

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,

Petitioner

v.

SONOS, INC.,

Patent Owner.

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

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

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## **I. Introduction**

The examination of the '014 patent runs contrary to the Office's goals of issuing strong patents, upholding innovation, and preventing gamesmanship in all facets. The Office repeatedly made material errors throughout the examination of the '014 patent. As just one example, during reexamination of the '014 patent, the Examiner's office action found that Isely taught the limitation highlighted in the reasons for allowance but only issued a rejection on different art. Sonos and its Expert did not explain why the Isely finding was wrong and instead focused only on the other prior art in the rejection. The Examiner then allowed the claims based on the Expert's explanation of why the other prior art did not disclose the allowable subject matter. It was a material error for the Examiner to not issue a new rejection based on Isely despite finding that it disclosed the claimed subject matter. The Petition provides the Office with an opportunity to correct this and other errors, presenting stronger art, such as Geiwitz that should have been, but was not, made of record, and arguments than those that were before the Office.

Other discretionary considerations further support institution. 1) Sonos sat on the '014 patent while asserting other patents against Google, providing Google with settled expectations of nonassertion. 2) Sonos's Request omits material facts about the overlap of claim constructions and invalidity issues. There is no trial date in the parallel litigation; the evidence suggests that any trial will occur after the Board's

deadline to issue a final written decision. Indeed, Sonos has made the parallel district court litigation increasingly more complex by only waiting to assert the '014 patent and others until five years into the litigation. Accordingly, in addition to the meritorious challenge presented in the Petition, Google requests that the Director institute the Petition because discretionary considerations favor Google.<sup>1</sup>

## **II. The '014 Patent Only Exists Because of Multiple Material Errors During Examination**

The examination of the '014 patent contains many errors that resulted in the allowance of obvious claims. Petitioner focuses on two sets of errors—those made during original examination, and those made during a reexamination Google was not a party to. In both cases, the Examiner's errors resulted in allowing the challenged claims by finding that the prior art did not teach “adjusting a volume meter represented by an averaged value of audio volumes of the players in the group” (the “averaged volume” limitation). EX1002, 111-12; EX1019, 18-19. In original

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<sup>1</sup> 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.

prosecution, those errors include (i) overlooking prior art in the Examiner's search results that disclosed this claim element and (ii) importing an unrecited limitation into the Examiner's interpretation of the claim. In reexamination, those errors include (i) overlooking arguments made in the request that Sonos and its expert never addressed and (ii) overlooking its own factual findings that render the claims obvious under Federal Circuit precedent. The repeated material errors throughout the examination of the '014 patent warrant the Office's attention and outweigh other discretionary considerations because doing so aligns with the purpose of IPRs, removing improperly granted patents from the system. *See, e.g., Taiwan Semiconductor Mfg. Co. v. Marlin Semiconductor Ltd.*, IPR2025-00847, Paper 11, 3-4 (Director Sept. 3, 2025).

**A. Material Errors During Reexamination of the '014 Patent Warrant Institution**

The Office's reexamination of the claimed "averaged volume" limitation contains material errors because the Office overlooked arguments and failed to issue rejections similar to those presented in the Petition, despite finding that the prior art teaches the "averaged volume" limitation. The requester of reexamination noted that Isely's disclosures "encompass[] the common use case where all players in a zone and the reference audio device all start at the same average zero volume level, and where the control is used to increase the average volume level of all players."

EX1019, 1446-50, 1530-35. This argument is similar to the Petition, which asserts that Geiwitz describes that “when all audio zones have the same volumes at 25% or 100%, the volume meter would be represented by the averaged value of all audio zones at 25% or 100%, respectively.” Paper 1 (“Pet.”), 29-31.<sup>2</sup>

The Examiner determined that Isely discloses the “averaged volume” limitation but failed to issue a rejection based on the request’s arguments. For example, the Examiner stated that

[p]ortions of Isely were not cited or discussed on the record during prior prosecution, and would be considered important to a reasonable examiner. The relevant portions of Isely disclose the adjustment of an average volume level of multiple devices and Isely is not limited to the portions that only disclose the display of “volume.” Isely disclosed control of “characteristics,” where a characteristic can include a volume that is adjusted as part of a group from a minimum setting at startup, and the adjustment results in a

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<sup>2</sup> The different starting values between Google’s argument and the requester’s argument are immaterial because the arguments are both based on the principle that when all players are set to the same level, the displayed group volume represents the average value of volume levels of the players.

synchronous change in the average volume level of the players.

EX1019, 1106. The Examiner later noted how these limitations are found in at least paragraphs 15, 20, and 62 of Isely (*id.*, 1177-78, 1180), flagged these teachings in her discussion of claim 1's preamble (*id.*, 1180-84), and cited the requester's claim chart for the "averaged volume" limitation (*id.*, 1193-95). In response to the Examiner's findings, Sonos responded that "the Office Action does not cite Isley for teaching 'adjusting a volume meter represented by an averaged value of audio volumes of the players in the group' as in claims 1 and 25 . . . ." *Id.*, 891-93. And then the Examiner subsequently reallocated the claims without mentioning Isely's teachings again. *Id.*, 12-13, 16-19.

The Office's failure to make a specific rejection based on the requester's argument that Isely discloses the "averaged volume" limitation was a material error because the Examiner overlooked their own finding that Isely teaches this limitation. Such a mistake amounts to a material error because the "averaged volume" limitation was the reason for allowance, meaning that the Examiner's mistake impacted the patentability of the challenged claims. The mistake is particularly concerning because Sonos touted the Examiner's lack of a rejection based on Isely's teachings (*id.*, 891-92 ("the Office Action does not cite [Isely] for teaching 'adjusting a volume meter represented by an averaged value...'")), and the Examiner did not correct this

mistake. Instead, the Examiner was distracted by expert testimony that did not reference Isely's teachings and was limited to the UPnP and NexSys references that were not needed to address the "averaged volume" limitation. *Id.*, 891-96; *see also id.*, 835-36. This mistake creates contradictions within the file history, preventing the public from understanding why the previously considered arguments were rejected. Because the Petition presents a similar argument to the requester's Isely-based argument, it is an appropriate use of the Office's resources to institute review and evaluate the "averaged volume" arguments. *See Carbyne, Inc. v. Trittech Software Systems*, IPR2025-00959, Paper 11, 2 (Director Oct. 3, 2025); *Taiwan Semiconductor*, IPR2025-00847, Paper 11, 3-4.

The failure to consider these arguments further constitutes a material error because the Office did not follow Federal Circuit precedent. As set forth in the Petition, "prior art that sometimes meet[s] the claim elements [is] sufficient to show obviousness." Pet. 29-30 (quoting *Unwired Planet, LLC v. Google Inc.*, 841 F.3d 995, 1002 (Fed. Cir. 2016)). The Examiner overlooked the requester's similar legal arguments despite finding that Isely teaches the "averaged volume" limitation. Isely "encompass[] the common use case where all players in a zone and the reference audio device all start at the same average zero volume level." EX1019, 1446-50, 1530-35. While there may be instances where the players have different volumes, there are undoubtedly cases where the players have the same volume, and thus, their

group volume meter represents an average. Accordingly, the mistake is further a legal error that warrants the Board's attention and resources because the Office has a vested interest in ensuring that the examination standards align with the law.

**B. Material Errors During Examination of the '014 Patent Warrant Institution**

The Office's initial examination of the claimed "averaged volume" limitation contains material errors because the Examiner incorporated a "gain" limitation into the claims that is unrecited in the "averaged volume" limitation and overlooked prior art, such as Geiwitz's U.S. Publication, that would have been included in the Examiner's eleventh search. EX1002, 111-12, 235. These mistakes constitute material error because the Examiner misunderstood the scope of the claims, impacting his evaluation of the prior art and applying an improperly narrower claim construction standard during examination, and failed to issue rejections based on the best available prior art. *Id.*

**First**, the Notice of Allowance reveals that the Examiner improperly incorporated unrecited limitations into the independent claims. For example, the Examiner concluded that "the prior art does not teach or reasonably suggest an average volume level to represent volumes of the players in the group, wherein an average volume level of a player is analogous to the volume gain of a player." *Id.*, 111-12. Volume is the loudness of an audio signal output from a player or speaker,

whereas gain is the level of an audio signal input into a device. However, the claims do not require that the average volume level be “volume gain.” The specification also does not provide any reason to narrow “volume” to “volume gain” because “gain” or the concept of “gain” is not mentioned once. Because the Examiner’s understanding of the term “average volume level” was restricted to “volume gain,” the Examiner improperly examined the claims under a narrow interpretation. This mistake constitutes a material error because the Examiner failed to examine the actual claims and/or apply the broadest reasonable interpretation of the claims. *See, e.g., SRAM Corp. v. AD-II Eng’g, Inc.*, 465 F.3d 1351, 1359 (Fed. Cir. 2006) (“While the Patent and Trademark Office (the ‘PTO’) generally gives claims their broadest reasonable interpretation consistent with the specification, paradoxically in this case, the PTO construed the claim narrowly, rather than broadly, by reading in the same limitation as did the district court. In doing so, the PTO erred for the same reasons as did the district court. The Patent Examiner’s actions thus provide no support for SRAM’s argument.” (citations omitted)). Instituting review of the challenged claims warrants the Office’s resources to ensure that the proper claim scope is used to evaluate the prior art. A panel of three judges evaluating the merits would increase the likelihood that a proper determination is made.

**Second**, the Examiner overlooked and failed to issue rejections based on some of the best prior art results in his searches. In particular, the Examiner’s eleventh

search (“(menu) near20 (guest slave player zone multicast) near10 (join\$4 add\$7 select\$5) near 20 (audio music song)” (EX1002, 235)) captured the U.S. Publication of Geiwitz—the primary reference used in Grounds 1 and 2 and the secondary reference used in Grounds 3 and 4. Pet. 1-2. The Examiner’s search can be replicated on the USPTO’s Patent Public Search by conducting the same search and limiting the results to those published on the date the Examiner conducted the search (e.g., by adding “(@PD<=“20080622”)”). When this search is replicated for U.S. patent documents only, there are 321 results—three fewer than the Examiner’s search that contained results from other jurisdictions. This search includes U.S. Publication No. 2005/0090915 (“the ’915 publication”). The ’915 publication is the national stage application of Geiwitz (PCT/US02/33987, International Publication No. WO 03/040839 (“Geiwitz-PCT”)), and is prior art to the ’014 patent under at least pre-AIA 35 U.S.C. § 102(e). *See* EX1038, cover, (30).

The ’915 publication is nearly identical to the Geiwitz-PCT, even incorporating the Geiwitz-Provisional (U.S. Provisional Patent Application No. 60/339,511) by reference in the same manner. *Compare* EX1005, 1:8-10, 19:15-17, 35:7-10, *with* EX1038, ¶¶1, 127, 195. As discussed in the Petition, Geiwitz is relevant to the challenged claims because it relates to audio output control and user interfaces for audio control. Pet. 39. Geiwitz further discloses and renders obvious the “averaged volume” limitation that the Examiner found to be the point of

patentability. EX1002, 111-12; *see* Pet. 26-31 (citing EX1006, 62-67, 582-83, Figs. 103, 106). Consequently, while Geiwitz was not made of record, Geiwitz's teachings should have been within the art that the Examiner reviewed.

Overlooking and failing to issue a rejection based on Geiwitz was a material error because the Examiner failed to consider how Geiwitz discloses and renders obvious the "averaged volume" limitation that was the purported point of patentability. EX1002, 111-12; *see* Pet. 26-31 (citing EX1006, 62-67, 582-83, Figs. 103, 106). It is an appropriate use of the Board's resources to evaluate art that the Examiner should have considered.

### **III. Evidence Contradicts Sonos's Claims About Inconsistent Constructions**

No terms of the '014 patent will be construed by the district court. EX1030; EX1031. Sonos knew and agreed to this over a month before filing its Request. EX1030, 1 n.1; EX1037. Google dropped all but one of its indefiniteness defenses against the '014 patent before filing this Petition. EX1037. Sonos itself mooted Google's indefiniteness positions by dropping claim 42 from the litigation before filing its Request. EX1030, 1. Sonos knew that there would be no overlapping claim

construction issues between the '014 and '949 patents.<sup>3</sup> *Id.* Sonos's claims that Google advances inconsistent claim constructions or indefiniteness positions are disingenuous and contradict the knowledge and evidence Sonos had before filing its Request. Because there is no risk of overlapping or competing claim constructions, the Director should institute the Petition.

#### **IV. Google's Settled Expectations Outweigh Any Interests Sonos Has in the '014 Patent**

To the extent either party is entitled to settled expectations, the half decade of ongoing litigation with Sonos where the '014 patent was not originally asserted entitles Google to settled expectations that outweigh any claims that Sonos is entitled to settled expectations.<sup>4</sup> The saga of litigations between Sonos and Google started in

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<sup>3</sup> Sonos's comparison between claim 25 of the '014 patent and claim 1 of the '949 patent omits most of the claim language of the '014 patent—a tactic that seeks to mislead the Board. Paper 7 (“Req.”), 14 (citing EX2114).

<sup>4</sup> 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).

January 2020, where Sonos filed both an ITC action and a Central District of California (“CDCA”) action asserting five patents against Google—neither of which asserted the ’014 patent. While the ITC case was ongoing, the CDCA case was stayed, coming alive again between November and December 2024. During the interim, Sonos filed another complaint against Google in a separate litigation—asserting different patents, but still not the ’014 patent—in September 2020 in the Western District of Texas (asserting five patents, later transferred to the Northern District of California, EX1029; EX1036). Sonos waited almost five years to assert the ’014 patent. Thus, to the extent either party has claims to settled expectations, Google’s expectation of nonassertion outweighs any of Sonos’s positions.

Google’s expectation of not having to defend against the ’014 patent is further supported by Sonos’s egregious delay, considering Sonos’s allegations that it put Google on notice of infringement of the ’014 patent back in October 2016. Req. 1, 7, 12; EX2112, 3. When Sonos amended its complaint to assert the ’014 patent in October 2024, it had sat on the ’014 patent for eight years after purportedly notifying Google of its alleged infringement. Such facts weigh in favor of Google and counsel against finding that Sonos is entitled to any settled expectations.

Sonos further misrepresents its R&D efforts. Req. 12. First, it cannot be true that Sonos made substantial investments in volume technology because its purported inventions were all known in the art. *See generally* Pet. Second, Sonos points to an

ITC summary determination that never mentions volume technology (EX2116, 13, 25, 27); as such, Sonos lacks support for these claims. Finally, the '014 patent is one of over 100 applications that stem from a single provisional. This single provisional is the basis for the rest of Sonos's applications, whether they are continuations or CIPs. It cannot be said that substantial investment was made in volume technology when Sonos's 100-plus applications outnumber the pages in the provisional.

The material errors addressed above outweigh any interests Sonos has in the '014 patent. 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, 3 (Director June 12, 2025); *Eunsung Glob. Corp. v. HydraFacial LLC*, IPR2025-00445, Paper 14, 2-3 (Director July 10, 2025); *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00152, Paper 11, 2-3 (Director June 12, 2025).

## **V. *Fintiv* Favors Institution**

### **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 '014 patent and four other patents. Despite Sonos's claims otherwise (Req. 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 '014 patent. EX1034.

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. *Id.* 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 for 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 CDCA "routinely den[y] stays under similar circumstances," but the cases Sonos relies on are authored by other judges and not Judge Kronstadt. Req. 3-4. As such, they do not accurately represent the litigation as it exists. Moreover, including this proceeding, Google has challenged all five of Sonos's newly asserted patents involved in the litigation. *See* IPR2025-01213 (Director Review request pending); IPR2025-01590; IPR2026-00020; IPR2026-00131. Therefore, when looking at the litigation holistically and Judge Kronstadt's statistics, factor 1 favors institution.

**B. Factor 2 Favors Institution**

No trial date has been set. And two months after this IPR was filed, Sonos agreed to push the district court schedule back by over two months. EX2103, 2-3. Sonos presents a conveniently sliced view of generic CDCA's time-to-trial statistics. Req. 4-5. But a fuller view reveals that trial is more likely than not going to occur

after the Board issues its FWD because 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. *Id.*; EX2104. But Sonos's own exhibit reveals that the average time to trial is 28 months, putting the trial date in April 2027—in line with the projected FWD date of April 21, 2027. *See* EX2104. Even applying medians instead of averages, the median time-to-trial date for Judge Kronstadt's *patent cases* is 1,292 days, which is over 41 months. EX1035, 2. This would put trial around May 2028—a year after a FWD.

The district court's standard practice may be “to set [the] trial date at the final pretrial conference, which is typically held weeks before trial,” but that does not change the outcome. Req. 5 n.2; 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.

The complexity of the parallel litigation outweighs any potential for an earlier trial date. *See Tesla, Inc. v. United States of Am. as represented by the Sec'y of the Navy*, IPR2025-00341, Paper 12, 2-3 (Director June 13, 2025). Sonos admitted that the parallel litigation is complex, stating: “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.*” Req. 7. The litigation involves six distinct patent families, creating a labyrinth the Board’s review would simplify.

**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 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. Since Sonos’s assertion of the ’014 patent and four other patents, minimal investment has been made in the litigation as evidenced by the ever-changing district court schedule. EX2103, 2-3.

The district court schedule is far from fast moving. And the parties recently agreed to postpone most of the deadlines by over two months. *Id.* Sonos’s final infringement contentions are not due until after the institution decision deadline for this case, and Google’s final invalidity contentions will not be filed for a month after that. *Id.*, 2. Institution of this IPR would substantially minimize the investment in the case, as Google’s stipulation would refine positions that Google could bring.

Sonos also overstates the parties’ agreement to reuse discovery from the ITC, ignoring that the ITC did not litigate the ’014 patent. Req. 7. The parties are seeking

additional discovery—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.” EX2106, 11. Moreover, even for the five ITC patents, the parties submitted new invalidity and noninfringement contentions, will have a new *Markman* hearing, and will then submit new expert reports. All these issues must be dealt with for Sonos’s five new patents (including the ’014 patent) and Google’s two patents, requiring the parties to continue to invest substantial resources on litigation.

**D. Factor 4 Favors Institution**

Sonos oversells the overlap of claims, grounds, and arguments between the Petition and the district court litigation. Req. 8-11. The Petition challenges three more claims than Sonos asserts in the district court litigation. EX2107, 6; Pet. 1-2. Such challenges are worth the Office’s resources because they advance this administration’s goals of ensuring 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 for the ’014 patent. If this proceeding is instituted and not terminated, Google’s stipulation would effectively accelerate the effect of 35 U.S.C. § 315(e) statutory estoppel, limiting Google’s invalidity defenses in district court. Moreover, Sonos’s claims that Google’s stipulation is meaningless because of overlap between prior art asserted against the

'014 and '949 patents is immaterial because these are separate patents, with separate issues, and nothing requires that they be litigated identically.

Sonos conveniently omits how Google has already simplified its defenses. For example, Google does not assert any indefiniteness positions against the '014 patent. EX1030; EX1031. 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.,* EX1032 (*Sound View Innovations, LLC v. Hulu, LLC*, No. LACV17-04146 JAK); EX1033 (*LG Elecs. Inc. v. Hisense Elecs. Mfg. Co. of Am.*, No. 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 (PTAB June 6, 2025).

**F. Factor 6 Favors Institution**

The Petition presents strong challenges that detail how claims 25, 32, 35, 38, 42, and 43 are unpatentable. The material errors discussed above demonstrate how the challenged claims should never have been granted in the first place. Indeed, the

Director has found that such material errors outweigh other factors. *See, e.g., Microsoft*, IPR2025-00318, Paper 9, 3; *Taiwan Semiconductor*, IPR2025-00847, Paper 11, 3-4. That a jury, biased by the presumption of validity in district court cases and influenced by a different evidentiary standard, found one claim of the '014 patent valid (Req. 13) does not change these material errors. The Office is in the best position to understand the technology and cure the material errors.

Sonos's arguments related to experts rely on speculation and misrepresent the Petition's use of expert testimony. *Id.*, 14-15. First, Sonos suggests that the district court litigation will involve overlapping expert issues between patents and a battle of the experts. *Id.* This argument should be rejected because it fails to present any evidence about how this is true or what this battle will involve. Second, Sonos contends that Google relies on expert testimony to supply missing claim limitations. This argument should also be rejected because it is conclusory and fails to articulate what limitations are missing. Indeed, Sonos cannot do so because Dr. Anderson's testimony is only used to explain how a POSITA would have understood the plain text in the prior art.

## **VI. Sonos's Gamesmanship During Prosecution and Litigation Should Not Be Rewarded by Denying This IPR**

Sonos undermined the examination process of the '014 patent by capitalizing on material errors that would have prevented the '014 patent from issuing. When

combined with Sonos's decisions to omit facts about the district court litigation and piecemeal litigation tactics, Sonos's gamesmanship creates an unnecessarily complex litigation that would be simplified by institution of this IPR.

For the foregoing reasons, Petitioner respectfully requests that the Director decline to exercise discretion to deny institution and institute based on the merits.

Date: January 21, 2026

Respectfully submitted,

/Erika H. Arner/  
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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 January 21, 2026, via email directed to counsel of record for the Patent Owner at the following:

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