

From: [Hunter Horton](#)
To: [Trials](#)
Cc: lewis@hudnelllaw.com; allani.team@hudnelllaw.com; stan@hudnelllaw.com; [Adam Seitz](#); [Paul Hart](#)
Subject: Re: IPR2025-00856 and IPR2025-00857: Request for Supplemental Briefing
Date: Tuesday, September 9, 2025 6:27:26 PM

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To the Board,

One minor correction to my previous correspondence. If the Board deems a conference call necessary, both parties are available in the following window:

Thursday, September 11th, 9am CT - 11am CT.

Respectfully,



Hunter Horton

Shareholder

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On Sep 9, 2025, at 4:33 PM, Hunter Horton <hunter.horton@eriseip.com> wrote:

To the Board,

I write on behalf of Petitioner Apple Inc. in IPR2025-00856 and IPR2025-00857. Petitioner seeks permission to file a Preliminary Reply to Patent Owner's Preliminary Response ("POPR") in each proceeding to address new and unforeseeable claim constructions never asserted in the parallel litigation at *Markman*. See IPR2025-00856, POPR, p. 10-13; IPR2025-00857, POPR, p. 11-14. Namely, Patent Owner proposes constructions for three claim terms found in both challenged patents: (1) "a preliminary search for information or service, locally performed within said communication device" or "a preliminary search locally performed within said communication device;" (2) "beforehand locally stored;" and (3) "direct access icon." This is the first time Patent Owner has raised these constructions and the three constructions all introduce a central concept that the plain meaning of the challenged claims require selection pages and icons to be "pre-stored" on the mobile device, rather than downloaded over a server by the user. In other words, they read out the idea that a user can be involved in the process.

There is no support in the intrinsic record for Patent Owner's claim constructions. Nor is there any lexicography or disavowal to support these constructions. And the claims themselves do not support this interpretation but rather contradict it by claiming a process for a user to download updated selection pages from a server. *See, e.g.*, Ex. 1001, Claim 7 (claiming process to "updat[e]" the "plurality of locally stored selection pages").

Petitioner requests supplemental briefing in the form of a 5-page Preliminary Reply to address Patent Owner's new and unforeseeable constructions and to provide specific details and citations for the arguments noted above, due five days from the date this request is granted.

Petitioner has conferred with Patent Owner, and Patent Owner has indicated it does not oppose to the extent it is granted a five-page preliminary sur-reply due two weeks after Petitioner files its preliminary reply.

If the Board deems a conference call necessary, both parties are available in the following window:

Thursday, September 11th, 9am CT - 12am CT.

Respectfully,



Hunter Horton

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