

**From:** [Director Discretionary Decision](#)  
**To:** [Karl Renner](#); [Director Discretionary Decision](#); [Director DI](#)  
**Cc:** [Timothy Devlin](#); [Neil Benchell](#); [DLF- Lit Paras](#); [IPR50095-0262IP1](#); [IPR50095-0263IP1](#); [IPR50095-0265IP1](#); [IPR50095-0266IP1](#)  
**Subject:** RE: Request for Replies in IPR2026-00104, -00105, -00107, and -00109  
**Date:** Tuesday, February 24, 2026 10:50:36 AM

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Petitioner is authorized to file a 4-page reply in IPR2026-00104, -00105, -00107, and -00109, due no later than 1 pm (ET) on Friday, February 27, 2026, limited to addressing the matters raised below. Patent Owner is authorized to file a 2-page sur-reply, due no later than 1 pm (ET) on Tuesday March 3, 2026.

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**From:** Karl Renner <renner@fr.com>  
**Sent:** Monday, February 23, 2026 3:22 PM  
**To:** Director\_Discretionary\_Decision <Director\_Discretionary\_Decision@uspto.gov>; Director\_DI <Director\_DI@uspto.gov>; Trials <Trials@USPTO.GOV>  
**Cc:** Timothy Devlin <tdevlin@devlinlawfirm.com>; Neil Benchell <nbenchell@devlinlawfirm.com>; DLF- Lit Paras <dlflitparas@devlinlawfirm.com>; IPR50095-0262IP1 <IPR50095-0262IP1@fr.com>; IPR50095-0263IP1 <IPR50095-0263IP1@fr.com>; IPR50095-0265IP1 <IPR50095-0265IP1@fr.com>; IPR50095-0266IP1 <IPR50095-0266IP1@fr.com>; Karl Renner <renner@fr.com>  
**Subject:** Request for Replies in IPR2026-00104, -00105, -00107, and -00109

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Honorable Director and Board,

Petitioner respectfully requests authorization to file 6-page replies in each of IPR2026-00104, -00105, -00107, and -00109 addressing discretionary arguments and related claim construction issues raised in the POPRs in each proceeding. The parties have conferred and Patent Owner does **not oppose** Petitioner's request so long as Patent Owner is authorized 3-page sur-replies. Petitioner does **not oppose** Patent Owner's request for sur-replies.

Good cause exists for the requested replies, as the POPRs each raise new evidence and arguments directed to allegations of inconsistent claim construction positions, including evidence that was not available when Patent Owner submitted its Motions for Discretionary denial. *See, e.g., Apple, Inc. v. HBCU Messaging US LP*, IPR2026-00104, Paper 9 at 8-10, 37-39 (POPR citing newly filed exhibits 2023-2029 in support of contentions that "Petitioner's inconsistent positions on claim construction risk inconsistent rulings even on the very same prior art asserted in the Petition" and "at the PTAB Petitioner conceals...the more basic fact that any terms were in dispute at all"). These arguments relate to discretionary issues under *Revvo Technologies, Inc. v. Cerebrum Sensor Technologies, Inc.*, IPR2025-00632, Paper 20 (Nov. 3, 2025) (precedential).

While Petitioner was afforded an opportunity to oppose Patent Owner's Motions for Discretion, its Oppositions to those Motions were limited to addressing evidence and arguments advanced by Patent Owner in its Discretionary Denial Motions. As such, Petitioner has not been afforded an opportunity to address *Revvo*-related evidence and arguments presented by Patent Owner in its POPRs. The requested replies would offer Petitioner an opportunity to respond to *Revvo*-related evidence and arguments included within the POPRs, and thus, to address the full complement of discretionary arguments presented by Patent Owner. In this way, the requested replies are necessary to avoid prejudice to Petitioner that would otherwise in the absence of the same.

If authorized, Petitioner requests 5 business days from the authorization to file its replies. Petitioner would not oppose an equal amount of time for Patent Owner to file its sur-replies.

Should the Director or Board desire a teleconference to discuss further, Petitioner and Patent Owner can provide their mutual availability.

Regards,

W. Karl Renner  
Counsel for Petitioner Apple Inc.

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