

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.,

Petitioner

v.

Rally AG LLC,

Patent Owner

Case IPR2024-01446

U.S. Patent No. 11,361,107

PATENT OWNER'S PRELIMINARY SUR-REPLY

I. LEE DOES NOT TEACH REPLY-TO; DR. TERVEEN CONTRADICTS THE REPLY’S EFFORT TO REMEDIATE ITS POSITION

The Petition admits that Lee fails to disclose use of the Reply-To field.

Petitioner tries to patch this hole on Reply by asserting:

Dr. Terveen explained, the “reply-to” and “from” fields are “functionally identical” in this context.

The selective quotes are telling because Dr. Terveen did not give that testimony. Dr. Terveen testified that “[a] POSITA would have understood that these two fields serve distinct roles.” Ex. 1003, ¶ 83. Dr. Terveen stated that the only instance where the From/Reply-To fields are “functionally identical” is when those fields are populated by the same value. *Id.* (“[T]he ‘reply-to’ field and ‘from’ field would have been understood to be functionally identical unless the ‘reply-to’ field is given a different value than the ‘from’ field.”). And Dr. Terveen testified that a POSITA would never populate the From field and the Reply-To field with the same data. *Id.* (“[T]he ‘reply-to’ field is an optional field . . . that is only used in case the sender wishes a reply to be sent to a different address than that found in the ‘from’ field.”).

The only instance where the From/Reply-To fields are “functionally equivalent” is a use case that Dr. Terveen admits is invalid. Petitioner’s uncorroborated “functionally equivalent” assertion fails by its own expert’s statements.

II. A POSITA KNEW THAT THE CONTENT OF THE REPLY-TO FIELD IS DIFFERENT THAN THE FROM FIELD

Petitioner argues claim 13 requires “populating a ‘reply-to’ field with the sender’s alias” but does not require “populating a ‘from’ field with a distinct email address.” Reply, 1. This is contrary to how a POSITA would understand the claim. Petitioner’s own expert testified, “A *POSITA would have understood* that these two fields serve distinct roles . . . [where] the ‘reply-to’ field is an optional field . . . that is only used in case the sender wishes a reply to be sent to a different address than that found in the ‘from’ field.” Ex. 1003, ¶ 83.

Because a POSITA knew that the Reply-To field, when used, contains distinct data from the From field, the claim should be read accordingly.

III. PETITIONER’S “PURPOSE” ARGUMENT IS A STRAWMAN

Rather than dealing with the proper reading of the claim language, Petitioner attempts to assign a concocted “purpose” to the Reply-To feature. Reply, 2 (“PO concedes that the purpose of populating ‘reply-to’ field with the sender’s alias is to preserve the end user’s anonymity[.]”). Petitioner then purports to knock down that strawman by arguing that “[t]he Petition established that Lee expressly teaches this anonymity feature.” *Id.*

While the “anonymity feature” may be one purpose of the Reply-To feature, it is not the only purpose. The POPR details at length that the ’107 Patent leverages different information in the From/Reply-To fields to provide both (1) desired routing

of reply emails through the ID cloaking system; and (2) critical context of the true source of the incoming email to the user. *See*, POPR, 4-5; 19-20; 42-45 (all referencing '107 Patent, FIG. 4). Neither Lee, nor Petitioner's contrived and expert-contradicted modification of Lee provides these two benefits.

IV. CITING TO THE '107 PATENT TO SUPPORT ITS OBVIOUSNESS RATIONALE IS WEAK

The Reply alleges that the "'107 Patent is unambiguous that both 'from' and 'reply-to' fields may be populated with the same sender alias." Reply, 3. In reality, the cited sentence states that the ID cloaking system rewrites "envelope as well as RFC-822 header fields *such as* 'from' and 'reply to' with the cloaked address." Ex. 1001, 17:63-65. The "such as" language indicates that either of the From/Reply-To fields can be used to route replies back through the ID cloaking system.¹

Further, column 17 is not prior art. Citing to the '107 Patent to support a motivation to modify Lee is plainly improper. Because the Petition lacks any motivation to augment Lee beyond hindsight reconstruction, the Petition's case is deficient. Institution should be denied.

¹ While use of the From field can provide the first benefit discussed above, only utilization of the Reply-To field as claimed provides both benefits.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), I certify that I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing by email on March 4, 2025, at the following addresses:

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