

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

INGENIOSPEC, LLC.
Patent Owner.

Patent No. 11,644,693

Inter Partes Review No. IPR2026-00339

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

Petitioner Apple Inc. seeks *inter partes* review of U.S. Patent No. 11,644,693 (“the ’693 patent” (EX1001)) in two concurrently filed petitions: IPR2026-00339 and IPR2026-00340. 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	IPR2026-00339 (Petition 1 of 2)	Anderson	1-25, 27-38, 42-51, 54-71, 75, 76
2	IPR2026-00340 (Petition 2 of 2)	Anderson	26, 52, 53, 72-74

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 73 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 '693 patent issued with 76 claims, and Patent Owner has asserted 73 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 '693 patent's 76 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 4,500 words—roughly one third 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, IPR2026-00340 challenges only six claims, with the remaining 67 claims challenged in IPR2026-00339. 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 claim¹. This streamlined approach stands in

¹ The claims challenged in IPR2026-00340 are dependent claims that depend from claims challenged in IPR2026-00339. In order for IPR2026-00340 to fully address these dependent claims, it therefore must also address the limitations of their parent

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, IPR2026-00339 presents ten grounds, and IPR2026-00340 presents three grounds, with each ground relying on the same primary reference: Anderson. By relying on the same primary reference 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

claims. However, IPR2026-00340 does not separately challenge those parent claims, which are challenged only in IPR2026-00339.

include a claims 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 24, 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 via P-TACTS system on April 24, 2026, and is being served the same date, 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. 11,644,693:

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Dated: April 24, 2026

Respectfully submitted,

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