

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner

v.

HBCU MESSAGING US LP,
Patent Owner

IPR2026-00109
U.S. Patent No. 11,012,827

**PATENT OWNER'S OPPOSITION TO PETITIONERS' MOTION TO
WAIVE THE IPR PETITION WORD LIMIT**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Submitted Electronically via PTAB E2E

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TABLE OF EXHIBITS

Exhibit	Description
Exhibit 2001	First Amended Complaint, Exhibit 11, US Patent No. 11,991,600
Exhibit 2002	HBCU's May 13, 2025, Infringement Contentions

I. INTRODUCTION

Patent Owner HBCU Messaging US LP (“HBCU” or “Patent Owner”) opposes Petitioner Apple, Inc.’s (“Apple”) motion seeking extraordinary relief: a 54.7% increase over the standard 14,000 word limit to file its Petition challenging the claims of U.S. Patent No. 11,012,827 (“the ’827 patent”).

On November 4, 2025, Apple concurrently filed a Motion to Waive the Word Limits Pursuant to 37 C.F.R. § 42.24(a)(2) (“Apple’s Motion”), along with an abridged and compliant Petition adhering to the normal word limit. Apple also filed a 159-page Expert Declaration of Dr. Patrick Traynor, Ph.D. On January 2, 2026, the PTAB’s Deputy Chief Clerk authorized HBCU to file a 10-page opposition to Apple’s Motion.

As set forth below, the Board should deny Apple’s Motion, reject the non-compliant submission, and docket Apple’s abridged, compliant Petition for purposes of this proceeding. The Board’s rules establish word limits to ensure fairness and efficiency in presenting issues. Apple has not shown the kind of exceptional circumstances required to depart from those limits under 37 C.F.R. § 42.24(a)(2). Indeed, the very submission of an alternative, compliant brief by Apple establishes that the extraordinary page limit increase it seeks is unwarranted.

In the alternative, should the Board decide to waive the word limit for lower word count, the Board should proportionally extend that increase to HBCU.

II. LEGAL STANDARDS

37 C.F.R. § 42.24(a)(1)(ii) requires that a Petition requesting *inter partes* review be limited to 14,000 words. Word page limits “ease the burden on both the parties and the courts, and patent cases are no exception.” *Microsoft Corp v. DataTern, Inc.*, 755 F.3d 899, 910 (Fed. Cir. 2014).

37 C.F.R. § 42.24(a)(2) establishes an exception, but only if a Petitioner demonstrates how waiver of the word count is in the “interests of justice.” Indeed, the Board has noted that “any extension of such limits should be few and based on sufficient need” *Amazon.com Inc. and Amazon Web Service, Inc. v. Swarm Technology LLC*, IPR2022-00283, Paper 25, (PTAB January 30, 2023).

III. ARGUMENT

A. Apple Seeks Extraordinary Relief that Its Own Cited Cases Do Not Support

Apple’s request for a greater than 50% increase to the established word limit does nothing to ease the burden on the Board or the Parties. Apple requests an additional 7,656 words, roughly 155% of the permitted length. Apple’s Expert Declaration of Dr. Patrick Trarno, Ph.D., Ex-1003, adds a further 159 pages, spanning over 208 paragraphs. In these circumstances, granting Apple’s extraordinary request would effectively nullify the regulatory word limit and invite similar requests in routine cases.

Relevant case law, including Apple’s own cited cases, confirms that its extension should be denied. Apple cites *Uber Techs., Inc. v. Surgetech LLC*, IPR2023-00735, Paper 10 (PTAB May 25, 2023), for “granting motion to waive petition word limit to accommodate challenges to 20 claims in Full Petition.” (Apple’s Motion at 4.) However, the *Uber* Petition exceeded the word limit by less than ten percent, an additional 1,014 words for a total of 15,014 words. (*Uber Techs.*, IPR 2023-00735, Paper 10 at 2 (PTAB May 25, 2023).) For perhaps these reasons, under the Stipulation, SurgeTech agreed not to oppose the motion, with a provision for proportional increases in the word limits. (*Id.* at 3.) None of those facts remotely resembles Petitioner’s request here.

Apple further cites *Twitter, Inc. v. Palo Alto Research Center Inc.*, IPR2021-01398, Paper 12 at 45-47 (PTAB Mar. 15, 2022) for “granting motion to waive petition word limit to accommodate challenges to 18 claims in Full Petition.” (Apple’s Motion at 4.) As with the *Uber* case, however, Twitter requested barely a ten percent increase in word count, specifically an additional 1,635 words—an increase of only 11.7%. Again, these facts bear no resemblance to the 7,000+ additional words requested by Apple. (*Twitter Inc.*, IPR2021-01398, Paper 12 at 45.)

Apple also cites *Amazon.com, Inc. v. Nokia Technologies Oy*, IPR2024-01505, Paper 9 at 68-70 (PTAB Mar. 28, 2025) for its assertion that the Board has

previously recognized the impracticality of challenging claims of such “extraordinary length” in a single petition with the standard word count. But the PTAB also noted that it did not think upwards of 30 claims would typically be too numerous for one petition. (*Id.* at 69.) More importantly, any argument of impracticality here is belied by Apple’s co-filed compliant Petition, not to mention its shoe-horning of additional words via its 150+ page expert report.

No case cited by Apple comes close to its requested word count increase of 7000+ words, and no case uncovered by Patent Owner comes close either. *Merck Sharp & Dohme v. The Johns Hopkins University*, IPR2024-00240, Paper 66 (PTAB February 24, 2025) is instructive. There, the Patent Owner had already been granted a 25% increase in its word count for the Petition, and was then *denied* another 25% increase in its subsequent brief. (*Id.* at 2.)

The PTAB provides page limits for briefing specifically “to manage motions practice, as ‘[e]ffective writing is concise writing.’” Patent Trial and Appeal Board Consolidated Trial Practice Guide 39 (Nov. 2019) (quoting *Spaziano v. Singletary*, 36 F.3d 1028, 1031 n.2 (11th Cir. 1994)). These word and page limits are specifically put in place to “ease the burden on both the parties and the courts, and patent cases are no exception.” *Microsoft Corp. v. DataTern, Inc.*, 755 F.3d 899, 910 (Fed. Cir. 2014). Any extension of the limits should be “few and based

on sufficient need.” *Amazon.com Inc. and Amazon Web Service, Inc. v. Swarm Technology LLC*, IPR2022-00283, Paper 25 (PTAB January 30, 2023).

Nothing in Apple’s request, nor in its Petition overall, meets these standards.

B. Apple’s Similar IPR Petitions Have Complied with the Word Count

Apple has previously and concurrently filed IPR Petitions against other HBCU patents, specifically in IPR2026-00105, IPR2026-00107, IPR20025-1488, IPR2026-00104, IPR2025-01493, and IPR2025-01486. In each case, Apple managed to comply with the 14,000 word limit. Most of those Petitions involve thirty challenged claims (even though far fewer claims are asserted in parallel litigation, even at the Contentions stage—at most three claims of each individual patent). Indeed, in Petition IPR2026-00105, Apple challenged all thirty claims in the patent, including a total of four independent claims that are collectively over two hundred lines of text within the patent, whereas here the independent claims span 269 lines of text. (Ex. 2001 at 17-20.)

C. Waiving the Word Limit Is Not in the Interests of Justice and This Predicament Is of Apple’s Own Making

As Apple concedes in its Motion, HBCU has only asserted two claims against Apple in the parallel district court litigation, not only at the Complaint stage but at the Contentions stage. (Ex. 2002.)

Apple suggests that HBCU may later assert additional claims, but speculation is not a basis for a massive and unprecedented increase in the word count. Apple chose to file an IPR on every claim of the '827 patent even though only two are asserted in the district court litigation. Apple is the cause of its own purported desire for more words, but its decision to address claims unasserted in litigation fails to justify any increase in word count, much less its extraordinary request here.

IV. CONCLUSION

For the reasons set forth above, Apple's Motion to waive the IPR Petition word limit should be denied. In the alternative, if the Board grants Apple's Motion, HBCU should be granted a propositional word limit extension for its own papers.

Respectfully submitted,

Dated: January 6, 2026

/Timothy Devlin /
Timothy Devlin, Reg. No. 41,706
DEVLIN LAW FIRM LLC
1526 Gilpin Avenue
Wilmington, DE 19806
Phone: (302) 449-9010
Fax: (302) 353-4251
tdevlin@devlinlawfirm.com

Attorney for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2026 I caused a true and correct copy of
PATENT OWNER'S OPPOSITION TO PETITIONERS' MOTION TO
WAIVE THE IPR PETITION WORD LIMIT to be served via electronic mail
on the following counsel for Petitioner:

LEAD COUNSEL	BACKUP COUNSEL
W. Karl Renner, Reg. No. 41,265 Fish & Richardson P.C. 60 South Sixth Street Suite 3200 Minneapolis, MN 55402 Tel: 202-783-5070 Fax: 877-769-7945 Email: IPR50095-0266IP1@fr.com	David Holt, Reg. No. 65,161 Nicholas Stephens, Reg. No. 74,320 Charlene Thrower, Reg. No. 79,289 Joseph Bauer, Reg. No. 81,218 Fish & Richardson P.C. 60 South Sixth Street Minneapolis, MN 55402 Tel: 202-783-5070 Fax: 877-769-7945 Email: IPR50095-0266IP1@fr.com

/Timothy Devlin /
Timothy Devlin