

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.,
Petitioner,

v.

PANTECH CORPORATION,
Patent Owner.

IPR2023-01271
Patent 7,283,839 B2

Before DANIEL J. GALLIGAN, CHRISTOPHER L. OGDEN, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner LG Electronics Inc. (“LG”) filed a Petition (Paper 2, “Pet.”) under 35 U.S.C. §§ 311–319 requesting *inter partes* review (“IPR”) of claims 1 and 2 of U.S. Patent No. 7,283,839 B2 (Ex. 1001, “the ’839 patent”). Patent Owner Pantech Corporation (“Pantech”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”).¹

Under the authority delegated to us by the Director of the USPTO under 37 C.F.R. § 42.4(a), we may institute an *inter partes* review when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see also* 37 C.F.R. § 42.108(c) (2023). Applying that standard, we institute an *inter partes* review of all the challenged claims of the ’839 patent for the reasons explained below. This is a preliminary decision, and we will base our final written decision on the full trial record.

II. BACKGROUND

A. THE ’839 PATENT (EX. 1001)

The ’839 patent describes “a wireless communication terminal having a function of providing an integrated messaging service.” Ex. 1001, code (57). According to the patent, prior-art wireless communication terminals

¹ LG identifies itself and LG Electronics U.S.A., Inc. as the real parties in interest. Pet. 3. Pantech identifies itself as the real party in interest. Paper 4, 1.

“provide[d] messaging services in different user interfaces according to the kind of messages e.g., a text message and a multimedia message.” *Id.* at 1:32–35. The intent of the claimed invention was “to provide an easy and user-friendly interface” that would convey multiple kinds of messages, such as text and multimedia, “without modifying a transmission protocol or a network.” *Id.* at 1:55–62.

Figure 1, which depicts a preferred embodiment of the overall system, is reproduced below:

FIG. 1

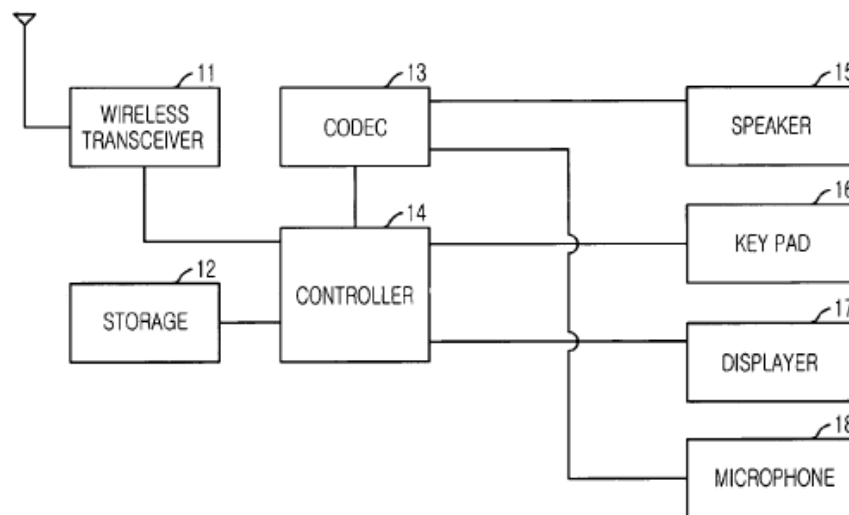


Figure 1 is a block diagram of a wireless communication terminal which includes wireless transceiver 11, storage 12, CODEC 13, controller 14, speaker 15, keypad 16, displayer 17, and microphone 18. Ex. 1001, 3:11–19. In particular, controller 14 is responsible for “operating the integrated messaging program stored in the storage 12,” which includes determining the message kind of outgoing and incoming messages, generating and transmitting outgoing messages, dividing messages into content and

identification parts, displaying outgoing and incoming message content and identification data, and controlling other elements of the wireless communication terminal. *See id.* at 3:38–58.

Figure 4B of the '839 patent, showing an example of an integrated messaging service, is reproduced below:

FIG. 4B

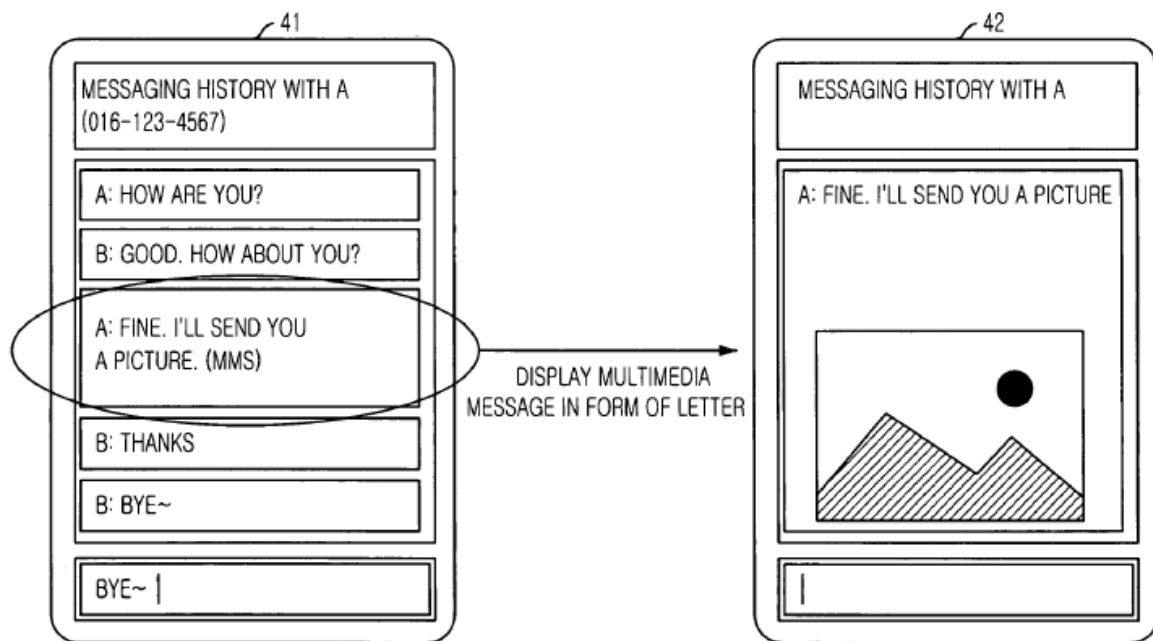


Figure 4B “presents an example of messages transmitted and received between a user A and a current user B of the wireless communication terminals.” Ex. 1001, 6:22–24. Display image 41 shows a series of short messages reflecting a conversation between users A and B, from the perspective of user B’s device, including a message “A: FINE. I’LL SEND YOU A PICTURE. (MMS)” notifying user B that user A has sent a multimedia message of data type “MMS.” *See id.* at 6:22–42. When user B selects this message, user B’s wireless communication terminal accesses the multimedia contents based on the URL of the informing message sent from

user A, and retrieves the multimedia file, which is output as shown in display image 42. *See id.* at 6:54–7:3.

B. CHALLENGED CLAIMS AND GROUNDS

Independent claim 1 is as follows:

1. A wireless communication terminal having a function of providing an integrated messaging service, the wireless communication terminal comprising:
 - [1.a] a wireless transceiver for transceiving a message to/from an outside device through a wireless network;
 - [1.b] a storage for storing an integrated messaging service program and messages in order to provide an integrated user interface (IUI);
 - [1.c] a keypad for receiving a message content and a menu selecting signal in the IUI;
 - [1.d] a displayer for displaying the message content and description data in the IUI; and
 - [1.e(i)] a controller for providing the IUI to the keypad and the displayer by operating the integrated messaging service program,
 - [1.e(ii)] determining a message kind of the message to be transmitted which is inputted in the IUI,
 - [1.e(iii)] generating an outgoing message including identification data corresponding to the message kind,
 - [1.e(iv)] transmitting the outgoing message,
 - [1.e(v)] displaying the message content and the description data of the outgoing message in the IUI,
 - [1.e(vi)] determining a message kind of a received message,
 - [1.e(vii)] dividing the received message into a message content and description data,

- [1.e(viii)] displaying the message content and the description data in the IUI,
- [1.e(ix)] and controlling elements in the wireless communication terminal.

Ex. 1001, 8:2–26; *accord* Pet. viii–ix (LG’s reference numbers added).

LG argues various grounds² for *inter partes* review, as summarized in the following table:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 2	102(e) ³	Lemay ⁴
1, 2	103(a)	Lemay
1, 2	103(a)	Maguire, ⁵ Kang ⁶
1, 2	103(a)	Lemay, RFC 2822 ⁷
1, 2	103(a)	Maguire, Kang, RFC 2822

Pet. 5–6.

² LG treats anticipation and obviousness based on Lemay as a single ground. Because of the different legal requirements, we have separated the ground.

³ 35 U.S.C. § 103(a) (2006). Section 103 was amended by the Leahy–Smith America Invents Act (“AIA”), Pub. L. No. 112-29 § 103, sec. (n)(1), 125 Stat. 284, 287, 293 (2011) (effective Mar. 16, 2013). This pre-AIA version of § 103 applies because the ’839 patent issued from an application filed on April 13, 2005, which is before the effective date of the AIA amendments. *See* Ex. 1001, code (22).

⁴ Lemay et al., US 8,020,105 B1 (issued Sept. 13, 2011) (Ex. 1005).

⁵ Maguire et al., WO 03/056789 A1 (published July 10, 2003) (Ex. 1007).

⁶ Kang et al., US 2002/0152220 A1 (published Oct. 17, 2002) (Ex. 1008).

⁷ P. Resnick, *Internet Message Format* (RFC 2822, Network Working Grp., Internet Eng’g Task Force, 2001) (“RFC 2822”) (Ex. 1009).

C. DECLARATORY TESTIMONY

LG submits a declaration by Vijay K. Madisetti, Ph.D. Ex. 1003. Pantech does not submit declaratory testimony at this stage.

D. RELATED PROCEEDINGS

As related matters, the parties identify *Pantech Corp. v. LG Electronics Inc.*, No. 22-cv-00113 (E.D. Tex. filed Sept. 2, 2022). Pet. 3; Paper 4, 1.

III. GROUNDS OF THE PETITION

For the reasons below, we determine that LG has demonstrated a reasonable likelihood that it would prevail in showing that at least one of the challenged claims of the '839 patent is unpatentable under a ground of the Petition.

A. LEVEL OF ORDINARY SKILL IN THE ART

The level of ordinary skill in the pertinent art at the time of the invention is a factor in how we construe patent claims. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). It is also one of the factors we consider when determining whether a patent claim is obvious over the prior art. *See Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 17–18 (1966).

To assess the level of ordinary skill, we construct a hypothetical “person of ordinary skill in the art,” from whose vantage point we assess obviousness and claim interpretation. *See In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). This legal construct “presumes that all prior art references

in the field of the invention are available to this hypothetical skilled artisan.” *Id.* (citing *In re Carlson*, 983 F.2d 1032, 1038 (Fed. Cir. 1993)).

LG argues that a person of ordinary skill in the art “would have had a minimum of a bachelor’s degree in electrical or computer engineering or computer science, or a related field, along with at least two years of professional experience in messaging services for wireless communication terminals,” with additional education substitutable for professional experience, or vice versa. Pet. 11 (citing Ex. 1003 ¶¶ 43–46). Pantech does not presently contest this. *See* Prelim. Resp. 3–4.

Because it is uncontested, supported by testimonial evidence, and appears consistent with the types of problems and solutions in the ’839 patent, we adopt the above articulation of the level of ordinary skill for this decision with the exception of the open-ended phrases “a minimum of” and “at least.”

B. CLAIM CONSTRUCTION

In an *inter partes* review, we construe a patent claim “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b).” 37 C.F.R. § 42.100(b) (2023). This generally includes “construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” *Id.* The ordinary and customary meaning of a claim term “is its meaning to the ordinary artisan after reading the entire patent,” and “as of the effective filing date of the patent application.” *Phillips*, 415 F.3d at 1313, 1321.

LG argues that “[a]ll claim terms should be construed according to their plain and ordinary meaning as would have been understood by a [person of ordinary skill in the art] in view of the specification.” Pet. 12 (citing Ex. 1003 ¶¶ 50–51). Pantech argues that this is unhelpful because LG does not “specify[] what constitutes the plain and ordinary meaning of any term.” Prelim. Resp. 4–5.

Neither party suggests that any claim term departs from its ordinary and customary meaning, and we are aware of no evidence at this stage to suggest otherwise. And for our decision, we do not need to construe any of the terms explicitly. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those 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 discuss the claim terms below in the context of the prior art.

C. ANTICIPATION BASED ON LEMAY OR OBVIOUSNESS BASED ON LEMAY AND ALFKE

LG argues that claims 1 and 2 are unpatentable under § 102(e) as anticipated by Lemay. Pet. 5–6, 13–48. According to LG, Lemay incorporates by reference Alfke,⁸ a co-pending US application. Pet. 5 n.2 (citing Ex. 1005, 11:33–41 (stating that Alfke “is hereby incorporated by reference”⁹)). Alternatively, if Lemay does not incorporate Alfke by

⁸ Alfke, US 7,765,263 B1 (issued July 27, 2010) (Ex. 1006).

⁹ Alfke likewise includes similar language to incorporate Lemay by reference. *See* Ex. 1006, 11:4–12

reference, LG alleges that claims 1 and 2 would have been obvious over Lemay in view of Alfke. Pet. 5 n.2.

To show anticipation under § 102, a petitioner must locate each and every element in a claim, arranged as recited in the claim, in a single prior art reference. *See Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008). The limitations may be present in the reference “either explicitly or inherently.” *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997). In making this determination, we consider the reference “together with the knowledge of one of ordinary skill in the pertinent art.” *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (citing *In re Samour*, 571 F.2d 559, 562 (CCPA 1978)).

A claim is unpatentable under § 103(a) if the differences between the claimed subject matter and the prior art are “such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). When a ground in a petition is based on a combination of references, we consider “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *Id.* at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

We base our obviousness inquiry on factual considerations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) any objective indicia of obviousness or non-obviousness that may be in evidence. *See Graham*, 383 U.S. at 17–18.

Considering these factors,¹⁰ we determine that LG has shown a reasonable likelihood that claim 1 is either anticipated by Lemay or is obvious over Lemay in view of Alfke, for the reasons explained below.

1. Overview of Lemay

Lemay describes “a unified user interface” in which “a single user interface is provided to allow a user to view email and instant messages.” Ex. 1005, code (57).

Figure 1B, reproduced below, depicts a computer system suitable for running Lemay’s user interface.

¹⁰ Neither party argues at this stage that there are objective indicia of obviousness or non-obviousness, so this factor is not part of our analysis. *See* Pet. 93–94 (arguing that there is no evidence on record of any secondary considerations of non-obviousness); *see* Prelim. Resp.

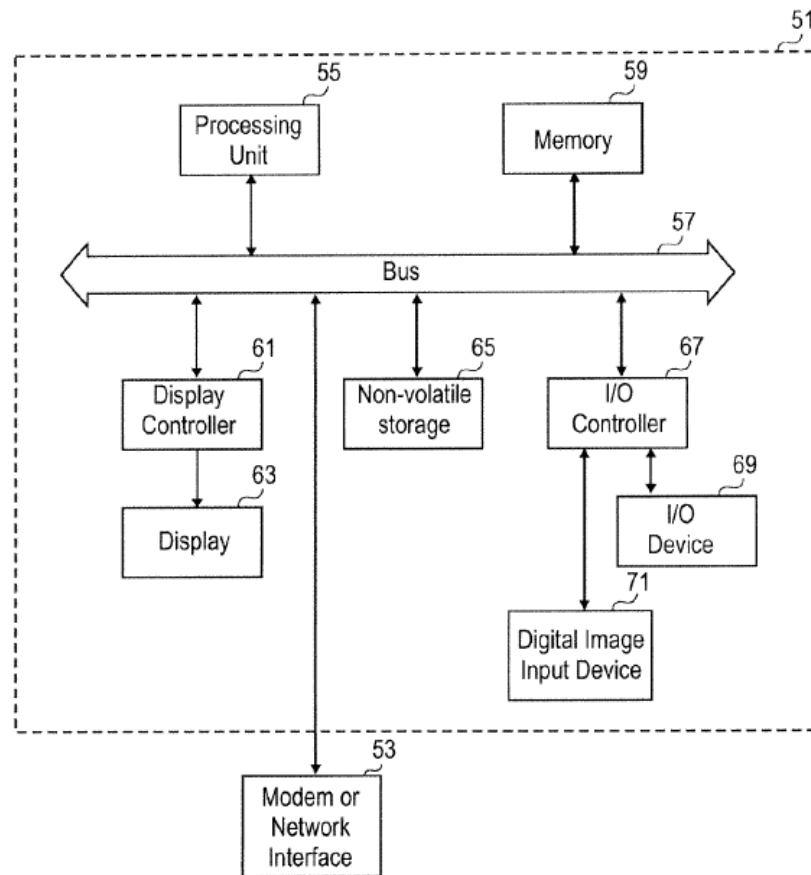


FIG. 1B

Figure 1B is a block diagram showing conventional computer system 51 (e.g., an Apple Macintosh computer) that includes components such as an external interface 53, memory 59, processor 55 and display 63. Ex. 1005, 4:6–58. In addition to a conventional computer, Lemay discloses that “the invention can be practiced with other computer system configurations, including hand-held devices, cellular telephones, . . . and the like.” *Id.* at 2:56–62.

Figure 2C, reproduced below, depicts an example graphical user interface.

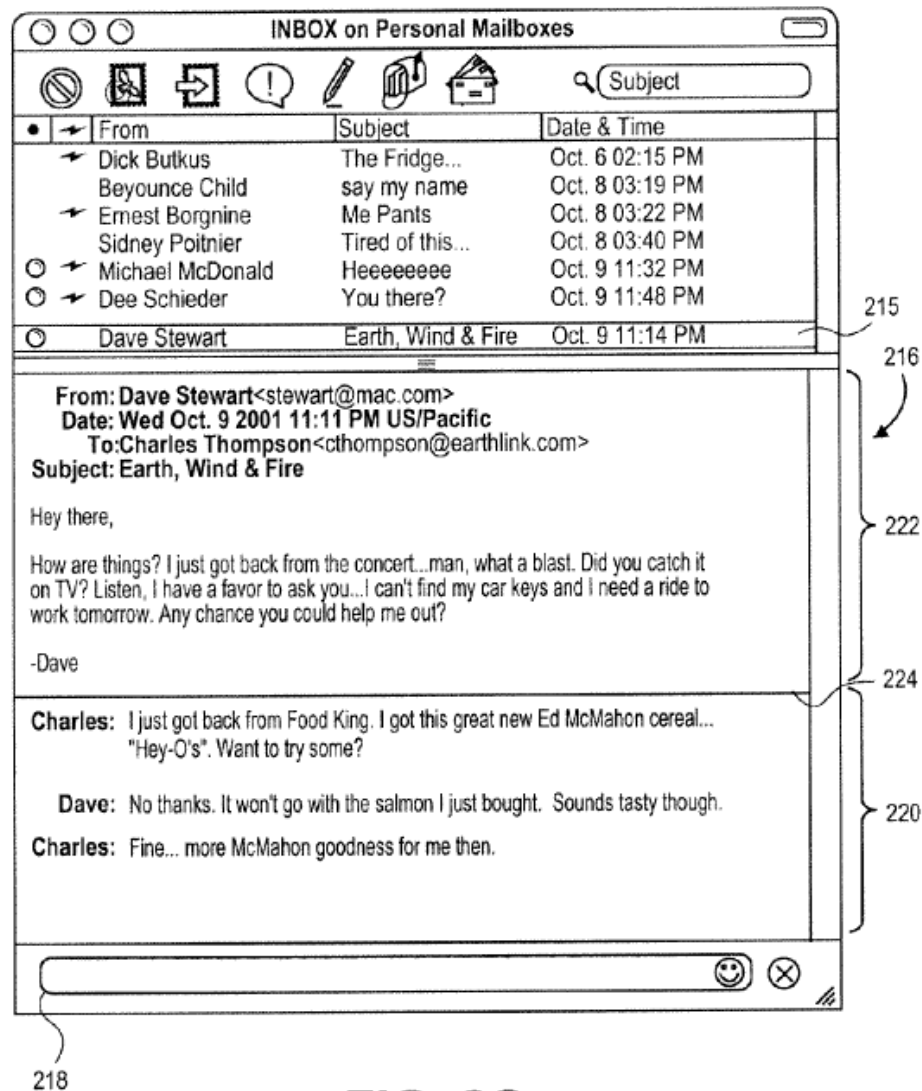


FIG. 2C

The graphical user interface shown in Figure 2C includes instant messaging content 220 and email content 222 displayed in separate panes. Ex. 1005, 6:65–7:9. At the top, the interface includes a table of each messaging record which includes the name of the user who sent the record, the subject, and the date and time of the record. *Id.* at 5:34–41.

2. *Preamble*

The preamble of claim 1 recites “[a] wireless communication terminal having a function of providing an integrated messaging service, the wireless communication terminal comprising” certain components. Ex. 1001, 8:2–4.

LG argues that Lemay discloses the preamble because it describes a unified user interface on a cellular telephone. Pet. 16–18 (citing Ex. 1003, code (57), 1:49–62, 2:52–65, 5:16–6:20, 8:14–33, 8:57–9:4, 9:29–52, 11:8–17, Figs. 1B, 2C, 2D, 3, 4; Ex. 1003 ¶¶ 70–72). Pantech does not specifically contest this. *See* Prelim. Resp.

At this stage, we agree with LG that Lemay discloses the preamble of claim 1, and thus we need not decide whether the preamble is limiting.

3. *Limitations 1.a–1.d*

Limitation 1a recites “a wireless transceiver for transceiving a message to/from an outside device through a wireless network.” Ex. 1001, 8:5–6. LG identifies the recited transceiver with the wireless network interface of Lemay’s cellular telephone. Pet. 18–22 (citing Ex. 1001, 1:18–22, 2:52–3:23, 3:41–67, 4:6–21, 11:8–17, Fig. 1B; Ex. 1006, 5:23–6:4, 6:37–56, 9:52–10:3, 15:51–16:13, Figs. 1, 2A–2C; Ex. 1003 ¶¶ 73–75).

Limitation 1b recites “a storage for storing an integrated messaging service program and messages in order to provide an integrated user interface (IUI).” Ex. 1001, 8:7–9. LG identifies the recited storage with memory or non-volatile storage within Lemay’s hardware for running its user interface. Pet. 22–25 (citing Ex. 1005, code (57), 1:49–62, 4:21–49, 5:3–15, 6:21–25, 7:10–23, 8:27–32, 9:20–28, Fig. 1B; Ex. 1006, 3:65–4:30, 4:58–5:2, 9:6–10, Fig. 7; Ex. 1003 ¶¶ 76–78).

Limitation 1.c recites “a keypad for receiving a message content and a menu selecting signal in the IUI.” Ex. 1001, 8:10–11. LG identifies the recited keypad with a keyboard or “input/output device” associated with Lemay’s hardware. Pet. 25–27 (citing Ex. 1005, 2:52–65, 3:39–67, 4:21–49, 6:21–25, 6:65–7:9, 7:45–49, 9:20–27, 10:25–41, 10:63–11:12; Ex. 1003 ¶¶ 79–81). LG also argues that “mobile devices using keypads were well-known in the art at the time of the claimed invention. Pet. 25 n.7 (citing Ex. 1014 ¶¶ 1, 3, 70, Figs. 11–15; Ex. 1015 ¶ 5; Ex. 1016, 3:15–25; Ex. 1017 ¶ 15; Ex. 1003 ¶ 81).

Limitation 1.d recites “a displayer for displaying the message content and description data in the IUI.” Ex. 1001, 8:12–13. LG identifies the recited displayer with the display in Lemay’s hardware, which displays both messages and description data such as date and time or the name of the sender. Pet. 27–30 (citing Ex. 1005, code (57), 1:18–22, 4:21–49, 5:16–6:20, 6:65–7:23, 8:57–9:4, 9:20–28, 9:53–10:10, 11:8–17, Figs. 2A–2D; Ex. 1006, 15:51–67; Ex. 1003 ¶¶ 82–84). LG also argues that it was well-known in the art at the time of the claimed invention to include addresses, names, and time stamps as part of messages. Pet. 27–28 & n.8 (citing Ex. 1005, 5:16–6:20, 6:65–7:23, 15:51–67, Figs. 2A–2D; Ex. 1009, 14–16; Ex. 1018, 1, 9; Ex. 1019, 31; Ex. 1020, 30–31, 50, 57; Ex. 1021, 23; Ex. 1022, 1; Ex. 1003 ¶ 85).

Pantech does not specifically contest these contentions, except to argue Lemay does not incorporate Alfke by reference and that LG improperly cites a number of evidentiary references, not asserted as part of the grounds of the Petition, without explaining their import in more than a

conclusory way outside Dr. Madisetti's declaration. *See* Prelim. Resp. 25–28.

At this stage, we agree with LG that Lemay discloses limitations 1.a–1.d. *See, e.g.*, Ex. 1005, Fig. 1B, items 53, 59, 63, 65, 69. We need not decide whether Lemay incorporates Alfke by reference or to what extent, if any, LG's citation to evidentiary references to support obviousness is improper or incomplete, because LG has sufficiently shown that Lemay independently discloses each of limitations 1.a–1.d.

4. *Limitations 1.e(i)–(ix)*

Limitations 1.e(i)–(ix) recite a “controller” that performs various functions. Ex. 1001, 8:14–26. LG identifies the recited controller with Lemay's processor, and points to functions this processor performs, or to functions of the processor disclosed in Alfke. Pet. 30–46.

In particular, limitation 1.e(i) recites the function of “providing the IUI to the keypad and the displayer by operating the integrated messaging service program.” Ex. 1001, 8:14–16. Similarly, limitation 1.e(ix) recites the function of “controlling elements in the wireless communication terminal.” Ex. 1001, 8:25–26. LG argues that Lemay's processor executes software to generate a user interface to the keypad and the display. Pet. 30–32, 45–46 (citing Ex. 1005, 1:18–22, 1:49–62, 2:52–65, 4:21–49, 5:3–15, 6:21–44, 6:65–7:9, Figs. 1B, 2C, 2D, 3, 4; Ex. 1003 ¶¶ 86–88, 108–110).

Limitations 1.e(ii)–(v) recite functions relating to outgoing messages: “determining a message kind of the message to be transmitted which is inputted in the IUI,” “generating an outgoing message including identification data corresponding to the message kind,” “transmitting the outgoing message,” and “displaying the message content and the description

data of the outgoing message in the IUI.” Ex. 1001, 8:16–21. LG argues that Lemay (with independent support from Alfke) discloses packaging and sending outgoing messages which are tagged based on whether they are email or instant messages, and displaying both the outgoing message and description data (e.g., date and time or name of person). Pet. 32–41 (citing Ex. 1005, 1:18–22, 1:63–2:3, 2:66–3:23, 4:21–49, 5:16–6:20, 6:21–42, 6:65–7:23, 8:57–9:4, 9:20–10:10, 10:42–62, 11:8–17, Figs. 1B, 2A–2D, 3, 4; Ex. 1006, 1:17–20, 2:9–20, 5:50–6:56, 6:65–7:23, 7:24–8:34, 8:57–9:4, 9:52–10:3, 11:18–12:7, 12:25–46, 13:25–56, 14:10–18, 16:1–23, Fig. 4; Ex. 1003 ¶¶ 89–100).

Limitations 1.e(vi)–(viii) recite functions relating to received messages: “determining a message kind of a received message,” “dividing the received message into a message content and description data,” and “displaying the message content and the description data in the IUI.” Ex. 1001, 8:22–25. LG argues that Lemay discloses determining the message kind of a received message, referring to its contentions for earlier limitations discussing message kind, and also argues that Alfke teaches this. *See* Pet. 41–43 (citing Ex. 1006, 1:17–20, 2:21–29, 6:17–36, 7:24–38, 8:35–44, 12:8–46, Fig. 5; Ex. 1003 ¶¶ 101–103). LG also argues that Lemay’s interface divides the received message into content and description data, both of which are displayed. *See* Pet. 43–45 (citing Ex. 1005, 1:18–22, 5:16–6:20, 6:65–7:23, Figs. 2A–2D, 3, 4; Ex. 1003 ¶¶ 104–106). LG also argues that it was well-known in the art at the time of the claimed invention to display data identifying the message type when a table includes multiple message types. Pet. 44 n.9 (citing Ex. 1005, 8:61–9:4; Ex. 1015 ¶ 37, Figs.

3A–3B; Ex. 1014 ¶¶ 25–26, Fig. 5; Ex. 1023 ¶ 47, Figs. 4–5; Ex. 1003 ¶ 107).

Pantech argues that Petitioner relies on Alfke, not Lemay, to show “determining a message kind of a received message” (1.e(vi)) and that Lemay does not incorporate by reference any specific material from Alfke with particularity. Prelim. Resp. 25–26 (citing Pet. 42–43; *Adv. Display Sys. v. Kent State Univ.*, 212 F.3d 1272, 1282 (Fed. Cir. 2000)). We disagree with Pantech’s assertion that LG does not rely on Lemay because LG refers to its earlier contentions for limitations discussing message kind. Pet. 42 (citing limitations 1.pre, 1.e(i)–1.e(iii)). For example, LG cites for limitation 1.e(ii) Lemay’s disclosure that “the user interface may incorporate functionality for receiving, sending and managing other types of messaging, such as video chats, video conferencing, or audio communications.” Ex. 1005, 11:18–21, *quoted in* Pet. 35. We are sufficiently persuaded that this disclosure, which specifically addresses received messages, describes “determining a message kind of a received message.”

Pantech also argues that Lemay does not incorporate Alfke by reference and that LG improperly cites a number of evidentiary references, not asserted as part of the grounds of the Petition, without explaining their import in more than a conclusory way outside Dr. Madisetti’s declaration. *See* Prelim. Resp. 25–28.

At this stage, we agree with LG that Lemay discloses limitations 1.e(i)–(ix). *See, e.g.*, Ex. 1005, Figs. 2A–2D, 3, 4. We need not decide whether Lemay incorporates Alfke by reference or to what extent, if any, LG’s citation to evidentiary references to support obviousness is improper or incomplete, because LG has sufficiently shown that Lemay teaches each of

limitations 1.e(i)–(ix) in view of Alfke. LG sufficiently demonstrates the motivation to combine Lemay with Alfke because Lemay specifically teaches that Alfke’s message-processing disclosures are applicable to the embodiments in Lemay. Ex. 1005, 11:33–41; Pet. 5 n.2; Ex. 1003 ¶ 57. Alfke likewise specifically teaches that its disclosures are applicable to Lemay’s user interface. Ex. 1006, 11:4–12.

Pantech also argues that LG’s obviousness arguments based on Lemay are deficient because they are conclusory, provide insufficient rationale, and incorporate material by reference from Dr. Madisetti’s declaration. Prelim. Resp. 28–30. We disagree that LG’s arguments are deficient in this respect because, to the extent (if any) that Alfke is not incorporated by reference into Lemay, the motivation to combine the references appears to be set forth in the references themselves.

5. *Conclusion as to claim 1.*

For the above reasons, we determine that LG has shown, sufficiently persuasively at this stage, that Lemay, or the combination of Lemay and Alfke, teaches all the limitations of claim 1, and that a person of ordinary skill in the art would have had reason to combine the features of each reference as LG argues in the Petition. We therefore determine that LG is reasonably likely to prevail in showing that claim 1 is unpatentable either under § 102(e) as anticipated by Lemay or under § 103(a) as obvious over Lemay in view of Alfke.

6. *Claim 2*

Claim 2 depends from claim 1 and further recites “wherein the description data include incoming/outgoing description data in order to present whether the message is transmitted or received.” Ex. 1001, 8:27–30.

LG argues that in Lemay’s user interface includes “From” and “To” fields as description data to indicate whether the message is transmitted or received. Pet. 46–48 (citing Ex. 1005, code (57), 1:18–22, 5:16–6:20, 6:65–7:23, 8:57–9:4, 9:20–28, Figs. 2A–2D, 4; Ex. 1003 ¶¶ 111–113).

Pantech does not specifically contest these contentions. *See* Prelim. Resp. At this stage, we determine that LG’s argument is sufficiently persuasive, and consequently that LG is reasonably likely to prevail in showing that claim 2 is unpatentable either under § 102(e) as anticipated by Lemay or under § 103(a) as obvious over Lemay in view of Alfke.

D. OTHER GROUNDS

LG also argues that claims 1 and 2 are unpatentable under § 103(a) as obvious over Maguire and Kang, and LG also presents grounds based on Lemay or on the Maguire–Kang combination, each in combination with RFC 2822. Pet. 48–93.

For the other grounds, Pantech argues that LG’s contentions do not adequately address the *Graham* factors. Prelim. Resp. 30–37. We have reviewed LG’s contentions and Pantech’s contrary arguments, and we are sufficiently persuaded by LG’s contentions on this record.

Because LG has shown a reasonable likelihood of prevailing with respect to its grounds based on Lemay or the combination of Lemay and Alfke, we will institute on all grounds raised in the Petition. *See SAS Inst.*,

Inc. v. Iancu, 138 S. Ct. 1348, 1359–60 (2018). At this stage, we need not address the merits of LG’s other grounds.

IV. CONCLUSION

For the reasons above, LG has shown that there is a reasonable likelihood it would prevail with respect to at least one of the claims challenged in the Petition, and we institute trial on all asserted grounds and all challenged claims. *See* 37 C.F.R. § 42.108(a) (2023).

V. ORDER

It is

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1 and 2 of the ’839 patent is instituted with respect to all the grounds set forth in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, *inter partes* review of the ’839 patent commences on the entry date of this Order, and the Board hereby gives notice of the institution of a trial.

IPR2023-01271
Patent 7,283,839 B2

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