classification. That's not my question[.]").) PO cannot now argue that the testimony undermines Shin's disclosure of voice classification. (FWD, 37; *see* Req., 12.) Indeed, the tables show exactly how the references classify received voices. (*Supra* §§II.A, II.D.)

PO next argues that both the Petition and the FWD are conclusory. (Req., 14-15.) But each includes substantial support and analysis beyond the introductory sentence PO cites. (Pet., 11-14, 37-40; FWD, 31-41, 67-76; Paper 38, 47:1-21.) PO's argument requires ignoring large portions of the Petition and FWD.

Lastly, PO argues that the Board failed to address Dr. Stern's testimony. (Req., 15.) It did not. The FWD expressly considered PO's characterization of that testimony and rejected it. (FWD, 37 ("We also do not agree with SoundClear's characterization of Shin's Table 3 [as] being limited to a distance calculation and nothing else, nor do we agree that the deposition testimony of … Dr. Stern supports SoundClear's characterization"), 72, 33-34, 69.) *Weber, Inc. v. Provisur Techs., Inc.* is therefore inapposite. (Req., 15.)

CONCLUSION

The Director should deny PO's Request for Director Review.

Respectfully submitted,

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September 2, 2026

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST** is being served on September 2, 2026, via e-mail on counsel of record for Patent Owner at the address below:

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