

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

**PETITIONER'S OPPOSITION TO
PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL**

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I. Introduction

Sonos withheld Janevski—the primary reference applied in the Petition—from the Examiner of the '715 patent while asserting Janevski in IPRs against other audio sync patents. Sonos should have presented Janevski to the Examiner because 37 C.F.R. § 1.56 compels it. Instead, Sonos buried the Examiner with IDSs (citing hundreds of documents) of weaker prior art. Sonos's disregard for Rule 1.56 left the Examiner with weaker art, resulting in material error. The Examiner further erred when he failed to conduct an adequate search for the allegedly novel element—"evaluating one or more operational performance metrics." Proper searches would have revealed Muchow and Boyle, which both teach the alleged point of novelty as shown in the Petition. Instituting this Petition would be an efficient use of Office resources to correct these material errors and further the Office's goals of issuing strong patents, upholding innovation, and preventing gamesmanship in all facets.

Other discretionary considerations further support institution: (1) Sonos sat on the '715 patent while asserting patents against Google, providing Google with settled expectations of nonassertion; and (2) Sonos's Request omits material facts about the overlap of claim constructions and invalidity issues. There is no trial date in the parallel litigation; the evidence suggests that any trial will occur after the Board's deadline to issue a final written decision. Indeed, Sonos has made the parallel district court litigation increasingly more complex by waiting to assert the '715 patent and

other patents until five years into the litigation. Accordingly, in addition to the meritorious challenge presented in the Petition, Google requests that the Director institute the Petition because discretionary considerations favor Google.¹

II. Repeated Material Error Favors Institution

A. Sonos Led the Examiner to Materially Err by Withholding Janevski

1. Sonos Withheld Janevski

Janevski *should have been* before the Examiner. Rule 1.56(a) provides “a duty to disclose to the Office all information known to that individual to be material to patentability.” 37 C.F.R. § 1.56(a). Had Sonos followed the Rule 1.56(a), Janevski would have been before the Examiner.

Sonos knew about Janevski during prosecution of the ’715 patent. In fact, Sonos asserted Janevski as an anticipatory reference in its own IPRs. On March 9, 2018, four and a half months before the ’715 patent issued, and two months before the May 10 Notice of Allowance (EX1002, 51-59), Sonos filed IPRs using Janevski

¹ Petitioner reserves the right to challenge the March 26, 2025, Interim Processes for PTAB Workload Management, including that document’s list of “relevant” factors, at least because that document is legally invalid as (1) exceeding the Director’s authority, (2) arbitrary and capricious, and (3) adopted without notice-and-comment rulemaking.

to challenge other master-slave audio sync patents. *Sonos, Inc. v. Implicit, LLC*, IPR2018-00766, IPR2018-00767 (EX1020; EX1021).

Sonos knew or should have known that Janevski is material to the patentability of the '715 patent. In its IPRs, Sonos provided a ten-page overview of Janevski and asserted that its disclosure pertains to a highly relevant master-slave audio sync system. EX1020, 35-44, 46; EX1021, 33-44. Indeed, Sonos characterized Implicit LLC's patents as claiming synchronized rendering devices, including audio devices. EX1020, 13-16; EX1021, 14-17. Sonos asserted that "[a]s with [Implicit LLC's] Patent[s], Janevski is directed to 'techniques for synchronizing playback of two or more digital streams based on renderable content of those streams.'" EX1020, 35-36 (quoting Janevski, 1:8-11), 37 (describing Janevski's PVRs as master-slave devices); EX1021, 33-35. Sonos even asserted that "[t]he 'initiator' [master] role can later be 'handed off' ..." (EX1020, 37; EX1021, 35), just like the '715 patent claims migrating a master role (EX1001, claim 1).

Sonos eventually disclosed Janevski in an IDS during prosecution of the family member '001 patent 20 months after filing these IPRs, admitting its relevance to this family. EX1028, 1. And even now, Sonos does not contest that Janevski discloses the mapped limitations. Paper 7 ("Req."), 12-14. This suggests that Sonos understood Janevski was material to the patentability of the '715 claims, which relate to synchronized master-slave playback devices. Under Rule 1.56(a), Janevski

should have been presented to the Examiner, meeting *Advanced Bionics* step 1.

2. The Examiner Erred by Not Applying Better Prior Art

“In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command.” 37 C.F.R. § 1.104(c)(2); M.P.E.P. § 2120(I) (“Prior art rejections should ordinarily be confined strictly to the best available art.”). Here, the Examiner materially erred by overlooking and failing to issue rejections based on Janevski, which was a better primary reference.

By not disclosing Janevski, Sonos left the Examiner with a weaker primary reference that does not even disclose a master-slave system. Focusing on the last Non-Final Rejection, the Examiner relied on Zintel as a primary reference. EX1002, 124-25. The Examiner found that “***Zintel does not teach ... performing a master device role ...***, wherein ***in the master device role***, the first zone player is configured to ***control playback of information content ...***” *Id.*² But using Zintel as a primary, as the Examiner did, requires modifying Zintel entirely to use a master-slave configuration before even addressing a fault tolerant master-slave system. *Id.*

Unlike Zintel, Janevski packages more elements into one reference, side-stepping the need to combine Zintel and Goldberg to reach a master-slave configuration. Janevski thus streamlines the obviousness inquiry and focuses on

² All emphases added unless otherwise stated.

swapping infrared for Bluetooth and the purported point of novelty—evaluating operational performance metrics (EX1002, 57). Paper 1 (“Pet.”) 24-44, 50-58.³ For example, Janevski already discloses zone players in a synchrony group (Janevski, 6:4-38, 7:25-8:2, FIG. 1), the first zone player performing a master device role to control synchronous playback in response to playback commands from a controller (*id.*, Abstract, 6:39-44, 7:25-50, 11:31-53, 15:32-47), and migrating the master device role to the second zone player (*id.*, 6:16-25, 7:51-57, 15:32-47). Pet. 16-29, 40-44. Sonos does not contest that Janevski discloses these elements. Req. 12-14.

Some references “provide[] a more natural, and thus stronger, primary reference” than others. *Masimo Corp. v. Apple Inc.*, IPR2023-00734, Paper 11, 18 (PTAB Oct. 5, 2023). The same is true here. Because Janevski was a better primary reference available to the Examiner, the examination did not follow the Office’s Rules. Accordingly, it was a material error for the Examiner to fail to apply Janevski in a combination contrary to the Office’s Rules. Instituting review of the challenged claims warrants the Office’s resources to ensure the claims are assessed using better available prior art according to the Office’s Rules. 37 C.F.R. § 1.104(c)(2).

³ The Petition cites Kawamura as evidence that it would have been obvious for Janevski’s remote controller to use Bluetooth rather than infrared. This is a minuscule step given the conventionality of Bluetooth. Pet. 18-19, 25-28.

Finally, *Becton, Dickinson* factor (f) assesses “the extent to which additional evidence and facts presented in the petition warrant reconsideration of the prior art or arguments.” *Ecto World, LLC v. Rai Strategic Holdings, Inc.*, IPR2024-01280, Paper 13, 3 n.1 (Director May 19, 2025) (precedential) (citation omitted). Here Sonos’s “applicant information or assistance regarding the relevance of references,” *id.* at 6-7, is highly pertinent—Sonos’s violation of Rule 1.56(a) is the very reason why the Examiner did not issue a rejection based on Janevski.

3. Violation of Rule 1.56(a) Is a Standalone Reason to Institute

Sonos’s conduct violates Rule 1.56(a)’s duty of disclosure. This is an independent reason to institute this Petition because the Office has a critical interest in ensuring compliance with the duty of disclosure. “The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability.” 37 C.F.R. § 1.56(a). Thus, “an incentive exists to submit material information to the Office because it may result in enhanced patent quality” M.P.E.P. § 2001.04. Sonos’s conduct deprived the Examiner of better prior art, impeded the Examiner’s ability to focus on the alleged point of novelty, and runs contrary to the Office’s goal of issuing quality patents.

B. The Examiner Performed an Unduly Narrow Search

The Examiner identified “evaluating one or more operational performance

metrics of the one or more processors or the at least one network interface” as allegedly novel but failed to adequately search for this element. EX1002, 57. The M.P.E.P. requires examiners to “conduct a thorough and complete search of the prior art.” M.P.E.P. § 904.02. “A search is considered thorough when all areas with the highest probability of finding prior art relevant to the invention as it is claimed and described in the specification are identified for search.” *Id.* This includes considering variants, equivalents, and analogous art. *Id.* § 904.01. The Examiner failed to abide by the Office’s guidelines when searching for this purported patentable limitation.

First, Muchow *expressly recites* the phrase “**performance metrics**.” Muchow, 27:13. But the Examiner never searched for relevant claim terms like “metric.” *See* EX1002, 139, 217-18, 311-13, 1798-809. Instead, the Examiner’s search strings for this claim element all required “((detect\$3 or determin\$3) near2 overload\$3)” or “(evaluat\$3 near3 performance).” *Id.* Had the Examiner performed a fulsome search for the terms of this claim element (e.g., searching for “performance” in connection with “metric”), they would have found Muchow.

Second, the Examiner inconsistently searched for “evaluat\$3 near3 performance” and “detect\$3 or determin\$3 near2 overload\$3.” *Id.*, 139, 217-18, 311-13; *id.*, 1798-1809. There is no basis to isolate the terms “evaluate” and “determining” where ’715 patent claims 2-3, 8-9, and 14-15 recite that “**evaluating** one or more operational performance metrics ... **comprise[]** ... **determining**.” The

Examiner erred by not consistently searching for “(evaluat\$3 or determin\$3 or detect\$3) near3 (performance or overload\$3).” Such a consistent search would have identified Boyle, which recites “*determining* the *performance*.” Boyle, claim 9.

These flawed searches led to further material error because they prevented the Examiner from considering how Muchow and Boyle teach the purported point of patentability. Pet. 29-43, 50-57; EX1002, 57. It is appropriate to use the Board’s resources to evaluate art that the Examiner should have considered. *Infra* § II.C.

C. New, Noncumulative Art Relied on in the Petition Presents Issues Worthy of the Office’s Attention and Resources

Material errors include instances where the Office was unaware of prior art disclosing a novel limitation when a POSITA would have considered the prior art’s teachings relevant to problems faced by the inventor. *Oticon Med. AB v. Cochlear Ltd.*, IPR2019-00975, Paper 15, 19-20 (PTAB Oct. 16, 2019) (precedential).

Notwithstanding that Janevski should have been presented to the Office, Janevski is not cumulative because it contains more than each individual reference considered during examination. *Supra* § II.A.2. Moreover, Janevski is the type of art that a POSITA would have considered because it is in the same field of controlling synchronous audio playback. Pet. 10. Sonos believed this to be true as evidenced by citations to Janevski in its own IPRs and in related applications. *Supra* § II.A.1.

Muchow and Boyle are also new and noncumulative art because they both

disclose the “performance metrics” limitation that the Examiner found was not in the prior art. EX1002, 57; *supra* § II.B. For example, Muchow discloses that “the ‘monitor task’ ‘monitor[s] ... for correct operation’ by ‘check[ing]’ (evaluating) ‘criteria’ (operational performance metrics) of ‘components associated with the node,’ such as the ‘CPU’ (processor) or ‘network interface[]’ (network interface).” Pet. 30 (alterations in original) (quoting and citing Muchow, 4:28-36, 5:3-14, 11:33-42, 26:56-62, 12:11-16, 27:1-21). Muchow even recites the motivation to combine its fault tolerant master-slave system with Janevski: “[I]t is important to maximize the availability of critical services[,]’ which ‘is achieved by using a fault tolerant system,’ such that when one ‘component fails, the fault is detected, and a redundant component takes over to correct the problem.’” Pet. 35 (quoting Muchow, 1:19-31).

As such, similar to *Oticon*, Muchow’s teachings “would have been considered by a [POSITA] at the time of filing facing the problem of” detecting failovers and migrating the master role. IPR2019-00975, Paper 15, 20; Pet. 13. Accordingly, “there was error in the prosecution leading to the issuance of the [’715] patent because [Muchow], with its teaching of [evaluating operational performance metrics], was not considered.” IPR2019-00975, Paper 15, 19.

Boyle is a similar story, disclosing the same limitation and supplying advantages that provide motivation to modify Janevski. *See* Pet. 50, 53 (citing Boyle, [0004], [0007], [0023]-[0024], [0028]). Boyle addresses the same problem (Pet. 49),

and material error occurred as explained for Muchow.

This new, noncumulative art outweighs the other discretionary denial considerations and is worth the Office's resources because the art at least teaches the element that Sonos and the Office determined was not in the prior art. *Id.*, 29-37, 50-54; EX1002, 57. Moreover, reviewing the merits of the new art is worth the Office's resources because it promotes the Office's goals of issuing strong patents, upholding innovation, and preventing gamesmanship.

III. Evidence Contradicts Sonos's Claim About Inconsistent Constructions

Sonos's Request omits material facts about the overlap of claim constructions and invalidity, failing to accurately represent the status of the district court case. Sonos only submitted Google's initial invalidity contentions (EX2107) with its Request to argue that "Google raises five separate indefiniteness grounds." Req. 16. But Google's claim construction briefs reveal that Google is *not advancing any* indefiniteness positions for the '715 patent. *See* EX1030; EX1031; EX1037. Although Google preserved § 112 positions in its contentions, Google is not advancing these in its claim construction briefs. *Id.* Regarding overlapping issues between Sonos's Sync Patents, Sonos manufactures illusory overlapping claim construction and invalidity issues. While there are four common terms across Sonos's Sync Patents (EX2113, 3-5), the parties have already agreed on constructions for these terms. EX1030; EX1031; EX1037. And *none of these terms*

form the basis of any invalidity disputes for the '715 patent because Sonos does not argue that any limitations are not disclosed by the prior art. Req. 12-14. Sonos's claims that Google advances inconsistent claim constructions are disingenuous and contradict knowledge and evidence Sonos had before filing its Request. Because there is no risk of overlapping or competing claim constructions, the Director should institute the Petition.

IV. Google's Settled Expectations Outweigh Any Interests Sonos Has in the '715 Patent

To the extent either party is entitled to settled expectations, the half decade of ongoing litigation with Sonos where the '715 patent was not asserted entitles Google to settled expectations that outweigh any claims that Sonos is entitled to settled expectations.⁴ The saga of litigations between Sonos and Google started in January 2020, where Sonos filed both an ITC action and a Central District of California ("CDCA") action asserting five patents against Google—but not the '715 patent.

⁴ The Director's application of "settled expectations" exceeds the Director's authority under the APA and is barred by judicial estoppel based on the Office repeatedly advancing the position that patentees lack an expectation that their patents will not be challenged. *See Celgene Corp. v. Peter*, 931 F.3d 1342, 1361-62 (Fed. Cir. 2019); *see also* 5 U.S.C. § 706(2)(A).

While the ITC case was ongoing, the CDCA case was stayed, coming alive again between November and December 2024. During the interim, Sonos filed another complaint against Google in a separate litigation—asserting different patents, but still not the ’715 patent—in September 2020 in the Western District of Texas (“WDTX”) (asserting five patents, later transferred to Northern District of California, EX1029; EX1036). Sonos waited over five years to assert the ’715 patent even though it was in force when Sonos filed its ITC, WDTX, and CDCA cases in 2020. Thus, to the extent either party has claims to settled expectations, Google’s expectation of nonassertion outweighs any of Sonos’s positions.

Google’s expectation of not having to defend against the ’715 patent is further supported by Sonos’s egregious delay, considering Sonos’s allegations that it put Google on notice of infringement of the ’715 patent back in February 2019. Req. 1, 15. When Sonos amended its complaint to assert the ’715 patent in October 2024, it had sat on the ’715 patent for five and a half years after purportedly notifying Google of its alleged infringement. Such facts weigh in favor of Google and counsel against finding that Sonos is entitled to any settled expectations.

Sonos contends that its nearly decade-long presence in the technology space entitles it to settled expectations. Sonos is wrong. First, Sonos is not entitled to any settled expectations before the ’715 patent issued on July 24, 2018, and Sonos’s citation to *Murata Manufacturing Co. v. Georgia Tech Research Corp.* (Req. 15) is

inapposite because “the challenged patent ha[d] been in force for more than 16 years.” IPR2025-00383, Paper 14, 2-3 (Director July 29, 2025). Second, Sonos’s prosecution strategy overburdens the Patent Office and impedes challengers’ ability to identify the most important patents. The ’715 patent’s family has over 100 nonprovisional patent applications stemming from a single U.S. Provisional App. No. 60/490768. EX1027. Now that Sonos revealed which patents of its overly complex portfolio are in issue, it is most efficient for the Board to resolve the dispute.

Finally, the material errors addressed above outweigh any interests Sonos has in the ’715 patent. The Director has routinely found that material error outweighs other factors in cases with facts like these, the same result is warranted here. *Microsoft Corp. v. ParTec Cluster Competence Ctr. GmbH*, IPR2025-00318, Paper 9, 3 (Director June 12, 2025); *Eunsung Glob. Corp. v. HydraFacial LLC*, IPR2025-00445, Paper 14, 2-3 (Director July 10, 2025); *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00152, Paper 11, 2-3 (Director June 12, 2025).

V. *Fintiv* Favors Institution

A. Factor 1 Favors Institution or Is at Most Neutral

After the district court’s almost five-year stay, Sonos expanded the scope of the district court litigation by adding the ’715 patent and four other patents. Despite Sonos’s claims otherwise (Req. 3-4), evidence suggests that the assigned judge—Judge Kronstadt—would more likely than not stay the district court litigation to

allow the PTAB to decide the patentability of the '715 patent. EX1034.

Judge Kronstadt's stay statistics reveal that he is willing to defer to the PTAB to resolve issues of patentability. Judge Kronstadt grants general stays 89% of the time. *Id.* And, when the request to stay is related to a pending PTAB decision, he grants the stay 77% of the time. *Id.* Judge Kronstadt's grant rate is almost 10% higher than the national average for pending PTAB decisions. *Id.*

Sonos's arguments do not reflect actual evidence that suggests a stay would be granted. Sonos contends that judges in the CDCA "routinely den[y] stays under similar circumstances," but the cases Sonos relies on are authored by other judges and not Judge Kronstadt. Req. 3-4. As such, they do not accurately represent the litigation as it exists. Moreover, including this proceeding, Google has challenged all five of Sonos's newly asserted patents involved in the litigation. *See* IPR2025-01213 (Director Review request pending); IPR2026-00020; IPR2026-00021; IPR2026-00131. Therefore, when looking at the litigation holistically and Judge Kronstadt's statistics, factor 1 favors institution.

B. Factor 2 Favors Institution

No trial date has been set. And two months after this IPR was filed, Sonos agreed to push the district court schedule back by over two months. EX2103, 2-3. Sonos presents a conveniently sliced view of generic CDCA's time-to-trial statistics. Req. 4-6. But a fuller view reveals that trial is more likely than not going to occur

after the Board issues its FWD because Judge Kronstadt's typical time to trial is significantly longer than what Sonos reports.

Sonos's time-to-trial statistics do not fully reflect the district court's estimated time-to-trial statistics. Sonos's brief only references that the median time to trial is 20 months. *Id.*, 4-5; EX2104. But Sonos's own exhibit reveals that the average time to trial is 28 months, putting the trial date in April 2027—in line with the projected FWD date of April 21, 2027. EX2104. Even applying medians instead of averages, the median time-to-trial date for Judge Kronstadt's patent cases is 1,292 days, which is over 41 months. EX1035, 2. This puts trial around May 2028—a year after a FWD.

The district court's standard practice may be “to set a trial date at the final pretrial conference, which is typically held only weeks before trial,” but that does not change the outcome. Req. 5 n.1; EX2103, 2-3. The district court has not set a pretrial schedule or set a date for a final pretrial conference as of the date of this Opposition, which further proves that the time-to-trial date is purely speculative.

The complexity of the parallel litigation outweighs any potential for an earlier trial date. *See Tesla, Inc. v. United States of Am. as represented by the Sec'y of the Navy*, IPR2025-00341, Paper 12, 2-3 (Director June 13, 2025). Sonos admitted that the parallel litigation is complex, stating: “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.” Req. 7-8. The litigation involves six distinct patent families, creating a labyrinth the Board’s review would simplify.

C. Factor 3 Favors Institution or Is at Most Neutral

Sonos’s gamesmanship has increased the complexity of the district court litigation, effectively restarting the CDCA case from the beginning. The district court litigation involves twelve patents (ten from Sonos and two from Google). Sonos’s decision to add five patents after the five original patents were litigated at the ITC has forced the parties to restart the litigation. Since Sonos asserted the ’715 patent and four other patents, minimal investment has been made in the litigation, as evidenced by the ever-changing district court schedule. EX2103, 2-3.

The district court schedule is far from fast moving. And the parties recently agreed to postpone most of the deadlines by over two months. *Id.* Sonos’s final infringement contentions are not due until after the institution decision deadline for this case, and Google’s final invalidity contentions will not be filed for a month after that. *Id.*, 2. Institution of this IPR would substantially minimize the investment in the case, as Google’s stipulation would refine positions that Google could bring.

Sonos also overstates the parties’ agreement to reuse discovery from the ITC, ignoring that the ITC did not litigate the ’715 patent. Req. 6-8. The parties are seeking additional discovery—indeed, Sonos recently asked the parties to increase

all discovery limits—and does not “preclude any Party from challenging the admissibility, relevance, and responsiveness of the re-used document or information.” EX2106, 11. Moreover, even for the five ITC patents, the parties submitted new invalidity and noninfringement contentions, will have a new *Markman* hearing, and will then submit new expert reports. All these issues must be dealt with for Sonos’s five new patents (including the ’715 patent) and Google’s two patents, requiring the parties to continue to invest substantial resources on litigation.

D. Factor 4 Favors Institution

Sonos oversells the overlap of claims, grounds, and arguments between the Petition and the district court litigation. Req. 8-10. The Petition challenges nine more claims than Sonos asserts in the district court litigation. EX2107, 6; Pet. 1. Such challenges are worth the Office’s resources because they advance this administration’s goals of ensuring strong patent quality. Google’s *Sotera* stipulation mitigates any concerns about overlap between the grounds and arguments presented in the Petition and Google’s invalidity contentions for the ’715 patent. If this proceeding is instituted and not terminated, Google’s stipulation would accelerate the effect of 35 U.S.C. § 315(e) statutory estoppel, limiting Google’s invalidity defenses in district court. That Google could pursue the same grounds, based on *Janevski*, *Muchow*, *Boyle*, *Goldberg*, and *Lord*, against other Sync Patents in the litigation is misleading because Google filed a petition and *Sotera* stipulation for the

'001 patent, which further minimizes overlap. Req. 10; *see Google LLC v. Sonos, Inc.*, IPR2026-00020, EX1018. Sonos's argument highlights its own gamesmanship during prosecution and litigation because it has obtained and asserted claims that are so similar that they can be invalidated by the same art. Moreover, none of the overlapping terms of Sonos's Sync Patents form the basis of any invalidity disputes for the '715 patent, as explained above, eliminating any overlap. *Supra* § III.

Sonos further overlooks that district courts eventually make parties narrow the issues. Indeed, Judge Kronstadt typically requires a narrowing of asserted claims and defenses before trial. *See, e.g.*, EX1032 (*Sound View Innovations, LLC v. Hulu, LLC*, No. LACV17-04146 JAK); EX1033 (*LG Elecs. Inc. v. Hisense Elecs. Mfg. Co. of Am.*, No. 2:19-cv-09474 JAK (Ex)). While this litigation is complex and will continue to be so, by the time that trial comes, the parties will have been required to drop claims and defenses. Referral and institution of this Petition would facilitate the parties in simplifying the issues in the district court.

E. Factor 5 Is at Most Neutral

Factor 5 is at most neutral because the Board has suggested that the same parties being involved has little impact on this factor. *See, e.g., Jumio Corp. v. FaceTec, Inc.*, IPR2025-00106, Paper 17, 8 (PTAB June 6, 2025).

F. Factor 6 Favors Institution

The Petition presents strong challenges to claims 1-3, 5-9, 11-15, and 17-18.

And Sonos fails to identify a single limitation that is not expressly disclosed by the prior art (Req. 12-14), contradicting its own false assertion that the Petition gap fills.

Sonos's claim that "line-of-sight" remotes are beyond Janevski is also false. *Id.*, 12-13. Janevski's personal video recorders (PVRs) are undoubtedly used in "house[s]." Janevski, 6:4-38. And Kawamura explains that "'obviously, [Bluetooth] is also designed for the application to stationary equipment' including 'a stereo unit (or other media players)'" that are common in households. Pet. 27 (alteration in original) (quoting Kawamura, [0010]). The disadvantages of line-of-sight remotes were well documented in the art, and a POSITA would have sought solutions. *Id.*

Sonos's claim that Muchow and Boyle are redundant of Janevski are also false. Req. 13-14. Janevski provides a natural base where "'the role of initiator [can be] handed off,' but does not disclose doing so as part of a fault tolerant system." Pet. 29 (alteration in original) (citation omitted). Using Janevski's handoff, Muchow makes the system fault tolerant: "Muchow provides implementation details for a handoff process that makes a system fault tolerant, including handoff based on CPU or network performance to avoid degraded operation (e.g., synchronization errors)." *Id.*, 30. The motivation to make Janevski's system fault tolerant is expressly stated in Muchow, as discussed above. *Supra* § II.C; Pet. 35 (citing Muchow, 1:19-31).

Janevski solves some synchronization errors, but Janevski does not offer *a fault tolerant master-slave system* as taught by Muchow or Boyle. Pet. 29-30.

Sonos's cases are off point because "[t]he clear complementation, interoperability, and benefits of Petitioner's combined ... system directly contradicts Patent Owner's argument that" two references "provide 'redundant disclosures,' and that 'there would be no need to combine the teachings.'" *Motorola Sols., Inc. v. STA Grp. LLC*, IPR2023-01295, Paper 39, 31 (PTAB Mar. 17, 2025) (citation omitted).

VI. Sonos's Remaining Arguments Are Unavailing Because Any Expert Disputes Will Be Narrow

Sonos fails to identify a single claim limitation that it contends is not expressly disclosed by the prior art (*id.*) and is wrong to allege that the Petition gap fills (*id.*, 17-18). *Supra* § V.F. Thus, any expert disputes will be limited to motivation to combine, which is a proper use of expert testimony. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007). The Petition also narrows any expert disputes by relying on motivations to combine that are recited in the prior art, which are not hindsight driven and streamline the issues for the Board to resolve. *Supra* §§ II.C, V.F.

VII. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Director decline to exercise discretion to deny institution and institute based on the merits.

Date: January 21, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Petitioner's Opposition to Patent Owner's Request for Discretionary Denial** was served on January 21, 2025, via email directed to counsel of record for the Patent Owner at the following:

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