

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

INGENIOSPEC, LLC.
Patent Owner.

Patent No. 12,001,599

Inter Partes Review No. IPR2026-00143

PETITIONER'S OBJECTIONS TO PRE-INSTITUTION EVIDENCE

Petitioner Apple Inc. (“Apple”) hereby objects to the following evidence that was submitted by Patent Owner IngenioSpec, LLC (“IngenioSpec”) in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), Petitioner is filing and serving these objections within 10 business days of the institution of trial on May 15, 2026, *see* Decision, Paper 13.

A. EX2006 - Defendant Apple Inc.’s Preliminary Invalidity Contentions, IngenioSpec, LLC v. Apple Inc., Case No. 1:25-cv-00867 (W.D. Tex. Nov. 21, 2025) (cover pleading)

Apple objects to Exhibit 2006 as irrelevant under F.R.E. 401, at least because Exhibit 2006, a preliminary litigation document, relates to six patents, five of which (U.S. Patents. Nos. 8,582,789, 11,644,693, 11,921,355, 8,112,104, and 12.044,901) are not at issue in this proceeding. With respect to the ’599 patent, the exhibit is irrelevant at least to the extent it relates to issues (such as written description and indefiniteness) that are outside the scope of this IPR proceeding.

Apple additionally objects to Exhibit 2006 as more prejudicial than probative under F.R.E. 403, at least because Exhibit 2006, a 112-page document, is drawn primarily to patents and issues unrelated to this proceeding. This exhibit was not cited in Patent Owner’s Preliminary Response (Paper 8), and was cited by Patent Owner only in passing in its Request for Discretionary Denial (Paper 7), which was not granted. The exhibit threatens to confuse the issues and waste the Board’s

limited time and resources on collateral matters, such that its consideration would be unduly prejudicial to Apple.

Apple additionally objects to Exhibit 2006 as inadmissible hearsay under F.R.E. 801 and 802 to the extent IngenioSpec attempts to rely on it to prove the truth of the matters described therein. For example, Exhibit 2006 is a preliminary litigation document drafted “on information and belief” and including reservations of the right to supplement, modify, and amend.

B. EX2010 - Exhibit E-3 to Defendant Apple Inc.’s Preliminary Invalidity Contentions, IngenioSpec, LLC v. Apple Inc., Case No. 1:25-cv00867 (W.D. Tex. Nov. 21, 2025)

Apple objects to Exhibit 2010 as irrelevant under F.R.E. 401, at least because Exhibit 2010, a 164-page document, is overwhelmingly directed to validity issues and prior art references that are not at issue in this proceeding.

Apple further objects to Exhibit 2010 as more prejudicial than probative under F.R.E. 403, at least because any probative value of the exhibit is vastly outweighed by irrelevant material that threatens to confuse and distract from the issues in this proceeding, such that its consideration would be unduly prejudicial to Apple. This exhibit was not cited in Patent Owner’s Preliminary Response, and was cited by Patent Owner only in passing in its Request for Discretionary Denial, which was not granted.

Apple additionally objects to Exhibit 2010 as inadmissible hearsay under F.R.E. 801 and 802 to the extent IngenioSpec attempts to rely on it to prove the truth of the matters described therein. For example, Exhibit 2010 is a preliminary litigation document, drafted “on information and belief” and reserving the right to supplement.

C. EX2011 - Defendant’s Proposed Claim Constructions, IngenioSpec, LLC v. Apple Inc., Case No. 1:25-cv-00867 (W.D. Tex. Dec. 22, 2025)

Apple objects to Exhibit 2011 under F.R.E. 401 because the exhibit is not relevant to any issue in this proceeding. This exhibit was not cited in Patent Owner’s Preliminary Response, and was cited by Patent Owner only in passing in its Request for Discretionary Denial, which was not granted.

Apple further objects to Exhibit 2011 as more prejudicial than probative under F.R.E. 403, at least because the exhibit overwhelmingly relates to patents and claim terms not at issue in this proceeding. Thus, any probative value of the exhibit is vastly outweighed by irrelevant material that threatens to confuse and distract from the issues in this proceeding, such that its consideration would be unduly prejudicial to Apple.

D. EX2012 – DocketNavigator Case List for U.S. Patent No. 11,829,518

Apple objects to Exhibit 2012 under F.R.E. 401 because the exhibit is not relevant to any issue in this proceeding. For example, the exhibit purports to identify litigation matters for a patent (U.S. Patent No. 11,829,518) that is not at issue in this proceeding.

Apple further objects to Exhibit 2012 as more prejudicial than probative under F.R.E. 403, at least because the exhibit relates to matters not at issue in this proceeding, and threatens to confuse and distract from the issues in this proceeding, such that its consideration would be unduly prejudicial to Apple. This exhibit was not cited in Patent Owner's Preliminary Response, and was cited by Patent Owner only in passing in its Request for Discretionary Denial, which was not granted.

E. EX2013 – Office Action in Apple Patent Application Citing U.S. Patent No. 7,890,128

Apple objects to Exhibit 2013 under F.R.E. 401 because the exhibit is not relevant to any issue in this proceeding. For example, the exhibit purports to be an Office Action from 2012 for a patent application (U.S. Patent Appl. No. 12/613,636) that is not at issue in this proceeding. The Office Action does not relate to any prior art or invalidity issues relevant to this proceeding. Further, its only citation by Patent Owner was to show Apple's purported knowledge of patent

families (the '104 patent family and the '789 patent family) that are not at issue in this proceeding.

Apple further objects to Exhibit 2013 as more prejudicial than probative under F.R.E. 403, at least because the exhibit relates to matters not at issue in this proceeding, and threatens to confuse and distract from the issues in this proceeding, such that its consideration would be unduly prejudicial to Apple. This exhibit was not cited in Patent Owner's Preliminary Response, and was cited by Patent Owner only in passing in its Request for Discretionary Denial, which was not granted.

F. EX2014 - Information Disclosure Statement in Apple Patent Application Listing U.S. Patent Application Publication No. 2004/0208324

Apple objects to Exhibit 2014 under F.R.E. 401 because the exhibit is not relevant to any issue in this proceeding. For example, the exhibit purports to be an Information Disclosure Statement from 2014 for a patent application (U.S. Patent Appl. No. 14/300,120) that is not at issue in this proceeding. The Information Disclosure Statement does not relate to any prior art or invalidity issues relevant to this proceeding. Further, its only citation by Patent Owner was to show Apple's purported knowledge of a patent family (the '789 patent family) that is not at issue in this proceeding.

Apple further objects to Exhibit 2014 as more prejudicial than probative under F.R.E. 403, at least because the exhibit relates to matters not at issue in this proceeding, and threatens to confuse and distract from the issues in this proceeding, such that its consideration would be unduly prejudicial to Apple. This exhibit was not cited in Patent Owner's Preliminary Response, and was cited by Patent Owner only in passing in its Request for Discretionary Denial, which was not granted.

G. EX2015 - Declaration of Peter Tong

Apple objects to Exhibit 2015 as inadmissible hearsay under F.R.E. 801 and 802 to the extent IngenioSpec attempts to rely on it to prove the truth of matters asserted therein (*e.g.*, Apple's knowledge of the '599 patent).

Apple additionally objects to Exhibit 2015 as lacking foundation and lacking authentication under F.R.E. 901. For example, the declarant makes reference to out-of-court statements in letters and emails, but those letters and emails are not provided or authenticated.

Apple additionally objects to Exhibit 2015 as irrelevant under F.R.E. 401 at least because it relates to patents not at issue in this proceeding, and additionally relates to IPR proceedings (IPR2026-00142, IPR2026-00144) other than the current proceeding.

Apple further objects to Exhibit 2015 as more prejudicial than probative under F.R.E. 403, at least because the exhibit relates to matters not at issue in this proceeding, and threatens to confuse and distract from the issues in this proceeding, such that its consideration would be unduly prejudicial to Apple. This exhibit was not cited in Patent Owner's Preliminary Response, and was cited by Patent Owner only in passing in its Request for Discretionary Denial, which was not granted.

Apple further objects to Exhibit 2015 as improper opinion testimony under F.R.E. 702 and 703, at least to the extent the exhibit is offered as evidence of settled expectations. The declarant is not an expert, is not qualified to provide opinions on what constitutes settled expectations under the Board's discretionary denial framework, and does not disclose a basis for any such opinions.

Dated: June 1, 2026

Respectfully submitted,

By: /Bryan Blumenkopf/
Bryan Blumenkopf, Reg. 73,282
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 200
San Diego, CA 92130
Tel. (213) 892-5269
Fax. (213) 892-5454
Email: bblumen@mofo.com

Counsel for Petitioner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER’S OBJECTIONS TO PRE-INSTITUTION EVIDENCE was served as of the below date via e-mail (by agreement) to the following counsel of record for the Patent Owner:

Douglas R. Wilson (Reg. No. 54,542)
doug.wilson@armondwilson.com

Michelle E. Armond (Reg. No. 53,954)
michelle.armond@armondwilson.com

Joseph Li (Reg. No. 74,998)
josepher.li@armondwilson.com

Monica Arnold (Reg. 77,262)
monica.arnold@armondwilson.com

Robert S. McArthur (Reg. No. 45,674)
rmcarthur@kramerllp.com

ipr@armondwilson.com

Dated: June 1, 2026

/Bryan Blumenkopf/
Bryan Blumenkopf