UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

FERID ALLANI,
Patent Owner

Inter Partes Review Case No. IPR2025-00856
U.S. Patent No. 8,271,877

PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE

Patent Owner Mr. Ferid Allani's ("PO") Preliminary Response ("POPR") introduces three new claim constructions never raised during *Markman* in parallel litigation: *Allani v. Apple, Inc.*, No. 6:24-cv-00304 (W.D. Tex., June 3, 2024). POPR, 10-13. Namely, PO proposes constructions for three claim terms found in several claims[1] of 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." *Id*. The three constructions all introduce a central concept that the plain meaning of the challenged claims requires selection pages and icons be "pre-stored" on the mobile device, rather than downloaded over a server by the user.

It is unclear if these constructions foreclose user involvement entirely prior to a user's preliminary search through locally stored selection pages. Meaning the selection pages were never downloaded by a user but native to the mobile device. Or, if PO simply suggests the claims require selection pages and icons be pre-stored locally before the user begins its preliminary search but encompass a user downloading those pages before the search. If the former, there is no support for this

[1] Independent claims 21 and 24 of the child '058 Patent do not include these limitations.

interpretation anywhere in the intrinsic record. It would also be inconsistent with PO's infringement allegations in the litigation. Allani accuses the Apple Store app and Music app, each of which require a user downloading pages from a server.

Regarding the latter interpretation, Patent Owner improperly limits the claims to embodiments in the specification. Regardless, Petitioners prior art renders this claim scope invalid.

I. First Interpretation: The Intrinsic Record Does Not Support Excluding User Involvement

The POPR proposes the following new constructions:

- "a preliminary search…" – "the plain meaning of this term requires that the initial search for information occur on the selection pages pre-stored on the communication device" such that "the beforehand storing…*is an implementation step not performed by the user*"
- "beforehand locally stored" – "the claimed selection pages be pre-stored on the claimed communications device before the user conducts the preliminary search" and is "*an implementation step not performed by the user*"
- "direct access icon" – "the website corresponding to the icon is *not determined by user action*" so "the direct access icons must also be beforehand locally stored, and hence predefined"

POPR, 11-13 (emphasis added). PO's entire argument is premised on differentiating selection pages downloaded "on-demand" by a user, versus those natively pre-stored on a device. *Id.*; *see also id.*, 5 ("Rossmann describes a server-driven, on-demand delivery model…the opposite of 'beforehand locally stored'"). But PO's

constructions find no support in the intrinsic record and contradict the language of the claims. Accordingly, PO's interpretations should be rejected.

Moreover, there is no definitional statement in the specification foreclosing user-downloaded selection pages. Instead, the specification is broad enough to *support* downloading selection pages by a user "on demand." Ex. 1001, 5:1-5. Specifically, the specification notes that "it is easy to conceive a process for downloading, ***periodically <u>or on demand</u>***, an updating of a set of pages used in the method according to the invention …." *Id.* Nothing in this broad description limits the process for downloading "periodically or on demand" to an automated action that excludes a user. Indeed, the language is broad enough to encompass a user choosing when to download the updated pages, which is the very definition of "on demand." Nor did the applicant surrender this claim scope during prosecution and thus there is no basis to unduly narrow the claims to exclude user-involvement. *Guardant Health, Inc. v. Vidal*, 2023 WL 3262962 at *2 (Fed. Cir. May 4, 2023) ("We depart from the plain and ordinary meaning in only two instances: lexicography and disavowal").

The claims of the '877 Patent do not further narrow this broad language from the specification. For example, claim 8 broadly claims that the "updating is achieved

by downloading from a management server." Ex. 1001, Claim 8. This claim language is agnostic to whether that downloading is done by a user or by the or the device. Notably, the child '058 Patent challenged in IPR2025-00857 claims receiving these updated selection pages "on demand" and is also broadly written to encompass both scenarios. IPR2025-00857, Ex. 1001, Claim 9.

PO's claim interpretations distinguishing Rossmann's "on-demand" user-downloaded selection pages from the claimed invention would read artificial limitations into the claims and must be rejected. Instead, the Board should accord the broader, plain meaning advocated by Petitioner that encompasses user-downloaded selection pages, consistent with the specification and dependent claims.

II. Second Interpretation: PO Improperly Reads in Embodiments

To the extent PO's constructions allow for user-downloaded selection pages but mandate these pages be downloaded at a specific time—before the user begins its preliminary search—Petitioner's art teaches this. PO relies on three passages in the '877 Patent to support its constructions. POPR, 10-13 (citing Ex. 1001 at 2:28-32, 2:59-65, 4:53-55). But none dictate *when* selection pages are downloaded. While the column 2 lines 59-65 passage contemplates storing selection pages with welcome page icons in a particular language beforehand, this does not provide a basis to

import such a distinction into the broad claim language. *Samsung Elec.'s Co., Ltd. v. Power2B, Inc.*, 2015 WL 957287 at *6 (Fed. Cir. Mar. 31, 2025).

Regardless, the Petition establishes in Rossmann's Figure 4 embodiment that an initial HDML deck of screen displays is downloaded and cached locally with two cards (Figs. 4A and 4B); after selecting XYZ Information in Figure 4B, a new deck is downloaded with displays for www.xyzinfo.com (Figs. 4C-4G); and a user ***then*** performs its preliminary search through the selection pages in that deck. Petition, 18-25. The exemplary selection pages in the second deck, Figures 4D and 4E, are searched after they were cached locally in RAM and therefore were downloaded before the user began its preliminary search. Thus, should the Board adopt PO's new claim scope (it should not), Petitioners art nonetheless invalidates.

Respectfully submitted,

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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.105

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned certifies that on October 8, 2025, a complete and entire copy of this *Petitioner's Preliminary Reply* was served by emailing counsel of record for Patent Owner:

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