

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

CText IP LLC,

Patent Owner.

Case IPR2025-01112

Patent No. 9,246,857

PATENT OWNER'S PRELIMINARY SUR-REPLY

TABLE OF EXHIBITS

Exhibit No.	Description
2001	Civil Docket For CText IP LLC v. Apple Inc., No. 1:24-cv-08821-JMF (filed Nov. 20, 2024) (“District Court Litigation”)
2002	First Amended Complaint for Patent Infringement (Dkt. No. 24)
2003	CText Letter to Apple (Jan. 5, 2023)
2004	Apple Letter to CText (Jan. 11, 2023)
2005	Apple Letter to CText (Mar. 29, 2023)
2006	CText Letter to Apple (Jun. 2, 2023)
2007	Apple Letter to CText (Aug. 9, 2023)
2008	CText Letter to Apple (Apr. 4, 2024)
2009	Apple Letter to CText (May 17, 2024)
2010	Proposed Scheduling Order (Dkt. No. 42-2)
2011	Apple’s Redline Edits for Proposed Scheduling Order
2012	Teleconference Transcript (Jul. 28, 2025)
2013	Memorandum of July 31, 2025 from Acting Undersecretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office
2014	Kliphardt, Raymond A. "drafting". <i>Encyclopedia Britannica</i> , 11 Sep. 2025, https://www.britannica.com/topic/drafting
2015	The Authoritative Dictionary of IEEE Standards Terms, 7 th Ed. (2000).

Patent Owner submits this Preliminary Sur-reply in response to Petitioner's Preliminary Reply (Paper No. 10, "Reply").

Ground 1: As discussed in the POPR, Chang focuses on organizing the recipients of messages (e.g., those recipients in the group chat area versus the private chat area), instead of correlating conversations that may occur in those chat areas. POPR at 6-8. To correct its own admitted deficiencies in Chang, the Petition relies on what a POSITA "would have understood," an expert declaration, and a secondary reference (Oh) to supplement Chang. *See, e.g.*, Petition at 10. Petitioner's reliance on Oh, a POSITA, and its expert declaration goes beyond demonstrating how a POSITA would have interpreted Chang and is therefore improper. *See id.*; Ex. 2013 at 1-2. Petitioner's citation to *Realtime* is misplaced because, in *Realtime*, the patent owner conceded that the sole purpose of Petitioner's reliance on a secondary reference was to demonstrate what the single reference in the ground disclosed. *Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1373 (Fed. Cir. 2019) ("The sole purpose for which HP relied on Nelson, to demonstrate that O'Brien disclosed a dictionary encoder, was conceded by Realtime"); *id.* ("Realtime conceded the point HP sought to use Nelson to prove: that O'Brien disclosed a dictionary encoder.").

Petitioner also attempts to conjure a claim construction dispute for "conversation" without specifying the full term(s) to be construed, Petitioner's

specific construction, Patent Owner's perceived construction, or either party's reasoning and support for its construction. Reply at 2. The deficiency in Ground 1 addressed in the Reply arises from Petitioner's improper reliance on a POSITA, Oh, and an expert declaration in Ground 1. That deficiency does not arise from any perceived, yet unspecified claim construction dispute on the term "conversation."

Ground 2: In the Reply, Petitioner attempts to cast its unclear reference to "See [1]" as a citation to Ground 1, claim 1. A vague citation to "See [1]" is hardly "specify[ing] where each element of the claim is found in the prior art patents or printed publications relied upon." 37 CFR § 42.104(b)(4). Moreover, the Reply fails to address claims 11-12, which do not even include a vague reference to a number to explain how these dependent claims meet their dependency requirements. POPR at 12-13. Telling of Petitioner's tactics, for claim 18, the Reply points to the text "See [15a]" from the Petition (at 69) to argue that its references to "[15]" adequately incorporate Ground 1's contentions." Reply at 2-3. But that reference to "[15a]" occurs in the Petition's argument that a specific element of claim 18 is met, not a reference showing how Ground 2 meets the independent claim 15 on which claim 18 depends. Reply at 2; Petition at 69. Petitioner could have clearly tied the claims covered by other Grounds to Ground 2

with a single sentence, yet Petitioner chose not to do so. Neither Patent Owner nor the Board should be forced to assume what Grounds the Petitioner advances.

Ground 3: Patent Owner opposed the request for a Reply because it suspected that Petitioner would attempt to improperly supplement its Petition. In the Reply, Petitioner does just that for Ground 3, abandoning its failed arguments for limitation 1[d] and now seeking to rely on a revised mapping with respect to Oh. The Petition argued that the text “TO AHN CS” in element <903> meets limitation 1[d]. Petition at 76-77 (annotating a green box around “TO AHN CS” in step <903>). In its POPR, Patent Owner refuted the disclosure of “TO AHN CS” in step <903>, explaining that “TO AHN CS” is not actually displayed in the input field at element <903>. POPR at 14-18.

Tacitly admitting Patent Owner’s argument is correct, Petitioner’s Reply now cites another part of Oh. Petitioner now identifies “counterpart selection list 712” as meeting limitation 1[d]. Counterpart selection list 712 in Oh appears in element <901> of Fig. 9, but the Petition does not rely on counterpart selection list 712 to meet limitation 1[d]. Petition at 76-77. Petitioner’s attempt to belatedly switch course is an improper violation of 35 U.S.C. § 312(a)(3) that the Board should reject. *Intelligent Bio-Systems, Inc. v. Illumina Cambridge, Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016).

Dated: November 6, 2025

Respectfully submitted,

/s/ Thomas C. Cecil

Thomas C. Cecil (lead counsel)

Registration No. 77,598

CECIL LAW PLLC

10300 N. Central Expressway

Suite 290

Dallas, TX 75231

Telephone: (214) 945-4723

Email: tom@ceciltechlaw.com

Richard C. Weinblatt (back-up
counsel)

Registration No. 45,500

STAMOULIS & WEINBLATT LLC

800 N. West Street, Third Floor

Wilmington, DE 19801

Telephone: (302) 999-1540

Email: weinblatt@swdelaw.com

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Preliminary Sur-reply was served via email on November 6, 2025, to Lead and Back-up Counsel for Petitioner at the service email address provided in Petitioner's Mandatory Notices:

Philip W. Woo
PWWoo@duanemorris.com

Monte T. Squire
MTSquire@duanemorris.com

D. Stuart Bartow
DSBartow@duanemorris.com

Paul Belnap
PHBelnap@duanemorris.com

/s/ Thomas C. Cecil
Thomas C. Cecil
Registration No. 77,598
CECIL LAW PLLC
10300 N. Central Expressway
Suite 290
Dallas, TX 75231
Telephone: (214) 945-4723
Email: tom@ceciltechlaw.com
Attorney for Patent Owner