
CText IP, LLC
6500 Greenville Ave., Suite 100
Dallas, Texas 75206

June 2, 2023

FRE 408 COMMUNICATION

Apple Inc.
Attn: Michael West, Corporate Counsel, IP Transaction
mwest3@apple.com
One Apple Park Way
Cupertino, CA 95014

Re: Follow-up on Infringement of U.S. Patent Nos. 9,246,857 and 10,009,304 held by CText IP LLC, by Apple Inc.

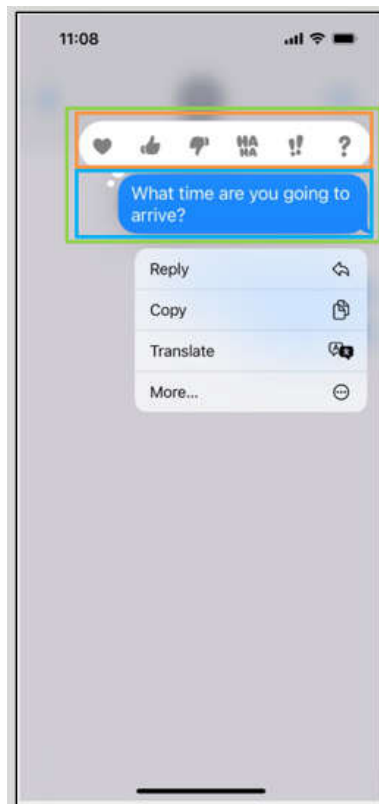
Dear Michael:

Thank you for speaking with me on May 3, 2023, regarding U.S. Patent Nos. 9,246,857 (“’857 patent”) and 10,009,304 (“’304 patent”), held by CText IP LLC (“CText”). During our phone call we discussed CText’s January 5, 2023, letter (“January 23 Letter”) and Apple’s March 29, 2023, letter (“Apple’s March 29 Letter”). During the call, you also requested that I send you a written response to the March 29 Letter. Thus, I am providing the following:

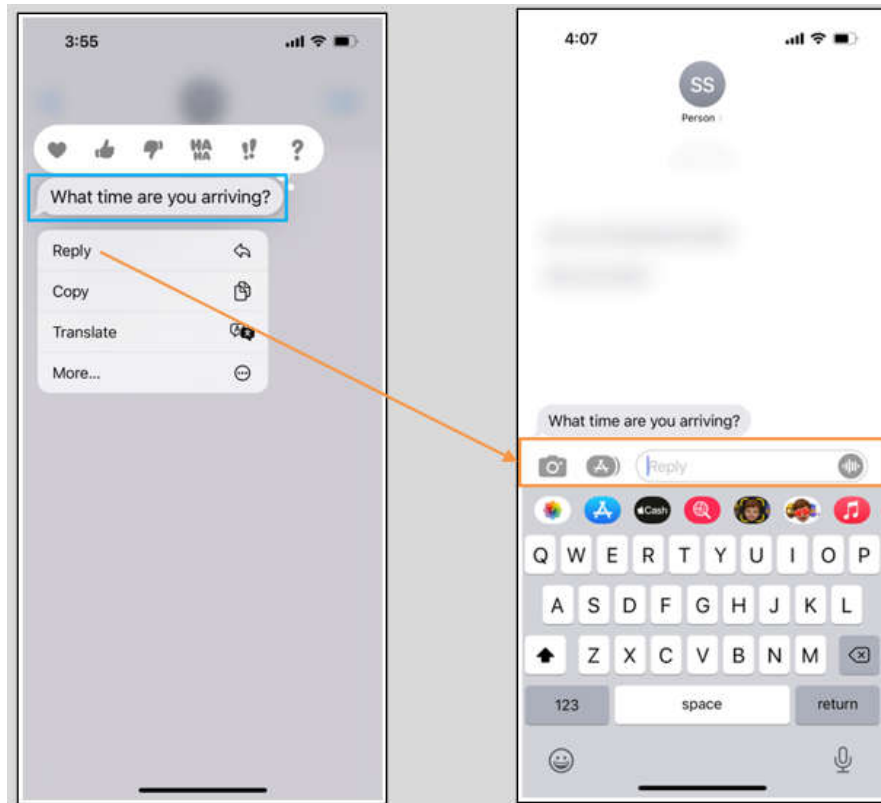
Apple’s March 29 Letter advances one purported non-infringement position, i.e., “that iMessage does not change a visual element of the message entry location to match a visual cue shared by messages in a conversation string.” Apple’s March 29 Letter at 4. But the claim charts provided in CText’s January 29 Letter, provide several detailed examples of how iMessage preforms the step of “changing a visual element of the message entry location upon receipt of the first indication to match a first visual cue shared with the first message.” ’304 Patent Claim Chart at 13-14; *see also* ’857 Patent Claim Chart at 13-14.

The first example relates to the Tapback feature shown below. As the claim charts explain, “the message entry location is moved in close proximity to and changed to a bubble of possible reply options above the first message.” ’304 Patent Claim Chart at 13; ’857 Patent Claim Chart at 13. Your letter argues that the orange box in the image below is not the identified text input box “message entry location.” Apple’s March 29 Letter at 4. But, as you are aware, the claim limitations recite “changing a visual element of the message entry location.” *See, e.g.*, ’304 Patent at limitation 1[d]; ’857 Patent at limitation 1[d]. Thus, the claim charts explain how visual

elements of the message entry location change, e.g., moving it in close proximity to and changing to a bubble of possible reply options above the first message.



The second example relates to the Reply feature shown below. As the claim charts explain, in this example, “at least two visual elements of the message entry location are changed to match a first visual cue shared with the first message. First, the input box for the message entry location now appears in close proximity to the first message. Second, the message entry location includes the text “Reply” instead of “iMessage.” ’304 Patent Claim Chart at 14; *see also* ’857 Patent Claim Chart at 14. Your letter incorrectly alleges that the “input box is not, however, the same text input box alleged to be the ‘message entry location.’” Apple’s March 29 Letter at 5. But, as noted above, the claims recite changing a visual element of the message entry location, and thus Apple is incorrect that the message entry location must remain precisely the same throughout the claimed method. Moreover, while the input box shown in the orange rectangle below does change as indicated in the charts, it is otherwise the same message entry location identified at element 1[b]. ’304 Patent Claim Chart at 11; *see also* ’857 Patent Claim Chart at 11.



Apple's March 29 Letter also appears to allege that CText has not identified the visual element and visual cue recited by the claims for the Reply example. Apple's March 29 Letter at 5. But the chart explains that the visual element in the Reply example is, for example, proximity and the text "Reply." '304 Patent Claim Chart at 14 ("the input box for the message entry location now appears in close proximity to the first message. Second, the message entry location includes the text "Reply" instead of "iMessage."); see also '857 Patent Claim Chart at 14. The message entry location is moved up (change in visual element) to be in proximity to the message that is subject to the reply (matching the visual cue, e.g., the location, of the first message). As further explained in the claim charts, the message entry location includes the text "Reply" (change in visual element) instead of "iMessage." This matches the "Reply" text visual cues that are associated with the first message. '304 Patent Claim Chart at 18 ("the text "1 Reply" is displayed below the first message. The visual cue "Reply" that is used in the changed message entry location is thus applied within the discussion interface.").

Your letter advances one purported invalidity position based on the Castelucci reference. Apple's March 29 Letter at 6-8. Your letter, however, does not explain how Castelucci discloses each of the claim limitations of the '857 and '304 patents. Setting that *prima facie* deficiency aside, your letter's discussion of limitation 1[d] fails to show how Castelucci discloses "changing a visual element of the message entry location upon receipt of the first indication to match a first visual cue shared with the first message." Your letter identifies element 612 as the purported visual element that changes to match the visual cue, but your letter fails to explain how element 612 represents a change in a visual element of the message entry location. Apple's March 29 Letter

at 7-8. Accordingly, for at least these reasons, Castelucci cannot invalidate the '857 and '304 patents.

For at least the reasons stated in this responsive letter, CText believes it has resolved the purported non-infringement and invalidity positions raised by Apple. CText recognizes that it would be prudent to seek an amicable resolution and therefore proposes a fully paid up, non-exclusive license pertaining to the past, present, and future use of the iMessage functionality of Apple's products as it relates to the '857 and '304 patents.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Vecchione', with a stylized, cursive script.

Anthony Vecchione
CText IP, LLC