

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

APPLE INC.,
Appellant

v.

SMART MOBILE TECHNOLOGIES LLC,
Appellee

2025-1090

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2022-
01223.

Decided: August 27, 2026

ANGELA M. OLIVER, Haynes and Boone, LLP, Washing-
ton, DC argued for appellant. Also represented by ANDREW
S. EHMKE, DEBRA JANECE MCCOMAS, Dallas, TX; ADAM
CARL FOWLES, Plano, TX; LAURA VU, San Francisco, CA.

PHILIP GRAVES, Graves & Shaw LLP, Los Angeles, CA,
for appellee. Also represented by GREER N. SHAW.

Before REYNA, HUGHES, and STARK, *Circuit Judges*.

STARK, *Circuit Judge*.

Apple, Inc. (“Apple”) appeals from a final written decision of the Patent Trial and Appeal Board (“Board”), rejecting Apple’s arguments that claims 1-3 and 5 of Smart Mobile Technology LLC’s (“Smart Mobile’s”) U.S. Patent No. 9,319,075 (the “’075 patent”) are unpatentable as obvious. We affirm.

I

Smart Mobile owns the ’075 patent, entitled “Wireless Devices with Transmission Control and Multiple Internet Protocol (IP) Based Paths of Communication.” J.A. 48. The ’075 patent is part of a family of patents whose members claim priority to a 1999 application¹ and share a common specification. Two of the members of the family are U.S. Patent Nos. 8,842,653 (the “’653 patent”) and 9,019,946 (the “’946 patent”), which are the subject of a related appeal. *See Apple Inc. v. Smart Mobile Techs. LLC*, No. 24-1607 (Fed. Cir. Aug. 27, 2026). We have today issued an opinion in the related appeal involving the ’653 and ’946 patents. We incorporate by reference the discussion of the pertinent technology from that opinion. *See id.* slip op. at 1-5.

Claim 1 of the ’075 patent is the only independent claim at issue here. It recites:

[1.pre] An IP-enabled communication device for *multiplexing signals* comprising:

[1a] a plurality of wireless communication units, wherein the device supports a plurality of transmit and receive frequencies and a plurality of wireless protocols;

¹ Application No. 09/281,739, filed on June 4, 1999, now U.S. Patent No. 6,169,789. J.A. 48

[1b] wherein a first wireless communication unit is coupled to a first set of antennas configured to transmit and receive on a first network and wherein a second wireless communication unit is coupled to a second set of antennas and configured to transmit and receive on a second network;

[1c] wherein the at least one wireless communication unit is configured for radio frequency communication;

[1d] wherein the first wireless communication unit is configured to operate at a lower frequency than the second wireless communication unit such that the first and second wireless communication units operate as complementary systems and reduce interference with each other; and

[1e] wherein the first wireless transmit and receive unit operates on the first network path to a remote server and the second wireless transmit and receive unit communicates to the remote server on the second network path in response to a change in the signal strength and/or connectivity of the first wireless communication unit or second wireless communication unit; and

[1f] wherein video or audio can be accessed simultaneously with performance optimized for each through dedicated or multiplexed paths; and

[1g] further in communication with the remote server, wherein the mobile device is configured to receive multiple IP data packets on a plurality of ports at substantially the same time and send multiple data

packets to the server, to allow multiple simultaneous communication paths over connections made between the device and the server;

[1h] wherein the mobile device is configured to receive multiple IP data packets on a plurality of ports at substantially the same time and send multiple data packets to the server, to allow multiple simultaneous communication paths over connections between the device and the server.

J.A. 60 ('075 pat. at 12:2-38 (emphasis and bracketed numerals added)).

In 2021, Smart Mobile sued Apple in the Western District of Texas, alleging infringement of 13 patents, including the '075 patent. In August 2023, prior to claim construction, the district court transferred the case against Apple to the Central District of California.² Apple then petitioned for IPR of claims 1-3 and 5 of the '075 patent. The Board initially denied institution but subsequently granted Apple's motion for a rehearing, following which it instituted and directed the parties to include in their briefing a construction for the multiplexing term appearing in the preamble of claim 1.

After full briefing and an oral hearing, the Board issued its final written decision. It construed the one disputed claim term, "multiplexing signals," to mean "combining multiple signal streams into one," which was

² Samsung Electronics Co., Ltd. ("Samsung") was a defendant in the district court litigation and a joint petitioner in the IPRs. Samsung has not appealed from the judgment entered by the Board in the IPR. The litigation against Apple in the Central District of California is stayed pending resolution of this and the related IPRs.

Smart Mobile’s proposed construction. J.A. 16. The Board rejected Apple’s broader construction, which would have encompassed “switching,” whereby multiple signals travel sequentially on the same path but are not necessarily combined prior to being simultaneously transmitted on the same path. The Board then applied its construction to Apple’s proposed combination of prior art references – Yegoshin³ and Bernard⁴ – and found Apple had not proven that either of them, alone or in combination, disclosed the “multiplexing signals” limitation of the challenged claims of the ’075 patent. The Board entered judgment for Smart Mobile.

Apple timely appealed. We have jurisdiction under 28 U.S.C. § 1295(a)(4)(A).

II

We review the Board’s ultimate claim construction de novo and its subsidiary factual findings regarding extrinsic evidence for substantial evidence. *See Personalized Media*

³ U.S. Patent No. 6,711,146, Yegoshin, discloses “a cellular phone 9 enhanced with additional communication ports and software,” to allow for communication over both cellular networks and local area networks (i.e., WLAN networks). J.A. 850 (Yegoshin at 4:63-65).

⁴ U.S. Patent No. 5,497,339, Bernard, describes a cradle (i.e., an external workstation) for a Personal Digital Assistant (PDA). The cradle allows the PDA to communicate on multiple different networks. *See* J.A. 899 (Bernard at 1:54-57). Figure 10 of Bernard – which shows the so-called second embodiment relevant to this appeal – shows the PDA and cradle being connected by a single interface, serial interface 701, which allows the PDA to communicate with several networks.

Commc'ns, LLC v. Apple Inc., 952 F.3d 1336, 1339 (Fed. Cir. 2020). What the prior art discloses is a question of fact reviewed for substantial evidence. *Apple Inc. v. Samsung Elecs. Co.*, 839 F.3d 1034, 1051 (Fed. Cir. 2016) (en banc).

III

Today's opinion in related Appeal No. 24-1607 affirms the Board's construction of "multiplexing signals," which is the same construction the Board adopted in the '075 IPR that is the subject of this appeal. The parties' arguments, the intrinsic and extrinsic evidence, and the Board's analysis do not materially differ between the two IPRs.⁵ Thus, we incorporate here our analysis from today's opinion in Appeal No. 24-1607. For the same reasons given there, we construe "multiplexing signals" in the '075 patent to mean "combining multiple signal streams into one."

Our opinion in Appeal No. 24-1607 also affirmed the Board's finding that neither Yegoshin nor Bernard discloses "multiplexing signals" under the Board's construction of that term. *See Apple Inc. v. Smart Mobile Techs. LLC*, No. 24-1607 (Fed. Cir. Aug. 27, 2026) slip op. at 16.

⁵ There is a slight difference in the claim language: claim 1 of the '075 patent expressly distinguishes between "multiplexing *signals*," which appears in the preamble (and is the term in dispute), and "multiplexed *paths*," in limitation [1f] (emphasis added). The claims of the '653 and '946 patents do not expressly include this distinction (although the common specification does). To the extent Apple has placed emphasis on multiplexing relating to paths rather than to signals, the '075 patent's explicit distinction between the two – and the fact that the claim term in dispute is "multiplexing *signals*" (emphasis added) – undermines even further Apple's *paths*-related arguments.

We incorporate this analysis as well and find substantial evidence supports the Board's consistent finding here.

We recognize that Apple made additional arguments in the '075 IPR that it did not make in the IPRs involving the '653 and '946 patents. We also acknowledge that the Board's construction of "multiplexing signals" in the '653 and '946 IPRs was implicit, whereas here the Board expressly adopted a construction. These differences do not impact our analysis in Appeal No. 24-1607, nor is its outcome based, in any way, on these differences. We have considered Apple's additional arguments and they do not alter our conclusions that the Board's construction is correct and substantial evidence supports the Board's application of that construction to the prior art.

IV

We have considered Apple's remaining arguments and find them unpersuasive. Accordingly, for the reasons given above (and those in Appeal No. 24-1607), we affirm the Board's judgement that Apple failed to prove claims 1-3 and 5 of the '075 patent are unpatentable.

AFFIRMED