

From: [Brett Cooper](#)
To: [Trials](#)
Cc: [Theo Foster IPR](#); [David McCombs IPR](#); [Calmann Clements IPR](#); [Lionra Counsel](#)
Subject: IPR2024-01281 - Patent Owner's Statement Regarding LBT IP
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To the Honorable Board:

Further to the Board's request at yesterday's oral argument, Patent Owner submits the following statement regarding the Federal Circuit's decision in *LBT IP I LLC v. Apple, Inc.*, 2023 WL 3914920 (June 9, 2023) ("*LBT*"):

In *LBT*, Petitioner conceded no express disclosure in obviousness reference, instead relying on expert testimony. The Court concluded that such gap-filling arguments, like Cisco's *Paatela* arguments, are substantively about inherency, where missing limitation must be "necessarily present." Because the expert's testimony was merely about the reference's "possibilities," the Court reversed. *LBT*, at *3-4.

Respectfully submitted,

Brett Cooper
BC Law Group, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016
Main: 212-951-0100
Fax: 212-951-0330
Mobile: 516-359-9668
bcooper@BCLGpc.com

BC | LG
TRIAL LAWYERS