



May 17, 2024

Via Email (ctextip@gmail.com)

Anthony Vecchione
CText IP, LLC
6500 Greenville Ave., Suite 100
Dallas, TX 75206

Re: U.S. Patent Nos. 9,246,857 and 10,009,304

Dear Mr. Vecchione,

I write in response to your correspondence dated April 4, 2024 responding to my letter of August 9, 2023 regarding the CText Patents.

We have reviewed your April 4 letter restating the positions set forth in your previous correspondence and reproducing allegations from your January 5, 2023 claim charts, which have addressed in detail in our prior communications. We do not believe your April 4 letter raises any new issues that have not been addressed by our previous correspondence. As nothing in your April 4 letter changes our analysis, we continue to believe that Apple does not require a license.

iMessage Does Not Infringe the CText Patents

As explained in both our March 23, 2023 and April 9, 2023 letters, iMessage does not infringe the CText Patents for at least the reason that it does not "*chang[e] a **visual element** of the message entry location . . . to match a first **visual cue** shared with the first message.*" Your letter expresses some confusion as to what limitation Apple claims is not met, but it is clear throughout that Apple is discussing the quoted language in limitation 1[d] of the claim 1 of the '304 patent, which requires both a "visual element of the message location" and a separate "visual cue."

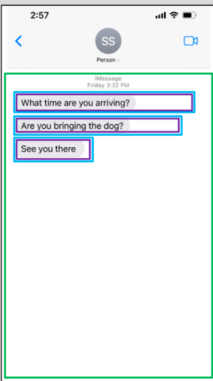
With respect to this limitation, your latest April 4 letter reproduces the portion of your claim chart directed to limitation 1[d], but fails to address the requirement that the claimed "message entry location" must be "visually associated with the discussion interface." See '304 patent, claim 1 (limitation 1[b]). As you allege in your claim charts and reiterated your

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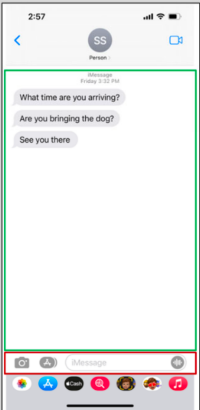
E shawn_chi@apple.com
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April 4 letter, the “discussion interface” is allegedly “the area displaying the messages” which you have highlighted in green, below.

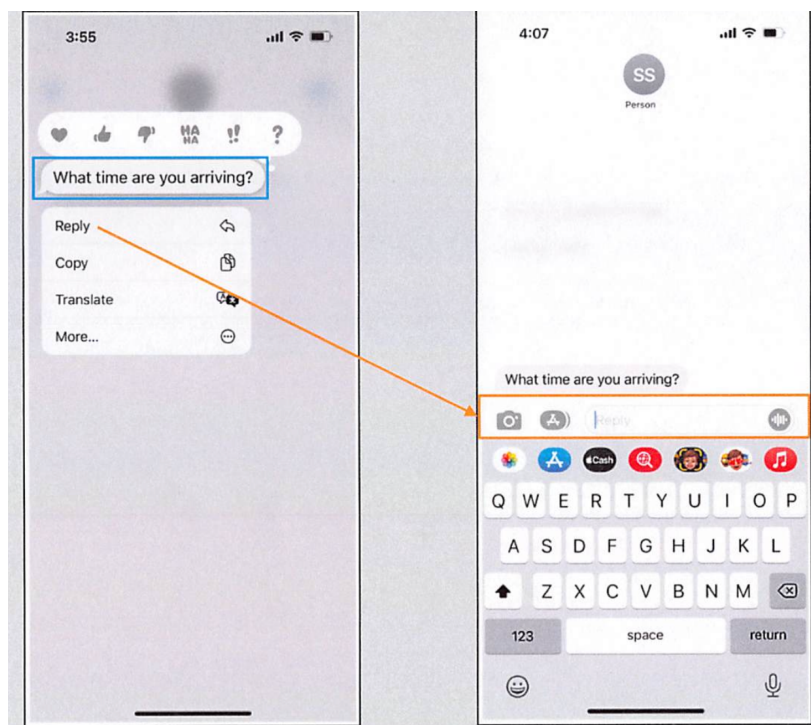
CLAIM LANGUAGE	REPRESENTATIVE PROOF
1[a] providing a discussion interface at a first interface device, wherein the discussion interface displays a first message and a second message;	The Messages app provides a discussion interface (e.g., the area displaying the messages) at a first interface device (e.g., the phone, iPod, tablet, or Mac) running the Messages app. The discussion interface displays any number of messages, including a first message and a second message. 

Additionally, the claims require a “message entry location” associated with this discussion interface, which you have alleged is the red text input box.

CLAIM LANGUAGE	REPRESENTATIVE PROOF
1[b] providing a message entry location for inputting new messages, the message entry location visually associated with the discussion interface,	The Messages app provides a message entry location (e.g., the input box shown below). That message entry location is visually associated with the discussion interface by appearing adjacent to the bottom of the discussion interface. 



Given this, neither the Tapback nor Reply feature is “visually associated” with the “discussion interface.” Rather, the Tapback and Reply features utilize new interfaces for either inputting the emoji or reply text for each feature, respectively. While Ctext alleges that the Tapback and Reply features are simply “changing a visual element,” of the message entry location, it is plain to see that the Tapback and Reply interface bear no relation to the “message entry location” as alleged by your claim charts, and are instead different interfaces altogether. As your own claim charts show, the Tapback and Reply function is an entirely visually distinct interface, and indeed hides the original interface entirely.



Your April 4 letter mistakenly contends this relies on a “claim construction that puts a limit on the change that can occur in the message entry location.” This is not true. Instead, it is Ctext that is reading limitations out of the claims. The claims require a “message entry location” and for it to be “visually associated with the discussion interface.” That requirement is clear from the plain language of the claims. The fact that limitation 1[d]



further requires changing a visual element of the message entry location does not change that limitation 1[b] plainly requires the “message entry location” to be visually associated with the discussion interface and thus cannot simply be any other interface.

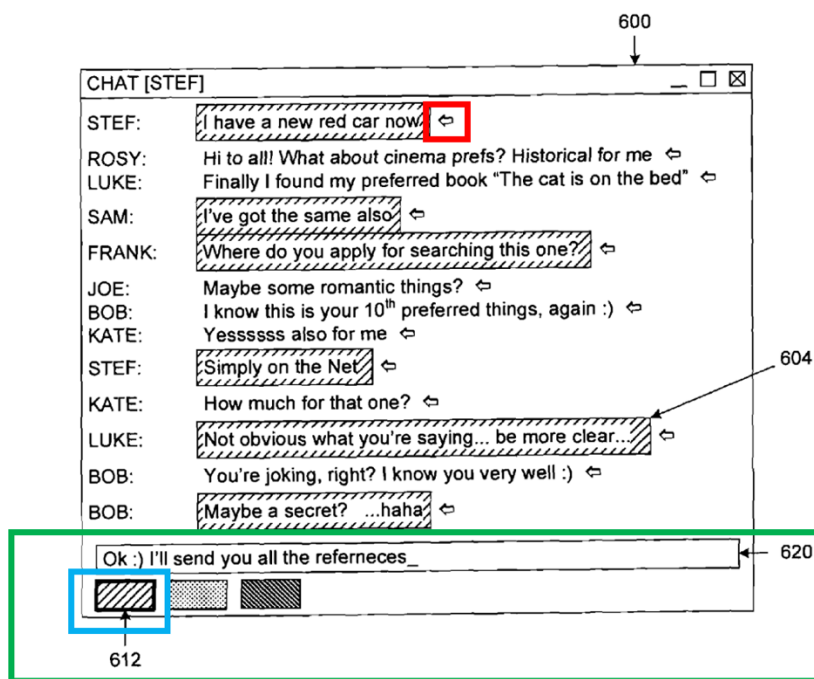
Your April 4 goes on to argue that the claimed “visual element” of the message entry location in limitation 1[d] is the proximity of the tapback bubble to the first message. This proximity to the first message must, however, be matched to a “visual cue” shared with the first message. Your contention fails to identify a separate “visual cue” of the first message that is being matched. The same is true with respect to your contention that the word “reply” in the text box meets the “visual element” requirement. Your contention fails to identify a “visual cue” distinct from the word “reply” in the text box.

The CText Patents Are Invalid

In my August 9 correspondence, I noted that you failed in your June 2, 2023 letter to identify any limitations that you contend are not disclosed or rendered obvious by the Castelucci reference. For the first time your April 4 letter contends that the Castelucci reference does not disclose the following limitations of the ‘857 patent:

- “receiving, at the first interface device, a first indication that the first message is part of an active conversation” and
- “changing a visual element of the message entry location upon receipt of the first indication”

Castelucci discloses a discussion interface that provides a mechanism for “receiving a first indication that the first message is part of an active conversation.” As explained in my March 23 letter, Castelucci’s system includes an evidence mode in which users use graphical indicators (shown in the red box below) to select messages to respond to. See Castelluci at 8:27-59, FIGS. 6A and 6B. Use of the graphical indicators is a “first indication that the first message is part of an active conversation.”



In addition, the Castelucci system discloses "changing a visual element of the message entry location upon receipt of the first indication." As shown in Figure 6B, the message entry location has a background pattern "visual element" (shown in the blue box above) that changes to upon selection of the indicator. The new message 620 in the message entry location is then assigned to the discussion string with the highlighted background pattern.

Therefore, for at least the reasons stated in our prior correspondence and reiterated once more above, Apple continues to believe that it does not need a license to the CText Patents. As before, the arguments set forth above are merely examples and are not intended to be exhaustive. We reserve any omitted non-infringement, invalidity, or other defenses. If you disagree with our assessment, please provide a detailed explanation of your position. Otherwise, we will consider this matter closed.



Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a horizontal line.

Shawn Chi
Legal Counsel, IP Transaction