



August 9, 2023

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 to my colleague Michael West dated June 2, 2023 regarding the CText Patents. Please direct further correspondence regarding this matter to my attention.

We have reviewed the additional arguments set forth in your June 2 letter, which largely restate the allegations set forth with your January 5, 2023 claim charts. Thus, nothing in your June 2 letter changes our analysis, and we continue to believe that Apple does not need a license.

iMessage Does Not Infringement the CText Patents

As explained in our March 23, 2023 letter, 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 June 2 letter repeats the argument that this limitation is met by (1) the bubble of possible reply options of the Tapback feature, and/or (2) the Reply feature.

As explained in our March 23 letter, however, both these arguments fail as neither the bubble of reply options nor the Reply feature can be the claimed change in the visual element of a "message entry location" as it is defined in the claims. The "message entry location" must first be "visually associated with the discussion interface," "wherein the discussion interface includes a first and second message." See e.g. '304 patent, claims 1a and 1b. Then, a "visual element of the message entry location" must be changed to match a "first visual cue." Your letter fails to address these elements.

Your letter restates the contention that "changing to a bubble possible reply options" and "moving it in close proximity to" the first message is a change to a visual element of the message entry location. But this reading ignores the fact that the visual element that is changed must "to match a first visual



cue shared by message associated with the active conversation." See '857 patent claim 1. The bubble of possible reply options is not the original "message entry location" that is simply changed by proximity or other means. It is a different interface altogether. The Tapback feature cannot thus be "the message entry location" because it is not visually associated with an interface displaying the first and second message.

The same is true of the Reply feature; the interface is separate. The Reply message input is not visually associated with a discussion interface that includes the first and second message and thus bears no relationship to the claimed "message entry location." The visual elements of the Tapback or Reply feature you contend, however, have no such relationship with the original "message entry location." As you acknowledge, once either feature is invoked, the original discussion interface is hidden from view and replaced with either the bubble of possible reply options or a reply input box.

Your June 2 letter goes on to reiterate that the "visual element" that is changed in the message entry location is proximity to the first message. But this argument ignores that the claimed "visual element" must be something associated with the message entry location that is distinct from the "visual cue." As we explained in our March 23 letter, while the patents' specification explains that in some embodiments the "visual cue" applied to messages may be the proximity of messages, the issued claims require something additional. They require not only a "visual cue" applied to messages, but also a separate and distinct visual element of the message entry location. Pointing to proximity alone fails to identify what CText contends is the "visual element" of the message entry location that is distinct from but shared with the "visual cue" of the first message.

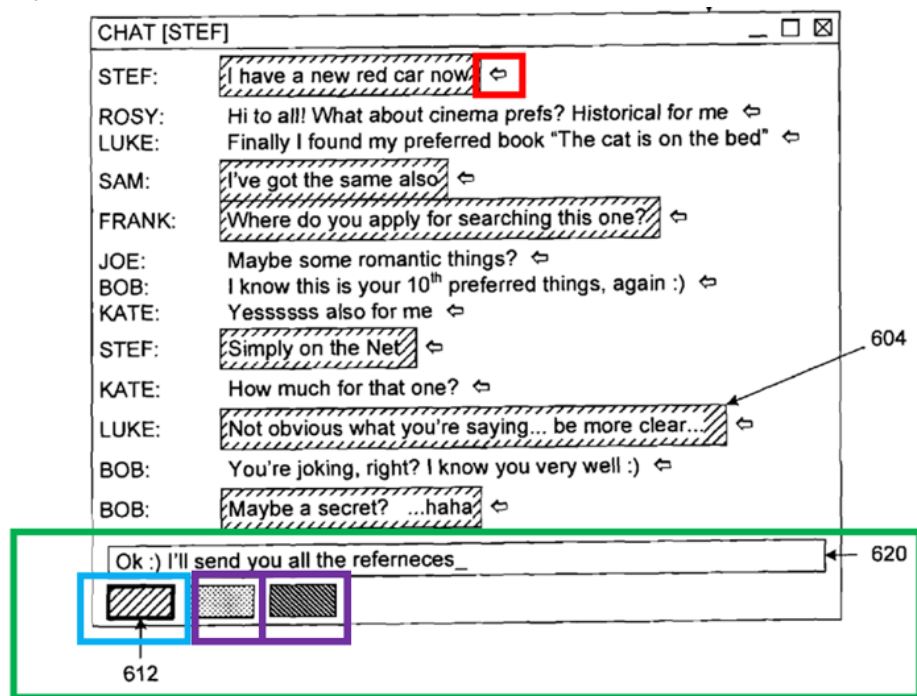
You also argue again that the word "reply" (instead of "iMessage") in the text block is the claimed "visual element." You contend that the word "reply" is shared with the "reply" visual cue associated with the first message. But both the "reply" words that you point to as the "visual element" and the "visual cue" are part of what you contend is the message entry location. You do not identify anything that is part of, or associated with, the first message that would constitute the claimed "visual cue." Thus, your June 2 letter fails to address the deficiencies in your claim charts that we raised in our March 23 letter.

The CText Patents Are Invalid

In your June 2 letter, you also contend we fail to make a prima facie showing of invalidity as we did not provide a full claim chart for the Castelucci reference. Contrary to your assertion, our March 23 letter explained where Castelucci discloses a "discussion interface" that displays a "first and second



message"; a "message entry location"; "receiving a first indication that a first new message is responsive to the first message"; and "changing a visual element of the message entry location." Your letter does not identify any element you contend is missing from Castelucci other than the "changing a visual element of the message entry location" limitation. Specifically, you contend that the identification of element 612 below does not represent a change in a visual element of the message entry location:



But the visual element 612 does change to one of the other boxes (highlighted in purple) depending on what message the user chooses to respond to (i.e. first indication that a first new message is responsive to a first message).

Therefore, for at least the reasons discussed 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 series of loops and a long horizontal stroke extending to the right.

Shawn Chi
Legal Counsel, IP Transaction