

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SONOS, INC.,
Patent Owner.

Case No. IPR2026-00021
U.S. Patent No. 7,571,014

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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	DISCRETIONARY DENIAL IS WARRANTED UNDER § 314(A)	3
A.	Each <i>Fintiv</i> Factor Favors Discretionary Denial	3
1.	Factor 1 Favors Denial	3
2.	Factor 2 Favors Denial	4
3.	Factor 3 Favors Denial	6
4.	Factor 4 Favors Denial	8
5.	Factor 5 Favors Denial	11
6.	Factor 6 Favors Denial	11
B.	Five Other Considerations Also Favor Discretionary Denial.....	11
1.	Settled Expectations of the Parties Favor Denial	11
2.	Multiple Confirmations of Validity Warrants Denial	13
3.	Google’s Inconsistent Claim Construction Positions Across Different Forums Warrants Denial.....	13
4.	The California Court Is Best Positioned to Address Overlapping Issues Across Sonos’s Group Volume Patents.....	14
5.	Overlapping Expert Disputes Across Sonos’s Group Volume Patents and Google’s Overreliance on Expert Testimony Favors Denial	14
III.	CONCLUSION	16

TABLE OF AUTHORITIES

Cases

<i>Amgen Inc v Bristol-Myers Squibb Co</i> , IPR2025-00601, Paper 9 (July 24, 2025).....	12
<i>Entropic Commc'ns, LLC v. DISH Network Corp.</i> , Case No. 23-CV-01043, 2025 WL 519639 (C.D. Cal. Feb. 13, 2025)	4
<i>Fontem Ventures, B.V. v. Njoy, Inc.</i> , 14-CV-1645, 2015 WL 14036677 (C.D. Cal. June 29, 2015).....	4
<i>Inneos LLC v. Opticis Co.</i> , Case No. 23-CV-185, 2023 WL 6787821 (C.D. Cal. Sept. 13, 2023).....	4
<i>Kiss Nail Prods., Inc. v. Lashify, Inc.</i> , PGR2021-00046, 2021 WL 3504569 (PTAB Aug. 9, 2021).....	6
<i>Murata Mfg. Co., Ltd. v. Georgia Tech. Research Corp.</i> , IPR2025-00383, Paper 14 (July 29, 2025).....	12
<i>Realtime Adaptive Streaming LLC v. Google LLC</i> , Case No. 18-CV-3629, 2019 WL 13039329 (C.D. Cal. May 6, 2019).....	4
<i>Sk Innovation Co., Ltd. v. Lg Chem, Ltd.</i> , IPR2020-00982, 2020 WL 7029006 (PTAB Nov. 30, 2020)	6
<i>Sotera Wireless, Inc. v. Masimo Corporation</i> , IPR2020-01019 (PTAB Dec. 1, 2020)	10, 11

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 014-05 (Geiwitz) 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 014-06 (Allen) 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 Group Volume Patents
2115	<i>Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same</i> , No. 337-TA-1191, Order No. 35, Initial Determination Granting Sonos’s Unopposed Motion for Summary Determination, Public Version (Feb. 4, 2021)
2116	<i>Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same</i> , No. 337-TA-1191, Sonos’s Summary Determination Motion, Public Version (Dec. 4, 2020)
2117	<i>Sonos, Inc. v. D&M Holdings Inc.</i> , No. 1:14-cv-1330, D.I. 528, Jury Verdict (D. Del. Dec. 15, 2017)
2118	<i>Sonos, Inc. v. Google LLC</i> , 20-CV-00169, D.I. 128, Order Setting Pretrial Deadlines (C.D. Cal. Aug. 26, 2025)

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 ("IPR") petition against U.S. Patent No. 7,571,014 ("'014 Patent"). The '014 Patent is generally directed to group volume technology for controlling the volume of a plurality of audio players that have been grouped together for synchronized playback. The '014 Patent is currently being litigated in *Sonos, Inc. v. Google LLC*, 20-cv-00169 (C.D. Cal.) ("California Litigation"). This IPR is a clear candidate for discretionary denial.

First, the parties' expectations are long settled. The '014 Patent issued over sixteen years ago, and Google has been aware of the '014 Patent and Sonos's substantial investment in the group volume technology space since at least October 2016. 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, the validity of the '014 Patent has already been confirmed twice: (1) in an *ex parte* reexamination before the Office, and (2) by a Delaware jury in *Sonos, Inc. v. D&M Holdings Inc.*, No. 1:14-cv-1330 (D. Del.) ("Delaware Litigation"). Ex.1001, 27; Ex.2117. Thus, instituting this IPR would needlessly invite inconsistent outcomes.

Third, Google’s claim construction positions in the California Litigation are inconsistent with its claim construction positions here. In the California Litigation, Google challenges twelve different claim limitations of the ’014 Patent as indefinite. Yet in this IPR, Google insists on applying the plain and ordinary meaning, while expressly refusing to waive its § 112 positions in the California Litigation. Google’s opportunistic conduct of advancing inconsistent constructions across different forums alone warrants denial.

Fourth, the California Court is best positioned to address overlapping claim construction and validity issues shared across both of the group volume patents Sonos has asserted against Google in the California Litigation. The California Litigation involves nine other Sonos patents, including U.S. Patent No. 8,588,949 (“’949 Patent”)—which is related to the challenged ’014 Patent and also directed to group volume technology.¹ But Google selectively targets only the ’014 Patent in an IPR because Google is statutorily barred from filing an IPR against the ’949 Patent, which Sonos successfully asserted against Google in ITC Investigation No. 337-TA-1191 (“ITC Investigation”) initiated almost six years ago. Thus, even if this IPR is instituted against the ’014 Patent, the related ’949 Patent will proceed in the California Litigation, where the California Court will necessarily address claim construction and validity issues common to both patents. The Board should

¹ The California Litigation also involves two Google patents.

therefore deny this IPR and allow the California Court to efficiently and consistently address these overlapping issues. Granting institution would create duplicative proceedings, invite inconsistent outcomes, and waste the Board's resources.

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 '014 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.

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 viable basis to stay the California Litigation based on this IPR. The California Litigation involves not only the '014 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 set², 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 in order to accommodate dispositive motion rulings and a pretrial conference, there remains a substantial likelihood that trial could 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 ’949 Patent, as Google relies on the *same* alleged prior art against the ’014 and ’949 Patents in the California Litigation. *Id.*, 13-30; *see also* Ex.2107, 257 (Google asserting that the ’014 and ’949 Patents “do not claim distinctive subject matter”).

² The California Court’s standard practice is to set trial date at the final pretrial conference, which is typically held weeks before trial. *See* Ex.2118, 2.

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.

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 five 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 '949 Patent) 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 a violation of 19 U.S.C. § 1337 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 '014 Patent *alone* include almost two hundred prior art references (with at least three charted system art), § 101 and § 102(f) grounds, an obviousness-type double patenting ground, and twenty-

three different § 112 grounds, while leaving the door open to add more grounds during expert discovery. Ex.2107, 22-30, 129-36, 198-99, 216-17, 231-33, 251, 257.

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 thereafter. *See* Ex.2103.

At bottom, instituting review here 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 the California Litigation, 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 16 and dependent claims 19, 23, and 42 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 claim 38 and dependent claim 43 (already asserted in the California Litigation) are substantively the same as independent claim 16 and dependent claim 23, respectively. Pet., 93. In short, only dependent claims 19 and

42 are unique to this IPR—and Google acknowledges that these claims are substantively the same. *Id.* Both of these claims also depend on independent claims already at issue in the California Litigation. The Petition thus adds little beyond what is already being litigated. The Board has consistently found that Factor 4 favors denial in cases with far less overlap. *See, e.g., Satco Prods., Inc. v. Regents of the Univ. of California*, IPR2021-00661, 2021 WL 5194118, at *10 (PTAB Nov. 8, 2021) (collecting cases where the Board found sufficient overlap even when the parallel proceeding involved most—but not all—challenged claims, and in some instances “fewer than half”).

As to the grounds and arguments, Google’s invalidity contentions in the California Litigation for the ’014 Patent, substantially overlap with those in this IPR. Specifically, Google’s California invalidity contentions rely on the same two primary references relied on by Google in its Petition here—namely, Geiwitz (Grounds 1-2) and Allen (Grounds 3-4). Ex.2110 (charting Geiwitz); Ex.2111 (charting Allen).

Amid this substantial overlap, Google offered a *Sotera* stipulation in its Petition. *See* Pet., 95. 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 both the ’014 and ’949 Patents, including Geiwitz and Allen. *See*

Ex.2107, 14-30. As a result, despite the *Sotera* stipulation, Google remains free to pursue the same invalidity grounds in the California Litigation against the related '949 Patent that it raises or could have raised here against the '014 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 both the '014 and '949 Patents include theories based on three systems serving as primary references. See Ex.2107, 14, 22. 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 by the fact that the validity of the ’014 Patent has already been confirmed—twice (*supra* §II.B.2). Likewise, the validity of the related ’949 Patent has also been confirmed twice—once by the same Delaware jury that found the ’014 Patent valid, and again in the ITC Investigation.

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. Five Other Considerations Also Favor Discretionary Denial

1. Settled Expectations of the Parties Favor Denial

The parties’ expectations are well settled for three main reasons.

First, the ’014 Patent has been in force for more than sixteen years, and an *ex parte* reexamination certificate was issued more than eight years ago. Ex.1001; *see*,

e.g., Samsung Electronics Co., Ltd. v. Headwater Research LLC, IPR2025-00932, Paper 8, *2 (Sept. 26, 2025) (finding settled expectations where patents were in force for approximately seven years).

Second, 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 group volume technology space for nearly a decade. Specifically, in October 2016, Sonos put Google on notice of dozens of patents, including the ’014 Patent. Ex. 2112, 3.

Third, settled expectations arise from Sonos’s substantial investment in the patented group volume technology. *See Amgen Inc v Bristol-Myers Squibb Co*, IPR2025-00601, Paper 9, at *2 (July 24, 2025). The ITC found on summary determination that Sonos’s R&D efforts were extensive and patent-specific, including with respect to the related ’949 Patent—which Google contends is not patentably distinct from the ’014 Patent. *See Ex.2107, 257*. This determination was supported by Sonos’s 45-page motion detailing years of R&D labor, equipment, and facilities devoted to developing its “controllers,” including its group volume technology. *See, e.g., Ex.2116, 13, 25, 27, 49, 52 15* (showing Sonos’s substantial R&D expenditures from 2015-2019 in millions). Google did not even attempt to

oppose Sonos's motion. Ex.2115, 1.

2. Multiple Confirmations of Validity Warrants Denial

The '014 Patent's validity has been upheld not once, but *twice*. First, the Office confirmed the patentability of challenged claims 16 and 25, along with claims 1, 18, 21, and 28, in an *ex parte* reexamination. Ex.1001, 27. Second, a Delaware jury also found challenged claim 25 valid at trial in the Delaware Litigation. Ex.2117, 4. Instituting this IPR under these circumstances would needlessly risk inconsistent outcomes and squander the Board's resources.

3. Google's Inconsistent Claim Construction Positions Across Different Forums Warrants Denial

For this IPR, Google insists on applying the plain and ordinary meaning. Pet., 6. Yet in the California Litigation, Google raises twelve separate indefiniteness grounds for the '014 Patent claims. Ex.2107, 198-99. Despite this, Google offers no explanation for why it adopts different claim construction positions in this IPR. Worse, the Petition expressly declares that Google "does not waive §112 arguments raised in litigation." Pet., n.3.

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).

4. The California Court Is Best Positioned to Address Overlapping Issues Across Sonos’s Group Volume Patents

Regardless of whether this IPR is instituted against the ’014 Patent, Sonos’s related ’949 Patent will proceed in the California Litigation, where the California Court will address overlapping claim construction and validity issues shared across the ’014 and ’949 Patents. Indeed, these related patents are both directed to group volume technology and share common claim terms. *See* Pet., 5-6; Ex.2113, 3-5; Ex.2114 (side-by-side comparison of representative ’014 and ’949 Patent claims); *see also* Ex.2107, 257 (Google asserting that the ’014 and ’949 Patents “do not claim distinctive subject matter”). And Google relies on the *same* alleged prior art against these two patents in the California Litigation. *Id.*, 13-30. Thus, the California Court is best positioned to efficiently and consistently address these overlapping claim construction and validity issues. Instituting this IPR against the ’014 Patent while the California Court addresses the ’949 Patent would only inject unnecessary risk of inconsistent outcomes and would complicate—rather than streamline—the resolution of the parties’ dispute.

5. Overlapping Expert Disputes Across Sonos’s Group Volume 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 ’014 Patent, experts

from both parties will testify in the California Litigation concerning at least the related '949 Patent, which, as explained above, is also directed to group volume technology and shares common claim terms and validity issues with the '014 Patent. This makes the California Court far better positioned to resolve expert disputes that span across the '014 and '949 Patents. In contrast, instituting this IPR would split related expert testimony across two different forums, involve at least one expert—including Dr. Anderson—who may not participate in the California Litigation, 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 150 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., 11, 15, 20-25, 27-33, 35-39, 43, 46, 49, 51-53, 55. 59-68, 71-75, 77-83, 88-92.

III. CONCLUSION

Given the compelling circumstances surrounding the challenged '014 Patent, Sonos respectfully requests denial under Section 314(a).

Respectfully submitted,

LEE, SULLIVAN, SHEA & SMITH LLP

Dated: December 19, 2025

/John Dan Smith III/

John Dan Smith III, Reg. No. 66,743

LEE SULLIVAN SHEA & SMITH LLP

656 West Randolph Street, Suite 5W

Chicago, IL 60661

(312) 754-9602

smith@ls3ip.com

Counsel for Patent Owner Sonos, Inc.

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:

Erika H. Arner,
erika.arner@finnegan.com

Kara Specht
kara.specht@finnegan.com

Cory C. Bell
cory.bell@finnegan.com

Safiya Aguilar
safiya.aguilar@finnegan.com

William C. Neer
william.neer@finnegan.com

Deanna Smiley
deanna.smiley@finnegan.com

/John Dan Smith III/

John Dan Smith III, Reg. No. 66,743
LEE SULLIVAN SHEA & SMITH LLP
656 West Randolph Street, Suite 5W
Chicago, IL 60661
(312) 754-9602
smith@ls3ip.com