

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

HBCU Messaging US LP,
Patent Owner

Case IPR2026-00107
Patent 11,991,601

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

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LIST OF EXHIBITS

APPLE-1001	U.S. Patent No. 11,991,601 (“the ’601 Patent”)
APPLE-1002	File History of U.S. Patent No. 11,991,601
APPLE-1003	Expert Declaration of Dr. Patrick Traynor, Ph.D.
APPLE-1004	U.S. Pub. No. 2007/0254681 (“Horvath”)
APPLE-1005	U.S. Pub. No. 2004/0203956 (“Tsampalis”)
APPLE-1006	U.S. Pub. No. 2002/0173308 (“Dorenbosch”)
APPLE-1007	Chatterjee et al., “Instant Messaging and Presence Technologies for College Campuses.” IEEE Network, May/June 2005. (“Chatterjee”)
APPLE-1008	U.S. Pub. No. 2005/0243978 (“Son”)
APPLE-1009	UK Pub. No. 2432482 (“Beaumont”)
APPLE-1010	RESERVED
APPLE-1011	U.S. Patent No. 6,940,844 (“Purkayastha”)
APPLE-1012	U.S. Patent No. 7,702,342 (“Duan”)
APPLE-1013	RESERVED
APPLE-1014	U.S. Pub. No. 2006/0286984 (“Bonner”)
APPLE-1015	RESERVED
APPLE-1016	U.S. Pub. No. 2005/0037762 (“Gurbani”)
APPLE-1017 – APPLE-1023	RESERVED
APPLE-1024	U.S. Patent No. 7,171,190 (“Ye”)

APPLE-1025 Qi et al., 2004, July. “Multimedia Messaging Service.” Available at https://www.zte.com.cn/global/about/magazine/zte-communications/2004/1/en_68/162264.html (“Qi”)

APPLE-1026 – APPLE-1028 RESERVED

APPLE-1029 U.S. Pub. No. 2008/0292080 (“Quon”)

APPLE-1030 U.S. Provisional Application No. 60/814,150 (“Quon-Prov”)

APPLE-1031 RESERVED

APPLE-1032 U.S. Pub. No. 2008/0261577 (claiming priority to Provisional App. No. 60/913,187) (“Celik”)

APPLE-1033 U.S. Provisional App. No. 60/913,187

APPLE-1034 – APPLE-1036 RESERVED

APPLE-1037 T-Mobile webpage <https://www.t-mobile.com/home-internet/the-signal/internet-help/the-complete-wifi-history>

APPLE-1038 – APPLE-1041 RESERVED

APPLE-1042 U.S. Pub. No. US 2008/0153459 (“Kansal”)

APPLE-1043 – APPLE-1044 RESERVED

APPLE-1045 Trillian Pro v1.0 webpage (“Trillian”)

APPLE-1046 U.S. Pub. No. 2007/0054627 (“Wormald”)

APPLE-1047 – APPLE-1049 RESERVED

APPLE-1050 U.S. Pub. No. 2005/0233737 (“Lin”)

APPLE-1051 RESERVED

APPLE-1052 U.S. Patent No. 9,036,620 (“Procopio”)

APPLE-1053 U.S. Patent. No. 9,467,530 (“Belimpasakis”)

APPLE-1054 U.S. Patent No. 7,069,008 (“Hill”)

APPLE-1055 U.S. Pub. No. 2005/0125547 (“Ahonen”)

APPLE-1056 – APPLE-1058 RESERVED

APPLE-1059 U.S. Pub. No. 2006/0129643 (“Nielson”)

APPLE-1060 RESERVED

APPLE-1061 U.S. Pub. No. 2007/0290787 (“Fiatal”)

APPLE-1062 U.S. Pub. No. 2005/0149620 (“Kirkland”)

APPLE-1063 U.S. Pub. No. 2009/0325609 (“Rosen”)

APPLE-1064 U.S. Patent No. 7,117,445 (“Berger”)

APPLE-1065 – APPLE-1067 RESERVED

APPLE-1068 U.S. Pub. No. 2002/0006793 (“Kun-Szabo”)

APPLE-1069 U.S. Patent No. 6,678,524 (“Hansson”)

APPLE-1070 – APPLE-1071 RESERVED

APPLE-1072 U.S. Pub. No. 2008/0310425 (“Nath”)

APPLE-1073 RESERVED

APPLE-1074 U.S. Pub. No. 2008/0263137 (“Pattison”)

APPLE-1075 U.S. Pub. No. 2014/0258423 (“Schaedler”)

APPLE-1076 U.S. Pub. No. 2008/0311888 (“Ku”)

APPLE-1077 – APPLE-1078 RESERVED

APPLE-1079 U.S. Pub. No. 2005/0102328 (“Ring”)

APPLE-1080 U.S. Pub. No. 2007/0061405 (“Keohane”)

APPLE-1081 U.S. Pub. No. 2005/0037762 (“Gurbani”)

APPLE-1082 European Application Publication EP 1744527 (“Satzke”)

APPLE-1083 U.S. Patent No. 7,254,614 (“Mulligan”)

APPLE-1084 – APPLE-1086 RESERVED

APPLE-1087 U.S. Pub. No. 2008/0045214 (“Wen”)

APPLE-1088 U.S. Pub. No. 2006/0185003 (“Laitinen”)

APPLE-1089 – APPLE-1099 RESERVED

APPLE-1100 Complaint, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 7, 2024)

APPLE-1101 Infringement Charts of the ’601 Patent

APPLE-1102 Stipulation dated November 26, 2025

APPLE-1103 *Apple Inc. v. HBCU Messaging US LP*, IPR2025-01486, Paper 12 (PTAB Jan 9, 2026)

APPLE-1104 Comparison of Independent Claims of U.S. Patent No. 11,991,601 and Independent Claim 1 of U.S. Appl No. 18/207,802

APPLE-1105 MPEP Chapter 900: Prior Art, Classification, and Search (Rev. 08.2017) (January 2018), *available at* <https://www.uspto.gov/web/offices/pac/mpep/old/e9r08-2017/mpep-0900.pdf>

APPLE-1106 Apple’s Opening Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Sept. 22, 2025)

APPLE-1107 HBCU’s Opening Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Sept. 22, 2025)

APPLE-1108 Apple’s Responsive Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 24, 2025)

APPLE-1109 HBCU’s Responsive Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 24, 2025)

APPLE-1110	Continuity Data for U.S. Application Serial No. 12/452,883
APPLE-1111	Claim Construction Order, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Jan. 28, 2026)
APPLE-1112 – APPLE-1114 RESERVED	
APPLE-1115	Summons in a Civil Action and Certification of Service of Summons and Complaint, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Nov. 5, 2024)
APPLE-1116	German Federal Court of Justice Decision, <i>Apple Retail Germany GmbH v. Rembrandt Messaging Technologies, LP</i> , concerning EP 2 177 072 (Dec. 15, 2020) (Certified English Translation)
APPLE-1117	Notice of Allowance dated August 28, 2023 from U.S. Application No. 18/207,802
APPLE-1118	Notice of Allowance dated November 1, 2023 from U.S. Application No. 18/143,387
APPLE-1119	Notice of Allowance dated June 15, 2023 from U.S. Application No. 18/100,273
APPLE-1120	Notice of Allowance dated March 29, 2023 from U.S. Application No. 17/959,697
APPLE-1121	Notice of Allowance dated November 4, 2022 from U.S. Application No. 17/872,378
APPLE-1122	<i>Markman</i> Hearing Transcript, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Jan. 23, 2026)
APPLE-1123	HBCU Messaging US LP’s Identification of Claim Terms Requiring Construction, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Aug. 1, 2025)

- APPLE-1124 HBCU Messaging US LP's Supplemental Proposed Constructions, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Aug. 28, 2025)
- APPLE-1125 Notice of Decisions on Institution, *Apple Inc. v. HBCU Messaging US LP*, IPR2025-01488, Paper 15 (Feb. 18, 2026)
- APPLE-1126 Order Denying Patent Owner's Request for Director Review of the Decision Granting Institution, *Samsung Elecs. Co. Ltd. v. Wilus Institute of Standards and Tech. Inc.*, IPR2025-01069, Paper 20 (Feb. 4, 2026)
- APPLE-1127 Patent Owner's Request for Director Review of Institution Decision, *Samsung Elecs. Co. Ltd. v. Wilus Institute of Standards and Tech. Inc.*, IPR2025-01069, Paper 18 (Dec. 24, 2025)
- APPLE-1128 Decision Granting Institution of *Inter Partes* Review, *Samsung Elecs. Co. Ltd. v. Wilus Institute of Standards and Tech. Inc.*, IPR2025-01069, Paper 16 (Dec. 10, 2025)

I. HBCU IMPROPERLY SEEKS DENIAL BASED ON CONSTRUCTIONS OF TERMS NOT RECITED IN THE '601 PATENT

As an initial matter, much of HBCU's POPR argument relates to claim terms ("wherein...when") not even recited by claims of the '601 Patent. *See* APPLE-1111, 2 (construing "wherein...when" only for the '182 and '127 Patents). For example, the POPR prominently quotes a portion of the *Markman* hearing transcript containing questioning from the Court over Apple's claim construction position at the PTAB. POPR 1, 9 (citing EX2027). But HBCU omits that the construction referenced in the Court's question pertained to the "wherein...when" terms, which are ***not recited in the '601 Patent***. HBCU masked this context by submitting only a short excerpt of the transcript, which does not identify the terms at issue. *Compare* EX2027 (HBCU's excerpt) *with* EX1122 (full transcript), 19, 24-25 (addressing "wherein/when clauses"). Likewise, HBCU's reference to Exhibits 2028 and 2029, and its related contention that "the Court and Parties currently understand that at least one set of terms may require further construction later," pertains only to the "wherein...when" terms. POPR, 10. There is no basis to deny the present Petition based on these arguments. HBCU's misleading assertion to the contrary should not be condoned.

II. APPLE’S PETITION IS CONSISTENT WITH ITS CLAIM CONSTRUCTION POSITIONS IN COURT

A. “Bearer”

The only claim term from the ’601 Patent subject to construction in Court was “bearer,” and Apple’s treatment of “bearer” in the Petition is consistent with its Court construction.¹ While unacknowledged in the POPR, the Petition’s mapping of “bearer” (specifically, “packet switched bearer”) to “GPRS” aligns exactly with the ’601 Patent specification’s explanation that “[t]he packet-switched bearer may be ... GPRS.” Pet., 59-60; APPLE-1001, 3:29-32. And Apple’s claim construction briefing in Court cited this same sentence from the specification to illustrate that its construction of “bearer” as “a communication channel or protocol” encompasses each of the example protocols and channels discussed in the specification, including GPRS. See APPLE-1108, 9 (“The packet-switched bearer may be ... GPRS” (quoting related U.S. Patent No. 8,918,127, 2:61-3:2)). HBCU’s *narrower* construction likewise identified several of the same protocols from the same sentence of the ’601 Patent as example “bearers.” APPLE-1124, 1. Apple’s Petition grounds are thus consistent with both parties’ constructions in Court, and thus claim construction is

¹ The only claim of the ’601 Patent that recites “bearer” is dependent claim 12.

Claim 12 is not currently asserted in Court. “Bearer” is therefore not a disputed term with respect to any claims at issue in the ’601 Patent in Court.

unnecessary. *Wellman, Inc. v. Eastman Chem. Co.*, 642 F.3d 1355, 1361 (Fed. Cir. 2011) (“claim terms need only be construed to the extent necessary to resolve the controversy”). Any contention by HBCU otherwise would be new, late and unfounded.

HBCU’s arguments omit additional relevant context. For example, the POPR ignores that HBCU—not Apple—identified “bearer” as a term requiring construction in the first place. *See* APPLE-1123; APPLE-1124. Yet, the parties have never disputed that “bearer” encompasses the protocols identified in Apple’s IPR Petition (*e.g.*, GPRS); the dispute instead centered on whether various protocols needed to be listed explicitly, and whether HBCU improperly excluded channels from its construction. APPLE-1106, -1107, -1108, -1109. Through its claim construction briefing, Apple highlighted the flaws in HBCU’s confusing, overly narrow construction in a manner consistent with the plain and ordinary meaning advanced in the Petition, which recognizes inclusion of the protocols without binding the term to particular protocols or channels. APPLE-1106, 13 (“HBCU Messaging’s construction is [] unnecessarily verbose. There is no good reason to present jurors with 12 examples of messaging protocols.”), 4 (HBCU’s “construction of ‘bearer’ inexplicably replaces [] one simple word with 31 more complicated words”).

Perhaps most notably, and contrary to the POPR's insinuations, there is *no* ongoing dispute over "bearer" in Court. POPR, 10. HBCU again omits that, immediately after the *Markman* hearing, "[t]he parties propose[d] the Court construe [bearer] to have its 'plain and ordinary meaning.'" EX2028, 1. Acknowledging the joint proposal, the Court ordered that "bearer" be given its plain and ordinary meaning, specifically noting that this construction was "final." APPLE-1111. Now resolved as consistent with the Petition, "bearer" is not relevant to institution of this IPR.

III. THE DIRECTOR'S RECENT DE-REFERRALS OF APPLE'S RELATED PETITIONS DOES NOT WARRANT DENIAL HERE

The Director recently de-referred Apple's Petitions challenging a related set of HBCU patents in IPR2025-01486 and -01488 in view of *Revvo*. APPLE-1125. But there, HBCU mischaracterized Apple's position and the Court's ruling on the "bearer" term, just as it did in this case. And, the only other term argued by HBCU that appears in both the de-referred cases ("wherein...when") is exclusive to the claims of the patents implicated by those cases. ***Five of Apple's seven related Petitions are not impacted by the construction of those terms.*** As noted by the initial referral, other discretionary factors strongly favor referral of the Petitions for the reasons addressed in Apple's Opposition briefing, such that the PTAB remains the best forum to adjudicate patentability of HBCU's patents. *See* Paper 10. Petitioner therefore asks the Director to refer this and all of Apple's related Petitions.

Respectfully submitted,

Dated: February 27, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on February 27, 2026, a complete and entire copy of this Petitioner's Authorized Reply to Patent Owner's Preliminary Response and exhibits were provided by email to the Patent Owner by serving the correspondence email address of record as follows:

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