

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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META PLATFORMS, INC.,  
Petitioner,

v.

DIALECT, LLC,  
Patent Owner.

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Case IPR2025-01334  
Patent 7,398,209

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**PATENT OWNER'S PRELIMINARY RESPONSE**

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**PATENT OWNER'S EXHIBIT LIST**

| Exhibit No. | Description                                                                                                                                                         |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2001        | Decision Denying Institution of <i>Inter Partes</i> Review, <i>Google LLC v. Dialect, LLC</i> , IPR2024-00746, Paper 11 (PTAB Oct. 15, 2024)                        |
| 2002        | Complaint in <i>Dialect, LLC v. Microsoft Corp.</i> , Civ. No. 2-24-cv-01067 (E.D. Tex. Dec. 20, 2024)                                                              |
| 2003        | Third Amended Docket Control Order in <i>Dialect, LLC v. Microsoft Corp.</i> , Civ. No. 2-24-cv-01067 (E.D. Tex. Aug. 6, 2025)                                      |
| 2004        | Defendant's Preliminary Invalidity Contentions, <i>Dialect, LLC v. Meta Platforms, Inc.</i> , Civ. No. 7:25-cv-60 (W.D. Tex. Sept. 17, 2025)                        |
| 2005        | Scheduling Order, <i>Dialect, LLC v. Meta Platforms, Inc.</i> , Civ. No. 7:25-cv-60 (W.D. Tex. Aug. 7, 2025)                                                        |
| 2006        | Decision Denying Institution of <i>Inter Partes</i> Review, <i>Microsoft Corporation v. Dialect, LLC</i> , IPR2025-00655 (lead case), Paper 12 (PTAB Aug. 14, 2025) |
| 2007        | Redacted Order in <i>Dialect, LLC v. Samsung Electronics Co., Ltd.</i> , Civ. No. 2-23-cv-00061 (E.D. Tex. Aug. 28, 2023)                                           |
| 2008        | Claim Construction Order in <i>Dialect LLC v. Amazon.com, Inc.</i> , Case 1:23-cv-00581 (E.D. Va. April 29, 2024)                                                   |
| 2009        | Memorandum Opinion addressing Claim Construction Order in <i>Dialect LLC v. Amazon.com, Inc.</i> , Case 1:23-cv-00581 (E.D. Va. April 29, 2024)                     |
| 2010        | Defendant's Opening Claim Construction Brief, <i>Dialect, LLC v. Meta Platforms, Inc.</i> , Civ. No. 7:25-cv-60 (W.D. Tex. Nov. 21, 2025) (D.I. 96)                 |
| 2011        | Crovella Declaration, <i>Dialect, LLC v. Meta Platforms, Inc.</i> , Civ. No. 7:25-cv-60 (W.D. Tex. Nov. 21, 2025) (D.I. 96-1)                                       |

Pursuant to 37 C.F.R. § 42.107, Patent Owner Dialect, LLC (“Dialect” or “Patent Owner”) files this preliminary response to the Petition, setting forth reasons why the Petition for *inter partes* review (“IPR”) of claims 1, 4, and 6-9 of U.S. Patent 7,398,209 (the “’209 Patent”), as requested by Meta Platforms, Inc. (“Petitioner” or “Meta”), should be denied.<sup>1</sup>

## **I. INTRODUCTION**

The ’209 patent describes advances in the field of voice-controlled information retrieval and command processing. The ’209 patent seeks to bridge the gap between how humans communicate using the natural, context-dependent language that users speak and the structured, formally-defined grammars that computing systems require. Rather than imposing rigid constraints on user utterances, the ’209 patent describes a dynamic, adaptive system that maintains and updates probabilistic and fuzzy logic models throughout the processing pipeline, enabling the system to intelligently infer missing parameters, resolve ambiguities, and formulate properly-structured requests compatible with different autonomous domain agents.

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<sup>1</sup> By submitting this Preliminary Response, no waiver of any argument is intended by Patent Owner. Patent Owner will have a right to file a complete response to the Petition, should the Board institute *inter partes* review. 37 C.F.R. § 42.120(a).

Numerous flaws permeate Petitioner's approach and analysis when pressing each of its redundant attacks found in Grounds 1 and 4 of the Petition<sup>2</sup> against claim 1 of the '209 patent (the only challenged independent claim). But the overarching flaw in this proceeding is that Petitioner has argued to the District Court in co-pending litigation that claim 1 is *indefinite*. See Ex. 2010, 1 (arguing that the claims are "not reasonably certain," and contain "substantial uncertainty."); Ex. 2011 (Crovella Declaration). In particular, in District Court, Petitioner alleges that "two aspects of the phrase 'usable at each stage of processing the received user utterance' in claim 1 [element 1[b]] independently create a lack of reasonable certainty about the scope of the claim: (1) 'each stage of processing the received user utterance' and (2) 'usable.'" Ex. 2010, 6. While Petitioner failed to provide any express claim construction in this proceeding, in direct violation of the applicable rules of practice before the Board, Petitioner also fails to alert the Board of its indefiniteness challenge in District Court.

Even beyond Petitioner's indefiniteness assertion in District Court, Petitioner's merits challenges here are inconsistent with its District Court assertions. Petitioner argues to the District Court that certain portions of the '209 patent's specification "could suggest to a POSITA that limitation 1[c]" and "could

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<sup>2</sup> Ground 2, 3, and 5 are directed to claims directly or indirectly depending from claim 1 of the '209 patent.

suggest to a POSITA that limitation 1[d] may also be a ‘stage of processing the received user utterance.’” Ex. 2010, 9. Petitioner then states that “even assuming *arguendo* that limitations 1[c] and 1[d] each constitute ‘stage[s] of processing the received user utterance,’ *a POSITA still would not know with reasonable certainty what the other ‘stage[s]’ are, if any.*” Ex. 2010, 10 (emphasis added).

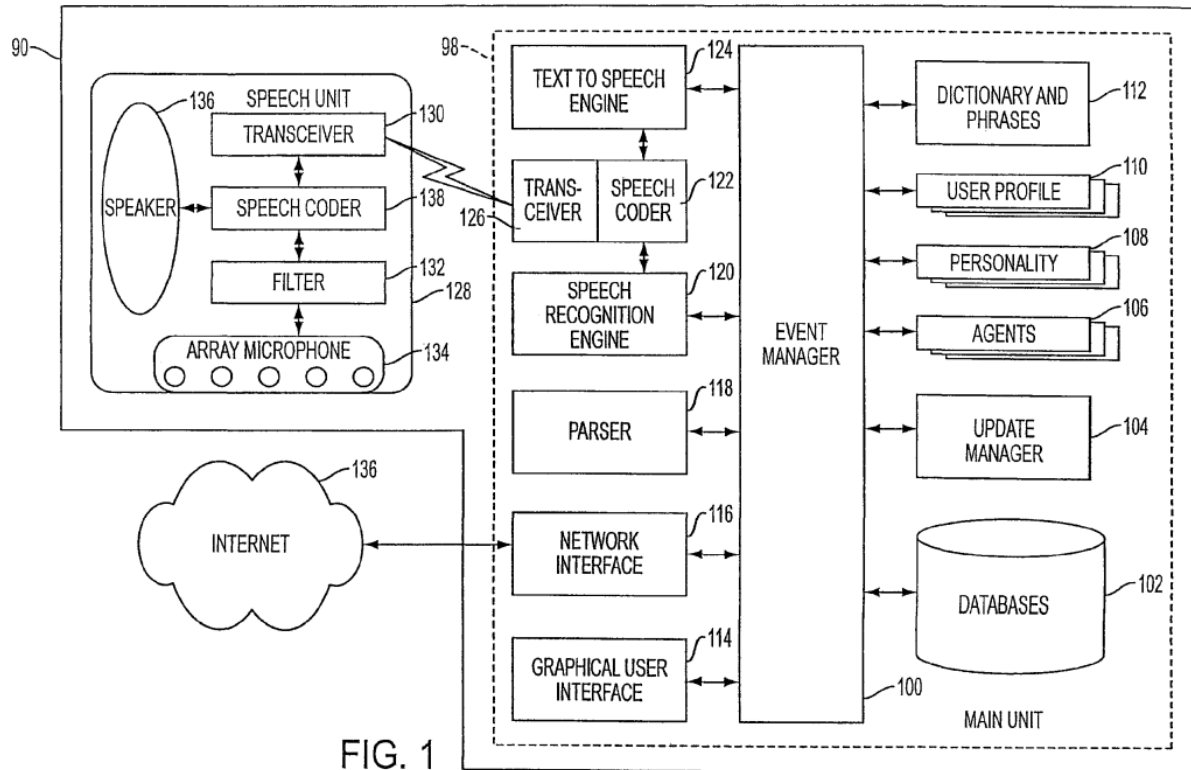
To the Board, Petitioner reveals none of this uncertainty, and despite advancing no claim construction analysis in its Petition, Petitioner argues that the limitations of element 1[b] apply only to elements 1[c] and 1[d]. The strategy is, frankly, unclear. Finally, while the Petition promises to provide more analysis for other claim elements, it fails to deliver on that promise.

This inconsistency between Petitioner’s litigation theory of indefiniteness and IPR theory infects every asserted challenge in the Petition. Therefore, all five grounds of the Petition should be rejected on the merits, and Petitioner’s *inter partes* review petition should be denied.

## **II. THE ’209 PATENT**

The ’209 patent is entitled, “Systems and Methods for Responding to Natural Language Speech Utterance,” and relates to retrieval of online information or processing of commands through a speech interface.

FIG. 1 of the '209 patent, reproduced below, provides an exemplary schematic diagram view of a system according to an embodiment of the '209 patent:



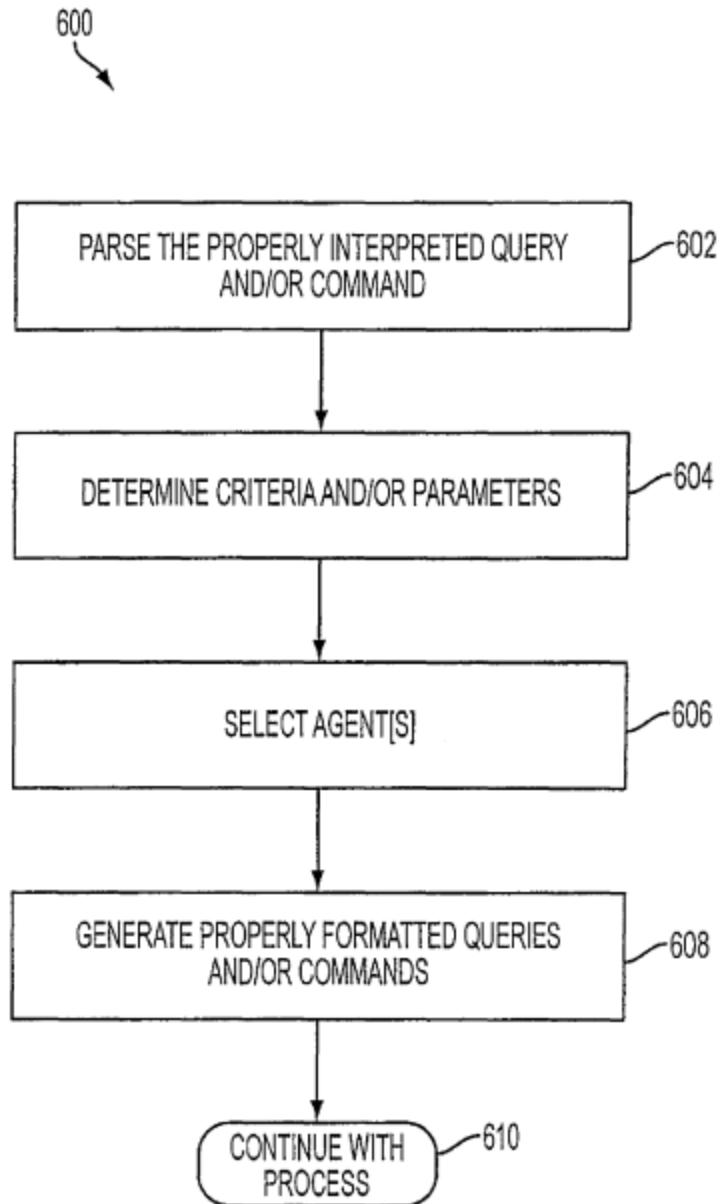
'209 patent, FIG. 1; *see also id.*, 8:47-48. As shown in the figure above, the system 90 may include a main unit 98 and a speech unit 128. The event manager 100 may mediate interactions between other components of the main unit 98. '209 patent, 9:66-10:10. The speech unit 128 includes one or more microphones, for example array microphone 134, to receive the utterances of the user. The speech received at the microphone 134 may be processed by filter 132 and passed to the

speech coder 138 for encoding and compression. In one embodiment, a transceiver module 130 transmits the coded speech to the main unit 98. '209 patent, 10:23-29.

Coded speech received at the transceiver 126 on the main unit 98 is passed to the speech coder 122 for decoding and decompression. The decoded speech is processed by the speech recognition engine 120 using data in the dictionary and phrases module 112 and received from the agents 106. The recognized words and phrases are processed by the parser 118, which transforms them into complete commands and questions using data supplied by an agent[s] 106. The agent[s] 106 then process the commands or questions. '209 patent, 10:49-57.

More particularly, once the words and phrases have been recognized by the speech recognition engine 120, parser 118 looks for questions or commands, context and criteria. '209 patent, 17:41-45. Once the context for the question or command has been determined, the parser 118 can invoke the correct agent 156, 150. '209 patent, 18:8-10.

Fig. 6 (reproduced below) illustrates a process 600 for determining the proper domain agent to invoke and the proper formatting of queries and/or commands that are to be submitted to the agent ('209 patent, 24:50-56; *see also* 18:8-31, 18:46-50):



Relevant to challenged claim 1, in order to formulate a question or command in the regular grammar used by agents 106, a determination may be made as to the required and optional values for the criteria or parameters of the queries and/or commands. '209 patent, 24:58-61 In order to submit the properly formatted query

and/or command to the agent 106, “all of the required and some optional tokens for the grammar of the context may be filled in.” ’209 patent, 25:33-36; *see also id.*, 18:49-52. These criteria may have been explicitly supplied by the user or may need to be inferred. ’209 patent, 24:61-63.

A context sensitive procedure for extracting the criteria or parameters from the properly interpreted query and/or command may be used. ’209 patent, 25:1-3. Some criteria are determined by executing algorithms in the agent, while others may be determined “*by applying probabilistic of fuzzy reasoning to tables of possible values.*” ’209 patent, 25:3-6 (emphasis added).

As explained in the ’209 patent, prior probabilities or fuzzy possibilities and associated values are received from a number of sources including the history of the dialog, the user profile 110, and the agent. ’209 patent, 25:6-9. The process for determining criteria may be iterative or recursive to eliminate ambiguity in the user's question or command. For example, if the user has a place name (or other proper noun) in their utterance, tables in the databases 102 may be reviewed for place names or an attempt may be made to determine which word is the proper noun from the syntax of the utterance. Once the parameters and criteria for the query and/or command have been established, the proper agents 106 may be selected. ’209 patent, 25:6-29.

After selecting the agents 106, a properly formatted query and/or command that will be submitted to the agents 106 may be determined. '209 patent, 25:29-31. The process for submitting queries and commands to an agent can use the same prior probabilities or fuzzy possibilities as used in the selecting of an agent:

In order to submit the properly formatted query and/or command to the agent 106, all of the required and some optional tokens for the grammar of the context may be filled in. Often the tokens must be transformed to values and forms acceptable to the agents. The required transformations may be obtained from the agents, dialog history or user profile 110. *Examples of transformations or substitutions that may be performed were provided above.*

'209 patent, 25:31-43 (emphasis added).

Independent claim 1, which is the sole independent claim challenged in this proceeding, recites in full:

**5. Preamble**<sup>3</sup> 1. A method responsive to a user generated natural language speech utterance, comprising:

**1[a]** receiving the user generated natural language speech utterance, the received user utterance containing at least one request;

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<sup>3</sup> The bolded designations added before the preamble and each claim element correspond to Petitioner's designations as set forth in the Petition.

**1[b]** *maintaining a dynamic set of prior probabilities or fuzzy possibilities usable at each stage of processing the received user utterance;*

**1[c]** recognizing words and phrases contained in the received utterance using information in one or more dictionary and phrase tables;

**1[d]** parsing the recognized words and phrases to determine a meaning of the utterance, wherein determining the meaning includes determining a context for the at least one request contained in the utterance based on one or more keywords contained in the recognized words and phrases;

**1[e]** selecting at least one domain agent based on the determined meaning, the selected domain agent being an autonomous executable that receives, processes, and responds to requests associated with the determined context;

**1[f]** formulating the at least one request contained in the utterance in accordance with a grammar used by the selected domain agent to process requests associated with the determined context;

**1[g]** invoking the selected domain agent to process the formulated request; and

**1[h]** presenting results of the processed request to the user, the presented results generated as a result of the invoked domain agent processing the formulated request.

'209 patent, claim 1 (emphasis added to element 1[b]).

**III. PETITIONER FAILS TO ADVANCE ANY CLAIM CONSTRUCTION POSITION AND FAILS TO DISCLOSE ITS INDEFINITENESS POSITION IN DISTRICT COURT**

Petitioner provides no express claim construction for any term in any challenged claim, including independent claim 1. Pet., 16. Even though it provides no express construction, Petitioner nevertheless “reserves the right to argue alternative constructions in other proceedings.” Pet., 16 n.1. Petitioner’s approach violates 37 C.F.R. § 42.104(b)(3). In particular, Petitioner does not propose any interpretation of “maintaining a dynamic set of prior probabilities or fuzzy possibilities usable *at each stage of processing the received user utterance.*” (emphasis added). Further, Petitioner’s failure to provide its interpretation of the language in this recitation, contrasted with its inconsistent litigation position arguing that the above-recited term is indefinite, magnifies fundamental flaws in Petitioner’s analysis. See Ex. 2010, 2011.

**IV. GROUNDS 1 AND 4 FAIL AGAINST INDEPENDENT CLAIM 1 BECAUSE PETITIONER FAILS TO ESTABLISH THE CORRECT SCOPE OF ELEMENT 1[B], AND FAILS TO SHOW HOW THE PROPOSED COMBINATIONS SATISFY ELEMENT 1[B]**

Petitioner’s five Grounds can be organized as two redundant attacks on independent claim 1 (Grounds 1 and 4). Ground 1 asserts that claim 1 is obvious in view of Ross<sup>4</sup> and Ittycheriah,<sup>5</sup> and Ground 4 asserts that claim 1 is obvious in

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<sup>4</sup> Ex. 1005, U.S. Patent Application Publication No. 2002/0133354 (“Ross”).

<sup>5</sup> Ex. 1007, U.S. Patent 5,937,383 to Ittycheriah (“Ittycheriah”).

view of Hartano<sup>6</sup> and Baker<sup>7</sup>. The remaining Grounds (Grounds 2, 3, and 5) are directed to aspects of claims depending from independent claim 1 (directly or indirectly).

Element 1[b] recites “maintaining a dynamic set of prior probabilities or fuzzy possibilities *usable at each stage* of processing the received user utterance.” (emphasis added). When addressing element 1[b] in each of Grounds 1 and 4, Petitioner alleges that “[t]he ’209 [patent] does not describe which of its claimed steps are a ‘stage of processing the received user utterance.’” Pet., 21 (Ground 1); *see also id.*, 57-60 (Ground 4). Petitioner then decides, based on its view of the ’209 patent specification (and, again without performing any express claim construction) that only elements 1[c] and 1[d] are a “stage of processing the received user utterance.” Pet., 21 (“the specification discusses the use of ‘prior probabilities’ and ‘fuzzy possibilities’ in relation to ‘recognizing’ in 1[c] and ‘parsing’ in 1[d]” and a “POSITA would not have considered the other claimed steps to be a ‘stage of processing the received user utterance,’”) (citing Ex1003, ¶¶138-139); *see also* Pet., 57-60. But Petitioner’s conclusion is not supported by any rigorous analysis of the ’209 patent’s specification or other claim language in a manner sufficient for claim construction. And its expert witness is no help, as he

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<sup>6</sup> Ex. 1006, PCT Publication No. WO 00/11571 to Hartono (“Hartono”).

<sup>7</sup> Ex. 1008, U.S. Patent 5,680,511 to Baker (“Baker”).

simply testifies, “I have not been asked to consider any express constructions.”

Ex1003, ¶113.

Moreover, this strategy is in direct contrast to Petitioner's assertions in District Court. There, Petitioner contends that there is no intrinsic evidence that would allow a POSITA to understand the scope of the claimed “each stage of processing.” Ex. 2010, 10. Petitioner argues, “In the absence of any intrinsic evidence that would allow a POSITA to determine, with reasonable certainty, what the relevant ‘stage[s]’ are, *the POSITA is left guessing.*” Ex. 2010, 10 (emphasis added). Further, Petitioner argues, “A POSITA *would not know with reasonable certainty* which, if any, method steps recited in the body of the claim are ‘stage[s] of processing the received user utterance.’” *Id.* (emphasis added). What's more, Petitioner even casts doubt on what a “stage” includes, arguing “a POSITA would not have known how broadly or granularly to identify each ‘stage.’” *Id.* Explaining this problem further, Petitioner argues to the District Court that “a POSITA would not have known how to determine whether a given set of computer instructions constitute a single ‘stage’ versus multiple ‘stage[s]’ for purposes of limitation 1[b].” *Id.*, 11.

Given Petitioner's explicit position that the scope of claim 1 cannot be ascertained by a POSITA, Petitioner cannot come to the Board in parallel and say with certainty that it has not only determined the scope of claim 1 with certainty,

but also found prior art disclosing or suggesting the same scope such that the claim is obvious in view of that prior art. These inconsistent positions cannot be reconciled and warrant denial.

Accordingly, the Petition is facially deficient. Element 1[b] recites “each stage of processing the received user utterance,” but the Petition limits its analysis to elements 1[c] and 1[d] of the claim without explanation or claim construction, while at the same time Petitioner simultaneously argues to the District Court that it is impossible to know which elements constitute (and do not constitute) a “stage of processing.” Ex. 2010.

The Petition further complicates matters by alleging that “[t]o the extent other limitations require the use of *prior probabilities or fuzzy possibilities*, those are separately addressed in the respective limitation, which a POSITA would have understood were similarly maintained as part of the proposed combination.” Pet., 20-21 (emphasis in original); Pet., 57. This statement suggests that Petitioner plans to address such use throughout the Petition. But this is also wrong. For example, Petitioner fails to address such use of prior probabilities or fuzzy possibilities in its analysis of at least element 1[f]. Specifically, when addressing the element at pages 31-32 of the Petition (Ground 1) and page 64 of the Petition (Ground 4), neither Petitioner nor its expert (Ex1003, ¶¶185-88; *id.*, ¶¶371-75) shows—or even attempts to show—the use of prior probabilities or fuzzy possibilities in any way

whatsoever. To the extent Petitioner intended to address the use of prior probabilities or fuzzy possibilities for every enumerated element of claim 1, it failed to do so. This further inconsistency in the Petition warrants denial of this IPR on the merits.

Accordingly, Grounds 1 and 4 against independent claim 1 must fail. Ground 2, 3, and 5, which depend on the success of either Ground 1 or Ground 4, fail for similar reasons.

## **V. CONCLUSION**

For the reasons presented above, the Petition should be denied, and no *inter partes* review should be instituted.

Dated: November 24, 2025

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**CERTIFICATE OF WORD COUNT**

The undersigned certifies that the foregoing PATENT OWNER'S PRELIMINARY RESPONSE complies with the type-volume limitation in 37 C.F.R. § 42.24(b)(1). According to the word-processing system's word count, the brief contains 2,642 words, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a).

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true and correct copy of the foregoing document was served via email, by consent, to Petitioner by serving the correspondence email addresses of record as follows:

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