

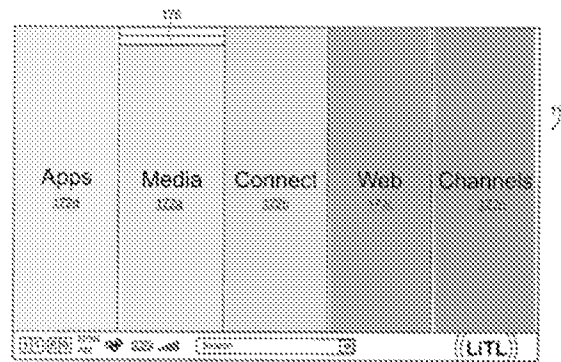


FIG. 12

The user may “navigate” a user interface that displays one or more content modes, and in one embodiment may “select” a particular content mode by pressing the scroll wheel when the desired content mode is highlighted. *Id.*, 12:23-29. In one embodiment, after the user has selected a particular content mode on the user interface, “a new ‘page’ or screen on the user interface corresponding to the selected mode” is brought up that displays to the user the “***particular functions, features or applications*** within that [previously-selected content] mode” so that the user may select a desired function, feature or application. *Id.*, 12:32-35. Thus, according to the specification, displaying a content mode means displaying some “information, such as menus, icons, etc. ... on the display screen 110” (*id.*, 10:54-65) that represents the content mode, and is distinct from displaying any functions, features and/or applications grouped within that content mode.

As noted above, the Office Action relies on Ledbetter’s disclosure of “media player software [] loaded and automatically executed” in media consumption mode, “handwriting recognition software [] loaded and automatically executed” in tablet mode, “walk-up types of information (e.g., weather, messages, the internet and so forth) may be loaded” in walk-up mode, and “typical

shortcuts and other information used for working/productivity ... may be displayed” in workstation mode. OA at 6. The ‘844 Patent specification refers to these as “*particular functions, features or applications*” that may be grouped within a content mode (‘844 Patent, 12:22-35), and makes clear that displaying the “particular functions, features or applications within” a content mode is not the same thing as displaying the content mode itself. *Id.*, 11:37-40, 12:6-7, 12:22-35; *see also e.g.*, Fig. 11 (the LiTL media player is an application program that is displayed separately from the “Media” content mode 172a displayed on Figs. 12 and 17).

IV. Conclusion

LiTL appreciates the examiner’s consideration of this interview agenda and looks forward to discussing these and any other issues the examiners would like to address during the interview.

Dated: November 18, 2022

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §1.248 and §1.550(f), the undersigned hereby certifies that a copy of this INTERVIEW AGENDA IN EX PARTE RE-EXAMINATION, in Reexamination No.: 90/014,965, including all attachments, exhibits, and documents filed therewith, will be served by first-class mail upon:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Yves Behar
Application No.: 90/014,965
Confirmation No.: 3442
Filed: February 25, 2022
For: PORTABLE COMPUTER WITH MULTIPLE
DISPLAY CONFIGURATIONS
Examiner: Christina Y Leung
Art Unit: 3991

EXHIBIT B

**DECLARATION OF ERIC J. GOULD BEAR
IN SUPPORT OF PATENT OWNER RESPONSE TO
NON-FINAL OFFICE ACTION UNDER 37 CFR 1.111**

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APPENDIX A – BEAR CV

APPENDIX B – TABLE OF INSTANCES OF “CONTENT MODE” AND “MODE OF CONTENT”

I, Eric J. Gould Bear declare as follows:

I. INTRODUCTION – PURPOSE OF THIS REPORT

1. I have been retained by counsel for LiTL LLC (“**LiTL**”), in this action. I have been asked to provide my independent analysis of how a person of ordinary skill in the art (a “**POSITA**”) at the time of the invention of U.S. Patent No. 8,624,844 (the “**’844 Patent**”) would have understood the claims of the ’844 Patent when viewed in light of its specification, figures and claims, the scope and content of the disclosures contained in Ledbetter et al., U.S. Patent Publication No. 2007/0058329 A1 (“**Ledbetter**”) and International Pub. No. WO 95/24007 (“**Lane**”), and whether the claims of the ’844 Patent would have been obvious over Ledbetter and Lane.

2. This report is limited to the specific issues stated above. I reserve the right to provide additional opinions at the appropriate time.

3. I am not, and never have been, an employee of LiTL. I am being compensated at the rate of \$520 per hour for time spent on this matter. My compensation is not related to the outcome of this matter, and I will not receive any additional compensation based on the outcome of any proceeding involving the LiTL’s Patent.

II. POINT OF VIEW & MATERIALS REVIEWED

4. My opinions, as explained below, are based on my years of education, experience, knowledge and background in human-computer interaction, as well as my study of relevant materials for this declaration.

5. In forming my opinions and preparing this declaration, I have considered and relied upon not only the materials listed below and any other documents cited in this declaration, but my own education, experience, knowledge and background in the relevant art. These materials are the types of materials that an expert would reasonably consider in forming opinions regarding the topics discussed herein. I reserve the right to rely on additional information that may be provided to me in this matter.

6. I reviewed the Request for *ex parte* Reexamination of the ’844 Patent under 35 U.S.C. § 302-307 and 37 CFR 1.510 submitted by Lenovo (United States) Inc. (“**Lenovo**”) (the “**Request**”), the Declaration of Christopher Schmandt (the “**Schmandt Decl.**”) which was Ex.

1004 to the Request, the '844 Patent and its file history, Ledbetter, Lane, and the other references cited in the Request, the Office Action mailed October 12, 2022 (the "**OA**"), and the Response to Non-Final Office Action under 37 CFR 1.111 ("**Response**") filed with this declaration. I also attended the interview held on November 30, 2022 with Examiner Leung.

7. For consistency and ease of review, my column and line citations to the patent specification are in "(column:line)" format. It should also be understood that from time to time, while I may refer to a patent's "specification" without mention of the patent's figures, I use the term "specification" as a shorthand referring to all components of a patent filing, including the patent's written specification, figures, tables, source code and such.

III. SUMMARY OF CONCLUSIONS

8. As a result of studying the materials outlined above in **Section II** and performing the analysis described herein and measured against the standards outlined below in **Section VI**, it is my opinion that:

A. "Content Mode" / "Mode of Content"

9. The phrases "content mode" and "mode of content" as used in the claims and the specification have no plain or established meaning to a POSITA. Viewed in light of the '844 Patent specification, a POSITA would have understood that displaying a content mode requires displaying some information that represents the content mode, and that displaying a content mode is different from displaying one or more functions, features or applications that *can be* grouped into a content mode.

B. Non-Obviousness

10. A POSITA would understand that neither Ledbetter nor Lane, alone or in combination, disclose displaying content modes within the scope of Claims 10 and 16 of the '844 Patent, let alone disclose displaying a different content mode based on the physical configuration of the computer.

11. My opinions are supported by the evidence in the patent specifications, figures and claims, as well as the other materials identified above in **Section II**; and contrary to the OA discussion regarding these issues, a person of skill in the art would find corroborating evidence in the materials identified above in **Section II** in support of my findings.

IV. BACKGROUND AND QUALIFICATIONS

12. While I summarize my qualifications below as it relates to the analysis and opinions in this declaration, more detailed qualifications can be found in my curriculum vitae (“CV”), attached to this declaration as **Appendix A**, including a summary of my professional and educational background.

13. For over 35 years, I have been involved in the research, teaching, design, development and manufacturing of graphical user interface (“GUI”) and other hardware and software user experience (“UX”) technologies. In this field, I have been named first inventor on 84 issued U.S. patents. I am also the first named inventor on a number of international patents and patent applications.

14. Inventions of mine for which patents have been issued relevant to the ’844 Patent include real-time communications architectures, auxiliary visual displays for personal computers, auxiliary processing by sleeping computing devices, methods for navigating content using media transport controls symbolic and schematic displays of protocol-specific information, user interfaces for visualizing data backup and recovery, and handheld multi-channel interactive environments.

15. These inventions have been licensed to a wide range of companies, among which are the largest consumer electronics and operating system companies in the world, all of the major motion picture studios in the United States, and other Fortune 500 industry players.

16. Of particular additional relevance to this matter is my work as manager of the user experience team that created and brought to market Microsoft’s Tablet PC SKU. I managed software interface designers, hardware industrial designers, user researchers, and user assistance experts, organizing separate disciplines into a unified practice. I also worked closely with third party hardware manufacturers experimenting with a variety of fixed and convertible form factors for tablet computing devices with and without keyboards.

17. Also relevant to this matter is the convergence of my work on consumer graphical user interfaces, the design of touch screen user interfaces of various form-factors, and the design of user interfaces for video and media control – from universal remote controls (Logitech; Microsoft) and mobile phones (Samsung) to car dashboards (Ford), blood analyzers (Luminex) and hospital handhelds (Novartis). In each case, I led a team of user interface and interaction

designers in studying real-world usability challenges and writing functional and technical specifications for engineering teams to implement that addressed those usability challenges.

18. I have designed and written iOS applications to create virtual reality experiences that allow users to navigate virtual reality with a handheld or stereoscopic head-mounted display. One of my inventions in this field (entitled *Walk-in Theater*) has enabled stereoscopic viewing via Google Cardboard and other VR headsets, with a library of 3D experiences by world-famous media artists.

19. This invention family has been awarded at least eight U.S. patents, and research results were published in the MIT Press journal, *Leonardo*.

20. In 2017, I adapted the interaction technologies to the piloting of drones using head-mounted displays. A drone aviation app (entitled *Teleport*) and a tutorial game embodying the technology (entitled *BodyNav*) are both available in the iOS App Store. In 2018, to provide hands-free locomotion, smoother user interactions, a reduction in motion sickness and enhanced physical presence in 3rd party virtual worlds, I designed and led the development of a body-based extended reality (“XR”) developer kit for HTC Vive and Oculus Rift.

21. Since 2013, I have been a partner and angel investor at Austin’s Capital Factory start-up incubator, where I have served as an advisor to executives in intellectual property strategy and the design and development of new hardware, software and services.

22. From 2015 to 2020, I served as the Chief Experience Officer, Corporate Secretary, lead investor, and a board director of Curb, Inc., an energy technology start-up company that builds integrated hardware and software systems for visualizing and managing energy in residential and commercial settings. At Curb, I advised executives, mentored engineers and managed legal operations, including patent prosecution and intellectual property licensing. In August of 2020, Curb was acquired by Elevation Home Energy Solutions, Inc.

23. In addition to gaining relevant expertise through the academic training, professional experiences and research accomplishments described above, I stay abreast of the user experience field by reading technical literature and attending and presenting at conferences across the nation and internationally. I have also served as a director on the board of several non-profit organizations.

24. My experience designing and evaluating user interfaces over the last 35+ years, including the optimization of human performance through the use of computing technology and

automated feedback of various forms and modalities, as well as my background hiring and managing teams of user experience professionals, all position me as an expert in the design and development of graphical user interfaces with a nuanced understanding of what people of skill in the art would have known at the times of invention of the '844 Patent.

V. PERSON OF ORDINARY SKILL IN THE ART

25. All of the opinions I express herein have been made from the standpoint of a person of ordinary skill in the art at the time of the invention of the '844 Patent, which I may refer to as a “**POSITA**.” I understand that a POSITA is a hypothetical person who is presumed to be aware of all pertinent prior art and the conventional wisdom in the art at that time, and is a person of ordinary creativity.

A. Time of Invention of the '844 Patent

26. The application which led to the issuance of the '844 Patent (US Application no. 12/170,951; the “**'951 Application**”) was filed on July 10, 2008. The earliest patent application in the continuity lineage which led to the issuance of the '844 Patent (Provisional US Application No. 61/041,365; the “**'365 Application**”) was filed on April 1, 2008. I have not analyzed which limitations benefit from any date other than April 1, 2008 and my reliance on that date should not be construed as an opinion on the issues of conception and reduction to practice of the claimed inventions in the '844 Patent. Therefore, in this declaration, I have evaluated the meaning that certain terms in the patent would have had to a POSITA as of April 1, 2008. But my opinions would not be materially different if the priority date was July 10, 2008.

27. I reserve the right to supplement my opinions as necessary.

B. Level of Ordinary Skill in the Art

28. I have considered the level of ordinary skill in the art at the time of invention of the '844 Patent using the following factors: (1) the types of problems encountered in the art; (2) the prior art solutions to those problems; (3) the rapidity with which innovations are made; (4) the sophistication of the technology; and (5) the education level of active workers in the field. In a given case, every factor may not be present, and one or more factors may predominate.

29. Considering these factors, I believe a POSITA in this matter would have had: (i) a Bachelor's degree with a focus on human-computer interaction (such as industrial design, user

interface design, cognitive science or computer science), plus at least two years of work experience in designing hardware and/or software aspects of user interfaces for portable computing devices. Alternatively, the POSITA could have received a graduate degree such as a Master's degree in the same field with at least one year of work experience in designing hardware and/or software aspects of user interfaces for portable computing devices.

30. Though I have submitted a declaration associated with the '844 Patent in a co-pending litigation that articulated the level of skill in the art using slightly different terms, there is no substantive difference between the two articulations. My opinions in this declaration would not change if I had used the previous articulation of the level of skill in the art.

31. Based on my qualifications, I am and was at the relevant time a POSITA relevant to the '844 Patent. I am also an expert with an understanding of what a POSITA would know at the time of invention of the '844 Patent.

VI. LEGAL PRINCIPLES AND METHODS

32. Although I am not an attorney and offer no opinions of law, I have been informed by counsel of the legal standards that apply. In forming my analysis and conclusions expressed in this declaration, I have applied the legal principles described in the following paragraphs, with which I am familiar from my own extensive experience with the patenting process.

A. Interpretation at the Time of Invention

33. I interpreted the meaning of the claims as a POSITA would understand them at the time of invention of the '844 Patent.

B. Claim Construction

34. I have been informed by counsel of the legal standards that apply with respect to claim construction. I understand that claim construction is the process by which a fact finder determines the scope and meaning of terms used in the claims of a patent.

35. I have been advised by counsel that claim terms that do not have any special meaning to a POSITA should generally be given their "plain and ordinary" or "ordinary and customary" meaning. I have also been advised that claim terms should generally be construed as a whole, as meaning is often context dependent. In some cases, though, the patent specification

may reveal a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess. In such cases, the inventor's lexicography governs.

36. I understand that during a reexamination proceeding, claim terms are to be accorded their "broadest reasonable interpretation" ("BRI"), but that the best source for determining the meaning of a claim term under that standard is the claims themselves and the specification.

37. In all cases, even under the BRI standard, I understand that claims must be read in view of the specification and the record evidence, because they do not have meaning removed from the context from which they arose and with an interpretation that a POSITA would reach. Thus, I understand that the relevant inquiry in claim construction is the question of how a POSITA would have understood the claim terms at the time of the earliest priority date, in light of the patent specification, including the claims themselves and all text and figures, as well as the prosecution history, and any other relevant intrinsic and extrinsic evidence.

38. I understand that the prosecution history of a patent provides evidence of how the PTO and the inventor understood the patent. I understand that because the prosecution history represents an ongoing negotiation between the PTO and the applicant, rather than the final product of that negotiation, it often lacks the clarity of the specification and thus is less useful for claim construction purposes. I understand that post-grant proceedings (e.g. *inter partes* reviews and *ex parte* reexaminations) involving a patent are part of that patent's prosecution history.

39. I understand that if a disputed claim term lacks an accepted meaning in the art and thus has no plain or established meaning to a POSITA, then its meaning must be found elsewhere in the patent. Where that is the case, I understand that fact finders construe such a term only as broadly as provided for by the patent itself.

40. Extrinsic evidence, including dictionaries and learned treatises, may be considered only when the meaning of a term is unclear in view of the patent and its prosecution history.

41. I understand that claim terms should be construed consistently throughout a patent. In other words, each term should have the same meaning whenever it appears in the claims. I have also been advised that the prosecution history of a patent can be considered in the claim construction process, but that it is less useful than the specification of the patent. I have been advised that the prosecution history may reveal an interpretation that was disclaimed by the applicant, but that such a disclaimer must be unequivocal and unmistakable in order to be effective.

42. I have been advised that claim construction is intended to resolve disputed meanings and technical scope, to clarify, and when necessary to explain what the patentee covered by the claims, but that it is not an obligatory exercise in redundancy.

C. Validity

i. Obviousness under 35 U.S.C. §103

43. I have been informed that a patent claim is only invalid as “obvious” under 35 U.S.C. §103 in light of one or more prior art references if all of the claim elements and their limitations would have been obvious to a person of ordinary skill in the art at the time of the alleged invention POSITA, taking into account (1) the scope and content of the prior art, (2) the differences between the prior art and the claims, (3) the level of ordinary skill in the art, (4) any so called “secondary considerations” of non-obviousness, which include long-felt but unsolved needs for the claimed invention, commercial success attributable to the claimed invention, industry acceptance, praise, unexpected results of the claimed invention, skepticism of others, failure by others to achieve the claimed invention, and “copying” of the claimed invention by others, and (5) any other objective evidence of non-obviousness.

44. I understand that a claim of obviousness may be based on a single prior art reference or multiple prior art references, taken in combination, but that a patent claim comprised of several elements is not proved obvious merely by demonstrating that each of its elements was known in the prior art. To be obvious in light of a single prior art reference or multiple prior art references, there must be a reason that would have prompted a POSITA to modify the single prior art reference, or combine two or more references, in a manner that achieves the claimed invention. This showing may come from a teaching, suggestion, or motivation to combine in the prior art, or may come from the reference(s) themselves, the knowledge of a POSITA (including inferences and creative steps a POSITA would employ), or from the nature of the problem to be solved, and this reason may be explicit or implicit from the prior art as a whole. I have been informed that, under the law, the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. I also understand it is improper and impermissible, however, to rely on hindsight in making an obviousness determination. I understand that even when there is a motivation to modify or combine the prior art to achieve the

claimed invention, a POSITA would also need a reasonable expectation of success in making the proposed modification or combination for the claimed invention to be obvious.

45. I understand that a claimed invention is not obvious when the prior art discourages or teaches away from the claimed invention. Further, I understand that “teaching away” does not require that the prior art foresaw the specific invention claimed in the patent and warned against taking that path; rather, the prior art design itself may teach away from the claimed invention.

46. I understand that in an obviousness analysis, only analogous art may be considered. Art is considered analogous if it is from the same field of endeavor as the patent. If it is not from the same field of endeavor, it may be considered analogous if it is reasonably pertinent to the particular problem with which the patent is involved. A reference is reasonably pertinent if, though in a different field, it would have commended itself to an inventor’s attention in considering the problem.

VII. FIELD OF THE INVENTION

A. Inventions Necessarily Rely on Existing Technologies

47. No new technology can exist in a vacuum wholly disconnected from the past. Whether built using metal, wood, plastic or pixels on a computer screen, all innovations must – to some extent – be made from a combination of known components. Pixels are building block materials used to construct software interfaces just like plastic is a building block material used to construct hardware controls.

48. There are myriad user interface visualization and interaction techniques known to be employable when creating new user experiences. The existence of these techniques, a.k.a. technologies, is akin to the existence of raw physical building materials. Just like building a house, certain technologies lend themselves to certain types of use. Similarly, certain technologies draw designers of software systems into using them in particular combinations. Simply knowing that various technologies exist that can be used for a variety of purposes is not enough to motivate, inspire or enable someone to combine such techniques in new ways. Nonetheless, I believe it important to establish that human-computer perception and/or human-computer interaction innovations should not be treated differently from innovations based on physical technologies not built using software toolkits. The field of innovations in the human-computer interaction space is

one in which significant patentable advances can be, and have been, made. It is, indeed, the field to which I have devoted my career as an inventor.

B. The Science of Human-Computer Interaction

49. Understanding the inventiveness of the '844 Patent depends upon understanding the field of the invention – which is the science of human-computer interaction (“**HCI**”), also known as user experience (“**UX**”) design – as applied in contexts such as graphical user interfaces that organize and streamline interface elements into a plurality of views of computer content for presentation to a user ('844 Patent, Abstract).

50. The discipline of user experience grew out of ergonomics and what was once called man-machine interface (“**MMI**”). It is generally concerned with how to make machines reliably responsive to human expression while being easy to use and unobtrusive. The user interface (“**UI**”) or graphical user interface (“**GUI**”) is the boundary or bridge between a person and a machine. It includes the physical hardware and logical software, capturing concrete measurable human input and outputting processed information for human perception. To be clear, just as HCI is concerned with the science of interaction between humans and computers, the inventions of the '844 Patent is concerned with functional hardware and software technologies for accomplishing speed in human interactions, accuracy of human interactions, and a minimum of human error in such interactions.

51. By the time of invention of the '844 Patent, many corporations had established a track record of investing into user experience research and design to craft and improve the engineering of their own products and the industry's technical competency. Among such companies are, Apple, IBM, Microsoft, Sony, AT&T, HP, and Intel. By the time of invention of the '844 Patent, there were likewise many leading non-profit institutions and agencies with notable programs in one or more UX disciplines, including Stanford, M.I.T., Carnegie Mellon, UCSD, SFSU, and the National Science Foundation.

52. The user experience success metrics used today are the same as they were at the time of invention of the '844 Patent. Great user experiences may come across to end-users as simple and easy to use, quick and efficient, seamless and effortless – but these are often the most difficult to formulate and the most requiring of inventive skill and insight.

53. To accomplish excellent results depends on the science of user experience design. There are three general domains of design involved in crafting user experiences: information

design, interaction design, and interface design. Information design is about the specific techniques for organizing content. Interaction design is about what people functionally do with their bodies and their hands, such as hovering over a cell and clicking a mouse button. And interface design proper is about the sensory aspects of the experience: How are things technically changing on screen? How do people know what they can do? How do they know what they are doing and what they just did? The science of user experience design is at the core of the '844 Patent as the claimed inventions involve the intersection of interaction and interface design, incorporating hardware and software to optimize the user experience.

C. The '844 Patent is Concerned with Solving Technical Problems.

54. The claimed inventions solve technical problems of speed, precision, and usability with prior portable devices and GUI tools. These are classic technical problems. The problems of speed, accuracy, and usability and their solutions are necessarily rooted in computer technology and the operation of prior art GUIs.

55. Reducing task time is a technical challenge well established in the field of user interface and interaction design. It is also a well-established technical problem in the field of physical devices and man-machine interfaces.

56. Also, increasing task accuracy is a technical challenge core to the field of user interface and interaction design – in both hardware and software realms. As in the physical world, motivations to solve such technical challenges generally do not yield obvious solutions, and even the most intellectually logical solutions do not necessarily correlate with the most intuitive or efficacious solutions. For that reason, the science of user experience depends heavily on usability research and real-world validation testing to ascertain technical efficacy and to direct designers back to the drawing board to craft better-performing and frequently novel and non-obvious solutions.

57. It is my understanding that there is considerable evidence that the claimed combination was successful in the marketplace, copied by others, and received praise from many participants in the industry. This is evidence of careful, nuanced, technical design that created an improvement over prior GUIs.

58. Changing the makeup of known GUI elements (structures) on a computer screen often results in a dramatic change in the functionality of the GUI. And because the makeup of any set of user interface structures – whether involving numerical display regions, lists, cells, graphical

buttons, or other elements – establishes the specific technical capabilities of that user interface, this cannot, by definition, avoid being deemed technology.

59. The claimed inventions thus improve the functioning of a computer because they provide new structure, makeup, and functionality that does not exist absent the claimed specialized GUI. By “**structure**,” I mean the individual hardware and software components of the invention, whether interactive elements or pure data display elements. By “**makeup**,” I mean the specific ordering and layout configuration of the various structures of the device and the GUI on screen. By “**functionality**,” I mean the ways in which the structures and the makeup of the structures: (i) restrict and/or enable data to flow in and out of the system and (ii) restrict and/or enable a user to (a) perceive information presented by the device and (b) take action in relation to the system and its displayed information and interactive structures.

60. A POSITA would know that the ’844 Patent clearly and unambiguously set forth technical usability challenges which a POSITA would be motivated to attempt to solve by using a specifically constructed UX using a combination of hardware and software user interface techniques not known to be employed prior to the time of the invention.

VIII. SUMMARY OF THE ’844 PATENT

61. The ’844 Patent relates generally to portable computers that are configurable into different functional and positional modes and solves the problem of requiring additional hardware, specifically an arm assembly or multiple, different hinge assemblies, to permit configuration into different modes. ’844 Patent, 1:15-17, 2:2-6. In addition, the ’844 Patent improves the user experience through its capability and flexibility, offering different display modes and different functionality in the different physical configurations. ’844 Patent, 2:6-9.

62. The ’844 Patent’s inventions were groundbreaking in 2008 and have become industry standards that are ubiquitous today. I understand that the commercial embodiment of the inventions earned substantial contemporaneous praise. See, e.g., *The Litl webbook | Computer test and reviews - European Consumers Choice - Product Reviews and Tests* (<https://www.europeanconsumerschoice.org/hi-tech/litl-webbook-computer-test-and-reviews/> last accessed October 26, 2022); *Litl Webbook Beats ChromeOS, Becomes First Cloud Computer – Cool Things – November 16, 2009* (<https://www.coolthings.com/litl-webbook-beats-chromeos-becomes-first-cloud-computer/> last accessed October 26, 2022); Noe, *The Litl Webbook: A more*

social computing device – Core77 – November 5, 2009
(<https://www.core77.com/posts/15122/The-Litl-Webbook-A-more-social-computing-device/> last
accessed October 26, 2022); *litl Webbook Review – August 31, 2010*
(<https://littletechgirl.com/2010/08/31/litl-webbook-review/> last accessed October 26, 2022).

These inventions were anything but ubiquitous at the time of invention of the '844 Patent.

63. Representative Claim 10 of the '844 Patent recites (*emphasis added*):

10. A portable computer configurable between a *plurality of display modes* including a laptop mode and an easel mode wherein transitions between the plurality of display modes permit an operator to interact with a single display screen in each of the plurality of display modes, the portable computer comprising:

a base including a keyboard;

a main display component rotatably coupled to the base and including the single display screen which displays content;

a hinge assembly disposed at least partially within the base and the main display component that defines an axis of rotation about which both the base and the main display component are rotatable to transition the portable computer between at least the laptop mode and the easel mode, wherein the transition between the laptop mode and the easel mode allows the operator to operate the portable computer while viewing the single display screen in each of the plurality of display modes, wherein

the laptop mode is configured to display to a user on the main display component *a first content mode* having a first content display orientation with the main display component oriented towards the user and the keyboard oriented to receive input from the user;

the easel mode is configured to display to the user on the main display component *a second content mode* having a second content display orientation with the main display component oriented towards the user and the keyboard oriented away from the user, wherein the first and second content display orientations are 180 degrees relative to each other, and wherein the portable computer is operable in the easel mode to enable the user to interact with displayed content without interacting with the keyboard; and

a navigation control accessible in each of the plurality

of display modes and configured to permit a user to manipulate at least one of operating parameters of the portable computer and the content displayed on the single display screen wherein the plurality of modes includes a frame mode in which the main display component is oriented towards the operator, the base contacts a substantially horizontal surface, and the keyboard faces the substantially horizontal surface.

64. Claim 16 depends from Claim 10 and further requires “an operating display mode is selected from the plurality of display modes based on a physical orientation of the portable computer” (*emphasis added*):

16. The portable computer of claim **10**, wherein *an operating display mode is selected from the plurality of display modes based on a physical orientation of the portable computer.*

A. Physical Configuration “Display Modes”

65. The '844 Patent describes, and Claims 10 and 16 require, a “portable computer configurable between a plurality of display modes including a laptop mode and an easel mode.” '844 Patent, Claim 10. Laptop and easel are just two of several display modes the specification discloses, including a “tablet mode” ('844 Patent, 1:35), “a closed mode, a laptop mode, an easel mode, a flat mode and a frame mode” (*id.*, 2:20-23). Some of these are illustrated in the figures reproduced below. The “portable computer has a conventional laptop appearance” in the “laptop mode,” whereas in the “easel mode” the “base of the computer and its display component stand upright forming an inverted ‘V.’” *Id.*, 1:61-64. “The portable computer may include integrated ‘navigation’ hardware” such as “a scroll wheel 132 that allows a user to control, adjust and/or select various functionality of the portable computer” or navigate “through information, such as menus, icons, etc., displayed on the display screen 110, as discussed ... with reference to FIG. 17.” *Id.*, 10:54-65.

Closed Mode

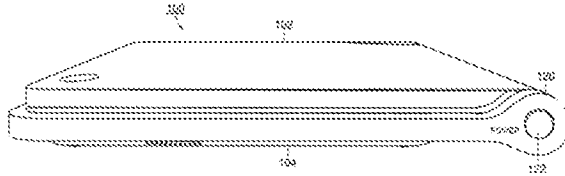


FIG. 2

Laptop Mode

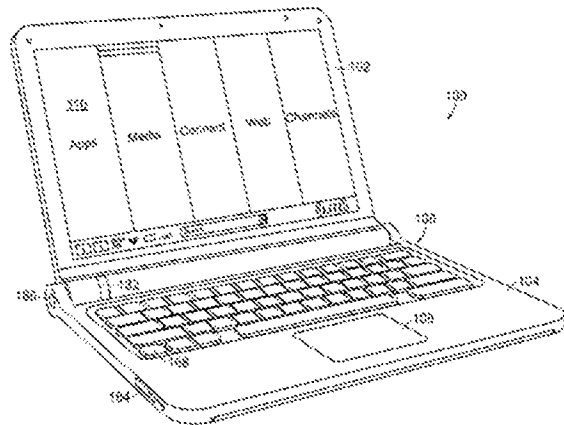


FIG. 17

Easel Mode

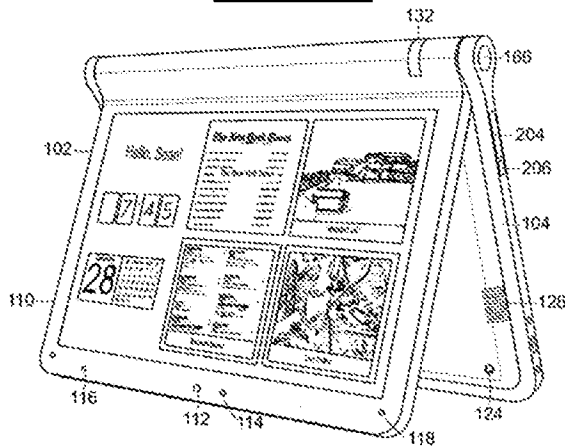


FIG. 4

Frame Mode

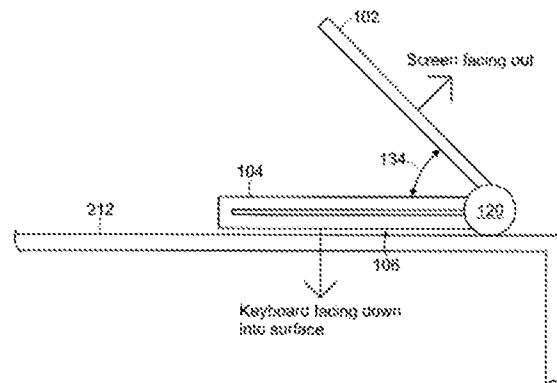


FIG. 26

Flat Mode

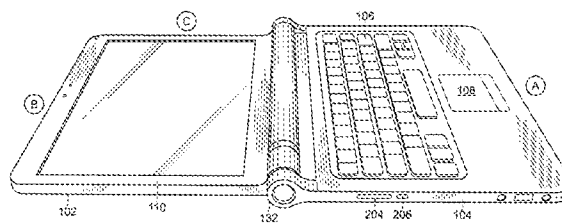


FIG. 27

B. Streamlined GUI Supporting Hierarchical “Map” Navigation

66. The '844 Patent describes a “streamlined graphical user interface [GUI] that supports ‘map’ navigation. The map user interface provides a clear overview of the entire

computing environment and searching capability within the environment that may be accessed using” the scroll wheel 132 and/or navigation buttons 166, 168 on the computer’s base (see Fig. 17 below). ’844 Patent, 11:10-19. “[T]he map mode of navigation is a hierarchical mode that reduces the number of items to select amongst at any stage of navigation, thereby facilitating user access with the scroll wheel 132, and optionally, the navigation button(s) 166, 168.” *Id.*, 11:19-24. This “streamlined” GUI is advantageous when the laptop is in a mode (e.g., easel mode) where the keyboard is not readily accessible to the user because the streamlined GUI facilitates navigation using other hardware (e.g., scroll wheel 32).

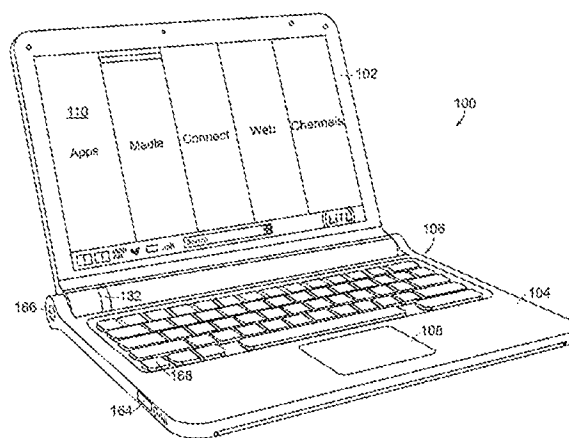


FIG. 17

C. “Content Modes” Support Hierarchical Navigation

67. The above-discussed hierarchical navigation mode is achieved by using “content modes.” “Using the map user interface, *information, programs, features, functions, applications may be grouped into [] various modes of content* 172.” ’844 Patent 11:37-40. Figure 11 shows a user interface home screen 170 that “displays a plurality of modes of content 172.” *Id.*, 11:30. “Some or all of the modes of content 172 may access, retrieve and/or store information on the Internet 174.” *Id.*, 12:4-5. Five content modes are shown in Fig. 11: “media 172a, connect 172b, web 172c, applications 172d, and channels 172e.” *Id.*, 11:37-38.

68. Figures 12 and 17 show these five modes “*displayed* as a series of bars across the screen.” ’844 Patent, 12:6-7.

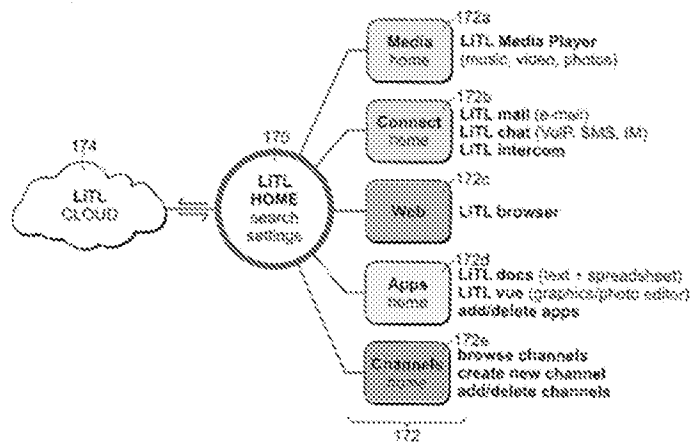


FIG. 11

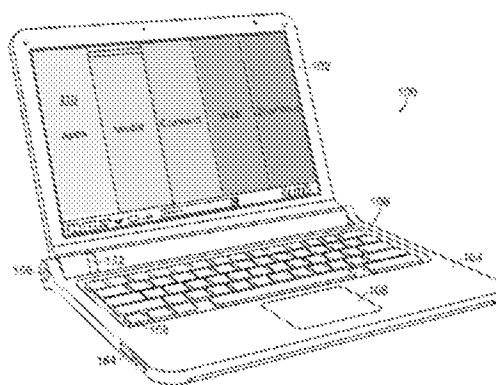


FIG. 17

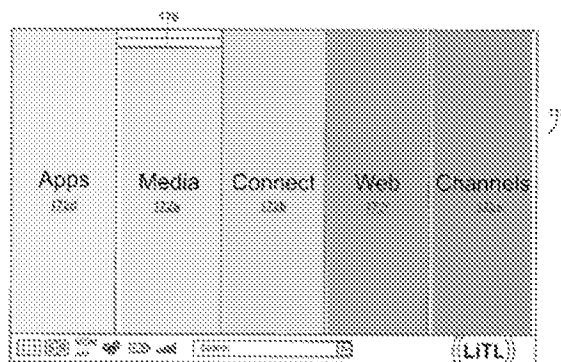


FIG. 12

69. “[**M**]edia content mode 172a may provide access to a media player to play, view, search and organize media such as music, video, photos, etc.” ’844 Patent, 11:44-46.

70. “[**C**]onnect mode 172b may provide access to features such as, for example, email, voice-over-IP instant messaging, etc.” *Id.*, 11:46-48.

71. “[**W**]eb mode 172c may provide access to internet browsing and searching.” *Id.*, 11:49-50

72. “[**A**]pplication mode 172d may provide access to, for example, computer applications or programs, such as word processor, spreadsheet, calculator, etc.” which may be “web-based services rather than programs or applications.” *Id.*, 11:50-55.

73. “[**C**]hannels mode 172e may provide access to different functionality of the portable computer, with the different functions or features defined as different channels," examples of which include “an alarm clock channel” that displays a clock and can be programmed to set an

alarm, a “photo frame channel” that can display one or more preselected images, and a “television channel” configured to stream Internet television. ’ *Id.*, 11:55-67.

74. Scroll wheel 132 and navigation buttons 166, 168 “may be used to navigate the user interface. ... scrolling the scroll wheel may sequentially highlight different ones of the modes of content 172. ... A highlighted mode 172 may be selected by pressing the scroll wheel, thereby bringing up a new ‘page’ or screen on the user interface corresponding to the selected mode. Once within a selected mode of content 172, the scroll wheel may similarly be used to select ***particular functions, features or applications*** within that mode.” *Id.*, 12:22-35. For example, if the user initially selected the connect mode 172b, the user can then use the scroll wheel to select amongst “features such as, for example, email, voice-over-IP instant messaging, etc.” *Id.*, 11:46-48. While Figures 12 and 17 display the different modes of content as a series of bars, other display configurations (*e.g.*, desktop and icon configuration, a dashboard configuration) are possible. *Id.*, 12:6-21.

75. Thus, a POSITA would understand that the specification makes clear that “information, programs, features, functions, [and] applications may be grouped into [] various modes of content 172” (*id.*, 11:37-40), and that the content modes can be “***displayed*** as a series of bars across the display screen” (*id.*, 12:6-7) as shown in Figures 12 and 17. After a desired content mode is selected from the display, the “***particular functions, features or applications*** within” that content mode can be displayed and a desired function, feature or application can be selected. *Id.*, 12:22-35.

IX. ANALYSIS OF CLAIM TERMS

A. “Display Modes” – Claims 10 and 16

76. Independent Claim 10 and dependent Claim 16 require “a plurality of display modes including a laptop mode and an easel mode.”

77. During the interview held on November 30, 2022, Examiner Leung asked about the meaning of the claimed “display modes,” including the “laptop mode” and “easel mode.” A POSITA would understand that the claimed “display modes” refer to the physical configuration of the portable computer. ’844 Patent, 1:34-37 (tablet mode), 1:59-64 and Fig. 17 (laptop mode), 6:64-7:1 and Fig. 2 (closed mode, 7:48-61 and Fig. 4 (easel mode), 16:1-17 and Fig. 26 (frame mode), 16-18-50 and Fig. 27 (flat mode). The configuration of the base with its keyboard relative

to the display component determines which display mode the portable computer is in as shown below.

Closed Mode

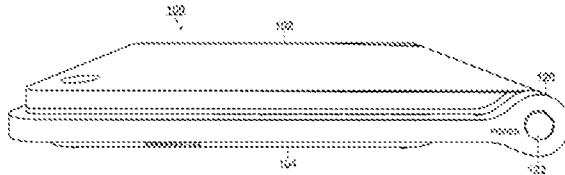


FIG. 2

Laptop Mode

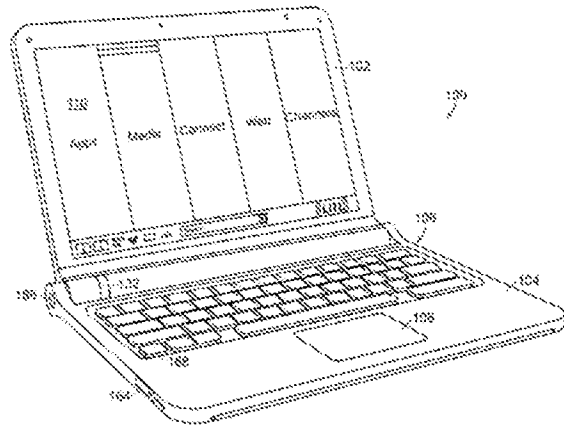


FIG. 17

Easel Mode

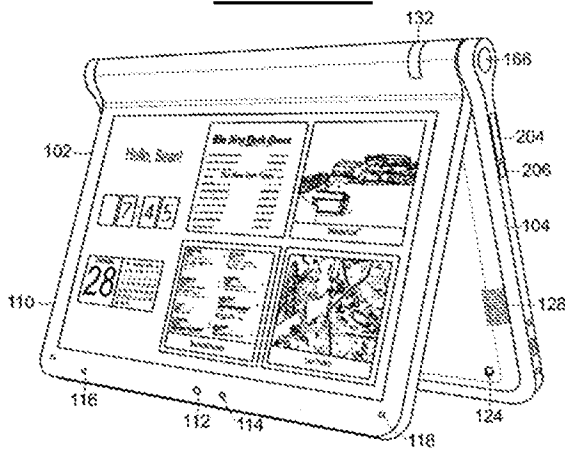


FIG. 4

Frame Mode

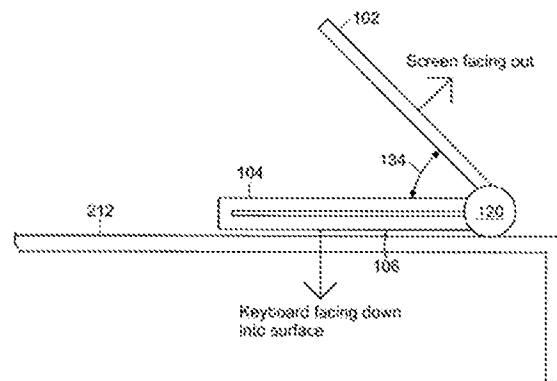


FIG. 26

Flat Mode

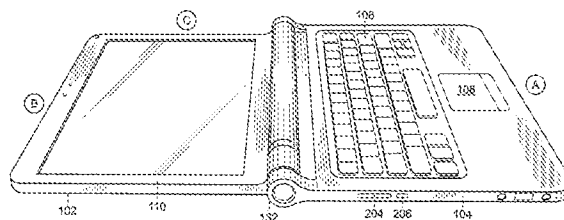


FIG. 27

78. This is consistent with how the Board previously construed “frame mode,” consistent with its description of the ’844 Patent in an Institution Decision denying institution of Lenovo’s petition for IPR of that patent. See Ex. 1031, at 12 (“Consistent with the ’844 Patent’s specification, for purposes of this Decision, we construe ‘frame mode’ as having the keyboard face down on a surface with the screen face up, and the base and display components forming a non-zero angle.”). Third Party Requestor (Lenovo) and its expert adopted and applied the Board’s specific interpretation of “frame mode” along with similar interpretations of the ’844 Patent’s other display modes, including laptop mode and easel mode, which are all based on the physical configurations of the portable computer as detailed in the specification. See e.g., Request, 8-12; Ex. 1005, ¶¶ 22-24, 39-40.

79. As explained in further detail below, a POSITA would understand that “content mode(s)” and “mode(s) of content” are used in the ’844 Patent to describe a very different concept. Though these terms also use the word “mode,” a POSITA would understand that the ’844 Patent specification makes clear that the display mode terms and the content mode terms have different meanings.

B. “Content Mode” – Claims 10 and 16

80. Independent Claim 10 and dependent Claim 16 require “the laptop mode is configured to display to a user on the main display component a *first content mode*” and “the easel mode is configured to display to the user on the main display component a *second content mode*.”

81. The phrases “content mode” and “mode of content” as used in the claims and the specification have no plain or established meaning to a POSITA. Lenovo did not suggest that “content mode(s)” or “mode(s) of content” had an accepted meaning in the art. Lenovo submitted no evidence establishing any known meaning. Lenovo and its expert never addressed the interpretation of the term in light of the specification. SEE e.g., Ex 1004, ¶¶ 37-41, 135-148, 163-165, 170-183. The OA similarly did not allege that “content mode(s)” or “mode(s) of content” have an accepted meaning in the art, cited no evidence of an established meaning.

i. Displaying a Content Mode Requires Displaying Some Information that Represents the Content Mode.

82. Viewed in light of the ’844 Patent specification, a POSITA would understand that displaying a content mode requires displaying some “information, such as menus, icons, etc. ...

on the display screen 110” that represents the content mode. ’844 Patent, 10:54-65. The ’844 Patent states that “[u]sing the map user interface, *information, programs, features, functions, applications may be grouped into [] various modes of content 172.*” *Id.*, 11:37-40. Figure 11 shows a user interface home screen 170 that “displays a plurality of modes of content 172.” *Id.*, 11:30. “Some or all of the modes of content 172 may access, retrieve and/or store information on the Internet 174.” *Id.*, 12:4-5. Five content modes are shown in Fig. 11: “media 172a, connect 172b, web 172c, applications 172d, and channels 172e.” *Id.*, 11:37-38.

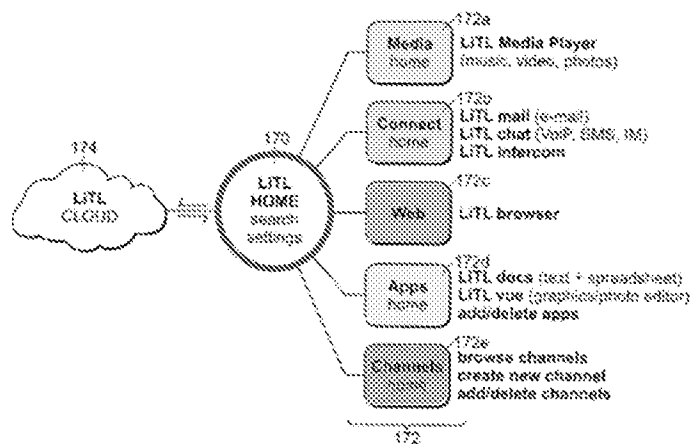


FIG. 11

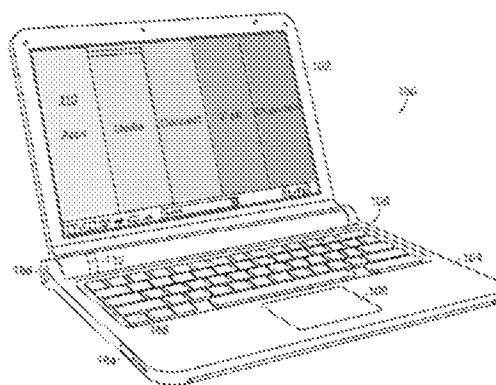


FIG. 17

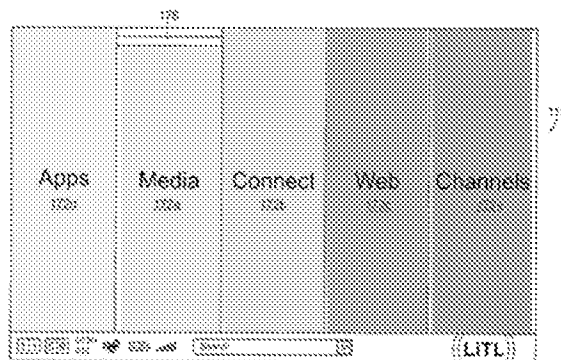


FIG. 12

83. A POSITA would understand that the content modes thus support “hierarchical” navigation (’844 Patent, 11:19-24) not only because they group together “information, programs, features, functions, [and] applications” (*id.*, 37-40), but because the content groups are displayed to the user (*id.*, 12:6-8 (“[T]he different modes of content 172 may be displayed as a series of bars across the display screen 110, as illustrated in Fig. 12.”)).

84. The user may “navigate” a user interface that displays one or more content modes, and in one embodiment may “select” a particular content mode by pressing the scroll wheel when the desired content mode is highlighted. ’844 Patent, 12:23-29. Scroll wheel 132 and navigation buttons 166, 168 “may be used to navigate the user interface. ... scrolling the scroll wheel may sequentially highlight different ones of the modes of content 172. ... A highlighted mode 172 may be selected by pressing the scroll wheel, thereby bringing up a new ‘page’ or screen on the user interface corresponding to the selected mode. Once within a selected mode of content 172, the scroll wheel may similarly be used to select *particular functions, features or applications* within that mode.” *Id.*, 12:22-35. For example, if the user initially selected the connect mode 172b, the user can then use the scroll wheel to select amongst “features such as, for example, email, voice-over-IP instant messaging, etc.” *Id.*, 11:46-48. While Figures 12 and 17 display the different modes of content as a series of bars, other display configurations (*e.g.*, desktop and icon configuration, a dashboard configuration) are possible. *Id.*, 12:6-21.

85. A POSITA would understand that the specification makes clear that “information, programs, features, functions, [and] applications may be grouped into [] various modes of content 172” (’844 Patent, 11:37-40), and that the content modes can be “*displayed* as a series of bars across the display screen” (*id.*, 12:6-7) as shown in Figures 12 and 17. After a desired content mode is selected from the display, the “*particular functions, features or applications* within” that content mode can be displayed and a desired function, feature or application can be selected. *Id.*, 12:22-35.

86. Every claim requires that the portable computer be configured to group its “information, programs, features, functions, [and] applications” into at least a first and a second content mode, and to *display to the user* as information on the computer’s display component the first content mode (when the computer is in laptop mode) and the second content mode (when the computer is in easel mode). ’844 Patent, 10:62-64, 11:27-40, 12:22-35. A POSITA would understand that for a “content mode” to be displayed, there must be a visual representation of it. A POSITA would understand that Claims 10 and 16 thus require that something be displayed to the user that is a visual representation of the content mode. As explained further below, the Lane/Ledbetter combination fails to meet these requirements.

ii. Displaying One or More Functions, Features or Applications That Can Be Grouped Into a Content Mode is Different Than Displaying The Content Mode Itself.

87. A POSITA would understand that the '844 Patent distinguishes between “menus, icons, etc. ... on the display screen 110” that represents the content mode ('844 Patent, 10:54-65) and the “*particular functions, features or applications* within that mode” (*id.*, 12:22-35). The '844 Patent never uses the term “content mode” interchangeably with the content within the “content mode(s)” and “mode(s) of content” as used in the '844 Patent. And the phrases “content mode” and “mode of content” as used in the claims and the specification have no plain or established meaning to a POSITA.

88. I reviewed each and every use of the terms “content mode(s)” and “mode(s) of content” in the '844 Patent (each is listed in Appendix B, herein). The '844 Patent consistently refers to displaying a content mode as requiring the display of some visual representation of the content mode – some “information, such as menus, icons, etc. ... on the display screen 110” that represents the content mode. '844 Patent, 10:54-65. The '844 Patent never refers to the display of a content mode as merely displaying one or more functions, features or applications *that can be grouped* within a content mode.

89. During the interview, Examiner Leung pointed out that the challenged claims do not specifically recite a hierarchical menu as shown in Figures 12 and 17. Examiner Leung is correct. And while the challenged claims do not require the display of the particular hierarchical menu shown in Figures 12 and 17, as noted above, the challenged claims do require displaying to the user a first and second content mode. The challenged claims require that in laptop mode, a first content mode is displayed to the user; and in the easel mode, a second content mode is displayed to the user. The claims do not refer to the display of content that *may be grouped* within the content mode. Figures 12 and 17 provide examples that make clear the difference between displaying the content mode and displaying the content that *may be grouped* within the content mode.

iii. Using One of the Functions, Features or Applications is Different Than Displaying the Content Mode Itself.

90. Finally, during the interview, Examiner Leung asked whether the use of a single program amounted to the display of a content mode. A POSITA would understand that using one

of the functions, features, or applications that can be grouped in a content mode is different than displaying the content mode. Just as the '844 Patent distinguishes between the display of the content mode (i.e. the “menus, icons, etc. ... on the display screen 110” that represents the content mode (*id.*, 10:54-65)) and displaying the “**particular functions, features or applications** within that mode” (*id.*, 12:22-35), as discussed in the prior section, the '844 Patent distinguishes between **using** the functions, features or applications from displaying a content mode. For example, the '844 Patent distinguishes the “**activities within** at least some modes of content (e.g., viewing a photograph or video)” (*id.*, 14:7-6) from displaying the media mode 172a (*id.*, 11:29-38 (“The user interface ‘home’ screen 170 that displays a plurality of modes of content 172” that includes the “‘media’ mode 172a”), the media mode 172a being the mode that contains the activities associated with viewing a photograph or video (*id.*, 44-46 (“For example, the media mode 172a may provide access to a medial player to play, view, search and organize media Such as music, video, photos, etc.”)). For another example, “the web mode 172 c” provides “access to” the internet browser (*id.*, 11:49-50, Fig. 11), but a POSITA would understand the display of the “the web mode 172 c” is different than the display of the internet browser because, for example, Fig. 11 shows the content mode 172 c to be a separate item than the “LiTL browser.”

91. In the embodiment shown in Fig. 12, a POSITA would understand that “scrolling the scroll wheel may sequentially highlight different ones of the modes of content 172.” *Id.*, 12:25-26. Then, “[a] highlighted mode 172 may be selected by pressing the scroll wheel, thereby **bringing up a new ‘page’ or screen** on the user interface corresponding to the selected mode.” *Id.*, 12:29-32. Only “[o]nce within a selected mode of content 172, the scroll wheel may similarly be used to select particular functions, features or applications within that mode.” *Id.*, 12:32-35. Thus, in this described embodiment, the user would need to select a mode of content 172, and then select a particular function, feature or application within that mode, before using that selected function, feature or application. While this is but one example of one embodiment, critically, the '844 Patent never equates using the particular function, feature or application with displaying a mode of content. Thus, a POSITA would understand that using one of the functions, features, or applications is different than displaying a mode of content as claimed.

X. ANALYSIS OF NON-OBVIOUSNESS

92. The OA rejected claims 10 and 16 as allegedly obvious over Lane and Ledbetter but neither Ledbetter nor Lane, alone or in combination, disclose displaying content modes, let alone disclose displaying a different content mode based on the physical configuration of the computer.

A. Ledbetter's Alleged Content Modes Are Never Displayed to the User

93. The OA alleges that Ledbetter “teaches different content modes *displayed* in different display modes,” citing Ledbetter [0023], [0026], and [0057]. OA at 6.

94. A POSITA would understand that the portion of Ledbetter cited by the OA teaches that the computer’s monitor arm can be configured in different physical “usage modes” where the monitor arm is positioned in different physical positions. Ledbetter, [0026]. Ledbetter discloses that “the computer providing the content to display can change *software operating modes* to match the corresponding monitor position.” *Id.*, [0055]. The operating system “loads a corresponding shell user interface and/or other program or programs (e.g., 1386₁) as necessary to configure the computer system user interface display 1388 and running programs to match the current mode.” Ledbetter, [0056].

95. Ledbetter describes four operating modes: (1) a “**media consumption mode** [in which] media player software may be loaded and automatically executed”; (2) a “**tablet mode** [in which] tablet operating system components such as including handwriting recognition software may be loaded and automatically executed”; (3) a “**walk-up mode** [in which] a touch-screen shell program configured to provide convenient access to walk-up types of information (e.g., weather, messages, the internet and so forth)” is loaded; and (4) a “**workstation mode** [in which] typical shortcuts and other information used for working/productivity or other computer usage (e.g., gaming) may be displayed.” Ledbetter, [0057].

96. Thus, a POSITA would understand that Ledbetter discloses that when the computer arm is in different physical configurations (“usage modes”), the computer enters different “software operating modes” (Ledbetter, [0055]) where different programs may be run and/or different information is displayed on the display.

97. The Request alleged that Ledbetter’s software operating modes “constitute the claimed content modes.” Request, 98-99. The OA adopts this mis-characterization of the claimed

content modes, corresponding them with Ledbetter and alleging that “Ledbetter further teaches different content modes displayed in different display modes,” where the OA identifies – via italics – the “*media consumption mode*,” “*tablet mode*,” “*wakeup mode*” and “*workstation mode*” as meeting the claimed content modes. OA at 6 (emphasis original). But even if Ledbetter’s “software operating modes” could be considered content modes, which a POSITA would know they should not, the computer being configured to run different software operating modes does not meet the claimed requirement that the computer be configured to display first and second content modes.

98. A POSITA would understand that the specification makes clear that “information, programs, features, functions, [and] applications may be grouped into [] various modes of content 172” (’844 Patent, 11:37-40), and that the content modes can be “*displayed* as a series of bars across the display screen” (*id.*, 12:6-7) as shown in Fig’s 12 and 17. After a desired content mode is selected from the display, the “*particular functions, features or applications* within” that content mode can be displayed and a desired function, feature or application can be selected. *Id.*, 12:22-35. Thus, a POSITA would understand that displaying a content mode requires displaying some information that represents the content mode, not merely displaying one or more functions, features or applications that can be grouped into a content mode. Ledbetter never discloses displaying a visual representation of the content mode as claimed. In contrast, Ledbetter merely discusses content *in the context of* operating modes.

99. This Lane/Ledbetter combination is not “configured to *display to a user*” the very things – software operating modes – that the OA alleges are first and second content modes. Thus, the Lane/Ledbetter combination does not meet any challenged claim, because the claims do not simply require first and second content modes, but also require that the computer be configured to “display to a user” a visual representation of those content modes. A POSITA would recognize that the Lane/Ledbetter combination does neither.

B. Displaying Functions, Features and/or Applications Does Not Amount to Displaying a Content Mode

100. The only things in Ledbetter that the OA alleges are displayed to the user are particular functions, features and/or applications that are displayed when the computer is in a particular software operating modes. Specifically, the OA identifies “media player software [] loaded and automatically executed” in media consumption mode, “handwriting recognition

software [] loaded and automatically executed” in tablet mode, “walk-up types of information (e.g., weather, messages, the internet and so forth) may be loaded” in walk-up mode, and “typical shortcuts and other information used for working/productivity ... may be displayed” in workstation mode. OA at 6.

101. But as explained in the **Analysis of Claim Terms** section above, a POSITA would understand that the ‘844 Patent *distinguishes* the “particular functions, features or applications” that may be grouped within a content mode (‘844 Patent, 12:22-35), from the content mode, itself. ‘844 Patent, 11:37-40, 12:6-7, 12:22-35. Thus, to the extent the OA suggests that functions, features and/or applications displayed by Ledbetter when in its display modes could meet the claimed content modes, that would be inconsistent with a POSITA’s understanding of the specification of the ‘844 Patent.

102. In sum, a POSITA would understand that the portions of Ledbetter relied upon in the OA do not disclose displaying to the user as information on the computer’s display component the first content mode (when the computer is in laptop mode) and the second content mode (when the computer is in easel mode) as required by Claims 10 and 16.

XI. CONCLUSION

103. As a result of studying the materials outlined above in **Section II** and performing the analysis described herein and measured against the standards outlined above in **Section VI**, I have determined that:

A. “Content Mode” / “Mode of Content”

104. The phrases “content mode” and “mode of content” as used in the claims and the specification have no plain or established meaning to a POSITA. Viewed in light of the ‘844 Patent specification, a POSITA would have understood that displaying a content mode requires displaying some information that represents the content mode, and that displaying a content mode is different from displaying one or more functions, features or applications that *can be* grouped into a content mode.

B. Non-Obviousness

105. A POSITA would understand that neither Ledbetter nor Lane, alone or in combination, disclose displaying content modes within the scope of Claims 10 and 16 of the ‘844

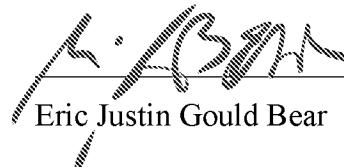
Patent, let alone disclose displaying a different content mode based on the physical configuration of the computer.

106. My opinions are supported by the evidence in the patent specifications, figures and claims, as well as the other materials identified above in **Section II**; and contrary to the OA discussion regarding these issues, a person of skill in the art would find corroborating evidence in the materials identified above in **Section II** in support of my findings.

107. The opinions and conclusions expressed in this declaration represent my current opinions and conclusions, and the bases thereof, in this matter. Although I do not believe that my opinions and conclusions, and the bases thereof, are likely to change, they may be revised and/or supplemented should additional relevant information or insights become available to me.

108. I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Signed on December 9, 2022 in Austin, Texas.



Eric Justin Gould Bear

APPENDIX A

BEAR CV

ERIC GOULD BEAR

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eric@chiefexperienceofficer.com

Corporate Leadership in User Experience Strategy

Communication Arts has described Eric Bear as “one of the most thoughtful and provocative interface and interaction designers working in the field.” He has been leading the design of award-winning human-computer interfaces since 1984, has published numerous articles on the subject, and has been granted a variety of patents for cutting-edge techniques. An enthusiastic and inspirational leader, Bear invites everyone to join in the work of creating easier-to-use technology and more engaging digital media. Key management outcomes have included:

- Competitive customer experience strategy
- Integrated vision for products, services & brand
- Prioritized product requirements & specifications
- Maximized usability & customer satisfaction
- Confidence in solutions prior to public release
- Proven design management methodology
- Leadership of cross-functional collaboration
(*technology, strategy, marketing, content, design, usability*)
- Engineering resource, schedule & cost optimization
- Protection of proprietary interaction technology

CONSULTING

Chief Experience Officer, Inc. – Austin, Texas

2005 to Present

Executive consulting in corporate user experience strategy and design innovation – Performed “Virtual CXO” role to build in-house competencies, methods and teams. Advised business leaders in design management and intellectual property strategy. Guided entrepreneurs and designers through concept ideation and creative development. Representative projects include:

Capital Factory (2013 to Present) – *Partner & Angel Investor*

Aceable, Inc. – mobile education start-up; *Advisor*

Kenguru / KLD Energy, Inc. – electric wheelchair-accessible vehicle division; *Advisor*

SubjectMatter, Inc. – expert network platform start-up; *Advisor*

Weeva, Inc. – collaborative storytelling start-up; *Advisor*

FloSports, Inc. (2014 to 2015) – sports media network; *Advisor / Acting CXO*

Logitech International (2005 to 2009) – award-winning *MX Revolution* and *VX Revolution* mice and award-winning *Harmony One*, *Harmony 900* and *Harmony 1000* touch-screen universal remote controls

Tektronix, Inc. (2005 to 2009) – schematic and symbolic systems for protocol-based data analysis

projekt202, LLC (2005 to 2009) – *Chief Experience Officer & Strategic Innovation Advisor*

Charles Schwab – *StreetSmart Edge* active trader desktop software suite

e-MDs – electronic medical record and clinic management software suite

Motorola – mobile phone user interfaces

On-Q / Legrand – home automation LCD control panel interfaces

Samsung – next generation mobile phone user experience strategy

Thomson Reuters – *WestlawNext* legal research system

Testifying expert witness in patent litigation matters:

Alston & Bird LLP – *Testifying Expert Witness*

8:18-cv-01580 **Universal Electronics Inc. v. ROKU, Inc.**

Inter Partes Review 2019-01595 & 2019-01608 **ROKU, Inc. v. Universal Electronics Inc.**

ITC Investigation 337-TA-1200 **Universal Electronics Inc. v. ROKU, Hisense, Funai, TCL, et al.**

Dickinson Wright LLP – *Testifying Expert Witness*

Inter Partes Review 2018-00059 **Unified Patents, Inc. v. MONKEYmedia, Inc.**

9 Dec 2022

Etheridge Law Group – Testifying Expert Witness

2:18-cv-00491; 2:18-cv-00502; 2:18-cv-00504; 2:18-cv-00550 **Uniloc 2017 LLC v. Google LLC**
Inter Partes Review 2019-01187 **Microsoft Corporation v. Uniloc 2017 LLC**
Inter Partes Review 2020-00115 **Google LLC v. Uniloc 2017 LLC**
Inter Partes Review 2020-00041 **Netflix, Inc. v. Uniloc 2017 LLC**
Inter Partes Review 2019-01367 **Sling TV LLC v. Uniloc 2017 LLC**
Inter Partes Review 2020-00441 **Google LLC v. Uniloc 2017 LLC**

Farney Daniels PC – Testifying Expert Witness

ITC 337-TA-994 **Creative Tech. v. ZTE, Sony, Samsung, LG, Lenovo, Motorola, HTC, Blackberry, et al.**
Inter Partes Review 2016-01407 **Sony Corp, et al. v. Creative Technology Ltd.**

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP – Testifying Expert Witness

CBM2015-00161; CBM2015-00172; CBM2015-00179; CBM2015-00181; CBM2015-00182; CBM2016-00031; CBM2016-00051; CBM2016-00054; CBM2016-00087; CBM2016-00090 **Trading Technologies**

G2 Technology Law – Testifying Expert Witness

90/011,365 **MONKEYmedia, Inc. Ex Parte** Reexamination
 95/001,504; 95/001,506; 95/001,630; 95/002,256 **MONKEYmedia, Inc. Inter Partes** Reexaminations

Graves Dougherty Hearon & Moody – Testifying Expert Witness

1:10-cv-00319 **MONKEYmedia, Inc. v. Apple, Inc.**
 1:10-cv-00533 **MONKEYmedia, Inc. v. Buena Vista Home Entertainment, Inc. d/b/a Walt Disney Studios Home Entertainment; Twentieth Century Fox Home Entertainment, LLC; Lions Gate Entertainment Corp.; Paramount Pictures Corporation; Sony Pictures Home Entertainment; Sony Electronics, Inc.; Sony Computer Entertainment America, LLC; Warner Home Video, Inc.; and Universal Studios**
 2:17-cv-00460 **MONKEYmedia, Inc. v. Samsung Electronics Co., Ltd.**
 4:19-cv-04610 **MONKEYmedia, Inc. v. TiVo Corporation**
 1:20-cv-00010 **MONKEYmedia, Inc. v. Amazon.com, Inc.**

Greenberg Traurig, LLP – Testifying Expert Witness

Inter Partes Review 2019-01620 & 2019-01621 **ROKU, Inc. v. Universal Electronics Inc.**

Hagens Berman Sobol & Shapiro, LLP – Testifying Expert Witness

1:12-cv-00804 **Flatworld Interactives v. Samsung Electronics et al.**
 1:12-cv-00964 **Flatworld Interactives v. LG Electronics et al.**

Jones Walker LLP – Testifying Expert Witness

2:19-cv-10156 **Express Lien, Inc. v. Handle, Inc. et al.**

McDonnell Boehnen Hulbert & Berghoff LLP – Testifying Expert Witness

1:10-cv-00715 **Trading Technologies International, Inc. v. BGC Partners, Inc.**
 1:10-cv-00721 **Trading Technologies International, Inc. v. IBG, LLC, et al.**
 1:10-cv-00884 **Trading Technologies International, Inc. v. TradeStation Securities, et al.**

McKool Smith Hennigan P.C. – Testifying Expert Witness

3:13-cv-02371 **Mad Catz Interactive, Inc. v. Razer USA, Ltd.**

Troutman Pepper Hamilton Sanders LLP – Testifying Expert Witness

1:21-cv-01376 **Design With Friends, Inc. v. Target Corporation**

Warner Norcross & Judd, LLP – Testifying Expert Witness

2:14-cv-00940 **Tactile Feedback Technology v. Samsung Electronics America, Inc.**
 2:14-cv-00943 **Tactile Feedback Technology v. ZTE (USA) Inc.**

Whitmyer IP Group, LLP – Testifying Expert Witness

3:14-cv-00876 **Karl Storz Endoscopy v. Stryker Corporation et al.**
 1:18-cv-01691 **Karl Storz Endoscopy v. Steris Corporation**

Wolf, Greenfield & Sacks, P.C. – Testifying Expert Witness

1:20-cv-00689 **LiTL LLC v. Lenovo (United States), et al.**

CORPORATE

Curb, Inc. – Austin, Texas

2015 to 2020

Investor, Director, CXO & Corp. Secretary

CURB® is an award-winning energy tech startup that builds the world's most powerful and intelligent integrated hardware/software system for visualizing and managing energy in residential and commercial settings. It provides insight into energy usage, giving people knowledge and tools to make their homes and buildings safer, more energy efficient and more affordable. Was responsible for end-to-end customer experience (including brand, product design, product management, software engineering, customer support), patent portfolio & legal. Sold the company in 2020 to Elevation Home Energy Solutions.

MONKEYmedia, Inc. – Austin, Texas

1994 to Present

Founder, President & CEO

Launched MONKEYmedia® in San Francisco in 1994 to provide desktop computing, new media and consumer electronics industries a design resource focused on human-computer interaction. Relocated to Austin in 1996. Developed portfolio of licensed intellectual property. Formulated structured design & development process with flexibility to meet variety of product requirements and business approaches. Partnered with client leaders in planning and focusing design and development activities; crafting teams to ensure timely shipment of outstanding experiences.

Shipped **Walk-in Theater™** for iOS in 2012 [<http://walk-in-theater.com/>], featuring body-based interaction techniques for 3D audio and video. Adapted to human-scale exhibition at Blanton Museum of Art, Yale and other venues from 2014. In 2017, shipped **Teleport™** for iOS, a first-person drone flight experience powered by intuitive body movement. In 2018, released **BodyNav®** XDK (extended reality development kit) for reducing motion sickness on Oculus Rift & HTC Vive. The **BodyNav** family of technologies are covered by at least nine US patents.

Monetizing inventions of the early-1990s through patent licensing and enforcement litigation. Launched **SeamlessTV® Partner Program** [<http://seamless.tv/>] in 2009. Notable legal matters:

- Sold five families of user interface patents in 2005 (represented by Susman Godfrey)
- Licensed interactive video patents to Microsoft in 2006 (represented by Susman Godfrey)
- **MONKEYmedia, Inc. v. Apple, Inc.** – 2010 (represented by Graves, Dougherty, Hearon & Moody) SETTLED 2016
- **MONKEYmedia, Inc. v. Sony Electronics, Sony Computer Entertainment America, Sony Pictures, The Walt Disney Company, Twentieth Century Fox, Lions Gate Entertainment, Paramount Pictures, Warner Bros, and Universal Studios** – 2010 (represented by GDH&M) SETTLED 2015-2017
- **MONKEYmedia v. Samsung Electronics Co., Ltd.** – 2017 (represented by GDH&M) SETTLED 2018
- **MONKEYmedia v. TiVo Corporation** – 2019 (represented by GDH&M / Finnegan) SETTLED 2019
- **MONKEYmedia v. Amazon.com, Inc.** – 2020 (represented by GDH&M)

Industry recognition for MONKEYmedia's design leadership:

40th Annual CLIO Awards 1999 – Self-Promotional Website Design: Silver
 Communication Arts Interactive Design Annual 1999 – Award of Excellence
 HOW Design Competition 1999 & 2000 – Interactive Design & Multimedia Merit Awards
 SXSW Interactive Website Competition 1999 – Best Use of Animation & Best Use of Audio
 One Show Interactive Awards 1999 – Self-Promotional Website Design: Silver
 Macromedia Sites with Life Gallery – Shocked Site of the Week 1999, Shocked Site of the Day 1998
 New Media Invision Awards 1999 – Creative & Technical Excellence: Gold for Interface Design

Representative clients:

Austin Children's Museum – interactive electronic playscape design
 Chiron Informatics – task analysis & product design for medical informatics suite
 CPB (Corporation for Public Broadcasting) – interactive TV design consulting
 FastTrack Systems – interaction design for suite of handheld medical applications

frogdesign – various product interaction & navigational architectures
 GSD&M – guidelines and architecture for client extranet
 Human Code – school of the future interaction design & B2B process design
 Interval Research Corporation – interface design for broadband interactivity
 marchFIRST – various e-commerce UI blueprints, including ToysRus.com & JCPenney.com
 Microsoft / WebTV – next generation set-top product specification & UI production
 pcOrder.com – interface design for web-based product ordering system
 Portal Communications – user interface for Disney/Epcot Center’s “Home of the Future”
 Regis McKenna / Hands On Technology – product and demo design of targeted market analysis tools
 Sega of America – advanced technology set-top box UI design and global gaming portal
 Sprint PCS – wireless web UI design evaluation & concept development
 Texas Instruments – next-generation wireless calculator network UI design & specification
 Viacom / Noggin – interface design & developer guidelines for children’s TV + web channels

Yahoo! Inc. – Sunnyvale, California

2004 to 2005

Senior Director of User Experience, Communications & Consumer Services

Grew and lead team of 55 interaction designers, visual designers, user researchers, ethnographers, and prototype engineers responsible for crafting the user experience of Yahoo!’s core communications applications and services. These products collectively served over 340 million people worldwide. Developed thematic roadmap for business unit; established new techniques for rapidly incubating next generation product concepts. Introduced tactical quality control metrics and held ultimate responsibility for the design and integration of email, messaging, VoIP, address book, photo sharing, mobile products, set-top products, dating / match-making apps, and partner-bundled desktop applications.

Microsoft Corporation – Redmond, Washington

2001 to 2003

Interaction Design Manager, Windows Hardware Innovation Group

Joined the Windows Hardware Innovation Group at inception to formulate and drive interaction design strategy, counterbalanced against business planning and platform architecture. Championed consistent user experiences across Microsoft products and established cross-company task forces for establishing consensus between Windows shell, Tablet PC, Media Center, Pocket PC, Smart Phone, Smart Display, SPOT, and Office. Established methodologies for designing and validating scalable hardware user experiences for Longhorn, built publicly acclaimed hardware interaction prototypes (*Athens Communications PC* and *Microsoft Navigation Signature*), and set precedent for seeding internal developers with hardware convergence fixtures (e.g. navigation controls, auxiliary displays, actuator/indicator simulators, and communications panel hardware development kit). Lead design of modality-agnostic interactions for real-time telecommunications and video conferencing. First named inventor on over 30 patent applications for notification, navigation, power, security, and telephony control.

User Experience Manager, Tablet PC

Framed user experience agenda for the Tablet PC SKU, brought user-centric perspectives to the corporate business plan, delivered world-class Tablet PC product. Managed 32 interface design, industrial design, user research, and user assistance experts; organizing separate disciplines into a unified practice to maximize quality, efficiency and collaboration. Bridged communications with other organizations (e.g. program management, product development, business/marketing groups, OEMs, ISVs, Windows, Office, and other product divisions).

Vivid Studios – San Francisco, California

1993 to 1994

Senior Interaction Engineer

Responsibilities included leadership of information architecture, interface design, and functional specification services as well as creative direction and code architecture on select projects. Representative clients include:

Delphi – information architecture & interface for proof of concept graphical online services
 Regis McKenna / Hands On Technology – product design of targeted market analysis tools
 Sega of America – advanced technology set-top box UI design
 The WELL – information architecture & interface for early prototypes of graphical online services

Element Systems – New York, NY / San Francisco, CA**1984 to 1993***Interaction Engineer*

As an independent contractor, responsibilities included information architecture, interface design, functional specification and code engineering services. Representative clients include:

- Aetna Life Insurance – first generation GUI for online customer financial information services
- Byrnes & Associates – applications for collecting data & generating statistical results
- Kaleida Labs (Apple / IBM) – desktop & handheld multimedia GUI toolkit and developer guidelines
- New York University / Bell Atlantic – "YORB" interactive television program
- SoftWriters – network-updating routines for *VersionTerritory* remote administration tool
- Wesleyan University Psychology Department – test tools for millisecond timing of visual search tasks

Apple, Inc. – Cupertino, CA**Summer 1992***Design Intern, Advanced Technology Group*

As a student intern in the Human Interface Group, designed and programmed Macintosh user interfaces for docking handheld devices and navigating audio content on the desktop.

UNIVERSITY APPOINTMENTS**University of Texas – Austin, Texas****1996 to 1999***Senior Lecturer & Research Fellow in New Media Design, Department of Radio-TV-Film*

Established intensive New Media program. Advised graduate and undergraduate students. Courses taught:

- Basics of Multimedia Interaction Design – interface design perspectives & processes
- Advanced Interaction Design – cutting-edge experimental interaction design
- Advanced Interface Design – advanced applied interface and information design

San Francisco State University (SFSU) – San Francisco, California**1994 to 1996***Faculty, Multimedia Studies Program*

Empowering the Audience: Basics of Multimedia Interaction Design

NON-PROFIT**Born Free USA – Silver Spring, Maryland****2020 to Present***Honorary Council*

Born Free USA is an internationally recognized leader in animal welfare and compassionate conservation. Born Free USA works tirelessly to ensure that all wild animals, whether living in captivity or in the wild, are treated with compassion and respect and are able to live their lives according to their needs.

Blue Lapis Light, Inc. – Austin, Texas**2007 to 2020***Director (Board Chair 2009-2016)*

Blue Lapis Light is an innovative site-specific aerial dance company founded by Artistic Director Sally Jacques to explore movement through the air: extending boundaries, defying edges, suspending graceful athleticism for the risk of igniting ephemeral beauty, and connecting audiences to a sense of wonder, possibility and hope.

EDUCATION

Master's Degree in Interactive Telecommunications – 1993

New York University – New York, New York

Awarded Graduate Assistantship

Bachelor's Degree in Cognitive Science – 1991

Wesleyan University – Middletown, Connecticut

International exchange at Doshisha University, Kyoto, Japan

ASSOCIATION MEMBERSHIPS

Association for Computing Machinery – 1992 to present (*Lifetime Member*)

Special Interest Group on Computer Human Interaction

Computer Professionals for Social Responsibility – 1992 to present (*Lifetime Member*)

Austin Intellectual Property Law Association – 2012 to present

INDUSTRY PRESENCE – CONFERENCES & TALKS

Silicon Valley International Invention Festival 2020 – Santa Clara, California

Senior Advisor, Geneva Invention Fair

Epic Events: State of Hardware 2020 – San Francisco, California

Panel & Judge: “Hardware Investor Panel”

SXSW (South by Southwest) Interactive 2019 – Austin, Texas

Panel: “The Role of Wearables as User Interface”

Empowering Texas Communities Conference 2018 – Galveston, Texas

Panel: “Pioneering Technologies to Reduce Energy Burden”

Carnegie Mellon Sustainability Conference 2017 – Pittsburgh, Pennsylvania

Keynote: “The Intersection Between Technology and Human Behavior”

SXSW (South by Southwest) Interactive 2017 – Austin, Texas

Panel: “IP: What You Need to Know to Protect Your Business”

Smart Cities Innovation Summit 2016 – Austin, Texas

Panel: “How Smart Meters Make Cities, Utilities and Consumers Smarter”

AlphaLab Gear National Hardware Cup 2016 – Austin, Texas

Judge: Pitch competition for early-stage hardware startups

BIT World Congress of U-Homes 2013 – Dalian, China

Presentation: “Interactive Video and Body-Based User Interfaces”

The TV of Tomorrow Show 2012 – New York, New York

Panel: “Beyond the Screen”

Computer-Human Interaction Forum of Oregon 2010 – Portland, Oregon

Presentation: “Designing into the Path of Disruptive Technology”

McGraw-Hill Media Summit 2010 – New York, New York

Panel: “Video Advertising: How New Consumer Habits Are Driving the Community to Innovate”

International CES (Consumer Electronics Show) 2010 – Las Vegas, Nevada

Panel: “Television and Video as an Interactive Content Experience”

The TV of Tomorrow Show 2010 – San Francisco, California

Panel: “Interactive Television Trend Analysis”

Digital Hollywood 2009 – Santa Monica, California

Panel: “Television and Video as an Interactive Content Experience”

Presentation: “Breakthroughs in Entertainment and Technology”

Windows Hardware Engineering Conference 2003 – New Orleans, Louisiana

Presentation: “Designing Intuitive Hardware Controls”

SXSW (South by Southwest) Interactive 2003 – Austin, Texas

Panel: “Convergent Devices of the Future”

ACM SigCHI (Human Factors in Computing Systems) 2001 – Seattle, Washington

Paper: “Poly-Vectoral Reverse Navigation: Simplifying Traversal to and from Shared Nodes”

American Intellectual Property Lawyers Association 2000 – Pittsburgh, Pennsylvania

Panel: “Incubating an eCommerce Company Effectively”

OzCHI (Human Factors in Computing Systems) 2000 – Sydney, Australia

Paper: “Virtual Force-Feedback: Kinesthetic Engagement without Custom Hardware”

Paper: “Multidimensional Topic Space: From Search to Browse with Relative Salience Controls”

ACM SigCHI (Human Factors in Computing Systems) 2000 – Den Hague, The Netherlands

Tutorial: “Interactive Television: New Possibilities, Techniques & Metrics”

Paper: “Seamless Video Expansion: Shaping the Contour of Streams for Personalized TV”

SXSW (South by Southwest) Interactive 2000 – Austin, Texas

Sponsor: Interactive Art Exhibition on Emerging Cultural Renaissance

SXSW (South by Southwest) Interactive 1999 – Austin, Texas

Panel Moderator: “Interface Design as Social Architecture”

SXSW (South by Southwest) Interactive 1997 – Austin, Texas

Panel: “The Future of Interface Design: Wherever You Are, Interaction Is.”

SXSW (South by Southwest) Interactive 1996 – Austin, Texas

Panel: “Making Your Content Meaningful”

Multimedia Live! 1995 – San Francisco, California

Panel: “Cutting Edge Interface Design”

ACM InterCHI (Human Factors in Computing Systems) 1993 – Amsterdam, The Netherlands

Paper: “Relativity Controller: Reflecting User Perspective in Document Spaces”

INDUSTRY PRESENCE – OTHER PUBLICATIONS

Bear, Eric J. Gould (2014). Model Intellectual Property Report: High-Tech Expert. In J. Mangraviti, Jr., Esq., S. Babitsky, Esq., & N. Nasser Donovan, Esq. (Eds.), *How to Write an Expert Witness Report* (pp. 395-410). Falmouth, MA: SEAK, Inc.

Bear, Eric J. Gould (2014). Model CV. In J. Mangraviti, Jr., Esq., S. Babitsky, Esq., & N. Nasser Donovan, Esq. (Eds.), *How to Be a Successful Expert Witness: A-Z Guide* (pp. 565-575). Falmouth, MA: SEAK, Inc.

In the Supreme Court of the United States

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Federal Circuit: Brief of Amici Curiae Trading Technologies International, Inc., et al., in Support of Petitioner, *Alice Corporation Pty. Ltd., v. CLS Bank International, et al.*, Civil Action No. 13-298, (filed Oct 7, 2013).

On Writ of Certiorari to the United States Court of Appeals for the Federal Circuit: Brief of Amici Curiae Trading Technologies International, Inc., et al., in Support of Petitioner, *Alice Corporation Pty. Ltd., v. CLS Bank International, et al.*, Civil Action No. 13-298, (filed Jan 28, 2014).

IP Watchdog – Leesburg, Virginia

- “Designing Into the Path of Disruptive Technology: An Interview with Software Expert Eric Gould Bear”
IPWatchdog.com, April 28, 2013.
- “Software Patents: Drafting for Litigation and a Global Economy”
IPWatchdog.com, April 30, 2013.
- “Software Patents: The Engineer vs. Designer Perspective”
IPWatchdog.com, May 5, 2013.
- “False Distinctions Between Hardware and Software Patents are Not the Answer”
IPWatchdog.com, June 9, 2013.
- “Prelude to SCOTUS Oral Arguments in Alice v. CLS Bank: A Conversation with Eric Gould Bear”
IPWatchdog.com, March 28, 29 & 30, 2014.

Interactive TV Today – San Francisco, California

- “Radio Show: Interview with MONKEYmedia’s Eric Gould Bear”
ITVT.com, October 8, 2009.
- “ITV Doctor: MONKEYmedia Defines ‘True Telescoping’”
ITVT.com, June 7, 2010.

ACM Interactions (Association of Computing Machinery) – New York, New York

- “Industry Snapshot: MONKEYmedia”
ACM Interactions, 2001, March/April, pp. 63-70.

InterActivity Magazine (Miller Freeman) – San Mateo, California

User Interface Design Columnist

- “Empowering the Audience: The Interface as a Communications Medium”
Interactivity Magazine, 1995, September/October, pp. 86-88.
- “Connecting Participants to Content: Five Styles of Engagement”
Interactivity Magazine, 1996, January, pp. 76-80.
- “Software Interaction Device Characteristics: A Functional Taxonomy”
Interactivity Magazine, 1996, February, pp. 76-80.
- “Decoupling the Cursor from the Mouse & Fashioning Their Relationship by Choice (Part I)”
Interactivity Magazine, 1996, March, pp. 70-73.
- “Fashioning Practical Relationships between the Cursor and the Mouse (Part II)”
Interactivity Magazine, 1996, April, pp. 78-82.
- “Fashioning Creative Relationships between the Cursor and the Mouse (Part III)”
Interactivity Magazine, 1996, July, pp. 68-71.
- “Shock Treatment: Redefining Interactivity on the Net”
Interactivity Magazine, 1996, July, pp. 40-52.
- “What OS Toolkits Do with Buttons that Authoring Tools Don’t”
Interactivity Magazine, 1996, October, pp. 60-63.
- “Respect Thy Audience: Raising the Lowest Common Denominator”
Interactivity Magazine, 1996, December, pp. 60-63.
- “Diversity in Your Audience: What’s Worth Worrying About?”
Interactivity Magazine, 1997, February, pp. 68-69.

"Personal Perception (Part I): Preparing Interfaces for Human Variation"
Interactivity Magazine, 1997, April, pp. 66-67.

"Personal Perception (Part II): Preparing Interfaces for Human Variation"
Interactivity Magazine, 1997, July, pp. 68-70.

"Personal Perception (Part III): How Friendly is Friendly?"
Interactivity Magazine, 1997, October, pp. 80 & 72.

MIT Press Journals – Cambridge, MA

Rachel Strickland, Eric Gould Bear, and Jim McKee.

"Walk-in Theater: Interaction Design for a Miniature Experience with Peripatetic Cinema."
Leonardo, Volume 51, Issue 5, October 2018, pp. 482-490.

PATENTS

*Inventor on the following families of United States patents and published patent applications.
(international catalog available upon request)*

<u>Title</u>	<u>App. Date</u>	<u>App. #</u>	<u>Patent #</u>	<u>Issue Date</u>	<u>Inventor(s)</u>
Computer User Interface with Non-Salience Deemphasis (AKA "Relativity Controller")	12/14/1992	07/990,339	5,623,588	04/22/1997	Gould; Eric Justin (Austin, TX)
	04/18/1997	08/844,466	6,177,938	01/23/2001	
	11/30/1999	09/451,594	6,335,730	01/01/2002	
	11/30/1999	09/451,595	6,219,052	04/17/2001	
	11/30/1999	09/452,275	6,215,491	04/10/2001	
	09/04/2001	09/947,196	8,381,126	02/19/2013	
Method for Video Seamless Contraction	10/30/2007	11/978,945	8,370,745	02/05/2013	Gould; Eric Justin (Austin, TX)
Video Player with Seamless Contraction	10/30/2007	11/978,965	8,370,746	02/05/2013	
Electronic Calendar Auto-Summarization	10/10/2008	12/248,931	8,392,848	03/05/2013	
Virtual Force Feedback Interface	03/25/1999	09/276,617	6,433,775	08/13/2002	Gould; Eric Justin (Austin, TX), Trishnadi; Paulus W. (Austin, TX), Ho; Tina Chia (Plano, TX), Wilkins; S. Todd (San Francisco, CA)
	01/20/2000	09/488,616	6,583,782	06/24/2003	
Method and Storage Device for Expanding and Contracting Continuous Play Media Seamlessly	04/23/1999	09/298,336	6,393,158 Re-Exam C1	05/21/2002 02/22/2013	Gould; Eric Justin (Austin, TX), Strickland; Rachel M. (San Francisco, CA)
	03/26/2002	10/107,945	6,615,270 disclaimed	09/02/2003 05/24/2011	
	06/24/2003	10/603,581	7,467,218 disclaimed	12/16/2008 09/30/2013	
Method and Apparatus for Seamless Expansion of Media	04/23/1999	09/298,681	6,621,980	09/16/2003	Gould; Eric Justin (Austin, TX), Strickland; Rachel M. (San Francisco, CA)
Audiovisual Presentation with Interactive Seamless Branching and/or Telescopic Advertising	10/30/2007	11/978,966	7,890,648 disclaimed	02/15/2011 09/30/2013	
	11/08/2010	12/941,830	8,122,143 cancelled	02/21/2012 01/18/2017	
	01/11/2012	13/348,624	9,185,379	11/10/2015	
	09/10/2012	13/609,157	9,247,226	01/26/2016	
	11/06/2015	14/934,950	10,051,298	08/14/2018	
Method, Apparatus and Article of Manufacture for Displaying Traversing and Playing Content in a Multi-Dimensional Topic Space	06/08/1999	09/327,893	6,281,899	08/28/2001	Gould; Eric Justin (Austin, TX), Strickland; Rachel M. (San Francisco, CA)
	06/08/1999	09/328,051	6,326,988	12/04/2001	
	09/14/2001	09/952,908	6,556,226	04/29/2003	
	03/11/2003	10/387,359	7,689,935	03/30/2010	

Poly-Vectoral Reverse Navigation	11/02/1999	09/433,614	6,505,209	01/07/2003	Gould; Eric Justin (Austin, TX), Buckmaster; Janna (Austin, TX), Wilkens; Todd (San Francisco, CA), Trisnadi; Paulus W. (Austin, TX)
	10/08/2002	10/268,109	6,745,201	06/01/2004	
	04/08/2004	10/822,155	7,461,426	12/09/2008	
	08/31/2006	11/514,373	7,953,768	05/31/2011	
	05/19/2011	13/111,513	8,577,932	11/05/2013	
Display Interface for Navigating Search Results	08/31/2006	11/514,287	7,668,827	02/23/2010	
	02/28/2012	13/407,744	8,606,829	12/10/2013	

User Interface for Simultaneous Management of Owned and Unowned Inventory	12/28/1999	09/473,901	6,693,236	02/17/2004	Gould; Eric Justin (Austin, TX), West; Nick (Austin, TX), McCaskill; Donald (Austin, TX), Clark; Alice (Austin, TX), Trisnadi; Paulus (Austin, TX)
	10/29/2003	10/696,379	7,173,177	02/06/2007	
	08/29/2006	11/512,893	7,642,443	01/05/2010	
	08/29/2006	11/512,894	7,321,093	01/22/2008	

System, Method, and Article of Manufacture for Seamless Integrated Searching	03/23/2000	09/534,912	6,633,903	10/14/2003	Gould; Eric Justin (Austin, TX)
	08/05/2003	10/635,880	7,653,704	01/26/2010	
	08/29/2006	11/512,904	7,739,357	06/15/2010	

Ergonomic and Functionally-Efficient One-Hand User Input Interface	05/02/2003	D/180,925	D517,070	03/14/2006	Bear; Eric Justin Gould (Austin, TX), Teasley; Barbee Eve (Leavenworth, WA), Keely; Leroy Bertrand (Portola Valley, CA), Vong; William Hong (Seattle, WA)
	01/13/2004	D/197,249	D508,492	08/16/2005	
	01/16/2004	D/197,605	D506,747	06/28/2005	
	01/16/2004	D/197,610	D506,757	06/28/2005	
	01/16/2004	D/197,633	D508,048	08/02/2005	
	01/16/2004	D/197,689	D506,197	06/14/2005	
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APPENDIX B

TABLE OF INSTANCES OF “CONTENT MODE” AND “MODE OF CONTENT”

The Table below lists each instance of the phrase “content mode” and “mode of content” in Patent No. 8,624,844 (“the ’844 Patent”).

I. “Content Mode(s)”¹

Location	Context
Claim 1	1. A portable computer configurable between a plurality of display modes including a laptop mode and an easel mode wherein transitions between the plurality of display modes allows an operator to interact with a single display screen in each of the plurality of display modes, the portable computer comprising: a base including a keyboard; a main display component rotatably coupled to the base such that the main display component and the base are rotatable with respect to one another about a longitudinal axis running along an interface between the main display component and the base to transition between at least the laptop mode and the easel mode, the main display component including the single display screen, wherein the transition between the laptop mode and the easel mode allows the operator to operate the portable computer while viewing the single display screen in each of the plurality of display modes, wherein the laptop mode is configured to display to a user on the main display component a first <i>content mode</i> having a first content display orientation with the main display component oriented towards the user and the keyboard oriented to receive input from the user; the easel mode is configured to display to the user on the main display component a second <i>content mode</i> having a second content display orientation with the main display component oriented towards the user and the keyboard oriented away from the user, wherein the first and second content display orientations are 180 degrees relative to each other, and wherein the portable computer is operable in the easel mode to enable the user to interact with displayed content without interacting with the keyboard; and a navigation control disposed at least partially within the base and rotatable about the longitudinal axis, the navigation control configured to permit a user to control at least one of operating parameters of the portable computer and content displayed on the single display screen wherein the plurality of modes includes a frame in which the main display component is oriented towards the operator, the base contacts a substantially horizontal surface, and the keyboard faces the substantially horizontal surface.

¹ “Content mode” appears only in the claims, not in the specification, and only in the singular (content modes is never used).

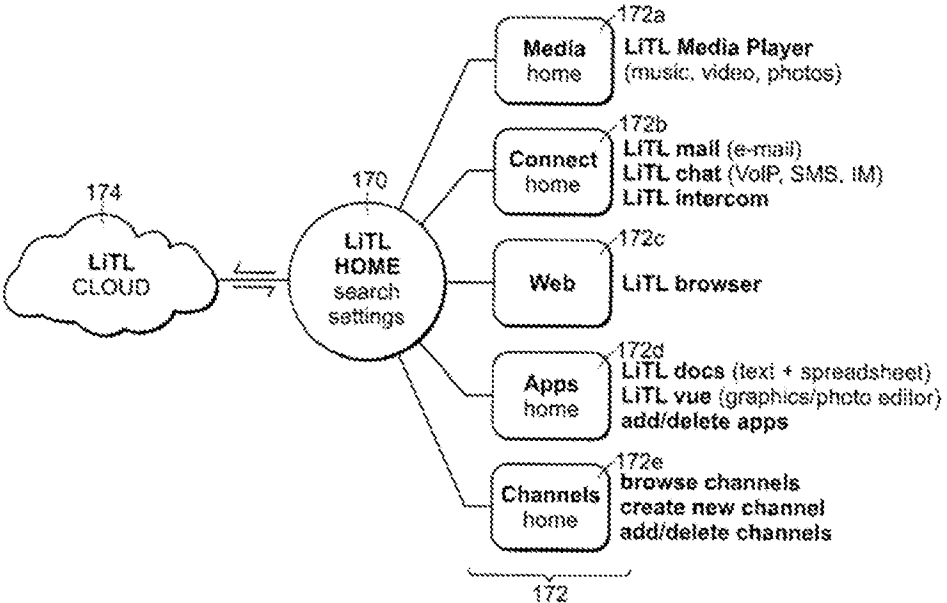
Location	Context
Claim 8	8. The portable computer of claim 1, wherein the frame mode is configured to display to a user on the main display component the first <i>content mode</i> having the first content display orientation.
Claim 10	10. A portable computer configurable between a plurality of display modes including a laptop mode and an easel mode wherein transitions between the plurality of display modes permit an operator to interact with a single display screen in each of the plurality of display modes, the portable computer comprising: - a base including a keyboard; - a main display component rotatably coupled to the base and including the single display screen which displays content; - a hinge assembly disposed at least partially within the base and the main display component that defines an axis of rotation about which both the base and the main display component are rotatable to transition the portable computer between at least the laptop mode and the easel mode, wherein the transition between the laptop mode and the easel mode allows the operator to operate the portable computer while viewing the single display screen in each of the plurality of display modes, wherein - the laptop mode is configured to display to a user on the main display component a first <i>content mode</i> having a first content display orientation with the main display component oriented towards the user and the keyboard oriented to receive input from the user; - the easel mode is configured to display to the user on the main display component a second <i>content mode</i> having a second content display orientation with the main display component oriented towards the user and the keyboard oriented away from the user, wherein the first and second content display orientations are 180 degrees relative to each other, and wherein the portable computer is operable in the easel mode to enable the user to interact with displayed content without interacting with the keyboard; and - a navigation control accessible in each of the plurality of display modes and configured to permit a user to manipulate at least one of operating parameters of the portable computer and the content displayed on the single display screen wherein the plurality of modes includes a frame mode in which the main display component is oriented towards the operator, the base contacts a substantially horizontal surface, and the keyboard faces the substantially horizontal surface.
Claim 18	18. A portable computer configurable between a plurality of display modes including a laptop mode and an easel mode wherein transitions between the plurality of display modes allow an operator to interact with a

Location	Context
	single display screen in each of the plurality of display modes, the portable computer comprising: a base including a keyboard; a main display component including the single display screen configured to display content; a hinge assembly disposed at least partially within the base configured to rotatably couple the main display component to the base, the hinge assembly defining a longitudinal axis running along an interface between the display component and the base about which the display component and the base are rotatable to transition the portable computer between at least the laptop mode and the easel mode, wherein the transition between the laptop mode and the easel mode allows the operator to operate the portable computer while viewing the single display screen in each of the plurality of display modes, wherein the laptop mode is configured to display to a user on the main display component a first <i>content mode</i> having a first content display orientation with the main display component oriented towards the user and the keyboard oriented to receive input from the user; the easel mode is configured to display to the user on the main display component a second <i>content mode</i> having a second content display orientation with the main display component oriented towards the user and the keyboard oriented away from the user, wherein the first and second content display orientations are 180 degrees relative to each other, and wherein the portable computer is operable in the easel mode to enable the user to interact with displayed content without interacting with the keyboard; and a navigation control disposed at least partially about the longitudinal axis wherein the plurality of modes includes a frame mode in which the main display component is oriented towards the operator, the base contacts a substantially horizontal surface, and the keyboard faces the substantially horizontal surface.

II. “Mode(s) of Content”

Location	Context
Claim 4	4. The portable computer of claim 3, wherein the screen is configured to display at least one of a plurality of <i>modes of content</i>; and wherein the navigation button is configured to permit the user to select for display one of the plurality of <i>modes of content</i>.

Location	Context
Claim 6	6. The portable computer of claim 1, wherein the navigation control includes a scroll wheel configured to permit the user to select a <i>mode of content</i> for display by the portable computer.
Claim 14	14. The portable computer of claim 13, wherein the screen is configured to display at least one of a plurality of <i>modes of content</i> ; and wherein the first navigation button is configured to permit the user to select for display one of the plurality of <i>modes of content</i> .
col. 3, ll. 26-45 (in Summary of Invention)	Another embodiment of a portable computer comprises a base, a display component rotatably coupled to the base such that the display component and the base are rotatable with respect to one another about a longitudinal axis running along an interface between the display component and the base, the display component including a display screen, and a scroll wheel disposed at least partially within the base and rotatable about the longitudinal axis, the scroll wheel configured to permit a user to control at least one of operating parameters of the portable computer and content displayed on the display screen. In one example, the scroll wheel is configured to permit the user to adjust a volume of sound produced by the portable computer. In another example, the screen is configured to display at least one of a plurality of <i>modes of content</i> , and the scroll wheel is configured to permit the user to select a <i>mode of content</i> for display by the portable computer. The portable computer may further comprise one or more navigation buttons that may be used in conjunction with the scroll wheel to control aspects of the portable computer and displayed content.

Location	Context
col. 11, ll. 27 – col. 12, l. 5 (in Detailed Description)	 FIG. 11 Referring to FIG. 11, there is illustrated a block diagram of one example of an architecture of the portable computer including a map user interface. The user interface “home” screen 170 that displays a plurality of <i>modes of content</i> 172. In the illustrated example, the home screen 170 contains five <i>modes of content</i> 172; however, it is to be appreciated that the home screen may include more or fewer than five <i>modes of content</i> and that the <i>modes of content</i> may differ from the examples discussed below. According to one example, the <i>modes of content</i> 172 accessible via the home screen 170 may include “media” 172 a, “connect” 172 b, “web” 172 c, “applications” 172 d, and “channels” 172 e. Using the map user interface, information, programs, features and applications may be grouped into the various <i>modes of content</i> 172. By selecting any <i>mode of content</i> 172, for example, by using the scroll wheel 132 and/or navigation buttons 166, 168, as discussed further below, the user may access the content organized within that mode. For example, the media mode 172 a may provide access to a medial player to play, view, search and organize media such as music, video, photos, etc. The connect mode 172 b may provide access to features such as, for example, email, voice-over-IP, instant messaging, etc., and the web mode 172 c may provide access to internet browsing and searching. The application mode 172 d may provide access to, for example, computer applications or programs, such as word processor, spreadsheet, calculator, etc. In one example, these applications or programs may be provided as web-based services rather than programs or applications residing on the portable computer 100. The channels mode 172 e may provide access to

Location	Context
	different functionality of the portable computer, with the different functions or features defined as different channels. For example, a channel may include an alarm clock channel in which the portable computer is configured to display a clock and can be programmed to activate an alarm, e.g., a sound, piece of music, etc., at a predetermined time. Another example of a channel may include a “photo frame” channel in which the portable computer may be configured to display a pre-selected image or set of images, etc. Another example of a channel is a “television” channel, in which the portable computer is configured to stream Internet television. In one example, a user may configure particular Internet television channels (e.g., a news channel, a movie channel, a home and garden channel, etc.) into sub-channels within the channels <i>mode of content</i> 172(e). Some or all of the <i>modes of content</i> 172 may access, retrieve and/or store information on the Internet 174.
col. 12, ll. 6-21 (next paragraph after above)	FIG. 12 According to one embodiment, the different <i>modes of content</i> 172 may be displayed as a series of bars across the display screen 110, as illustrated in FIG. 12. The following discussion of various features, including hardware navigation through the map user interface may refer primarily to the display configuration illustrated in FIG. 12. However, it is to be appreciated that the invention is not so limited, and the <i>modes of content</i> may be displayed in other configurations, including, for example, a “desktop” and icon configuration, a “dashboard” type display, as illustrated in FIG. 13, or another configuration, as would be recognized by those skilled in the art. Similarly, navigation is discussed below primarily with

Location	Context
	reference to the scroll wheel 132 and navigation buttons 166, 168; however, it is to be appreciated that navigation may also be accomplished using any of the conventional tools discussed above or known to those skilled in the art.
col. 12, ll. 22-39 (next paragraph after above)	As discussed above, according to one embodiment, the scroll wheel 132 and, optionally, the navigation buttons 166, 168 may be used to navigate the user interface. Referring again to FIG. 12, scrolling the scroll wheel may sequentially highlight different ones of the <i>modes of content</i> 172. In one example, the highlighting may be achieved by changing the color of the selected mode, and/or by providing a visual indicator, such as a colored bar 176. A highlighted mode 172 may be selected by pressing the scroll wheel, thereby bringing up a new “page” or screen on the user interface corresponding to the selected mode. Once within a selected <i>mode of content</i> 172, the scroll wheel may similarly be used to select particular functions, features or applications within that mode. In one embodiment, the default action for the scroll wheel 132 may vary depending on whether the portable computer 100 is in the laptop mode or the easel mode. For example, in easel mode, the default action for the scroll wheel may be channel selection within the channels mode 172(e).
col. 12, l. 60 – col. 13, l. 17	As discussed above, according to one embodiment, one or more navigation buttons may be used in conjunction with the scroll wheel. In particular, in one embodiment, the navigation button(s) may be used to change the action of the scroll wheel. As discussed above, in one example, the default action of the scroll wheel is volume control. This action may be changed by pressing the navigation button 166, as illustrated in FIG. 16, for example, from volume control to menu navigation in the user interface, and vice versa. According to one embodiment, the effect of pressing the navigation button 166 may vary depending on active the <i>mode of content</i> of the portable computer 100. For example, if a user is in the media mode using a photo viewing application, pressing the navigation button 166 may change the action of the scroll wheel 132 from mode navigation to slideshow controls for the photos. When the navigation button 166 is pressed, an control indicator box (similar to the volume indicator box 162 discussed above with reference to FIG. 14) may appear containing different actions for the photo slideshow, such as “play,” “next,” “back,” “skip,” “full screen view,” etc., and scrolling the scroll wheel 132 may allow a user to select one of these actions. Pressing the navigation button 166 again may return the scroll wheel action to menu navigation, to allow the user to, for example, move to a different feature or application within the active mode, or to select a different mode.
col. 13, ll. 18-38	As can be seen in FIG. 16, the navigation button 166 may be easily accessed when the portable computer 100 is in the easel mode, providing a

Location	Context
	convenient navigation tool for this configuration. A similar navigation button 168 may be provided on the keyboard 106, as illustrated in FIG. 17. In one example, the functionality of the two navigation buttons 166, 168 may be the same, with the different locations providing easy, comfortable access in the different configuration modes (i.e., laptop or easel) of the portable computer 100. Thus, a user may use either navigation button 166 or navigation button 168, depending on personal preference. In another example, the two navigation buttons may have different functionality. For example, the navigation button 166 may be used to alter the action of the scroll wheel 132, as discussed above, while the navigation button 168 is used to navigate “up” or “down” a level within the map user interface. For example, pressing the navigation button 168 while within a given <i>mode of content</i> may allow the user to “back up” to the home screen; or pressing the navigation button 168 while within a selected channel (in the channel mode of the content 172 e) may allow the user to “back-up” to the channel mode main page.
col. 13, l. 64 – col. 14, l. 13	As discussed above, according to one embodiment, the function or 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, or vice versa. For example, as discussed above, 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 through the display screen is upside-down compared to when the portable computer is in the laptop mode. In another example, for at least some activities within at least some <i>modes of content</i> (e.g., viewing a photograph or video), when the portable computer 100 is configured into the easel mode, the display may automatically adjust to “full screen view” (i.e., the displayed image or video is displayed on the full screen size, rather than in a window) to allow for comfortable viewing.