UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

DIALECT, LLC,
Patent Owner.

Case IPR2025-00657
Patent 9,263,039

PATENT OWNER'S PRELIMINARY RESPONSE

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	First Amended Docket Control Order, *Dialect, LLC v. Bank of America, N.A.*, Civ. No. 2:24-cv-207, Dkt. 52 (E.D. Tex. Aug. 28, 2024)
2002	Comparison of Districts Within the Fifth Circuit — 12-Month Period Ending September 30, 2024 (available at https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distcomparison1231.2024.pdf)
2003	Defendant's Invalidity Contentions, *Dialect, LLC v. Bank of America, N.A.*, Civ. No. 2:24-cv-207 (E.D. Tex. Sept. 12, 2024)
2004-2009	Reserved
2010	Ex. D (Maes) to Defendant's Invalidity Contentions, *Dialect, LLC v. Bank of America, N.A.*, Civ. No. 2:24-cv-207 (E.D. Tex. Sept. 12, 2024)
2011	Ex. D (Ross) to Defendant's Invalidity Contentions, *Dialect, LLC v. Bank of America, N.A.*, Civ. No. 2:24-cv-207 (E.D. Tex. Sept. 12, 2024)
2012-2018	Reserved
2019	Return of Summons, *Dialect, LLC v. Bank of America, N.A.*, Civ. No. 2:24-cv-207 (E.D. Tex. Mar. 27, 2024)
2020	"IPBC Global 2025: Acting USPTO Director says IPR use needs to change" (June 10, 2025) (available at https://www.iam-media.com/article/ipbc-global-2025-acting-uspto-director-says-ipr-use-needs-change)

Pursuant to 37 C.F.R. § 42.107, Patent Owner Dialect, LLC ("Dialect" or "Patent Owner") files this preliminary response to the Petition, setting forth reasons why the Petition for *inter partes* review ("IPR") of claims 13-15, 17, and 18 of U.S. Patent No. 9,263,039 (the "'039 patent"), as requested by Google LLC ("Petitioner"), should be denied.[1]

I. INTRODUCTION

Petitioner's challenges to the '039 patent should be denied. Speech and non-speech processing in the '039 patent generates "relevance scores" based on comparing text combinations from user queries to context description grammar entries and then selects a domain agent based on those relevance scores. Ross, relied on by Petitioner to satisfy these key aspects of the claims, fails to disclose these claimed features. Fundamentally, Petitioner mischaracterizes how Ross operates. Specifically, Petitioner incorrectly argues that Ross's priority ordering of context grammars constitutes the claimed "relevance score" functionality. But Ross reorders grammars based solely on recency of prior access by moving a matching grammar to the top of a context stack after the matching grammar is found—which does not use the claimed "relevance score" or generate the claimed "relevance score" based on a comparison with a current query's text combinations.

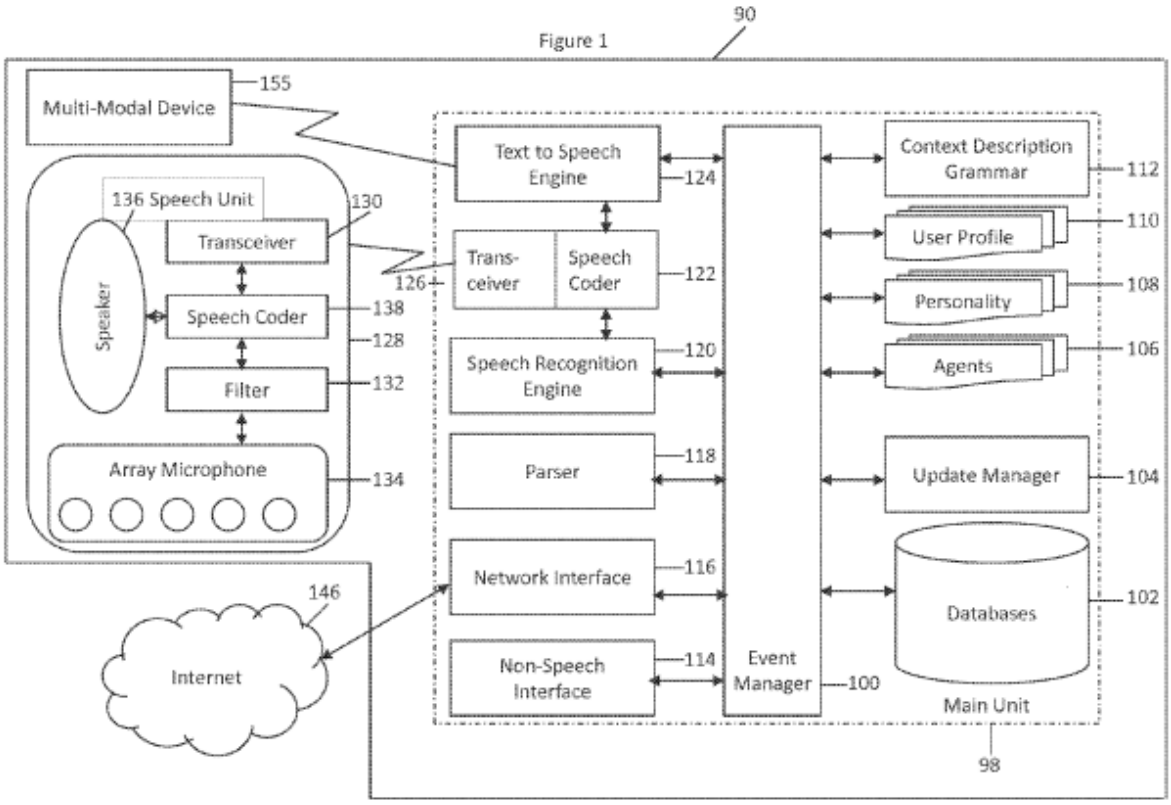
[1] By submitting this Preliminary Response, no waiver of any argument is intended by Patent Owner. Patent Owner will have a right to file a complete response to the Petition, should the Board institute *inter partes* review. 37 C.F.R. § 42.120(a).

This fundamental distinction is fatal to Petitioner's obviousness theories because Ross's recency-based ordering exists entirely independent of any analysis of the ***current*** user query. Moreover, Ross selects the first grammar that can accept a user's phrase regardless of its stack position, in contrast to the claimed method of accessing multiple domain agents and selecting one or more domain agents based on results from a relevance score. Thus, the Petition does not establish that Petitioner's challenges will succeed because Ross simply does not teach the claimed "relevance score" methodology.

II. THE '039 PATENT

The '039 patent is entitled, "Systems and Methods for Responding to Natural Language Speech Utterance," and relates to retrieval of information or processing of commands through a speech interface and/or a combination of a speech interface and a non-speech interface.

FIG. 1 of the '039 patent, reproduced below, provides an exemplary schematic diagram view of a system according to an embodiment of the '039 patent:



'039 patent, FIG. 1; *see also id*. at 10:14-15. As shown in the figure above, the system 90 may include a main unit 98, a speech unit 128, and multi-modal device 155. '039 patent, 11:44-53. "The speech recognition engine 120 recognizes words and phrases, using information in the context description grammar 112, and passes these to the parser 118 for interpretation." '039 patent, 20:21-24.

"Once the words and phrases have been recognized by the speech recognition engine 120, the tokens and user identification is passed to the parser 118." '039 patent, 21:11-27. "The parser 118 examines the tokens for the questions or commands, context and criteria. The parser 118 determines a context

for an utterance by applying prior probabilities or fuzzy possibilities to keyword matching, user profile 110, and dialog history. The context of a question or command determines the domain and thereby, the domain agent 156, if any, to be evoked… Based on these probabilities or possibilities the possible contexts are scored and the top one or few are used for further processing." *Id*.

Claim 13 recites:

13. A method of processing speech and non-speech communications, comprising:

receiving the speech and non-speech communications;

transcribing the speech and non-speech communications to create a speech-based textual message and a non-speech-based textual message;

merging the speech-based textual message and the non-speech-based textual message to generate a query;

searching the query for text combinations;

comparing the text combinations to entries in a context description grammar;

accessing ***a plurality of domain agents*** that are associated with the context description grammar;

generating ***a relevance score*** based on ***results from comparing the text combinations*** to entries in the context description grammar;

selecting one or more domain agents based on results from the relevance score;

obtaining content that is gathered by the selected domain agents; and

generating a response from the content, wherein the content is arranged in a selected order based on results from the relevance score.

'039 patent, claim 13 (emphasis added).

III. THE BOARD NEED NOT REACH ANY CLAIM CONSTRUCTION ISSUES TO DENY THE PETITION

The Petitioner identifies no terms as requiring constructions. Without waiving its right to submit constructions in a Patent Owner Response, Patent Owner submits that the Board need not engage in any pre-institution claim construction. For the reasons presented in Section IV below, Petitioner's grounds include fundamental flaws and fail to establish the disclosure of every claimed element in each independent claim. These findings do not require the Board to conduct any construction of the above-identified terms.

IV. PETITIONER'S CHALLENGES FAIL ON THE MERITS

Petitioner assert that independent claim 13 and dependent claims 14, 15, 17, and 18 are obvious in view of Maes[2] and Ross[3] (Ground 2).

As introduced above, the '039 patent discloses methods for processing speech and non-speech communications, and challenged claim 13 includes the step

[2] Ex. 1005, U.S. Patent No. 6,964,023 ("Maes").
[3] Ex. 1022, U.S. Patent Application Publication No. 2002/0133354 ("Ross").

of "comparing the text combinations" contained in a user's query "to entries in a context description grammar" (element [13.5]), the step of "accessing a plurality of domain agents that are associated with the context description grammar" (element [13.6]), and the step of "generating a relevance score based on results from comparing the text combinations to entries in the context description grammar" (element [13.7]). Then, per element [13.8], claim 13 includes the step of "selecting one or more domain agents based on results from the relevance score."

In the Petition, Petitioner relies on the Ross reference to disclose elements [13.6], [13.7], and [13.8]. *See* Pet., 53-60. This is wrong. Petitioner points to Ross's "recency of relevant access to the context" as allegedly disclosing a "relevance score" as claimed in element [13.7]. Pet., 55. Per Ross, the context grammars in a context list are ordered based on priority of prior access, but this order has nothing to do with any comparison of text combinations from a current user query. Rather, the ordering is established prior to processing a current query, and the process of ordering of context grammars exists separate from and independent of any comparison of a current query's text combinations to entries in the context stack. Therefore, it is wrong for Petitioner to contend that the priority order of a context manager's entries is "based on results from comparing the text combinations to entries in the context description grammar," as claimed in element [13.7].

The Petition also uses misleading characterizations in its argument to hide the shortcoming of Ross. Addressing Ross's Figure 4, the Petition contends that "within context list 62, in priority order, 70-1 (appearing at the top of the context list) is the most-recently accessed grammar having the highest recency of access characteristic (highest 'relevance score'); 70- 2 (appearing in the middle of the context list) is the next most-recently accessed grammar having a medium recency of access characteristic (medium 'relevance score'); and 70-3 (appearing at the bottom of the context list) is the least accessed grammar having the lowest recency of access characteristic (lowest 'relevance score')." Pet., 56-57 (citing Ex. 1003, ¶152). But even if Ross's order of grammars in the context stack had some bearing on the relevancy of each grammar, that order is not "based on results from comparing the text combinations [in a query being evaluated] to entries in the context description grammar," as claimed in element [13.7]. Rather, the order simply relates to which grammar in the stack was last accessed.

Further, element [13.6] requires the step of "accessing a plurality of domain agents that are associated with the context description grammar," but Ross selects the first application that has a grammar that can accept the user's phrase, regardless of where in the stack that grammar is arranged. *See* Ross, [0053]. This disclosure confirms that element [13.6] is missing from Ross.

Petitioner's theory has at least one more shortcoming. In element [13.8], claim 13 performs the step of "selecting one or more domain agents based on results from the relevance score." (emphasis added). Applying this method of "selecting" to Petitioner's incorrect characterization of Ross would require selecting the most recent grammar in the stack every time because, according to Petitioner, the top entry is always the entry with the highest "relevance score." This is not how Ross works.

While Ross does order the context stack such that the most recently accessed grammar is positioned on the top of the stack, this order has no inherent bearing on the relevance of that grammar entry to the current query's text combinations. Per Ross, "[t]he context manager 50 tests the utterance against these grammars (indicated by the contexts 70 in the context list 62) in priority order, and passes the commands on to the first application 26 that has a grammar that will accept the phrase." Ross, [0053]. In other words, if the third grammar in Ross's stack is the first grammar that will accept a user's phrase, this means that Ross is bypassing two higher grammars with—according to Petitioner—higher relevance scores to reach the third grammar. And again, Ross is only accessing one grammar, the first grammar that can accept the phrase in question.

Ross orders its stack according to the most recently accessed grammar, but whether the most recently accessed grammar can process a user's phrase—and

would therefore be somehow relevant to the user's query—is a separate question that is irrelevant to the characteristic of stack order. Ross plainly does not fit the claimed steps of claim 13, including the step of "accessing a plurality of domain agents that are associated with the context description grammar" (element [13.6]), the step of "generating a relevance score based on results from comparing the text combinations to entries in the context description grammar" (element [13.7]), and the step of "selecting one or more domain agents based on results from the relevance score" (element [13.8]).

The Petition does not rely on Maes for these elements. Pet., 53-60. Accordingly, the Petition's focus on Ross when addressing elements [13.6], [13.7], and [13.8] is wrong, and this is fatal to the Petition. Moreover, each of the other challenged claims depend from claim 13, thus confirming that each challenge presented in the Petition is deficient.

V. CONCLUSION

For the reasons presented above, the Petition should be denied, and no *inter partes* review should be instituted.

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CERTIFICATE OF WORD COUNT

The undersigned certifies that the foregoing PATENT OWNER'S PRELIMINARY RESPONSE complies with the type-volume limitation in 37 C.F.R. § 42.24(b)(1). According to the word-processing system's word count, the brief contains 1,775 words, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a).

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025, a true and correct copy of the foregoing document was served via email, by consent, to Petitioner by serving the correspondence email addresses of record as follows:

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