

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SONOS, INC.,
Patent Owner.

Case No. IPR2025-01213
Patent 10,541,883

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

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I. Introduction

The Office has expressed goals of issuing strong patents, upholding innovation, and preventing gamesmanship in all facets. These goals are best served by instituting this IPR. The '883 patent is not strong, nor is it innovative—the Office has already determined (in an *ex parte* reexamination of the related '896 patent) that the '883 patent's point of novelty is disclosed by the Cheshire reference cited in this proceeding. And Sonos's behavior in both the prosecution and the assertion of the '883 patent—burying relevant prior art in monstrous IDSs and holding back the most relevant art until after a Notice of Allowance, while delaying litigation until the eve of expiration to manufacture a “settled expectation”—is gamesmanship designed to issue a weak, non-novel patent insulated from corrective review by the Office. This case epitomizes the appropriate use of the PTAB and should be instituted.

In its Request, Sonos's focus on the '883 patent's family rather than its own prosecution history is telling. Sonos roots its arguments in its false suggestion that the Office already meaningfully considered the Petition's primary reference—Cheshire. Sonos is wrong because, despite lengthy IDSs, citing almost 900 references, Sonos never presented Cheshire during prosecution of the '883 application—Sonos only cited it in later family member applications. EX1027, 586; EX1028, 269. So the Office had no opportunity to consider Cheshire during

examination of the '883 patent. Sonos also buried other material references, including Meenan and Spurgat, among the hundreds of others so the Office could never fully consider or address them on their merits.

Unfortunately for Sonos, the Office has now considered those merits in the reexamination of the related '896 patent and found its patentability in question. That patent not only shares the same purported allowable subject matter but Sonos also admits it is “closely related.” In the '896 reexamination, the Office expressly found all the claim limitations that resulted in allowance of the '896 patent disclosed by Cheshire. Because the '883 patent was allowed for *the same limitations*, the Office’s own findings show material error. Despite receiving the Office’s determination that Cheshire discloses the purportedly novel features in the '896 patent (and therefore, the '883 patent), Sonos chose not to file a Patent Owner Preliminary Response or any supporting expert testimony in this proceeding (which were both due before this opposition), providing no basis for the Director to question whether Cheshire demonstrates that the challenged claims are obvious.

The litigation history between the parties shows that Google—not Sonos—is entitled to settled expectations. After a five-year long litigation stay, and with an intervening trial on different Sonos patents, Sonos added five new patents across two amended complaints, adding the '883 patent in its second amended complaint on November 26, 2024, just six months before it expired on June 6, 2025. Given

Sonos's delay and deliberate choice not to assert the '883 patent sooner or in other earlier proceedings, Google was entitled to settled expectations in the nonenforcement of the now expired '883 patent.

In addition to the meritorious challenge presented in the Petition, Google requests that the Director institute the Petition because discretionary considerations favor Google.¹ The prosecution of the '883 patent contained material errors, at least one of which is already supported by the Office granting reexamination of the '896 patent. Sonos's deliberate delay in asserting the '883 patent led to settled expectations. In contrast, Sonos did not develop settled expectations in the meager lifetime of the patent or by developing new technology. There is no risk of any competing claim constructions, nor an improper reliance on expert testimony. And a trial occurring before a final written decision is unlikely based on the judge-specific statistics. As such, Google's challenge to the '883 patent should be instituted because it is the exact type of dispute that IPRs were meant to solve.

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.

II. Sonos's Prosecution Tactics Led to Material Error During Examination of the '883 Patent

The Office's material error here stems from Sonos's prosecution gamesmanship and the Examiner's failure to fully consider the teachings of material references like Cheshire, which was never disclosed, and the teachings of material references buried in Sonos's hundreds of cited references.

Cheshire was not disclosed to the Office during examination of the '883 patent. *See generally* EX1024. In reexamination of the closely related '896 patent, the Office already found Cheshire—the primary reference in this IPR petition—discloses the previously identified allowable subject matter.² *See* EX1023, 12. The '896 patent's reasons for allowance substantially overlap with the '883 patent's. *Id.* This shows material error. Second, the Office overlooked Meenan and Spurgat

² Sonos accuses Google of “carv[ing] out the '883 Patent for separate review before the Board, while continuing to litigate the other Sonos and Google setup patents in California.” Request, 1. This is inaccurate because Google requested the EPR against the '896 patent, and since Sonos's Request, has also filed IPRs challenging three other Sonos patents asserted in California. EX1023, 2. In any case, it was Sonos's choice to assert the '883 patent five years after filing its initial lawsuit that caused this separate review.

because Sonos buried them in IDSs that collectively listed almost 900 references.

This prevented the Examiner from meaningfully reviewing pertinent prior art.

Sonos did not dispute that these references were overlooked. 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 at 3 (P.T.A.B. June 12, 2025).

Eunsung Glob. Corp. v. HydraFacial LLC, IPR2025- 00445, Paper 14 at 2-3

(P.T.A.B. July 10, 2025); *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-

00152, Paper 11 at 2 (P.T.A.B. June 12, 2025).

A. The Office Found that Cheshire Discloses the Allowable Subject Matter, Demonstrating Clear Material Error

The Office’s failure to consider Cheshire and reject the claims is material error—error the Office recognized in granting the reexamination on the related ’896 patent that shares the same reason for allowance. Request, 17-20. For the related ’896 patent, the Office determined that Cheshire presents a substantial new question of patentability (SNQ). *See* EX1023. Like the ’883 patent, Sonos represented to the Office that the ’896 patent’s claims were novel and nonobvious because they recite “an initial communication path established between a computing device and a playback device [that] does not traverse the access point.” EX1023, 12; EX1024, 667-668, 728-729. But, in granting reexamination, the

Office found that “Cheshire discloses a mechanism for allowing new wireless devices to join an existing wireless network by establishing communication between an existing wireless device and the new wireless device without traversing an access point.” EX1023, 14 (emphasis in original). The Office also found that “[t]he teachings of Cheshire are *new and non-cumulative* with respect to the teachings of the prior art applied during the prosecution of the [application for the related ’896 patent].” EX1023, 16 (emphasis added).

The Office’s finding that Cheshire discloses configuring a playback device without traversing an access point for the related ’896 patent shows that the Examiner also materially erred during prosecution of the ’883 patent. Like the ’896 patent, Sonos amended the claims of the ’833 patent to recite that the “secure wireless local area network (WLAN)” is “defined by an access point” and that the initial communication path “does not traverse the access point.” EX1002, 303, 311-313 (underlining in original). The Examiner then allowed the amended claims, noting this limitation as the reason for allowance. EX1002, 343-344, 631.

Throughout its brief, Sonos admits and relies heavily on similarities between the ’883 patent and the related ’896 patent. Request, 1-2, 5-6, 9, 11-17. In view of the Office’s SNQ finding for the ’896 patent, the Office should institute the IPR of the ’883 patent on the same art and admittedly similar claims. *BMW of North America, LLC v. Kathi Vidal*, Case No. 1:24-cv-235, Dkt. 63, at 9 (E.D. Va. Mar. 25, 2025)

(finding a USPTO decision arbitrary and capricious when the Office denied review although “the PTO had earlier acknowledged that it had been presented with substantial new questions of patentability,” without sufficient explanation) (quoting *Motor Vehicle Mfrs. Ass’n of US., Inc. v. Slate Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). Moreover, because Sonos decided not to file a Patent Owner Preliminary Response or any supporting expert testimony, Sonos has not provided the Director with any reason to make an inconsistent finding here by denying institution.

B. Sonos Buried Meenan and Spurgat in Voluminous IDSs, Preventing Meaningful Examination, Resulting in Material Error

As to Petitioner’s secondary references,³ the Examiner was not afforded the opportunity to fully consider Spurgat or Meenan during prosecution because Sonos buried the references in a mound of almost 900 references. *Ecto World* provides “[a] petitioner also may point to the fact that even though the asserted prior art is listed on an IDS, the Examiner did not issue any prior art rejections during examination, so the Examiner materially erred by overlooking certain teachings in

³ Ground 1 of the Petition is based on Cheshire alone and covers half of the claims. Pet. 4-29. Accordingly, even if Meenan and Spurgat were cumulative, denial would not be warranted as Ground 1 is half of the IPR and not cumulative.

the prior art on the IDS.” *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13, 5-6 (May 19, 2025) (precedential) (noting that “the volume of the references” informs material error).

During the ’883 patent’s prosecution, the Applicant submitted 19 IDSs with almost 900 references. EX1024, 78, 98, 104, 121, 133, 150, 167, 184, 230, 248, 265, 282, 302, 346, 631, 642, 648, 709, 767; *see also* EX1001, code (56, “References Cited”). Fourteen of these IDSs—containing most of these references—were received at the Office on the same day. EX1024, 78, 98, 104, 121, 133, 150, 167, 184, 230, 248, 265, 282, 302, 346. Sonos listed Spurgat among 349 references on one single IDS. EX1024, 303. Indeed, Spurgat was one of over 800 total documents the Examiner signed off on, all on the same day. EX1024, 405-614. Sonos did not disclose Meenan until *after* the Examiner issued a first Notice of Allowance. EX1024, 662, 710; EX1002, 343-344, 631. This suggests that Sonos’s efforts to bury the lead, obfuscating the importance of the closest prior art references, were successful, and the Examiner did not conduct a meaningful review resulting in overlooked teachings from Spurgat and Meenan. The Examiner overlooked Meenan’s teachings at least on the use of a WLAN defined by an access point and configuration that does not traverse this access point. Pet. 44-50. The Examiner overlooked Spurgat’s teachings at least on a computing device installed with an application for controlling a playback device. Pet. 67-70. And,

further evidencing the error, the Examiner never reconsidered or issued a rejection using these references after Sonos amended the claims to add the purportedly allowable subject matter.

III. Sonos’s Litigation Antics Have Provided Google With Settled Expectations, and the Short Life of the ’883 Patent Cannot Give Sonos a Settled Expectation

The half decade of ongoing litigation with Sonos where the ’883 patent was not asserted entitles Google to settled expectations and outweighs any of Sonos’s purported settled expectations.⁴ The saga of litigations between Sonos and Google started in January 2020, where Sonos filed both an ITC action and a CDCA action asserting 5 patents against Google—neither of which asserted the ’883 patent.

While the ITC case was ongoing, the CDCA case was stayed, coming alive again between November and December of 2024. During the interim, Sonos filed another complaint against Google in a separate litigation—asserting different patents, but still not the ’883 patent—in September of 2020 in the WDTX (asserting 5 patents,

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).

later transferred to NDCA, EX1029, 1; EX1033, 1). Turning back to the CDCA case, Sonos waited almost five years to assert the '883 patent, months before it expired. Because of this, Google was entitled to settled expectations that it would not be accused of infringing Sonos's other patents. Sonos, on the other hand, tactically manufactured a false "settled expectation," by avoiding putting the '883 patent into play until its patent term nearly expired.

The '883 patent issued 14 days after Sonos filed its initial complaint in January 2020. Sonos did not add the '883 patent to the ITC proceeding despite having the ability to do so. Nor did it assert the '883 patent when it filed a second lawsuit against Google months after the patent's issuance. EX1029. Rather, Sonos waited to add the '883 patent to the CDCA litigation until almost 5 years later. The addition of patents this late in a litigation is uncommon because judges typically force parties to narrow patents and issues as time progresses. Sonos contends that Google's knowledge of the setup family of patents weighs against settled expectations (Request, 16-17); however, Sonos ignores that it did not enforce these patents. Indeed, to this day, Sonos has not asserted "the '951 Patent, from which the '883 Patent descends." *Id.* And, in the intervening Sonos cases before the WDTX and NDCA, Google successfully achieved findings of non-infringement and/or invalidity. Because of Sonos's assertion tactics and delay in raising the '883 patent, Google is entitled to settled expectations.

Despite Sonos's effort to gain a tactical advantage by delaying assertion of the '883 patent to manufacture settled expectations, the '883 patent still has not been in force long enough for Sonos to develop settled expectations. The Director has repeatedly determined settled expectations develop around six years after issuance. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 (P.T.A.B. June 18, 2025); *Berkshire Hathaway Energy Company v. Birchtech Corp*, IPR2025-00280, Paper 23, at 2-3 (P.T.A.B. July 2, 2025) (referring petitions where patents were in force for six years). The '883 patent issued less than six years ago. So, Sonos has not developed any settled expectations.

IV. Sonos Did Not Invent Setup Technology or Playback Devices

Sonos argues that its investments in the setup technology in the '883 patent further provide it with a settled expectation. This cannot be true because its purported inventions were all known in the art. The '883 patent itself acknowledges that Sonos did not invent playback devices (EX1005, 1:53-55, 3:3-14, 4:6-5:2; EX1007, ¶3); controlling playback devices with a controller (EX1005, 3:3-10; EX1007, ¶¶34-36); wireless device configuration (EX1001, 1:50-60, Fig. 5; EX1005, 4:53-58, Figs. 2, 3; EX1006, 17:62-20:51, Fig. 7); or the use of configuring a playback device on one network or communication path and then operating that device on another network (EX1005, 4:53-58, Figs. 2, 3; EX1006, 17:62-20:51, Fig. 7). Sonos's purported invention is based on technology that was

invented by others, and Sonos cannot have developed settled expectations in claims reciting well-known concepts and implementations that it did not originate.

V. There Is No Risk of Competing Claim Constructions

Sonos misrepresents that 1) there will be litigation of competing claim constructions between the '896 patent and the '883 patent, and 2) Google has taken inconsistent claim construction positions concerning the '883 patent.

First, Sonos cannot point to any evidence that the district court will need to decide overlapping claim constructions between the patents. Sonos's own evidence actually points to the contrary because the parties agree on all but one overlapping construction. EX2128. This construction is related to the term "an application for controlling [one or more / the] playback devices." EX2128, 7. Google asserts that this term should be given its plain and ordinary meaning while Sonos contends that no construction is necessary. *Id.* This is hardly a dispute because claims are given their plain and ordinary meanings, which requires no construction. Indeed, the parties dropped this term in the litigation. *See* EX1032, 1-2.

Second, Google does not take inconsistent claim construction positions. The Petition asserts that no construction is necessary to resolve the dispute because all terms should be given their plain and ordinary meanings. Pet. 3-4. This is consistent with the "disputed" term. The Petition also flagged the ITC's

construction of the now agreed upon terms and noted that the asserted references disclose these limitations under any constructions. There is no inconsistency.

VI. Google’s Reliance on Expert Testimony Assists the Board with Understanding the Knowledge of a POSITA, It Does Not Gap-Fill, and Supports Institution

Sonos’s arguments related to expert testimony rely on speculative intent and misrepresent the Petition’s use of expert testimony. Request, 14-16. First, Sonos suggests an impending battle of the experts (in this proceeding and in district court) but fails to present any evidence of such a battle for the Director to consider. Indeed, Sonos’s failure to file a Patent Owner Preliminary Response or any expert testimony proves that no such battle exists.

Second, the Petition used expert testimony properly. Sonos crop-quotes and misrepresents Petitioner’s use of expert testimony. Request, 15-16. The actual passages—in full and in context—show Mr. Lipoff is explaining the prior art rather than supplying missing limitations. For example, when Sonos quoted “[A] POSITA would have known or found it obvious that existing device 102 *is installed with an application for controlling the playback device,*” Sonos omitted the first half of the sentence, which recites: “Because Cheshire discloses that existing device 102 is a “device controller....” Pet. 16; Request, 15-16.

Explanation of the prior art is part of 35 U.S.C. § 103’s explicit use of a POSITA. *See Koninklijke Philips N.V. v. Google LLC*, 948 F.3d 1330, 1337 (Fed. Cir. 2020)

(“inquiry into whether any ‘differences’ between the invention and the prior art would have rendered the invention obvious to a skilled artisan *necessarily depends* on such artisan’s knowledge.” (emphasis added)). Moreover, Sonos incorrectly concludes that “the limitations Google seeks to supply through expert testimony are not ‘unusually simple’ and the claimed technology is not ‘particularly straightforward.’” Request, 15-16. To the extent the Director deems that Petitioner is relying on POSITA knowledge to gap-fill, knowing whether a device is installed with an application and whether a network is defined by an access point, for example, are unusually simple and particularly straightforward concepts within the art. And they are all indeed disclosed by Cheshire. Pet. 16-29.

VII. *Fintiv* Favors Referral

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 ’883 patent and four additional patents against Google. Despite Sonos’s claims otherwise (Request, 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 ’883 patent. EX1025.

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. EX1025. 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 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 Central District of California “routinely denies stays under similar circumstances,” but the cases Sonos relies on are authored by other judges and not Judge Kronstadt. Request, 3-4. As such, they do not accurately represent the litigation as it exists. When looking at Judge Kronstadt’s statistics, however, factor 1 favors institution.

B. Factor 2 Favors Institution

No trial date has been set. Sonos presents a conveniently sliced view of generic Central District of California’s time to trial statistics. Request, 4-5. But a fuller view reveals that trial is more likely than not going to occur after the Board will issue its FWD. Importantly, 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. Request, 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—three months after the projected FWD date of Jan. 17, 2027. *See* EX2104. Even if

medians are relied on instead of averages, the median time-to-trial date for Judge Kronstadt's *patent cases* is 1,292 days, which is between 41.7-43.1 months (depending on whether 31 or 30 days are used for a month). EX1026. This would put trial over a year after a final written decision.

The district court's standard practice may be "to set trial date at the final pretrial conference, which is typically held weeks before trial," but that does not change the outcome. Request, 5; EX2103, 2. 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.

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 over 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. The amount of investment in the proceeding should be based on the amount of effort since the restart, not since the beginning of the litigation that long predated Sonos's assertion of the '883 patent. And little investment has been made in the district court litigation since the restart and no investment was made in the '883 patent before it was added.

Sonos also overstates the parties agreement to reuse discovery from the ITC, ignoring that the '883 patent was not litigated at the ITC. Request, 7. The parties agreed that discovery may be reused from the ITC. But this does not prevent the parties from seeking additional depositions—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.” EX2016, 10. Moreover, even for the five ITC patents, the parties submitted new invalidity and non-infringement contentions, will have a new Markman hearing, and will thereafter submit new expert reports. All these issues will also need to be dealt with for five new Sonos patents (including the '883 patent) and two Google patents, requiring the parties to continue to invest substantial resources into the litigation.

D. Factor 4 Favors Institution

Sonos oversells the overlap between claims, grounds, and arguments between the Petition and the district court litigation. Request, 8-10. The Petition challenges *all claims* of the '883 patent, whereas the district court litigation involves seven fewer. Pet. 1-2. Such challenges are worth the Office's resources because they advance this administration's goals of ensuring strong patent quality. Indeed, the SNQ found with regards to the '896 patent further shows that review of the '883 patent is necessary to ensure 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. If 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.

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.*, EX1030 (*Sound View Innovations, LLC v. Hulu, LLC*, LACV17-04146 JAK); EX1031 (*LG Electronics Inc. v. Hisense Electronics Manufacturing Company of Am. Co.*, 2:19-cv-09474 JAK). 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 (June 6, 2025) (“The Petitioner is a defendant in the California litigation but is not a defendant in the Nevada litigation.

Under the circumstances, the fifth *Fintiv* factor is either neutral or weighs marginally in favor of denial.”).

F. Factor 6 Favors Institution

The complexity of the parallel litigation outweighs any potential for an earlier trial date. *See Tesla v. United States of Am. as represented by the Secretary of the Navy*, IPR2025-00341, Paper 12 (P.T.A.B. June 13, 2025). Sonos admitted that the parallel litigation is complex, stating:

“[t]he California Court has also entered an aggressive scheduling order notwithstanding the complexity of the California Litigation. *See Ex.2103*. Today, the litigation involves 10 Sonos patents, 2 Google patents, dozens of accused Google products, at least a dozen accused Sonos products, 14 affirmative defenses and 2 counterclaims from Google, and 14 affirmative defenses and 6 counterclaims from Sonos. *See Exs.2108-2109*.”

Request, 7. The litigation involves 6 distinct patent families, creating a labyrinth that would be simplified by the Board’s review of the asserted patents.

VIII. Sonos’s Gamesmanship During Prosecution and Litigation Should Not Be Rewarded by Denying this IPR

Sonos undermined the examination process of the ’883 patent by failing to disclose Cheshire—a reference that the Office has since found teaches its point of novelty—and by obstructing full assessment of other material references Meenan and Spurgat in miles-long IDSs that prevented complete and accurate examination. This material error requires correction. Sonos’s litigation strategies further prove

instituting this IPR is the appropriate course of action here. Sonos's piecemeal litigation, spanning over 5 years and at least three courts plus the ITC, has afforded Google settled expectations. Sonos's gamesmanship creates an unnecessarily complex litigation that does not prompt judicial efficiency. And the complexity of the current district court case, with 12 total patents, and the belated addition of the '883 patent that has since expired, will be best served by the Office handling validity of the '883 patent, particularly in view of the SNQ finding for an identical purported point of novelty based on the same prior art references. The Director should not discretionarily deny and should institute review.

Date: October 23, 2025

Respectfully submitted,

/Erika H. Arner/

Erika H. Arner (Reg. No. 57,540)
Lead Counsel

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 October 23, 2025, via email
directed to counsel of record for the Patent Owner at the following:

John Dan Smith III
smith@ls3ip.com

Michael P. Boyea
boyea@ls3ip.com

Jaeyoung Pak
pak@ls3ip.com

Cole B. Richter
richter@ls3ip.com

Andrew G. Gerla
gerla@ls3ip.com

LS3_team@ls3ip.com

Dated: October 23, 2025

By: /Lisa C. Hines/
Lisa C. Hines
Case Manager

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.