

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioners

v.

SOUNDCLEAR TECHNOLOGIES LLC,  
Patent Owner

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U.S. Patent No. 9,031,259

Issue Date: May 12, 2015

Title: NOISE REDUCTION APPARATUS, AUDIO INPUT APPARATUS,  
WIRELESS COMMUNICATION APPARATUS, AND NOISE REDUCTION  
METHOD

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*Inter Partes* Review No. IPR2025-00345

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**PATENT OWNER'S REPLY BRIEF ON DISCRETIONARY DENIAL**

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The Board authorized SoundClear to file this reply to address settled expectations and Google's assertions about SoundClear's duty of candor. EX-3101.

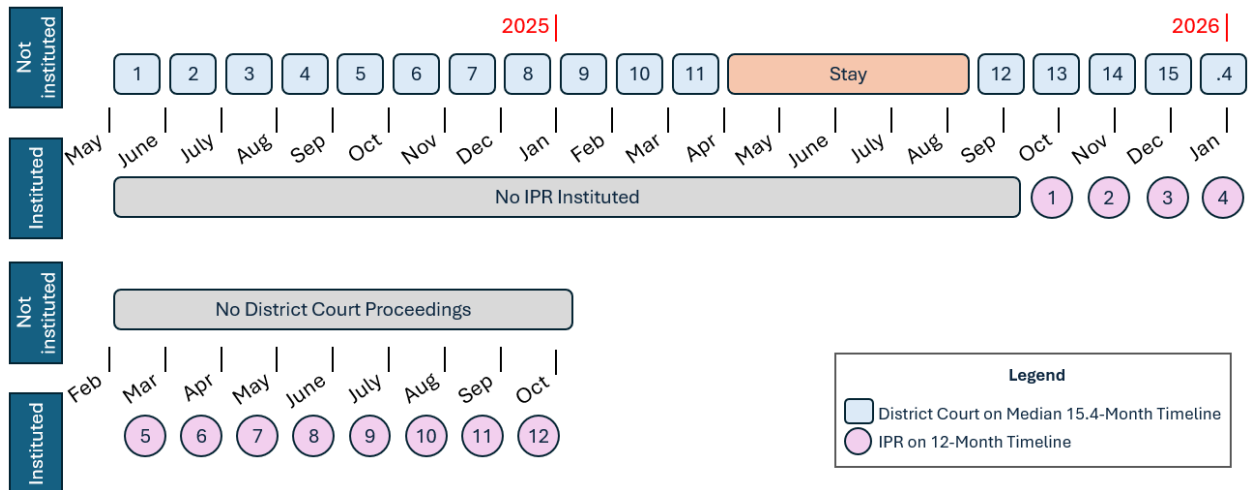
As to settled expectations, recent decisions make clear that the '259 patent meets the qualifying criteria. *See, e.g., Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 (PTAB June 18, 2025); *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 (PTAB June 26, 2025); *Cambridge Indus. USA, Inc. v. Applied Optoelects., Inc.*, IPR2025-00433, Paper 12 (PTAB June 27, 2025) (clarifying *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 (PTAB June 6, 2025)); *Ericsson Inc. v. Procomm*, IPR2024-01452, Paper 15, 3 (PTAB June 25, 2025) (citing *iRhythm*); *Amazon.com, Inc. v. Virtamove, Corp.*, IPR2025-00561, Paper 11 (PTAB July 11, 2025). The '259 patent has been in force for over ten years. That is longer than most of the patents at issue in the cases above had been in force. Indeed, patents "in force for approximately eight, twelve, and fifteen years, create[e] strong settled expectations." *Coretronic Corp. v. Maxell, Ltd.*, IPR2025-474, Paper 11, at 2 (PTAB July 10, 2025) (emphasis added). Actual notice of a patent is not required for settled expectations. *Dabico*, Paper 21, 3. Thus, settled expectations strongly favor denial here.

As to candor, Google accuses SoundClear of "fail[ing] to provide" the Board with information about the district court stay. Resp. Br, 2-5, n.1. That is not true. SoundClear explicitly acknowledged that the district court granted a stay. *See, e.g.,*

Paper 5 (“Opening Br.”), 6 (“The district court granted Google’s motion to stay on March 31, 2025.” (citing 2:24-cv-00321, Dkt. 84)). Google complains that SoundClear did not attach the applicable court order—which is available on a public docket—to its brief. Resp. Br., 4-5, n.1. That is an argument about logistics, or which evidence supports one’s position. It has nothing to do with truthfulness. Indeed, the standards applied by the District Court for a stay are distinct from those applied by the Board for discretionary denial.

Google asserts that SoundClear provided a “false narrative” regarding the status and implications of “parallel litigation.” But the Board invited consideration of median time-to-trial statistics. Mar. 24, 2025 Boalick Memo, 3. And it has considered them when “there is no currently scheduled trial date in the co-pending district court litigation.” *See, e.g., Google LLC v. Brodti Inc.*, IPR2025-00472, Paper 19, 2 (PTAB June 25, 2025); *Twitch Interactive, Inc. v. Razdog Holdings LLC*, IPR2025-00307, Paper 18, 2 (PTAB May 16, 2025). That is what SoundClear did. It expressly stated that it was addressing potential outcomes: “Thus, *if* institution of this IPR is denied in August 2025, the district court case will proceed to trial by January 2026 .... *In the alternative, if* the Petition is instituted.” Opening Br., 5, 12 (emphasis added). SoundClear compared the expected time-to-trial (in district court) to expected time-to-resolution (in IPR) in alternate scenarios: (1) if IPR is instituted in August and (2) if institution is denied in August. Google does

not contest any of the facts supporting those scenarios. It does not contest Judge Wright Allen’s median time-to-trial of 468 days (or 15.4 months). It does not contest that the case will have been stayed for approximately 4.5 months if institution is denied in August (Mar. 31 to mid-August). The following visually demonstrates the two potential outcomes. Each blue block represents one month of the 15.4-month median time-to-trial; each pink circle, one month of IPR:



Dated: July 16, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing PATENT OWNER'S  
REPLY BRIEF ON DISCRETIONARY DENIAL was served electronically  
via email on July 16, 2025, on the following counsel of record for Petitioner:

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