

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

HBCU Messaging US LP,
Patent Owner

Case IPR2025-01486
Patent 8,918,127

**PETITIONER'S AUTHORIZED REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

LIST OF EXHIBITS

APPLE-1001	U.S. Patent No. 8,918,127 (“the ’127 Patent”)
APPLE-1002	File History of U.S. Patent No. 8,918,127
APPLE-1003	Expert Declaration of Dr. Patrick Traynor, Ph.D.
APPLE-1004	U.S. Pub. No. 2007/0254681 (“Horvath”)
APPLE-1005	U.S. Pub. No. 2004/0203956 (“Tsampalis”)
APPLE-1006	RESERVED
APPLE-1007	Chatterjee et al., “Instant Messaging and Presence Technologies for College Campuses” IEEE Network, May/June 2005. (“Chatterjee”)
APPLE-1008	U.S. Pub. No. 2005/0243978 (“Son”)
APPLE-1009	UK Pub. No. 2432482 (“Beaumont”)
APPLE-1010	U.S. Patent No. 9,408,077 (“David”)
APPLE-1011	U.S. Patent No. 6,940,844 (“Purkayastha”)
APPLE-1012	U.S. Patent No. 7,702,342 (“Duan”)
APPLE-1013	U.S. Patent No. 8,819,145 (“Gailloux”)
APPLE-1014	U.S. Pub. No. 2006/0286984 (“Bonner”)
APPLE-1015	U.S. Pub. No. 2005/0197142 (“Major”)
APPLE-1016	U.S. Pub. No. 2005/0037762 (“Gurbani”)
APPLE-1017	U.S. Patent No. 9,167,401 (“Helferich”)
APPLE-1018	U.S. Patent No. 6,430,604 (“Ogle”)
APPLE-1019	International Pub. No. WO 2006/029331 (“Henderson”)
APPLE-1020	U.S. Patent No. 7,236,472 (“Lazaridis”)
APPLE-1021	U.S. Patent No. 8,006,190 (“Quoc”)

APPLE-1022	U.S. Patent No. 6,678,524 (“Hansson”)
APPLE-1023	U.S. Pub. No. 2006/0056309 (“Maaniitty”)
APPLE-1024	U.S. Patent No. 7,171,190 (“Ye”)
APPLE-1025	Qi et al., 2004, July. “Multimedia Messaging Service.” Available at https://www.zte.com.cn/global/about/magazine/zte-communications/2004/1/en_68/162264.html (“Qi”)
APPLE-1026-1035	RESERVED
APPLE-1036	International Pub. No. WO 2007/052264 (“Agiv”)
APPLE-1037	T-Mobile webpage https://www.t-mobile.com/home-internet/the-signal/internet-help/the-complete-wifi-history
APPLE-1038	U.S. Pub. No. 2010/0009704 (“Fan”)
APPLE-1039	U.S. Pub. No. 2004/0087305 (“Jiang”)
APPLE-1040	U.S. Pub. No. 2007/0178895 (“Bot”)
APPLE-1041	Kumar et al., Special Delivery: An Increase in MMS Adoption, IEEE Potentials (January/February 2009)
APPLE-1042	Brugge, MSS-Multimedia Messaging and MMS-Interconnection, ECC Report 62 (November 2004)
APPLE-1043	U.S. Pub. No. 2008/0176538 (“Terrill”)
APPLE-1044	RFC 3856 – A Presence Event Package for the Session Initiation Protocol (SIP). Available at https://data-tracker.ietf.org/doc/html/rfc3856 . August 2004
APPLE-1045-1099	RESERVED
APPLE-1100	Complaint, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Oct. 7, 2024)
APPLE-1101	Infringement Charts of the ’127 Patent

- APPLE-1102 Stipulation dated October 31, 2025
- APPLE-1103-1104 RESERVED
- APPLE-1105 Apple's Opening Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Sept. 22, 2025)
- APPLE-1106 HBCU's Opening Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Sept. 22, 2025)
- APPLE-1107 Apple's Responsive Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 24, 2025)
- APPLE-1108 HBCU's Responsive Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 24, 2025)
- APPLE-1109 Continuity Data for U.S. Application Serial No. 12/452,883
- APPLE-1110 Continuity Data for U.S. Application Serial No. 16/714,113
- APPLE-1111 MPEP Chapter 900: Prior Art, Classification, and Search (Ninth Edition E9R-11.2013) (March 2014), *available at* <https://www.uspto.gov/web/offices/pac/mpep/old/e9r0/mpep-0900.pdf>
- APPLE-1112 Ahmavaara et al., *Interworking Architecture Between 3GPP and WLAN Systems*, Integration of Wireless LAN and 3G Wireless, IEEE Communications Magazine (Nov. 2003)
- APPLE-1113 Excerpts from the File History of U.S. Application Serial No. 14/307,184

- APPLE-1114 Summons in a Civil Action and Certification of Service of Summons and Complaint, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Nov. 5, 2024)
- APPLE-1115 German Federal Court of Justice Decision, *Apple Retail Germany GmbH v. Rembrandt Messaging Technologies, LP*, concerning EP 2 177 072 (Dec. 15, 2020) (Certified English Translation)
- APPLE-1116 Claim Construction Order, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Jan. 28, 2026)

Apple’s Claim Construction Positions are Consistent—HBCU’s Preliminary Response (“POPR”) repeats the same flawed argument from the Discretionary Denial Brief (“DD Brief”) about Apple allegedly advancing inconsistent constructions between the PTAB and district court. *Compare* POPR, 23 *with* DD Brief, 8-9. Tellingly, however, HBCU again fails to identify any instance where the Petition actually relies on a broader construction than that advanced by Apple in district court. Apple does not. Although the litigation precipitated constructions after the Petition was filed, Apple’s constructions were entirely consistent with its application of art in the IPR. *See* APPLE-1105 – APPLE-1108. Apple again submits it was unnecessary under *Wellman* to construe terms in the Petition because the claims would be rendered obvious by the Petition grounds under any reasonable construction, including Apple’s district court constructions.

Regardless, HBCU’s arguments are rendered moot by the district court’s recent claim construction order finding that the plain and ordinary meaning applies to all but one term of the ’127 Patent. *See* APPLE-1116. For that term—“cellular core network”—the court adopted HBCU’s proposed construction. *Id.* Apple had consistently advanced plain meaning for this term in both forums.

“Cellular Core Network” Construction—As noted above, the district court adopted HBCU’s construction of “cellular core network” as “[o]ne or more entities

responsible for maintaining a database of subscriber information for a cellular network ...; providing access to a short message service center (SMSC) or multimedia message (MMS) server; and providing Internet access to one or more mobile devices via at least mobile operator base stations.” APPLE-1116, 2. HBCU attempts to distinguish the Horvath-Tsampalis combination (“HTC”) by application of this construction to [1g] and [11f] (“wherein the request sent to the server and the response received from the server do not traverse the cellular core network”), but HBCU ultimately fails to expose any deficiency. *See* POPR, 24-27, 30-35. For the reasons discussed below, the claims would still be obvious even if HBCU’s construction applied. *Axonics Inc. v. Medtronic*, 75 F.4th 1374, 1380-82 (Fed. Cir. 2023) (“There is no rule[] ... requiring a petitioner to describe all possible or reasonable claim constructions and to present invalidity theories under those constructions. ... [A] petitioner is entitled under the APA to respond to new claim construction arguments”).

As an initial matter, HBCU falsely asserts “Tsampalis does not teach sending any ‘request’ or receiving any ‘response’ from a *server*.” POPR, 34. Tsampalis in fact explicitly teaches a first device sending a “request” and receiving a “response” for messaging “capabilities information” of a second device from a “web server” or “other server” where the information is stored. APPLE-1005, [0039], [0042], Fig. 6; Pet., 11, 14, 19, 36, 41-49, 61-62. HBCU conveniently ignores these disclosures.

Horvath also discloses wireless device 106 communicating over an 802.11

WLAN. APPLE-1004, [0024]; Pet., 45. In the combination with Tsampalis, wireless device 106 thus communicates over an 802.11 WLAN as taught in Horvath to request messaging capabilities information from a server (*e.g.*, a web server) as taught in Tsampalis. Pet., 41-49; APPLE-1003, ¶¶64-73. The server is located outside the cellular core network; indeed, neither Horvath nor Tsampalis suggest or require that the server be located in the core. APPLE-1005, [0039], Fig. 6; Pet., 44-46, 61-62. It would have been obvious in this context that a request/response sent over an 802.11 WLAN (not a cellular network) to/from a server located outside the cellular core network would not traverse the core network. *Id.* This is confirmed by contemporaneous evidence that “[i]n the simplest case, ... user data is ***directly routed from [a] WLAN access network to the Internet***” without traversing a 3GPP/cellular network. APPLE-1112, 5, Fig. 1; *see also* APPLE-1011, Fig. 1 (depicting WLAN separate from cellular “core”) (cited at Pet., 45, 60). Horvath likewise shows the cellular network separate from the WLAN network. APPLE-1004, Figs. 1-2. Accordingly, HTC’s request/response would bypass the “cellular core network” (including all components thereof in HBCU’s construction) since a request/response routed directly from a WLAN to a web server would not traverse an independent cellular core network at all. APPLE-1003, ¶¶64-73, 88-89. HBCU’s demand for even more express prior art disclosure of the negative limitation also is not credible, especially as the ’127 Patent is silent on this feature. APPLE-1001,1:29-36, 7:17-25.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on February 3, 2026, a complete and entire copy of this Petitioner's Authorized Reply to Patent Owner's Preliminary Response and Exhibit APPLE-1116 were provided by email to the Patent Owner by serving the correspondence email address of record as follows:

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