

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

LG ELECTRONICS, INC.,  
Petitioner,

v.

CORE WIRELESS LICENSING S.A.R.L.,  
Patent Owner.

---

Case IPR2015-01985  
Patent 8,713,476 B2

---

Before JAMESON LEE, DAVID C. McKONE, and  
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

LG Electronics, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1, 4–6, 8, 9, 20, 26, 27, and 29 of U.S. Patent No. 8,713,476 B2 (Ex. 1001, “the ’476 patent”). Paper 1 (“Petition” or “Pet.”). Pursuant to 35 U.S.C. § 314(a), we determined that the Petition showed a reasonable likelihood that Petitioner would prevail in establishing

the unpatentability of claims 1, 4–6, 8, 9, 20, 26, 27, and 29, and we instituted an *inter partes* review of these claims on certain asserted grounds of unpatentability. Paper 7 (“Inst. Dec.”). Patent Owner Core Wireless Licensing S.A.R.L. (“Patent Owner”) filed a Patent Owner Response. Paper 22 (“PO Resp.”). Petitioner filed a Reply to Patent Owner’s Response. Paper 24 (“Reply”). An oral hearing was held on December 14, 2016, pursuant to requests by both parties. Paper 40 (“Tr.”); see Papers 28, 32, 33.

We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine Petitioner has not proven by a preponderance of the evidence that claims 1, 4–6, 8, 9, 20, 26, 27, and 29 of the ’476 patent are unpatentable. See 35 U.S.C. § 316(e).

## I. BACKGROUND

### A. RELATED PROCEEDINGS

According to Petitioner and Patent Owner, the ’476 patent is involved in, at least, the following lawsuits: *Core Wireless Licensing S.A.R.L. v. Apple, Inc.*, No. 6:14-cv-00751 (E.D. Tex.), *Core Wireless Licensing S.A.R.L. v. Apple, Inc.*, No. 6:14-cv-00752 (E.D. Tex.), and *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, No. 2:14-cv-00911 (E.D. Tex.). Pet. 1; Paper 5, 2. Petitioner indicates that the cases involving Apple, Inc. are being transferred to the Northern District of California. Pet. 1. The ’020 patent is also the subject of IPR2015-01899. Paper 5, 1. A related patent, U.S. Patent No. 8,434,020, is at issue in IPR2015-01898 and IPR2015-01984. Patent Owner also indicates that pending U.S. Application

No. 10/343,333 is a continuation of the application that issued as the '476 patent. Paper 5, 2.

#### B. THE '476 PATENT

The '476 patent relates to a computing device with an improved user interface for applications. Ex. 1001, 1:23–24. The '476 patent describes a “snap-shot” view of an application that brings together, in one summary window, a limited list of common functions and commonly accessed stored data. *Id.* at 2:37–41. Preferably, where the summary window for a given application shows data or a function of interest, the user can select that data or function directly, which causes the application to open and the user to be presented with a screen in which the data or function of interest is prominent. *Id.* at 2:42–46. The '476 patent explains that this summary window functionality saves the user from navigating to the required application, opening it up, and then navigating within that application to enable the data of interest to be seen or a function of interest to be activated. *Id.* at 2:46–50. Figure 2 of the '476 patent is reproduced below.

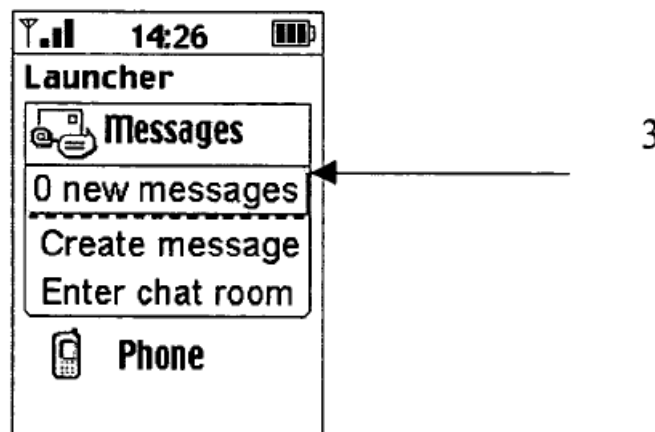


Figure 2

Figure 2 illustrates an implementation of the summary window of the '476 patent. Ex. 1001, 3:42–43.

### C. ILLUSTRATIVE CLAIM

Claim 1, a device claim, and claim 20, a method claim, are the only independent claims of the '476 patent that are challenged here. Claims 4–6, 8, and 9 depend directly from claim 1. Claims 26, 27, and 29 depend directly from claim 20. Claim 1 is illustrative of the subject matter in this proceeding, and is reproduced below (formatting added).

1. A computing device comprising a display screen,  
the computing device being configured to display on the screen a menu listing one or more applications, and  
additionally being configured to display on the screen an application summary that can be reached directly from the menu,  
wherein the application summary displays a limited list of data offered within the one or more applications,  
each of the data in the list being selectable to launch the respective application and enable the selected data to be seen within the respective application, and  
wherein the application summary is displayed while the one or more applications are in an unlaunched state.

*Id.* at 5:59–6:3.

#### D. INSTITUTED GROUND OF UNPATENTABILITY

We instituted an *inter partes* review of the '476 patent on the ground that claims 1, 4–6, 8, 9, 20, 26, 27, and 29 are unpatentable under 35 U.S.C. § 103(a) as obvious over Blanchard (Ex. 1002, U.S. Patent No. 6,415,164 B1, issued July 2, 2002, filed March 17, 1999).

### II. ANALYSIS

#### A. CLAIM CONSTRUCTION

We interpret claims in an unexpired patent using the “broadest reasonable construction in light of the specification of the patent in which [they] appear[.]” 37 C.F.R. § 42.100(b). Under this standard, we presume that a claim term carries its “ordinary and customary meaning,” which “is the meaning that the term would have to a person of ordinary skill in the art in question” at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). The presumption may be overcome by providing a definition of the term in the specification with reasonable clarity, deliberateness, and precision. *See In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). In the absence of such a definition, limitations are not to be read from the specification into the claims. *See In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993). Only those terms which are in controversy need be construed, and only to the extent necessary to resolve the controversy. *See Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

##### 1. “limited list”

Neither party proposes a construction for the phrase “limited list” recited in claims 1, 8, and 20. However, Patent Owner contends that this phrase “requires that fewer than all possible items are shown in the ‘limited

list’[.]” PO Resp. 45. Patent Owner relies on the following testimony of Petitioner’s expert, Dr. Vernon Thomas Rhyne, III, at his first deposition on the related term of “limited list of at least one function” found in the claims of the ’020 patent:

|    |  |    |                                                         |
|----|--|----|---------------------------------------------------------|
| 8  |  | Q. | And what does limited list of at least one              |
| 9  |  |    | function mean to you?                                   |
| 10 |  | A. | Well, I think it means it displays at least             |
| 11 |  |    | one function which if -- where the patent would have to |
| 12 |  |    | have at least two. It would have to have a function     |
| 13 |  |    | that's not shown in the specific list that's identified |
| 14 |  |    | as the application summary window, or what's found in   |
| 15 |  |    | the application summary window.                         |

Ex. 2002, 49:8–15. Dr. Rhyne reiterated this understanding at his second deposition. *See* Ex. 2011, 85:14–22 (“I thought everybody had interpreted the limited list of functions to mean that you wouldn’t have all of the functions that were available in that one window for some application.”).

Petitioner accepts this understanding—that “limited” requires fewer than all—in its Reply. *See* Reply 22–24 (discussing why Blanchard’s application summary window includes fewer than all functions and data).

We agree with the parties that the phrase “limited list” requires that any data or functions shown in the “limited list” are fewer than all the data or functions available in an application. We conclude that this construction is consistent with the language of claims 1, 8, and 20. Moreover, it is consistent with the Specification. *See, e.g.*, Ex. 1001, Abstract (“a limited list of common functions and commonly accessed stored data”); 2:66–3:2 (“Once the summary window is launched, core data/functionality is

displayed . . .”); 3:27–30 (“The App Snapshot for any given application is a window which includes commonly requested data associated with that application and links to common functionality in that application.”); 3:31–35 (“The App Snapshot . . . includes the number of new messages (‘0’) and links to the two most common functions (as defined by the system designer, or selected by the user, or learned by the device) . . .”).

Thus, we construe “limited list” as requiring that any data or functions shown in the “limited list” are fewer than all the data or functions available in an application.

## *2. Remaining Terms*

We determine that no construction is necessary for any other term at this time.

### **B. OBVIOUSNESS OF CLAIMS 1, 4–6, 8, 9, 20, 26, 27, AND 29 OVER BLANCHARD**

The sole instituted ground alleges that claims 1, 4–6, 8, 9, 20, 26, 27, and 29 of the ’476 patent are unpatentable as obvious over Blanchard. Pet. 14–22; Inst. Dec. 7–15.

#### *1. Blanchard (Ex. 1002)*

Blanchard, titled “Arrangement for Dynamic Allocation of Space on a Small Display of a Telephone Terminal,” discloses a telephone terminal configurable for accessing features available on the terminal through an interactive display arrangement. Ex. 1002, 1:11–14. In particular, Blanchard describes a user-interface for a mobile telephone, which is based on a “parent menu,” and has a window with selectable sub-level menu choices for each of the five options in the “parent menu.” *Id.* at 3:54–63.

Figure 3 of Blanchard provides a display screen flow diagram and is reproduced below.

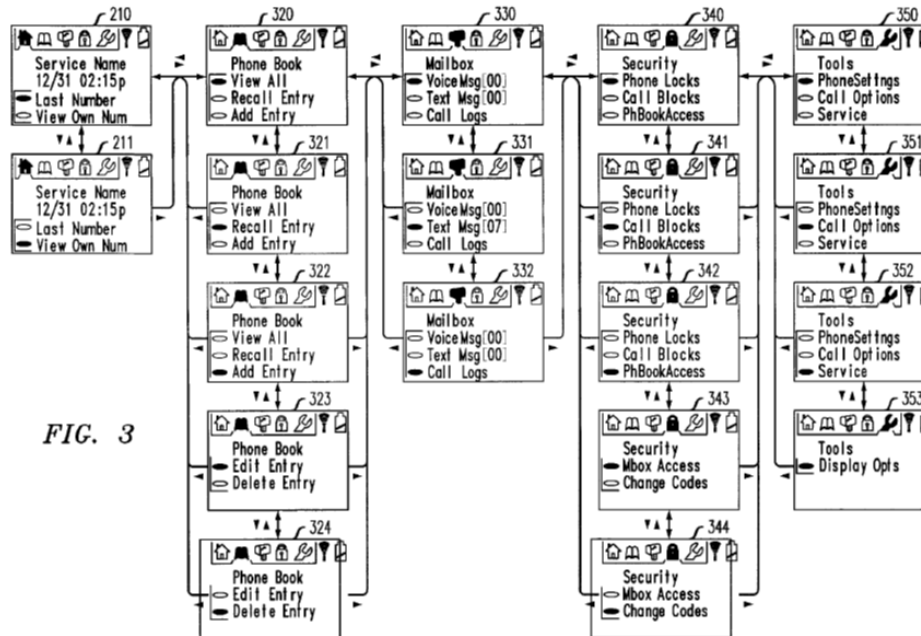


Figure 3 illustrates the various display screens of one embodiment of Blanchard.

The top row of Figure 3 illustrates the top level of the menu in five parent screens 210, 320, 330, 340, and 350. *Id.* at 5:39–41. Each of the five screens corresponds to one of the five options in the “parent menu,” which is the row of icons containing “[t]he Icon Home symbol 213, the Icon Phone Book symbol 214, the Icon Mailbox symbol 215, the Icon Lock symbol 216[,] and the Icon Tools symbol.” *Id.* at 3:54–63. The user presses the “Left” or “Right” arrow keys to cycle through these screens. *Id.* at 5:39–46. In the leftmost screen, which is displayed when the “Home” symbol is selected in the parent menu, the window below that menu provides the name of the cellular service provider, the time and date, and two “selectable menu choices”: “Last Number” and “View Own Number.” *Id.* at 6:47–64.

Similarly, in the middle screen, which is displayed when the “Mailbox” symbol is selected in the parent menu, the window provides three selectable menu choices, which are used to access “voice messages, text messages, and call logs,” respectively. *Id.* at 3:67–4:3. In each screen, “the Up and Down arrow keys 222 and 224 can be used to move the darkened elliptical cursor.” *Id.* at 6:7–15. The darkened elliptical cursor identifies the function in the sub-level menu that will be activated if the user presses “Select.” *Id.* at 6:42–44.

## 2. Analysis

Petitioner identifies Figure 3 of Blanchard as disclosing the “main menu” and “application summary that can be reached directly from the menu,” as recited in claim 1. Pet. 15. For the “menu,” Petitioner relies on “parent menu” of Blanchard, which includes icons for what Petitioner characterizes as “applications.” *Id.* The icons that Petitioner specifically identifies as “applications” include “Home,” “Phone Book,” “Mailbox,” “Security,” and “Tools.” *Id.* As for the “application summary,” Petitioner identifies the “window with selectable sub-level choices” for each application icon in the main menu, e.g., Windows 210, 211 for “Home” and Windows 320–324 for “Phone Book.” *Id.* (citing Ex. 1002, 4:17–34).

Independent claim 1 recites “wherein the application summary displays a limited list of data offered within the one or more applications.” Ex. 1001, 5:63–65. Claim 20 has a similar limitation. *Id.* at 7:13–15. In the Petition, Petitioner submitted that “[e]ach ‘window with selectable sub-level menu choices’ in Blanchard displays a limited list of data offered within the application corresponding to the highlighted main menu icon, and each listed data is selectable to launch the application and enable the selected data to be

seen within the respective application.” Pet. 16. In particular, Petitioner asserts that “when the ‘Mailbox’ icon is highlighted as shown in screen 332 in Figure 3, the application summary for the Mailbox application displays a limited list showing that the user has 0 voice messages and 7 text messages.” *Id.* (citing Ex. 1002, Fig. 3). Petitioner states that “[b]oth the number of voice messages and the number of text messages are data stored in the Mailbox application.” *Id.* (citing Ex. 1004 ¶ 45). Petitioner contends that “[s]electing one of the menu choices in the ‘Mailbox’ window allows the user to ‘access’ either ‘voice messages’ or ‘text messages.’” *Id.* (citing Ex. 1002, 6:15–18, 3:67–4:3, 6:7–15).

Petitioner also argues that “when the ‘Home’ icon highlighted as shown in screen 210 in Figure 4, the application summary . . . displays a limited list with the items ‘Last Number’ and ‘View Own Number.’” *Id.* at 17 (citing Ex. 1002, 6:36–42). Petitioner asserts that “[t]hese items are both selectable to activate (i.e. ‘launch’) the corresponding application and enable the selected data to be seen within the application.” *Id.*

Patent Owner argues, however, that none of this discussion in the Petition identifies or explains how Blanchard discloses a “limited list” of the data available within one or more applications. PO Resp. 44–50. Patent Owner submits, and Petitioner’s expert agreed, that the term “limited list” requires that the data shown in the “limited list” are fewer than all the data available in an application. *Id.* at 45 (quoting Ex. 2002, 49:8–15). Patent Owner asserts that Petitioner has failed to make an adequate showing on this element because there is no evidence of available “data” beyond the sub-menus shown in Figure 3 of Blanchard. *Id.* (Ex. 1004 ¶¶ 43–46). Patent Owner contends that Dr. Rhyne’s declaration contains only conclusory

assertions that this limitation is accounted for by Blanchard, but has no analysis or evidence to support this contention. *Id.* at 45–46. Instead, Patent Owner submits, the weight of the evidence supports a conclusion that Figure 3 of Blanchard does not show a limited list of data and functions, but rather shows all of the selectable options. *Id.* at 47.

We agree with Patent Owner that Petitioner has failed to show that Blanchard accounts for the requirement that the application summary display “a limited list of data offered within the first application.” As we explained above in Section II.A.1, this phrase requires that the list of data displayed in the application summary be fewer than all of the data offered within each respective application. Petitioner provides no explanation or evidence as to why Figure 3 of Blanchard, which Petitioner relies on as disclosing the “application summary,” displays fewer than all of the data offered within each of the applications that comprise the menu. Petitioner’s arguments to the contrary do not persuade us otherwise. To begin with, the Petition and Dr. Rhyne’s declaration only contain conclusory assertions that Blanchard accounts for the “limited list.” *See* Pet. 16–17; Ex. 1002 ¶¶ 45, 46. There is no explanation in either the Petition or Dr. Rhyne’s declaration why the options “0 voice messages and 7 text messages” of the “Mailbox” application are a limited list. *See id.*

Moreover, we fail to see, and Petitioner fails to explain, how the one other set of data Petitioner identifies—the “Home” icon options “Last Number” and “View Own Number”—are “data” that are offered within the home application. They appear to be simply functions and while they could be associated with data — e.g., the phone numbers — the claim requires that the “data” be displayed in the “summary window” not options that can allow

the user to access the “data.” Indeed, Petitioner identifies them as functions, not data, in the related Petition in IPR2015-01984. *See LG Elecs., Inc. v. CORE Wireless Licensing S.A.R.L.*, Case IPR2015-01984, Paper 1, at 16 (“For example, when the ‘Home’ icon that corresponds to the telephone application is highlighted, the functions ‘Last Number’ and ‘View Own Number’ are displayed. (*Id.* at 6:36–42.) Each of the functions in this limited list is selectable to activate (i.e. ‘launch’) the corresponding application and initiate the selected function. For example, ‘pressing the Select key 227 redials the last number previously dialed.’ (*Id.* at 6:40–46).”).

In the Reply, Petitioner offers several theories for why Blanchard accounts for this limitation. Reply 22–24. None of them is persuasive. First, Petitioner argues that “the phone in Blanchard does have data and functions that are not listed in the menus in Fig. 3.” *Id.* at 23. Petitioner contends that Patent Owner’s expert, Mr. Denning, admitted that a person of ordinary skill would have understood that the phone described in Blanchard included the ability to make a call and send a text message. *Id.* (citing Ex. 1016, 15:3–19, 14:4–7, 13:11–15). However, this contention ignores the claim language.

To begin with, the mere ability to do something is not *data*, and Petitioner fails to explain how these additional functions account for other data that are not displayed. In addition, it is not enough that the device offer other data or functions. The claim requires that the “limited list” be of data “offered within the first application.” Petitioner provides no evidence or argument tying the allegedly missing data to any particular application or any particular application summary window. *See id.* The testimony cited of Mr. Scott A. Denning does nothing to remedy this failure. Ex. 1016, 15:3–

19, 14:4–7, 13:11–15. Instead, this testimony, at best, suggests that there may be some *functions*, not *data*, offered by the telephone terminal of Blanchard that are not accessed through the menu shown in Figure 3. Petitioner’s argument simply asks us to speculate about what Blanchard does and where there might be data offered. But speculation cannot carry Petitioner’s burden of proof. *See In re Rijckaert*, 9 F.3d 1531, 1533 n.3 (Fed. Cir. 1993) (Board’s language that limitation was “probably satisfied” by prior art “is speculative and therefore does not establish a prima facie case of unpatentability.”).

Second, in the same discussion, Petitioner also mentions that Figure 4 of Blanchard shows that data about missed calls when the number of missed calls is zero. Reply 23. The “Missed Calls” was not identified or discussed in the Petition, so this appears to be a new argument. Moreover, Petitioner provides no evidence, testimony, or even attorney argument that “Missed Calls” meet any of the other requirements that the claim sets forth for the data that are part of the limited list in application summary. For instance, the claim requires that the data may be “selectable to launch the respective application and enable the selected data to be seen within the respective application,” but Petitioner does not offer any evidence that the “Missed Calls” meets those attributes or even that it would have been obvious to add them. Thus, this new theory about the “Missed Calls” does not persuade us that that Petitioner has shown sufficiently that Blanchard accounts for the “limited list.”

Third, Petitioner argues that several of the applications identified in Figure 3 “have more selectable options than can fit [into] a single summary window.” Reply 23. Petitioner submits that “screen 320 [of Figure 3 of

Blanchard] shows three options in the application summary window for Phone Book, and screen 323 shows two different options.” *Id.* Petitioner contends that “[t]his shows that the ‘limited list’ limitation is satisfied: the two options shown in screen 323 are not displayed in the application summary window shown in screen 320.” *Id.* Petitioner asserts that Patent Owner’s understanding of screens 320 and 323 as a single application summary window requires an “unnatural reading of ‘window.’” *Id.* (citing Ex. 1015 ¶¶ 55–57).

This argument is not helpful to showing that Blanchard discloses a “limited list of data.” Neither the “Phone Book” nor the “Security” options are identified as including any list of data. Thus, this argument fails to persuade us that Blanchard discloses the “limited list of data” recited in claims 1 and 20.

Finally, Petitioner submits that Patent Owner “mischaracterizes Blanchard by asserting that ‘the features of Blanchard’s Fig. 3’ are ‘all of the features of the telephone terminal’ and citing to ‘Blanchard at 3:21–25.’” Reply 24 (quoting PO Resp. 48). Petitioner argues that “Blanchard never states that the menus of Fig. 3 represent ‘all of the features’ of the phone.” *Id.* Petitioner asserts that, instead, “Blanchard expressly describes features of the phone that are not listed in Figure 3, such as making or ending a call.” *Id.* (citing Ex. 1002, 3:39–43). Even if Blanchard does not say that all of the features of the phone are shown in Figure 3 or there are other features available in the telephone terminal, that does not correct the defect recognized above that Petitioner has failed to show that the alleged application summary window shown in Figure 3 represents a “limited list” of data offered within the applications shown in Figure 3.

The conjecture that the telephone terminal may offer other functions does not close this gap in Petitioner’s arguments. As we mentioned above, the availability of additional “functions” does not necessarily establish that there is additional data for display. Moreover, there is nothing to tie these functions and any associated data with any particular application shown in Figure 3. Without any evidence or even attorney explanation to close these gaps, we can only speculate what additional data may be available, what application they are offered within, and whether that application is one of the applications that can be accessed through the main menu shown in Figure 3. However, as we explained, speculation cannot carry the Petitioner’s burden of proof. Thus, we conclude that Petitioner has failed to show that Blanchard accounts for the “limited list” requirement of claims 1 and 20. Because this limitation is present in all of the claims, we find that Petitioner has failed to prove by a preponderance of the evidence that the challenged claims are unpatentable as obvious over Blanchard.

### III. PATENT OWNER’S MOTION TO EXCLUDE

We have reviewed Patent Owner’s Motion to Exclude (Paper 29), Petitioner’s Opposition to the Motion (Paper 34), and Patent Owner’s Reply in Support of the Motion (Paper 36). Patent Owner moves to exclude certain exhibits and testimony from Dr. Rhyne’s Rebuttal Declaration. In particular, Patent Owner seeks to exclude Exhibits 1010–1013 and ¶¶ 13–18 of Dr. Rhyne’s Rebuttal Declaration (Exhibit 1015). Paper 29. We did not rely on either the testimony to which Patent Owner objects or any of the exhibits identified in Patent Owner’s motion. Accordingly, for this reason, we *dismiss* Patent Owner’s Motion to Exclude as *moot*.

#### IV. CONCLUSION

For the reasons given, based on the arguments and evidence of record, Petitioner has not met its burden to prove by a preponderance of the evidence that claims 1, 4–6, 8, 9, 20, 26, 27, and 29 of the '476 patent are unpatentable under 35 U.S.C. § 103(a) over Blanchard. *See* 35 U.S.C. § 316(e).

#### V. ORDER

Accordingly, it is:

ORDERED that claims 1, 4–6, 8, 9, 20, 26, 27, and 29 of the '476 patent *have not been proven unpatentable*;

FURTHER ORDERED that Patent Owner's motion to exclude is *dismissed as moot*; and

FURTHER ORDERED that, because this is a Final Written Decision, any party to the proceeding seeking judicial review of this Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

IPR2015-01985  
Patent 8,713,476 B2

PETITIONER:

Herbert Finn  
Richard Harris  
Ashkon Cyrus  
Eric Maiers  
Kevin Kudlac  
GREENBERG TRAURIG, LLP  
LG-CoreWireless-IPR@  
harriser@gtlaw.com  
cyrusa@gtlaw.com  
maierse@gtlaw.com  
kudlack@gtlaw.com

PATENT OWNER:

Wayne M. Helge  
Walter D. Davis  
Alan A. Wright  
DAVIDSON, BERQUIST, JACKSON & GOWDEY, LLP  
whelge@davidsonberquist.com  
wdavis@davidsonberquist.com  
awright@davidsonberquist.com