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U.S. Patent No. 10,656,758

Patent Owner's Hearing Demonstratives

October 17, 2025

U.S. Patent No. 10,656,758

Petition (“Pet.”)

Paper 2

Patent Owner Response (“POR”)

Paper 14

**Petitioner’s Reply to Patent Owner’s Response
 (“Reply”)**

Paper 18

Patent Owner Sur-Reply (“Sur-reply”)

Paper 21

U.S. Patent No. 10,656,758

(12) **United States Patent**
Smith

(10) **Patent No.:** US 10,656,758 B1
(45) **Date of Patent:** May 19, 2020

(54) **GESTURE-EQUIPPED TOUCH SCREEN SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT**

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(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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(22) Filed: **Oct. 25, 2019**

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(63) Continuation of application No. 16/558,026, filed on Aug. 30, 2019, which is a continuation of application (Continued)

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G06F 3/04
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(52) **G06F 3/016**
G06F 3/013
G06F 3/013

(58) **G06F 3/04883**
G06F 3/04883
G06F 3/04883

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(57)

ABSTRACT

In one embodiment, an electronic device is provided, comprising: a display; a touch-sensitive surface; one or more processors; memory; and 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: displaying, on the display, an application launching user interface that includes a plurality of application icons for launching corresponding applications; 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 quick actions; and 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 (Continued)



(12) **United States Patent**
Smith

(54) **Gesture-equipped touch screen system, method, and computer program product**

(45) **Date of Patent:** May 19, 2020

(22) **Filed:** Oct. 25, 2019

Overview

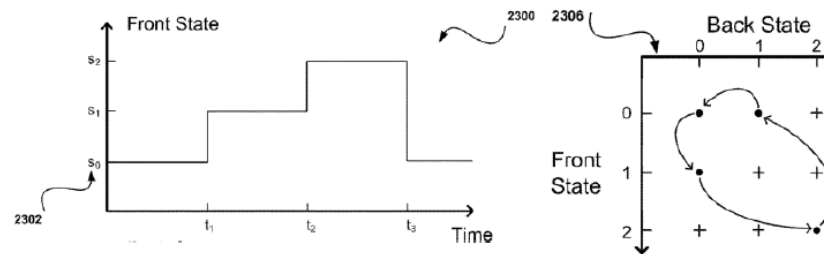
- **Technology Overview**
- **Claim Construction**
- **Cited References**
- **Inconsistent Mapping (Limitations [1.g]/[1.l], [63.c]/ [63.h], [124.b] / [124.g])**
- **Dual “Touch-and-Hold” Modification is Unsupported (Limitations [1.j-k], [63.f-g], [124.e-f])**
- **Dependent Claims**

Technology Overview

Multi-Part Pattern Based Gestures

Patent Owner Response

The '758 Patent describes these multi-part, multi-action gestures as “pattern-based gestures” that “may be recognized in the form of an ordered sequence” by, for example, “using a decision tree.” EX1001, 75:37-39; EX2008, [00581]. The “pattern-based gesture” may be defined as “a path through a phase space of one or more dimensions.” EX1001, 73:39-41; EX2008, [00564]. Exemplary “pattern-based gesture 2302” is “described by a phase space path which represents the time evolution of the touch state associated with a contact point” on the touch screen. EX1001, 73:53-56; EX2008, [00566].



EX1001, FIG. 23; EX2008, FIG. 28

POR at 6

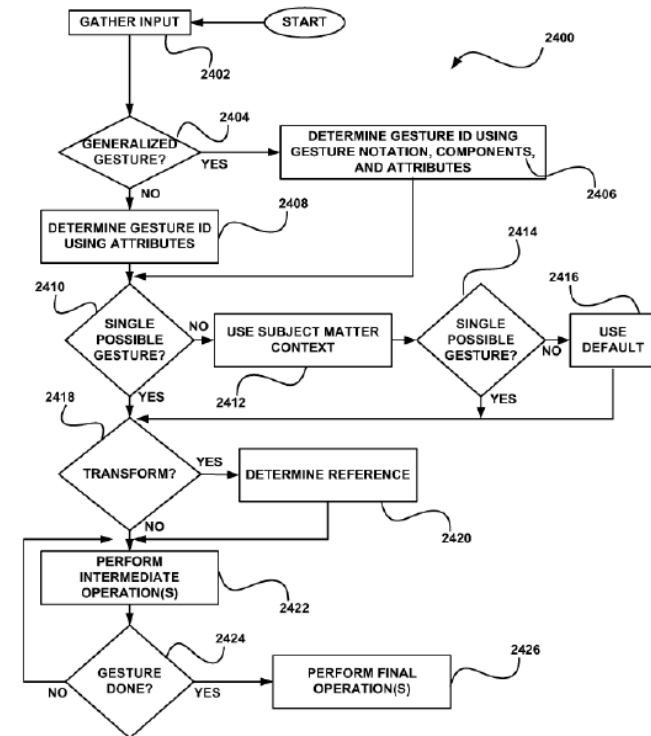
Multi-Part Pattern Based Gestures

Patent Owner Response

To detect these pattern-based gestures, the '918 Provisional, which the '758 Patent incorporates by reference (EX1001, 1:24-26), discloses “gesture differentiation,” which is distinguished from simply detecting a “basic user interaction (i.e., button press, basic application interaction, etc.),” techniques. EX2008, [00498], [00502]. The process begins by “determine[ing] whether there is any meaningful user input,” including applying a “threshold above which user interaction may rise before it may be deemed meaningful.” *Id.*, [00501]-[00502]. Detecting the gesture may involve “gesture subject matter context,” including “objects displayed at or near the location of the gesture.” *Id.*, [00512]. For example, the starting point may be the beginning of a touch contact at a particular location of a specific object on the touch screen. *Id.*; EX2005, ¶32.

POR at 7

Patent Owner Response



EX2008, FIG. 24.

EX2008, Fig. 24.; POR at 8

'758 Patent

Patent Owner Response

The Challenged Independent Claims recite logic to process user inputs on a touch screen to recognize a set of gesture components that begin from a common starting point and perform operations and/or provide feedback upon recognizing various aspects of a gesture. EX2005, ¶36-38. Claims 1, 63, and 124 each recite “an application launching user interface that includes a plurality of application icons,” detecting a first single-finger touch input “at a location on the touch-sensitive surface that corresponds to a[n] ... application icon,” and “determining a response based on evaluating the” “duration” or “movement” of the “touch input against” various criteria. Limitations [1.f-g], [63.b-d], [124.a-c]. Each claim then recites four logic operations:

POR at 9-10

Patent Owner Response

- [1.i] • “[in accordance with] / [based on] a determination that ... 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] / [based on] a determination that the first single-finger touch input ... 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] / [based on] a determination that the first single-finger touch input ... 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 ... , and”
- [1.l] • “[in accordance with] / [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.”

POR at 10

'758 Patent



'758 Patent, 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 Construction

“user interface element”

(Claim 47)

Smith Interface's Proposed Construction	Apple's Proposed Construction
an element of a device that a user interacts with, which requires more than simply being a “display” element.	an element of a user interface

POR at 18-19

Reply at 5-6

User Interface Element



Dr. Madisetti Declaration

55. The plain and ordinary meaning of a “user interface element” is an element of a device that a user *must be able* to interact with. Considering otherwise would not give the appropriate limited meaning to a user interface element. A device may need to communicate multiple types of information to a user without each of those elements being interactive. For example, text (e.g. application or folder names) on a device is not necessarily interactive without a user interface element or other underlying interactive element enabled. Likewise color differentiation or other visual cues may not be interactive. This stands in contrast to an element that a user is able to interact with to bring about a desired goal. A user interface is the medium between a user and the underlying logic of the device. Accordingly, a visual cue on a device that does not enable interaction with a user does not comport with the plain and ordinary meaning of a user element.

EX2005 at ¶ 55; POR at 19; Sur-reply at 4

User Interface Element



Dr. Madisetti Declaration

56. The specification of the '758 Patent also confirms this plain and ordinary meaning of user interface element. The specification of the '758 Patent discusses “context determination zone[s].” EX1001, 28:60-67, 29:27-36. A “context determination zone refers to the area that is examined while determining the context of a selection.” EX1001, 28:43-44. Further “a context determination zone may be chosen such that it is smaller than any user interface elements which may be detected.” EX1001, 28:62-64. Similarly, a “determination” of a “contact point” related to a “context determination zone” of a “UI control widget” “may be performed using the bounding boxes associated with user interface elements.” EX1001, 29:27-32. These context determination zones determine the contours of what a device could sense and hence a user could interact with.

EX2005 at ¶¶56; POR at 19; Sur-reply at 4



Dr. Madisetti Declaration

57. The specification of the '758 Patent also discusses “gestures” in relation to user interface elements. EX1001, 56:13-17, 66:3-13. The '758 Patent explains that “[i]n various embodiments, a tipping pressure gesture may be used to interact with user interface elements.” EX1001, 66:3-13. A gesture is a form of input for a device and input requires interaction with a device.

58. The term “tipping pressure gesture” used in the '758 Patent refers to a change in the location of an amount of pressure exerted by a user’s finger on a touch screen device. *See e.g.* EX1001, 66:17-21 (“While performing a tipping pressure gesture, if a user allows the contact pressure differential to switch sign (i.e. low pressure contact point becomes the high pressure contact point, and visa versa), a rocker pressure gesture may be recognized by the device.”).

EX2005 at ¶¶57-58; POR at 19; Sur-reply at 4

User Interface Element



'758 Patent

If a UI control widget is not located at the contact point, then it may be determined if there is a UI control widget in the vicinity, within the context determination zone. In various embodiments, this determination may be performed using the bounding boxes associated with user interface elements. Within the context of the present description, a bounding box refers to a rectangle within which a user interface control widget may reside. In some embodiments, a bounding box may be the smallest rectangle which may contain a particular user interface control widget. In this way, detection of user interface control widgets whose shape is not rectangular is simplified.

'758 Patent at 29:27-38; POR at 19; Sur-reply at 5



'758 Patent

In still another embodiment, the context determination zone may have a predefined size. As an option, the predefined initial size for a context determination zone may be chosen such that it is smaller than any user interface elements which may be detected. As an additional option, the predefined initial size may be chosen such that it is large enough to assist a user in distinguishing between potential selection targets which are close to each other.

'758 Patent at 28:60-67; POR at 19; Sur-reply at 5



'758 Patent

In various embodiments, a tipping pressure gesture may be used to interact with user interface elements. For

'758 Patent at 66:3-4; POR at 19; Sur-reply at 5

User Interface Element



'758 Patent

Additionally, in the context of the present description, a display element refers to the region of the display allotted to an identifiable visual object. Identifiable visual objects may include, but are not limited to, digital objects (i.e. images, text boxes, UI control widgets, selections, etc.), subject matter objects (i.e. people within a photograph, letters and/or words within text, etc.), and/or any other type of identifiable visual object. When located in a virtual display layer, display elements may be referred to as 3D display elements.

'758 Patent at 70:38-47; POR at 19



Petitioner's Reply

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

Reply at 6

Cited References

Chaudhri discloses “normal” and “reconfiguration modes”



Chaudhri

[0217] The folder icons (e.g., 5004-1-a and 5004-2 in FIG. 5A) in FIG. 5A are icons that can be activated to display a folder view. In some embodiments, the folder icons 5004 each include a plurality of reduced scale representations of selectable object indicators that are associated with the folder (e.g., reduced scale representations “x1,” “x2,” “x3,” “x4,” “x5,” and “x6” for folder icon 5004-1, and reduced scale representations “z1,” “z2,” “z3,” “z4,” “z5,” and “z6” for folder icon 5004-2). It should be understood that, in accordance with some embodiments, displaying the folder view includes displaying a region that includes a plurality of selectable user interface icons (e.g., action icons 5002). In FIG. 5A, the device is in normal operation mode. In other words, selecting one of the action icons will activate an application (e.g., launch an application that is not currently running on the device or display a view of an application that is currently running on the device). In some embodiments, the device detects a request to enter user interface reconfiguration mode. For example, in FIG. 5A, the device detects a contact 5008 with the solitaire application icon 5002-4 for more than a predetermined period of time (e.g., 2 seconds) and, in response, the device enters a user interface reconfiguration mode, as illustrated in FIG. 5B.

EX1004 at [0217]; POR at 20



Chaudhri

[0218] In FIG. 5B, the device has entered a user interface reconfiguration mode. In some embodiments, the selectable user interface objects (e.g., 5002 and 5004) display a visual indication that the device is in the user interface reconfiguration mode. For example, as illustrated in FIG. 5B, the selectable user interface objects jiggle as though they are floating on water (e.g., each respective selectable user interface object oscillates about a respective average position of the selectable user interface object on the display). Additionally in some embodiments, while in the user interface reconfiguration mode, at least some of the selectable user interface objects are associated with an object removal badge (e.g., 5010 in FIG. 5B), and when the device detects activation of the object removal badge (e.g., tap gesture 5011 in FIG. 5B), the selectable user interface object (e.g., weather application icon 5002-5 in FIG. 5B) associated with the object removal badge is removed from the user interface (e.g., deleted).

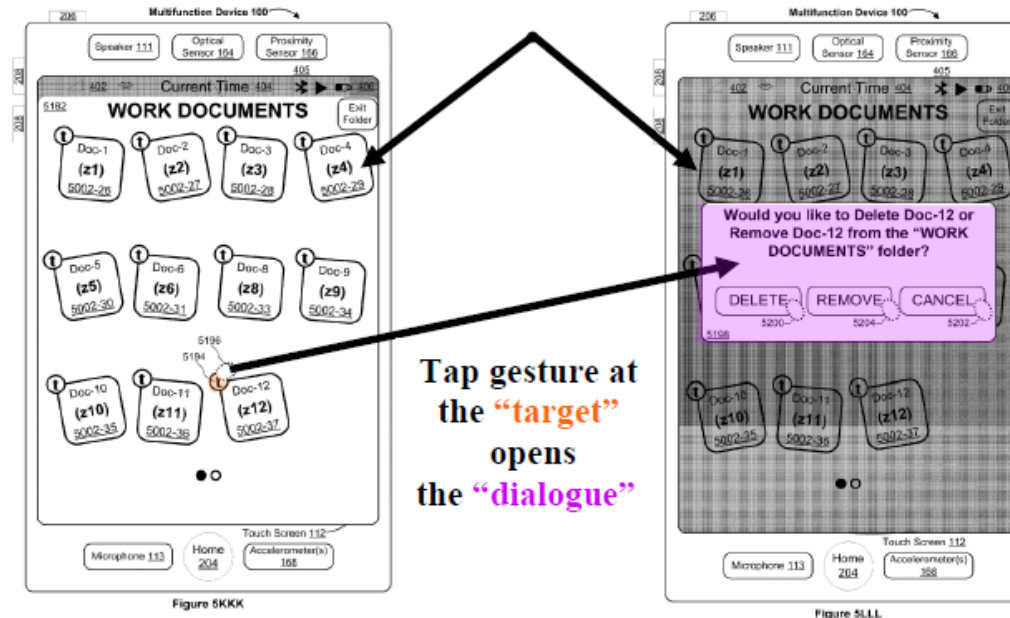
EX1004 at [0218]; POR at 20

Chaudhri discloses tapping an “object modification target” to reach an “object modification dialogue”

Chaudhri (Annotated)

Device remains in “reconfiguration mode”

Askew actions icons



EX1004, Figures 5KKK-LLL (annotated).

POR at 21; EX2005 at ¶64; EX1004 at Figures 5KKK-LLL (annotated)

Martyn discloses a “snap-shot view”



Martyn

[0015] The present invention offers, in one implementation, a snap-shot view which brings together, in one summary window, a limited list of common functions and commonly accessed stored data which itself can be reached directly from the main menu listing some or all applications. This yields many advantages in ease and speed of navigation, particularly on small screen devices. For example, a user can get to the summary window in just two steps—first, launch a main view which shows various applications; then, launch the appropriate summary window for the application of interest. This is far faster and easier than conventional navigation approaches. Once the summary window is launched, core data/functionality is displayed and can be accessed in more detail can typically be reached simply by selecting that data/functionality. Hence, only three steps may be needed from start up to reaching the required data/functionality; navigating from between each step is clear and straightforward.

EX1005 at [0015]; POR at 22



Martyn



Figure 2

EX1005 at Figure 2; POR at 23

Martyn discloses at least 6 calling methods



Martyn

[0016] As an example, the main view may be an Application Launcher for several applications such as 'Messages', 'Contacts', 'Calendar' and 'Phone'. The Application Launcher view is then presented as a standard scrolling list of application names with appropriate application icons next to them. The list is vertical and only one application is presented per line. Standard highlight functions apply in that when the Application Launcher view is opened the highlight defaults to the first item in the list of applications. This is shown in FIG. 1, in which the screen display 1 includes a list of applications ('Messages', 'Contacts', 'Calendar', and 'Phone'), including a highlighted 'Messages' at 2. Alternatively, the highlight may default to the middle item in the list of applications. At this point, the user may take conventional navigation steps, such as scrolling, to move the highlight and using the available select function to navigate to the required highlighted application.

EX1005 at [0016]; POR at 22-23



Martyn

[0017] The innovative summary window functionality can be accessed as follows: should the highlight rest on the name of an application in the App Launcher for a certain amount of time (say a 1.2 second timeout), the summary window (the "App Snapshot") drops down from the highlight bar. The App Snapshot for any given application is a window which includes commonly requested data associated with that application and links to common functionality in that application. The App Snapshot is shown at 3 in FIG. 2; it includes the number of new messages ('0') and links to the two most common functions (as defined by the system designer, or selected by the user, or learned by the device) in the Messages application—'Create Messages' and 'Enter chat room'. In FIG. 3, a slightly longer App Snapshot is shown, indicating at 4 that there are '2 new SMS' messages and '1 Chat Ongoing'. Other selection processes could also be used (e.g. voice activation, softkey selection etc) to access the App Snapshot. For example, the App Snapshot may be 'called' or 'fired' by using a right scroll function (if the mobile telephone has 4-way scrolling capacity); a press and hold of the select function when an application name is highlighted; or using a right cursor key on a highlighted application name.

EX1005 at [0017]; POR at 22-24

All but one of Martyn's calling methods are a two-step process

Martyn (Annotated)



Figure 1

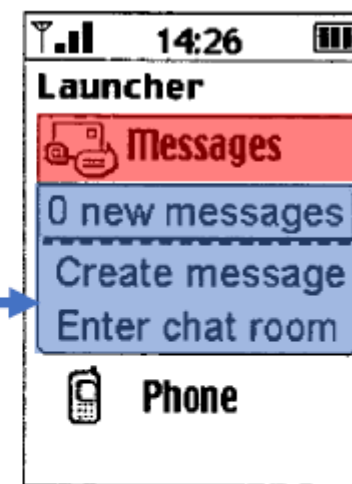


Figure 2

EX1005, FIGs. 1, 2 (annotated).

POR at 23; EX2005 at ¶72; EX1005 at FIGs. 1,2 (annotated)

Inconsistent Mapping (Limitations [1.g]/[1.l], [63.c]/ [63.h], [124.b] / [124.g])

The Petition's Inconsistent Mapping

Limitation	Petition's Mapping of The First Application Icon
[1.g] “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 <i>a first application icon</i> of the plurality of application icons”	“Photos” or “Solitaire” Icon
[1.l] “in accordance with a determination that the first single-finger touch input meets the one or more movement criteria, moving <i>the first application icon</i> ”	“Racing” Icon

The Petition's Mapping – [1.g]

Petition

Element [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; and²

The Chaudhri-Martyn-Griffin Combination renders obvious Element [1.g].
EX1003, ¶¶83-87.

² By presumption, numerical claim terms like “first” and “second” serve the purpose of distinguishing between otherwise identical nouns in the claim. *Cf. 3M Innovative Props. Co. v. Avery Dennison Corp.*, 350 F.3d 1365, 1371 (Fed. Cir. 2003).

Pet. at 25

Petition

As discussed, per Chaudhri, this Combination provides the feature of *displaying an application launching user interface* including one or more pages presenting a plurality of icons corresponding to respective applications. *Supra*, Element [1.f]; EX1003, ¶84. Additionally, as illustrated in Figure 5A's depiction of a displayed application launching user interface, Chaudhri explains that “the device *detects* a contact 5008 with the solitaire application icon” and performs a responsive action (e.g., *launching the application* or entering the reconfiguration mode) based on the characteristics of the touch. EX1004, [0216-0217]; *supra*, §VIA.1. Similarly, as shown in Figure 5000, “*detecting a tap gesture 5208 at a location on the touch-sensitive surface that corresponds to the photos action icon 5002-1*” causes the device to “*launch[] the photos application.*” EX1004, [0276].

Pet. at 26

The Petition's Mapping – [1.g]



Petition

Application Launching
User Interface

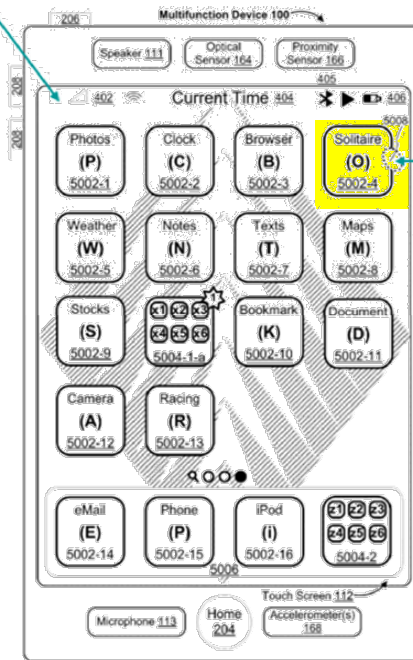


Figure 5A

Application Launching
User Interface

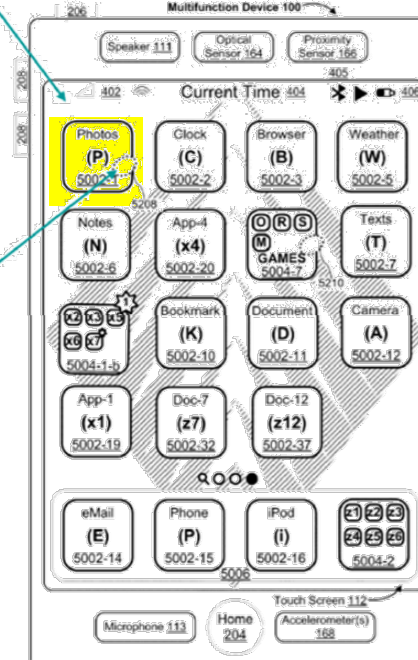


Figure 5000

EX1004, Figures 5A (annotated), 5000 (annotated); EX1003, ¶85.

Pet. at 26

The Petition's Mapping – [1.g]

Petition

Consistent with Chaudhri's disclosure as a whole, the *detected* contact is depicted in Figure 5A and Figure 5000 as a *single-finger touch input at a location of the* touch screen (*touch-sensitive surface*) *that corresponds to the (first) application icon*. EX1004, [0102] (“*[D]etecting a finger tap gesture...at the position of an icon...*”), [0101] (describing operations being “applied to *single* contacts (e.g., one *finger* contacts”), [0216-0217], [0276], [0280], [0302], [0310-0311], Figures 5A, 5000, 7A, 7C; EX1003, ¶86; *see also infra*, Elements [1.h]-[1.i] (discussing various touch inputs detected as having different durations).

Pet. at 27

Petition

Finally, Chaudhri teaches that each of the applications (including *the first application*) for which there is a corresponding application icon (including *the first application icon*) *is associated with* a suite of “one or more functions” (*action options*). EX1004, [0146] (describing “each of the ... *applications* correspond to a set of executable instructions for performing one or more functions”), [0280]; EX1003, ¶87. Additionally, as discussed in §VI.A.4, the Chaudhri-Martyn-Griffin Combination incorporates, based on Martyn's disclosure, an application-specific contextual “summary window” that includes “links to common functionality in [*(action options associated with)*] that *application*.” EX1005, [0017]; *see also* [0015-0019], Figures 2-3; EX1003, ¶87; *infra*, Element [1.j].

Pet. at 27

The Petition's Mapping – [1.I]

Petition

Element [1.I] 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.

The Chaudhri-Martyn-Griffin Combination renders obvious Element [1.I]. EX1003, ¶¶100-111. To start, this Combination incorporates Chaudhri's teaching of "determining if there is movement" of the contact [(single-finger touch input)]

Pet. at 35

Petition

and tracking the *movement* across the touch-sensitive surface (e.g., detecting one or more finger-dragging events)." EX1004, [0101-0102]; *see also* [0087]; [0218], [0220], [0328-0331], Figures 5B-C, 9A-9B, 5KK-5MM. For example, as illustrated in Figures 5B and 5C (below), when the device is operating in the "reconfiguration mode" and detects a touch "at a location that corresponds to a 'racing' [application] icon" coupled with "subsequent movement" of the touch "to the edge of the touch-sensitive surface," the *application icon* is likewise "*moved* to the edge of the display." EX1004, [0220].

Pet. at 36

The Petition's Mapping – [1.I]



Background virtual display layer

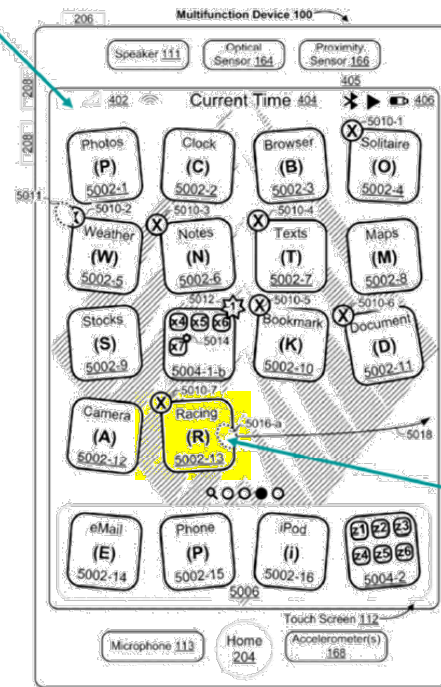


Figure 5B

Background virtual display layer

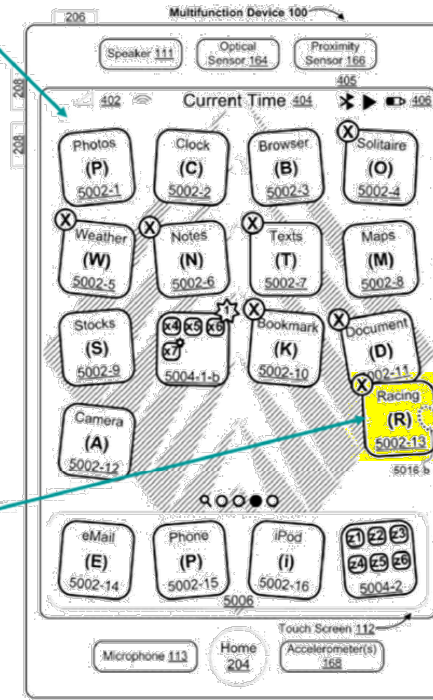


Figure 5C

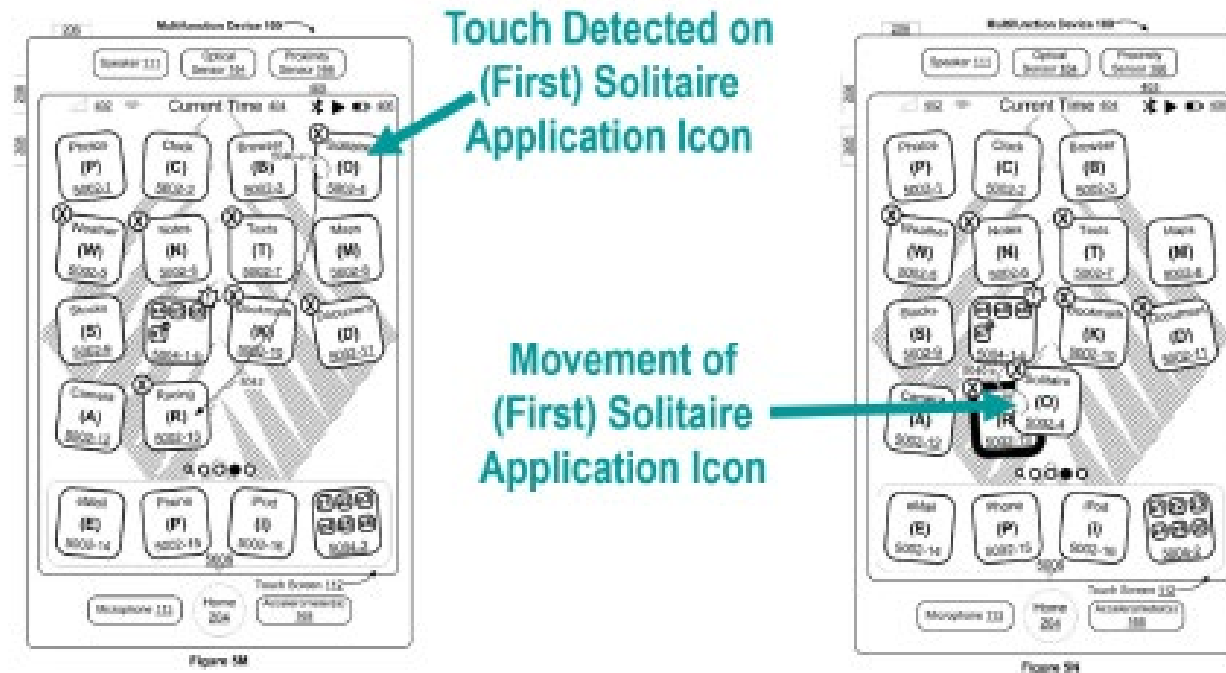
Drag to move the first application icon in a foreground virtual display layer

EX1004, Figures 5B-C (annotated); EX1003, ¶100.

Pet. at 36

Petitioner provides a new mapping in Reply

Petitioner's Reply



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

Reply at 8

Petitioner is not permitted to changes its mapping



“Unlike district court litigation—where parties have greater freedom to revise and develop their arguments over time and in response to newly discovered material—the expedited nature of IPRs bring with it an obligation for petitioners to make their case in their petition to institute. While the Board’s requirements are strict ones, they are requirements of which petitioners are aware when they seek to institute an IPR.”

Intelligent Bio-Systems, Inc. v. Illumina Cambridge, Ltd., 821 F.3d 1359, 1369 (Fed. Cir. 2016); Sur-reply at 7, 11, 21



“Petitioner may not submit new evidence or argument in reply that it could have presented earlier, e.g. to make out a prima facie case of unpatentability.”

Consolidated Trial Practice Guide at 73; Sur-reply at 6-7

The Petition's citations to Figures 5M-N are inapposite

Petition

Chaudhri further teaches and/or suggests that the *first application icon* is moved in *a foreground virtual display layer so that the first application icon appears to float above a background virtual display layer*. EX1003, ¶¶102-104.

First, Chaudhri shows and describes that icons on the application menu user interface are displayed and *move* in front of a “wallpaper *background*.” EX1004, [0368], Figures 5A-5D. EX1003, ¶102. Second, Chaudhri explains that, in the reconfiguration mode, the application icons “jiggle as though they are *floating* on water.” EX1004, [0218], Figures 5B-E; EX1003, ¶102. Third, Chaudhri depicts the application icon being moved (via a drag gesture) in *a foreground virtual display layer above the virtual display layer of the background* wallpaper. EX1004, Figures 5B-5E, 5M-5N, 5JJ-5MM; EX1003, ¶102 (explaining that movement of the icon over a static wallpaper teaches the POSITA that the icon and wallpaper are in distinct virtual layers of the GUI); *see also* EX1001, 72:34-48 (the ’758 patent describing a background “display layer” that is “virtual” and “used to display a wallpaper”). Fourth, Chaudhri shows the *application icon* being moved *in a layer above the layer* of the remaining application icons. EX1004, Figures 5B-5E, 5M-5N, 5JJ-5MM, [0282-0283] (describing a moving application icon as “overlapping” a non-moving application icon), [0348]; EX1003, ¶¶103-104.

Pet. at 37-38

The Petition's citations to Figures 5M-N are inapposite



Petition

Element [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.*

The Chaudhri-Martyn-Griffin Combination renders obvious Element [41]. EX1003, ¶136. As discussed at Element [1.1] and §VI.A.1, §VI.A.4, Chaudhri's teachings regarding the "reconfiguration mode" also establish or render obvious the concept of a **floating movement of the first application icon** across the display at different locations in accordance with drag touch moving the application icon. EX1004, [0220], [0282-0283], [0348], Figures 5B-5E, 5M-5N, 5JJ-5MM; EX1003, ¶136. As also discussed at Element [1.1], the first application moves across the screen at a layer that is higher than a layer of the non-moving application icons in addition to being above the "wallpaper **background**" layer as **a function of the movement of the first application icon**. EX1004, [0282-0283], [0348]; Figures 5B- 5E, 5M-5N, 5JJ-5MM; EX1003, ¶136. Accordingly, as a POSITA would have understood, the manner in which *the first application icon floats* depends on (*is a function of*) *the movement*—e.g., movement across the screen. EX1003, ¶136.

The Petition's various other citations cannot support its new Reply mapping



“While the Board should not take an overly mechanistic view of a petition and decline to address an argument because the petitioner did not present it with ideal vigor and clarity, the Board should also not have to decode a petition to locate additional arguments beyond the ones clearly made. A petitioner may not rely on a vague, generic, and/or meandering petition and later fault the Board for failing to understand what the petition really meant.”

Netflix, Inc. v. DivX, LLC, 84 F.4th 1371, 1377 (Fed. Cir. 2023); Sur-reply at 9-10



“It is not the Board's job to cobble together assertions from different sections of a petition or citations of various exhibits in order to infer every possible permutation of a petitioner's arguments.”

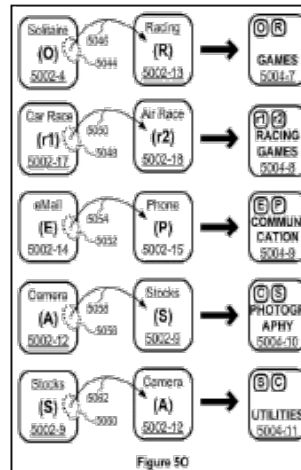
Microsoft Corp. v. FG SRC, LLC, 860 F. App'x 708, 713 (Fed. Cir. 2021); Sur-reply at 9

None of the exemplary citations in Reply were used to provide a consistent mapping in the Petition

Apple Petitioner's Reply

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).



Reply at 10

Apple Petition



No explanation of “the broader concept,” indication of alternative mapping of “the application icon,” or citation to Figure 5O

Generic descriptions are insufficient



Dr. Cockburn Supplemental Declaration

world commercial products, including Apple's iPhone. As indicated in my Prior Declaration, at least by 2009, years before the '758 patent, the iPhone (OS 3.1 Software) included a feature that allowed users to "customize the layout of icons on the Home screen" by performing a "touch and hold" on "any Home screen icon until the icons begin to wiggle" and "arrang[ing] the icons by dragging them." EX1045, p.25; EX1003, ¶101, ¶41. The Chaudhri reference (EX1004) describes this same technology and more.

EX1067 at ¶ 36



Dr. Cockburn Supplemental Declaration

37. Accordingly, I provided the following general descriptions of Chaudhri in my Prior Declaration (EX1003, ¶¶55-58):

- When the device detects a touch input associated with one of the application icons, it determines a responsive action based on certain gesture characteristics of the touch. EX1004 (Chaudhri), [0102], [0174], [0216-0217], [0276], [0280], [0302], [0310-0311], Figures 4A, 5A-B, 7A-B.
- In the "normal" mode of operation for the application menu interface, Chaudhri's device launches an application when the matching icon is selected with a "tap" gesture (also colloquially called a "short touch"). EX1004 (Chaudhri), [0101-0102], [0174], [0217], [0276], [0280], [0289], [0302], Figure 5A.
- In addition to the "tap" gesture, Chaudhri's device also recognizes and responds to a touch-and-hold (also colloquially called a "long touch") at an application icon. EX1004 (Chaudhri), [0217-0218], [0313], Figures 5B, 7A, 7B.
- While the interface for the application menu is in the "reconfiguration mode," Chaudhri's device recognizes yet another gesture—a drag—as a command to move an application icon. EX1004 (Chaudhri), [0087], [0101], [0218], [0220], [0328-0331], Figures, 5B-C, 9A-9B, 5KK-5MM.

EX1067 at ¶ 37

Alternative obviousness rationales are unrelated to the Petition's mapping



Petitioner's Reply

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.

Reply at 11



Petition – Ground 1

Claim 1 would be no less obvious even if the Challenged Claims were interpreted to require a single continuous touch between Elements [1.k] and Elements [1.l]. Such an arrangement would have been apparent and obvious to a POSITA in view of Chaudhri's teachings⁴. EX1003, ¶¶105-111.

Pet. at 38



Petition – Ground 2

Moreover, although the claim language does not expressly recite that Chaudhri's touch-and-hold gesture for invoking the "reconfiguration mode" (Element [1.k]) to occur continuously with Chaudhri's drag gesture for moving the application icon (Element [1.l]), the Chaudhri-Martyn-Griffin-Os Combination renders such a design option obvious. EX1003, ¶153. For example, Os teaches a

Pet. at 66

The Board should ignore Petitioner's new mapping



“‘Respond,’ in the context of 37 C.F.R. § 42.23(b), does not mean embark in a new direction with a new approach as compared to the position originally taken in the Petition. Accepting such belatedly presented new arguments would be unjust to the Patent Owner and we decline to do so.”

Apple Inc. v. eWatch, Inc., IPR2015-00412, Paper 50, 44 (PTAB May 6, 2016); Sur-reply at 11-12

Dual “Touch-and-Hold” Modification is
Unsupported (Limitations [1.j-k], [63.f-g],
[124.e-f])

Petitioner Has Not Met Its Burden to Demonstrate Motivation for the Proposed Combination



“Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’”

In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998); POR at 38; Sur-reply at 18



“[O]bviousness concerns whether a skilled artisan not only *could* have made but *would* have been motivated to make the combinations or modifications of prior art to arrive at the claimed invention.”

Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064, 1037 (Fed. Cir. 2015) (emphasis in original); Sur-reply at 17



“As is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.”

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 418, (2007); POR at 34 n.5, 38

Two “Touch-and-Hold” Modifications are Unsupported

- Petitioner’s motivations for adopting Martyn focus solely on adopting the App Snapshot, not a gesture for calling POR at 33-38; Sur-reply at 15
- Martyn’s does not disclose a “touch-and-hold” nor its “analog” POR at 22-24, 31-32, 42, 44-45; Sur-reply at 15-18
- Petitioner fails to read Chaudhri as a whole by ignoring the “problem” Petitioner identifies with adopting a “touch-and-hold” POR at 5, 41, 43; Sur-reply 12-15
- A POSITA would have recognized alternative calling methods in Chaudhri and Martyn that do not cause the same “problem” POR at 38-42, 44-48; Sur-reply 18-19
- Petitioner reaches Griffing only by: (a) pointing to a self-inflicted problem and (b) generic statements insufficient as a matter of law POR at 32, 48; Sur-reply at 13 n.3-4

Petitioner Concedes its Four Martyn Motivations Do Not Address Gesture Selection

Petition

A POSITA would have been motivated to integrate Martyn's teachings about ¹providing a contextual shortcut sub-menu in the form of a "summary window" of common application functions (an "App Snapshot") ²in response to a press-and-hold user input with Chaudhri's disclosure of a touch screen mobile device with a user interface for displaying and reorganizing a menu of selectable application icons. EX1003, ¶¶63-69. The POSITA would have understood that the analog to Martyn's

Pet. at 15-16

Petition

EX1003, ¶63. The following reasons, each independently and together collectively, support the Chaudhri-Martyn Combination.

First, providing a sub-menu of selectable options corresponding to commonly

Pet. at 16

Petitioner's Reply

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 ¹four 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.

Reply at 16

Petitioner relies on an unsupported analogy



Dr. Cockburn's Declaration

³ As I explained above, touch-and-hold gestures were well known in 2011. *See e.g.,* Section VI.B.3. Additionally, a touch-and-hold gesture on a touch screen is analogous to a press and hold of a physical button.

EX1003 at ¶ 63 n.3



Martyn

access the App Snapshot. For example, the App Snapshot may be 'called' or 'fired' by using a right scroll function (if the mobile telephone has 4-way scrolling capacity); a press and hold of the select function when an application name is highlighted; or using a right cursor key on a highlighted application name.

EX1005 at [0017]; POR at 31-32, 44-45



Dr. Madisetti Declaration

67. The first method Martyn describes is a "timeout" calling method and uses a *two-step* process. First, navigating a highlight to a desired application and, second, "call[ing] or fir[ing]" the Snapshot. EX1005, [0017]. A highlight indicates to a user what application subsequent selection actions would correspond to. For example, a highlight on the messages app would indicate that the message app is selected. A user starts by looking at a device in a "main view," such as an

71. Consistent with the process outlined above for a timeout, "a press and hold of the Select function" does not stand in isolation rather, it is "a press and hold of the Select function *when an application name is highlighted*." Martyn describes a user may press and hold a selection function to launch Martyn's Snapshot only after navigating a highlight to the desired application. Without a highlight the user is unaware of what application is being called by a press and hold of a select button.

EX2005 at ¶¶ 67, 71; POR at 23-24

The Petition Identifies the “Problem” With The Proposed Modification



Petitioner’s Reply

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

Reply at 19

Patent Owner Response

Petitioner readily admits that its proposal to assign a touch and hold gesture on an application icon to calling an App Snapshot—which Chaudhri had already assigned to a different function—creates a “*problem* of distinguishing between different gesture commands.” Pet., 21. A POSITA would not be motivated to select an implementation that *creates a problem* when doing so does not solve any unsolved problem or have any benefit over other solutions that do not *create a*

POR at 42



Petition

Presented with three distinct operations invoked by duration-based touch gestures at an application icon—namely, [1] a tap to launch the application, [2] a touch-and-hold to trigger a contextual sub-menu, and [3] another touch-and-hold to transition into the reconfiguration mode—the POSITA would have sought a solution to the problem of distinguishing between the different gesture commands. EX1003, ¶76. Thus, the POSITA would have looked to incorporate Griffin’s teachings to evaluate a duration parameter of the user’s touch against certain predetermined criteria. *Supra*, §VIA.4.(b); EX1006, [0032], [0040], [0053]; EX1003, ¶76. Establishing such criteria would have been simple for a POSITA exercising common sense and ordinary creativity in view of the problem to be solved. EX1003, ¶76.

Pet. at 21

The Petition Identifies the “Problem” With The Proposed Modification



“A reference teaches away ‘when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken’ in the claim.”

Meiresonne v. Google, Inc., 849 F.3d 1379, 1382 (Fed. Cir. 2017); POR at 43



Dr. Madisetti Declaration

126. As discussed above in ¶¶113-122, Chaudhri itself already discloses a user gesture—a tap on a target region in the top corner of an application icon—to call a context menu that does not conflict with Chaudhri’s other teachings. Moreover, as discussed below, applying the disclosures of Martyn and Chaudhri leads to numerous modifications that do not create a conflict. The availability of all of these options that do not create a conflict further teaches away from selecting a user gesture that creates a conflict. A POSITA would be discouraged from seeking an option that would create additional problems when presented with other solutions that do not create conflicts to be resolved.

EX2005 at ¶126.; POR at 44

Chaudhri Discloses Alternatives Without the “Problem”



Dr. Cockburn Declaration

69. Fourth, the POSITA would have been prompted to pursue a combination with Martyn based on Chaudhri's suggestions to do so. For example, Chaudhri teaches the notion of displaying a contextual “pop-up dialogue” sub-menu that “provides the user with options for modifying the selectable user interface object.” EX1004 (Chaudhri), [0274], [0317] (discussing “a contextual menu”), Figure 5LLL. This disclosure by Chaudhri would have prompted a POSITA to seek out and apply the teachings from other references in the same field, like Martyn, that describe analogous implementations of contextual sub-menus to augment a user interface for a multi-functional mobile device. Martyn's straight forward discussion about presenting commonly used application functions as selectable sub-menu options in an App Snapshot/summary window is a natural and obvious extension of Chaudhri.

EX1003 at ¶69



Dr. Madisetti Declaration

113. Petitioner contends that Chaudhri discloses “displaying a contextual .. sub-menu ... with options” in reconfiguration mode and “presenting commonly used application functions.” Pet., 18-19 (citing EX1004, [0247]); EX1003, ¶69. Specifically, Chaudhri discloses “in FIG. 5KKK each of the selectable user interface objects has an object modification target associated with it (e.g., action icon 5002-37 has a respective object modification target 5194).” EX1004, [0246]. A user calls the context menu, “object modification” “pop-up dialogue 5198,” through a green “tap gesture 5196 at a location on the touch screen” corresponding to a circle placed in the corner of the application icon corresponding to “object modification target 5194.” EX1004, [0246]-[0247]; EX2007, 54:17-55:7 (“So the tap gesture is one example of the mechanisms used to activate the object modification target”).

EX2005 at ¶113; POR at 38-39

Chaudhri Discloses Alternatives Without the “Problem”

Chaudhri (Annotated)

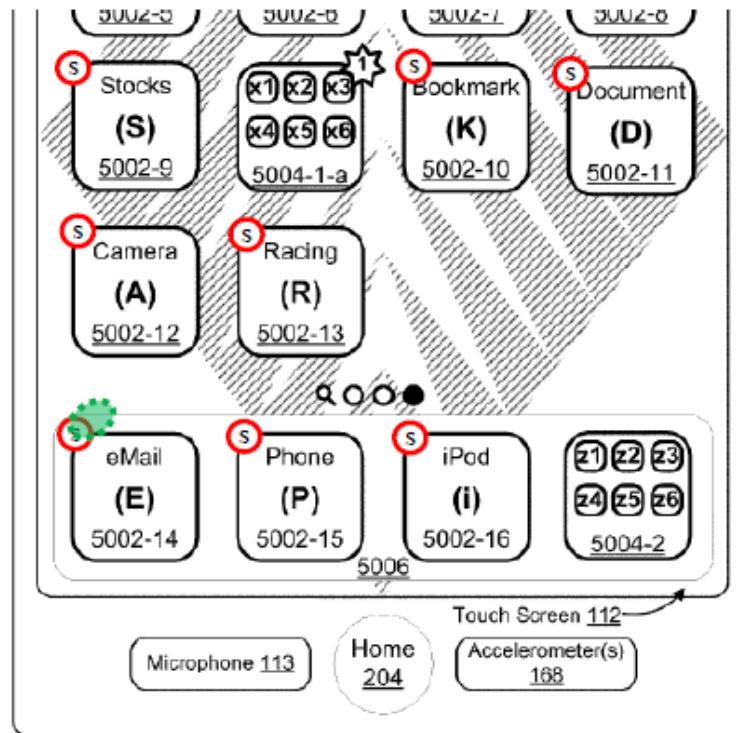


Figure 5A

POR at 40; EX2005 at ¶115; EX1004, Figures 5A (annotated)

Chaudhri with Martyn (Annotated)

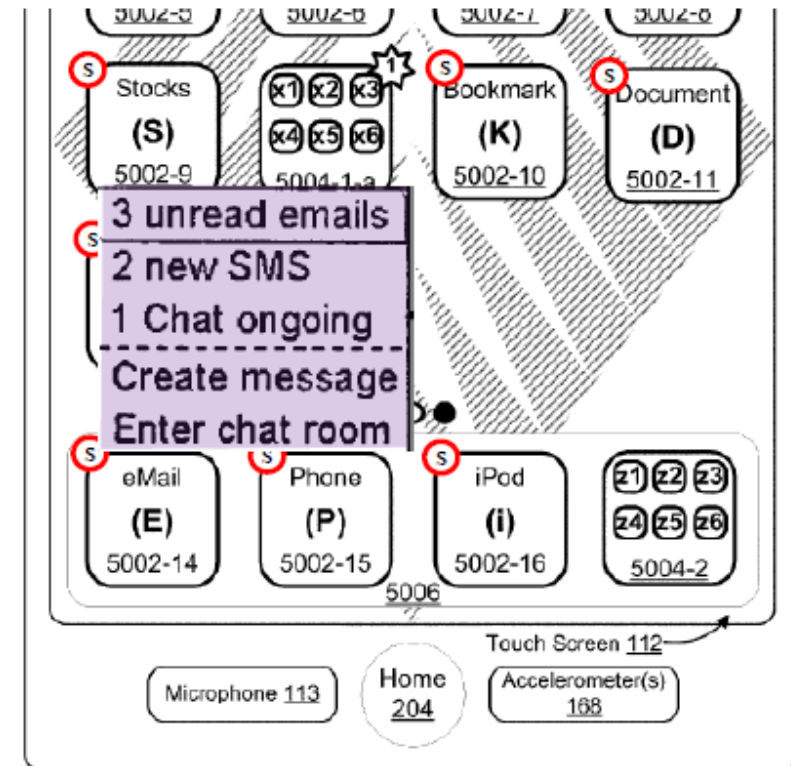


Figure 5A

POR at 41; EX2005 at ¶¶ 16-117; EX1004, Figures 5A (annotated)

Chaudhri Discloses Alternatives Without the “Problem”



Martyn

the mobile telephone has 4-way scrolling capacity); a press and hold of the select function when an application name is highlighted; or using a right cursor key on a highlighted application name.

EX1005 at [0017]; POR at 45



Dr. Madisetti Declaration

131. Chaudhri discloses “[i]n some embodiments, device 100 may include a physical or virtual wheel (e.g. a click wheel) as input control device 116.” EX1004, [0093]. Chaudhri further disclose that “[a] user may navigate among and interact with one or more graphical objects (e.g. icons) displayed in touch screen 112 by rotating the click wheel or by moving a point of contact with the click wheel.” EX1004, [0093]. Applying Martyn’s disclosure, a POSITA would implement the initial step of navigating the highlight using Chaudhri’s click wheel. Chaudhri’s click wheel provides the ability to navigate between applications in a way that conveys to a user the necessary information for launching Martyn’s Snapshot. A click wheel allows a user to change which application is selected and consequently which application Martyn’s Snapshot will be launched for.

EX2005 at ¶131; POR at 46



Dr. Madisetti Declaration

132. Next turning to the function key, Chaudhri further discloses using the click wheel for this purpose: “The click wheel may also be used to select one or more of the displayed icons. For example, the user may press down on at least a portion of the click wheel or an associated button.” EX1004, [0093]. Thus, to implement “a press and hold of the select function when an application name is highlighted” in Chaudhri, a user would use the click wheel to navigate a highlight to the desired application icon and then “press down on at least a portion of the click wheel or an associated button” in a long press to call up the App Snapshot. EX1004, [0093].

135. Further, this actual application of Martyn’s teaching constitutes another example of method of calling an App Snapshot that does not create a conflict with Chaudhri’s existing disclosures. A physical or virtual click wheel do not involve a duration based input at an application icon. Therefore, no conflict would be created between the click wheel calling methods and a touch-and-hold for entering Chaudhri’s reconfiguration mode.

EX2005 at ¶¶ 132, 135; POR at 46

Chaudhri Discloses Alternatives Without the “Problem”



Chaudhri

unlock the device or initiate an unlock process. In an alternative embodiment, device 100 also may accept verbal input for activation or deactivation of some functions through microphone 113.

EX1004 at [0176]; POR at 20



Martyn

Other selection processes could also be used (e.g. voice activation, softkey selection etc) to access the App Snapshot. For example, the App Snapshot may be ‘called’ or ‘fired’ by using a right scroll function (if the mobile telephone has 4-way scrolling capacity); a press and hold of the select function when an application name is highlighted; or using a right cursor key on a highlighted application name.

EX1005 at [0017]; POR at 47



Dr. Cockburn’s Testimony

- A. I think a person of skill in the art, reading that particular example of the selection process, would understand there would be more than one way to complete voice activation of the Snapshot.
-
- A. So in a two-part process, "Messages. Show Snapshot," and in a one-part process, "Show messages Snapshot," for example.

EX2007 at 34:2-6, 35:6-9; POR 47-48

Petitioner's Self-Induced Conflict Cannot Motivate Turning to Griffin



Petition

Presented with three distinct operations invoked by duration-based touch gestures at an application icon—namely, [1] a tap to launch the application, [2] a touch-and-hold to trigger a contextual sub-menu, and [3] another touch-and-hold to transition into the reconfiguration mode—the POSITA would have sought a solution to the problem of distinguishing between the different gesture commands. EX1003, ¶76. Thus, the POSITA would have looked to incorporate Griffin's teachings to evaluate a duration parameter of the user's touch against certain predetermined criteria. *Supra*, §VIA.4.(b); EX1006, [0032], [0040], [0053]; EX1003, ¶76. Establishing such criteria would have been simple for a POSITA exercising common sense and ordinary creativity in view of the problem to be solved. EX1003, ¶76.

Pet. at 21

Petitioner's Self-Induced Conflict Cannot Motivate Turning to Griffin



“Qualcomm describes Intel's theory as fixing a ‘problem of their own making.’ Appellee's Br. 52. But 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. 550 U.S. at 425. As the *KSR* Court noted, ‘[i]n automotive design, as in many other fields, the interaction of multiple components means that changing one component often requires the others to be modified as well.’ *Id.* at 424. So too here. Like modifying Asano in a way that avoided the wire-chafing problem in *KSR*, modifying Der with Burgener in a way that avoids the feed-through problem doesn't neutralize Intel's rationale.”

“First, a skilled artisan would have sought to improve energy efficiency by turning off a portion of Der's circuit when not in use. Second, doing so would have triggered a known problem to which Bur-gener's switch was a predictable solution.”

Intel Corp. v. Qualcomm Inc., 21 F.4th 784, 800, 796-97 (Fed. Cir. 2021); Sur-reply at 14; POR at 43

Petitioner's Self-Induced Conflict Cannot Motivate Turning to Griffin



“In automotive design, as in many other fields, the interaction of multiple components means that **changing one component often requires the others to be modified as well**. Technological developments made it clear that engines using computer-controlled throttles would become standard. As a result, designers might have decided to design new pedals from scratch; but they also would have had reason to make pre-existing pedals work with the new engines. ...

For a designer starting with Asano, the question was where to attach the sensor. The consequent legal question, then, is whether a pedal designer of ordinary skill **starting with Asano would have found it obvious to put the sensor on a fixed pivot point**. The prior art discussed above leads us to the conclusion that attaching the sensor where both KSR and Engelgau put it would have been obvious to a person of ordinary skill. ...

Just as it was possible to begin with the objective to upgrade Asano to work with a computer-controlled throttle, so too was it possible to take an adjustable electronic pedal like Rixon and **seek an improvement that would avoid the wire-chafing problem**. Following similar steps to those just explained, a designer would learn from Smith to avoid sensor movement and would come, thereby, to Asano because Asano disclosed an adjustable pedal with a fixed pivot.”

KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 425 (2007); Sur-reply at 14; POR at 4

Petitioner's Other Griffin Motivations are Insufficient as a Matter of Law



Petition – Motivation 1

First, Chaudhri's instruction to trigger specific functionalities based on the duration of the user's touch contact on an application icon—e.g., a tap gesture to launch an application and a touch-and-hold gesture to trigger the reconfiguration mode (*supra*, §VI.A.1)—would have prompted a POSITA to seek out and apply the teachings from references in the same field, like Griffin, that provide additional information on this subject. EX1003, ¶71-73.

Pet. at 20



Petition – Motivation 2

Second, Griffin's technique of evaluating the user's touch against predetermined criteria was well known in the art by 2011, and applying that known technique in the context of a similar reference like Chaudhri to obtain a substantially similar result would have been obvious as a matter of law under *KSR*. EX1003, ¶74; *see also* ¶¶49-53.

Pet. at 20



“As is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.”

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 418, (2007); POR at 29-30, 34 n.5; Sur-reply at 13 n.3

Petitioner mischaracterizes the D.I.

D.I.

Patent Owner properly raises concerns that Griffin has been introduced to the combination of Chaudhri and Martyn to address a conflict that arises because Petitioner proposes a combination of Chaudhri and Martyn that “create[s] a conflict of assigning two functions to the same gesture.” PO Resp. 20. However, Petitioner provides a number of rationales to combine, and Petitioner’s argument that one of ordinary skill would have sought details from Griffin to implement Chaudhri’s teachings describing different user functionality being launched by user touches of different user durations (Pet. 19–21) adequately supports the use of the material from Griffin in the proposed combination. *See* Ex. 1004 ¶¶ 217, 218; Ex. 1002 ¶¶ 70–73, 75; *see also* PO Resp. 24 (describing “multiple types of gestures” used Chaudhri). While the proposed combination of Chaudhri and Martyn would, as Petitioner asserts, result in “three distinct operations invoked by duration-based touch gestures at an application icon” (Pet. 21), two of these distinct operations are found in Chaudhri’s teachings, and thus, on the present record, the motivation to look to Griffin does not arise only from the proposed combination of Chaudhri with Martyn. **On the present record and for the purposes of institution**, we determine that Petitioner has adequately shown that one of ordinary skill would have looked to Griffin to supply additional information regarding implementation of Chaudhri’s (and the Chaudhri and Martyn combination’s) use of parameters of a user’s touch, including duration, to enable different functionalities. Ex. 1006 ¶¶ 40, 53, Fig. 7; Ex. 1002 ¶¶ 70–73, 75.

Dependent Claims

Limitation [35]: Multiple Moved Applications



'758 Patent, 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.

Limitation [35]: Petition Mapping

Petition

The Chaudhri-Martyn-Griffin Combination renders obvious Element [35]. EX1003, ¶130. As discussed at Element [1.I] and §VI.A.1, this Combination incorporates Chaudhri's teaching that entering the "reconfiguration mode" of the device triggers a "visual indication" where **all of the application icons** displayed on the application menu **move in the foreground virtual display layer above the wallpaper in the background virtual display layer**—i.e., "jiggle" as though they are **floating** on water." EX1004, [0218], Figure 5B. As was also discussed at Elements [1.h], [1.I] and §VI.A.1, §VI.A.4, Chaudhri's teachings (as supplemented by Griffin) regarding the "reconfiguration mode" further provide the claim limitations of **determining that the first single-finger touch input meets the one or more movement criteria** and responsively **moving** the first application icon across the display **in a foreground virtual display layer above a background virtual display layer**. EX1004, [0220], Figures 5B-5C. As shown in Chaudhri's Figures 5B and 5C, **the remaining plurality of application icons** continue to jiggle (**move**) as the first application icon moves across the display. EX1003, ¶130. Moreover, the trivial notion of **continuing** the jiggling movement would have been exceedingly obvious to a POSITA exercising common sense and ordinary creativity. EX1003, ¶130 (noting that the continued jiggling would serve the purpose of confirming for the user that the device remains in the reconfiguration mode).

Triggered by **not**
movement criteria →

Alleges only
continued
movement, no
causation ("in
accordance with") →

Pet. at 51-52

Limitation [35]: Reply Mapping

Petitioner's Reply

Application Icons 5002-11 & 5002-12 are moved to "to fill in the gap" in accordance with detecting the touch "movement 5126"

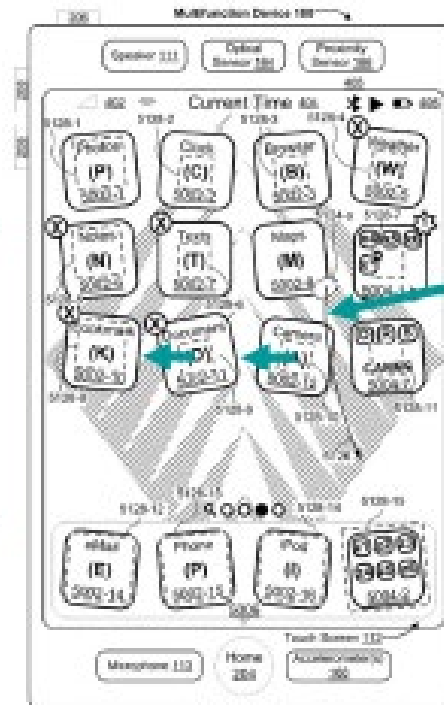


Figure 500

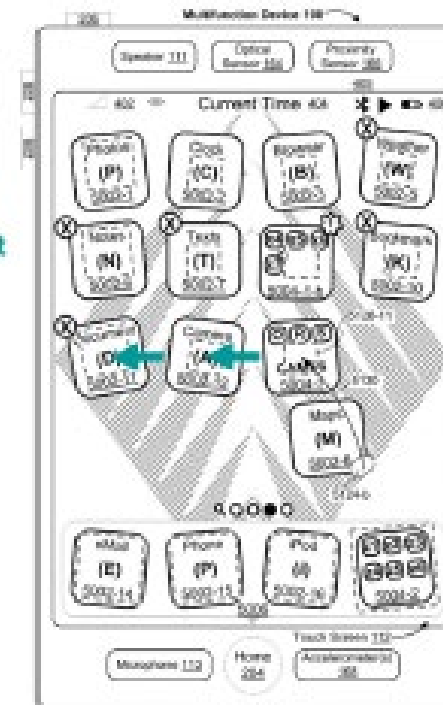


Figure 501

Not in Petition

Reply at 25

Limitation [47]: User Interface Element



'758 Patent, 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**.



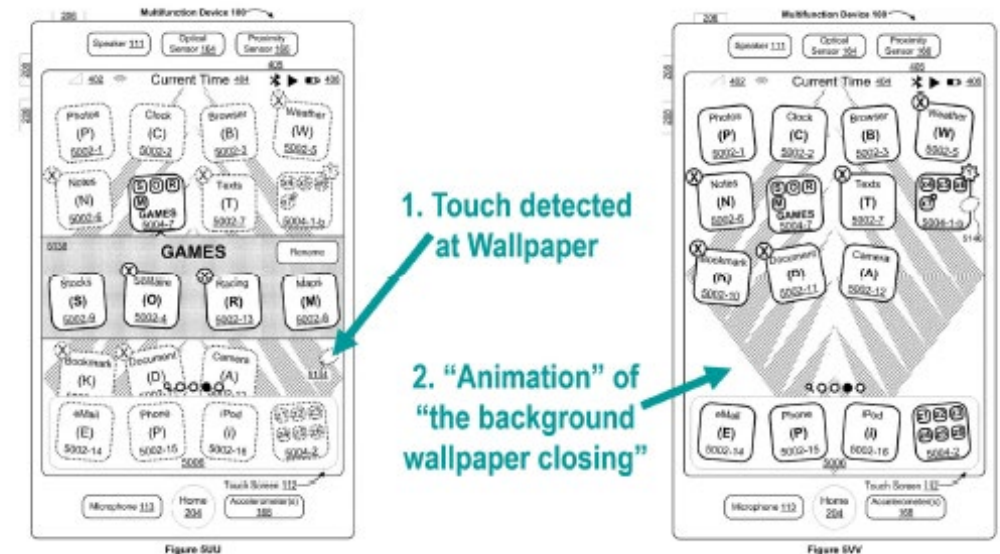
Petition Mapping

The Chaudhri-Martyn-Griffin Combination renders obvious Element [45] for all the reasons discussed above at §VIA.1 (explaining that Chaudhri's user interface pages for the application menu include a **background wallpaper (user interface element) displayed to appear behind the first application icon**), Element [1.i] (similar), and Element [1.g] (discussing *the detection of a single-finger touch input* while displaying the application menu). EX1003, ¶139.

Pet. at 59



Reply Mapping



Reply at 26

Limitation [57]: Dynamically Generated Content



'758 Patent, 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**.



Petition Mapping

The Chaudhri-Martyn-Griffin Combination renders obvious Element [57]. EX1003, ¶140. As discussed, this Combination includes Martyn's teachings about an App Snapshot presenting *one or more action option objects* in the form of "common functions" of the associated application. *Supra*, Element [1.g], [1.j], §VI.A.4. Martyn also teaches that the device "may be able to learn what functionality [of the application]...[is] most likely to be of interest to a given user and which should therefore be included in a summary view to any given user." EX1005, [0026]. In this way, the "constituency of the App Snapshot can [] vary as determined by...usage patterns of the user" in a *dynamic* way. EX1005, [0026]; EX1003, ¶140.

Pet. at 59-60



Reply Mapping

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).]

Reply at 26

ADDITIONAL SLIDES

“Conditional” Limitations

Patent Owner Sur-Reply

A. Petitioner Confirms It Must Show All Conditional Limitations in the Prior Art

In IPR2024-01091 challenging a related patent, the Board requested the parties brief the issue of whether certain conditional limitations “were presented in the alternative such that not all of the limitations need to be satisfied in order to meet the claim.” IPR2024-01091, Paper 10, 2. Because the Challenged Claims in this IPR also include conditional limitations, Patent Owner provided the answer to that question in the POR, explaining that the claim language does not “relieve Petitioner from demonstrating the alleged prior art combination includes logic meeting each Limitation such that each Limitation will be performed when presented with an instance of user input ‘where their preconditions apply.’” Paper 14 (“POR”), 12-15. Petitioner’s confirmation that there is not “a ‘controversy’ on this issue” of the mandatory nature of the conditional limitations resolves the issue. Reply, 1-2.

Sur-reply at 2-3



Petitioner’s Reply

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.

Reply at 2

“The Duration Of The First Single-Finger Touch Input”

Patent Owner Sur-Reply

The Board’s claim construction inquiries in IPR2024-01091 also sought an explanation for how to interpret the claim structure where the recited preconditions for conditional limitations will not be simultaneously met for a given “single detected gesture” (i.e., instance of user input). IPR2024-01091, Paper 10, 5-6. The POR answers that question. As long as: (1) Petitioner does not (as it has in other related cases) argue that it can ignore the plain language based on purported (untrue) inconsistencies in claim structure, and (2) Petitioner continues to concede that the antecedent basis for “the first application icon” must be honored (Reply, 6-7), Patent Owner agrees this specific issues is not relevant to the issues in this case.

Sur-reply at 3



Petitioner’s Reply

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.

Reply at 2

Whether Limitations [1.k] and [1.l] Require a Single Continuous Touch

Patent Owner Sur-Reply

In view of the fatal flaws in the Petitioner's inconsistent mapping of Limitation [1.l] with earlier claim elements discussed in Section III, below, Patent Owner withdraws the POR's separate criticism (POR, Section VI.B.2) that Petitioner's Limitation [1.l] mapping fails for the second reason of not being continuous with the touch mapped in Limitation [1.k]. With that withdrawal, the Board need not reach this claim construction issue. Additionally, without accepting Petitioner's reason, Patent Owner withdraws its proposed construction that the drag in Limitation [1.l] cannot have a lift off after initial detection in Limitation [1.g] and accepts Petitioner's contrary position.

Sur-reply at 3-4