

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

CTEXT IP LLC
Patent Owner.

IPR2025-01113

Patent 10,009,304

**PETITIONER'S PRELIMINARY REPLY
TO PATENT OWNER'S PRELIMINARY RESPONSE**

PETITIONER’S LIST OF EXHIBITS

<i>Exhibit #</i>	<i>Description</i>
1001	U.S. Patent No. 10,009,304 (the “’304 Patent”)
1002	Prosecution History of the ’304 Patent
1003	Declaration of Trevor Darrell, Ph.D.
1004	<i>Curriculum Vitae</i> of Trevor Darrell, Ph.D.
1005	U.S. Pat. No. 9,130,893 (“Chang”)
1006	U.S. Pat. No. 9,965,132 (“Stochosky”)
1007	U.S. Pub. No. 2014/0143684 (“Oh”)
1008	Claim charts from Amended Complaint in <i>CText IP LLC v. Apple Inc.</i> , 1:24-cv-8821 (S.D.N.Y.) (the “Litigation”)
1009	Amended Complaint, Litigation, DI 24
1010	U.S. Pat. No. 9,246,857 (the “’857 Patent”)
1011	Assignment from CTEXT TECHNOLOGY LLC to Adam Moisa, dated May 4, 2021, PTO Assignment Records
1012	Assignment from Adam Moisa to Allied Security Trust, dated June 14, 2021, PTO Assignment Records
1013	Assignment from Allied Security Trust to CText IP LLC, dated May 27, 2022, PTO Assignment Records
1014	Screenshot from https://www.ast.com/
1015	Certificate of Formation for CText IP LLC, filed with Secretary of State of Texas
1016	LinkedIn bio for Anthony Vecchione

1017	Motion of Apple Inc. to Stay Pending <i>Inter Partes</i> Review, Litigation, DI 32
1018	Apple Inc.'s Memorandum of Law in Support of Its Motion to Stay Pending <i>Inter Partes</i> Review, Litigation, DI 33
1019	Order granting Motion to Stay Pending <i>Inter Partes</i> Review, Litigation, DI 43
1020	Order, Litigation, DI 23
1021	Answer to Amended Complaint, Litigation, DI 39

For Ground 1, Patent Owner (“PO”) argues that “the Petition improperly relies on common sense and conclusory statements to supply missing limitations from US Pat. No. 9,130,893 (“Chang”). Patent Owner’s Preliminary Response (“POPR”) at 4-10. This mischaracterizes Ground 1 and should be rejected for multiple reasons.

First, the limitations at issue—e.g., “*correlating conversations in a messaging environment*”—are **not** missing from Chang. The Petition explains that Chang discloses these limitations because, e.g., “it describes a ‘group chat area for displaying a group message transmitted to or received from a plurality of another parties and a private chat area for displaying a private message transmitted to or received from one of the plurality of another parties within one chat window.’” Pet. at 10. Petitioner relies on Chang’s **express disclosure** for the limitations.

Second, using common sense and a POSITA’s knowledge to **interpret** Chang’s disclosure is entirely proper, and the Petition does exactly that: “A POSITA would have understood that the collective chat messages in each of the group and private chats is a ‘*conversation*’ because in a messaging environment like Chang’s, ‘users create an instant conversation through dialog windows displaying sent and received messages’ between particular users.” Pet. at 10. The Acting Director’s July 31, 2025, Memorandum embraces using “**general knowledge** in an IPR proceeding in the form of expert testimony and AAPA to

demonstrate how a skilled artisan would have understood a prior art reference’s disclosure as teaching a claim limitation.” EX2012 at 1-2 (emphases added) (citing *Unification Techs. v. Micron Tech.*, 2024 WL 3738401, at *7 (Fed. Cir. 2024)). The Petition also properly cites Oh to confirm a POSITA’s understanding and interpretation. Pet. at 10; see *Realtime Data, LLC v. Iancu*, 912 F.3d 1368 (Fed. Cir. 2019) (affirming FWD where “[petitioner] relied on [prior art] Nelson merely to explain that [prior art] O’Brien’s encoder is a type of dictionary encoder.”); POPR at 9.

Third, PO misrepresents its own incorrect argument. Despite asserting that it “does not propose to construe any terms” (POPR at 4), PO challenges Chang’s disclosure of a “*conversation*” based on a narrow claim construction that would exclude Chang’s group and private chat (*id.* at 6). But the ’304 Patent does not provide or assign any special meaning to “*conversation*” and instead expressly correlates chats with conversations. *E.g.*, EX1001, 1:25-36 (“chats often form an extended dialogue between multiple parties, stretching across multiple conversation topics”).

For Ground 2, PO argues that “the Petition does not even attempt to explain how the independent claims are met.” POPR at 5, 10. This is a bizarre position in light of the Petition’s cross references to Ground 1’s contentions and that Ground 2 relies on the same base reference as Ground 1. *E.g.*, Pet. at 1, 53 (“*See* [1]”), 62

(“*See* [14a]”). Because Ground 1 explains how claims 1 and 14 are unpatentable over Chang and Ground 2 shows how the additional limitations in dependent claims 8-10 and 17 are unpatentable over Chang, Oh, and Stochosky, Ground 2’s references to “[1]” or “[14]” adequately incorporate Ground 1’s contentions. Petitioner’s arguments against the dependent claims are clear.

For Ground 3, PO argues that “the Petition fails to disclose ‘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’” and, in particular, that “Oh never describes that the name of the intended recipient [(corresponding to the “*visual element*”)]...is displayed in its input field.” POPR at 5, 11-16. But Oh itself contradicts PO’s argument, describing that “the counterpart selection list 712,” which includes the recipient’s name, is “**output on the input field 708.**” EX1007, [0207], FIG. 9. PO’s assertion—that “Oh’s use of dashed lines surrounding ‘TO AHN CS’ [in element <903>] further demonstrates that ‘TO AHN CS’ is not displayed in the input field” (POPR at 13)—is inapposite. As PO admits, the “counterpart selection list 712” is depicted in element <901> “as surrounded by solid lines.” *Id.* at 14; EX1007, FIG. 9. PO’s purported confusion regarding the application of Oh to the claims in Ground 3 is a problem of its own making. POPR at 11. Oh discloses the claim elements in the same way as PO has asserted in Litigation. Pet. at 62-63; EX1008.

Date: November 3, 2025

Respectfully submitted,

By: /Philip W. Woo/

Philip W. Woo, Reg. No. 39,880

Duane Morris LLP

260 Homer Avenue #202

Palo Alto, CA 94301

P: (650) 847 4145

F: (650) 644 0150

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), the undersigned certifies that on November 3, 2025, a copy of the foregoing Petitioner's Preliminary Reply to Patent Owner's Preliminary Response and all supporting exhibits were served by electronic means to counsel of record in the present IPR:

Thomas C. Cecil
Email: tom@ceciltechlaw.com

Richard C. Weinblatt
Email: weinblatt@swdelaw.com

Date: November 3, 2025

By: /Philip W. Woo/
Philip W. Woo, Reg. No. 39,880
Duane Morris LLP
260 Homer Avenue #202
Palo Alto, CA 94301
P: (650) 847 4145
F: (650) 644 0150