

UNITED STATES PATENT AND TRADEMARK OFFICE

AMAZON.COM, INC. and AMAZON.COM SERVICES LLC,
Petitioner,

v.

NOKIA TECHNOLOGIES OY,
Patent Owner.

IPR2024-01043
Patent 8,918,741 B2

Before GREGG I. ANDERSON, SCOTT B. HOWARD, and STEVEN M.
AMUNDSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Amazon.com, Inc. and Amazon.com Services LLC (collectively “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–20 (“the challenged claims”) of U.S. Patent No. 8,918,741 B2 (Ex. 1001, “the ’741 patent”). Petitioner also filed a Declaration of Benjamin B. Bederson, Ph.D. (Ex. 1003, “Bederson Declaration”) with the Petition. Nokia Technologies Oy (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314 (2024); 37 C.F.R. § 42.4(a) (2023). Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information in the petition and the preliminary response “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Upon consideration of the Petition, the Preliminary Response, and the evidence of record, for the reasons given below, we determine there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one challenged claim of the ’741 patent.

Accordingly, we institute an *inter partes* review of claims 1–20 of the ’741 patent based upon all the asserted grounds of unpatentability set forth in the Petition. Pet. 8.

B. Related Proceedings

The parties identify the following related district court cases involving the ’741 patent: *Nokia Corporation v. Amazon.com, Inc.*, 1-23-cv-01232 (D.

Del.) (“District Court Litigation”). Pet. 75; Paper 5 (“Patent Owner’s Mandatory Notices Under 37 C.F.R. § 42.8(a)(2)”), 1.

C. Real Parties-in-Interest

Petitioner identifies itself, Amazon.com, Inc. and Amazon.com Services LLC, as the real party-in-interest. Pet. 75. Patent Owner identifies itself, Nokia Technologies Oy, as the real party-in-interest. Paper 5, 1.

D. The ’741 Patent

The ’741 patent was filed on May 8, 2013, as U.S. Patent Application No. 13/889,750 (“the ’750 application”). Ex. 1001, codes (21), (22). The ’750 application is a continuation of Application No. 13/357,143, filed January 24, 2012, which is a division of application No. 11/770,929, filed June 29, 2007, now U.S. Pat. No. 8,127,254. *Id.* at code (60).

1. Technical Background

The ’741 patent relates to mobile devices, such as mobile communication devices which “generally include a variety of applications, including for example Internet communications, instant messaging capabilities, email facilities, web browsing and searching.” Ex. 1001, 1:20–24. In a locked mode, certain information is displayed but the applications are idle and user inputs other than unlocking the device are ignored. *Id.* at 1:25–28. “Typically, unlocking a device can require the manipulation of one or more keys of the device, fingerprint sensors, key combinations and number codes.” *Id.* at 1:28–30. “[W]hen a device is unlocked, the user interface that is presented is pre-determined by the device.” *Id.* at 1:31–32. The object of the ’741 patent is to allow a user “to easily unlock a device

and move directly into a desired user interface or application.” *Id.* at 1:34–36.

2. The Touch Screen of the '741 Patent

The '741 patent describes in one embodiment a method that includes “providing a touch or proximity screen device in an idle mode.” Ex. 1001, 1:42–43. “A sector or region displayed on a screen of the device in the idle mode is contacted or activated and moved or expanded to reveal at least one application icon associated with an active/unlocked state of the device.” *Id.* at 1:43–47. “The term idle mode generally [will] be referred to as a reduced active region that can be manipulated in limited ways.” *Id.* at 1:47–49. “As the icon is moved or dragged to an edge of the device, the device changes state to an active/unlocked mode and opens in the application or set of user elements associated with the revealed application icon.” *Id.* at 1:50–53. The dragging of the icon can be carried out by touching the icon with a finger and moving the finger toward an edge of the device. *Id.* at 4:25–27.

As explained below, Figures 2A and 3 of the '741 patent illustrate the invention using a clock or time application. Ex. 1001, 6:60–63. Figure 2A is reproduced below.

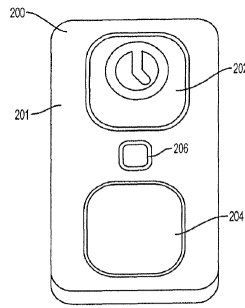


FIG. 2A

Figure 2A illustrates an icon 206 which is selectable and active in the idle/locked mode of the device.

Ex. 1001, 4:20–21.

Figure 3 is reproduced below.

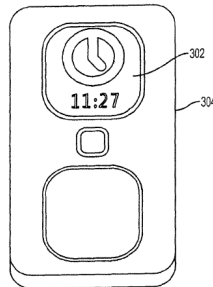


FIG. 3

Figure 3 illustrates the icon 202 of Figure 2 highlighted as icon 302 in Figure 3.

Ex. 1001, 6:64–66. “In the dimmed mode, when the device is locked, it may not be possible to view any functions of the application, such as for example, the current time.” *Id.* at 6:61–63. This dimmed-mode state may be described as a “passive active” or “semi-active” state and allows for temporary activation of the clock in order to display the current time. *Id.* at 6:66–7:6. “[T]he clock application icon 302 is illuminated when that area is

selected, and the current time is available and can be viewed, particularly against the dimmed and/or darkened background 304.” *Id.* at 7:3–6.

E. Illustrative Claim

The Petition challenges claims 1–20, of which claims 1, 11, and 17 are independent claims directed to, respectively, an apparatus, a method, and a non-transitory computer readable medium. Ex. 1001, 11:54, 12:30, 12:53. Claims 2–10, 12–16, and 18–20 depend variously and ultimately from one of independent claims 1, 11, or 17. *Id.* at 11:66–12:29, 12:39–52, 12:64–13:2. Claim 1 is illustrative of the claimed subject matter and reproduced below:

[1a]¹ 1. An apparatus, comprising:

at least one processor; and at least one memory storing computer program code configured, working with the at least one processor, to cause at least the following to be performed:

[1b] causing a display of a device to display an object, relating to an application, when the device is in a locked mode; and

[1c] enabling a user to select the object while the device is in the locked mode, in order to determine a state, function or utility of the application without fully activating the application while the device remains in the locked mode.

Ex. 1001, 11:54–65.

F. References and Other Evidence

Petitioner relies on the following references along with the Bederson Declaration:

¹ Paragraph labeling in brackets is based on Petitioner’s format identifying the claim elements. *See* Pet. 12–26 (showing for claims 1, 11, and 17). We adopt the same format for purposes of this Decision.

Hassan, et al., US 2007/0180492 A1, published August 2, 2007 (Ex. 1004, “Hassan”);

Nirhamo, et al., US 2006/0246955 A1, published November 2, 2006 (Ex. 1005, “Nirhamo”); and

Becker, US Pat. No. 7,689,939 B1, issued March 30, 2010 (Ex. 1006, “Becker”).

At this stage, Patent Owner relies on the Declaration of Michael Kogan (Ex. 2001, “Kogan Declaration”).

G. Asserted Grounds of Unpatentability

Petitioner asserts the challenged claims are unpatentable on the following grounds:

Grounds	Claims Challenged	35 U.S.C. §²	References
1	1, 5–7, 10–11, 15, 17, 19	103(a)	Hassan
2	1–20	103(a)	Hassan, Nirhamo
3	1, 5–7, 10–11, 15, 17, 19	103(a)	Becker
4	1–20	103(a)	Becker, Nirhamo

Pet. 8.

² Because the earliest application from which the ’741 patent claims priority was filed before March 16, 2013, and neither party argues that the America Invents Act applies, the pre-AIA version of § 103 applies. Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011). Applying the AIA version of the statute would not alter our analysis.

H. Overview of the Prior Art

1. Hassan (Ex. 1004)

Hassan “enabl[es] sharing of . . . devices with other users without compromising security.” Ex. 1004 ¶ 1. Hassan teaches that an unlocked device may be placed in a “locked state,” which allows the device owner to share the device with other users while maintaining security over aspects of the device. *Id.* ¶ 13.

Hassan discloses a process control module for “recognizing the state of the device as locked or unlocked and for enforcing the lock restrictions with respect to specific tasks or operations.” Ex. 1004 ¶ 70. “[P]ermitted or impermissible tasks or operations may be associated with pre-defined user profiles or may be specified by the authorized user during the locking process.” *Id.*

In one example, a user associated with a user profile is only permitted to use gaming applications and is prohibited from opening or accessing other applications on the device. Ex. 1004 ¶ 40. “The user may request or initiate the operation or task by selecting a menu item, clicking an icon associated with the operation.” *Id.* ¶ 72. The process control module may “evaluate the lock state of the device, the requested operation, and the permitted or impermissible tasks to determine whether to authorize the operation.” *Id.* If the operation is authorized, the process control module allows execution of the requested operation. *Id.* “[V]erification of the authorization input for enabling an otherwise-impermissible operation may result in a one-time permission of the operation.” *Id.*

2. *Nirhamo (Ex. 1005)*

Nirhamo “relates to improved presentation, navigation, selection and/or operation options for portable communication devices, particularly, user interface options.” Ex. 1005 ¶ 1. Nirhamo discloses

displaying an array of one or more selectable items in said operable display area; providing for the selection of one item of said one or more selectable items in said display area; highlighting the selected one item of the said one or more selectable items; displaying an array of features for said selected one item.

Id. ¶ 4. Nirhamo teaches a “generally highlighted area” which provides a direct relationship to operational icons which are selectable. *Id.* ¶ 36. Dimmed items or icons on the display are “unavailable for or otherwise incompatible with operation.” *Id.* ¶ 56.

3. *Becker (Ex. 1006)*

Becker “relates generally to screen blankers and particularly to an application communicating with a user when a screen blanker is activated.” Ex. 1006, 1:6–8. “The invention is directed to a personal computer able to modify automatically a screen saver.” *Id.* at 2:34–36.

Becker teaches in one embodiment a method is provided that includes the steps of:

- (a) when the display is in a screen saver mode, receiving, from an application, at least part of which is executing on the personal computer, notification of the occurrence of an event;
- (b) determining if the event is a member of a defined set of events; and

(c) when the event is a member of the defined set of events, displaying on the display (while the display is in the screen saver mode) image information associated with the event.

The event can be any event generated by an application running on the personal computer, such as receipt of an incoming communication from a third party for a user of the personal computer, receipt of an outgoing communication from the user to the third party, and receipt of a reminder of a (previously) scheduled event.

Ex. 1006, 2:40–55. In a locked mode, user interaction is limited with a defined set of applications, for example “for limited calling with specified call permissions,” without fully activating them but otherwise prohibiting access to normal applications. *Id.* at 2:61–3:3, 3:12–29.

II. ANALYSIS OF THE CHALLENGED CLAIMS

A. Level of Ordinary Skill in the Art

Petitioner alleges a person of ordinary skill in the art at the time of the invention of the '741 patent

would have had a Bachelor's degree in electrical engineering, computer engineering, computer science, or a similar field with two to three years of experience in user interfaces or . . . a master's degree in electrical engineering, computer engineering, computer science, or a similar field with a specialization in user interfaces. A person with less education but more relevant practical experience may also meet this standard.

Pet. 7 (citing Ex. 1003 ¶¶ 15–17).

Patent Owner “does not believe the ultimate definition of a [person of ordinary skill in the art] impacts the issues presented herein for the purposes of Institution.” Prelim. Resp. 11. Patent Owner proposes a similar

description but “does not dispute Petitioner’s definition.” *Id.* (citing Ex. 2001 ¶ 25).

At this stage, we agree that the level of ordinary skill is not at issue here. Petitioner’s undisputed definition is supported by the testimony of both experts and is consistent with the ’741 patent and the asserted prior art. Accordingly, for trial, we apply Petitioner’s articulation.

B. Claim Construction

We interpret claim terms using “the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b).” 37 C.F.R. § 42.100(b). In this context, claim terms “are generally given their ordinary and customary meaning,” as would have been understood by a person of ordinary skill in the art in question at the time of the invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc) (citations omitted). “In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips*, 415 F.3d at 1312–17). Extrinsic evidence is “less significant than the intrinsic record in determining ‘the legally operative meaning of claim language.’” *Phillips*, 415 F.3d at 1317 (citations omitted).

Any special definition for a claim term must be set forth in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

We construe only those claim terms that require analysis to determine whether to institute an *inter partes* review. *See Realtime Data, LLC v.*

Iancu, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

Neither party proposes any term for express claim construction. Pet. 8; Prelim. Resp. 11.

Patent Owner, however, disputes that limitations 1c, 11c, and 17c have been shown with respect to any asserted ground. Prelim. Resp. 12 (Grounds 1 and 2), 30 (Ground 3), 42 (Ground 4). Limitation 1c is illustrative and recites:

enabling a user to select the object while the device is in the locked mode, in order to determine a state, function or utility of the application *without fully activating the application* while the device remains in the locked mode.

See Section I.E above (emphasis added). Based on the merit’s arguments presented in the Petition and the Preliminary Response, the term “without fully activating the application” requires construction.

*1. “without fully activating the application” (claims 1, 11, and 17)
(limitations 1c, 11c, 17c)*

Petitioner asserts the claims should be “construed according to the ordinary and customary meaning as understood by a [person of ordinary skill in the art].” Pet. 8; *see also* Prelim. Resp. 15 n.2 (“Petitioner does not put forth a proposed construction for ‘without fully activating the application.’”). However, based on the arguments in the Petition and Preliminary Response, there appears to be a dispute as to what is the plain and ordinary meaning. Accordingly, we must construe the claim term. O2

Micro Int'l Ltd. v. Beyond Innovation Tech. Co., 521 F.3d 1351, 1361 (Fed. Cir. 2008) (“A determination that a claim term ‘needs no construction’ or has the ‘plain and ordinary meaning’ may be inadequate when a term has more than one ‘ordinary’ meaning or when reliance on a term’s ‘ordinary’ meaning does not resolve the parties’ dispute.”).

Petitioner argues Hassan’s email application is “not fully activated” because access is limited to a set of “permitted” tasks or operations and the application “cannot perform its full set of operations.” Pet. 25 (citing Ex. 1004 ¶¶ 38, 70–72; Ex. 1003 ¶ 58). As to Becker, Petitioner argues a communication application is not “fully activated” because a user can “Answer” a call “without disabling or terminating the screen saver mode.” *Id.* at 54 (citing Ex. 1006, 5:1–24, 6:17–7:17, 2:47–3:11, Fig. 1A).

Accordingly, we understand Petitioner to be arguing that the plain and ordinary meaning of the term is that activating less than all tasks or operations of an application means “without fully activating the application.”

Patent Owner argues Hassan is fully activated because Hassan discloses “execution is *restricted by a task changer*.” Prelim. Resp. 19 (citing Ex. 2001 ¶ 91) (emphasis added). Patent Owner argues Becker is fully activated because “the softphone or communications application is fully activated outside of the screen saver mode. . . . As such, the fact that an application itself operates the same in both the screen saver mode and out of it suggests that the application is *also fully activated in the screen saver mode*.” *Id.* at 34 (citing Ex. 2001 ¶ 117 (screen saver mode GUI includes “all of the user interface elements as would be included if the . . . application was operating outside the Becker screen saver mode.”) (emphasis added)).

We understand Patent Owner to be arguing that the plain and ordinary meaning of the term “without fully activating the application” means “with some change to the application, i.e., that it operates differently.” *Id.*

Patent Owner argues Hassan and Becker do not disclose “partially or temporarily activated applications.” Prelim. Resp. 14 (citing Ex. 2001 ¶ 81). Rather, Patent Owner argues “[i]n each reference, the applications, even in a locked state / screen saver mode, include the same complete and unconstrained GUI used in an unlocked state / non-screen saver mode.” *Id.* (citing Ex. 2001 ¶ 81). The Kogan Declaration explains that the restrictions in Hassan and Becker are not temporary and thus do not affect the “fully activated nature of the application.” Ex. 2001 ¶ 82.

Patent Owner argues Hassan’s applications are not “temporarily activated,” and hence are “fully activated.” Prelim. Resp. 28–29. Although Patent Owner concedes that the claims do not recite “temporary,” Patent Owner contends that the ’741 patent explains that “certain aspects of an application may be temporarily activated, but the application does not become fully activated when the device is in the locked mode.” *Id.* at 28–29 (citing Ex. 2001 ¶ 108). Patent Owner contends that, in contrast to the disclosure in the ’741 patent, in Hassan “it is not the applications that are temporarily activated but rather it is Hassan’s ‘locked mode [that] is only temporary.’” *Id.* at 29 (citing Pet. 26). Patent Owner concludes that in Hassan “any application that is opened will remain fully activated until it is closed, which would not be considered temporary.” *Id.* (citing Ex. 2001 ¶ 109).

As noted above, Patent Owner concedes that the claims do not recite “temporary.” On this record, we are not persuaded that the claim language

distinguishes temporarily activated applications from “fully activated” applications.

How a person of ordinary skill in the art would have understood “without fully activating the application” is not contradicted by Patent Owner’s arguments. The plain and ordinary meaning of the claim language does not require a change in the application, only that it is not “fully activated.” Petitioner’s understanding comports with the words of the claim.

For purposes of this Decision, we find the term “without fully activating the application” included in limitation 1c is construed based on its plain and ordinary meaning, i.e., the application selected in the locked mode “cannot perform its full set of operations.”³

2. Remaining Terms

We do not need to construe any remaining claim term at this time, and we apply the plain and ordinary meaning, as would have been understood by a person of ordinary skill in the art, in the context of the ’741 patent. Any other term that may require construction should be identified and construed during trial. Failure to do so may result in forfeiture of the issue for purposes of a final decision.

³ If either party intends to argue a claim construction for this or any other limitation at trial, including what is the plain and ordinary meaning of a term, they should do so in a clearly designated section of their briefing. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 21, 2019) (“CTPG”), 46, 49 (*available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>). Claim construction arguments should not be relegated to patentability arguments on the facts.

C. Obviousness

A claim is unpatentable as obvious under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the claimed invention pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called “secondary considerations,” including commercial success, long-felt but unsolved needs, failure of others, and unexpected results. *Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 17–18 (1966). At this stage, neither party has presented any evidence on the fourth *Graham* factor.

*D. Claims 1, 5–7, 10–11, 15, 17, and 19 as
Obvious over Hassan (Ground 1)*⁴

Petitioner provides a limitation-by-limitation analysis as to how claims 1, 5–7, 10–11, 15, 17, and 19 would have been obvious over Hassan. Pet. 8–26, 34–37, 42–43. Petitioner relies on the Bederson Declaration. Ex. 1003 ¶¶ 35–60, 77–83, 93, 95.

⁴ Petitioner combines Grounds 1 and 2 in its showing. We address Ground 2 separately. See Section II.E below (Ground 2).

1. Claim 1

Patent Owner disputes only Petitioner’s showing as to limitation 1c. Prelim. Resp. 12–29; *see* Section II.B.1 above (analyzing plain and ordinary meaning of limitation 1c). Limitation 11c and 17c have all but identical limitations to that of limitation 1c. *Compare* Ex. 1001, 11:62–65 (limitation 1c), *with id.* at 12:34–38 (limitation 11c), *and id.* at 12:60–63 (limitation 17c). Limitation 1c is analyzed below, and is argued by Petitioner with limitations 11c and 17c. Pet. 18. Patent Owner also argues limitation 1c as representative of limitations 11c and 17c. *See* Prelim. Resp. 12–29.

At this time, Patent Owner does not dispute Petitioner’s showing for any other limitation of claims 1, 11, and 17. *See* Prelim. Resp. 12–29. We begin by addressing the undisputed limitations of claim 1, and then disputed limitation 1c.

a. Undisputed Limitations of Claim 1

Limitation 1a recites “[a]n apparatus, comprising: at least one processor; and at least one memory storing computer program code configured, working with the at least one processor, to cause at least the following to be performed.” Petitioner cites to Hassan’s teaching of a “mobile device.” Pet. 12 (citing Ex. 1004 ¶¶ 5–10, 20, 43, 52, 68, Fig. 3). Petitioner relies on Hassan’s teaching of a processor and memory. *Id.* at 12–13 (citing Ex. 1004 ¶¶ 21, 15, 17, 26–29, Fig. 1; Ex. 1003 ¶ 37). Petitioner concludes that, based on Hassan’s teachings, its processor “executes computer program code in memory to cause the device to carry out its programmed functionality” recited in the remaining limitations of claim 1. *Id.* at 13 (citing Ex. 1004 ¶ 38).

Limitation 1b recites “causing a display of a device to display an object, relating to an application, when the device is in a locked mode.” Petitioner first cites Hassan’s icons⁵ “for launching an application” when the device is in a locked state. Pet. 15–16 (citing Ex. 1004 ¶ 59, Fig. 5). Petitioner argues “Hassan causes the mobile device to display an icon for an application, which the user uses to request the launch of a new application, when the device is in a locked state.” *Id.* (citing Ex. 1004 ¶ 59 (“FIG. 5, which shows, in flowchart form, an embodiment of a method 120 for managing task change requests in a locked device.”)). Petitioner argues launching an application from an icon is “related to an application.” *Id.* at 15.

Petitioner then argues “Hassan teaches displaying an icon representing operations within an application for users to request or initiate those operations, including when the mobile device is in a locked state.” Pet. 16. Petitioner cites to an email application example in Hassan where “[t]he user may request or initiate the operation or task by selecting a menu item, clicking an icon associated with the operation, or otherwise providing user input to trigger the operation.” *Id.* (citing Ex. 1004 ¶¶ 36, 70–72). Petitioner argues Hassan teaches evaluating “the lock state of the device, the requested operation, and the permitted or impermissible tasks to determine whether to authorize the operation or instruct the lock module 260 to obtain authorization input.” *Id.* at 17 (citing Ex. 1004 ¶¶ 70–72).

Lastly, Petitioner argues Hassan

⁵ Per the ’741 patent, an “icon” is an “object.” Pet. 15 n.1 (citing Ex. 1001, 5:15–52, 6:30–55, 7:64–8:18).

teaches a locked mode of the device. For example, Hassan discloses “[a] device and method for placing the device in a locked state having an associated set of permitted tasks so as to permit the device owner to share the device with others but maintain security over aspects of the device.

Pet. 17 (citing Ex. 1004, code (57)). Petitioner relies in part on Hassan’s teaching that “[t]he user of a locked device may only perform tasks that are permitted without unlocking the device.” *Id.* (quoting Ex. 1004 ¶ 13).

b. Disputed Limitation 1c⁶

Limitation 1c recites “enabling a user to select the object while the device is in the locked mode, in order to determine a state, function or utility of the application without fully activating the application while the device remains in the locked mode.”

Petitioner’s Showing

As discussed above regarding limitation 1b, Petitioner relies in part on the icons of Hassan for: (1) launching an application; and (2) “requesting or initiating operations within an application.” Pet. 19; *see also* Section II.D.1.a above (analyzing limitation 1b).

Referencing Figure 5, Hassan explains that “the user may attempt to launch a new application from a start menu or icon.” Ex. 1004 ¶ 59. Further, Hassan describes Figure 5 as showing in “flowchart form, an embodiment of a method 120 for managing task change requests in a locked device.” *Id.* Petitioner argues these portions of Hassan teach an icon for

⁶ As noted above, limitation 1c is representative of limitations 11c and 17c, which are not separately argued by Patent Owner. *See* Prelim. Resp. 12–29.

launching an application, as limitation 1c requires. Pet. 19 (citing Ex. 1004 ¶ 59).

As to selecting an icon within an application, Petitioner argues “Hassan enables users to request or initiate an operation within an application (e.g., e-mail application) by clicking the icon for the operation, while the device is in locked mode.” Pet. 19 (citing Ex. 1004 ¶¶ 70–72, 35–36). Petitioner further contends that the Hassan teaches that, “in an e-mail application, a user may request a certain function like forwarding a message, replying to a message, opening a message, through an appropriate user input (like clicking on a designated icon).” *Id.* at 20 (citing Ex. 1004 ¶¶ 36, 72). Petitioner quotes Hassan as stating “[t]he user may request or initiate the operation or task by selecting a menu item, clicking an icon associated with the operation, or otherwise providing user input to trigger the operation.” *Id.* (quoting Ex. 1004 ¶ 72; citing Ex. 1003 ¶ 52).

Petitioner adds that “allowing users to select icons would have been obvious to a [person of ordinary skill in the art] based on Hassan’s teachings because the use of selectable icons for launching applications or executing functions within applications had been extremely well-known for years or even decades.” Pet. 20. For example, Petitioner cites “the 1992 Macintosh Human Interface guidelines [with] an entire 33 page chapter on icons.” *Id.* at 21–23 (citing Ex. 1011,⁷ 23–57, Figs. 8–1, 4–2; Ex. 1005 ¶¶ 29, 36, 44, 49, Figs. 2–3; Ex. 1003 ¶¶ 53–54).

Relating to that part of limitation 1c reciting “in order to determine a state, function or utility of the application,” Petitioner cites to Hassan’s

⁷ Apple Computer, Inc., *Macintosh Human Interface Guidelines* (1992).

teaching of “enabling a user to select the icon for an application to perform operations such as launching an application when the user requests a task change.” Pet. 23 (citing Ex. 1004 ¶¶ 59–61). Petitioner quotes from Hassan as teaching

the device evaluates whether it is in a locked state. If not, then the device implements the task change at step 126. If the device is in a locked state, then in step 128 the requested task change is evaluated to determine whether it is a permitted task. *If the task change is a permitted task, then the method 120 proceeds to step 126 to implement the requested task change.*

Ex. 1004 ¶ 60 (emphasis added). “If the task is not permitted, then at step 130 an authorization window is displayed to the user. The authorization window may prompt the user to input a password or other authorization data.” *Id.* ¶ 61. Petitioner quotes from the preceding, specifically including the italicized portion of paragraph 60, in support of its position that Hassan teaches determining “a state, function or utility of the application.” Pet. 23 (citing Ex. 1003 ¶ 55).

We turn to Petitioner’s showing regarding determining a “state, function, or utility of the application.” Petitioner cites to the Patent Owner’s positions in the District Court Litigation where Patent Owner alleges the limitation is satisfied “by icons in the Android UI where the user can interact with the icon during the alleged locked mode, including a range of objects for changing Wi-Fi and Bluetooth operation.” Pet. 24 (citing Ex. 1009,⁸ 7–10; Ex. 1003 ¶ 56).

⁸ Exhibit 23 of the Complaint in the District Court Litigation, i.e., an infringement claim chart comparing the ’741 patent to the “Amazon Fire

Hassan is also cited by Petitioner as showing “that users may request or initiate an operation within an application (e.g., e-mail application) by clicking the icon associated with the operation when the device is in locked state.” Pet. 24 (citing Ex. 1004 ¶¶ 70–72, 36). Thus, according to Petitioner, Hassan

therefore teaches that a user selects the icon for an operation in order to determine a function of the application (e.g., whether or not the application provides the functionality of forwarding, replying to, or opening e-mail messages during locked mode), and a utility of the application (e.g., whether or not the application can be used to forward, reply to, or open email messages during locked mode).

Id. Relating to that part of limitation 1c reciting determining a “state, function, or utility of the application . . . without fully activating the application while the device remains in the locked mode,” Petitioner argues

Hassan teaches that the application (e.g., e-mail) is not fully activated because users may only access a limited set of “permitted” tasks or operations within the application, rather than the full set of operations. [] Since the application cannot perform its full set of operations, it is not fully activated.

Pet. 25 (citing Ex. 1004 ¶¶ 70–72, 38; Ex. 1003 ¶ 58).

Petitioner argues Hassan explains the above function is advantageous as it “facilitates the sharing of devices with other users without compromising security because it allows the user to temporarily share the device with others.” Pet. 25. Petitioner points to a situation described in Hassan “where a user ‘share[s] the device with colleagues for the purpose of

HD10 Product,” specifically as to “determines the state, function, or utility of that related application without fully activating the application.”

allowing them to view a particular e-mail message’ without allowing them full access to the email application.” *Id.* at 25–26 (citing Ex. 1004, Abs., ¶¶ 1–3). Other situations where full access is not permitted in Hassan include children gaming without access to email and allowing a business colleague to make “voice call without allowing access to e-mail or other applications.” *Id.* at 26 (citing Ex. 1004, Abs., ¶¶ 1–3). Petitioner asserts that the lock prohibiting access to all features of an application maybe be temporary or remain in locked mode. *Id.* (citing Ex. 1004, Abs., ¶¶ 1–3, 13–14; Ex. 1003 ¶ 60).

Patent Owner’s Argument

Patent Owner disputes that Petitioner has shown limitation 1c is disclosed by the relied-upon references. Prelim. Resp. 12–29. Patent Owner first argues claim 1 “require[s] the application to not be fully activated.” *Id.* at 13 (citing Ex. 2001 ¶ 79). Patent Owner cites to several examples from the ’741 patent of “not fully activated” applications. *Id.* at 12–14. Patent Owner does not specifically base any argument on the examples, which are otherwise consistent with the ordinary meaning of limitation 1c analyzed above. *See* Section II.B.1.

Patent Owner argues neither Hassan nor Becker “contemplates the quick activation of high level user interface elements or operating an application in less than a fully activated state.” Prelim. Resp. 14 (citing Ex. 2001 ¶ 81). According to Patent Owner, “the restrictions of the cited references merely limit what task(s) that a user is ultimately able to perform without affecting the fully activated nature of the application.” *Id.* at 15 (citing Ex. 2001 ¶¶ 81, 83).

Patent Owner further argues that the application in Hassan is fully activated. Prelim. Resp. 19–25. According to Patent Owner, “there is no change to the application” rather “only that the task changer will process a task request.” *Id.* at 26 (citing Ex. 1004, Fig. 6; Ex. 2001 ¶¶ 102–103). Per Patent Owner “nothing has changed with the application and its status of being fully activated between steps 146 and 156 of Figure 6.” *Id.* (citing Ex. 2001 ¶ 103).

Patent Owner argues “launching” an application as disclosed in Hassan and relied on by Petitioner does not teach or suggest “without fully activating the application.” Prelim. Resp. 16–18; *see also* Pet. 19 (selecting an icon for launching an application meets limitation 1c). Patent Owner argues that Bodepudi,⁹ cited during prosecution to initially reject application claims, discloses a wrapper function that opens a fully activated application while still restricting the user. Prelim. Resp. 17 (citing Ex. 2001 ¶ 87). The claims were amended during prosecution to add “that the claimed application is not fully activated,” which overcame the rejection. *Id.* at 18 (citing Ex. 2001 ¶ 89). Patent Owner argues “[b]ecause Hassan’s task changer is operating in Hassan’s ‘locked state’ and restricts access to what applications can be launched it is the same as or equivalent to Bodepudi’s wrappers restricting what applications can be launched, launching an application in Hassan when the user requests a task change thus does not satisfy the claim limitation.” *Id.* (citing Ex. 2001 ¶ 90).

⁹ Bodepudi, et al., US 2007/0016958 A1, published Jan. 18, 2007 (Ex. 2003, “Bodepudi”).

Analysis

We apply the plain and ordinary meaning of “without fully activating the application” as meaning the application selected in the locked mode “cannot perform its full set of operations.” *See* Section II.B.1 above. Patent Owner argues the “task changer” of Hassan and “screen saver” of Becker are “restrictions” on an application and do not concern whether the application is “activated” or not. Prelim. Resp. 14–15.

Applying the plain and ordinary meaning above, on this record, we are not persuaded that “restrictions” on an application’s functionality, as taught in Hassan, are any different from “without fully activating the application,” as recited in the claims. For example, the Kogan Declaration opines with regard to Hassan that “[b]ecause different users can have different user profiles giving them different sets of permitted functions, a [person of ordinary skill in the art] would have understood that the application must be fully activated to be able to support such different profiles.” Ex. 2001 ¶ 99. This supports the Petitioner’s position because there are unpermitted functions that mean the application, although fully activated, “cannot perform its full set of operations.”

Indeed, much of Patent Owner’s argument and evidence is based on an interpretation of “without fully activating” that requires the application to be “changed.” Prelim. Resp. 26; *see also* Ex. 2001 ¶¶ 100 (referencing Figure 6 of Hassan: “there is no indication there is any *change* to the Hassan application to be able to perform the task only that the intercepted task is finally passed along to the application for execution”), 103 (“nothing has *changed* with the application”), 104 (“again there is no *change* to the

application”) (emphasis supplied). As we explained above in section II.B.1, on this record, we do not agree with Patent Owner’s interpretation.

It is Patent Owner’s further contention that Hassan’s email application is not “temporarily activated,” and hence is “fully activated.” Prelim. Resp. 28–29; *see also* Section II.B.1 above (discussing “temporary activation”). Petitioner argues that Hassan discloses temporary activation in the sharing of a device for the limited purpose of viewing a particular e-mail without allowing full access to the email application. *See* Pet. 25–26 (citing Ex. 1004, Abs., ¶¶ 1–3, 13–14, 70–72; Ex. 1003 ¶¶ 59–60). Patent Owner responds that “it is not the applications that are temporarily activated but rather it is Hassan’s ‘locked mode [that] is only temporary.’” Prelim. Resp. 29 (citing Pet. 26).

Patent Owner’s argument, as supported by the Kogan Declaration, requires the separation of the “locked mode” from the application. *See, e.g.,* Ex. 2001 ¶ 107 (“Hassan teaches that the application (e.g., email) is not fully activated while the device remains in locked mode; instead, it is *temporarily* activated with limited functionality”). On this record, we are not persuaded that the “locked mode” is not part of the email application in Hassan.

While the evidence supports that the locked mode in Hassan is temporary, it does not necessarily follow that the application is not temporarily activated when it “cannot perform its full set of operations” because the device is in the locked mode. Hassan teaches “[t]he user of a locked device may only perform tasks that are permitted without unlocking the device.” Ex. 1004 ¶ 13. Hassan further discloses that “[t]he application 54 also includes a process control module 264 for recognizing the state of

the device as locked or unlocked and for enforcing the lock restrictions with respect to specific tasks or operations.” *Id.* ¶ 70.

The tasks permitted by locking are available in the application. The tasks that are not permitted are also ones that can be, but are not, made available in the application. These unpermitted tasks mean the application “cannot perform its full set of operations,” which meets limitation 1c’s plain and ordinary meaning.

Patent Owner’s argument based on Bodepudi’s wrappers restricting what applications can be launched is analogous to Patent Owner’s argument based on Hassan’s task changer and is unavailing. However, Hassan is different from Bodepudi. Bodepudi’s wrappers have not been shown to be the same as Hassan’s task changer. On this record, Patent Owner does not sufficiently explain how Bodepudi supports Patent Owner’s patentability argument.

c. Summary Claim 1

On this record, Petitioner has shown sufficiently for purposes of institution that Hassan teaches all limitations of claim 1. Accordingly, Petitioner has shown a reasonable likelihood that claim 1 is unpatentable.

2. Claims 11 and 17

Independent claims 11 and 17 include similar limitations to apparatus claim 1 but, as recited in their preambles, are directed respectively to a method and a non-transitory computer readable medium. Claims 11 and 17 are not separately argued by Patent Owner.

At this stage, there is no dispute as to whether the preambles are limiting. Regardless of whether the preambles are limiting or not,

Petitioner's showing for the preambles is sufficient. Pet. 14 (citing Ex. 1004 Abs., ¶¶ 1, 8–10, 13–16, 53, 59, 64 (claim 11), 21, 15, 17, 26–29 (claim 17)).

The remaining limitations of claims 11 and 17 are identical to those analyzed above for claim 1. *Compare* Pet. 76 (“CLAIM APPENDIX,” claim 1), *with id.* at 77–78 (claim 11), *and id.* at 79–80 (claim 17). Petitioner analyzes the remaining limitations of claims 1, 11, and 17 together. *Id.* at 15–18 (limitations 1b, 11b, 17b), 18–26 (limitations 1c, 11c, 17c). For the reasons stated for claim 1, on this record we find Petitioner has sufficiently shown for purposes of institution that Hassan teaches all limitations of claims 11 and 17. Accordingly, Petitioner has shown a reasonable likelihood that claims 11 and 17 are unpatentable.

3. *Claims 5–7, 10, 15, and 19*

A decision to institute under § 314 may not institute on fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 371 (2018). In addition, per Board practice, if the Board institutes trial, it will institute “on all of the challenged claims and on all grounds of unpatentability asserted for each claim.” *See* 37 C.F.R. § 42.108(a). Accordingly, as to this and all remaining grounds, we institute *inter partes* review. *See* Sections III.D.1 and 2 above.

4. *Conclusion Ground 1*

Patent Owner argues “[d]ependent claims 5–7, 10, 15, and 19 depend from independent claims 1, 11, and 17, respectively,” and Patent Owner argues because Hassan fails to disclose or render obvious independent claims 1, 11, and 17, claims 5–7, 10, 15, and 19 are likewise are not obvious.

Prelim. Resp. 29–30. Petitioner has shown a reasonable likelihood that claims 1, 11 and 17 would have been obvious over Hassan. Having decided to institute trial, we make no findings as to whether Petitioner has made a showing that there is a reasonable likelihood claims 5–7, 10, 15, and 19 would have been obvious over Hassan.

E. Claims 1–20 as Obvious over Hassan and Nirhamo (Ground 2)

Petitioner provides a limitation-by-limitation analysis as to how claims 1–20 would have been obvious over the combination of Hassan and Nirhamo. Pet. 27–34, 38–43 (Ground 2). Petitioner relies on the Bederson Declaration. Ex. 1003 ¶¶ 61–76, 84–92, 94, 96. Patent Owner relies on its arguments relating to Ground 1 in opposing Petitioner’s showing for Ground 2. Prelim. Resp. 30.

Claims 2 and 13 depend respectively from claims 1 and 11, and both recite “responding to user selection of the object by illuminating or highlighting the object.” Petitioner cites Hassan for its teaching that “the user selecting an object related to an application.” Pet. 27 (citing showings for limitations 1b/11b/17b, 1c/11c/17c). Petitioner cites Nirhamo for its teaching of “responding to user selection of the object by illuminating or highlighting the object” on the display. *Id.* (citing Ex. 1005, Abs., ¶¶ 1, 4, 29–31, 36–41, 51, 71).

Petitioner argues a person of ordinary skill in the art “would have been motivated to apply Nirhamo’s user-selection teachings with Hassan because Hassan teaches the user selecting icons to determine whether or not the associated application or operation was permitted.” Pet. 28 (citing showings for limitations 1c/11c/17c; Ex. 1003 ¶ 63). Further, Petitioner

argues “[i]f the user’s selection was not highlighted in some fashion, it would have been difficult for the user to navigate the device interface (e.g., computer interface), as there would not be a clear way for the user to discern whether the correct object had been selected.” *Id.* (citing Ex. 1003 ¶ 63). On this record, Petitioner has shown a rationale with sufficient underpinnings to combine Hassan and Nirhamo.

The Hassan and Nirhamo combination is relied on for Petitioner’s showing for the remaining claims 3–10, 12, 14–16, and 18–20. Pet. 29–43. Patent Owner does not separately argue Petitioner’s showing.

1. Conclusion Ground 2

Petitioner has shown a reasonable likelihood that claims 1, 2, 11, 13, and 17 would have been obvious over the combination of Hassan and Nirhamo. Having decided to institute trial, we make no findings as to whether Petitioner has made a showing that there is a reasonable likelihood claims 3–10, 12, 14–16, and 18–20 would have been obvious over the combination of Hassan and Nirhamo.

*F. Claims 1, 5–7, 10–11, 15, 17, and 19 as
Obvious over Becker (Ground 3)*

Specific to this ground, Petitioner provides a limitation-by-limitation analysis as to how claims 1, 5–7, 10–11, 15, 17, and 19 would have been obvious over Becker. Pet. 43–60, 66–68, 71–72. Petitioner relies on the Bederson Declaration. Ex. 1003 ¶¶ 97–133, 149–155, 165, 167–169.

Applying the plain and ordinary meaning above, on this record, we determine the screen saver mode meets the plain and ordinary meaning of “without fully activating the application.” *See* Section II.B.1 above. On this

record, we agree with Petitioner’s position because there are unpermitted functions that mean the application, although fully activated, “cannot perform its full set of operations.” When the PC is in screen saver mode upon answering a communication, certain actions are permitted upon receiving a communication, for example, “Answer,” “Drop,” “Hold,” “Transfer,” and “Conference” buttons. Pet. 54 (citing Ex. 1006, 5:11–24). As Petitioner alleges, “when in locked mode, Becker’s communication application is not fully activated and is only enabled for limited operations with a limited set of the features.” *Id.* at 58 (citing Ex. 1003 ¶ 130). As a result, the application, although fully activated, it “cannot perform its full set of operations.” We have reviewed Petitioner’s showing for claims 1, 5–7, 10–11, 15, 17, and 19 as obvious over Becker. Patent Owner’s arguments focus on limitations 1c, 11c, and 17c and whether they were shown by Hassan or Becker. Prelim. Resp. 14–16. The parties’ Hassan-based arguments were analyzed above in connection with limitations 1c, 11c, and 17c. *See* Section II.D.1.b above.

Becker is separately argued by Patent Owner. Prelim. Resp. 31–42. The arguments all relate to limitation 1c and the corresponding limitations in claims 11 and 17. *Id.*

Patent Owner first addresses Petitioner’s argument that Becker’s disclosure of “limiting user access ‘to a restricted set of features of the communication application’” is not full activation. Prelim. Resp. 31 (citing Pet. 57–58). Patent Owner argues that “Becker does not disclose partially or temporarily activated applications” but instead discloses “a softphone or communications application, that is fully activated in the screen saver mode

or not.” *Id.* (citing Ex. 1006, 2:34–36); *see also* Section II.B.1 (discussing “temporary activation”).

According to Patent Owner, Becker further teaches its screen saver mode automatically modifies the screen saver “in response to the occurrence of one or more selected events.” Prelim. Resp. 31 (citing Ex. 1006, 2:34–36). Becker teaches an “event notification agent” which, along with the screen saver application, “control[s] the presentation of the GUI [graphical user interface] and any interactions therewith.” *Id.* at 32 (citing Ex. 2001 ¶¶ 114–115 (citing Ex. 1006, 2:34–36)). Specifically, in response to an “event notification” of an “incoming communication [call]” the screen saver presents the GUI with the softphone application, which allows the user to answer the call. *See* Ex. 2001 ¶ 115 (citing Ex. 1006, 4:25–28, 4:33–38, 5:1–16).

More specifically, the primary argument made by Patent Owner is that the softphone or communications application is fully activated outside of the screen saver mode. [] As such, the fact that an application itself *operates the same in both the screen saver mode and out of it* suggests that the application is also fully activated in the screen saver mode.

Prelim. Resp. 34 (citing Ex. 2001 ¶ 117) (emphasis added). According to Patent Owner, Becker’s communications application is stored in memory and fully activated when executed. *Id.* at 34–35 (citing Ex. 2001 ¶ 119). Patent Owner argues that when Becker detects an incoming communication “the fully activated softphone or communications application configures its complete and unconstrained GUI to be displayed in the Becker screen saver mode.” *Id.* at 36 (citing Ex. 2001 ¶ 121). Patent Owner also argues a person of ordinary skill in the art would have understood “Becker’s softphone or

communications application would be fully activated for its complete GUI and unconstrained GUI to be displayed.” *Id.* (citing Ex. 2001 ¶ 121).

Patent Owner next argues that restrictions to the “screen saver application” does not teach “without fully activating the application.” Prelim. Resp. 37–40. A similar argument was made and found lacking in connection with the Hassan grounds. *See* Section II.D.1.c above; *see also* Prelim. Resp. 39 (arguing “[s]imilar to what was discussed above with respect to Hassan and Grounds 1–2, restrictions that are implemented by a separate application (e.g., a task changer or a screen saver application) do not change the fact that the underlying application (e.g., the softphone or communications application) is fully activated . . .”).

Patent Owner further argues that Petitioner’s argument that Becker restricts its application by removing function buttons “is inconsistent with how a [person of ordinary skill in the art] would read and interpret Becker.” Prelim. Resp. 40–42 (citing Ex. 2001 ¶ 129). Patent Owner contends that if a “restricted button (e.g., dial or answer) is removed from the GUI, then Petitioner’s reliance on selection of such a button to determine its functionality is no longer possible.” *Id.* at 41 (citing Ex. 2001 ¶ 131).

The restriction argument is addressed above. To the extent there are new arguments, they are addressed below.

The Kogan Declaration asserts that limited function buttons are available in screen saver mode, but opines that Petitioner “does not identify any other ‘objects’ that would teach or suggest ‘enabling a user to select the object while the device is in the locked mode.’” Ex. 2001 ¶ 130. The Kogan Declaration then explains that the function buttons must be present, and apparently not removed, to support their associated functionality. Ex.

2001 ¶ 131. As discussed above, the restriction argument is misplaced if it argues more than one function must be restricted. The claims are not so limited. How removal of a function button supports Patent Owner’s argument is not explained, nor is any evidence cited. Prelim. Resp. 41 (citing Ex. 2001 ¶ 131). On this record, we determine that the presence of only one restriction is sufficient to meet the claim language.”

Patent Owner argues “[d]ependent claims 5–7, 10, 15, and 19 depend from independent claims 1, 11, and 17, respectively” and Patent Owner argues because Becker fails to disclose or render obvious independent claims 1, 11, and 17, claims 5–7, 10, 15, and 19 are likewise are not obvious. Prelim. Resp. 42.

1. Conclusion (Ground 3)

Petitioner has shown a reasonable likelihood that claims 1, 11 and 17 would have been obvious over Becker. Having decided to institute trial, we make no findings as to whether Petitioner has made a showing that there is a reasonable likelihood claims 5–7, 10, 15, and 19 would have been obvious over Becker.

G. Claims 1–20 as Obvious over Becker and Nirhamo (Ground 4)

Specific to this ground, Petitioner provides a limitation-by-limitation analysis as to how claims 1–20 would have been obvious over the combination of Becker and Nirhamo. Pet. 60–66, 68–72, 74 (Ground 4). Petitioner relies on the Bederson Declaration. Ex. 1003 ¶¶ 134–148, 156–164, 166, 170.

As already discussed, we find Petitioner has sufficiently shown Becker teaches all the limitations of claims 1, 5–7, 10–11, 15, 17, and 19 and

has shown a reasonable likelihood those claims would have been obvious over Becker. *See* Section II.F above. As to the remaining claims 2–4, 8–9, 12–14, 16, 18, and 20, Patent Owner relies on its Ground 3 arguments for Becker alone. Prelim. Resp. 42.

1. Conclusion (Ground 4)

Petitioner has shown a reasonable likelihood that claims 1, 11, and 17 would have been obvious over the combination of Becker and Nirhamo. Having decided to institute trial, we make no findings as to whether Petitioner has made a showing that there is a reasonable likelihood claims 2–10, 12–16, and 18–20 would have been obvious over the combination of Becker and Nirhamo.

III. CONCLUSION

For the foregoing reasons, we have determined on this record that there is a reasonable likelihood that Petitioner would prevail with respect to at least one of the claims challenged in the Petition. We therefore institute trial as to all challenged claims on all grounds stated in the Petition.

IV. ORDER

For the foregoing reasons, it is

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review of the '741 patent is hereby instituted for all of the challenged claims on all of the asserted grounds; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial will commence on the entry date of this Decision.

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Patent 8,918,741 B2

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