

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

IPR2025-0105  
U.S. Patent No. 11,991,600

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**PATENT OWNER'S AUTHORIZED PRELIMINARY SUR-REPLY**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
*Submitted Electronically via PTAB E2E*

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**TABLE OF AUTHORITIES**

**Cases**

*W.L. Gore & Assocs. v. Garlock, Inc.*,  
842 F.2d 1275 (Fed. Cir. 1988)..... 1

## TABLE OF EXHIBITS

<b>Exhibit</b>	<b>Description</b>
Ex. 2030	Jan. 26, 2026 Email from Anna Schmit, District Court Law Clerk

**A. Introduction**

Apple continues to mischaracterize the record and its own actions regarding claim construction. Apple now asserts that any problems are mooted by the District Court’s *Markman* ruling. (Reply at 1, 4.) Both those assertions are false.

Apple knew Patent Owner’s proposed constructions, as well as its own, well in advance of its Petition filing, and still: (1) offered different constructions of key terms before the District Court and the Board (*see* Exs. 2022, 2023); and (2) chose to remain silent even during the entire briefing process. Apple’s approach violates the most basic principles of patent law and of simple fairness. *W.L. Gore & Assocs. v. Garlock, Inc.*, 842 F.2d 1275, 1279 (Fed. Cir. 1988).

**B. “bearer”**

It makes zero difference that Apple was not the party that originally asked to construe “bearer.” (Reply at 1-2.) Apple proposed its own construction of the term, and only withdrew that *after* the district court issued its preliminary ruling and *after* argument at the Markman hearing. Even then, the ruling may well be temporary, given that at least one other term will be further addressed. (Ex. 2030, Jan. 26, 2026 Email from Anna Schmit, District Court Law Clerk.)

**C. “wherein . . . when”**

Apple asserts that no “wherein . . . when” terms are recited in the ’600 patent. (Reply at 1.) That assertion is wrong. Claim 6 of the ’600 patent recites “*wherein*

the response is correlated with a status of the receiving mobile phone *when* the receiving mobile phone is associated with a subscriber of the PSMS.” (Ex. 1001 at claim 6, emphasis added.) This term is still live for construction and will be addressed further at the summary judgment stage. (Ex. 2030, Jan. 26, 2026 Email from Anna Schmit, District Court Law Clerk.)

**D. “cellular core network”**

Apple now finally offers to drop its challenge to any of the claims that recite the term “cellular core network” after fighting for months to obtain its preferred construction. (Reply at 4.) This alleviates one problem, but leaves others as set forth in this sur-reply. Just as important, Apple’s continued lack of accuracy in its statements is generally problematic (e.g., it never sought “plain and ordinary” meaning at the District Court), and its ability to advance further constructions at the District Court renders all claim elements at risk for inconsistent rulings.

**E. Denial Is Appropriate for the Same Reasons IPR Nos. 2025-1486, -1488, and -1493 Were Denied**

Apple’s attempt to distance these Petitions from the three related petitions the Director recently denied is unavailing. The Director denied IPR2025-1493 because, among other reasons, “intrinsically similar issues, where the involved patents are in the same family, will be addressed by the district court.” (IPR20025-1488, Paper 15 at 1 fn. 2 (Feb. 18, 2026).) The same is true here, and for the exact same reasons, the Petition should be denied.

Respectfully submitted,

Dated: March 3, 2026

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2026, I caused a true and correct copy of **PATENT OWNER'S AUTHORIZED PRELIMINARY SUR-REPLY** to be served via electronic mail on the following counsel for Petitioner:

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