

2024-1360, 2024-1361

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

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**CLANTECH, INC., MODERN FONT APPLICATIONS LLC**

*Appellants,*

v.

**COSTAR REALTY INFORMATION, INC.,  
DUOLINGO, INC.,**

*Appellees.*

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*Appeals from the United States Patent and Trademark Office, Patent Trial and  
Appeal Board in Nos. IPR2022-00799 and IPR2022-00800*

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**APPELLANTS COMBINED PETITION FOR PANEL REHEARING  
AND REHEARING EN BANC**

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January 12, 2026

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## **Certificate of Interest for Modern Font Applications LLC**

Counsel for Movant Modern Font Applications LLC certifies the following:

1. The full name of every Party represented by me is:
  - Modern Font Applications LLC
2. The name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is:
  - Modern Font Applications LLC
3. Parent corporations and publicly held companies that own 10% or more of stock in the party:
  - None
4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (and who have not or will not enter an appearance in this case) are:
  - Perry S. Clegg of Johnson & Martin, P.A.
5. The title and number of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. *See* Fed. Cir. R. 47.4(a)(5) and 47.5(b).
  - *Duolingo, Inc. v. Modern Font Applications LLC*, no. 3:21-cv-06132-VC, United States District Court for the Northern District of California; *CoStar Realty Information, Inc. v. Modern Font Applications LLC*, no. 3:21-cv-07521-VC, United States District Court for the Northern District of California.

6. Any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

- None.

Dated: January 12, 2026

/s/ Andrew T. Oliver

Andrew T. Oliver

*Attorney for Movant*

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|                 |  |
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| '093 Patent     | U.S. Patent No. 9,892,093 (Appx139-157)                      |
| '421 Patent     | U.S. Patent No. 9,886,421 (Appx120-138)                      |
| Adamson         | Inventor Robert Adamson III                                  |
| APA             | Administrative Procedure Act                                 |
| Board           | Patent Trial and Appeal Board                                |
| Clantech        | Appellant Clantech, Inc.                                     |
| Costar          | Appellees Costar Realty Information, Inc. and Duolingo, Inc. |
| IPR             | inter partes review  |
| MFA             | Intervenor Modern Font Applications LLC                      |
| Patent Owner    | Clantech   |
| IPR Petitioners | Costar and Duolingo  |
| POSITA          | person of <u>ordinary skill in the art</u>                   |

### Federal Circuit Rule 40(c) Statement of Counsel

Based on my professional judgment, I believe the panel decision is contrary to the following decision(s) of the Supreme Court of the United States or the precedent(s) of this court:

- (1) Precedents stating that a claim term has the same meaning throughout a single patent claims, including:

*Baldwin Graphic Sys., Inc. v. Siebert, Inc.*, 512 F.3d 1338, 1342 (Fed. Cir. 2008) (discussing “subsequent use of definite articles ‘the’ or ‘said’ in a claim to refer back to the same claim term”);

*Intamin, Ltd. v. Magnetar Techs., Corp.*, 483 F.3d 1328, 1333 (Fed. Cir. 2007) (“The use of the word ‘said’ in a claim refers to an earlier use of the term in the claim.”);

- (2) Precedents requiring that the Board comply with the Administrative Procedure Act in *inter partes* reviews, by timely informing the patent owner of the matters of fact and law asserted, including:

*EmeraChem Holdings, LLC v. Volkswagen Group of Am., Inc.*, 859 F.3d 1341, 1351-1352 (Fed. Cir. 2017) (holding that, under the A.P.A., the institution decision must put the parties on notice of the specific grounds and reversing the Board’s use of a different combination than was set forth in the institution decision);

*M & K Holdings, Inc. v. Samsung Elecs. Co.*, 985 F.3d 1376, 1385 (Fed. Cir. 2021) (finding error where “The Board deprived [patent owner] of [the opportunity to challenge a ground] by not listing the ground in the institution decision”);

*Belden Inc. v. BerkTek LLC*, 805 F.3d 1064, 1080 (Fed. Cir. 2015) (“A patent owner [] is undoubtedly entitled to notice of and a fair opportunity to meet the grounds of rejection... Section 554(b)(3) has been applied to mean that ‘an agency may not change theories in midstream without giving respondents reasonable notice of the change’ and ‘the opportunity to present argument under the new theory.’”).

*SAS Inst. v. Iancu*, 584 U.S. 357, 361, 365 (2018) (“[T]he petition must identify ...the grounds for the challenge...”. The Board cannot stray: “Nothing suggests the Director enjoys a license to depart from the petition and institute a different [IPR] of [her] own design.”).

*Koninklijke Philips v. Google*, 948 F.3d 1330, 1335 (Fed. Cir. 2020) (“[T]he Board erred by instituting [IPR] based on a combination of prior art references not advanced in [the] petition.”).

- (3) Precedent requiring that the Board evaluate evidence of inventor corroboration under the rule of reason, and not extend the requirement of corroboration beyond reasonable bounds, including:

*Price v. Symsek*, 988 F.2d 1187, 1195 (Fed. Cir. 1993) (concluding that “the board extended the requirement of corroboration beyond reasonable bounds”).

*Sandt Tech. v. Resco Metal & Plastics*, 264 F.3d 1344, 1351 (Fed. Cir. 2001) (“Circumstantial evidence about the inventive process, alone, may [] corroborate.”).

Dated: January 12, 2026

/s/ Andrew T. Oliver  
Andrew T. Oliver  
*Attorney for Appellant*  
*Modern Font Applications LLC*

## Introduction

This appeal is from decisions of the Patent Trial and Appeal Board (“Board”) in two related *inter partes reviews*, in which the Board erroneously found that all claims of two related patents are invalid as obvious over the prior art. The panel in this appeal affirmed the decision without opinion. Without the guidance of an opinion, Appellants note that there is no legally permissible path by which the panel could have affirmed without committing reversible error.

Two primary issues are raised in this petition.

First, Appellants note that the Board and panel rulings conflict with precedents of this court that state that a claim element (or term) in a single patent claim has the same meaning throughout the claim. The claims of one of the invalidated patents, U.S. Pat. No. 9,886,421 (the “421 patent”), encompass elements including “font package”, “font file”, and “formatting information” that are used multiple times in various claims. Under existing precedent, these elements have the same meaning throughout the claims. For example, the “formatting information” will be the same “formatting information” throughout a reading (and application) of the claim. However, the prior art discloses that the “formatting information” changes such that when applied to the claim, it is not the same “formatting information” throughout the claim. In fact, the prior art specifically teaches that the formatting information must be converted and cannot

be the same formatting information throughout the claimed methods and systems. The prior art's changing formatting information cannot render obvious the claimed formatting information that must stay the same. The panel's decision conflicts with this Court's precedent in at least the *Baldwin* and *Intamin* decisions by affirming an obviousness finding in this case.

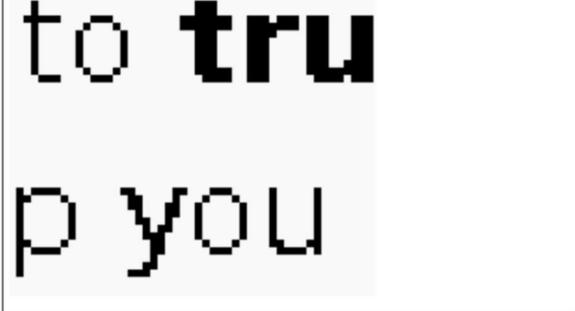
The second issue relates to a violation of the Administrative Procedure Act ("A.P.A.") and the Patent Statute, coupled with ignoring evidence in a manner that violates multiple precedents of this Court. In particular, the Board instituted the *inter partes* reviews, stating that all grounds being considered would include the Schaeffer prior art, because Schaeffer was needed to render obvious at least one element of the claims. One of the patent owner's primary bases for attacking the obviousness combination was through presenting evidence that the inventor conceived of the invention prior to Schaeffer's prior art date. After the Patent Owner could not submit any further evidence, the Board changed the instituted grounds and invalidated the patent claims in both patents based on prior art combinations that did not include Schaeffer, a violation of the A.P.A., the Patent Statute, and relevant precedent of this Court, including the *EmeraChem*, *M & K Holdings*, *Belden*, and *Koninklijke Philips* decisions, and the Supreme Court, including the *SAS Inst.* decision. The panel affirmed this decision.

The Board continued its error by making findings about the facts that violate the A.P.A. and relevant precedent, including *Price* and *Sandt Tech*. The Board held that the inventor had not conceived of the invention with respect to “handheld” devices, even though the inventor’s conception evidence included a document stating that development of the software for “Palm Pilot” was a priority, and both sides’ experts confirmed that Palm Pilot was a handheld device at the time of conception. The Board further erred by requiring a level of inventor corroboration heretofore unseen in patent jurisprudence; the panel erred by affirming this.

## **I. The Panel Erred Regarding The Obviousness Determination**

### **A. Factual Background**

The claims of the ‘421 patent are directed to systems and methods relate to the use of non-standard fonts for displaying Internet documents, such as webpages or text in mobile applications. While this technology may seem obvious today (e.g., in 2026, most webpages and mobile applications seamlessly display text in non-standard fonts), when the technology was invented in 2001, it was not a straight-forward proposition. In 2001, a person viewing a website on a personal computer would often see the website rendered in only standard fonts, or in a poor representation of a font, as provided by the prior art, see below (left):

|   |  |
|---|--|
|  |  |
| <p>Actual rendering using teachings of the applied prior art.</p>                 | <p>Rendering in accord with '421 patent inventions.</p>                            |

Opening Brf. p. 16.

The prior art's text degradation occurred because the prior art taught to convert the font formatting information during the process (losing some information) and to render the font using proprietary software or re-convert the font formatting information for rendering by the computer (losing additional information). The end result was rougher text that was unacceptable; a commercial product based on the prior art failed.

The invention of the '421 patent changed this by using the same font file and formatting information throughout the process and inventing methods and systems for doing so. The '421 patent invention allowed a viewer to view an accurate representation of text (right-side image in table above) in any font, especially non-standard fonts. This was accomplished by using the same font package, font formatting information, and font file throughout the process. The image below, from the inventor's first reduction to practice in 2001, may seem simplistic by

today’s standards, but in early 2001, the ability to accurately render an Internet document with one (or multiple) non-standard fonts on any computer was groundbreaking:



Opening Brf. p. 18.

**B. The Relevant Claim Language**

The ‘421 patent claims require use of a single, unchanged “font package” with “formatting information” “necessary” for the “operating system” to render the font. Independent claim 11 requires,

“a font package comprising computer readable formatting information necessary for an operating system of the hand-held device to render

the [character(s)].”

Opening Brf. p. 74. The same font package with the same formatting information is referenced later in claim 11: “installing or exposing the font package to the hand-held device...”; “install at least a portion of the font package...so that a program module of the hand-held device can render the [character(s)]...” *Id.* (emphasis added).

The other independent claims are very similar. Opening Brf. pp. 74-75.

As can be seen, the same font package, font files, and formatting information is used throughout the claimed systems and methods, and is used with the operating system.

### **C. The Prior Art**

The prior art does not use the same font package, font files, or formatting information throughout the claims. It explains that “send[ing] a copy of [] fonts...has many problems” and “would present legal problems.” Opening Brf. p. 78. Thus, rather than sending standard font formats, the prior art uses a “character shape recorder (‘CSR’)...to produce a new font description...” called a “PFR.” *Id.* The prior art does not use a standard font format, but rather its’ “PFR fonts and [standard] fonts describe their inner and outer contours in opposite directions” and have further differences. *Id.* Thus, it is plain from the face of the prior art that the prior art’s proprietary font formats do not include standard formatting information.

The prior art provides two different methods to render these proprietary fonts: (1) a proprietary “Character Shape Player will be used to render the PFR fonts” or (2) the prior art’s “InstallPfrs function...convert[s] the PRF’s font descriptions into a form which the operating system can use...” *Id.* at 78-79.

**D. The Board’s Error**

The Board acknowledged the conversion of the file and formatting information, but erred in failing to recognize that the conversion of formatting information conflicts with the claim language. The claim language requires that the “font package” and “formatting information” be the same throughout, as required by precedent. *See, e.g., Creative Internet Advert. Corp. v. Yahoo!, Inc.*, 476 F. App’x 724, 728-719 (Fed. Cir. 2011) (the claim at issue “does not cover a system that only receives a message, inserts a background reference into a different message, and then transmits a third message.”); *accord Infernal Tech., LLC v. Activision Blizzard Inc.*, No. 2021-2349, 2023 U.S. App. LEXIS 1711, at \*5 (Fed. Cir. Jan. 24, 2023) (“[T]he term ‘said observer data’ recited in steps 1(c) and 1(d) must refer back to the ‘observer data’ recited in step 1(a)—i.e., the ‘observer data’ in step 1(a) is the same ‘observer data’ in steps 1(c) and 1(d).”).

The Board erroneously concluded, “These disclosures in [the prior art] indicated that the PFR sent by the server is the same PFR that is loaded into the

PfrCache in the browser, and then installed on the operating system.” Opening Brf. p. 80.

It is not.

The prior art explicitly states that it converts the contents, namely the “formatting information”, after the font package is received by the computer and before it can be used by the operating system. The prior art states, “[T]he InstallPfrs...process involves converting the PFR’s font descriptions into a form which the operating system can use.” Opening Brf. pp. 81-82. As noted above, however, ‘421 patent claim 11 required, “a font package comprising computer readable formatting information necessary for an operating system of the hand-held device to render the [character(s)].” Opening Brf. p. 74 (emphasis added).

The ’421 patent requires an unchanged “font package,” “formatting information,” and “font files” throughout the process. To the contrary, the prior art requires converting the formatting information. It was error for the Board to find that the prior art disclosure rendered the claims obvious.

**E. The Panel’s Error**

The panel affirmed without opinion. However, there is no legal path by which the panel could have affirmed without committing error. This Court’s precedent, including *Baldwin* and *Intamin*, is clear that a claim term has the same meaning throughout a single patent claim. There is no way to apply the facts

consistently with this Court’s precedent and reach a conclusion that an unaltered element of a claim can be rendered obvious by prior art the requires alteration and teaches that lack of alterations would cause problems.

**II. The Panel Erred By Not Reversing the Board’s Violation of the APA and the Patent Statute Through Ruling on Different Grounds Than Were Instituted and By Failing to Properly Consider the Evidence Against the Instituted Grounds**

**A. Procedural Background**

The IPR Petitioners requested *inter partes reviews* (“IPRs”) of the ‘421 patent and the ‘093 patent based on several grounds. Each of these grounds required three primary prior art references: Collins, Gautier, and Schaefer. Certain grounds required additional references that are not relevant to this request for rehearing.

The Board instituted the IPRs based on the requested combinations and grounds, each of which included Schaefer as a reference. The Board indicated that Schaefer was a required part of the combination, as Schaefer provided disclosure related to at least one element of the challenged claims. (As explained below, the law does not permit the Board to expand beyond the grounds requested in the petition for IPR.)

Patent Owner argued that its patents were not invalid. As one primary argument – to which Patent Owner devoted approximately 2/3 of the permitted

briefing – Patent Owner argued that the inventor conceived the invention as early as February 1, 2001, and then worked diligently to reduce it to practice. This date is before Schaefer’s May 16, 2001 prior art date. Thus, the inventor’s prior conception and diligent work should pre-date Schaefer and, hence, defeat all the prior art combinations that require Schaefer’s disclosure.

When the Board issued its final decision, the Board ruled on grounds that did not include Schaefer, stating, “Collins and Gautier, with or without Schaefer, teach or suggest all of the limitations ...” Opening Brf. p. 29. That is, the Board expanded the grounds to both (a) Collins + Gautier + Schaefer and (b) Collins + Gautier.

**B. Relevant Legal Principles**

Including item (b) (Collins + Gautier) as grounds for obviousness is impermissible; item (a) will be addressed below in Section III. This Court’s precedent, Supreme Court precedent, the Administrative Procedure Act (“APA”), and the patent statute do not permit expanding the grounds in an IPR beyond what was noticed in the Board’s institution decision. The APA requires, “Persons entitled to notice of an agency hearing shall be timely informed of...(3) the matters of fact and law asserted.” 5 U.S.C. §554(b)(3). This is confirmed by *Belden*, 805 F.3d at 1080 (“[APA] requires the PTO to ‘timely inform[]’ a patent owner of ‘the matters of fact and law asserted’ in an [IPR] of its patent...”).

The Supreme Court requires: “[T]he petition must identify ...the grounds for the challenge...” *SAS Inst. v. Iancu*, 584 U.S. 357, 361 (2018). The Board cannot stray: “Nothing suggests the Director enjoys a license to depart from the petition and institute a different [IPR] of [her] own design.” *Id.* at 365; *Koninklijke Philips v. Google*, 948 F.3d 1330, 1335 (Fed. Cir. 2020) (“[T]he Board erred by instituting [IPR] based on a combination of prior art references not advanced in [the] petition.”). Under *EmeraChem* and *M & K Holdings*, the institution decision must put the parties on specific notice of the grounds asserted. *Emerachem*, 859 F.3d at 1351-1352; *M & K Holdings*, 985 F.3d 1376. The *Belden* holding confirms that “an agency may not change theories in midstream without giving respondents reasonable notice of the change’ and ‘the opportunity to present argument under the new theory.’” 805 F.3d at 1080.

The Board’s ruling based on *Collins* and *Gautier* without *Schaefer* should be reversed as impermissible and erroneous. The panel’s affirmation of this ruling was error.

**C. The Board’s Failure to Give Timely Notice Denied Patent Owner the Ability to Make Meaningful Arguments**

By changing the noticed grounds after Patent Owner’s final deadline to submit evidence, the Board denied Patent Owner the ability to meaningfully challenge the grounds on which the Board ruled.

When Patent Owner was given notice by the Board – in the Institution Decision – that all grounds for challenging the claims included Schaefer, Patent Owner decided to put forward evidence that the conception of the claimed inventions pre-dated Schaefer. Patent Owner invested over 9,000 words of the permitted 14,000 word IPR brief in showing that the invention pre-dated the Schaefer reference. Opening Brf. p. 28.

However, if the Board had notified the Patent Owner that it would be considering obviousness based on “Collins and Gautier, with or without Schaefer” as the Board ultimately ruled, Patent Owner would have spent zero words attempting to pre-date Schaefer. And Patent Owner would not have submitted 100 exhibits showing prior conception and diligence, including obtaining 10 declarations in support of prior conception and diligence.

Instead, Patent Owner would have known that it was necessary to argue against either Collins or Gautier to overcome all grounds. As noted in briefing to the panel, Schaefer was critical to the combination because only Schaefer discloses the “system font table” limitation(s) required by the claims. Opening Brf. p. 36. Patent Owner could have developed and set forth this argument during the IPR proceeding, showing that the combination of Collins and Gautier did not disclose the “system font table,” if Patent Owner had been aware that the Board would consider obviousness based on Collins and Gautier without Schaefer.

It was error for the Board to deny Patent Owner the right to respond to the grounds on which the Board ruled, by failing to give Patent Owner timely notice of those grounds. This error runs afoul of 5 U.S.C. §554(b)(3) and the precedent of this Court as set forth in the *EmeraChem Holdings*, *M & K Holdings*, and *Belden* decisions.

**III. If the Panel Affirmed the Finding of Obviousness Including Schaefer, the Panel's Ruling is Erroneous Based on the Board's Errors**

Based on the Rule 36 affirmance, one does not know specifically which grounds the panel affirmed. It is possible that the panel affirmed either or both of the grounds involving (a) Collins + Gautier + Schaefer and (b) Collins + Gautier. Item (b) was addressed above. One might then ask, what if the panel affirmed item (a)? Why doesn't that ruling support the panel's affirmance?

The combination including Schaefer does not support affirmance because the Patent Owner put forward sufficient evidence of prior invention. The Board erred in two respects in considering this evidence. First, the Board erroneously ignored clear evidence of the conception. Second, the Board erroneously applied the *Parus* decision to ignore the evidence.

If the Board had properly considered the evidence rather than committing error by ignoring it, the Board would have reached the decision that the inventor proved conception and reasonable diligence prior to the prior art date of Schaefer,

thereby overcoming the obviousness combination of Collins, Gautier, and Schaefer. The panel's affirmance is erroneous in that it incorporates the Board's error.

**A. The Board Erroneously Failed to Consider the Evidence of Conception**

The Board erred in failing to consider the evidence of record in two primary aspects: (a) the evidence of conception of the invention for use with handheld devices; and (b) the refusal to consider the specific citations of evidence provided by Patent Owner.

**1. Conception of the Invention for Use With Handheld Devices**

The Board erroneously found that Patent Owner's evidence did not show that the inventor conceived of his invention including "hand-held" devices, as was claimed in both the '421 patent and the '093 patent. Opening Brf. p. 57, Reply Brf. 21. The purported absence of "hand-held" devices from the disclosure documents was the only basis for the Board finding that the conception did not pre-date Schaefer. However, this finding by the Board was directly contradicted by the submitted evidence. The inventor testified that he invented the claimed invention. And, as corroboration, in a document pre-dating Schaefer in 2001, the inventor had listed "Support for ... Palm Pilot" as a "Technology Development Priorit[y]." *Id.* p. 59. As both sides' experts confirmed, Palm Pilot was a well-known hand-held device that fit within the invention of the '421 patent and the '093 patent. *Id.* This

plainly corroborates the inventor's testimony that he conceived of the invention being used in hand-held devices. The inventor further stated, multiple times, in an unchallenged pre-Schaefer invention disclosure, that the invention was for "all computers" and "any client computer" on the Internet. *Id.* at p. 58. This further demonstrates that the invention conception contemplated hand-held devices, as both sides' experts identified several hand-held devices that were known as client computers in 2001. *Id.* at p. 59.

The Board's ruling that the inventor's testimony was insufficiently corroborated is error and is in violation of this Court's precedent, including *Price v. Symsek*, which requires: "A 'rule of reason' analysis is applied to determine whether the inventor's prior conception testimony has been corroborated." 988 F.2d 1187, 1195 (Fed. Cir. 1993). As the Court ruled, "'corroboration' is not necessary to establish what a physical exhibit before the board includes. Only the inventor's testimony requires corroboration before it can be considered." *Id.* As the Court stated in *Sandt Tech., Ltd. v. Resco Metal & Plastics Corp.*,

Documentary or physical evidence that is made contemporaneously with the inventive process provides the most reliable proof that the inventor's testimony has been corroborated. [] Because documentary or physical evidence is created at the time of conception or reduction to practice, the risk of litigation-inspired fabrication or exaggeration is eliminated. Circumstantial evidence about the inventive process, alone, may also corroborate.

*Sandt Tech., Ltd. v. Resco Metal & Plastics Corp.*, 264 F.3d 1344, 1350-51 (Fed. Cir. 2001).

Here, the contemporaneous documents (from 2001) state that development for “Palm Pilot” is a priority and that the invention was for “all computers” and “any client computer” on the Internet. Opening Brf. pp. 58-59. This is more than sufficient to corroborate the inventor’s testimony that he conceived of an invention for use with hand-held devices. (Notably, the inventor’s “conception” is not required to include every detail of the final software; that is the role of “reduction to practice.”)

The Board erred in finding that the evidence did not show that the inventor conceived of his invention including “hand-held” devices, as was claimed in both the ‘421 patent and the ‘093 patent. Opening Brf. p. 57, Reply Brf. 21. The Board did not consider the evidence under the rule of reason.

The panel erred by adopting the Board’s ruling. There is no legally permissible path by which the panel could have affirmed without committing reversible error.

#### **IV. Conclusion and Relief Sought**

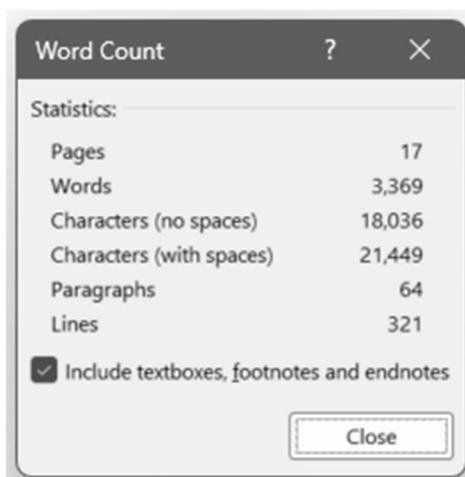
MFA respectfully requests that the panel grant rehearing to provide a written decision, or the En Banc court grant rehearing to ensure the decision is consistent with this Court's precedents.

Dated: January 12, 2026

/s/ Andrew T. Oliver  
Andrew T. Oliver  
*Attorney for Appellant*  
*Modern Font Applications LLC*

### Certificate of Compliance

The undersigned certifies under Fed. R. App. P. 32(g) and Federal Circuit Fed. Cir. R. 40(b)(2)(I) that this brief complies with the type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules and includes 3,369 words as counted automatically by Microsoft Word, which is under the 3,900 word limit under Federal Rule of Appellate Procedure 40(d)(3), exclusive of the Fed. R. App. p. 32(f) and Federal Circuit Rule 32(b) exempted portions of the brief—*i.e.*, cover page, certificate of interest, table of contents, table of citations, statement of counsel, statement of related cases, statement regarding oral argument, signature block, addendum, certificates of counsel, and proof of service:



The brief was prepared in proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font. The undersigned relied on the word count feature of this word processing system as the basis for this certificate as permitted by Fed. R. App. P. 32(g)(1).

Dated: January 12, 2026

/s/ Andrew T. Oliver  
Andrew T. Oliver  
*Attorney for Appellant*  
*Modern Font Applications LLC*

### **Certificate of Service**

I certify that, on January 12, 2026, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Federal Circuit using the CM/ECF System and served on all counsel of record via electronic mail.

Dated: January 12, 2026

/s/ Andrew T. Oliver  
Andrew T. Oliver  
*Attorney for Appellant*  
*Modern Font Applications LLC*

**Addendum**

NOTE: This disposition is nonprecedential.

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

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**CLANTECH, INC., MODERN FONT APPLICATIONS  
LLC,**  
*Appellants*

v.

**COSTAR REALTY INFORMATION, INC.,  
DUOLINGO, INC.,**  
*Appellees*

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2024-1360, 2024-1361

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Appeals from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in Nos. IPR2022-  
00799, IPR2022-00800.

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**JUDGMENT**

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ANDREW TIMOTHY OLIVER, Amin Turocy & Watson,  
LLP, San Jose, CA, argued for all appellants.

INGE A. OSMAN, Latham & Watkins LLP, Washington,  
DC, argued for appellees. Also represented by GABRIEL K.  
BELL, ASHLEY M. FRY.

JAMES C. WATSON, TraskBritt, PC, Salt Lake City, UT,  
for appellant Clantech, Inc.

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THIS CAUSE having been heard and considered, it is  
ORDERED and ADJUDGED:

PER CURIAM (LOURIE, REYNA, and CUNNINGHAM, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

December 11, 2025  
Date



Jarrett B. Perlow  
Clerk of Court