UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

INGENIOSPEC, LLC
Patent Owner.

Patent No. 11,921,355

Inter Partes Review No. IPR2026-00332

PETITIONER'S PETITION RANKING AND EXPLANATION OF MATERIAL DIFFERENCES BETWEEN PETITIONS

Petitioner Apple, Inc. seeks *inter partes* review of U.S. Patent No. 11,921,355 ("the '355 patent" (EX1001)) in two concurrently filed petitions: IPR2026-00331 and IPR2026-00332. Pursuant to the December 2025 Patent Trial and Appeal Board Consolidated Trial Practice Guide published by the USPTO ("CTPG"), Petitioner submits this paper to "identify: (1) a ranking of the petitions in the order in which it wishes the Board to consider the merits, if the Board uses its discretion to institute any of the petitions, and (2) a succinct explanation of the differences between the petitions, why the issues addressed by the differences are material, and why the Board should exercise its discretion to institute additional petitions if it identifies one petition that satisfies petitioner's burden under 35 U.S.C. § 314(a)." *See* CTPG, II.D.2.

I. ORDERING OF PETITIONS

Although Petitioner believes that its two petitions are meritorious and justified, as set forth below, Petitioner requests that the Board consider the petitions in the following order:

Rank	Petition	Primary References	Claims Challenged
1	IPR2026-00331 (Petition 1 of 2)	Anderson, Lynch	1-54, 57-72, 75-82, 85-92, 95-100
2	IPR2026-00332 (Petition 2 of 2)	Anderson, Lynch	55

II. MATERIAL DIFFERENCES AND AN EXCEPTIONAL NUMBER OF ASSERTED CLAIMS JUSTIFY INSTITUTING TWO IPR PETITIONS

Institution of two petitions is warranted because Patent Owner has asserted an exceptionally large number of claims, and because Petitioner has structured its challenges to minimize burden on the Board while avoiding redundancy. Despite substantial efforts to consolidate issues and streamline presentation, a single petition cannot reasonably address the scope and complexity of the 93 asserted claims.

A. Large Number of Voluminous Asserted Claims

The Consolidated Trial Practice Guide recognizes that "more than one petition may be necessary" where "the patent owner has asserted a large number of claims in litigation." (CTPG, II.D.2.) That is precisely the situation here.

The '355 patent issued with 100 claims, and Patent Owner has asserted 93 of those claims against Petitioner in the parallel Western District of Texas litigation. This is an exceptional number. By comparison, fewer than 0.5% of U.S. patents issued in 2022 included more than 50 claims, a percentage that has steadily declined since 2005. *See* D. Crouch, *Jumbo Patents*, Patently-O (Mar. 8, 2022), https://patentlyo.com/patent/2022/03/jumbo-patents.html. The '355 patent's 100 claims therefore place it within a small sliver of unusually large patents.

The burden of challenging the asserted claims is compounded by their length and complexity. Many claims contain numerous limitations, and the asserted claims alone comprise approximately 6,600 words—nearly half of the 14,000-word limit for a single petition. Given these constraints, it is not feasible to fully and fairly present all necessary invalidity challenges within one petition.

B. No Overlapping Claims Between Petitions

Petitioner carefully structured its filings to ensure that the two petitions are materially different, by presenting non-overlapping and complementary challenges to different claims.

Each petition challenges a distinct and non-overlapping set of claims, such that no claim is challenged in more than one petition. In fact, the IPR2026-00332 petition challenges only a single claim, with the remaining 92 claims challenged in the IPR2026-00331 petition. Thus, each claim is challenged exactly once across the two petitions, eliminating redundancy and ensuring that the Board is not required to evaluate parallel challenges to the same claim[1]. This streamlined

[1] The sole claim challenged in the IPR2026-00332 petition, claim 55, is a dependent claim that depends from claim 17. Thus, in order for this petition to fully address claim 55, it must also address the limitations of claim 17. However,

approach stands in contrast to cases in which petitioners presented overlapping challenges to the same claims across multiple petitions, which the PTAB has disfavored. *See, e.g.*, *CrowdStrike, Inc. v. GoSecure, Inc.*, IPR2025-00068 and IPR2025-00070, Paper 25 (PTAB June 25, 2025) (informative).

C. Respect for the Board's Resources

Petitioner has taken deliberate steps to minimize the burden on the Board while still presenting a complete case for unpatentability.

First, the petitions are limited to only those claims asserted in the parallel litigation, ensuring that the IPRs address disputes that are actually in controversy. Second, the IPR2026-00331 petition presents nine grounds, and the IPR2026-00332 petition presents one ground, with each ground relying on the same two primary references: Anderson and Lynch. By relying on the same primary references to challenge all claims, the petitions remain focused and avoid unnecessarily multiplying the grounds or prior art references. Third, the petitions are organized to present arguments clearly and efficiently, reducing redundancy and focusing the issues. For example, the petitions cross-reference prior discussions where appropriate, rather than repeating them; and rely on a claims

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the IPR2026-00332 does not independently challenge claim 17; claim 17 is challenged only in the IPR2026-00331 petition.

appendix to avoid duplicating claim language. These measures reduce unnecessary complexity and streamline the Board's review.

In short, the two petitions represent the most efficient and least burdensome way to address the full scope of the asserted claims.

III. CONCLUSION

In view of the exceptional number and complexity of the asserted claims, and the careful, non-duplicative structure of the petitions, the Board should exercise its discretion to institute both petitions. Each petition presents a strong case for unpatentability, and together they offer an efficient resolution of the validity of the asserted claims.

Dated: April 3, 2026

Respectfully submitted,

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Certificate of Service (37 C.F.R. § 42.6(e)(4) and 42.205(a))

I hereby certify that the attached PETITIONER'S PETITION RANKING AND EXPLANATION OF MATERIAL DIFFERENCES BETWEEN PETITIONS was filed the P-TACTS system on April 3, 2026, and is being served on April 4, 2026 via UPS, which is a means at least as fast and reliable as Priority Mail Express®, on the Patent Owner at the correspondence address indicated for U.S. Patent No. 11,921,355:

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Dated: April 3, 2026

Respectfully submitted,

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