

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SONOS, INC.,
Patent Owner.

Case No. IPR2026-00131
U.S. Patent No. 10,966,025

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

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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 February 2, 2026
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 025-04 (Litbak) to Google's First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)

2111	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 128, Order Setting Pretrial Deadlines (C.D. Cal. Aug. 26, 2025)
2112	Sonos August 13, 2021 Notice Letter to Google
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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 petition against U.S. Patent No. 10,966,025 ("’025 Patent"). This IPR petition is a textbook candidate for discretionary denial. Every *Fintiv* factor weighs in favor of discretionary denial—including the exceptionally weak merits of Google's petition—and at least the following five reasons additionally weigh in favor of discretionary denial.

First, expectations regarding the ’025 Patent are firmly settled. The ’025 Patent is generally directed to multi-channel pairing technology that enables a playback device to output single-channel or multi-channel audio, and Google has known of Sonos's substantial investment in the multi-channel pairing technology space for nearly a decade. 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 advances inconsistent claim construction positions in this IPR and in the related litigation between the parties, *Sonos, Inc. v. Google LLC*, 20-cv-00169 (C.D. Cal.) (the "California Litigation"). In the California Litigation, Google contends that ten different claim limitations of the ’025 Patent are indefinite. Yet in this IPR, Google urges the Board to apply the plain and ordinary meaning to those same claim limitations. Google's opportunistic conduct of advancing inconsistent claim construction positions across two different forums alone warrants denial.

Third, this IPR risks producing inconsistencies with the California Litigation. The '025 Patent is a later continuation of U.S. Patent No. 9,219,959 (“’959 Patent”), which is also asserted in the California Litigation and which shares overlapping claim terms with the '025 Patent. *See* Ex.2114. Google is statutorily barred from filing an IPR against the related '959 Patent, so Google selectively targeted the '025 Patent in its IPR petition. Regardless of whether this IPR is instituted, the California Court will necessarily address overlapping validity and construction issues across the '025 and '959 Patents. Instituting this IPR would therefore create duplicative proceedings, invite inconsistent outcomes, and waste the Board’s resources.

Fourth, Google relies extensively on the unfocused testimony of Dr. Anderson, whose *119-plus-page* declaration attempts to supply missing claim limitations and hindsight-driven motivations to combine. The Article III court handling the California Litigation is far better positioned to resolve the litany of expert disputes related to the unsupported opinions offered by Dr. Anderson in his extensive, unfocused testimony.

Fifth, 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 '025 Patent. *See* IPR2025-01213, Paper 11 at 1 (Dec. 1, 2025). To prevent inconsistent analysis of the discretionary denial factors, the Director should adhere to the reasoning of its prior denial in IPR2025-01213 and deny this IPR for similar reasons.

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 basis to stay the California Litigation based on this IPR. The California Litigation involves not only the '025 Patent but also nine other Sonos patents and two Google patents. Google is statutorily barred from challenging five of Sonos's asserted patents in an IPR, and Google's IPR Petition against a sixth Sonos patent (the '883 Patent) has already been discretionarily denied. *See* IPR2025-01213, Paper 11 at 1 (Dec. 1, 2025). Thus, this IPR would not 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 has already 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 also routinely denies stay motions under such 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).

Google even appears to acknowledge that a stay is not viable. The California Litigation was already stayed for nearly five years pending an ITC investigation (No. 337-TA-1191; the “ITC Investigation”) and associated Federal Circuit appeal, and imposing yet another stay would be highly prejudicial to Sonos. *See* Ex.2101. Not surprisingly, therefore, Google has not sought another stay since the ITC stay was lifted. *See* Ex.2102.

2. Factor 2 Favors Denial

Factor 2 favors denial for at least two reasons. *First*, although the California Court has not yet set a trial date,¹ it is highly likely that trial will occur before the projected FWD on June 3, 2027. The California Litigation started in January 2020 and resumed on December 27, 2024 after a nearly five-year stay. *See* Exs.2101-2102. The Central District of California’s median time-to-trial for patent cases is approximately 20 months (Ex.2104), and applying the 20-month median time-to-trial from the date the stay was lifted in December 2024 would place a potential trial in late summer or early fall 2026—over nine months before the projected FWD. Given this significant gap, even if the California Litigation progresses slower than the median time-to-trial, there remains a

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.2111, 2.

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 ’959 Patent, given that Google relies on the *same* alleged prior art against both the ’025 and ’959 Patents in the California Litigation. *See* Ex.2107, 30-40. 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 specifically 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 before any institution decision.

Google did not act diligently in filing its IPR petition, instead waiting until the last days of the statutory deadline to file. As a result of Google’s delay, by the June 3, 2026 institution deadline, (A) the California Court will almost certainly have issued a *Markman* order (currently expected by March 31, 2026 under the operative schedule), and (B) the parties will have served final infringement and invalidity contentions, opening expert reports, and Google’s rebuttal expert reports. *See* Ex.2103.

The parties’ investment in the California Litigation is only the tip of the iceberg,

however. As background, Sonos filed its complaint in California on January 7, 2020, asserting five of the ten Sonos patents now at issue, including the related '959 Patent. On the same day, Sonos initiated the ITC Investigation asserting those same patents, so the California Litigation was stayed. The parties litigated the five Sonos patents at the ITC through a full evidentiary hearing, leading to a final Commission Opinion upholding the validity of all five Sonos patents, ruling that Google's products infringed all five Sonos patents, and finding violations by Google related to those patents, including specifically the related '959 Patent. Ex.2105. The Commission Opinion was then affirmed by the Federal Circuit in full. The Board has found that Factor 3 favors denial even in cases involving ongoing ITC investigations that were not yet appealed to the Federal Circuit, which is much less than the investment Sonos and Google have already made litigating five of the ten Sonos patents now at issue (including the related '959 Patent) through appeal. 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).

Critically, the parties agreed to reuse discovery and arguments from the ITC Investigation in the California Litigation. Ex.2106, 10; Ex.2107, 12. Leveraging their prior work for the related '959 Patent from the ITC Investigation facilitated the parties' exchange of initial and supplemental infringement and invalidity contentions for the '025 Patent in the California Litigation. The investment in the California Litigation thus

reflects not only the work performed since the stay was lifted, but also all of the work undertaken—starting over half a decade ago—for the ITC Investigation.

Another objective indicator of the magnitude of investment beyond the lengthy litigation history is the fact that Google’s invalidity contentions for the ’025 Patent include over one hundred prior art references (including system art), § 101 and § 102(f) grounds, an obviousness-type double-patenting ground, and at least nineteen different § 112 grounds (while purporting to leave the door open to add more grounds during expert discovery). *See* Ex.2107, 35-40, 143-50, 200-202, 217-19, 234-36, 251. Sonos has therefore invested an incredible amount of time and effort in the California Litigation, in addition to the many years invested in litigating the related ’959 Patent (and four other asserted patents) in the ITC.

At bottom, instituting review would disregard years of substantial investment dating back to the ITC Investigation and would unduly reward Google for its delay in seeking IPR.

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.

There is substantial overlap between the claims, grounds, and arguments raised in Google’s IPR Petition and Google’s invalidity contentions in the California Litigation. As to the claims, Google additionally challenges in IPR independent claim 16 and certain dependent claims that are not otherwise at issue in the California Litigation. But these

added claims do not meaningfully expand the dispute here because Google states that independent claim 16 is “substantively identical” to independent claims 1 and 18 that are at issue in the California Litigation (Pet., 59), and the remaining added claims are solely dependent claims. The Petition thus adds little beyond what is already being litigated. The Board has repeatedly found Factor 4 favors denial under similar circumstances. *See, e.g., Roku, Inc. v. Universal Elecs., Inc.*, IPR2021-00263, Paper 11, at *15 (PTAB July 12, 2021) (finding substantial overlap because the parallel proceeding involved the same independent claim, and the remaining challenged claims in the petition were dependent claims); *Teso LT, UAB v. Luminati Networks Ltd.*, IPR2021-00122, Paper 12, at *10 (PTAB Apr. 20, 2021) (same); *Apple Inc. v. Optis Wireless Tech., LLC*, IPR2020-00446, Paper 13, at *11 (PTAB Sep. 15, 2020) (same).

As to the grounds and arguments, Google’s invalidity contentions in the California Litigation for the ’025 Patent substantially overlap with those in this IPR. Specifically, Google’s invalidity contentions for the ’025 Patent in the California Litigation rely on the same primary reference, Litbak (relied on here for all four Grounds 1-4), as well as one of the same secondary references, Holm (relied on here for Ground 3). Ex.2107, 30-40 (identifying Litbak and Holm). Google also advances materially the same Litbak-based invalidity arguments in the California Litigation. *Compare* Ex.2110 (charting Litbak), *with* Pet., 17-59.

In view of this substantial overlap, Google offered a *Sotera* stipulation. *See*

Ex.1025. But Google’s *Sotera* stipulation is insufficient for two reasons.

First, Google relies on the same alleged prior art references in the California Litigation for the related ’959 Patent, including Litbak and Holm. *See* Ex.2107, 30-40. As a result, despite the *Sotera* stipulation, Google remains free to pursue in the California Litigation the same invalidity grounds against the related ’959 Patent that it raises here against the ’025 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 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 attempt to preserve its ability to assert system art in the California Litigation. *See* Ex.2107, 30-31, 36. Thus, this IPR would not be a “true alternative” to the California Litigation because it would not fully resolve invalidity disputes under §§ 102-103. *Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19, *3-4 (PTAB Mar. 28, 2025). Moreover, Google asserts in the California Litigation its system art (e.g., “Rocketfish” and “Sonos Zoneplayer S5” systems) in combination with Litbak (Ex.2107, 144-145), further undermining the efficiencies and finality contemplated by the IPR system. *See Ingenico Inc. v. IOENGINE, LLC*, 136 F.4th 1354, 1365-66 (Fed. Cir. May 7, 2025) (“IPR estoppel does not preclude a petitioner from asserting the same prior art raised in an IPR

in district court....”).

In short, there is substantial overlap between the IPR and California Litigation that could lead to inconsistent results, and Google’s narrow *Sotera* stipulation will not provide a “true alternative” forum to reach final and consistent results.

5. Factor 5 Favors Denial

The same parties are involved in this IPR and the California Litigation, and the California Litigation is not stayed, so this factor weighs heavily in favor of denial.

6. Factor 6 Favors Denial

Factor 6 strongly favors denial because the Petition is exceptionally weak. As explained below, the ’025 Patent discloses novel networked playback devices that addressed key problems with distributing multi-channel audio content in a smart speaker environment, but the Litbak reference relied upon in every ground of Google’s IPR is not in the same ballpark and plainly fails to disclose multiple claimed limitations.

a. Brief Overview of the ’025 Patent and Challenged Claims

Audio content often includes multiple channels, such as left and right channels in a stereo recording. To deliver a reliably immersive home audio experience, Sonos addressed a fundamental problem with multi-channel audio content: how a smart speaker should determine what audio channel(s) to output when operating alone or when paired with one or more other smart speakers. The ’025 Patent provides one such solution.

The ’025 Patent is generally directed to “multi-channel pairing in a media system” and is “particularly useful in pairing two or more playback devices together to create or

enhance multi-channel audio reproduction, like stereo, surround sound, or some other multi-channel environment.” Ex.1001, 3:30-35. For instance, the ’025 Patent discloses a smart speaker, referred to as a “playback device” or “player,” that can determine its pairing configuration and process audio data accordingly. *See, e.g., id.*, 3:39-54, 4:4-14, 14:58-64. When a first playback device is not paired with a second playback device, it may be configured to perform a first processing of audio data received at its network interface so as to output “two-channel” audio (e.g., “play both right and left channel audio”). *Id.*, 3:45-49. When the first playback device is paired with a second playback device, the first playback device may be configured to perform a second processing of the audio data so as to output one-channel audio (e.g., “right channel audio and not left channel audio”), while the second playback device may be configured to perform processing of audio data so as to output a different channel (e.g., “left channel audio and not right channel audio”). *Id.*

Independent claims 1, 16, and 18 reflect these paired and not-paired configurations. Representative independent claim 1 requires the “*playback device*” to be configured to, *inter alia*:

[1b] *receive a signal from a controller over the network, wherein the signal comprises an instruction for the playback device to become paired with one or more other playback devices such that, after pairing, the playback device and the one or more other playback devices have different playback roles; and*

[1c] (i) *determine that either (a) the playback device is not paired with the one or more other playback devices or (b) that the playback device is paired with the one or more other playback devices such that the playback device and the one or more other playback devices have the different playback roles,*

[1d] (ii) *configure the playback device to perform a first processing of the audio data so as to output two-channel audio based on the audio data from the one or more speaker drivers after the playback device has determined it is not paired with the one or more other playback devices, and*

[1e] (iii) *change the configuration of the playback device by configuring the playback device to perform a second processing of the audio data so as to output one-channel audio based on the audio data from the one or more speaker drivers after the playback device has determined it is paired with the one or more other playback devices.*

b. Google’s IPR Grounds Rest on Impermissible Hindsight Reconstruction of Litbak—and Still Fail

Litbak completely misses the mark for at least two key reasons. *First*, Litbak is directed to “interactive puppet” technology, which bears no resemblance to the multi-channel smart speaker environment described and claimed in the ’025 Patent. *See* Ex.1005, ¶35; *see also, e.g., id.*, ¶2-12. Litbak’s core component, an “audio switching arrangement,” therefore does not map to the basic building block of the ’025 Patent, the claimed “*playback device*,” as Litbak’s “audio switching arrangement” is not a smart speaker that includes “*one or more speaker drivers*” as required by independent claims 1, 16, and 18. Litbak’s “audio switching arrangement” is placed “*between* [an] audio

source (e.g., decoder, receiver, player) and [a] *playback/output device* (e.g., television, amplifier, etc.).” *Id.*, ¶39. Consistent with that placement, Litbak’s “audio switching arrangement” itself contains no “*speaker drivers*” at all. *See id*; *see also, e.g., id.*, FIG. 2 (depicting the “audio switching arrangement” without speaker drivers and separately depicting a remote “puppet” that includes “speaker 24”).

To force the square peg into the round hole, Google claims that an “Audio Out” jack on Litbak’s “audio switching arrangement” constitutes “*one or more speaker drivers*” because it “‘outputs’ an ‘audio signal’ ‘through a speaker’ ‘to generate desired audio content.’” *Pet.*, 27-29. But Litbak explains that the “Audio Out” jack must be connected to an external “speaker” of a separate “playback/output device” in order to “generate desired audio content.” *Ex.1005*, ¶39–40. An “Audio Out” jack that feeds an external device is not a speaker driver under any reasonable construction of that term, and Google presents no evidence otherwise.

Unable to find “*one or more speaker drivers*” in Litbak’s “audio switching arrangement,” Google proposes to add them. *See Pet.*, 31. But that hindsight modification fundamentally rewrites Litbak and directly contradicts its stated design goals. Litbak touts that its “audio switching arrangement” provides “significant advantages” over “existing interactive puppet technologies” because its “implementation is simple and robust” where “[e]ssentially all that is required is circuitry for sensing the actual signal to activate switching, a suitable switch, and standard short-

range wireless transmission technology” to communicate with a remote puppet. Ex.1005, ¶35-36. Thus, a POSITA would have no reason to complicate Litbak’s intentionally minimalist “audio switching arrangement” by adding “*one or more speaker drivers.*” Nor would doing so make sense, given that Litbak deliberately places its “audio switching arrangement” upstream of a separate “playback/output device (e.g., television, amplifier, etc.),” which either already includes speaker drivers or is configured to drive external ones. The only motivation for Google’s modification is hindsight reconstruction of the challenged claims, which is precisely what the Federal Circuit forbids. *See, e.g., In re Schweickert*, 676 Fed. Appx. 988, 994 (Fed. Cir. 2017) (vacating obviousness finding for hindsight bias where Board failed to explain why a POSITA would modify prior art system to add “unwanted cost and complexity”); *Univ. of Maryland Biotechnology Inst. v. Presens Precision Sensing GmbH*, 711 F. Appx 1007, 1010 (Fed. Cir. 2017) (“[A POSITA] generally would not be motivated to modify a reference by contradicting its basic teachings.”); *Plas-Pak Indus., Inc. v. Sulzer Mixpac AG*, 600 Fed. Appx. 755, 758 (Fed. Cir. 2015) (“[C]ombinations that change the basic principles under which the prior art was designed to operate ... may fail to support a conclusion of obviousness.”) (internal citations omitted).

Second, Google’s hindsight-driven modification of Litbak’s “audio switching arrangement” still fails to teach the claimed “*playback device*” for multiple independent reasons. As one example, limitation [1d] requires “*configur[ing] the playback device to*

perform a first processing of the audio data so as to output two-channel audio from one or more speaker drivers” after “*the playback device has determined it is not paired with*” another “*playback device.*” Google maps this claimed configuration to Litbak’s “straight-through state” (see Pet., 54), but in that state, Litbak **bypasses processing** the purported “*audio data*” entirely and instead “provid[es] a direct electrical conductor connection between audio inputs 12a, 12b and audio outputs 14a, 14b.” Ex.1005, ¶55. Litbak does this because “bypass[ing] **all** electronic components and giv[ing] a wired connection between inputs and outputs ensures that even any slight degradation introduced by the electronic components is avoided.” *Id.* For that reason, Litbak repeatedly confirms that its “audio switching arrangement” **bypasses** processing and directly connects audio inputs to audio outputs. *Id.*, ¶¶ 61, 20 (disclosing “**bypassing** the electronic switch to connect the audio input **directly** to the audio output”), 21 (same), 55 (same), 56 (same); see also, e.g., *id.*, Abstract, ¶¶13, 23, 26, 33, 38, 39, 47. Thus, in Litbak’s “straight-through state,” the “audio switching arrangement” (*i.e.*, the alleged “*playback device*”) is **not** configured “*to perform a first processing of the audio data*” as required by limitation [1d]. Google’s theory improperly reads out limitation [1d]’s “*first processing*” requirement entirely.

The facial weakness of the IPR petition cements the balance of the *Fintiv* factors: They all weigh in favor of discretionary denial.

B. Five Other Considerations Also Favor Discretionary Denial

1. Settled Expectations Favor Denial

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 multi-channel pairing technology space for nearly a decade, as the parties’ discussions about Sonos’s multi-channel pairing technology date back to at least August 2016. Ex. 2112, 3-4. Around that time, Sonos put Google on notice of dozens of patents (all involving playback devices), including the related ’959 Patent. *Supra* §I; *infra* §II.B.3; Ex.2114. And by August 13, 2021, Sonos provided Google with actual notice of infringement of the ’025 Patent. Ex. 2112, 25. Thus, the parties’ expectations are well settled.

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

For this IPR, Google adopts the parties’ agreed upon construction for three terms and tells the Board to apply these constructions and the plain and ordinary meaning of the remaining claim terms. Ex.1003, ¶56-57; Pet., 4-5. Yet in the California Litigation, Google raises ten separate indefiniteness grounds for the ’025 Patent claims. Ex.2107, 218-19.² Google offers no explanation for why it adopts different claim construction

² Google did not advance any indefiniteness grounds at *Markman* and instead purported to reserve its indefiniteness defenses for its forthcoming expert report(s). Ex.2107, 215.

positions in this IPR. *See* Pet., 4-5.

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. The California Court Is Best Positioned to Apply Consistent Claim Constructions Across Related Patents

Regardless of whether this IPR is instituted, at least the dispute regarding the related ’959 Patent will proceed in the California Litigation. As Google acknowledges, at least three important claim terms are recited in both the ’025 and ’959 Patents. *See* Ex.2113, 3-5 (identifying the common “pair”/“pairing”/“paired,” “playback device,” and “network interface” terms); Pet., 2-4. The California Court will therefore be resolving overlapping validity issues and applying overlapping claim constructions across both the ’025 and ’959 Patents, and the California Court is best positioned to apply those constructions consistently across both patents. Instituting this IPR would inject unnecessary risk of inconsistent outcomes and could complicate the resolution of the parties’ dispute.

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

There are at least three reasons why expert discovery favors denial of this IPR.

First, regardless of the outcome in this IPR against the '025 Patent, experts from both parties will testify in the California Litigation concerning at least the related '959 Patent. As with overlapping validity issues and claim constructions between the '025 and '959 Patents, the California Court is again better positioned to resolve expert disputes that span across both patents. In contrast, instituting this IPR would split related expert testimony across two different forums and thus heighten the risk of inconsistent outcomes and factual findings.

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 could better assess the credibility of the experts in person and resolve the dispute.

Third, Google's Petition relies extensively on the unfocused testimony of Dr. Anderson, whose declaration exceeds **119** pages but offers little (if any) meaningful context or explanation of terms of art. *See generally* Ex.1003. Google attempts to use Dr. Anderson's meandering testimony to improperly supply claim limitations missing from the asserted references and to manufacture hindsight-based motivations to combine. *See, e.g.*, Pet., 22-23, 26-27, 30-31, 34-35, 37-38, 40-41, 47-48, 51-52-63-65, 68, 71-72, 78, 80, 83-84, 88-91, 94-96, 98-100. Such extensive reliance on unfocused

expert testimony suggest that the issues on which Dr. Anderson opines are better resolved in the California Litigation.

5. Discretionary Denial in This IPR Is Necessary for Consistency Across IPRs

The Director previously discretionarily denied Google's IPR Petition against Sonos's '883 Patent, which suffered from substantially similar flaws as Google's Petition here. *See* IPR2025-01213, Paper 11 at 1 (Dec. 1, 2025). In that IPR, Sonos argued, among other things, that *Fintiv* Factors 1-5 favored discretionary denial for substantially similar reasons raised here, and that the risk of inconsistent claim constructions across the related '883 and '896 Patents, settled expectations, overlapping expert disputes, and Google's overreliance on expert testimony further supported discretionary denial. *See generally, id.*, Paper 8. To prevent inconsistencies in the application of discretionary denial factors, the Director should adhere to the reasoning of its prior denial in IPR2025-01213 and deny this IPR for similar reasons.

III. CONCLUSION

Given the history surrounding the challenged '025 Patent, the related California Litigation, and the fact that every *Fintiv* factor weighs in favor of discretionary denial, Sonos respectfully requests denial under Section 314(a).

Respectfully submitted,

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Dated: February 3, 2026

/Jaeyoung Pak/

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing Request for Discretionary Denial of Institution was served on February 3, 2026 via email directed to counsel of record for the Patent Owner at the following:

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