

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioner,

v.

LITL LLC,
Patent Owner.

IPR2021-00821
Patent 8,612,888 B2

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

BAER, *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 1–9, 15–22, and 24–27 of U.S. Patent No. 8,612,888 B2 (Ex. 1001, “the ’888 patent”). LiTL LLC (“Patent Owner”) filed a Preliminary Response. Paper 5 (“Prelim. Resp.”).

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 an *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.

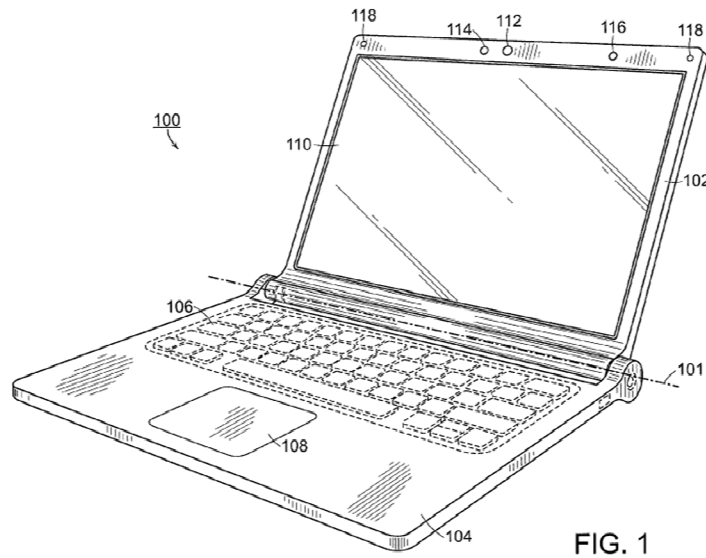
II. BACKGROUND

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.

B. *The ’888 Patent (Ex. 1001)*

The ’888 patent is titled “Method and Apparatus for Managing Digital Media Content.” Ex. 1001, code (54). Figure 1 of the ’888 patent, reproduced below, illustrates a portable computer in laptop mode. *Id.* at 12:31–39.



According to the '888 patent, the computer includes “a graphical user interface that organizes interface elements into views of computer content for presentation to a user.” *Id.* at 2:47–50. The '888 patent further explains that “[d]ifferent views are used to provide an interface that is responsive to configurations of the device.” *Id.* at 2:52–53.

The specification discloses a number of different “views,” including a time view and an album view, among others. *Id.* at 21:11–13. Figure 8, reproduced below, illustrates a time view. *Id.* at 23:43–44.

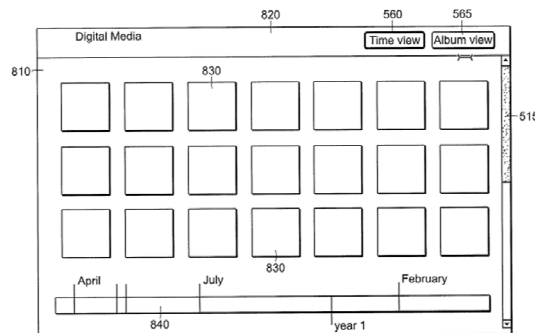


Figure 5 (reproduced below) illustrates album view. *Id.* at 21:35–36.

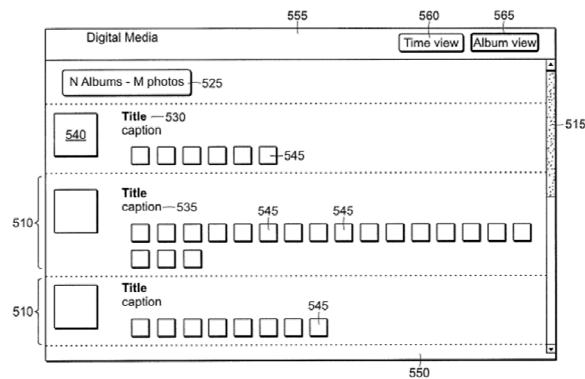


FIG. 5

C. Challenged Claims

Of challenged claims 1–9, 15–22, and 24–27, claims 1, 26, and 27 are independent. Claim 1 is exemplary of the claimed subject matter and is reproduced below.

1. A method for accessing and managing digital media libraries on a streamlined computing device with a plurality of selectable I/O profiles, the method comprising:

displaying a graphical user interface on the computing device, wherein the graphical user interface comprises at least a plurality of views of digital media content;

providing for transition between the plurality of views in response to selection of an I/O profile;

providing for transition between the plurality of views in response to activation of a view selector component configured to permit a user to select one of the plurality of views, wherein providing for the transition between the plurality of views in response to selection of the I/O profile includes:

permitting the user to rotate a display component of the computing device about a longitudinal axis running along an interface between the display component and a base of the streamlined computing device;

wherein rotating the display component about the longitudinal axis from a closed mode to a first physical orientation configures the computing device into a laptop mode having a

first physical configuration of the display component and the base, with one of the plurality of views as a default display; and wherein rotating the display component about the longitudinal axis from the closed mode to a second physical orientation configures the computing device into another display mode having a second physical configuration of the display component and the base, with another one of the plurality of views as the default display;

associating at least one of a plurality of visual representations with digital media content;

executing the association with the at least one of the plurality of visual representations with digital media content in response to selection;

transitioning a display on the computing device to a view of the digital media content in response to the act of executing the association; and

providing for display of user digital media content and referenced digital media content in the view of the digital media content.

Ex. 1001, 47:54–48:28.

D. Asserted Grounds of Unpatentability

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

Claim(s) Challenged	35 U.S.C. § ¹	References/Basis
1–4, 6–8, 15–16, 24–27	103	Shimura, ² Tsuji, ³ Aldrich ⁴
5	103	Shimura, Aldrich, Biggs ⁵
9, 18, 19	103	Shimura, Tsuji, Aldrich, Chao ⁶
22	103	Shimura, Tsuji, Aldrich, Kurtz ⁷
20	103	Shimura, Tsuji, Aldrich, Choi ⁸
17, 21	103	Shimura, Tsuji, Aldrich, Choi, Manolis ⁹

Pet. 3. Petitioner supports the asserted grounds with the Declaration of Jean Renard Ward. Ex. 1012.

III. DISCUSSION

A. *Level of Ordinary Skill in the Art*

Petitioner contends that a person of ordinary skill in the art (“POSITA”)

¹ The Leahy-Smith America Invents Act (“AIA”) amended 35 U.S.C. § 103. *See* Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011). As the application that issued as the ’888 patent was filed before the effective date of the relevant amendments, the pre-AIA version of § 103 applies.

² JP1994-242853 (H6-242853), published Sept. 2, 1994 (Ex. 1003). We refer to the Certified English translation (Ex. 1004, “Shimura”).

³ US 2005/0062715 A1, published Mar. 24, 2005 (Ex. 1005, “Tsuji”).

⁴ US 2006/0265390 A1, published Nov. 23, 2006 (Ex. 1006, “Aldrich”).

⁵ US 2004/0172451 A1, published Sept. 2, 2004 (Ex. 1007, “Biggs”).

⁶ US 7,970,240 B1, June 28, 2011 (Ex. 1008, “Chao”).

⁷ US 2004/0189694 A1, published Sept. 30, 2004 (Ex. 1009, “Kurtz”).

⁸ US 7,778,973 B2, Aug. 17, 2010 (Ex. 1010, “Choi”).

⁹ US 7,243,079 B1, July 10, 2007 (Ex. 1011, “Manolis”).

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 the User Interface (UI) for computing devices, including the user interface employed and displayed by the operating system and its organization of content and functionality, and Web applications programming and technologies. Alternatively, the POSITA would have received a graduate degree such as a Master's or PhD degree with at least one year of work experience related to hardware and/or software design aspects of the UI for computing devices, including the user interface employed and displayed by the operating system and its organization of content and functionality, and Web applications programming and technologies.

Pet. 14 (citing Ex. 1012 ¶ 26).

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 a claim construction for “view selector component,” “aggregation component,” and “execution component.” Pet. 14–12. We determine we need not explicitly construe those terms to determine whether to institute an *inter partes* review. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 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 we need to construe “a plurality of views of digital media content” (as recited in all independent challenged claims).

As Patent Owner explains, the '888 patent discusses views extensively. *See* Prelim. Resp. 38–39 (providing numerous citations to the '888 patent). In particular, the '888 patent describes many examples of views that each organize content in a different way. *See, e.g.*, Ex. 1001, Figs. 5 (album view), 7A (single album view), 8 (time view), 16 (a view including cards); *see also id.* at 21:35–23:58 (describing the '888 patent's figures). We agree with Patent Owner that, when discussing views, the '888 patent consistently refers to different ways of organizing content. *See* Prelim. Resp. 35–44; *see also, e.g.*, Ex. 1001, 21:14–15 (explaining that “[e]ach view may offer the user particular interaction options, features and benefits”), 21:16–19 (time view organizing content chronologically), 21:19–22 (album view organizing content by album), 22:59–64 (single album view showing previews of photographs). But, as Patent Owner notes, “[t]he specification never describes two orientations of the same organization of displayed content as different ‘views.’” Prelim. Resp. 37. Instead, the '888 patent separately addresses the display's “orientation,” which, according to the specification, is achieved simply by rotating the display. Ex. 1001, 10:27–30 (“the plurality of orientations comprises a first orientation relative to the longitudinal axis and a second orientation relative to the longitudinal axis,”), 10:46–49 (“the second orientation is 90 degrees relative to the first orientation, and . . . the third orientation is 180 degrees relative to the first orientation”), 10:57–11:8 (characterizing the display's “orientation” as a “degree of rotation”). The '888 patent also expressly distinguishes between displayed content and its orientation in describing that “display content and/or display orientation of the portable computer may vary when the portable computer is configured from the laptop mode into the easel mode.”

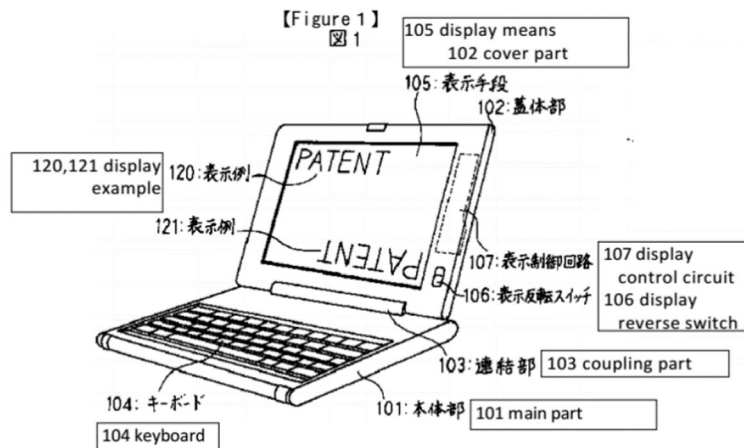
Id. at 37:6–9. The ’888 patent, however, does not refer to merely changing the visual display’s orientation as changing views.

“[T]he specification ‘is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.’” *Philips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005). Consistent with the ’888 patent’s specification, for purposes of this Decision, we construe “a plurality of views of digital media content” as referring to a plurality of ways of organizing visual representations of computer content. The recitation is distinct from merely changing the display’s orientation.

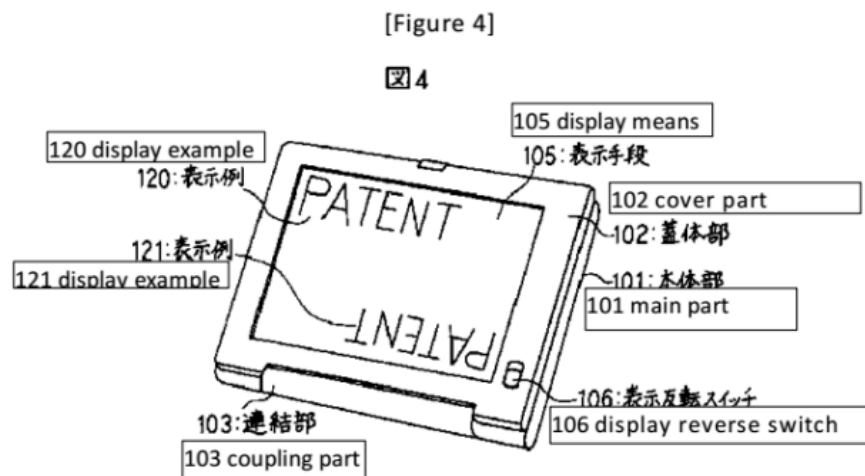
C. Analysis

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

All grounds rely on Shimura. Shimura is a Japanese patent application publication (Ex. 1003), for which Petitioner provided a certified English translation (Ex. 1004). Shimura relates to a personal computer that “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.*



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, which enables the opening and closing of computer parts 101 and 102 and is 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. *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.* Figure 4 of Shimura, reproduced below, shows an inclined view of the personal computer, with main part 101 rotated nearly 360° with respect to cover part 102. *Id.* ¶¶ 16–17, Fig. 4.



As shown in Figure 4, 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.

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 of computer main body 11, and can also rotate around second central axis 15b perpendicular to first central axis 15a. *Id.* ¶¶ 13, 31–33.

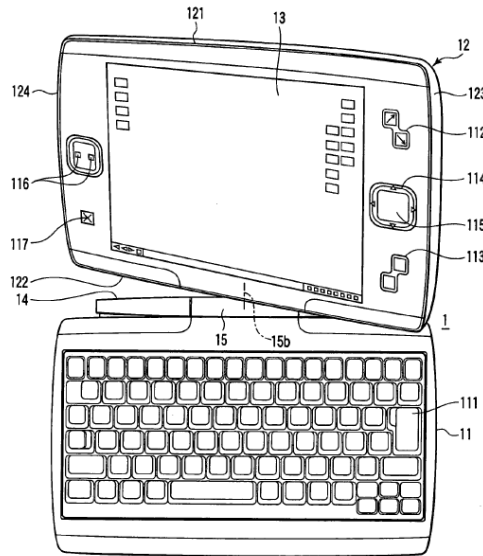


FIG. 2

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.

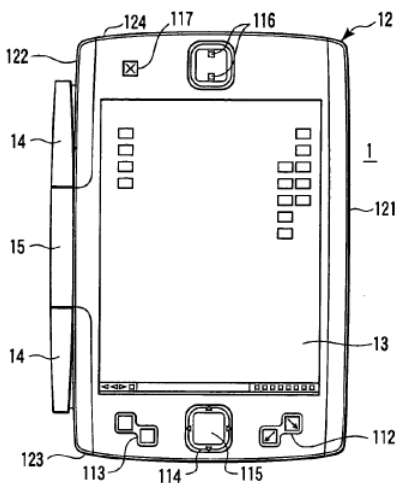
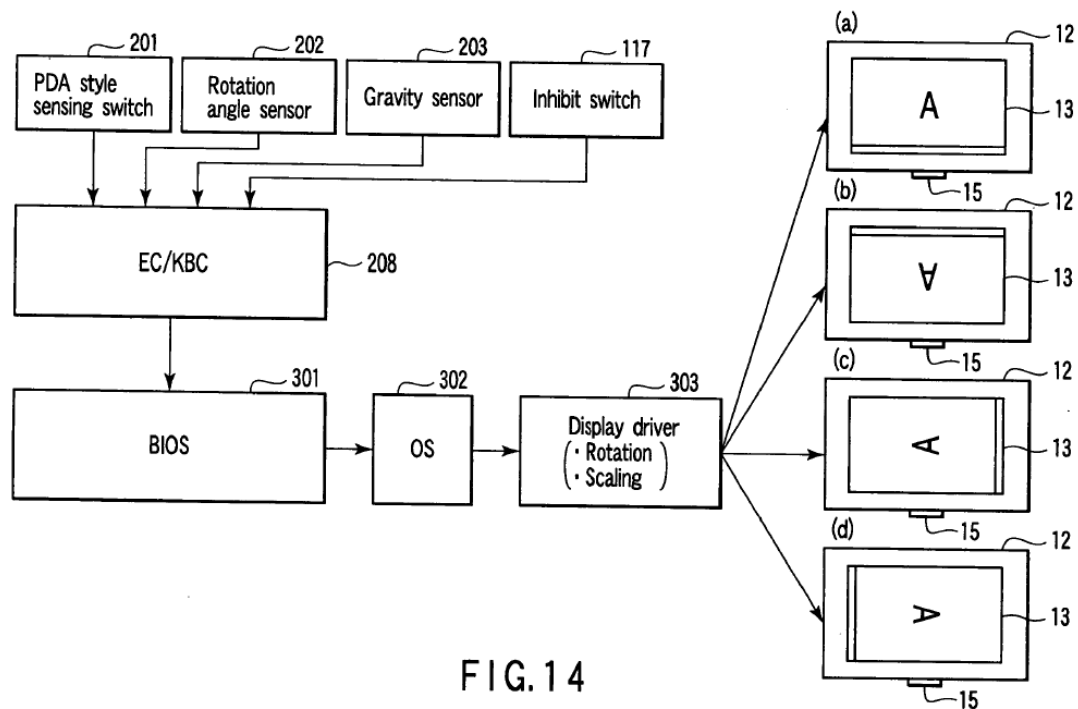


FIG. 5

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 the portable computer shown in Figure 1 performs. *Id.* ¶ 26.



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, reproduced above). *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. *Overview of Aldrich (Ex. 1006)*

Aldrich discloses a file selection interface that can be integrated with an operating system and/or an Internet browser. Ex.1006 ¶ 21, 44–48. Aldrich further discloses a GUI that includes a display panel populated with image files. *Id.* ¶ 51.

4. *Obviousness Analysis*

Based on the present record, Petitioner does not demonstrate a reasonable likelihood of showing any of challenged claims 1–9, 15–22, and 24–27 would have been obvious over the asserted prior art. Independent claims 1, 26 and 27 recite “wherein the graphical user interface comprises at least a plurality of views of digital media content.” Ex. 1001, 47:58–59, 50:66–67, 51:41–52:1. The independent claims further require transitioning “between the plurality of views.” *Id.* at 47:60, 51:1, 52:4–5. For all of its asserted grounds, Petitioner asserts that the prior art teaches a plurality of views because “[t]he Shimura-Tsuji Computer can orient the displayed content in either a normal view in the laptop mode or an inverted view in the easel mode based on the outputs of the rotation angle and gravity sensors.”

Pet. 50; *see id.* at 82, 84. Petitioner further asserts that in its proffered combination, “image files . . . would be displayed in either a normal view in the laptop mode or an inverted view in the easel mode, thereby disclosing ‘the graphical user interface comprising at least a plurality of views of digital media content.’” *Id.* at 50–51; *see id.* at 82, 84. Similarly, Petitioner explains that its asserted prior-art combination teaches transitioning between views because “[w]hen a user configures the Shimura-Tsuji-Aldrich Computing System between the laptop and easel modes, the displayed content . . . would ‘transition between the plurality of views [normal and inverted views] in response.’” *Id.* at 51. In short, Petitioner relies only on different orientations of the same displayed content to meet the claimed plurality of views. Thus, on the current record, Petitioner has not made a sufficient showing that the asserted combination of Shimura, Tsuji and Aldrich teach or suggest the claimed plurality of views of digital media content and transitioning between those views, as required in all independent challenged claims.

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 ’888 patent based on a ground asserted in the Petition.

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