

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
Petitioner

v.

HBCU Messaging US LP,  
Patent Owner

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Case IPR2025-01493  
Patent 11,089,450

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

**LIST OF EXHIBITS**

APPLE-1001	U.S. Patent No. 11,089,450 (the “450 Patent”)
APPLE-1002	File History of U.S. Patent No. 11,089,450
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 – APPLE-1015	RESERVED
APPLE-1016	U.S. Pub. No. 2005/0037762 to Gurbani et al. (“Gurbani”)
APPLE-1017	U.S. Patent No. 9,167,401 to Helferich (“Helferich”)
APPLE-1018	RESERVED
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., “Multimedia Messaging Service” (July 2004), *available at* [https://www.zte.com.cn/global/about/magazine/zte-communications/2004/1/en\\_68/162264.html](https://www.zte.com.cn/global/about/magazine/zte-communications/2004/1/en_68/162264.html) (“Qi”)
- APPLE-1026 – APPLE-1036 RESERVED
- APPLE-1037 T-Mobile webpage, *available at* <https://www.t-mobile.com/home-internet/the-signal/internet-help/the-complete-wifi-history>
- APPLE-1038 – APPLE-1041 RESERVED
- APPLE-1042 U.S. Pub. No. 2008/0153459 (“Kansal”)
- APPLE-1043 RESERVED
- APPLE-1044 U.S. Pub. No. 2007/0030824 (“Ribaudó”)
- APPLE-1045 U.S. Pub. No. 2005/0233737 (“Lin”)
- APPLE-1046 U.S. Pub. No. 2008/0176538 (“Terrill”)
- APPLE-1047 IMS Share Technote, *available at* [https://www.sharetechnote.com/html/Handbook\\_IMS\\_SIP\\_Header\\_Expire.html](https://www.sharetechnote.com/html/Handbook_IMS_SIP_Header_Expire.html)
- APPLE-1048 RFC 3680: A Session Initiation Protocol (SIP) Event Package for Registrations (March 2004)
- APPLE-1049 U.S. Patent No. 7,472,163 (“Ben-Yoseph”)
- APPLE-1050 RFC 2778: A Model for Presence and Instant Messaging (February 2000)
- APPLE-1051 U.S. Pub. No. 2008/0090597 (“Celik”)
- APPLE-1052 U.S. Pub. No. 2006/0168204 (“Appelman”)

- APPLE-1053 RFC 3261: SIP: Session Initiation Protocol (June 2002)
- APPLE-1054 U.S. Pub. No. 2008/0034043 (“Gandhi”)
- APPLE-1055 Subramanya et al., Mobile Communications—An Overview, IEEE Potentials (2005)
- APPLE-1056 RFC 3856: A Presence Event Package for the Session Initiation Protocol (SIP)
- APPLE-1057 – APPLE-1099 RESERVED
- APPLE-1100 Complaint, *HBCU Messaging US LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 7, 2024)
- APPLE-1101 HBCU’s Infringement Charts for the ’450 Patent, *HBCU Messaging U.S. LP v. Apple, Inc. et al.*, 1-24-cv-01199 (WDTX) (Oct. 7, 2024)
- APPLE-1102 Declaration of June Ann Munford
- APPLE-1103 Stipulation dated October 31, 2025
- APPLE-1104 MPEP Chapter 900: Prior Art, Classification, and Search (Rev. 08.2017) (January 2018), *available at* <https://www.uspto.gov/web/offices/pac/mpep/old/e9r08-2017/mpep-0900.pdf>
- 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 – APPLE-1113 RESERVED
- 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)

Patent Owner's request in the Preliminary Response that the Petition be denied for advancing inconsistent claim constructions is confounding because neither party proposed constructions for any term of the '450 Patent in the parallel district court litigation. *See* APPLE-1105, APPLE-1106, APPLE-1107, APPLE-1108. Petitioner's position has been consistent across forums that all claim terms should be given their plain and ordinary meaning. *See id.*; Pet., 5. While the parties proposed constructions for certain claim terms of other patents involved in the district court case, none of those terms are recited in claims of the '450 Patent. *Id.* Patent Owner's assertion that "Petitioner identified multiple terms, including terms from the '127 patent [sic], that it asserts require construction," is not relevant to the '450 Patent. POPR, 25. The district court's recent claim construction order confirms that no terms were construed from the '450 Patent. *See* APPLE-1116.

As no inconsistency exists between Petitioner's claim construction positions in the IPR and district court, Petitioner respectfully submits that institution denial on this basis would be inappropriate.<sup>1</sup> *Samsung Elecs. Co., Ltd. v. Wilus Institute of*

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<sup>1</sup> 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

*Standards & Tech. Inc.*, IPR2025-01069, Paper 16 at 7 (Dec. 10, 2025) (“the record does not show inconsistent claim construction positions that warrant denial under PTAB precedent”); *Revvo Technologies, Inc. v. Cerebrum Sensor Technologies, Inc.*, IPR2025-00632, Paper 36 at 4 (PTAB Jan. 26, 2026) (precedential).

Respectfully submitted,

Dated: February 3, 2026

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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-1116 were provided by email to the Patent Owner by serving the correspondence email address of record as follows:

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