

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

HBCU Messaging US LP,
Patent Owner

Case IPR2025-01488
Patent No. 11,653,182

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

LIST OF EXHIBITS

APPLE-1001	U.S. Patent No. 11,653,182 (“the ’182 Patent”)
APPLE-1002	File History of U.S. Patent No. 11,653,182
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 – APPLE-1024 RESERVED

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 RFC 3261 – SIP: Session Initiation Protocol. Available at <http://www.faqs.org/rfcs/rfc3261.html>. June 2002.

APPLE-1027 RESERVED

APPLE-1028 “How do I sign in to Messenger?” Yahoo! Messenger 6.0. 2004. Available at <https://web.archive.org/web/20040528072514/http://help.yahoo.com/help/us/messenger/win/signin/signin-03.html>

APPLE-1029 – APPLE-1031 RESERVED

APPLE-1032 U.S. Pub. No. 2008/0261577 (claiming priority to Provisional App. No. 60/913,187) (“Celik”)

APPLE-1033 U.S. Provisional App. No. 60/913,187

APPLE-1034 – APPLE-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 – APPLE1041 RESERVED

APPLE-1042 U.S. Pub. No. US 2008/0153459 (“Kansal”)

APPLE-1043 RFC 2778 – A Model for Presence and Instant Messaging. Available at <https://datatracker.ietf.org/doc/html/rfc2778>. February 2000.

APPLE-1044 RFC 3856 – A Presence Event Package for the Session Initiation Protocol (SIP). Available at <https://datatracker.ietf.org/doc/html/rfc3856>. August 2004.

APPLE-1045 Trillian Pro v1.0 webpage (“Trillian”)

APPLE-1046	U.S. Pub. No. 2007/0054627 (“Wormald”)
APPLE-1047	U.S. Pub. No. 2008/0120427 (“Ramanathan”)
APPLE-1048	U.S. Pub. No. 2002/0062345 (“Guedalia”)
APPLE-1049	U.S. Patent No. 7,472,163 (“Ben-Yoseph”)
APPLE-1050	U.S. Pub. No. 2005/0233737 (“Lin”)
APPLE-1051 – APPLE-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 ’182 Patent
APPLE-1102	Declaration of June Ann Munford
APPLE-1103	U.S. Pub. No. 2007/0299930 (“Wendelrup”)
APPLE-1104	Stipulation dated October 31, 2025
APPLE-1105	MPEP Chapter 900: Prior Art, Classification, and Search (Rev. 08.2017) (January 2018), <i>available at</i> https://www.uspto.gov/web/offices/pac/mpep/old/e9r08-2017/mpep-0900.pdf
APPLE-1106	Apple’s Opening Claim Construction Brief, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Sept. 22, 2025)
APPLE-1107	HBCU’s Opening Claim Construction Brief, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Sept. 22, 2025)
APPLE-1108	Apple’s Responsive Claim Construction Brief, <i>HBCU Messaging US LP v. Apple, Inc. et al.</i> , 1-24-cv-01199 (WDTX) (Oct. 24, 2025)

- APPLE-1109 HBCU’s Responsive Claim Construction Brief, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 24, 2025)
- APPLE-1110 Continuity Data for U.S. Application Serial No. 12/452,883
- APPLE-1111 Continuity Data for U.S. Application Serial No. 16/714,113
- APPLE-1112 – APPLE-1114 RESERVED
- APPLE-1115 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-1116 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-1117 Claim Construction Order, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Jan. 26, 2026)

The claim construction arguments raised in HBCU's Patent Owner Preliminary Response (POPR) have been rendered moot by the district court's claim construction ruling, which was issued January 28, 2026. *See generally* APPLE-1117. The Order holds that all disputed terms related to the '182 Patent should be given their plain and ordinary meaning. *See* APPLE-1117, 1-4 (construing the terms "bearer" and "wherein...when"). The Director has explained that, "in the generally rare instances where diverging constructions are advanced before two different tribunals, a party may proffer a different, broader construction before the Board when the district court already has rejected petitioner's narrower construction." *Revvo Technologies, Inc. v. Cerebrum Sensor Technologies, Inc.*, IPR2025-00632, Paper 36 at 4 (PTAB Jan. 26, 2026). The Court's constructions are consistent with the positions taken in the IPR, and therefore there is no divergence.

Even if the Court hadn't ruled on the constructions, the POPR simply reiterates the same arguments advanced in Patent Owner's Discretionary Denial Briefing. *Compare* Paper 9, 26-28 *with* Paper 7, 6-8. Then as now, HBCU has identified no

inconsistency between Apple’s analysis in the IPRs and its claim construction positions in district court.¹ *See id.* Apple respectfully submits again that it was unnecessary under *Wellman* to formally construe the claim terms in the Petition because the claims would be rendered obvious by the Petition grounds under any reasonable constructions, including Apple’s district court constructions.

Respectfully submitted,

Dated: February 3, 2026

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¹ Because HBCU did not provide more specific arguments in either its Discretionary Denial Briefing or POPR, it has waived making such arguments in its sur-reply to this brief. 37 C.F.R. § 42.23(b); *see* Trial Practice Guide, § II.I (“Respond,’ in the context of 37 C.F.R. § 42.23(b), does not mean proceed in a new direction with a new approach as compared to the positions taken in a prior filing.”).

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-1117 were provided by email to the Patent Owner by serving the correspondence email address of record as follows:

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