UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HBCU MESSAGING US LP,	§	
Plaintiff,	§	
v.	§	**CIVIL NO. 1:24-CV-1199-ADA**
APPLE, INC., and GREEN DOT CORPORATION,	§	
Defendants.	§	

CLAIM CONSTRUCTION ORDER

The Court provided preliminary claim constructions on January 21, 2026, for terms in U.S. Patent Nos. 8,918,127 ("the '127 patent), 11,012,827 ("the '827 patent), 11,089,450 ("the '450 patent"), 11,653,182 ("the '182 patent"), 11,653,183 ("the '183 patent"), 11,991,600 ("the '600 patent"), and 11,991,601 ("the '601 patent). The Court held a claim construction hearing on January 23, 2026, in which the Court heard argument. On January 26, 2026, the parties jointly provided an email clarifying the remaining disputes as directed by the undersigned during the *Markman* hearing. After careful consideration of the parties' briefs, oral argument, supplemental information received after the *Markman* hearing, and the applicable law, the Court enters its final constructions for each term as shown below.

#	Term	HBCU's Proposed Construction	Apple's Proposed Construction	Court's Construction
1	"bearer" ('127, '827, '182, '183, '600, and '601 Patents)	[Initial Proposed Construction] A protocol running on a channel for transmitting data including SS7, GSM SS7, HSDPA, WCDMA, CDMA2000, GPRS, Bluetooth, WiFi,	[Initial Proposed Construction] A communication channel or protocol [Post-*Markman* Proposal] Plain and ordinary meaning	Plain and ordinary meaning

APPLE 1111
Apple Inc. v. HBCU
IPR2026-00107

		WiMax, or any other WPAN, WLAN, or WWAN wireless data transfer protocol [Post-*Markman* Proposal] Plain and ordinary meaning		
2	"cellular core network" ('127 and '600 Patents)	"One or more entities responsible for: maintaining a database of subscriber information for a cellular network, for example, a home location register (HLR) and/or a home subscriber server (HSS); providing access to a short message service center (SMSC) or multimedia message (MMS) server; and providing Internet access to one or more mobile devices via at least mobile operator base stations"	"A network connecting cellular base stations"	"One or more entities responsible for: maintaining a database of subscriber information for a cellular network, for example, a home location register (HLR) and/or a home subscriber server (HSS); providing access to a short message service center (SMSC) or multimedia message (MMS) server; and providing Internet access to one or more mobile devices via at least mobile operator base stations"
3	"third party provider" ('827 Patent)	Plain and ordinary meaning	Indefinite	Plain and ordinary meaning
4	"wherein . . . when" ('127 and '182 Patents)	Plain and ordinary meaning	the "wherein . . . when" phrases should be construed as "Wherein the wireless device / PSMS is configured such that [X] occurs whenever condition [Y] is satisfied" (i.e., "wherein the wireless device of the sender is	Plain and ordinary meaning

			configured such that it selects the first transmission mode whenever the indication corresponds to a subscriber of the service"; "wherein, the wireless device of the sender is configured such that whenever the selected transmission mode is the first transmission mode, the wireless device of the sender sends the outgoing message as one or more Internet protocol (IP) packets to the wireless device of the recipient via the packet switched WLAN base station"; "wherein, the wireless device of the sender is configured such that whenever the selected transmission mode is the second transmission mode, the wireless device of the sender sends the outgoing message as a short message service (SMS) message to the wireless device of the recipient using the destination address via a base station that is associated with a cellular core network that is independent of the packet switched WLAN base station"; and "wherein the PSMS is configured such that it receives	

			and queues message addressed to a message recipient whenever the message recipient is not connected to the PSMS")	

SIGNED on January 28, 2026.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE