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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. IPR2024-00481

Patent No. 9,563,229

PATENT OWNER'S PRELIMINARY RESPONSE

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37 C.F.R. § 42.65(a)	48, 77
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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

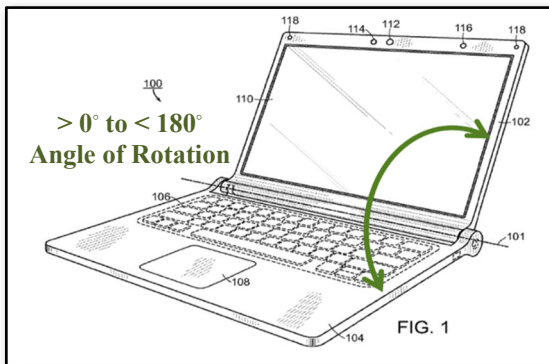
Exhibit	Description
2010	U.S. Patent Appl. No. 20080035029A1
2011	U.S. Patent Appl. No. 20090179132A1
2012	U.S. Patent Appl. No. 20080251680A1
2013	U.S. Patent Appl. No. 20070012827A1
2014	Declaration of Eric J. Gould in Support of Patent Owner Response to Non-Final Office Action Under 37 CFR 1.111 (Feb. 9, 2023)

I. INTRODUCTION

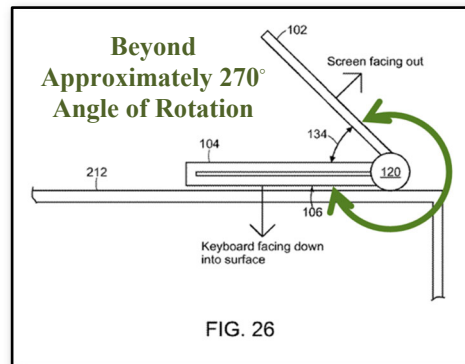
This POPR addresses the second-ranked of two petitions filed by Petitioners against Patent No. 9,563,229 (“’229 Patent”) on the same day. Institution should be denied for similar reasons as for the other petition (IPR2024-00480). The Petition challenges independent claims 12, 16, and 18 and dependent claims 14 and 17 using four grounds. Grounds 1 and 3 rely on Lane and Fujinawa just like IPR2024-00480 does, and Grounds 2 and 4 rely on the same primary reference (Lane) with a different secondary reference (Tonouchi). Petitioners fail to demonstrate unpatentability of any challenged claim.

The claims are directed to a portable computer configurable between a plurality of configurations (claims 12 and 18) or a method of managing user interaction with such a computer (claim 16). The claims call the computer’s configurations “display modes” or “modes of operation,” which Petitioners characterize as “interchangeable” terms. Petition, 28 n.7. Examples of the computer’s modes include laptop, frame, and easel modes shown below. Laptop mode is characterized by the angle of rotation between the computer’s base and display components being between 0° and approximately 180°, whereas frame and easel modes are characterized, in part, by the angle being beyond approximately 270°.

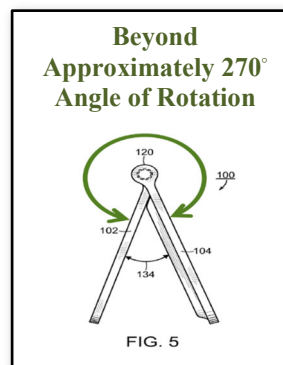
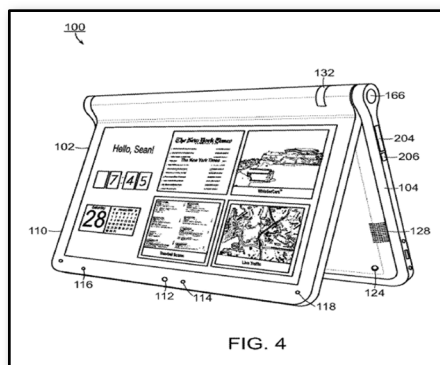
Laptop Mode



Frame Mode



Easel Mode



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

Every challenged claim recites an accelerometer configured to generate orientation information indicative of a current display mode (or mode of operation) of the portable computer, or a method step of determining the computer's current display mode. Every challenged claim also requires a display manager configured

to take some action responsive to a transition between display modes, or a method step that takes action responsive to such a transition.

A. Petitioners Fail to Establish That Lane Discloses the Claimed Accelerometer Configured to Generate Information Indicative of the Computer’s Current Display Mode or the Claimed Method Step of Determining the Current Display Mode.

The grounds rely on Lane and its “position-indicating mechanism” 38 to meet the claim terms requiring an accelerometer configured to generate information indicative of the computer’s current display mode, and the method step of determining the computer’s current display mode. Petitioners fail to establish that Lane meets these limitations for multiple reasons mirroring Petitioners’ failings in IPR2024-00480.

First, Petitioners allege that to meet claim 18’s accelerometer Limitation [18c]¹ Lane’s mechanism 38 need only generate “unique” information differentiating among “three claimed modes (i.e., laptop, frame, and easel).” Petition, 29. That fails as a matter of claim construction. The claimed portable computer is alleged to be met by Lane’s computer, and Lane’s computer indisputably has display modes beyond those Petitioners identify. Petitioners do not even allege that Lane’s “accelerometer” 38 (Petition, 29) is configured to

¹ LiTL adopts Petitioners’ claim limitation labelling for the Board’s convenience.

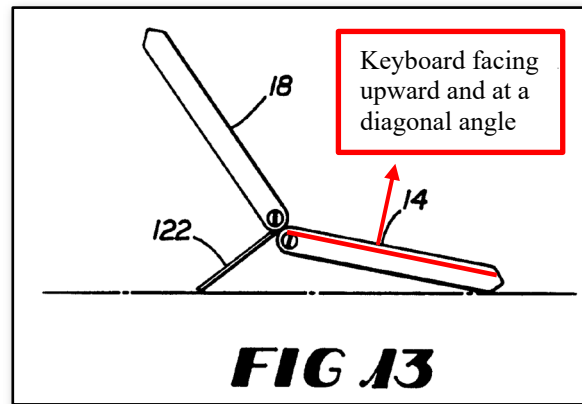
See Petition, Claim Appendix.

generate “unique” information that differentiates among all of Lane’s display modes.

Second, even if the claims were construed to only require that the generated orientation information be “unique” among the laptop, easel, and frame modes, all grounds still fail. Petitioners allege that Lane’s mechanism “located in the [computer’s] base” provides “unique orientation information” among the laptop, frame, and easel modes because, *inter alia*, “the keyboard [being] horizontal and facing up” indicates the computer is in laptop mode, whereas the keyboard “facing upward but at a diagonal angle” indicates the computer is in easel mode. Petition, 29. That is plainly wrong and inconsistent with claim 18’s express language.

As one example, Lane Fig. 13 (annotated below) illustrates Lane’s computer in what claim 18 calls “laptop mode” (the display is rotated “up to approximately 180 degrees from a closed mode,” Limitation [18f]), not in what claim 18 calls “easel mode” (the display is rotated “beyond approximately 270 degrees from the closed mode,” Limitation [18g]). 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, 29. The manner in which Petitioners allege Lane’s “accelerometer” meets claim 18 is inconsistent with the plain language of the claim.

Lane



The Petition relies heavily on its failed showing for Limitation [18c] to meet similar limitations in the other independent claims. Petition, 46 (only alleging Limitation [12c] is “disclosed for the same reasons as [18c]”) and 59 (only alleging Limitation [16c] is met for “the reasons discussed for [18c]”). Thus, the grounds fail for all challenged claims for similar reasons, because Petitioners fail to establish that Lane discloses the claim limitations relating to the computer being configured to determine (or performing a method step of determining) its current display mode.

B. Petitioners’ Assertion That Fujinawa or Tonouchi Would Have Motivated a POSA to Enlarge Displayed Content in Lane’s Computer Fails.

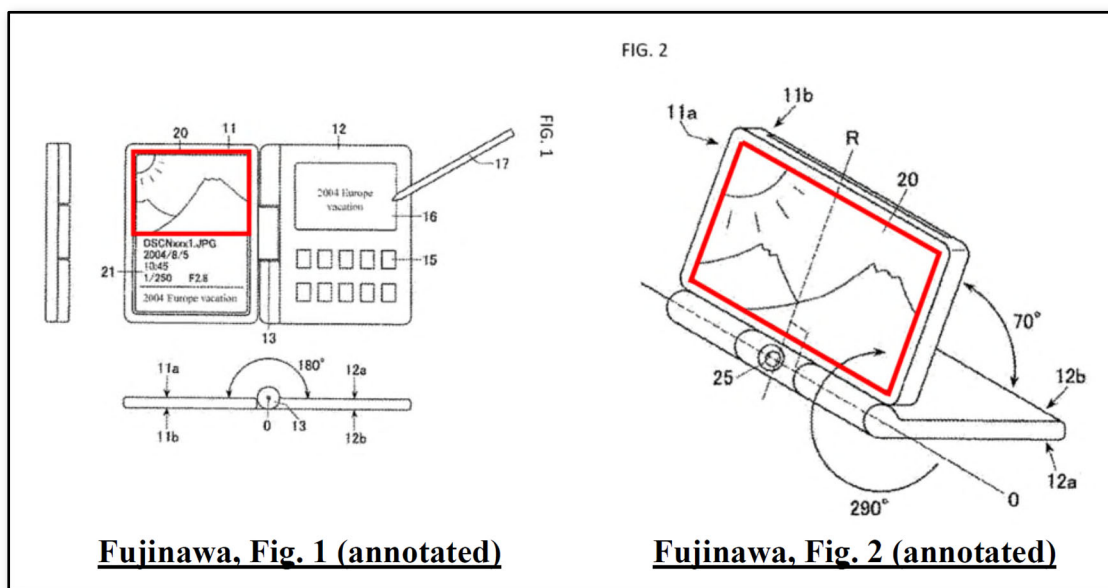
All challenged claims require that the claimed computer have a display manager configured to enlarge displayed content responsive to a transition from one display mode to another (claims 12 and 18), or a method step of doing so (claim 16). Claim 18 limits the enlarging to occur responsive to a transition from

laptop to easel mode. Petitioners admit that Lane does not disclose any of the claimed enlarging content limitations.

1. Ground 1's Reliance on Fujinawa Fails.

Ground 1 relies on Fujinawa to disclose the enlarging content limitation.

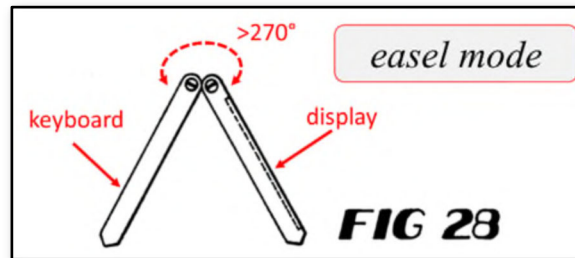
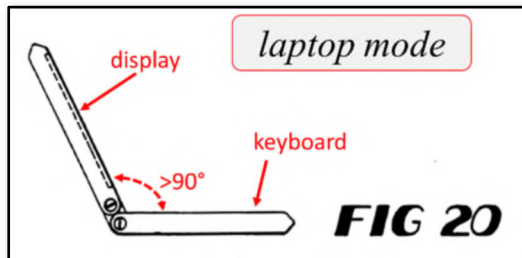
Fujinawa is a digital photo stand with a “book mode” (Fig. 1, annotated below left) where the display is oriented in portrait orientation so a displayed photo (which is in landscape orientation) does not fill the screen. Fujinawa also has a “frame mode” (Fig. 2, annotated below right) where the display is in landscape orientation, so the photo fills the screen.



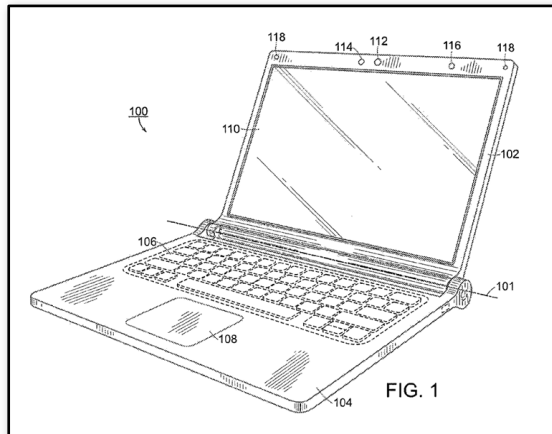
Petitioners allege that Fujinawa enlarges displayed content when it transitions from book (Fig. 1) to frame mode (Fig. 2) because the photo is “enlarged” to fit the screen in frame mode. Petitioners assert that Fujinawa would have motivated a POSA to enlarge displayed content in Lane’s computer when it

transitions from laptop to easel mode. That makes no sense because, as seen from Lane's figures below, in both laptop and easel modes Lane's display is in landscape orientation. This is illustrated even more clearly in the '229 Patent's figures shown below Lane's figures.

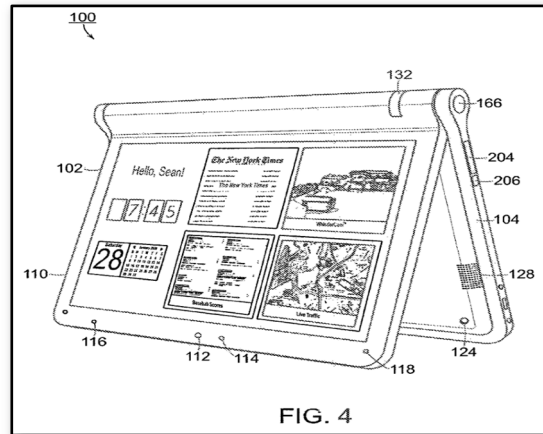
Lane (Petition's annotations)



'229 Patent's Laptop Mode (Landscape)



'229 Patent's Easel Mode (Landscape)



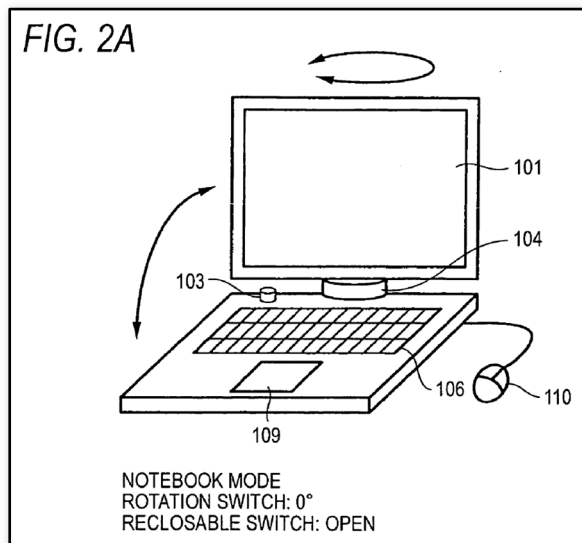
The sole reason why Fujinawa “enlarges” a photo – because the device’s display orientation changes from portrait to landscape orientation – is inapplicable to Lane’s transition from laptop to easel mode. Thus, Petitioners’ assertion that Fujinawa would have motivated a POSA to modify Lane to enlarge content when

transitioning from laptop to easel mode is entirely unsupported. Ground 1 fails for this additional independent reason.

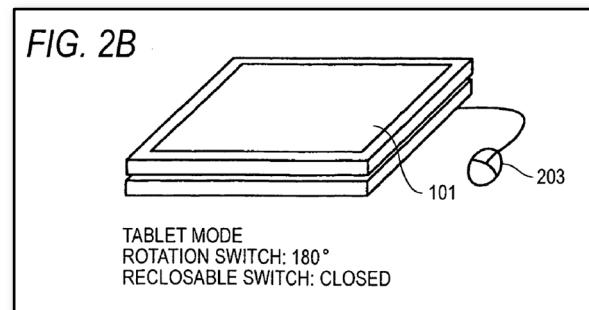
2. Ground 2's Reliance on Tonouchi Fails.

Ground 2 relies on Tonouchi to disclose the enlarging content limitation. Tonouchi discloses a computer that can transition between a “notebook mode” (Fig. 2A) and a “tablet mode” (Fig. 2B). A keyboard and touch-pad are used to provide user input in book mode. Keyboard and touch-pad inputs are not accepted in tablet mode. In tablet mode, input is performed by a pen applied to the device’s display, so Tonouchi enlarges displayed components (*e.g.*, button, menu, scroll bar) to make them easier to select via pen input. Tonouchi, [0032]-[0034].

Tonouchi's Notebook Mode



Tonouchi's Tablet Mode



Ground 2 challenges independent claim 16, which requires enlarging content responsive to a transition from a “first display mode” in which there is “approximately 270 degrees” of rotation between the base and display. *See*

Limitations [16d] and [16f]. Petitioners allege the first display mode is met by Lane's frame, easel, or tablet mode. Petition, 63. Petitioners further allege that Tonouchi would have motivated a POSA to modify Lane to enlarge content responsive to detecting a transition from frame or easel mode into tablet mode. Petition, 63-64. That hindsight assertion is entirely unsupported because Lane's keyboard is inaccessible in *all* these modes. Tonouchi's teaching to enlarge content when transitioning from a mode where keyboard input is allowed to a mode where it is not would not remotely have motivated the hindsight modification to Lane that Petitioners allege. Ground 2 fails for this additional independent reason.

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 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, 1:15-17, 1:59-64, 2:7-9, 2:19-22, 6:43-63, 11:27-12:5, 14:14-29, 16:51-62; Ex. 2001-2008.

LiTL Webbook



Ex. 2001, 1.

LiTL's Webbook included many new inventions initially described in provisional application no. 61/041,365 filed April 1, 2008. The '229 Patent is one of several LiTL patents stemming from that provisional.

LiTL's portable computer is configurable 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 connecting them. *Id.*, 1:35-41, 2:41-43, 6:52-67.

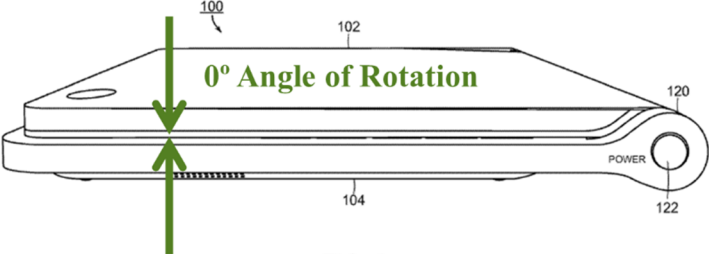
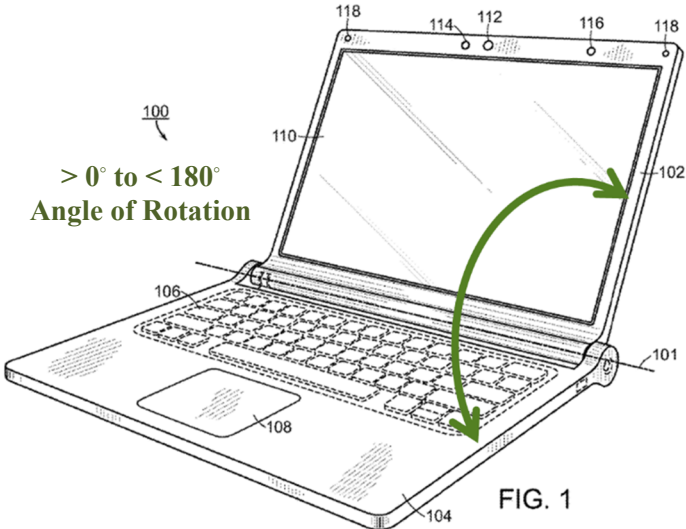
By rotating the display and/or base component relative to one another, the portable computer "is configurable between various modes." Petition, 2. What Petitioners call "various modes" (Petition, 2) are called "display modes" in the

'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; 2:17-3:19; 3:62-4:5; 4:57-67; 5:33-6:8; 6:48-63; 7:20-31; 8:5-18; 9:8-57; 11:7-18; 14:37-15:3; 16:36-17:9; 17:29-33; 17:59-18:65; 19:4; 22:10-34.

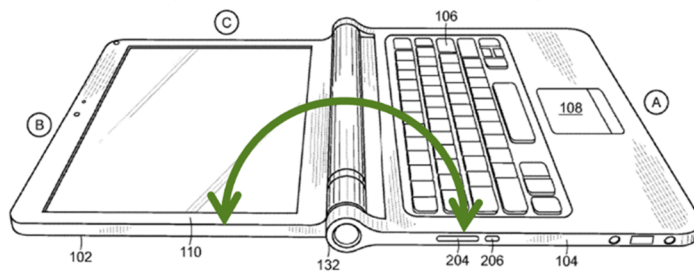
Petitioners concede that the computer's display modes "includ[e] a closed mode, a laptop mode, an easel mode, a flat mode and a frame mode." Petition, 2. Those display modes are illustrated in the '229 Patent figures reproduced below ('229 Patent, 4:57-61, 4:64-67, 5:55-60). The Patent also discloses a "tablet mode," where the display component is "rotated and folded against the base" component. *Id.*, 1:55-60.

As illustrated in the annotated images below, in "***closed mode***" the display component is "disposed substantially against the base" (*id.*, 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 "***easel mode***" and "***frame mode***" the display component is rotated to approximately 270° (*id.*, 11:15-18, 16:44-56, 18:16-21).²

² All emphasis is added unless indicated otherwise.

Display Mode	Citations
Closed Mode (0° Angle of Rotation)  FIG. 2	<i>Id.</i>, 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	<i>Id.</i>, 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

Id., 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)

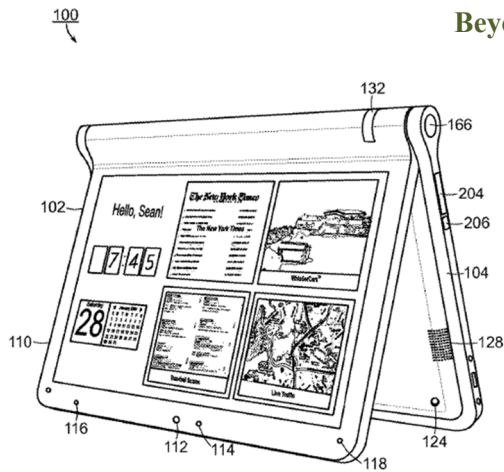


FIG. 4

Beyond Approximately 270°
Angle of Rotation

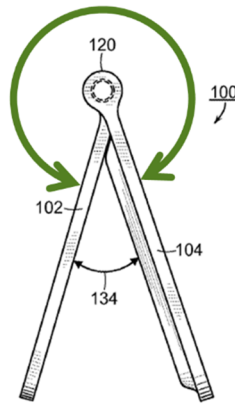


FIG. 5

Id., Figs. 4-5, 4:64-67 (“FIG. 4 [illustrates] ...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 vertically 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 ... 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 for viewing in the frame mode or the easel mode”)

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

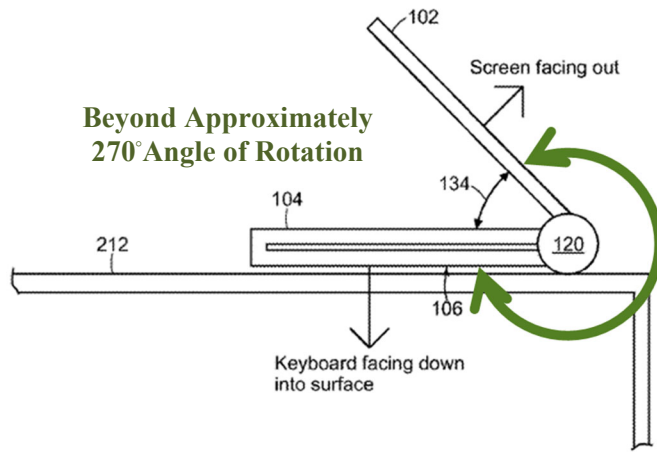


FIG. 26

Id., 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 for viewing in the frame mode or the easel mode”)

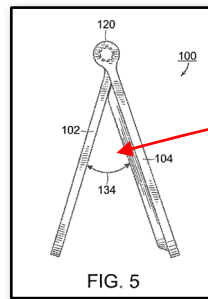
The inventors recognized users may configure the computer into different display modes for different tasks. *Id.*, 2:20-24, 6:3-17. Thus, they provided the computer with technology that automatically detects the display mode (the physical configuration) the user has manipulated the computer into, and automatically invokes different display formats and/or functionality tailored to the expected use of the computer in its different display modes. *Id.*, 6:3-17, 14:54-15:3, 16:57-61, 17:4-9.

One piece of information the portable computer uses to determine its current display mode is “an orientation of the display component 102 relative to the base component 104.” *Id.*, 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”).

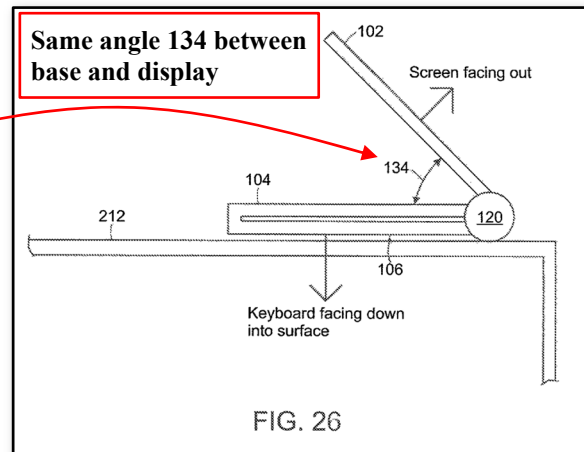
The angle between the base and display is insufficient to identify the computer’s current display mode. For example, as illustrated in Figures 5 and 26 (annotated below), the angle is insufficient to distinguish between easel mode (below left) and frame mode (below right), because “the display component 102 may be at a similar ... angle 134,³ with respect to the base component 104” in the easel and frame modes. *Id.*, 16:44-52.

³ 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., id.*, 18:16-21 (“rotating either the display component or the base ... beyond approximately 270 degrees *from the closed mode* transitions the portable computer for viewing in the frame mode or the easel mode”).

Easel Mode



Frame Mode



Because the angle between the base and display may be identical in frame and easel modes, that information is insufficient to differentiate between them. *Id.*, 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. *Id.*, 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 '229 Patent's computer, 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.

Sensors (*e.g.*, accelerometers and detents) provide the above-discussed information sufficient to differentiate among all the computer's display modes. *Id.*, 2:61-65, 3:37-41, 8:41-9:7, 9:17-21, 9:41-45, 9:58-10:7. The computer automatically detects the display mode the user has configured the computer into and automatically invokes display formatting and/or functionality (*e.g.*, adjust the

orientation of displayed content, enlarge displayed content, disable the keyboard) tailored to the expected use of the computer in its detected display mode. *Id.*, 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 Petitioners’ POSA definition (Petition, 10-11) because institution should be denied even if it is adopted.

B. Challenged Claims

Petitioners challenge independent claim 12 and its dependent claim 14, independent claim 16 and its dependent claim 17, and independent claim 18 (the “challenged claims”).⁴ Petition, 1.

C. Claim Constructions

Petitioners offer explicit claim constructions for several terms. Petition, 11-13. For this preliminary response only, LiTL does not dispute those explicit claim constructions because Petitioners fail to demonstrate unpatentability of any challenged claim even if the explicit claim constructions in the Petition at 11-13 are adopted.

⁴ Petitioners challenged claims 1-11, 19-21, and 23-25 in another petition filed on the same day. IPR2024-00480, Paper 1.

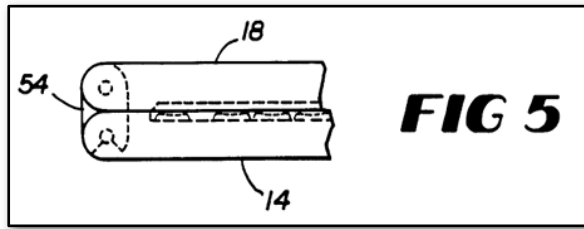
III. GROUND 1 FAILS

Ground 1 alleges obviousness of claims 12, 14, and 18 over Lane and Fujinawa. This is the same combination Petitioners use in IPR2024-00480. Ground 1 fails for numerous reasons (*infra* § III.C) that mirror the failings of the IPR2024-00480 petition.

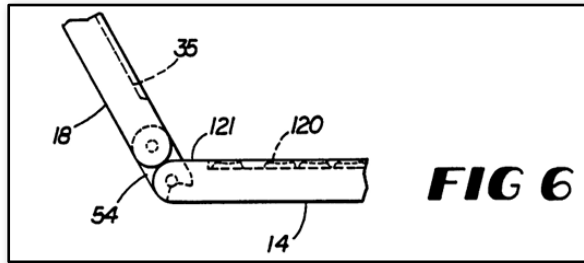
A. Lane (Ex. 1005)

Lane discloses a portable computer configurable into numerous physical configurations. As seen from Lane's figures reproduced below, several of Lane's configurations correspond to above-discussed display modes of the '229 Patent (*supra* § II), including 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.

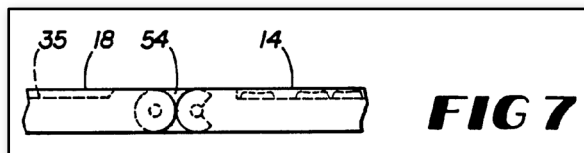
Lane's Display Modes



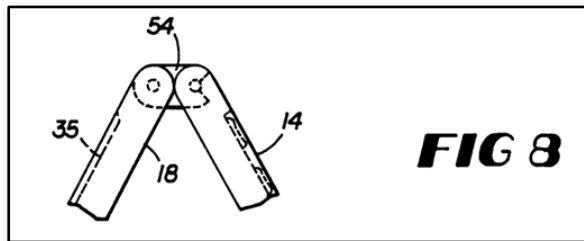
Closed Mode (Lane, 7:32-8:2)



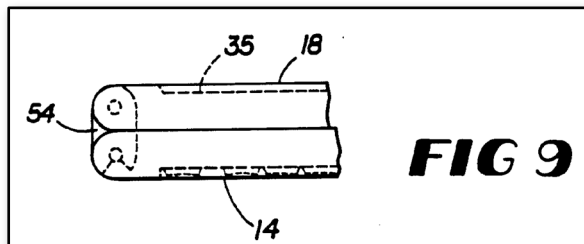
Laptop Mode (Lane, 8:2-8)



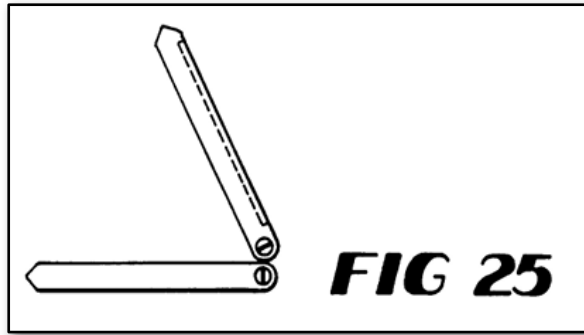
Flat Mode (Lane, 8:9-12)



Easel Mode (Lane, 8:12-15)

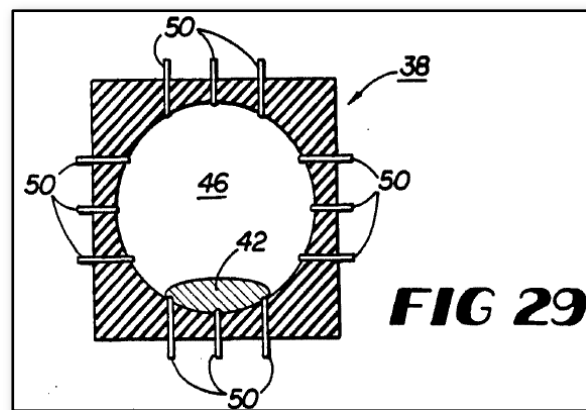


Tablet Mode (Lane, 8:15-23)



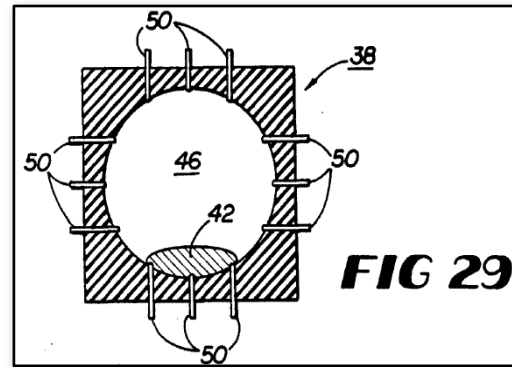
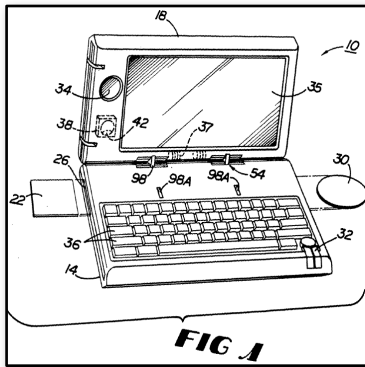
Frame Mode (Lane, 10:29-31)

Lane provides a “position-indicating mechanism 38” “as a component of either” the base module or the display module. Lane, 5:24-35, Fig. 29 (reproduced below). Mechanism 38 has contacts 50 and a “movable conductor 42” (e.g., “liquid mercury”) that, responsive to “gravitational forces,” settles into a position and closes a circuit by providing an electrical pathway between at least two of contacts 50. Lane, 5:28-33. Mechanism 38 “indicate[s] the spatial orientation of th[e] module” the mechanism 38 is a component of. Lane, 5:23-35.



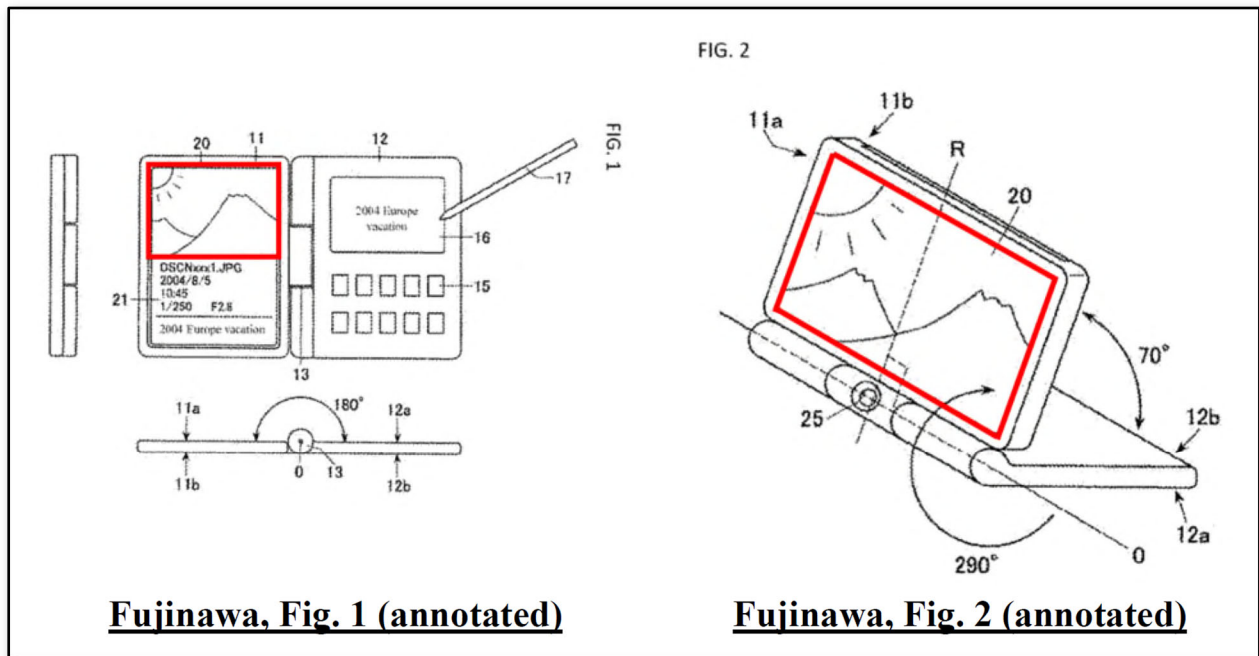
Lane’s computer “and its associated software” uses mechanism 38 to assist the computer in determining one of three things: (1) whether content should be displayed in landscape or portrait orientation; (2) the direction the cursor should

move on the display; or (3) whether the keyboard should be inactivated when “unused.” Lane, 5:35-6:6. As mentioned above, Lane says mechanism 38 can be placed in “*either*” first module 14 (the base module with the keyboard) “*or*” second module 18 (the display module). Lane, 5:32-35, Fig. 1 (below left showing mechanism 38 in display module 18).



B. Fujinawa (Ex. 1007)

As illustrated below with Petitioners' annotations, Fujinawa discloses "a digital photo stand" (Petition, 15-16) that can be configured in a "book" mode (Fig. 1, [0008]) or a "frame" mode (Fig. 2, [0012]):



In book mode the display "is viewed in *portrait* view" (Fujinawa, [0010]), whereas in frame mode the display is in "*landscape*" orientation (Fujinawa, [0014]).⁵ When the photo stand is in frame mode (above right), "the long side (horizontal direction) of the playback display image corresponds to the long side of

⁵ "[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.

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 fails to demonstrate unpatentability of either challenged independent claim for multiple independent reasons. Ground 1 addresses independent claim 18 (Petition, 21-44) before independent claim 12 (Petition, 44-53). For the Board’s convenience, LiTL also addresses claim 18 before claim 12.

1. Petitioners Fail to Show that Lane Meets Limitation [18c].

Limitation [18c] requires “an accelerometer configured to generate orientation information indicative of a current mode of operation.” Petition, 26.

Petitioners argue that Lane’s mechanism 38 is an accelerometer meeting Limitation [18c]. Petition, 26-29. For purposes of this POPR, LiTL does not challenge that Lane’s mechanism is an accelerometer. But that is insufficient to meet Limitation [18c]. Petitioners fail to establish that Lane’s mechanism 38 is “*configured to generate*” the orientation information Limitation [18c] requires.

Petitioners allege that Lane’s mechanism 38 “located in the base would provide *orientation information indicative of a current mode of operation* because it would provide ***unique orientation*** information in each of the three claimed modes (i.e., laptop, frame, and easel)” because orientation information:

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

Petition, 29 (Petition’s unbolded italics).

Petitioners fail to demonstrate that Lane meets Limitation [18c] for several independent reasons detailed below.

a. Petitioners Do Not Even Allege that Lane’s Mechanism 38 Generates Orientation Information Indicative of a Current Mode of Operation Among Lane’s Modes of Operation.

Petitioners allege that to meet Limitation [18c], 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, 29. That assertion fails as a matter of claim construction.

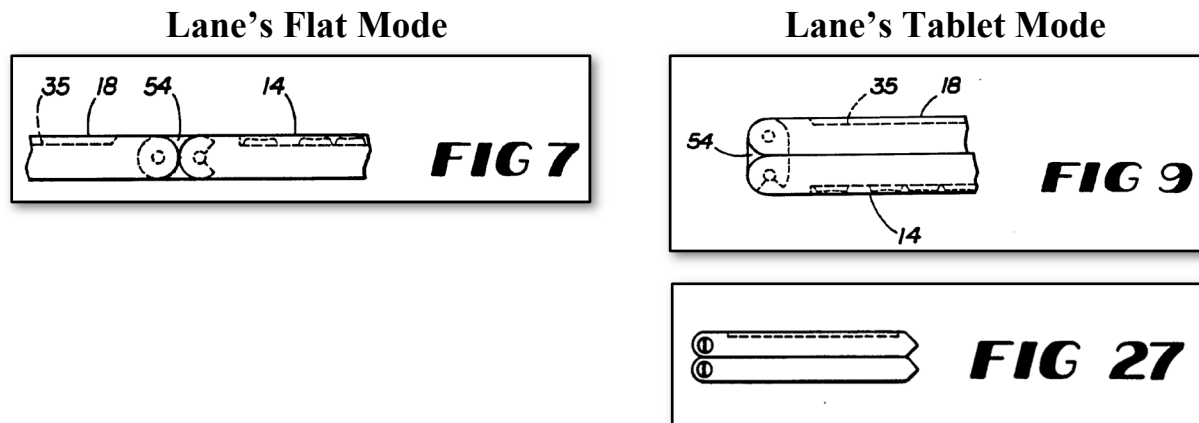
Petitioners seek to demonstrate that Lane’s “current mode of operation” in [18c] is one of the computer’s display modes because these terms are “interchangeable.” Petition, 28 n.7; *see also* Petition, 29 (relying on the “claimed modes (i.e., laptop, frame, and easel)” which [18pre] explains are “display modes”); Petition, 46 (arguing that [12c] “is similar to [18c]” and “disclosed for

the same reasons as [18c],” where [12c] requires an accelerometer “configured to generate orientation information indicative of a current display mode among the plurality of display modes of the portable computer”).

Claim 18 recites “[a] portable computer configurable between a plurality of display modes including *at least* a laptop mode, a frame mode, and an easel mode.” *See* Limitation [18pre]. Claim 18 does not limit the claimed computer’s “plurality of display modes” to the laptop, frame, and easel modes. Indeed, [18pre]’s above-highlighted “at least” language expressly contemplates additional display modes. And as Petitioners acknowledge (Petition, 37-38), Limitations [18f]-[18g] explicitly refer to the portable computer as having a “closed mode.”

Petitioners map the claimed “portable computer” to Lane’s computer 10. Petition, 21, 26-27. Thus, to meet Limitation [18c], Petitioners had to show that Lane’s mechanism 38 is configured to generate orientation information indicative of “*a current mode*” among the “plurality of display modes” of *Lane’s* portable computer ([18pre]). If the Board agrees that this is the proper construction of claim 18, that is fatal to Ground 1’s showing for claim 18 because Petitioners do not even allege that Lane’s “accelerometer” 38 is configured to generate information indicative of a current mode among the plurality of 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, 19 (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; 10:17-20; below right):



Petitioners also acknowledge Lane’s disclosure of a flat mode and tablet mode in mapping Lane to other claim limitations. Petition, 36-37 (in mapping Lane to [18e] Petitioners reproduce Lane Fig. 7 and acknowledge it discloses Lane’s “**flat mode**”) & Petition, 50-53 (in mapping Lane to [12h] Petitioners reproduce Lane’s Fig. 27, acknowledge it discloses a “tablet” configuration, and note that Lane says its keyboard is disabled in a “second operating display mode”); *see also* Petition, 68 (alleging that using MIT’s hinge in Lane “would permit Lane’s computer to rotate into a **plurality of display modes including** laptop, frame, **tablet** and easel”).

Thus, Petitioners admit that the “plurality of display modes” / “modes of operation” of Lane’s computer include a flat mode and a tablet mode. Petition, 19 (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, 68 (Lane’s “plurality of display modes includ[es] laptop, frame, **tablet** and easel mode[s]”).

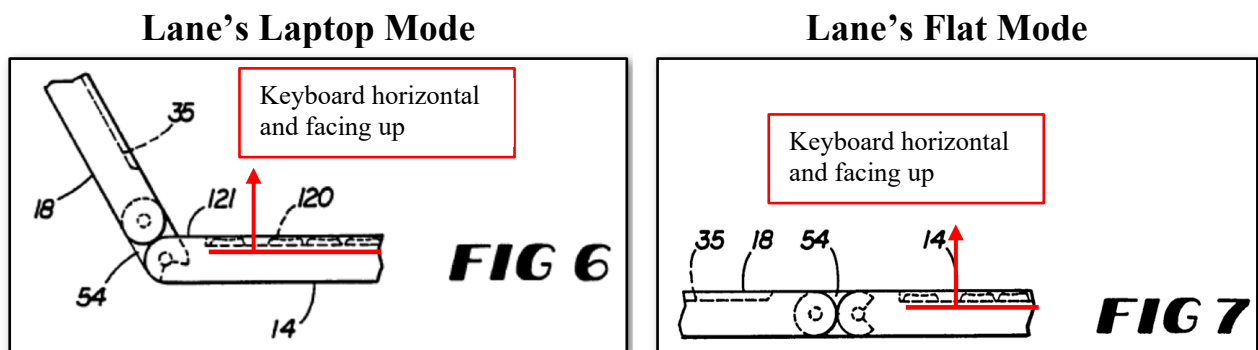
Despite that, Petitioners only purport to demonstrate that Lane’s mechanism 38 “provide[s] *orientation information indicative of the current mode of operation* ... [among] the three **claimed** modes,” based on Petitioners’ assertion that Lane’s mechanism “provide[s] **unique** orientation in each of” the laptop, frame, and easel modes. Petition, 29 (Petition’s un-bolded italics).

If the Board agrees that Limitation [18c] requires that the accelerometer be “configured to generate orientation information indicative of a current mode” among the “plurality of display modes of [Lane’s] portable computer” ([18pre]), the Petition’s showing is facially deficient because it ignores Lane’s flat mode and Lane’s tablet mode. Petitioners did not even attempt to establish that Lane’s mechanism 38 generates “**unique** orientation” information indicative of Lane’s mode of operation (Petition, 29) when modes of Lane’s computer are correctly understood to include Lane’s flat mode and Lane’s tablet mode.

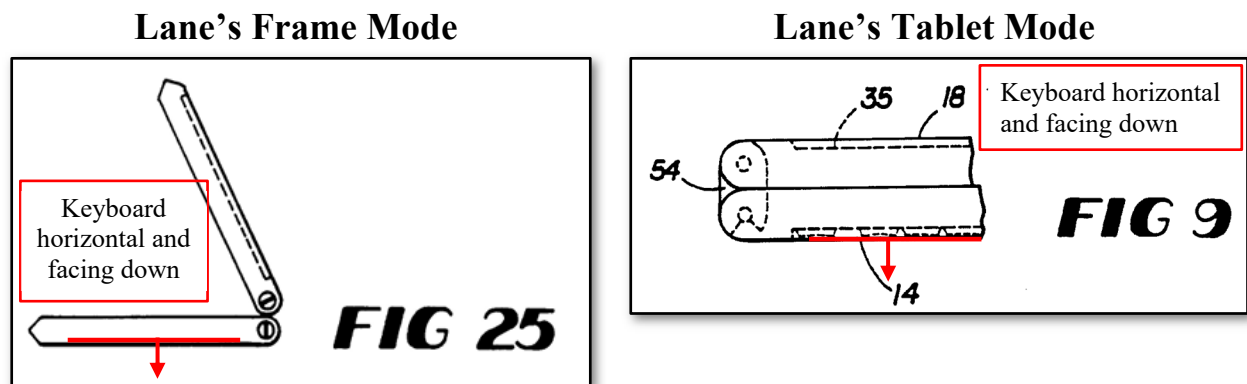
Petitioners’ ignoring of Lane’s flat mode and tablet mode is far from harmless. Petitioners’ theory is that Limitation [18c] is met because Lane’s

mechanism generates “*unique* orientation information in each of the three modes.”
Petition, 29. Petitioners do not even allege that Lane’s mechanism generates
“unique orientation information in each of [Lane’s] modes” when Lane’s modes
are properly understood to include Lane’s flat and tablet modes, and Lane’s
mechanism manifestly does not do so.

Petitioners’ allegation that Lane’s “accelerometer” 38 generates “*unique*
orientation information in *each* of the” “laptop, frame, and easel” 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,
29 (un-bolded italics original). But as shown below, the keyboard can also be
“horizontal and facing up” in flat mode. Thus, Lane’s mechanism 38 “located in
the base” does not generate “unique orientation information in each of [Lane’s]
modes” as Petitioners allege (Petition, 29), because the information Petitioners
identify from Lane’s mechanism is not “unique” to laptop mode and cannot
differentiate laptop from flat mode.



Similarly, Petitioners’ allegation that Lane’s mechanism generates “*unique* orientation information in *each* of the three 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, 29. 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] modes” as Petitioners allege (Petition, 29), because the information Petitioners identify from Lane’s mechanism is not “unique” to frame mode and cannot differentiate frame from tablet mode.



Under the proper construction of claim 18, to meet Limitation [18c] Petitioners needed to establish that Lane’s “accelerometer” 38 is “configured to generate orientation information indicative of a current mode” among the “plurality of display modes” of “[Lane’s] portable computer.” Petitioners’ failure to address some of the modes of Lane’s portable computer (flat mode and tablet

mode) in mapping Lane to Limitation [18c] is fatal under the proper construction of claim 18. That is a first independent reason why Ground 1 fails for claim 18.

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

Even if Petitioners were correct that [18c] only requires that the generated information be unique for each “*claimed*” mode, Petitioners fail to demonstrate that Lane’s mechanism 38 “located in the base” (Petition, 29) provides such information. Petitioners ignored the claimed “closed mode” (*see* [18f]-18[g]) in addressing Limitation [18c]. Lane’s mechanism 38 “located in the base” does not provide “*unique orientation* information in each of the [] claimed modes” as Petitioners allege (Petition, 29) because it cannot differentiate between the claimed “laptop” and “closed” modes. Petitioners never allege otherwise.

Claim 18 says the device’s display modes “*includ[e] at least a laptop mode, a frame mode, and an easel mode.*” *See* Limitation [18pre]. As mentioned *supra* § III.C.1.a, the “at least” language expressly indicates that the computer’s “plurality of display modes” is not limited to the laptop, frame, and easel modes. Indeed, claim 18 *also* expressly recites “*a closed mode.*” *See* Limitations [18f]-[18g].

The “closed mode” is among the computer’s display modes. As explained above (*supra* § II), “display mode” refers to various physical configurations of the

computer. Indeed, Petitioners elsewhere concede the '229 Patent's "various modes" include, *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, 26-29 (ignoring the closed mode for Limitation [18c]) *with* Petition, 37-39 (acknowledging the closed mode for Limitation [18f]).

Petitioners also expressly acknowledge that the "closed mode" is among the "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 Lane disclosures. Petition, 19 (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 & 19 and 7:30-8:2 ("***FIG. 5*** shows [a] ... ***closed***, position ... [that] protects visual display 35 and keys 36 from damage by securing them within the interior of device 10."). Thus, Petitioners expressly concede that Lane's closed mode is among Lane's plurality of display modes.

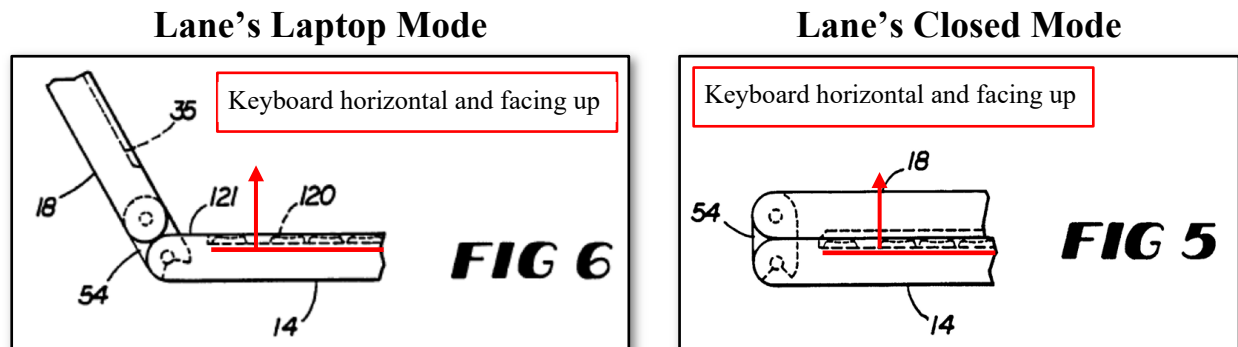
Petitioners' theory is that Limitation [18c] is met because Lane's mechanism generates "***unique*** orientation information in each of the [] ***claimed*** [display] modes." Petition, 29. Yet, despite claim 18 reciting the closed mode as among the computer's modes (Limitations [18f]-[18g]), and despite Petitioners elsewhere

admitting that the closed mode is among the plurality of “display modes” of Lane’s computer (Petition, 19), the Petition ignored the closed mode in its analysis of Limitation [18c]. Petitioners did not even attempt to establish that Lane’s “accelerometer” 38 provides “unique orientation information in each of the [] claimed modes” (Petition, 29) 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 18 is that the orientation information in Limitation [18c] need only be indicative of the current mode among the “claimed modes” (Petition, 29), Petitioners’ showing still fails. By ignoring the claimed “closed mode,” Petitioners fail to even allege, let alone establish, that Lane’s mechanism is “configured to generate orientation information indicative of a current mode of operation” among the “claimed modes.” Petition, 26-29.

Petitioners’ ignoring of the claimed closed mode is not harmless. Petitioners’ 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, 29 (un-bold italics original). But the keyboard can also be “horizontal and facing up” in closed mode. Lane’s mechanism 38 does not generate “unique orientation information in each of

the [] claimed modes” as Petitioners allege (Petition, 29), because the information Petitioners identify from Lane’s mechanism is not “unique” to laptop mode and cannot differentiate laptop from closed mode.



Petitioners’ false assertion that Lane’s “accelerometer” 38 generates “unique orientation information in each of the [] claimed modes” was the sole basis for Petitioners’ theory as to how Limitation [18c] is allegedly met. Petition, 29. Thus, Ground 1 fails even if the Board were to construe a “current mode of operation” in Limitation [18c] as limited to those modes expressly recited in claim 18.

c. Ground 1 Fails Even if Limitation [18c] Only Required Information Indicative of the Current Mode Among Laptop, Frame, and Easel Modes.

Even if Limitation [18c] only required generating information indicative of a current mode among laptop, frame, and easel modes as Petitioners allege (Petition, 29), Petitioners still fail to demonstrate that the Lane-Fujinawa combination meets [18c].

Petitioners argue that Limitation [18c] is met because Lane’s mechanism 38 “located in the base” would allegedly “provide *orientation information indicative*

of a current mode of operation because it would provide **unique** orientation information in each of the three claimed modes (i.e., laptop, frame, and easel).”
Petition, 29 (un-bolded italics original). That is demonstrably wrong.

According to Petitioners, the reason Lane’s mechanism 38 in the base allegedly provides “unique” orientation information that can distinguish between 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, 29.

Petitioners’ analysis fails for multiple reasons detailed below.

i. Petitioners’ Theory Is Inconsistent with Claim 18’s Plain Language.

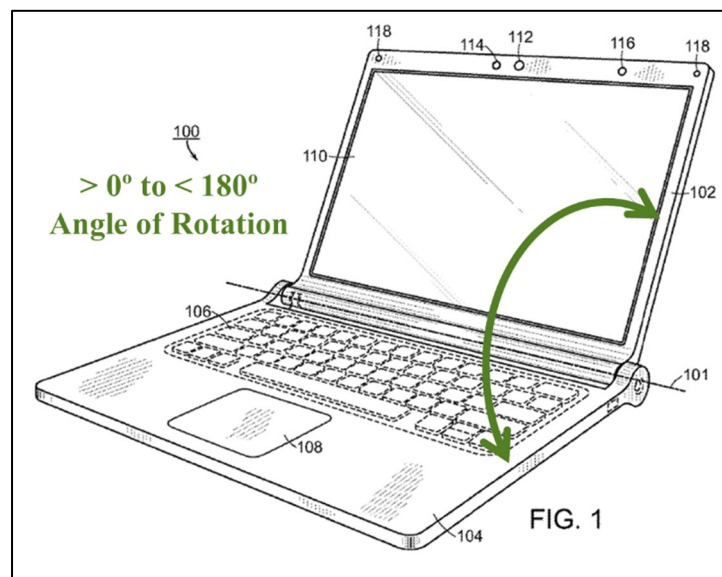
Claim 18 is explicit about what indicates that the computer is in each of the laptop, frame, and easel modes – each is characterized, at least in part, based on the angle of rotation between the display and base components. Petitioners ignore this. Instead, Petitioners allege that two different criteria indicate whether the computer is in laptop, easel, or frame mode: (1) whether the keyboard is “facing up” or “facing down,” and (2) whether the keyboard is “horizontal” or “at a diagonal

angle.” Petition, 29. The alleged indications provided by Lane’s mechanism 38 mischaracterize the computer’s mode based on claim 18’s plain language.

(1) Laptop Mode

Petitioners allege the claimed “laptop mode” is indicated by “the keyboard is horizontal and facing up.” Petition, 29. But Limitation [18f] is explicit that what indicates that the computer is in laptop mode is the angle of rotation between the base and the display:

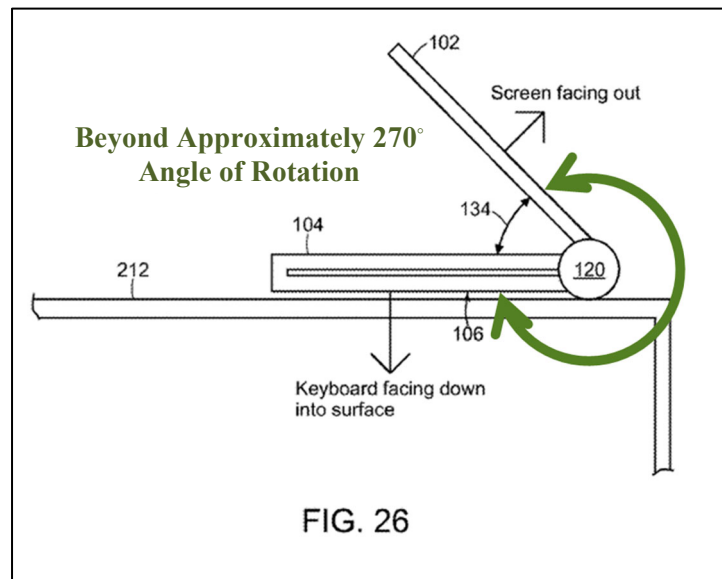
rotating either the display component or the base about the longitudinal axis *up to approximately 180 degrees from a closed mode* configures the portable computer into the laptop mode, wherein in the laptop mode the display component is oriented towards an operator and a keyboard disposed within the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



(2) Frame Mode

Petitioners allege the claimed “frame mode” is indicated by “the keyboard is horizontal and facing down.” Petition, 29. But Limitation [18g] 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.

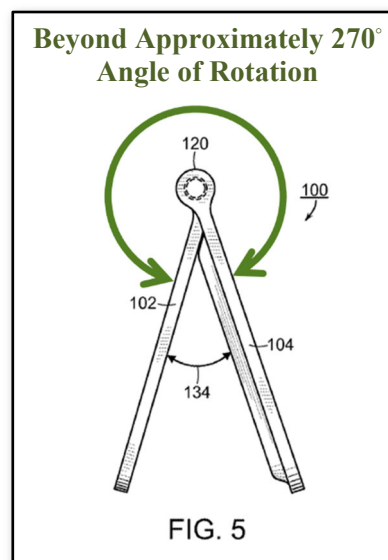


(3) Easel Mode

Petitioners allege the claimed “easel mode” is indicated by the keyboard being “at a diagonal angle” and “facing upward.” Petition, 29. But Limitation

[18g] 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.*

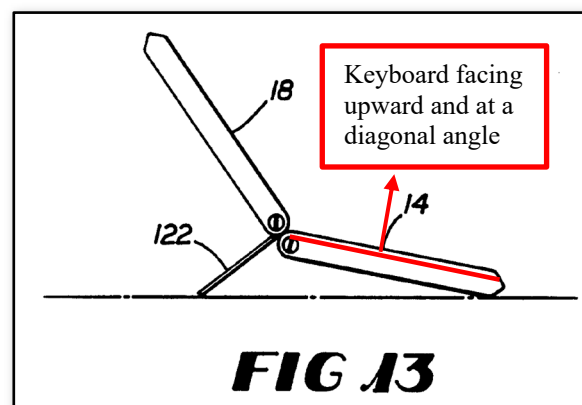


ii. **Lane’s “Unique Orientation Information”
Would Misidentify the Computer as in Easel
Mode When it Is in Laptop Mode.**

Petitioners’ assertion that Lane’s mechanism 38 “located in the base would provide *orientation information indicative of a current mode of operation* because it would provide unique orientation information in each of the three claimed modes

(i.e., laptop, frame and easel)” with laptop mode being indicated by “the keyboard is horizontal and facing up” (Petition, 29) is plainly wrong.

As the Board is undoubtedly aware, people often use their portable computers in what Limitation [18f] calls “laptop” mode (up to approximately 180° rotation between base and display) while the keyboard is not horizontal. Indeed, Lane Fig. 13 (annotated below) shows the computer in what claim 18 calls “laptop mode” but the keyboard is not horizontal. Lane, 8:25-30 (the keyboard is “elevate[d]” in Fig. 13).

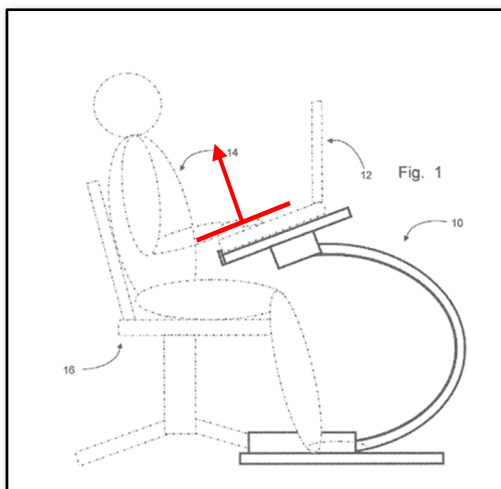


According to Petitioners, Lane’s mechanism “located in the base” would provide “unique orientation information” indicating that Lane’s computer in Fig. 13 is in easel mode because “the keyboard is facing upward but at a diagonal angle.” Petition, 29. That is inconsistent with claim 18. Under the plain language of claim 18, Lane’s Fig. 13 illustrates the computer in what Limitation [18f] (“up to approximately 180 degrees from a closed mode”) calls “laptop mode,” and not

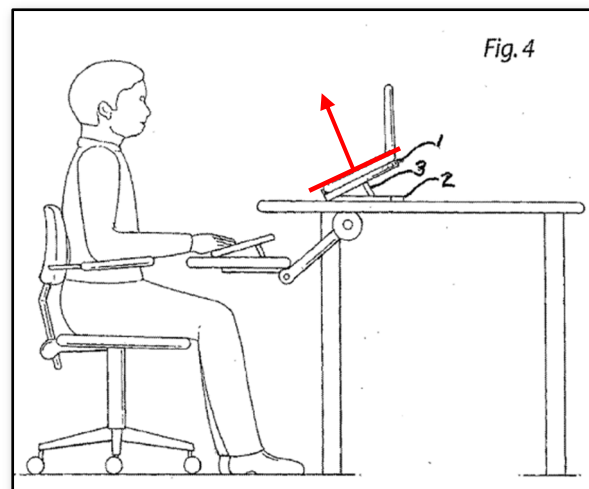
in what Limitation [18g] (“rotating ... beyond approximately 270 degrees from the closed mode”) calls “easel mode.”

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 18 calls “laptop mode” (“up to approximately 180 degrees from a closed mode” – Limitation [18f]), but where the keyboard is at a “diagonal angle” and not horizontal. Several examples are illustrated below.

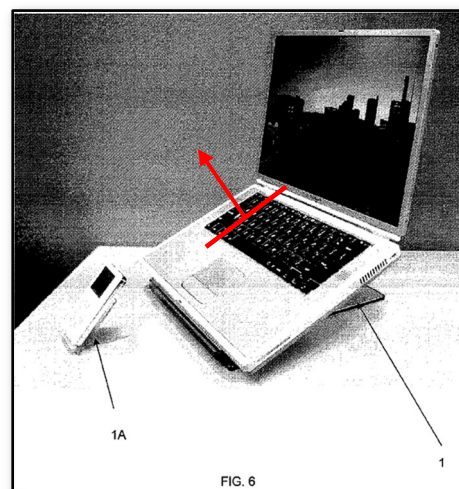
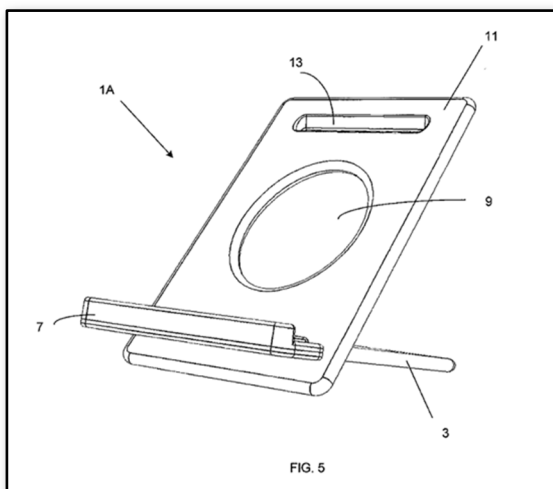
Ex. 2010



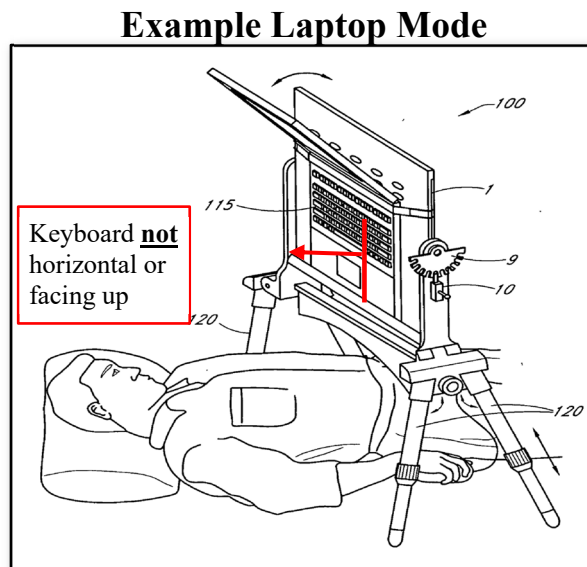
Ex. 2011



Ex. 2012



A laptop stand (shown below) was also known that held the computer in what the patent calls laptop mode but where the keyboard is vertical. While the computer is in the claimed “laptop mode,” it meets neither of the conditions Petitioners erroneously allege are indicative of laptop mode (Petition, 29) because the keyboard is neither horizontal nor facing up:



Ex. 2013, FIG. 1.

Petitioners’ **only** argument for how its Ground 1 combination allegedly meets Limitation [18c] is that Lane’s mechanism 38 “located in the base” would “provide *orientation information indicative of a current mode of operation* because it would provide unique orientation in each of the three claimed modes (i.e., laptop, frame, and easel).” Petition, 29 (Petition’s italics). This was based on Petitioners’ 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, 29. As seen from the foregoing, Petitioners’ assertion is demonstrably untrue and inconsistent with the plain language of claim 18. That is fatal to Ground 1.

d. Conclusion – Ground 1 Fails to Meet Limitation [18c].

As detailed above (§§ III.C.1-III.C.1.c.ii), the Petition fails to establish that its Ground 1 Lane-Fujikawa combination meets Limitation [18c] for three alternative reasons.

First, Ground 1’s showing is premised on an improper claim construction that ignores “mode[s] of operation” of Lane’s computer merely because they are not expressly recited in claim 18. *Supra* § III.C.1.a.

Second, even if the Board were to determine that the proper construction of claim 18 is that Limitation [18c]’s orientation information need only be indicative of the current mode among the “claimed modes,” Ground 1 fails because it ignores the claimed “closed mode.” *Supra* § III.C.1.b.

Third, even if the Board were to accept Petitioners’ assertion that Limitation [18c]’s orientation information need only be indicative of a current mode of operation among the laptop, frame, and easel modes (Petition, 29), Ground 1 fails because the Lane information Petitioners rely on would misidentify the computer’s

display mode under claim 18’s plain language (*e.g.*, by misidentifying Lane’s Fig. 13 configuration as easel mode rather than laptop mode). *Supra* § III.C.1.c.

2. Petitioners Fail 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 [18d]).

Limitation [18d] 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, 29-30.

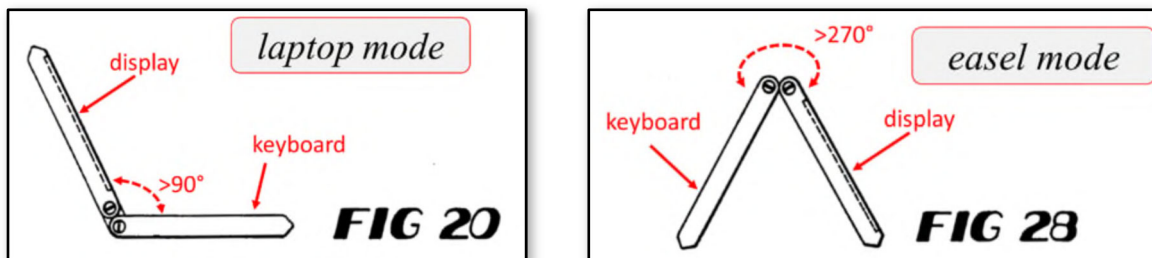
Petitioners allege that Fujinawa “discloses” [18d]’s enlarging requirement and argue “[i]t would have been obvious to a POSITA to incorporate Fujinawa’s content enlargement teachings” “in Lane’s portable computer.” Petition, 32-33.

Fujinawa’s device is not a laptop. Rather, as Petitioners concede, “Fujinawa discloses a digital photo stand.” Petition, 15. Fujinawa’s photo stand has a “book mode” and a “frame mode.” *Id.*

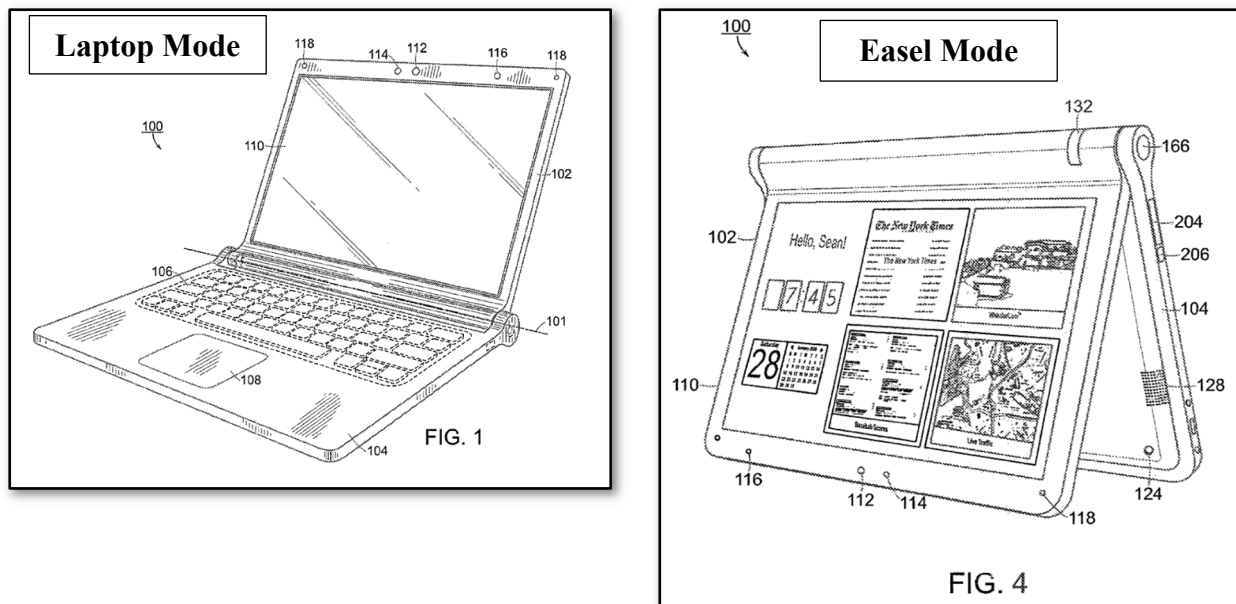
In “book mode,” a displayed photo does not fill the screen because the photo is in landscape mode (longer end extending horizontally) while the display screen is in portrait orientation (longer end extending vertically). Petition, 16; Fujinawa [0010]. The portion of the display screen unfilled by the photo (which Fujinawa calls “blank space”) displays “information” about the photo. Fujinawa, [0010]; Petition, 32 (annotating Fujinawa, Fig. 1, reproduced below). In “frame mode,”

In both its laptop and easel modes, Lane's display screen is oriented in landscape mode. This can be seen from the below-annotated figures of Lane reproduced from the Petition at 23-24, because in both laptop and easel mode the axis between the display and base modules runs horizontally rather than vertically. The landscape orientation in laptop and easel modes is illustrated even more clearly in the '229 Patent figures reproduced below:

Lane (Petition's annotations)



'229 Patent



The reason Fujinawa “enlarges” displayed content – because the display is reoriented from portrait orientation to landscape orientation that better aligns with

a landscape image – provides no motivation for enlarging any displayed content when Lane’s computer transitions from laptop to easel mode, because the display screen of Lane’s computer is in the landscape orientation in both laptop and easel modes.

Petitioners allege that in Fujinawa’s book mode the photo information “can be edited using operation keys 15 or stylus inputting means 16” (Petition, 15), whereas those user interface elements are “inaccessible to the user” in frame mode so the “photo information is omitted” from display (Petition, 16). Petitioners fail to establish that this provides a basis for enlarging displayed content in Lane because Petitioners do not establish that Lane lacks a user interface element in laptop or easel mode. Lane’s display supports “pen-based computing.” Lane, 8:15-19. Petitioners never allege the display and stylus do not provide an ability to edit photo information in Lane’s easel mode as an alternative to using the keyboard in Lane’s laptop mode.

Thus, Petitioners fail to establish that the reasons Fujinawa “enlarges” displayed content would have motivated a POSA to enlarge content in Lane when transitioning from its laptop to easel mode. Petition, 32-33. The alleged “reasons” Petitioners offer in support of a POSA making this Lane-Fujinawa combination fail.

First, Petitioners allege 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, 32 (un-bolded italics original).

This nonsensical assertion fails because Fujinawa’s device is “a digital photo stand” (Petition, 15) – Fujinawa is not a laptop computer with 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, Petitioners allege “[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, 33. This assertion is equally nonsensical. Lane’s display is in landscape orientation in Lane’s laptop mode and that does not change when the computer transitions to easel mode. Digital media can be viewed in “full-screen view” in either Lane’s laptop or easel mode. 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, Petitioners’ assertion that a POSA would have enlarged digital media when Lane’s computer transitions from laptop to easel mode to make it “easier to

view” is also unsupported by any credible evidence. Petition, 33 (citing only “EX1003, ¶189”). Petitioners only cite a paragraph of expert testimony that parrots Petitioners’ conclusory assertion word-for-word. *Compare* Petition, 33 with Ex. 1003, ¶ 189. Petitioners’ expert cites no corroborating evidence and provides no explanation for the naked conclusion offered. The unsupported conclusory testimony from Petitioners’ expert parroting Petitioners’ 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.’).”); *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 petitioners “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”).

Lastly, Petitioners allege 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, 33 (Petition’s ellipses) (quoting ’229 Patent, 14:47-53). Relying on the ’229 Patent’s teachings 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 [POSA] would have followed, as evidenced by the pertinent prior art.” *Id.*

Petitioners establish 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 when Lane’s computer transitions from laptop to easel mode where the display is in landscape orientation in both of Lane’s modes.

Thus, Petitioners fail to demonstrate that a POSA would have been motivated to modify Lane in a manner that meets Limitation [18d]. Ground 1 fails for this additional independent reason.

3. Ground 1 Fails for Independent Claim 12 for the Same Reasons Ground 1 Fails for Claim 18.

Ground 1 relies heavily on its showing for claim 18 to purportedly demonstrate independent claim 12 obvious over Lane and Fujinawa. Petition, 44-54. Petitioners' arguments for claim 12 fail as discussed below.

a. Limitation [12c]

Petitioners' showing for Limitation [12c] consists of two sentences. Petition, 46. Petitioners allege "[t]his limitation is similar to [18c] but refers to 'display modes' rather than the *interchangeable* term 'modes of operation,'" and allege [12c] "is disclosed for the same reasons as [18c]." Petition, 46.

Given that the Petition offered no separate basis for how Ground 1 purportedly meets Limitation [12c] and instead relied entirely on its failed showing for Limitation [18c], Ground 1's showing for Limitation [12c] falls with Petitioners' failed showing for Limitation [18c]. *Supra* § III.C.1.

Additionally, Petitioners allege that the "plurality of operating display modes" for claim 12 include "other" modes in addition to the laptop, frame and easel modes addressed for claim 18, including "tablet mode." Petition, 44-45. Yet, Petitioners never even allege that Lane's "accelerometer" is configured to generate orientation information indicative of the current display mode "among the plurality of display modes of the portable computer" when those modes include

tablet mode. Petitioners’ showing for Limitation [12c] fails for this additional reason.

b. Limitation [12d]

Limitation [12d] recites a “display manager configured to,” *inter alia*, “enlarge the computer content displayed on the display component responsive to a transition from a first ... to a second operating display mode.” Petition, 46-47.

For the enlarge content requirement of [12d], Petitioners cite no disclosure from Lane or Fujinawa. Petition, 47 (“Further” paragraph citing only “EX1003, ¶228”). Instead, Petitioners allege that “Lane-Fujinawa discloses the *enlarge the computer content* portion of this limitation ... for at least the reasons discussed for [18d].” Petition, 47 (Petition’s italics). Petitioners’ showing “for [18d]” fails for the reasons discussed *supra* § III.C.2.

Petitioners further allege that Fujinawa teaches “enlarging content (e.g., a digital photo) ... whenever Lane’s computer is reconfigured or reoriented so that visual display 25 is in landscape view.” Petition, 47. That conclusory assertion fails because Limitation [12d] requires a display manager configured to enlarge content “responsive to a transition from a first ... to a second operating display mode” and Petitioners identify no alleged “first” mode where Lane’s display is not already oriented “in landscape view.” Indeed, Petitioners allege “[t]he combination of Lane and Fujinawa discloses this limitation” [12d]. Petition, 46-

47. The only “combination” Petitioners allege based on a purported “motivation to combine” and reasonable expectation of success implements Lane to enlarge a photo “when transitioning from the computer’s laptop mode to its frame or easel mode.” Petition, 19-20. That assertion fails for the reasons discussed *supra* § III.C.2 because Lane’s display is in landscape orientation in all those modes.

c. Claim 14

Claim 14 depends from claim 12. Petitioners’ showing for claim 14 (Petition, 53-54) inherits the above-discussed fatal failings for claim 12.

4. Conclusion for Ground 1

As detailed above, Petitioners fail to establish that Lane has an accelerometer configured as required to meet Limitation [18c] or [12c] (*supra* §§ III.C.1, III.C.3.a, respectively), and also fail to establish a supportable reason why Fujinawa would have motivated a POSA to modify Lane in a manner that meets Limitation [18d] or [12d] (*supra* §§ III.C.2, III.C.3.b, respectively). These are two independent reasons why Ground 1 fails.

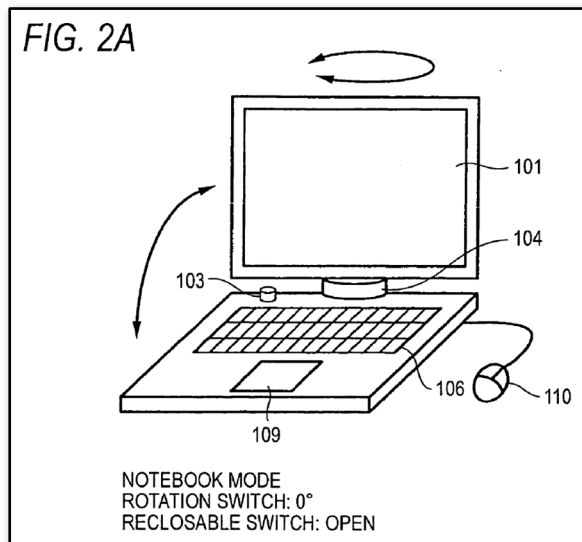
IV. GROUND 2 FAILS

Ground 2 alleges that independent claim 16 (and claim 17 that depends therefrom) would have been obvious over Lane and Tonouchi. Ground 2 fails for multiple independent reasons identified below (§ IV.B).

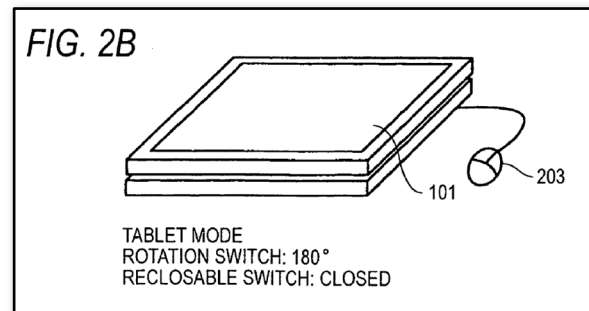
A. Tonouchi (Ex. 1008)

Tonouchi discloses a “convertible notebook PC” (Tonouchi, [0026]) that can transition between a “notebook mode” that Petitioners call a “laptop” mode (Fig. 2A, below left) and a “tablet mode” (Fig. 2B, below right). Tonouchi, [0019]; Petition, 16-17 (alleging Tonouchi “transition[s] from a normal laptop or notebook mode ... to a tablet mode”).

Tonouchi’s Notebook Mode



Tonouchi’s Tablet Mode



In laptop mode, “a keyboard or a touch-pad is used” as “with a normal notebook PC” (Tonouchi, [0003]), whereas in tablet mode, the keyboard and touch-pad “are not accepted” and “input is mainly performed by a pen” (Tonouchi, [0031]-[0032]). In tablet mode, various “[d]isplayed components, such as a mouse cursor, a button, a menu, and a scroll bar” “are displayed in a magnified manner as compared to those in the normal notebook mode.” Tonouchi, [0031].

B. Ground 2 Fails for Multiple Independent Reasons.

**1. Ground 2 Fails for Limitation [16c] for the Same Reasons
Ground 1 Fails for Limitation [18c].**

Petitioners’ showing for Limitation [16c] consists of a single sentence alleging that “Lane discloses this limitation for at least the reasons discussed for [18c].” Petition, 59. Petitioners’ showing for Limitation [18c] fails for the reasons discussed *supra* § III.C.1. Given that the Petition offered no separate basis for how Ground 2 purports to meet Limitation [16c] and relied entirely on its failed showing for Limitation [18c], Ground 2’s showing for Limitation [16c] falls with Petitioners’ failed showing for Limitation [18c]. *Apple Inc. v. Corephotonics, Ltd.*, 81 F.4th 1353, 1360 (Fed. Cir. 2023) (“the Board must base its decision on arguments that were advanced by a party”) (quoting *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016)).

2. Petitioners Fail to Show that Lane Meets Limitation [16d].

Limitation [16d] requires “***determining a current display mode*** of the plurality of display modes based on the orientation of the device, including distinguishing between a first display mode and a second display mode ... where either the display component or the base is rotated ... beyond approximately 270 degrees from a closed state.” Petition, 59-60.

Petitioners argue that “Lane ***discloses*** this limitation.” Petition, 60; *id.*, 62 (“Lane ***discloses determining a current display mode***) (un-bolded italics original).

Petitioners allege that meeting Limitation [16d] only requires distinguishing between a first and second display mode. Petition, 60. As detailed below, that fails as a matter of claim construction because [16d] requires “determining a current display mode of the plurality of display modes,” which requires distinguishing among all the portable computer’s display modes. Limitation [16f] expressly refers to “*at least* two display modes of the plurality of display modes,” making clear that claim 16 explicitly contemplates that the computer may have additional display modes.

But even if the Board were to construe Limitation [16d] as only requiring distinguishing between two display modes, Petitioners fail to demonstrate that Lane discloses that. As detailed below, Petitioners purport to establish that the information provided by Lane’s position-indicating mechanism “can” be used to distinguish between two display modes – not that Lane actually uses the information to make that determination. Claim 16 is a method claim and making that determination is required to meet Limitation [16d]. Petitioners do not even allege that Lane discloses that its computer makes the determination required by Limitation [16d] and Lane discloses no such thing.

Petitioners’ showing for Limitation [16d] is facially deficient and fails for numerous independent reasons detailed below (*infra* §§ IV.B.2.a-IV.B.2.e).

a. Petitioners Misconstrue Limitation [16d] as Allegedly Not Requiring Determining a Current Display Mode Among All the Computer’s Display Modes.

Limitation [16d] requires “*determining a current display mode of the plurality of display modes* based on the orientation of the device, including distinguishing between a first display mode and a second display mode of the plurality of display modes.” Petition, 59-60. The antecedent basis for “*the plurality of display modes*” is in Limitation [16pre] – the plurality of display modes are “of a portable computer.”

Ground 2 maps the claimed “portable computer” to Lane’s computer 10. Petition, 56-57 ([16pre]: arguing Lane discloses “a portable computer” “for the reasons discussed for [18pre]”); Petition, 21 ([18pre]: “Lane’s ‘device 10’ is a ‘portable computer’”); Petition, 59-62 (arguing [16d] is met by “Lane’s computer”). Thus, to meet Limitation [16d], Petitioners had to show that Lane determines “*a current display mode among the plurality of display modes of [Lane’s portable computer].*”

Limitation [16d] *further limits* the “determining a current display mode of the plurality of display modes” step by requiring that it “*include[s]* distinguishing between a first display mode and a second display mode of the plurality of display modes” where there is “approximately 270 degrees [of rotation of the display or base] from a closed state.” It is black letter law that “including” is an open-ended

term that requires, but does not limit, the claim to what is included. *SanDisk Corp. v. Memorex Prods., Inc.*, 415 F.3d 1278, 1284 (Fed. Cir. 2005) (“‘[I]ncludes’ means ‘comprising.’ Neither includes, nor comprising, forecloses additional elements that need not satisfy the stated claim limitations.”) (internal citations omitted). That is contrasted with a closed-ended term like “consisting of.” *Vehicular Techs. Corp. v. Titan Wheel Intern., Inc.*, 212 F.3d 1377, 1382 (Fed. Cir. 2000) (“‘consisting of’” “signif[ies] restriction and exclusion, while, in contrast, the term ‘comprising’ indicates an open-ended construction”). Thus, Limitation [16d] requires determining the display mode of the computer **and** performing making that determination for a computer having first and second display modes with approximately 270-degree rotation between the display and base.

Petitioners erroneously treat “including” as closed-ended. In this respect, Petitioners allege that “[t]he claim states that” determining a current display mode among the plurality of display modes “can be done by” simply meeting the “including” clause. Petition, 60 (alleging that “Lane’s computer and associated software” meets this limitation because it “**can distinguish** between frame mode and easel mode”). That argument fails as a matter of claim construction. Limitation [16d] requires determining “a current display mode of the plurality of display modes” of the portable computer. That is not met by simply alleging that Lane’s computer “can distinguish” between two of its display modes (easel and

frame mode), because Petitioners do not even allege that Lane “can” determine when the computer is in one of those modes, which would require an ability to distinguish among *all* the display modes of Lane’s computer.

b. Petitioners do not Even Allege That Lane can Determine the Computer’s Current Display Mode Among all Lane’s Display Modes.

If the Board agrees with LiTL that to meet Limitation [16d], as properly construed, Petitioners had to show that Lane determines “*a current display mode among the plurality of display modes of [Lane’s portable computer],”* that is fatal to Ground 2 because Petitioners do not even allege that Lane does so.

Petitioners allege that “Lane discloses” Limitation [16d] only because Lane allegedly “can distinguish between frame, tablet and easel modes,” which are “three display modes in which the display or based is rotated *beyond approximately 270 degrees from a closed state.*” Petition, 60-61 (Petition’s italics).

Even if the Board were to find that Lane distinguishes “between frame, table and easel mode” – it does not⁶ – that is insufficient to meet Limitation [16d] because that does not determine the current display mode of Lane’s computer.

⁶ As detailed *infra* § III.C.1.aIV.B.2.c.i, Petitioners only allege Lane “*can*” distinguish between these modes (Petition, 60-62), not that Lane discloses that it

As discussed *supra* (§ IV.B.2.a), “the plurality of display modes” of Lane’s computer include other display modes beyond those (frame, tablet, and easel) Petitioners allege Lane “can distinguish between.” Petition, 61. Petitioners admit this, as they repeatedly cite Lane’s disclosure of other display modes including closed mode (Lane, Fig. 5, 7:32-8:2), laptop mode (Lane, Fig. 6, 8:2-8), and flat mode (Lane, Fig. 7, 8:9-12). Petition, 36-37 (reproducing Lane Fig. 7 and acknowledging it discloses Lane’s “*flat mode*”) and 19 (identifying Lane’s Fig. 7 flat mode one of the “display modes” of Lane’s computer); Petition, 38 n.9 (acknowledging that Lane’s “Figure 5 shows Lane’s portable computer ... in a *closed mode*” and Lane’s Fig. 7 “shows it rotated 180 degrees”) (Petition’s italics).

Consequently, it is undisputed that “*the plurality of display modes ... of [Lane’s portable computer]*” in Limitation [16d] includes, *inter alia*, closed mode, laptop mode, and flat mode. Despite that, Petitioners’ argument for Limitation [16d] did not even attempt to establish that Lane’s device “determine[s] a current display mode of the plurality of display modes ... of the device” when the device’s plurality of display modes is correctly understood to include Lane’s laptop, closed and/or flat mode. Instead, Petitioners only purport to demonstrate that Lane

does distinguish between them and actually determine the computer’s current display mode, which is what Limitation [16d] requires.

discloses “*determining a current display mode of the plurality of display modes*” because Lane’s device can allegedly “distinguish between frame, tablet, and easel modes.” Petition, 60-61 (Petition’s italics).

If the Board agrees that Limitation [16d] requires “determining a current display mode of the plurality of display modes ... of [Lane’s portable computer],” then Petitioners’ showing for Limitation [16d] is facially deficient because it ignores Lane’s laptop, closed, and flat modes. Ground 2 fails for this reason alone.

**c. Petitioners Fail to Show that Lane “Discloses”
Determining a Current Display Mode.**

Even if the Board were to find that claim 16 could be met by only distinguishing among Lane’s frame, easel, and tablet modes as Petitioners allege (Petition, 59-62), Ground 2 still fails because Petitioners fail to establish that Lane discloses this.

**i. Petitioners Never Even Allege that Lane
Discloses Making the Determination [16d]
Requires.**

Petitioners allege that “Lane discloses” Limitation [16d]. Petition, 60 & 62. That assertion is premised on Petitioners’ allegation that based on the information provided by Lane’s position-indicating mechanism 38, “Lane’s computer and associated software *can distinguish* between frame, tablet, and easel modes.” Petition, 61; *see also id.*, 60 (“*can distinguish* between frame mode and easel mode”), 61 (“*can distinguish between a first display mode and a second display*

mode”) (Petition’s unbolded italics), 62 (“***permits*** the portable computer and its associated software to distinguish between these three display modes”).

Petitioners never identify anything in Lane disclosing that Lane’s computer actually ***does*** distinguish among display modes and determine the computer’s current display mode. That is what Limitation [16d] requires. Claim 16 is a method claim. See Limitation [16pre]. Limitation [16d] requires “*determining a current display mode of the plurality of display modes based on the orientation of the device.*” Petition, 59-60 (Petition’s italics). To prove that “Lane ***discloses*** this limitation” (Petition, 60), Petitioners had to show that Lane “actually teaches operating” Lane’s “device in the manner claimed.” *Ex Parte Griffin*, Appeal No. 2019-004060, 2020 WL 289617, *3 (Jan. 14, 2020) (“[T]o anticipate a method claim, it must be shown that the allegedly anticipating prior art reference ***actually teaches operating a device in the manner claimed.***”) (citing *ParkerVision, Inc. v. Qualcomm Inc.*, 903 F.3d 1354, 1363 (Fed. Cir. 2018) (affirming Board’s finding that method claims “were not proven unpatentable” because the petitioner “***failed to put forth any argument or evidence in its petitions as to whether [prior art]’s device, even if capable of doing so, actually would***” perform a step requiring a device to “output a periodic signal”)).

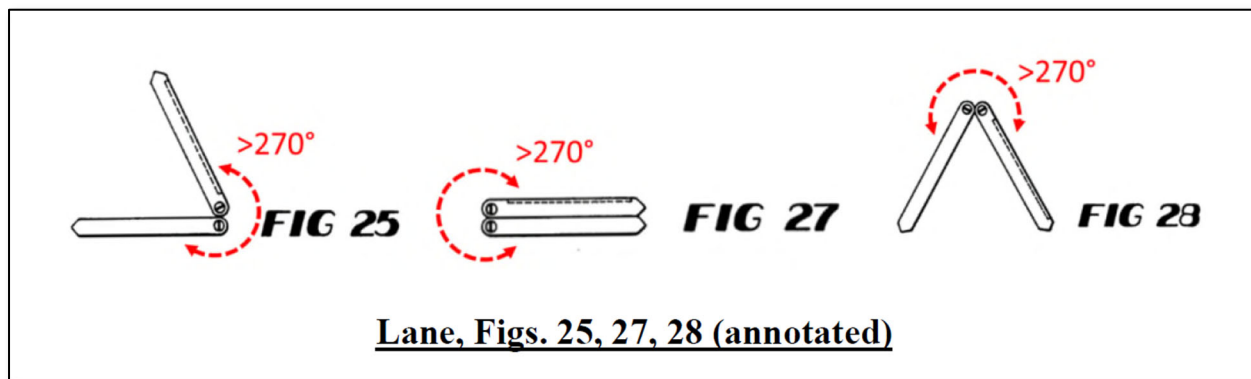
Petitioners’ failure to even allege, let alone establish, that Lane discloses performing a method that does what Limitation [16d] requires is an additional independent reason why Ground 2 fails.

ii. None of the Lane Disclosures Petitioners Cite Teach Determining a Current Display Mode.

Petitioners assert that Lane teaches “locating a position-indicating mechanism 38” in the base, display, or both, and that “by doing so Lane’s *computer and associated software* can distinguish between” the frame, tablet and easel modes. Petition, 60-62. Petitioners allege that “using” the position-indicating mechanism in this way meets the “determining” required by Limitation [16d]. Petition, 61; *see also id.*, 62 (“locating a position-indicating mechanism in the base and display—as suggested and taught by Lane—*permits the portable computer and its associated software* to distinguish between these three display modes. *Id.*, ¶330. In this additional way, Lane discloses ... [16d].”).

Despite relying on a determining step allegedly performed by Lane’s “computer and its associated software” to meet Limitation [16d], Petitioners’ argument for Limitation [16d] cites *no Lane disclosure* about any determination made by Lane’s “computer and its associated software.” Petition, 59-62. Petitioners’ argument for Limitation [16d] cites Lane’s Figures 25 and 27-28 (reproduced with Petitioners’ annotations below) and no other Lane disclosure.

The cited Lane figures merely illustrate that Lane’s computer can be placed by the user into a “frame mode, tablet mode, and easel mode.” Petition, 60.



The cited Lane figures do not describe *any* determination made by “Lane’s computer and associated software.” Petition, 60-62. Thus, none of the Lane disclosures that Petitioners cite support Petitioners’ assertion that “Lane discloses” Limitation [16d] based on something its “computer and its associated software” allegedly “can” do using information from position-indicating mechanism 38.⁷ *Id.* That is reason enough why Ground 2 fails. 37 C.F.R. § 42.104(b)(4) (“The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon”), § 42.22(a)(2) (“Each petition... must include... [a] full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence.”); *SMIC Ams. v.*

⁷ Lane discloses using information from position-indicating mechanism 38 for *different* reasons discussed *infra* § IV.B.2.d.

Innovative Foundry Techs. LLC, IPR2020-00837, Paper 13, 14 (Oct. 9, 2020)

(“[W]here the Petition presents an argument but fails to identify sufficient evidence to support the argument, we should not go in search of additional evidence ourselves.”).

iii. Petitioners’ [18h] Arguments do not Demonstrate that Limitation [16d] Is Met.

The Petition refers to its “[18h]” argument to purportedly establish that Lane discloses “locating position-indicating mechanism 38 in both the base and display of Lane’s portable computer.” Petition, 61. Even if true, that says nothing about how Lane’s “computer and associated software” *use* the information from the mechanisms 38 and does not even allege, let alone establish, that Lane’s computer determines the current display mode.

Petitioners also allege that “[a]s discussed for [18h], Lane teaches locating a position-indicating mechanism 38 in first module 14 (base), and by doing so Lane’s computer and associated software *can* distinguish between frame mode and easel mode.” Petition, 60. This does not help Petitioners for three reasons.

First, Petitioners’ [18h] argument never alleges that Lane can *distinguish between* frame and easel mode. Petition, 42-44. Instead, Petitioners’ [18h] argument alleges that Lane can detect that the keyboard is unused, and that “the keyboard is unused in *both easel mode and frame mode*” so Lane can determine that the computer is “*one* of the easel mode and the frame mode” as [18h] requires.

Petition, 42 (unbolded italics original). Thus, for [18h], Petitioners argue that Lane can determine that the computer is in one of two display modes, *either* easel or frame mode. *Id.* That is not an argument that Lane can more specifically identify which of those two modes the computer is in and thereby “distinguish between frame and easel mode.” Petition, 60.

Second, Petitioners’ assertion that “Lane’s computer and associated software *can* distinguish between frame mode and easel mode” (Petition, 60) does not allege, let alone establish, that Lane’s computer and software *does* make that determination.

Third, even if Lane’s computer and software “distinguish[ed] between frame mode and easel mode,” that is insufficient to meet [16d] for the reasons discussed *supra* §§ IV.B.2.a-IV.B.2.c.ii, because determining the current display mode requires being able to distinguish among all of Lane’s display modes (including closed, laptop, and flat modes).

d. Lane Uses Position-Indicating Mechanism 38 for Different Reasons – not for Determining a Current Display Mode.

As discussed *supra* § III.A, Lane says position-indicating mechanism 38 is used to assist the computer in determining one of three things: (1) whether content should be displayed in landscape or portrait orientation, (2) the direction of cursor movement, or (3) whether the keyboard should be inactivated. Lane, 5:23-6:6.

None of these determinations is a determination of the computer’s current display mode. Petitioners do not allege otherwise.

Given that Lane does not expressly disclose that its computer and associated software determine the computer’s current display mode, the Petition could only substantiate its assertion that “Lane discloses” this (Petition, 60 & 62) if Lane inherently disclosed determining the current display mode. *LBT IP I LLC v. Apple Inc.*, 2023 WL 3914920, at *3 (Fed. Cir. June 9, 2023) (“undisputed that [reference] does not expressly disclose” limitation, so petitioners’ “argument regarding [reference]’s disclosure is substantively one of inherency”). Petitioners do not even allege that Lane inherently discloses that its computer and software determine the current display mode, let alone meet the high burden required to establish inherency.

In another proceeding involving a related patent, LiTL’s expert explained to the Office in detail why the three determinations Lane describes its computer as making using the position-indicating mechanism do not determine the computer’s current display mode. Ex. 2014, ¶¶ 116-140. Petitioners cite no contrary evidence and never allege that any of these determinations is a determination of the computer’s display mode.

Thus, Lane’s teachings regarding how its “computer and associated software” use position-indicating mechanism 38 – which is what Petitioners assert

demonstrates that Lane “discloses” Limitation [16d] (Petition, 60-62) – do not teach determining the current display mode of Lane’s computer as [16d] requires.

e. Petitioners do not Allege it Would Have Been Obvious to Modify Lane to Perform the “Determining” Step.

Ground 2 alleges obviousness over Lane and Tonouchi but relies on Lane’s unmodified teachings to meet the “determining” required by Limitation [16d]. Petition, 60 (“Lane discloses this limitation.”); Petition, 61 (alleging Lane “*discloses determining a current display mode*”) (non-bolded italics original); Petition, 62 (same).

For Limitation [18h], Petitioners allege that Lane “suggests” using a mechanism 38 in both the base and display modules and that it would have been “obvious ... to try” this. Petition, 44. Petitioners further allege this would “permit[] the portable computer and its associated software to distinguish between” the easel, frame, and tablet modes. Petition, 62.

Petitioners do not allege any modification to Lane’s “computer and associated software” to “permit” the computer to make a determination meeting Limitation [16d] (Petition, 60-62), let alone provide evidence of some non-hindsight *reason/motivation* to have made some (unspecified) modification to

Lane’s software.⁸ *ParkerVision*, 903 F.3d at 1363 (proving obviousness of a method claim requires “evidence and argument that a [POSA] would have been ***motivated to operate***” the prior art’s device “in a manner that satisfied” the claim); *Adidas AG v. Nike, Inc.*, 963 F.3d 1355, 1359 (Fed. Cir. 2020) (“The obviousness inquiry does not merely ask whether a skilled artisan could combine the references, but instead asks whether they would have been motivated to do so.”) (internal citation and quotation marks omitted).

Even if the Board were to find that an obvious implementation of Lane has a position-indicating mechanism 38 in the base and display, Petitioners do not even allege, let alone establish, any motivation to operate Lane’s computer in the manner Limitation [16d] requires by having the “computer and associated software” determine the computer’s current display mode. *United Indus. Corp. v. Susan McKnight, Inc.*, IPR2017-01687, Paper 31, 27 (Jan. 22, 2019) (denying institution where petitioner “provides no persuasive evidence that a” POSA “would have been ***motivated to operate***” a prior art device to meet a claimed method; “[T]o show the obviousness of the claimed method, Petitioner cannot merely show

⁸ The only “updates to the software on Lane’s computer” Petitioners allege in Ground 2 are based on Tonouchi’s alleged teachings to enlarge content. *See* Petition, 56.

an apparatus capable of performing the method would have been obvious but must present evidence and argument that a [POSA] would have been motivated to operate the prior art apparatus in a manner that satisfied the limitations of the challenged claims.”) (citing *ParkerVision*); *Ex Parte Black*, Appeal No. 2022-001847, 2022 WL 16848800, at *7 (Nov. 7, 2022) (“Our reviewing court instructs us that to show obviousness of a method claim, more is required than merely identifying a prior art reference that discloses an apparatus ‘capable of’ performing the recited functions.”) (citing *ParkerVision*).

Thus, Petitioners do not establish any motivation to modify Lane’s “computer and associated software” in the manner required to meet Limitation [16d], and instead rely entirely on Lane allegedly disclosing that its unmodified “computer and associated software” makes the determination [16d] requires. Petition, 62. That assertion fails for the reasons discussed *supra* §§ IV.B.2.b-IV.B.2.d. That is fatal to Ground 2.

f. Conclusion – Ground 2 Fails to Meet Limitation [16d].

As detailed above (§§ IV.B.2.a-IV.B.2.e), Petitioners fail to establish that Ground 2’s Lane-Tonouchi combination meets Limitation [16d] for multiple independent reasons.

Ground 2 fails as a matter of claim construction because Petitioners’ showing for [16d] ignores display modes of Lane’s computer. *Supra* § IV.B.2.a.

Petitioners never even allege that Lane discloses that its computer can determine “a current display mode of the plurality of display modes” of Lane’s computer when all the display modes of Lane’s computer are considered. *Supra* § IV.B.2.b.

Alternatively, even if the Board were to find that Limitation [16d] could be met by only distinguishing among Lane’s frame, easel, and tablet modes as Petitioners allege (Petition, 60-62), Ground 2 still fails because Petitioners fail to establish that Lane discloses that its “computer and associated software” operate in this manner. *See supra* §§ IV.B.2.c-IV.B.2.e.

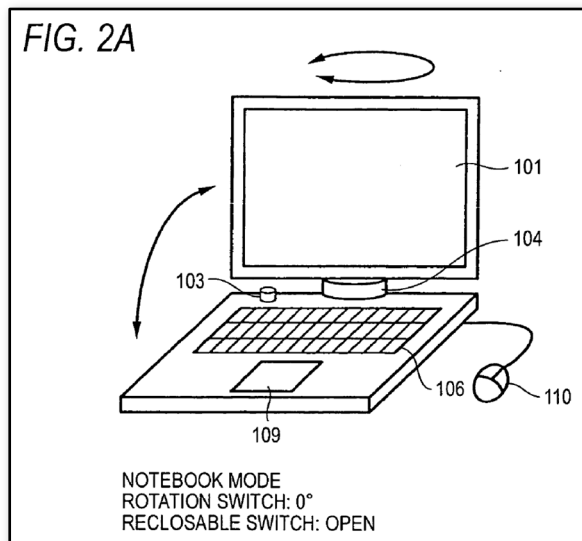
3. Petitioners Fail to Show that Tonouchi Would Have Motivated a POSA to Modify Lane to Enlarge Displayed Content in the Manner Petitioners Allege (Limitation [16f]).

Limitation [16f] requires, *inter alia*, “*enlarging the computer content displayed on the display component responsive to detecting a transition from the first display mode to the second display mode.*” Petition, 62-63.

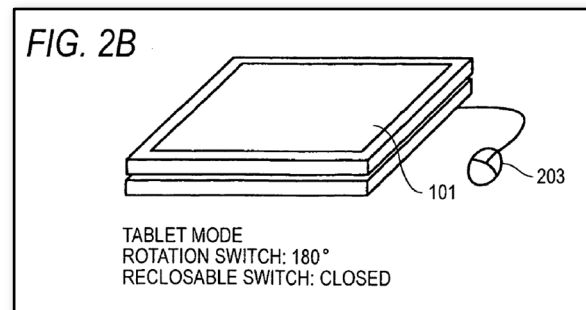
Petitioners admit “Lane does not ... describe” Limitation [16f]’s “*enlarging*” requirement but allege Tonouchi does. Petition, 54. Petitioners allege a POSA would have modified Lane to enlarge content when Lane’s computer transitions “into tablet mode” (Petition, 54), and that Limitation [16f] is met by the Lane-Tonouchi combination enlarging content responsive to detecting a transition “from frame or easel mode into tablet mode” (Petition, 63). Petitioners fail to show that Tonouchi would have motivated a POSA to modify Lane’s computer in this way.

Tonouchi's computer can transition from a "notebook mode" (which Petitioners call "laptop" mode) to a "tablet mode." Tonouchi, [0019]; Petition, 16-17. A "keyboard or a touch-pad is used" in laptop mode (Tonouchi, [0003]) but keyboard and touch-pad inputs "are not accepted" in tablet mode (Tonouchi, [0032]). In tablet mode, "input is mainly performed by a pen" applied to the device's display so "[d]isplayed components, such as a mouse cursor, a button, a menu, and a scroll bar" "are displayed in a magnified manner as compared to those in the normal notebook mode." Tonouchi, [0031]. Thus, Tonouchi teaches enlarging displayed content when transitioning from a mode (laptop) where users provide input via a keyboard and touch-pad to a mode (tablet) where the keyboard and touch-pad are unavailable and users rely on a pen to provide input to the device via the display.

Tonouchi's Notebook Mode



Tonouchi's Tablet Mode



Petitioners acknowledge that Tonouchi teaches enlarging content “when the portable computer is transitioned into tablet mode in which the user will make inputs through the touchscreen *because* the keyboard is hidden underneath or behind the device.” Petition, 54-55. Despite that, Petitioners do *not* allege that a POSA would have modified Lane to enlarge content when its computer transitions from laptop mode (or any other mode where the keyboard is used) to one where it is not. That’s because a modification to Lane to enlarge content responsive to a transition from laptop mode would *not* meet [16f]. Limitation [16f] requires enlarging content responsive to a transition from a “first display mode” in which there is “approximately 270 degrees” of rotation between the base and display. *See* Limitation [16d]. Petitioners allege the first display mode is met by frame, easel, or tablet mode (Petition, 63) – *not* laptop mode.

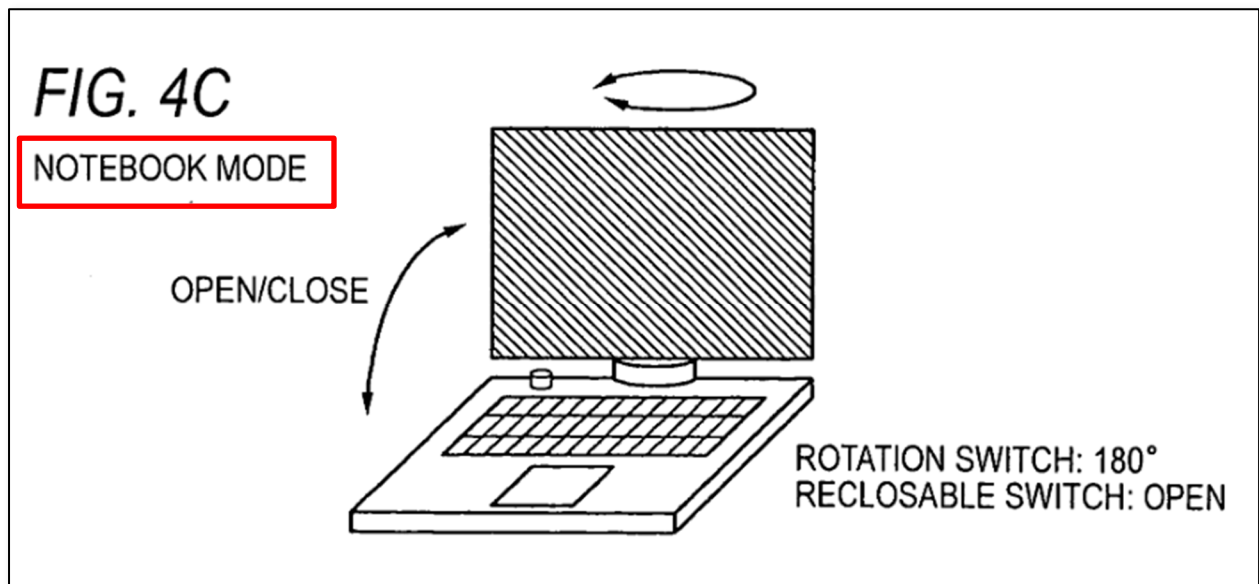
In an attempt to reconstruct claim 16 in hindsight, Petitioners allege a POSA would have modified Lane to enlarge content “*responsive to detecting a transition from **frame or easel mode** into tablet mode.*” Petition, 63 (Petition’s italics); Petition, 64 (same). Petitioners’ assertion that Tonouchi would have motivated POSAs to modify Lane to enlarge content when transitioning from frame or easel mode into tablet mode is unsupported because in *all* these modes Lane’s keyboard is inaccessible.

As discussed above, and as *Petitioners admit*, Tonouchi teaches enlarging content when transitioning from a mode “where input is performed by a keyboard [] and touch pad []” (laptop mode) “to a tablet mode, where the keyboard is inaccessible.” Petition, 16. This provides no motivation to enlarge displayed content in Lane when transitioning from easel or frame mode to tablet mode because, Petitioners allege that in all three of those modes Lane’s keyboard is “unused.” Petition, 42 (Lane’s “keyboard is unused in both *easel mode* and *frame mode*.”) (Petition’s italics), 51-52 (Lane “discloses disabling the keyboard when unused as in either *frame* or *tablet mode*”), 62 (“The keyboard is unused in *frame mode*”).

Tonouchi’s teaching to enlarge content when transitioning from a mode where the keyboard is available (laptop mode) to a mode where the keyboard is unavailable (tablet mode) provides no reason to enlarge content when Lane’s device transitions from frame or easel mode to tablet mode, because Petitioners admit that Lane’s keyboard is “unused” in all those modes. Thus, Petitioners fail to identify any supportable reason why Tonouchi would have motivated a POSA to modify Lane in a manner that meets Limitation [16f]’s enlarging requirement.

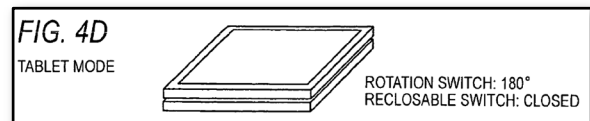
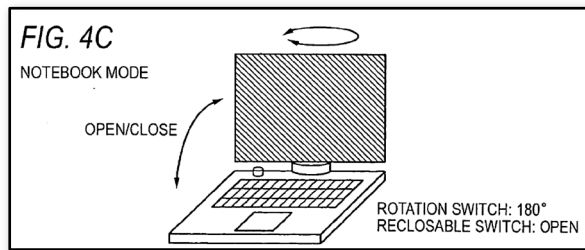
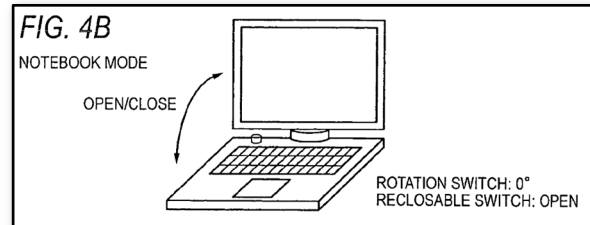
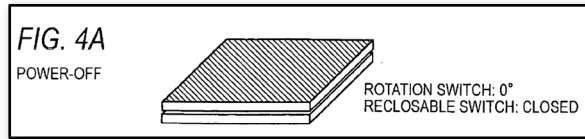
Petitioners further allege “a POSITA would recognize that Tonouchi teaches enlarging components when transitioning from any mode (*including frame or easel modes*) into tablet mode.” Petition, 64. This assertion fails.

First, Tonouchi does not disclose frame or easel mode. Petitioners do not even allege that Tonouchi discloses an easel mode. Petitioners allege that Tonouchi discloses “a frame-like mode” in FIG. 4C because “the display component is oriented so that the keyboard is behind the display screen.” Petition, 63-64, 64 n.12. Petitioners ignore that Tonouchi expressly calls FIG. 4C (annotated below by adding a red box) the “NOTEBOOK MODE”:

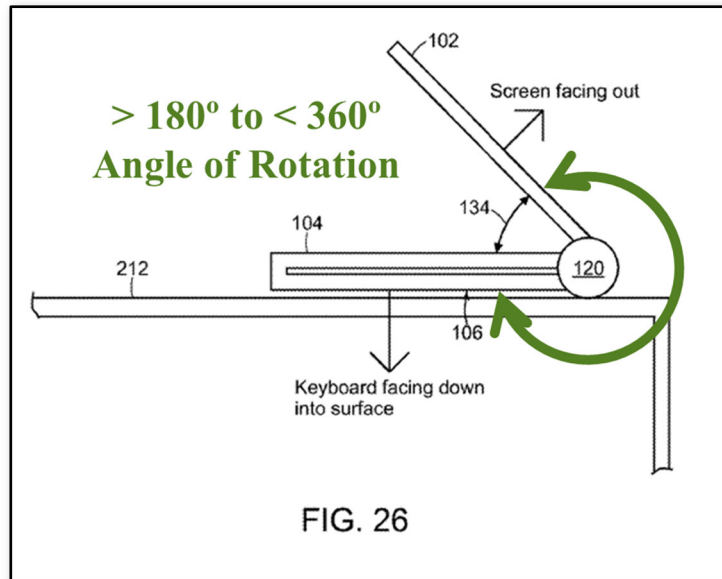


Tonouchi’s Figs. 4A-4D (reproduced below) show the computer in power-off mode (Fig. 4A), notebook/laptop mode (Fig. 4B) and tablet mode (Fig. 4D). Tonouchi, [0030]. Fig. 4C illustrates the process of reconfiguring the computer from notebook to tablet mode. *Id.* (“When the display 101 is rotated about the reclosable section by 180° (FIG. 4C), **and** the display 101 is closed such that the surface opposite the screen faces the keyboard 106 and the touch-pad 108, the device enters the tablet mode as shown in FIG. 4D.”). Petitioners’ assertion that

Fig. 4C illustrates a different “frame-like” mode (Petition, 64) is entirely unsupported and directly refuted by Tonouchi’s Fig. 4C itself, which characterizes this as “notebook mode.”



Frame mode is characterized by greater than 180° rotation between the base and display and the keyboard “facing down.” ’229 Patent, 16:44-48, 18:16-21, Fig. 26 (annotated below). Yet, Petitioners admit that in Tonouchi’s Fig. 4C “the keyboard faces up instead of down.” Petition, 64 n.12. Petitioners’ assertion that Tonouchi’s discloses a “frame-like mode” in FIG. 4C is baseless. Petition, 63-64.



Because Tonouchi discloses neither an easel nor frame mode, Petitioners’ assertion that “Tonouchi *teaches* enlarging components when transitioning from ... *frame or easel modes* [] into tablet mode” fails. Petition, 64.

Second, Tonouchi does not “teach[] enlarging components when transitioning from *any mode* ... into tablet mode.” Petition, 64. As discussed above, Tonouchi only discloses enlarging displayed components when transitioning from Tonouchi’s notebook (laptop) mode to Tonouchi’s tablet mode. Tonouchi, [0031]. Petitioners identify no other transitions in Tonouchi that result in enlarging displayed content. Petitioners’ assertion that Tonouchi “teaches enlarging components when transitioning from *any mode* ... into tablet mode” (Petition, 64) is entirely unsupported.

Petitioners’ assertion that “Tonouchi discloses, suggests, and teaches *enlarging the computer content displayed*” when transitioning from “frame or

easel” mode to tablet mode is unsupported by Tonouchi or by any other credible evidence. Petition, 34 (citing only “*Id.*,” which is “EX1003, ¶342”). The only evidence Petitioners cite is a paragraph of expert testimony that merely parrots Petitioners’ conclusory assertion nearly word-for-word. *Compare* Petition, 64 with Ex. 1003, ¶ 342. Petitioners’ expert cites no corroborating evidence. The unsupported conclusory testimony from Petitioners’ expert that essentially parrots Petitioners’ attorney argument warrants no weight under the Board’s precedential *Xerox* decision. *Xerox*, IPR2022-00624, Paper 9 at 15; 37 C.F.R. § 42.65(a).

As discussed above, Petitioners established no supportable non-hindsight reason why a POSA would have been motivated to enlarge content when Lane’s computer transitions from frame or easel mode to tablet mode. Thus, Petitioners fail to demonstrate that POSAs would have been motivated to modify Lane in a manner that meets Limitation [16f]. Ground 2 fails for this additional independent reason.

V. GROUNDS 3-4 FALL WITH GROUNDS 1-2, RESPECTIVELY.

Ground 3 alleges obviousness of the same claims (12, 14, and 18) challenged in Ground 1 over Lane and Fujinawa, but alleges obviousness over “Lane, Fujinawa, MIT, and/or Wehrenberg.” Petition, 1.

Ground 4 alleges obviousness of the same claims (16-17) challenged in Ground 2 over Lane and Tonouchi, but alleges obviousness over “Lane, Tonouchi, MIT, and/or Wehrenberg.” Petition, 1.

Thus, Grounds 3-4 build on Grounds 1-2, respectively, and additionally rely on MIT and/or Wehrenberg. Petitioners rely on the new secondary references (MIT and Wehrenberg) in the following way:

“[t]o the extent any of the challenged claims may be construed to permit only a single longitudinal axis of rotation, 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, 65-66); 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 by Wehrenberg for Lane’s mechanism 38” (Petition, 68).

Petitioners group Grounds 3-4 together and allege in conclusory fashion that Grounds 3-4 establish that “Further Adding MIT and/or Wehrenberg to Each Combination Renders All Challenged Claims Obvious.” Petition, 65 (heading “C”). Petitioners never explain what “Each Combination” means, but appear to allege that Grounds 3-4 “add[] MIT and/or Wehrenberg” to the “combinations” in Grounds 1-2, respectively.

The Petition does not map its new Ground 3-4 combinations to all the limitations of any challenged claim. Petition, 65-70. Indeed, Petitioners’ “analysis” for Grounds 3-4 never even mentions most of the requirements of independent claims 12, 16, or 18. Petition, 65-70. Thus, to the extent Grounds 3-4 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 1-2, respectively.

Notably, Petitioners do not allege that using Wehrenberg’s accelerometer in Lane would result in Limitations [12c]/[18c] (Ground 1) or Limitations [16c]-[16d] (Ground 2) being met any differently than they were alleged to be met by Lane’s mechanism 38. To the contrary, Petitioners allege 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, 70 (un-bolded italics original).

Thus, Petitioners do not rely on MIT or Wehrenberg in a manner that cures any of the above-identified deficiencies for Grounds 1-2. *See supra* § III (Ground 1), § IV (Ground 2). Thus, Ground 3 fails for the same reasons Ground 1 fails, and Ground 4 fails for the same reasons Ground 2 fails.

VI. 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 any challenged claim unpatentable.

Respectfully submitted,
LiTL LLC

Date: April 11, 2024

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24, the undersigned certifies that the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE** contains 13,997 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 11, 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 11, 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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