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. IPR2025-00857
U.S. Patent No. 10,943,058

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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I. FACTUAL BACKGROUND

A. Party and Litigation History

On June 3, 2024—11 years after Petitioner Apple Inc. ("Petitioner" or "Apple") declined a license, after the '058 Patent expired (July 27, 2021), and after the French Parent Patent was initially invalidated—Patent Owner ("PO") filed its lawsuit against Apple.

In its June 3, 2024, Complaint, PO accused features of native applications in Apple's iPhones of infringement, including accusing the textual icon "Allow While Using App" of meeting the claimed "direct access icon":

Ex. 1059, 14.

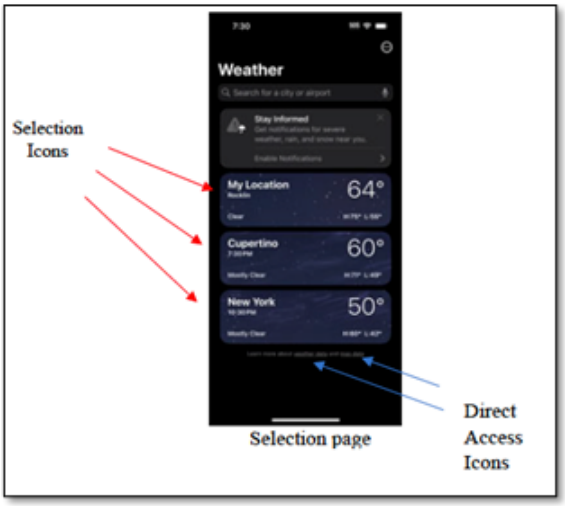
On October 17, 2024, PO served its Preliminary Infringement Contentions, maintaining accusations against textual icons. Apple served its opening claim

construction brief on February 27, 2025, and proposed construing "icon" as a "symbol that is a pictorial indication of a command." Ex. 1036, 12-13.

On March 20, 2025, PO filed its responsive claim construction brief, purporting the term "'icon' is readily understandable and does not require any further construction beyond the plain and ordinary meaning of the word as used in the claims." Ex. 1040, 15. PO offered a declaration from Dr. George Edwards supporting its claim construction arguments. On cross-examination, Dr. Edwards testified in response to questioning regarding whether a hyperlink is an "icon," that "[a]t least some of the hyperlinks that are displayed within web pages could accurately be characterized as icons." Ex. 1054, 14 (51:20-22), 18 (55:6-11) (confirming hyperlinked text rendered in blue and underlined "is an icon").

The Court issued its Claim Construction Order on May 6, 2025, rejecting Apple's construction for "icon" that required a pictorial indication of a command and construed "icon" under its plain and ordinary meaning. Ex. 1055, 2.

On July 24, 2025, PO served its Final Infringement Contentions ("FICs"), maintaining infringement allegations against textual icons:



Ex. 1056, 7 (accusing textual icons indicated by annotated blue arrows of being "direct access icons").

Then, on October 13, 2025, approximately 6 months after Apple filed its IPR petition and under threat of invalidity, PO served its First "Amended" FICs and for the first time dropped allegations against textual icons.

B. '058 IPR "Icon" Background

Apple filed its Petition on April 24, 2025. In the Petition, Apple advanced an interpretation of "icon" that included both textual icons (e.g., hyperlinks) and graphical icons based on PO's infringement allegations and the support in the intrinsic record. Petition, 6-7.

PO filed a preliminary response on August 25, 2025, proposing express claim constructions for three claim terms: (1) "a preliminary search for information or service, locally performed within said communication device" / "a preliminary search locally performed within said communication device;" (2) "beforehand

locally stored;" and (3) "direct access icon." POPR, 11-14. PO never opposed Petitioner's "icon" construction or offered its own construction for "icon." For "direct access icon," PO argued only that those icons are "predefined" such that "the website corresponding to the icon is not determined by user action." PO never disputed that textual icons fall within the scope of the claims.

On November 4, 2025, the Board granted institution, stating the claimed "icons" in the '058 Patent include "a direct access icon, **such as a hyperlink to a website**, and a selection icon, **such as a link to another beforehand locally stored selection page**." Institution Decision, 3.[1]

On February 25, 2026, over 10 months after the Petition interpreted icon to include both textual and graphical icons and nearly a year after the *Markman* process began, PO advanced for the first time an express construction of "icon" that "***requires a graphical or symbolic selectable element—distinct from a mere textual designation***." POR, 19 (emphasis in original).

II. "ICON" ENCOMPASSES BOTH TEXTUAL ICONS AND GRAPHICAL/SYMBOLIC ICONS

PO advances a narrow construction of "icon" in its Response that conflicts with the infringement theories it advanced in litigation and conflicts with how the Office has treated the claimed "icons" for over 20 years.

[1] All emphasis added unless otherwise noted.

A. PO's Proposed Construction Conflicts with its Infringement Theories in Parallel Litigation

In parallel litigation and up through claim construction, PO consistently interpreted "icons" to include textual icons. *Supra*, Sec. I.A. PO accused text links of infringing the claimed "icons" for approximately 18 months up until its amended final infringement contentions. *Id*. PO's claim construction expert, Dr. Edwards, testified on cross-examination that "[a]t least some of the hyperlinks that are displayed within web pages could accurately be characterized as icons." Ex. 1054 ("Edwards Tr."), 14 (51:20-22), 18 (55:6-11); *see generally id*., 8-20 (45:13-57:20). And PO convinced the District Court to reject Apple's construction that "icons" should be "pictorial indication[s] of a command." Ex. 1055, 2.

Now faced with invalidating prior art in the Petition, PO asks the Board to adopt a new narrow plain and ordinary meaning of "icon" that expressly carves out textual icons in hopes of circumventing the Petition's invalidity theories. But PO fails to explain why the Board should adopt a construction directly at odds with infringement accusations it maintained in litigation. Something PO's expert, Dr. Eslamimehr, testified he did not review despite forming part of the basis for Petitioner's interpretation. Ex. 1053, 39 (39:21-40:3) ("those [PO's infringement allegations] were out of the scope of my assignment").

PO provides no compelling reason to artificially limit "icon" to graphical/symbolic icons to the exclusion of textual icons. It's well settled that a

narrowing construction that reads out claim scope supported by the intrinsic record without clear lexicography or disavowal must be rejected. *IQRIS, Tech.'s LLC v. Point Blank Enterprises, Inc.*, 130 F.4th 998, 1003-1005 (Fed. Cir. 2025) (rejecting narrow plain and ordinary meaning, finding a "patentee is free to choose a term and expect to obtain the full scope of its plain and ordinary meaning unless the patentee explicitly redefines the term or disavows its full scope").[2] The intrinsic record supports both graphical and textual icons and PO accused both graphical and textual icons in support of infringement. Ex. 1052 ("*Supp. Dec.*"), ¶¶4-29. Therefore, the Board should reject PO's construction that reads out textual icons and afford "icon" its full claim scope.

B. The Intrinsic Record Supports a Broader Plain Meaning than PO Advocates

1. The intrinsic prosecution record supports both graphical and textual icons

Since prosecution of the parent '877 Patent began in 2005, the term "icon" has been interpreted to encompass both textual icons, like links or hyperlinks, and

[2] Apple stipulates it will not pursue a narrow interpretation of "icon" in the litigation or at trial that excludes textual icons for non-infringement and thus is maintaining consistent claim interpretations in each forum. *See Revvo Tech.'s, Inc. v. Cerebrum Sensor Tech.'s, Inc.*, IPR2025-00632, Paper 20 at *5 (PTAB Nov. 3, 2025) ("if a party advances a narrow construction in the district court and the district court declines to adopt the narrow construction, the party would have sufficient reason for advancing the broader, court-adopted construction in a proceeding before the Board").

graphical/symbolic icons. All this time, PO never attempted to differentiate text icons from its claims, despite the litany of rejections providing that opportunity, until now in its POR.

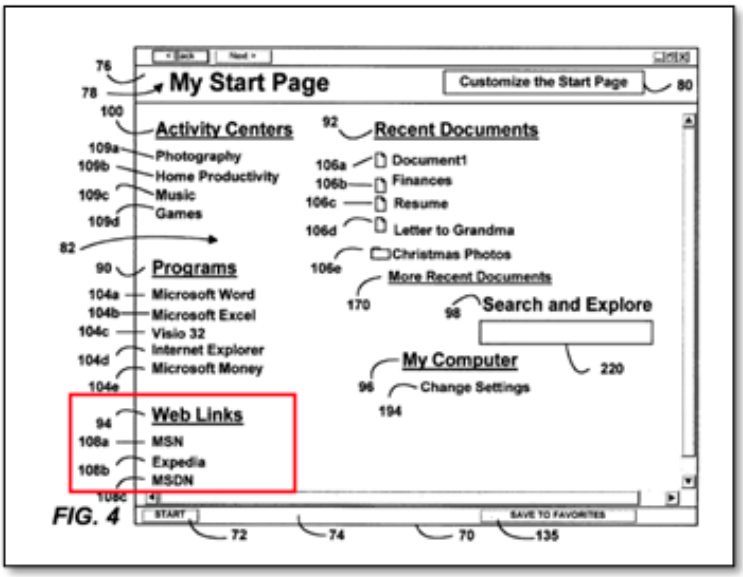
a) Parent '877 Patent file history (Ex. 1033)

PO directs the Board to the December 28, 2005, first office action where the Examiner rejected "icon" over U.S. Patent No 5,933,827 to Cole et al. (Ex. 1057) ("Cole") in view of U.S. Patent No. 6,587,835 to Treyz et al. ("Treyz"). POR, 24; Ex. 1033, 127-131. There, the Examiner found that "Cole teaches links on the selection pages," but also found it obvious in view of Treyz to "graphically enhance the pages displayed to the user" with graphical icons. Ex. 1033, 129. PO deems this "dispositive," suggesting the "Examiner never once identified a bare text string, a URL, or an unadorned text label in any prior art reference as satisfying the 'icon' limitation." POR, 25.

However, in the next office action and after Applicant antedated Treyz, the Examiner found Cole anticipated the claims, finding that Cole teaches "each page of selection comprising a set of icons (col. 4, lines 28-41, ***links represent icons***)[.]" Ex. 1033, 168-172. Cole's link 207 that was found to anticipate the claimed "icon" is depicted below:

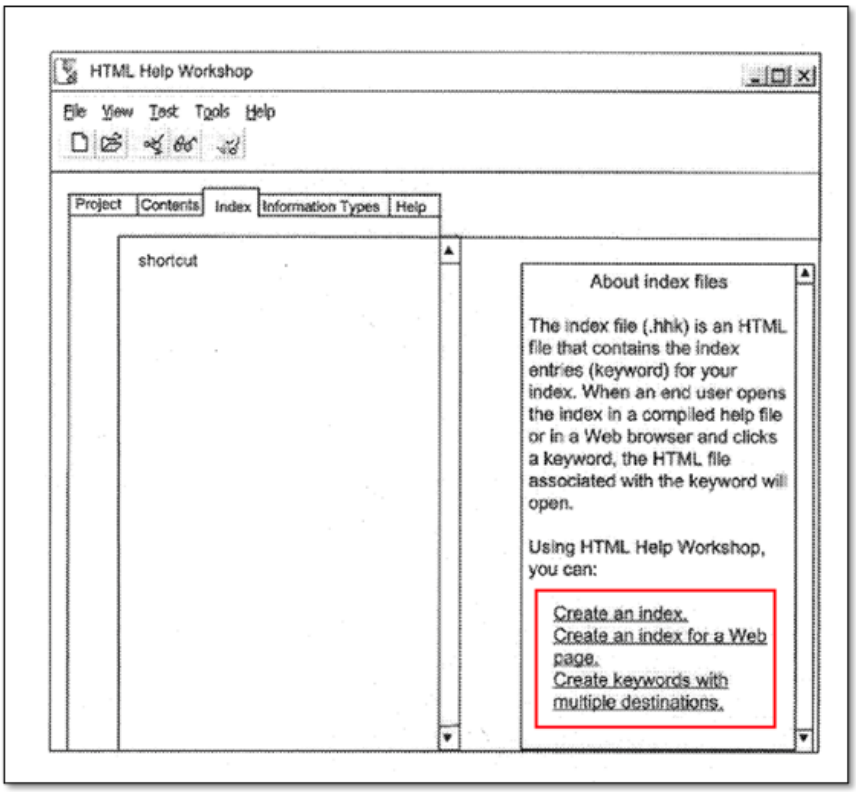
Ex. 1057, Fig. 5 (excerpt) (showing a bare text link).

Despite PO's representation that "[e]very mapping, without exception, pointed to a graphical element," numerous rejections relied on textual icons. Namely, the Examiner issued a final rejection, ***again*** finding Cole's "links represent icons." Ex. 1033, 186. The Examiner's next office action found the claims anticipated by U.S. Patent No. 7,454,706 to Matthews et al. (Ex. 1058) ("Matthews"). *Id.*, 250-254. Like Cole, the Examiner found Matthews' "links 94a" in Figure 5 anticipated the claimed "direct access icons…for accessing merchant sites" and Matthews' Figure 4 links 100, 92, 90 anticipated the claimed "icon for accessing a selection page includ[ing] a thematic title." *Id.*, 252. Matthews' links found to meet the claimed "icons" are illustrated below:



Ex. 1058, Figs. 4 (annotated) and 5 (excerpted).

The Examiner issued another rejection over U.S. Patent No. 6,072,492 to Schagen et al. ("Schagen") in view of U.S. Patent No. 6,456,303 to Walden et al. (Ex. 1029) ("Walden"). Ex. 1033, 340-343. Notably, the Examiner rejected the claimed "two or more direct access icons" in view of Walden's "col. 4, lines 52-60; col 7, lines 12-37" disclosures. *Id.*, 341. These passages in Walden teach an HTML pane with several HTML links for certain information. *Id.* Walden's "direct access icons" in its HTML pane are boxed in red below:



Ex. 1029, Fig. 6D (annotated).

PO points to an examiner interview after the Schagen-Walden rejection, contending the "Examiner herself agreed that Walden failed to teach the claimed icons." POR, 26. This, again, mischaracterizes the record. After that interview, Applicant filed another amendment providing background behind the previous discussions with the Examiner, indicating the Examiner found Walden's multiple HTML links ("direct access icons") incompatible with Schagen's internal link to a single sub-menu. Ex. 1033, 360 ("the Examiner concluded that the reference to Walden does not render obvious the provision of *two or more* direct access icons *in the information processing system disclosed by Schagen*"). According to Applicant,

"the system of Schagen [] would have no use for such a second connection option [like in Walden] because the sole purpose of the connection option is to connect to the single corresponding menu or sub-menu on the central server." *Id*., 320, 360. Though Applicant inferred Walden alone taught the direct access icons—"Walden's HTML pane consists of information which may include hyperlinks"—the combination failed to teach two direct access icons in Schagen's system. *Id.*, 363.

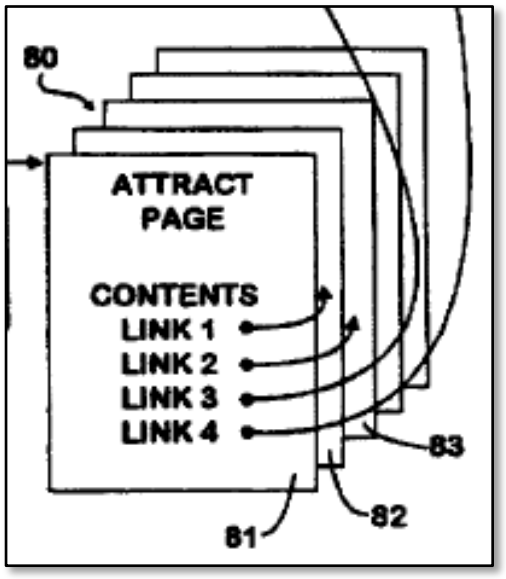
b) The '058 Patent's file history

The '058 Patent's file history also supports interpreting "icon" to include both graphical/symbolic icons and textual icons like bookmarks/hyperlinks.

On June 14, 2017, the Examiner issued a final rejection that relied on U.S. Patent No. 6,970,867 to Hsu et al. ("Hsu"). Ex. 1002, 374-388. The Examiner found Hsu's "bookmark[s]" teach the "icon for directly accessing a portal of a Web site and an icon for directly accessing a document provided by this Web site." *Id.*, 377 ("Hsu teaches a selection bookmark page where a user may create both a link to a Webpage and a link to a document within that Webpage on the bookmark menu page").

Applicant filed a notice of appeal and appeal brief, and never contested Hsu's hyperlinks are "icons," despite being textual. *Id.*, 403-410. The Examiner also found "icons" obvious over U.S. Patent No. 5,802,299 to Logan et al. ("Logan"), finding

Logan's "LINK[s]" 1-4 teach the claimed selection and direct access icons. *Id*. Logan's "LINKS" 1-4 are depicted below:



Ex. 1060 (Logan), Fig. 1 (excerpt).

Applicant ultimately amended the claims to recite selection pages "specifically designed" to include the claimed icons, contesting only whether prior art selection pages comprising bookmarks generated from prior browsing teaches selection pages "specifically designed" to include those icons, while never contesting whether bookmarks themselves are "icons." *Id.*, 620-628.

2. The '058 Patent's specification and the remaining intrinsic record are consistent with both graphical and textual icons

a) '058 Patent claim language

The plain language of dependent claims 19 and 20 are consistent with a broader understanding for "icon." Claim 19 recites "wherein the icons comprise logotypes, graphic marks or semi-graphic marks." Claim 20 recites "wherein the

icons comprise textual elements." "By definition, an independent claim is broader than a claim that depends from it, so if a dependent claim reads on a particular embodiment of the claimed invention, the corresponding independent claim must cover that embodiment as well." *Littelfuse, Inc. v. Mersen USA EP Corp.*, 29 F.4th 1376, 1380 (Fed. Cir. 2022). The independent claims broadly capture both embodiments—graphical icons under claim 19 and textual icons under claim 20. *See also Samsung Electronics Co., Ltd. v. Power2B, Inc*., Fed.Appx., 2025 WL 471124, *4–*6 (Fed. Cir. 2025) ("if claim 28 requires impingement by an object, then claim 1's impingement must [also] be broad enough to encompass impingement by an object.").

PO suggests "comprise" in claim 20 means an "icon" comprises text and other elements but never text alone. POR, 21. But the word "comprise," like "include," means the claim requires only that element ***alone***, and allows it in combination with other unrecited subject matter. *Hewlett-Packard Co. v. Repeat-O-Type Stencil Mfg. Corp.*, 123 F.3d 1445, 1451 (Fed. Cir. 1997); MPEP § 2163. The fact that "icon" may include additional elements does not preclude that icon may also comprise only "textual elements" consistent with the rest of the record.

Indeed, the patentee knew how to specifically claim icons that require graphics and could have limited the independent claim accordingly. For example, claim 12 recites "selection icons present *graphic features* that are distinctive from

those of the direct access icons." Ex. 1001, 6:47-49. Accordingly, the '058 Patent supports interpreting "icons" to encompass textual icons, graphical/symbolic icons, and icons with both texts and graphics.

b) Parent '877 Patent claim language

The claim language of the parent '877 Patent is likewise consistent with textual icons, specifically claiming "an icon for accessing a selection page includes a **thematic title**." Ex. 1032, 5:55-57.

c) '058 Patent specification

The '058 Patent does not mandate graphical icons, providing icon examples including "an item or *thematic title* opening an access to a page," "*an icon* AD11 '*calendar'*," "*an icon* AD12 '*1st division games'*," "*an icon 'Return'*." Ex. 1001, 2:41-44, 4:17-27; Ex. 1032, 2:44-47, 4:11-20. There is no indication that any graphical or symbolic element, beyond selectable text, is required. *See, e.g.,* Ex. 1001, Fig. 2 (illustrating exemplary icons).

PO points to a purported "three-way distinction" in the specification it contends distinguishes an icon from a hyperlink but overreads a background passage describing prior art portal pages. POR, 19-20 (citing Ex. 1001 at 1:23-26). That passage and surrounding discussion describes common ways portal sites represent headings and pre-selected sites, including using a "designation or by an icon or a fixed or animated image." Ex. 1001, 1:20-30. It does not, as PO contends, disclaim

textual icons by differentiating designations (which PO interprets as bare text labels, a proposition unsupported by the record) from icons. Nothing in the patent correlates "designation" to textual icons. Nothing the in patent says icons must be graphical.[3]

The POR's "three-way taxonomy" argument does not survive Patent Owner's own expert's testimony. That argument rests on the specification's single use of the word "designation," but Dr. Eslamimehr admitted on cross that he never defined "designation" and that defining it was "out of my scope." Ex. 1053, 27 (27:1-4); 30 (30:5-19); 31 (31:20-25). His only characterization of the term that "designation is a piece of user interface, which is different from icon" is circular. *Id*., 30 (30:7-10). When asked to identify the characteristics that make a selectable item a "designation rather than an icon," he stated he "did not provide such a definition of characteristic in my report." *Id.*, 28 (28:19-25). Neither the POR nor Dr. Eslamimehr attempt to explain why Rossmann's hyperlinks are designations, and why those designations are different from the claimed icons. PO and its expert have effectively advanced a

[3] PO also suggests "icons" need an "active zone." POR, 20-21. But the claims require "icons" be "capable of being selectively activated." Ex. 1001, Claim 24. They do not require touchscreen compatibility or mouse-clickable regions. Regardless, Rossmann's textual icons are not passive text. The user activates a textual icon by pressing the corresponding number or by moving the arrow and pressing "OK," causing navigation to another card or access to the linked resource. Each textual icon has an associated activation target—the selectable item/number/cursor position accepted by the interface—that performs the same function PO attributes to an "active zone." *Supp. Dec.*, ¶¶30-35.

"we know an icon when we see it" position. This is without support in the record and should be rejected.

d) Institution Decision of the '058 Patent

The Board's institution decision is consistent with the broader interpretation of "icon," explaining the "set of icons" in the '058 Patent "include a direct access icon, such as a *hyperlink to a website*, and a selection icon, such as a *link* to another beforehand locally stored selection page." Institution Decision, 3.[4]

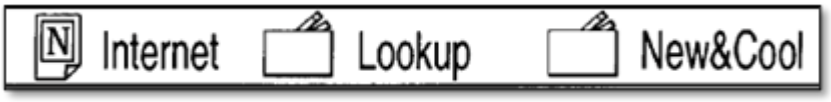
III. ROSSMANN-HIMMEL DISCLOSES GRAPHICAL / SYMBOLIC ICONS UNDER PO'S NEW CONSTRUCTION

While there is no support for PO's new narrow construction, if the Board applies this construction, Rossmann-Himmel still renders that claim scope obvious. Under *Axonics*, "where a patent owner in an IPR first proposes a claim construction in a patent owner response, a petitioner must be given the opportunity in its reply to argue and present evidence of anticipation or obviousness under the new construction[.]" *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1384 (Fed. Cir. 2023); *see also Apple Inc. v. Smart Mobile Techs. LLC*, No. 2024-1419, 2026 WL 91021 (Fed. Cir. Jan. 13, 2026); *Apple Inc. v. Omni MedSci, Inc.*, No. 23-1034, 2024 WL 3084509, at *6 (Fed. Cir. June 21, 2024).

[4] The POR also cites several extrinsic dictionaries as alleged support for PO's narrow articulation of "icon." POR, 27-30. But extrinsic evidence that conflicts with an unambiguous intrinsic record is entitled no weight. *Vehicle IP, LLC v. AT&T Mobility, LLC*, 594 Fed.Appx. 636, 643-644 (Fed. Cir. 2014).

A. Rossmann-Himmel *Discloses Graphical / Symbolic Icons*

The Petition proposed modifying *Rossmann's* textual icons with *Himmel's* graphical features associated with its icons to render obvious "icons" that present "graphic features" claimed in claim 12 of the '058 Patent. Petition, 52-53. *Himmel's* graphical features associated with its icons are reproduced below:



Ex. 1005, Fig. 15 (excerpt). The Petition proposed the same for claim 19. Petition, 58-59.

PO never challenged the Petition's claims 12 and 19 mappings in either its POPR or POR. Instead, after years of prosecution interpreting "icons" to include textual icons; after PO proposed a plain and ordinary meaning of "icon" at *Markman* and the Court rejected Apple's "pictorial icon" construction; after PO accused textual icons of infringing the claims; and after PO proposed three claim constructions in its POPR, but none for "icon," PO suggests for the first time in its POR that "icon" must be narrowly construed across all claims to expressly exclude text-only icons. This case falls squarely under *Axonics*.

In direct response to PO's "icon" construction in its POR, Petitioner proposes it would have been obvious for the same reasons in its claims 12 and 19 mappings to modify *Rossmann's* textual icons with *Himmel's* graphical features for all claims 1-27. Petition 53 (discussing motivation for combination, including for example

simplifying and improving user navigation with graphical enhancements). Petitioner's expert, Dr. Bederson, confirmed that graphical/symbolic representations would offer faster and more intuitive visual recognition, better visual appeal, and would reduce language barriers. Ex. 1003, ¶162; *see also id*., ¶¶164-165 (describing reasonable expectation of success, including graphical icons were ubiquitous and in well-known commercial devices like the Palm III and Nokia 7110 and that Rossmann and the HDML specification support displaying graphics).

Accordingly, under either a proper broad interpretation of "icon" encompassing textual icons, or PO's new narrow interpretation mandating graphical/symbolic features, Rossmann-Himmel teaches the claimed "icons" of the '058 Patent.

IV. ROSSMANN-HIMMEL TEACHES THE BOARD'S CLAIM SCOPE FOR "BEFOREHAND LOCALLY STORED"

At institution, the Board construed the term "said selection pages being beforehand locally stored" recited in claims 1 and 27 as "requiring the selection pages to be locally stored before a user locally performs a preliminary search." Institution Decision, 8. Based on this construction and the preliminary record, the Board determined that Petitioner failed to demonstrate a reasonable likelihood of prevailing on claims 1-20, 22, and 27. *Id.*, 17. Petitioner does not challenge the Board's preliminary constructions for the "beforehand locally stored" terms. Even

under the Board's new construction, Petitioner's Rossmann-Himmel grounds teach claims 1-20, 22, and 27.

The POR confirms the Board's construction imparts a temporal relationship in the claims, requiring selections pages be present *before* a user begins the locally performed search. POR, 8. It does not exclude a user from downloading selection pages. POR, 9 ("Patent Owner's construction is fully consistent with a user downloading…the selection pages"); Institution Decision, 8. Nor does it require selection pages be stored in non-volatile memory. Institution Decision, 10 ("The claim does not limit the medium that locally stores the pages to non-volatile memory… We are sufficiently persuaded that the decks of cards stored in the RAM of Rossmann teach 'locally stored pages' as claimed"). The relevant question is therefore whether Rossmann-Himmel teaches the temporal relationship in the Board's construction. It does.

A. Rossmann's Cache-Case Embodiment

Rossmann's cache-case embodiment relied on in the Petition teaches two scenarios: (1) where a user's request for a certain page is met by one of the cards in an HDML deck stored in RAM; and (2) where the system needs to download a new HDML deck from the server to satisfy the user's request.

The first scenario expressly teaches the Board's construction of "beforehand locally stored" and the temporal requirement afforded to that term. *See* Ex. 1004 ("*Rossmann*"), 8:47-55:

> According to one embodiment, the received deck or decks are normally kept in the work memory 148 of the phone 142 in FIG. 3. Upon receiving a request from the user, the client module in the mobile device 142 first consults the work memory 148 therein to determine if the requested deck is available. If the received request is met by one of the cards in the received deck, the deck or the corresponding card in the deck is accessed without requiring any communication with the server device.

In this scenario, a user's request is served by a deck already stored in cache and does not require "any communication with the server device." *Id*, 8:49-55. Timing-wise, that deck is stored in work memory 148 "before" a user begins its preliminary search, satisfying the claim as construed. *Supp. Dec.*, ¶36-38.

Moreover, a second navigational search through a preserved deck independently satisfies the Board's construction under either scenario. As stated, Rossmann contemplates using a deck already preserved in local memory. *Rossmann*, 8:47-55. If a deck remains available in RAM/work memory from a prior interaction, then a later user navigation through that deck begins only after the deck has already been locally stored. *Supp. Dec.*, ¶¶39-40.

PO itself acknowledges the key temporal point. PO states that a user downloading, configuring, or customizing pages is consistent with the construction so long as that configuration is completed before the subsequent preliminary search.

POR, 9. That admission resolves this issue. An HDML deck preserved in RAM/work memory in Rossmann before a subsequent navigation session is "beforehand locally stored" under the Board's construction and does not require a subsequent Internet download that would violate the temporal requirement afforded to the claims. *Supp. Dec.*, ¶¶39-40. PO's expert conceded the same on cross:

> Q. So if you have a deck existing in memory that serves selections being made by the user, the user can navigate within that deck without communicating with the server; is that right?
>
> A. …if the user previously requested that deck being downloaded, and if it's still within a time frame that cache lives, and when user made a similar request to visit the same page it's already downloaded, yes, doesn't need Internet connection.

Ex. 1053, 69 (69:17-70:1); *see also id*., 69 (69:10-13) (noting cache can be replaced "after 24 hours").

B. These Reply Arguments are Proper Under *Axonics*

Axonics provides that "a petitioner must be given the opportunity in its reply to argue and present evidence of anticipation or obviousness under the new construction," particularly when a Petitioner does not introduce new art and relies on the same embodiments. *Axonics, Inc.*, 75 F.4th at 1384 (Fed. Cir. 2023). This applies to new constructions adopted by the Board at Institution. 37 C.F.R. § 42.23(b) (a petitioner reply "may only respond to arguments raised in the corresponding … patent owner response, or **decision on institution**.").

Apple does not seek to add new prior art or a new ground. Apple relies on the same Rossmann-Himmel grounds, the same Rossmann HDML decks/cards, and the same Rossmann cache-case disclosures identified in the Petition and Dr. Bederson's declaration. The only issue is how those same disclosures apply under the Board's construction of "beforehand locally stored." This is a proper analysis under *Axonics*, and the Board should evaluate the full scope of Rossmann's cache-case embodiment and find the challenged claim unpatentable.

V. PETITIONER'S PRIOR ART TEACHES CLAIM 25'S "DIRECTLY ACCESSING A SEARCH ENGINE ON THE WEB"

In its preliminary response, PO disputed whether an icon that links to search functionality within a webpage satisfies "directly accessing a search engine on the Web" in claim 25. POPR, 18-19. The Board confirmed "that accessing a search function for searching within a single website as described by Himmel teaches 'directly accessing a search engine on the Web' as claimed." Institution Decision, 11. The POR now asks the Board to change course and import unclaimed features from the specification into the claims. POR, 35-42. Nothing in Claim 25 requires a "standalone web search service," a search engine with "its own domain," a "global" or "cross-site" search engine, or a search engine that is not implemented within a web page as the POR contends, and it would be improper to import these unclaimed features into the claims. *Id.*; *Bradium Techs. LLC v. Iancu*, 923 F.3d 1032, 1049

(Fed. Cir. 2019) ("it is improper to read limitations from the written description into a claim.").

PO first argues "search engine" should be limited to the example standalone web search services in the specification, like Yahoo or Voila, that allow a user to take "control of his searches on the Web." POR, 36-37. Claim 25 does not recite "standalone web search services," specific search engines such as Yahoo or Voila, or require the user have control to search the entire web.[5] The claim requires an icon for "directly accessing a search engine on the Web." A search function provided by a website and accessed through a web page is a "search engine on the Web" as claimed. Petition, 29-31; *Supp. Dec.*, ¶¶41-44.

Next, PO suggests the claimed search engine icon must have an "independent address[]" based on the "specification's description of how direct access icon's function." POR, 37-38. Unlike other claims in the '058 Patent that require addresses be "locally generated" during certain claimed steps, claims 24-26 do not recite how addresses are generated or stored. Claim 25 does not recite an "independently addressable" search engine icon and PO's attempt to read this language in should again be rejected. *Bradium Techs.*, 923 F.3d at 1049. But even if it did, Rossmann-

[5] Independent claim 21, not claim 25 (which depends from independent claim 24) recites "a search engine for permitting a user to control searches on the Web." Regardless, Rossmann-Himmel's search functionality within a webpage allows a user to control searches within that webpage "on the Web." Petition, 59-61 (claim 21 mapping).

Himmel teaches this. *Supp. Dec.*, ¶¶45-48. Search menus within URLs have HTML ID anchors that are independently addressable. *Supp. Dec.*, ¶46.

PO also purports that claim 25's search engine icon must be distinct from claim 24's direct access icon that leads to the website. POR, 38-39. In Rossmann-Himmel, the bookmarked "search" web action is a separate icon from the icon that traveled to the website in the first place. Petition, 29-31. That's the premise behind including *Himmel's* direct access icons to common "hot" web actions in *Rossmann*—to "provid[e] a search link [to] allow the user to efficiently access a relevant search engine if the deck/card lacked their desired choice." *Id*., 31. Further, PO suggests Petitioner's mapping reads out "on the Web" from Claim 25. POR, 39. But as stated above, a search function provided by a website and accessed through a web page, as taught by Rossmann-Himmel, gives full effect to the "on the Web" claim language.

A. Claim 25 is Satisfied Even If the Board Adopts PO's Narrowing Features

PO's argument also fails for an independent reason. Ground 3 provides an alternative analysis that captures the claim scope PO advocates in its POR. Petition, 65–67. Ground 3 relies on Adar if PO argues, or the Board finds, that Rossmann-Himmel's search icon to access a search menu within a webpage is not a "search engine" as that term is used in the '058 Patent. Petition, 65. Adar teaches bookmark systems for Internet resources and specifically teaches popular bookmarks including

"Yahoo!," the same search engine PO says the '058 patent contemplates. Petition, 66–67; Ex. 1003, ¶¶197–200. Thus, PO's arguments do not save Claim 25. Under the correct construction, Rossmann-Himmel renders claim 25 obvious with a site-specific search engine on the web. Under PO's narrower construction, Rossmann-Himmel-King-Adar renders claim 25 obvious with a conventional search engine, like "Yahoo!."

VI. PO'S "SPECIFICALLY DESIGNED" ARGUMENT REWRITES ITS OWN CLAIM CONSTRUCTION AND ADDS UNCLAIMED INTENT REQUIREMENTS

PO's "specifically designed" argument is equally flawed. POR, 42–44. Apple accepted PO's proposed construction for this IPR, adopting that "specifically designed to include" means "used to include." Petition, 7–8; Ex. 1003, ¶¶35–36, 80. Apple then showed that the prior-art pages/cards in the asserted combinations are not merely capable of containing the claimed icons, but are used to include them during operation. Petition, 19–31, 59–61; Ex. 1003, ¶¶80–115, 177–196.

PO now tries to convert "used to include" into something much narrower—a requirement for "deliberately authored," pre-authored, fixed pages with intentional icon placement across a hierarchy. POR 42–44; Ex. 2020, ¶¶62–64, 69–73; Ex. 1053, 71-80 (71:12-80:5) (testifying this claim language mandates a specific page hierarchy "tailored" or "author[ed]" to include a first page with "only selection icons," a second page with both selection and direct access icons, and third page

with "only direct access icons"). That is not the construction PO advanced in the litigation. It is not suggested by the claim language. And it is not a basis to avoid the prior art.

A. The Prosecution History Does Not Support PO's Rewritten Construction

During prosecution, Applicant added the "specifically designed" language. *Supra*, Sec. II.B.1.b. In relevant part, the Examiner relied on Logan to teach a "device for selection of pages stored locally containing selectable icons linking to additional pages and websites wherein pages may be accessed locally without having to connect to the website." Ex. 1002, 586. The Examiner pointed to Logan Fig. 1, such that "LINK1, LINK2" taught "selection icons to local pages" and "LINK 3/4 are direct access icons to remote pages." *Id*.

In response, Applicant added the "specifically designed" language and argued that "[r]equiring an element to be 'specifically designed' for another element narrows the claim because it requires more than the first element being merely capable of being used with the second element." *Id*., 626 (citing *In re Giannelli*, 739 F.3d 1375 (Fed. Cir. 2014)). In other words, Applicant contested that Logan's cached pages from a browsing session that may or may not include links to other locally stored pages and to websites are not "specifically designed" to include those links.

Applicant did not add language requiring selection pages be "deliberately authored," "pre-authored," or accompanied by evidence of subjective design intent. The file history addresses whether the claimed selection pages are designed to contain the required icon set, rather than merely being capable of including that icon set. Apple's Petition satisfies that understanding. Apple applied PO's construction of "specifically designed to include" as "used to include," meaning that in operation the page must actually include the claimed icons—not merely be capable of doing so. Petition, 7-8. Dr. Bederson likewise applied that construction and explained that, in the Rossmann-Himmel modified system, the selection pages contain the claimed set of icons, including selection icons for local navigation and direct-access icons for accessing remote sources. Ex. 1003, ¶127.

A blank or generic page template that could later be populated with icons may be merely capable. But a Rossmann-Himmel page/card that actually displays the mapped selection icons and direct-access icons during operation is used to include those icons. That is all PO's construction requires and that is all the "specifically designed" claim language based on the intrinsic record mandates.[6]

[6] The Federal Circuit's recent decision in *In re Blue Buffalo Enters., Inc.*, No. 2024-1611, 2026 WL 100470 (Fed. Cir. Jan. 14, 2026) confirms *In re Giannelli*, cited during prosecution of the '058 Patent, is context-specific and does not require subjective design intent. *In re Blue Buffalo*, No, 2024-1611, 2026 WL 100470 at *1. Thus, "specifically designed" may exclude mere capability, but without any intrinsic evidence of subjective design intent, it does not require proof that a human author

VII. CONCLUSION

Petitioner respectfully requests the Board find all Challenged Claims unpatentable.

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deliberately authored a fixed, pre-existing hierarchy of selection pages with the claimed icons.

APPENDIX OF EXHIBITS

Exhibit 1001	U.S. Patent No. 10,943,058 ("*'058 Patent*")
Exhibit 1002	File History of the '058 Patent (the "*'058 File History*")
Exhibit 1003	Declaration of Dr. Ben Bederson ("*Dec.*")
Exhibit 1004	U.S. Patent No. 6,119,155 to *Rossmann* et al. ("*Rossmann*")
Exhibit 1005	U.S. Patent No. 6,037,934 to *Himmel* et al. ("*Himmel*")
Exhibit 1006	U.S. Patent No. 6,353,839 to King et al. ("*King*")
Exhibit 1007	U.S. Patent No. 6,138,158 to Boyle et al. ("*Boyle*")
Exhibit 1008	U.S. Patent No. 6,493,702 to Adar et al. ("*Adar*")
Exhibit 1009	U.S. Patent Publication No. 2001/0044299 to Sandegren ("*Sandegren*")
Exhibit 1010	David Pogue, Palm Pilot: The Ultimate Guide, O'Reilly and Associates, Inc. (1998) ("*Pogue*")
Exhibit 1011	Martin Skegg and Michael Oliveria-Salac inspect the tiny tools of global communication, The Independent, Newspapers.com, London, Greater London, England (May 8, 1999) ("*The Independent*")
Exhibit 1012	Nokia Mobile Phones, User's Guide, 9352062 Issue 2, (1999) ("*Nokia*")
Exhibit 1013	U.S. Patent No. 6,363,419 to Martin, Jr. et al. ("*Martin, Jr.*")
Exhibit 1014	HDML 2.0 Specification, (April 11, 1997) ("*HDML Spec*")
Exhibit 1015	Mark Brown, et al., Special Edition Using Netscape 2, Que, (1995) ("*Brown*")
Exhibit 1016	Douglas A. Downing, Ph.D, et al., Dictionary of Computer and Internet Terms, Tenth Edition, Barron's Educational Series, Inc., (2009) ("*Barron's 2009*")
Exhibit 1017	Hy Bender, et al., Dummies 101: The Internet for Windows 98, IDG Books Worldwide, (1998) ("*Bender*")
Exhibit 1018	U.S. Patent No. 6,718,310 to Fuisz et al. ("*Fuisz et al.*")
Exhibit 1019	U.S. Patent No. 6,338,050 to Conklin et al. ("*Conklin et al.*")
Exhibit 1020	Benjamin B. Bederson, et al., A Zooming Web Browser (1996) ("*Bederson*")
Exhibit 1021	Ron R. Hightower, et al., PadPrints: Graphical Multiscale Web Histories, UIST (1998) ("*Hightower*")
Exhibit 1022	Douglas Downing, Ph.D., et al., Dictionary of Computer and Internet Terms, Fifth Edition, Barron's Business Guides, (1996) ("*Barron's 1996*")

Exhibit 1023	Donald Spencer, Webster's New World Dictionary of Computer Terms, Fifth Edition, Macmillan General Reference (1994) ("*Spencer*")
Exhibit 1024	U.S. Patent No. 6,237,080 to Mäkinen ("*Mäkinen*")
Exhibit 1025	U.S. Patent No. 5,781,909 to Logan, et al. ("*Logan*")
Exhibit 1026	U.S. Patent No. 6,546,393 to Khan ("*Khan*")
Exhibit 1027	U.S. Patent No. 6,163,779 to Mantha, et al. ("*Mantha*")
Exhibit 1028	U.S. Patent No. 6,928,615 to Haitsuka, et al. ("*Haitsuka*")
Exhibit 1029	U.S. Patent No. 6,456,303 to Walden, et al. ("*Walden*")
Exhibit 1030	U.S. Patent No. 5,809,415 to *Rossmann* ("*Rossmann Parent*")
Exhibit 1031	U.S. Patent No. 6,182,010 to Berstis ("*Berstis*")
Exhibit 1032	U.S. Patent No. 8,271,877 to Allani ("*'877 Patent*")
Exhibit 1033	File History of the '877 Patent (the "*'877 File History*")
Exhibit 1034	*FERID ALLANI vs. APPLE, INC.*, Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 1) ("*Complaint*")
Exhibit 1035	*FERID ALLANI vs. APPLE, INC.*, Case No. 6:24-cv-00304-ADA Plaintiff's Preliminary Infringement Contentions with Exhibit ("*Plaintiff's Preliminary Infringement Contentions*")
Exhibit 1036	*FERID ALLANI vs. APPLE, INC.*, Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 21) ("*Apple Opening Markman Brief*")
Exhibit 1037	*FERID ALLANI vs. APPLE, INC.*, Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 18) ("*Scheduling Order*")
Exhibit 1038	*Intentionally Left Blank*
Exhibit 1039	*Intentionally Left Blank*
Exhibit 1040	*FERID ALLANI vs. APPLE, INC.*, Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 23) ("*Responsive Claim Construction Brief*")
Exhibit 1041	*FERID ALLANI vs. APPLE, INC.*, Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 24) ("*Reply Claim Construction Brief*")
Exhibit 1042	*FERID ALLANI vs. APPLE, INC.*, Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 25) ("*Surreply Claim Construction Brief*")
Exhibit 1043	Petitioner Apple Inc.'s Notice of Broadened Sotera Plus Stipulation
Exhibit 1044	International Publication No. WO99/17229 to Kanno, Fujitsu Limited April 8, 1999
Exhibit 1045	Legal Status of FR2803929 Patent Family
Exhibit 1046	United States District Courts — National Judicial Caseload Profile
Exhibit 1047	Pretrial Conference Transcript, *Ioengine, LLC v. Roku Inc.*, Case No. 6:21-cv-1296, U.S. Dist. Ct. (W.D. Tex)

Exhibit 1048	Order Cancelling Jury Selection and Trial, *Almondnet, Inc. v. Amazon.com, Inc.*, Case No. 6:21-cv-00898-ADA, U.S. Dist. Ct., (W.D. Tex)
Exhibit 1049	U.S. Patent No. 5,877,765 to Dickman, et al.
Exhibit 1050	U.S. Patent No. 5,963,964 to Nielsen
Exhibit 1051	Conclusions D'Intimes No 2, RG: 23/01389
Exhibit 1052	Supplemental Declaration of Dr. Ben Bederson ("*Supp. Dec.*")
Exhibit 1053	Allani Expert Mahdi Eslamimehr 7/6/26 Deposition Transcript ("*Eslamimehr Tr.*")
Exhibit 1054	Allani Expert George Edwards 4/1/25 Deposition Transcript ("*Edwards Tr.*")
Exhibit 1055	*FERID ALLANI vs. APPLE, INC*., Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 30) ("*Claim Construction Order*")
Exhibit 1056	*FERID ALLANI vs. APPLE, INC*., Case No. 6:24-cv-00304-ADA Plaintiff's Final Infringement Contentions ("*Final Infringement Contentions Excerpt*")
Exhibit 1057	U.S. Patent No. 5,933,827 to Cole et al. ("*Cole*")
Exhibit 1058	U.S. Patent No. 7,454,706 to Matthews et al. ("*Matthews*")
Exhibit 1059	*FERID ALLANI vs. APPLE, INC*., Case No. 6:24-cv-00304-ADA (WDTX, Dkt. No. 1, Ex. 3) ("*Complaint Ex. 3*")
Exhibit 1060	U.S. Patent No. 5,802,299 to Logan et al. ("*Logan*")
Exhibit 1061	Microsoft Computer Dictionary, 4th Edition (1999) ("*Microsoft*")
Exhibit 1062	Merriam-Webster Collegiate Dictionary, 10th Edition (1998) ("*Merriam-Webster*")
Exhibit 1063	*YouTube: The World's Second Largest Search Engine*, Media Communication, Convergence and Literacy, 2nd Edition, The Texas A&M University System, https://odp.library.tamu.edu/mediacommunication2e/chapter/youtube-the-worlds-second-largest-search-engine/ ("*YouTube*")
Exhibit 1064	*Search Everywhere Optimization: TikTok, YouTube, Amazon, and AI* (April 4, 2026), https://www.digitalapplied.com/blog/search-everywhere-optimization-tiktok-youtube-amazon-ai-2026 ("*SEO*")
Exhibit 1065	*HTML 4.0 Specification*, W3C Recommendation (Revised April 24, 1998) 24-Apr-1998 https://www.w3.org/TR/1998/REC-html40-19980424/struct/links.html#h-12.1 ("*HTML 4.0*")

CERTIFICATION OF COMPLIANCE WITH 37 C.F.R. 42.24

Pursuant to 37 C.F.R. § 42.24(c)(1), the undersigned certifies that the foregoing *Petitioner's Reply to Patent Owner's Response* contains 5,588 words, exclusive of the table of contents, certificate of service, certificate of word count, and appendix of exhibits.

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CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.6

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on July 10, 2026, the foregoing *Petitioner's Reply to Patent Owner's Response* was served via electronic filing with the Board and via Electronic Mail on Patent Owner:

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