

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioner,

v.

LITL LLC,
Patent Owner.

IPR2021-00786
Patent 9,880,715 B2

Before MICHELLE N. ANKENBRAND, GARTH D. BAER, and
BRIAN D. RANGE, *Administrative Patent Judges*.

RANGE, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Lenovo (United States) Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–20 of U.S. Patent No. 9,880,715 B2 (Ex. 1001, “the ’715 patent”). LiTL LLC (“Patent Owner”) filed a Preliminary Response. Paper 5 (“Prelim. Resp.”).

Petitioner identifies Lenovo (United States) Inc. and Lenovo (Beijing) Limited as the real parties in interest, and further notes that Lenovo (United States) Inc. is “an indirect wholly-owned subsidiary of Lenovo Group Limited.” Pet. 2. Patent Owner identifies LiTL LLC as the real party in interest. Paper 4, 1.

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314; 37 C.F.R. § 42.4(a) (2020). The standard for institution is set forth in 35 U.S.C. § 314(a), which provides that *inter partes* review may not be instituted unless “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” As discussed below, we determine that Petitioner does not show a reasonable likelihood of prevailing with respect to any of the challenged claims. Accordingly, we deny institution of an *inter partes* review.

II. BACKGROUND

A. *Related Matters*

The parties identify the following as a related matter: *LiTL LLC v. Lenovo (United States), Inc. and Lenovo (Beijing) Limited*, 1:20-cv-00689-RGA (D. Del.). Pet. 2; Paper 4, 1. Patent Owner also identifies the following as related matters: IPR2021-00681 (challenging U.S. Patent No. 8,289,688, which belongs to the patent family of the ’715 patent); IPR2021-00800

(challenging U.S. Patent No. 10,289,154, which belongs to the patent family of the '715 patent); IPR2021-00821 (challenging U.S. Patent No. 8,612,888, which belongs to the patent family of the '715 patent); and IPR2021-00822 (challenging U.S. Patent No. 8,624,844, which belongs to the patent family of the '715 patent). Paper 4, 2.

B. The '715 Patent (Ex. 1001)

The '715 patent is titled “System and Method for Streamlining User Interaction with Electronic Content.” Ex. 1001, code (54). The challenged claims relate to “a graphical user interface that organizes interface elements into views of computer content for presentation to a user” and “an interface that is responsive to configurations of the device and activities performed by the user.” *Id.*, code (57). The '715 patent explains that increased computing power enables computers to provide more and more features, but the myriad options may frustrate some users. *Id.* at 1:40–2:14. The '715 patent emphasizes the problem of “the inflexibility of the devices being used and their accompanying interfaces,” and a problem generated by “feature packing” whereby “[t]ypical computer users simply can’t take advantage of all the functionality offered. . . . [as t]he complexity of the interface (both hardware and software) hampers adoption [of, e.g., services and features offered by their own computer or by online providers], as does the volume of features offered.” *Id.* at 2:18–33; *see id.* at 15:19–30.

The solution the '715 patent proposes is a graphical user interface that improves the user’s experience and the user’s ability to interact with electronic content, by implementing different views. *Id.* at 2:45–58. For example, the '715 patent explains different views present different

organizations of interface elements based upon device configuration and user activity:

[A]spects and embodiments are directed to a graphical user interface that organizes interface elements into modes of content for presentation to a user. Different views of the modes of content are used to present the user with an interface that is responsive to configurations of the device and responsive to activity being performed by the user. Further the elements that comprise the graphical user interface are configured to present a summarized view of available actions and content, in order to simplify user interaction. The different views present different organizations of the interface elements and in some example display only certain ones of the modes of content in order to reduce the number of options a user must navigate to accomplish an objective.

Id. at 2:35–58.

The '715 patent further explains that its user interface comprises a plurality of views of representations of computer content and explains the views as follows:

The user interface comprises a map based graphical user interface displayed on the computer system, the map based user interface comprising a plurality of views of a plurality of visual representations of computer content, wherein the computer content includes at least one of selectable digital content, selectable computer operations and passive digital content, and the plurality of visual representations of computer content rendered on the computer display, wherein the plurality of visual representations of computer content include an association to a first view of the plurality of views, the first view including the computer content, and wherein the each of the plurality of visual representations is responsive to focus and execution, wherein execution includes clicking on the visual representation, and an execution component comprising at least one computer hardware element configured to transition the computer system display between the plurality of views, wherein the execution component further comprises a view selector component configured to select

one of the plurality of views for display on a computer system in response to a computer system configuration.

Id. at 2:63–3:25.

The computer system of the '715 patent also describes different profiles to customize the graphical user interface in different modes, including: a closed mode (in which the display screen is disposed substantially against the base of the computer); a laptop mode (in which the portable computer has a conventional laptop appearance, achieved by, e.g., rotating the display about the longitudinal axis up to approximately 180 degrees from the closed mode); an easel mode (in which the base of the computer and its display component stand upright forming an inverted “V,” and the keyboard is concealed and not easily accessible); a flat mode (in which the computer’s base component and display component lay flat on a surface); and a frame mode (in which the keyboard is concealed and not easily accessible, and software and/or hardware protection may be provided for the keyboard to prevent keys from being pressed, or to prevent the computer from responding to pressed keys). *Id.* at 6:39–42, 6:49–56, 11:40–42, 24:37–63, 25:40–50.

Figure 17 of the '715 patent, reproduced below, illustrates a portable computer in laptop mode, in which the keyboard is oriented to be accessible to the user. *Id.* at 13:29–32, 21:1–3. Figure 4 of the '715 patent, reproduced below, illustrates the portable computer in easel mode, in which the keyboard is concealed and not easily accessible. *Id.* at 12:57–58, 24:61–62, 26:60–65. And Figure 26 of the '715 patent, reproduced below, illustrates the portable computer configured into frame mode, in which the keyboard is concealed and not easily accessible. *Id.* at 13:55–58, 24:61–62.

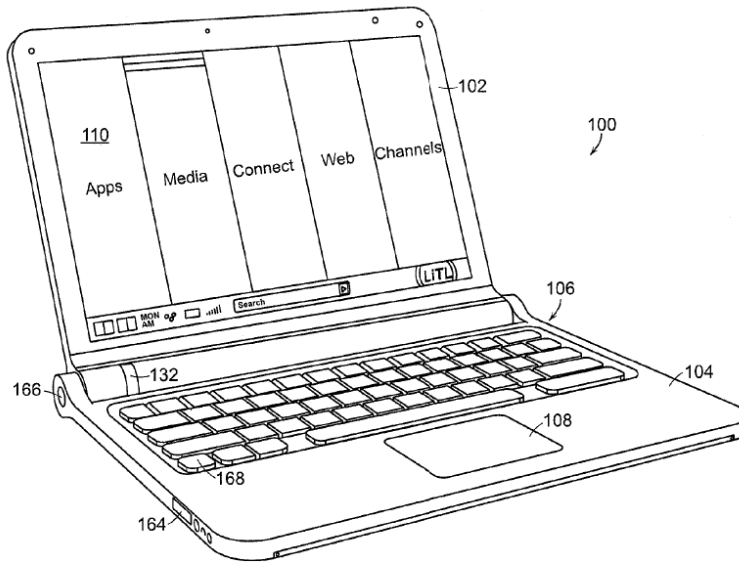


FIG. 17

Figure 17 illustrates a portable computer in laptop mode.
Id. at 13:29–32.

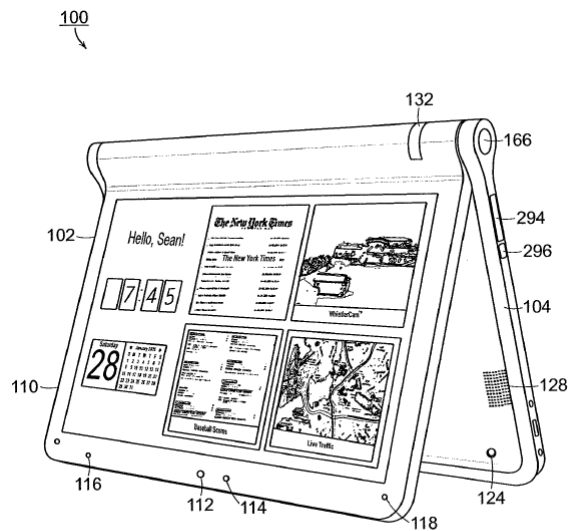


FIG. 4

Figure 4 illustrates a portable computer in easel mode.
Id. at 12:57–58.

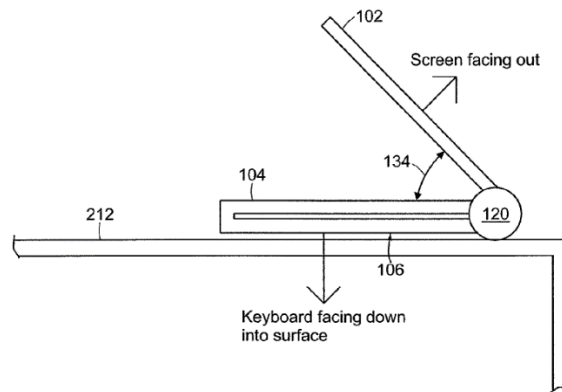


FIG. 26

Figure 26 illustrates a portable computer in frame mode.
Id. at 13:55–58.

The '715 patent's computer assigns different views to the different modes (e.g., the laptop mode, the easel mode, the flat mode, and the frame mode) based on the mode's configuration. *Id.* at 2:45–3:16, 31:18–26. For example, the computer may display a “home view” in laptop mode, and may display a “Channel View” in easel mode as Figure 23 of the '715 patent shows. We reproduce Figure 23 below. *Id.* at 31:18–26.



FIG. 23

Figure 23 is a screen shot of a graphical user interface of the portable computer set in easel mode, displaying a channel view that may also display a plurality of modes of content. *Id.* at 13:47–49, 31:20–26.

As Figure 23 shows, the channel view includes selector display (2302) and visual representations of content or channel cards (2304–2310) available for selection. *Id.* at 31:18–26, 53:63–54:1. The visualization the channel view provides resembles and behaves like a rolodex. *Id.* at 54:7–10. In one example, a user invokes the channel view by operating/moving a physical scroll wheel (e.g., scroll wheel 132 illustrated in Figure 4, reproduced above). *Id.* at 53:60–64. As the user moves the scroll wheel, individual channels 2304–2310 appear to flip around the hinge of the device. *Id.* at 54:10–19. In response to a selection, the foremost channel card displayed is selected and displayed full screen. *Id.*

As further examples, the '715 patent explains that the computer may display a “channel page view” (illustrated in Figure 20A, reproduced below), and a “channel full view” (illustrated in Figure 21, reproduced below).

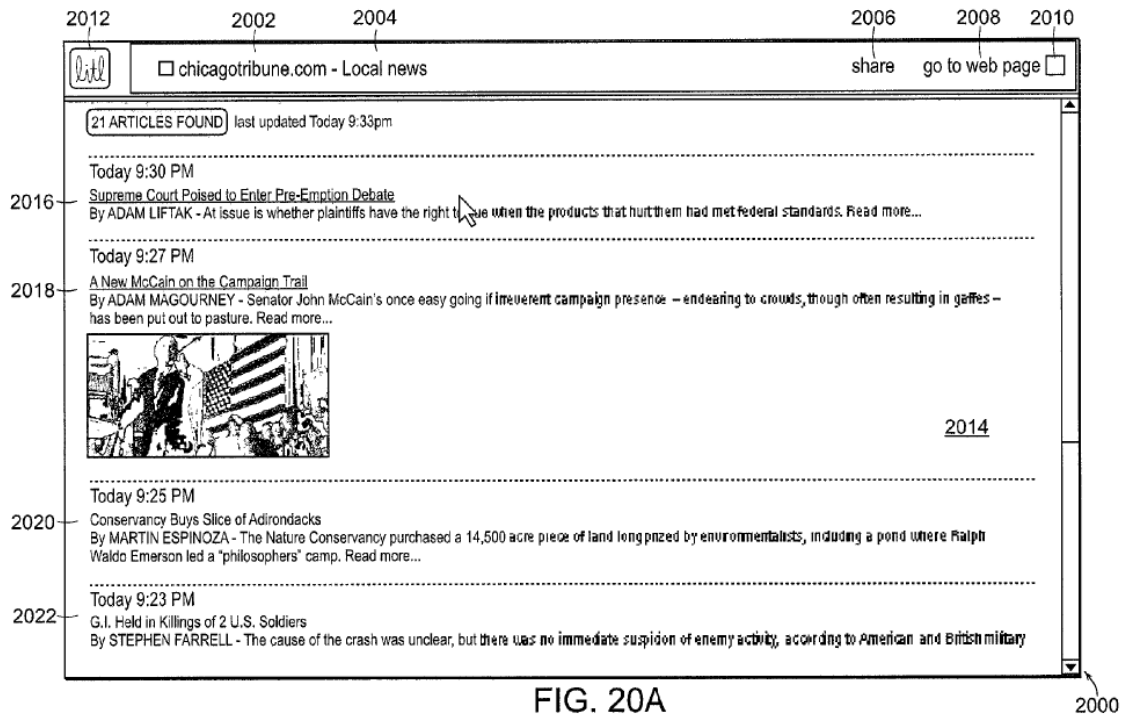


FIG. 20A

Figure 20A is a screen shot illustrating a graphical user interface showing a channel page view, which presents a unique view into content made available through a website, and provides a consistent framework for user interaction with rss style content. *Id.* at 13:38–40, 51:28–50.

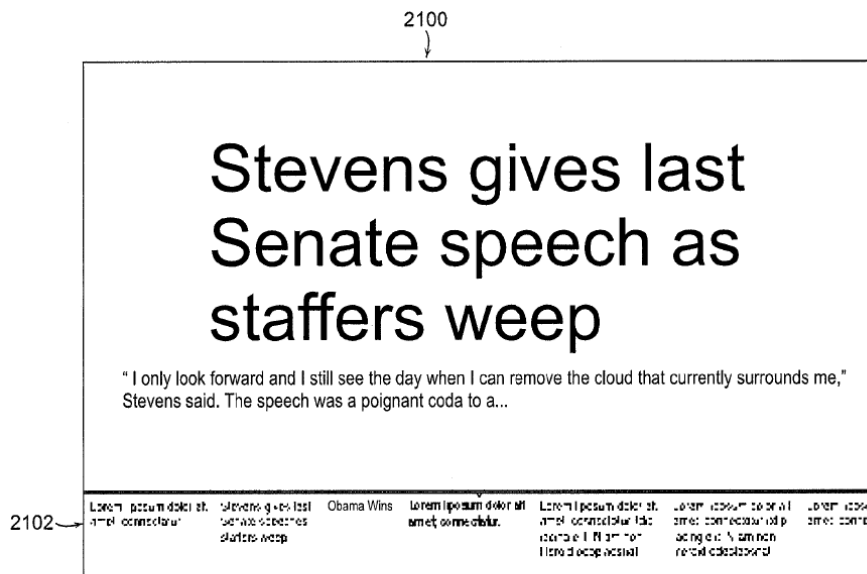


FIG. 21

Figure 21 is a screen shot illustrating a graphical user interface showing a channel full view, which includes displays configured to identify a source of an rss feed, and, in response to a user selection, displays a content menu permitting selection of any of the rss items.

Id. at 13:41–43, 52:33–52.

C. Challenged Claims

Among challenged claims 1–20, claims 1, 17, and 20 are independent. Claims 2–16 and 19 depend from claim 1, and claim 18 depends from claim 17. Claim 1 is exemplary of the claimed subject matter of the '715 patent and is reproduced as follows, with added bracketed identifiers to claim elements.

1. [1pre] A customized user interface to display computer content on a display component of a computer system including a keyboard, the user interface comprising:

[1a] at least one processor operatively connected to a memory of the computer system;

[1b] a graphical user interface, executing on the at least one processor, configured to display the computer content on the display component of the computer system, the graphical user interface configured to:

[1c] display a plurality of views of a plurality of visual representations of computer content, wherein the computer content includes at least one of selectable digital content, selectable computer operations and passive digital content;

[1d] an execution component, executing on the at least one processor, configured to:

[1e] detect a current computer system configuration from at least a first computer system configuration where the keyboard is operable to receive input from an operator of the computer system to control the computer system and a second computer system configuration where the keyboard is inoperable to

receive input from the operator of the computer system to control the computer system;
[1f] select one of the plurality of views for display on the computer system in response to the detected current computer system configuration; and
transition the display component to the selected one of the plurality of views.

Ex. 1001, 70:63–71:24; *see also* Ex. 1009 and Pet. 51–59 (annotating claim 1 with the same identifiers).

D. Asserted Grounds of Unpatentability

Petitioner asserts that the challenged claims are unpatentable based on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1	1, 20	103	Shimura, ¹ Tsuji ²
2	2–19	103	Shimura, Tsuji, Pogue ³

Pet. 3. Petitioner supports the asserted grounds with the Declaration of Jean Renard Ward. Ex. 1007; *see also* Ex. 1008 (curriculum vitae of Jean Renard Ward).

III. ANALYSIS

We organize our analysis into three main sections: (A) level of ordinary skill in the art; (B) claim construction; (C) the adequacy of Petitioner’s ground one showings for purposes of trial institution; and (D) the adequacy of Petitioner’s ground two for purposes of trial institution.

¹ JP1994-242853 (H6-242853), published September 2, 1994 (Ex. 1003). We refer to the Certified English translation (Ex. 1004).

² US 2005/0062715 A1, published Mar. 24, 2005 (Ex. 1005).

³ Windows XP Home Edition: The Missing Manual (2d ed.) (David Pogue, Pogue Press, LLC & O’Reilly Media, Inc. 2004) (Ex. 1006).

A. Level of Ordinary Skill in the Art

With regard to the level of ordinary skill in the art, Petitioner contends that a person of ordinary skill would have had:

at least a Bachelor's degree in Electrical Engineering, Computer Engineering, or Computer Science, plus two to three years of work experience in designing hardware and/or software aspects of user interfaces for computing devices and be familiar with designs of the user interface employed and displayed by the operating system and its organization of content and functionality. . . . Alternatively, the POSITA would also have received a graduate degree such as Master's or PhD degree in the same field with at least one year of the same work experience.

Pet. 14 (citing Ex. 1007 ¶¶ 24–28).

Patent Owner does not dispute Petitioner's asserted level of ordinary skill in the art. *See generally* Prelim. Resp.

We find, based on the current record, that Petitioner's contention is reasonable. For purposes of this decision, we adopt the level of ordinary skill in the art Petitioner proposes.

B. Claim Construction

Petitioner proposes constructions for several claim terms, including: “execution component” (asserting “‘execution component’ is a means-plus-function limitation under 35 U.S.C. §112, ¶6”); and “content mode” (asserting that for “‘content mode(s),’ ‘single content mode,’ and ‘two content modes’ each is construed as ‘user selectable element(s) displayed on a user interface that, when selected, allows the user to access the content organized therein’”). Pet. 15–29.

Patent Owner does not dispute Petitioner's proposed construction for “content mode” because “the Petition fails even if that construction is adopted.” Prelim. Resp. 15. Patent Owner disputes Petitioner's proposed

means-plus-function constructions for “execution component” because “the Petition misapplies the law for construing an alleged means-plus-function limitation.” *Id.*

We determine we need not explicitly construe “execution component” and “content mode” at this stage of the proceeding. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Matal*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“we need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

We determine, however, that construction is necessary for “plurality of views of a plurality of visual representations of computer content” (as recited in claim 1, and, similarly, in the other challenged claims of the ’715 patent). For brevity, we refer to this recitation as the “views recitation.” With respect to the views recitation, the ’715 patent provides that “different views present different organizations of the interface elements” and “organize modes of content.” Ex. 1001, 2:54–56, 3:26–28. For example, the ’715 patent describes the different views as presenting different organizations of interface elements as follows:

Different views of the modes of content are used to present the user with an interface that is responsive to configurations of the device and responsive to activity being performed by the user. Further the elements that comprise the graphical user interface are configured to present a summarized view of available actions and content, in order to simplify user interaction. The different views present different organizations of the interface elements and in some example display only certain ones of the modes of content in order to reduce the number of options a user must navigate to accomplish an objective.

...

The user interface comprises a map based graphical user interface displayed on the computer system, the map based user interface comprising a plurality of views of a plurality of visual representations of computer content, wherein the computer content includes at least one of selectable digital content, selectable computer operations and passive digital content, and the plurality of visual representations of computer content rendered on the computer display, wherein the plurality of visual representations of computer content include an association to a first view of the plurality of views, the first view including the computer content, and wherein the each of the plurality of visual representations is responsive to focus and execution, wherein execution includes clicking on the visual representation, and an execution component comprising at least one computer hardware element configured to transition the computer system display between the plurality of views, wherein the execution component further comprises a view selector component configured to select one of the plurality of views for display on a computer system in response to a computer system configuration. . . .

According to one aspect of the present invention, the plurality of views are configured to organize modes of content into different views.

Id. at 2:45–3:28.

The entirety of the '715 patent is consistent with the description above. As we explain in the summary of the '715 patent provided in Section II.B, *supra*, the purpose of the '715 patent is to better organize “more and more features” provided by “feature packing,” so that the typical computer user can better take advantage of features offered. *Id.* at 1:40–2:44. The '715 patent explains that “different views [that] present different organizations of the interface elements and in some example[s] display only certain ones of the modes of content in order to reduce the number of options a user must navigate to accomplish an objective.” *Id.* at 2:45–58.

As Patent Owner explains, the '715 patent discusses views extensively. *See, e.g.*, Prelim. Resp. 29–33 (providing numerous citations to the '715 patent. In particular, the '715 patent describes many examples of views that each organize content in a different way. *See, e.g., id.* at Figs. 2 (home view), 3A (web page view), 5 (quick access view), 6 (bookmark view), 20A (channel page view), 21 (channel full view), 23 (channel view); *see also id.* at 12:48–15:15 (summarizing the '715 patent's figures). We agree with Patent Owner that, when discussing views, the '715 patent consistently refers to different ways of organizing content. Prelim. Resp. 29–33.

Although not a focus of the '715 patent, the '715 patent also describes how the orientation of displayed content may be changed to ensure it is right-side up. The '715 patent explains that changing the visual display may be rotated when the computer's configuration is changed as follows:

According to one embodiment, when the portable computer 100 is configured into the easel mode, the visual display on the display screen 110 is automatically rotated 180 degrees such that the information appears “right-way-up,” even though the display screen is upside-down compared to when the portable computer is in laptop mode. Thus, a user may simply “flip” the portable computer 100 into the easel mode and immediately be able to comfortably view information on the display screen 110, without having to access display screen controls to adjust the orientation of the visual display.

Ex. 1001, 20:10–24. The '715 patent further explains how the computer may incorporate sensors to allow automatic adjustment of the display's orientation. *Id.* at 20:24–38; *see also id.* at 23:59–24:1 (explaining change in orientation). The '715 patent, however, never refers to merely changing the

visual display's orientation as changing views of a plurality of visual representations of computer content.

Based on the analysis above and the record before us, and for purposes of this Decision, we construe the claim recitation “plurality of views of a plurality of visual representations of computer content” (and similar recitations) as referring to a plurality of ways of organizing visual representations of computer content. The recitation is distinct from merely providing a plurality of ways of displaying content (by, for example, changing display orientation, color, resolution, etc.).

C. Ground One: Obviousness Based on Shimura and Tsuji

All grounds rely on Shimura and Tsuji. We provide an overview of Shimura and Tsuji before we address the parties' contentions.

1. Overview of Shimura (Exs. 1003 and 1004)

Shimura is a Japanese patent application publication (Ex. 1003) for which Petitioner has provided a certified English translation (Ex. 1004). Shimura relates to a personal computer “which can adopt a mode suitable for a user environment centered on a pen input operation and a mouse input operation while retaining a mode which can use a keyboard.” Ex. 1004, code [57]. Figure 1 of Shimura, reproduced below, illustrates an example of the personal computer. *Id.*

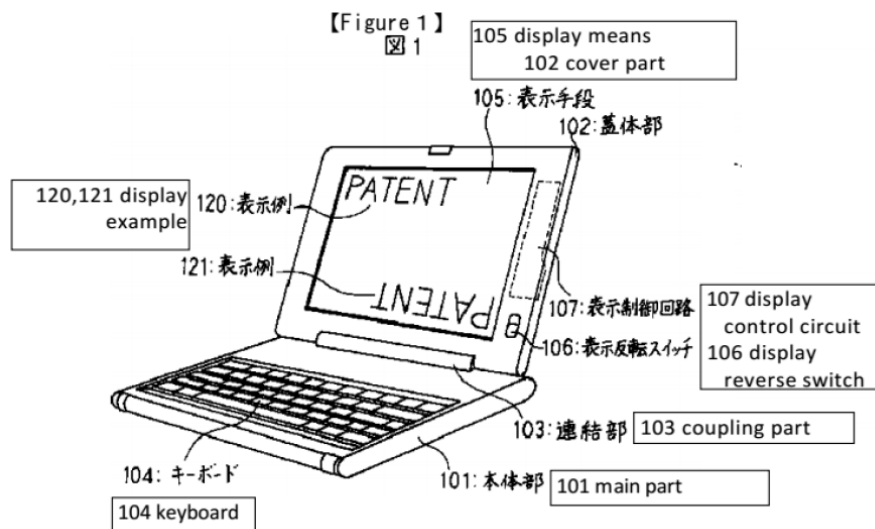
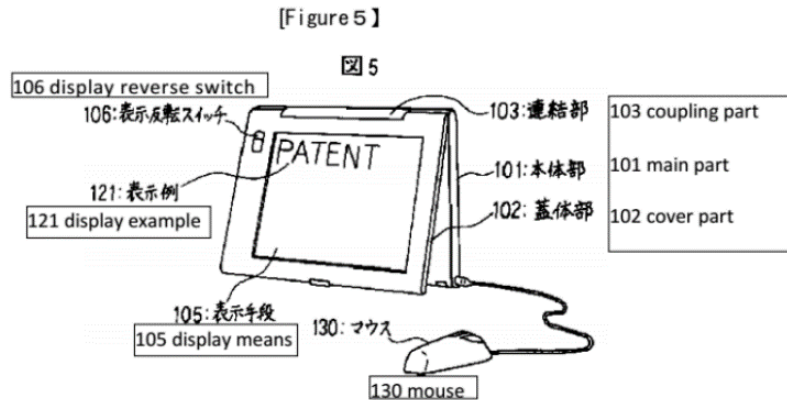
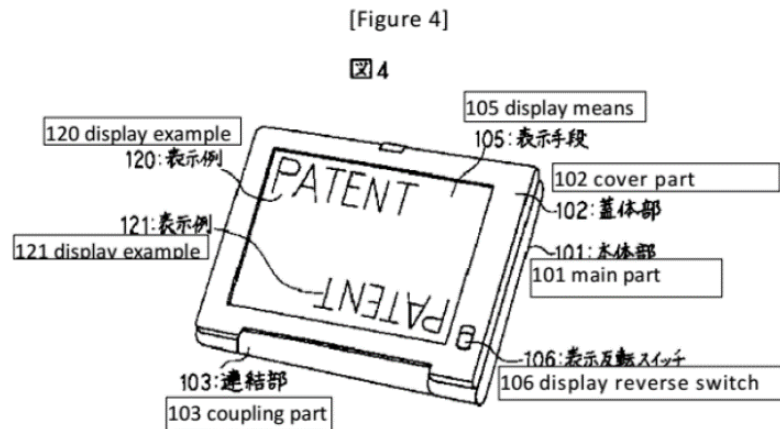


Figure 1 illustrates a personal computer. *Id.*

As shown in Figure 1, the personal computer includes main part 101 provided with keyboard 104 on the front, cover part 102 provided with display 105 on the front, and coupling mechanism 103 used to couple one end of main part 101 and one end of cover part 102 with display 105 such that cover part 102 faces main part 101, and coupling mechanism 103 enables the opening and closing of computer parts 101 and 102. *Id.* Coupling mechanism 103 is structured so that it can also open cover part 102 so that the orientation of cover part 102 exceeds 180° relative to main part 101. *Id.* Figures 4 and 5 of Shimura, reproduced below, show inclined views of the personal computer, with main part 101 rotated nearly 360° with respect to cover part 102 (Figure 4), and main part 101 and cover part 102 opened to an angle of approximately 340° (Figure 5). *Id.* ¶¶ 16–17, Figs. 4 and 5.



Figures 4 and 5 show inclined views of the personal computer in which main part 101 has been rotated by more than 180° with respect to cover part 102.

Id. ¶¶ 6–7, 12, 16–17.

Coupling mechanism 103 enables the rotation of cover part 102 with respect to main part 101. *Id.* ¶¶ 12–13. Coupling mechanism 103 is fastened by hinges to main part 101 and cover part 102. *Id.* ¶ 12. A display reverse switch 106 enables display 105 to be switched upside down. *Id.* ¶¶ 12, 17. A user may place display reverse switch 106 in a normal state and a reverse state. *Id.* ¶ 12. For example, a user may set display reverse switch 106 to a normal mode so that the display orientation of display 105 has orientation 120 (as shown in Figure 1). *Id.* ¶ 12. A user may also set display reverse switch 106 to a reverse mode so that a display orientation of display 105 has

orientation 121 (e.g., upside down, as shown in Figure 5). *Id.* ¶¶ 12, 17.

Display control circuit 107 of the personal computer controls the output to display 105 by controlling a computer circuit stored in main part 101. *Id.*

¶ 12. Display control circuit 107 turns the display upside down (to orientation 121) based on the state of display reverse switch 106. *Id.*

2. *Overview of Tsuji (Ex. 1005)*

Tsuji is a US patent application publication that relates to a portable computer including: a housing with a top surface; a keyboard placed on the top surface of the housing; a display unit with a front surface and a rear surface, supported by the housing and “rotated between a closed position in which the keyboard is covered and an open position in which the keyboard is exposed”; a sensor which senses an angle formed between the front surface of the display unit and the top surface of the housing; and a display device in the display unit to display a screen image in one of “a first orientation in which a bottom-end portion of the screen image is located toward the housing and a second orientation in which a top-end portion of the screen image is located toward the housing in accordance with the angle sensed by the sensor.” Ex. 1005 ¶¶ 3, 10. Tsuji’s Figures 1, 2, and 5, reproduced below, illustrate the portable computer with its display in various positions. *Id.* ¶¶ 13–15.

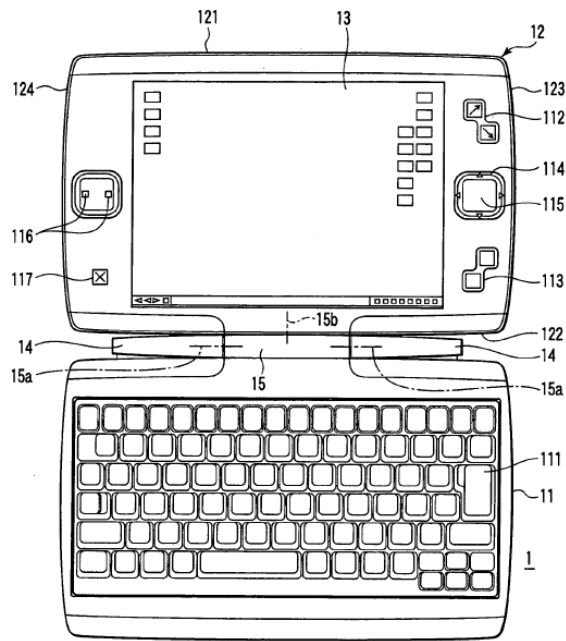


FIG. 1

Figure 1 illustrates a portable computer including display unit 12 that can rotate around first central axis 15a that extends in parallel to the outer surface of computer main body 11, and can also rotate around second central axis 15b perpendicular to first central axis 15a. *Id.* ¶¶ 13, 31–33.

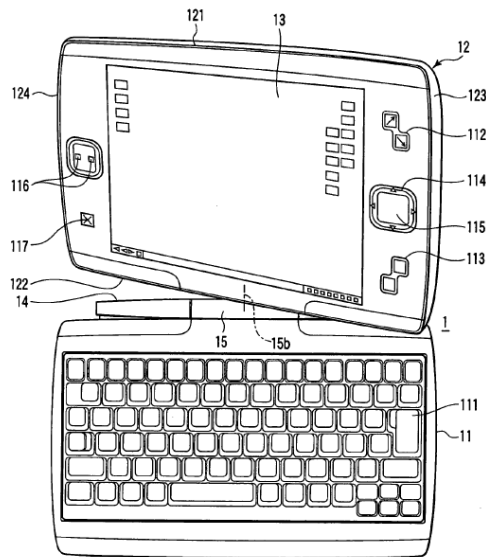


FIG. 2

Figure 2 illustrates the portable computer with display unit 12 rotated around second central axis 15b, display unit 12 rotatable 360° around second central axis 15b in the horizontal direction with respect to the outer surface of computer main body 11. *Id.* ¶¶ 14, 33.

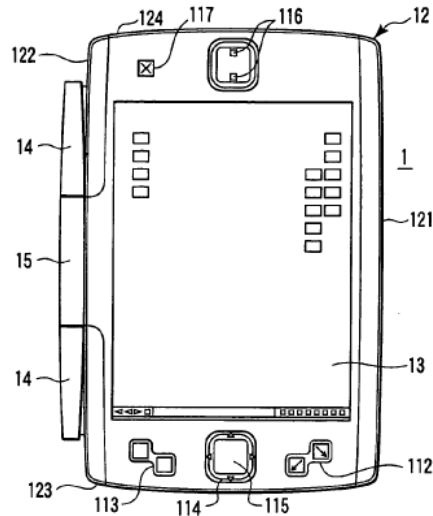


FIG. 5

Figure 5 illustrates the portable computer with display unit 12 set to a PDA style by rotating the display unit 180° around second central axis 15b in a horizontal direction so that the display unit is accessible in a second open position. *Id.* ¶¶ 17, 33–34.

Figure 14 of Tsuji, reproduced below, illustrates a control operation for an automatic image rotating function performed by the portable computer shown in Figure 1. *Id.* ¶ 26.

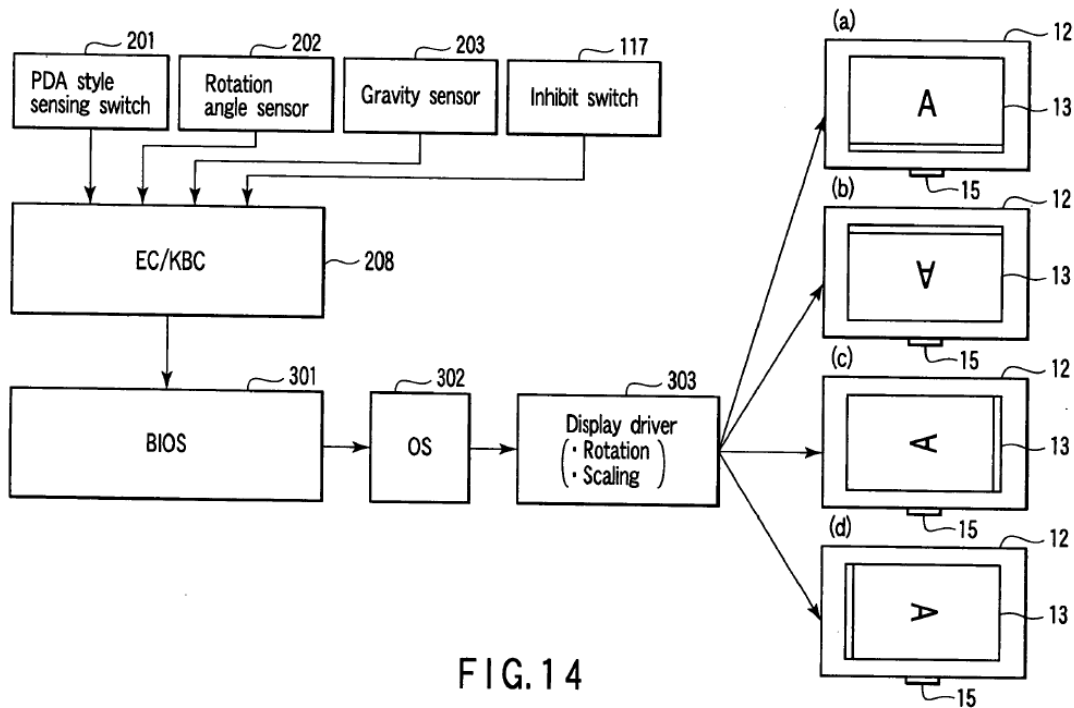


FIG. 14

Figure 14 illustrates a control operation for an automatic image rotating function performed by the portable computer shown in Figure 1. *Id.* ¶ 26.

A BIOS (Basic Input Output System) program 301 shown in Figure 14 acquires values from a sensing switch, a rotation angle sensor, and a gravity sensor to determine whether the portable computer is used in a PC style (as shown in Figure 1, reproduced above) or in a PDA style (as shown in Figure 5). *Id.* ¶¶ 34, 64, 69–71. When the computer is used in PC style, BIOS 301 performs control to change the orientation of a screen image in response to a signal from rotation angle sensor 202. *Id.* ¶ 70. When the computer is used in PDA style, BIOS 301 performs control to change the orientation of a screen image in response to a signal from gravity sensor 203. *Id.* BIOS 301 then informs display driver 303 of the orientation of the screen image to be displayed on the computer's LCD and the aspect ratio of the screen image, and display driver 303 performs an operation for rotating the

screen image displayed on the computer's LCD and a scaling operation for varying the aspect ratio in response to an instruction from BIOS 301. *Id.* Display driver 303 then sets the orientation of the screen image displayed on the LCD in one of four orientations (a), (b), (c) and (d). *Id.* ¶ 71.

3. Discussion

Based on the present record, Petitioner does not demonstrate a reasonable likelihood of showing the combination of Shimura and Tsuji (ground 1) would have rendered obvious the subject matter of challenged claims 1 and 20. Pet. 42–62. Petitioner also does not demonstrate a reasonable likelihood of showing the subject matter of the challenged claims would have been obvious over the combination of references Petitioner applies for ground 2. *Id.* at 62–102.

Claim 1 recites, *inter alia*, a “graphical user interface” configured to “display a plurality of views of a plurality of visual representations of computer content, wherein the computer content includes at least one of selectable digital content, selectable computer operations and passive digital content” (limitation [1c]), and an “execution component” configured to “select one of the plurality of views for display on the computer system in response to the detected current computer system configuration [as determined by the keyboard being operable or inoperable to receive input from the computer's operator]” and “transition the display component to the selected one of the plurality of views” (limitation [1f]). Ex. 1001, 71:1–24.

Petitioner contends Shimura's display 105 teaches the claimed “graphical user interface.” Pet. 53–54 (citing Ex. 1004, Fig. 1; Ex. 1007 ¶¶ 185–189). Petitioner further contends Shimura's graphical user interface

meets the views recitation because Shimura's display 105 "displays content in either a normal or inverted view (i.e., rotated 180°)," where

[t]he view depends on the state of display reversal switch 106 inputted to display control circuit 107 inside the cover part 102. . . . If the display reverse switch 106 is set to normal view, the display control circuit 107 causes the display screen 105 to display the content in normal view. . . . Similarly, if the display reverse switch 106 is set to reverse mode the content is displayed in an inverted view.

A POSITA would have considered the Shimura-Tsuji Computer's ability to display content in either a normal or inverted view to disclose [1c].

Id. at 54–56 (citing Ex. 1004 ¶ 12, Fig. 1; Ex. 1007 ¶¶ 190–194). With respect to limitation [1f], Petitioner contends that a combined Shimura-Tsuji computer can select a view based on computer system configuration:

[t]he Shimura-Tsuji Computer can determine the computer system configurations and "select[s] one of the plurality of views [e.g., normal and inverted views] for display on the computer system in response to the detected current computer system configuration" and transitions the display to that view.

Id. at 59 (citing Ex. 1007 ¶¶ 203–206). For the claimed "execution component," Petitioner also relies on Tsuji's BIOS program 301 "that informs a display driver 303 . . . of the orientation of the image to be displayed," and on Tsuji's display driver 303 "which is controlled by the BIOS program 301, [and] performs the operation for rotating the image displayed on the LCD." *Id.* at 59–60 (citing Ex. 1005 ¶¶ 68–74, Fig. 14; Ex. 1007 ¶ 205).

Patent Owner argues that Petitioner has failed to meet its burden for claim 1 because the "Petition fails to properly construe 'plurality of views,' which refers to a plurality of *ways of organizing* displayed content." Prelim.

Resp. 24, 44–45. Patent Owner’s argument is persuasive for the reasons explained below.

As Patent Owner argues, the Petition relies only on different orientations (such as a “normal view” and an “inverted view”) of a single organization of displayed content, to meet claim 1’s views recitation. *Id.* at 24–25. For example, Patent Owner points out that the Petition considers Shimura’s display of the word “PATENT” right-side-up (normal view) and upside-down (inverted) as meeting the recited “plurality of views.” *Id.* at 26–27 (citing Pet. 49–50, 54–55). As we explain above in our claim construction, however, inverting or re-orienting a single way of organizing displayed content does not create a “plurality of views of a plurality of visual representations of computer content” as claimed and described in the ’715 patent. As such, Petitioner’s implicit “construction of ‘plurality of views’ as reading on different orientations of the same organization of displayed content is wrong because it is inconsistent with every embodiment of a ‘plurality of views’ described in the specification.” *Id.* at 25, 38–41.

Indeed, Patent Owner correctly explains that the ’715 patent addresses reorientation of a display but reorientation does not result in the views recitation. Patent Owner makes this distinction by arguing:

[in] the claims and the specification of the ’715 Patent—a “view” is a **way of organizing** displayed content. Ex. 1001, Abstract, 2:54–58 (“[t]he **different views** present **different organizations** of the interface elements”); 3:26–28 (“the plurality of **views** are configured to **organize modes of content** into different views”); 7:25–27, 9:55–57 (a “plurality of views” of computer content as recited in claims 1, 17 and 20, is a plurality of ways of organizing displayed content).
... the specification also describes **re-orientating** the same display organization about the computer’s longitudinal axis to

ensure it is right-side-up, but uses different terminology to describe that re-orientation and never refers to two different orientations of the same organization of displayed content as different views.

...

The specification makes clear “views” are particular *ways of organizing* displayed content—not different *orientations* of a single organization of displayed content.

Prelim. Resp. 27–28; *see id.* at 29–37, 42–44. We find that Patent Owner’s explanation of this distinction is best supported by the text of the ’715 patent.

Thus, on the current record, Petitioner has not made a sufficient showing that the combination of Shimura and Tsuji teaches the subject matter of limitations [1c] and [1f] of claim 1.

Independent claim 20 includes recitations similar to the views recitation of claim 1. *See* Ex. 1001, 73:19–74:18; Pet. 60–62. Patent Owner maps claim 20 to the prior art’s teachings merely by referring back to claim 1. Pet. 60–62. For the reasons we provide as to claim 1, Petitioner has not made a sufficient showing that the combination of Shimura and Tsuji teaches the subject matter of claim 20.

D. Ground Two: Obviousness Based on Shimura, Tsuji, and Pogue

We provide an overview of Pogue before we address the parties’ contentions.

1. Overview of Pogue (Ex. 1006)

Pogue is a book on Windows XP, titled “Windows XP Home Edition: The Missing Manual.” Ex. 1006, 2. Pogue explains that “[t]he purpose of this book . . . is to serve as the manual that should have accompanied Windows XP” and to provide “step-by-step instructions for using almost

every Windows feature.” *Id.* at 15.⁴ Pogue presents various screen images from a computer running Windows XP, including the “Windows XP computer screen” after a fresh install of Windows XP (Figure 2-2) and a Filmstrip view that “turns [a] folder window into a slide show machine, complete with Next and Previous buttons beneath an enlarged picture, as well as buttons that rotate the image on the screen” (Figure 2-5). *Id.* at 36, 87.

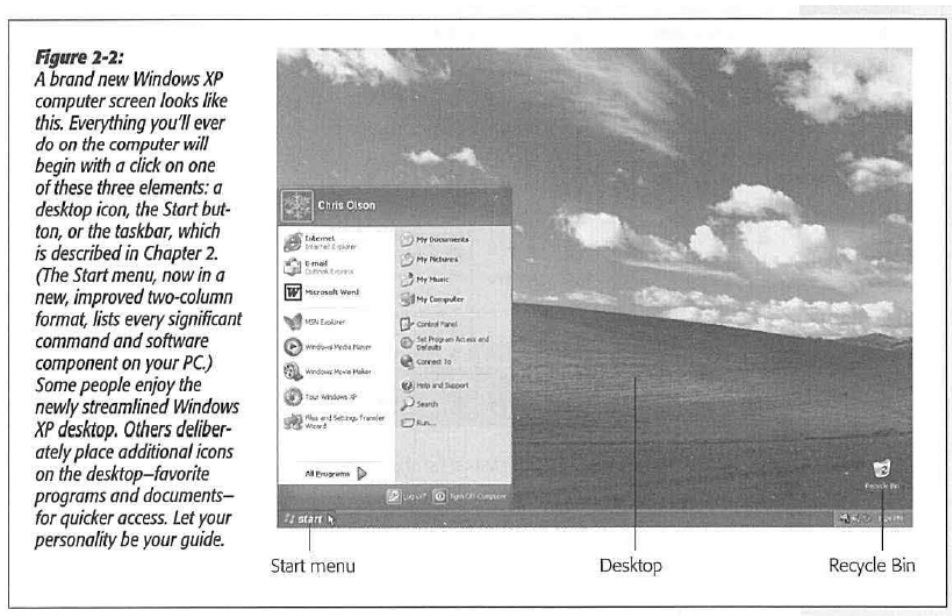


Figure 2-2 shows the Windows XP computer screen displayed after a fresh install of Windows XP. *Id.* at 36.

⁴ Page numbers refer to numbered pages of Exhibit 1006 rather than referring to pages of the book.

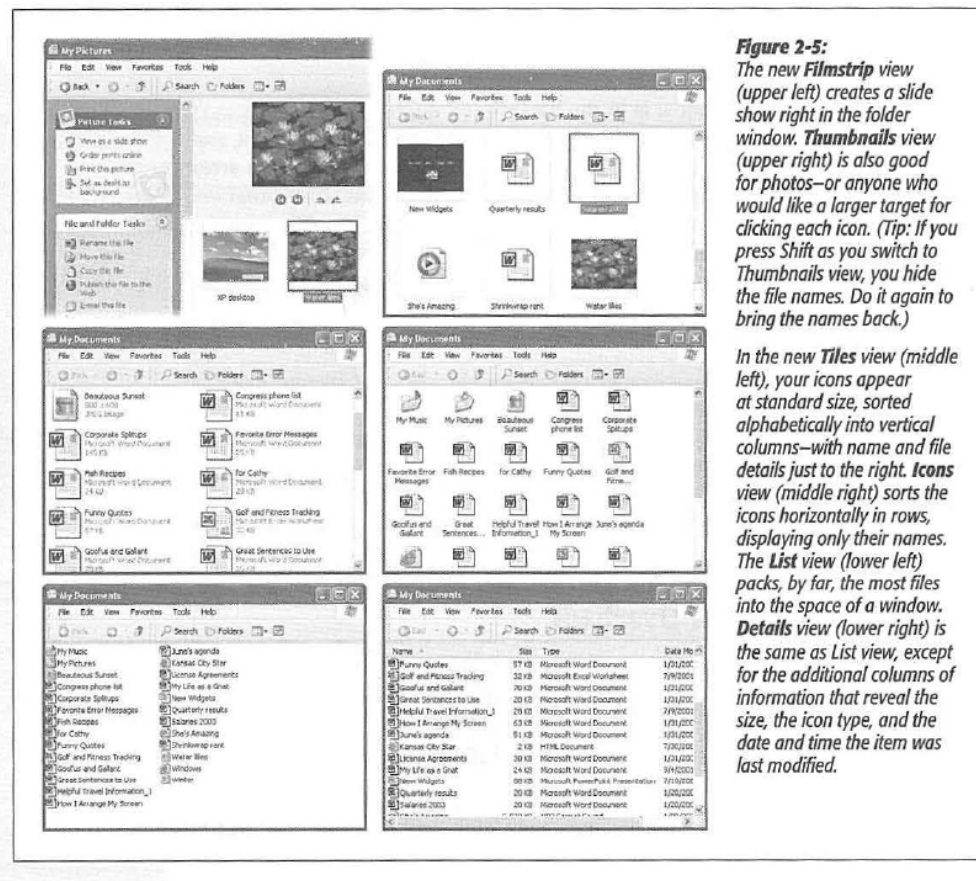


Figure 2-5:
The new **Filmstrip** view (upper left) creates a slide show right in the folder window. **Thumbnails** view (upper right) is also good for photos—or anyone who would like a larger target for clicking each icon. (Tip: If you press Shift as you switch to Thumbnails view, you hide the file names. Do it again to bring the names back.)

In the new **Tiles** view (middle left), your icons appear at standard size, sorted alphabetically into vertical columns—with name and file details just to the right. **Icons** view (middle right) sorts the icons horizontally in rows, displaying only their names. The **List** view (lower left) packs, by far, the most files into the space of a window. **Details** view (lower right) is the same as List view, except for the additional columns of information that reveal the size, the icon type, and the date and time the item was last modified.

Figure 2-5 shows a Filmstrip view that “turns [a] folder window into a slide show machine, complete with Next and Previous buttons beneath an enlarged picture, as well as buttons that rotate the image on the screen.” *Id.* at 87.

2. Discussion

Petitioner’s second ground of unpatentability is based on obviousness over Shimura, Tsuji, and Pogue. Pet. 62. Although Petitioner states that Pogue discloses a “home view” and a “channel view,” as recited in claim 2, Petitioner does not show that Pogue remedies the deficiencies of Shimura and Tsuji with respect to the claimed selection and display of “a plurality of views of a plurality of visual representations of computer content,” as recited in claim 1. *See* Pet. 63–66.

In particular, claims 2–16 and 19 depend from claim 1 and include all the limitations claim 1 requires. Claim 1 requires “an execution component . . . configured to: select one of the plurality of views for display on the computer system in response to the detected current computer system configuration.” Ex. 1001, 71:10–20; *see also* Ex. 1009, 1 (mapping this recitation as [1f]). Even if Pogue teaches a plurality of views (within the claim construction we provide above), Petitioner does not rely on Pogue to meet the [1f] recitation. Instead, Petitioner alleges that the Shimura-Tsuji combination selecting between normal and inverted views meets the [1f] recitation. Pet. 59. But, as we explain above, Petitioner’s mapping of Shimura-Tsuji to [1f] is insufficient. Thus, for the reasons discussed with respect to claim 1, we determine that Petitioner has not established a reasonable likelihood of prevailing in its contention that the asserted combination of Shimura, Tsuji, and Pogue would have rendered obvious claims 2–16 and 19.

As Patent Owner’s arguments with respect to independent claim 17 (arguments similar to those submitted for claims 1 and 20, *see* Prelim. Resp. 24–27, 42–45) further explain, Petitioner also has not shown that the combination of Shimura and Tsuji teaches the limitations directed to the “plurality of views of a plurality of visual representations of the computer content” recited in independent claim 17. *Id.* at 62–64. Petitioner labels the portions of claim 17 requiring a graphical user interface “configured to display a plurality of views of a plurality of visual representations of the computer content” and requiring an execution component configured to “select, responsive to the sensor input, a first content view from the plurality of views” as [17b] and [17e] respectively. Ex. 1009, 4. Petitioner does not

provide any mapping to prior art for these recitations beyond what Petitioner provided for claim 1. Pet. 100–101. Petitioner, therefore, does not show that Pogue remedies the deficiencies of Shimura and Tsuji that we addressed with respect to claim 1. Thus, Patent Owner’s arguments persuade us that Petitioner has not made a sufficient showing that the combination of Shimura, Tsuji, and Pogue teaches the subject matter of claim 17.

Claim 18 depends from claim 17 and includes all the limitations claim 17 requires. For the reasons discussed with respect to claim 17, we determine that Petitioner has not established a reasonable likelihood of prevailing in its contention that claim 18 would have been rendered obvious by the asserted combination of Shimura, Tsuji, and Pogue.

Therefore, Petitioner does not establish a reasonable likelihood of prevailing in demonstrating the unpatentability of any challenged claim of the ’715 patent in its second ground of unpatentability for the same reasons as Petitioner’s first ground of patentability.

IV. CONCLUSION

For the reasons above, we determine that Petitioner has not established a reasonable likelihood that it would prevail in showing that at least one of the challenged claims is unpatentable.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied, and we do not institute an *inter partes* review of any claim of the ’715 patent based on a ground asserted in the Petition.

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