

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMITH INTERFACE TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-01083
Patent 10,642,413 B1

Before JAMESON LEE and JEFFREY S. SMITH,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

DECISION
Conduct of the Proceeding
37 C.F.R. § 42.5

On August 5, 2025, Patent Owner contacted the Board by e-mail requesting authorization to file a motion to strike portions of Petitioner's Reply, because, according to Patent Owner, Petitioner's Reply includes improper arguments. On August 8, 2025, a conference call was held between the parties and Judges Smith, Lee, and Fenick. During the call, Patent Owner contended that Section II.B and portions of Section IV.A of Petitioner's Reply are improper because they contain new arguments and theories that should have been made in the Petition.

We are not sufficiently persuaded by Patent Owner's explanations during the conference call to authorize the requested motion. Section II.B of the Reply responds to Patent Owner's proposed claim construction by asserting that the prior art teaches the disputed limitation even under Patent Owner's proposed construction. Reply 7–10; *see Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1384 (Fed. Cir. 2023). Section IV.A of the Reply provides rebuttal argument and evidence to address Patent Owner's contention that “Hinckley's menu would not follow the user's finger as it slides from the edge” (Reply 22–23 (quoting PO Resp. 60)), which “accomplish[es] the function of rebuttal; to explain, repel, counteract, or disprove the evidence of the adverse party.” *Belden Inc. v. Berk-Tec LLC*, 805 F.3d 1064, 1082 (Fed. Cir. 2015). Similarly, Petitioner's citation to Dr. Terveen's Reply Declaration on page 20 of the Reply properly addresses Patent Owner's contentions.

The panel does not authorize the filing of a Motion to Strike.

In view of the foregoing, it is hereby:

ORDERED that Patent Owner's request for authorization to file a motion to strike is denied.

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For PETITIONER:

W. Karl Renner
David Holt
Usman Khan
Jennifer Huang
FISH & RICHARDSON P.C.
axf-ptab@fr.com
dth@fr.com
khan@fr.com
jhuang@fr.com

For PATENT OWNER:

Eagle Robinson
Daniel Leventhal
Chad Wallis
Alex Lucaciu
NORTON ROSE FULBRIGHT US LLP
eagle.robinson@nortonrosefulbright.com
daniel.leventhal@nortonrosefulbright.com
chad.wallis@nortonrosefulbright.com
alex.lucaciu@nortonrosefulbright.com