

Inter Partes Review
U.S. Patent No. 10,943,058

Oral Argument: August 5, 2026

Apple Inc. v. Ferid Allani
Case No. IPR2025-00857



'058 Patent - Illustrative Claim

1. Apparatus for accessing information- or service-providing Web sites, comprising a communication device connectable through a communication network to the Internet, control and processing device or devices, data storage device or devices, and a display, said storage device or devices containing a plurality of selection pages within a tree menu structure, said **selection pages being beforehand locally stored** in said data storage device or devices and **each being specifically designed for containing a set of icons** including at least one of a direct access icon for directly accessing remote sources of information and a selection icon for locally accessing another selection page within said tree menu structure,

wherein said plurality of selection pages includes:

a first selection page, a second selection page and a third selection page, said first selection page being specifically designed for containing a selection icon for locally accessing said second selection page, said second selection page being specifically designed for containing a selection icon for locally accessing said third selection page, said third selection page being specifically designed for containing one or more direct access icons for directly accessing an information- or service-providing Web site, and

at least one selection page being specifically designed for containing one or more icons for directly accessing a search engine on the Web,

wherein the control and processing device or devices are programmed for:

enabling a preliminary search locally performed within said communication device in different themes and sub themes within said plurality of selection pages, and

emitting on the communication network, in response to selection of a direct access icon in a selection page being currently displayed, **an address of an information- or service-providing Web site** corresponding to said selected direct access icon, said address being locally generated during the preliminary search and selection,

wherein the apparatus is implemented in a mobile phone.

Petitioner's Grounds

Proposed Grounds	Basis	Disputed Claims
Ground 1: <i>Rossmann/Himmel</i>	§ 103	24-26
Ground 2: <i>Rossmann/Himmel/King</i>	§ 103	1, 2, 4-6, 10-23, 27
Ground 3: <i>Rossmann/Himmel/King/Adar</i>	§ 103	1, 2, 4-6, 10-23, 25, 27
Ground 4: <i>Rossmann/Himmel/King/Boyle</i> or <i>Rossmann/Himmel/King/Adar/Boyle</i>	§ 103	3, 7-9

Remaining Issues

- ▶ “Beforehand locally stored”
 - ▶ *Rossmann* teaches limitation under Board’s interpretation at institution
 - ▶ *Rossmann* stores deck of cards during 1st preliminary search, allowing same deck of cards to be used in subsequent preliminary search
- ▶ “Icon”
 - ▶ Plain and ordinary meaning captures selectable text
 - ▶ Confirmed by Office during prosecution and PO in litigation
- ▶ “Search engine on the web”
 - ▶ Searching across web pages in a single domain sufficient
 - ▶ Claims are not limited to examples in specification like Yahoo! and Voila
- ▶ “Specifically designed”
 - ▶ *Rossmann-Himmel*’s HDML decks are specifically designed to include the selectable text options for local and remote navigation

Beforehand Locally Stored

Claim 1: “storage device or devices containing a plurality of selection pages within a tree menu structure, said **selection pages being beforehand locally stored in said data storage device or devices**”

Board Imposed Temporal Requirement, Construing “Beforehand Locally Stored” at Institution

We construe the terms “said selection pages being beforehand locally stored” recited in claim 1 and “said selection pages being . . . beforehand locally stored” recited in claim 27 as requiring the selection pages to be locally stored before a user locally performs a preliminary search.

Owner. In particular, we agree with Patent Owner, that the preliminary search begins when the user selects “XYZ Information” as shown in Figure 4C, which causes Rossmann’s system to download the deck of cards shown in 4D–4G during the preliminary search. Therefore, Rossmann does not teach “enabling a preliminary search locally performed . . . within said plurality of selection pages,” with “said selection pages being beforehand locally stored” as recited in claim 1, nor the similar limitation of claim 27. Petitioner does not rely on any other prior art in grounds 2–4 to teach “beforehand locally stored.”

Rossmann-Himmel Satisfies “Beforehand Locally Stored” as Construed by Board

- ▶ Rossmann decks of cards are stored locally before preliminary search.
 - ▶ Petition mapped Rossmann’s “cache-case”

In the “cache-case,” “[u]pon 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.” *Id.*, 8:49-55. If the request is met by one of the cards in the deck, that card is accessed without communication with the server. *Id.* If not, “a connection initiated by the client module 146 to the server device 144 is made to fetch the new deck.” *Id.*, 8:55-64. *Rossmann* teaches an example

Rossmann-Himmel Satisfies “Beforehand Locally Stored” as Construed by Board (cont.)

- ▶ PO’s expert confirmed that deck of cards is maintained between sessions and can serve multiple searches.

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”).

Rossmann-Himmel Satisfies “Beforehand Locally Stored” as Construed by Board (cont.)

- ▶ Petitioner’s expert confirmed the same:

39. The temporal relationship also holds independently under a second application of Rossmann’s teachings. Rossmann contemplates that a deck downloaded and stored in RAM during a session may remain available in work memory for a subsequent session. *Id.*, 8:47-49 (“[t]he received deck or decks are normally kept in the work memory 148 of the phone”). A deck that persists from a prior session is stored before a user begins a fresh navigation search. When that user initiates navigation through the preserved deck, the selection pages were already locally stored before that search commenced.

Petitioner's Reliance on Same Embodiment in Rossmann to Meet PO's Proposed Construction is 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.**”).

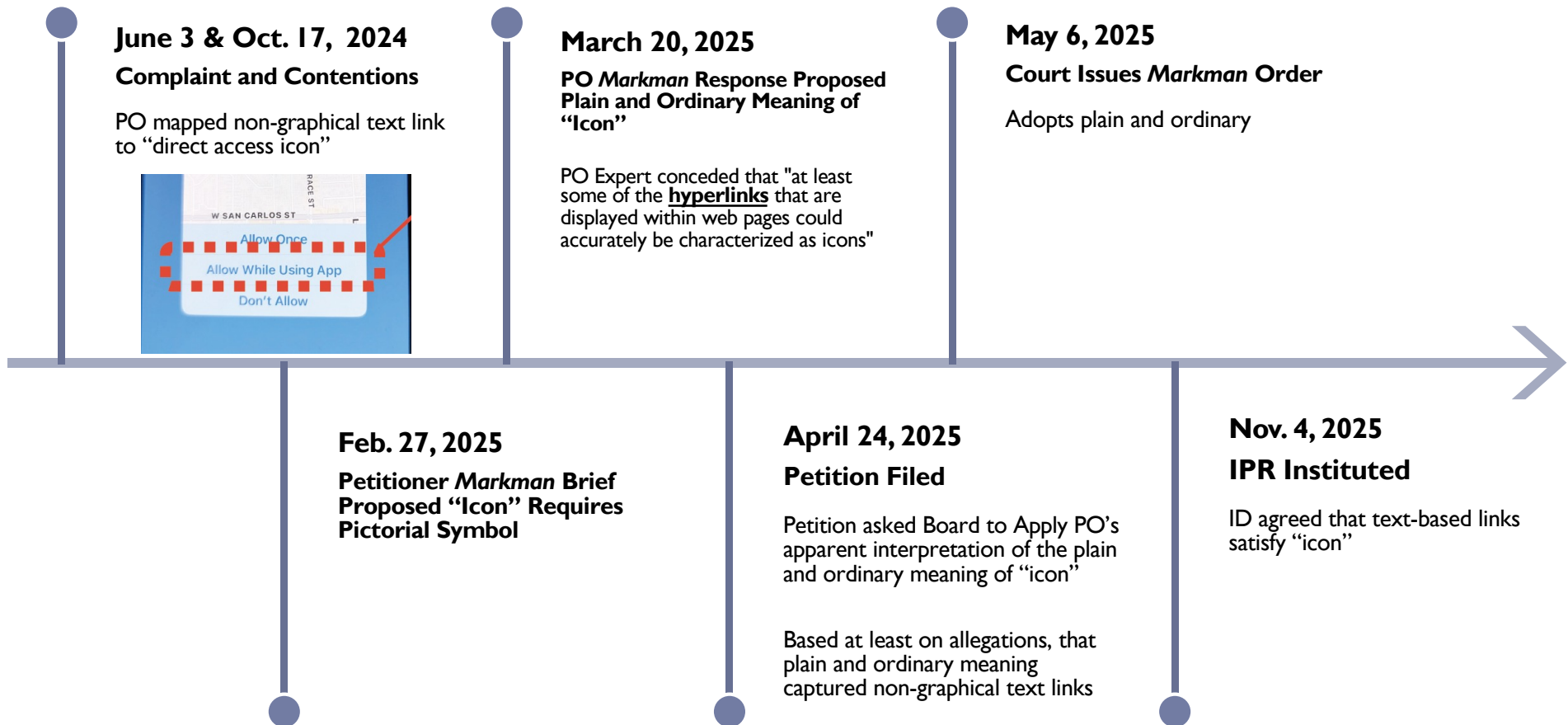
Icon

Claim 1: “first selection page being specifically designed for containing a **selection icon for locally accessing said second selection page**, . . . third selection page being specifically designed for containing one or more **direct access icons for directly accessing an information- or service-providing Web site**”

Plain & Ordinary Meaning of “Icon” Captures Non-Graphical Text Links

1. PO and Office Interpreted “Icon” broadly
 - ▶ PO alleged in parallel litigation that non-graphical text links satisfied “icon”
 - ▶ Examiner mapped non-graphical text links to “icon” in office actions
2. Specification Does Not Support Mandating Graphics
 - ▶ PO’s reliance on alleged “three-way taxonomy” fails
 - No evidence informing meaning of “designation”
 - ▶ Claims allow graphical icons, text-based icons, and icons with both textual and graphical components
3. Dictionary definitions cannot override permissive intrinsic record

Timeline of Party Positions re “Icon”



PO Shifts Theories

POR Disowns Allegations and Seeks to Exclude Non-Graphical Text Links

Claim construction in this IPR is governed by *Phillips*, not by early accused-product charts. And the very infringement contentions Petitioner relies on are expressly preliminary—“based on the information available” at the time—and do not offer a construction of the term “icon.” Additionally, Plaintiff “reserves the right to amend” consistent with the Court’s rules and orders.

Patent Owner submits that the proper construction of this term is independently dispositive of every ground in the Petition. Based on a thorough review of the intrinsic evidence—the claim language, the specification, the prosecution history, and the understanding of a person of ordinary skill in the art (“POSITA”) as of the October 12, 1999 priority date—the plain and ordinary meaning of “icon” requires a graphical or symbolic selectable element—distinct from a mere textual designation.

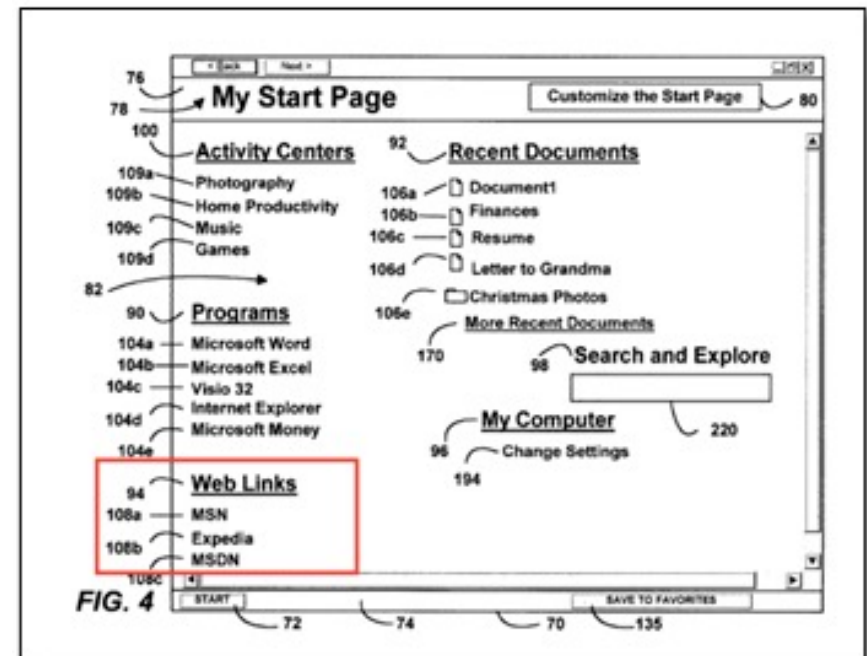
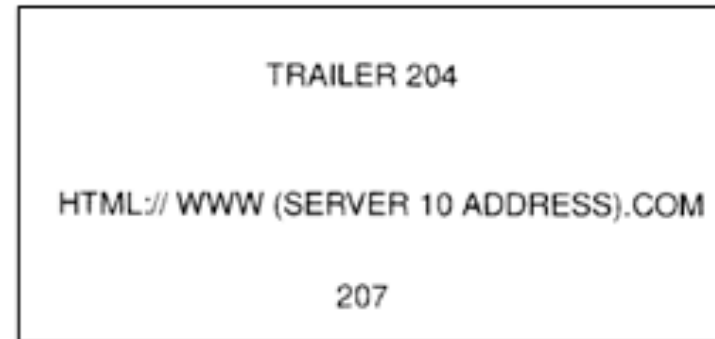
Post-Markman, Petitioner Affirmatively Advances “Plain and Ordinary” Meaning as Adopted by District Court

Director Squires:

Thus, although a petitioner is not necessarily precluded from arguing different claim construction positions before a district court and the Board, the petitioner should explain sufficiently why the different positions are warranted, even in instances that do not implicate Section 112(f). *See Sun Pharm.*, IPR2025-00893, Paper 18 at 3. “For example, 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.”

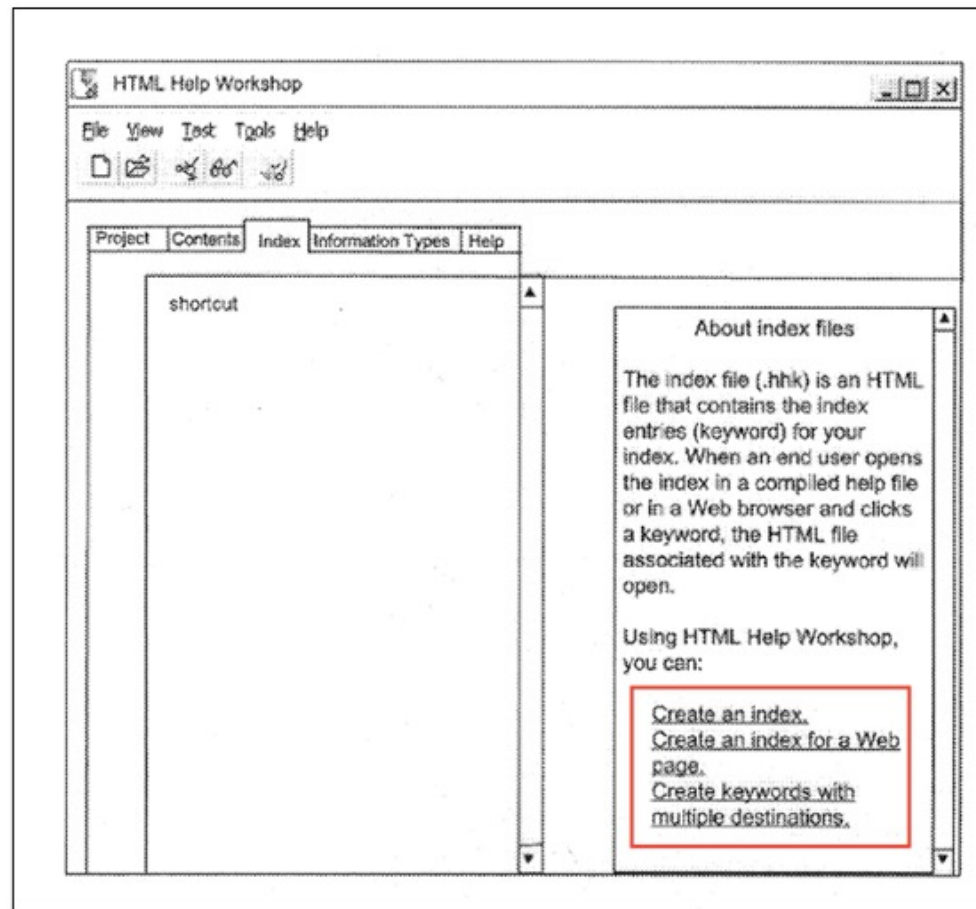
During Prosecution, Multiple Office Actions Mapped Text Links to “Icon”

- ▶ Parent '877 Patent FH
 - ▶ Cole's link 207 mapped to “icon”
 - ▶ Ex. 1033 at 168-72
- ▶ Matthews' links 100, 92, 90 mapped to “selection icon” and links 94a mapped to “direct access icon”
 - ▶ Ex. 1033 at 250-54



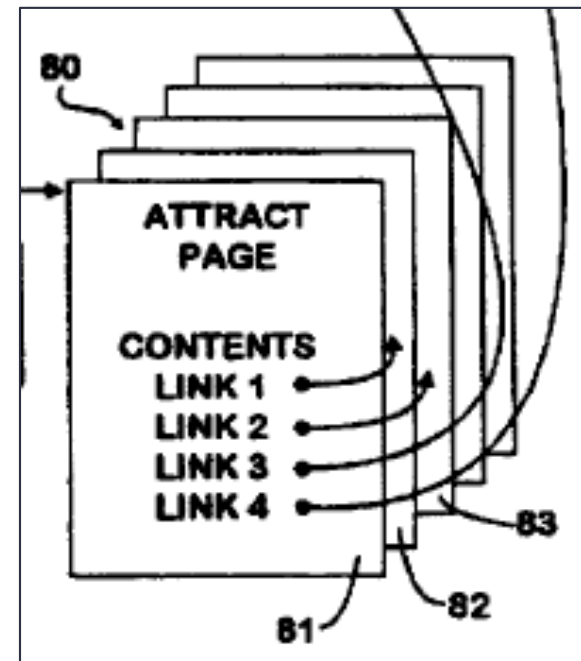
During Prosecution, Multiple Office Actions Mapped Text Links to “Icon” (cont.)

- ▶ Parent '877 Patent FH
 - ▶ Walden's HTML links mapped to “icon”
 - ▶ Ex. 1033 at 340-43



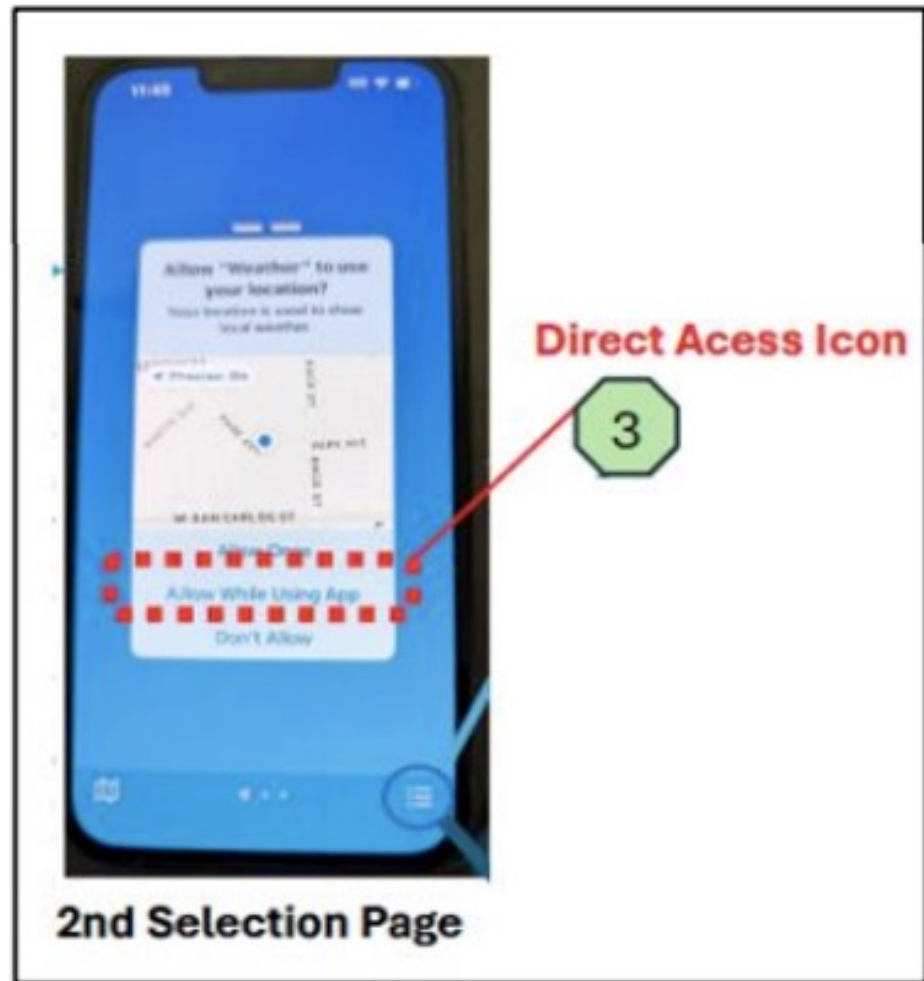
During Prosecution, Multiple Office Actions Mapped Text Links to “Icon” (cont.)

- ▶ '058 Patent FH
 - ▶ Hsu's bookmark links mapped to “icon”
 - ▶ Ex. 1002 at 374-88
 - ▶ Logan's links 1-4 mapped to “icon”
 - ▶ Ex. 1002, 403-10



PO's Infringement Allegations Also Mapped Text-Based Links to Claimed "Icon"

- ▶ PO's June 3, 2024 Infringement Allegations
 - ▶ Ex. 1059, 14



Intrinsic Record Does Not Mandate Graphical Icons

Alleged “Three-Way Taxonomy” Unsupported

► POR:

A. The Specification Establishes a Three-Way Distinction

The specification’s description of the prior art provides an express taxonomy of visual elements on a Web portal page. Column 1, lines 23–26 states: “The choices of a site or of a heading are represented either by a designation or by an icon or a fixed or animated image.” Ex. 1001, 1:23–26. This passage uses the disjunctive “either . . . or . . . or” structure to set up three categories of visual representation: (1) a “designation”—i.e., a textual label or name; (2) an “icon”—a stylized graphical or symbolic element; and (3) a “fixed or animated image”—i.e., a photographic or realistic pictorial representation.

Intrinsic Record Does Not Mandate Graphical Icons

Alleged “Three-Way Taxonomy” Unsupported (cont.)

- ▶ Patent does not elaborate on meaning of “designation”
- ▶ No extrinsic evidence regarding term’s meaning
 - ▶ PO’s expert:

Q. What is a designation?

MR. HUDNELL: Objection. Form.

A. I think I did not provide any definition of designation in my report.

Ex. 1053 (Eslamimehr Trans.), 27:1-4

Q. Okay. And so sitting here today, you can't -- you can't tell me what characteristics of a selectable item make that item a designation rather than an icon? Do I understand you correctly?

A. So understanding my declaration, I did not provide such a definition of characteristic in my report.

Ex. 1053 (Eslamimehr Trans.), 28:19-25

A. A hyperlink would be a designation.

Q. (By Mr. Hart) Could be?

A. It's not an icon, but it could be designation.

Q. And what makes a designation a designation?

MR. HUDNELL: Objection. Form.

A. Designation is a piece of user interface, which is different from icon. And throughout my declaration, I did not provide a definition of characteristics for designation.

Ex. 1053 (Eslamimehr Trans.), 30:1-10

Intrinsic Record Does Not Mandate Graphical Icons

Claims Permit Graphical Icons and Textual Icons

19. The apparatus according to claim 1, wherein the icons comprise logotypes, graphic marks or semi-graphic marks.

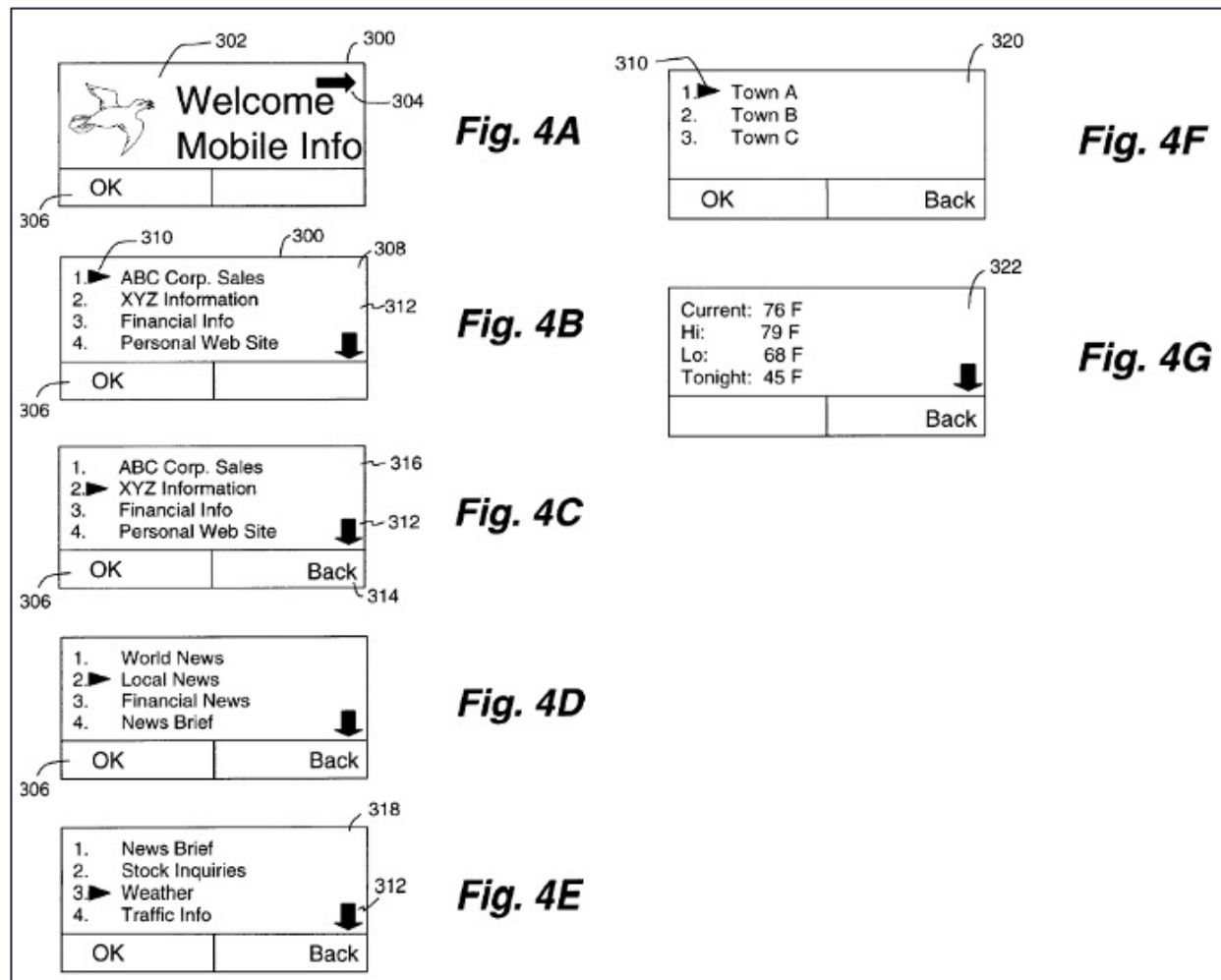
20. The apparatus according to claim 1, wherein the icons comprise textual elements.

Extrinsic Evidence Cannot Override Permissive Intrinsic Record

- ▶ The Board does not need dueling dictionary definitions to decide this issue

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).

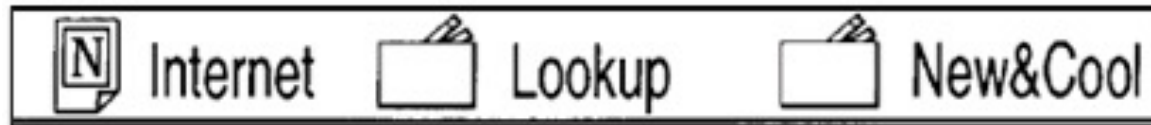
Rossmann Teaches “Icons” Under a Correct Plain and Ordinary Meaning



Rossmann/Himmel Renders Obvious “Icons” Even Under PO’s New Interpretation

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).

- ▶ For dependent claims 12 and 19, Petition at 52-53 proposed modifying Rossmann to utilize graphical icons pursuant to Himmel.



- ▶ Same theory applies to all claims, satisfying PO’s new and narrow interpretation of “icon.”

Rossmann/Himmel Renders Obvious “Icons” Even Under PO’s New Interpretation (cont.)

- ▶ Sur-Reply does not dispute technical capability to add graphics into Rossmann

Rossmann's generic statement that "a card can contain text and images," Ex. 1004, 8:67–9:1, and the welcome-card graphic of Figure 4A, establish at most capability

- ▶ Sur-Reply errantly claims no motivation to make change.

- ▶ Dr. Bederson re Claim 12:

such, a POSITA would have been motivated to visually distinguish the selection icons from the direct access icons via distinct graphical features to allow the user to consciously choose when to access the Internet. Moreover, graphics associated with selection icons would benefit user navigation, resulting in faster and more intuitive recognition, better visual appeal, and the ability to overcome language barriers.

- ▶ PO and its expert chose to not challenge this theory for claims 12 and 19.

Search Engine on the Web

Claim 25: “The mobile communication device according to claim 24, wherein at least one of the selection pages is further specifically designed to include one or more icons for directly accessing a search engine on the Web.”

Rossmann/Himmel Renders Obvious “Search engine on the web”

- ▶ The Petition at 29-31 relied on Himmel’s “search” hotlink to search within a website
 - ▶ POPR at 18-19 argued functionality that operates within a single website is not a search engine on the web
- ▶ Institution:

We agree with Petitioner’s contentions that Himmel teaches common functions such as search, and that a person of ordinary skill would have included Himmel’s search function for a particular website for the benefit of quickly navigating the site without sifting through multiple pages. On this record, we are sufficiently persuaded 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.

Rossmann/Himmel Renders Obvious “Search engine on the web” (cont.)

- I. POR and Sur-Reply (1) rehash rejected POPR argument, and (2) add additional narrowing limitation regarding independent addressability

Rossmann/Himmel Renders Obvious “Search engine on the web” (cont.)

1. Cross-site search functionality, like in Yahoo! or Voila, is not claimed
2. Claim 25 does not require independent addressability
 1. Regardless, Himmel teaches an independently addressable icon that accesses a search engine on the web

47. For example, a retail website might deploy a search bar at the top of its homepage and assign that search bar element an ID anchor such as “#search” or “#searchbox.” A URL including that anchor, such as <http://www.retailsite.com/#search>, constitutes an independent, addressable locator for the search functionality.

Ground 3: Rossmann/Himmel/Adar Renders Obvious “Search engine on the web”

- I. PO does not dispute Adar’s teachings
 1. Ground 3 provides an alternative challenge relying on Adar’s search engine icon to Yahoo!
 2. Ground 3 rises or falls with PO’s theories against the independent claims

“Specifically Designed”

Claim 1: “first selection page being specifically designed for containing a selection icon for locally accessing said second selection page”

Rossmann/Himmel Renders Obvious the “Specifically Designed” Limitations

- ▶ POR (at 44) suggested the “specifically designed” language requires deliberate authorship

“[e]ach page must be deliberately authored to include the specific icon types required by the claims” within a fixed local structure (Ex. 2020 ¶ 34).

- ▶ Sur-Reply (at 20) distances this position: “No designer’s mental state need be examined.”

Rossmann/Himmel Renders Obvious the “Specifically designed” limitations (cont.)

- ▶ Sur-Reply (at 19) insists that user involvement is excluded:

populated. Ex. 1005, 19:9–13. Pages that come into existence on request, and lists a user assembles, are the browsing- and user-derived structures the applicant distinguished — not selection pages specifically designed to contain the claimed icon sets.

- ▶ This directly conflicts with POR (at 9) concession that user involvement is permitted:

To be clear, Patent Owner’s construction is fully consistent with a user downloading, configuring, or customizing the selection pages and icons on the device—for instance, by choosing which categories, sites, or icons to include—so long as that configuration is completed before the user subsequently performs the preliminary search through those pages.

Rossmann/Himmel Renders Obvious the “Specifically designed” limitations (cont.)

- ▶ Rossmann’s HDML decks have built-in hierarchy

