

WRITER'S DIRECT DIAL NO.
(202) 538-8104

WRITER'S EMAIL ADDRESS
alexlasher@quinnemanuel.com

August 9, 2022

FILED VIA EDIS

The Honorable Lisa R. Barton
Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, DC 20436

Re: *Certain Audio Players and Components Thereof*, Dkt. No. 337-TA-_____

Dear Secretary Barton:

Enclosed for filing, please find documents in support of a request by Google LLC (“Complainant”) that the U.S. International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain audio players and components thereof. There is no confidential business information contained in the complaint itself, but we have included a separate letter requesting confidential treatment for ten exhibits included with this filing.

In accordance with the Commission’s modified filing requirements, 85 Fed. Reg. 15798, please find enclosed the documents in support of Complainants’ request, which are being submitted via EDIS, including the following:

1. One (1) electronic copy of Complainant's Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i).
2. One (1) electronic copy of the public exhibits to the Verified Complaint pursuant to Commission Rules 210.8(a)(1)(1) and 210.12(a)(9), including:
 - a. one (1) electronic certified copy of each of United States Patent Nos. 11,024,311 (“the ’311 patent”), 9,812,128 (“the ’128 patent”), 9,632,748 (“the ’748 patent”), and 11,050,615 (“the ’615 Patent”), copies of which are respectively included as Exhibits 1, 2, 3, and 4, to the Verified Complaint pursuant to Commission Rule 210.12(a)(9)(1); and

- b. one (1) electronic copy of the certified assignment records for each of the '311 patent, '128 patent, '748 patent, and '615 patent, copies of which are respectively included as Exhibits 5, 6, 7, and 8 to the Verified Complaint, pursuant to Commission Rule 210.12(a)(9)(ii).
- 3. One (1) electronic copy of the confidential exhibits to the Verified Complaint, pursuant to Commission Rules 201.6(c) and 210.8(a)(1)(ii).
- 4. One (1) electronic copy of the certified prosecution history for each of the '311 patent, '128 patent, '748 patent, and '615 patent, which are respectively identified as Appendices A, B, C, and D to the Verified Complaint.
- 5. One (1) electronic copy of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '311 patent, '128 patent, '748 patent, and '615 patent, which are respectively identified as Appendices E, F, G, and H to the Verified Complaint, pursuant to Commission Rule 210.12(c)(2).
- 6. A letter and certification requesting confidential treatment for the information contained in confidential exhibits 10, 42, 45-48, and 57-60 to the Verified Complaint, pursuant to Commission Rules 201.6(b) and 210.5(d).
- 7. A Statement on the Public Interest regarding the remedial orders sought by Complainants in the Verified Complaint, pursuant to Commission Rule 210.8(b).

Complainant confirms that it will serve copies of the non-confidential versions of the Complaint and all associated exhibits and appendices upon the institution of this investigation on the Respondent consistent with 19 C.F.R. part 201 (including 19 C.F.R. § 201.16) and the Temporary Procedures.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions regarding this submission.

Respectfully submitted

/s/ S. Alex Lasher

S. Alex Lasher

Counsel for Complainant Google LLC

WRITER'S DIRECT DIAL NO.
(202) 538-8104

WRITER'S EMAIL ADDRESS
alexlasher@quinnemanuel.com

REQUEST FOR CONFIDENTIAL TREATMENT

August 9, 2022

FILED VIA EDIS

The Honorable Lisa R. Barton
Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, DC 20436

Re: Request for Confidential Treatment in *Certain Audio Players and Components Thereof*

Dear Secretary Barton:

Pursuant to Commission Rule 201.6, Complainant Google LLC ("Complainant" or "Google") respectfully requests confidential treatment of certain confidential business information contained in confidential exhibits 10, 42, 45-48, and 57-60 to the Verified Complaint.

The information in the exhibits for which Complainant seeks confidential treatment consists of proprietary commercial information, including confidential and proprietary licensing information, technical information related to domestic articles protected by Complainant's asserted patents, and financial data regarding Complainant's domestic investments related to domestic articles protected by Complainant's asserted patents.

The proprietary information described herein qualifies as confidential business information under Commission Rule 201.6 because substantially -identical information is not available to the public, because the disclosure of this information would cause substantial competitive harm to Complainant, and because the disclosure of this information would likely impede the Commission's efforts and ability to obtain similar information in the future.

Thank you for your attention. Please contact me with any questions regarding this request for confidential treatment.

Respectfully submitted

/s/ S. Alex Lasher

S. Alex Lasher

Counsel for Complainant Google LLC

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**IN THE MATTER OF CERTAIN AUDIO
PLAYERS AND COMPONENTS
THEREOF**

Inv. No. 337-TA-_____

CERTIFICATION

I, S. Alex Lasher, counsel for Complainant Google LLC , declare as follows:

1. I am duly authorized by Complainant to execute this certification.
2. I have reviewed confidential exhibits 10, 42, 45-48, and 57-60 to Complainant's Verified Complaint, for which Complainant seeks confidential treatment.
3. Confidential Exhibit 10 is a list of private agreements between Complainant and its licensees. Disclosure of this information to the public could cause substantial harm to Complainant or its licensees and their ability to negotiate future agreements. Disclosure of this information would also impair the Commission's ability to obtain information necessary to perform its statutory function.
4. Confidential Exhibit 42 contains confidential commercial and financial information concerning Complainant's investments in its domestic industry, which is not available for public dissemination. Disclosure of this information to the public would reveal non-public information and could cause substantial harm to Complainant and its competitive position. Disclosure of this information also would impair the Commission's ability to obtain information necessary to perform its statutory function.
5. Confidential Exhibits 45-48 and 57-60 contain confidential commercial and technical information concerning the design and operation of the domestic industry products, which is not available for public dissemination. Disclosure of this information to the public would reveal non-public information and could cause substantial harm to Complainant and its competitive position. Disclosure of this information also would impair the Commission's ability to obtain information necessary to perform its statutory function.
6. To the best of my knowledge, information, and belief, founded after a reasonable inquiry, substantially-identical information to that contained in the exhibits is not available to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of August, 2022 in Washington, DC.

/s/ S. Alex Lasher
S. Alex Lasher

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**IN THE MATTER OF CERTAIN
AUDIO PLAYERS AND
COMPONENTS THEREOF**

Investigation No. 337-TA- _____

COMPLAINANT’S STATEMENT ON THE PUBLIC INTEREST

Pursuant to Commission Rule 210.8(b), Complainant Google LLC (“Google”) submits this Statement on the Public Interest regarding the remedial orders it seeks against Proposed Respondent Sonos, Inc. (“Sonos”). Google seeks a permanent limited exclusion order barring from entry into the United States: (1) certain Sonos audio players that include one or more microphones and support Sonos Voice Control that directly or indirectly infringe one or more claims of U.S. Patent No. 11,024,311 (“the ’311 patent”), and/or claims of U.S. Patent No. 9,812,128 (“the ’128 patent”), and/or claims of U.S. Patent No. 9,632,748 (“the ’748 patent”) (collectively, the “Asserted Voice Patents”); and (2) certain Sonos audio players that support commissioning of devices into a system via short-range transmissions that directly or indirectly infringe one or more claims of U.S. Patent No. 11,050,615 (“the ’615 patent”). The Asserted Voice Patents and ’615 patent are collectively referred to herein as the “Asserted Patents,” and Sonos audio players that (a) include one or more microphones and support Sonos Voice Control, or (b) support commissioning of devices into a system via short-range transmissions are collectively referred to herein as the “Accused Products.” Google also seeks a permanent cease and desist order prohibiting Sonos, its subsidiaries, related companies, and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, use after importation, sale after importation, or other transfer within the United States of the Accused Products.

I. Introduction

Google was founded in 1998, and has a mission to organize the world’s information and make it universally accessible and useful. Over the past two decades, in service of that mission, Google has become a world-leading technology innovator. Google’s revolutionary advances in search, computing, software, hardware, and voice-assisted technologies have resulted in improved services for millions of people worldwide. For example, Google pioneered power management advances for speech-detecting devices and power management techniques for more efficient wireless charging. The resulting inventions, including the inventions claimed in the Asserted Patents, are used in modern mobile devices and smart-home technologies. As the Commission has recognized, protecting innovations and associated intellectual property rights is in the public interest. *See, e.g., Certain Baseband Processor Chips and Chipsets*, Inv. No. 337-TA-543, Comm’n Op. at 136-37 (June 19, 2007).

The Commission has found that remedies such as those sought by Google will not adversely affect “the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, [or] United States consumers.” 19 U.S.C. § 1337(d)(1). In 2020, Sonos filed a Section 337 investigation against Google, in which Sonos accused both audio players such as smart speakers, as well as mobile phones and laptops capable of controlling those speakers, of infringing certain U.S. patents. *See Certain Audio Players and Controllers, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1191 (the “1191 investigation”), Notice of Institution of Investigation, 85 Fed. Reg. 7783 (Feb. 11, 2020) (defining the scope of the investigation to include “networked speaker devices, and devices (for example, mobile phones and laptops) capable of controlling these devices”). The Commission instituted the investigation without directing the ALJ to make a

recommended determination on the public interest. *See id.* In the final Commission Opinion, it ultimately found that the public interest factors did not weigh against issuance of a remedy. *See Certain Audio Players and Controllers, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1191, Comm’n Op., at 28-22 (Feb. 1, 2022). The remedies sought in this investigation raise even less cause for concern because Sonos imports only speakers, not much more versatile mobile phones and laptops.

II. Use of the Accused Products in the United States

The Accused Products are specific types of audio players that are used in homes and businesses. In particular, they are audio players with one or more microphones and that support Sonos Voice Control, and audio players that support both wireless and wired charging. The Sonos One, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Arc, and Sonos Beam are examples of such Accused Products.

III. The Requested Remedies Do Not Pose Any Public Health, Safety, or Welfare Concerns

Sonos itself has argued that products used “to play and/or control the playing of music or other audio content[] . . . do not affect public health, safety, or welfare.” Sonos’s Statement on the Public Interest, at 2, *Certain Audio Players and Controllers, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1191 (Jan. 7, 2020) (EDIS No. 698562). And the Commission has recognized that “a number of other competitors . . . sell smart speakers in the United States.” *Audio Players*, Comm’n Op., at 31. Sonos therefore has no basis for contending that its Accused Products affect the public health, safety, or welfare. And any alleged benefits offered by the products will still be available to consumers if the products are excluded.

IV. Like or Directly-Competitive Articles Could Replace the Accused Products

Again, Sonos's arguments in the 1191 investigation it filed amount to a concession that the availability of like or directly-competitive articles raises no concerns. Sonos informed the Commission that there are "countless other devices from competing manufacturers" that "incorporate voice assistant technologies." *Audio Players*, Comm'n Op., at 30-31 (quoting Sonos's arguments to the Commission). The "countless other" smart speakers are sold by major retailers¹ and will be available to replace the products excluded by the requested remedies. Even Sonos can continue offering competitive articles not accused of infringement.

V. Alternative Suppliers Have the Capacity to Replace the Accused Products

No public interest concerns exist when the market contains an adequate supply of competitive or substitute products for those subject to a remedial order. *See, e.g., Certain Elec. Digital Media Devices & Components Thereof*, Inv. No. 337-TA-796, Comm'n Op., at 114-15 (Sept. 6, 2013). Other companies sell far more speakers than Sonos does² and can replace the excluded products. And again, the Commission found no adverse public impact when Sonos accused Google's networked speaker devices *and* mobile phones and laptops capable of controlling the devices. *See Audio Players*, Comm'n Op., at 31-32. There is even less worry about alternative suppliers here, where the requested exclusion order will be directed only at speakers and only at Sonos, which is not a leader in speaker sales in the U.S.³

¹ <https://speakergy.com/smart-speakers-statistics/>

² <https://speakergy.com/smart-speakers-statistics/>

³ <https://www.voice2shop.com/wp-content/uploads/2020/11/executive-summary-smart-speaker-consumer-adoption-report-2020.pdf>

VI. The Requested Remedial Orders Will Not Harm U.S. Consumers

Because numerous suppliers produce smart speakers like the accused Sonos products, “consumers [will] have available many choices in competitive products other than those produced by Sonos” if the requested remedies issue. *Audio Players*, Comm’n, Op., at 31-32. And consumers may ultimately benefit from the protection of Google’s intellectual property rights, which promotes further innovation by both Google and others. *See Certain Digital Television Products and Certain Products Containing Same and Methods of Using Same*, Inv. No. 337-TA- 617, Comm’n Op., at 9 (Apr. 23, 2009) (“[P]rotection of intellectual property rights in the United States provides foreign and domestic businesses alike with a climate of predictability that fosters investment, innovation, and the exchange of technology and associated intellectual property rights.”); *Certain Display Controllers and Products Containing Same*, Inv. No. 337-TA-491/481, Comm’n Op., at 66 (Feb. 4, 2005) (“[I]n the long run, protection of intellectual property rights (in this case, in the form of a valid U.S. patent) will foster research and development of new technologies and will lead to greater competition in the marketplace.”).

VII. Conclusion

The requested remedies raise no public interest concerns, and the strong public interest in protecting intellectual property rights outweighs any hypothetical harm.

Dated: August 9, 2022

Respectfully submitted,

/s/ S. Alex Lasher
S. Alex Lasher
Jeff Gerchick
Nina S. Tallon
Quinn Emanuel Urquhart & Sullivan, LLP
1300 I Street, NW, Suite 900
Washington, D.C. 20005
Tel.: (202) 538-8000

David A. Nelson
Quinn Emanuel Urquhart & Sullivan, LLP
191 N. Wacker Dr., Suite 2700
Chicago, IL 60606
Tel.: (312) 705-7400

Patrick D. Curran
Quinn Emanuel Urquhart & Sullivan, LLP
111 Huntington Ave, Suite 520
Boston, MA 02199
Tel.: (617) 712-7100

Counsel for Complainant Google LLC

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**IN THE MATTER OF CERTAIN
AUDIO PLAYERS AND
COMPONENTS THEREOF**

Investigation No. 337-TA- _____

**COMPLAINT UNDER SECTION 337 OF THE
TARIFF ACT OF 1930, AS AMENDED**

<u><i>Complainant</i></u>	<u><i>Proposed Respondent</i></u>
<p>Google LLC 1600 Amphitheatre Parkway Mountain View, CA 94043 Tel.: (650) 253-0000</p> <p><i>Counsel for Complainant</i></p> <p>S. Alex Lasher Jeff Gerchick Nina S. Tallon QUINN EMANUEL URQUHART & SULLIVAN, LLP 1300 I Street, NW, Suite 900 Washington, D.C. 20005 Tel.: (202) 538-8000</p> <p>David A. Nelson QUINN EMANUEL URQUHART & SULLIVAN, LLP 191 N. Wacker Dr., Suite 2700 Chicago, IL 60606 Tel.: (312) 705-7400</p> <p>Patrick D. Curran QUINN EMANUEL URQUHART & SULLIVAN, LLP 111 Huntington Ave, Suite 520 Boston, MA 02199 Tel.: (617) 712-7100</p>	<p>Sonos, Inc. 614 Chapala Street Santa Barbara, CA 93101 Tel.: 1-800-680-2345</p>

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1	Copy of U.S. Patent No. 11,024,311	Public
2	Copy of U.S. Patent No. 9,812,128	Public
3	Copy of U.S. Patent No. 9,632,748	Public
4	Copy of U.S. Patent No. 11,050,615	Public
5	Copy of Assignments for U.S. Patent No. 11,024,311	Public
6	Copy of Assignments for U.S. Patent No. 9,812,128	Public
7	Copy of Assignments for U.S. Patent No. 9,632,748	Public
8	Copy of Assignments for U.S. Patent No. 11,050,615	Public
9	List of Foreign Counterparts to Asserted Patents	Public
10	Confidential List of Licenses to Asserted Patents	Confidential
11	Mind the Product's "Sonos - Senior Product Manager" Webpage	Public
12	Sonos's "5 Things We Want To Share With Our Future SVP, Software" Webpage	Public
13	Alphabet Inc. SEC 2018 Form 10-K	Public
14	Trusted Reviews's "Trusted Reviews Awards 2021" Webpage	Public
15	The Ambient's "The Ambient Smart Home Awards 2021: The big winners revealed" Webpage	Public
16	Tom's Guide's "Tom's Guide Awards 2021: Our favorite smart home devices this year" Webpage	Public
17	CNET's "Google Nest Wifi review" Webpage	Public
18	Digital Trends' "How to set up a Google Nest Hub Max" Webpage	Public
19	RESERVED	N/A
20	Sonos's "Easy to Use" Webpage	Public
21	Sonos's "Sonos Voice Control" Webpage	Public
22	Claim Chart Showing Sonos's Accused Products Infringe Upon U.S. Patent No. 11,024,311	Public
23	Sonos's "Sonos One" Webpage	Public
24	Sonos's "Sonos Roam" Webpage	Public
25	Sonos's "Sonos Move" Webpage	Public
26	Sonos's "Sonos Arc" Webpage	Public
27	Sonos's "Sonos Beam" Webpage	Public
28	Sonos User Guide	Public
29	Sonos One User Guide	Public
30	Sonos's "Control Sonos with Sonos Voice Control" webpage	Public
31	Sonos's "Introducing Effortless Listening with Sonos Voice" Webpage	Public
32	Claim Chart Showing Sonos's Accused Products Infringe Upon U.S. Patent No. 9,812,128	Public
33	Claim Chart Showing Sonos's Accused Products Infringe Upon U.S. Patent No. 9,632,748	Public
34	Sonos Voice Control User Guide	Public

Ex. #	Description	Designation
35	Claim Chart Showing Sonos's Accused Products Infringe Upon U.S. Patent No. 11,050,615	Public
36	Sonos's "Set Up Your Sonos Roam" Webpage	Public
37	Tech Radar's "Sonos Roam Review" Webpage	Public
38	Tech Hive's "Sonos Roam Review" Webpage	Public
39	The Verge's "Sonos Roam Review" Webpage	Public
40	Digital Trends' "Sonos Roam Review" Webpage	Public
41	YouTube's "How to Set Up Your Sonos Roam" Webpage	Public
42	Declaration of Michael Maigret	Confidential
43	Photos of Receipts and Product Packaging for Sonos One and Sonos Roam	Public
44	Sonos Inc. SEC YEAR Form 10-K	Public
45	Claim Chart Showing Google's Domestic Industry Products Practice U.S. Patent No. 11,024,311	Confidential
46	Claim Chart Showing Google's Domestic Industry Products Practice U.S. Patent No. 9,812,128	Confidential
47	Claim Chart Showing Google's Domestic Industry Products Practice U.S. Patent No. 9,632,748	Confidential
48	Claim Chart Showing Google's Domestic Industry Products Practice U.S. Patent No. 11,050,615	Confidential
49	Google's "Nest Hub Max" Webpage	Public
50	Google's "Nest Audio" Webpage	Public
51	Google's "Nest Audio Tech Specs" Webpage	Public
52	Google's "Nest Hub Max Tech Specs" Webpage	Public
53	Google's "Nest Hub (2nd Gen) Tech Specs" Webpage	Public
54	Google's "Listen to Music on Speakers and Displays" Webpage	Public
55	Google's "Control Google Nest or Home Devices by Voice" Webpage	Public
56	Google's "Get Google Assistant - Speakers" Webpage	Public
57	Google Internal Design Document 1	Confidential
58	Google Internal Design Document 2	Confidential
59	Google Internal Design Document 3	Confidential
60	Google Internal Wireless Design Document	Confidential
61	YouTube's "Google Nest Hub Max Full Setup Walk-Through" Webpage	Public
62	Google's "Get to Know Google Nest Hub Max" Webpage	Public
63	Android Central's "Nest Hub (2nd Gen) vs. Nest Hub Max" Webpage	Public
64	OpenWeave's "Weave Profiles" Webpage	Public
65	OpenWeave's "OpenWeave Pairing" Webpage	Public

APPENDIX LIST

Appendices	Description
A	Copy of Prosecution History of U.S. Patent No. 11,024,311
B	Copy of Prosecution History of U.S. Patent No. 9,812,128
C	Copy of Prosecution History of U.S. Patent No. 9,632,748
D	Copy of Prosecution History of U.S. Patent No. 11,050,615
E	Copies of References Cited in Prosecution History of U.S. Patent No. 11,024,311
F	Copies of References Cited in Prosecution History of U.S. Patent No. 9,812,128
G	Copies of References Cited in Prosecution History of U.S. Patent No. 9,632,748
H	Copies of References Cited in Prosecution History of U.S. Patent No. 11,050,615

I. INTRODUCTION

1. Complainant Google LLC (“Google” or “Complainant”) respectfully files this Complaint under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on Proposed Respondent Sonos, Inc.’s (“Sonos” or “Respondent”) unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain accused Sonos audio players that infringe one or more claims of the asserted Google patents and certain components thereof.

2. This complaint is directed at Sonos audio players that include one or more microphones and support Sonos Voice Control that directly or indirectly infringe one or more claims of U.S. Patent No. 11,024,311 (“the ’311 patent”), and/or claims of U.S. Patent No. 9,812,128 (“the ’128 patent”), and/or claims of U.S. Patent No. 9,632,748 (“the ’748 patent”), either literally or under the doctrine of equivalents, and components thereof used to support or otherwise implement Sonos Voice Control in the accused Sonos audio players. The complaint is also directed at Sonos audio players that support commissioning of devices into a system via short-range transmissions that directly or indirectly infringe one or more claims of U.S. Patent No. 11,050,615 (“the ’615 patent”), either literally or under the doctrine of equivalents, and components thereof used to support or otherwise implement such commissioning of accused Sonos audio players into a Sonos system. The ’311 patent, ’128 patent, ’748 patent, and ’615 patent are collectively referred to herein as the “Asserted Patents.” The infringing Sonos audio player products include, for example, the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, Sonos Ray, and any other Sonos audio player products that (1) include one or more microphones and support Sonos Voice Control or

(2) support commissioning of devices into a system via short-range transmissions (collectively, the “Accused Products”).¹

3. The asserted claims and accused products for each of the Asserted Patents are set forth in the following table with independent claims identified in bold:

Patent No.	Asserted Claims	Accused Products
'311 patent	1-3, 8-9, 10-12, 14-15, 16-18, and 20	Sonos audio player products that include one or more microphones and support Sonos Voice Control, such as, for example, the Sonos One, Sonos Move, Sonos Roam, Sonos Arc, and Sonos Beam.
'128 patent	1-3, 5, 6-8, 10, 11-13, and 15	Sonos audio player products that include one or more microphones and support Sonos Voice Control, such as, for example, the Sonos One, Sonos Move, Sonos Roam, Sonos Arc, and Sonos Beam.
'748 patent	1-4, 7, 9-10, 11-12, 14, and 15	Sonos audio player products that include one or more microphones and support Sonos Voice Control, such as, for example, the Sonos One, Sonos Move, Sonos Roam, Sonos Arc, and Sonos Beam.
'615 patent	1-3, 5-9, 11, 15, 16, 17, and 19	Sonos audio player products that support commissioning of devices into a system via short-range transmissions, including, for example, the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray.

4. Google was founded in 1998, and has a mission to organize the world's information and make it universally accessible and useful. Over the past two decades, in service of that mission, Google has become one of the world's most innovative technology companies. Google's revolutionary advances in search, computing, software, hardware and voice-assisted technologies have resulted in improved services for millions of people worldwide.

¹ Any identification of a specific model or type of Accused Product in this Complaint is in no way intended to limit the scope of this Investigation.

5. As part of its commitment to innovation, Google has invested significantly in extensive research and development efforts. Google is the current assignee of tens of thousands of patents worldwide. Google has pioneered advances at the heart of modern technology. Google's innovative voice-activated Google Assistant has transformed smart device management, connected homes, and mobile computing, and Google's innovations in multi-device management for voice control and device commissioning have made smart-home technology a user-friendly component of modern electronics. Google's innovations are key components for modern smart-home technologies.

6. Google makes its innovative technology available to users worldwide, and also to other companies – even providing its Google Assistant software to Sonos for many years. Google engineers have worked for years assisting and instructing Sonos engineers on the implementation of voice recognition and voice-activated device controls in Sonos's products. This software and know-how, which Google provided to Sonos in the spirit of partnership and collaboration, helped drive demand for Sonos products.

7. Google partners with other companies to bring Google's innovations to millions of shared customers. In particular, Google has long had a continued partnership with Sonos. In these collaborations, Sonos has repeatedly asked Google for assistance, so that Sonos could employ Google technology to improve Sonos's products. In 2013, Sonos asked for Google's assistance to integrate with Google's popular Play Music service. Google gave Sonos that assistance, and provided significant engineering resources, technical support, and other resources to integrate Sonos's products with Google's Play Music service in 2014.

8. In 2016, Sonos again asked for Google's assistance—this time to integrate with Google's innovative Assistant software. And again, Google was willing to help. Google gave

Sonos significant assistance in designing, implementing, and testing a solution that would bring Google's voice recognition software to Sonos's devices. This effort again involved substantial Google engineering resources, including significant months of employee work time, for the initial launch of Google's Assistant on Sonos's products in May 2019.

9. Google is proud of its multi-year partnership with Sonos, and has worked constructively with Sonos to make the companies' products work seamlessly by building special integrations for Sonos. For instance, when Google rolled out the ability to set a Sonos speaker as the default option for Google Assistant, it was the first time Google had done that for any partner company.

10. Sonos has made false claims about the companies' shared work and Google's technology in the lawsuits that Sonos filed against Google. While Google rarely sues other companies for patent infringement, it must assert its intellectual property rights here.

11. Google has patented inventions on innovative technologies for enabling voice assistant technology and that improve ease of use for smart home devices. Sonos is using, without permission, these Google technologies in its products to enable multiple commercially-desirable features. For example, Sonos has recently introduced its Sonos Voice Control feature to coordinate among voice-controlled devices and commission devices onto a wireless local area network, using technologies invented by Google. Sonos uses these technologies in a number of its products, including the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray.

12. Google's patented innovations are fundamental to the ability of Sonos's products to work together as user-friendly smart devices. Sonos acknowledges that for its products, "the

real magic is in the software,” and not in the “look and sound” of their speakers.² Sonos freely admits as much on its own tech blog:³

Our software is the “magic.”

If you’ve used Sonos before, you know that the Sonos experience is more than just sounds coming from a speaker. It’s the seamlessness of moving from room to room while listening to your favorite true crime podcast. It’s the ease of asking your voice assistant to turn down the volume or convert ounces to cups while you’re cooking. And it’s the joy of soundtracking a picnic with a collaborative playlist on a speaker that weighs less than a pound.

None of this would be possible without the hard-working software inside our speakers and components. “There’s a perception that we’re a hardware company because everything we sell is hardware,” says Jim Dolan, Vice President, Software Development. “And the hardware is beautiful. It’s amazing. But *the magic of the system is the software*. The speaker itself does not enable the system; the software enables the system.”

(emphasis added). This software “magic” uses patented Google technology, and Google brings this case to defend that technology from Sonos’s infringement.

II. BACKGROUND

13. On information and belief, the Accused Products are manufactured and/or sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by or on behalf of Sonos.

14. A domestic industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to articles protected by Google’s Asserted Patents. Google’s domestic industry includes significant investments in plant and equipment, significant employment of labor

² Ex. 11, (last accessed June 20, 2022), *available at* https://jobs.mindtheproduct.com/?post_type=job_listing&p=10065.

³ Ex. 12, “5 Things We Want To Share With Our Future SVP, Software” (last accessed June 20, 2022), *available at* <https://tech-blog.sonos.com/posts/things-we-want-to-share-with-our-future-svp-software/>.

and capital, and substantial investments in the exploitation of the inventions claimed in Google's Asserted Patents, including through engineering, research, and development.

15. Google seeks as relief a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States infringing Accused Products, or Accused Products that are manufactured abroad, sold for importation into the United States, and/or sold in the United States after importation by or on behalf of Sonos.

16. Google further seeks a permanent cease and desist order under 19 U.S.C. § 1337(f) prohibiting Sonos from importing, admitting or withdrawing from a foreign trade zone, marketing, advertising, demonstrating, testing, warehousing inventory of, distributing, offering for sale, selling, licensing, programming, packaging, repackaging, bundling, updating, soliciting U.S. agents or distributors for, or aiding and abetting other entities in the importation, sale for importation, sale after importation, transfer, or distribution of its infringing Accused Products.

17. Google further seeks the imposition of a bond upon importation of Accused Products that infringe one or more claims of the Asserted Patents, during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

III. PARTIES

A. Google

18. Google LLC is a Delaware company with its principal place of business and headquarters at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

19. Google was founded in 1998 in Mountain View, California. Since its inception, through hard work and innovation, Google has become a leading technology company in the United States and the world.

20. The United States leads the world in technological innovation, and Google has contributed to that, investing billions of dollars each year in research and development and continuously innovating in ways that benefit the American public.

21. Over the past two decades, Google has become a leading developer of cutting-edge technology across a wide spectrum of fields. Google invests billions of dollars in domestic research and development, including in machine learning and AI, which are not only increasingly important to many of Google's latest innovations, but integral to U.S. interests in maintaining its lead in the worldwide technology race.⁴ As a result of its dedication to research and development, Google has been issued thousands of patents from the United States Patent and Trademark Office.

22. For years, Google has been a leader in the development of voice control and related technologies that improve the ease of use of consumer electronics devices. For example, Trusted Reviews named Google Assistant the "Digital Assistant of the Year" in 2021.⁵ As another example, the Google Nest Hub (2nd Gen) was The Ambient's 2021 "Smart Home Product of the Year" with "faster Assistant responses" and "an additional far-field mic so it can hear you better."⁶ The Google Nest Hub (2nd Gen) was also Tom's Guide's 2021 "Best smart home display" and described as "one of the best Google Home speakers for music, screen for your Google Assistant

⁴ See Ex. 13, Alphabet Inc. SEC 2018 Form 10-K at 3, 33-34 (Feb. 4, 2019), *available at* <https://www.sec.gov/Archives/edgar/data/1652044/000165204419000004/goog10-kq42018.htm>.

⁵ Ex. 14, "Trusted Reviews Awards 2021" (last accessed Jun. 17, 2022), *available at* <https://www.trustedreviews.com/news/trusted-reviews-awards-2021-google-assistant-wins-digital-assistant-of-the-year-4173347>.

⁶ Ex. 15, "The Ambient Smart Home Awards 2021: The big winners revealed" (last accessed Jun. 17, 2022), *available at* <https://www.the-ambient.com/features/smart-home-award-winners-2021-2807>.

needs.”⁷ CNET awarded the Google Nest Wifi its Editor’s Choice Award in 2019, describing it as “a great foundation for Google smart homes” and noting that the range-extending Nest Wifi Points double as Google Assistant smart speakers.⁸ In its article describing how to set up the Google Nest Hub Max, Digital Trends described the difficulty level as “easy,” and described in two sentences the single step process required to connect the device to the user’s wireless network.⁹

23. Google is also a leader in the deployment of voice-assisted technologies, which are available to U.S. consumers on Google’s home speaker products, on other Google products, and on third-party devices.

B. Sonos

24. Proposed respondent Sonos is a Delaware corporation with headquarters at 614 Chapala Street, Santa Barbara, CA 93101.

IV. THE TECHNOLOGIES AND PRODUCTS AT ISSUE

A. Products At Issue

25. Pursuant to Commission Rules 210.10(b)(1) and 210.12(a)(12), the categories of accused products are certain audio player devices – specifically, voice controllable audio player devices (as related to the ’311, ’128, and ’748 patents) and networked audio player devices (as related to the ’615 patent). The Accused Products are Sonos audio players that (1) include one or more microphones and support the Sonos Voice Control functionality or (2) support device

⁷ Ex. 16, “Tom’s Guide Awards 2021: Our favorite smart home devices this year” (last accessed Jun. 17, 2022), available at <https://www.tomsguide.com/news/toms-guide-awards-2021-smart-home>.

⁸ Ex. 17, “Google Nest Wifi review” (last accessed Jun. 17, 2022), available at <https://www.cnet.com/reviews/google-nest-wifi-review/>.

⁹ Ex. 18, “How to set up a Google Nest Hub Max” (last accessed Jun. 17, 2022), available at <https://www.digitaltrends.com/home/how-to-set-up-a-google-nest-hub-max/>.

commissioning into a system via short-range transmissions. Such Sonos audio players include, for example, the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray.

26. Representative samples of the Accused Products are available for inspection upon request.

B. Background Of The Technology

27. The technologies at issue in this Investigation generally relate to innovations that improve ease of use for smart home devices.

28. For example, the '311, '128, and '748 patents generally relate to systems and methods for coordinating among voice-controlled devices to determine a device that should process and respond to a user's command. The patents recognize that, with the increasing use of voice-controlled devices with voice-activated functionality, a single home or other location may include multiple voice-controlled devices and multiple users of such devices. *See, e.g.*, Ex. 1 at 1:51-62. When a user makes a voice command in this setting, it is possible that multiple devices hear and attempt to respond to the user, causing the user confusion. As a result, there was a need for a way for devices to decide whether they should or should not respond to the user's command. The patents addressed this problem and provided new techniques for multi-device coordination.

29. The '615 patent generally relates to the improved methods for commissioning of electronic devices onto a wireless local area network (WLAN). *See* Ex. 4 at 1:37-40. Commissioning a device requires that it be provided with configuration data to enable it to join the desired wireless network, which can be a complicated multi-step process. The '615 patent further recognized that "virtually every electronic device" has different techniques in which they are commissioned onto a wireless network and may require physical and/or administrative access to special commissioning equipment which may not be easily obtained. *Id.* at 2:3-5, 6:35-40. The

'615 patent overcomes these problems, for example, by providing techniques by which one smart device could commission another electronic device onto the wireless network by transmitting configuration data using short-range communication technologies.

30. The technologies disclosed and claimed in Google's Asserted Patents are key to Sonos's efforts to improve the usability of its products. For example, Sonos tells customers its products are "Easy to Use," describing the device setup process as "simple," merely requiring a user to "[p]lug it in, turn it on, and open the app."¹⁰ Sonos similarly tells customers "[t]he Sonos listening experience is effortless, whether you're setting up your first speaker or custom-tuning your fifth."¹¹ Sonos also touts the ease of use of the Sonos Voice Control feature – "Play music and control your system with hands-free ease and unmatched privacy."¹² Sonos further describes the Voice Control feature as "Intuitive" and that it allows users to "Move the music" and "Send sound all around your Sonos System without lifting a finger" (e.g., "Hey Sonos, move the music here. ").¹³ Sonos's ability to make products that are easy for users to set up and use is made possible by its infringement of patented Google technologies.

¹⁰ Ex. 20, "Sonos – Easy to Use" (last accessed Jun. 20, 2022), *available at* <https://www.sonos.com/en-us/easy-to-use>.

¹¹ *Id.*

¹² Ex. 21, "Sonos – Sonos Voice Control" (last accessed Jun. 20, 2022), *available at* <https://www.sonos.com/en-us/sonos-voice-control>.

¹³ *Id.*

V. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTIONS OF THE INVENTIONS¹⁴

A. The '311 Patent

1. Identification and Ownership of the '311 Patent

31. U.S. Patent No. 11,024,311 was duly and lawfully issued by the United States Patent and Trademark Office on June 1, 2021. The '311 patent is expected to expire on April 13, 2035.

32. The '311 patent is titled "Device Leadership Negotiation Among Voice Interface Devices," names Kenneth Mixter, Diego Melendo Casado, Alexander Houston Gruenstein, Terry Tai, Christopher Thaddeus Hughes, and Matthew Nirvan Sharifi as co-inventors, and issued from U.S. Patent Application No. 16/786,943, which was filed on February 10, 2020.

33. A certified copy of the '311 patent is attached as Exhibit 1. A certified copy of the assignment from the named inventors to Google is attached as Exhibit 5. A certified copy of the prosecution history of the '311 patent is included as Appendix A. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '311 patent are included as Appendix E.

2. Foreign Counterparts to the '311 Patent

34. Exhibit 9 lists each foreign patent and each pending foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn, corresponding to the '311 patent, with an indication of the prosecution status of

¹⁴ All non-technical descriptions of the patents herein are presented to give a general background of those patents. These statements are not intended to be used nor should they be used for purposes of patent claim construction. Google presents these statements subject to and without waiver of its right to argue that no claim construction is necessary, or that claim terms should be construed in a particular way under claim interpretation jurisprudence and the relevant evidence.

each such patent application. No other foreign patents or patent applications corresponding to the '311 patent have been filed, abandoned, withdrawn, or rejected.

3. Non-Technical Description of the '311 Patent

35. The '311 patent generally relates to a system and method for determining device leadership among voice interface devices.

36. The '311 patent discloses that, with the increasing use of devices with voice-activated functionality, a single location (*e.g.*, a room within a home) may include multiple voice controlled devices and multiple users of such devices. *See, e.g.*, Ex. 1 at 1:51-62. The patent recognizes that, when this is the case, there may be a need to identify a “leader amongst the voice assistant devices that is responsible for responding to the user’s voice inputs, in order to reduce user confusion.” *Id.* at 1:67-2:3.

37. The '311 patent addressed this problem and provided new techniques for multi-device coordination, so that the devices could “negotiate leadership” for response to a speaker. *Id.* at 2:9-19. These techniques included detection of a voice input by a device with one or more microphones, communication of information relating to the detected voice input to other devices (*e.g.*, a “quality score,” in a preferred embodiment), and receipt of information from other devices relating to those devices’ detection of the voice input. *Id.* at 2:60-3:15. Based on the information relating to the detected voice input at the various devices, the device could determine to either output a response to the voice input or forego outputting such a response. *Id.*

B. The '128 Patent

1. Identification and Ownership of the '128 Patent

38. U.S. Patent No. 9,812,128 was duly and lawfully issued by the United States Patent and Trademark Office on November 7, 2017. The '128 patent is expected to expire on April 1, 2035.

39. The '128 patent is titled "Device Leadership Negotiation Among Voice Interface Devices," names Kenneth Mixter, Diego Melendo Casado, Alexander Houston Gruenstein, Terry Tai, Christopher Thaddeus Hughes, and Matthew Nirvan Sharifi as co-inventors, and issued from U.S. Patent Application No. 15/284,483, which was filed on October 3, 2016.

40. A certified copy of the '128 patent is attached as Exhibit 2. A certified copy of the assignment from the named inventors to Google is attached as Exhibit 6. A certified copy of the prosecution history of the '128 patent is included as Appendix B. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '128 patent are included as Appendix E.

2. Foreign Counterparts to the '128 Patent

41. Exhibit 9 lists each foreign patent and each pending foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn, corresponding to the '128 patent, with an indication of the prosecution status of each such patent application. No other foreign patents or patent applications corresponding to the '128 patent have been filed, abandoned, withdrawn, or rejected.

3. Non-Technical Description of the '128 Patent

42. The '128 patent generally relates to a system and method for determining device leadership among voice interface devices.

43. The '128 patent recognized that with the increasing use of devices with voice-activated functionality, a single location (*e.g.*, a room within a home) may include multiple voice controlled devices and multiple users of such devices. *See, e.g.*, Ex. 2 at 1:34-45. The patent recognized a need to identify a "leader amongst the voice assistant devices that is responsible for responding to the user's voice inputs, in order to reduce user confusion." *Id.* at 1:59-63.

44. The '128 patent addressed this problem and provided new techniques for multi-device coordination, so that the devices could “negotiate leadership” for response to a speaker. *Id.* at 1:59-2:2. These techniques included detection of a voice input by a device with one or more microphones, communication of information relating to the detected voice input to other devices (*e.g.*, a “quality score,” in a preferred embodiment), and receipt of information from other devices relating to those devices’ detection of the voice input. *Id.* at 2:43-65. Based on the information relating to the detected voice input at the various devices, the device could determine to either output a response to the voice input or forego outputting such a response. *Id.*

C. The '748 Patent

1. Identification and Ownership of the '748 Patent

45. U.S. Patent No. 9,632,748 was duly and lawfully issued by the United States Patent and Trademark Office on April 25, 2017. The '748 patent is expected to expire on July 29, 2034.

46. The '748 patent is titled “Device Designation for Audio Input Monitoring,” names Alexander Faaborg as inventor, and issued from U.S. Patent Application No. 14/445,255, which was filed on July 29, 2014.

47. A certified copy of the '748 patent is attached as Exhibit 3. A certified copy of the assignment from the named inventor to Google is attached as Exhibit 7. A certified copy of the prosecution history of the '748 patent is included as Appendix C. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '748 patent are included as Appendix G.

2. Foreign Counterparts to the '748 Patent

48. Exhibit 9 lists each foreign patent and each pending foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned

or withdrawn, corresponding to the '748 patent, with an indication of the prosecution status of each such patent application. No other foreign patents or patent applications corresponding to the '748 patent have been filed, abandoned, withdrawn, or rejected.

3. Non-Technical Description of the '748 Patent

49. The '748 patent generally relates to designation of devices for monitoring audio input based on receipt of predetermined audio commands.

50. The '748 patent recognized that computing devices may enable a user to provide audio inputs that cause the device to perform one or more actions. *See, e.g.*, Ex. 3 at 1:10-29. The patent further recognized that in some situations more than one computing device may monitor the same environment for audio input, potentially causing multiple devices to perform actions based on a command. *Id.*

51. The '748 patent addressed this problem and provided new techniques for enabling a plurality of computing devices to select the best candidate for monitoring the environment for audio inputs that include one or more predetermined audio commands. *Id.* at 2:36-52. In association with the best candidate being selected, these techniques further included a way for other computing devices (that were not selected) to temporarily cease monitoring for an audio input, so that the designated device is the only device to perform actions in response to one or more predetermined audio commands. *Id.* at 2:52-63. The '748 patent describes that these techniques increase computational efficiency, for example, by avoiding redundant processing and unnecessary expenditure of energy by battery-powered devices. *Id.* at 2:64-3:13.

D. The '615 Patent

1. Identification and Ownership of the '615 Patent

52. U.S. Patent No. 11,050,615 was duly and lawfully issued by the United States Patent and Trademark Office on June 29, 2021. The '615 patent is expected to expire on March 15, 2033.

53. The '615 patent is titled "Apparatus and Method for Seamless Commissioning of Wireless Devices," names Jeffrey P. Matthews and Lee R. Taylor as co-inventors, and issued from U.S. Patent Application No. 16/708,189, which was filed on December 9, 2019.

54. A certified copy of the '615 patent is attached as Exhibit 4. A certified copy of the assignment from the named inventors to Google is attached as Exhibit 8. A certified copy of the prosecution history of the '615 patent is included as Appendix D. Copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '615 patent are included as Appendix H.

2. Foreign Counterparts to the '615 Patent

55. Exhibit 9 lists each foreign patent and each pending foreign patent application (not already issued as a patent), and each foreign patent application that has been denied, abandoned or withdrawn, corresponding to the '615 patent, with an indication of the prosecution status of each such patent application. No other foreign patents or patent applications corresponding to the '615 patent have been filed, abandoned, withdrawn, or rejected.

3. Non-Technical Description of the '615 Patent

56. The '615 patent generally relates to the commissioning of electronic devices onto a wireless local area network (WLAN). *See* Ex. 4 at 1:37-40.

57. The '615 patent recognized that "virtually every electronic device" has different techniques in which they are commissioned onto a wireless network and may require physical

and/or administrative access to special commissioning equipment which may not be easily obtained. *Id.* at 2:3-5, 6:35-40.

58. The '615 patent overcomes these problems “and others, by providing an apparatus and method for seamless device commissioning which, in one embodiment, leverages the ubiquitous nature and use of so-called ‘smart’ wireless devices in the home and office.” *Id.* at 2:24-30. For example, the '615 patent discloses commissioning techniques wherein a smart wireless device commissions another electronic device onto the wireless network by utilizing existing mechanisms on the wireless device to transmit configuration data over a transmission path to the electronic device, enabling the electronic device to receive and process the configuration data and join the wireless network. *Id.* at 7:47-67. This commissioning technique provides a significant advantage over existing commissioning techniques because it does not require any special commissioning equipment or special user skills. *See, e.g., id.*

E. Licensees to the Asserted Patents

59. All licensees to one or more of the Asserted Patents are identified in Exhibit 10.

VI. SONOS'S INFRINGEMENT OF THE ASSERTED PATENTS

60. Sonos is aware of the Asserted Patents at least from the date Google filed suit in the United States District Court Northern District of California, Civil Action No. 3:22-cv-04553.

61. Sonos is also aware of Google's many innovations in voice-controlled device interfaces. Indeed, as noted above, Sonos has used Google's innovative voice-activated Google Assistant software for many years on Sonos devices.

A. Infringement of the '311 Patent

62. Sonos infringes claims 1-3, 8-12, 14-18, and 20 of the '311 patent, directly and/or indirectly via induced infringement and/or contributory infringement. In particular, Sonos audio player products that include one or more microphones and support Sonos Voice Control,

including the Sonos One, Sonos Move, Sonos Roam, Sonos Arc, and Sonos Beam (collectively, the “Accused Voice Products”) infringe the ’311 patent. Sonos infringes these claims by importing, selling for importation, and/or selling after importation into the United States the Accused Voice Products in violation of 35 U.S.C. §§ 271(a)-(c). On information and belief, the Accused Voice Products satisfy all claim limitations of the asserted claims at the time of importation into the United States. A claim chart applying claims 1, 10, and 16 of the ’311 patent to a representative Accused Voice Product is attached as Exhibit 22.

63. Despite knowing of the ’311 patent, Sonos directly infringes the asserted claims by making, using, offering to sell, or selling the Accused Voice Products in the United States and by importing the Accused Voice Products into the United States in violation of 35 U.S.C. § 271(a).

64. Despite knowing of the ’311 patent, Sonos actively, knowingly, and intentionally induced and continues to induce the infringement of the asserted claims by actively encouraging others to make, use, offer to sell, or sell the Accused Voice Products in the United States and/or import the Accused Voice Products into the United States in violation of 35 U.S.C. § 271(b). For example, Sonos promotes Sonos Voice Control as providing “[f]ast, accurate control of your music and your Sonos System,” and as being available “on new voice capable products and as a free update for existing customers.”¹⁵

65. Sonos contributorily infringes the asserted claims of the ’311 patent by offering to sell or selling within the United States or importing into the United States the Accused Voice Products (where each of the Accused Voice Products is or contains a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in

¹⁵ Ex. 31, “Introducing Effortless Listening with Sonos Voice Control” (last accessed August 3, 2022), available at <https://www.sonos.com/en-us/newsroom/introducing-effortless-listening>.

practicing a patented process, constituting a material part of the invention), knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use in violation of 35 U.S.C. § 271(c).

B. Infringement of the '128 Patent

66. Sonos infringes claims 1-3, 5-8, 10-13, and 15 of the '128 patent, directly and/or indirectly via induced infringement and/or contributory infringement. The Accused Voice Products infringe the '128 patent by virtue of Sonos's importing, selling for importation, and/or selling after importation into the United States the Accused Voice Products in violation of 35 U.S.C. §§ 271(a)-(c). On information and belief, the Accused Voice Products satisfy all claim limitations of the asserted claims at the time of importation into the United States. A claim chart applying claims 1, 6, and 11 of the '128 patent to a representative Accused Voice Product is attached as Exhibit 32.

67. Despite knowing of the '128 patent, Sonos directly infringes the asserted claims by making, using, offering to sell, or selling the Accused Voice Products in the United States and by importing the Accused Voice Products into the United States in violation of 35 U.S.C. § 271(a).

68. Despite knowing of the '128 patent, Sonos actively, knowingly, and intentionally induced and continues to induce the infringement of the asserted claims by actively encouraging others to make, use, offer to sell, or sell the Accused Voice Products in the United States and/or import the Accused Voice Products into the United States in violation of 35 U.S.C. § 271(b). For example, Sonos promotes Sonos Voice Control as providing “[f]ast, accurate control of your

music and your Sonos System,” and as being available “on new voice capable products and as a free update for existing customers.”¹⁶

69. Sonos contributorily infringes the asserted claims of the ’128 patent by offering to sell or selling within the United States or importing into the United States the Accused Voice Products (where each of the Accused Voice Products is or contains a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention), knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use in violation of 35 U.S.C. § 271(c).

C. Infringement of the ’748 Patent

70. Sonos infringes claims 1-4, 7, 9-12, 14, and 15 of the ’748 patent, directly and/or indirectly via induced infringement and/or contributory infringement. The Accused Voice Products infringe the ’748 patent by virtue of Sonos’s importing, selling for importation, and/or selling after importation into the United States the Accused Voice Products in violation of 35 U.S.C. §§ 271(a)-(c). On information and belief, the Accused Voice Products satisfy all claim limitations of the asserted claims at the time of importation into the United States. A claim chart applying claims 1, 7, and 11 of the ’748 patent to a representative Accused Voice Product is attached as Exhibit 33.

71. Despite knowing of the ’748 patent, Sonos directly infringes the asserted claims by making, using, offering to sell, or selling the Accused Voice Products in the United States and by importing the Accused Voice Products into the United States in violation of 35 U.S.C. § 271(a).

¹⁶ Ex. 31.

72. Despite knowing of the '748 patent, Sonos actively, knowingly, and intentionally induced the infringement of the asserted claims by actively encouraging others to make, use, offer to sell, or sell the Accused Voice Products in the United States and/or import the Accused Voice Products into the United States in violation of 35 U.S.C. § 271(b). For example, Sonos promotes Sonos Voice Control as providing “[f]ast, accurate control of your music and your Sonos System,” and as being available “on new voice capable products and as a free update for existing customers.”¹⁷

73. Sonos contributorily infringes the asserted claims of the '748 patent by offering to sell or selling within the United States or importing into the United States the Accused Voice Products (where each of the Accused Voice Products is or contains a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention), knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use in violation of 35 U.S.C. § 271(c).

D. Infringement of the '615 Patent

74. Sonos infringes claims 1-3, 5-9, 11, 15-17, and 19 of the '615 patent, directly and/or indirectly via induced infringement and/or contributory infringement. In particular, Sonos audio player products that support commissioning of the device into a system via short-range transmissions, including the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray (collectively, the “Accused Player Products”) infringe the '615 patent. Sonos infringes these claims by importing, selling for

¹⁷ Ex. 31.

importation, and/or selling after importation into the United States the Accused Player Products in violation of 35 U.S.C. §§ 271(a)-(c). On information and belief, the Accused Player Products satisfy all claim limitations of the asserted claims at the time of importation into the United States. A claim chart applying claims 1, 11, and 16 of the '615 patent to a representative Accused Player Product is attached as Exhibit 35.

75. Despite knowing of the '615 patent, Sonos directly infringes the asserted claims by making, using, offering to sell, or selling the Accused Player Products in the United States and by importing the Accused Player Products into the United States in violation of 35 U.S.C. § 271(a).

76. Despite knowing of the '615 patent, Sonos actively, knowingly, and intentionally induced the infringement of the asserted claims by actively encouraging others to make, use, offer to sell, or sell the Accused Player Products in the United States and/or import the Accused Player Products into the United States in violation of 35 U.S.C. § 271(b). For example, Sonos instructs its customers to use its Sonos Roam Speaker to perform the commissioning techniques in an infringing manner.¹⁸ Sonos's customers and end users of Sonos's infringing products test and/or operate Sonos's infringing products in the United States in accordance with Sonos's instructions contained in Sonos's user guides. *Id.*

77. Sonos contributorily infringes the asserted claims of the '615 patent by offering to sell or selling within the United States or importing into the United States the Accused Player Products (where each of the Accused Player Products is or contains a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in

¹⁸ Ex. 36, "Set Up Your Sonos Roam" (last accessed August 4, 2022), *available at* https://support.sonos.com/s/article/4994?language=en_US.

practicing a patented process, constituting a material part of the invention), knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use in violation of 35 U.S.C. § 271(c).

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

78. Sonos sells for importation into the United States, imports into the United States, and/or sells after importation into the United States the Accused Products. Examples of Accused Products were purchased from a retailer located in the United States. *See* Ex. 43 (photos of receipts and packaging for a Sonos One and a Sonos Roam). Specifically, a Sonos One, Sonos Move, Sonos Roam, Sonos Five, Sonos Arc, and Sonos Beam were purchased from Sonos on April 5, 2022. A Sonos One SL, Sonos Roam SL, and Sonos Ray were purchased from Sonos on June 20, 2022. The packaging for these devices indicates that they were manufactured or assembled outside of the United States. *Id.*

79. Substantially all of the Accused Products in the United States are manufactured by Sonos's outsourcing partners, which are located primarily in Asia, and sold by Sonos for importation into the United States. *See* Ex. 44 (Sonos 10K).

VIII. HARMONIZED TARIFF SCHEDULE NUMBERS

80. The Accused Products are classified under at least the following subheading of the Harmonized Tariff Schedule of the United States: 8518.21.00. These classifications are exemplary in nature and not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

IX. THE DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

81. A domestic industry under Sections 337(a)(3)(A) and 337(a)(3)(B) exists in the United States through Google's employment of plant, equipment, labor, and capital toward the

research, development, design, engineering, software engineering, product, supply chain, quality assurance, consumer and customer support, manufacture, and regulatory compliance activities related to the Google Nest Hub, Google Nest Hub Max, Google Nest Audio, Google Nest Mini, Google Nest Wifi, Google Pixel 6, Google Pixel 6 Pro, Google Pixel 5, and Google Pixel 5a, Google WiFi, Google Nest Cam, Google Nest Doorbell, Google Nest Thermostat, Google Nest x Yale Lock, Google Chromecast, Google TV (also known as the “Domestic Industry Products”). A domestic industry under Section 337(a)(3)(C) also exists in the United States through Google’s investments in research, development, and engineering directed to the Domestic Industry Products.

A. Technical Prong

82. The table below sets forth exemplary Domestic Industry Products that are protected by least one claim of the Asserted Patents. The Nest Domestic Industry Products include at least the following: Google Nest Hub, Google Nest Hub Max, Google Nest Audio, Google Nest Mini, and Google Nest Wifi. The Google Pixel Domestic Industry Products include at least the following: Google Pixel 6, Google Pixel 6 Pro, Google Pixel 5, and Google Pixel 5a.

Patent No.	Domestic Industry Products
'311 patent	Google Nest Domestic Industry Products Google Pixel Domestic Industry Products
'128 patent	Google Nest Domestic Industry Products Google Pixel Domestic Industry Products
'748 patent	Google Nest Domestic Industry Products Google Pixel Domestic Industry Products
'615 patent	Google Nest Domestic Industry Products

83. Claim charts applying representative independent claims of each Asserted Patent to a representative Domestic Industry Product are attached as Exhibits 45 ('311 patent), 46 ('128 patent), 47 ('748 patent), and 48 ('615 patent).¹⁹

84. Representative samples of the Domestic Industry Products are available for inspection upon request.

B. Economic Prong

85. There is a domestic industry as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and/or (C), comprising past and continuing significant investments made in the United States by Google in plant and equipment and the employment of labor and capital, and continuing substantial investment in research, development, and engineering in the United States to create the Domestic Industry Products, bring them to market, and sustain their success. Google's significant and substantial investments include at least those that are detailed in the Confidential Declaration of Michael Maigret (Confidential Exhibit 42).

86. A significant and substantial portion of Google's technical activities, which includes research and development of the Domestic Industry Products and technical support for these products, take place in the United States. Google's domestic investments and activities are significant and substantial under Section 337. Moreover, they are significant and substantial both in absolute terms and relative to Google's overall operations. Google's investments in the Domestic Industry products are vital to Google's business with respect to these products, and represent significant added value to Google's business as a whole.

¹⁹ The Domestic Industry Products are protected by additional claims of the Asserted Patents, and Google may establish the technical prong of the domestic industry requirement through claims other than those explicitly charted in Exhibits 45-48.

X. RELATED LITIGATION

87. The Asserted Patents were previously asserted against Sonos in the United States District Court Northern District of California, Civil Action No. 3:22-cv-04553. Other than that litigation, Google has not previously litigated the Asserted Patents before any other court or agency.

88. Google and Sonos are currently engaged in additional litigation that do not specifically address the Asserted Patents, including Investigation No. 337-TA-1191 at the United States International Trade Commission,²⁰ Case Nos. 2022-1421 and 2022-1573 pending at the United States Court of Appeals for the Federal Circuit, and Civil Action Nos. 3:20-cv-03845-EMC, 3:21-cv-07559-WHA and 3:20-cv-06754-WHA pending at the United States District Court for the Northern District of California. Sonos and Google are currently engaged in Rule 177 proceedings at United States Customs and Border Protection. To date, the proceedings have resulted in two rulings, which are numbered HQ H324813 and HQ H326291. Sonos and Google have also litigated patent disputes in various foreign jurisdictions, including patent litigation in Canada, Germany, and the Netherlands. None of these domestic or foreign litigations involved the Asserted Patents or counterparts to the Asserted Patents.

XI. RELIEF REQUESTED

89. Google respectfully requests that the Commission:

(a) Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Sonos's violations of that section arising from the importation into the United States, sale for importation, and/or the sale within the United States after importation of Sonos products—including the Sonos One, Sonos One SL, Sonos Move,

²⁰ A final determination was issued on January 6, 2022. Google filed a petition for modification on July 14, 2022.

Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray—that infringe one or more claims of the Asserted Patents;

(b) Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of Section 337, and (ii) following the hearing, determining that there has been a violation of Section 337;

(c) Issue a permanent limited exclusion order directed to products manufactured, imported, sold for importation and/or sold after importation by or on behalf of Sonos, its subsidiaries, related companies, and agents pursuant to 19 U.S.C. § 1337(d) excluding entry into the United States of Sonos products that infringe one or more claims of the Asserted Patents, including, for example, the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray;

(d) Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting Sonos, its domestic subsidiaries, related companies, and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, use after importation, sale after importation, and other transfer within the United States of Sonos products that infringe one or more claims of the Asserted Patents, including, for example, the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray;

(e) Impose a bond upon importation of Sonos products that infringe one or more claims of the Asserted Patents, including, for example, the Sonos One, Sonos One SL, Sonos Move, Sonos Roam, Sonos Roam SL, Sonos Five, Sonos Arc, Sonos Beam, and Sonos Ray, during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and

(f) Issue such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the investigation and the authority of the Commission.

Dated: August 9, 2022

Respectfully submitted,

/s/ S. Alex Lasher

S. Alex Lasher

Jeff Gerchick

Nina S. Tallon

Quinn Emanuel Urquhart & Sullivan, LLP

1300 I Street, NW, Suite 900

Washington, D.C. 20005

Tel.: (202) 538-8000

David A. Nelson

Quinn Emanuel Urquhart & Sullivan, LLP

191 N. Wacker Dr., Suite 2700

Chicago, IL 60606

Tel.: (312) 705-7400

Patrick D. Curran

Quinn Emanuel Urquhart & Sullivan, LLP

111 Huntington Ave, Suite 520

Boston, MA 02199

Tel.: (617) 712-7100

Counsel for Complainant Google LLC

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**IN THE MATTER OF CERTAIN
AUDIO PLAYERS AND
COMPONENTS THEREOF**

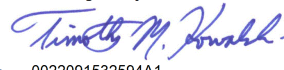
Investigation No. 337-TA- _____

VERIFICATION

I, Timothy Kowalski, am Senior Patent Counsel, Head of Strategic Engagements and Transactions, at Google LLC, and I am authorized to execute this verification on behalf of Complainant. I have read the Complaint and am aware of its contents. To the best of my knowledge, information, and belief, and based upon a reasonable inquiry under the circumstances, I hereby certify that:

1. The allegations contained in the Complaint are well grounded in fact and have evidentiary support, or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;
2. The claims and other legal contentions set forth in the Complaint are warranted by existing laws or by a good faith, non-frivolous argument for extension, modification, or reversal of existing law, or by the establishment of new law; and
3. The Complaint is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Dated: August 8, 2022

DocuSigned by:

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Timothy Kowalski
Senior Patent Counsel
Head of Strategic Engagements and Transactions
Google LLC