

REMARKS

In response to the non-final Office Action mailed October 12, 2022 in connection with the reexamination of U.S. Patent No. 8,624,844 (“’844 Patent”), the Patent Owner LiTL LLC (“LiTL”) respectfully requests reconsideration. The Office Action has been carefully considered and its rejections are addressed below. Patent Owner respectfully submits that each originally patented challenged claim should be confirmed.

I. STATUS OF THE CLAIMS

Independent claim 10 and dependent claim 16 are subject to reexamination. No claims have been canceled, added, or amended. As a result, claims 10 and 16 are pending for reexamination. It is respectfully submitted that all outstanding rejections should be withdrawn for the reasons discussed below.

II. CONCURRENT PROCEEDINGS (37 C.F.R. § 1.565(a))

LiTL is aware of the following prior and concurrent proceedings in which the ’844 Patent is or was involved.

1. *LiTL LLC v. Lenovo (United States), Inc. et al*, Civ. No. 1-20-cv-00689 (D. Del.) (pending). In this proceeding, the requestor of this Reexamination (“Lenovo”) is accused of infringing the ’844 Patent.
2. *Lenovo (United States) Inc. v. LiTL LLC*, IPR2021-00822 (P.T.A.B.) (institution denied). *See* Ex. 1031.

LiTL is aware of the following prior and concurrent proceedings in which patents or applications related to the ’844 Patent are or were involved.

Proceeding	Patent / Application	Status
<i>Lenovo (United States) Inc. v. LiTL LLC</i> , IPR2021-00681	8,289,688	Institution denied
<i>Lenovo (United States) Inc. v. LiTL LLC</i> , IPR2021-00822	8,624,844	Institution denied

Proceeding	Patent / Application	Status
<i>Lenovo (United States) Inc. v. LiTL LLC</i> , IPR2021-00800	10,289,154	Institution denied
<i>Lenovo (United States) Inc. v. LiTL LLC</i> , IPR2021-00821	8,612,888	Institution denied
<i>Lenovo (United States) Inc. v. LiTL LLC</i> , IPR2021-00786	9,880,715	Institution denied
<i>Microsoft Corporation v. LiTL LLC</i> , IPR2021-01011	8,577,957	Institution denied
<i>Ex parte</i> reexamination of 8,289,688	8,289,688 90/014,958	Pending: Reexamination ordered
<i>Ex parte</i> reexamination of 9,880,715	9,880,715 90/014,958	Pending: Non-final action mailed
<i>Ex parte</i> reexamination of 10,289,154	10,289,154 90/015,025	Pending: Reexamination ordered

III. WRITTEN STATEMENT UNDER 37 C.F.R. § 1.560(b)

LiTL thanks Examiner Leung and the Conferees for conducting a video conference interview on November 30, 2022. LiTL was represented at the interview by Gerald Hryczyn and Richard Giunta of Wolf Greenfield. Eric Bear, LiTL's expert witness, was present in a listening capacity. LiTL's representatives provided the Examiners with an Interview Agenda (copy attached as Exhibit A) prior to the interview. The arguments LiTL advanced during the interview as reasons warranting favorable action tracked the Interview Agenda, so the Interview Agenda provides a "complete written statement of the reasons presented at the interview as warranting favorable action" as required by 37 C.F.R. § 1.560(b).

During the interview, Examiner Leung recognized the distinction Patent Owner was making between displaying a content mode and displaying functions, features or applications grouped within a content mode. Examiner Leung indicated that in reconsidering the rejection in view of Patent Owner's arguments, she wanted to review how the '844 Patent describes displaying a content

mode (or mode of content), to determine whether it consistently refers to displaying a visual representation of the content mode itself (e.g., the bars in Figures 12 and 17) as opposed to displaying functions, features or applications grouped within a content mode. The Examiners are encouraged to do their own independent review of the specification, but Patent Owner is confident that the Examiners will see that the '844 Patent consistently refers to displaying a content mode as requiring the display of some visual representation of the content mode—some “information, such as menus, icons, etc. ... on the display screen 110” ('844 Patent, 10:54-65) that represents the content mode.

Additionally, during the interview, Examiner Leung advised LiTL's representatives that the Examiners would reconsider the rejections in view of LiTL's arguments and evidence submitted in this Response, and she asked some questions and offered comments that are summarized in this Response. If the Examiners disagree with anything in LiTL's Written Statement Under 37 C.F.R. § 1.560(b) or other summary of the interview, they are invited to call the undersigned at the telephone number provided below to discuss how the record may be clarified.

IV. DECLARATION OF ERIC J. GOULD BEAR (“BEAR”)

To assist the Examiners' understanding of the issues through the perspective of a person of ordinary skill in the art (“POSA”), attached as Exhibit B is a Declaration of Eric J. Gould Bear under 37 C.F.R. § 1.132 (“Bear”).

Mr. Bear has been involved in the research, teaching, design, development and manufacturing of graphical user interface (“GUI”) technology, as well as other hardware and software user experience (“UX”) technologies, for over 35 years. Bear, ¶¶ 12-24. He is the first named inventor on 84 issued U.S. patents in the field, including patents covering real-time

communications architectures, auxiliary visual displays for personal computers, methods for navigating content user interfaces, and handheld multi-channel interactive environments. *Id.*, ¶ 13. He has designed touch screen user interfaces for many industry-leading companies and form-factors including universal remote controls (Logitech, Microsoft), mobile phones (Samsung), car dashboards (Ford), blood analyzers (Luminex) and hospital handhelds (Novartis). *Id.*, ¶ 17.

The claims must be interpreted, and the prior art teachings must be understood, from the perspective of a POSA. *See* MPEP §§ 2111 (“the focus of the inquiry regarding the meaning of a claim should be what would be reasonable from the perspective of one of ordinary skill in the art.”), 2144.08 (“evidence must be viewed from position of ordinary skill”). Mr. Bear’s testimony, corroborated by extensive citation to evidence of record, makes clear that a POSA would not consider claims 10 and 16 to be rendered obvious by the teachings of Lane and Ledbetter. Bear, ¶¶ 10-11, 91-101.

V. THE ’844 PATENT

The ’844 Patent’s inventions were groundbreaking in 2008. *Id.*, ¶¶ 47-62. The commercial embodiment of the ’844 Patent earned contemporaneous praise and the inventions of the ’844 Patent have become industry standards that are ubiquitous today. *Id.*, ¶ 62. They were anything but in the timeframe relevant to this reexamination. *Id.*

A. Physical Configurations

The ’844 Patent describes, and challenged claims 10 and 16 require, a “portable computer configurable between a *plurality of display modes* including a laptop mode and an easel mode.” ’844 Patent, claim 10; *see also* Bear, ¶¶ 63-74. During the interview, Examiner Leung asked about

the meaning of the claimed “display modes” – including the “laptop mode” and “easel mode” – and their relationship to the claimed content modes.

The specification is clear that the term “display mode” refers to the particular physical configuration of the portable computer. *See e.g.*, ’844 Patent, 1:59-2:9, 2:19-3:2, 3:46-50; Bear, ¶¶ 75-78. Laptop and easel are two of several display modes the specification discloses, including: a “tablet mode” (’844 Patent, 1:35), “a closed mode, a laptop mode, an easel mode, a flat mode and a frame mode” (*id.*, 2:20-23). Some of these are illustrated in the figures reproduced below. The “portable computer has a conventional laptop appearance” in the “laptop mode,” whereas in the “easel mode” the “base of the computer and its display component stand upright forming an inverted ‘V.’” *Id.*, 1:61-64. “The portable computer may include integrated ‘navigation’ hardware” such as “a scroll wheel 132 that allows a user to control, adjust and/or select various functionality of the portable computer” or navigate “through information, such as menus, icons, etc., displayed on the display screen 110, as discussed ... with reference to FIG. 17.” *Id.*, 10:54-65; *see also*, Bear, ¶¶ 75-78.

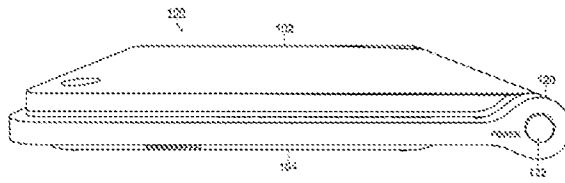
Closed Mode

FIG. 2

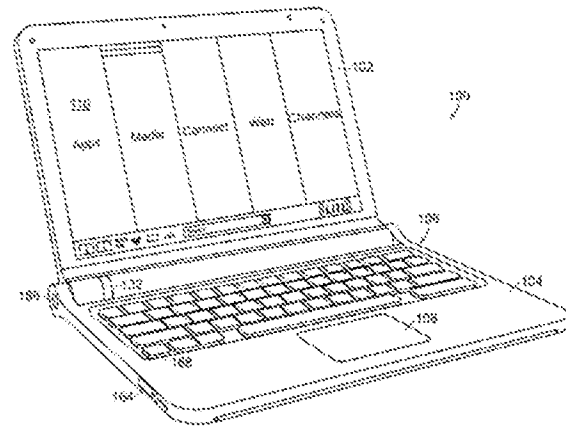
Laptop Mode

FIG. 17

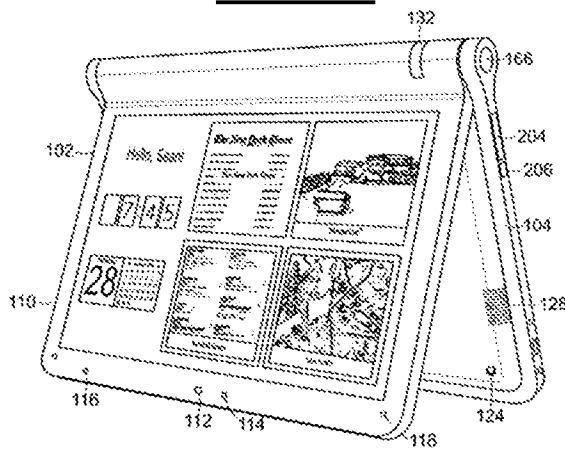
Easel Mode

FIG. 4

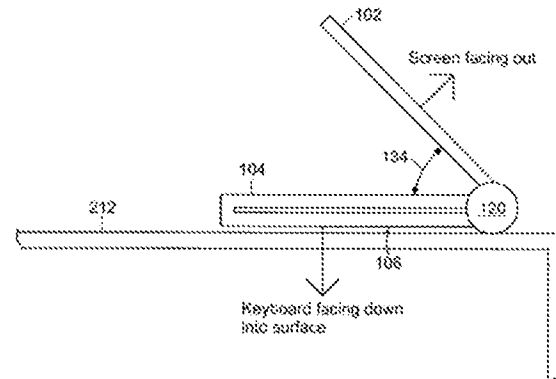
Frame Mode

FIG. 26

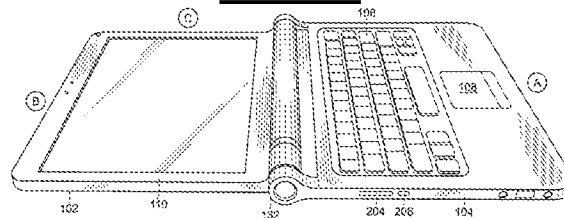
Flat Mode

FIG. 27

As explained below, the terms “content mode(s)” and “mode(s) of content” are used in the ’844 Patent to describe a very different concept than a “display mode.”

B. Streamlined GUI Supporting Hierarchical “Map” Navigation

The '844 Patent describes a “streamlined graphical user interface [GUI] that supports ‘map’ navigation. The map user interface provides a clear overview of the entire computing environment and searching capability within the environment that may be accessed using” the scroll wheel 132 and/or navigation buttons 166, 168 on the computer’s base (see Fig. 17 below). '844 Patent, 11:10-19. “[T]he map mode of navigation is a hierarchical mode that reduces the number of items to select amongst at any stage of navigation, thereby facilitating user access with the scroll wheel 132, and optionally, the navigation button(s) 166, 168.” *Id.*, 11:19-24. This “streamlined” GUI is advantageous when the laptop is in a mode (*e.g.*, easel mode) where the keyboard is not readily accessible to the user because the streamlined GUI facilitates navigation using other hardware (*e.g.*, scroll wheel 32). Bear, ¶ 66.

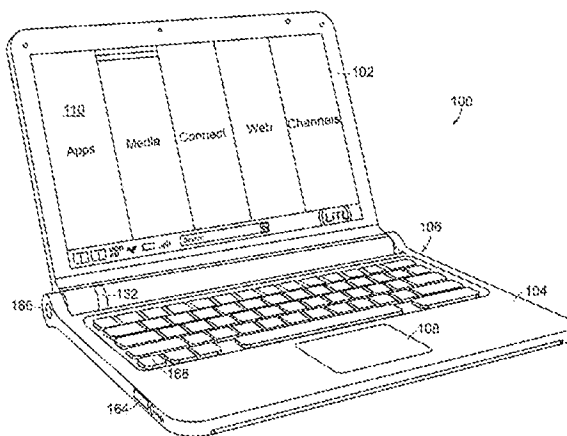


FIG. 17

C. “Content Modes” Support Hierarchical Navigation

The above-discussed hierarchical navigation mode is achieved by using “content modes.” “Using the map user interface, *information, programs, features, functions, applications may be grouped into [] various modes of content 172.*” '844 Patent, 11:37-40. Figure 11 shows a user

interface home screen 170 that “displays a plurality of modes of content 172.” *Id.*, 11:30. Five content modes are shown in FIG. 11: “media 172a, connect 172b, web 172c, applications 172d, and channels 172e.” *Id.*, 11:37-38; Bear, ¶ 67.

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

“**[C]onnect mode** 172b may provide access to features such as, for example, email, voice-over-IP instant messaging, etc.” ’844 Patent, 11:46-48; *see also*, Bear, ¶ 70.

“**[W]eb mode** 172c may provide access to internet browsing and searching.” ’844 Patent, 11:49-50; *see also*, Bear, ¶ 71.

“**[A]pplication mode** 172d may provide access to, for example, computer applications or programs, such as word processor, spreadsheet, calculator, etc.” which may be “web-based services rather than programs or applications.” ’844 Patent, 11:50-55; *see also*, Bear, ¶ 72.

“**[C]hannels mode** 172e may provide access to different functionality of the portable computer, with the different functions or features defined as different channels,” examples of which include “an alarm clock channel” that displays a clock and can be programmed to set an alarm, a “photo frame channel” that can display one or more preselected images, and a “television channel” configured to stream Internet television. ’844 Patent, 11:55-67) ; *see also*, Bear, ¶ 73.

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

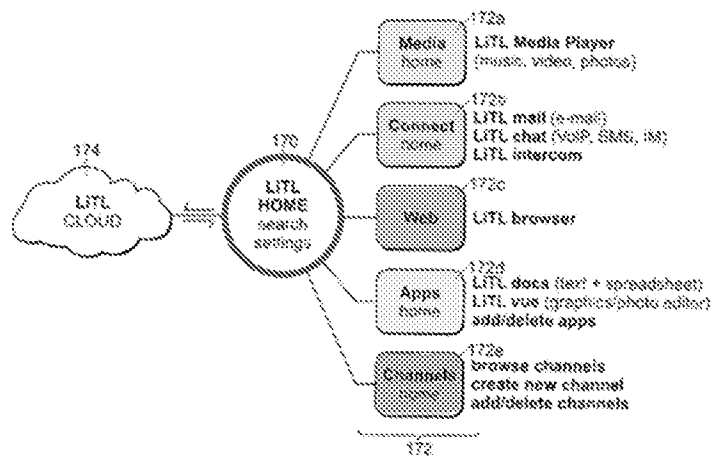


FIG. 11

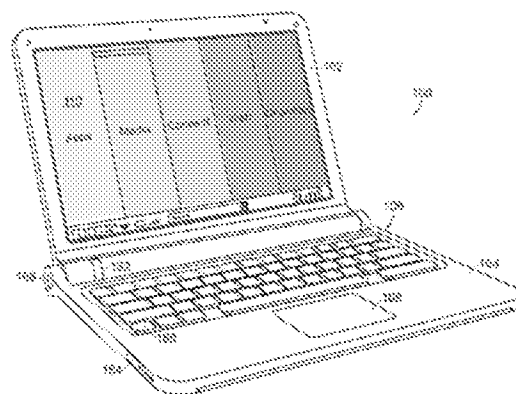


FIG. 17

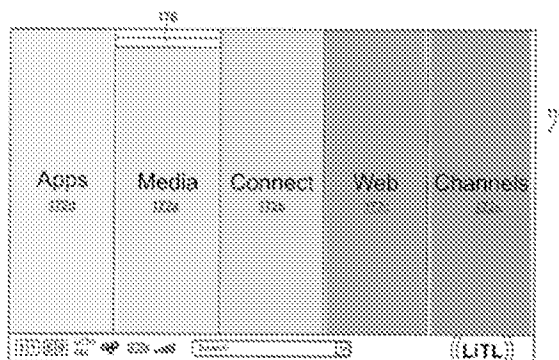


FIG. 12

Scroll wheel 132 and navigation buttons 166, 168 “may be used to navigate the user interface. ... scrolling the scroll wheel may sequentially highlight different ones of the modes of content 172. ... A highlighted mode 172 may be selected by pressing the scroll wheel, thereby bringing up a new “page” or screen on the user interface corresponding to the selected mode. Once within a selected mode of content 172, the scroll wheel may similarly be used to select *particular functions, features or applications* within that mode.” ’844 Patent, 12:22-35. For example, if the user initially selected the connect mode 172b, the user can then use the scroll wheel to select among “features such as, for example, email, voice-over-IP instant messaging, etc.” *Id.*, 11:46-48. While

Figures 12 and 17 display the different modes of content as a series of bars, other display configurations (*e.g.*, desktop and icon configuration, a dashboard configuration) are possible. *Id.*, 12:6-21; Bear, ¶ 74.

Thus, the specification makes clear that “information, programs, features, functions, [and] applications may be grouped into [] various modes of content 172” (’844 Patent, 11:37-40), and that the content modes can be “*displayed* as a series of bars across the display screen” (*id.*, 12:6-7) as shown in Figures 12 and 17. Bear, ¶ 75. After a desired content mode is selected from the display, the “*particular functions, features or applications* within” that content mode can be displayed and a desired function, feature or application can be selected. ’844 Patent, 12:22-35; Bear, ¶ 75.

Displaying a content mode requires displaying some “information, such as menus, icons, etc. ... on the display screen 110” (’844 Patent, 10:54-65) that represents the content mode, not merely displaying one or more functions, features or applications grouped into a content mode. Bear, ¶¶ 80-91. The challenged claims require the portable computer be configured to “*display to a user . . . a first content mode* [in the laptop mode] [and] *a second content mode* [in the easel mode].” For a “content mode” to be displayed, a visual representation of the content mode must be presented to the user on the display. Bear, ¶ 86.

1. While The Challenged Claims Are Not Limited To A Hierarchical Menu, They Require Display Of The Content Modes

During the interview, Examiner Leung pointed out that the challenged claims do not recite a hierarchical menu as shown in Figures 12 and 17. Patent Owner does not disagree. However, the claims do require that the computer be configured to *display first and second content modes*. See § V.D below. As Patent Owner explained during the interview, the reason Patent Owner highlights the specification’s disclosure of the “map” hierarchical navigation in Figures 11, 12 and 17 is that

this is one of the few portions of the specification that describes displaying a mode of content. ’844 Patent, 11:27-12:54; Bear, ¶ 89; *see also*, § V.C.2 below.

Thus, Patent Owner is not asking the Examiners to read into the claims a requirement that is not there. Rather, Patent Owner is respectfully suggesting that the Examiners must give proper meaning to what the claims do require, i.e., a computer configured to *display first and second content modes*.

2. The Specification Is Clear That Displaying A “Content Mode”/“Mode Of Content” Is Different Than Displaying Functions, Features Or Applications Within The Content Mode

As explained above, the specification is clear that “information, programs, features, functions, applications may be grouped into [] various modes of content 172.” ’844 Patent, 11:37-40. Figure 11 shows the organization of a user interface that “displays a plurality of modes of content 172,” including “media 172a, connect 172b, web 172c, applications 172d, and channels 172e.” *Id.*, 11:30-38; Bear, ¶¶ 82-86. As shown in Fig. 11 below, each content mode 172 is distinct from the applications/features grouped therein – *e.g.*, Connect content mode 172b is distinct from the email, chat and intercom applications/features grouped into that content mode – and it is each *content mode 172 itself* (not the grouped applications/features) that is displayed in Figures 12 and 17. This makes clear that it is the content modes themselves that are displayed to the user, which is what the claims require.

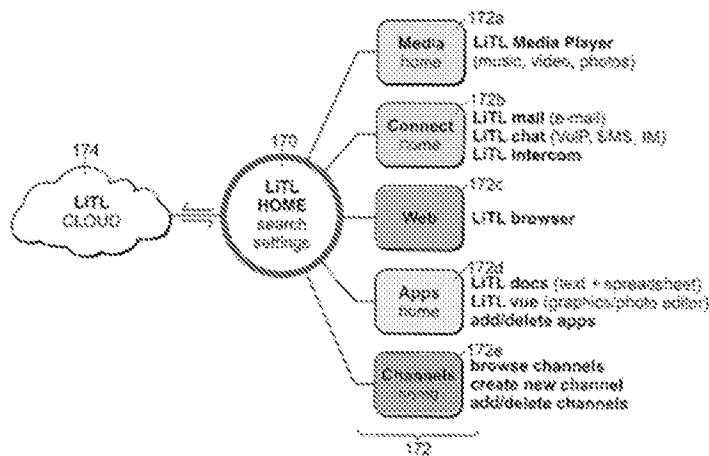


FIG. 11

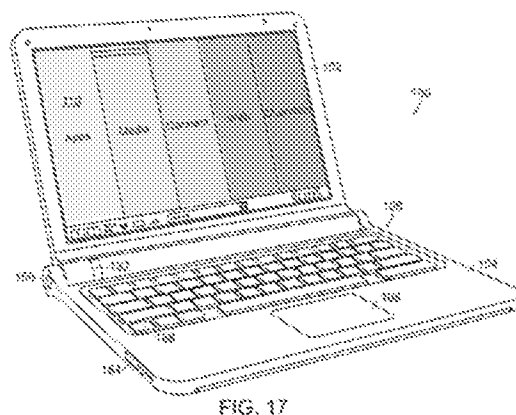


FIG. 17

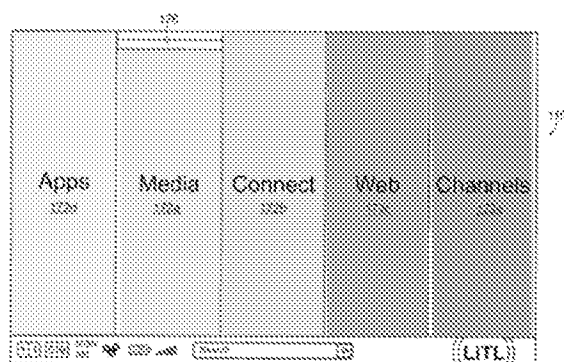


FIG. 12

During the interview, Examiner Leung recognized the distinction Patent Owner was making between displaying a content mode and displaying functions, features or applications grouped within a content mode. Examiner Leung indicated that in reconsidering the rejection in view of Patent Owner's arguments, she wanted to review how the '844 Patent describes displaying a content mode (or mode of content), to determine whether it consistently refers to displaying a visual representation of the content mode itself (*e.g.*, the bars in Figures 12 and 17) as opposed to displaying functions, features or applications grouped within a content mode.

To assist the Examiners, in Appendix B to the Bear Declaration, Mr. Bear has sought to identify every use of the term “content mode(s)” or “mode(s) of content” in the ’844 Patent, highlighting the terms in yellow and providing the surrounding language from the patent for context. The Examiners are encouraged to do their own independent review of the specification and not rely on Appendix B, but Patent Owner is confident that the Examiners will see that the ’844 Patent consistently refers to displaying a content mode as requiring the display of some visual representation of the content mode—some “information, such as menus, icons, etc. ... on the display screen 110” (’844 Patent, 10:54-65) that represents the content mode. Bear, ¶ 88. The ’844 Patent never refers to the display of a content mode as merely displaying one or more functions, features or applications grouped within a content mode. *Id.*

3. The Office Action Establishes No Known Meaning in the Art for “Content Mode(s)” Or “Mode(s) Of Content”

In the Request, Lenovo did not allege that “content mode(s)” or “mode(s) of content” had an accepted meaning in the art and submitted no evidence establishing a known meaning. The Office Action similarly did not allege that “content mode(s)” or “mode(s) of content” have an accepted meaning in the art and cited no evidence of an established meaning. Bear ¶ 81 (explaining there is no established meaning). Given that there is no established meaning for “content mode” the meaning the specification ascribes to this term, as understood by a POSA, controls. *See* § VI.C.1 below (citing authority); Bear ¶¶ 80-91.

Lenovo and its expert never addressed the proper interpretation of “content mode” in light of the specification. The *only* expert testimony in this proceeding about how a POSA would have understood “content mode” or “mode(s) of content” is Mr. Bear’s testimony. Mr. Bear explains that

when “content mode” is given its proper meaning, the rejections must be withdrawn for the reasons detailed below. *Bear* ¶¶ 92-102.

D. The Challenged Claims All Require A Computer Configured To Display First And Second Content Modes

Claims 10 and 16 (like every other claim in the '844 Patent) require a “portable computer configurable between a plurality of display modes including a laptop mode and an easel mode ... wherein the laptop mode is configured to *display to a user ... a first content mode* ... [and] the easel mode is configured to *display to the user ... a second content mode*.”

Thus, every claim requires that the portable computer be configured to group its “information, programs, features, functions, [and] applications” into at least a first and a second content mode, and to *display to the user* as information on the computer’s display component the first content mode (when the computer is in laptop mode) and the second content mode (when the computer is in easel mode). '844 Patent, 10:62-64, 11:27-40, 12:22-35. The Lane/Ledbetter combination fails to meet these requirements. *See Bear*, ¶¶ 92-102.

VI. THE REJECTIONS SHOULD BE WITHDRAWN FOR ALL CHALLENGED CLAIMS

The Office Action (“OA”) rejects claims 10 and 16 as allegedly obvious over Lane and Ledbetter.

A. Summary Of The Argument

The rejections should be withdrawn because the alleged content modes (“software operating modes”) in the Lane/Ledbetter combination are never displayed to the user. Instead, the Lane/Ledbetter combination only displays information, programs, features, functions, and applications grouped into the alleged content modes (software operating modes), and the

specification is clear that this is not the same thing as displaying the content modes as the claims require.

B. Ledbetter's Alleged Content Modes Are Never Displayed To The User

The Office Action alleges that Ledbetter “teaches different content modes *displayed* in different display modes,” citing Ledbetter [0023], [0026], and [0057]. OA at 6. The cited Ledbetter paragraphs teach that the computer’s monitor arm can be configured in different physical “usage modes” where the monitor arm is positioned in different physical positions. Ledbetter, [0026]. Ledbetter discloses that “the computer providing the content to display can change *software operating modes* to match the corresponding monitor position.” *Id.*, [0055]. The operating system “loads a corresponding shell user interface and/or other program or programs (e.g., 1386₁) as necessary to configure the computer system user interface display 1388 and running programs to match the current mode.” Ledbetter, [0056]; Bear, ¶ 94.

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

Thus, Ledbetter discloses that when the computer arm is in different physical configurations (“usage modes”), the computer enters different “software operating modes” (Ledbetter, [0055])

where different programs may be run and/or different information displayed on the display. Bear, ¶ 96.

The Request alleged that Ledbetter's software operating modes "constitute the claimed content modes." Request, 98-99. The Office Action adopts this mapping of the claimed content modes to Ledbetter, alleging that "Ledbetter further teaches different content modes displayed in different display modes," where the Office Action identifies – via italics – the "*media consumption mode*," "*tablet mode*," "*walkup mode*" and "*workstation mode*" as meeting the claimed content modes. OA at 6 (emphasis original).

Even if Ledbetter's "software operating modes" could be considered content modes (which Patent Owner does not concede), the computer being configured to run different software operating modes does not meet the claimed requirement that the computer be configured to display first and second content modes. Bear, ¶ 97.

The specification makes clear that "information, programs, features, functions, [and] applications may be grouped into [] various modes of content 172" ('844 Patent, 11:37-40), and that the content modes can be "***displayed*** as a series of bars across the display screen" (*id.*, 12:6-7) as shown in FIGs. 12 and 17. Bear, ¶ 98. After a desired content mode is selected from the display, the "***particular functions, features or applications*** within" that content mode can be displayed and a desired function, feature or application can be selected. '844 Patent, 12:22-35; Bear, ¶ 98.

Thus, displaying a content mode requires displaying some "information, such as menus, icons, etc. ... on the display screen 110" ('844 Patent, 10:54-65) that represents the content mode like the bars in Figures 12 and 17, not merely displaying one or more functions, features or applications grouped into a content mode. Bear, ¶ 98.

The Lane/Ledbetter combination is not “configured to *display to a user*” the things – software operating modes – the Office Action alleges are first and second content modes. Thus, the Lane/Ledbetter combination does not meet any challenged claim, because the claims do not simply require first and second content modes, they require that the computer be configured to “display to a user” a visual representation of those content modes. Bear, ¶ 99.

C. Displaying Functions, Features And/Or Applications When Leadbetter’s Computer Is In One Of Its Software Operating Modes Does Not Meet The Claims

The only things in Ledbetter that the Office Action alleges are displayed to the user are particular functions, features and/or applications that are displayed when the computer is in a particular software operating modes. Specifically, the Office action identifies “media player software [] loaded and automatically executed” in media consumption mode, “handwriting recognition software [] loaded and automatically executed” in tablet mode, “walk-up types of information (e.g., weather, messages, the internet and so forth) may be loaded” in walk-up mode, and “typical shortcuts and other information used for working/productivity ... may be displayed” in workstation mode. OA at 6. The ‘844 Patent specification refers to these as “*particular functions, features or applications*” that may be grouped within a content mode (‘844 Patent, 12:22-35), and makes clear that displaying the “particular functions, features or applications within” a content mode is not the same thing as displaying the content mode itself. *Id.*, 11:37-40, 12:6-7, 12:22-35; Bear, ¶¶ 87-91, 101. Thus, to the extent the Office Action suggests that functions, features and/or applications displayed by Ledbetter when in its display modes could meet the claimed content modes, that would be inconsistent with the specification of the ‘844 Patent. Bear, ¶ 101.

1. Claim Interpretation – Content Mode Cannot Be Interpreted More Broadly Than The Way It Is Used In The Specification

Despite having already filed (and lost) an IPR petition challenging the '844 patent and filing a 176-page Request challenging just two claims, Lenovo never acknowledged where the specification describes what “content modes” are, and Lenovo cited no evidence of any use of this term in the art that differs from the meaning the specification gives to this term that is coined therein. Similarly, Lenovo’s expert never alleged that the term “content mode” had an accepted meaning in the art different than the way the term is used in the specification. *See e.g.*, Ex. 1004, ¶¶ 37-41, 135-148, 163-165, 170-183. Like the Request and Lenovo’s expert, the Office Action did not affirmatively construe “content mode.”

“[T]he best source for determining the meaning of a claim term” under the broadest reasonable interpretation (BRI) standard “is the specification.” MPEP § 2111.01. A claim interpretation under BRI “cannot be divorced from the specification and the record evidence.” *In re NTP, Inc.*, 654 F.3d 1279, 1288 (Fed. Cir. 2011). The interpretation “must be consistent with the one that those skilled in the art would reach.” *In re Cortright*, 165 F.3d 1353, 1358 (Fed. Cir. 1999). Indeed, the claims must be interpreted “in light of the specification as it would be interpreted by one of ordinary skill in the art.” MPEP § 2111 (quoting *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004)).

As a matter of law, when “terms have no plain or established meaning to one of ordinary skill in the art,” “they ordinarily cannot be construed broader than the disclosure in the specification.” *Indacon, Inc. v. Facebook, Inc.*, 824 F.3d 1352, 1357 (Fed. Cir. 2016); *Irdeto Access, Inc. v. Echostar Satellite Corp.*, 383 F.3d 1295, 1300 (Fed. Cir. 2004) (“[A]bsent such an accepted meaning [in the art], we construe a claim term only as broadly as provided for by the

patent itself.”). In such circumstances, the specification must be used to ascertain the meaning and scope of the claim term, even when it is not expressly defined. *Irdeto*, 383 F.3d at 1300 (“Even when guidance is not provided in explicit definitional format, ‘the specification may define claim terms “by implication”’ such that the meaning may be ‘found in or ascertained by a reading of the patent documents.’”).

Because the Office Action and the Request established no accepted meaning in the art for the term “content mode,” the specification’s meaning controls and this term cannot be interpreted more broadly than the specification’s disclosure. *In re Suitco Surface, Inc.*, 603 F.3d 1255, 1260 (Fed. Cir. 2010) (“The broadest-construction rubric ... does not give the PTO an unfettered license to interpret claims to embrace anything remotely related to the claimed invention. Rather, claims should always be read in light of the specification and teachings in the underlying patent.”); *In re NTP*, 654 F.3d at 1288 (Even under the “broadest reasonable construction, the construction cannot be divorced from the specification and the record evidence.”); MPEP § 2111 (“The broadest reasonable interpretation does not mean the broadest possible interpretation.” Rather, it “must be consistent with the use of the claim term in the specification”).

2. Displaying Functions, Features And/Or Applications Grouped Within A Content Mode Is Different Than Displaying The Content Mode

The ’844 Patent could not be clearer that there is a difference between a content mode and “the content organized within that mode.” ’844 Patent, 11:40-43; Bear, ¶¶ 82. A content mode is displayed with other content modes as shown in Figs. 12 and 17. ’844 Patent, 12:6-8 (the different *modes of content 172 may be displayed ... as illustrated in Fig. 12*”); Bear, ¶¶ 82. The content modes support “hierarchical” navigation (’844 Patent, 11:19-24) not only because they group together “information, programs, features, functions, [and] applications” (*Id.*, 37-40), but because

the content groups are *displayed to the user*. Bear, ¶ 83. “[T]he *different modes of content 172 may be displayed* as a series of bars across the display screen 110, as illustrated in Fig. 12.” ’844 Patent, 12:6-8; *see also*, Fig. 17; Bear, ¶ 83.

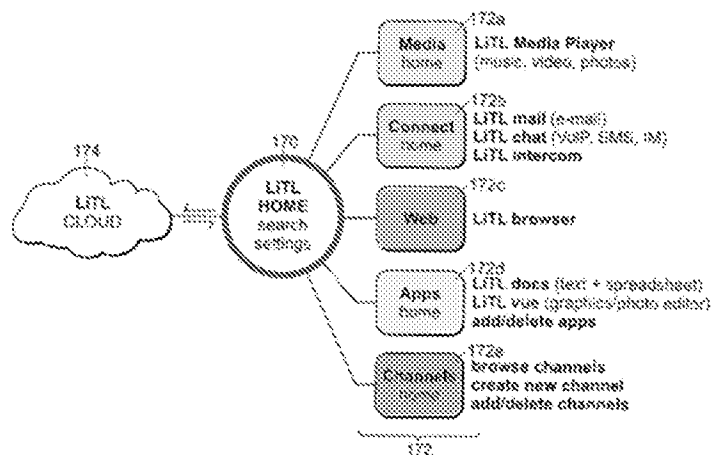


FIG. 11

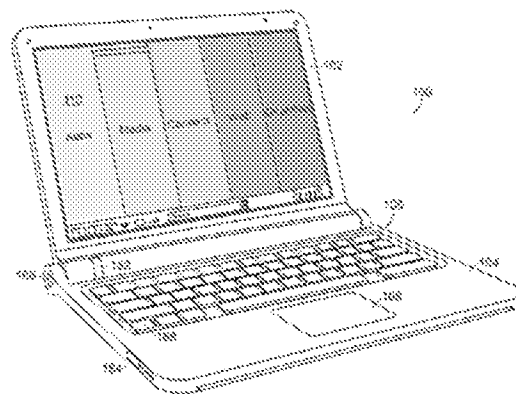


FIG. 17

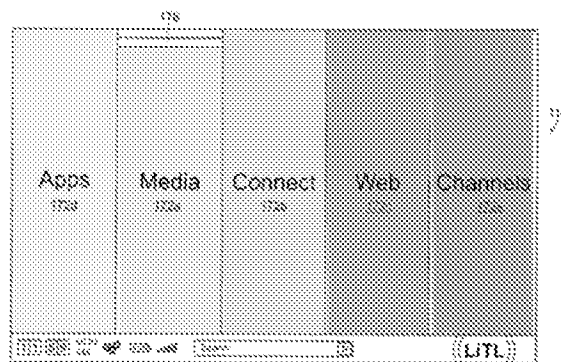


FIG. 12

The user may “navigate” a user interface that displays one or more content modes, and in one embodiment may “select” a particular content mode by pressing the scroll wheel when the desired content mode is highlighted. ’844 Patent, 12:23-29; Bear, ¶ 84. In one embodiment, after the user has selected a particular content mode on the user interface, “a new ‘page’ or screen on the user interface corresponding to the selected mode” is brought up that displays to the user the “

particular functions, features or applications within that [previously-selected content] mode” so that the user may select a desired function, feature or application. ’844 Patent, 12:32-35; Bear, ¶ 84. Thus, according to the specification, displaying a content mode means displaying some “information, such as menus, icons, etc. ... on the display screen 110” (’844 Patent, 10:54-65) that represents the content mode, and is distinct from displaying any functions, features and/or applications grouped within that content mode. Bear, ¶ 84.

As noted above, the Office Action relies on Ledbetter’s disclosure of “media player software [] loaded and automatically executed” in media consumption mode, “handwriting recognition software [] loaded and automatically executed” in tablet mode, “walk-up types of information (e.g., weather, messages, the internet and so forth) may be loaded” in walk-up mode, and “typical shortcuts and other information used for working/productivity ... may be displayed” in workstation mode. OA at 6. The ’844 Patent specification refers to these as “*particular functions, features or applications*” that may be grouped within a content mode (’844 Patent, 12:22-35), and makes clear that displaying the “particular functions, features or applications within” a content mode is not the same thing as displaying the content mode itself. *Id.*, 11:37-40, 12:6-7, 12:22-35; *see also, e.g.*, Fig. 11 (the LiTL media player is an application program that is displayed separately from the “Media” content mode 172a displayed on Figs. 12 and 17); Bear, ¶¶ 87-91.

D. Conclusion – The Lane/Ledbetter Combination Does Not Disclose Displaying To A User A First Content Mode In A Laptop Mode And A Second Content Mode In An Easel Mode

For the reasons explained above, the Lane/Ledbetter Combination does not display to the user as information on the computer’s display component the alleged first content mode (when the computer is in laptop mode) and the alleged second content mode (when the computer is in easel

mode) as required by claims 10 and 16. The rejection of claims 10 and 16 should be withdrawn for this reason.

VII. GENERAL COMMENTS ON DEPENDENT CLAIMS

Because dependent claim 16 depends from independent claim 10 that is in condition for allowance, it is unnecessary at this time to argue the further distinguishing features of dependent claim 16. However, Patent Owner does not necessarily concur with the interpretation of claim 16 as set forth in the Office Action, nor that the Lane/Ledbetter Combination meets the additional limitations in claim 16. Patent Owner reserves the right to specifically address the further patentability of dependent claim 16 in the future.

VIII. CONCLUSION

For the foregoing reasons, the rejections should be withdrawn and claims 10 and 16 should be confirmed. If the Examiner believes, after considering this response, that any of the claims are not in condition to be confirmed, the Examiner is requested to call the undersigned at the telephone number listed below to discuss any outstanding issues. If there is a fee occasioned by this response that is not covered by an enclosed payment, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. L2039.70001US10, from which the undersigned is authorized to draw.

Dated: December 9, 2022

Respectfully submitted,
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