

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

iSCAN2D TECHNOLOGIES, LLC

Patent Owner

Case IPR2026-00317

U.S. Patent No. 12,230,394

**PATENT OWNER'S REPLY IN SUPPORT OF ITS BRIEF REQUESTING
DISCRETIONARY DENIAL UNDER 35 U.S.C. § 325(d)**

I. INTRODUCTION

Petitioner asserts that the Examiner's claimed error "was caused by a flawed search strategy," contending that she "focus[ed] her search on more references like Brown instead of references disclosing wireless-enabled wearable devices," and that this "caused the Examiner to miss references such as Weiss and LeBoeuf." Opp., 4. Petitioner cites the Examiner's search history at EX1002, 167-176. Those pages refute the characterization they are offered to support. Within the very page range Petitioner cites, the Examiner ran express searches combining wearables, activity and fitness tracking, display, and wireless pairing.

II. THE CITED SEARCH HISTORY CONTAINS WEARABLE-AND-PAIRING SEARCHES PETITIONER STATES WERE NEVER RUN

At entry L207, the Examiner searched "(display\$4 WITH (code bar\$1code 'qr')) WITH (watch wear\$4 ((activity fitness exercise) ADJ track\$4)) WITH pair\$3." EX1002, 170. That single query combines barcode display, wearables, activity and fitness tracking, and pairing. This is precisely the areas Petitioner says the Examiner never explored.

At entries L224 through L226, the Examiner ran claim-directed queries combining "display\$4 AND (activity fitness exercise) AND pair\$4," progressively

narrowed to add “(watch wearable).” EX1002, 176. And at entry L195, she ran a classification-based query spanning health-informatics, physiological-measurement, and exercise-apparatus classifications (including G16H40/67, A61B5/0205, and A63B24/0062) alongside the barcode classifications Petitioner emphasizes. *Id.*, 167.

Petitioner's assertion that the Examiner searched for “more references like Brown” rather than “wireless-enabled wearable devices” is thus contradicted by the pages Petitioner cites.

III. THE ARTIFICIAL-INTELLIGENCE ENTRIES ARE A SUBSET OF A MULTI-HOUR SESSION

Petitioner's characterization rests on six artificial-intelligence entries. Those entries are part of a single search session reflected in the same cited range, running from approximately 4:12 p.m. through at least 7:33 p.m. on September 3, 2024. EX1002, 167, 176. The wearable-and-pairing queries described above were run within that session, both before and after the artificial-intelligence entries Petitioner isolates. Petitioner selecting six entries from a multi-hour session and describing the whole as a search for “more references like Brown” does not fairly present the record.

IV. CONCLUSION

Petitioner offers a single causal explanation for the claimed error, and the record it cites does not support it. Petitioner advanced that explanation as the reason the Examiner erred. Because the record Petitioner cites does not support the explanation, the assertion warrants no weight. For at least the reasons set forth above, Patent Owner respectfully requests that the Director exercise discretion to deny institution.

Date: September 3, 2026

Respectfully submitted,

By: /René A. Vazquez/

René A. Vazquez (Lead Counsel)

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Counsel for Patent Owner

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b), the undersigned certifies that on September 3, 2026, a copy of the foregoing **Patent Owner's Reply in Support of its Brief Requesting Discretionary Denial Under 35 U.S.C. § 325(d)** was served by electronic mail on the following:

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