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Cc: [IPR50095-0170IP1](#); [Eagle Robinson](#); [Daniel Leventhal](#); [Chad Wallis](#)
Subject: Request for Reply briefing in Apple Inc. (Petitioner) v. Smith Interface Technologies (Patent Owner), Case No. IPR2024-01090 (FR Ref.: 50095-0170IP1)
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Your Honors,

Petitioner respectfully requests authorization for briefing in the form of a 3-page Reply to Patent Owner’s Preliminary Response (POPR) in IPR2024-01090. If Petitioner’s request is granted, Petitioner does not oppose Patent Owner’s submission of an equivalent Sur-Reply. Petitioner respectfully submits that no new evidence should accompany either the Reply or Sur-Reply.

If granted, the Reply would address arguments in the POPR related to independent claims 1 and 42 regarding the claim terms “when” and “based on the detected usage where.” See, e.g., POPR at 8–11, 33–46. For example, the Reply would address the POPR’s statement on Page 10 that “there is no apparent difference” between the claim term “when” and the separately-recited claim term “in response to.” The Reply would also address the POPR’s characterization of the prior art under the alleged interpretation that “when” and “in response to” are effectively equivalent.

Petitioner respectfully submits that good cause for further briefing on these issues exists, at least because briefing would clarify the record and aid the Board in deliberations on issues that are potentially dispositive to institution. For example, although the Petition preemptively addresses aspects of the POPR’s arguments, Petitioner could not have reasonably anticipated Patent Owner’s assertion that the distinct claim terms “when” and “in response to” should be interpreted as having equivalent meanings. If requested by the Board, Petitioner will provide further explanation of good cause, but Petitioner limits the present narrative out of respect for the Board’s consistent request for emails to be limited to defining issues without argumentative content.

In connection with this request, Petitioner proposes the briefing schedule outlined below:

Preliminary Response Filed	Institution Deadline	Petitioner’s Reply Deadline	Patent Owner’s Sur-Reply Deadline
10/23/24	1/23/25	Within 5 business days of the Board’s authorization	Within 5 business days of Petitioner’s Reply

Petitioner and Patent Owner have met and conferred (regarding Petitioner’s request and the content of this message). Patent Owner opposes Petitioner’s request because the POPR simply responds to issues explicitly addressed in the Petition (e.g., Pet., 52).

Should the Board desire a call to discuss this request, the parties are available this week on December 5 (8 am to 12 pm EST) and December 6 (3-5 pm EST). The parties can provide additional availability upon request.

Respectfully,

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