

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FERID ALLANI,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:24-cv-00304-ADA

DEFENDANT APPLE INC.'S REPLY CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

The positions Allani takes throughout its brief are inconsistent with both its description of the invention and the intrinsic and extrinsic evidence it cites. Allani's constructions should be rejected.

II. DISPUTED CLAIM TERMS

A. The '877 Patent

1. "web site"

The term "web site" is a basic term that a jury would readily understand to mean a collection of web pages accessible through a web address. Even Allani's expert Dr. George Edwards admitted that he has "used the word web site conversing with a wide variety of different people." Deposition Transcript of George Edwards, dated April 1, 2025 (Rough Tr.) at 134-35. Allani incorrectly argues that "Web pages are not necessary features of websites," directly contradicting the daily experience of internet users. Dkt. 23 at 5. Dr. Edwards could not cite a single example of a web site that does not include at least one web page. Edwards Dep. Tr. at 141-42. He also admitted that a web site needs at least one web address. *Id.* at 143. These admissions are consistent with the plain and ordinary meaning of web site.

Allani's proposed construction seeks to broaden the concept to include *any* "source of information or services accessible via a network using HTTP" or any other "web protocol." *Id.* at 89. This is incorrect, because although web pages are typically accessed with HTTP, HTTP can be used for many other purposes, including mail and file transfers that Allani's own expert admits are not web sites.

As of the December 2000 filing date, HTTP 1.1 was defined by The Internet Society's Request For Comments 2616, which explicitly states that HTTP "is a generic, stateless, protocol which can be used for many tasks beyond its use for hypertext, such as name servers and distributed

object management systems,” and that “HTTP is also used as a generic protocol for communication between user agents and proxies/gateways to other Internet systems, including those supported by the SMTP [16], NNTP [13], FTP [18], Gopher [2], and WAIS [10] protocols.” Ex. A, Declaration of Dr. Nathaniel Polish, ¶ 33. SMTP is the Simple Mail Transport Protocol, and FTP is the File Transfer Protocol. *Id.*, ¶ 34.

Allani’s expert Dr. Edwards argues that files transferred via FTP are not web sites. Dkt. 23-9 at 19 (“a POSITA can clearly say that the source of information at ftp://quandarypeak.com is not a website, and the address ftp://quandarypeak.com is not a web address, because it does not use HTTP or HTTPS.”) Transferring the same files (e.g. from ftp://quandarypeak.com) using HTTP does not transform them into a web site. Ex. A, ¶ 35.

If the Court is inclined to adopt a more technical definition of web site, Allani’s expert Dr. Edwards has identified one from the 1997 Microsoft Press Computer Dictionary to which Apple could agree: “A group of related HTML documents and associated files, scripts, and databases that is served up by an HTTP server on the World Wide Web.” Dkt. 23-9 at 18. This definition is reasonably consistent with the ordinary meaning. A web site is a collection of web pages (i.e. a group of related HTML documents and associated files, scripts and databases) and web pages are created with HTML, “the publishing language of the World Wide Web.” Edwards Dep. Tr. Ex. 6, HTML 4.01 at 1; Ex. A, ¶ 32. HTTP also uses web addresses. Edwards Dep. Tr. Ex. 8, HyperText Transfer Protocol – HTTP/1.1, RFC2616, § 3.2 at 14 (“URIs have been known by many names [including] WWW addresses....”); Ex. A, ¶¶ 43-45.

Dr. Edwards admitted in deposition that the Microsoft definition is a “reasonable definition,” but claimed to have never considered using it verbatim. Edwards Dep. Tr. at 155-57.

Allani’s and Dr. Edwards’s proposed construction omits the key concept of “HTML

documents” from their proposed construction. HTML is the HyperText Markup Language used to define web pages. Ex. A, ¶ 37. The HTML 4.01 Specification was published in December 1999, and states “This specification defines the HyperText Markup Language (HTML), the publishing language of the World Wide Web.” Ex. A, ¶ 38.

By omitting the concept of HTML documents from its proposed construction of “web site,” Allani ignores the extrinsic evidence on which its own expert relies and incorrectly seeks to broaden the meaning to include data that lacks web pages defined by HTML. Tellingly, *none* of the extrinsic evidence Allani and Dr. Edwards rely on defines a web site as “a source of information that is accessed via a network using an HTTP or other web protocol.” Edwards Dep. Tr. at 154-55. Allani’s proposed construction should be rejected.

2. “selection page”

For this term, Allani again attempts to remove the concept of “page” from the asserted claims, by arguing that “the patents-in-suit do not require the claimed ‘selection page’ to be a page....” Dkt. 23 at 8. Once again, any regular user of the internet understands the distinction between “page” and “screen.” Among other differences, a single screen can display many pages.

The ’877 Patent uses the word “screen” only once, as follows, and distinguishes between a “page” and “whole screen-pages” in the same sentence:

This first page Po constitutes the trunk of a tree structure schematically represented in FIG. 2 for the **whole screen-pages** locally stored in a storage unit, for example a hard disk unit or a CD-ROM, of the apparatus wherein this method is implemented.

’877 Patent, 3:66-4:3. This sentence is difficult to parse, but appears to be referring to a single page (Po) with the first occurrence of “page,” and the entire tree structure schematically illustrated in Figure 2 with the phrase “whole screen-pages.” The phrases are clearly not used interchangeably. Further, the word “page” appears dozens of times in the specification and claims without the “screen-” qualifier. Absent a lexicographic disclosure in the specification, or evidence

of disavowal in the prosecution history, there is no basis for Allani's attempt to substitute "screen" for "page." Dkt. 21 at 8.

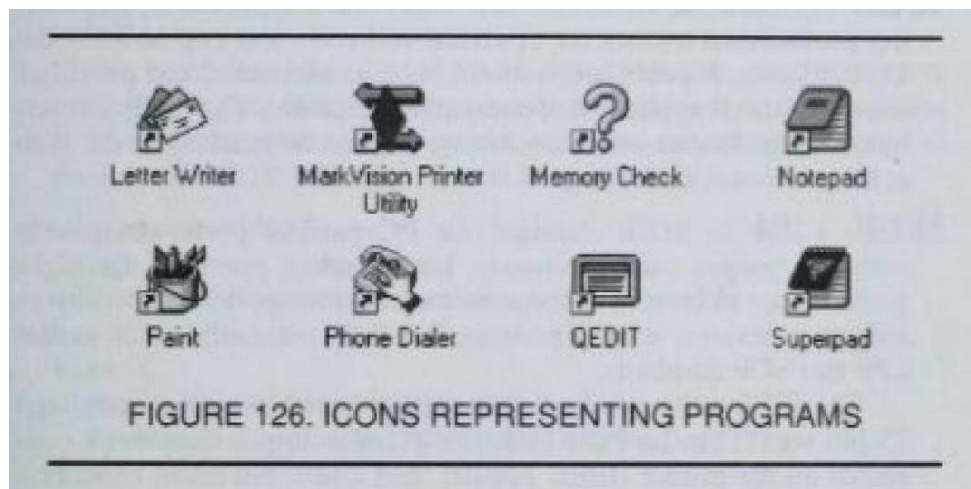
3. "icon"

Apple's proposed construction is consistent with the intrinsic record and the stated purpose of the invention. According to Allani, the usefulness of the invention lies in its ability to make what would otherwise be a time-consuming and laborious internet search process, quick, user-friendly and intuitive. *See, e.g.*, Dkt. 23 at 8 ("By enabling efficient pre-selection of information sources, minimizing network requests, and offering a structured, intuitive interface, Mr. Allani's invention streamlines web navigation for users, particularly those unfamiliar with conventional search methods."). To accomplish this, a user must be able to understand what will happen when they select a claimed icon. This is achieved by the icon being a pictorial indication of the command that results from selecting it.

Oddly, Allani argues that "the claimed selection pages may contain commands not represented by icons." Dkt. 23 at 10. Assuming for purposes of argument that is true, it is irrelevant, because the claims explicitly require icons. *See e.g.*, '877 Claim 12 at 6:12-13 ("a plurality of selection pages each comprising a set of icons"). Commands not represented by icons cannot meet this limitation.

Further, the specification distinguishes between "a designation, an icon [and] a fixed or animated image." Dkt. 23 at 15-16; '877 Patent, col. 1:24-25. This shows that, as an alternative to an icon, a command may be indicated by a "designation," as in the passage Allani cites in support of its argument, which states that "Each selection page can also include usual consultation commands such as 'WELCOME PAGE', 'PRINT', 'PREVIOUS PAGE', 'NEXT PAGE', 'END OF SESSION', 'HELP'". Dkt. 23 at 10. Far from reading an embodiment into the claims, Apple's construction merely gives meaning to the "icon" limitation that is explicitly recited in the claims.

The extrinsic evidence cited by both parties also supports Apple’s construction. For example, the Barron’s Dictionary of Computer and Internet Terms Allani cites explains that an icon is a “small picture on a computer screen that represents a particular object, operation, or group of files.” Dkt. 23-3 at 6. By way of example, this reference explains that “[o]n the Macintosh, the trash can icon stands for ‘delete.’ Use the mouse to move a file to the trash can, and it will be deleted.” *Id.* It also provides examples of icons that represent different programs.



Id.

As another example, the definition of icon provided in Webster’s New World Dictionary of Computer Terms provides that “[o]n each button is an icon that shows the button’s function. For example, the Print button might display a tiny picture of a printer.” Exhibit 3, Dkt. 23-4. Again, the key point in each of these references is that a user knows just by looking at an icon what will happen when they select it.

Allani seems to suggest that if Apple’s proposed construction is adopted, it should be modified to “[a] symbol that is a pictorial indication of a command *or object*.” Dkt. 23 at 11. While not unreasonable for “icon” divorced from the asserted claims, it would be confusing in context. The claimed icons are of two types: “selection” icons and “direct access” icons. Neither

refers to an object. Instead, selection icons cause a command to be executed to access another selection page, and direct access icons cause a command to be executed that results in directly accessing a web site.

4. “direct access icon”

For this term, Allani first argues that for a direct access icon to indicate a web server or web site, the name of the web site must appear in the icon. Dkt. 23 at 13. This is obviously untrue, as the specification and claims both state that an icon may comprise a logotype of a merchant, for example. *See, e.g.*, ’877 Patent at 2:41-43, 5:52-54. Moreover, nothing in the claims or specification suggests that an icon cannot include the name of the web site it links to. In fact, Dr. Edwards admitted that under Allani’s construction of “direct access icon,” the traditional underlined blue text that indicated hyperlinks on web pages is a form of “direct access icon.” Edwards Dep. Tr. at 80-82.

Allani next takes issue with Apple’s proposal that the direct access icon cause a “request” to be sent to a web server. Dkt. 23 at 13. But, as the HTTP specification explains, “[t]he HTTP protocol is a request/response protocol. A client sends a request to the server [and].... [t]he server responds....” Edwards Dep. Tr. Ex 8 (RFC 2616 §1.4) at 10; Ex. A, ¶ 42. The only “addresses” identified in the specification begin “http://” indicating HTTP requests. There is no disclosure or suggestion in the specification of any other way to “emit” an address on the web. ’877 Patent Fig. 1, 4:42-50. In addition, as Allani’s own brief shows, Allani’s proposed construction is redundant for all of the asserted claims of the ’877 Patent and asserted claim 26 of the ’058 Patent, which recite emitting an address on a network in response to selection of a direct access icon. Dkt. 23 at 13-14.

Allani next takes issue with Apple’s proposal that the request be sent directly to the web server hosting the web site indicated by the icon, arguing that the Asserted Patents do not state that

the icon must be associated with only one address. Allani does not explain why these notions are inconsistent. Further, Allani does not identify any emission of multiple addresses disclosed in the specification, and it is clear that the claimed address emitted in response to selection of the direct access icon goes directly to the website indicated by the icon, as shown in Figure 1.

Finally, Allani argues that Apple's proposed construction is "inconsistent with the practical realities of web-based technologies" because "a POSITA would understand that web services use a plurality of web servers to deliver desired content to an end user." Dkt. 23 at 15. While it is possible today to use a plurality of web servers to deliver desired content to an end user, Allani does not identify any such system disclosed in the asserted patents. Further, even if a plurality of web servers were used, the claimed direct access icons are nevertheless directed to sending requests directly to a server for the web site indicated by the icon in response to selection of the icon.

While Allani's brief does not say so, the Declaration of Dr. Edwards submitted in support of Allani's claim construction brief makes clear that Allani's proposed construction is intended to encompass systems that do not send an address or request directly to a web site corresponding to the icon because Dr. Edwards describes a number of intermediate steps, none of which are described in the specification or recited in the claims. For example, Dr. Edwards states the following:

A POSITA would understand that web services use a plurality of web servers to deliver desired content to an end user, such as a DNS server or an authentication server before serving the web site to the end user. Further, to resolve a web address, hostname resolution may be needed, in which the address is sent to a DNS server which translates the hostname address to an IP address, which is then returned to the device for the device to navigate to.

Dkt. 23-9, ¶ 67. However, in deposition, Dr. Edwards admitted in deposition that these servers are not needed to access a web site and that the servers he describes in his declaration are not

mentioned in the asserted patents. Edwards Dep. Tr. at 204-206. Allani’s reading is therefore inconsistent with the specification and claims. Ex. A, ¶ 45. Dr. Edwards discussion, which is not reflected in Allani’s brief, suggests that if Allani’s proposed construction were adopted, Allani intends to later argue that the claims cover these systems which are inconsistent with the specification and claims.

The specification repeatedly extols the ability to allow users “to immediately find the service he or she needed among the vast information on the Web.” Dkt. 23 at 6. According to Allani, the Asserted Patents solved problems encountered in prior art systems by “allow[ing] users to navigate their communication devices locally before *generating and emitting only the final web address necessary to access the desired resource.*” Dkt. 23 at 7; *see also id.* at 7-8 (“Instead of querying the web repeatedly, a user can efficiently browse offline and *only issue a single, well-defined request to access the final web resource.*”) (emphasis added). Allani cannot square Dr. Edwards’s interpretation of its proposed construction for this term with the description of the invention and the disclosure in the specification, which distinguishes the invention from prior search methods on the basis that it allows users to directly access the website they seek. *See* Dkt. 21 at 14-16.

5. “said address being locally generated”

Allani concedes that that this term requires “an action on the claimed mobile device” and argues that “generated” does not require clarification by the Court. However, Allani goes on to argue that “locally generated addresses may be stored on the device in table or base of addresses *or* be generated on the device.” Dkt. 23 at 16 (emphasis added). This suggests that Allani intends to later argue that a “locally generated address” encompasses addresses that are generated elsewhere (e.g. a server) and then stored on the device. Apple disputes this interpretation, and requests that the court resolve this dispute by adopting Apple’s proposed construction, “said

address being created on the device.”

B. The '058 Patent

1. “specifically designed to include”

Allani argues that “Apple does not appear to dispute [Allani’s] interpretation of this term itself.” That is not the case. “Specifically designed to include” arguably does not require that the feature *actually be included*. “Used to include” arguably does. They are not the same.

Allani contends that claims should be construed to preserve validity, but omits the proviso that validity construction should be used as a last resort, not a first principle. It is limited to cases in which the court concludes, after applying all the available tools of claim construction, that the claim is still ambiguous. *MBO Lab ’ys, Inc. v. Becton, Dickinson & Co.*, 474 F.3d 1323, 1332 (Fed. Cir. 2007). Here the disputed phrase itself is not ambiguous, but impermissibly requires the subjective opinion of the designer to determine whether any given device meets the limitation.

Allani also argues that extrinsic evidence is required to prove indefiniteness, citing an unpublished magistrate report and recommendation, *Hand Held Products, Inc. v. Amazon.com, Inc.*, No. 12-768, 2014 WL 2873902 (D. Del. June 24, 2014). Dkt. 23 at 17. That is also untrue. Intrinsic evidence, including the claim language, prosecution history and specification is the most important evidence for interpreting claims. Extrinsic evidence may be considered, but is considered less reliable. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1317-18 (Fed. Cir. 2005). Apple’s position is supported by legal precedent that establishes that the scope of the claim language is indefinite where, like here, it depends on the subjective intent or the unrestrained opinion of a particular individual. *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014); *Datamize, LLC v. Plumtree Software, Inc.*, 417 F.3d 1342, 1350 (Fed. Cir. 2005) (emphasis added), *abrogated on other grounds by Nautilus*, 572 U.S. at 901; *see also Intell. Ventures I LLC v. T-Mobile USA, Inc.*, 902 F.3d 1372, 1381 (Fed. Cir. 2018).

Allani also argues that the prosecution history of the '058 Patent shows that “specifically designed to include” is narrower than “capable of” and therefore not indefinite. Even if so, it is narrower precisely in that the claimed device must be both “capable of” including the recited structure and *intended by the designer* to include the recited structure. For that reason, it is indefinite.

Finally, Allani argues that the Court should not consider Apple’s position on indefiniteness because it did not include this argument in its preliminary invalidity contentions. Apple notes that final invalidity contentions are not due until June 26, 2025, and Allani never indicated to Apple during its meet and confer to narrow the claim terms that it intended to ask the Court to preclude Apple from arguing indefiniteness. *See WSOU Invs. LLC v. Oneplus Tech. (Shenzhen) Co., C.A. No. W-20-CV-00952-ADA*, 2022 WL 174517, at *3 (W.D. Tex. Mar. 18, 2022) (denying motion to strike preliminary contentions and finding no unfair prejudice where deadline for final contentions had not yet occurred). Nevertheless, in an effort to address Allani’s concerns, Apple will provide updated invalidity contentions that will include its indefiniteness positions. Allani cannot claim prejudice given the parties’ extensive pre-briefing communications and meet-and-confers during which Apple clearly stated its position on indefiniteness.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 3, 2025 all counsel of record were served with the foregoing document via electronic service.

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