

Filed on behalf of Patent Owner by:

Paper No. ____

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

LITL LLC,
Patent Owner.

Case No. IPR2024-00480
Patent No. 9,563,229

[CORRECTED] 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	Saxena, CES 2010: All New Litl Webbook Makes Its Debut Appearance. Elite Choice. URL: https://elitechoice.org/luxury/ces-2010-all-new-litl-webbook-makes-its-debut-appearance [last accessed June 25, 2021]
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	Strauss, Litl Webbook Re-Defines Computing. ABC News. December 14, 2009. URL: https://abcnews.go.com/Technology/GadgetGuide/litlwebbook-defines-computing/story?id=9311095 [last accessed June 25, 2021]
2007	Scinto, Introducing The Litl WebBook. The Gadgeteer. November 19, 2009. URL: https://the-gadgeteer.com/2009/11/19/introducing-the-litlwebbook/ [last accessed June 25, 2021]
2008	[No Author Listed], All-New Litl Webbook Debuts at 2010 CES. Cision. January 5, 2010. URL: https://www.prnewswire.com/newsreleases/all-new-litl-webbook-debuts-at-2010-ces-80716797.html [last accessed June 25, 2021]
2009	U.S. Patent No. 5,708,561

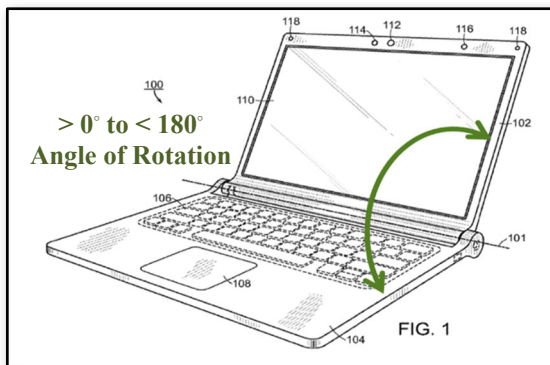
Exhibit	Description
2010	U.S. Patent Appl. No. 20080035029A1
2011	U.S. Patent Appl. No. 20090179132A1
2012	U.S. Patent Appl. No. 20080251680A1
2013	U.S. Patent Appl. No. 20070012827A1

I. INTRODUCTION

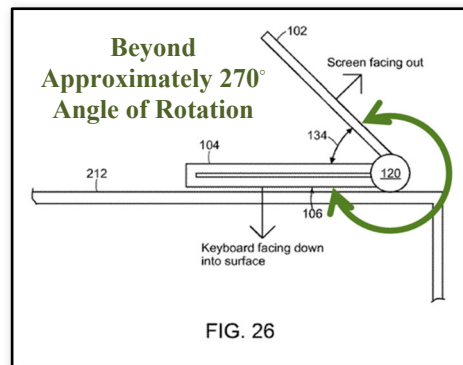
Institution should be denied because the Petition fails to demonstrate unpatentability of any challenged claim.

All challenged claims of U.S. Patent No. 9,563,229 (Ex. 1001; “’229 Patent”) are directed to a portable computer “configurable between a plurality of display modes including at least a laptop mode, a frame mode, and an easel mode.” *See* claim 1. The claims are explicit that laptop mode is characterized by the angle of rotation between the computer’s base and display components being between 0° (“closed”) and “approximately 180 degrees,” whereas frame and easel modes are characterized, in part, by the angle being “beyond approximately 270 degrees.” *Id.*

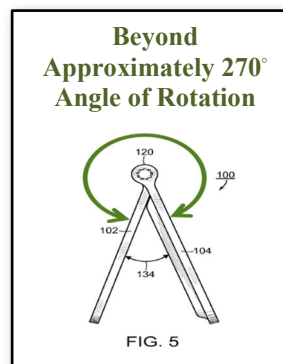
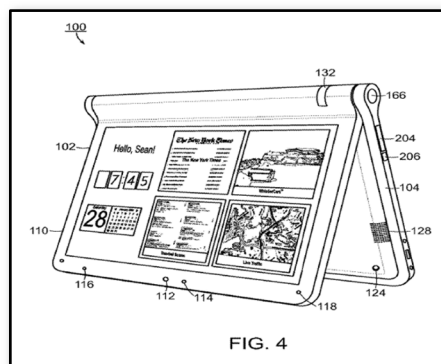
Laptop Mode



Frame Mode



Easel Mode



The claimed computer is highly configurable. The inventors recognized that users would likely use the computer to perform different tasks in different configurations (called “display modes”). Thus, the inventors developed technology that enabled the computer to automatically detect the configuration the user had placed the computer into, and to automatically invoke certain functionality in particular display modes.

Every challenged claim requires an accelerometer configured to generate “orientation information indicative of a current display mode among the plurality of display modes of the portable computer.” *See* claim 1 (’229 Patent, 17:59-61). Every challenged claim further recites the computer as detecting the current display mode the user has configured the computer into and automatically performing certain functions in response thereto (*e.g.*, enlarging displayed content when the computer transitions from laptop to easel mode, and disabling the keyboard in frame mode). *See* claim 1 (’229 Patent, 17:62-18:2, 18:29-34).

A. The Petition Fails to Establish That Lane Has the Claimed Accelerometer Configured to Generate Information Indicative of the Computer’s Current Display Mode.

All the grounds rely on Lane’s “position-indicating mechanism” 38 to meet the claimed accelerometer. For purposes of this POPR, Patent Owner does not challenge that Lane’s mechanism 38 is an accelerometer. However, the Petition

fails to establish that Lane’s “accelerometer” 38 is configured to generate the information required by all challenged claims for multiple reasons.

First, the Petition erroneously alleges that to meet claim 1’s accelerometer, Lane’s mechanism 38 need only generate “unique” information that differentiates among “three claimed modes (i.e., laptop, frame, and easel).” Paper 1 (“Petition”), 30. That fails as a matter of claim construction. The claims are explicit that the claimed “plurality of display modes” is not limited to the three display modes Petitioners identify. Additionally, all challenged claims require that the generated orientation information be indicative of “a current display mode among the plurality of display modes of *the* portable computer.”¹ ’229 Patent, 17:59-61. Lane’s computer is alleged to be the claimed portable computer. *See* Petition, 28-30. Thus, to meet the claims, the generated orientation information must be indicative of the current display mode among the display modes of *Lane’s* computer. But Lane’s computer indisputably has display modes beyond the three Petitioners identify. Lane’s “accelerometer” 38 is not configured to generate “unique” information that differentiates among all of Lane’s display modes, as Petitioners allege. Indeed, the Petition does not even allege that Lane’s “accelerometer” is configured to generate orientation information indicative of the

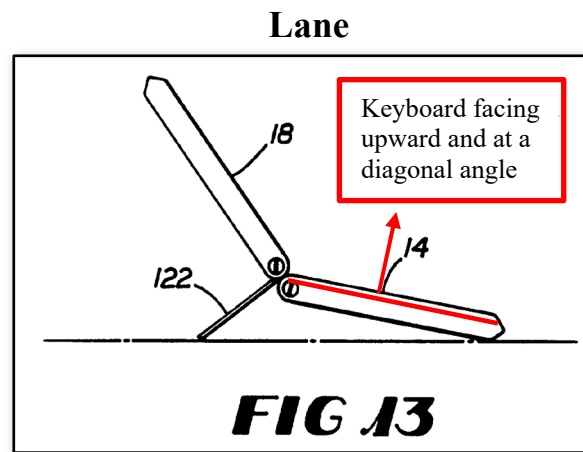
¹ All emphasis is added unless indicated otherwise.

“current display mode among the plurality of display modes of [*Lane*’s] portable computer.” All the grounds fail for this reason alone. *See infra* §§ III.C.1.a-III.C.1.b.

Second, even if the claims were construed to only require that the generated orientation information be “unique” among the laptop, easel and frame modes as Petitioners allege (Petition, 30), all grounds still fail. The claims expressly characterize the computer’s current display mode based, at least in part, on the angle of rotation between the display and base components. *See, e.g.*, ’229 Patent, 18:7-11. Ignoring this, Petitioners allege that Lane’s mechanism “located in the base” of the computer provides “unique orientation information” among the laptop, frame, and easel modes because, *inter alia*, “the keyboard [being] horizontal and facing up” indicates that the computer is in laptop mode, whereas the keyboard “facing upward but at a diagonal angle” indicates that the computer is in easel mode. Petition, 30. That is plainly wrong and inconsistent with the express language of claim 1.

As just one example, Lane Fig. 13 (annotated below) illustrates Lane’s computer in what claim 1 calls “laptop mode” (the display is rotated “up to approximately 180 degrees from a closed mode,” ’229 Patent, 18:7-11), not in what claim 1 calls “easel mode” (where the display is rotated “beyond approximately 270 degrees from the closed mode,” ’229 Patent, 18:15-21). Yet,

according to Petitioners’ theory, Lane’s “accelerometer” would indicate that Lane’s computer is in easel mode in Fig. 13 because the keyboard is “facing upward but at a diagonal angle.” Petition, 30. The manner in which Petitioners allege that Lane’s “accelerometer” meets the claims is wrong and inconsistent with the plain language of claim 1. All grounds fail for this additional reason. *See infra* § III.C.1.c.

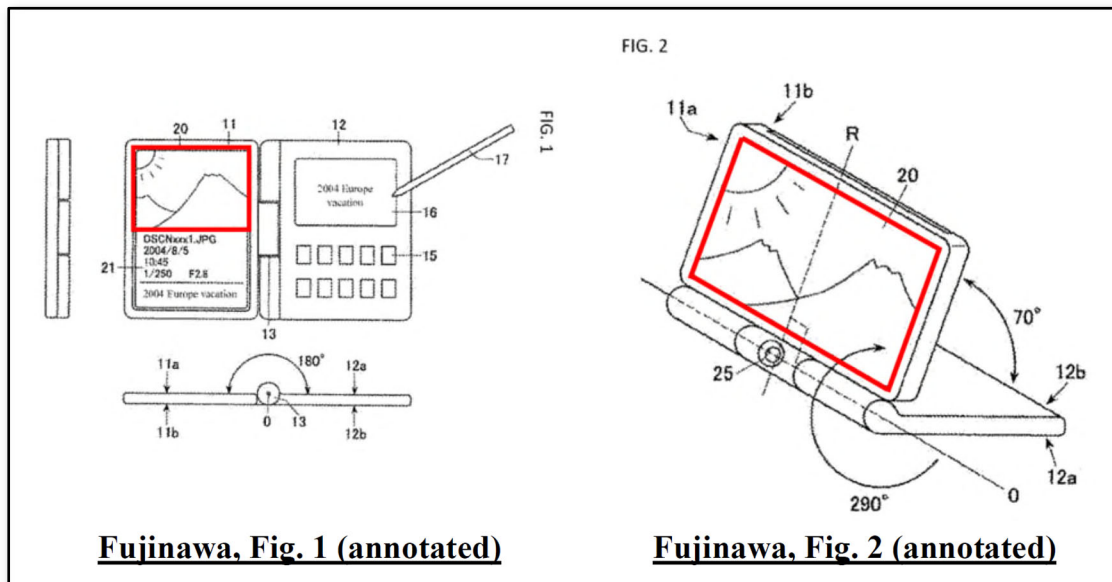


B. The Petition’s Assertion That Fujinawa Would Have Motivated a POSA to Enlarge the Displayed Content in Lane’s Computer When It Transitions from Laptop to Easel Mode Fails.

All challenged claims require that the claimed computer have a display manager configured to enlarge displayed content “responsive to a transition from the laptop to the easel mode.” *See* claim 1 (’229 Patent, 17:66-18:2). The Petition admits that Lane does not disclose this. Instead, Petitioners point to Fujinawa (Ex. 1007). Petition, 33-34. But Fujinawa is not a laptop computer – Petitioners admit it is “a digital photo stand.” Petition, 16. Fujinawa has a “book mode” (Fig. 1,

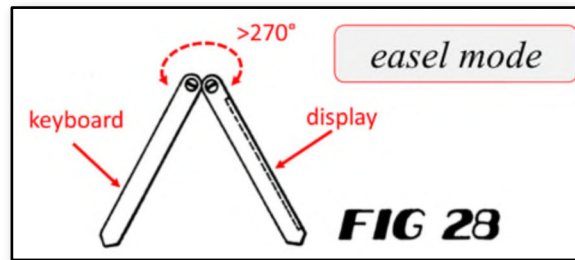
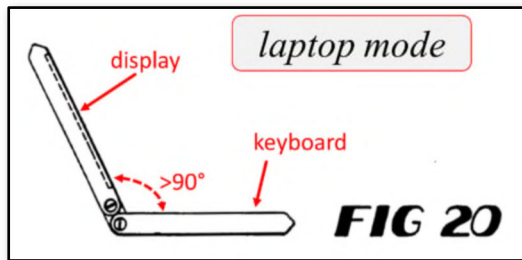
annotated below left) where the display is oriented in portrait orientation so that a displayed photo (which is in landscape orientation) does not fill the screen.

Fujinawa also has a “frame mode” (Fig. 2, annotated below right) where the display is in landscape orientation so the photo fills the screen.

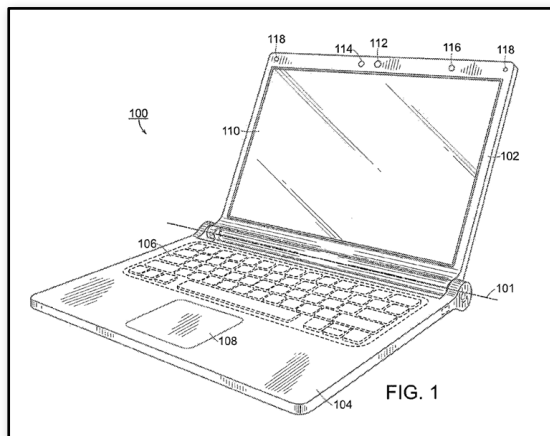


Petitioners allege that Fujinawa enlarges displayed content when it transitions from book mode (Fig. 1) to frame mode (Fig. 2) because the photo is enlarged to fit the screen in frame mode. Petition, 16-17. But Petitioners’ assertion that Fujinawa would have motivated a POSA to enlarge displayed content in Lane’s computer when it transitions from laptop to easel mode makes no sense because, as seen from figures of Lane reproduced below, in both laptop and easel modes Lane’s display is in landscape orientation. This is illustrated even more clearly in the figures of the ’229 Patent reproduced below Lane’s figures.

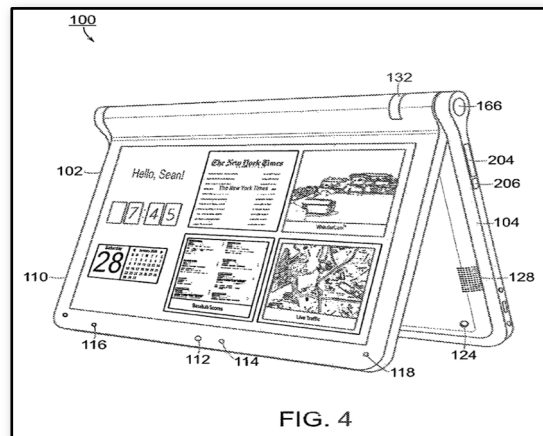
Lane (Petition's annotations)



'229 Patent's Laptop Mode (Landscape)



'229 Patent's Easel Mode (Landscape)



The sole reason why Fujinawa “enlarges” a photo – because the device’s display orientation changes from portrait to landscape orientation when the device transitions from book mode to frame mode – is inapplicable to Lane’s transition from laptop to easel mode. Thus, the Petition’s assertion that Fujinawa would have motivated a POSA to modify Lane to enlarge content when transitioning from laptop to easel mode is entirely unsupported. *See infra* § III.C.2. Petitioners mischaracterize Fujinawa. The Petition alleges that Fujinawa “discloses *enlarge[ing]* [sic] *the computer content displayed on the display component responsive to a transition from the laptop mode to the easel mode.*” Petition, 33

(Petition’s non-underlined italics). That is demonstrably untrue because Fujinawa is not a laptop computer and does not have a “laptop mode.” Petitioners’ assertion that Fujinawa would have motivated an enlargement of displayed content in Lane is based on nothing but unsupported hindsight. All grounds fail for this additional independent reason. *See infra* § III.C.2.

II. LITL’S ’229 PATENT

Before LiTL introduced its Webbook product (shown below) that commercialized an embodiment of the ’229 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. ’229 Patent, 6:43-63, 11:27-12:5, 14:14-29, 16:51-62, 1:15-17, 1:59-64, 2:7-9, 2:19-22; Ex. 2001-2008.

LiTL Webbook



Ex. 2001, 1.

LiTL's Webbook included a number of new inventions initially described in provisional application no. 61/041,365 filed April 1, 2008. '229 Patent, code (60). The '229 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. '229 Patent, 1:28-30, 2:6-4:38. 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. '229 Patent, 1:35-41, 2:41-43.

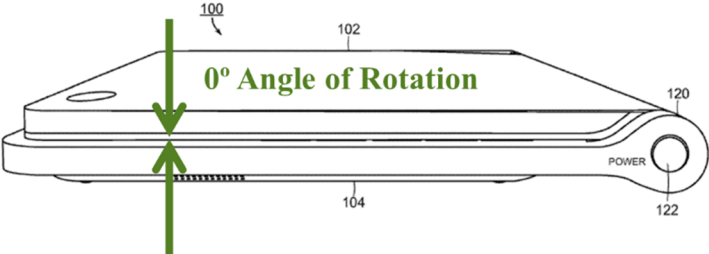
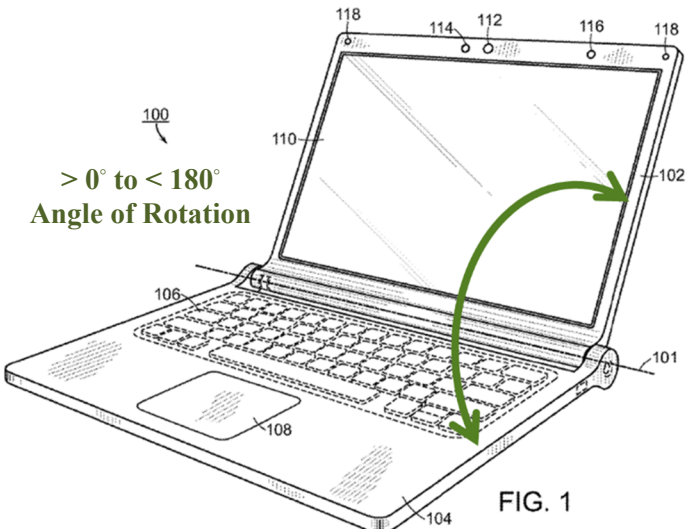
By rotating the display and/or base component relative to one another, the "portable computer is configurable between various modes." Petition, 2-3. What the Petition calls "various modes" (Petition, 3) are called "display modes" in the

'229 Patent, and the different display modes correspond to different overall physical configurations of the computer. '229 Patent, Abstract; Figs. 1-2, 4-5, 17, 26-27; 2:17-24; 2:34-54; 2:65-3:19; 3:62-4:5; 4:57-59; 4:64-67; 5:33-35; 5:55-60; 5:64-6:8; 6:48-63; 7:20-31; 8:5-18; 9:8-27; 9:46-57; 11:7-18; 14:37-15:3; 16:36-17:9; 17:29-33; 17:59-61; 17:64-18:2; 18:9-11; 18:18-34; 18:37; 18:42-48; 18:65; 19:4; 22:10-13; 22:30-34.

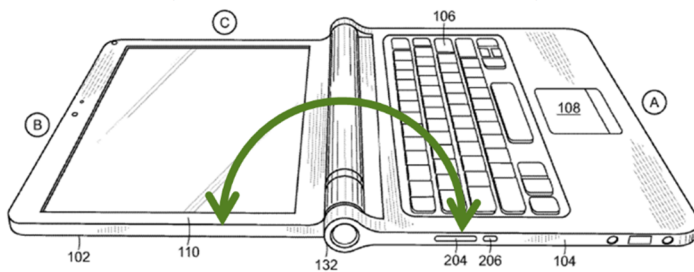
The Petition concedes that the computer's display modes "includ[e] a closed mode, a laptop mode, an easel mode, a flat mode and a frame mode." Petition, 3. Those display modes are all illustrated in figures of the '229 Patent reproduced below ('229 Patent, 4:57-61, 4:64-67, 5:55-60). The Patent also discloses a "tablet mode," where the display component is "rotated and folded against the base" component. '229 Patent, 1:57-60.

As illustrated in the annotated images below, in "***closed mode***" the display component is "disposed substantially against the base" ('229 Patent, 2:43-45); in ***laptop mode*** the display component is rotated beyond the "closed" angle (approximately 0°) to an angle that is less than the "flat" angle (approximately 180°) (*id.*, 11:12-15, 18:7-11); in "***flat mode***" the display component is "rotated (or opened) to approximately 180 degrees with respect to the base component" (*id.*, 16:62-66); and in both the "***easel mode***" and "***frame mode***" the display component

is rotated further than the “flat” angle of approximately 180° to an angle beyond approximately 270° (*id.*, 11:15-18, 16:44-56, 18:16-21).

Display Mode	Citations
Closed Mode (0° Angle of Rotation)  FIG. 2	'229 Patent, Fig. 2, 4:60-61 (“FIG. 2 is a view of the portable computer of FIG. 1 in the closed position.”), 2:43-45 (“In the closed mode, the display screen may be disposed substantially against the base....”)
Laptop Mode (> 0° to < 180° Angle of Rotation)  FIG. 1	'229 Patent, Fig. 1, 4:57-59 (“FIG. 1 is an illustration of one example of ... a ‘laptop’ configuration.”), 2:45-48 (“[R]otating the display component about the longitudinal axis up to approximately 180 degrees from the closed mode may configure the portable computer into the laptop mode.”)

**Flat Mode
(180° Angle of Rotation)**



180° Angle of Rotation

FIG. 27

'229 Patent, Fig. 27, 5:58-60 ("FIG. 27 is ... a 'flat' mode...."), 16:64-17:2 ("In the flat mode, the display component 102 may be rotated (or opened) to approximately 180 degrees with respect to the base component 104, such that the base component and display component lay flat on a surface, with the keyboard 106 and display screen 110 exposed, as shown in FIG. 27.")

Easel Mode (Beyond Approximately 270° Angle of Rotation)

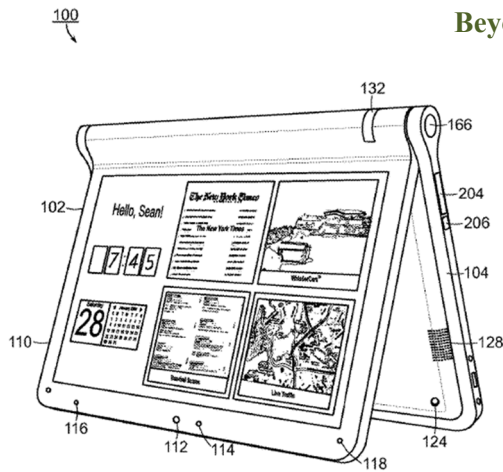


FIG. 4

Beyond Approximately 270°
Angle of Rotation

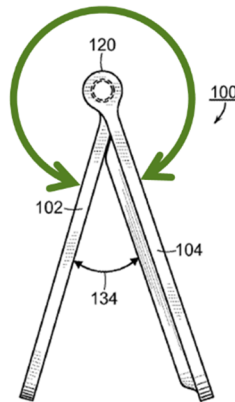


FIG. 5

'229 Patent, Figs. 4-5, 4:64-67 ("FIG. 4 is a perspective view of the portable computer of FIG. 1 in the easel mode; FIG. 5 is a side view of the portable computer of FIG. 4."), Abstract ("an easel mode in which the base of the computer and its display component stand upright forming an inverted 'V.'"), 6:1-3 (same), 8:6-15 ("To convert the portable computer 100 ... into the easel mode, the display component 102 may be folded away from the base 104, ... such that the base 104 and the display component 102 form an inverted 'V' shape ..., as illustrated in FIG. 4."), 18:16-21 ("[R]otating either the display component or the base about the longitudinal axis beyond approximately 270 degrees from the closed mode transitions the portable computer viewing in the frame mode or the easel mode")

**Frame Mode
(Beyond Approximately 270° Angle of Rotation)**

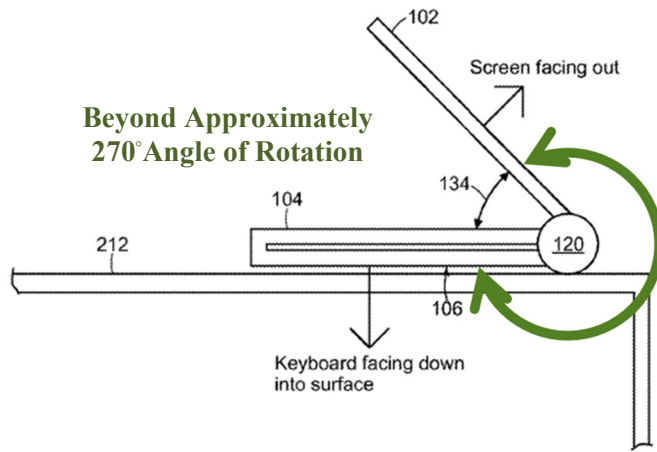


FIG. 26

'229 Patent, Fig. 26, 5:55-57 ("FIG. 26 is an illustration of ... a 'frame' mode...."), 16:49-57 ("In the frame mode, the display component 102 may be at a similar orientation, and angle 134, with respect to the base component 104 as in the easel mode. However, ... in the frame mode, the base component 104 may lie flat on the surface 212, as shown in FIG. 26."), 18:16-21 ("[R]otating either the display component or the base about the longitudinal axis beyond approximately 270 degrees from the closed mode transitions the portable computer viewing in the frame mode or the easel mode")

The inventors recognized that users would likely prefer to configure the computer into different display modes when using the computer to perform different tasks. '229 Patent, 2:20-24, 6:3-17. Thus, they provided the computer with technology that automatically detects the display mode (the physical configuration) the user has manipulated the computer into, and automatically invokes different display formats and/or functionality tailored to the expected use

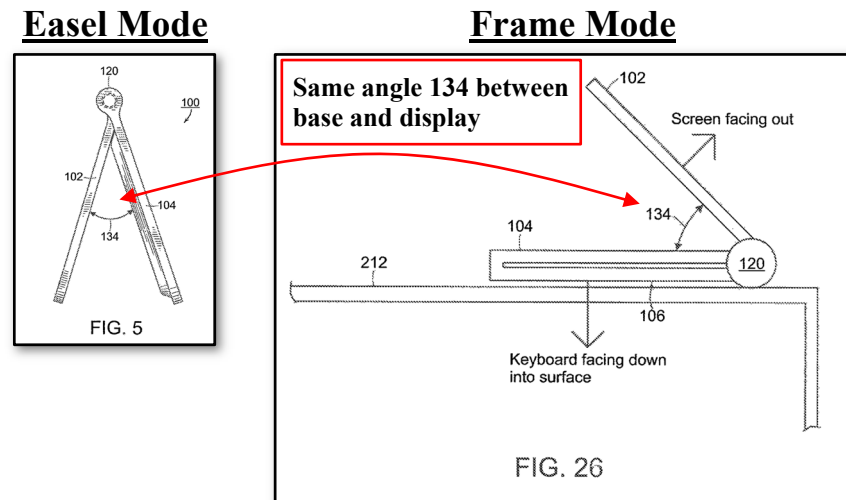
of the computer in its different display modes. '229 Patent, 6:3-17, 14:54-15:3, 16:57-61, 17:4-9.

One piece of information the portable computer uses to determine the computer's current display mode is "an orientation of the display component 102 relative to the base component 104." '229 Patent, 9:1-3; *see also id.*, 9:17-21 (sensors are used to "detect, either approximately or precisely, the angle 134 [between the display and base] and to provide the information to the computer operating system").

The angle between the base and the display is insufficient to identify the computer's current display mode. For example, as illustrated in Figures 5 and 26 (annotated below), the angle between the base and the display is insufficient to distinguish between easel mode (below left) and frame mode (below right), because "the display component 102 may be at a similar ... angle 134,² with

² Angle 134 is the angle between the *exterior* surfaces of the display and base components, whereas the challenged claims refer to the angle between the *interior* surfaces of those components (*i.e.*, 360° minus angle 134). *See, e.g.*, '229 Patent, 18:16-21 ("rotating either the display component or the base about the longitudinal axis beyond approximately 270 degrees *from the closed mode* transitions the portable computer viewing in the frame mode or the easel mode").

respect to the base component 104” in the easel and frame modes. ’229 Patent, 16:49-52.



Because the angle between the base and display components may be identical in the frame and easel modes, that information is insufficient to differentiate between them. ’229 Patent, 16:49-57. To distinguish among some display modes (*e.g.*, easel and frame modes), the computer also detects the orientation of the base and/or the display component relative to gravity. ’229 Patent, 16:52-57. That orientation information together with the angle between the base and display is sufficient to distinguish among all the display modes of the computer described in the ’229 Patent, and thus is sufficient information to allow the computer to detect the current display mode the user has configured the computer into among the plurality of display modes of the portable computer.

The ’229 Patent discloses the use of sensors (*e.g.*, accelerometers and detents) that provide information that is sufficient to differentiate among all the

computer's display modes. '229 Patent, 2:61-65, 3:37-41, 8:41-9:7, 9:17-21, 9:41-45, 9:58-10:7. This sensor information allows the computer to automatically detect the display mode the user has configured the computer into and to automatically invoke display formatting and/or functionality (*e.g.*, adjust the orientation of the displayed content, enlarge the displayed content, disable the keyboard) tailored to the expected use of the computer in its detected display mode. '229 Patent, 14:37-15:3, 16:57-61, 17:4-9.

A. Person of Ordinary Skill (“POSA”)

For this preliminary response only, LiTL does not challenge the Petition's definition of a POSA (Petition, 9-10) because institution should be denied even if Petitioners' POSA definition is adopted.

B. Challenged Claims

The Petition challenges independent claim 1 and its dependent claims 2-11, 19-21, and 23-25 (the “challenged claims”).³ Petition, 1.

C. Claim Constructions

The Petition offers explicit claim constructions for several claim terms. Petition, 10-14. For this preliminary response only, LiTL does not dispute those explicit claim constructions because even under Petitioners' explicit claim

³ Petitioners challenged claims 12, 14, and 16-18 of the '229 Patent in a second petition filed on the same day. *See* IPR2024-00481, Paper 1.

constructions the Petition fails to demonstrate unpatentability of the challenged claims even if the explicit claim constructions set forth in the Petition at 10-14 are adopted.

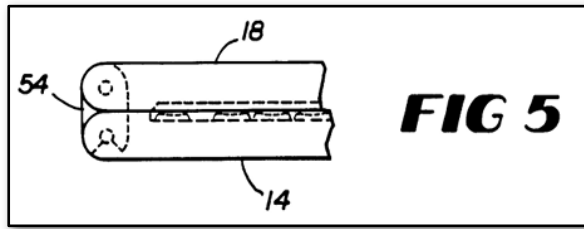
III. THE PETITION FAILS FOR ALL CHALLENGED CLAIMS

As detailed below, every ground fails for at least two independent reasons. First, the Petition fails to establish that Lane's accelerometer is configured to generate "orientation information indicative of a current display mode among the plurality of display modes of the portable computer" as required by every challenged claim. *See infra* § III.C.1. Second, the Petition fails to support its assertion that Fujinawa would have motivated a POSA to modify Lane to enlarge displayed content when Lane's computer transitions from laptop to easel mode as required by every challenged claim. *See infra* § III.C.2.

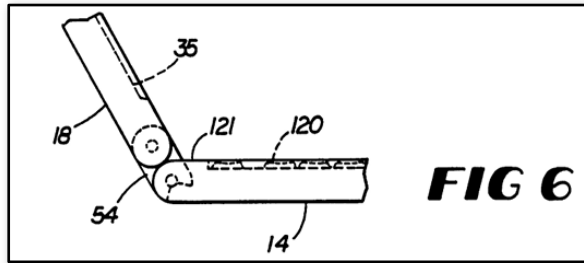
A. Lane (Ex. 1005)

As illustrated below, Lane discloses a portable computer that can be configured into numerous different physical configurations. As seen from the figures of Lane reproduced below, several of Lane's configurations correspond to above-discussed display modes of the '229 Patent (*supra* § II), including Lane's closed mode (Fig. 5), laptop mode (Fig. 6), flat mode (Fig. 7), easel mode (Fig. 8), tablet mode (Fig. 9), and frame mode (Fig. 25). Lane, 4:5-7, 7:30-32.

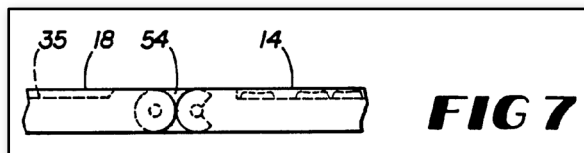
Lane's Display Modes



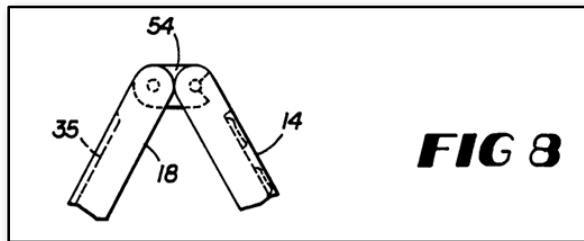
Closed Mode (Lane, 7:32-8:2)



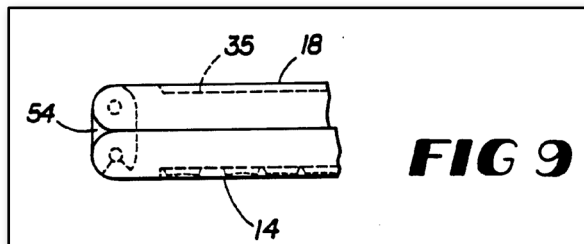
Laptop Mode (Lane, 8:2-8)



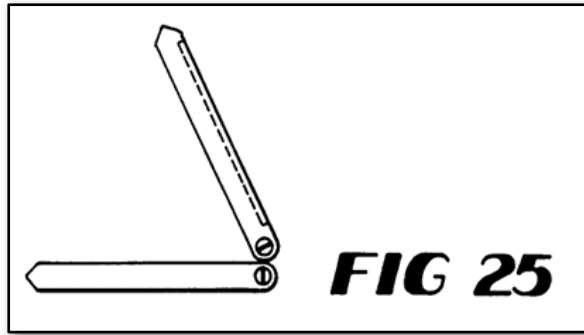
Flat Mode (Lane, 8:9-12)



Easel Mode (Lane, 8:12-15)

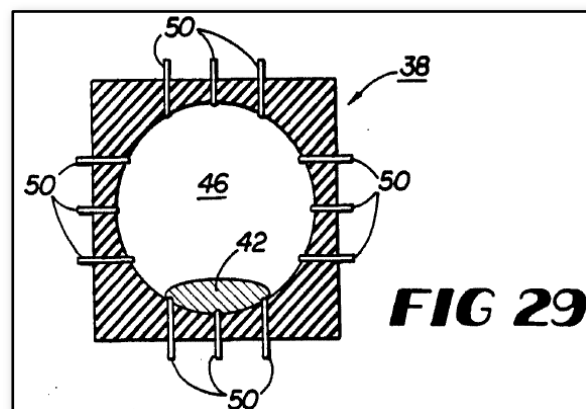


Tablet Mode (Lane, 8:15-23)



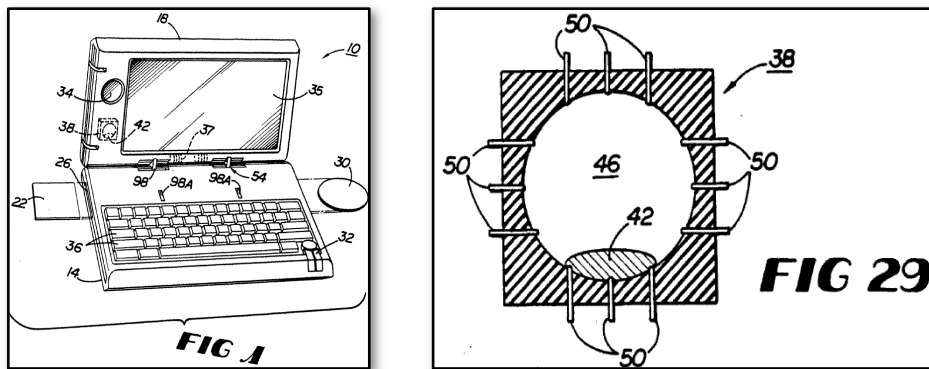
Frame Mode (Lane, 10:29-31)

Lane provides a “position-indicating mechanism 38” “as a component of either” the base module or the display module. Lane, 5:32-35, Fig. 29 (reproduced below). Mechanism 38 has a set of contacts 50 and a “movable conductor 42” (e.g., “liquid mercury”) that, in response to “gravitational forces,” settles into a position and closes the circuit of one of the set of contacts by providing an electrical pathway between at least two contacts. Lane, 5:28-33. Mechanism 38 “indicate[s] the spatial orientation of th[e] module” that the mechanism 38 is a component of. Lane, 5:23-35.



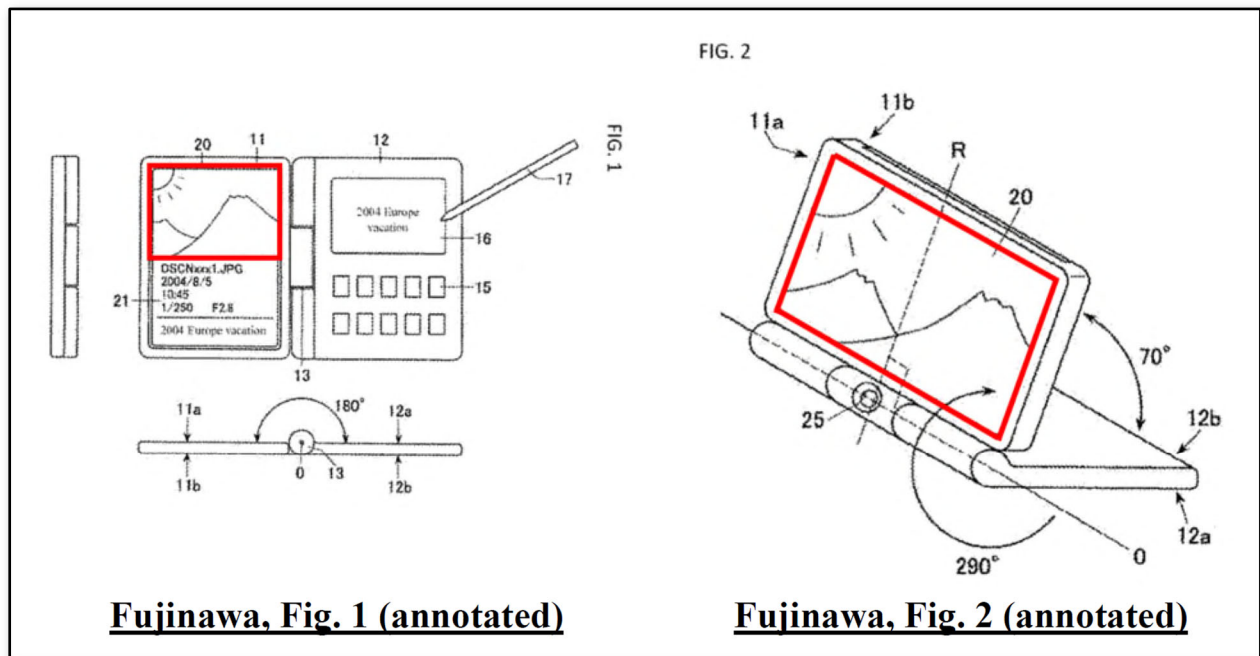
Lane’s computer “and its associated software” uses mechanism 38 to assist the computer in determining one of three things: (1) whether content should be

displayed in landscape or portrait orientation; (2) the direction the cursor should move on the display; or (3) whether the keyboard should be inactivated when it is “unused.” Lane, 5:35-6:6. As mentioned above, Lane says the sensor mechanism 38 (Fig. 29; below right) can be placed in “*either*” the device’s first module 14 (the base module having the keyboard) “*or*” its second module 18 (the display module). Lane, 5:32-35, Fig. 1 (below left showing mechanism 38 in the display module 18).



B. Fujinawa (Ex. 1007)

As illustrated below with the Petition’s annotations, Fujinawa discloses “a digital photo stand” (Petition, 16) – not a laptop – that can be configured in a “book” mode (Fig. 1, [0008]; below left) or a “frame” mode (Fig. 2, [0012]; below right):



In Fujinawa’s book mode the display “is viewed in *portrait* view” (Fujinawa, [0010]), whereas in Fujinawa’s frame mode the display is in a “*landscape*” orientation (Fujinawa, [0014]).⁴ When the photo stand is in frame

⁴ “[L]andscape orientation” is when the display is “horizontally elongated” and “portrait orientation” is when the display is “vertically elongated.” Ex. 2009, 1:18-23.

mode (above right), “the long side (horizontal direction) of the playback display image corresponds to the long side of the liquid crystal display element 20.”

Fujinawa, [0014]. “[T]he display size of the playback display image is larger” in frame mode than in book mode because in book mode the long side of the display and the long side of the image are not aligned. Fujinawa, [0014].

C. Ground 1 Fails for Multiple Independent Reasons

Ground 1 alleges that independent claim 1, and claims 2-11, 19 and 24-25 that depend therefrom, would have been obvious over Lane (Ex. 1005) and Fujinawa (Ex. 1007). Petition, 1.

Ground 1 does not demonstrate unpatentability of independent claim 1 for multiple independent reasons identified below. If the Board agrees with any one of the deficiencies discussed below, all grounds fail and the Petition should be denied. *See infra* §§ III.D-III.E (explaining that Grounds 2-6 inherit Ground 1’s failings).

1. Petitioners Failed to Show That Lane’s Mechanism 38 Meets the Claimed Accelerometer in Limitation [1c].

Limitation [1c]⁵ requires “an accelerometer configured to generate orientation information indicative of a current display mode among the plurality of display modes of the portable computer.” *See* Petition, 27-28.

⁵ LiTL herein adopts the Petition’s claim limitation labelling for the Board’s convenience. *See* Petition, Claim Appendix.

Petitioners argue that Lane’s mechanism 38 is an accelerometer meeting Limitation [1c]. Petition, 27-30. For purposes of this POPR, LiTL does not challenge that Lane’s mechanism is an accelerometer. But that is insufficient to meet Limitation [1c]. The Petition fails to establish that Lane’s mechanism 38 is “*configured to generate*” the orientation information that Limitation [1c] requires.

The Petition alleges that Lane’s mechanism 38 “located in the base would provide *orientation information indicative of the current display mode* because it would provide ***unique orientation*** information in each of the three claimed modes (i.e., laptop, frame, and easel).” Petition, 30 (un-bolded italics original).

Petitioners allege that mechanism 38 located in the base provides ***unique*** orientation information in each of the laptop, frame, and easel modes because:

- orientation information “indicating that the keyboard is horizontal and facing up” is “*indicative of laptop mode*”;
- orientation information “indicat[ing] that the keyboard is horizontal and facing down” is “*indicative of frame mode*”; and
- orientation information “indicat[ing] that the keyboard is facing upward but at a diagonal angle” is “*indicative of easel mode*.”

Id. (Petition’s italics).

The Petition fails to demonstrate that Lane meets Limitation [1c] for several independent reasons detailed below.

a. The Petition Did Not Even Allege That Lane’s Mechanism 38 Generates Orientation Information Indicative of a Current Display Mode Among Lane’s Plurality of Display Modes.

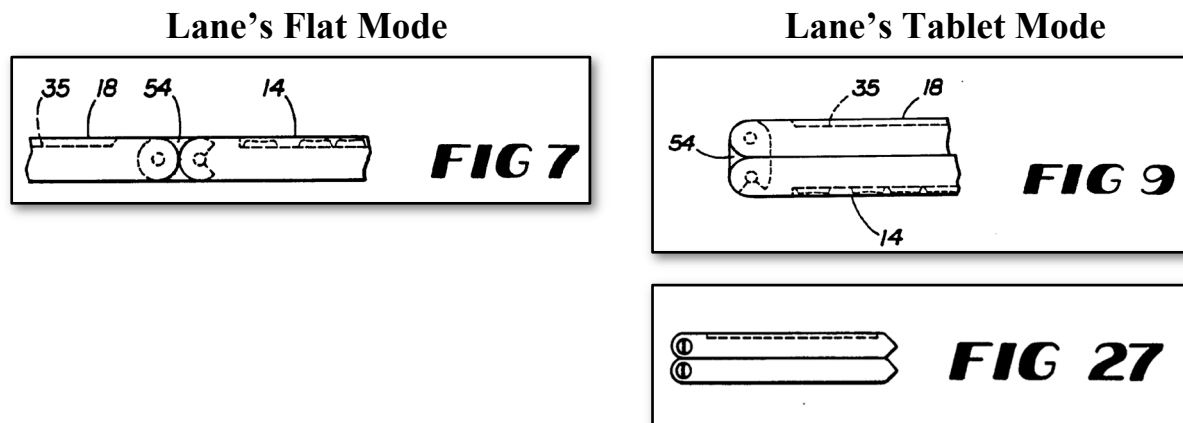
The Petition alleges that to meet Limitation [1c], it must only be shown that Lane’s mechanism generates “unique orientation information in each of the [] *claimed* modes (i.e., laptop, frame, and easel).” Petition, 30. That assertion fails as a matter of claim construction.

Claim 1 recites “[a] portable computer configurable between a plurality of display modes including *at least* a laptop mode, a frame mode, and an easel mode.” ’229 Patent, 17:54-56. Claim 1 does not limit the claimed computer’s “plurality of display modes” to the laptop, frame, and easel modes. Indeed, the above-highlighted “at least” language in Limitation [1pre] (Petition, 22) explicitly contemplates that the computer may have additional display modes. Claim 1 also explicitly refers to the portable computer as having a “closed mode.” See Limitation [1f] (Petition, 39).

Limitation [1c] requires “an accelerometer configured to generate orientation information indicative of a current display mode among *the plurality of display modes of the portable computer.*” ’229 Patent, 17:59-61. The Petition maps the claimed “portable computer” to Lane’s computer 10. Petition, 22, 28. Thus, to meet Limitation [1c], the Petition had to show that Lane’s mechanism 38 is configured to generate orientation information indicative of “*a current display*

mode among *the plurality of display modes of [Lane's] portable computer.*" If the Board agrees that this is the proper construction of claim 1, that is fatal to Ground 1 because the Petition does not even allege that Lane's "accelerometer" 38 is configured to generate information indicative of a current display mode among the plurality of display modes of Lane's computer.

The Petition supports its assertion that Lane's computer is "configurable into multiple display modes" by citing various disclosures in Lane. Petition, 20 (citing "EX1005, 5:2-6, 7:30-8:23, *Figs. 1, 2, 5-9, 19-28*"). The cited disclosures illustrate and describe display modes in addition to the laptop, easel, and frame modes, including, *inter alia*, a flat mode (Fig. 7, 8:9-12; below left) and a "tablet" mode (Figs. 9 and 27, 8:15-20; below right):



The Petition also acknowledges Lane's disclosure of a flat mode and tablet mode in mapping Lane to other claim limitations. Petition, 37-38 (in mapping Lane's disclosure to Limitation [1e] the Petition reproduces Lane Fig. 7 and acknowledges that it discloses Lane's "*flat mode*"); Petition, 56-58 (in mapping

Lane's disclosure to claim 11, the Petition reproduces Lane's Fig. 27, acknowledges that Fig. 27 discloses a "tablet" configuration, and notes that Lane says its keyboard is disabled "in certain display modes"); Petition, 72 (in challenging claim 7 based on Lane, Fujinawa and MIT (Ex. 1048), the Petition alleges that using MIT's single-axle hinge in Lane "would permit Lane's computer to rotate into a *plurality of display modes including* laptop, frame, *tablet* and easel").

Thus, the Petition admits that the "plurality of display modes" of Lane's computer include a flat mode and a tablet mode. Petition, 20 (identifying Ex. 1005's (Lane's) Fig. 7 (flat mode) and Figs. 9 and 27 (tablet mode) as illustrating "display modes" of Lane's computer); Petition, 72 (Lane's "plurality of display modes includ[es] laptop, frame, *tablet* and easel" modes). Consequently, "*the plurality of display modes of [Lane's] portable computer*" in Limitation [1c] includes, *inter alia*, flat mode and tablet mode.

Despite the Petition elsewhere admitting that the "display modes" of Lane's computer include flat and tablet modes, the Petition did not even attempt to establish that Lane's mechanism 38 generates information indicative of Lane's current display mode "among the plurality of display modes of the portable computer" (Limitation [1c]) when the plurality of display modes is correctly understood to include Lane's flat mode and/or Lane's tablet mode. Instead, the

Petition only purports to demonstrate that Lane’s mechanism 38 “provide[s] *orientation information indicative of the current display mode* ... [among] the three ***claimed*** modes” because Lane’s mechanism allegedly “provide[s] unique orientation in each of” the laptop, frame, and easel modes. Petition, 30 (un-bolded italics original).

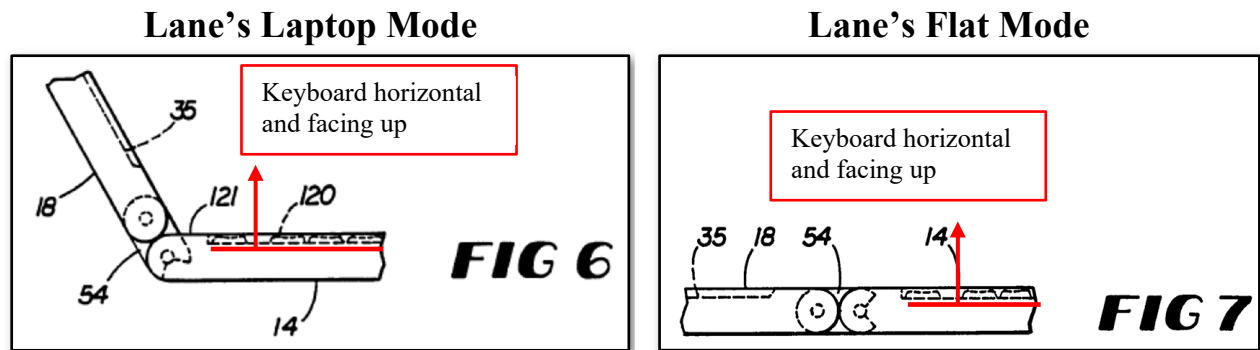
If the Board agrees that Limitation [1c] requires that the accelerometer be “configured to generate orientation information indicative of a current display mode among the plurality of display modes of [Lane’s] portable computer,” then the Petition’s showing is facially deficient because it ignores Lane’s flat mode and Lane’s tablet mode. Ground 1 fails for this reason alone.

Petitioners’ ignoring of Lane’s flat mode and tablet mode is far from harmless. The Petition’s theory is that Limitation [1c] is met because Lane’s mechanism generates “***unique*** orientation information in each of the [display] modes.” Petition, 30. The Petition does not even allege that Lane’s mechanism generates “unique orientation information in each of [Lane’s display] modes” when Lane’s display modes are properly understood as including Lane’s flat mode and tablet mode.

The Petition’s allegation that Lane’s “accelerometer” 38 generates “***unique*** orientation information in ***each*** of the” “laptop, frame, and easel” display modes is based on the assertion that “*information* indicating that the keyboard is horizontal

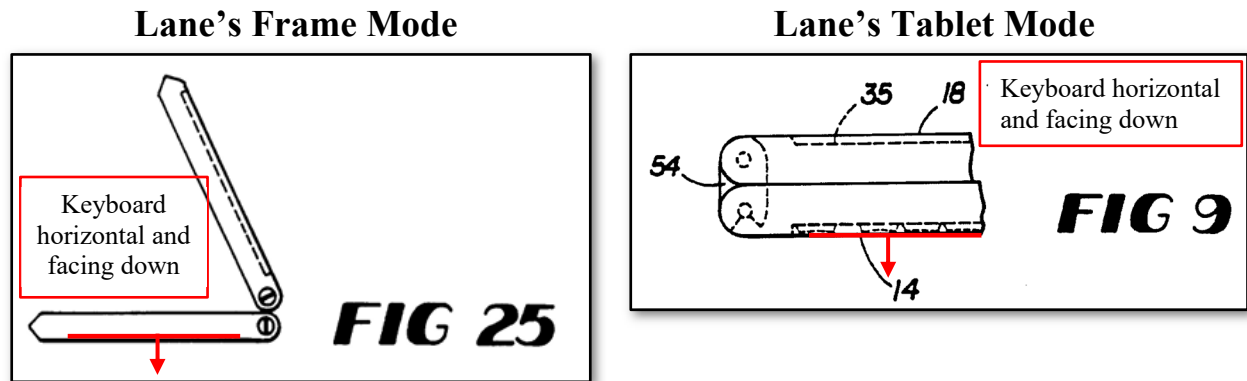
and facing up” uniquely indicates that Lane’s computer is in “laptop mode.”

Petition, 30 (un-bolded italics original). But as shown below, the keyboard can also be “horizontal and facing up” in the flat mode. Thus, Lane’s mechanism 38 “located in the base” does not generate “unique orientation information in each of [Lane’s display] modes” as Petitioners allege (Petition, 30), because Lane’s mechanism does not generate information that is “unique” to either the laptop mode or the flat mode.



Similarly, the Petition’s allegation that Lane’s mechanism generates “*unique* orientation information in *each* of the [display] modes” is based on the assertion that orientation information indicating “that the keyboard is horizontal and facing down” uniquely indicates that Lane’s computer is in “frame mode.” Petition, 30. But as shown below, the keyboard can also be “horizontal and facing down” in Lane’s tablet mode. Thus, Lane’s mechanism 38 “located in the base” does not generate “unique orientation information in each of [Lane’s display] modes” as

Petitioners allege (Petition, 30) because Lane’s mechanism does not generate any information that is “unique” to either the frame mode or the tablet mode.



Under the proper construction of claim 1, to meet Limitation [1c] the Petition needed to establish that Lane’s “accelerometer” 38 is “configured to generate orientation information indicative of a current display mode among the plurality of display modes of [Lane’s] portable computer.” The Petition’s failure to address some of the “plurality of display modes of [Lane’s] portable computer” (flat mode and tablet mode) in mapping Lane to Limitation [1c] is fatal under the proper construction of claim 1. That is a first independent reason why Ground 1 fails.

b. Petitioners’ Assertion That Lane’s Mechanism Provides “Unique Orientation Information” in Each “Claimed” Mode Is Wrong.

Even if Petitioners were correct that Limitation [1c] only requires that the generated information be unique for each “*claimed*” display mode, Petitioners fail to demonstrate that Lane’s mechanism 38 “located in the base” (Petition, 30)

provides such information. The Petition ignored the claimed “closed mode” in addressing Limitation [1c]. Lane’s mechanism 38 “located in the base” does not provide “**unique orientation** information in each of the [] claimed modes” as Petitioners allege (Petition, 30) because it cannot differentiate between the claimed “laptop” and “closed” modes. The Petition never alleges otherwise.

Claim 1 says the device’s display modes “*includ[e] at least a laptop mode, a frame mode, and an easel mode*” (Limitation [1pre]), and claim 1 refers to the laptop, frame, and easel modes in other limitations (*see, e.g.*, Limitations [1d] and [1f]-[1h]). As mentioned *supra* § III.C.1.a, the “at least” language in Limitation [1pre] is an explicit indication that the “plurality of display modes” is not limited to the laptop, frame, and easel modes. Indeed, claim 1 **also** expressly recites “**a closed mode**” in Limitation [1f]. ’229 Patent, 18:10-11.

The “closed mode” is among the computer’s display modes. As explained above (*supra* § II), the ’229 Patent uses the term “display mode” to refer to various physical configurations of the computer. ’229 Patent, Abstract, 2:16-24, 2:34-3:19, 4:57-5:2, 5:33-35, 5:55-60, 5:64-6:8, 6:48-63, 7:20-31, 8:5-18, 9:8-27, 9:46-57, 11:7-18, 14:37-15:3, 16:36-17:9, 17:29-33. Indeed, the Petition elsewhere concedes that the ’229 Patent’s “various modes” include not only the laptop, frame, and easel modes, but also, *inter alia*, the “closed mode.” Petition, 2-3 (acknowledging that the patent “describe[es] ‘a portable computer’ that ‘is

configurable between various modes, including a ***closed mode***, a laptop mode, an easel mode, a flat mode and a frame mode”) (quoting ’229 Patent, 2:34-37); *compare* Petition, 27-30 (ignoring the closed mode for Limitation [1c]) *with* Petition, 39-41 (acknowledging the closed mode for Limitation [1f]).

The Petition also expressly acknowledges that the “closed mode” is among the plurality of “display modes” of Lane’s computer. As discussed *supra* § III.C.1.a, the Petition supports its assertion that Lane’s computer is “configurable into multiple ***display modes***” by citing various disclosures in Lane. Petition, 20 (citing “EX1005, 5:2-6, **7:30-8:23, Figs. 1, 2, 5-9, 19-28**”). The cited disclosures illustrate and describe Lane’s “closed” mode. *See* Figs. 5 and 19 and 7:30-8:2 (“.... **FIG. 5** shows second module 18 in an unrotated, or nominally ***closed***, position relative to first module 14, placing the first and second modules 14 and 18 in parallel planes respectively intersecting axes 58 and 62. This position protects visual display 35 and keys 36 from damage by securing them within the interior of device 10.”). Thus, the Petition expressly conceded that Lane’s closed mode is among Lane’s plurality of display modes.

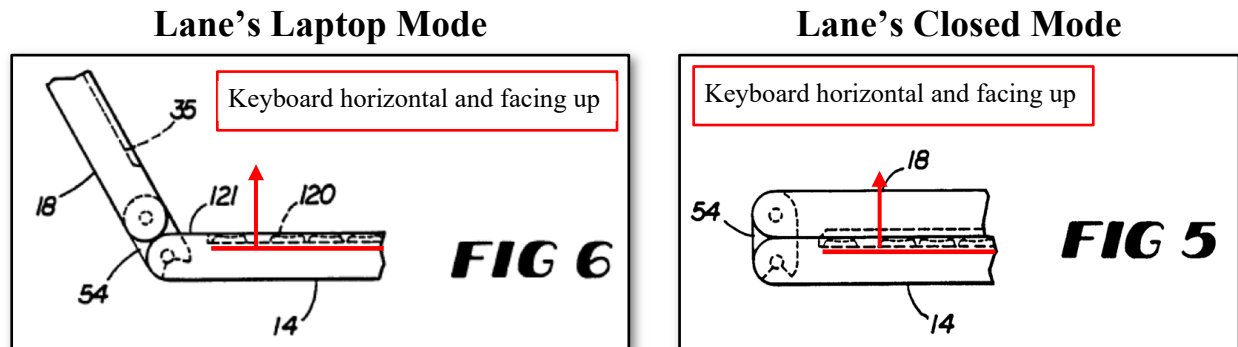
The Petition’s theory is that Limitation [1c] is met because Lane’s mechanism generates “unique orientation information in each of the [] ***claimed*** [display] modes.” Petition, 30. Yet, despite claim 1 expressly reciting the closed mode as among the computer’s modes (Limitation [1f]), and despite the Petition

elsewhere admitting that the closed mode is among the plurality of “display modes” of Lane’s computer (Petition, 20), the Petition ignored the closed mode in its analysis of Limitation [1c]. The Petition did not even attempt to establish that Lane’s “accelerometer” 38 provides “unique orientation information in each of the [] claimed modes” (Petition, 30) when the claimed modes are correctly understood as including the closed mode.

Thus, even if the Board were to determine that the proper construction of claim 1 is that the orientation information in Limitation [1c] need only be indicative of the current display mode among the “claimed modes” (Petition, 30), the Petition’s showing still fails because it is facially deficient. By ignoring the claimed “closed mode,” the Petition fails to even allege, let alone establish with evidence, that Lane’s mechanism is “configured to generate orientation information indicative of a current display mode among the [claimed] plurality of display modes of the portable computer.” Petition, 27-30.

The Petition’s ignoring of the claimed closed mode is far from harmless. The Petition’s allegation that Lane’s mechanism generates “*unique* orientation information in *each* of the [] claimed modes” is based on the assertion that “*information* indicating that the keyboard is horizontal and facing up” uniquely indicates that Lane’s computer is in “laptop mode.” Petition, 30 (un-bold italics original). As shown below, the keyboard can also be “horizontal and facing up” in

the closed mode. Thus, Lane's mechanism 38 does not generate "unique orientation information in each of the [] claimed modes" as Petitioners allege (Petition, 30) because Lane's mechanism does not generate any information that is "unique" to either the laptop mode or the closed mode.



The Petition's false assertion that Lane's "accelerometer" 38 generates "unique orientation information in each of the [] claimed modes" was the sole basis for the Petition's theory as to how Limitation [1c] is allegedly met by Lane. Petition, 30. The Petition fails to demonstrate that claim 1 is met by its Lane-Fujinawa combination. Thus, Ground 1 fails even if the Board were to construe the "plurality of display modes of the portable computer" in Limitation [1c] as limited to those display modes expressly recited in claim 1.

c. Ground 1 Fails Even If Limitation [1c] Only Required Information Indicative of the Laptop, Frame, and Easel Modes.

Even if meeting Limitation [1c] only required generating information indicative of laptop, frame, and easel modes as Petitioners allege (Petition, 30), the

Petition still fails to demonstrate that the Lane-Fujinawa combination meets Limitation [1c].

The Petition argues that Limitation [1c] is met because Lane’s mechanism 38 “located in the base” would allegedly “provide *orientation information indicative of the current display mode* because it would provide **unique** orientation information in each of the three claimed modes (i.e., laptop, frame, and easel).” Petition, 30 (un-bolded italics original). That is demonstrably wrong.

According to Petitioners, the reason that Lane’s mechanism 38 located in the base allegedly provides “unique” orientation information that can distinguish between the laptop, frame, and easel mode is because:

- “the keyboard is horizontal and facing up” indicates the laptop mode;
- “the keyboard is facing upward but at a diagonal angle” indicates the easel mode; and
- “the keyboard is horizontal and facing down” indicates the frame mode.

Petition, 30.

Petitioner’s analysis fails for multiple reasons detailed below.

i. Petitioners’ Theory Is Inconsistent with the Plain Language of Claim 1.

Claim 1 is explicit about what characterizes the computer as being in each of the laptop, frame, and easel modes – each is characterized, at least in part, based on the angle of rotation between the display and base components. Petitioners ignore

this entirely. Instead, Petitioners characterize the computer as being in laptop, easel, or frame mode based on two different criteria: (1) whether the keyboard is “facing up” or “facing down,” and (2) whether the keyboard is “horizontal” or “at a diagonal angle.” Petition, 30. As explained below, the allegedly “unique information” provided by Lane’s mechanism 38 based on Petitioners’ two criteria is not “indicative of the current display mode of the portable computer” as claimed because the indication that allegedly “unique information” provides is inconsistent with the way claim 1 characterizes the computer’s display modes.

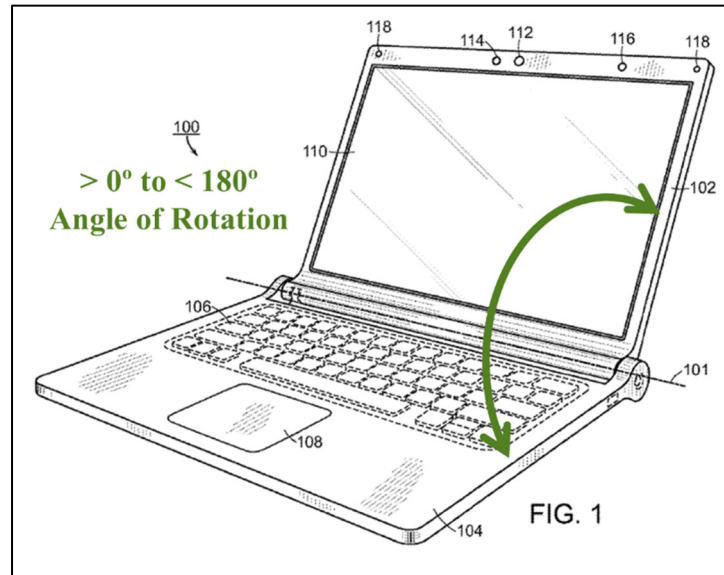
(1) Laptop Mode

Petitioners allege that what is indicative of the computer being in the claimed “laptop mode” is that “the keyboard is horizontal and facing up.” Petition, 30. But claim 1 is explicit that what indicates that the computer is in laptop mode is the angle of rotation between the base and the display:

rotating either the display component or the base about the longitudinal axis up to approximately 180 degrees from a closed mode configures the portable computer into the laptop mode, wherein in the laptop mode the display component is oriented towards an operator and a keyboard disposed within the base is oriented to receive input from the operator.

See Limitation [1f] (Petition, 39).

Thus, claim 1 is explicit that what indicates that the computer is in laptop mode is that the angle of rotation between the base and display components is “up to approximately 180 degrees from a closed mode.” *See* Limitation [1f].



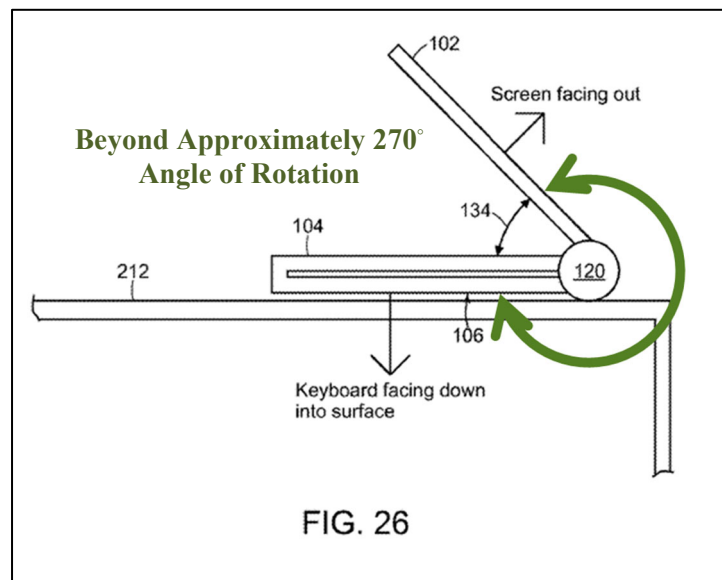
(2) Frame Mode

Petitioners allege that what is indicative of the computer being in the claimed “frame mode” is that “the keyboard is horizontal and facing down.” Petition, 30. But claim 1 is explicit that what indicates that the computer is in frame mode is the angle of rotation between the base and the display and the orientation of the base module:

rotating either the display component or the base about the longitudinal axis beyond approximately 270 degrees from the closed mode transitions the portable computer for viewing in the frame mode or the easel mode, wherein during operation in the frame mode the display component is positioned toward the operator, the base contacts a substantially horizontal surface, and the keyboard is directed towards the substantially horizontal surface.

See Limitation [1g] (Petition, 41).

Thus, claim 1 is explicit that what indicates that the computer is in frame mode is that the angle of rotation between the base and display components is “beyond approximately 270 degrees from the closed mode” and “the base contacts a substantially horizontal surface.” *See Limitation [1g].*



(3) Easel Mode

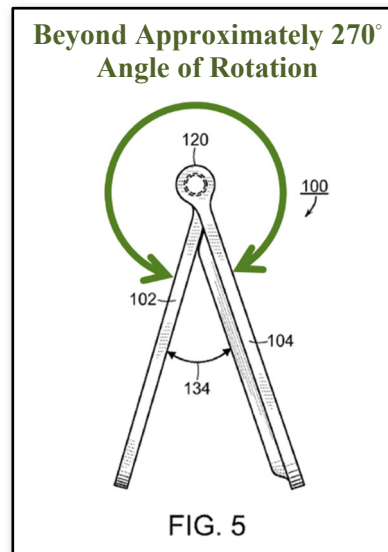
Petitioners allege that what is indicative of the computer being in the claimed “easel mode” is that the keyboard is “at a diagonal angle” and “facing upward.” *Petition, 30.* But claim 1 is explicit that what indicates that the computer

is in easel mode is the angle of rotation between the base and the display and the orientation of the base module:

rotating either the display component or the base about the longitudinal axis beyond approximately 270 degrees from the closed mode transitions the portable computer for viewing in the frame mode or the easel mode ... and wherein during operation in the easel mode the display component is oriented facing the operator with the keyboard oriented away from the operator.

See Limitation [1g].

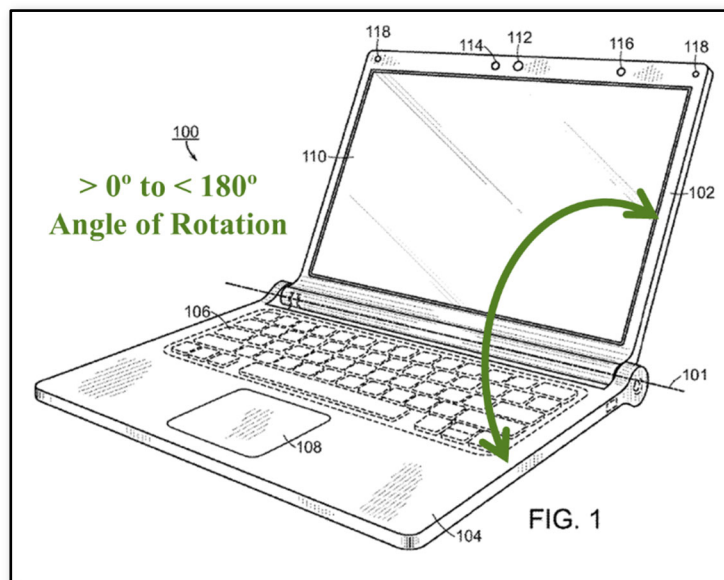
Thus, claim 1 is explicit that what indicates that the computer is in easel mode is that the angle of rotation between the base and display components is “beyond approximately 270 degrees from the closed mode” and “the display component is oriented facing the operator with the keyboard oriented away from the operator.” *See Limitation [1g].*



**ii. Lane’s “Unique Orientation Information”
Would Misidentify the Computer as in Easel
Mode When It Is in Laptop Mode.**

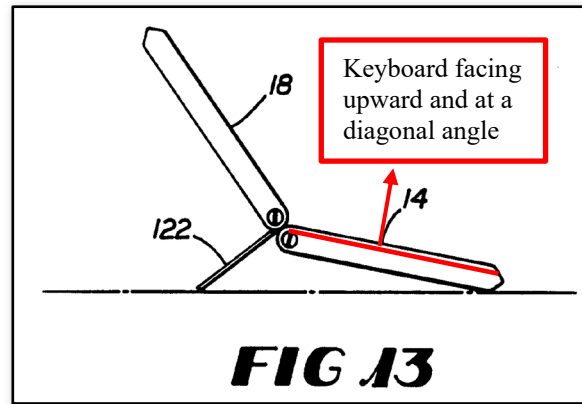
Petitioners acted at their peril by ignoring the plain language of claim 1 and how it characterizes the laptop, frame, and easel modes. Quite simply, the Petition’s assertion that Lane’s mechanism 38 “located in the base would provide *orientation information indicative of the current display mode* because it would provide unique orientation information in each of the three claimed modes (i.e., laptop, frame and easel)” is wrong. Petition, 30 (Petition’s italics).

Once again, claim 1 is explicit that the laptop mode is characterized by the angle of rotation between the base and display components being “up to approximately 180 degrees from a closed mode.” *See* Limitation [1f] (Petition, 39).



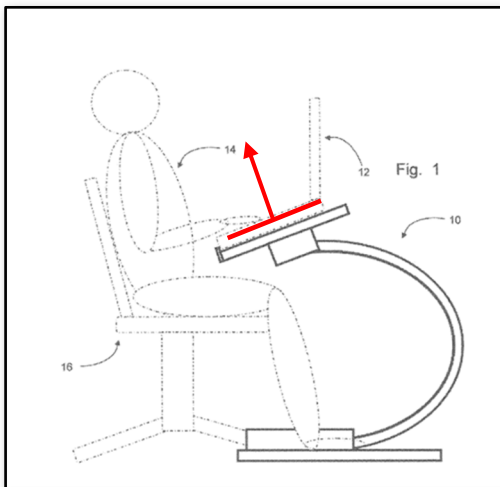
Petitioners’ assertion that laptop mode is indicated by something different – “the keyboard is horizontal and facing up” (Petition, 30) – than what claim 1 expressly says is fatal. As the Board is no doubt aware, people often use their portable computers in what claim 1 calls “laptop” mode (0-180° rotation between base and display) while the keyboard is not “horizontal.” *Id.*

Indeed, Lane shows its computer in what claim 1 calls “laptop mode” – “rotating either the display component or the base about the longitudinal axis up to approximately 180 degrees from a closed mode” (Limitation [1f]) – but where the keyboard is not horizontal. *See* Lane Fig. 13 and 8:25-30 (disclosing that the keyboard is “elevate[d]” in Fig. 13). According to the Petition, Lane’s mechanism “located in the base” would provide “unique orientation information” indicating that Lane’s computer in Fig. 13 is in easel mode because “the keyboard is facing upward but at a diagonal angle.” Petition, 30. That is inconsistent with the express language of claim 1. Under the plain language of claim 1, Lane’s Fig. 13 illustrates the computer in what Limitation [1f] (“up to approximately 180 degrees from a closed mode”) calls “laptop mode” and not in what Limitation [1g] (“rotating ... beyond approximately 270 degrees from the closed mode”) calls “easel mode.”

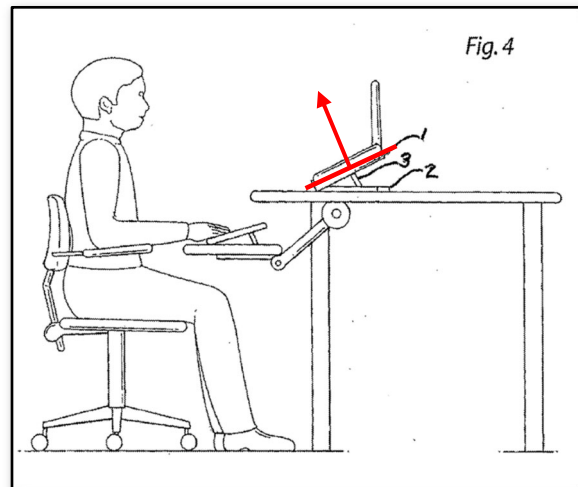


In addition to Lane’s express disclosure in Fig. 13, laptop desks were ubiquitous that allowed a user to place the computer in what claim 1 calls “laptop mode” (“up to approximately 180 degrees from a closed mode” – Limitation [1f]), but where the keyboard is at a “diagonal angle” and not horizontal. Several examples are illustrated below.

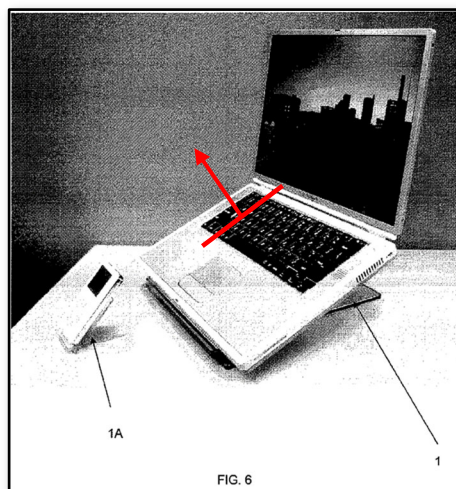
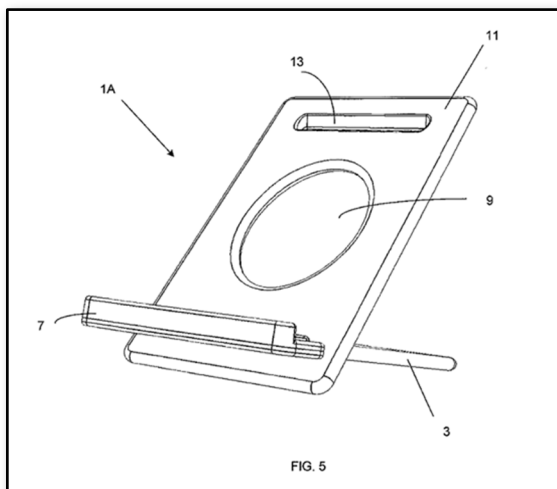
Ex. 2010



Ex. 2011

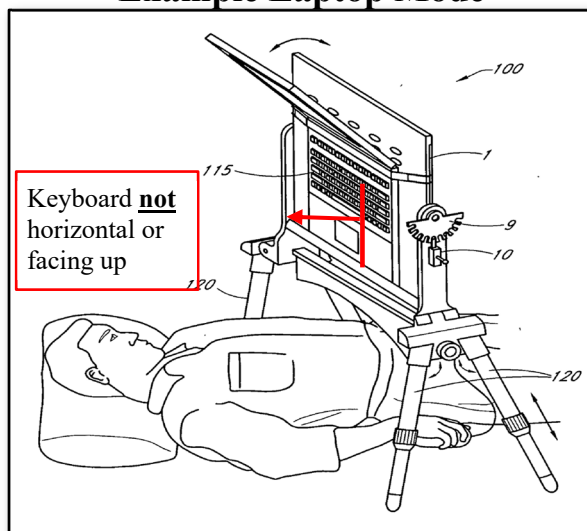


Ex. 2012



A laptop stand was also known that held the computer in what the patent calls laptop mode but where the keyboard is vertical. Here, the computer is in the claimed “laptop mode” but does not meet either of the conditions the Petition erroneously alleges are indicative of laptop mode (Petition, 30) because the keyboard is neither horizontal nor facing up:

Example Laptop Mode



Ex. 2013, FIG. 1.

The Petition’s *only* argument for how its Ground 1 combination allegedly meets Limitation [1c] is that Lane’s mechanism 38 “located in the base” would “provide *orientation information indicative of the current display mode* because it would provide unique orientation in each of the three claimed modes (i.e., laptop, frame, and easel).” Petition, 30 (Petition’s italics). This was based on the Petition’s assertion that “the keyboard is horizontal and facing up” is “unique orientation information” indicating that the computer is in laptop mode, and that “the keyboard is facing upward but at a diagonal angle” is “unique orientation information” indicating that the computer is in easel mode. Petition, 30. As seen from the foregoing, Petitioners’ assertion is demonstrably untrue and inconsistent with the plain language of claim 1. That is fatal to Ground 1.

Thus, Ground 1 fails even if the Board were to construe “the plurality of display modes of the portable computer” as limited to the laptop, easel, and frame modes.

d. Conclusion – Ground 1 Fails to Meet Limitation [1c].

As detailed above (§§ III.C.1-III.C.1.c), the Petition fails to establish that its Ground 1 Lane-Fujinawa combination meets Limitation [1c] for three alternative reasons.

First, Ground 1’s showing is premised on an improper claim construction that ignores some of the “plurality of display modes of [Lane’s] portable

computer” merely because they are not expressly recited in claim 1. *See supra* § III.C.1.a.

Second, even if the Board were to determine that the proper construction of claim 1 is that Limitation [1c]’s orientation information need only be indicative of the current display mode among the “claimed modes,” Ground 1 fails because it ignores the claimed “closed mode.” *See supra* § III.C.1.b.

Third, even if the Board were to accept Petitioners’ assertion that Limitation [1c]’s orientation information need only be indicative of the current display mode among the laptop, frame, and easel modes (Petition, 30), Ground 1 fails because the Lane information the Petition relies on would mischaracterize the computer’s display mode under claim 1’s plain language (*e.g.*, by mischaracterizing Lane’s Fig. 13 configuration as easel mode rather than laptop mode). *See supra* § III.C.1.c.

2. The Petition Failed to Show That Fujinawa Would Have Motivated a POSA to Modify Lane to Enlarge Displayed Content Responsive to a Transition from Laptop to Easel Mode (Limitation [1d]).

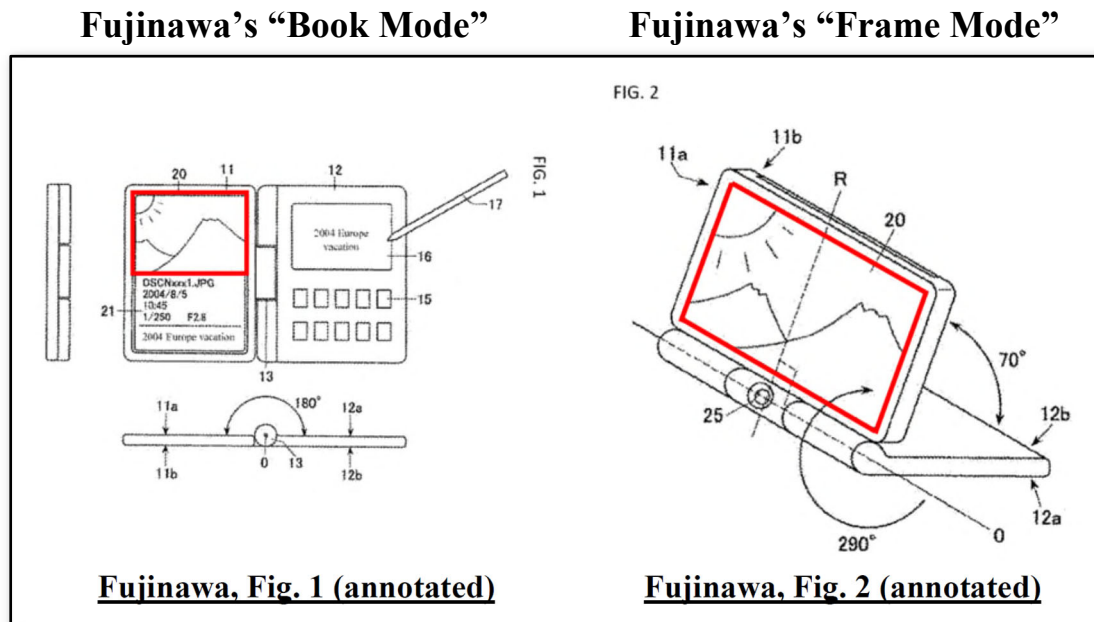
Limitation [1d] requires a display manager “*configured*” to both “*vary the computer content displayed*” and “*enlarge the computer content displayed on the display component responsive to a transition from the laptop mode to the easel mode.*” Petition, 30-31; *compare* Petition, 32-33 (addressing the “*vary[ing] the computer content displayed*” portion of Limitation [1d]) (Petition’s italics) *with*

Petition, 33-34 (separately addressing the “*enlarge[ing] [sic] the computer content...*” portion of Limitation [1d]) (Petition’s italics).

The Petition does not allege that Lane discloses Limitation [1d]’s “*enlarg[ing]*” requirement. Instead, the Petition alleges that Fujinawa “discloses” Limitation [1d]’s enlarging requirement and Petitioners argue that “[i]t would have been obvious to a POSITA to incorporate Fujinawa’s content enlargement teachings” “in Lane’s portable computer.” Petition, 33-34.

Fujinawa’s device is not a laptop. Instead, as Petitioners concede, “Fujinawa discloses a digital photo stand.” Petition, 16. Fujinawa’s photo stand has a “book mode” and a “frame mode.” *Id.* In the “book mode,” a displayed photo does not fill the screen because the photo is in landscape mode (longer end extending horizontally), whereas the display is in a portrait-view orientation (longer end extending vertically). *Id.* (reproducing Fujinawa Fig. 1). In book mode, the portion of the display screen that is not filled by the photo (which Fujinawa calls “blank space”) is used to display “information” about the photo. Fujinawa, [0010]; Petition, 32 (annotating Fujinawa, Fig. 1, reproduced below left). In “frame mode,” the display is rotated so that its longer end extends horizontally so the photo fills the display screen. Petition, 32 (annotating Fujinawa, Fig. 2, reproduced below right). Thus, as illustrated below with the Petition’s annotations, in Fujinawa’s book mode (below left) the display “is

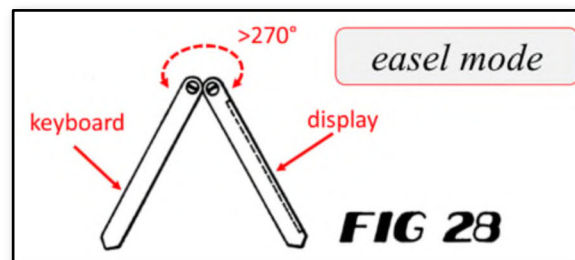
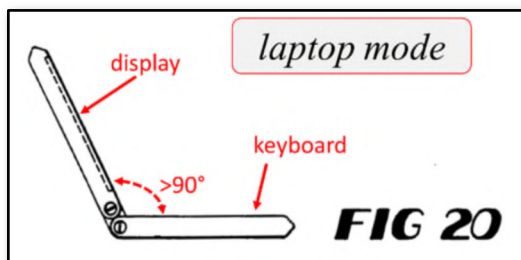
viewed in *portrait* view” (Fujinawa, [0010]), whereas in Fujinawa’s frame mode (below right) the display is viewed in a “*landscape*” orientation (Fujinawa, [0014]):



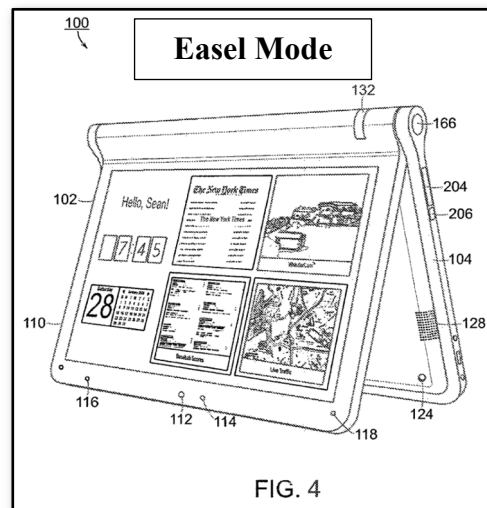
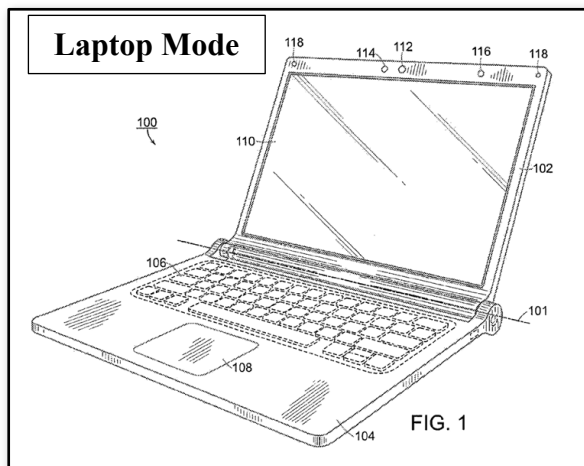
Fujinawa states that in frame mode “the long side (horizontal direction) of the playback display image corresponds to the long side of” “display element 20.” Fujinawa, [0014]. As a result, “the display size of the playback display image is larger [in frame mode] than the display size” “in book mode.” Fujinawa, [0014]. The Petition relies on this as a disclosure that Fujinawa enlarges content “when transitioning from one display mode to another.” Petition, 33-34. The “transition[]” in Fujinawa that the Petition relies on is from book to frame mode, and the content is “enlarged” because in frame mode both the photo and the display are in landscape orientation, whereas in book mode the display is in portrait orientation so that the photo does not fill the display.

Fujinawa’s teaching does not support the Petition’s assertion that a POSA would have modified Lane to enlarge content “*responsive to a transition from the laptop to the easel mode*” as required by Limitation [1d]. Petition, 33-34 (Petition’s italics). In both its laptop and easel modes, the display of Lane’s computer is oriented in landscape mode. This can be seen from the below-annotated figures of Lane reproduced from the Petition at 25, because in both the laptop and easel modes the axis between the display and base modules runs horizontally rather than vertically. This is illustrated even more clearly in the (annotated) figures of the ’229 Patent reproduced below Lane’s figures:

Lane (Petition’s annotations)



'229 Patent



The reason that Fujinawa discloses enlarging content – because the display is reoriented from portrait orientation to landscape orientation – provides no motivation for enlarging the displayed content in Lane when Lane transitions from laptop to easel mode, because the display of Lane’s computer is in the landscape orientation in both laptop and easel modes.

The Petition also notes that in Fujinawa’s book mode the photo information “can be edited using operation keys 15 or stylus inputting means 16” (Petition, 16), whereas those user interface elements are “inaccessible to the user” in frame mode so the “photo information is omitted” (Petition, 17). Lane’s display supports “pen-based computing” (Lane, 8:15-19) and is available in Lane’s easel mode. Thus, photo information can be edited in *both* Lane’s laptop mode (*e.g.*, using the keyboard) and in Lane’s easel mode (*e.g.*, using the display and stylus). Thus, Fujinawa’s teaching to omit the photo information when the computer is in an orientation where the photo information cannot be edited provides no basis for omitting the photo information automatically in either the laptop or easel mode of Lane’s computer. The Petition never alleges otherwise.

Thus, Fujinawa enlarges the photograph when the device switches from a first mode in which the display is in portrait orientation and photo information is editable via one or more user interface elements (keys and/or a stylus), to a second mode in which the display is in landscape orientation and no user interface element

is available to edit photo information. Those reasons for enlarging the photograph are simply inapplicable to a transition of Lane’s computer from its laptop to easel mode, because in both of those modes of Lane’s computer the display is in landscape orientation and a user interface element (keyboard or stylus) is available to edit photo information.

Despite the reasons that Fujinawa enlarges displayed content being inapplicable in Lane, the Petition alleges that Fujinawa would have motivated a POSA to enlarge content in Lane when transitioning from its laptop to easel mode. Petition, 33-34. The “reasons” the Petition offers for this fail.

***First**, the Petition alleges that “Fujinawa also discloses *enlarge[ing]* [sic] *the computer content displayed on the display component responsive to a transition from the **laptop mode** to the easel mode.*” Petition, 33 (un-bolded italics original).*

This nonsensical assertion fails because, as discussed above, Fujinawa is not a laptop and does not have a “laptop mode.” Fujinawa cannot teach doing anything responsive to its device transitioning from “laptop mode” to any other mode, because Fujinawa does not have a laptop mode.

***Second**, the Petition alleges that “[i]t would have been obvious to a POSITA to incorporate Fujinawa’s content enlargement teachings (i.e., adjusting a digital photo to full-screen view) in Lane’s portable computer when transitioning from laptop mode to easel mode so that photos or other digital media*

would be easier to view.” Petition, 34. This assertion is equally nonsensical.

Lane’s display is already oriented in landscape orientation in Lane’s laptop mode, and that does not change when the computer transitions to easel mode. A photo or other digital media can be viewed in “full-screen view” in either Lane’s laptop or easel mode. Thus, Petitioners’ assertion that a POSA would have been motivated to “adjust[] ... ‘to full-screen view’” to make the digital media “easier to view” when transitioning from laptop to easel mode fails. *Id.*

Third, the Petition’s assertion that a POSA would have enlarged a displayed photo or other digital media in Lane’s computer when transitioning from laptop to easel mode to make it “easier to view” is also unsupported by any credible evidence. Petition, 34 (citing only “EX1003, ¶189”). The only evidence the Petition cites is a paragraph of expert testimony that merely parrots the Petition’s conclusory assertion word for word. *Compare* Petition, 34 *with* Ex. 1003, ¶ 189. The Petition cites no corroborating prior art or other evidence that taught or suggested enlarging content to make it easier to view when transitioning from laptop to easel mode. The unsupported conclusory testimony from Petitioners’ expert that merely parrots the Petition’s attorney argument warrants no weight under the Board’s **precedential** *Xerox* decision. *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9, 15 (Aug. 24, 2022) (precedential) (“[T]he cited declaration testimony is conclusory and unsupported, adds little to

the conclusory assertion for which it is offered to support, and is entitled to little weight. *See* 37 C.F.R. § 42.65(a) (‘Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight.’.”); *see also Samsung Elecs. Co., Ltd. v. Nanoco Techs., Ltd.*, IPR2021-00185, Paper 48, 37-38 (May 16, 2022) (expert testimony that “parrots the same conclusion” as the petition “without citation to evidence” is “naked opinion” that is not entitled “to much weight”); *One World Techs., Inc. v. Chervon (HK) Ltd.*, IPR2020-00884, Paper 55, 35 (Nov. 3, 2021) (expert testimony that “merely parrots language from the Petition,” “without more, provides little help to the Board as fact finder”).

Lastly, the Petition alleges that enlarging displayed content responsive to a transition from laptop to easel mode “is precisely what the ’229 Patent contemplated, as it states that ‘for at least some activities...(e.g., viewing a photograph or video), when the portable computer 100 is configured into the easel mode, the display may automatically adjust to ‘full screen view’...to allow for comfortable viewing.’” Petition, 34 (Petition’s ellipses) (quoting ’229 Patent, 14:47-53). Relying on the teachings in the ’229 Patent is blatant impermissible hindsight. *Otsuka Pharm. Co., v. Sandoz, Inc.*, 678 F.3d 1280, 1296 (Fed. Cir. 2012) (“The inventor’s own path itself never leads to a conclusion of obviousness;

that is hindsight.”). “What matters is the path that the person of ordinary skill in the art would have followed, as evidenced by the pertinent prior art.” *Id.*

The Petition established no supportable, non-hindsight reason why a POSA would have been motivated by Fujinawa’s disclosure – of enlarging a landscape-oriented photo when a digital photo stand transitions from portrait to landscape orientation – to enlarge content in Lane’s computer when it transitions from laptop to easel mode when the display is in landscape orientation in both of those modes of Lane’s computer.

Thus, the Petition failed to demonstrate that a POSA would have been motivated to modify Lane in a manner that meets Limitation [1d]. Ground 1 fails for this additional independent reason.

3. Conclusion for Ground 1

As detailed above, the Petition fails to establish that Lane has an accelerometer configured as required to meet Limitation [1c] (*supra* § III.C.1), and also fails to establish a supportable reason why Fujinawa would have motivated a POSA to modify Lane in a manner that meets Limitation [1d] (*supra* § III.C.2). These are independent reasons why Ground 1 fails.

D. Grounds 2-3 Fall with Ground 1

Grounds 2-3 only address claims 20-21 and 23 that depend from claim 1. *See* Petition, 1, 62-69. For the limitations in claim 1 that are included in claims 20-21 and 23, the Petition relies entirely on its Ground 1 showing based on Lane and

Fujinawa. Petition, 63 (Claim 20: “Lane-Fujinawa discloses the *portable computer* of claim 1.”) (Petition’s italics); Petition, 64 (Claim 21: same); Petition, 67 (Claim 23: same).

Thus, Grounds 2-3 fail for claims 20-21 and 23 for at least the same reasons that Ground 1 fails for claim 1. *See supra* § III.C.

E. Grounds 4-6 Fall with Ground 1

Ground 4 alleges obviousness of the same claims (independent claim 1 and its dependent claims 2-11, 19 and 24-25) challenged in Ground 1 over Lane and Fujinawa, but alleges obviousness over “Lane, Fujinawa, ***MIT, and/or Wehrenberg.***” Petition, 1. Ground 5 alleges obviousness of the same claims (dependent claims 20-21) challenged in Ground 2 over Lane, Fujinawa, and Pröll, but alleges obviousness over “Lane, Fujinawa, Pröll, ***MIT, and/or Wehrenberg.***” *Id.* Ground 6 alleges obviousness of the same claim (dependent claim 23) challenged in Ground 3 over Lane, Fujinawa, and Santoro, but alleges obviousness over “Lane, Fujinawa, Santoro, ***MIT, and/or Wehrenberg.***” Petition, 1.

Thus, Grounds 4-6 build on Grounds 1-3, respectively, and additionally rely on MIT and/or Wehrenberg. In terms of motivation to rely on the new secondary references (MIT and Wehrenberg) added in Grounds 4-6, the Petition alleges that:

“[t]o the extent any of the challenged claims may be construed to permit only a single longitudinal axis, it would have been obvious to modify Lane’s computer by substituting the single-axle hinge

disclosed in MIT for Lane’s dual-axle hinge assembly” (Petition, 70); and

“[t]o the extent Patent Owner may argue Lane’s position-indicating mechanism 38 is not an ‘accelerometer’ as recited in the challenged claims, it would have been obvious to modify Lane’s portable computer by substituting an accelerometer as taught be Wehrenberg for Lane’s mechanism 38” (Petition, 72).

The Petition groups Grounds 4-6 together and alleges in conclusory fashion that Grounds 4-6 establish that “Further Adding MIT and/or Wehrenberg to Each Combination Renders All Challenged Claims Obvious.” Petition, 70 (heading “D”). The Petition is never even explicit about what “Each Combination” means, but appears to allege that Grounds 4-6 “add[] MIT and/or Wehrenberg” to the “combinations” in Grounds 1-3, respectively.

The Petition does not map its new combinations in Grounds 4-6 to all the limitations of any challenged claim. Petition, 70-75. Indeed, the Petition’s “analysis” for Grounds 4-6 never even mentions most of the requirements of independent claim 1, or the requirements of most of its dependent claims. Petition, 70-75. Thus, to the extent that Grounds 4-6 can be considered to demonstrate how the newly created combinations meet the majority of the claim limitations, they can only do so by relying on the showings in Grounds 1-3.

Notably, the Petition does not allege that using Wehrenberg’s accelerometer in Lane would result in Limitation [1c] being met any differently than it was alleged to be met (in Ground 1) by Lane’s mechanism 38. To the contrary, the

Petition alleges that “the combination of Lane and Wehrenberg discloses the *accelerometer* limitation in *each* of the challenged claims for the *same reasons discussed regarding position-indicating mechanism 38.*” Petition, 75 (un-bolded italics original).

As demonstrated above, the Petition does not rely on MIT or Wehrenberg in a manner that cures any of the above-identified deficiencies for Ground 1. *See supra* § III.C. Thus, Grounds 4-6 fail for the same reasons that Ground 1 fails.

IV. CONCLUSION

As demonstrated above, all grounds fail for multiple independent reasons. Institution should be denied because Petitioners fail to establish that they are reasonably likely to demonstrate that any challenged claim is unpatentable.

Respectfully submitted,
LiTL LLC

Date: March 22, 2024

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24, the undersigned certifies that the foregoing **[CORRECTED] PATENT OWNER'S PRELIMINARY RESPONSE** contains 9,864 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 1, 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 1, 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:

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