

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.

IPR2024-00454
Patent 9,003,315 B2

Before GARTH D. BAER, FREDERICK C. LANEY, and BRIAN D.
RANGE, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Microsoft Corporation, HP Inc., Dell Inc., Dell Technologies Inc., ASUSTeK Computer Inc., and ASUS Global Pte. Ltd. (collectively, “Petitioners”) filed a Petition requesting *inter partes* review (“IPR”) of claims 1–5, 7–13, 16, 18, 23, 24, 27, 28, and 53–57 (“Challenged Claims”) of U.S. Patent No. 9,003,315 B2 (Ex. 1001, “the ’315 patent”). Paper 8 (“Pet.”). LiTL LLC (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 12 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314. Under § 314, an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018). The Board determines whether to institute a trial on behalf of the Director. 37 C.F.R. § 42.4(a). A decision to institute is “a simple yes-or-no institution choice respecting a petition, embracing all challenges included in the petition.” *PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1360 (Fed. Cir. 2018).

For the reasons set forth below, we determine that Petitioners have not demonstrated that there is a reasonable likelihood that at least one of the challenged claims is unpatentable. Accordingly, we do not institute an *inter partes* review of the challenged claims in the Petition.

B. *Real Parties-in-Interest*

The named parties identify themselves as the real parties in interest. Pet. 105; Paper 10, 1.

C. Related Matters

The parties indicate that the '315 patent is at issue in *LiTL LLC v. Lenovo (United States), Inc. et al.*, Case No. 1-20-cv-00689, *LiTL LLC v. HP Inc., et al.*, Case No. 1-23-cv-00120, *LiTL LLC v. Dell Technologies Inc., et al.*, Case No. 1-23-cv-00121, and *LiTL LLC v. ASUSTeK Computer Inc., et al.*, 1-23-cv-00122, in the U.S. District Court for the District of Delaware. Pet. 105; Paper 10, 2. In addition, the '315 patent is at issue in IPR2024-00455, which was also initiated by Petitioners.

D. The '315 Patent (Ex. 1001)

The '315 patent, titled “System And Method For Streamlining User Interaction With Electronic Content,” discloses a portable computer that is configurable by the user into different configurations adapted for different use cases. Ex. 1001, code (54), 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.* at 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.* at 11:20–39.

The '315 patent teaches that users would find it desirable to configure the computer into different configurations (display modes) when using the computer to perform different tasks. Ex. 1001, 18:20–48. In view of this fact, the '315 patent discloses enabling the computer to automatically detect the physical configuration that the user has placed the computer into, and

automatically invoking a different display format and/or functionality tailored to the expected use of the computer in the different display modes. *Id.* at 18:20–48, 23:41–56, 24:13–17, 24:27–32.

In one particular example, the '315 patent discloses that the “portable computer in laptop mode may display a home view,” whereas when configured in easel mode the computer may display a “Channel View.” Ex. 1001, 30:43–48. 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.* at 30:38–43. 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.* at 52:52–62, 27:36–60. The '315 patent describes that the home view may be “invoked in response to” the device being in laptop mode (*id.* at 30:33–45), and is the first view presented to the user when the device transitions from closed mode to laptop mode. *Id.* at 6:35–39

The home view “is configured to manage and **organize** cards” in a grid pattern and has a search bar at the top of the display. Ex. 1001, 34:23–27, 32:30–35, 32:57–59, Fig. 2. The '315 patent describes the cards as “com[ing] 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.* at 34:38–49. The I/O profile for the laptop mode reflects the availability of a keyboard (*id.* at 26:35–27:8, Fig. 17), and the home view utilizes the benefits of

having a keyboard to facilitate user interaction with the grid of cards and the search bar. *Id.* at 44:64–67.

Conversely, the I/O profile for easel mode reflects that the keyboard is not available to the user. Ex. 1001, 26:18–28, Fig. 4. The ’315 patent teaches that the channel view, thus, 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.* at 52:45–53:20, Fig. 23. According to the ’315 patent, the content displayed in the channel view “is dependent on the channel cards displayed in the home view,” and only the “type of content” that can be “rendered in a channel” is displayed in the channel view. *Id.* at 52:52–62. The content displayed in the home view that cannot be rendered in a channel, thus, is removed. *Id.*

E. Illustrative Claim

Petitioners challenge claims 1–5, 7–13, 16, 18, 23, 24, 27, 28, and 53–57 of the ’315 patent. Pet. 1. Claims 1, 27, and 28 are the only independent claims. Ex. 1001, 69:39–70:35, 72:35–73:20, 73:21–74:11. Claims 2–5, 7–13, 16, 18, 23, 24, and 53–57 depend, directly or indirectly, from claim 1. *Id.* at 70:36–67, 71:7–35, 71:47–50, 71:60–63, 72:15–22, 76:35–60.

Independent claim 1 is illustrative and it is reproduced below with bracketed designations for the claim limitations in the manner addressed by Petitioners (Pet. viii–ix), as well as, emphasis added to highlight the limitation at the center of our analysis.

1. [1 pre] A customized user interface for a computer system with a plurality selectable I/O profiles configured to present computer operations to a user in a format configured to a selected I/O profile on a

display component of the computer system, the user interface comprising:

- [1a] at least one processor;
- [1b] a map based graphical user interface, executing on the at least one processor operatively connected to a memory of the computer system, the map based graphical user interface, when executing, is configured to display information on the display component of the computer system, wherein the map based user interface is further configured to:
 - [1c] display a plurality of views of a plurality of visual representations of computer content on the computer system, wherein the computer content includes at least one of selectable digital content, executable computer applications, configurable computer settings, selectable computer operations and passive digital content;
 - [1d] display the plurality of visual representations of computer content rendered on the display component, wherein the plurality of visual representations of computer content include an association to a first home view of the plurality of views, the first home view including a display of the computer content, and wherein the each of the plurality of visual representations is responsive to focus and execution, wherein execution includes selecting the visual representation, and 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; and
- [1e] an execution component, executing on the at least one processor, configured to:
 - [1f] identify at least a first and a second computer system configuration based on sensor input indicating a position of the display component relative to a base component;

- [1g] select, responsive to the sensor input, a first home view from the plurality of views for the first computer system configuration, wherein the first home view is configured to organize a first set of the plurality of visual representations;
- [1h] *filter the first set of visual representations to present content that is optimized for viewing in the second system configuration at least in part by identifying content to filter, removing the identified content from the first set of visual representations, and generating a second set of visual representations based on the filtered first set of visual representations, wherein the second set of visual representations includes at least one different member than the first set of visual representations;*
and
- [1i] transition, automatically in response to the sensor input, the display component between at least the first home view of the plurality of views and a second default content view of the plurality of views, wherein the second default content view is configured to organize the second set of visual representations, wherein the second default content view is a second organizational view of at least one application and computer content, and wherein the sensor input indicates a transition to the second computer system configuration.

Ex. 1001, 69:39–70:35 (emphasis added).

F. Prior Art and Asserted Grounds

Petitioners assert that one or more of the challenged claims would have been obvious on the following two grounds (Pet. 2):

Ground	Claim(s) Challenged	35 U.S.C. § ¹	Reference(s)
1	1–5, 8, 9, 23, 24, 27, 28, 53–55, 57	103(a)	Reavey ² , Chandhri ³
2	7, 10–13, 16, 18, 56	103(a)	Reavey, Chandhri, Preppernau ⁴

Petitioners support their contentions with the Declaration of Henry Houh, Ph.D. (Ex. 1003).

II. ANALYSIS

Petitioners have the burden of proof. *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (“In an IPR, the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.”).

Section 103(a) forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when available, evidence

¹ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. § 103. Because the challenged claims of the ’315 patent have an effective filing date before the effective date of the applicable AIA amendment, we refer to the pre-AIA version of 35 U.S.C. § 103.

² US 5,847,698, iss. Dec. 8, 1998 (Ex. 1009, “Reavey”).

³ US 2008/0062141 A1, pub. Mar. 13, 2008 (Ex. 1011, “Chandhri”).

⁴ Windows Vista Step by Step Manual, 2007 (Ex. 1008, “Preppernau”).

such as commercial success, long felt but unsolved needs, and failure of others. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966); *see KSR*, 550 U.S. at 407 (“While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.”). The Court in *Graham* explained that these factual inquiries promote “uniformity and definiteness,” for “[w]hat is obvious is not a question upon which there is likely to be uniformity of thought in every given factual context.” *Graham*, 383 U.S. at 18.

The Supreme Court made clear that we apply “an expansive and flexible approach” to the question of obviousness. *KSR*, 550 U.S. at 415. Whether a patent claiming the combination of prior art elements would have been obvious is determined by whether the improvement is more than the predictable use of prior art elements according to their established functions. *Id.* at 417. To support this conclusion, however, it is not enough to show merely that the prior art includes separate references covering each separate limitation in a challenged claim. *Unigene Labs., Inc. v. Apotex, Inc.*, 655 F.3d 1352, 1360 (Fed. Cir. 2011). Rather, obviousness additionally requires that a person of ordinary skill at the time of the invention “would have selected and combined those prior art elements in the normal course of research and development to yield the claimed invention.” *Id.*; *see also Orexo AB v. Actavis Elizabeth LLC*, 903 F.3d 1265, 1273 (Fed. Cir. 2018) (“The question is not whether the various references separately taught components of the ’330 Patent formulation, but whether the prior art suggested the selection and combination achieved by the ’330 inventors.”).

In determining whether there would have been a motivation to combine prior art references to arrive at the claimed invention, it is

insufficient to simply conclude the combination would have been obvious without identifying any reason *why* a person of skill in the art would have made the combination. *Metalcraft of Mayville, Inc. v. Toro Co.*, 848 F.3d 1358, 1366 (Fed. Cir. 2017). As factfinders, we also must, on the one hand, be aware “of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning,” and, on the other hand, “take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR*, 550 U.S. at 418, 421.

Applying these general principles, we consider the evidence and arguments of the parties.

A. Level of Ordinary Skill in the Art

The level of skill in the art is “a prism or lens” through which we view the prior art and the claimed invention. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). “This reference point prevents . . . factfinders from using their own insight or, worse yet, hindsight, to gauge obviousness.” *Id.*

Factors pertinent to a determination of the level of ordinary skill in the art include: (1) educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology; and (6) educational level of workers active in the field. *Envtl. Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 696–697 (Fed. Cir. 1983) (citing *Orthopedic Equip. Co. v. All Orthopedic Appliances, Inc.*, 707 F.2d 1376, 1381–82 (Fed. Cir. 1983)). Not all such factors may be present in every case, and one or more of these or other factors may predominate in a particular case. *Id.* Moreover, these factors are not exhaustive but are merely a guide to

determining the level of ordinary skill in the art. *Daiichi Sankyo Co. v. Apotex, Inc.*, 501 F.3d 1254, 1256 (Fed. Cir. 2007). In determining a level of ordinary skill, we also may look to the prior art, which may reflect an appropriate skill level. *Okajima*, 261 F.3d at 1355.

Petitioners assert, with the support of its expert, that a person of ordinary skill in the art at the relevant time would have had a “bachelor’s degree in electrical engineering, computer engineering, computer science, or a similar field, plus two years of work experience in designing GUIs for computing devices.” Pet. 10 (citing Ex. 1003 ¶¶ 20–22). Patent Owner does not dispute or address this characterization of the skill level of an artisan in the relevant field. *See generally* Prelim. Resp.

On this record, Petitioners’ proposed level of ordinary skill in the art is not disputed and is consistent with our review and understanding of the technology and descriptions in the ’315 patent and the asserted prior art references. *Okajima*, 261 F.3d at 1355. For purposes of this Decision, therefore, we rely on Petitioners’ proposed level of ordinary skill in the art to focus the lens through which we view the prior art and the claimed invention.

B. Claim Construction

We construe each claim “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. [§] 282(b).” 37 C.F.R. § 42.100(b) (2019). Under this standard, claim terms are generally given their ordinary and customary meaning as would have been understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc) (“We have

frequently stated that the words of a claim ‘are generally given their ordinary and customary meaning.’”).

The Petition offers explicit claim constructions for a number of claim terms, including “plurality of views,” “display component,” “execution component,” “storage component,” and “first/second user interface component.” Pet. 11–15. And Patent Owner states that it “does not challenge Petitioners’ explicit claim constructions because the Petition fails even if these constructions are adopted.” Prelim. Resp. 18. Nevertheless, we do not reach Petitioners’ proposed constructions because a resolution in this matter does not turn on the precise meaning of any of those terms; in fact, none of the proposed constructions are for terms that are used in Limitation [1h]. *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). For the language used in Limitation [1h], which is critical to our decision, both parties rely on the plain and ordinary meaning and neither party suggests that any term used has a particular meaning beyond what is clearly conveyed within the context of the ’315 patent. Therefore, no term in this proceeding needs to be construed expressly.

C. Petitioners’ Contention for Limitation [1h] Is Deficient

Both grounds in this Petition, either directly or indirectly, depend on Petitioners’ contention that the combination of Reavey and Chandhri discloses “*filter[ing] the first set of visual representations to present content that is optimized for viewing in the second system configuration at least in part by identifying content to filter, removing the identified content from the first set of visual representations, and generating a second set of visual representations based on the filtered first set of visual representations*” (Limitation [1h]). That language is recited in each challenged independent

claim, and by extension also each challenged dependent claim. Ex. 1001, 70:16–25 (claim 1), 72:66–73:8 (claim 27), 73:58–67 (claim 28); *see also id.* at 70:36–72:32, 74:12–76:60. In the Petition, when addressing independent claims 1, 27, and 28, Petitioners rely on the same evidence and reasoning to support their contention that the combination of Reavey and Chandhri discloses or suggests the elements of Limitation [1h] to a skilled artisan. *See* Pet. 51–61, 75, 79. Patent Owner, however, asserts that Petitioners’ contention for Limitation [1h] is deficient and, therefore, dispositive of the Petition because it undermines Petitioners’ ability to show that there is a reasonable likelihood at least one of the challenged claims is unpatentable. *See* Prelim. Resp. 57–74.

After studying the submissions of both parties and the evidence of record, for the reasons explained below, we agree with Patent Owner. And because the deficiencies with Petitioners’ evidence and reasoning for Limitation [1h] are dispositive of the Petition, we focus our discussion below accordingly by first providing an overview of Reavey and Chandhri, next detailing the parties’ positions regarding Limitation [1h], and lastly explaining why Petitioners have failed to demonstrate sufficiently the combination of Reavey and Chandhri discloses or suggests the elements of Limitation [1h] to a skilled artisan.

1. Reavey (Ex. 1009)

Reavey, titled “Electronic Book Device,” is directed an electronic book device 100 that can be used in multiple physical configurations. Ex. 1009, code (54), 1:11–15, Fig. 3. Figure 3 from Reavey is an example of such a device and it is reproduced below.

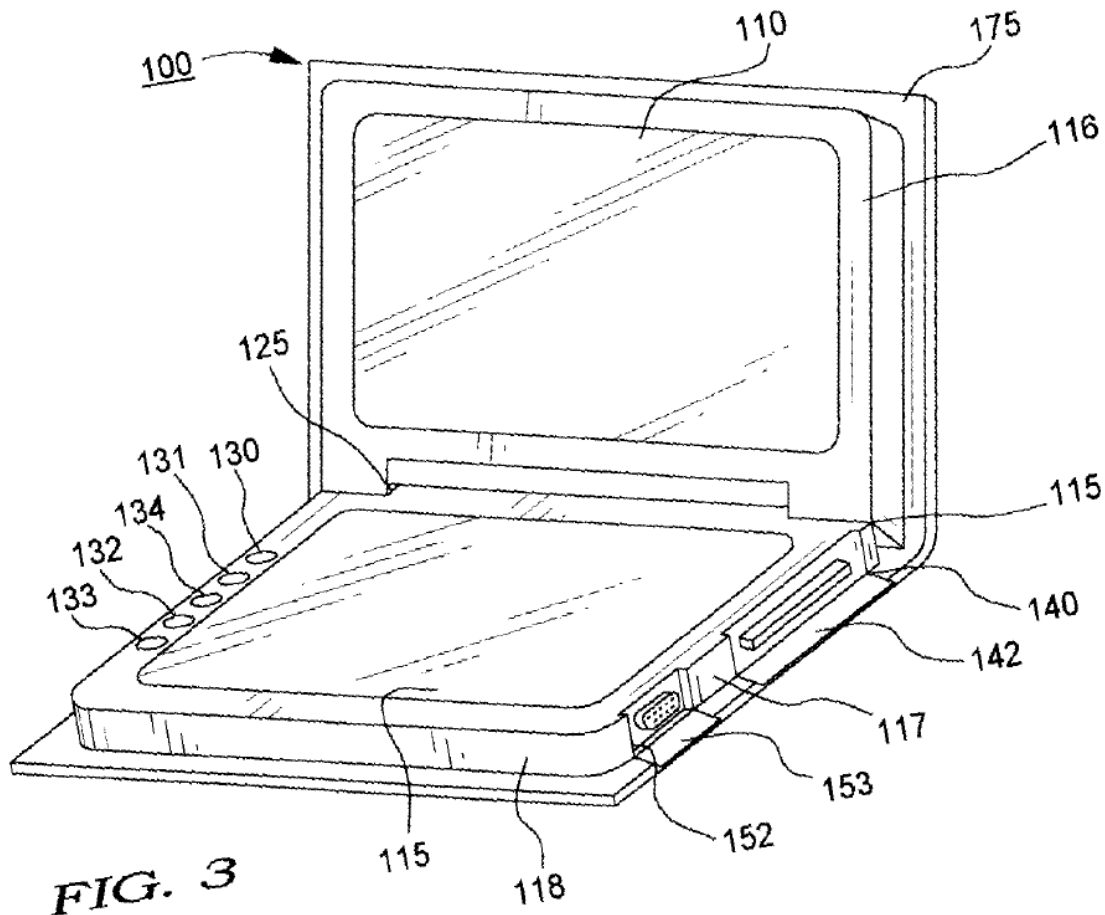


Figure 3 is an illustration of an electronic book device 100 with dual screen displays: first panel screen 110 and second panel screen 115, which are connected by hinge 125. *Id.* at 5:32–35. And both screens can be provided as a touchscreen. *Id.* at 5:46–48. Device 100 also includes other user input/output devices, including navigation keys 130–133 and “assistant key 134.” *Id.* at 5:39–42.

Device 100 can be used in three modes: Mode 1 in which the device 100 is held so that screens 110/115 are arranged vertically and held side-by-side, like a book (Ex. 1009, 7:35–39); Mode 2 in which screens 110/115 are arranged horizontally and in an over-under fashion, lying flat on a surface and wherein the screens may “act as one screen, with the text and graphics

scrolling downward from one to the other” (*id.* at 7:42–44, 7:51–53, 7:61–62, Fig. 2); and Mode 3 in which screens 110/115 are arranged horizontally and in an over-under fashion, with the screens only partially open with respect to one another, such as at 120°, and wherein the “top horizontal screen [110] behave[s] as a normal display screen and the bottom horizontal screen [115] behave[s] as a touchscreen keyboard” (*id.* at 7:39–42, 7:53–58, Fig. 3). Device 100 may change between these modes “automatically when electronic book device 100 is opened” because it includes “[s]creen orientation processing” that determines whether the device should be operated in “mode 1 . . . mode 2 . . . or mode 3” and then displays the appropriate, respectively-associated screens to a user. *Id.* at 7:45–46, 8:42–9:6, Fig. 9.

2. *Chandhri (Ex. 1011)*

Chandhri, titled “Media Player With Imaged Based Browsing,” relates to a method and system that improves the way media is played, sorted, modified, stored and cataloged on a portable media player. Ex. 1011, code (54), ¶ 52. Chandhri discloses that an electronic device can perform or provide an image-based browser to perform image-based browsing. *Id.* ¶ 53. The image-based browser provides a graphical user interface (GUI) that allows a user to navigate through and/or select images rather than textual menu items contained in a conventional menu list. *Id.* In one particular example, Chandhri teaches a device that can switch between a traditional menu list browser and an image-based browser based on the physical positioning of the device, such as a change from vertical to horizontal orientation. *Id.* ¶¶ 59, 224–225, 229, Fig. 34. Both browser GUIs, according to Chandhri, “are based on the same data but use different

formatting schemes to show the data” and “[t]he images in the image browser are associated with corresponding text data in the menu.” *Id.* ¶ 225. Chandhri teaches that image-based browsing “can provide efficient, graphical browsing (e.g., scrolling) through a group of digital items that can are or can be represented in a visual manner.” *Id.* ¶ 53.

3. *Petitioners’ Limitation [1h] Contentions*

Petitioners contend that, when combined, the use of Chandhri’s GUI disclosure in Reavey’s device teaches the elements of Limitation [1h]. Pet. 51 (citing Ex. 1003 ¶¶ 119–126). In Petitioners’ words, “the Reavey-Chandhri combination displays a plurality of views of the same content organized differently, as shown in the following [F]igure [34 of Chandhri]:”

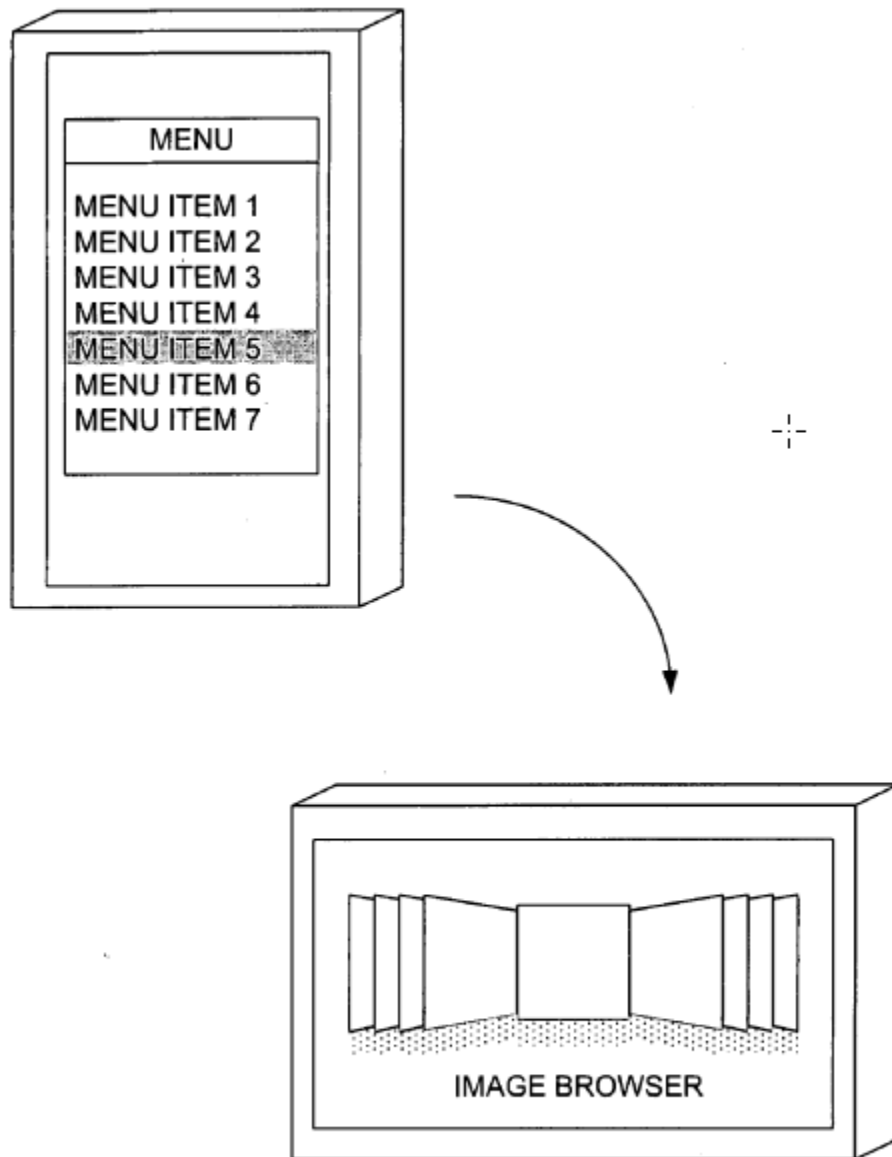


FIG. 34

Id. at 52–53 (citing Ex. 1011 ¶ 225, Fig. 34). Figure 34 “is a diagram showing a device transitioning between a menu based window in portrait mode, and an image based browser is in a landscape mode.” Ex. 1011 ¶ 47. Reavey and Chandhri in combination, according to Petitioners, disclose a device with a display that “switch[es] from a menu-based GUI organization to a tile-based scrolling GUI organization of the same data when changing

from the laptop configuration (Mode 3) to the flat configuration (Mode 2).”

Pet. 51–52. More specifically, in view of the Reavey and Chandhri disclosures, Petitioners contend that a skilled artisan

would have been motivated to set the display of a long, vertical menu of items, e.g., playlist songs (“first set of visual representations”) while in laptop mode (“first system configuration”) to view the total set of, e.g., song titles more quickly in row form more easily displayed with restricted one-screen real estate . . . but would have transitioned to Chandhri’s vertical, image-based scrolling view, e.g., of albums (“second set of visual representations”) as described above in a flat mode of Reavey’s device (“second system configuration”) to enable a user to view a smaller (“filter...[by] removing”) set of items, e.g., an album-grouped (“different member[s]”) display of the playlist songs, then flip that album to reveal the available songs on the back [(collectively, “the Reavey/Chandhri modified device”)].

Id. at 58–59 (Ex. 1009 Fig. 3; Ex. 1011 Fig. 10; Ex. 1003 ¶ 125). Petitioners do not explain with any further particularity, however, why that modified configuration of Reavey’s disclosed device discloses or suggests the recited elements of Limitation [1h].

4. *Patent Owner’s Allegations of Deficiency*

Patent Owner asserts that several deficiencies exist in the evidence supporting Petitioners’ contention that the use of Chandhri’s GUI disclosure in Reavey’s device teaches the elements of Limitation [1h]. Prelim. Resp. 57–74. In particular, even accepting that the teachings of Reavey and Chandhri would have led to the device configuration Petitioners allege is taught, Patent Owner asserts that the evidence still does not disclose or suggest a processor configured to filter the long, vertical menu of items, e.g., playlist songs (“first set of visual representations”) by identifying content to filter and *removing the identified content from the first set of visual*

representations to generate the vertical, image-based scrolling view, e.g., of albums (“second set of visual representations”) that are based on the filtered first set of visual representations. *Id.* at 64–74.

Patent Owner asserts that there is no evidence that Chandhri’s image-based scrolling view is generated based on identifying and removing content from the menu-based view. Prelim. Resp. 66–68. To the contrary, Patent Owner asserts the undisputed evidence demonstrates that the image-based scrolling and menu-based views are generated based on the same content that is simply organized for viewing in a different manner. *Id.* at 67–68 (citing Pet. 39, 52). Patent Owner states, “[u]sing a different set of visual representations to display the ‘*same content*’ does not meet the filtering requirement of Limitation 1[h],” which requires the removal of content. *Id.*

To show “filter by removing,” Patent Owner argues that Petitioners’ reliance is misplaced on the fact that the image-based scrolling view may present a smaller set of items than are presented in the menu-based view that lists individually the songs on the playlist. Prelim. Resp. 71–74. This is so, according to Patent Owner, because no content from the playlist presented by the menu-based view is actually removed to generate the image-based scrolling view; rather, the same playlist content is presented using a different formatting scheme (i.e., image-based scrolling view) that groups and displays the content in accordance to the album cover image that each song on the playlist is associated. *Id.* at 73–74. As confirmation of this point, Patent Owner notes that the visual representations of the same playlist content occur in both the menu-based and image-based viewing schemes, except, in the later scheme, a visual representation of that content occurs only after a user selects an associated image. *Id.*

5. *Petitioners Do Not Demonstrate Sufficiently That the Reavey/Chandhri Combination Discloses or Suggests Limitation [1h]*

After studying the contentions and arguments presented by parties, in view of the evidence of record, we are not persuaded Petitioners have shown with sufficient particularity why the combined teachings of Reavey and Chandhri disclose or suggest the recited elements of Limitation [1h]. For our purposes here, we accept Petitioners' contention that, in light of the Reavey and Chandhri disclosures, a skilled artisan would have been led to configure Reavey's device to display in laptop mode a first set of visual representations using a menu-based view and transition when in flat mode to an image-based scrolling view to display a second set of visual representations.

Still, we remain unpersuaded Petitioners have established sufficiently that the Reavey and Chandhri combination discloses or suggests to a skilled artisan a configuration in which the device filters the first set of visual representations by identifying and removing content therefrom to be used with the image-based scrolling view to generate a second set of visual representations that are based on the filtered version of the first set of visual representations.

To begin, we note that for the first set of visual representations that Petitioners contend are disclosed by the Reavey and Chandhri combination (i.e., the long, vertical menu of items, e.g., playlist songs), Petitioners never actually identify what the "content" is from the first visual representation that is being filtered; nor do Petitioners identify any specific "content" from the first visual representation that is identified and removed before generating the second set of visual representations disclosed (i.e., the

vertical, image-based scrolling view, e.g., of albums). *See generally* Pet. 51–59; Ex. 1003 ¶¶ 119–126. The closest Petitioners come to setting forth anything that is identified and removed from the first set of visual representations is the following statement: “Chandhri’s vertical, image-based scrolling view, e.g., of albums (“second set of visual representations”) . . . enable[s] a user to view a smaller (“filter...[by] removing”) set of items, e.g., an album-grouped . . . display of the playlist songs.” Pet. 58–59 (Ex. 1009 Fig. 3; Ex. 1011 Fig. 10; Ex. 1003 ¶ 125). That statement is insufficient, however, because it fails to explain with the necessary particularity why the use of an image-based scrolling view of albums, which enables a user to view a smaller set of items for a playlist than are viewed for the same playlist in the menu-based view, would have been understood by skilled artisans to disclose or suggest identifying and removing content from the first set of visual representations to generate the second set of visual representations. And Petitioners’ expert likewise provides no further clarity. *See generally* Ex. 1003 ¶¶ 119–126.

The absence of any clear explanation about what “content” is being identified and removed from the first set of visual representations to generate the second set of visual representations is particularly damaging in this case. That is because, as Patent Owner highlights, Petitioners concede that Chandhri “teach[es] to switch from a menu-based [view] to a[n] [image]-based scrolling [view] *of the same data* when changing from the laptop configuration (Mode 3) to the flat configuration (Mode 2).” Pet. 51–52 (emphasis added). Additionally, Petitioners acknowledge that the Reavey-Chandhri combination teaches “display[ing] a plurality of views *of the same content* organized differently.” *Id.* (emphasis added). Of course, those

concessions are understandable because, as explained by Petitioners, Chandhri teaches that the process of changing the GUI organization from a menu-based view to an image-based scrolling view is “***based on the same data*** but use[s] different formatting schemes to show the data.” *Id.* at 39 (citing Ex. 1011 ¶ 225 (emphasis added; original emphasis omitted)). In other words, no “content” is removed from the menu-based view of the playlist to generate the image-based scrolling view of the same playlist, even though the later view is organized differently to present a smaller set of items. Without a clearer explanation of why Chandhri’s disclosure of differently organized views being generated based on the same content is indicative of a Reavey/Chandhri modified device that generates differently organized views based on different content, Petitioners have not demonstrated sufficiently that the Reavey/Chandhri combination discloses or teaches generating a second set of visual representations that are based on the filtered first set of visual representations, as recited by Limitation [1h].

Although Petitioners state that “[t]he ’315 patent provides an example of filtering by removing identified content as moving cards from a home view and allowing the remaining cards to be reordered by the device,” they fail to explain how or why that supports a determination that the evidence presented in the Petition likewise discloses filtering by removing identified content from the first set of visual representations to generate a second set of visual representations. Pet. 51 (citing Ex. 1001, 44:11–31). And we note that, at column 44, lines 11–31, of the ’315 patent, the specification simply describes how cards may be removed from a home view by allowing a user to identify a particular card and providing a user with an option to “delete” the identified card. Because none of the prior art evidence cited by

Petitioners suggests a particular item is selected by a user and deleted, it is not readily apparent how that disclosure in the '315 patent supports, or even relates to, generating a second visual representation based on filtering the first set of visual representations.

Petitioners also point to Chandhri's description of a user making selections to step through a user-customizable menu hierarchy as an example of "filtering" through a menu to a desired content, but again without any explanation of how or why that demonstrates the Reavey/Chandhri modified device discloses filtering by removing identified content from the first set of visual representations to generate a second set of visual representations. Pet. 53–55 (citing Ex. 1011 ¶¶ 111, 134–135, Figs. 7, 8, 10, 11). And we agree with Patent Owner that, as presented in the Petition, "whether Chandhri's GUI can be considered to 'filter' . . . as the user scrolls through content is irrelevant to what is required by the Challenged Claims" because Limitation [1h] recites filtering specifically by processing the first set of visual representations to identify and remove content, rather than filtering more generally. Prelim. Resp. 68–71. Additionally, it is unclear how understanding the term "filter" as broadly covering a user's choices of content through a menu hierarchy supports a finding that the transition based on the configuration of the Reavey/Chandhri modified device from a menu list view of items to a different image-based scrolling view of the same items is sufficient to disclose a first view being filtered by removing content and a second view being generated based on that filter first view.

Lastly, Petitioners state, "Chandhri makes clear that images are scrolled such that a new image appears on one side and disappears on the opposite side respective to the direction of scrolling e.g., scrolling right to

left introduces a new left image and causes the right-most image to disappear from sight (‘removing the identified content’).” Pet. 57 (citing Ex. 1011 ¶ 106, Fig. 5). Yet again, however, Petitioners fail to give any explanation of how or why that teaching by Chandhri demonstrates the Reavey/Chandhri modified device discloses filtering by removing identified content from the first set of visual representations to generate a second set of visual representations. It is worth noting that the image-based scrolling view upon which Petitioners rely is identified as the second set of visual representations. *Id.* at 59. Thus, in the Reavey/Chandhri modified device, the scrolling alleged to cause the removal of identified content would actually be removing content from the second set of visual representations, rather than removing identified content from the first set of visual representations recited in Limitation [1h]. That evidence from Chandhri adds little, if anything, to show the Reavey/Chandhri modified device performs the recited removal of identified content.

For the above reasons, we are not persuaded that Petitioners have shown with sufficient particularity why the combined teachings of Reavey and Chandhri disclose or suggest the recited elements of Limitation [1h]. And as a result, we find Petitioners have not demonstrated a reasonable likelihood of proving that the Reavey/Chandhri combination render independent claims 1, 27, and 28 unpatentable, which is a deficiency that necessarily extends therethrough to all of the dependent claims challenged in both grounds.

III. CONCLUSION

Our review of the Petition under 35 U.S.C. § 314 is not to determine whether an individual asserted fact is indisputable or whether a

preponderance of the evidence supports Petitioners. Our review is to determine whether the totality of the information presented in the Petition shows that there is a reasonable likelihood that Petitioners would prevail with respect to at least one of the claims challenged in the Petition.

For the above reasons, we determine that Petitioners have not established a reasonable likelihood that the unpatentability challenges in the Petition would prevail with respect to at least one challenged claim of the '315 patent. Therefore, we deny *inter partes* review of the '315 patent on all challenged claims and all grounds asserted in the Petition. See 35 U.S.C. § 314(a).

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of the '315 patent is denied.

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