

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.,
Petitioner,

v.

SOUNDCLEAR TECHNOLOGIES LLC,
Patent Owner.

IPR2025-00673
Patent 11,244,675 B2

Before MICHAEL R. ZECHER, DAVID C. MCKONE, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

PER CURIAM.

ZECHER, *Administrative Patent Judge*, concurring.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Petitioner, Amazon.com, Inc., Amazon.com Services LLC, and Amazon Web Services, Inc. (collectively, “Amazon”), filed a Petition requesting an *inter partes* review (“IPR”) of claims 1–7 of U.S. Patent No. 11,244,675 B2 (Ex. 1001, “the ’675 patent”). Paper 1 (“Pet.”). Patent Owner, SoundClear Technologies LLC (“SoundClear”), filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). Based on the authority delegated to us by the Director under 37 C.F.R. § 42.4(a), we may not institute an IPR unless the information presented in the Petition and any preliminary response thereto shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Taking into account SoundClear’s Preliminary Response, we conclude that the information presented in the Petition establishes that there is a reasonable likelihood that Amazon would prevail in demonstrating at least one of claims 1–7 of the ’675 patent is unpatentable. Pursuant to § 314, we hereby institute an IPR as to these claims of the ’675 patent.

A. Real Parties in Interest (“RPIs”)

Amazon identifies Amazon.com, Inc., Amazon.com Services LLC, and Amazon Web Services, Inc., as RPIs. Pet. 73. SoundClear identifies itself, which “is a wholly owned subsidiary of SoundClear LLC,” as an RPI. Paper 3 (SoundClear’s Mandatory Notices), 1.

B. Related Matters

The parties indicate that the ’675 patent is the subject of the following three district court cases: (1) *SoundClear Techs. LLC v. Amazon.com, Inc.*, No. 1:24-cv-01283 (E.D. Va. filed July 25, 2024); (2) *SoundClear Techs.*

LLC v. Google LLC, No. 3:24-cv-00540 (E.D. Va. filed July 25, 2024); and (3) *SoundClear Techs. LLC v. Amazon.com, Inc.*, No. 2:24-cv-00320 (E.D. Va. Filed May 1, 2024). Paper 3, 1; Paper 13 (Amazon’s Updated Mandatory Notices), 1–2. In addition to this Petition, Amazon filed the following six other petitions challenging related patents owned by SoundClear: (1) *Amazon.com, Inc. v. SoundClear Techs. LLC*, IPR2025-00565, Paper 1 (PTAB Jan. 31, 2025) (Petition challenging claims 1–5 of U.S. Patent No. 11,069,337 B2); (2) *Amazon.com, Inc. v SoundClear Techs., LLC*, IPR2025-01067, Paper 1 (PTAB May 28, 2025) (Petition challenging claims 1–15 of U.S. Patent No. 9,070,374 B2); (3) *Amazon.com, Inc. v. SoundClear Techs. LLC*, IPR2025-01080, Paper 1 (PTAB May 30, 2025) (Petition challenging claims 1–5, 7, and 8 of U.S. Patent No. 9,804,819 B2); (4) *Amazon.com, Inc. v SoundClear Techs. LLC*, IPR2025-01096, Paper 1 (PTAB June 2, 2025) (Petition challenging claims 1–20 of U.S. Patent No. 9,031,259 B2); (5) *Amazon.com, Inc. v. SoundClear Techs. LLC*, IPR2025-01177, Paper 1 (PTAB July 14, 2025) (Petition challenging claims 1–7 of U.S. Patent No. 11,244,675 B2); and (6) *Amazon.com, Inc. v. SoundClear Techs. LLC*, IPR2025-01368, Paper 1 (PTAB July 30, 2025) (Petition challenging claims 1–3 and 10–12 of U.S. Patent No. 9,223,487 B2). Paper 13, 1–2.

C. The ’675 Patent

The ’675 patent, titled “Word Replacement in Output Generation for Detected Intent by Voice Classification,” issued from U.S. Patent Application No. 16/295,034, filed on March 7, 2019. Ex. 1001, codes (54), (21), (22). The ’675 patent claims foreign priority to Japanese Patent Application No. JP2018-044598, filed on March 12, 2018. *Id.* at code (30).

The '675 patent generally relates to “an output-content control device, an output-content control method, and a non-transitory storage medium” that stores a program that causes a computer to execute certain steps. Ex. 1001, 1:31–34. The '675 patent acknowledges that the prior art discloses “voice control devices that analyze [the] detected voice of a user and perform . . . processing according to an intent of the user.” *Id.* at 1:20–24. The prior art also discloses “voice control devices that output [a] notification indicating that a processing intended by a user has been performed in voice, or . . . output an inquiry from a user in voice.” *Id.* at 1:24–27. The '675 patent, however, states it would be desirable for “a voice processing device that outputs voice” to provide a “notification in response to an inquiry from the user [that is] difficult to be understood by people other than the user when the . . . notification is output.” *Id.* at 1:28–37.

The '675 patent addresses this need by providing an output-content control device, an output content control method, and a non-transitory storage medium that stores a program that cause a computer to execute certain steps, all of which are capable of acquiring a voice, classifying the voice, analyzing the voice, acquiring notification information, and generating output based on the notification information. *See, e.g.*, Ex. 1001, 1:44–61 (disclosing “an output-content control device”), 1:62–2:8 (disclosing “an output-content control method”); 2:9–29 (disclosing “a non-transitory storage medium” that stores a program that causes a computer to execute certain steps). Figure 1, reproduced below, illustrates an output-content control device according to one embodiment. *Id.* at 2:33–34, 2:64–66.

FIG.1

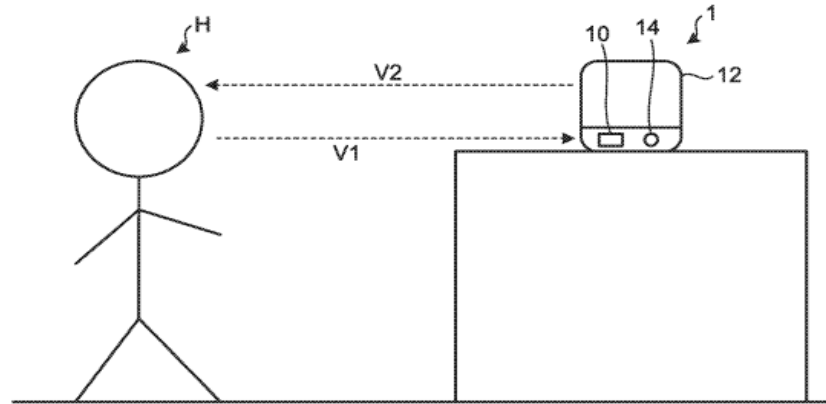


Figure 1 illustrates output-content control device 1 that detects voice V1 spoken by user H using voice detecting unit 10, analyzes detected voice V1 to perform pre-determined processing, and outputs voice V2 using voice output unit 12. *Id.* at 2:66–3:4.

Figure 2, reproduced below, illustrates a schematic block diagram of the output-content control device. Ex. 1001, 2:35–36, 3:17–18.

FIG.2

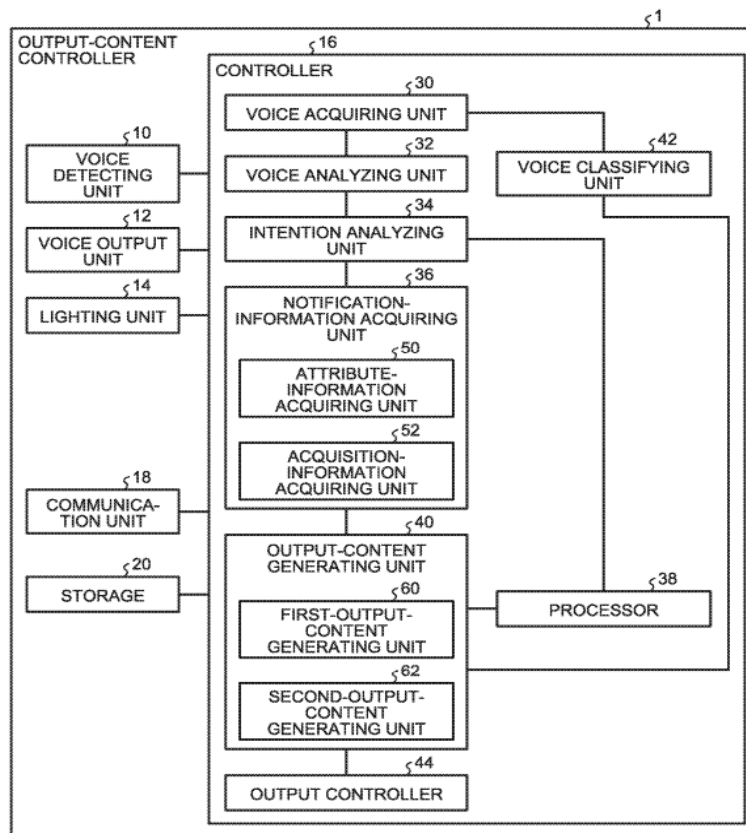


Figure 2 illustrates output-content control device 1 that includes voice detecting unit 10, voice output unit 12, lighting unit 14, controller 16, communication unit 18, and storage 20. *Id.* at 3:17–22. Controller 16 operates as a central processor unit because it includes, among other things, voice acquiring unit 30, voice analyzing unit 32, intention analyzing unit 34, notification-information acquiring unit 36, processor 38, output-content generating unit 40, voice classifying unit 42, and output controller 44. *Id.* at 3:55–67.

D. Challenged Claims

Claims 1, 6, and 7 are independent. Independent claim 1 recites “[a]n output-content control device,” independent claim 6 recites “[a]n output-

content control method,” and independent claim 7 recites “[a] non-transitory storage medium that stores an output-content control program that causes a computer to execute” certain steps. Ex. 1001, 20:60, 22:8–9, 22:29–30. Claims 2–5 directly or indirectly depend from independent claim 1. *Id.* at 21:21–22:7. Independent claim 1 is illustrative of the challenged claims and is reproduced below.

1. 1[pre] An output-content control device comprising:
 - 1[a] a voice acquiring unit configured to acquire a voice spoken by a user;
 - 1[b] a voice classifying unit configured to 1[b][i] calculate a distance between the user and the output-content control device by a proximity sensor to 1[b][ii] classify the voice into either a first voice or a second voice based on the calculated distance;
 - 1[c] an intention analyzing unit configured to analyze the voice acquired by the voice acquiring unit to detect intention information indicating what kind of information is wished to be acquired by the user;
 - 1[d] a notification-information acquiring unit configured to acquire notification information which includes content information as a content information to be notified to the user based on the intention information; and
 - 1[e] an output-content generating unit configured to generate an output sentence as sentence data to be output to the user based on the notification information, wherein the output-content generating unit is further configured to 1[f] generate, when the voice is determined to be the first voice, a first output sentence in which at least one word selected among words included in the content information of the notification information is replaced with another word, and to 1[g] generate, when the voice is not determined to be the second voice, a second output sentence which includes all of the intention information and the content information.

Id. at 20:60–21:20 (with bracketed annotations provided by Amazon in the Petition).

E. Asserted Prior Art References

Amazon relies on the prior art references set forth in the table below.

Name¹	Reference	Dates	Exhibit No.
Shin	US 2017/0083281 A1	published Mar. 23, 2017; filed Sept. 19, 2016	1003
Shimomura	JP 2005-202076 A	published Oct. 28, 2005; filed Jan. 14, 2004	1004 (English Translation)
Aoyama	US 2017/0337921 A1	published Nov. 23, 2017; PCT ² filed Nov. 26, 2015	1010
Kristjansson	US 10,147,439 B1	issued Dec. 4, 2018; filed Mar. 30, 2017	1013
Schuster	US 9,680,983 B1	issued June 13, 2017; filed June 16, 2016	1016
Iwase	US 11,183,167 B2	issued Nov. 23, 2021; PCT filed Dec. 25, 2017	1017

F. Asserted Grounds of Unpatentability

Amazon challenges claims 1–7 of the '675 patent based on the asserted grounds of unpatentability set forth in the table below. Pet. 5, 7–70.

¹ For clarity and ease of reference, we only list the first named inventor.

² PCT stands for “Patent Cooperation Treaty.”

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–7	103 ³	Shin, Aoyama
1, 2, 5–7	103	Shin, Iwase
1–7	103	Shimomura, Aoyama
1, 2, 5–7	103	Shimomura, Iwase
3, 4	103	Shin, Iwase, Aoyama
3, 4	103	Shimomura, Iwase, Aoyama
5	103	Shin, Aoyama, Schuster
5	103	Shin, Iwase, Schuster
5	103	Shimomura, Aoyama, Schuster
5	103	Shimomura, Iwase, Schuster
1–7	103	Shin, Aoyama, Kristjansson
1–7	103	Shin, Iwase, Kristjansson
1–7	103	Shimomura, Aoyama, Kristjansson
1–7	103	Shimomura, Iwase, Kristjansson
1–7	103	Shin, Iwase, Aoyama, Kristjansson
1–7	103	Shimomura, Iwase, Aoyama, Kristjansson
1–7	103	Shin, Aoyama, Schuster, Kristjansson
1–7	103	Shin, Iwase, Schuster, Kristjansson
1–7	103	Shimomura, Aoyama, Schuster, Kristjansson
1–7	103	Shimomura, Iwase, Schuster, Kristjansson

³ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103, effective March 16, 2013. Because the ’675 patent issued from a patent application filed after this date, the AIA version of § 103 applies. Ex. 1001, codes (21), (22).

II. ANALYSIS

A. Claim Construction

In this IPR, claim terms are construed using the same claim construction standard as in a civil action under 35 U.S.C. § 282(b). *See* 37 C.F.R. § 42.100(b). That is, claim terms generally are construed in accordance with their ordinary and customary meaning, as would have been understood by a person of ordinary skill in the art, in view of the specification and the prosecution history pertaining to the patent at issue. *See id.* The ordinary and customary meaning of a claim term “is its meaning to the ordinary artisan after reading the entire patent,” and “as of the effective filing date of the patent application.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313, 1321 (Fed. Cir. 2005) (en banc).

In the Petition, Amazon contends that “[n]o claim terms require construction to resolve the [unpatentability] challenges” presented in the Petition. Pet. 7. SoundClear appears to acquiesce to Amazon’s contention that no claim terms require construction by stating “Amazon provides no proposed construction[s]” and “[n]or will SoundClear.” Prelim. Resp. 8.

Based on the preliminary record, there is no readily discernible controversy between the parties that requires us to construe any claim terms at this time. *See, e.g., Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (noting that “we need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

B. Obviousness over the Combined Teachings of Shin and Aoyama

Amazon contends that claims 1–7 of the '675 patent are unpatentable under 35 U.S.C. § 103 as obvious over the combined teachings of Shin and Aoyama. Pet. 7–41. Amazon contends that the combined teachings of Shin and Aoyama account for the subject matter of each challenged claim, and provides reasoning as to why a person of ordinary skill in the art would have been prompted to modify the teachings of these references. *Id.* Amazon submits a Declaration of Richard Stern, Ph.D., to support its positions. *See* Ex. 1002.

Based on the preliminary record, we determine that Amazon has shown that there is a reasonable likelihood that it would prevail in demonstrating at least one of claims 1–7 of the '675 patent is unpatentable. We begin our analysis with the principles of law that generally apply to an asserted ground based on obviousness, we then assess the level of skill in the art, next we provide brief overviews of Shin and Aoyama, and then we address the parties' contentions with respect to independent claims 1, 6, and 7.

1. Principles of Law

A claim is unpatentable under § 103 if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, “would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in

the art; and (4) when in evidence, objective indicia of obviousness or non-obviousness (i.e., secondary considerations, such as commercial success, long-felt but unsolved need, failure of others, etc.).⁴ *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966). We analyze the asserted grounds based on obviousness with the principles we identify above in mind.

2. *Level of Skill in the Art*

In determining whether an invention would have been obvious at the time it was made, we consider the level of ordinary skill in the pertinent art at the time of the invention. *Graham*, 383 U.S. at 17. “The importance of resolving the level of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry.” *Ryko Mfg. Co. v. Nu-Star, Inc.*, 950 F.2d 714, 718 (Fed. Cir. 1991). The “person having ordinary skill in the art” is a hypothetical construct, from whose vantage point obviousness is assessed. *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998).

Factors pertinent to a determination of the level of ordinary skill in the art include “(1) the educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology; and (6) educational level of active workers in the field.” *Env’t Designs, Ltd. v. Union Oil Co. of Cal.*, 713 F.2d 693, 696 (Fed. Cir. 1983) (citing *Orthopedic Equip. Co. v. All Orthopedic Appliances, Inc.*, 707 F.2d 1376, 1381–82 (Fed. Cir. 1983)). “Not all such factors may be present in every case, and one or

⁴ At this stage in the proceeding, SoundClear does not present arguments or evidence of secondary considerations. See Prelim. Resp.

more of these or other factors may predominate in a particular case.” *Id.* at 696–97.

Relying on the testimony of Dr. Stern, Amazon argues the following:

[a] person of ordinary skill in the art . . . would have had a minimum of a bachelor’s degree in computer engineering, computer science, electrical engineering, or a similar field, and approximately two years of industry or academic experience in a field related to controlling the audio output of electronic devices. Work experience could substitute for formal education and additional formal education could substitute for work experience.

Pet. 7 (citing Ex. 1002 ¶¶ 28–32). In the Preliminary Response, SoundClear does not address Amazon’s assessment of the level of skill in the art.

See Prelim. Resp. At this stage of the proceeding, we adopt Amazon’s uncontested assessment of the level of skill in the art because (1) it is consistent with the ’675 patent and the asserted prior art; and (2) it is supported by the testimony of Dr. Stern.

3. *Overview of Shin*

Shin generally relates to “voice input for an electronic device” and, in particular, “to a method and an electronic device for providing content in response to a voice input.” Ex. 1003 ¶ 3. Figure 3 of Shin, reproduced below, illustrates an electronic device (e.g., smartphones, tablet personal computers (“PCs”), mobile phones, etc.) in accordance with one embodiment. *Id.* ¶¶ 15, 45; *see also id.* ¶ 31 (disclosing examples of what may constitute an electronic device).

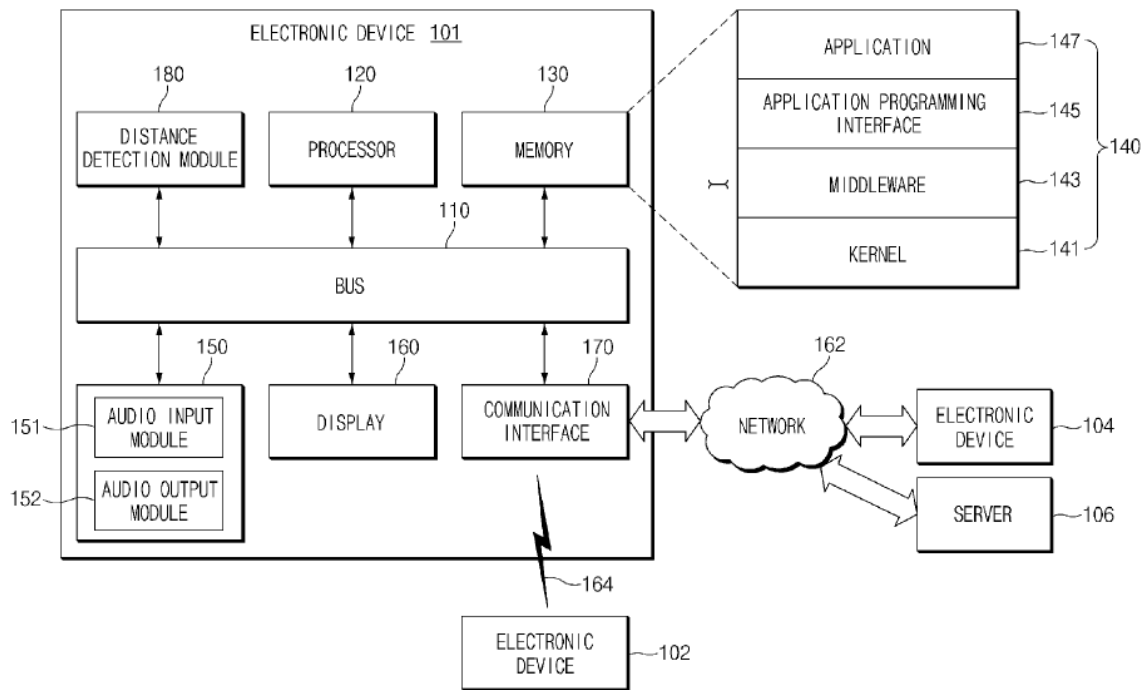


FIG.3

Figure 3 illustrates electronic device 101 that includes, among other things, processor 120 that may execute a voice recognition application to analyze voice input received by audio input module 151, distance detection module 180 that may include a sensor to calculate a distance between a user and electronic device 101, and audio output module 151 that outputs content corresponding to the voice input. *Id.* ¶¶ 45, 47, 48, 66. Shin’s processor 120 is capable of tailoring output content based on the distance between a user and electronic device 101 itself. *Id.* ¶¶ 51, 53. As one example, processor 120 may output certain content for a user within 1 meter of electronic device 101 and output abbreviated content for a user more than 1 meter away from electronic device 101. *Id.* ¶¶ 86–88, Table 3.

4. Overview of Aoyama

Aoyama generally relates to “an information processing device, an information processing method, and a program.” Ex. 1010 ¶ 1. More

specifically, Aoyama disclose information processing device 1 that includes, among other things, “response generation unit 17 [that] is configured to generate a response to the sound input from the user.” *Id.* ¶ 131. As one example, in response to a user stating “[c]heck my schedule tomorrow at 1 pm,” response generation unit 17 generates the response “[y]ou have a meeting with Mr. Yamada in room A.” *Id.* ¶ 138. Notably, in this example, response generation unit 17 replaces “the personal name ‘Taro Yamada’ with the name ‘Mr. Yamada’ in accordance with the speech style of the user.” *Id.*; *see also id.* ¶¶ 139, 140 (disclosing other examples where response generation unit 17 replaces a specific date (i.e., changing “10/1/2014” to “today,” “tomorrow,” or “the day after tomorrow”) or it replaces a specific time (i.e., changing “13:00” to “1 pm”).

5. *Claims 1, 6, and 7*

Our analysis below focuses on the limitations of independent claim 1 by relying on the bracketed annotations provided by Amazon in the Petition. *See* Pet. 7–29, 76. For the most part, the same arguments and evidence Amazon provides to explain how the combined teachings of Shin and Aoyama account for all the limitations of independent claim 1 equally apply to the corresponding limitations of independent claims 6 and 7. *Compare* Pet. 7–29, *with id.* at 40–41.

The preamble of independent claim 1 recites 1[pre]—“[a]n output-content control device.” Ex. 1001, 20:60. To the extent the preamble should be treated as limiting, Amazon contends that Shin teaches the features of the preamble because its electronic device (e.g., electronic device 101 illustrated in Figure 1) receives voice input from a user, “generate[s] content corresponding to a result of analyzing the voice input,” and “provide[s] the

generated content as sound.” Pet. 7 (quoting Ex. 1003 ¶ 37) (citing Ex. 1003, code (57), ¶¶ 3, 8–11, 38, 39, 48–60, 69–72, claims 1, 15, 20). Amazon argues that Shin’s electronic device 101 may be a smartphone, PC, or home appliance. *Id.* at 8 (citing Ex. 1003 ¶ 31).

Independent claim 1 recites limitation 1[a]—“a voice acquiring unit configured to acquire a voice spoken by a user.” Ex. 1001, 20:61–62. Amazon contends that Shin teaches limitation 1[a] because electronic device 101 includes, among other things, processor 120 and audio input module 151 “implemented with a microphone” that work together to “obtain a user’s speech as voice input.” Pet. 8–9 (quoting Ex. 1003 ¶ 62) (citing Ex. 1003 ¶¶ 3–11, 29, 37–39, 41, 45, 48, 50–53, 60, 61, 155, 158, Fig. 3; Ex. 1002 ¶¶ 50–53).

Independent claim 1 recites limitations 1[b]—“a voice classifying unit configured to 1[b][i] calculate a distance between the user and the output-content control device by a proximity sensor to 1[b][ii] classify the voice into either a first voice or a second voice based on the calculated distance.” Ex. 1001, 20:63–67. Amazon contends that Shin teaches limitations 1[b] and 1[b][i] because processor 120 and distance detection module 180, which may include “a proximity sensor,” work together to calculate a distance between the user and electronic device 101. Pet. 10–11 (quoting Ex. 1003 ¶ 153) (citing Ex. 1003 ¶¶ 42, 45, 53, 54, 66, 75, 77, 96, 143, claims 5, 9, Figs. 3, 5A; Ex. 1002 ¶¶ 56–58). Amazon contends that Shin teaches limitation 1[b][ii] because processor 120 also executes a speech recognition application to process the voice input from the user and generate output based on the distance between the user and electronic device 101. *Id.* at 12 (citing Ex. 1003 ¶¶ 37, 39, 47, 53, 77, 78, 86; Ex. 1002 ¶ 60). Relying on

Shin's Table 3, Amazon argues that Shin discloses classifying the user's voice input as a "first voice" when the distance between the user and electronic device 101 is between 1 to 2 meters, and classifying the user's voice input as a "second voice" when the distance between the user and electronic device 101 is less than 1 meter. *Id.* at 12–14 (citing Ex. 1003 ¶¶ 51, 86–87, Table 3; Ex. 1002 ¶¶ 59–62).

Independent claim 1 recites limitation 1[c]—"an intention analyzing unit configured to analyze the voice acquired by the voice acquiring unit to detect intention information indicating what kind of information is wished to be acquired by the user." Ex. 1001, 21:1–4. Independent claim 1 also recites 1[d]—"a notification-information acquiring unit configured to acquire notification information which includes content information as a content information to be notified to the user based on the intention information." *Id.* at 21:5–8. Amazon contends that Shin teaches limitations 1[c] and 1[d] because processor 120 executes a speech recognition application to process the user's voice input and generate corresponding output by analyzing the user's request. Pet. 16 (citing Ex. 1003 ¶¶ 37, 48, 58–60, 62, 67, 71, 84, 88, 89, 103, 107, 120, 126, 127, 142; Ex. 1002 ¶ 73). Amazon further argues that Shin teaches analyzing the acquired voice "to detect intention information" and to acquire "notification information . . . based on the intention information" because it discloses examples of analyzing the user's voice input and then acquiring notification based on the user's intent. *See id.* at 16–17. As one example, Shin discloses analyzing the user's voice input of "[I]et me know today's weather" to determine the weather and to acquire information such as sky conditions, air temperature, or rainfall. *Id.* at 16 (quoting Ex. 1003 ¶ 88). As another example, Shin

discloses analyzing a user's voice input of "[l]et me know what time it is now" to determine the time and to acquire the current time. *Id.* at 16–17 (quoting Ex. 1003 ¶ 37) (citing Ex. 1003 ¶ 39; Ex. 1002 ¶ 74). Amazon argues that Shin's electronic device 101 either stores an application in memory that "analyz[es] a voice input[] and generat[es] and/or provid[es] the content corresponding to the voice input," or delegates some processing to another device to deliver results. *Id.* at 17 (quoting Ex. 1003 ¶ 60) (citing Ex. 1003 ¶¶ 64, 65, 67, 174, 175; Ex. 1002 ¶ 75).

Alternatively, Amazon contends that, even if Shin does not teach limitations 1[c] and 1[d], Aoyama teaches these two limitations. Pet. 18–19. Amazon argues that Aoyama teaches limitation 1[c] because it discloses a "meaning analysis unit" that uses natural language processing to determine the "meaning" of a user's voice input and to specify a "task" to be executed. *Id.* at 18 (first quoting Ex. 1010 ¶ 72, then quoting Ex. 1010 ¶ 74) (citing Ex. 1010 ¶¶ 73, 75–84, 171–173, 230–232, Figs. 3, 8, 13). As one example, Amazon argues that Aoyama's meaning analysis unit receives a user's voice input of "[c]heck my schedule for tomorrow at 1 pm" and then detects the intended scheduled information. *Id.* (quoting Ex. 1010 ¶ 76) (citing Ex. 1010 ¶¶ 77–79, 170–173). Amazon also argues that Aoyama teaches limitation 1[d] because it disclose a "response component generation unit" that "executes the task indicated by the information acquired from the meaning analysis unit . . . and acquires information necessary to generate a response to the user." *Id.* at 19 (quoting Ex. 1010 ¶ 127) (citing Ex. 1010 ¶¶ 128–130, 174–176, 233, Figs. 3, 8, 13). For instance, in the scheduling example Amazon identifies above, Aoyama discloses that the response

component generation unit “acquires a search result” from a scheduling application. *Id.* (quoting ¶ 129).

Turning to rationale to combine, Amazon contends a person of ordinary skill in the art would have been motivated to include Aoyama’s meaning analysis unit and response component generation unit in Shin’s electronic device 101 for several reasons. Pet. 19 (citing Ex. 1002 ¶¶ 82–84). As one example, Amazon argues that the proposed combination would have reflected the addition of one known element (i.e., “Aoyama’s natural language processing and information retrieval”) to another known element (i.e., “Shin’s voice processing and response device”) to obtain predictable results (i.e., “identifying a user’s intent and providing information responsive to such intent”). *Id.* at 19–20 (citing *KSR*, 550 U.S. at 417; Ex. 1002 ¶ 83). According to Amazon, there would have been a reasonable expectation of success in modifying Shin in this way “because doing so would have been trivial, involving at most minor changes to Shin’s system to implement Aoyama’s units.” *Id.* at 20 (citing Ex. 1002 ¶ 84).

Independent claim 1 recites limitation 1[e]—“an output-content generating unit configured to generate an output sentence as sentence data to be output to the user based on the notification information.” Ex. 1001, 21:9–11. Relying on its arguments and evidence presented for limitations 1[b], 1[b][i], 1[b][ii], 1[c], and 1[d], Amazon contends that that Shin teaches limitation 1[e] because it discloses that processor 120 generates content output for the user. Pet. 21. For example, Amazon argues that, in Shin’s example where the user’s voice input requests the time of day, processor 120 generates the output sentence “[t]he current time is nine ten AM.” *Id.* (quoting Ex. 1003 ¶ 37). Amazon further argues that Shin’s text-to-speech

technology converts the output sentence to speech. *Id.* (citing Ex. 1003 ¶¶ 7, 37, 39, 48, 62, 72, 109, 131, 139, 158; Ex. 1002 ¶ 87). Relying on its arguments and evidence presented for limitation 1[d], Amazon also contends that Shin’s processor 120 analyses the user’s voice input to acquire notification information according to the user’s interest. *Id.* Amazon argues that Shin’s notification information is incorporated into an output sentence, such as providing sky conditions, air temperature or rainfall in the context of Shin’s weather example. *Id.* (citing Ex. 1003 ¶¶ 37, 88; Ex. 1002 ¶ 88).

Independent claim 1 recites limitation 1[f]—“wherein the output-content generating unit is further configured to generate, when the voice is determined to be the first voice, a first output sentence in which at least one word selected among words included in the content information of the notification information is replaced with another word.” Ex. 1001, 21:9–17. Amazon contends that Shin and Aoyama collectively teach limitation 1[f] because Shin’s processor 120 adjusts the amount of information provided to the user based on the user’s distance from electronic device 101. Pet. 22 (citing Ex. 1003 ¶¶ 51, 53, 86–90, claims 8, 17). Amazon argues that Shin discloses, when the user’s “distance increases by 1 [meter], the electronic device 101 may decrease the output amount of information by making the abbreviation level of the original content high.” *Id.* (quoting Ex. 1003 ¶ 87) (citing Ex. 1003 ¶ 86). Amazon further argues that Shin discloses, when the user’s distance is between 1–2 meters, electronic device 101 generates “[c]ontent of first abbreviation level,” which may be more “simply” and abbreviated to include “a gist of the response” with less information. *Id.* at 23 (first quoting Ex. 1003 ¶ 86, then quoting Ex. 1003 ¶ 51) (citing Ex. 1002 ¶ 92).

Amazon then turns to Aoyama to teach replacing words to generate Shin's abbreviated or simplified content. Pet. 22 (citing Ex. 1002 ¶¶ 93–103). Amazon argues that Aoyama's device recognizes and analyzes a user's speech, executes processing based on that voice input, and audibly presents the result as a sentence. *Id.* at 23 (citing Ex. 1010 ¶¶ 42, 51, 127, 161, 241–243, 253, Fig. 8). Amazon asserts that Aoyama's device tailors output by replacing words based on the user or situation, such as by replacing a user's formal name with an abbreviated name. *Id.* at 23–24 (citing Ex. 1010 ¶¶ 120–124, 138–140, 177, 218, 234–236, Figs. 7, 14; Ex. 1002 ¶ 94).

Turning to rationale to combine, Amazon contends a person of ordinary skill in the art would have been motivated to configure Shin's processor 120 to adjust information based on the user's distance from electronic device 101 by incorporating Aoyama's word replacement feature for several reasons. Pet. 25 (citing Ex. 1002 ¶¶ 96–103). As one example, Amazon argues that the proposed combination merely represents the addition of one known element (i.e., “Aoyama's word replacement” feature) to another known element (i.e., “Shin's distance-based content abbreviation/simplification”) to obtain predictable results (i.e., “using word replacement to simplify content for distant users”). *Id.* 25–26 (citing *KSR*, 550 U.S. at 417; Ex. 1002 ¶ 100). According to Amazon, there would have been a reasonable expectation of success in making this proposed combination because (1) configuring Shin's processor 120 accordingly “would have been trivial, involving straightforward changes to enhance the processor's approach to simplifying and abbreviating its output”; and (2) this approach was well-known as evidenced by Ha's disclosure of replacing

“team meeting” and “date” with “schedules” based on the user’s environment.⁵ *Id.* at 27–28 (first quoting Ex. 1011 ¶ 97, then quoting Ex. 1011 ¶ 98) (citing Ex. 1002 ¶ 102; Ex. 1011, Fig. 7).

Independent claim 1 recites limitation 1[g]—“ wherein the output-content generating unit is further configured . . . to generate, when the voice is not determined to be the second voice, a second output sentence which includes all of the intention information and the content information.” Ex. 1001, 21:11–20. Amazon contends that Shin teaches limitation 1[g] because it discloses that, when classifying a voice as a second voice because the user is within 1 meter of electronic device 101, electronic device 101 generates a second output comprising all available information (i.e., by outputting unabbreviated content). Pet. 28–29 (citing Ex. 1003 ¶¶ 51, 87, 88, Table 3; Ex. 1002 ¶ 106). Amazon argues that Shin’s example of outputting the time as “[t]he current time is nine ten AM” conveys all the intention information derived from the user statement “[l]et me know what

⁵ We understand Amazon to introduced Ha as evidence of the general background knowledge in the art pertaining to the use of word replacement by output-content control devices. *See Ariosa Diagnostics v. Verinata Health, Inc.*, 805 F.3d 1359, 1365 (Fed. Cir. 2015) (explaining that evidence submitted with a petition may be considered to demonstrate the general knowledge that one of skill in the art “would bring to bear in reading the prior art identified as producing obviousness”); *see also Randall Mfg. v. Rea*, 733 F.3d 1355, 1362–63 (Fed. Cir. 2013) (emphasizing that additional prior art references or evidence are not for the purpose of changing the prior art combination that forms the basis of the asserted ground, but rather are merely for the purpose of providing evidence of the state of the art, including the general background knowledge of a person of ordinary skill in the art).

time it is now.” *Id.* at 29 (quoting Ex. 1003 ¶ 37) (citing Ex. 1003 ¶¶ 39, 107).

Based on the preliminary record, we discern no deficiency in Amazon’s characterizations of Shin, Aoyama, or the general background knowledge in the art. In addition, for purposes of institution, we are persuaded by Dr. Stern’s testimony concerning the relevant disclosures in Shin and Aoyama. At this stage of the proceeding, SoundClear argues that Shin does not teach limitations 1[b]—“a voice classifying unit configured 1[b][i] to calculate a distance between the user and the output-content control device by a proximity sensor 1[b][ii] to classify the voice into either a first voice or a second voice based on the calculated distance.” *See* Prelim. Resp. 19–22.

a. Limitations 1[b]—“a voice classifying unit configured to 1[b][i] calculate a distance between the user and the output-content control device by a proximity sensor to 1[b][ii] classify the voice into either a first voice or a second voice based on the calculated distance”

In the Preliminary Response, SoundClear contends that Shin fails to teach voice classification because “Shin is incapable of distinguishing [between] multiple voices.” Prelim. Resp. 21. More specifically, SoundClear argues that Shin cannot teach classifying a voice into a first voice or second voice because “Shin never refers to a ‘first user’ or ‘second user’ or ‘multiple users.’” *Id.* (citing Ex. 1003 generally); *see also id.* at 26–27 (arguing that Amazon misstates the record because Shin never discloses a “first voice” nor a “second voice”). Instead, SoundClear asserts that Shin only contemplates a single user (i.e., user 10) when calculating the distance between the user and an electronic device (e.g., Shin’s electronic device 100). *Id.* at 21–22 (citing Ex. 1003 ¶¶ 37, 38).

Based on the preliminary record, Amazon presents sufficient evidence that would support a finding that Shin teaches “a voice classifying unit configured to calculate a distance between the user and the output-content control device by a proximity sensor to classify the voice into either a first voice or a second voice based on the calculated distance.” Pet. 10–14. Shin discloses that “processor 120 may determine an output scheme of corresponding content based on a distance between a user and the electronic device 101.” Ex. 1003 ¶ 53. Shin’s processor 120 accomplishes this distance calculation by using distance detection module 180, which may include various sensors, such as a proximity sensor. *Id.* ¶ 66; *see also id.* ¶ 153 (disclosing an embodiment where electronic device 901 includes sensor module 940, which, in turn, includes proximity sensor 940G). Shin’s Table 3 illustrates how the distance between the user and electronic device 101 determines the output scheme. *Id.* ¶ 86, Table 3. For instance, Shin’s Table 3 illustrates classifying the user’s voice input as a “first voice” when the distance between the user and electronic device 101 is between 1 to 2 meters, and classifying the user’s voice input as a “second voice” when the distance between the user and electronic device 101 is less than 1 meter. *Id.* ¶¶ 86, 87, Table 3.

At this stage in the proceeding, we do not agree with SoundClear’s arguments that Shin fails to teach voice classification required by independent claim 1 because it does not disclose classifying the voices of two different users. *See* Prelim. Resp. 19–22, 26–27. SoundClear’s arguments are not commensurate in scope with independent claim 1 because this claim does not require classifying the voices of two different users. *See In re Self*, 671 F.2d 1344, 1348 (CCPA 1982) (explaining that limitations

not appearing in the claims cannot be relied upon for patentability). Instead, independent claim 1 recites, in relevant part, “classify[ing] *the voice* into either a first voice or a second voice based on the calculated distance.”

Ex. 1001, 20:65–67 (emphasis add). Classifying “the voice” finds antecedent basis in “a voice spoken by a user” that is acquired by the “voice acquiring unit.” *Id.* at 20:61–62. Stated differently, independent claim 1 only requires acquiring the voice of a single user and then classifying his/her voice into a “first voice” or “second voice” based on the user’s distance from the output-content control device. There is no requirement to acquire and classify the voices of two different users.

b. Inherency

In the Preliminary Response, SoundClear casts Amazon’s position that Shin teaches voice classification as predicated on the doctrine of inherency. *See* Prelim. Resp. 24–25. SoundClear asserts that “Amazon identifies no express disclosure of voice classification in place of inherency or obviousness, in any reference.” *Id.* at 25.

Based on the preliminary record, we do not understand Amazon to use language that would implicate inherency (e.g., inherent, necessarily, necessarily present, etc.) when arguing that that Shin teaches limitations 1[b], 1[b][i], and 1[b][ii]. Instead, we understand Amazon to argue that, when viewing the teachings of Shin through the perspective of a person of ordinary skill in the art as evidenced by the supporting testimony of Dr. Stern, Shin’s processor 120 and distance detection module 180, which may include a proximity sensor, work together to calculate a distance between the user and electronic device 101 and then classify the user’s voice input as a “first voice” or “second voice” based on the calculated distance.

Pet. 10–14 (citing Ex. 1002 ¶¶ 54–70). Amazon’s arguments and evidence with respect to this particular issue are consistent with the well-settled principle that “[w]hat a prior art reference discloses or teaches is determined from the perspective of one of ordinary skill in the art.” *Sundance, Inc. v. DeMonte Fabricating Ltd.*, 550 F.3d 1356, 1361 n.3 (Fed. Cir. 2008).

c. Rationale to Combine

In the Preliminary Response, SoundClear contends that Amazon “never addresses why a [person of ordinary skill in the art] would have seen any reason to combine or modify the references.” Prelim. Resp. 31. According to SoundClear, Amazon only “focuses on discrete disclosures” when addressing Shin, but it “never identifies (1) what problem a [person of ordinary skill in the art] would have sought to solve when combining references or (2) any non-redundant benefit disclosed in them.” *Id.* at 31–32. SoundClear also contends that Amazon’s obviousness arguments are perfunctory because it “does not establish that any results would have been predictable or any reasonable expectation of success.” *Id.* at 32. Instead, SoundClear argues that Amazon provides “generalized and conclusory assertions of obviousness” that are “virtually identical” to the supporting testimony of Amazon’s declarant, Dr. Stern. *Id.* at 33.

Based on the preliminary record, Amazon presents sufficient arguments and evidence for purposes of institution that would support determining that a person of ordinary skill in the would have been motivated to combine the teachings of Shin and Aoyama. As one example, Amazon contends that the proposed combination is merely the addition of one known element (i.e., “Aoyama’s natural language processing and information retrieval”) to another known element (i.e., “Shin’s voice processing and

response device”) to obtain predictable results (i.e., “identifying a user’s intent and providing information responsive to such intent”). Pet. 19–20 (citing *KSR*, 550 U.S. at 417; Ex. 1002 ¶ 83). As another example, Amazon contends the proposed combination also represents the addition of one known element (i.e., “Aoyama’s word replacement” feature) to another known element (i.e., “Shin’s distance-based content abbreviation/simplification”) to obtain predictable results (i.e., “using word replacement to simply content for distant users”). *Id.* at 25–26 (citing *KSR*, 550 U.S. at 417; Ex. 1002 ¶ 100). Amazon also presents sufficient arguments and evidence for purposes of institution that would support determining there is a reasonable expectation of success in making the proposed combination. *Id.* at 20 (citing Ex. 1002 ¶ 84), 27–28 (citing Ex. 1002 ¶ 102; Ex. 1011 ¶¶ 97, 98 Fig. 7).

To the extent SoundClear argues that Amazon is required to identify a problem a person of ordinary skill in the art would have sought to solve when combining the teachings of Shin and Aoyama, we do not agree. *See* Prelim. Resp. 31–32. This line of argument runs contrary to the principles of law articulated in *KSR*. In *KSR*, the Supreme Court emphasized “an expansive and flexible approach” to an obviousness evaluation. *KSR*, 550 U.S. at 415; *see also Jazz Pharm., Inc. v. Amneal Pharm., LLC*, 895 F.3d 1347, 1363 (Fed. Cir. 2018) (“*KSR* did not impose a rigid requirement to identify . . . a problem to be solved in the art . . .”). The Supreme Court stated that, “[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents,” amongst other things, “to determine whether there was apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418. Moreover, the

Supreme Court explained that, “[u]nder the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” *Id.* at 420.

d. Summary

In summary, Amazon has shown a reasonable likelihood that it would prevail on its assertions that the subject matter of independent claims 1, 6, and 7 would have been obvious over the combined teachings of Shin and Aoyama.

6. Claims 2–5

Based on the preliminary record, Amazon’s arguments and evidence with respect to dependents claims 2–5 are sufficient for purposes of institution. *See* Pet. 30–40. At this stage of the proceeding, SoundClear does not address separately Amazon’s arguments and evidence explaining how the combined teachings of Shin and Aoyama account for the additional limitations of these dependent claims. *See* Prelim. Resp. 19–36. When considering Amazon’s un rebutted arguments and evidence, Amazon has demonstrated a reasonable likelihood that it would prevail on its assertions that the subject matter of dependent claims 2–5 would have been obvious over the combined teachings of Shin and Aoyama.

C. Remaining Obviousness Grounds

Because Amazon demonstrates a reasonable likelihood of success in showing that at least one claim of the ’675 patent is unpatentable, we institute an IPR as to claims 1–7 of the ’675 patent based on all the grounds challenging these claims raised in the Petition. *See* 37 C.F.R. § 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to

provide another assessment of claims 1–7 of the '675 patent under the remaining obviousness grounds raised in the Petition.

D. Miscellaneous Arguments

1. Certificate of Translation

SoundClear contends that Amazon relies on an English translation of Shimomura “without laying the proper foundation for the translation.” Prelim. Resp. 40 (citing Ex. 1005). The issue regarding the accuracy of the English translation of the Shimomura (Ex. 1005) was briefed by both parties during the bifurcated discretionary denial process considered by the Acting Director, who declined to exercise her discretion to deny the Petition. *See* Paper 11 (Decision Referring Petition to the Board). In any event, we take this opportunity to note that, during trial, SoundClear will have an opportunity to cross-examine Ms. Gwen Snorteland, who is the declarant that provided the English translation of Shimomura. *See* 37 C.F.R. § 42.53.

2. Constitutional Issues

SoundClear raises several argument that it labels as “[c]onstitutional issues.” Prelim. Resp. 41–45. These issues go to the Director’s discretion under 35 U.S.C. 314(a), not to non-discretionary considerations or merits, and should have been raised to the Acting Director in SoundClear’s Request for Discretionary Denial of Institution (Paper 5) and will not be addressed in this Decision. *See* C. Stewart, Memorandum: Interim Processes for PTAB Workload Management, at 1 (Mar. 26, 2025) (“[D]ecisions on whether to institute an IPR or [post grant review] will be bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary statutory considerations. Under this interim procedure, the Director, in consultation with at least three [Patent Trial and Appeal Board] judges, will

determine whether discretionary denial of institution is appropriate. . . . The three-member panel will then handle the case in the normal course including by issuing a decision on institution addressing the merits and other non-discretionary statutory considerations.”); *see also* Frequently Asked Questions (“FAQs”) for Interim Processes for PTAB Workload Management (*available at* <https://www.uspto.gov/patents/ptab/faqs/interimprocesses-workload-management>”), FAQ 23 (“If a patent owner wishes to raise any applicable bases for discretionary denial, it must do so in a discretionary denial brief. Absent extraordinary circumstances, the Director and the Board panel will not consider arguments relating to discretionary denial raised in a [Patent Owner Preliminary Response] Unless otherwise authorized by the Director, the Board panel will not address any discretionary considerations presented in the Process Memorandum.”), FAQ 12 (“The ‘merits’ considerations refer to whether there is a reasonable likelihood that a petitioner would prevail with respect to at least one of the claims challenged in an IPR petition.”).

III. CONCLUSION

Taking into account SoundClear’s Preliminary Response, we conclude that the information presented in the Petition demonstrates that there is a reasonable likelihood that Amazon would prevail in challenging at least one of claims 1–7 of the ’675 patent as unpatentable. Accordingly, we institute an IPR as to all challenged claims and all the grounds raised in the Petition. *See* 37 C.F.R § 42.108(a). At this stage of the proceeding, we have not made a final determination with respect to the construction of any claim term or the patentability of the challenged claims.

IV. ORDER

Accordingly, it is

ORDERED that, pursuant to 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), an IPR is hereby instituted as to all challenged claims and all the grounds raised in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), notice is hereby given of the institution of a trial; the trial will commence on the entry date of this Decision.

ZECHER, *Administrative Patent Judge*, concurring.

SoundClear presents five arguments that it labels as “[c]onstitutional issues.” Prelim. Resp. 41–45. The majority treats these five arguments as applying to the Director’s discretion under 35 U.S.C. 314(a), which, under the new bifurcated discretionary denial process, falls solely within the purview of the Director. In my view, four of the five arguments do not implicate the type of discretion that falls solely within the purview of the Director, but rather they go to non-discretionary considerations that should be addressed by the merits panel. I would address these arguments as follows.

1. Expert Testimony

SoundClear contends that “the Petition relies almost entirely upon expert testimony. . . that is indistinguishable from conclusory attorney argument.” Prelim. Resp. 42. I agree with the majority that the extent of Amazon’s reliance on expert testimony goes to the Director’s discretion under 35 U.S.C. 314(a), and not to non-discretionary considerations or merits, and should have been raised to the Acting Director in SoundClear’s Request for Discretionary Denial of Institution (Paper 5). *See* C. Stewart, Memorandum: Interim Processes for PTAB Workload Management, at 1 (Mar. 26, 2025). As a result, this discretionary issue should not be addressed in the Institution Decision.

2. Live Witnesses and Cross-Examination

SoundClear asserts a violation of constitutional due process because “the Board renders decisions on the basis of paper briefs without live witness testimony and live cross-examination.” Prelim. Resp. 42; *see also id.* (arguing that IPR proceedings do not “provide the ability to cross-

examine witnesses or other standards for admissibility of evidence”).

This argument, however, ignores the guidance from the U.S. Patent and Trademark Office (“PTO”) regarding IPR proceedings.

As stated in our Consolidated Trial Practice Guide under the heading “Live testimony,” “[c]ross-examination may be ordered to take place in the presence of an administrative patent judge, which may occur at the deposition or oral argument.” Patent Trial and Appeal Board Consolidated Trial Practice Guide, 31 (Nov. 2019)⁶ (“CTPG”). As stated in the CTPG, “requests for live testimony will be approached by the Board on a case-by-case basis.” *Id.* at 32. Factors that may be considered by the Board in determining whether to permit live testimony are set forth in the Board’s precedential decision in *K-40 Electronics, LLC v. Escort, Inc.*, IPR2013-00203, Paper 34 at 3 (PTAB May 21, 2014) (Order—Request for Live Testimony) (precedential). In the context of the oral hearing, the CTPG further states:

The Board receives relatively few requests for presenting live testimony. When requested by a party, and where the panel believes live testimony will be helpful in making a determination, the [PTO] will permit live testimony at the oral hearing. The Board will consider such requests on a case-by-case basis, but does not expect to permit live testimony in every case where there is conflicting testimony.

The format for presenting live testimony is left to the discretion of the panel. . . . The Board may direct questions to any witness who testifies in person at the hearing.

⁶ Available at <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>.

In general, a request for live testimony is more likely to be granted where the Board determines that the demeanor of a witness is critical to evaluating that witness's credibility. A party requesting live testimony should be prepared to explain why and how this consideration applies.

CTPG at 85.

3. *Non-Appealability of Institution Decision*

SoundClear contends that “the inability to appeal the Board’s institution decision to an Article III court exacerbates due process concerns” because, “[o]nce an IPR is instituted, it can significantly alter the patent owner’s rights.” Prelim. Resp. 44. SoundClear, however, fails to recognize Supreme Court authority to the contrary. In *Thryv*, the Supreme Court held that the language “final and nonappealable” in 35 U.S.C. § 314(d) “indicates that a party cannot contend on appeal that the [PTO] should have refused ‘to institute an [IPR].’” *Thryv v. Click-to-Call Techs, LP*, 590 U.S. 45, 52 (2020). The Supreme Court noted that “patent owners remain free to appeal final decisions on the merits.” *Id.* at 56.

4. *Article III Court*

SoundClear contends “the Board lacks the adjudicative independence of an Article III court” because, “[f]or example, the . . . Director is a political appointee.” Prelim. Resp. 44. SoundClear, however, fails to recognize Supreme Court authority to the contrary. In *Oil States*, the Supreme Court held the PTO can conduct IPRs “without violating Article III.” *Oil States Energy Servs., LLC v. Greene’s Energy Grp., LLC*, 584 U.S. 325, 335 (2018); *see also id.* at 336 (“[T]he determination to grant a patent is a “matte[r] involving public rights.’ It need not be adjudicated in Article III court.” (citation omitted)), 337 (“[T]he public-rights doctrine covers the

matter resolved in [IPR]. The Constitution does not prohibit the Board from resolving it outside of an Article III court.”).

5. *Seventh Amendment*

Related to its argument regarding the Board’s purported lack of adjudicative independence, SoundClear contends “that IPR proceedings deprive patent owners of their Seventh Amendment right to a jury trial and to have the validity of patents determined in Article III courts in view of the Supreme Court’s recent decision in *SEC v. Jarkesy*, 603 U.S. 109, 144 S. Ct. 2117 (2024).” Prelim. Resp. 44. This issue also was addressed by the Supreme Court in *Oil States*. The Supreme Court held that:

when Congress properly assigns a matter to adjudication in a non-Article III tribunal, “the Seventh Amendment poses no independent bar to the adjudication of that action by a nonjury factfinder.” *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33, 53–54 (1989). . . . Thus, our rejection of *Oil States*’ Article III challenge also resolves its Seventh Amendment challenge. Because [IPR] is a matter that Congress can properly assign to the PTO, a jury is not necessary in these proceedings.

Oil States, 584 U.S. at 345. The majority and concurring opinions in *Jarkesy* cited *Oil States* without questioning its reasoning, which, in our view, is a clear affirmation of *Oil States*’s continued validity. *See, e.g., Jarkesy*, 603 U.S. at 157 (stating that “Congress may constitutionally adopt ‘new statut[es]’ assigning matters that indeed qualify as ‘public rights . . . to an administrative agency’”) (Justice Gorsuch, concurring).

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