

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

MESSAGELOUD, INC.,

Patent Owner.

Case No. IPR2025-01428
U.S. Patent No. 10,277,728

JOINT MOTION TO DISMISS

Pursuant to 37 C.F.R. § 42.71(a), the Board authorized Petitioner, Apple Inc., to file a Joint Motion to Dismiss in *inter partes* review proceedings: IPR2025-01426 (U.S. 9,591,117), IPR2025-01427 (U.S. 10,110,725), IPR2025-01428 (U.S. 10,277,728), IPR2025-01429 (U.S. 10,516,775), and IPR2025-01430 (U.S. 11,316,964). *See* EX3101.

The challenged patents were involved in *MessageLoud, Inc. v. Apple Inc.*, Civil Action No. 6:25-cv-00185-RP (W.D. Tex.). The parties resolved their underlying dispute and agreed to dismiss the district court litigation and these IPRs. In the district court litigation, the parties filed a motion to dismiss with prejudice, which the court granted on November 3, 2025. EX1020 (District Court Dismissal Order). There are no other litigation matters or proceedings between the parties involving the challenged patents.

Petitioner and Patent Owner jointly request that the Board dismiss these proceedings in their entirety. The proceedings are in their early stages. Patent Owner did not file requests for discretionary denial and will not file preliminary responses in these proceedings. The Board has not yet reached the merits of the Petitions nor issued institution decisions in the proceedings. No other petitioners remain in these IPRs.

Under these circumstances, dismissal of these proceedings supports public policy considerations. *See, e.g., Regeneron Pharms., Inc. v. Novartis Pharm. AG,*

IPR2020-01318, Paper 17 at 3 (PTAB Dec. 7, 2020) (dismissing an IPR pre-institution where no preliminary response was filed). Because the proceedings are still in their early stages, dismissal will preserve the resources of the Board and the Parties, promoting efficiency and minimizing unnecessary costs. Thus, the Parties respectfully submit that dismissal of the IPRs is appropriate under 37 C.F.R. § 42.71(a).

Respectfully submitted,

Dated: December 3, 2025

By: /Joshua L. Goldberg/
Joshua L. Goldberg, Reg. No. 59,369
Counsel for Petitioner

By: /Sergey Kolmykov/
Sergey Kolmykov, Reg. No. 47,713
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **Joint Motion to Dismiss** and **Exhibit 1020** were served via email directed to counsel of record for Patent Owner at the following:

Sergey Kolmykov
skolmykov@kskiplaw.com

Gaston Kroub
gkroub@kskiplaw.com

Patent Owner has consented to service by email.

Date: December 3, 2025

/Daniel E. Doku/
Daniel E. Doku
Senior Litigation Paralegal

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP