

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CTEXT IP LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 1:24-cv-8821-JMF

JURY TRIAL DEMANDED

DEFENDANT’S ANSWER TO THE FIRST AMENDED COMPLAINT

Defendant Apple Inc. (“Defendant” or “Apple”), by and through its attorneys, respectfully submits this Answer and Affirmative Defenses to the First Amended Complaint for Patent Infringement (Dkt. 24) (“Complaint”) filed by CText IP LLC (“Plaintiff” or “CText”). Defendant responds in numbered paragraphs corresponding to the numbered paragraphs of the Complaint, and in doing so denies the allegations of the Complaint except as specifically stated. Except as otherwise admitted in this Answer, Apple denies each and every allegation in the Complaint. Any express admission below is admitted only as to the particularly identified fact(s) and not as to any purported conclusions, characterizations, implications, or speculations that may arguably follow from the admitted fact(s). Apple further denies that Plaintiff is entitled to the relief requested or any other relief.

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT¹

This unnumbered paragraph alleges legal conclusions to which no response is required. To the extent a response is required, Apple admits that U.S. Patent Nos. 9,246,857 (the “857 patent”)

¹ For ease of reference, the headings from Plaintiff’s Complaint are used herein for all subsequent sections. Such use is for convenience and does not indicate that Defendant admits or agrees with any text of any heading reused herein.

and 10,009,304 (the “304 patent”) are collectively referred to as the “Asserted Patents” in CText’s Complaint. Apple denies that Plaintiff has stated a legally sufficient claim for patent infringement, and further specifically denies any infringement. Apple denies the remaining allegations contained in this paragraph.

THE PARTIES

1. Apple lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1, and therefore denies these allegations.

2. Apple admits that it is a publicly traded corporation organized under the laws of the State of California, with its principal place of business in Cupertino, CA 95014. Apple denies the remaining allegations contained in paragraph 2.

JURISDICTION AND VENUE

3. Apple admits that the Complaint purports to be a patent infringement action arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* Apple denies that Plaintiff has stated a legally sufficient claim for patent infringement, and further specifically denies any infringement. Apple denies the remaining allegations contained in paragraph 3.

4. Apple admits this Court has subject matter jurisdiction over claims of patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a). Apple denies that Plaintiff has stated a legally sufficient claim for patent infringement, and further specifically denies any infringement. Apple denies the remaining allegations contained in paragraph 4.

5. Paragraph 5 alleges legal conclusions to which no response is required. To the extent a response is required, Apple admits that it maintains physical places of business within this District. Apple also admits that Apple facilities exist at 11 Penn Plaza, New York, NY 10001, and that Apple retail stores are located at 767 Fifth Avenue, New York, NY 10153; 45 Grand Central

Terminal, New York, NY 1001; and 401 W 14th Street, New York, NY 10014. Apple denies the remaining allegations contained in paragraph 5, including any allegations of infringement.

6. Paragraph 6 alleges legal conclusions to which no response is required. To the extent a response is required, Apple does not contest that this Court has personal jurisdiction over it for the purposes of this action only but does not waive the right to contest personal jurisdiction in any other case or action in this District. Apple denies the remaining allegations contained in paragraph 6, including any allegations of infringement.

THE ASSERTED PATENTS AND TECHNOLOGY

7. Apple lacks knowledge or information sufficient to form a belief about the truth of any allegations in paragraph 7 of the Complaint, and therefore denies these allegations.

8. Apple admits that U.S. Patent No. 9,246,857 (the “’857 patent”) is entitled “Method and System for Correlating Conversations in a Messaging Environment,” and that the patent cover sheet states that it issued on January 26, 2016, from U.S. Application No. 14/581,178, which the cover sheet of the ’857 patent states was filed on December 23, 2014. Apple admits that a document purporting to be a copy of the ’857 patent is attached to the Complaint as Exhibit A. Apple admits that the cover sheet of the ’857 patent states that it is related to U.S. Provisional App. No. 61/920,177 filed on December 23, 2013; U.S. Provisional App. No. 62/000,220 filed on May 19, 2014; and U.S. Provisional App. No. 62/061,308 filed on October 8, 2014. The allegation that the ’857 patent was “lawfully issued” is a legal conclusion to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the ’857 patent is valid and enforceable. The allegation that the ’857 patent “claims priority to” other U.S. Patent Applications or Provisional Applications is a legal conclusion to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the ’857 patent claims priority to the enumerated applications. Apple lacks knowledge or information sufficient to form a belief about

the truth of any remaining allegations in paragraph 8 of the Complaint, and therefore denies these allegations.

9. Apple admits that U.S. Patent No. 10,009,304 (the “’304 patent”) is entitled “Method and System for Correlating Conversations in a Messaging Environment,” and that the patent cover sheet states that it issued on June 26, 2018, from U.S. Patent Application No. 14,581,178, which the cover sheet of the ’857 patent states was filed on December 17, 2015. Apple admits that a document purporting to be a copy of the ’304 patent is attached to the Complaint as Exhibit B. Apple admits that the cover sheet of the ’304 patent states that it is a continuation of the application resulting in the ’857 patent filed on December 23, 2014. Apple admits that the cover sheet of the ’304 patent states: that it is related to U.S. Provisional Application No. 61/920,177, filed on December 23, 2013; U.S. Provisional App. No. 62/000,220 filed on May 19, 2014; and U.S. Provisional App. No. 62/061,308 filed on October 8, 2014. The allegation that the ’304 patent was “lawfully issued” is a legal conclusion to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the ’304 patent is valid and enforceable. The allegation that the ’304 patent “claims priority to” other U.S. Patent Applications or Provisional Applications is a legal conclusion to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the ’304 patent claims priority to the enumerated applications. Apple lacks knowledge or information sufficient to form a belief about the truth of any remaining allegations in paragraph 9 of the Complaint, and therefore denies these allegations.

10. The allegation in paragraph 10 that the “claims of the Asserted Patents are not directed to an abstract idea or other ineligible subject matter, and they are not well-understood, routine, or conventional” is a legal conclusion to which no response is required. To the extent a

responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 10 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 10. Apple denies the remaining allegations of paragraph 10.

11. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 11 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 11. Apple denies the remaining allegations of paragraph 11.

12. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 12 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 12. Apple denies the remaining allegations of paragraph 12.

13. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 13 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 13. Apple denies the remaining allegations of paragraph 13.

14. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 14 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 14. Apple denies the remaining allegations of paragraph 14.

15. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 15 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 15. Apple denies the remaining allegations of paragraph 15.

16. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 16 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 16. The allegations set forth in paragraph 16 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations of paragraph 16.

17. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 17 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 17. The allegations set forth in paragraph 17 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations of paragraph 17.

18. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 18 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 18. The allegations set forth in paragraph 18 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations of paragraph 18.

19. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 19 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 19. Apple denies the remaining allegations of paragraph 19.

20. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 20 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 20. The allegations set forth in paragraph 20 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations of paragraph 20.

21. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 21 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 21. The allegations set forth in paragraph 21 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations of paragraph 21.

22. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 22 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 22. The allegations set forth in paragraph 22 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations of paragraph 22.

23. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 23 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 23. Apple denies the remaining allegations of paragraph 23.

24. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 24 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 24. The allegations set forth in paragraph 24 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations of paragraph 24.

25. Apple admits that U.S. Patent No. 11,625,165 (the “’165 patent”) is a patent owned by and assigned to Apple. Apple also admits it has filed for and received patents on graphical user interfaces. Apple also admits that the ’165 patent is eligible as non-abstract under Section 101, and that the patent application for the ’165 patent was filed on January 25, 2022, and the ’165 patent issued on April 11, 2023. The allegations set forth in paragraph 25 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. To the extent the allegations of this paragraph purport to characterize the contents of a written document or documents, the documents speak for themselves. To the extent the allegations in paragraph 25 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 25. Apple denies the remaining allegations of paragraph 25, and also specifically denies that the claims of the ’165 patent are “similar, yet less-specific” than the Asserted Patents.

26. Apple admits that U.S. Patent No. 11,743,213 (the “’213 patent”) is a patent owned by and assigned to Apple, the patent application for the ’213 patent was filed on September 25, 2020, and the ’213 patent issued on August 29, 2023. Apple admits that images purporting to be Figure 8C and Figure 8D of the ’213 patent are depicted in paragraph 26. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 26 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 6. Apple denies the remaining allegations of paragraph 26.

27. Apple admits that the ’213 patent is eligible as non-abstract under Section 101. The allegations set forth in paragraph 27 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. To the extent the allegations of this paragraph purport to characterize the contents of a written document or documents, the documents speak for themselves. To the extent the allegations in paragraph 27 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 27. Apple denies the remaining allegations of paragraph 27, and also specifically denies that the claims of the ’213 patent are “similar, yet less-specific” than the Asserted Patents.

28. The allegations set forth in paragraph 28 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 28, and specifically denies that the Asserted Patents are directed to eligible subject matter.

29. The allegations set forth in paragraph 29 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 29, and specifically denies that the Asserted Patents are directed to eligible subject matter.

30. The allegations set forth in paragraph 30 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 30, and specifically denies that the Asserted Patents' claims are novel. To the extent the allegations of this paragraph purport to characterize the contents of a written document, the document speaks for itself. To the extent the allegations in paragraph 30 incorrectly or incompletely quote or characterize this document, Apple denies the allegations in paragraph 30. Apple denies the remaining allegations of paragraph 30.

31. The allegations set forth in paragraph 31 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 31, and specifically denies that the Tapback or Reply features, or any other allegedly "infringing functionality" in the Complaint, infringes the Asserted Patents. Apple denies the remaining allegations of paragraph 31.

32. Apple admits that Tapback was introduced to the Messages App in 2016, and Reply was introduced to the Messages App in 2020. Apple also admits the screenshot from paragraph 32 is from <https://support.apple.com/en-us/HT211303>. The remaining allegations set forth in paragraph 32 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 32 and specifically denies infringement.

33. Apple admits that paragraph 33 purports to quote from a Wall Street Journal article (<https://www.wsj.com/articles/why-apples-imessage-is-winning-teens-dread-the-green-text-bubble-11641618009>), which speaks for itself. To the extent the allegations in paragraph 33 incorrectly or incompletely quote or characterizes this document, Apple denies the allegations in paragraph 33. Apple denies the remaining allegations contained in paragraph 33.

34. Apple admits that paragraph 34 purports to quote from a Wall Street Journal article (<https://www.wsj.com/articles/why-apples-imessage-is-winning-teens-dread-the-green-text-bubble-11641618009>), which speaks for itself. To the extent the allegations in paragraph 34 incorrectly or incompletely quote or characterizes this document, Apple denies the allegations in paragraph 34. Apple denies the remaining allegations contained in paragraph 34.

35. Apple admits that paragraph 35 purports to quote from the cited Time articles (<https://time.com/4534887/apple-messages-imessage-tips-tricks/>; <https://time.com/4367056/apple-imessage-wwdc-ios-10-iphone/>); an All Things How article (<https://allthings.how/how-to-reply-to-a-specific-message-in-imessage/>); and a Macrumors article (<https://www.macrumors.com/how-to/send-inline-replies-ios-messages-app>). To the extent the allegations in paragraph 35 incorrectly or incompletely quote or characterizes these documents, Apple denies the allegations in paragraph 35. Apple denies the remaining allegations contained in paragraph 35.

36. Apple admits that U.S. Patent Nos. 9,959,037, 11,221,751, 11,320,982, 11,625,165, and 11,954,323 are patents owned by and assigned to Apple. Apple denies that its patents confirm or otherwise suggest that the Asserted Patents involve more than the performance of well-understood, routine, and conventional activities previously known to the industry at the time of the Asserted Patents. To the extent the allegations of this paragraph purport to characterize the

contents of a written document, the document speaks for itself. Apple admits that what appears to be an image of Figure 5B of the '165 patent is depicted in paragraph 36. To the extent the allegations in paragraph 36 incorrectly or incompletely quote or characterizes this document, Apple denies the allegations in paragraph 36. The remaining allegations set forth in paragraph 36 appear to also state legal conclusions regarding the purported eligibility of the Asserted Patents to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations contained in paragraph 36.

37. Apple admits that it owns and is assigned U.S. Patent App. No. 18/414,361, and that as of the date of this undersigned Answer, the prosecution of said application is ongoing. The remaining allegations in paragraph 37 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations contained in paragraph 37.

38. Apple admits that the patent application for the '213 patent was filed on September 25, 2020, and the '213 patent issued on August 29, 2023. Apple denies the remaining allegations contained in paragraph 38.

39. The allegations in paragraph 39 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract,

routine, conventional, and/or well understood. Apple denies the remaining allegations contained in paragraph 39.

40. The allegations in paragraph 40 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations contained in paragraph 40.

41. Apple admits that CText sent a letter dated January 5, 2023. Apple denies that the letter notified Apple of infringement or otherwise satisfied 35 U.S.C. § 287. The remaining allegations in paragraph 41 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies that the Asserted Patents are directed to eligible subject matter, and maintains that they are ineligible, abstract, routine, conventional, and/or well understood. Apple denies the remaining allegations contained in paragraph 41.

APPLE'S [ALLEGED] PRE-SUIT KNOWLEDGE OF ITS INFRINGEMENT

42. Apple admits that Exhibit C appears to be a letter to Apple dated January 5, 2023, and contains what CText identifies as “claim charts” in its Complaint. Apple also admits that it did not take a license to the Asserted Patents from CText directly as a result of the purported letter. The remaining allegations in paragraph 42 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies the remaining allegations contained in paragraph 42, including all allegations of infringement.

43. The allegations in paragraph 43 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies the remaining allegations contained in paragraph 43, including all allegations of infringement.

**[RESPONSE TO] COUNT I
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,246,857**

44. Apple incorporates and realleges its answers to paragraphs 1 through 43.

45. Apple admits that the Complaint purports to be a patent infringement action arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* Apple denies that Plaintiff has stated a legally sufficient claim for patent infringement, and further specifically denies any infringement.

46. Apple lacks knowledge or information sufficient to form a belief about the truth of any allegations in paragraph 46 of the Complaint and therefore denies the allegations of paragraph 46.

47. Apple admits that the '857 patent issued on January 26, 2016. The remaining allegations in paragraph 47 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies the allegations of paragraph 47, and maintains that the '857 patent is invalid, unenforceable, and ineligible.

[Alleged] Direct Infringement (35 U.S.C. § 271(a))

48. The allegations set forth in paragraph 48 appear to state legal conclusions to which a responsive pleading is not required; to the extent a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 48, including all allegations of infringement.

49. Apple admits that Exhibit D was attached to CText's complaint. The remaining allegations set forth in paragraph 49 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the remaining allegations contained in paragraph 49, including all allegations of infringement.

[Alleged] Indirect Infringement (Inducement – 35 U.S.C. § 271(b))

50. The allegations set forth in paragraph 50 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 50, including all allegations of infringement.

51. The allegations set forth in paragraph 51 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 51, including all allegations of infringement and alleged knowledge of infringement.

52. Apple admits that <https://support.apple.com/en-us/docs/iphone> is an Apple website with iPhone documentation. Apple also admits that the screenshots from paragraph 52 are from <https://support.apple.com/guide/iphone/send-and-reply-to-messages-iph82fb73ba3/18.0/ios/18.0>; <https://support.apple.com/guide/iphone/react-with-tapbacks-iph018d3c336/18.0/ios/18.0>. The remaining allegations set forth in paragraph 52 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 52, including all allegations of infringement or inducement.

[Alleged] Damages

53. The allegations set forth in paragraph 53 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 53, including any allegation that CText is entitled to damages, a reasonable royalty, interest, or costs.

54. Apple admits that the Apple-owned patents discussed in the Complaint satisfy the eligibility requirements of 35 U.S.C. § 101. The remaining allegations set forth in paragraph 54

appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 54.

[RESPONSE TO] COUNT II
[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 10,009,304

55. Apple incorporates and realleges its answers to paragraphs 1 through 54.

56. Apple admits that the Complaint purports to be a patent infringement action arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* Apple denies that Plaintiff has stated a legally sufficient claim for patent infringement, and further specifically denies any infringement.

57. Apple lacks knowledge or information sufficient to form a belief about the truth of any allegations in paragraph 57 of the Complaint, and therefore denies these allegations.

58. Apple admits that the '304 patent issued on June 26, 2018. The remaining allegations in paragraph 58 are legal conclusions to which no response is required. To the extent a responsive pleading is deemed required, Apple denies the allegations of paragraph 58, and maintains that the '304 patent is invalid, unenforceable, and ineligible.

[Alleged] Direct Infringement (35 U.S.C. § 271(a))

59. The allegations set forth in paragraph 59 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 59, including all allegations of infringement.

60. Apple admits that Exhibit E was attached to CText's complaint. The remaining allegations set forth in paragraph 60 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the remaining allegations contained in paragraph 60, including all allegations of infringement.

[Alleged] Indirect Infringement (Inducement – 35 U.S.C. § 271(b))

61. The allegations set forth in paragraph 61 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 61, including all allegations of infringement.

62. The allegations set forth in paragraph 62 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 62, including all allegations of infringement and alleged knowledge of infringement.

63. Apple admits that <https://support.apple.com/en-us/docs/iphone> is an Apple website with iPhone documentation. Apple also admits that the screenshots from paragraph 63 are from <https://support.apple.com/guide/iphone/send-and-reply-to-messages-iph82fb73ba3/18.0/ios/18.0>; <https://support.apple.com/guide/iphone/react-with-tapbacks-iph018d3c336/18.0/ios/18.0>. The remaining allegations set forth in paragraph 63 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 63, including all allegations of infringement or inducement.

[Alleged] Damages

64. The allegations set forth in paragraph 64 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 64, including any allegation that CText is entitled to damages, a reasonable royalty, interest, or costs.

65. Apple admits that the Apple-owned patents discussed in the Complaint satisfy the eligibility requirements of 35 U.S.C. § 101. The remaining allegations set forth in paragraph 65

appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 65.

CONCLUSION

66. The allegations set forth in paragraph 66 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 66, including any allegation that Apple has engaged in wrongful acts and willful infringements, and that CText has sustained and/or is entitled to damages, a reasonable royalty, interest, or costs.

67. The allegations set forth in paragraph 67 appear to state legal conclusions to which a responsive pleading is not required; to the extent that a responsive pleading is deemed required, Apple denies the allegations contained in paragraph 67.

DEMAND FOR JURY TRIAL

68. Apple denies that CText has raised any valid claim in the Complaint that entitles it to a trial by Jury pursuant to Rule 38 of the Federal Rules of Civil Procedure. If this case proceeds to trial, Apple also requests a jury trial.

[PLAINTIFF'S] PRAYER FOR RELIEF

69. No response is required to Plaintiff's request for relief. To the extent that a response is deemed required, Apple has not infringed literally or under the doctrine of equivalents, directly or indirectly or willfully, any valid and enforceable claim of the '857 or '304 patents, and Plaintiff is not entitled to the requested relief identified in items (i)-(vii) of its Prayer for Relief, or any other relief in connection with this civil action. Plaintiff's request should therefore be denied in its entirety and with prejudice.

DEFENSES

Pursuant to Federal Rule of Civil Procedure 8(c), Apple asserts the following defenses. Assertion of a defense is not a concession that Apple has the burden of proving the matter. In addition to the defenses described below, Apple expressly reserves the right to allege additional defenses, including unenforceability of the asserted patents as warranted by facts learned through investigation and discovery.

FIRST DEFENSE

(Failure to State a Claim)

Plaintiff's Complaint includes only threadbare and conclusory allegations and fails to state facts sufficient to constitute a claim upon which relief can be granted.

SECOND DEFENSE

(Noninfringement of U.S. Patent No. 9,245,857)

Apple does not infringe, and has not infringed, either literally or under the doctrine of equivalents, any valid and enforceable claim of the '857 patent, whether directly, indirectly, contributorily, by inducement, willfully, or otherwise.

THIRD DEFENSE

(Noninfringement of U.S. Patent No. 10,009,304)

Apple does not infringe, and has not infringed, either literally or under the doctrine of equivalents, any valid and enforceable claim of the '304 patent, whether directly, indirectly, contributorily, by inducement, willfully, or otherwise.

FOURTH DEFENSE

(Invalidity and Ineligibility of U.S. Patent No. 9,245,857)

The asserted claims of the '857 patent, as properly construed, are ineligible, invalid, void, and/or unenforceable for failure to comply with one or more of the statutory requirements of or

conditions for patentability specified by Title 35 of the United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, 112, 116, and/or 132, and/or the doctrine of non-statutory double patenting or derivation.

FIFTH DEFENSE

(Invalidity and Ineligibility of U.S. Patent No. 10,009,304)

The asserted claims of the '304 patent, as properly construed, are ineligible, invalid, void, and/or unenforceable for failure to comply with one or more of the statutory requirements of or conditions for patentability specified by Title 35 of the United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, 112, 116, and/or 132, and/or the doctrine of non-statutory double patenting or derivation.

SIXTH DEFENSE

(Disclaimer and Prosecution History Estoppel)

Plaintiff is precluded from construing any valid claim of the '857 or '304 patents to be infringed, literally or under the doctrine of equivalents, due to admissions, arguments, amendments, representations, and/or statements made to the U.S. Patent and Trademark Office: (a) during prosecution of the '857 or '304 patents, (b) in the specification and claims of the '857 or '304 patents, and/or (c) during the prosecution of patents and applications related to the '857 or '304 patents.

SEVENTH DEFENSE

(Statutory Limitation on Damages)

Plaintiff's right to seek damages or costs is limited, including without limitation by 35 U.S.C. §§ 286, 287, and/or 288. To the extent that Plaintiff, any predecessor(s)-in-interest to the '857 or '304 patents, or any licensee of the '857 or '304 patents failed to properly mark any of their relevant products as required by 35 U.S.C. § 287 or otherwise to give proper notice that

Apple's actions allegedly infringed any claim of the '857 or '304 patents, Apple is not liable to Plaintiff for the acts alleged to have been performed before Apple received actual notice of infringement.

Under 35 U.S.C. § 288, Plaintiff is precluded from recovering costs associated with this action.

EIGHTH DEFENSE

(No Enhanced Damages; No Attorneys' Fees)

Apple repeats and realleges its allegations of the preceding paragraphs as if set forth fully herein. Plaintiff is not entitled to enhanced damages under 35 U.S.C. § 284, at least because Plaintiff has failed to show, and cannot show, that any infringement has been willful and/or knowing.

Plaintiff is not entitled to an award of attorneys' fees under 35 U.S.C. § 285, at least because Plaintiff has failed to show, and cannot show, that this case is "exceptional" in Plaintiff's favor as would be required by the statute.

NINTH DEFENSE

(Equitable Defenses)

Plaintiff's claims for relief are barred, in whole or in part, under the doctrines of waiver, unclean hands, acquiescence, equitable estoppel, and/or other applicable equitable doctrines because they have long known of the basis for the allegations they now assert against Apple, but unreasonably delayed the seeking of relief. *See, e.g., A.C. Aukerman Co. v. R.L. Chaides Constr. Co.*, 960 F.2d 1020, 1042 (Fed. Cir. 1992) (en banc); *Hynix Semiconductor Inc. v. Rambus Inc.*, 645 F.3d 1336, 1348 (Fed. Cir. 2011). Although the first of the Asserted Patents issued in 2014, CText waited until 2024 to file suit against Apple. Further, on information and belief, Plaintiff's

claims are barred in whole or in part by the doctrines of implied license, patent misuse, and/or other equitable remedies.

TENTH DEFENSE

(Ensnarement)

To the extent Plaintiff alleges that Apple infringes the Asserted Patents by equivalents, Plaintiff's claims are barred or limited by the doctrine of ensnarement.

ELEVENTH DEFENSE

(Territoriality)

To the extent Plaintiff's claims are directed to acts occurring outside the United States, those claims are barred or limited by the doctrine of territoriality set forth by 35 U.S.C. § 271 *et seq.*, including, but not limited to, § 271(a) and (c).

TWELFTH DEFENSE

(Government Use / Government Sales)

Plaintiff's claims are barred, in whole or in part, by 28 U.S.C. § 1498.

THIRTEENTH DEFENSE

(Lack of Standing)

To the extent Plaintiff lacks all substantive right to bring suit and to exclude others from practicing the claims of one or more of the Asserted Patents, Plaintiff's claims are barred by a lack of standing.

FOURTEENTH DEFENSE

(Dedication to the Public)

Plaintiff's claims for alleged infringement of the patents-in-suit are barred to the extent the patentee has dedicated to the public the system, methods, and products disclosed in the patents-in-suit but not claimed therein.

FIFTEENTH DEFENSE

(Adequate Remedy at Law)

Plaintiff has not filed a request for injunctive relief. Plaintiff is not entitled to injunctive relief, as, at a minimum, it has no irreparable injury, it has an adequate remedy at law for Apple's alleged infringement, the balance of hardships do not tip in its favor, and the public interest would be disserved by an injunction.

SIXTEENTH DEFENSE

(Reverse Doctrine of Equivalents)

To the extent that Plaintiff alleges Apple infringes the patents-in-suit by equivalents, Plaintiff's claims for relief are barred, in whole or in part, by the reverse doctrine of equivalents.

RESERVATION OF RIGHTS

Apple reserves the right to seek to amend its Answer to plead additional defenses and counterclaims and/or to supplement its existing defenses if information developed through discovery, trial, or otherwise, merits such additional defenses, counterclaims, or supplementation.

PRAYER FOR RELIEF

WHEREFORE, Apple respectfully requests that the Court enter in its favor and against Plaintiff as follows:

- A. Dismissing, with prejudice, Plaintiff's claims against Apple;
- B. Denying all relief that Plaintiff seeks in its Complaint;
- C. An order pursuant to 35 U.S.C. § 284 and/or Rule 54(d) of the Federal Rules of Civil Procedure awarding Apple its costs incurred in connection with this action;

- D. An order finding this an exceptional case under 35 U.S.C. § 285, and awarding Apple its costs and fees in this action, including its reasonable attorneys' fees, and prejudgment interest thereon; and
- E. An order awarding Apple such further relief as the Court may deem appropriate under the circumstances.

Dated: July 21, 2025

By: /s/ Brian A. Rosenthal

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 21st day of July, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system.

/s/ Brian A. Rosenthal
Brian A. Rosenthal