

Filed on behalf of Patent Owner by:

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Gerald B. Hrycyszyn, Reg. No. 50,474
Richard F. Giunta, Reg. No. 36,149
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
(617) 646-8000 Phone
(617) 646-8646 Fax

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
HP INC., DELL INC., DELL TECHNOLOGIES INC.,
ASUSTEK COMPUTER INC., ASUS GLOBAL PTE. LTD.,
Petitioners,

v.

LITL LLC,
Patent Owner.

Case No. IPR2024-00454
Patent No. 9,003,315

PATENT OWNER'S PRELIMINARY RESPONSE

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LISTING OF EXHIBITS

Exhibit	Description
2001	[No Author Listed], The Litl webbook. European Consumers Choice. URL= https://www.europeanconsumerschoice.org/hi-tech/litlwebbook-computer-test-and-reviews/ [last accessed June 25, 2021]
2002	[No Author Listed], Litl Webbook Beats ChromeOS, Becomes First Cloud Computer. CoolThings. November 16, 2009. URL: https://www.coolthings.com/litl-webbook-beats-chromeosbecomes-first-cloud-computer/ [last accessed June 25, 2021]
2003	Noe, The Litl Webbook: A more social computing device. November 5, 2009. Corr77. URL: https://www.core77.com/posts/15122/The-Litl-Webbook-A-more-social-computing-device [last accessed June 25, 2021]
2004	RESERVED
2005	McDonald, LiTL Webbook Review. Little Tech Girl. August 31, 2010. URL: https://littletechgirl.com/2010/08/31/litl-webbook-review/ [last accessed June 25, 2021]
2006	Cambridge Dictionary of American English (2d ed. 2008)

I. INTRODUCTION

The Challenged Claims relate to a computer (e.g., a laptop) that is configurable into multiple physical configurations. The computer has a user interface that organizes displayed content into different “views,” including a “first home view” and a “second default content view.” The first home view is selected for a first configuration of the computer. The second default content view is optimized for viewing when the computer is in a second configuration and filters the content presented by the first home view by removing at least some of its content.

The independent claims are only challenged in a single ground (Ground 1) that alleges obviousness over two references Reavey and Chandhri. Ground 1 fails, and those failings are inherited by the Petition’s only other ground (Ground 2).

A. The Petition Fails to Establish that a POSA Would Have Combined Reavey and Chandhri in the Alleged Manner with a Reasonable Expectation of Success

Reavey is directed to an electronic book. Chandhri is directed to a portable media player. The Petition alleges that a POSA would have adopted Chandhri’s graphical user interface (GUI) in Reavey to display a playlist of songs. Initially, that assertion fails because Reavey’s electronic book is not a media player and Petitioners do not establish that Reavey’s device can even play a playlist of songs. This is far from the only problem with Ground 1’s hindsight combination.

Chandhri's portable media player uses different GUIs to display the same content (e.g., a playlist of songs) in different configurations. As shown in Chandhri Fig. 34 below, Chandhri uses a text menu-based GUI to display content when the display is arranged vertically, and an image-based GUI to display images representing content that a user can flip through when the display is arranged horizontally.

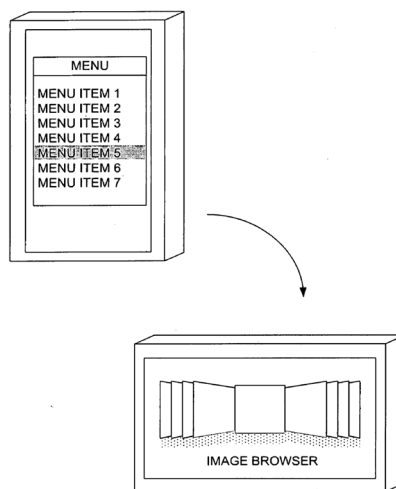
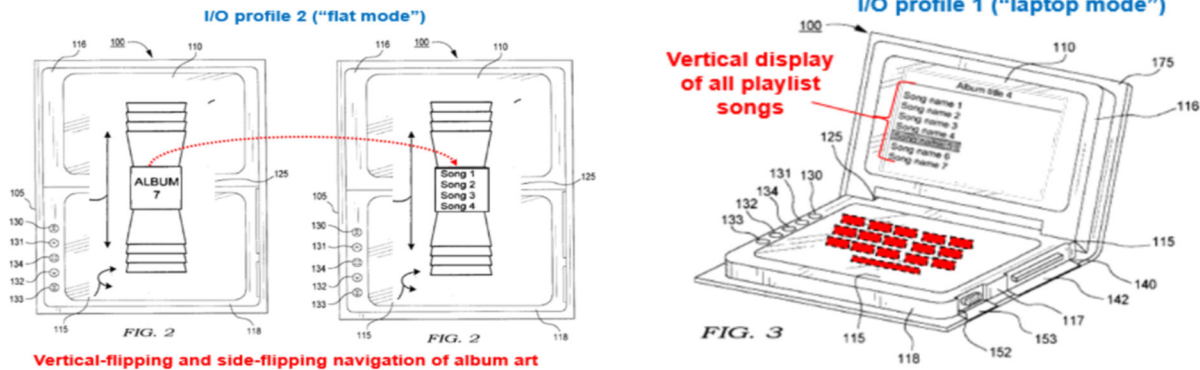


FIG. 34

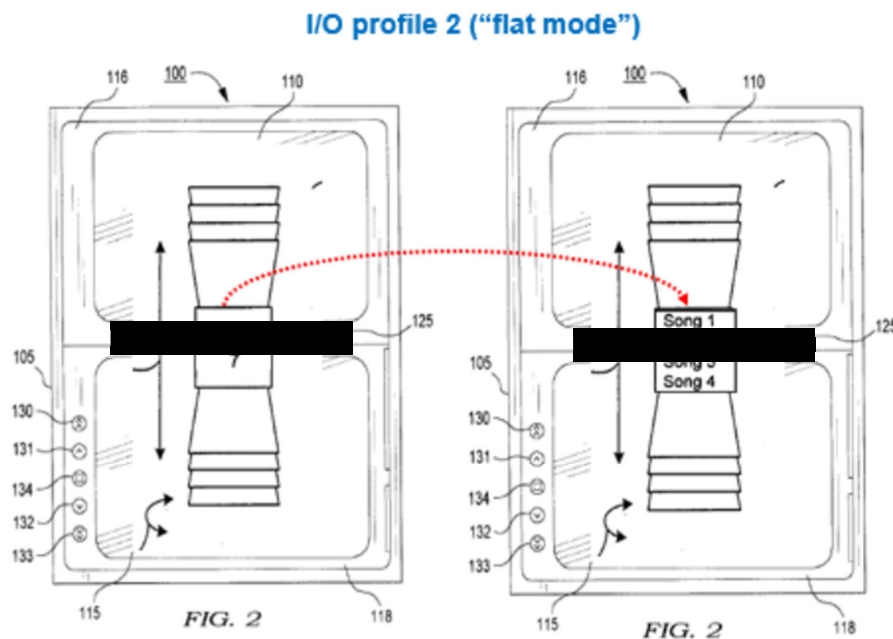
Reavey's electronic book opens and closes like a book, with a hinge connecting two housings, each housing a display panel. Reavey's electronic book supports various configurations. In an "over-under" configuration (Reavey's Fig. 2 below), text scrolls from one display panel to the other. In an "over-under with keyboard" configuration, a touchpad keyboard appears on the lower display panel as shown in Petitioners' annotated version of Reavey Fig. 3 below.



Petitioners allege that a POSA would have used Chandhri’s GUIs in Reavey’s device. Specifically, Petitioners allege that a POSA would have used Chandhri’s image-based GUI when Reavey’s device is in the Fig. 2 configuration because the two display panels are arranged “vertically” and Chandhri teaches vertical image-based scrolling. Petitioners allege that a POSA would have used Chandhri’s menu-based GUI for Reavey’s Fig. 3 (“laptop”) configuration because the top display panel is arranged “horizontally.”

The portions of Chandhri that the Petition relies on teach the *exact opposite* use of Chandhri’s GUIs. As noted above, Chandhri Fig. 34 uses a menu-based GUI when the device is in a “vertical” (portrait) orientation and an image-based GUI when the device is in a “horizontal” (landscape) orientation. The Petition’s assertion that a POSA would have been motivated by Chandhri to modify Reavey’s GUI to do the opposite of what Chandhri teaches is baseless. That is another reason that Petitioners’ Reavey-Chandhri combination fails.

Worse yet, the Reavey-Chandhri combination simply could not be implemented in the manner that Petitioners allege. As shown by the annotated figure below, Petitioners allege that the Reavey-Chandhri combination implements an image-based GUI by vertically centering the image of the currently-selected content between Reavey's upper and lower housings. There is no display panel to display content in the middle of Reavey's device—there is only the housings and the hinge that connects them. Thus, no image can be displayed in the Reavey-Chandhri device in the area that is blacked out in the annotated figure below. Quite simply, the Reavey-Chandhri combination could not have worked in the manner the Petition alleges. A POSA never would have combined the teachings of Reavey and Chandhri in that manner.



Vertical-flipping and side-flipping navigation of album art

Thus, for numerous reasons, the Petition fails to establish that a POSA would have combined the teachings of Reavey and Chandhri in the manner alleged with a reasonable expectation of success. That is fatal to every ground for every Challenged Claim.

B. The Petition Fails to Establish that its Reavey-Chandhri Combination Meets All the Limitations of Any Challenged Claim

Even if the Board were to accept that a POSA would have combined Reavey and Chandhri in the manner alleged, the Petition’s Reavey-Chandhri combination fails to meet numerous limitations in every Challenged Claim.

First, every challenged claim requires that the first home view be “displayed responsive to activation of the system.” Petitioners admit that the GUI in the Reavey-Chandhri combination—that the Petition alleges meets the first home view—is launched in response to user interaction with the system. A view displayed in response to a user interacting with the system to launch an application is not “displayed responsive to activation of the system” as required by every Challenged Claim. All grounds fail for this reason alone. *See infra* § IV.D.

Second, every Challenged Claim requires filtering a first set of visual representations of the first home view by removing content therefrom in generating a second set of visual representations organized in the second default content view. The Petition alleges that the first home view and the second default content view are met in the Reavey-Chandhri combination by Chandhri’s menu-based and

image-based GUIs, respectively. But it is undisputed that those GUIs display the same content. Thus, the Petition fails to establish that its Reavey-Chandhri combination filters and removes content as required by every Challenged Claim. All grounds fail for this additional independent reason. *See infra* § IV.E.

Third, the Petition fails to demonstrate that its Reavey-Chandhri combination meets any Challenged Claim as a whole because the Petition does not map the combination to any claim in a consistent manner. Specifically, the Petition alleges that the filtering limitation is met by a particular way of displaying a playlist of songs. The claims expressly require that the visual representations organized in the second default content view be generated based on the filtered set of visual representations. Despite that, the Petition alleges that the second default content view is met by a view of a photo viewer application and its photo content. The Petition entirely ignores the claimed interrelationship between the filtered set of visual representations and the second default content view, and thus fails to demonstrate that its Reavey-Chandhri combination meets any Challenged Claim as a whole. All grounds fail for this additional independent reason. *See infra* § IV.F.

If the Board agrees that Ground 1 fails for any one of the numerous independent reasons identified herein, that is fatal to every ground for every Challenged Claim and institution should be denied.

C. Both Petitions Challenging the '315 Patent Fail for the Same Reasons

This Petition challenges claims 1-5, 7-13, 16, 18, 23, 24, 27-28, and 53-57 (the “Challenged Claims”) of the '315 Patent, including independent claims 1, 27, and 28. A second petition challenging claims 1, 23, 24, 26, 28-33, 36-42, and 52 (including independent claims 1 and 28) was filed in IPR2024-00455 on the same date as this Petition.

The two petitions present identical arguments for the claims challenged in both proceedings (i.e., independent claims 1 and 28 and dependent claims 23-24). All the Petition’s failings identified herein are shared by the petition in IPR2024-00455. Thus, both petitions fail for the same reasons identified herein.

II. LITL’S '315 PATENT

A. LiTL’s Inventive Computer

Before LiTL introduced its Webbook product (shown below) that commercialized an embodiment of the '315 Patent, “home computers were essentially the same as office computers” and home users “struggle[d] with complex interfaces designed in pre-web times.” Ex. 2001, 1. LiTL recognized that the home environment could lend itself to more and different ways in which consumers would use computers. LiTL recruited leading user experience design (“UXD”) experts and worked closely with some of the world’s leading technology and UXD consultancies in a multi-year development effort that led to a computer

more suitable to home use. Ex 1001 ('315 Patent), 18:49-19:20, 20:47-21:44, 23:41-56, 18:35-48, 2:38-50, 11:20-23; Ex. 2001-2005.

LiTL Webbook



Ex. 2001, 1.

LiTL's Webbook included several new inventions initially described in provisional application no. 61/041,365, filed April 1, 2008. The '315 Patent is one of several LiTL patents stemming from that provisional.

The disclosed portable computer is highly configurable by the user into different configurations adapted for different use cases. Ex 1001, 2:38-47. The computer has a base component that "includ[es] the keyboard," a display component, and a hinge assembly that allows the user to rotate the display and/or base components "about a longitudinal axis running along an interface between" the base and display components. *Id.*, 18:61-63, 11:23-33.

By rotating the display and/or base component relative to one another, the portable computer is configurable between a plurality of different physical configurations called display modes (e.g., “a closed mode, a laptop mode, an easel mode, a flat mode and a frame mode.”). *Id.*, 11:20-39. These modes are shown in figures of the ’315 Patent, reproduced and annotated below:

Laptop Mode

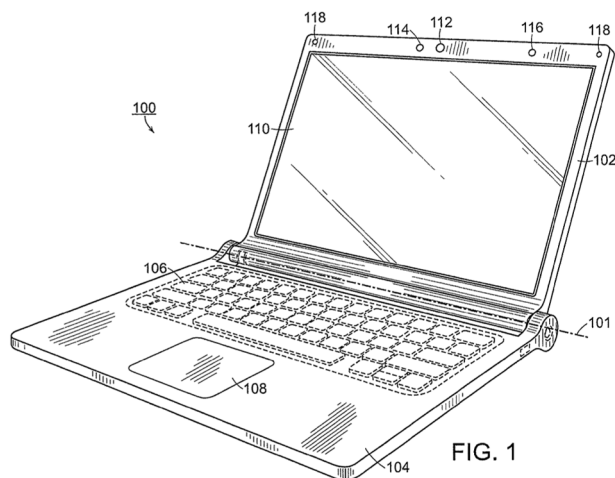


FIG. 1

Easel Mode

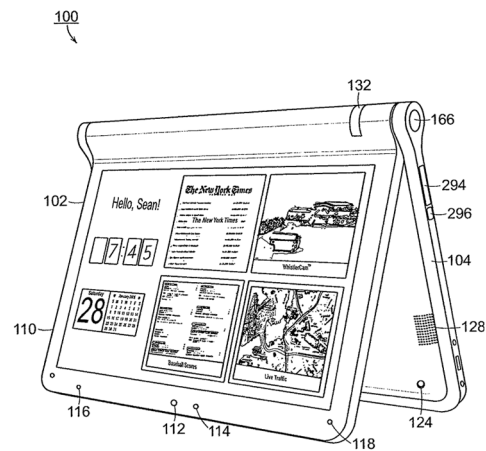


FIG. 4

Frame Mode

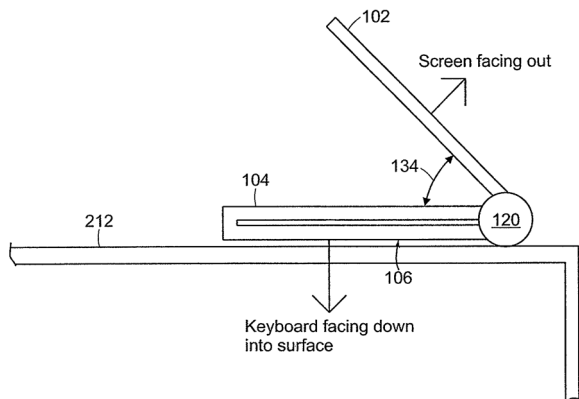


FIG. 26

Flat Mode

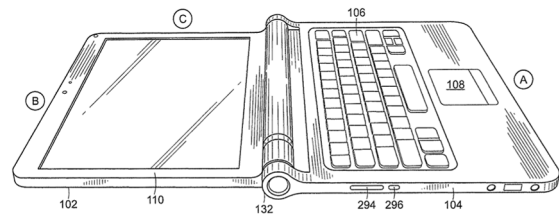


FIG. 27

Id., Figs. 1, 4, 26, 27.

The inventors recognized that users would likely prefer to configure the computer into different configurations (display modes) when using the computer to perform different tasks. *Id.*, 18:20-48. Thus, they provided the computer with technology that automatically detects the physical configuration the user has manipulated the computer into, and automatically invokes different display formats and/or functionality tailored to the expected use of the computer in its different display modes. *Id.*, 18:20-48, 23:41-56, 24:13-17, 24:27-32.

Among the different formats/functionality that can be automatically invoked while in the various modes is something the '315 Patent calls different “views.” View are explained in § II.B immediately below.

B. The '315 Patent Improved the User Experience by Providing Different “Views” for Different Physical Configurations (Modes) of the Computer

The '315 Patent recognized that for a computer with different display modes (e.g., laptop, frame, and easel modes), the way the user interacts with the computer can vary between modes (e.g., different I/O devices may be available—or not—to the user in different modes). Ex. 1001, 24:51-61, 2:23-50, 17:15-25. The '315 Patent embodiments implement different “views” of how the content is presented, with at least one view being well-suited for use with each of the computer system’s different modes:

a graphical user interface [] organizes interface elements into modes of content for presentation to a user. Different views of the modes of

content are used to present the user with an interface that is responsive to configurations of the device and responsive to activity being performed by the user.... The different views present different organizations of the interface elements

Id., 2:41-48. The '315 Patent explains:

Further complicating the user's interaction with computer devices and provided services is the inflexibility of the [prior art] devices being used and their accompanying interfaces. It is realized that a device that can provide a user with a flexible portal into electronic content, that is, one that can be configured dynamically improves the user experience.... Further, user interfaces that are responsive to the user's dynamic configurations improve the user's ability to interact with the electronic content, from the machine itself, the internet, and even from both sources.

Id., 2:23-37.

The '315 Patent discloses a computer with laptop, easel, frame, and flat modes. *Id.*, 11:20-55, Figs. 1, 4, 26, 27. The different modes have different "I/O profiles." *Id.*, 17:55-67 (e.g., easel and laptop mode have different I/O profiles). For example, the I/O profile of the laptop mode reflects availability of a keyboard because the keyboard is easily-accessible to the user in laptop mode. *Id.*, 26:35-27:8, Fig. 17 (reproduced and below). Conversely, the keyboard is not part of the I/O profile for the easel mode because the keyboard faces away from the user and

is thus not easily-accessible to the user in easel mode. *Id.*, 26:18-28, Fig. 4 (reproduced below).

Laptop Mode

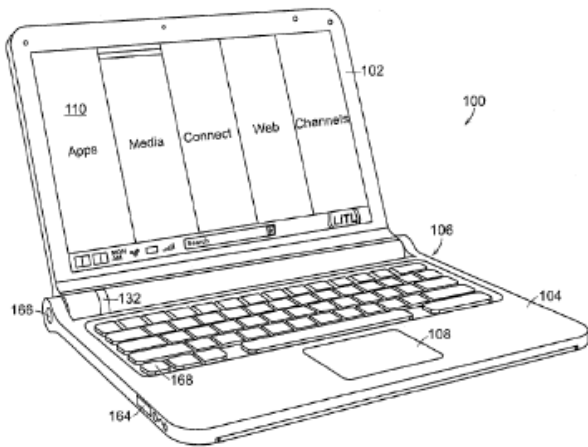


FIG. 17

Easel Mode

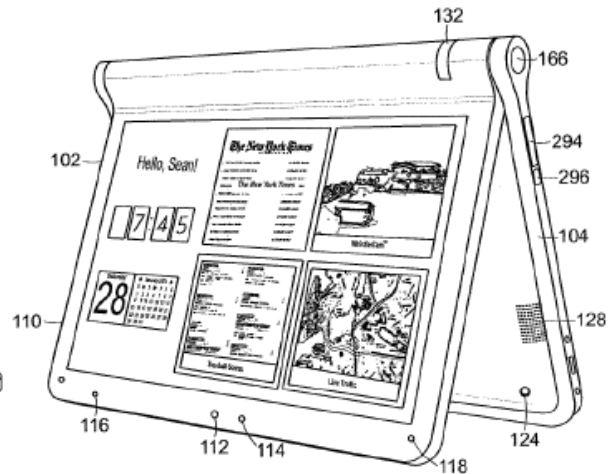
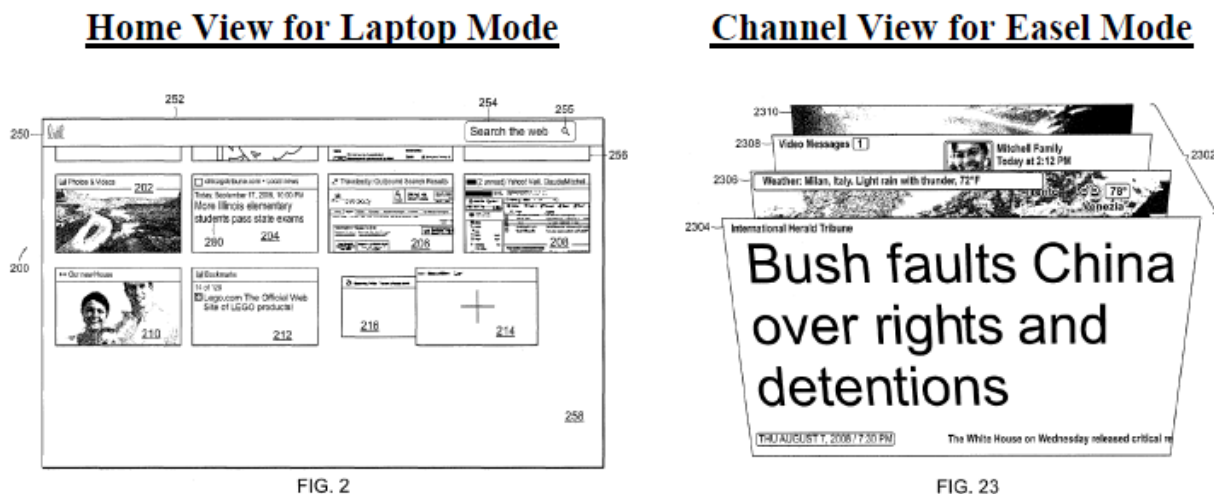
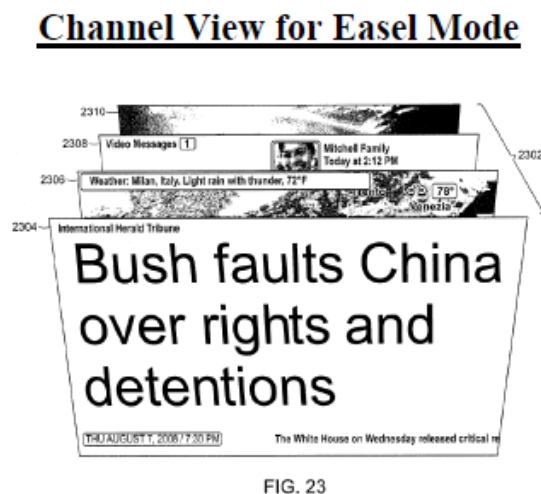


FIG. 4

The inventors of the '315 Patent recognized that a change in configuration of the device between different modes may “impact the user’s interaction with the device itself and any content displayed on the device.” *Id.*, 24:58-61. Thus, the '315 Patent provides different “views” for displaying content that are used when the computer system is in different modes to “improve the user’s ability to interact with the electronic content.” *Id.*, 2:34-37.

As an example of assigning different views to different modes based on the mode’s I/O profile, the '315 Patent discloses that the “portable computer in laptop mode may display a home view” as shown in Fig. 2 (reproduced below), whereas

when configured in easel mode the computer may display a “Channel View” as shown in Fig. 23 (reproduced below). *Id.*, 30:43-48.



As can be observed by comparing Figures 2 and 23, the home view and the channel view use different organizations of visual representations for displaying content. The home view uses a first set of content cards arranged in a tile format, whereas the channel view uses a second set of channel cards arranged in a rolodex format. *Id.* 30:38-43. As explained further below, the second sets of channel cards displayed in the channel view may be based on a filtering of the content displayed in the home view. *Id.*, 52:52-62; *see also id.*, 27:36-60 (“New items may be added, existing items may be moved and/or removed Preferably, organization and/or management occurs automatically based on default settings selected for the user.”).

The home view is “invoked in response to” the device being in laptop mode, (*id.*, 30:33-45), and is the first view presented to the user when the device transitions from closed mode to laptop mode. *Id.*, 6:35-39 (“rotating the display

component about the longitudinal axis up to approximately 180 degrees from the closed mode configures the portable computer into the laptop mode”).

The home view “is configured to manage and *organize* cards” 202-216 in a grid pattern and has a search bar 254 at the top of the display. *Id.*, 34:23-27, 32:30-35, 32:57-59, Fig. 2. The cards “come in a number of forms” including, for example, system cards (providing “computer system functionality”), web cards (providing “a user interface for web based content”), and channels cards (providing “additional features that enable a user to better interact with content”). *Id.*, 34:38-49. The I/O profile for the laptop mode reflects the availability of a keyboard (*id.*, 26:35-27:8, Fig. 17), and the home view is designed to leverage the benefits of the keyboard which facilitates user interaction with the grid of cards 202-216 and the search bar 254. *Id.*, 44:64-67.

Conversely, the I/O profile for easel mode reflects that the keyboard is not available to the user. *Id.*, 26:18-28, Fig. 4. Thus, the home view would not be well-suited to easel mode because the absence of a keyboard would make it challenging for the user to interact with the grid of cards 202-216 and the search bar 254. Conversely, the channel view is well-suited to the easel mode because the channel view provides “high level navigation options to a user” and presents a “streamline[d] view” that organizes different types of content into channel cards. *Id.*, 52:45-53:20, Fig. 23 (reproduced below). The content displayed in the channel

view “is dependent on the channel cards displayed in the home view.” *Id.*, 52:60-62. The channel view, however, “displays only” the “type of content” that can be “rendered in a channel.” *Id.*, 52:52-55. Content displayed in the home view that cannot be rendered in a channel is removed. *Id.*

In easel mode, the user can navigate through different channel cards by flipping through a set of visual representations mimicking a “rolodex,” so that only one type of content is displayed at a time to access different types of content by, for example, actuating a scroll wheel on the computer system. *Id.*, 53:9-19.



FIG. 23

Id., Fig. 23.

The “home view” selected for laptop mode and the “channel view” selected for easel mode are *different ways of organizing* displayed content. *Id.*, 2:38-50

(describing “a graphical user interface that *organizes*¹ interface elements into modes of content for presentation to a user. Different views of the modes of content are used to present the user with an interface that is responsive to configurations of the device and responsive to activity being performed by the user The *different views present different organizations of the interface elements*”).

Thus, one of the '315 Patent's improvements over the prior art was organizing displayed content into different “views” that were well-suited to different physical configurations (modes) of the computer system to improve user interaction with displayed content in the computer's different physical configurations (modes). *See, e.g., id.*, 55:39-41 (the user configuring the computer into the easel mode where the display leans back for viewing “triggers the streamlined device to transition to a content display that improves user interaction” in the easel mode).

¹ Emphasis is added throughout except where indicated otherwise.

C. Summary of the Claimed Subject Matter

The Challenged Claims recite, *inter alia*, a customized user interface for a computer system. *See* Limitations 1[pre], 27[pre], 28[pre].² The computer has at least one sensor that provides information that can be used to identify the configuration the user has placed the computer into based, at least in part, on a position of the display component relative to the base component. *See* Limitations 1[f], 27[c], 28[f].

The user interface has a plurality of ways of organizing displayed content into different “views.” The views include a “first home view” that is “displayed responsive to activation of the system.” *See* Limitations 1[d], 27[c], 28[c]. The home view is “a first organizational view of at least one application and computer content” (*id.*) and organizes “a first set” of visual representations of computer content. *See* Limitations 1[g], 27[c]-[d], 28[c]-[f]. The computer selects the first home view when the computer is in a first computer system configuration. *Id.*

The plurality of views also includes a “second default content view.” *See* Limitations 1[i], 27[f], 28[h]. When the sensor indicates a transition from the first

² LiTL herein adopts the Petition’s claim limitation labelling for the Board’s convenience. *See* Petition, Claim Appendix.

computer system configuration to a second computer system configuration, the system transitions automatically from the first home view to the second default content view. *Id.* The second default content view is “optimized for viewing in the second computer system configuration” by filtering the home view’s first set of visual representations by “removing” some identified content and by including “at least one different member than the first set of visual representations.” *See* Limitations 1[h], 27[e], 28[g].

III. CLAIM CONSTRUCTION

The Petition offers explicit claim constructions for a number of claim terms, including “*plurality of views of a plurality of visual representations of computer content,*” “*display component,*” “*execution component,*” “*storage component,*” and “*first/second user interface component.*” Petition, 11-15 (Section VII). For the purposes of this Preliminary Response only, Patent Owner LiTL does not challenge Petitioner’s explicit claim constructions because the Petition fails even if these constructions are adopted.

IV. THE PETITION FAILS TO DEMONSTRATE UNPATENTABILITY OF ANY CHALLENGED CLAIM

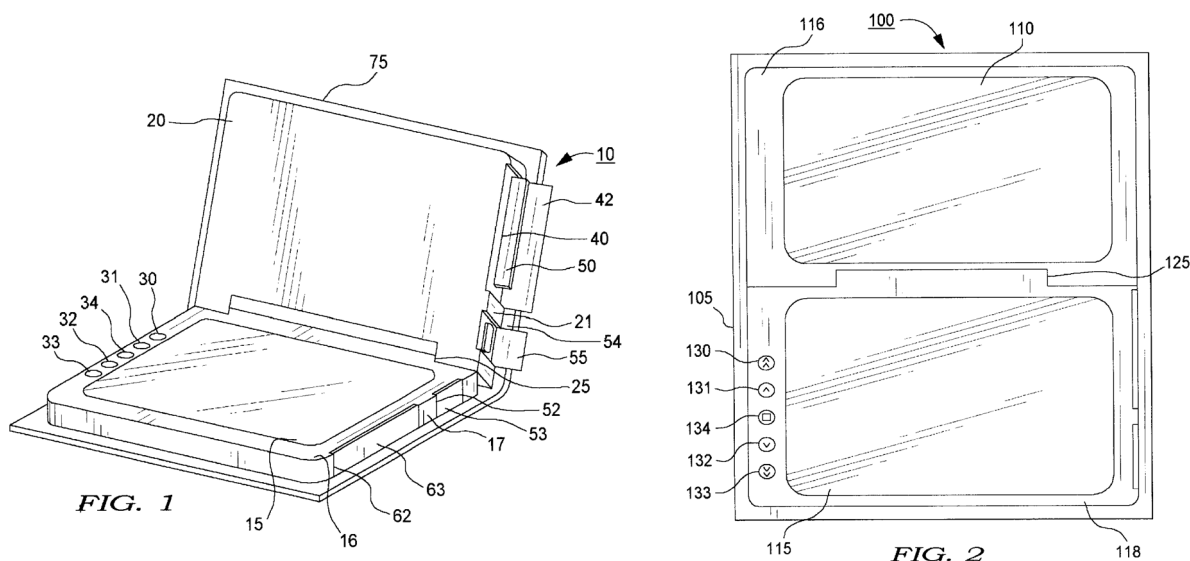
The Petition has only a single ground (Ground 1) that challenges the independent claims (claims 1, 27, and 28) and some dependent claims as allegedly being obvious over Reavey and Chandhri. Petition, 2. Ground 2 challenges

additional dependent claims and adds Preppernau to Ground 1’s Reavy-Chandhri combination. *Id.*

As detailed below, Ground 1 fails for multiple independent reasons and all of those failings are inherited by Ground 2. Thus, institution should be denied.

A. Reavey

Reavey discloses an “electronic book device [that] integrates the look and feel familiarity of a book with advanced computer technology to create an easy to use, multi-functional and versatile tool for viewing information in the form of text and graphics.” Ex. 1009 (“Reavey”), 4:39-42, 2:66-3:1. Reavey’s book device includes “an electronic display unit having a multi-orientable single flat panel or a hinged dual flat panel display.” *Id.*, 3:2-5, Figs. 1-2 (reproduced below). The grounds rely on Reavey’s dual flat panel display embodiment.



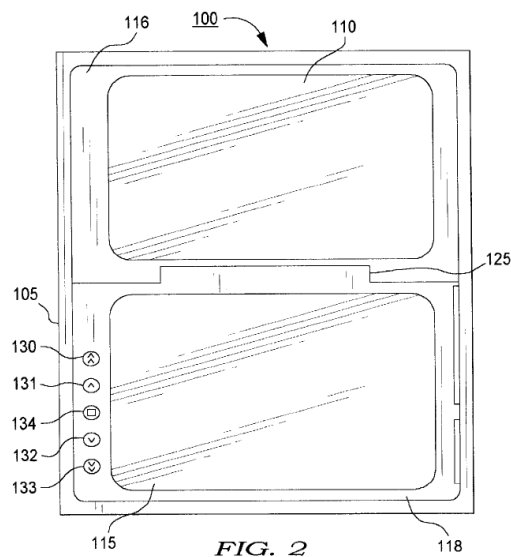
As shown in Figs. 1-2, Reavey's dual displays are similarly-sized and "electrically connected ... through a hinge 125." *Id.*, 5:32-35. "Screen orientation processing 390 in conjunction with commercially available multi-function gravity switches and hinge 125 permit electronic book device 100 to be used in one of three available operational modes, namely, side-by-side, over-under, and over-under with touchscreen keyboard." *Id.*, 7:26-31. Screen orientation software "can automatically rotate text and graphics on the display panel to change the screen orientation" to accommodate the mode the user has configured the book device into. *Id.*, 6:11-14, 7:24-26.

"In the dual panel screen embodiment, the side-by-side mode has both screens in the vertical position and in the over-under mode the screens are both in the horizontal position. The over-under mode with keyboard corresponds to having the top horizontal screen behave as a normal display screen and the bottom horizontal screen behave as a touchscreen keyboard. In the over-under mode, the two screens could act as one screen, with the text and graphics scrolling downward from one to the other." *Id.*, 7:35-44.

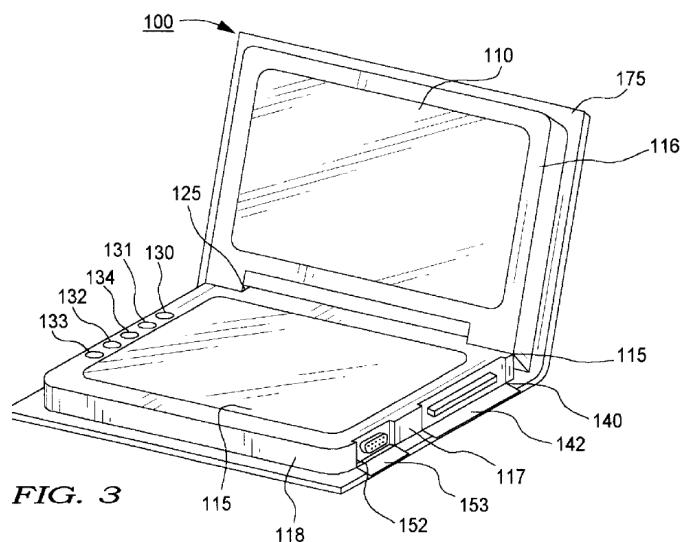
The mode of Reavey's book device is "set automatically when electronic book device 100 is opened" depending on "the way the user is holding" the device. *Id.*, 7:45-47.

Side-by-side (Mode 1): if the device “is held in a normal book like manner, then mode 1 will be selected and the ensuing text and graphics will appear in a side-by-side manner.” *Id.*, 7:47-50.

Over-under (Mode 2): “If electronic book device 100 is held in an over-under (top-bottom) fashion, i.e. opened in a checkbook manner, then mode 2 will be set.” *Id.*, 7:50-53; *see also id.*, Fig. 2 (reproduced below).



Over-under with keyboard (Mode 3): “Mode 3 is activated if electronic book device 100 is placed on a flat surface and is *partially* opened.” *Id.*, 7:53-54. In mode 3 a “touchscreen keypad” (keyboard) is activated on the bottom screen when the device is “partially opened” but the “keyboard will disappear” when the device is “fully opened all the way.” *Id.*, 7:53-62; *see also id.*, Fig. 3 (reproduced below).



Reavey’s “electronic book device” “integrates the look and feel familiarity of a book.” *Id.*, 4:39-42; *see also id.*, 5:24-31 (describing the device as having a book cover “to enhance the book-like feel” and noting that “the present invention looks like a book, feels like a book and is as easy to use like a book.”).

B. Chandhri

Chandhri purports to “improve the way media is played, sorted, modified, stored and cataloged on a portable media player” by using “an image based browser that allows a user to navigate through and select images that are related to media items.” Ex. 1011 (“Chandhri”), Abstract, Fig. 2 (reproduced below).

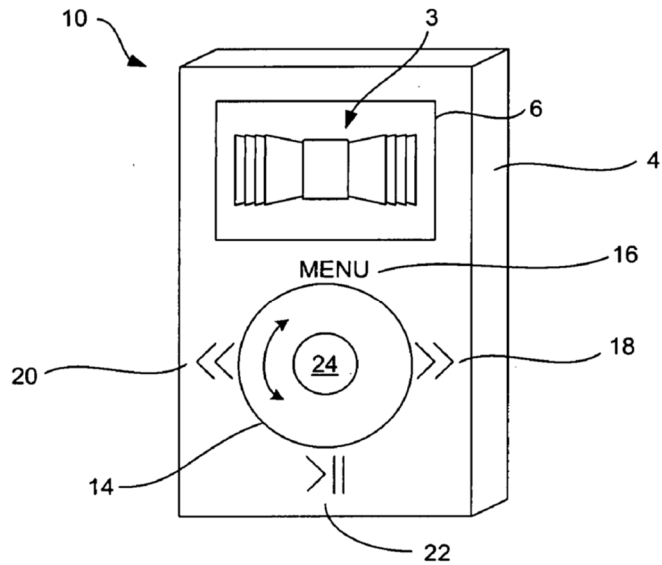


FIG. 2

Chandhri's device uses a single display, as shown in the figures below, which may take up part of a surface of the device or an entire surface of the device much like today's smart phones do:

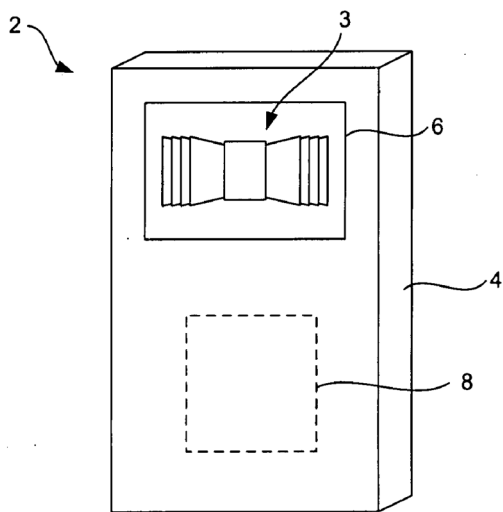


FIG. 1

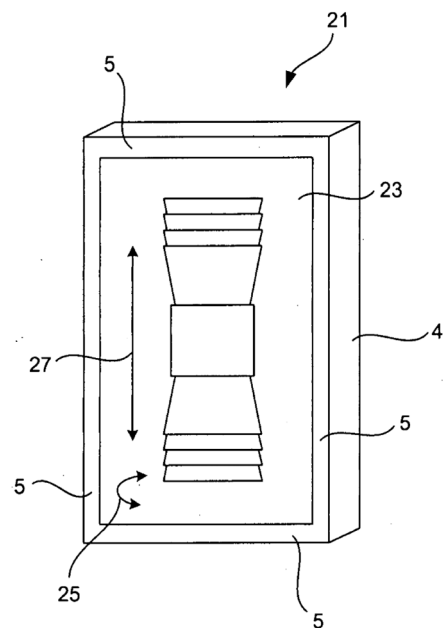
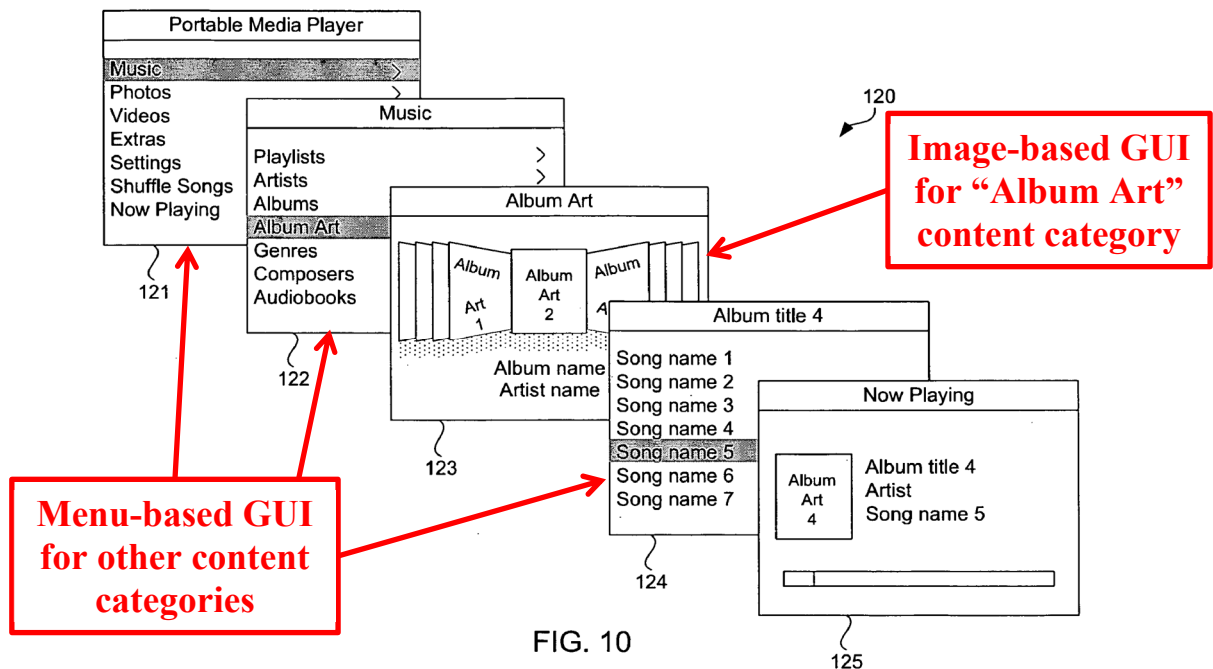


FIG. 3

Id., Figs. 1, 3, ¶ 82 (“FIG. 3 is a diagram of a portable electronic device 21,” and can “represent one implementation of the portable electronic device 2 shown in FIG. 1.”). Figs. 1 and 3 above illustrate the image-based browser where media content (e.g., music albums or songs) may be each be represented by an image and the user may scroll through the images to select the desired media content.

In addition to the image-based browser, Chandhri’s device also supports a text menu-based browser for displaying the same content to the user (e.g., as a text list of albums or songs). *Id.*, ¶ 225.

Figure 10 (annotated below), which shows use of the text menu-based browser for the top two levels of a menu hierarchy and the image-based browser for the third “Album Art” level of the hierarchy.



Id., Fig. 10 (annotated).

Whether the image-based browser or the menu-based browser is used for a particular menu hierarchy level is determined by the user setting the browser mode for that level. For example, in Figure 11 (reproduced below) a user may enter a “video settings window 133” to select “between [text] list and/or image in a Browse mode window 134.” *Id.*, ¶ 136.

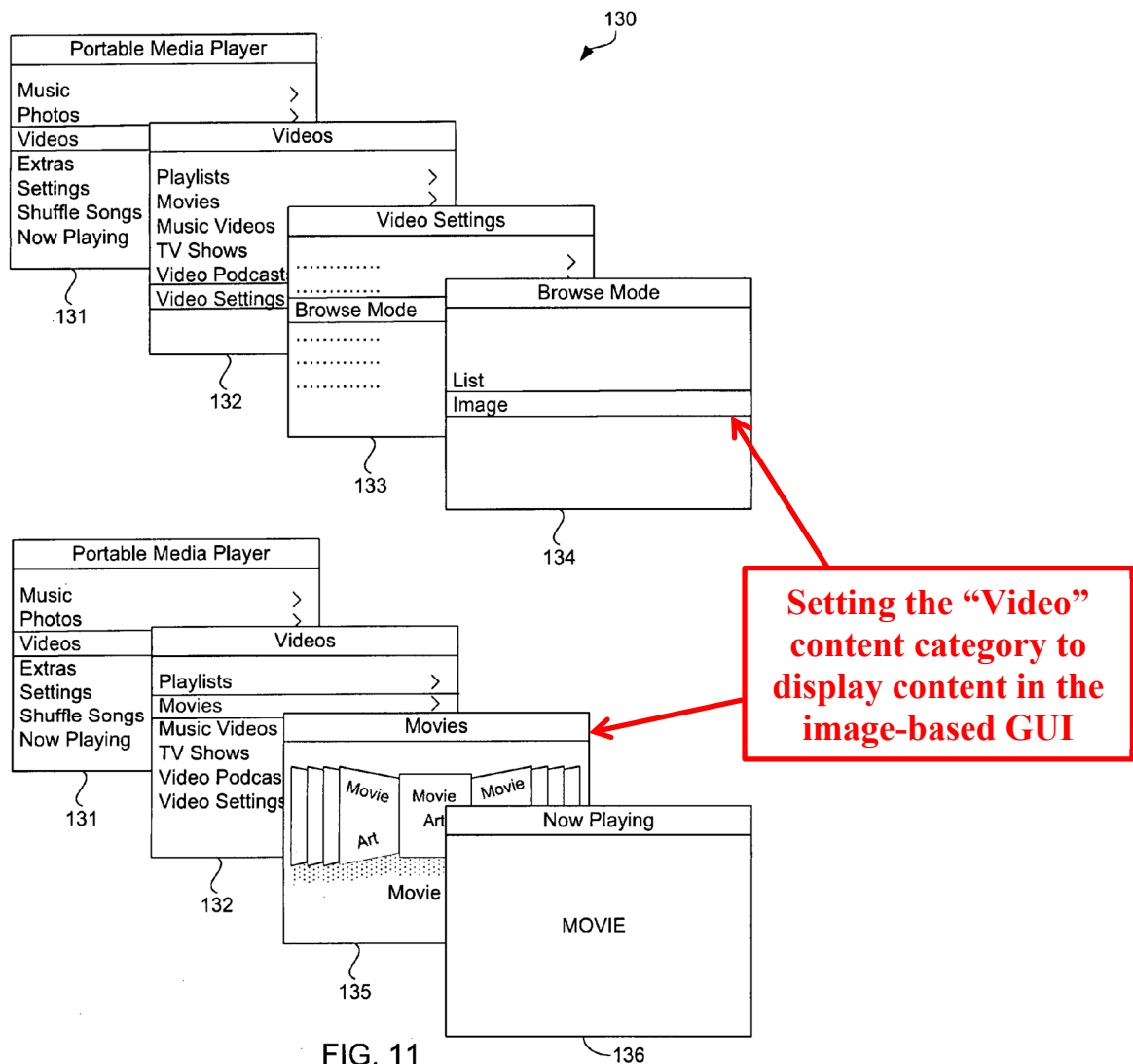


FIG. 11

Id., Fig. 11 (annotated). After the user selects the image mode for “videos,” the image mode “is applied to appropriate menu items” under the “Videos” category of media. *Id.* Thus, when the user subsequently navigates back to the main menu 131, selects “Videos,” then selects any of the categories of Videos, the videos in the selected category will be presented in the image-based browser. *Id.* For example, if the user selects “Movies,” the “image based browser window ... displays the movies using poster art.” *Id.*

Chandhri’s device can also automatically flip between the text menu-based and image tile-based browsing modes when the device rotates from portrait orientation to landscape orientation, as shown in Fig. 34 (reproduced below). *Id.*, ¶ 229 (the “menu based window is presented when the device is in portrait mode” and the “image based browser is presented when the device is in a landscape mode”). Chandhri teaches that “portrait mode lends itself to vertical scrolling as for example through a vertical menu list while landscape lends itself to horizontal scrolling as for example through a horizontal image browser.” *Id.*

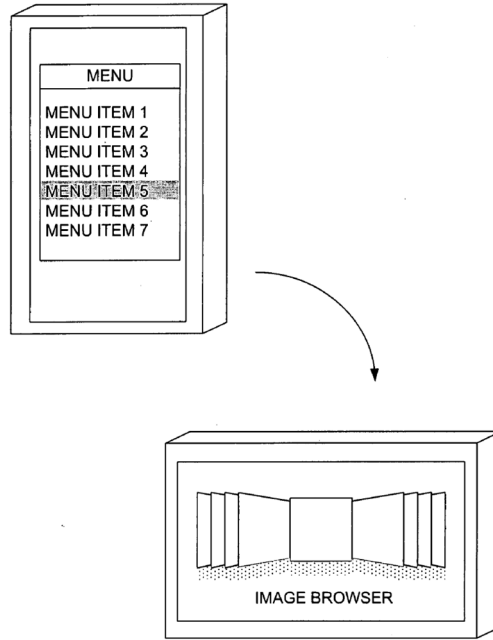


FIG. 34

Id., Fig. 34, ¶¶ 224-229.

Chandhri's method of operation is illustrated in Fig. 33. "[A] first GUI and a second GUI are provided. The first and second GUIs are based on the same data but use different formatting schemes to show the data." *Id.*, ¶ 225.

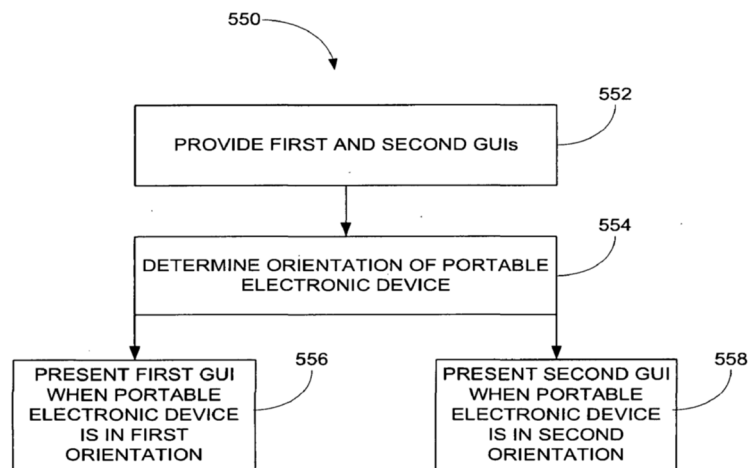


FIG. 33

As shown in Chandhri's Fig. 34, "the first GUI is configured as a vertical menu list that is text based and the second GUI is configured as an image browser that is image based." *Id.* The images in the browser "are associated with corresponding text data in the menu." *Id.* In other words, Chandhri's Figs. 33-34 disclose the use of two different GUIs to present the same data to the user depending on the device's orientation.

C. Ground 1 Fails Because Petitioners Do Not Establish that a POSA Would Have Combined Reavey and Chandhri in the Way Petitioners Allege

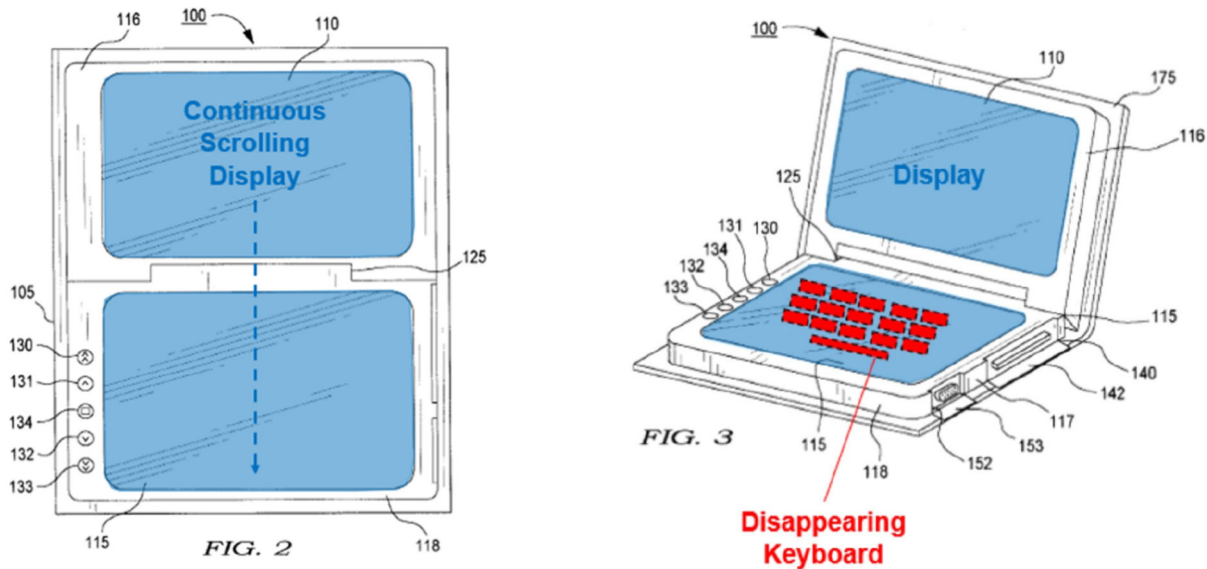
Reavey is directed to a dual-screen electronic book device. *Supra* § IV.A. Chandhri is directed to a single-screen portable media player. *Supra* § IV.B. Despite the fact that Reavey and Chandhri are directed to different types of devices, Ground 1 alleges that a POSA would have been motivated to modify Reavey's electronic book to use Chandhri's menu-based and image-based GUIs to display media content. Petitioners' Reavey-Chandhri combination is hindsight driven. Petitioners fail to establish that a POSA would have been motivated to make this combination for several reasons detailed below.

1. Petitioners' Reavey-Chandhri Combination is Unsupported
a. Petitioner's Combination is Nonsensical and Unworkable

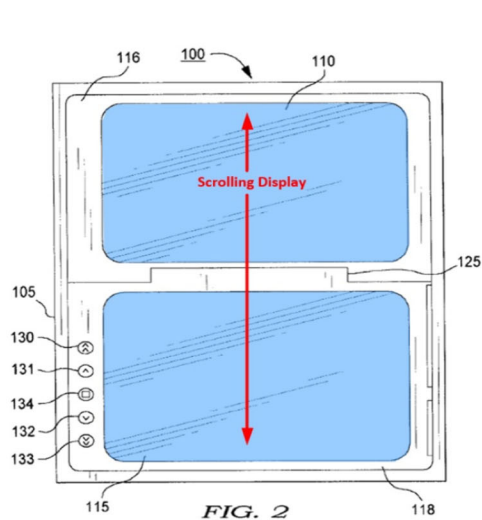
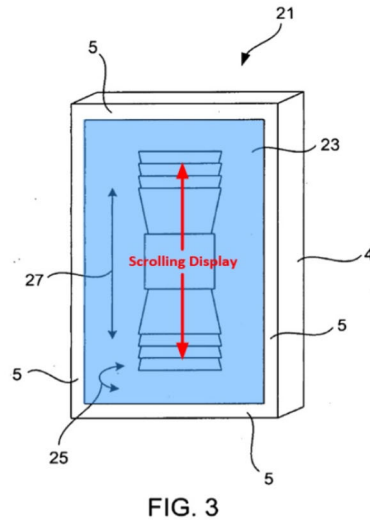
The Petition notes that two of the three modes of Reavey's electronic book device are the "over-under" mode 2 (Fig. 2) and an "over-under with touchscreen

keyboard” mode 3 (Fig. 3). Ex. 1009 (Reavey), 7:25-31; Petition, 16-17.

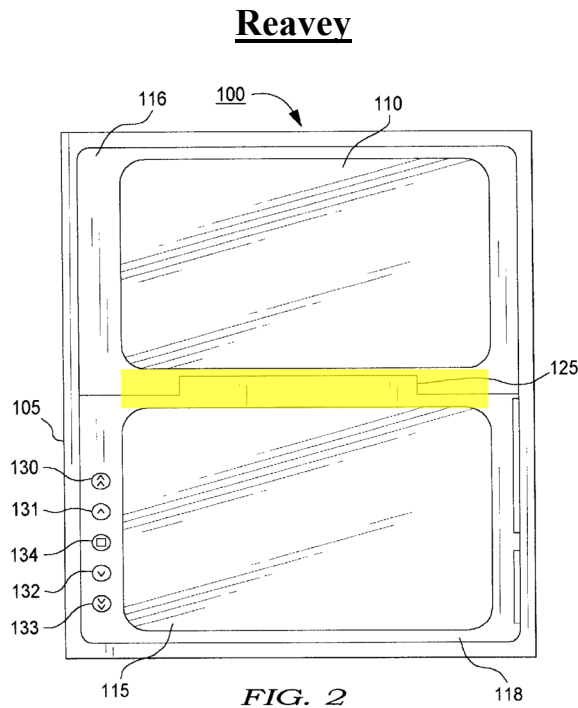
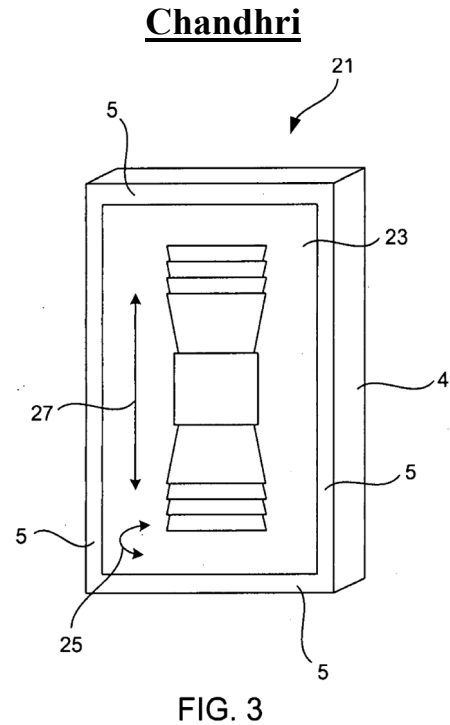
Petitioners refer to Fig. 2’s mode as a “flat configuration” and Fig. 3’s mode as a “laptop configuration.” Petition, 25. Reavey’s Figs. 2-3 are reproduced below with Petitioners’ annotations. *See* Petition, 17-18.



Petitioners allege that Chandhri’s image tile-based GUI “can be arranged in a vertical-scrolling organization.” Petition, 27 (citing Chandhri, Fig. 3). Petitioners assert that Chandhri would have motivated a POSA to implement image tile-based “vertical scrolling” in Reavey’s Fig. 2 “flat” configuration where both of Reavey’s display screens can be used for scrolling. Petition, 26-28. Petitioners attempt to “support” this baseless assertion by annotating Reavey’s Fig. 2 side-by-side next to Chandhri’s Fig. 3 as reproduced below. *See* Petition, 28.



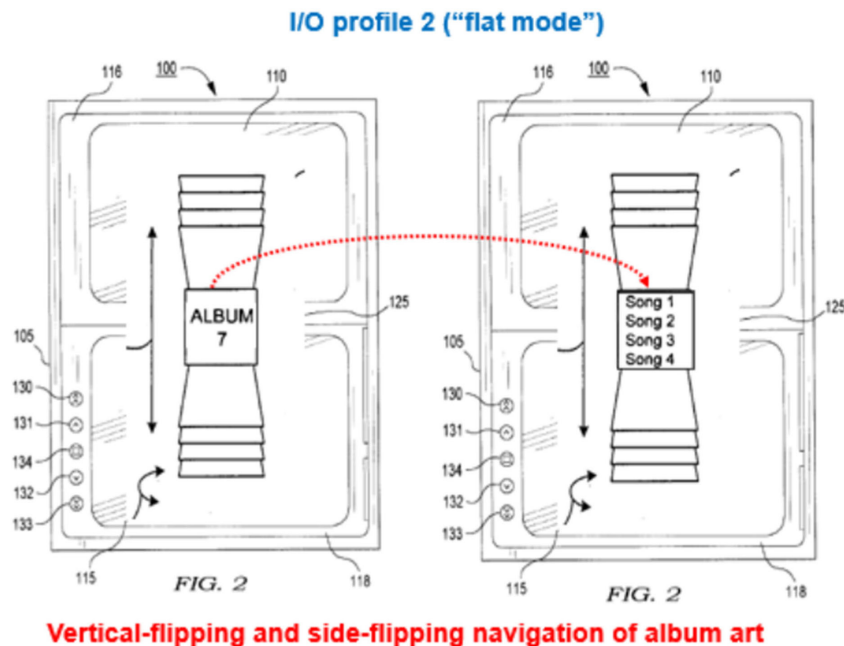
The Petition’s suggestion that these annotated figures illustrate a reason to use Chandhri’s image tile-based GUI in Reavey’s “flat” configuration ignores a critical difference between Reavey and Chandhri. Chandhri’s device has a *single* display that is oriented vertically in Chandhri’s Fig. 3. Conversely, Reavey has *two* separate display panel screens oriented in “an over-under (top-bottom) fashion” in Reavey’s Fig. 2. Reavey, 7:50-53. Reavey’s display panel screens 110 and 115 are contained in housings 116 and 118, respectively, and the housings are connected via a hinge 125. *Id.*, 5:33-36.



Thus, as illustrated by the yellow highlighting above, at the interface where Reavey's two housings 116 and 118 are connected via hinge 125, there is no display panel screen (110 or 115) to display content. When Reavey's device is arranged in Fig. 2's "over-under" configuration, the device has a horizontal zone in the middle of the device where no content can be displayed.

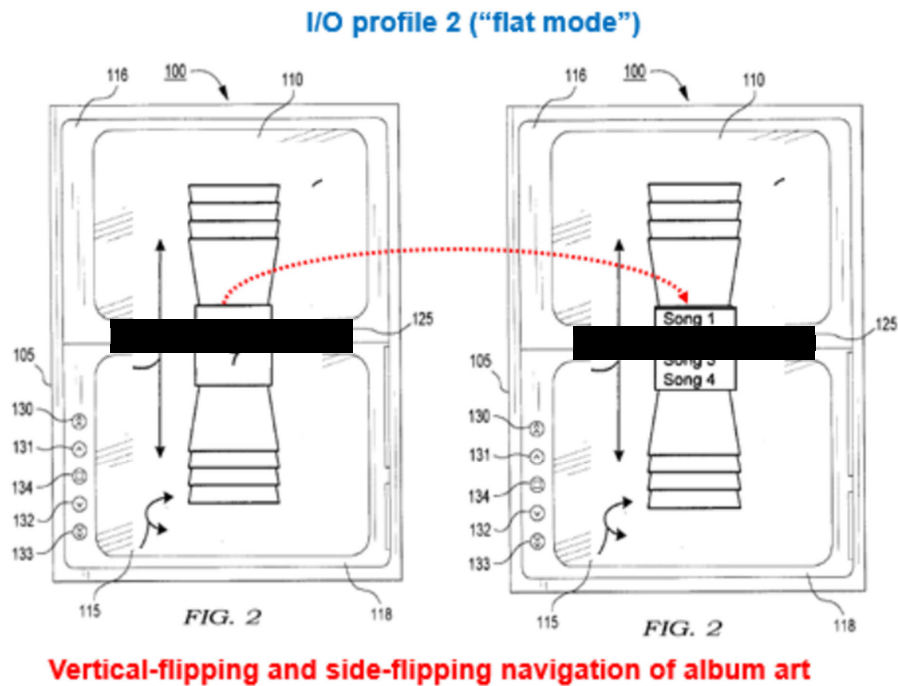
Despite the forgoing, the Petition treats Reavey as if it discloses one large display panel screen. In explaining how its Reavey-Chandhri combination allegedly meets certain claim limitations, the Petition illustrates the device as displaying content at locations of Reavey's device where there is no display panel. This is shown in figures from the Petition at 61 (reproduced below), where Petitioners allege content is displayed in the horizontal zone in the middle of

Reavey's device where there is no display panel screen to display content; there is only display panel housings (116 and 118) and hinge 125 that connects them.



Compounding the problem, the horizontal zone in the middle of Reavey's device that lacks a display screen panel to display content is precisely where Petitioners allege a POSA would have displayed the image of the currently-selected content in the Reavey-Chandhri combination. Below, LiTL has further annotated the Petition's above figures to add solid black to the denote portions of Reavey's device where the display panel housings 116/118 and the hinge 125 are disposed so that no content can be displayed. Because Petitioners allege that the Reavey-Chandhri combination would center the image of the currently-selected content in the middle of the device—in an area where no content can be displayed because there is no display panel screen—the vast majority of the selected content

cannot be displayed and would not be visible to the user. At best, this would severely hinder the user's ability to use the Reavey-Chandhri device to scroll through content, and at worst this would render that scrolling feature inoperable.



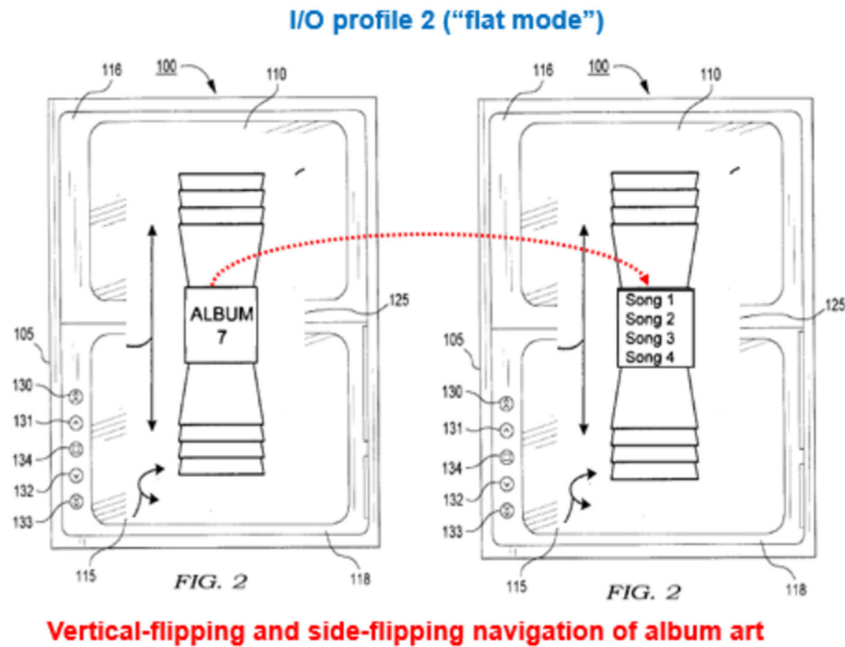
Petition, 61 (annotated).

Quite simply, the Reavey-Chandhri combination could not work in the manner that Petitioners allege. A POSA never would have combined the teachings of Reavey and Chandhri in that manner. Ground 1 fails for this reason alone.

b. Petitioners' Assertion that a POSA Would Have Modified Reavey's GUI to Facilitate Media Player Functionality that Reavey's Electronic Book Does Not Support is Baseless

The Petition alleges that a POSA would have been motivated to use Chandhri's GUI in Reavey's device to facilitate the viewing of "a playlist of

curated songs from different artists.” Petition, 58; *see also* Petition 61 (annotating Reavey’s figures as shown below to illustrate Reavey’s flat configuration being used to “show vertical and side-flip navigation of playlist-type music.”).



Reavey is not a media player like Chandhri—Reavey is an electronic book. *See supra* §§ IV.A-B. Petitioners do not even allege that Reavey’s electronic book device has the hardware and/or software needed to act as a media player. Petitioners’ assertion that a POSA would have been motivated by Chandhri to change the GUI in Reavey’s electronic book to better support media playing functionality that Reavey never mentions is baseless. A POSA would have done no such thing.

2. None of Petitioners’ Alleged Motivations to Combine Support the Reavey-Chandhri Combination

To carry their burden of demonstrating obviousness, Petitioners needed to show that “a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.” *Pfizer, Inc. v. Apotex, Inc.*, 480 F.3d 1348, 1361 (Fed. Cir. 2007) (citing *DyStar Textilfarben GmbH v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006); *Velandier v. Garner*, 348 F.3d 1359, 1363 (Fed. Cir. 2003)).

The Petition has a “Motivation to Combine” section that purports to establish reasons why a POSA would have been motivated to use Chandhri’s teachings of displaying a menu-based GUI or an image-based GUI in different configurations in Reavey with a reasonable expectation of success. Petition, 25-30.³ None of those alleged reasons to combine is supportable for the reasons discussed below.

³ As discussed in §§ IV.E-F below, the Reavey-Combination that the Petition alleges a POSA would have made in its “Motivation to Combine” section does not meet Limitations 1[h]-[i]. The Petition confusingly offers additional alleged motivations to combine the references in more specific ways in its section that

a. Petitioners’ Assertion that Reavey Does Not Disclose a GUI is Wrong; Reavey’s GUI Provides the Look and Feel of a Book

Petitioners allege that a GUI like Chandhri’s is “required” or “needed” for Reavey’s device because “Reavey itself does not explicitly disclose how the GUI should be organized.” Petition, 26-27. That is simply wrong.

The Petition repeatedly refers to Reavey’s Mode 3 as a “laptop configuration” (*see, e.g.*, Petition, 25-26, 28-29) and suggests that Chandhri’s GUI was “typical of a laptop device like when Reavey’s device is in the laptop configuration (Mode 3)” (Petition, 28). But Reavey’s device is not a laptop.

Reavey calls Mode 3 an “over-under with keyboard mode.” Reavey, 7:36-38. Reavey’s Title, “Summary and Objects of the Invention,” claims, and the entirety of its written description make clear that Reavey is directed to an electronic book device. *Id.*, Abstract, 2:66-3:4, 3:39-42; *see also supra* § IV.A. Reavey’s “electronic book device” “integrates the *look and feel familiarity of a book* with advanced computer technology to create an easy to use, multi-functional

purports to map claim 1 to the Reavey-Chandhri combination. *See* Petition, 58 (offering multiple new alleged “motivat[ions]” to combine.). LiTL addresses those additional alleged “motivations” in § IV.E.1 below.

and versatile tool for viewing information in the form of text and graphics.”

Reavey, 4:39-42; *see also id.*, 5:24-31 (describing the device as having a book cover “to enhance the book-like feel” and noting that “***the present invention looks like a book, feels like a book and is as easy to use like a book.***”).

Thus, a POSA would have understood Reavey to disclose a GUI that provides the “look and feel” of a book. *Id.*, 4:39-42, 5:24-31. Text and graphics are presented to “look and feel” like a book on one or both of the device’s display panel screens, depending on the mode the device is in. The keyboard can be used so “users can also create their own works.” *Id.*, 5:12-23.

Petitioners’ assertion that a POSA would have looked to Chandhri because Reavey does not “disclose how the GUI should be organized” (Petition, 26-27) is plainly wrong because Reavey discloses a GUI that provides the “look and feel ... of a book.” Reavey, 4:39-42.

The Petition also alleges “at least three reasons” why a POSA “would have been motivated to combine Chandhri’s beneficial GUI organizations with Reavey’s device.” Petition, 27. As explained below, none of the Petition’s “three reasons” is supportable.

b. Chandhri’s GUI Does Not Provide a “User Friendly” Vertical Scrolling Interface in the Reavey-Chandhri Combination

Petitioners allege that “Chandhri’s tiled-based browsing interface is an ‘efficient and *user friendly*’ GUI organization” that would be “beneficial” for use in Reavey’s device. Petition, 27. This assertion fails for two reasons.

First, as discussed in § IV.C above, Petitioners fail to establish that Reavey has any need for image “tile-based” scrolling in its electronic book device. In its “Motivation to Combine” section, the Petition never even identifies any specific content a POSA allegedly would have been motivated to display to the user using an image-based GUI. Petition, 25-30. Given that Reavey is an electronic book, it had no need for image-based scrolling.

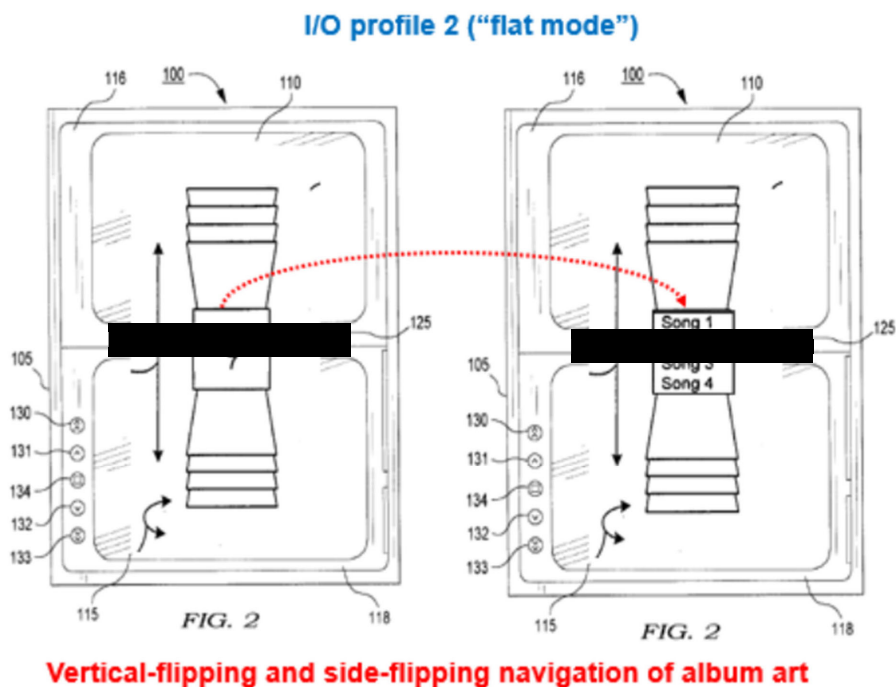
The Petition also alleges that “a text menu-based GUI that was typical of a laptop device” would be used “when Reavey’s device is in the laptop configuration⁴ (Mode 3).” Petition, 28. The Petition then states in conclusory fashion that a POSA “would have recognized the *need* for Reavey’s device ... to change GUI organization from menu-based to tile-based, when the user changed the physical configuration of the device.” Petition, 29 (alleging that the image

⁴ This assertion fails because Reavey is not an “laptop” —it is an electronic book.

Supra § IV.A.

tiled-based GUI would be used in Reavey's "flat configuration (Mode 2)"). This assertion fails because Mode 2 is what Reavey calls its "over-under" mode where "the two screens could act as one screen, with the text and graphics scrolling downward from one to the other." Reavey, 7:35-44. When the user places Reavey's electronic book into the over-under Mode 2, the user can simply continue to read the book with its "text and graphics scrolling downward from" the top display screen panel to the bottom one. *Id.* The Petition's assertion that there was a "**need** for Reavey's device ... to change GUI organization from menu-based to tile-based" when the device is configured in the over-under Mode 2 (Petition, 29) is entirely unsupported and directly refuted by Reavey. Indeed, the Petition never even attempts to explain how a user could read Reavey's electronic book using an image tile-based GUI.

Second, as detailed in § IV.C.1 above, the manner in which Petitioners apply Chandhri's GUI to Reavey is nonsensical and unworkable because Petitioners allege that the image of the currently-selected content is "displayed" to the user in the middle of the Reavey-Chandhri device where there is no display screen panel to display content. This is shown by LiTL's further annotation (black added where there is no display screen panel) of Petitioners' figure from page 61 of the Petition below.



Petitioners' Reavey-Chandhri combination that renders the image of the currently-selected content partially, or entirely, unviewable by the user⁵ is the furthest thing from a "user-friendly" interface as Petitioners allege. Petition, 27.

⁵ The Petition did not allege that its Reavey-Chandhri combination would display the image of the currently-selected content by splitting the image and displaying an upper half on the upper display screen and the lower half on the lower display screen. There is no such argument for the Board to consider. *Apple Inc. v. Corephotonics, Ltd.*, 81 F.4d 1353, 1360 (Fed. Cir. 2023) ("the Board must base its decision on arguments that were advanced by a party") (quoting *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016)). Additionally,

c. Reavey Does Not Disclose a Laptop

The Petition's "second" reason supporting its alleged motivation to combine Reavey and Chandhri seeks to establish that it would have been obvious to use "a text menu-based GUI" when Reavey's device is "in the laptop configuration (Mode 3)" because this type of GUI "was typical of a laptop device." Petition, 28.

Reavey's device is not a laptop. Reavey's device is an electronic book, and its Mode 3 is referred to in Reavey as an "over-under with keyboard mode." Reavey, 7:34-38; *Supra* § IV.A. Petitioners' assertion that POSA would have adopted a "menu-based GUI" for Reavey's device to support its use as a laptop fails because Reavey's device is not a laptop.

But even if the Board were to accept Petitioner's assertion that a POSA would have used a menu-based GUI like Chandhri's when Reavey's device is in its

implementing a system that performs scrolling by splitting the image of the currently-selected content across two display screens would make the image more difficult for the user to select and require contacting different display screens when scrolling up than when scrolling down. That is not a "user-friendly" GUI (Petition, 27) a POSA would have implemented, and Petitioners provided no evidence to the contrary.

Mode 3 configuration, that provides no motivation to use Chandhri's image tile-based GUI in any mode of Reavey's device.

d. Chandhri Teaches Using Text-Based and Tile-Based GUIs in Precisely the Opposite Manner that Petitioners' Reavey-Chandhri Combination Does

Petitioners "third" alleged motivation for the combination is that Chandhri would have motivated a POSA to use a "text menu-based GUI" when Reavey's device is in Mode 3 (which Petitioners call a "laptop" configuration) and an image "tile-based GUI" when the device is in Mode 2 (which Petitioners call a "flat configuration"). Petition, 29. Petitioners acknowledge that Chandhri does not have "the same 'laptop' and 'flat' configurations" as Reavey. *Id.* However, Petitioners allege that Chandhri discloses changing the GUI from "a menu-based organization to a scrolling tile-based browser when the user changes the physical configuration of the device from a vertical to a horizontal orientation." Petition, 29 (*citing* "Chandhri, ¶¶ 0224-0029, *Fig. 34.*").

As the above quote from the Petition acknowledges, the cited portions of Chandhri teach using a text menu-based GUI when the device is in a "vertical" (portrait) orientation and image tile-based scrolling when the device is in a "horizontal" (landscape) orientation. Petition, 29 (Chandhri teaches changing "a menu-based organization to a scrolling tile-based browser when the user changes the physical configuration of the device from a vertical to a horizontal

orientation.”); Chandhri, ¶ 229 (“portrait mode lends itself to vertical scrolling as for example through a vertical menu list while landscape lends itself to horizontal scrolling as for example through a horizontal image browser.”); *Id.*, Fig. 34 (reproduced below).

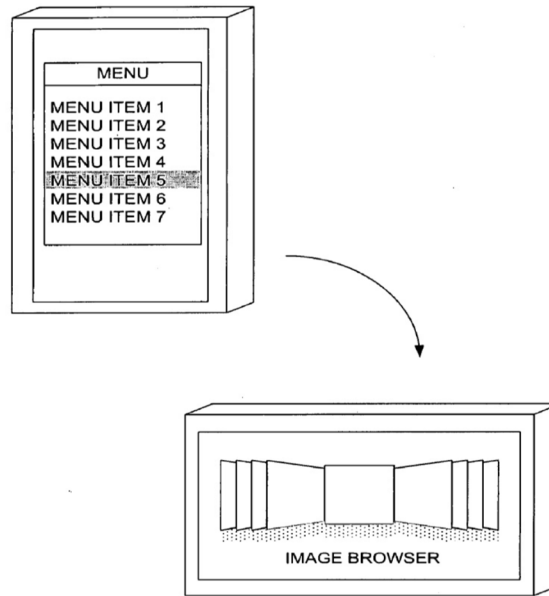
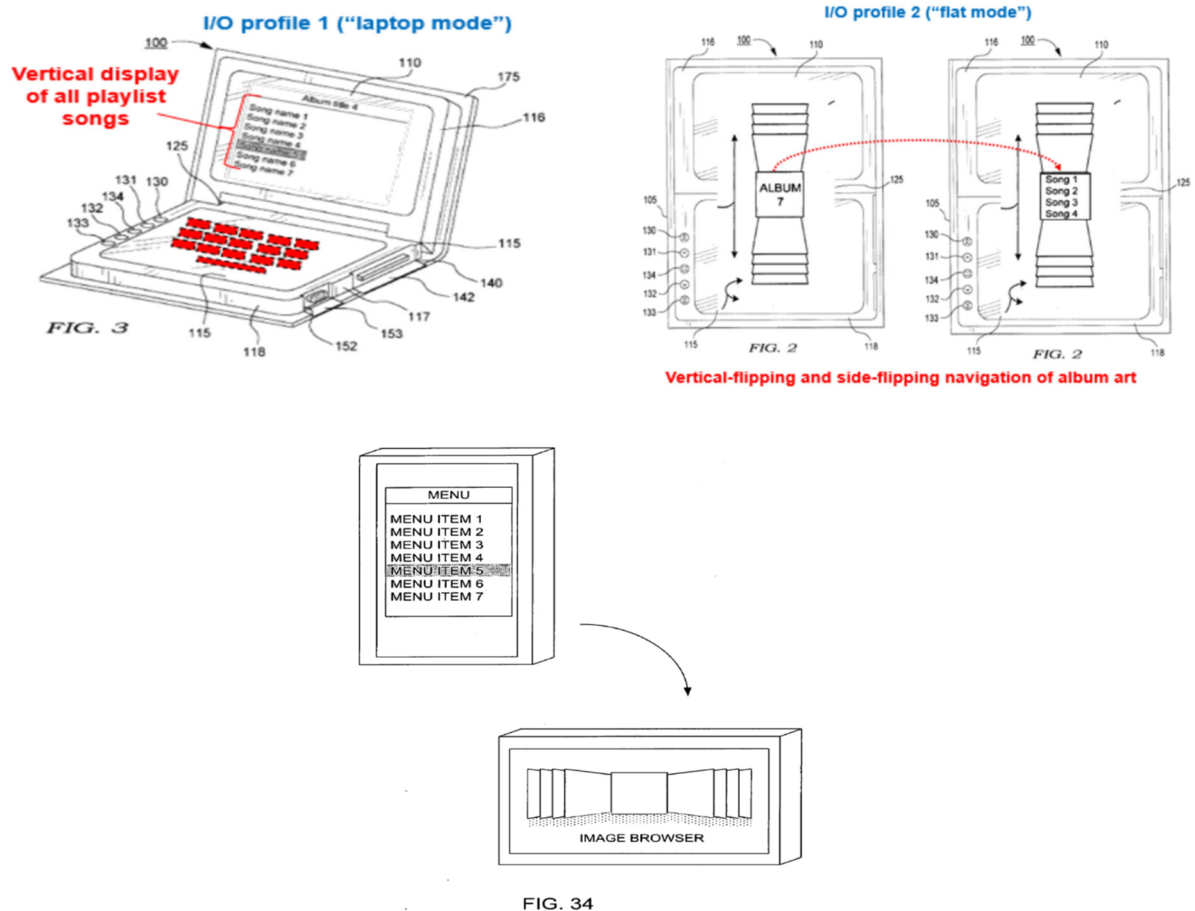


FIG. 34

Petitioners’ Reavey-Chandhri combination does the *exact opposite* of what Chandhri teaches. It uses a text menu-based GUI in what Petitioners call Reavey’s “horizontal” orientation (Mode 3, Fig. 3) and an image tile-based GUI in what Petitioner’s call Reavey’s “vertical” orientation (Mode 2, Fig. 2). Petition, 29 (alleging a change from a text menu-based to an image tile-based GUI when changing from the “laptop configuration (Mode 3) to the flat configuration (Mode 2)”); Petition, 60-61. This is seen clearly below by comparing Chandhri’s Fig. 34

with the Petition's figures (reproduced below from Petition, 60-61) that annotate Reavey's figures to show Petitioners' Reavey-Chandhri combination.



The Petition does not even acknowledge that its Reavey-Chandhri combination does the *opposite* of what Chandhri teaches in terms which physical configuration uses a text menu-based GUI versus an image tile-based GUI.

The Petition alleges that the “basis” for a POSA to have modified Reavey to use different GUI organizations in different physical configurations was Chandhri’s teaching of changing from “a menu-based organization to a scrolling tile-based browser when the user changes the physical configuration of the device

from a vertical to a horizontal orientation.” Petition, 29. But that teaching in Chandhri provides no motivation for Petitioners’ Reavey-Chandhri combination which does the opposite of what Chandhri teaches and switches from “a menu-based organization to a scrolling tile-based browser when the user changes the physical configuration of the device from a ~~vertical~~ [horizontal] to a ~~horizontal~~ [vertical] orientation.” *Id.*

As demonstrated above, the Reavey-Chandhri combination the Petition relies on is not supported by the teachings in Chandhri that are alleged to provide the “Motivation to Combine” Reavey and Chandhri. Petition, 25-30. The mere fact that various claim elements existed in the prior art does not provide a reason that a skilled artisan would have substituted Chandhri’s media player GUIs for Reavey’s GUI that provides the look and feel of a book in Reavey’s electronic book device. *Merck Sharp & Dohme v. Warner Chilcott*, 711 Fed. Appx. 633, 636 (Fed. Cir. 2017) (“Even if all elements of the claim were known, we still must resolve whether a person of ordinary skill in the art would have found it obvious to combine these elements or modify them in a way that meets the claim ... ‘[t]he inventor’s own path itself never leads to a conclusion of obviousness; that is hindsight.’”) (quoting *Otsuka Pharm. v. Sandoz*, 678 F.3d 1280, 1296 (Fed. Cir. 2012)).

As explained above, the Chandhri teachings the Petition relies on provide no

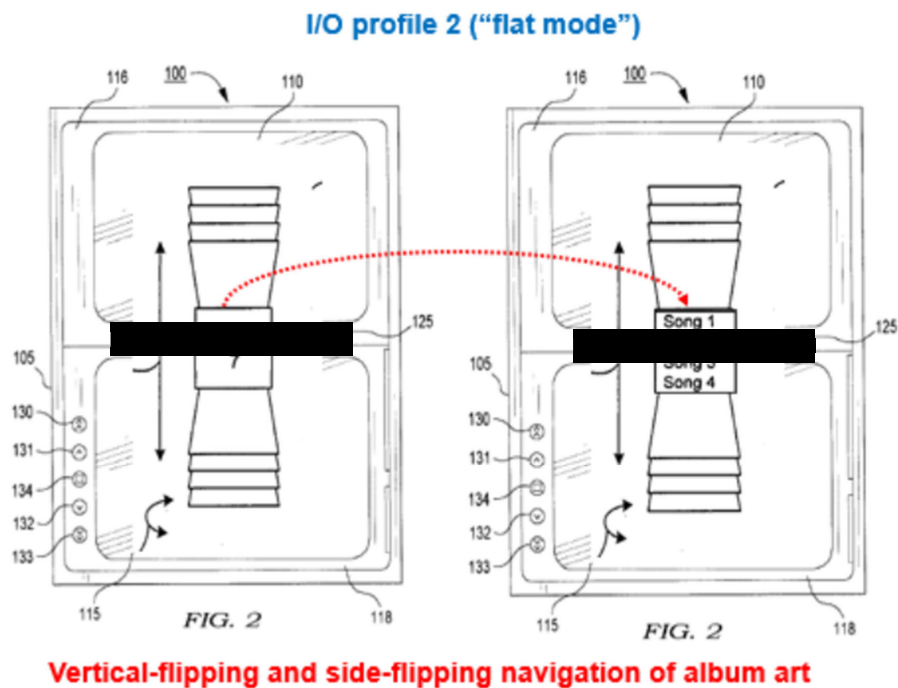
motivation for Petitioners’ Reavey-Chandhri combination that does the opposite of what Chandhri teaches. *Medtronic, Inc. v. Teleflex Innovations S.a.r.l.*, 69 F.4th 1341, 1351 (Fed. Cir. 2023) (affirming Board IPR decision finding that petitioner failed to establish a motivation to combine where the prior art taught a double inclined *tip* on a catheter, and the claims required a double inclined hole in the *side* of the catheter, because the benefit of the double inclined tip in the prior art was different than the benefit of a double included hole in the side of the challenged claims: “to hold otherwise would countenance motivation arguments based on functionally irrelevant features of references that happen to exhibit a benefit for altogether different reasons, a recipe that would be ripe for hindsight abuse.”). Ground 1 fails for this additional independent reason.

3. Petitioners Fail to Establish a Reasonable Expectation of Success

Petitioners purport to establish a reasonable expectation of success in a single-paragraph argument alleging that it would have been “straightforward to program Reavey’s device to use the GUI arrangements disclosed in Chandhri.” Petition, 30.

Petitioner’s conclusory assertion ignores the problem discussed *supra* § IV.C.2 where the Petition fails to establish that Reavey’s device has the necessary hardware and/or software to act as a media player that supports the presentation of a playlist of songs that the Petition relies upon. Petition, 61. Petitioner’s conclusory

assertion also ignores the problem discussed *supra* § IV.C.1 where the Petition alleges that its Reavey-Chandhri combination would “display” the image of the currently-selected content in the middle of the Reavey-Chandhri device despite, as shown by LiTL’s further annotation of the Petition’s figure from page 61, there being no display screen panel to display content.



A POSA would not have reasonably expected success in implementing the Reavey-Chandhri combination to work in the manner the Petition alleges.

4. Conclusion—Petitioners Fail to Establish that a POSA Would have Made its Reavey-Chandhri Combination

As detailed above, Petitioners fail to establish that a POSA would have been motivated to make the Petition’s unworkable Reavey-Chandhri combination, or would have had a reasonable expectation of success in doing so. These showings

were required for Petitioners to carry their burden of demonstrating obviousness. *Pfizer*, 480 F.3d at 1361; *Velandar*, 348 F.3d at 1363. The Petition’s failure to establish a supportable motivation to combine with an expectation of success is fatal to Ground 1.

Even if the Board were to find that the Petition established a supportable reason to make its Reavey-Chandhri combination, Ground 1 still fails for several independent reasons detailed below because the Reavey-Chandhri combination fails to meet numerous limitations in every Challenged Claim.

D. Ground 1 Fails Because the Petition Fails to Establish that its Reavey-Chandhri Combination Meets the Claimed “First Home View”

Every challenged independent claim, and thus every Challenged Claim, recites a method or user interface configured to display a “first home view including a display of [] computer content,” wherein “the first home view is a first organizational view of at least one application and computer content *displayed responsive to activation of the system.*” See Limitations 1[d], 27 [c] and 28 [c].

In explaining how the Petition fails to establish that its Reavey-Chandhri combination meets the first home view in every independent claim, LiTL focuses below on Limitation 1[d] because the Petition relies on its showing for Limitation 1[d] to demonstrate how Limitations 27[c] and 28[c] are allegedly met. Petition, 75

(for 27[c]) and 78 (“§VIII.A.4.e for 1[d] explains the Reavey-Chandhri combination teaches the function (i.e., “configured to” portion) of 28[c]”).

The Petition alleges that a POSA would have modified Reavey to use Chandhri’s text menu-based organization in Reavey’s alleged laptop mode, and to use Chandhri’s image tile-based organization in Reavey’s “flat” mode. *See supra* § IV.C.1. The Petition further alleges that Reavey teaches that when its “device is opened, it first enters the laptop configuration” in which the Reavey-Chandhri device will use a text “menu-based organization.” Petition, 44. The Petition alleges that the claimed “first home view” is met by Chandhri’s menu-based GUI which will display a “music management program and associated content,” or a “video management program and associated content,” that each can be launched and displayed “responsive to user interaction with the system.” Petition, 48; *see also* Petition, 43-44 (“Chandhri’s menu-based view teaches a first home view.” Ex. 1003 ¶ 104.).

Petitioners’ assertion fails for several independent reasons detailed below.

1. Petitioner’s Reavey-Chandhri Combination is Unsupportable

The Petition’s assertion that a POSA would have modified Reavey’s device to use Chandhri’s GUI to display a “music management program and associated content” or a “video management program and associated content” (Petition, 48)

fails because Reavey's device is an electronic book and not a media player. *See supra* §§ IV.A, IV.C.1.b.

2. Petitioners Mischaracterize How Reavey's Device Works Upon "Activation"

Limitation 1[d] recites the first home view as being "displayed responsive to activation of the system." Reavey is explicit about what causes "activation" of its device— "*[a]ctivation* of electronic book device is accomplished by simply opening device 100." Reavey, 8:45-46.

The Petition alleges that "when Reavey's device is opened, it first enters the *laptop* configuration (e.g., 120° open) before it reaches the *flat* configuration (e.g., 180° open)." Petition, 44 (*citing* Reavey, 7:45-62). This mischaracterizes how Reavey works. As explained *supra* § IV.A, Reavey's device has *three* modes – "side-by-side, over-under, and over-under with touchscreen keyboard." Reavey, 7:30-31. "The modes are set automatically when electronic book device 100 is opened. The mode set being dependent upon *the way the user is holding electronic book device* 100." *Id.*, 7:45-47.

Mode 1 ("side-by-side") – "[i]f electronic book device 100 is *held* in a normal book like manner, then mode 1 will be selected and the ensuing text and graphics will appear in a side-by-side manner." *Id.*, 7:47-50.

Mode 2 ("over-under") – "[i]f electronic book device 100 is *held* in an over-under (top-bottom) fashion, i.e. opened in a checkbook manner, then mode 2

will be set.” *Id.*, 7:50-52. Petitioners mischaracterize Reavey’s “over-under” mode as a “flat configuration.” Petition, 44. The “over-under” mode is not limited to a configuration where the device is opened to “180°” (*id.*) and laid flat on a surface. Rather, Reavey detects that the device is in Mode 2 whenever the user holds the device in an over-under fashion. Reavey, 7:50-52.

Mode 3 (“over-under with touchscreen keyboard”) – “Mode 3 is activated if electronic book device 100 is placed on a flat surface and is partially opened. As stated before, hinge 125 has a spring detent. A detent is set at a predetermined angle, say approximately at 120° open which, when electronic book device 100 is in the proper position, will activate a touchscreen keypad on the bottom screen.... When electronic book device 100 is fully opened all the way, the keyboard will disappear.” *Id.*, 7:53-62.

The Petition’s assertion that “when Reavey’s device is opened, it *first* enters the laptop configuration (e.g., 120° open) before it reaches the flat configuration (e.g., 180° open)” (Petition, 44) mischaracterizes Reavey’s “over-under” Mode 2 as being a “flat” configuration and ignores Reavey’s “side-by-side” Mode 1.

Petitioner’s assertion that “when Reavey’s device is opened, it *first* enters the laptop configuration” is not accurate. Petition, 44. If the user is holding Reavey’s device when it is opened, it will not necessarily “first enter[] the laptop configuration.” Instead, if the user is holding Reavey’s electronic book device

when it is opened, the device's mode will be "set automatically" to Mode 1 if the device "is held in a normal book like [side-to-side] manner" and to Mode 2 if the device is "held in an over-under (top-bottom) fashion" like a checkbook. Reavey, 7:45-52.

Thus, the Petition's assertion that Reavey's device will "first" be in its "laptop" configuration upon activation (opening) of the system is unsupported and directly contradicted by the plain teachings of Reavey.

3. The Alleged First Home View Petitioners Identify in the Reavey-Chandhri Device is Not "Displayed Responsive to Activation of the System"

Even if the Board were to accept Petitioners' assertion that the Reavey-Chandhri device would enter its "laptop" configuration responsive to activation (opening) of the system, the Petition does not even attempt to map the claimed first home view in Limitation 1[d] to a view that the Reavey-Chandhri device allegedly displays "responsive to activation of the system" in the "laptop" configuration.

In attempting to demonstrate how the Reavey-Chandhri combination meets Limitation 1[d], the Petition initially points to Chandhri's generic menu-based organization shown in Fig. 34 (reproduced below), which can be used to organize various types of "menu items." Petition, 43. Chandhri's generic "menu-based" organization in Fig. 34 is not a disclosure of a home view because it is not "a first organizational view" of *any* computer content at all, let alone an organizational

view of “at least one application and computer content responsive to activation of the system” as recited in Limitation 1[d]. The Petition does not allege otherwise. As discussed below, the Petition relies on Chandhri’s more specific disclosures of a media player to allegedly meet the claimed first home view. *See* Petition, 48.

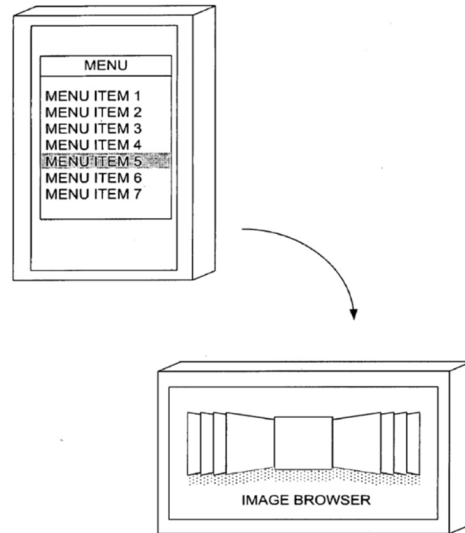


FIG. 34

Reavey is an electronic book. *Supra* §§ IV.A, IV.C.1.b. But even if the Board were to find that Reavey’s device is a laptop (it is not), the Petition does not identify any view that the Reavey-Chandhri “laptop” would display in response to activation (opening) of the system.

The claims require that the first home view be “a first organizational view of at least one application and computer content displayed responsive to activation of the system.” *See* Limitations 1[d], 27 [c] and 28[c]. The Petition alleges that this is met by Chandhri’s disclosure of “applications (e.g., a ‘photo management

program,’ a ‘music management program,’ a ‘video management program’) [that] ‘*can be launched* on the electronic device.’” Petition, 48. The Petition alleges that “Chandhri’s menu-based view teaches an organizational view of at least one of these applications and computer content in response to user activation of the system, for example, by showing organization of a music management program and associated content responsive to *user interaction with the system* (Chandhri, ¶¶ 134-35, Fig. 10) and showing organization of a video management program and associated content responsive to *user interaction with the system* (*id.*, ¶ 136, Fig. 11).” Petition, 48.

“User interaction with the system” to “launch” a program does *not* meet Limitation 1[d]’s requirement of “activation of the system.” Chandhri is directed to portable media player. *See supra* § IV.B. The Petition (at 45) reproduces Chandhri’s Fig. 10 which illustrates a hierarchical menu a user can navigate through, with the top level allowing the user to select, *inter alia*, the “music management program” or the “video management program” that the Petition points to as allegedly meeting the claimed first home view. Petition, 48.

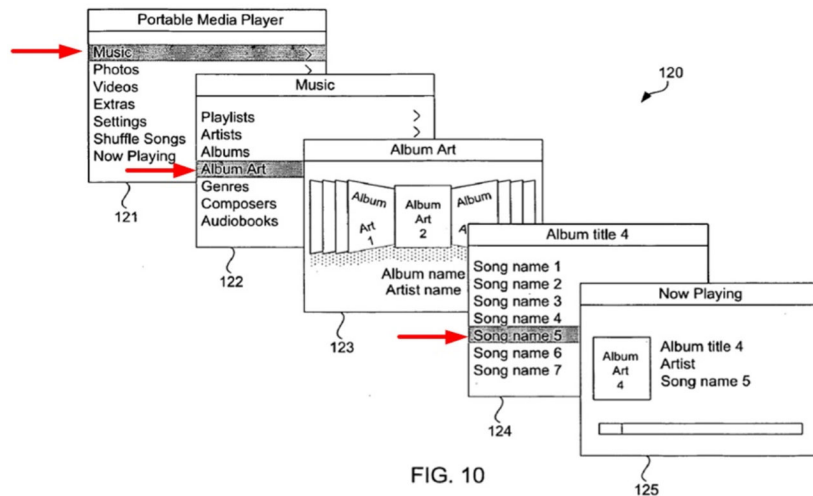


FIG. 10

Even if Reavey disclosed a laptop that could support the media player programs the Petition relies on (it does not),⁶ no laptop would display Chandhri’s “Portable Media Player” menu as a first home view “responsive to activation of the system” as claimed, because a laptop is a general purpose computer that runs numerous application programs and is not a dedicated portable media player like Chandhri’s device. The Petition does not allege otherwise. Instead, the Petition admits that in the Reavey-Chandhri combination the “music management program and associated content” and the “video management program and associated

⁶ Reavey’s device is an electronic book, not a laptop, and Petitioners cite no evidence that Reavey’s device has the hardware and/or software to support these media player programs. *See supra* §§ IV.A, IV.C.1,

content” each “can be **launched** on the electronic device” “responsive to **user interaction** with the system.” Petition, 48.

The Petition conflates “**activation of** the system” as claimed with “**user interaction with** the system.” *Id.* (“Chandhri’s menu-based view teaches an organizational view of at least one of these applications and computer content in response to user **activation of** the system ... by showing organization of a music management program and associated content responsive to **user interaction with** the system (*id.*, ¶¶0134-35, Fig. 10) and showing organization of a video management program and associated content responsive to **user interaction with** the system (*id.*, ¶0136, Fig. 11).”).

“Activation of” the system refers to the system having been caused to start working. Ex. 2006 (Cambridge dictionary), 3. “Interaction with” the system refers to reciprocal action or influence between the user and the system while the system is in operation. *Id.*, 4. Displaying an alleged “view” responsive to the user interacting with the system’s high-level menu to select and “launch” the “music management program” as shown in Chandhri Fig. 10, or alternatively to launch the “video management program” (Petition, 48), does not meet the claimed requirement of the first home view being “displayed responsive to activation of the system.”

Indeed, as discussed above, Reavey is explicit that “[a]ctivation of [its] electronic book device is accomplished by simply opening device 100.” Reavey, 8:45-46. In the Reavey-Chandhri combination, neither the “music management program and associated content” nor the “video management program and associated content” is launched and displayed when the Reavey-Chandhri device is “activated” by being opened, and the Petition does not allege otherwise. Petition, 48.

Thus, what the Petition identifies as an alleged first home view in the Reavey-Chandhri device is not “displayed responsive to activation of the system” as required by every Challenged Claim. *See* Limitations 1[d], 27 [c], 28 [c]. Ground 1 fails for every Challenged Claim for this additional independent reason.

E. Ground 1 Fails Because Petitioners Fail to Meet the Claimed Filtering of Content to Create a Second Default Content View

Every Challenged Claim recites “filtering” (or an execution component configured to filter) “the first set of visual representations⁷ to present content that is optimized for viewing in [a] second system configuration,” where the filtering requires “identifying content to filter” and “removing the identified content from the first set of visual representations.” *See* Limitations 1[h], 27[e], 28[g]. A second

⁷ This “first set of visual representations” is what is organized by the “first home view.” *See* Limitations [1g], 27 [c] and 28[f].

set of visual representations is generated “based on the filtered first set of visual representations.” *Id.* This second set of visual representations is then “organize[d]” in “a second default content view” that the display automatically transitions to displaying when the device transitions into the “second computer system configuration.” *See* Limitations 1[i], 27[f], 28[h].

Thus, every Challenged Claim requires a first home view for a first configuration (e.g., laptop mode), but the system automatically transitions to a different “second default content view” (organizing visual representations generated by filtering and removing content from the first home view) in response to sensor input indicating a transition of the computer into a second configuration (e.g., easel mode).

The Petition’s attempt to meet these claim limitations fails as detailed below, including: (1) the Petition offers new alleged motivations to mix and match teachings from Reavey and Chandhri that are unsupportable, inconsistent with the teachings of the references, and internally inconsistent with other arguments in the Petition; (2) the alleged second default view in the Reavey-Chandhri combination has all the same content as the alleged first home view and thus is not generated by removing any content from the first home view as the claims require; and (3) the Petition’s mapping of the Reavey-Chandhri combination to the claimed second default content view that organizes the second set of visual representations

(Limitation 1[i]) is inconsistent with the Petition’s mapping to Limitation 1[h] that recites how that same second set of visual representations is generated.

In explaining how the Petition fails to meet these limitations in all the Challenged Claims, LiTL focuses below on the failures for claim 1 and Limitations 1[i]-[h], because the Petition presents no separate argument for the corresponding limitations in independent claims 27 and 28 and instead relies entirely on cross-references to its showing for claim 1. *See* Petition, 75 (for Limitations 27[e]-[f]), 79 (for Limitations 28[g]-[h]).

1. The Petition Alleges Further Modifications to Reavey Based on Chandhri that are Unsupported

As explained above, the Petition has a “Motivation to Combine” section that purports to establish reasons why a POSA would have used Chandhri’s GUIs in Reavey with a reasonable expectation of success. Petition, 25-30. Those assertions fail for the reasons discussed *supra* § IV.C.

The Reavey-Chandhri combination the Petition alleges a POSA would have made in its “Motivation to Combine” section does not meet Limitations 1[h]-[i] because it does not create a second default home view by “filtering” and “removing ... content from the first set of visual representations.” *Petitioners admit this.*

Specifically, the Petition admits that Chandhri’s text-based and image-based GUIs display the *same* content. Petition, 39 (“The first and second GUIs are based

on the same data ***but use different formatting schemes to show the data.***”)

(bolded italics is original, underlining is added). The Petition further admits that this teaching of Chandhri is incorporated into the Reavey-Chandhri combination so that the different alleged “views” in the Reavey-Chandhri combination display the “***same content.***” Petition, 52 (“the Reavey-Chandhri combination displays a plurality of views of the same content organized differently.”).

Thus, the only Reavey-Chandhri combination that the Petition sought to support based on both a motivation to combine and a reasonable expectation of success (Petition, 25-30) clearly does not meet Limitations 1[h]-[i].

Recognizing that the Reavey-Chandhri combination that it alleged in its “Motivation to Combine” section (*id.*) does not meet Limitations 1[h]-[i], the Petition confusingly offers different additional alleged motivations to combine the references in its section that purports to map claim 1 to the Reavey-Chandhri combination. Petition, 58 (offering new alleged “motivat[ions]” to combine).

The Petition alleges a POSA would have been motivated to “create an embodiment wherein a user experiences the true feel of efficiently and easily (i) flipping through albums as in a store in a rolodex-type arrangement and (ii) flipping an album cover over (laterally) to view the respective songs on its back.” Petition, 58. This assertion fails because Reavey is an electronic book and Petitioners fail to even establish that it has the hardware or software needed to

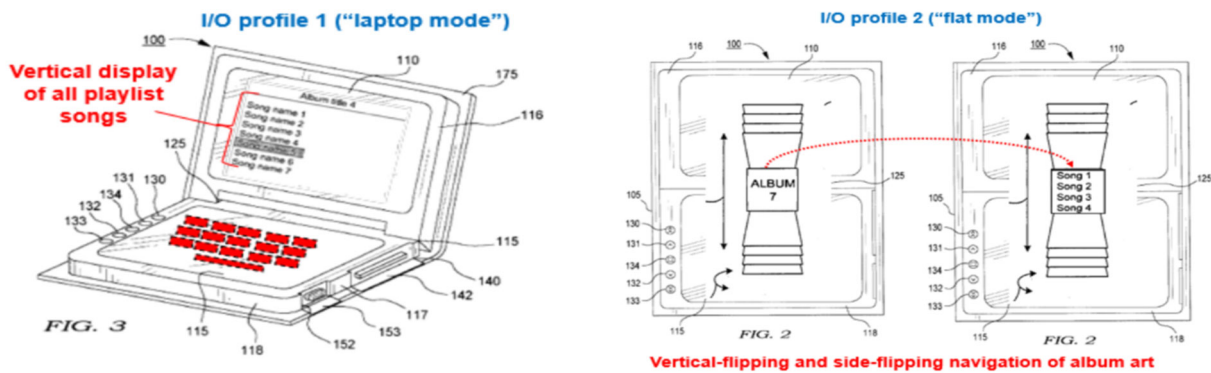
support a media player that presents “albums” for a user to flip through. *See supra* §§ IV.A, IV.C.1.

But even if the Board were to find that a POSA would have been motivated to modify Reavey to use Chandhri’s technique of displaying albums in both a text-menu-based GUI and in an image tile-based GUI that allows for scrolling (and flipping) through album images, that does not meet claim 1. Specifically, such a Reavey-Chandhri combination would not meet the “filter[ing]” and “removing ... content” in Limitation 1[h] that is used to generate the second set of visual representations organized by the second default view in Limitation 1[i], because Chandhri presents the same content in both of its GUIs. Chandhri, ¶ 225.

Indeed, the Petition never even alleges that implementing what Chandhri discloses (presenting a list of albums in both a text-based GUI and an image-based GUI) would meet any Challenged Claim. The Petition alleges that for “a playlist of curated songs from different artists,” a POSA would have been motivated to display them in a text menu-based GUI in laptop mode but switch to a “vertical, image-based scrolling” GUI in Reavey’s alleged flat configuration. Petition, 58-59.⁸ The Petition does not allege that a POSA would have displayed a “playlist of

⁸ As discussed *supra* § IV.C, using images for “vertical scrolling” and text for a horizontal display is the opposite of what Chandhri discloses in Fig. 34, where a

curated songs” in an image tile-based GUI by creating an image/tile for each song so that the user can scroll through the playlist’s songs. *See* Chandhri, Figs. 23E-F. Instead, the Petition alleges that a POSA would have implemented a GUI that presents “an album-grouped ... display of the playlist songs.” Petition, 59. The Petition’s annotated figures (reproduced below from the Petition at 60-61) illustrate this. The playlist songs are shown in a list in Reavey’s alleged “laptop” mode (lower left). But in the “album-grouped ... display of playlist songs,” images of albums (not songs) are shown in the GUI for Reavey’s alleged “flat” configuration (lower right), and the user must flip an album over to see what songs from that album are included in the “playlist of curated songs.”



text menu-based GUI is used for vertical scrolling and an image-based GUI is used when the device is in a horizontal (landscape) orientation.

The Petition offers no *supportable* “motivation” to arrive at this specific way of combining the teachings of Reavey and Chandhri, which is what the Petition relies on to allegedly meet Limitations 1[h]-[i].

The Petition alleges that a POSA would have sought to create “intuitive views of voluminous computer content *as a function of available screen real estate*.” Petition, 58. As compared to Reavey’s alleged “laptop” configuration (Fig. 3), the Petition admits that “in the flat configuration [Fig. 2], Reavey’s device has ... twice as much screen area.” Petition, 26. Despite that, the Petition alleges that in the “flat” configuration (Fig. 2 annotated above)—where the display is *larger* and has twice the “available screen real estate”—a POSA would have been motivated to present the playlist to the user using a “*smaller*...set of items” to view as compared to the “laptop” configuration (Fig. 3 annotated above), by grouping the playlist songs by album and then presenting images of the albums to the user. Petition, 58-59.

The Petition’s assertion that a POSA seeking to create “views of voluminous computer content *as a function of available screen real estate*” (Petition, 58) would have implemented a system that automatically displays an album-grouped view of a playlist to provide a “*smaller* ... set of items” when the device transitions to a different configuration with *more* “available screen real estate” is self-contradictory.

The Petition further alleges that playlist songs can be viewed “*more quickly* in row form [in a text menu-based GUI and] more easily displayed with restricted on-screen real estate.” Petition, 58. But in the very next sentence the Petition alleges that an album-grouped playlist would “permit a user to *more quickly* locate information such as a desired playlist song by referencing the artist then song rather than scrolling through all items, such as an entire playlist of songs.” Petition, 59. The Petition’s allegation that *each* GUI permits a user to “more quickly” find a song than the other is self-contradictory and demonstrates the hindsight driven nature of the Petition’s Reavey-Chandhri combination.

As demonstrated above, the Petition fails to establish any supportable reason why a POSA would have made the Reavey-Chandhri combination relied on to meet Limitations 1[h]-[i]. Ground 1 fails for this additional reason.

2. The Reavey-Chandhri Does Not Filter by Removing Content (Limitation 1[h])

Even if the Board were to find that Petitioners established that a POSA would have made the above-described Reavey-Chandhri combination, the combination fails to meet any Challenged Claim.

The Petition alleges that Limitation 1[h]’s requirement that the first home view’s first set of visual representations be filtered by removing content to create Limitation 1[i]’s second default content view’s second set of visual representations is met by the Reavey-Chandhri combination in three different ways: (1) by a user

navigating through Chandhri's Fig. 10 hierarchical menu (Petition, 53); (2) by a user scrolling through displayed content in Chandhri's image-based GUI where scrolling allegedly results in content "disappear[ing]" off one end (Petition, 57); and (3) by displaying an "album-grouped" display of a playlist (Petition, 59). None of these meets what Limitations 1[h]-[i] require.

a. Filtering Removes Content from the First Home View to Create a Second Default View Optimized for a Second Computer System Configuration

As discussed *supra* § II.B, the '315 Patent describes a computer that is configurable into various configurations (e.g., laptop mode, easel mode, frame mode). The claims require a home view that is presented when the computer is in a first configuration (e.g., laptop mode), but the system automatically transitions to displaying a different default content view in response to sensor input when the device transitions into a second computer system configuration. *See, e.g.*, Limitations 1[g]-[i].

As one example, the '315 Patent describes different views, including "a home view and a channel view." Ex. 1001, 7:26-27, 9:54-55. The "visual representations" in the '315 Patent are "element[s] of the GUI that represent the content" and "are associated with a mapping to at least one of the plurality of views." *Id.*, 46:35-40. For example, the visual representations can be cards of

“various types.” *Id.*, 46:42-44. “A high level view” —like the home view—
“manage[s] and organize[s]” the content cards. *Id.*, 46:44-46.

The computer may “display a home view” showing visual representations of several content types when in the laptop mode. *See, e.g., id.*, Fig. 11. But when the computer is reconfigured into easel mode, the system may automatically transition to “present ... a Channel View” that shows visual representations of fewer content types than are displayed by the home view in laptop mode. *Id.*, 30:41-51. In easel mode, the Channel View “present[s] computer content, in large footprint displays,” and “is designed to streamline user interaction ... by permitting access through” an I/O profile associated with the easel mode. *Id.*, 55:44-48. The I/O profile in easel mode may consist of a scroll wheel, a selector button, and volume control, but notably not include a keyboard as in laptop mode. *Id.*, 55:48-51. The system may “present[] computer content using visual representations optimized for different viewing modes,” so content not well-suited for a large footprint display, or designed for use with a keyboard, may be excluded from the Channel View. *Id.*, 55:13-51.

b. Chandhri’s Tile-Based GUI Does Not Remove any Content from Chandhri’s Menu-Based GUI

The Petition asserts that “Chandhri’s menu-based view teaches a first home view” (Petition, 44) and that Chandhri’s “tile-based scrolling GUI” is the “second default content view” that is “configured to organize the second set of visual

representations” (Petition, 62-63). Petitioners allege that the Reavey-Chandhri combination transitions automatically between these views when the device is reconfigured, and “uses the menu-based GUI organization as the default view for Reavey’s device 100 when it is in the laptop configuration ... [and] the tile-based scrolling GUI organization as the default view for Reavey’s device 100 when it is in the flat configuration.” Petition, 62.

The Petition’s assertion that Chandhri’s “tile-based scrolling GUI” meets Limitation 1[i]’s “second default content view” that is “configured to organize the second set of visual representations” (Petition, 62-63) is plainly wrong. Limitation 1[h] requires that the second set of visual representations be generated “based on the *filtered* first set of visual representations.” The filtered first set of visual representations must be created by “filter[ing]” the first set of visual representations by “removing ... content from the first set of visual representations.” *See* Limitation 1[h].

The Petition admits that Chandhri’s menu-based and tile-based GUIs display the same content. Petition, 39 (“The first and second GUIs are based on the same data *but use different formatting schemes to show the data.*”) (bolded italics is original and underlining is added); Petition, 52 (“the Reavey-Chandhri combination displays a plurality of views of the *same content* organized differently.”). Using a different set of visual representations to display the “*same*

content” (*id.*) does not meet the filtering requirement of Limitation 1[h] which requires “removing ... content.”

Chandhri’s “tile-based scrolling GUI” does not meet Limitation 1[i]’s “second default content view” as Petitioners wrongly allege (Petition, 62-63) because the second default content view is “configured to organize the second set of visual representations” (Limitation 1[i]) generated “based on the *filtered* first set of visual representations” (Limitation 1[h]). Petitioners fail to establish that the Reavey-Chandhri combination’s use of two GUIs that display the same content meets Limitations 1[h]-[i].

c. Changes in Visual Representations Presented by Chandhri’s GUI Responsive to User Interaction Does Not Filter to Create a Second Default Content View

As just explained in § IV.E.2.b, Petitioners have not identified any filtering of content between Chandhri’s alleged first home view (menu-based GUI) and its alleged “second default content view” (image-based GUI) that display the same content. That is what Limitations 1[h]-[i] require so that is the only “filtering” that matters. The Petition obfuscates by alleging that other types of “filtering” are performed by Chandhri’s GUI in response to actions taken by the user. None of these other types of alleged “filtering” meet what Limitations 1[h]-[i] require.

i. User Navigation Through a Hierarchical Menu

The Petition alleges that Chandhri “makes clear” that users may “navigate up and down a menu hierarchy to narrow or broaden results to a desired content (*filter*)”, such as by selecting a song to play (*id.*, Fig. 10) or movie to watch (*id.*, Fig. 11).” Petition, 53. The Petition is describing user-based navigation through different levels of Chandhri’s hierarchical GUI where a user “selection” is required to navigate through each hierarchical level. Chandhri, [0134] (“a Music item is *selected* in [121] ... an Album art item is *selected* in [122], which launches an image based browser window 123.... Once an Album image is *selected* in the image based browser 123, an album content menu 124 for the *selected* album is opened.”).

Even if Chandhri’s GUI could be considered to perform some type of “filtering” in response to a user making selections to navigate up and down through its hierarchal GUI (which LiTL does not concede), that does not meet what Limitations 1[h]-[i] require. The first home view is configured to organize a first set of visual representations. *See* Limitation 1[g]. Limitation 1[h] requires an execution component configured to filter that “first set of visual representations to present content that is optimized for viewing in [a] second system configuration,” where the filtering requires “identifying content to filter” and “removing the identified content from the first set of visual representations.” *See* Limitation 1[h].

A second set of visual representations is generated “based on the filtered first set of visual representations.” *Id.* This second set of visual representations is then “organize[d]” in “a second default content view” that the display *automatically* transitions to displaying in response to sensor input when the device transitions into the “second computer system configuration.” *See* Limitation 1[i].

Nothing displayed in response to user interaction with the system, rather than “automatically in response to the sensor input” (Limitation 1[i]), can meet the claimed “second default content view” which is what organizes the “second set of visual representations” “generat[ed] ... based on the filtered first set of visual representations” (Limitation 1[h]). The Petition does not allege otherwise. Indeed, the Petition never alleges that any of the lower levels of Chandhri’s GUI that a user can navigate to meets the claimed “second default content view.”

Thus, whether Chandhri’s GUI can be considered to “filter” (Petition, 53) as a user makes selections to navigate through the levels of Chandhri’s hierarchical GUI is irrelevant to what is required by the Challenged Claims.

ii. User Scrolling

The Petition further alleges that as the user scrolls through the content presented by Chandhri’s tile-based GUI, images “disappear[] on the opposite side respective to the direction of scrolling” and that this meets the claimed “removing the identified content.” Petition, 57. That assertion is baseless.

The '315 Patent discloses scrolling of visual representations to traverse content available within a view. Ex. 1001, 8:39-44. But this does not remove any content from a view and has nothing to do with creating a second default content view by filtering content from a first home view as Limitations 1[h]-[i] require.

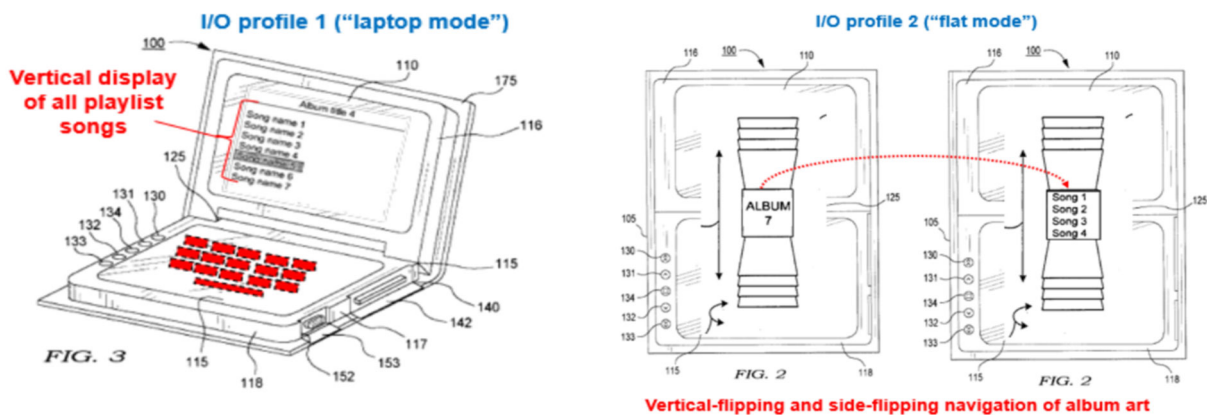
Additionally, nothing displayed in response to user interaction with the system, rather than “automatically in response to the sensor input” (Limitation 1[i]), can meet the claimed “second default content view” which is what organizes the “second set of visual representations” that is “generat[ed] ... based on the filtered first set of visual representations” (Limitation 1[h]). The Petition does not allege otherwise and never even alleges that a user scrolling through content in Chandhri’s GUI meets the claimed “second default content view.”

Thus, whether Chandhri’s GUI can be considered to “filter” (Petition, 53) as the user scrolls through content is irrelevant to what is required by the Challenged Claims.

d. Petitioners’ “Album-Grouped” View of a Playlist Does Not Remove Content from the Menu View of the Playlist

As discussed *supra* § IV.C.1, Petitioners’ Reavey-Chandhri combination presents two views of “a playlist of curated songs from different artists”: (1) a text menu-based GUI that displays the list of playlist songs when Reavey’s device is in its alleged “laptop mode” and (2) an image tile-based GUI that presents an “album-

grouped ... display of the playlist songs” when Reavey’s device is in its alleged “flat configuration.” This is shown in the Petition’s annotated figures reproduced below. Petition, 58-61. The Petition alleges that the text menu-based GUI shown below-left meets the claimed “first home view” (Petition, 44), and that the image tile-based GUI shown below-right meets the “second default content view” that is “configured to organize the second set of visual representations” (Petition, 62-63).



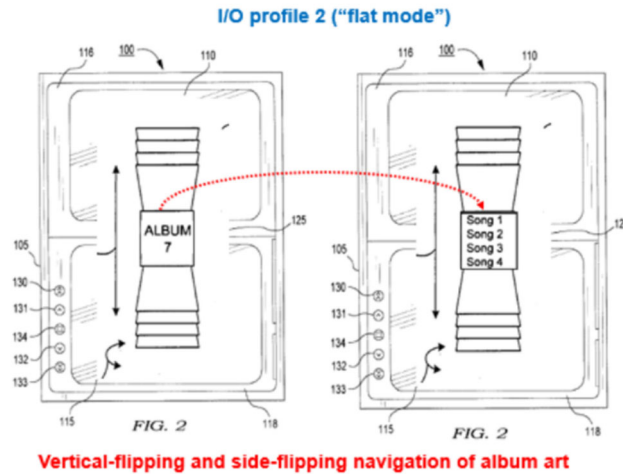
The Petition alleges that generating the set of visual representations for the image tile-based GUI that presents an “album-grouped ... display of the playlist songs” meets Limitation 1[h] because the image-based GUI allegedly filters the visual representations in the text menu-based GUI by displaying “a smaller (‘filter ...[by] removing’) set of items.” Petition, 59. This assertion fails because it ignores what Limitation 1[h] actually requires.

What Limitation 1[h] requires is that the execution component be configured to filter the first set of visual representations of the home view “to present *content* that is optimized for viewing in the second system configuration” by “identifying

content to filter,” “removing the identified *content*” and “generating a second set of visual representations based on the filtered first set of visual representations.”

The Petition’s “analysis” consists of the cursory assertion that displaying a smaller set of items meets Limitation 1[h]’s filtering requirement. Petition, 59 (“a smaller (‘filter ...[by] removing’) set of items”). The Petition does not allege that any *content* is removed from the visual representations presented in the menu-based GUI’s list of playlist songs to generate the visual representations for the image-based GUI that presents an “album-grouped ... display of the playlist songs.” Petition, 59. Quite the contrary.

The Petition acknowledges that all of the same content (i.e., all the playlist songs) is presented to the user in the image-based GUI as in the menu-based GUI. The image-based GUI simply organizes that content differently (“album-grouped”). Petition, 59. The image-based GUI includes a visual representation for every song in the playlist, as the user can access every song in the playlist by “flip[ping]” over the album on which the song appears. Petition, 59. This is illustrated by Petitioner’s annotated figure reproduced below from the Petition at 61.



As explained above, the Petition also expressly admits that Chandhri’s menu-based and tile-based GUIs display the *same* content. Petition, 52 (“the Reavey-Chandhri combination displays a plurality of views of the *same content* organized differently.”); *see also* Petition, 39 (““The first and second GUIs are based on the same data *but use different formatting schemes to show the data.*””) (bolded italics is original and underlining is added).

Thus, the Reavey-Chandhri combination’s “album-grouped” view of a playlist in an image-based GUI does not remove any content from the menu-based GUI’s presentation of the playlist and does not meet Limitations 1[h]-[i].

* * *

For the reasons explained above, the Petition fails to establish that its Reavey-Chandhri combination meets Limitations 1[h]-[i]. Ground 1 fails for this additional reason.

F. Ground 1 Fails Because the Petition Does Not Map its Reavey-Chandhri Combination to Limitation 1[i] in a Manner Consistent with Its Mapping to Claim 1's Other Limitations

Limitation 1[i] requires that the execution component be configured to transition, automatically in response to sensor input, the display component between the first home view and the second default content view. The second default home view is configured to organize “*the* second set of visual representations” which is *generated in Limitation 1[h]* by filtering the first set of visual representations of the first home view. *See* Limitations 1[g]-[i]. Limitation 1[i] also requires that “the second default content view is a second organizational view of at least one application and computer content.”

The Petition alleges that Chandhri’s “tile-based scrolling GUI organization” meets the second default content view of Limitation 1[i] because it “is a second organizational view of at least a *photo viewer* application and the *photo content* therein.” Petition, 63. The filtering requirements of Limitation 1[h] impose requirements on how the “second set of visual representations” are generated, and it is that second set of visual representations that are “organize[d]” by “the second default content view” in Limitation 1[i]. Yet, the Petition never even alleges that the filtering requirements of Limitation 1[h] are met in any way by “a photo viewer application and the photo content therein.” Petition, 63.

Quite simply, the Petition fails to map its Reavey-Chandhri combination to claim 1 in a consistent manner that meets all the limitations of claim 1 as a whole, which is what is required to establish obviousness. To demonstrate obviousness of claim 1, the Petition needed to show “that [a POSA] would have selected and combined those prior art elements” arranged as required by claim 1 “to yield the claimed invention.” *Unigene Labs., Inc. v. Apotex, Inc.*, 655 F.3d 1352, 1360 (Fed. Cir. 2011). The Petition failed to do so. Ground 1 fails for this additional reason.

G. Conclusion—Ground 1 Fails for Multiple Independent Reasons

As detailed above, the Petition fails to carry its burden of demonstrating any Challenged Claim unpatentable based on Ground 1 for a host of independent reasons including, *inter alia*:

1. the Petition fails to establish that a POSA would have been motivated to make the Reavey-Combination with a reasonable expectation of success where the alleged combination purportedly improves media player functionality that Reavey does not disclose its electronic book device as having and is unworkable because it allegedly displays content in an area of the device where there is no display screen panel (*see supra* § IV.C);
2. the Petition fails to establish that the Reavey-Chandhri combination meets Limitation 1[d]’s first home view displayed responsive to

“activation of” the system, given that the views Petitioners identify to allegedly meet this limitation are launched in response to “user interaction with” the system—a different step that occurs later than, and separate from, “activation” of the system (see *supra* § IV.D);

3. the Petition fails to establish that the Reavey-Chandhri combination meets Limitations 1[h]-[i] because the Petition relies on two GUIs that Petitioners admit display the same content which does not meet the filtering and removal of content that Limitations 1[h]-[i] require in generating the visual representations organized in the second default content view (*see supra* § IV.E); and
4. the Petition fails to demonstrate that its Reavey-Chandhri combination meets any challenged claim as a whole because the Petition maps the combination to Limitation 1[i] in a manner that is inconsistent with how the Petition alleges that Limitation 1[h] is met (*see supra* § IV.F).

If the Board agrees that Ground 1 fails for ***any one*** of these independent reasons, that is fatal to Ground 1 and institution should be denied.

H. Ground 2 Inherits Ground 1’s Failings and Falls with Ground 1

The Petition only presents two grounds. Petition, 2. Ground 2 challenges certain dependent claims and adds an additional secondary reference (Preppernau)

that is relied upon only to meet the additional limitations added by the dependent claims challenged in Ground 2. *Id.*

The Petition does not rely on Preppernau to meet any limitation in any of the challenged independent claims. Thus, Ground 2 inherits Ground 1's fatal flaws and fails for at least the same reasons.

V. CONCLUSION

As demonstrated above, the Petition fails to carry its burden of demonstrating a reasonable likelihood of prevailing in demonstrating any Challenged Claim unpatentable. 35 U.S.C. § 314. The Board should deny institution.

Respectfully submitted,
LiTL LLC

Date: April 4, 2024

/Richard Giunta/
Richard F. Giunta, Reg. No. 36,149
WOLF, GREENFIELD & SACKS, P.C

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24, the undersigned certifies that the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE** contains 13,937 words excluding; a table of contents, a table of authorities, a certificate of service or word count, or appendix of exhibits or claim listing. Patent Owner has relied on the word count feature of the word processing system used to create this paper in making this certification.

Date: April 4, 2024

/MacAulay Rush/
MacAulay Rush
Paralegal
WOLF, GREENFIELD & SACKS, P.C.

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

I certify that on April 4, 2024, I will cause a copy of the foregoing document, including any exhibits filed therewith, to be served via electronic mail, as previously consented to by Petitioner, upon the following:

Jessica Kaiser	kaiser-ptab@perkinscoie.com
Christina McCullough	McCullough-ptab@perkinscoie.com
Kyle Canavera	Canavera-ptab@perkinscoie.com
Tyler Knox	Knox-ptab@perkinscoie.com
Andrew Ohlert	AOhlert@perkinscoie.com
James L. Day	jday@fbm.com
Daniel Callaway	dcallaway@fbm.com
James Heintz	Jim.Heintz@us.dlapiper.com
Raymond K. Chan	Raymond.Chan@procopio.com
	Microsoft-LiTL-IPR@perkinscoie.com

Date: April 4, 2024

/MacAulay Rush/
MacAulay Rush
Paralegal
WOLF, GREENFIELD & SACKS, P.C.