

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SONOS, INC.,
Patent Owner.

Case No. IPR2026-00020
U.S. Patent No. 11,080,001

**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 December 18, 2025
2105	<i>Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same</i> , No. 337-TA-1191, Commission Opinion Public Version (Feb. 1, 2022)
2106	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 78, Joint Discovery Stipulation (C.D. Cal. Apr. 28, 2025)
2107	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, Google's First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)
2108	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 101, Google's First Amended Answer and Counterclaims (C.D. Cal. July 25, 2025)
2109	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 124, Sonos's Answer and Counterclaims (C.D. Cal. Aug. 15, 2025)
2110	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, Exhibit 001-01 (Janevski) to Google's First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)

2111	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, Exhibit 001-B (Additional References) to Google’s First Amended Invalidity Contentions (C.D. Cal. Apr. 28, 2025)
2112	Sonos August 13, 2021 Notice Letter to Google
2113	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, June 2025 Email Exchange Between Parties Concerning Claim Construction
2114	Side-by-side comparison of representative claims of Sync Patents
2115	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 128, Order Setting Pretrial Deadlines (C.D. Cal. Aug. 26, 2025)
2116	<i>Ex Parte Rourk</i> , Appeal No. 2019-003250 (PTAB May 31, 2019)

I. INTRODUCTION

Patent Owner Sonos, Inc. requests that the Director exercise discretion to deny institution of Petitioner Google LLC's *inter partes* review ("IPR") petition against U.S. Patent No. 11,080,001 ("'001 Patent") under 35 U.S.C. §§ 314(a) and 325(d). The '001 Patent is generally directed to synchronization technology that enables coordinated playback amongst grouped zone players operating in various modes and is currently being litigated in *Sonos, Inc. v. Google LLC*, 20-cv-00169 (C.D. Cal.) ("California Litigation"). This IPR is a textbook candidate for discretionary denial.

First, the parties' expectations are firmly settled. Google has known of Sonos's substantial investment in the synchronization 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's claim construction positions in the California Litigation are inconsistent with its claim construction positions here. In the California Litigation, Google challenges nearly twenty different claim limitations of the '001 Patent as indefinite. Yet in this IPR, Google insists that no construction is necessary. Google's opportunistic conduct of advancing inconsistent constructions across different forums alone warrants denial.

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

The California Litigation involves two Google patents and nine other Sonos patents, including U.S. Patent Nos. 9,195,258 (“’258 Patent”), 10,209,953 (“’953 Patent”), and 10,031,715 (“’715 Patent”)—each related to the ’001 Patent (collectively, the “Sync Patents”). Google’s selective targeting of the ’001 Patent in an IPR is no accident. Google is statutorily barred from filing an IPR against two other Sync Patents—the ’258 and ’953 Patents—which Sonos successfully asserted against Google almost six years ago in ITC Investigation No. 337-TA-1191 (“ITC Investigation”). But regardless of whether this IPR is instituted against the ’001 Patent, the ’258 and ’953 Sync Patents will proceed in the California Litigation, where the California Court will necessarily address overlapping validity issues shared across all Sync Patents. Not only do all four Sync Patents share a common specification and ultimate priority claim, but their claims also recite overlapping terms. *See* Ex.2114. In fact, Google contends that the “’001, ’258, and ’953 Patents... claim patentably indistinct subject matter” (Ex.2107, 258) and relies on the *same* alleged prior art against *each* Sync Patent in the California Litigation (*id.*, 40-60). Instituting this IPR would therefore create duplicative proceedings, invite inconsistent outcomes, and waste the Board’s resources.

Fourth, the Director has already discretionarily denied Google’s IPR Petition against Sonos’s U.S. Patent No. 10,541,883 (“’883 Patent”), which suffered from similar flaws as Google’s Petition here against the ’001 Patent. *See* IPR2025-01213.

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

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

For these reasons and additional reasons set forth below, the Director should deny institution under §§ 314(a) and 325(d).

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

A. Each *Fintiv* Factor Favors Discretionary Denial

1. Factor 1 Favors Denial

There is no viable basis to stay the California Litigation based on this IPR. The California Litigation involves not only the '001 Patent, but also nine other Sonos patents and two Google patents. Google is statutorily barred from challenging five of the Sonos asserted patents in an IPR, and Google's IPR Petition against the '883 Patent has already been discretionarily denied. *See* IPR2025-01213. Thus, this IPR cannot meaningfully simplify the California Litigation. *See also infra* §II.A.4. The California Court routinely denies stays under similar circumstances. *See, e.g., Realtime Adaptive Streaming LLC v. Google LLC*, 18-CV-3629, 2019 WL 13039329, at *3 (C.D. Cal. May 6, 2019); *Entropic Commc'ns, LLC v. DISH Network Corp.*, 23-CV-01043, 2025 WL 519639, at *3 (C.D. Cal. Feb. 13, 2025).

Moreover, the California Litigation progressed significantly (*see infra* §II.A.3) while Google waited until the final days of its statutory deadline to file the present Petition, and a stay would cause significant competitive harm to Sonos because Google and Sonos are direct competitors. The California Court denies stay motions under similar circumstances. *See, e.g., Fontem Ventures, B.V. v. Njoy, Inc.*, 14-CV-1645, 2015 WL 14036677, at *3 (C.D. Cal. June 29, 2015); *Inneos LLC v. Opticis Co.*, No. 23-CV-185, 2023 WL 6787821, at *3 (C.D. Cal. Sept. 13, 2023).

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

2. Factor 2 Favors Denial

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

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

Second, even if the FWD were to precede the California trial, Factor 2 would still favor denial because overlapping validity issues will still be litigated and tried in California for at least the related ’258 and ’953 Sync Patents, given that Google relies on the *same* alleged prior art against *each* Sync Patent in the California Litigation. *See* Ex.2107, 40-60.

3. Factor 3 Favors Denial

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

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

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

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

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

affirmed the Commission's findings in full.

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

The California Court has also approved a fast-moving scheduling order notwithstanding the complexity of the California Litigation. See Ex.2103. Currently, the litigation involves ten Sonos patents, two Google patents, dozens of accused Google products, at least a dozen accused Sonos products, fourteen affirmative defenses and two counterclaims from Google, and fourteen affirmative defenses and six counterclaims from Sonos. See Exs.2108-2109. The parties already exchanged and continue to amend initial infringement and invalidity contentions. Google's invalidity contentions for the '001 Patent *alone* include at least a hundred prior art references (with at least five charted system art), § 101 and § 102(f) grounds, an obviousness-type double-patenting ground, and almost *forty* different § 112 grounds, while leaving the door open to add more grounds during expert discovery. See Ex.2107, 55-59, 170-76, 206-11, 221-26, 242-45, 258.

By the April 21, 2026 institution deadline, Judge Kronstadt will almost certainly issue a *Markman* order, and final infringement and invalidity contentions,

will be served shortly after. *See* Ex.2103.

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

4. Factor 4 Favors Denial

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

As an initial matter, there is substantial overlap between the claims, grounds, and arguments raised in Google's Petition here and Google's invalidity contentions in the California Litigation. As to the claims, Google adds independent claim 1 and dependent claims 2-3, 6-11, 30-31 to its Petition. But these added claims do not meaningfully expand the dispute here since these are just a different statutory class of claims compared to the claims at issue in the California Litigation. Google itself acknowledges that independent claims 12 and 23 (already asserted in the California Litigation) are substantively the same as independent claim 1. Pet., 52. Similarly, Google acknowledges that the additional limitations in dependent claims 13-14, 17-22, 24-25, 28-29, 32-33 (already asserted in the California Litigation) mirror those in dependent claims 2-3, 6-11, 30-31. *See id.*, 56 (grouping claims 2/13/24), 58 (grouping claims 6/17/28), 59 (grouping claims 7/18/29), 61 (grouping claims 8/19/30), 62 (grouping claims 9/20/31), 64 (grouping claims 10/21/32), 66 (grouping claims 11/22/33), 68 (grouping claims 3/14/25).

As to the grounds and arguments, Google’s invalidity contentions in the California Litigation across all four Sync Patents, including the ’001 Patent, are substantially the same as those in this IPR. Specifically, Google relies on the same primary reference, Janevski, for both Grounds 1-2, as well as the same secondary reference, Okamura. Ex.2107, 40-60; Ex.2110 (charting Janevski); Ex.2111, 48, 55, 104, 115, 122, 126-27, 129 (charting Okamura, among other references).

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

First, Google relies on the *same* alleged prior art references in the California Litigation for the ’258, ’953, and ’715 Sync Patents, including Janevski and Okamura. *See* Ex.2107, 40-60. As a result, despite the *Sotera* stipulation, Google remains free to pursue the same invalidity grounds in the California Litigation against the other Sync Patents that it raises or could have raised here against the ’001 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 preserve its ability

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

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

5. Factor 5 Favors Denial

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

6. Factor 6 Favors Denial

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

First, each one of Google’s grounds is a hodgepodge of three or four

references and is riddled with unsupported gap filling by its expert (*supra* §II.B.6).

Second, Google’s drastic modifications to Janevski and the rationales for them lack clarity, which is compounded by Google conflating distinct concepts taught by Janevski. *See, e.g.*, Pet., 38-39 (conflating Janevski’s concepts of “time synchronization” / addressing “time misregistration” and “frame synchronization” / addressing “frame misregistration”); Ex.1005, 8:39-10:19, 10:28-62, 12:59-13:27.

Third, Google and its expert rely on phantom teachings that do not exist anywhere in Janevski to manufacture a whole-sale modification to Janevski and incorporate Okamura’s disclosure. *See, e.g.*, Pet., 37-43.

For example, to justify its unsupported modification to Janevski to achieve limitation [1j], Google contends “Janevski already disclosed that the synchronization messages should include playback timing information” (Pet., 37-38) in view of “Janevski explain[ing], ‘once the [time misregistration] value is calculated, the participant PVR adjusts its timer forward or backward by that amount to match the initiator’s playback time.’” Pet., 38 (*citing* Janevski, 9:11-13; Decl. ¶119). Yet, this explanatory quote and the phrase “playback time” does not appear at Janevski 9:11-13 or *anywhere else* in Janevski. *See also, e.g.*, Pet., 38 (quoting phantom teaching from Janevski regarding “each message [being] timestamped based on the internal video timer....”). Thus, Google failed to provide Sonos with proper notice of its Janevski-based challenge. *See, e.g., Samsung Elecs. Am., Inc. v.*

Proxense, LLC, IPR2021-01447, 2022 WL 683115, at *12 (PTAB Feb. 28, 2022) (finding that the petitioner failed to put the patent owner on notice of its challenge because it relied on passages from a reference that “do not exist”).

Given the foregoing, filing a Preliminary Patent Owner’s Response is unnecessary. But if Sonos chooses to file one, it will only underscore why the Petition fails to show a reasonable likelihood of success. And should the Board nevertheless institute this IPR, Sonos will demonstrate patentability.

B. Six Other Considerations Also Favor Discretionary Denial

1. Settled Expectations of the Parties 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 synchronization technology space for nearly a decade. The parties’ discussions about Sonos’s synchronization technology date back to at least August 2016. Ex. 2112, 3-4. Around that time, Sonos put Google on notice of dozens of patents, including the ’258 Sync Patent—which Google contends is “patentably indistinct” from the ’001 Patent. Ex.2107, 258. And by August 2021, Sonos put Google on notice of infringement of the ’001 Patent. Ex. 2112, 24. Thus, the parties’ expectations are well settled.

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

For this IPR, Google tells the Board that no construction is necessary. Pet., 4. Yet in the California Litigation, Google raises nearly *twenty* separate indefiniteness grounds for the ’001 Patent claims and contends that almost *every* claim limitation of independent claim 12 is indefinite. Ex.2107, 222-27. Despite this, Google offers no explanation for why it adopts different claim construction positions in this IPR for *each* limitation Google contends is allegedly indefinite. See Pet., 5-6.

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

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

Regardless of whether this IPR is instituted, at least the related ’258 and ’953 Sync Patents will proceed in the California Litigation. The California Court will therefore be resolving overlapping validity issues and applying overlapping claim constructions across the Sync Patents. As Google itself acknowledges, at least four claim terms are recited in all four Sync Patents asserted in the California Litigation. See Pet., 4-5; Ex.2113, 3-5. The California Court is best positioned to apply the

constructions of those common terms consistently across all four Sync Patents. Instituting this IPR would only inject unnecessary risk of inconsistent outcomes and would complicate—rather than streamline—the resolution of the parties’ dispute.

4. Board’s Prior Decision on Sibling Patent Based on Common Secondary Considerations Evidence Favors Denial

In a prior *ex parte* reexamination proceeding, the Board upheld the validity of U.S. Patent No. 9,213,357—a sibling to the ’001 Patent—over § 103(a) rejections. Ex.2116, 5-7. The Board specifically found Sonos’s secondary considerations evidence regarding its synchronization technology persuasive over the prior art. *Id.* If this IPR proceeds, Sonos will present common secondary considerations evidence here. Revisiting that evidence would waste resources, and any departure from the Board’s prior findings would risk inconsistent outcomes. Denial is therefore warranted.

5. Institution Would Waste Board Resources Because Sonos Will Antedate Kawamura Vital to Both Grounds 1-2

The Director should also deny institution because Sonos will swear behind Kawamura—necessary for all Grounds—thereby crippling the entire Petition. Kawamura’s effective prior art date is *less than one month* before the ’001 Patent’s priority date of April 1, 2004. As a pre-AIA patent, the ’001 Patent is entitled to its invention date. If instituted, Sonos will antedate Kawamura by demonstrating an actual reduction to practice of the ’001 Patent as evidenced by extensive source code, among other evidence. Because Google’s Petition is built on a reference that will

not qualify as prior art, there is no reason for the Board to immerse itself in avoidable, fact-intensive priority disputes.

6. Overlapping Expert Disputes Across Multiple Patents and Google's Overreliance on Expert Testimony Favors Denial

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

First, regardless of the outcome in this IPR against the '001 Patent, experts from both parties will testify in the California Litigation concerning at least the related '258 and '953 Sync Patents. This makes the California Court far better positioned to resolve expert disputes (e.g., validity disputes) that span across the Sync Patents. In contrast, instituting this IPR would split related expert testimony across two different forums and heighten the risk of inconsistent outcomes.

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

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

relied-on references and to manufacture hindsight-based motivations to combine. *See generally*, Pet., 19, 21-23, 30-31, 36, 39-43, 47-52, 65, 71-73.

III. DISCRETIONARY DENIAL IS WARRANTED UNDER § 325(D)

Contrary to Google claiming “[n]one of the references used in this Petition [*sic*] cited during prosecution of the ’001 patent” (Pet., 73-74), Janevski and Kawamura were cited, and Google failed to show the Office materially erred.

A. *Advanced Bionics*, Part 1

The Petition rests on two grounds, both premised on the same primary reference—Janevski. Pet., 1. Janevski was considered during prosecution of the ’001 Patent. *See* Ex.1001, 5 (listing Janevski on face of ’001 Patent). Likewise, Kawamura, included in both grounds, was also considered. *Id.* (listing Kawamura).

Although the remaining secondary references—Okamura and Kono—were not expressly considered during prosecution, Google offers no explanation for why these secondary references add anything that was not already before the Office, and Google relies on Kono solely for dependent claims 3, 14, and 25. Pet., 15, 68. Thus, the first part of the *Advanced Bionics* framework is satisfied. *Ecto World, LLC v. Rai Strategic Holdings, Inc.*, IPR2024-01280, 2025 WL 1441509, at *2 (PTAB May 19, 2025); *exocad GmbH v. 3Shape A/S*, IPR2018-00785, 2018 WL 5266913, at *8 (PTAB Oct. 3, 2018) (denying review where petitioner failed to “explain why the additional references provide subject matter that was not considered by the Examiner during prosecution.”); *Apple Inc. v. Uniloc Usa, Inc.*, IPR2017-00224, 2017 WL

2304431, at *4 (PTAB May 25, 2017) (denying review where additional references were cited only for certain dependent claims).

B. *Advanced Bionics, Part 2*

Because the first part of the *Advanced Bionics* framework is satisfied, Google must demonstrate that the Examiner materially erred. *Ecto World*, 2025 WL 1441509, at *2. But “[i]f reasonable minds can disagree regarding the [Examiner’s] purported treatment of the art or arguments, it cannot be said that the Office erred in a manner material to patentability.” *Advanced Bionics, LLC v. Med-El Elektromedizinische Geräte GMBH*, IPR2019-01469, 2020 WL 740292, at *3 (PTAB Feb. 13, 2020). Because Google’s *Advanced Bionics* analysis is based on the incorrect premise that “[n]one of the references used in this Petition [*sic*] cited during prosecution of the ’001 patent” (Pet., 73-74), Google has failed to meet its burden to show the Office materially erred.

IV. CONCLUSION

Given the compelling circumstances surrounding the challenged ’001 Patent, Sonos respectfully requests denial under Sections 314(a) and 325(d).

Respectfully submitted,

LEE, SULLIVAN, SHEA & SMITH LLP

Dated: December 19, 2025

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CERTIFICATE OF SERVICE

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

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