

CASE IPR2025-00856
U.S. Patent No. 8,271,877

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

FERID ALLANI
Patent Owner.

CASE IPR2025-00856
U.S. Patent No. 8,271,877

PATENT OWNER'S PRELIMINARY SURREPLY

I. THE INTRINSIC RECORD SUPPORTS PO'S PROPOSED UNDERSTANDING THAT THE PLAIN MEANING OF THE CLAIM TERMS EXCLUDES A USER'S ACTIONS

Petitioner's argument that "PO's constructions find no support in the intrinsic record and contradict the language of the claims"¹ is baseless. The POPR cites the specification for support for PO's proposed interpretation that the claim language at issue does not implicate user activity.² Petitioner offers no reasons why the cited evidence does not support PO's proposed interpretation. Instead, Petitioner argues contrary to the specification that the claims encompass a user performing preliminary searches on selection pages with direct access icons that the user downloaded. This argument is deficient for the following reasons.

First, the reference in the specification to "on demand" downloading does not encompass a user. Petitioner omits the context of the reference to "on demand" downloading. The full sentence reads: "Furthermore, it is easy to conceive a process for downloading, periodically or on demand, an updating of a set of pages used in the method according to the invention, *from a management server towards a plurality of office automation and communication apparatuses* wherein this method is implemented."³ The specification shows that the described process is an automated

¹ Paper 13 at 2-3.

² Paper 9 at 11-13.

³ Ex. 1001, 5:1-5 (emphasis added).

communication between hardware and/or software components, *i.e.*, a management server and office automation and communication apparatuses.

Contrary to Petitioner’s assertions, the limitations of claim 8 undermine rather than support its position. Claim 8 depends on claim 1 through claim 7. Claim 7 requires “an updating of the plurality of locally stored selection pages.”⁴ A plain reading of this language shows that the “updating” refers to updating *preexisting* pages. It does not mean that the beforehand locally stored pages of claim 1 are downloaded by the user in the first instance. Indeed, under the Doctrine of Claim Differentiation, it is presumed that they are not.⁵ Additionally, claim 1 operates in an environment of a “mobile communication device connected through a communication network.”⁶ This requires automated communications between hardware and/or software components without user intervention.

Petitioner’s reliance on claim 9 of U.S. Patent No. 10,943,058 is not availing. Claim 9 depends on claim 7 through claim 8. Claim 7 recites that “said *control and processing device or devices* are configured to receive, *from a server*, data for updating information associated with at least one of a selection page, a direct access

⁴ Ex. 1001, Claim 7.

⁵ See *Comark Commc'ns, Inc. v. Harris Corp.*, 156 F.3d 1182, 1186 (Fed. Cir. 1998) (“The doctrine of claim differentiation create[s] a presumption that each claim in a patent has a different scope.”).

⁶ Ex. 1001, Claim 1 (emphasis added).

icon and a selection icon.”⁷ Claim 7 shows that the described process is an automated communication between hardware and/or software components, *i.e.*, a server and control and processing device or devices. Claim 8, which specifies that the updating is done “periodically,” further demonstrates that the process is automated.

II. THE REQUIREMENT THAT SELECTION PAGES BE DOWNLOADED BEFORE A PRELIMINARY SEARCH IS DICTATED BY THE STRUCTURE OF THE CLAIMS

Petitioner suggests that Patent Owner is improperly importing the requirement that selection pages be downloaded (*i.e.*, beforehand locally stored) before a user begins a preliminary search from the specification.⁸ Although the specification supports Patent Owner’s interpretation of the requirements of being beforehand locally stored, the structure of the claims themselves demands this interpretation.

Claim 1 requires that a preliminary search is performed “within a plurality of successively displayed selection pages.”⁹ Similarly, claim 12 requires that a preliminary search is performed “within a plurality of selection pages.”¹⁰ Thus, the claims require that plurality of selection pages must already be present before the preliminary search. No limitations are being imported from the specification.

⁷ IPR2025-00857, Ex. 1001, Claim 7 (emphasis added).

⁸ Paper 13 at 4-5.

⁹ Ex. 1001, Claim 1.

¹⁰ Ex. 1001, Claim 12.

Petitioner’s argument that Rossman shows a preliminary search performed after a new deck is downloaded mischaracterizes the reference. Petitioner argues that “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.”¹¹ However, Petitioner fails to appreciate that the step of “selecting XYZ Information in Figure 4B” is the beginning of the preliminary search. Thus, the downloading of the new deck occurs after the preliminary search begins and does not meet the limitations of claims requiring selection pages to be beforehand locally stored.

III. CONCLUSION

In conclusion, the Petition is not reasonably likely to prevail on any of the grounds asserted against the Challenged Claims. Accordingly, all grounds to institute review should be denied.

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Respectfully submitted,

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¹¹ Paper 13 at 5 (original emphasis).

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CERTIFICATE OF SERVICE

I certify that the foregoing **PATENT OWNER'S PRELIMINARY SURREPLY** was served on October 15, 2025 on Petitioner by filing this document through Patent Trial and Appeal Case Tracking System (P-TACTS) as well as e-mailing a copy to PTAB@eriseip.com.

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