

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

SMITH INTERFACE TECHNOLOGIES, LLC
Patent Owner.

Case IPR2024-01088
Patent 10,656,758

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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LIST OF EXHIBITS

EX1001	U.S. Patent No. 10,656,758
EX1002	U.S. Patent No. 10,656,758 File History
EX1003	Declaration of Dr. Andrew Cockburn
EX1004	U.S. Publication No. 2011/0252372 to Chaudhri (“Chaudhri”)
EX1005	U.S. Publication No. 2004/0051726 to Martyn (“Martyn”)
EX1006	U.S. Publication No. 2011/0248948 to Griffin et al. (“Griffin”)
EX1007	U.S. Publication No. 2011/0167382 to Os (“Os”)
EX1008-1019	RESERVED
EX1020	Newton MessagePad, Models: original (OMP) and 100 (MP100), https://web.archive.org/web/19990202045806/https://msu.edu/~luckie/gallery/mp100.htm (1999)
EX1021	Of mice and menus: designing the user-friendly interface, IEEE Spectrum (1999)
EX1022	Newton 2.0 User Interface Guidelines (1996)
EX1023	U.S. Patent No. 7,479,949
EX1024	U.S. Patent No. 8,954,887
EX1025	U.S. Publication No. 2009/0244023
EX1026	U.S. Patent No. 4,885,565
EX1027	Active Click: Tactile Feedback for Touch Panels (2001)

EX1028	Snap-Crackle-Pop: Tactile Feedback for Mobile Touch Screens (2006)
EX1029	Tactile Feedback for Mobile Interactions (2007)
EX1030	Design and Evaluation of Identifiable Key-Click Signals for Mobile Devices (2011)
EX1031	U.S. Publication No. 2006/0197753
EX1032	Issues and Techniques in Touch-Sensitive Tablet Input (1985)
EX1033	U.S. Patent No. 5,612,719
EX1034	U.S. Publication No. 2008/0036743
EX1035	U.S. Patent No. 8,830,181
EX1036	U.S. Patent No. 9,760,241
EX1037	Android Developers Guide, Creating Menus, https://web.archive.org/web/20110216140646/http://developer.android.com/guide/topics/ui/menus.html (2011)
EX1038	The State of the Art of Mobile Application Usability Evaluation (2012)
EX1039	Usability Heuristics for Touchscreen-based Mobile Devices (2012)
EX1040	RESERVED
EX1041	U.S. Application Serial No. 11/367,749
EX1042	Evolution of Mobile Devices and Operating Systems (2013)
EX1043	RESERVED

EX1044	RESERVED
EX1045	iPhone User Guide: For iPhone OS 3.1 Software (2009)
EX1046	U.S. Publication No. 2012/0319959
EX1047	Newton Apple MessagePad Handbook (1995)
EX1048	U.S. Publication No. 2007/0157089
EX1049	U.S. Patent No. 7,490,295
EX1050-1053	RESERVED
EX1054	Ten Usability Heuristics (Copyright 2005) (archived 2010)
EX1055-1060	RESERVED
EX1061	Android Developers Guide, Handling UI Events, https://web.archive.org/web/20110715000802/http://developer.android.com:80/guide/topics/ui/ui-events.html (2011)
EX1062-1066	RESERVED
EX1067	Supplemental Declaration of Dr. Andrew Cockburn

EX1068	Transcript of the Deposition of Dr. Madisetti ¹
EX1069	U.S. Patent No. 10,671,212
EX1070	U.S. Patent No. 10,664,097
EX1071	Using touch gestures, Windows 7, https://web.archive.org/web/20100218152559/http://windows.microsoft.com:80/en-IN/windows7/Using-touch-gestures (2010)
EX1072-1096	RESERVED
EX1097	United States District Courts — National Judicial Caseload Profile (Dec. 31, 2023) United States Courts (uscourts.gov), https://www.uscourts.gov/sites/default/files/fcms_na_distprofile1231.2023_0.pdf (last visited June 25, 2024)

¹ Petitioner understands that Patent Owner intends for Dr. Madisetti to perform a read-and-sign of this deposition transcript (EX1068), per 37 C.F.R. § 42.53(f)(5). At the time of this filing, Petitioner has not received any communications from Patent Owner regarding the progress of Dr. Madisetti's read-and-sign. Petitioner assumes Patent Owner is facilitating Dr. Madisetti's review, that the review is ongoing, and that Patent Owner will raise any alleged errata. Should Patent Owner propose entry into the record of any alleged errata that does not seek to change the substance of Dr. Madisetti's testimony, Petitioner does not expect to object.

- EX1098 Memorandum, Interim Procedure for Discretionary Denials in
 AIA Post-Grant Proceedings with Parallel District Court
 Litigation (USPTO June 21, 2022) (“Guidance”)
- EX1099 Case Management Order, Smith Interface Technologies, LLC v.
 Apple Inc., 3-23-cv-01187, S.D. Cal. (June 20, 2024)

LISTING OF CHALLENGED CLAIMS

Claim 1	
[1.pre]	An electronic device, comprising:
[1.a]	a display;
[1.b]	a touch-sensitive surface;
[1.c]	one or more processors;
[1.d]	memory; and
[1.e]	one or more programs, wherein the one or more programs are stored in the memory and configured to be executed by the one or more processors, the one or more programs including instructions for:
[1.f]	displaying, on the display, an application launching user interface that includes a plurality of application icons for launching corresponding applications;
[1.g]	while displaying the application launching user interface, detecting a first single-finger touch input that includes detecting the first single-finger touch input at a location on the touch-sensitive surface that corresponds to a first application icon of the plurality of application icons, wherein the first application icon is for launching a first application that is associated with one or more corresponding action options; and

[1.h]	in response to detecting the first single-finger touch input, determining a response to the first single-finger touch input based on evaluating the first single-finger touch input against at least one of a plurality of criteria, including evaluating a duration of the first single-finger touch input against at least one of: one or more application-launch criteria, one or more action-option-display criteria, or one or more operation criteria, and further including evaluating a movement of the first single-finger touch input against one or more movement criteria, for:
[1.i]	in accordance with a determination that the first single-finger touch input meets the one or more application-launch criteria that is met when the duration of the first single-finger touch input is evaluated to be less than a first time threshold, launching the first application,
[1.j]	in accordance with a determination that the first single-finger touch input meets the one or more action-option-display criteria that is met when the duration of the first single-finger touch input is evaluated to be greater than the first time threshold, displaying one or more action option objects associated with the first application without launching the first application,
[1.k]	in accordance with a determination that the first single-finger touch input meets the one or more operation criteria that is met when the duration of the first single-finger touch input is evaluated to be greater than a second time threshold that is greater than the first time threshold, performing an operation in connection with the first application icon, and
[1.l]	in accordance with a determination that the first single-finger touch input meets the one or more movement criteria, moving the first application icon in a foreground virtual display layer so that the first application icon appears to float above a background virtual display layer.

Claim 9	
[9]	The electronic device of claim 1, wherein the one or more programs include instructions for, in response to determining that the one or more action-option-display criteria has been met, generating a first tactile output that is indicative of a satisfaction of the one or more action-option-display criteria.

Claim 12	
[12]	The electronic device of claim 1, wherein displaying the one or more action option objects includes displaying the one or more action option objects in a menu that includes a plurality of action option objects.

Claim 19	
[19]	The electronic device of claim 1, wherein: the first application is a content creation application; the one or more action option objects include a respective action option object that is associated with creating a new object; and wherein the one or more programs include instructions for: detecting selection of the respective action option object, and, in response to detecting selection of the respective action option object, creating the new object.

Claim 20	
[20]	The electronic device of claim 19, wherein the content creation application includes an email application, and the new object includes a new email message.

Claim 21	
[21]	The electronic device of claim 1, wherein: the first application is a content creation application; the one or more action option objects include a respective action option object that is associated with displaying at least a portion of previously created content; and wherein the one or more programs include instructions for: detecting selection of the respective action option object, and, in response to detecting selection of the respective action option object, displaying the at least portion of previously created content.

Claim 22	
[22]	The electronic device of claim 21, wherein the content creation application includes an email application, and the displayed at least portion of previously created content includes a previous email message, for generating a reply thereto.

Claim 24	
[24]	The electronic device of claim 1, wherein the electronic device is configured such that the operation is related to a delete operation.

Claim 25	
[25]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes displaying a graphical user interface element for, in response to detecting a selection thereof, deleting the first application icon.

Claim 26

[26]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes entering an icon reconfiguration mode in which one or more of the plurality of application icons is capable of being reorganized on the application launching user interface.
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Claim 27

[27]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes changing a mode of operation.
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Claim 28

[28]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes adding a graphical user interface element to the first application icon.
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Claim 29

[29]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes moving the first application icon.
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Claim 30

[30]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes at least partially rotating the first application icon.
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Claim 31

[31]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes animating the first application icon.
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Claim 32

[32]	The electronic device of claim 1, wherein the electronic device is configured such that the operation includes cyclically animating the first application icon.
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Claim 35

[35]	The electronic device of claim 1, wherein the electronic device is configured such that, in accordance with the determination that the first single-finger touch input meets the one or more movement criteria, multiple of the plurality of application icons is moved in the foreground virtual display layer so that the multiple of the plurality of application icons appear to float above the background virtual display layer.
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Claim 36	
[36]	The electronic device of claim 1, wherein the electronic device is configured such that the one or more action option objects associated with the first application is displayed along with the first application icon.

Claim 37	
[37]	The electronic device of claim 1, wherein the electronic device is configured such that, in accordance with the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of a different user interface is displayed on at least a portion of the display that was previously occupied by at least multiple of the plurality of application icons in the application launching user interface.

Claim 38	
[38]	The electronic device of claim 1, wherein the electronic device is configured such that, in accordance with the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of a different user interface is displayed on at least a portion of the display that was previously occupied by at least multiple of the plurality of application icons in the application launching user interface immediately prior to detecting the first single-finger touch input.

Claim 39	
[39]	The electronic device of claim 1, wherein the electronic device is configured such that, in accordance with the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of the application launching user interface is changed to display at least a portion of a different user interface on a portion of the display that was previously occupied by at least multiple of the plurality of application icons in the application launching user interface immediately prior to detecting the first single-finger touch input.

Claim 40	
[40]	The electronic device of claim 1, wherein the electronic device is configured such that, in accordance with the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of the application launching user interface is ceased to be displayed.

Claim 41	
[41]	The electronic device of claim 1, wherein the electronic device is configured such that the floating is a function of the movement of the first application icon.

Claim 42	
[42]	The electronic device of claim 1, wherein the electronic device is configured such that an action is performed utilizing the first application in response to detection of a selection of at least one of the one or more action option objects.

Claim 43	
[43]	The electronic device of claim 1, wherein the electronic device is configured such that an action is performed utilizing another application other than the first application in response to detection of a selection of at least one of the one or more action option objects.

Claim 47	
[47]	The electronic device of claim 1, wherein the electronic device is configured such that, during detection of the first single-finger touch input and prior to displaying the one or more action option objects, a user interface element is displayed to appear at least partially behind the first application icon.

Claim 57	
[57]	The electronic device of claim 1, wherein the electronic device is configured such that at least one of the one or more action option objects includes content that is dynamically generated.

Claim 58	
[58]	The electronic device of claim 1, wherein the electronic device is configured such that at least one of the one or more action option objects includes content that is dynamically generated based on historical usage.

Claim 59	
[59]	The electronic device of claim 1, wherein the electronic device is configured such that at least one of the one or more action option objects includes content that is dynamically generated based on historical usage of the first application.

Claim 63	
[63.pre]	A method, comprising:
[63.a]	at an electronic device including a display and a touch-sensitive surface:
[63.b]	displaying, on the display, an application launching user interface that includes a plurality of application icons for launching corresponding applications;
[63.c]	with the application launching user interface displayed, detecting a first single-finger touch input that includes detecting the first single-finger touch input at a location on the touch-sensitive surface that corresponds to a first application icon of the plurality of application icons, wherein the first application icon is for launching a first application that is associated with one or more corresponding action options; and

[63.d]	in response to detecting the first single-finger touch input, determining a response to the first single-finger touch input based on evaluating the first single-finger touch input against at least one of a plurality of criteria, including evaluating a duration of the first single-finger touch input against at least one of: one or more application-launch criteria, one or more action-option-display criteria, or one or more operation criteria, and further including evaluating a movement of the first single-finger touch input against one or more movement criteria, for:
[63.e]	based on a determination that the first single-finger touch input meets the one or more application-launch criteria that is met based on the duration of the first single-finger touch input being evaluated to be less than a first time threshold, launching the first application,
[63.f]	based on a determination that the first single-finger touch input meets the one or more action-option-display criteria that is met based on the duration of the first single-finger touch input being evaluated to be greater than the first time threshold, displaying one or more action option objects associated with the first application without launching the first application,
[63.g]	based on a determination that the first single-finger touch input meets the one or more operation criteria that is met based on the duration of the first single-finger touch input being evaluated to be greater than a second time threshold that is greater than the first time threshold, performing an operation on the first application icon, and
[63.h]	based on a determination that the first single-finger touch input meets the one or more movement criteria, moving the first application icon in a foreground virtual display layer so that the first application icon appears to float above a background virtual display layer.

Claim 71	
[71]	The method of claim 63, and further comprising: in response to determining that the one or more action-option-display criteria has been met, generating a first tactile output that is indicative of a satisfaction of the one or more action-option-display criteria.

Claim 74	
[74]	The method of claim 63, wherein displaying the one or more action option objects includes displaying the one or more action option objects in a menu that includes a plurality of action option objects.

Claim 81	
[81]	The method of claim 63, wherein: the first application is a content creation application; the one or more action option objects include a respective action option object that is associated with creating a new object; and and further comprising: detecting selection of the respective action option object, and, in response to detecting selection of the respective action option object, creating the new object.

Claim 82	
[82]	The method of claim 81, wherein the content creation application includes an email application, and the new object includes a new email message.

Claim 83	
[83]	The method of claim 63, wherein: the first application is a content creation application; the one or more action option objects include a respective action option object that is associated with displaying at least a portion of previously created content; and and further comprising: detecting selection of the respective action option object, and, in response to detecting selection of the respective action option object, displaying the at least portion of previously created content.

Claim 84	
[84]	The method of claim 83, wherein the content creation application includes an email application, and the displayed at least portion of previously created content includes a previous email message, for generating a reply thereto.

Claim 86	
[86]	The method of claim 63, wherein the operation is related to a delete operation.

Claim 87	
[87]	The method of claim 63, wherein the operation includes displaying a graphical user interface element for, in response to detecting a selection thereof, deleting the first application icon.

Claim 88	
[88]	The method of claim 63, wherein the operation includes entering an icon reconfiguration mode in which one or more of the plurality of application icons is capable of being reorganized on the application launching user interface.

Claim 89	
[89]	The method of claim 63, wherein the operation includes changing a mode of operation.

Claim 90	
[90]	The method of claim 63, wherein the operation includes adding a graphical user interface element to the first application icon.

Claim 91	
[91]	The method of claim 63, wherein the operation includes moving the first application icon.

Claim 92	
[92]	The method of claim 63, wherein the operation includes at least partially rotating the first application icon.

Claim 93

[93]	The method of claim 63, wherein the operation includes animating the first application icon.
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Claim 94

[94]	The method of claim 63, wherein the operation includes cyclically animating the first application icon.
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Claim 97

[97]	The method of claim 63, wherein, based on the determination that the first single-finger touch input meets the one or more movement criteria, multiple of the plurality of application icons is moved in the foreground virtual display layer so that the multiple of the plurality of application icons appear to float above the background virtual display layer.
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Claim 98

[98]	The method of claim 63, wherein the one or more action option objects associated with the first application is displayed along with the first application icon.
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Claim 99	
[99]	The method of claim 63, wherein, based on the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of a different user interface is displayed on at least a portion of the display that was previously occupied by at least multiple of the plurality of application icons in the application launching user interface.

Claim 100	
[100]	The method of claim 63, wherein, based on the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of a different user interface is displayed on at least a portion of the display that was previously occupied by at least multiple of the plurality of application icons in the application launching user interface immediately prior to detecting the first single-finger touch input.

Claim 101	
[101]	The method of claim 63, wherein, based on the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of the application launching user interface is changed to display at least a portion of a different user interface on a portion of the display that was previously occupied by at least multiple of the plurality of application icons in the application launching user interface immediately prior to detecting the first single-finger touch input.

Claim 102

[102]	The method of claim 63, wherein, based on the determination that the first single-finger touch input meets the one or more movement criteria, at least a portion of the application launching user interface is ceased to be displayed.
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Claim 103

[103]	The method of claim 63, wherein the floating is a function of the movement of the first application icon.
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Claim 104

[104]	The method of claim 63, wherein an action is performed utilizing the first application in response to detection of a selection of at least one of the one or more action option objects.
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Claim 105

[105]	The method of claim 63, wherein an action is performed utilizing another application other than the first application in response to detection of a selection of at least one of the one or more action option objects.
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Claim 109

[109]	The method of claim 63, wherein, with the first single-finger touch input detected and prior to displaying the one or more action option objects, a user interface element is displayed to appear at least partially behind the first application icon.
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Claim 119

[119]	The method of claim 63, wherein at least one of the one or more action option objects includes content that is dynamically generated.
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Claim 120

[120]	The method of claim 63, wherein at least one of the one or more action option objects includes content that is dynamically generated based on historical usage.
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Claim 121

[121]	The method of claim 63, wherein at least one of the one or more action option objects includes content that is dynamically generated based on historical usage of the first application.
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Claim 124

[124.pre]	A non-transitory computer readable storage medium storing one or more programs, the one or more programs comprising instructions which, when executed by an electronic device with a display and a touch-sensitive surface, cause the electronic device to:
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[124.a]	display, on the display, an application launching user interface that includes a plurality of application icons for launching corresponding applications;
[124.b]	with the application launching user interface displayed, detect a first single-finger touch input that includes detecting the first single-finger touch input at a location on the touch-sensitive surface that corresponds to a first application icon of the plurality of application icons, wherein the first application icon is for launching a first application that is associated with one or more corresponding action options; and
[124.c]	in response to detecting the first single-finger touch input, determine a response to the first single-finger touch input based on evaluating the first single-finger touch input against at least one of a plurality of criteria, including evaluating a duration of the first single-finger touch input against at least one of: one or more application-launch criteria, one or more action-option-display criteria, or one or more operation criteria, and further including evaluating a movement of the first single-finger touch input against one or more movement criteria, for:
[124.d]	based on a determination that the first single-finger touch input meets the one or more application-launch criteria that is met based on the duration of the first single-finger touch input being evaluated to be less than a first time threshold, launching the first application,
[124.e]	based on a determination that the first single-finger touch input meets the one or more action-option-display criteria that is met based on the duration of the first single-finger touch input being evaluated to be greater than the first time threshold, displaying one or more action option objects associated with the first application without launching the first application,

[124.f]	based on a determination that the first single-finger touch input meets the one or more operation criteria that is met based on the duration of the first single-finger touch input being evaluated to be greater than a second time threshold that is greater than the first time threshold, performing an operation on the first application icon, and
[124.g]	based on a determination that the first single-finger touch input meets the one or more movement criteria, moving the first application icon in a foreground virtual display layer so that the first application icon appears to float above a background virtual display layer.

CONVENTIONS OF THIS REPLY BRIEF

- All emphasis is added unless noted otherwise;
- Bold-italic emphasis correlates to claim language;
- Quotations are generally reserved for exhibits; and
- The phrase “as discussed” and equivalent phrases incorporate fully the analysis of the cross-cited portion of the Reply Brief.

The Petition shows that the '758 patent claims nothing more than an obvious twist on well-known technology. Combining familiar touch gestures like taps and holds with standard functions like launching apps or displaying menus was not new or inventive. Patent Owner's attempt to obscure this truth with unsupported claim constructions, unsound legal theories, and unsubstantiated prior art analysis should be rejected. The Board should find the Challenged Claims unpatentable.

I. The Board Should Reject Patent Owner's Confusing, Erroneous, and Unnecessary Claim Constructions

A. "Conditional" Limitations²

According to Patent Owner, the '758 patent's claims describe "logical functions/steps to process instances of user input on a touch screen that begin from a common starting point." POR, 12. But the words "common starting point" do not appear anywhere in the '758 patent's claim language, specification, or prosecution history; nor do the words "decision tree" or "multi-part pattern-based gesture," which Patent Owner also seems to imply are necessary. *Id.* Patent Owner has no basis to inject these concepts into the claim language it chose to recite during prosecution. *See* EX1068, 68:12-14. Besides, Patent Owner never cites or alludes

² "Conditional" is not a claim term, and it is unclear what term Patent Owner is construing. We simply match Patent Owner's headings for the Board's convenience.

to its proposed “common starting point” construction as the basis for distinguishing the prior art, tacitly acknowledging that there is nothing for the Board to decide.

Similarly, regarding Patent Owner’s argument that “each Limitation [must be] performed when presented with an instance of user input where their preconditions apply,” (POR, 13–15 (quotes omitted)), the Board need not reach an affirmative construction because Patent Owner does not allege a “controversy” on this issue, *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). The Petition accounts for every limitation, and Patent Owner does not contend otherwise.

B. “The Duration of the First Single-Finger Touch Input”

Next, Patent Owner tries to create its extraneous “common starting point” limitation by misapplying antecedent basis principles. POR, 15-17. In doing so, however, Patent Owner makes the revealing concession that “some...of the Limitations recite mutually exclusive preconditions.” *Id.*, 17. That means, as Patent Owner would have it, all four conditional scenarios of Elements [1.i], [1.j], [1.k], and [1.l] must be performed, all four must share the same starting point, and yet some are mutually exclusive. The Board should reject this confusing, seemingly paradoxical construction. *See AstraZeneca AB v. Mylan Pharms. Inc.*, 19 F.4th 1325, 1342 (Fed. Cir. 2021) (rejecting a construction that “adds to the uncertainty”).

Instead of commingling these independent scenarios in the confusing manner Patent Owner suggests, the sensible conclusion is that the terms “first single-finger

touch input” and “duration” in Elements [1.i], [1.j], [1.k], and [1.l] simply draw antecedent basis from Elements [1.g] and [1.h] where they are “detected” and “evaluated.” The claims make sense this way: When a single-finger touch input detected at Element [1.g] meets “at least one of” the criteria in Element [1.h], the corresponding function recited in Elements [1.i], [1.j], [1.k], and [1.l] is performed.

In any event, the Board need not decide this issue because Patent Owner does not rely on its “common starting point” construction to distinguish the prior art.

C. Whether Elements [1.k] and [1.l] Require a Continuous Touch

The ’758 patent’s Independent Claims 1, 63, and 124 do not require a single continuous touch between any of Elements [1.i], [1.j], [1.k], and [1.l]. As discussed, all the plain language requires is that a function recited in Elements [1.i], [1.j], [1.k], and [1.l] is performed when a single-finger touch input detected per Element [1.g] meets a corresponding one of the criteria in Element [1.h].

Patent Owner fails to identify any hint in the ’758 patent’s specification of a “continuous” single-finger touch input evaluated against four independent criteria that, when met, result in four different functions. *See* POR, 17-18. In fact, Patent Owner’s only mention of any relevant description is an admission that “the ’758 Patent’s disclosure of multi-part gestures includes multi-part gestures that do **not** involve a single continuation touch across all parts.” POR, 17 (original emphasis).

Undeterred by the fact that its proposed “continuous touch” limitation was never actually described as an embodiment by the ’758 patent’s inventors, Patent Owner says it is required by “the specific claim language of the Challenged Claims.” POR, 18. Obviously, though, the word “continuous” does not appear in any of the Challenged Claims. And cutting against Patent Owner’s construction, the patentee chose to reserve this word—“continuous”—for Dependent Claim 62, which is unchallenged and depends from Independent Claim 1. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (“[A] dependent claim...gives rise to a presumption that the limitation in question is not present in the independent claim.”).

Overlooking all of this, Patent Owner retreats back to antecedent basis, suggesting that the phrases “the first single-finger touch” and “the duration of the first single finger touch” necessarily “connote to a POSITA that each [element] refers to a touch that has not concluded on lift-off.” POR, 18 (original emphasis). But Patent Owner’s admission that Elements [1.i]-[1.j] are “mutually exclusive,” puts an end to this theory. POR, 17; *see also* 13. These mutually exclusive elements both include the above-recited phrases, yet they cannot possibly require a continuous touch. As Patent Owner put it, because “requiring all preconditions to be met in response to a single instance of user input is contrary to the plain claim language,” the claims contemplate “evaluat[ing] numerous instances of user input.” POR, 17.

Lastly, Patent Owner contrasts the '758 patent's Challenged Claims with U.S. Patent No. 10,671,212 (EX1069), which separately recites “the touch” and “a slide or swipe gesture.” POR, 18 (original emphasis). But a juxtaposition against the '212 patent only further condemns Patent Owner's case for a single continuous touch without “lift-off.” POR, 18. The '212 patent uses express claim language (“without the ceasing”)—not antecedent basis—to require continuous contact, proof positive that the patentee knew how to claim a continuous touch. *See* EX1069, 95:65-96:3. It simply chose not to do so in the '758 patent.

As explained below in Section II.B, the Petition provides alternative independent rationales for addressing a “single continuous touch.” If the Board agrees with either of them, Patent Owner's construction is moot.

D. “User Interface Element”

The claim term “user interface element” means what it says—an element of a user interface. The language of Dependent Claim 47 does not recite any specific characteristics that such an element must possess, only that it “is displayed to appear at least partially behind the first application icon.”

Patent Owner, however, says a “user interface element” must be an element “that a user interacts with, which is more than simply being a display element.” POR, 18 (altered emphasis). But this statement lacks support. Indeed, Patent Owner's specification citations do not define the term “user interface element” or

even describe an embodiment of Dependent Claim 47. POR, 19. And it does not follow that a broad definition of the non-claim term “display element” means the claim term “user interface element” must be narrower, as Patent Owner suggests. *Id.*, 19 (citing EX1001, 70:38-40). To the contrary, the patentee made “user interface element” the broader umbrella term in US 10,664,097, a contemporaneous patent of overlapping subject matter that claims priority to the same provisional applications as the ’758 patent. *See* EX1070, p.2 at (60). There, the patentee said, “the first user interface element or the second user interface element includes a display element.” *Id.*, 121:30-44. The Board should not allow Patent Owner to treat its claims “like a nose of wax,” twisting and turning their meaning whichever way is most expedient at any given time. *White v. Dunbar*, 119 U.S. 47, 51-52 (1886).

II. The Petition’s Grounds 1 and 2 Each Render Obvious the Rudimentary Claim Features of Detecting a Touch Input on an Icon and Moving the Icon (Elements [1.g]/[1.l], [63.c]/[63.h], [124.b]/[124.g])

Elements [1.g] and [1.l] are broad and simple. They require “detecting a first single-finger touch input...at a location...that corresponds to a first application icon,” ([1.g]) and, when it is “determin[ed] that the first single-finger touch input meets the one or more movement criteria, moving the first application icon,” ([1.l]). The Petition shows these elements are met by the Chaudhri-Martyn-Griffin Combination of Ground 1 and the Chaudhri-Martyn-Griffin-Os Combination of Ground 2. *See* Pet., 25-27, 35-39, 65-67. Patent Owner’s attempt to overcome these

combinations, misreads the Petition (*infra*, §II.A), misinterprets the claims (*supra*, §I.C; *infra*, §II.B.1), and misunderstands the law and the record (*infra*, §§II.B.2-3).

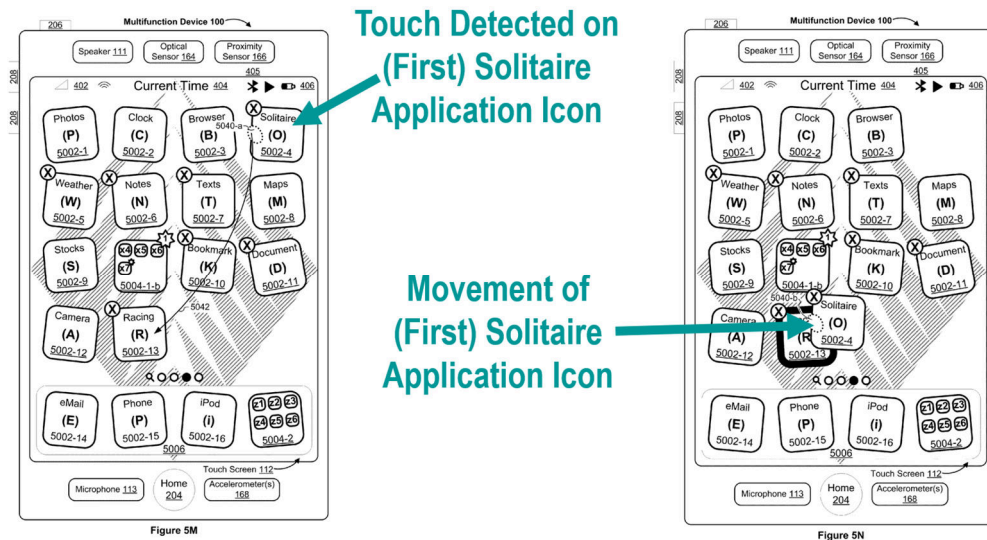
A. Patent Owner Cannot Re-Write the Petition or Chaudhri; “The First Application Icon” Mapping Is Clear and Consistent

As the Petition explains, the ’758 patent’s claims outline four scenarios where the device performs one of four different functions when the user’s touch input on an application icon satisfies a respective one of four different criteria. Pet., 5–6. The focus in the claims is on the criteria of the touch and the corresponding functions, not any specific kind of icon. Any *first application icon* will do. Chaudhri is similarly untethered to the specifics of any icon. Rather, Chaudhri seeks to provide a touch screen GUI where common touch gestures like taps, holds, and drags enable users to select and reorganize a given menu of application icons. Pet., 9–12.

Nevertheless, Patent Owner argues that the Petition inconsistently maps *the first application icon* because the analysis at Element [1.g] includes figure annotations pointing to Solitaire and Photos icons while the analysis at Element [1.1] includes figure annotations pointing to a Racing icon. See POR, 24-27. The Board should reject this argument. Not only does it elevate form over substance, but it also misconstrues the Petition and Chaudhri’s teachings. See EX1067, ¶¶36-49.

Patent Owner is most easily disproved by hypothetically adopting its premise that the Petition’s Element [1.g] analysis is limited to the Solitaire/Photos icons,

because it is simply untrue that “Petitioner does not identify ‘moving’ either the Solitaire or Photos icon” in the analysis at Element [1.i]. POR, 24-25. Twice, the Petition’s Element [1.i] analysis cites to Chaudhri’s Figures 5M-N, which specifically illustrate moving the Solitaire application icon. *See* Pet., 35–38; EX1067, ¶48. This settles the matter.



EX1004, Figures 5M-5N (annotated); *see also* [0229].

To be clear, the Petition does not limit the Element [1.g] analysis to only the Solitaire or Photos icons. Patent Owner is wrong about that. *See* POR, 24. Instead, the Petition cites Chaudhri’s disclosure at Paragraphs [0216]-[0217], which confirms that all “action icons 5002”—including the “racing application icon 5002-13”—are “selectable,” and Chaudhri’s further teaching at Paragraph [0174] that the user can make a selection with “one or more taps.” Pet., 26–27 (cross-referencing

§VI.A.1 at 8-12); EX1067, ¶42. Just as the Solitaire icon is addressed at each of Elements [1.g] and [1.l], so too is the Racing icon. There is no inconsistency.

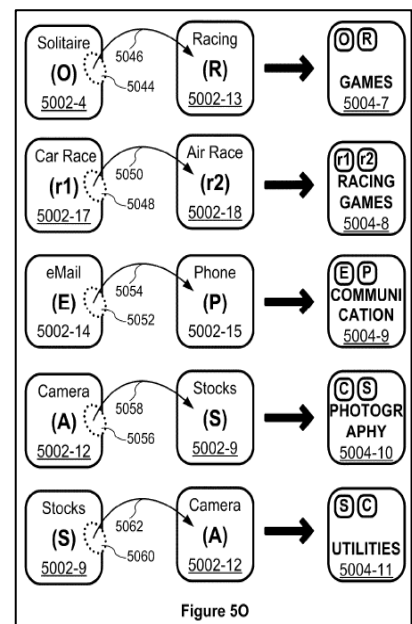
Stepping back more generally, it is unreasonable for Patent Owner to suggest that the Petition limits its reliance on Chaudhri to only a subset of named icons. The Petition’s baseline summary of Chaudhri that applies to every claim element starts by describing each of Chaudhri’s disclosed functionalities without specific icon names. *E.g.*, Pet., 8-12 (“touch input associated with one of the application icons”); *see also* 12 n1 (“incorporated into each subsection and mapping”); EX1067, ¶¶36-38. By contrast, when subsequently introducing the annotated figures and naming icons, the Petition uses the non-limiting phrases “[f]or example” and “as illustrated.” Pet., 8-12; *see also* 26-27 (Element [1.g]), 35-36 (Element [1.l]).

As shown below, the Petition’s framing matches Chaudhri’s disclosure, which consistently provides a general teaching illustrated by a non-limiting “example”:

[0220] Attention is now directed towards FIGS. 5B-5F, which illustrate exemplary user interfaces for creating a new folder in accordance with some embodiments. In FIG. 5B, the device detects a request to move a respective selectable user interface object to an edge of the screen. In this example, the request includes a contact 5016-a on the touch-sensitive surface (e.g., touch screen 112) at a location that corresponds to a “racing” action icon 5002-13, and subsequent movement 5018 of the contact to the edge of the touch-sensitive surface (e.g., to contact position 5016-b on the touch screen 112, as illustrated in FIG. 5C). In FIG. 5C, the action icon 5002-13 is

**General
Description
Non-Limiting
Example**

EX1004, [0220] (annotated); *see also* Pet., 35-36 (Element [1.1], citing the same); EX1067, ¶¶40-46. Here, Chaudhri first generally describes that each “respective” application icon (“selectable user interface object”) is movable, and then illustrates the broader concept with a specific, non-limiting example—the Racing icon. Patent Owner’s apparent view of this passage as teaching that a user can only move the Racing icon is dubious on its face. Worse, it is contrary to Chaudhri’s many other exemplary disclosures, such as Figure 5O (at right), that show and describe the use of drag gestures to move a wide variety of different application icons. *E.g.*, EX1004, [0227] (Notes icon, Figure 5J), [0229] (Solitaire icon, Figures 5M-5N), [0230] (multiple icons, Figure 5O), [0248] (Stocks icon, Figures 5KK-5MM), [0252] (Maps, Figures 5OO-5PP).



Defying reason and the record, Patent Owner invites the Board to misinterpret the Petition and Chaudhri by limiting them both to a smattering of illustrative examples. The Board should decline to do so. A POSITA possessing common sense and common knowledge in 2011 would not share Patent Owner’s unreasonably narrow understanding of Chaudhri, and the Petition did not rely upon Chaudhri in such a severely limited way. EX1067, ¶¶36-39, 47.

In any event, even if the Board is inclined to adopt Patent Owner’s contorted view, the Petition presents alternative obviousness rationales where a touch-and-hold gesture on an application icon for entering Chaudhri’s reconfiguration mode and a drag gesture for moving the icon are part of a detected single continuous touch. *See* Pet., 38-39, 65-67. These alternative rationales, discussed below at Sections II.B.2-3, moot Patent Owner’s misplaced “inconsistent mapping” argument.

B. Each of the Petition’s Ground 1 and 2 Prior Art Combinations Shows Moving “The First Application Icon” Based on “The First Single-Finger Touch Input”

1. Properly Construed, the Ground 1 Combination Plainly Satisfies the Icon Movement Limitations

Patent Owner’s argument that the Chaudhri-Martyn-Griffin Combination fails to satisfy the ’758 patent’s icon movement limitations is vague and unclear. POR, 27-28. Regardless, it fails. To the extent Patent Owner cites to its claim construction position that the Challenged Claims require “a single continuous touch,” this misguided premise is discredited above at Section I.C. If, alternatively, Patent Owner faults the Petition for including one annotated figure showing contact on a Solitaire icon at Element [1.g] and another annotated figure showing movement of a Racing icon at Element [1.l], that argument is disproved above at Section II.A.

2. Even Under Patent Owner’s Narrow “Single Continuous Touch” Construction, the Ground 1 Combination Still Satisfies the Icon Movement Limitations

Even assuming “a single continuous touch” is required for Element [1.l]’s icon movement limitations, the Petition’s Ground 1 still holds up. *See* Pet., 38-39; EX1003, ¶¶105-111; EX1067, ¶¶50-55. As the Petition explains, “there are only three apparent design options to implement Chaudhri’s teachings for using a drag gesture to move an application icon after shifting from the ‘normal mode’ to the ‘reconfiguration mode’ via a touch-and-hold gesture,” and two of them include “a single continuous touch” on the same icon. Pet., 38-39.

Patent Owner does not deny these facts and, thus, concedes the issue as a matter of law. POR, 28-30. There is no dispute that a single continuous touch was integral to “known options” within the “technical grasp” of a POSITA and part of “a finite number of identified, predictable solutions” to the design problem of implementing Chaudhri’s touch-and-hold and drag gestures. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007). That means it was obvious. *Id.* Patent Owner’s complaint that this reasoning is “generic” and “not sufficient motivation” flouts precedent and must be rejected. POR, 29; *but see Uber Techs., Inc. v. X One, Inc.*, 957 F.3d 1334, 1339-41 (Fed. Cir. 2020) (explaining that “two known, finite, predictable solutions...renders obvious the challenged limitation”).

Patent Owner's only other complaint is irrelevant and wrong. According to Patent Owner, the Petition's reasoning "assumes Chaudhri is silent" and that there is "a 'design choice' to fill." POR, 29-30. But the Petition does not say Chaudhri is silent. *See* EX1067, ¶¶51-53, ¶55. The Petition instead cites Dr. Cockburn's testimony that Chaudhri discloses the necessary event-handling components to detect gestures as part of a continuous touch. *See* Pet., 38-39 (citing EX1003, ¶¶109-110). And, importantly, Chaudhri's silence is not required. If it were, the Federal Circuit would not have found obviousness as a matter of law in *Uber*—but it did. In *Uber*, the primary reference was not silent; it employed one of two possible solutions. 957 F.3d at 1339-40. Because the only alternative was well known, the Court found that it would have been obvious to substitute one for the other. *Id.* As *Uber* holds, it does not matter whether Chaudhri employs the only option that does not use a continuous touch, because it is undisputed that the other alternatives do.

Lastly, as an independent path to obviousness, the Petition explains why a POSITA would have preferred the specific ("third") design option of providing an interface that accommodates both a single continuous touch and consecutive touches for the beneficial purpose "making the device...easier to use by providing multiple avenues for the user to move the application icon." Pet., 39 (citing EX1003, ¶108). This preferred approach is fully consistent with Patent Owner's view that Chaudhri expressly discloses two separate touches. EX1067, ¶54. That functionality would

remain intact, merely paired with the additional capability to also recognize the touch-and-hold and drag gestures within a single continuous touch. *Id.*

3. Alternatively, the Ground 2 Combination Satisfies the Icon Movement Limitations Under Patent Owner’s “Single Continuous Touch” Construction

The Petition’s Ground 2 presents “Os as an alternative basis to find that it would have been obvious to account for a continuous touch contact between Chaudhri’s touch-and-hold gesture to invoke the ‘reconfiguration mode’...and Chaudhri’s drag gesture to move the application icon.” Pet., 62-67; EX1003, ¶¶144-149. Neither of Patent Owner’s two rejoinders is convincing.

According to Patent Owner, Os’s teachings on continuous multipart gestures [i] are contrary to the above-discussed “third” design option that the Petition says a POSITA would have preferred and [ii] “cannot be reconciled with Chaudhri itself.” POR, 30-31 (citing Pet., 38-39). Patent Owner is incorrect; there is no contradiction. As would have been clear to a POSITA, Os’s teaching to make a touch-and-hold and a drag detectable as part of a “continuous multipart gesture” is merely an additional functionality that can be used in conjunction with Patent Owner’s view that Chaudhri discloses two separate touches. EX1067, ¶¶56-58. Providing an interface that recognizes the hold and drag as either part of a single continuous touch or as multiple distinct touches would create the POSITA’s preferred (“third”) design option. *Id.*

III. The Petition Gives Multiple Reasons for Combining Chaudhri, Martyn, and Griffin to Provide a Contextual Sub-Menu When the Duration of the User's Touch Input Surpasses a First Time Threshold

A. The Chaudhri-Martyn-Griffin Combination Integrates Known Elements in a Predictable Fashion

The Petition's Chaudhri-Martyn-Griffin Combination is straightforward, not "convoluted," as Patent Owner suggests. POR, 31-33. Martyn teaches an App Snapshot sub-menu that a POSITA would have been motivated to integrate with Chaudhri's touch screen graphical user interface. Pet., 15-19 (citing EX1005, [0004-0008], [0015]). Griffin teaches the notion of evaluating touch input against multiple duration thresholds and initiating a respective action when a given threshold is surpassed. Pet., 19-20 (citing EX1006, [0032], [0040], [0053]). The predictable result of combining these teachings is that Martyn's App Snapshot sub-menu is invoked when the user performs a touch-and-hold gesture on Chaudhri's touch screen that surpasses a first time threshold. Pet., 15-22 (citing EX1003, ¶¶61-77).

Patent Owner does not dispute the notion of adding Martyn's App Snapshot to Chaudhri. The only debate is whether it would have been obvious to use a touch-and-hold gesture as the mechanism to invoke the App Snapshot. As discussed below, the record answers this question in the affirmative. *Infra*, §§III.B-E. Although Patent Owner tries to complicate the matter by introducing a variety of other ways a POSITA might have integrated Martyn's teachings with Chaudhri,

(POR, 38-48) and alleging a “conflict” with Chaudhri’s longer touch-and-hold gesture for initiating a “reconfiguration mode,” (*id.*, 48), none of them detract from the predictable combination espoused in the Petition. The Board already considered and rejected substantially similar distractions at the institution phase. *See* Paper 7 at 18-22. Patent Owner’s attempt to rehabilitate its case by pivoting to a new expert, one who admittedly did not “conduct any research or look for any additional evidence,” fails. EX1068, 140:5-8.

B. The Petition Provides Ample Motivation for Integrating Martyn’s App Snapshot With Chaudhri and Using the Well-Known Touch-and-Hold as a Command Gesture

Patent Owner’s “sleight of hand” criticism is misplaced. POR, 33. Far from hiding the ball, the Petition highlights Martyn’s “press-and-hold user input” explicitly within the motivation-to-combine discussion. Pet., 15-19. That same discussion gives four reasons why a POSITA would have incorporated Martyn’s App Snapshot with Chaudhri, and Patent Owner does not deny them. *Id.*; POR, 33-37. Taking as a given that a POSITA would have pursued Martyn’s App Snapshot, Patent Owner cannot credibly contend that the POSITA would have disregarded the kinds of user input commands that Martyn describes for calling the App Snapshot.

The POSITA does not wear blinders, and is instead equipped with common knowledge, common sense, ordinary creativity. *KSR*, 550 U.S. at 420–21. So when “a technique [like Martyn’s press-and-hold user input] has been used to improve [a

mobile] device [like Martyn's], and a person of ordinary skill in the art would recognize that it would improve similar [mobile] devices [like Chaudhri's] in the same way, using the technique is obvious unless its actual application is beyond that person's skill." *Id.*; EX1003, ¶¶43-53, 63-69; EX1067, ¶20. Seeing as Patent Owner does not argue that a touch/press-and-hold gesture transcended the POSITA's skill set, the obviousness inquiry can end here.

And yet the Petition goes on to identify additional reasons why it would have been obvious for a POSITA to employ a touch-and-hold as the command gesture for calling the App Snapshot in the Combination—namely, (i) because a POSITA would have understood that Martyn's App Snapshot and press-and-hold user input were “well-known and beneficial” teachings that would “bolster” Chaudhri without disturbing the “fundamental aspects of Chaudhri's disclosure,” (Pet., 15), and (ii) because the POSITA would have understood that a touch-and-hold gesture is the “analog” of Martyn's press-and-hold input,” (*id.*, 16). The Petition cites Dr. Cockburn's evidence-backed testimony to support these positions. *See* Pet., 15-17 (citing EX1003, ¶¶41-53, ¶¶61-65); Paper 7 at 20-22 (Board citing similar); EX1067, ¶¶16-22 (collecting and summarizing the evidence). Patent Owner's claim that “Petitioner provides no reasons” is simply untrue. POR, 33.

C. Patent Owner Cannot Undermine the Petition by Proposing an Alternative Modification Based on Other Teachings in Chaudhri

Patent Owner's attempt to undermine the Petition by presenting an alternative modification to Chaudhri has the opposite effect. POR, 38-42. If, as Patent Owner says, Chaudhri already solves the problem of invoking a contextual menu, and a POSITA upon reading Martyn and Griffin would have recognized the touch-and-hold gesture as a known solution to the "same problem," that means there is a motivation to combine. *Intel Corp. v. PACT XPP Schweiz AG*, 61 F.4th 1373, 1380 (Fed. Cir. 2023). "Predictable variation[s]" make a convincing case of obviousness under *KSR*. 550 U.S. at 417. That Patent Owner believes such a fact pattern instead "teaches away" reflects a misunderstanding of the law. POR, 41.

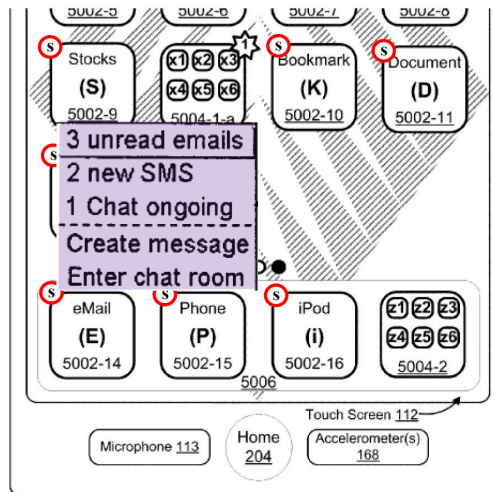
Even if Patent Owner's alternative modification were hypothetically "superior" to the Petition's proposed touch-and-hold command gesture, (POR, 42), that would not change the outcome of this case. Demonstrating that a touch-and-hold command gesture is "an 'improvement' in a categorical sense" is not necessary to prove obviousness. *Intel*, 61 F.4th at 1381. "It's enough for [the Petition] to show that there was a known problem of [invoking a contextual menu like Martyn's App Snapshot from Chaudhri's interface], that [Martyn's press-and-hold user input] helped address that issue, and that combining the teachings of [Martyn and Chaudhri in this manner] wasn't beyond the skill of an ordinary artisan." *Id.*; see Pet., 15-17.

Moreover, there is no reason to assume that Patent Owner's alternative really is "superior" to a simple touch-and-hold on an application icon. POR, 42. Neither of the two reasons Patent Owner provides is compelling. EX1067, ¶¶23-30.

Patent Owner's first reason relies on the false premise that a touch-and-hold gesture would cause a "conflict" because "Chaudhri already assign[s] the long touch on an application icon to a different function"—triggering the reconfiguration mode. POR, 42. As Dr. Cockburn explained, however, Chaudhri discloses "a touch that exceeds the criterion of a 'predetermined period of time (e.g., 2 seconds),' and a "tap" gesture was commonly associated with duration thresholds on the order of "less than 500 milliseconds." EX1003, ¶¶75-77 (quoting EX1004, [0217]; EX1035, 11:19-24). Accordingly, Patent Owner's alleged conflict is not a credible concern because "the POSITA would have known to implement the duration criterion for the corresponding touch-and-hold gesture [that calls the App Snapshot] as being greater than the first time threshold of the tap [e.g., 500 milliseconds], while also less than a second time threshold beyond which the interface transitions out of the 'normal' mode and into the 'reconfiguration' mode [e.g., 2 seconds]." EX1003, ¶¶76-77; *see also* ¶¶49-53; EX1067, ¶25.

Patent Owner's second reason that "a tap on a target region is faster and simpler" also falls short. POR, 42. To start, Patent Owner draws a false comparison to a "two-part" gesture that involves initially "navigat[ing] a highlight to an

application and then long press[ing].” *Id.* But the Petition proposes a simple touch-and-hold gesture on an application icon of Chaudhri’s touch screen user interface, which a POSITA would have understood does not require an initial navigation step. Pet., 15-16; EX1067, ¶30. Additionally, a POSITA would not have preferred Patent Owner’s proposal because it creates a crowded user interface and requires the user to precisely tap a small “object modification target” (red circles) placed “in the upper lefthand corner...on [the application] icons.” POR, 38-39; EX1067, ¶¶26-29.



POR, 41 (Patent Owner’s visual aid). As Dr. Cockburn explains, the problem is that both the application icons and the associated modification targets are placed in close proximity and activated by the exact same gesture—a tap. EX1067, ¶27. Using this arrangement in Chaudhri would create a situation ripe for accidental inputs and user frustration. *Id.*, ¶29. As Chaudhri explains, “finger-based contacts and gestures... can be less precise...due to the larger area of contact of a finger on the touch screen.” EX1004, [0091]. In short, the Petition’s proposal of using multiple duration-based

gestures on the same icon in Chaudhri’s “normal” mode would be easier and more reliable for users than Patent Owner’s alleged alternative of using the same gesture on multiple different densely packed icons. EX1067, ¶29.

D. The Opposite of Teaching Away, Chaudhri’s Disclosure of a Long Touch Gesture Leads the POSITA Down the Path of Employing a Similar Technique for Calling Martyn’s App Snapshot

Patent Owner again reveals its confused view of the law by arguing that the Petition’s articulation of a simple design problem—“distinguishing between the different gesture commands,” (Pet., 21)—somehow militates against obviousness. *See* POR, 42-44. The opposite is true.

As the Supreme Court explained in *KSR* “any need or problem known in the field of endeavor...can provide a reason for combining the elements in the manner claimed.” 550 U.S. at 420; *see also id.* at 421 (“When there is a design need or market pressure to solve a problem...”). In *KSR*’s flexible test for obviousness, a design problem solvable by a POSITA using known techniques and known solutions does not “teach[] away,” (POR, 43); it provides motivation. And that is exactly the case here, where Chaudhri already employs the concept of using touch gestures with different durations to select an application icon and trigger a reconfiguration mode; Martyn teaches a press-and-hold input for calling the App Snapshot; and Griffin provides sufficient implementation details to facilitate assigning all three functions to different duration-based touch gestures on a single application icon. Pet., 20-22.

E. Patent Owner's Second Batch of Alternative Modifications Also Fail to Rebut the Petition

Repetition does not make Patent Owner's position any stronger. As discussed, contrived alternative modifications to Chaudhri for calling Martyn's App Snapshot do not teach away or otherwise detract from the obviousness of using a touch-and-hold command gesture. *See* POR, 44-48; *supra* §III.C.

Moreover, Patent Owner commits the same factual errors here as before. Again, Patent Owner misreads the Petition as proposing a "two-part process" with an initial "navigating" step rather than a simple touch-and-hold gesture. POR, 45; *supra* §III.C. Again, Patent Owner alleges a non-existent "conflict" between touch gestures with different duration thresholds that a POSITA would have known how to implement. POR, 44-48; *supra* §III.C. And again, Patent Owner defies the record by suggesting that using a touch-and-hold gesture to call a contextual menu was "not found in the art" when Dr. Cockburn cites multiple third-party documents showing this technique was commonplace. POR, 44-48; *supra* §III.B.

Lastly, and although it is largely irrelevant, it bears noting that Patent Owner's second batch of alternative modifications fares no better than its first when compared to a touch-and-hold. EX1067, ¶¶31-35; *supra* §III.C. Patent Owner cannot credibly contend that a two-part process requiring the user to first navigate to an application icon using a physical or virtual click-wheel is easier or more efficient than

performing a simple touch-and-hold command gesture directly on the application icon. POR, 45-47; EX1067, ¶¶32-35. Nor is it plausible in the context of Chaudhri's touch screen mobile device to abandon touch gestures altogether in favor of "voice activation" commands. EX1067, ¶35.

F. Patent Owner Fails to Undermine the Petition's Multiple Motivation Rationales for Implementing Griffin's Teachings to Evaluate a User's Touch Input Against Predetermined Threshold Criteria

Patent Owner's critique that the Petition provides no motivation to combine regarding Griffin "beyond a self-induced conflict" is demonstrably incorrect. POR, 48 (quote altered). The Petition provides explicit motivation rationales that Patent Owner does not address, much less rebut. *See* Pet., 20 (citing EX1003, ¶¶49-53, ¶¶71-73). Patent Owner also—yet again—finds itself at odds with the law. The Federal Circuit rejected the same "problem of their own making" argument in *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 784, 800 (Fed. Cir. 2021). There, the Court explained that "the same can be said of the known wire-chafing problem in *KSR*, which arose by virtue of combining an adjustable pedal with an electronic sensor." *Id.* "So too here. Like modifying Asano in a way that avoided the wire-chafing problem in *KSR*, modifying [Chaudhri] with [Griffin] in a way that avoids the [gesture recognition] problem doesn't neutralize [the Petition's] rationale." *Id.*

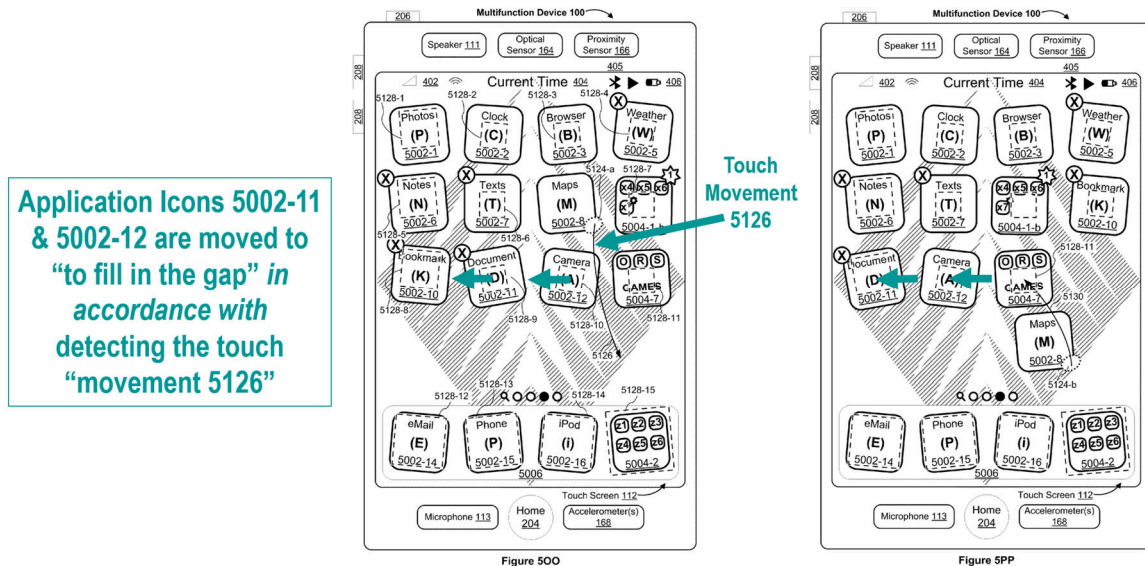
IV. The Dependent Claims Are Not Patentably Distinct; Patent Owner Fails to Effectively Rebut the Petition

Claims 21-22: Patent Owner misunderstands the claim and the Petition, confusing the claimed *action options objects* with the claimed *previously created content*. POR, 49-50. The Petition maps the “3 unread emails” and “1 Chat ongoing” items in Martyn’s App Snapshot to the former, not the latter. Pet., 43-44 (citing EX1003, ¶116; EX1005, Figure 3, [0017-0018]). For example, the cited passage of Martyn teaches that “when an item in the App Snapshot is selected...the device displays the relevant data.” EX1005, [0018]; Pet., 43-44 (citing same). This teaching “connotes *displaying content previously created* by other users” *in response to detecting selection of* the “3 unread emails” *action option object*. Pet., 43-44 (citing EX1003, ¶116; EX1005, Figure 3, [0017-0018]); EX1067, ¶¶59-60.

Claim 35: The broad phrase *in accordance with* connotes a relationship between the claimed plurality of moving icons and the claimed movement criteria, which is exactly what the Petition shows. *In accordance with* one of the application icons being moved when the *movement criteria* are met, the remaining application icons are controlled by the interface such that they continue to jiggle (*move*). Pet., 51-52 (citing EX1003, ¶130; EX1004, [0218], [0220], Figures 5B-5C). Contrary to the broad plain language, Patent Owner assumes *in accordance with* creates a limitation where the remaining icons cannot be jiggling before the claimed

movement criteria are met. POR, 50-51. But this implicit narrowing construction is entirely unsupported and must be rejected.

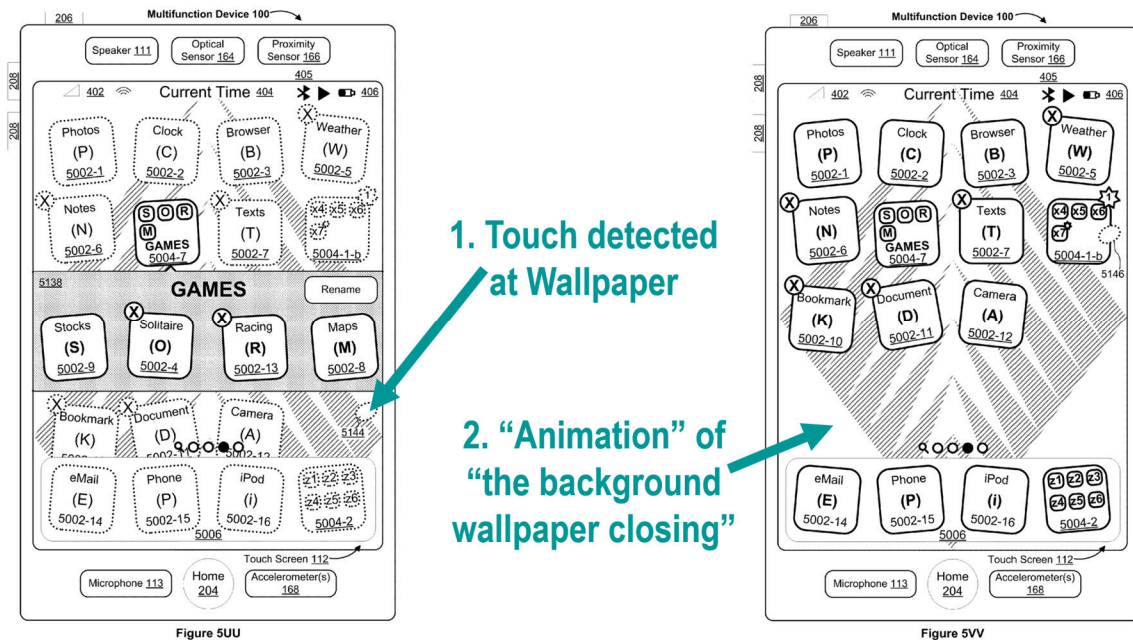
Notably, Chaudhri's teachings are sufficient even under Patent Owner's implicit narrowing construction. For example, Chaudhri teaches that "the device automatically rearranges [(**moves**)] the selectable user interface objects as the respective selectable user interface object 5002-8 is moved across the display (e.g., touch screen 112)." EX1004, [0252] ("**in accordance with the movement**").



EX1004, Figures 500-5PP (annotated), [0252].

Claim 47: First, Patent Owner's argument regarding the **user interface element** limitation depends on its flawed construction. POR, 51-52; *supra*, §I.D. Thus, the argument falls with its now-debunked premise. Second, even under Patent Owner's construction that requires something "a user interacts with," (POR, 18), Chaudhri's wallpaper still renders obvious a **user interface element**. EX1067, ¶¶61-

63. For example, Chaudhri's wallpaper responds to a user interaction by "divid[ing] into a first portion and a second portion." EX1004, [0047]; *see also* [0045]-[0050], [0237]-[0238] (wallpaper "animation"), [0239]; [0244], [0257], [0268], [0368]-[0372], Figures 5X-5Y, 5DD; 5UU-5WW, 5CCC-5FFF.



EX1004, Figures 5UU-5VV (annotated), [0257], *see also id.* [0309], [0377].

Claim 57: Again attempting to narrow the plain claim language, Patent Owner alleges a distinction between the claimed phrase *dynamically generated* and the cherry-picked phrase "dynamically selected." POR, 52-53. But Patent Owner's alleged distinction does not affect the outcome here. More than just "selecting," Martyn creates (*dynamically generates*) the items shown in the App Snapshot and their content based on usage patterns. Pet., 59-60 (citing EX1005, [0026]; EX1003, ¶140); EX1067, ¶¶64-65 (citing EX1001, 69:18-24, 84:56-62).

* * * * *

Respectfully submitted,

Dated: August 5, 2025

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CERTIFICATION UNDER 37 CFR § 42.24

Under the provisions of 37 CFR § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Petitioner's Reply to Patent Owner's Response totals 5,534 words, which is less than the 5,600 allowed under 37 CFR § 42.24(c)(1).

Dated: August 5, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on August 5, 2025, a complete and entire copy of this Petitioner's Reply to Patent Owner's Response and supporting exhibits were provided via email to the Patent Owner by serving the email correspondence addresses of record as follows:

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