

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SONOS, INC.,
Patent Owner.

Case No. IPR2025-01590
U.S. Patent No. 10,031,715

**PATENT OWNER SONOS, INC.'S REQUEST
FOR DISCRETIONARY DENIAL OF INSTITUTION**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	DISCRETIONARY DENIAL IS WARRANTED UNDER § 314(A)	3
A.	Each <i>Fintiv</i> Factor Favors Discretionary Denial	3
1.	Factor 1 Favors Denial	3
2.	Factor 2 Favors Denial	4
3.	Factor 3 Favors Denial	6
4.	Factor 4 Favors Denial	8
5.	Factor 5 Favors Denial	12
6.	Factor 6 Favors Denial	12
B.	Four Other Considerations Also Favor Discretionary Denial	15
1.	Settled Expectations of the Parties Favor Denial	15
2.	Google’s Inconsistent Claim Construction Positions Across Different Forums Warrants Denial	16
3.	California Court Is Best Positioned to Apply Consistent Claim Constructions Across Sync Patents	16
4.	Overlapping Expert Disputes Across Multiple Patents and Google’s Overreliance on Expert Testimony Favors Denial	17
III.	CONCLUSION	18

TABLE OF AUTHORITIES

Cases

<i>Entropic Commc'ns, LLC v. DISH Network Corp.</i> , 23-CV-01043, 2025 WL 519639 (C.D. Cal. Feb. 13, 2025).....	3
<i>Ex Parte Norwalk</i> , 2022 WL 1315407 (PTAB Apr. 28, 2022).....	14
<i>Ex Parte Rinkevich</i> , 2007-1317, 2007 WL 1552288 (B.P.A.I. May 29, 2007)	14
<i>Fontem Ventures, B.V. v. Njoy, Inc.</i> , 14-CV-1645, 2015 WL 14036677 (C.D. Cal. June 29, 2015).....	4
<i>Inneos LLC v. Opticis Co.</i> , 23-CV-185, 2023 WL 6787821 (C.D. Cal. Sept. 13, 2023).....	4
<i>Kiss Nail Prods., Inc. v. Lashify, Inc.</i> , PGR2021-00046, 2021 WL 3504569 (PTAB Aug. 9, 2021).....	7
<i>Murata Mfg. Co., Ltd. v. Georgia Tech. Research Corp.</i> , IPR2025-00383, Paper 14 (July 29, 2025).....	15
<i>Plas-Pak Indus., Inc. v. Sulzer Mixpac AG</i> , 600 F. App'x 755 (Fed. Cir. 2015)	13
<i>Realtime Adaptive Streaming LLC v. Google LLC</i> , 18-CV-3629, 2019 WL 13039329 (C.D. Cal. May 6, 2019).....	3
<i>Sk Innovation Co., Ltd. v. Lg Chem, Ltd.</i> , IPR2020-00982, 2020 WL 7029006 (PTAB Nov. 30, 2020)	7
<i>Sotera Wireless, Inc. v. Masimo Corporation</i> , IPR2020-01019 (PTAB Dec. 1, 2020)	11
<i>Transcend Information Inc. v. Truesight Communications LLC</i> , IPR2025-00723, Paper 10 (PTAB Aug. 4, 2025).....	6

EXHIBIT LIST

Exhibit	Description
2001 to 2100	RESERVED FOR PRELIMINARY RESPONSE
2101	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 30, Oral Re Joint Stipulation Seeking Extension of Time to Respond (C.D. Cal. Mar. 4, 2020)
2102	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 70, Order Lifting Stay (C.D. Cal. Dec. 27, 2024)
2103	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 159, Order Re. Joint Motion to Modify Scheduling Order (C.D. Cal. December 17, 2025)
2104	DocketNavigator, Time to Trial Statistics for California Central District from January 1, 2020 to December 18, 2025
2105	<i>Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same</i> , No. 337-TA-1191, Commission Opinion Public Version (Feb. 1, 2022)
2106	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 78, Joint Discovery Stipulation (C.D. Cal. Apr. 28, 2025)
2107	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, Google's First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)
2108	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 101, Google's First Amended Answer and Counterclaims (C.D. Cal. July 25, 2025)
2109	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 124, Sonos's Answer and Counterclaims (C.D. Cal. Aug. 15, 2025)
2110	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, Exhibit 715-01 (Janevski) to Google's First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)

2111	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, Exhibit 715-B (Additional References) to Google’s First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)
2112	Sonos August 13, 2021 Notice Letter to Google
2113	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, June 2025 Email Exchange Between Parties Concerning Claim Construction
2114	Side-by-side comparison of representative claims of Sync Patents
2115	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 128, Order Setting Pretrial Deadlines (C.D. Cal. Aug. 26, 2025)
2116	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, Exhibit 953-01 (Janevski) to Google’s First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)

I. INTRODUCTION

Patent Owner Sonos, Inc. requests that the Director exercise discretion under 35 U.S.C. § 314(a) to deny institution of Petitioner Google LLC's *inter partes* review ("IPR") petition against U.S. Patent No. 10,031,715 ("’715 Patent"). The ’715 Patent is generally directed to synchronization technology that enables coordinated playback amongst grouped zone players with specific roles and is currently being litigated in *Sonos, Inc. v. Google LLC*, 20-cv-00169 (C.D. Cal.) ("California Litigation"). This IPR petition is a textbook candidate for discretionary denial.

First, the parties' expectations are firmly settled. The ’715 Patent issued over seven years ago, and Google has been aware of it since at least February 2019. Yet, Google waited until the final days of its statutory deadline to file its Petition. Instituting an IPR under these circumstances would reward undue delay and undermine the efficiency interests that § 314(a) intends to protect.

Second, Google's claim construction positions in the California Litigation are inconsistent with its claim construction positions here. In the California Litigation, Google challenges five different claim limitations of the ’715 Patent as indefinite. Yet in this IPR, Google insists that no construction is necessary. Google's opportunistic conduct of advancing inconsistent claim construction positions across two different forums alone warrants denial.

Third, the posture of the California Litigation independently warrants denial.

The California Litigation involves two Google patents and nine other Sonos patents, including U.S. Patent Nos. 9,195,258 (“’258 Patent”), 10,209,953 (“’953 Patent”), and 11,080,001 (“’001 Patent”)—each related to the ’715 Patent (collectively, the “Sync Patents”). Google’s selective targeting of the ’715 Patent in an IPR is no accident. Google is statutorily barred from filing an IPR against two other Sync Patents—the ’258 and ’953 Patents—which Sonos successfully asserted against Google almost six years ago in ITC Investigation No. 337-TA-1191 (“ITC Investigation”). But regardless of whether this IPR is instituted against the ’715 Patent, the ’258 and ’953 Sync Patents will proceed in the California Litigation, where the California Court will necessarily address overlapping validity issues shared across all Sync Patents. Not only do all four Sync Patents share a common specification and ultimate priority claim, but their claims also recite overlapping terms. *See* Ex.2114. In fact, Google contends that the “’715 and ’258 Patents... claim patentably indistinct subject matter” (Ex.2107, 257) and relies on the *same* alleged prior art against each Sync Patent in the California Litigation (*id.*, 40-60). Instituting this IPR would therefore create duplicative proceedings, invite inconsistent outcomes, and waste the Board’s resources.

Fourth, the Director has already discretionarily denied Google’s IPR Petition against Sonos’s U.S. Patent No. 10,541,883 (“’883 Patent”), which suffered from similar flaws as Google’s Petition here against the ’715 Patent. *See* IPR2025-01213.

To prevent inconsistent outcomes, the Director should adhere to the reasoning of its prior denial in IPR2025-01213 and deny this IPR for similar reasons.

Fifth, as provided in more detail below, the weak merits of this IPR further compel discretionary denial. Google's expert-driven attempt to manufacture obviousness theories underscores the Petition's deficiencies and provides another compelling reason to deny institution.

For these reasons and additional reasons set forth below, the Director should deny institution under § 314(a).

II. DISCRETIONARY DENIAL IS WARRANTED UNDER § 314(A)

A. Each *Fintiv* Factor Favors Discretionary Denial

1. Factor 1 Favors Denial

There is no viable basis to stay the California Litigation based on this IPR. The California Litigation involves not only the '715 Patent, but also nine other Sonos patents and two Google patents. Google is statutorily barred from challenging five of the Sonos asserted patents in an IPR, and Google's IPR Petition against the '883 Patent has already been discretionarily denied. *See* IPR2025-01213. Thus, this IPR cannot meaningfully simplify the California Litigation. *See also infra* §II.A.4. The California Court routinely denies stays under similar circumstances. *See, e.g., Realtime Adaptive Streaming LLC v. Google LLC*, 18-CV-3629, 2019 WL 13039329, at *3 (C.D. Cal. May 6, 2019); *Entropic Commc'ns, LLC v. DISH Network Corp.*, 23-CV-01043, 2025 WL 519639, at *3 (C.D. Cal. Feb. 13, 2025).

Moreover, the California Litigation progressed significantly (*see infra* §II.A.3) while Google waited until the final days of its statutory deadline to file the present Petition, and a stay would cause significant competitive harm to Sonos because Google and Sonos are direct competitors. The California Court denies stay motions under similar circumstances. *See, e.g., Fontem Ventures, B.V. v. Njoy, Inc.*, 14-CV-1645, 2015 WL 14036677, at *3 (C.D. Cal. June 29, 2015); *Inneos LLC v. Opticis Co.*, 23-CV-185, 2023 WL 6787821, at *3 (C.D. Cal. Sept. 13, 2023).

Further, Google itself is fully aware that a stay is not viable. The California Litigation was previously stayed for nearly five years pending the ITC Investigation and Federal Circuit appeal. *See* Ex.2101. Imposing yet another stay would be highly prejudicial to Sonos. Since the ITC stay was lifted (*see* Ex.2102) and this IPR was filed, Google has never once proposed another stay—underscoring its own recognition that such relief is unwarranted.

2. Factor 2 Favors Denial

Factor 2 favors denial for at least two reasons. ***First***, despite the California Court not yet setting a trial date for the California Litigation, it is highly likely that trial will occur ***before*** the projected FWD on April 21, 2027—particularly given that Google waited until the final days of its statutory window to file its Petition. The California Litigation commenced in January 2020 and resumed on December 27, 2024 after a nearly five-year stay. *See* Exs.2101-2102. Under the current schedule,

all discovery closes on July 20, 2026 and briefing on dispositive motions concludes on August 10, 2026. Ex.2103, 2. While no trial date is formally set¹, the Central District of California’s median time-to-trial for patent cases is approximately 20 months. Ex.2104. Applying the 20-month median time-to-trial from the date the stay was lifted on December 27, 2024 would place a potential trial around August 27, 2026—nearly eight months before the projected FWD. Given this significant gap, even if the case progresses more slowly than the median time-to-trial to accommodate dispositive motion rulings and a pretrial conference, there remains a substantial likelihood that trial would still occur before the Board’s projected FWD.

Second, even if the FWD were to precede the California trial, Factor 2 would still favor denial because overlapping validity issues will still be litigated and tried in California for at least the related ’258 and ’953 Sync Patents whose asserted claims have commonalities to aspects of the challenged claims of the ’715 Patent. In fact, as one example, Google’s invalidity contentions in the California Litigation cite the same core passages from the primary Janevski reference for both independent claim 7 of the ’715 Patent and dependent claim 23 of the ’953 Patent. *Compare* Ex.2110, 26 (citing Janevski at 8:39-52 and 15:32-47) *with* Ex.2116, 56

¹ The California Court’s standard practice is to set a trial date at the final pretrial conference, which is typically held only weeks before trial. *See* Ex.2115, 2.

(citing the same). Thus, whether this IPR is instituted or not, the California Court will be deciding conceptually similar validity issues.

Institution would therefore split the dispute across forums, leading to duplicative effort and inviting inconsistent outcomes—inefficiencies that the *Fintiv* factors, including Factor 2, are designed to prevent. *See, e.g., Transcend Information Inc. v. Truesight Communications LLC*, IPR2025-00723, Paper 10, at *2 (PTAB Aug. 4, 2025).

3. Factor 3 Favors Denial

The parties, ITC, Federal Circuit, and California Court have already invested substantial resources, and the parties and California Court will continue to invest substantial resources leading up to the institution decision.

The parties' dispute began nearly six years ago. Sonos filed its complaint in California on January 7, 2020, asserting five of the ten Sonos patents now at issue. On the same day, Sonos initiated the ITC Investigation asserting those same patents, which resulted in a stay of the California Litigation. While the California Litigation was stayed for nearly five years, the parties fully litigated the five Sonos patents (including the related '258 and '953 Sync Patents) at the ITC and Federal Circuit.

In the ITC Investigation, the parties served infringement and invalidity contentions, completed fact and expert discovery, filed dispositive motions, submitted pre-hearing briefs, and tried the case in an evidentiary hearing. The ALJ

issued multiple substantive rulings in the process, and the Commission issued a final opinion upholding the validity of all five Sonos patents, ruling that Google's original products infringed all five Sonos patents, and finding violation by Google. Ex.2105. The Board has found that Factor 3 favors denial even in cases involving ongoing ITC investigations while the parallel district court case was stayed. *See, e.g., Kiss Nail Prods., Inc. v. Lashify, Inc.*, PGR2021-00046, 2021 WL 3504569, at *5 (PTAB Aug. 9, 2021); *Sk Innovation Co., Ltd. v. Lg Chem, Ltd.*, IPR2020-00982, 2020 WL 7029006, at *5 (PTAB Nov. 30, 2020).

The parties' substantial investment did not stop with the ITC's final opinion, as both parties appealed certain of the Commission's findings. And after the parties devoted extensive resources from briefing to oral argument, the Federal Circuit affirmed the Commission's findings in full.

Following the Federal Circuit decision, Judge Kronstadt lifted the stay of the California Litigation on December 27, 2024. Ex.2102. To preserve the substantial work already done, the parties agreed to reuse discovery and arguments from the ITC Investigation in the California Litigation, with Google explicitly incorporating its ITC positions into its invalidity contentions. Ex.2106, 10; Ex.2107, 12.

The California Court has also approved a fast-moving scheduling order notwithstanding the complexity of the California Litigation. *See* Ex.2103. Currently, the litigation involves ten Sonos patents, two Google patents, dozens of

accused Google products, at least a dozen accused Sonos products, fourteen affirmative defenses and two counterclaims from Google, and fourteen affirmative defenses and six counterclaims from Sonos. *See* Exs.2108-2109. The parties already exchanged and continue to amend initial infringement and invalidity contentions. Google's invalidity contentions for the '715 Patent *alone* include at least a hundred prior art references (including at least five system art), § 101 and § 102(f) grounds, an obviousness-type double-patenting ground, and at least ten different § 112 grounds, while leaving the door open to add more grounds during expert discovery. *See* Ex.2107, 50-55, 166-69, 205-7, 221-22, 241-43, 257-58.

By the April 21, 2026 institution deadline, Judge Kronstadt will almost certainly issue a *Markman* order, and final infringement and invalidity contentions, will be served shortly after. *See* Ex.2103.

At bottom, instituting review would disregard nearly six years of substantial investment dating back to the ITC Investigation.

4. Factor 4 Favors Denial

The overlap between Google's Petition and its invalidity contentions in California, combined with Google's ineffective *Sotera* stipulation, favors denial.

As an initial matter, there is substantial overlap between the claims, grounds, and arguments raised in Google's Petition here and Google's invalidity contentions in the California Litigation. As to the claims, Google adds independent claim 1 and

dependent claims 2-3, 5-6, 8, 12, 14 and 18 to its Petition. But these added claims do not meaningfully expand the dispute here since these are just a different statutory class of claims compared to the claims at issue in the California Litigation. Google itself acknowledges that independent claims 7 and 13 (already asserted in the California Litigation) are substantively the same as independent claim 1. Pet., 45. Similarly, Google acknowledges that the additional limitations in dependent claims 9/15 and 11/17 (already asserted in the California Litigation) mirror those in dependent claims 3 and 5, respectively. *See id.*, 64 (grouping claims 3, 9, 15), 70 (grouping claims 5, 11, and 17). In short, only the additional limitations in claims 2/8/14 and 6/12/18² are unique to this IPR, and these claims depend on independent claim limitations already at issue in the California Litigation. The Petition thus adds little beyond what is already being litigated. The Board has repeatedly found Factor 4 in favor denial in cases with far less overlap. *See, e.g., Satco Prods., Inc. v. Regents of the Univ. of California*, IPR2021-00661, 2021 WL 5194118, at *10 (PTAB Nov. 8, 2021) (collecting cases where the Board found sufficient overlap even when the parallel proceeding involved most—but not all—challenged claims, and in some instances “fewer than half”).

As to the grounds and arguments, Google’s invalidity contentions in the

² Claims 2/8/14 and claims 6/12/18, respectively, share the same claim elements.

California Litigation across all four Sync Patents, including the '715 Patent, are substantially the same as those in this IPR. Specifically, Google relies on the same primary reference, Janevski, for all nine Grounds 1-6B, as well as the same secondary references—Muchow, Boyle, Goldberg, and Lord. Ex.2107, 40-60; Ex.2110 (charting Janevski); Ex.2111, 26, 36, 39, 42, 45 (charting Muchow, Boyle, Goldberg, and Lord, among other references).³

Amid this substantial overlap, Google offered a *Sotera* stipulation in its Petition. *See* Pet., 86. But Google's *Sotera* stipulation is practically meaningless for several reasons.

First, Google relies on the ***same*** alleged prior art references in the California Litigation for the '258, '953, and '001 Sync Patents, including Janevski, Muchow, Boyle, Goldberg, and Lord. *See* Ex.2107, 40-60. As a result, despite the *Sotera* stipulation, Google remains free to pursue the same invalidity grounds in the California Litigation against the other Sync Patents that it raises or could have raised here against the '715 Patent. This defeats the purpose of a *Sotera* stipulation and undermines the *Sotera* Board's rationale for Factor 4, which is to "mitigate[] any concerns of duplicative efforts between the district court and the Board, as well as

³ The Goldberg reference asserted in the California Litigation is a divisional of a PCT application that published as the Goldberg reference cited in the Petition.

concerns of potentially conflicting decisions.” *Sotera Wireless, Inc. v. Masimo Corporation*, IPR2020-01019, Paper 12, *19 (PTAB Dec. 1, 2020).

Second, Google’s *Sotera* stipulation is narrowly crafted to preserve its ability to assert system art in the California Litigation, which is unsurprising since Google’s invalidity contentions for each Sync Patent include theories based on five systems serving as primary references. *See* Ex.2107, 41, 46, 50, 55. Thus, this IPR would not be a “true alternative” to the California Litigation. *Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19, *3-4 (PTAB Mar. 28, 2025).

Third, the Federal Circuit’s decision in *Ingenico Inc. v. IOENGINE, LLC* casts doubt on the effectiveness of a *Sotera* stipulation. *See* 136 F.4th 1354, 1365-66 (Fed. Cir. May 7, 2025) (narrowly interpreting “ground” in the IPR estoppel context). For example, under *Ingenico*, a Petitioner that agrees to a *Sotera* stipulation can lose before the Board in arguing a given prior art publication anticipates challenged claims but get a second bite at the apple by arguing before a district court that the same publication renders the challenged claims obvious in combination with system art (whether related to the publication or not) that was known or used by others, on sale, or in public use. *See id.* In view of this, Google’s *Sotera* stipulation does not ensure that this IPR is a true alternative to the California Litigation. *Sotera*, IPR2020-01019, Paper 12, *19.

5. Factor 5 Favors Denial

The same parties are involved in this IPR and the California Litigation.

6. Factor 6 Favors Denial

This Petition is objectively weak, as evident from several example facts.

First, each one of Google’s grounds here is a hodgepodge of three (sometimes four) references, along with unsupported gap filling by its expert (*supra* §II.B.4).

Second, Google’s grounds require significant departures from Janevski’s principles of operation in multiple respects, and Google’s rationales for such drastic alterations defy common sense.

For example, Janevski discloses that each PVR 114a, b is controlled by a conventional infrared “remote control 116a, b,” which “[t]ypically” involves the “remote control 116a, b” transmitting an infrared signal to the “television 122a, b” (that is connected to PVR 114a, b) rather than directly to PVR 114a, b. Ex.1005, 6:39-44. Google’s grounds require fundamentally changing both PVR 114a, b and remote control 116a, b by incorporating Bluetooth hardware and software into each. *See* Pet., 26-28. Google’s reasoning for this fundamental change is that “infrared communications... are limited to line-of-sight transmission” and a “Bluetooth remote [would] advantageously improve communications and successfully transmit commands to Janevski’s PVR even when walls, furniture, people, or other household obstacles obstruct the line-of-sight.” Pet., 27. Yet, trying to control a PVR beyond “line-of-sight” is not a concern in Janevski, which is all about a user *watching* what

is displayed on “television 122a, b” that is connected to PVR 114a, b. A POSITA with common sense would not be compelled to drastically overhaul both PVR 114a, b and remote control 116a, b, which use conventional technology for Janevski’s stated and intended use case, in view of a concern not present in the context of Janevski. *See, e.g., Plas-Pak Indus., Inc. v. Sulzer Mixpac AG*, 600 F.App’x 755, 759 (Fed. Cir. 2015) (“[A] change in a reference’s ‘principle of operation’ is unlikely to motivate a [POSITA] to pursue a combination with that reference.”).

As another example, in Janevski’s “viewing session,” one PVR has the role of “initiator” and any other PVR has the role of “participant.” Ex.1005, 6:16-22. Janevski discloses a simple process for “hand[ing] off” the “initiator” role to a PVR within a “viewing session”: whichever PVR most recently “perform[ed] a control function (e.g., stop, pause, fast forward, reverse)” “as directed by its user” becomes the “initiator.” *Id.*, 6:18-21, 7:55-57. Google contends Janevski’s “initiator” role amounts to the claimed “master device role” (Pet., 18) and asserts that a POSITA would have modified Janevski’s simple initiator-hand-off process using Muchow’s or Boyle’s purported handoff processes. Pet., 29-30, 50.

For motivation, Google contends “Janevski confirms that a POSITA would have sought solutions to reduce ‘synchronization errors’ because some are ‘significant and interfere with viewing enjoyment’” (Pet., 29-30, 53 (referring back to motivation to combine in Ground 1, [1bi])) and thus, this apparently would

compel a POSITA to overhaul Janveski's simple initiator-hand-off process. Yet, "reducing 'synchronization errors'" is *exactly* what Janevski's "present invention" purportedly achieves. *See, e.g.,* Ex.1005, 3:40-45 (describing problem of "synchronization errors"), 3:52-55 ("To achieve precise synchronization, the present invention compares corresponding content or 'landmarks' of pairs of video playbacks to be synchronized, determines video replay 'distance' between the landmark pairs, and slows down or speeds up selected playbacks in accordance with these distances."). No POSITA with common sense would fundamentally alter Janevski's system to modify Janveski's simple initiator-hand-off process for purposes of reducing "synchronization errors" when Janevski expressly purports his invention "achiev[es] precise synchronization." *See, e.g., Ex Parte Rinkevich*, 2007-1317, 2007 WL 1552288, *4 (BPAI May 29, 2007) (A POSITA "having common sense ... would not have reasonably looked to [another reference] to solve a problem solved by [primary reference]."); *Ex Parte Norwalk*, 2022 WL 1315407, *4 (PTAB Apr. 28, 2022) ("Where [primary reference] has solved the problem of focus, the only reason to redundantly add the focusing element of [another reference] is the hindsight teachings of Appellant's claims.").

Given the foregoing, filing of a Preliminary Patent Owner's Response is unnecessary. But if Sonos chooses to file one, it will only underscore why the

Petition fails to show a reasonable likelihood of success. And should the Board nevertheless institute this IPR, Sonos will demonstrate patentability.

B. Four Other Considerations Also Favor Discretionary Denial

1. Settled Expectations of the Parties Favor Denial

The parties' expectations are well settled for two main reasons.

First, the '715 Patent has been in force for more than seven years. Ex.1001; *see, e.g., Samsung Electronics Co., Ltd. v. Headwater Research LLC*, IPR2025-00932, Paper 8, *2 (Sept. 26, 2025) (finding settled expectations where patents were in force for approximately seven years).

Second, the Office has recognized that a petitioner's awareness of the patent owner's involvement in the "same technology space for a significant amount of time before filing" an IPR favors discretionary denial. *See Murata Mfg. Co., Ltd. v. Georgia Tech. Research Corp.*, IPR2025-00383, Paper 14, *2-3 (July 29, 2025). Here, Google has been aware of Sonos's involvement in the synchronization technology space for nearly a decade. The parties' discussions about Sonos's synchronization technology date back to at least August 2016. Ex. 2112, 3-4. Around that time, Sonos put Google on notice of dozens of patents, including the '258 Sync Patent—which Google contends is "patentably indistinct" from the '715 Patent. Ex.2107, 257. And by February 2019, Sonos provided Google with an element-by-element claim chart putting Google on notice of infringement of the '715 Patent. Ex. 2112, 4.

2. Google's Inconsistent Claim Construction Positions Across Different Forums Warrants Denial

For this IPR, Google tells the Board that no construction is necessary. Pet., 5. Yet in the California Litigation, Google raises five separate indefiniteness grounds for the '715 Patent claims. Ex.2107, 220-21. Despite this, Google offers no explanation for why it adopts different claim construction positions in this IPR.

Google's shifting claim construction positions alone warrant denial here. As the Director recently cautioned, allowing petitioners to advance inconsistent claim construction positions before the Board while pursuing contrary indefiniteness theories in district court "detracts from the Office's goal of providing greater predictability and certainty in the patent system." *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Squires, Nov. 5, 2025) (informative).

3. California Court Is Best Positioned to Apply Consistent Claim Constructions Across Sync Patents

Regardless of whether this IPR is instituted, at least the related '258 and '953 Sync Patents will proceed in the California Litigation. The California Court will therefore be resolving overlapping validity issues and applying overlapping claim constructions across the Sync Patents. As Google itself acknowledges, at least four claim terms are recited in all four Sync Patents asserted in the California Litigation. See Pet., 5; Ex.2113, 3-5. The California Court is best positioned to apply the constructions of those common terms consistently across all four Sync Patents. Instituting this IPR would only inject unnecessary risk of inconsistent outcomes and

would complicate—rather than streamline—the resolution of the parties’ dispute.

4. Overlapping Expert Disputes Across Multiple Patents and Google’s Overreliance on Expert Testimony Favors Denial

There are several reasons why expert discovery favors denial of this IPR.

First, regardless of the outcome in this IPR against the ’715 Patent, experts from both parties will testify in the California Litigation concerning at least the related ’258 and ’953 Sync Patents. This makes the California Court far better positioned to resolve expert disputes (e.g., validity disputes) that span across the Sync Patents. In contrast, instituting this IPR would split related expert testimony across two different forums, involve at least one expert—including Dr. Anderson—who may not participate in the California Litigation, and heighten the risk of inconsistent outcomes.

Second, institution would inevitably create disputes between experts on dispositive issues that are better resolved in the California Court. Indeed, if instituted, Sonos’s expert will directly rebut Dr. Anderson’s flawed obviousness analysis, creating a “battle of the experts” that is better suited for the California Litigation, where a jury can assess the credibility of the experts in person.

Third, Google’s Petition relies extensively on the unfocused testimony of Dr. Anderson, whose declaration exceeds 100 pages but offers little (if any) meaningful context or explanation of terms of art. *See generally* Ex.1003. Instead, Google attempts to use Dr. Anderson’s testimony to supply missing claim limitations in the

relied-on references and to manufacture hindsight-based motivations to combine.

See, e.g., Pet., 27-31, 34-37, 40, 42, 44, 53-54, 56-58, 62-63, 65-67, 71-76, 81-85.

III. CONCLUSION

Given the compelling circumstances surrounding the challenged '715 Patent, Sonos respectfully requests denial under Section 314(a).

Respectfully submitted,

LEE, SULLIVAN, SHEA & SMITH LLP

Dated: December 19, 2025

/Michael P. Boyea/

Michael P. Boyea, Reg. No. 70,248
LEE SULLIVAN SHEA & SMITH LLP
656 West Randolph Street, Suite 5W
Chicago, IL 60661
(312) 754-9602
boyea@ls3ip.com

Counsel for Patent Owner Sonos, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing Request for Discretionary Denial of Institution was served on December 19, 2025 via email directed to counsel of record for the Patent Owner at the following:

Erika H. Arner,
erika.arner@finnegan.com

Kara Specht
kara.specht@finnegan.com

Cory C. Bell
cory.bell@finnegan.com

Safiya Aguilar
safiya.aguilar@finnegan.com

William C. Neer
william.neer@finnegan.com

Milan F. Feliciello
milan.feliciello@finnegan.com

/Michael P. Boyea/

Michael P. Boyea, Reg. No. 70,248
LEE SULLIVAN SHEA & SMITH LLP
656 West Randolph Street, Suite 5W
Chicago, IL 60661
(312) 754-9602
boyea@ls3ip.com