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U.S. Patent No. 10,671,212

Patent Owner's Hearing Demonstratives

October 17, 2025

U.S. Patent No. 10,671,212

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. 10,671,212

(12) **United States Patent**
Smith

(10) **Patent No.:** US 10,671,212 B1
(45) **Date of Patent:** *Jun. 2, 2020

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

(56) **References Cited**
U.S. PATENT DOCUMENTS

(71) Applicant: **P4TENTSI, LLC**, Wilmington, DE (US)

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(Continued)

(72) Inventor: **Michael S. Smith**, Palo Alto, CA (US)

FOREIGN PATENT DOCUMENTS

(73) Assignee: **P4TENTSI, LLC**, Wilmington, DE (US)

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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.
This patent is subject to a terminal disclaimer.

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(Continued)

(21) Appl. No.: **16/558,028**

Primary Examiner — Antonio Xavier
(74) Attorney, Agent, or Firm — Patrick E. Caldwell, Esq.; The Caldwell Firm, LLC

(22) Filed: **Aug. 30, 2019**

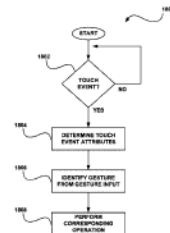
(57) **ABSTRACT**

Related U.S. Application Data

(63) Continuation of application No. 16/377,142, filed on Apr. 5, 2019, which is a continuation of application (Continued)

In various embodiments, a system, method, and computer program product are provided, where one embodiment involves a non-transitory computer-readable media storing computer instructions that, when executed by at least one processor of a mobile device including a touch screen, and a memory, and an actuator coupled to the at least one processor, cause the mobile device to: display indicia associated with an application, utilizing the touch screen; when a first duration of a touch being applied to the touch screen is detected as ceasing in connection with the indicia, perform an operation; when a second duration of the touch, that is different than the first duration of the touch, being applied to the touch screen is detected in connection with the indicia after the first duration is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator; when the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, display at least one menu including a plurality of particular actions; when a selection touch being applied to the touch screen is detected in connection with the menu, perform a selected operation.

(Continued)



(12) **United States Patent**
Smith

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

(45) **Date of Patent:** June 2, 2020

(22) **Filed:** Aug. 30, 2019

Overview

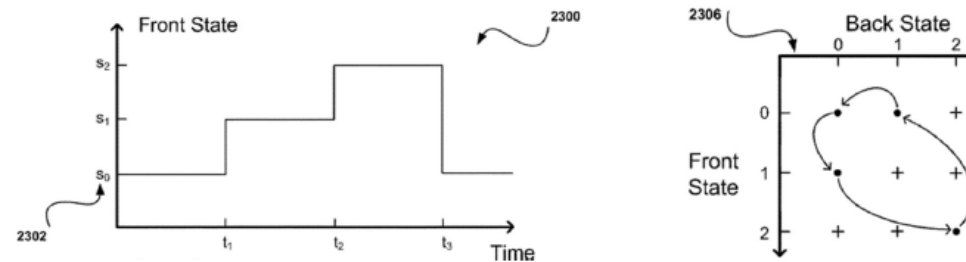
- **Technology Overview**
- **Cited References**
- **No Disclosure of Haptic Feedback Responsive to the Recited Precondition**
- **Petitioner's Mapping Combines Unrelated Disclosures Without Justification**
- **None of Petitioner's Five Slide/Swipe Gesture Theories Meet the Claims**

Technology Overview

Technology Overview: Multi-Part Pattern-Based Gestures

Patent Owner Response

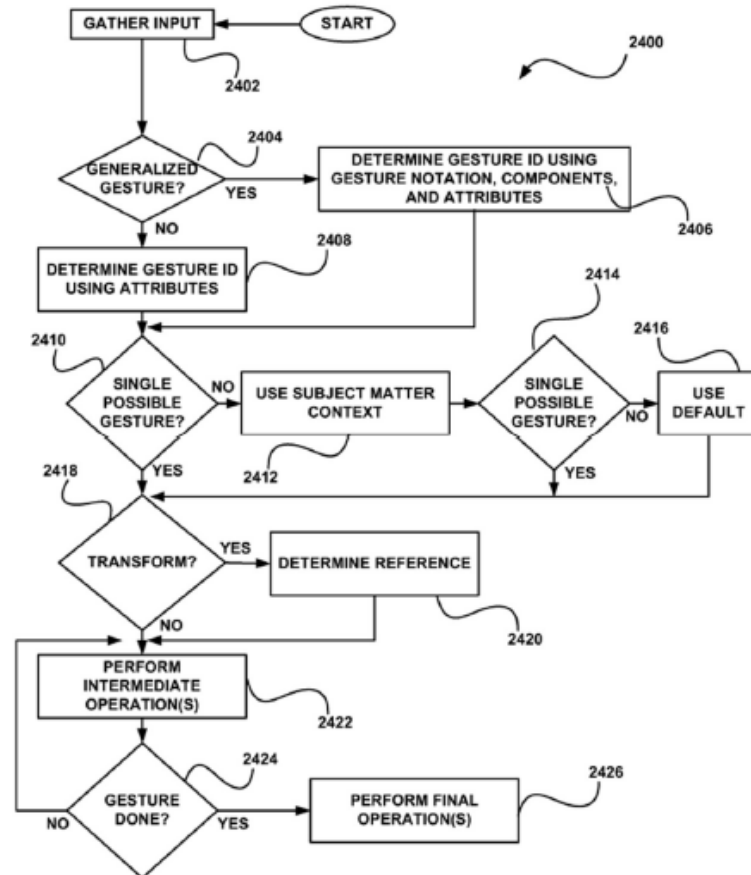
The '212 Patent describes these multi-part, multi-action gestures as “pattern-based gestures” that “may be recognized in the form of an ordered sequence” by, for example, “using a decision tree.” EX1001, 74:24-26; EX2007, [00581]. The “pattern-based gesture” may be defined as “a path through a phase space of one or more dimensions.” EX1001, 72:27-29; EX2007, [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, 72:41-46; EX2007, [00566].



POR at 7

Technology Overview: Multi-Part Pattern-Based Gestures

Patent Owner Response



POR at 9 (citing EX2007, FIG. 24)

Patent Owner Response

Again, as indicated by the flow chart, multiple complete, full patterns may share the same starting (and intermediate) points. EX2005, ¶29. Consistent with the multi-part nature, the device may perform “intermediate operations associated with the identified gesture.” EX2007, [00521]. “[E]ach execution of intermediate gesture operations may trigger a display update (i.e. rendering, etc.)” *Id.*, [00524]. One purpose of these intermediate gestures is so “a user may receive feedback on their gesture before terminating the interaction.” *Id.*, [00522].

POR at 9 (citing EX2007, FIG. 24)

'212 Patent

Patent Owner Response

The Challenged Independent Claims each recite logic to process user inputs, some of which begin from a common starting point (the claimed “touch”), and some of which may be used after the logic has detected a second duration of the touch (the “selection touch” and “slide or swipe gesture”). EX2005, ¶32; *see* Limitations [1.pre], [16.pre-a], [84.a]. This sort of decision tree logic is described both in the '212 Patent and in the '918 Provisional, as explained in Section II.A. *See also* EX2005, ¶¶26-30.

POR at 10

'212 Patent



'212 Patent, Claim 1

[1.pre] A non-transitory computer-readable media storing computer instructions that; when executed by at least one processor of a mobile device including a touch screen, a memory, and an actuator coupled to the at least one processor; cause the mobile device to:

[1.a] display indicia associated with an application, utilizing the touch screen;

[1.b] when a first duration of a touch being applied to the touch screen is detected as ceasing in connection with the indicia, perform an operation;

[1.c] when a second duration of the touch, that is different than the first duration of the touch, being applied to the touch screen is detected in connection with the indicia after the first duration is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator;

[1.d] when the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, display at least one menu including a plurality of particular actions;

[1.e] when a selection touch being applied to the touch screen is detected in connection with at least one of the particular actions of the at least one menu after the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, perform the at least one particular action; and

[1.f] when a slide or swipe gesture being applied to the touch screen is detected after the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, change at least one aspect of the display of the at least one menu.

Cited References

Hotelling



US 2006/0197753 A1

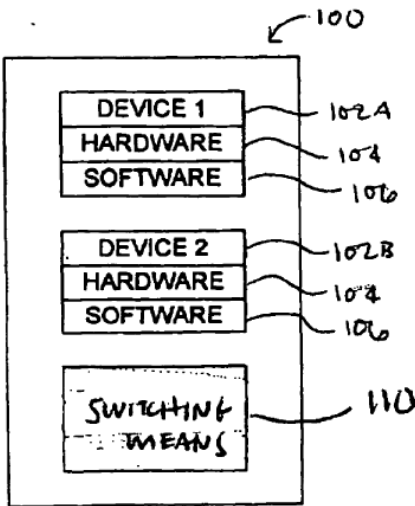
(19) **United States**
 (12) **Patent Application Publication** (10) Pub. No.: US 2006/0197753 A1
 Hotelling (43) Pub. Date: Sep. 7, 2006

(54) **MULTI-FUNCTIONAL HAND-HELD DEVICE** Publication Classification
 (76) Inventor: Steven P. Hotelling, San Jose, CA (US) (51) Int. Cl. G09G 5/00 (2006.01)
 Correspondence Address: (52) U.S. CL. 345/173
 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCELLERI LLP
 20333 SH 249
 SUITE 600
 HOUSTON, TX 77070 (US) (57) **ABSTRACT**

(21) Appl. No.: 11/367,749
 (22) Filed: Mar. 3, 2006

Related U.S. Application Data
 (60) Provisional application No. 60/658,777, filed on Mar. 4, 2005. Provisional application No. 60/663,345, filed on Mar. 16, 2005.

Disclosed herein is a multi-functional hand-held device capable of configuring user inputs based on how the device is to be used. Preferably, the multi-functional hand-held device has at most only a few physical buttons, keys, or switches so that its display size can be substantially increased. The multi-functional hand-held device also incorporates a variety of input mechanisms, including touch sensitive screens, touch sensitive housings, display actuators, audio input, etc. The device also incorporates a user-configurable GUI for each of the multiple functions of the devices.



EX1004, p. 1

SUMMARY

[0009] Disclosed herein is a multi-functional hand-held device capable of configuring user inputs based on how the device is to be used. Preferable, the multi-functional hand-held device has at most only a few physical buttons, keys, or

EX1004, [0009]; POR at 17

[0068] Adaptability may be accomplished by reassigning the functions of the limited number of physical buttons for each device functionality. For example, a button may perform one function when a first device is activated and another when another device is activated. While this may work, it suffers from physical limitations (i.e., the number of buttons) and can be confusing to the user (who must keep track of different button meanings).

[0069] Alternatively adaptability may be accomplished by virtually incorporating the physical inputs for each functionality into the GUI in conjunction with a touch screen. This allows the GUI to adapt to whatever device is selected, and the touch screen can receive inputs corresponding to the GUI. With a GUI for each functionality, the UI for the hand-held device adapts such that the multi-function device, in effect, becomes a particular device. For example, if the cell phone functionality is selected, the GUI presents a set of virtual or soft controls that look similar to the physical controls typically used on a cell phone, such as a keypad, function buttons and possibly a navigation pad, for example.

EX1004, [0068]-[0069]; POR at 17-18

Hotelling

Hotelling discloses a “main menu GUI” to access “selected functional[ity],” such that “[b]y keeping different functionalities distinct, user confusion may be reduced.”

POR at 19-20 (citing EX1004, [0085], [0091])

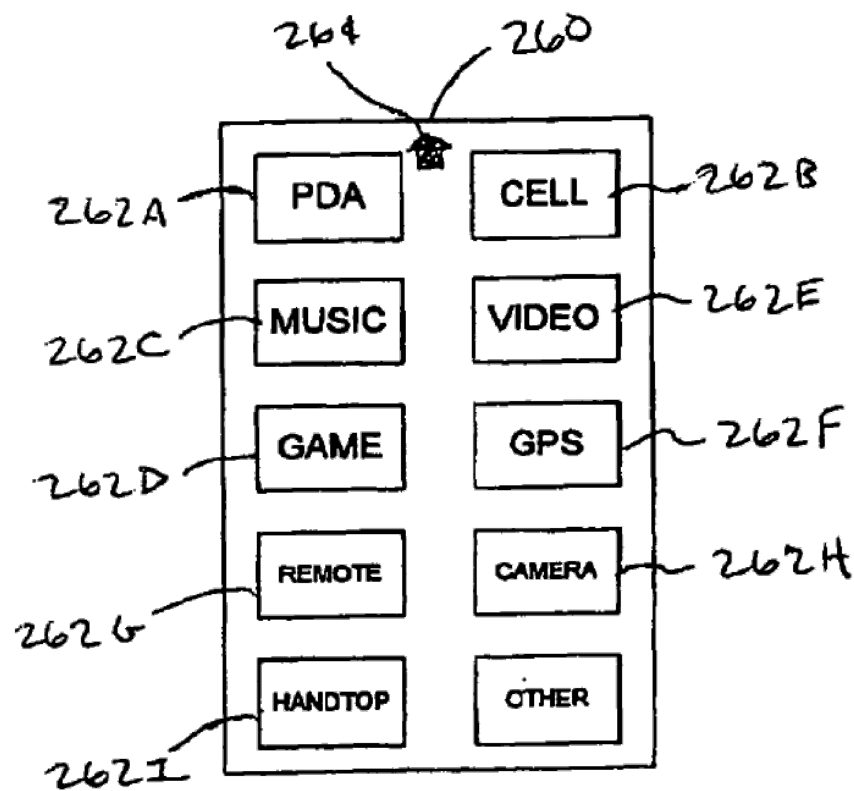


FIG. 18

EX1004, FIG. 18; POR at 19

B. Switching Between Devices (GUI)

[0085] **FIG. 18** illustrated an exemplary main menu GUI 260 of a multi-functional device. As shown, the GUI 260 includes icons/buttons 262 for launching each of the various device functionalities. In this particular example, the main menu page 260 includes a PDA button 262A, a cell phone button 262B, a music player button 262C, a game player button 262D, a video player button 262E, a GPS button 262F, a remote control button 262G, a camera button 262H and a handtop button 262I. The various buttons 262 are virtual buttons. When a button is pressed, the main page for the selected functionality (e.g., as shown in FIGS. 9-17) is brought into view on the display. To select another device, the user simply selects a soft home button 264 located in the GUI of each device to return to the main menu page 260, and thereafter selects the desired functionality in the main menu page 260.

EX1004, [0085]; POR at 19

Hotelling

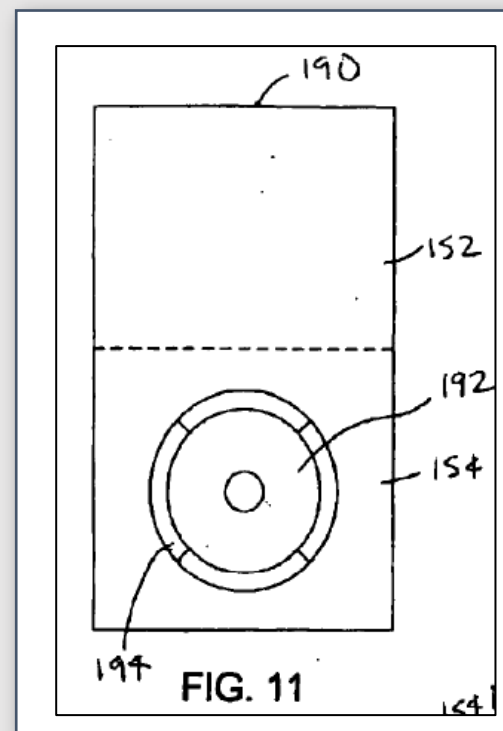
[0151] One example of a touch vocabulary associated with a music player is shown in FIGS. 27A-E.

EX1004, [0151]; POR at 21

#	UI Mode	Light Touch or Tactile Click	# Fingers used	Movement during touch or click	Duration	Touchdown location (virtual button?)	Proposed Behavior	Feedback
Basic list navigation								
List Nav.	light	light	1	none	any	anywhere	On touch-down, do nothing. On lift-off, highlight item(if any) under touch	highlight item touched
List Nav.	click	click	1	NONE	short	virtual button / list item	On touch-down, do nothing. On click-down highlight item under touch (if any). On un-click, execute the item clicked	animate screen sliding RIGHT to expose new screen
List Nav.	click	click	1	NONE	short	PLAY / PAUSE virtual button	On touch-down, do nothing. On click-down highlight Play/Pause icon. On un-click, PLAY/PAUSE	Change PLAY/PAUSE icon
List Nav.	click	click	1	NONE	LONG	virtual button	On touch-down, do nothing. On click-down highlight item under touch (if any). After delay, bring-up context sensitive menu.	Context sensitive menu pop-up
List Nav.	light or click	light or click	1	UP/DOWN	any	anywhere	On touch-down, do nothing. Scroll list UP/DOWN depending on UP/DOWN distance moved, use inertia & brakes, disregard LEFT/RIGHT motion during gesture. If highlighted item slides off visible screen, change highlighted item to one that is visible.	list scrolling UP/DOWN, first few letters enlarged
List Nav.	light or click	light or click	1	LEFT	any	anywhere	On touch-down, do nothing. On left motion, open highlighted folder or execute highlighted item (like legacy SELECT button)	animate screen sliding LEFT
List Nav.	light or click	light or click	1	RIGHT	any	anywhere	On touch-down, do nothing. On right motion, go back out a folder (like legacy MENU function)	animate screen sliding RIGHT

FIG. 27A

EX1004, FIG. 27A; POR at 21-22



EX1004, FIG. 11; POR at 20

[0077] FIG. 11 is a diagram of a GUI 190 that is used in a music player mode. As shown, the GUI 190 is divided into a standard region 152 and a control region 154. Located inside the control region 154 are a virtual scroll wheel 192 and five virtual buttons 194. Additional details on a virtual scroll wheel are provided in U.S. patent application Ser. No. 11/038,590, titled "Mode-Based Graphical User Interfaces for Touch Sensitive Input Devices," filed on Jan. 18, 2005.

EX1004, [0077]; POR at 20

Hotelling

Hotelling discloses a “haptics mechanism” to “enhance the feel of actuating a GUI element.”

POR at 18.

[0161] The hand-held device may also include a haptics mechanism. Haptics is the science of applying tactile sensation and control to interaction with computer applications. Haptics essentially allows a user to feel information, i.e., signals are sent to the hand. The haptics mechanisms may be

widely varied. They may include motors, vibrators, electro-magnets, etc., all of which are capable of providing force feedback in the form of vibration or shaking. The haptics mechanisms may work similarly to the indicators described above (alert), or they may be used to enhance the feel of actuating a GUI element such as a soft button or scroll wheel. For example, the haptics mechanism may be configured to vibrate when a user presses on a virtual button, or rotates a virtual scroll wheel. This particular feature enhances the users experience and makes the virtual UI feel more like a physical UI. Haptics may also be used simultaneously with onscreen actions. For example, during movies or game playing, the haptics mechanism can simulate the action being displayed. For example, the haptics mechanism may provide force feedback in the form of vibration when a car explodes during a movie or game.

EX1004, [0161]; POR at 18

[0163] Audio and/or tactile feedback may be used to alert a user that a user input has been made. For example, in response to touching a virtual button on the GUI, the haptics may provide force feedback in the form of vibration and the speaker may provide audio feedback in the form of a click. The tactile audio feedback can be used in conjunction with an input event including touch events, motion events, squeeze events. The feedback may provide information so that the user knows that they actually implemented an input (simulates the audio and tactile feel of a button or switch). In one implementation, the feedback is tied to the level of force being applied to the force sensing devices. For example, when a certain force threshold is reached, the audio feedback device may create a “click” on the press and a “clock” on the release. The force threshold used may be similar to the threshold used to determine whether a touch is a light or hard touch. The “click” and “clock” may be used to simulate a button click when a hard touch is made.

EX1004, [0163]; POR at 18

Martyn

US 20040051726A1

(19) **United States**
 (12) **Patent Application Publication** (10) **Pub. No.: US 2004/0051726 A1**
 Martyn (43) **Pub. Date: Mar. 18, 2004**

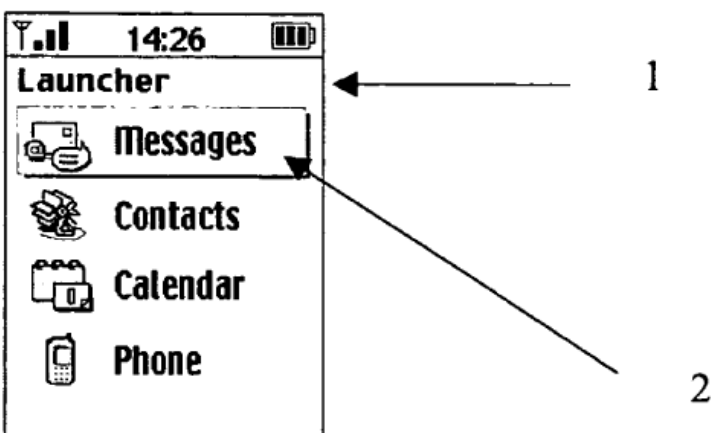
(54) **COMPUTING DEVICE WITH IMPROVED USER INTERFACE FOR APPLICATIONS** (30) **Foreign Application Priority Data**
 Jul. 28, 2000 (GB) 0019459.7

(76) **Inventor: Mathieu Kennedy Martyn, London (GB)** **Publication Classification**
 (51) **Int. Cl.** G09G 5/00
 (52) **U.S. Cl.** 345/700

Correspondence Address:
 Richard C Woodbridge
 Woodbridge & Associates
 PO Box 592
 Princeton, NJ 08542-0592 (US)

(21) **Appl. No.:** 10/343,333
 (22) **PCT Filed:** Jul. 27, 2001
 (86) **PCT No.:** PCT/GB01/03387

(57) **ABSTRACT**
 The present invention offers 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.



EX1005, p. 1

Martyn, filed nearly five years before Hotelling, discloses an “application summary window⁵” for “small screen devices.” EX1005, [0009], EX2005, ¶46. The summary window displays “a limited list of common functions and commonly accessed stored data” that “saves the user from navigating to the required application, opening it up, and then navigating within that application to enable the data of interest to be seen.” EX1005, [0009]-[0015]. In short, Martyn discloses a “snap-shot view” of the application’s data and functions. EX1005 [0010].

POR at 23

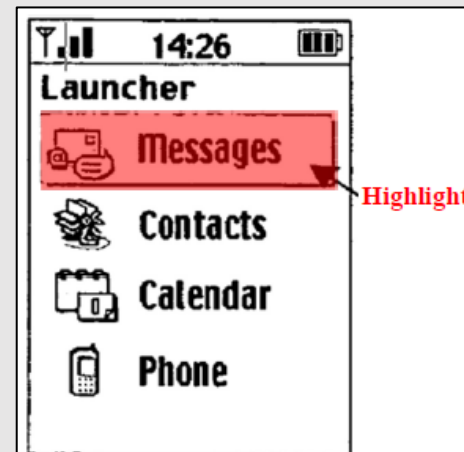


Figure 1

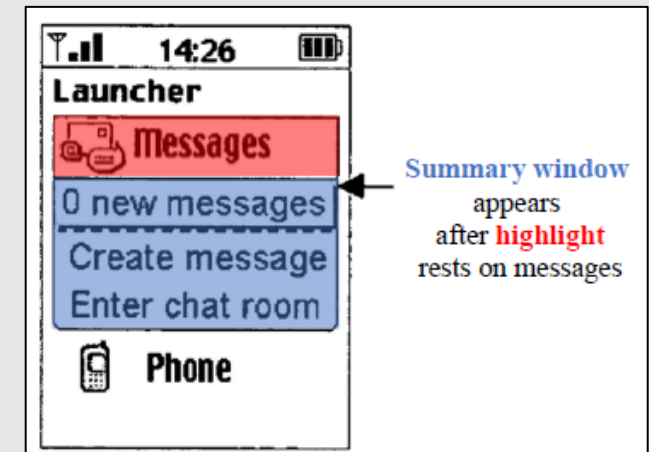
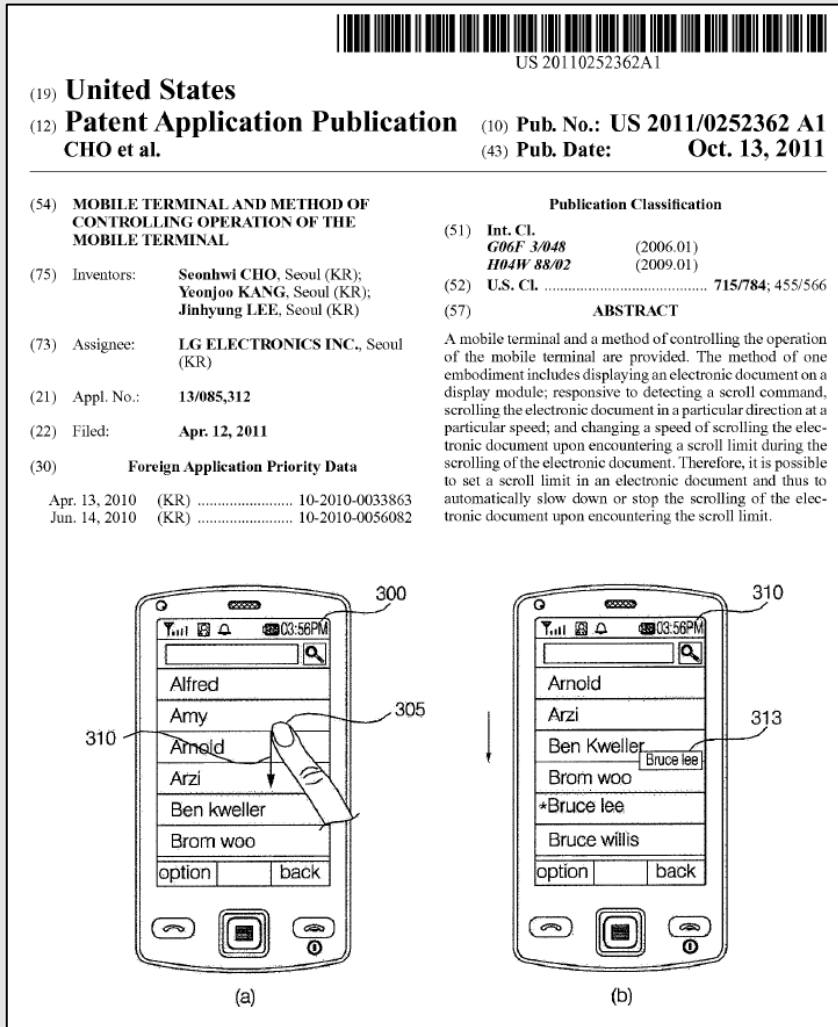


Figure 2

POR at 25 (citing EX1005, FIGs. 1-2 (annotated))

- Cho is cited by the Petition only for several Limitation [1.f] theories and dependent claims that rely on the same theories.
 - See Pet. at 36-40, 46-0.



EX1006, p. 1

3. Cho (EX1006)

Cho's disclosure "relates to a mobile terminal and a method of controlling the operation of the mobile terminal." EX1006, [0003], [0027]; EX1003, ¶¶70-72. In relevant part, Cho describes the use of "touch-and-drag" (slide) and "touch-and-flick" (swipe) gestures on a touch screen for interacting with various types of "information windows." EX1006, [0079-0080], [0106-0110], [0124-0132]. In a variety of different contexts, Cho explains that these slide/swipe gestures can be used to scroll through content and to re-size and dismiss the information windows. *Id.*

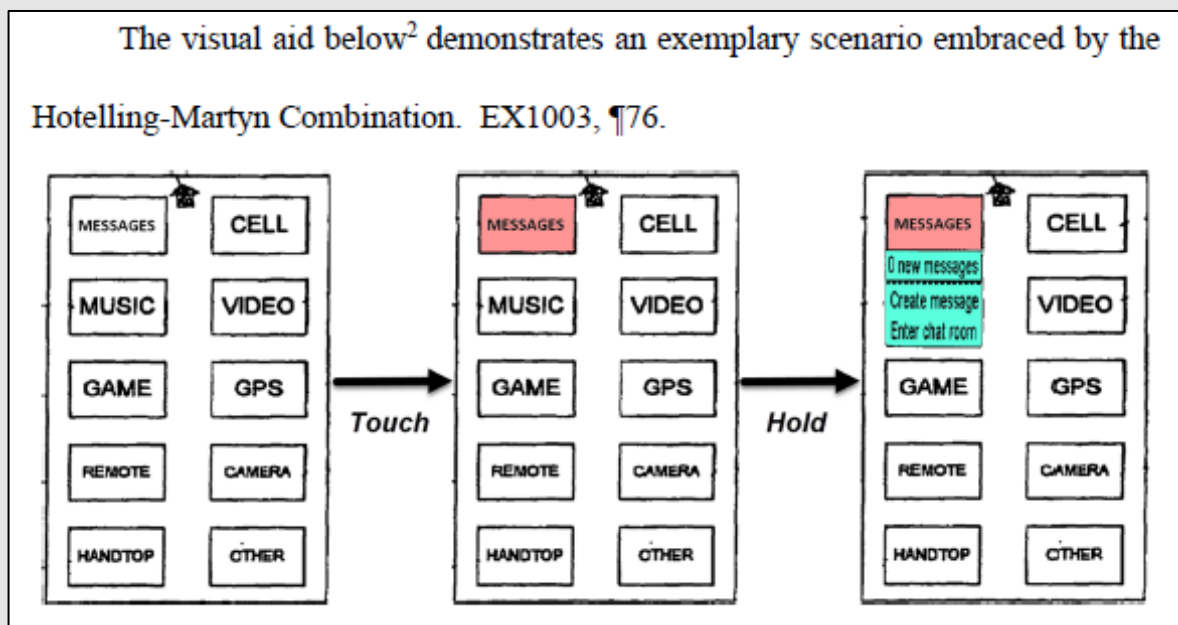
Pet. at 11

Petition's Theory – Hotelling-Martyn-Cho

Combine:

1. Hotelling's main menu GUI;
2. Hotelling's music player touch vocabulary input gesture;
3. Hotelling's generic disclosure of haptic feedback;
4. Martyn's context menu.
5. Cho's information window manipulation

See Sur-Reply at 3, 10; Pet. at 13-20



Pet. at 13

#	UI Mode	Light Touch or Tactile Click	# Fingers used	Movement during touch or click	Duration	Touchdown location (virtual button?)	Proposed Behavior	Feedback
Basic list navigation								
List Nav.	light	light	1	none	any	anywhere	On touch-down, do nothing. On lift-off, highlight item (if any) under touch	highlight item touched
List Nav.	click	click	1	NONE	short	virtual button / list item	On touch-down, do nothing. On click-down highlight item under touch (if any). On un-click, execute the item clicked	animate screen sliding RIGHT to expose new screen
List Nav.	click	click	1	NONE	short	PLAY / PAUSE virtual button	On touch-down, do nothing. On click-down highlight Play/Pause icon. On un-click, PLAY/PAUSE	Change PLAY/PAUSE icon
List Nav.	click	click	1	NONE	LONG	virtual button	On touch-down, do nothing. On click-down highlight item under touch (if any). After delay, bring-up context sensitive menu.	Context sensitive menu pop-up

EX1004, Figures 27A (highlighted).

Pet. at 27

No Disclosure of Haptic Feedback Responsive to the Recited Precondition

Limitations [1.c], [16.h], [84.d]



'212 Patent, Claim 1

[1.c] when a second duration of the touch ... is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator

widely varied. They may include motors, vibrators, electromagnets, etc., all of which are capable of providing force feedback in the form of vibration or shaking. The haptics mechanisms may work similarly to the indicators described above (alert), or they may be used to enhance the feel of actuating a GUI element such as a soft button or scroll wheel. For example, the haptics mechanism may be configured to vibrate when a user presses on a virtual button, or rotates a virtual scroll wheel. This particular feature enhances the users experience and makes the virtual UI feel more like a physical UI. Haptics may also be used simultaneously with onscreen actions. For example, during movies or game playing, the haptics mechanism can simulate the action being displayed. For example, the haptics mechanism may provide force feedback in the form of vibration when a car explodes during a movie or game.

EX1004, [0161]; POR at 28



Dr. Madisetti Declaration

56. Based on these disclosures, a POSITA would understand that implementing Hotelling's disclosure to simulate interacting with a physical control would entail providing haptic feedback upon the initial press and/or upon release—not when a time threshold of holding down a button is passed because a physical button does not provide any tactile response to being held. If the goal of Hotelling's design is to provide users with a familiar interface that behaves like buttons they recognize, it would go against that purpose to provide users with buttons that do not behave like buttons they recognize. A POSITA would have understood the importance of an intuitive, familiar design to user interface adoption and success.

EX2005, ¶156; POR at 28-29

Limitations [1.c], [16.h], [84.d]



'212 Patent, Claim 1

[1.c] when a second duration of the touch ... is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator

[0163] Audio and/or tactile feedback may be used to alert a user that a user input has been made. For example, in response to touching a virtual button on the GUI, the haptics may provide force feedback in the form of vibration and the speaker may provide audio feedback in the form of a click. The tactile audio feedback can be used in conjunction with an input event including touch events, motion events, squeeze events. The feedback may provide information so that the user knows that they actually implemented an input (simulates the audio and tactile feel of a button or switch). In one implementation, the feedback is tied to the level of force being applied to the force sensing devices. For example, when a certain force threshold is reached, the audio feedback device may create a “click” on the press and a “clock” on the release. The force threshold used may be similar to the threshold used to determine whether a touch is a light or hard touch. The “click” and “clock” may be used to simulate a button click when a hard touch is made.

EX1004, [0163]; POR at 29



Dr. Madisetti Declaration

There is also no basis to interpret the words “input event” more broadly than this stated purpose. The very paragraph Petitioner quotes repeatedly emphasizes this concept of providing feedback to simulate the physical button—*not* an “input event” that has no impact on a physical button:

Id., [0163]. Based on the above repeated examples of feedback that makes a virtual button behave like a physical button, a POSITA would have understood this paragraph to refer to only this use of feedback, rather than a more generalized use.

EX2005, ¶156; POR at 28-29

Limitations [1.c], [16.h], [84.d]



'212 Patent, Claim 1

[1.c] when a second duration of the touch ... is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator

widely varied. They may include motors, vibrators, electro-magnets, etc., all of which are capable of providing force feedback in the form of vibration or shaking. The haptics mechanisms may work similarly to the indicators described above (alert), or they may be used to enhance the feel of actuating a GUI element such as a soft button or scroll wheel. For example, the haptics mechanism may be configured to vibrate when a user presses on a virtual button, or rotates a virtual scroll wheel. This particular feature enhances the users experience and makes the virtual UI feel more like a physical UI. Haptics may also be used simultaneously with onscreen actions. For example, during movies or game playing, the haptics mechanism can simulate the action being displayed. For example, the haptics mechanism may provide force feedback in the form of vibration when a car explodes during a movie or game.

EX1004, [0161]; POR at 30



Dr. Madisetti Declaration

23-24. In addition, the Board edited this excerpt of Hotelling to read: “haptics mechanisms may work similarly to *[alert indicators]*.” *Id.* However, Hotelling does not refer to alert indicators in a general sense, but rather to the specific kind of alert indicators taught in Hotelling. *See id.*, [0161]. Because this paragraph refers back to the indicators described in Hotelling, a POSITA would have looked to the specific disclosure in Hotelling to understand the recommended uses of tactile feedback associated with Hotelling’s indicators.

EX2005, ¶59; POR at 30-31

Limitations [1.c], [16.h], [84.d]



'212 Patent, Claim 1

[1.c] when a second duration of the touch ... is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator

Indicator (LED)

[0158] A hand-held device may also include one or more indicators that provide user feedback or indicate events associated with the device. The events may relate to signals, conditions or status of the device. For example, the indicators provide status of battery life or alert a user when there is an incoming call. The indicators, which include light sources such as light emitting diodes (LED), are typically illuminated when an event occurs, and not illuminated when the event is stopped. Furthermore, the indicator may turn on and off (blink) or cycle with increasing or decreasing intensity, and in some cases may even change colors in order to provide more detailed information about the event that is being monitored.

EX1004, [0158]; POR at 30



Dr. Madisetti Declaration

60. Hotelling's "indicators" "provide user feedback or indicate events associated with the device." *Id.*, [0158]. These "events," include "signals, conditions, or status of the device." *Id.* For example, "the indicators provide status of battery life or *alert* a user when there is an incoming call." *Id.* The rest of this section in Hotelling, entitled "Indicator (LED)," goes on to describe device functionality consistent with indicators that signal global device events unrelated to user input. *See id.*, [0158]-[0159]. Hotelling includes no other disclosure of alert "indicators" outside of these two paragraphs. In addition, Hotelling provides no

EX2005, ¶160; POR at 30-31

Limitations [1.c], [16.h], [84.d]



'212 Patent, Claim 1

[1.c] when a second duration of the touch ... is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator

[0159] The indicators may be conventional indicators that typically include a small clear plastic insert, which is located in front of the LED, and which is inserted within an opening in the housing thus causing it to exist at the surface of the housing. The LED itself may also be placed in the opening in the housing rather than using an insert. Alternatively, the indicator can be configured not to break the surface of the housing. In this configuration, the light source is disposed entirely inside the housing, and is configured to illuminate a portion of the housing thereby causing the housing to change its appearance, i.e., change its color.

EX1004, [0159]; POR at 30



Dr. Madisetti Declaration

61. Read in view of this context, Hotelling's reference to "the indicators described above (alert)" clearly teaches that haptics may be used in conjunction with "events associated with the device," such as "status of battery life" or "alert[s] ... when there is an incoming call." *See id.*, [0161], [0158]-[0159]. A POSITA would have understood this exemplary list of "events" to be distinct from user input events, such as detecting a first or second duration of a touch because these examples are wholly unrelated to user input. This list could be more accurately described as related to device notifications, or device-wide alerts. Hotelling teaches that haptic

EX2005, ¶61; POR at 30-31

Petitioner's Mapping Combines Unrelated Disclosures Without Justification

Limitations [1.d], [16.i], [84.e]

'212 Patent, Claim 1

[1.d] when the second duration of the touch ... is detected ... display at least one menu including a plurality of particular actions;

[0151] One example of a touch vocabulary associated with a music player is shown in FIGS. 27A-E.

EX1004, [0151]; POR at 37

#	UI Mode	Light Touch or Tactile Click	# Fingers used	Movement during touch or click	Duration	Touchdown location (virtual button?)	Proposed Behavior	Feedback
Basic list navigation								
List Nav.	light	light	1	none	any	anywhere	On touch-down, do nothing. On lift-off, highlight item(if any) under touch	highlight item touched
List Nav.	click	click	1	NONE	short	virtual button / list item	On touch-down, do nothing. On click-down highlight item under touch (if any). On un-click, execute the item clicked	animate screen sliding RIGHT to expose new screen
List Nav.	click	click	1	NONE	short	PLAY / PAUSE virtual button	On touch-down, do nothing. On click-down highlight Play/Pause icon. On un-click, PLAY/PAUSE	Change PLAY/PAUSE icon
List Nav.	click	click	1	NONE	LONG	virtual button	On touch-down, do nothing. On click-down highlight item under touch (if any). After delay, bring-up context sensitive menu.	Context sensitive menu pop-up

Pet. at 27

EX1004, Figures 27A (highlighted).

[0085] FIG. 18 illustrated an exemplary main menu GUI 260 of a multi-functional device. As shown, the GUI 260

EX1004, [0085]; POR at 37

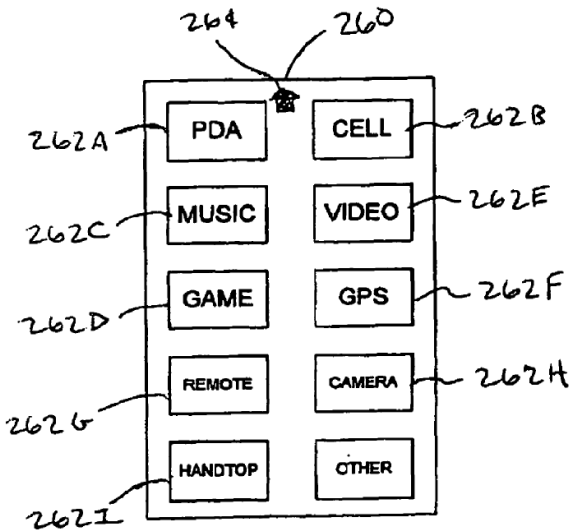


FIG. 18

EX1004, FIG. 18; POR at 37

Limitations [1.d], [16.i], [84.e]

'212 Patent, Claim 1

[1.d] when the second duration of the touch ... is detected ... display at least one menu including a plurality of particular actions;

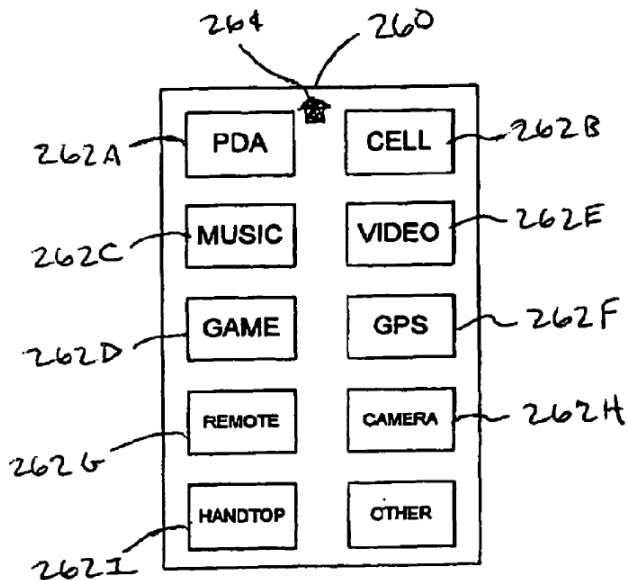


FIG. 18

EX1004, FIG. 18; POR at 37.

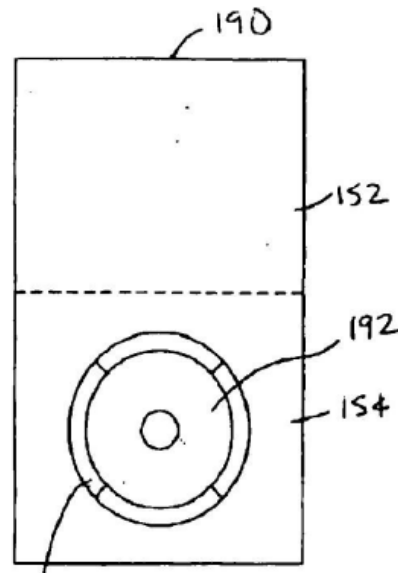


FIG. 11

EX1004, FIG. 11; POR at 39.



Dr. Madisetti Declaration

Id., FIGs. 11, 18. While the Petition blurs the lines between Hotelling's main menu and music player GUIs, it cannot be reasonably disputed that they are distinct. In

EX2005, ¶168; POR at 37

FIG. 18, FIG. 27A. While Figure 11 is consistent with this disclosure, the main menu GUI shown in Figure 18 of Hotelling above is not a "music player," nor can it be used in a "List Nav." mode. See EX1004, [0085], [0151]. A POSITA would not have looked to Figure 18 for a GUI to use with the functionality described in Figures 27A-E because Hotelling already provides one in Figure 11.

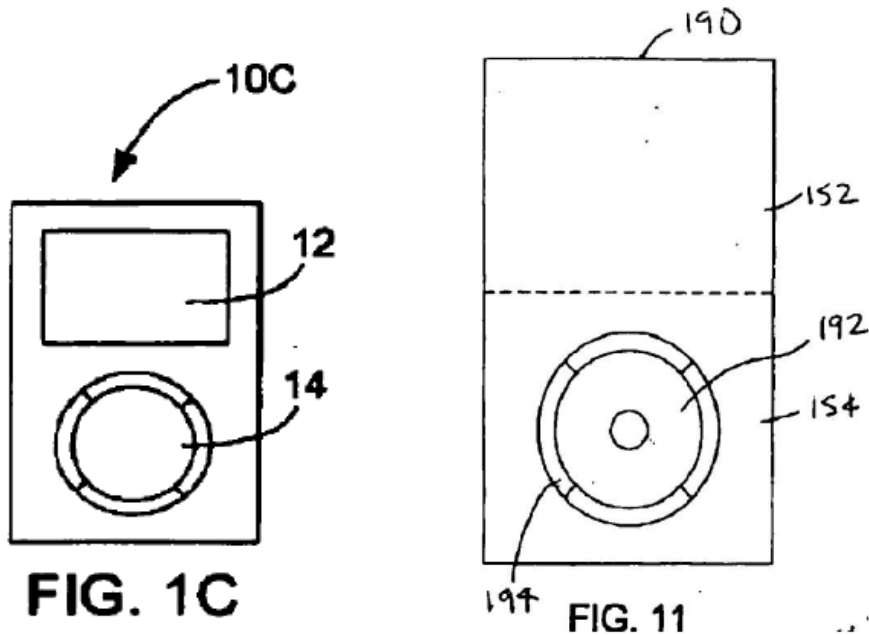
EX2005, ¶169; POR at 39-40

Limitations [1.d], [16.i], [84.e]



'212 Patent, Claim 1

[1.d] when the second duration of the touch ... is detected ... display at least one menu including a plurality of particular actions;



EX1004, FIGs. 1C, 11; POR at 42.



Dr. Madisetti Declaration

85. As discussed above, a POSITA can easily apply Figure 27A's teachings to their intended target—the music player GUI of Figure 11. Dr. Cockburn agreed that Figure 27A's reference to "list items" would be understood to refer to a list of items such as songs that would be "presented in the display region 152." EX2006, 47:2-18. I agree that a POSITA would understand a music player to operate in this way. Following Figure 11's labels, the "virtual buttons," including the "PLAY / PAUSE virtual button," referenced in Figure 27A corresponds to "five virtual buttons 194" "[l]ocated inside the control region 154." EX1004, [0077]. Thus, in Figure 11, "virtual buttons" refer to the items in the "control region" as opposed to "list items" in the "display region" that are also selectable via touch. Here, Figure 11's "exemplary GUI for a media player" replicates Figure 1C's "media player 10C"

EX2005, ¶85; POR at 42

Limitations [1.d], [16.i], [84.e]



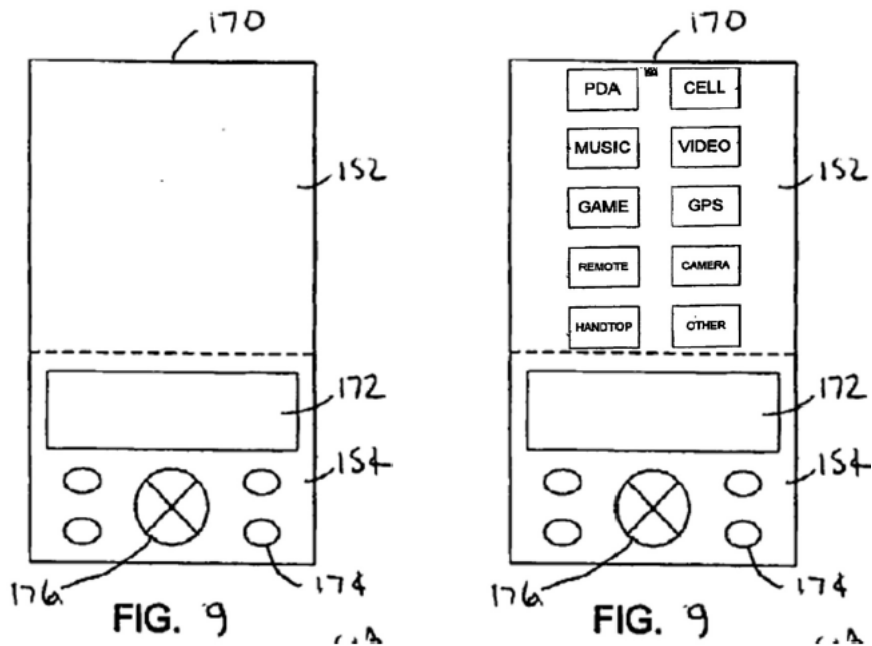
'212 Patent, Claim 1

[1.d] when the second duration of the touch ... is detected ... display at least one menu including a plurality of particular actions;



Dr. Madisetti Declaration

86. Consistent with Figures 27A and 11 and Hotelling's overall disclosure, even if a POSITA were to seek to apply Figure 27A to a non-music player UI, and, specifically a main menu UI, a POSITA would be motivated to start from a main menu UI that implements the "control region" / "standard region" UI. Hotelling discloses a compatible embodiment in the form of "GUI 70 that is used in a PDA mode" as shown in Figure 9 that "is divided into a standard region 152 and control region 154" with control region 154 containing "four virtual buttons 174 and a virtual navigation pad 176." EX1004, [0075], FIG. 9. In the Figure 9 UI "a main menu (window with set of icons)" may be "displayed in the standard region 152."



EX1004, FIG. 9 (modified); POR at 44.

EX2005, ¶186; POR at 42-43

Limitations [1.d], [16.i], [84.e]



'212 Patent, Claim 1

[1.d] when the second duration of the touch ... is detected ... display at least one menu including a plurality of particular actions;



Dr. Cockburn Deposition

Q. Figure 18 is not a graphical interface that is used in a music player mode. Correct?

A. Figure 18 shows a button that provides access to a music player mode.

EX2006, 89:18-90:13



Dr. Cockburn Deposition

Q. Can you list all the functionality associated with a music player that Hotelling discloses in connection with Figure 18?

A. In Figure 18? Functionality associated with a music player that is disclosed directly by Hotelling includes a music player button 262C and the launching of the music player when it is -- when that button is invoked.

EX2006, 18:19-19:2

Limitations [1.d], [16.i], [84.e]



'212 Patent, Claim 1

[1.d] when the second duration of the touch ... is detected ... display at least one menu including a plurality of particular actions;

Patent Owner Response

1369. While the D.I. concludes, on a preliminary record (and for reasons not consistent with the full record as discussed below), that it would be obvious to apply Hotelling's disclosures to "all user input GUIs⁶," respectfully, that is not the question before the Board. The question before the Board is whether the Petition explained why Hotelling's disclosure of a touch vocabulary that Hotelling repeatedly and exclusively states applies to a "music player" applies to its main menu GUI, which is not a music player. It did not, and therefore the Petition fails. See *St. Jude*, 977 F.3d, 1242 ("It was [Petitioner's] burden to support its assertion by a preponderance of evidence."); *Gesture Tech.*, 2025 WL 679196, at *5; see also D.I., 19 ("we do

POR at 36

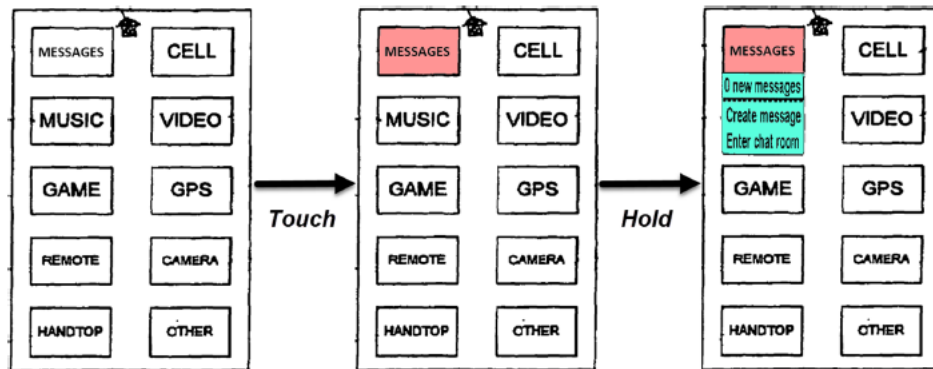
Limitations [1.d], [16.i], [84.e]

'212 Patent, Claim 1

[1.d] when the second duration of the touch ... is detected ... display at least one menu including a plurality of particular actions;

Petition's Combination

The visual aid below² demonstrates an exemplary scenario embraced by the Hotelling-Martyn Combination. EX1003, ¶76.



Pet. at 13

Petition's [1.d] Mapping

on...the duration of the touch, and the touch location.”), Figure 26. Hotelling’s Figure 27A (below) depicts an exemplary touch vocabulary with “duration” variables highlighted in yellow, location variables highlighted in red, and corresponding behaviors/actions highlighted in blue. Here, pressing a virtual button icon using a “short” touch duration launches a corresponding device functionality by “execut[ing] the item,” while using a “long” duration touch opens a “context sensitive menu.” *Id.*, [0151]. Figures 27A-27B.

Pet. at 26-27

Limitations [1.d], [16.i], [84.e]

Petitioner's Reply Brief

As the record makes clear, a POSITA would have known that using a long touch gesture on virtual buttons and icons to invoke menus and control options was not new in 2011; it was commonplace. See EX1003, ¶¶43–44 (citing EX1024; EX1025), ¶78 (citing EX1037), ¶124 (citing EX1006); EX1062, ¶¶40–41 (Dr.

Cockburn collecting examples). Accordingly, when faced with the simple design problem of assigning a touch gesture to invoke Martyn's App Snapshot on Hotelling's main page GUI, a POSITA would have pursued the conventional option of a long touch on the provided virtual buttons/application icons. EX1062, ¶41.

Moreover, a POSITA would have known that it was a common technique to assign the same input command to achieve substantially similar functionality across different operating systems and applications because following consistent conventions promotes usability. EX1062, ¶¶45–46 (citing EX1054, p.1 ("Users should not have to wonder whether different words, situations, or actions mean the same thing.")). So the fact that Hotelling discloses a long touch gesture on a virtual

button in the Figure 27 music player GUI for calling a contextual menu would have prompted the POSITA to use the same gesture for the similar function of invoking Martyn's App Snapshot in the Figure 18 main page GUI, which likewise includes virtual buttons. *Id.* Patent Owner's quibble that the virtual buttons in Figure 18 serve as application icons and are not part of a control region is unimportant—they are virtual buttons all the same. *Id.*

Reply at 10-11.

Not cited or argued in Petition pp. 29-31 (Element [1.d]).

Not cited or argued in Petition pp. 29-31 (Element [1.d]).

Not cited or argued in Petition pp. 29-31 (Element [1.d]).

Not cited or argued in Petition pp. 29-31 (Element [1.d]).

None of Petitioner's Five Slide/Swipe Gesture Theories Meet the Claims

Limitations [1.f], [16.k], [84.g]



'212 Patent, Claim 1

[1.f] **when** a slide or swipe gesture ... is detected after the second duration ... **change at least one aspect of the display of at least one menu**

The Petition maps each of five theories to the various dependent claims as shown in the chart below:

Claim Limitation	[1.f]	15	59	60	61	62	63	64
<u>Theory 1:</u> Martyn's highlighting	X					X	X	
<u>Theory 2:</u> Hotelling's swipe to "back out a folder"	X	X		X	X			
<u>Theory 3:</u> Cho's scrolling	X		X				X	
<u>Theory 4:</u> Cho's window re-sizing	X		X	X			X	
<u>Theory 5:</u> Cho's window dismissal	X	X		X	X			X

Pet. at 33-40, 45-52

Limitations [1.f], [16.k], [84.g] – Theory 1

[0018] A highlight is available in the App Snapshot drop-down which may be scrolled in order to select a required item. When an item in the App Snapshot is selected (e.g. by being highlighted and then selected using a conventional selection technique such as pressing a right cursor), the device displays the relevant data in the application details view, or displays the relevant screen offering the relevant functionality. The required application may be automatically

EX1005, [0018]; POR at 49

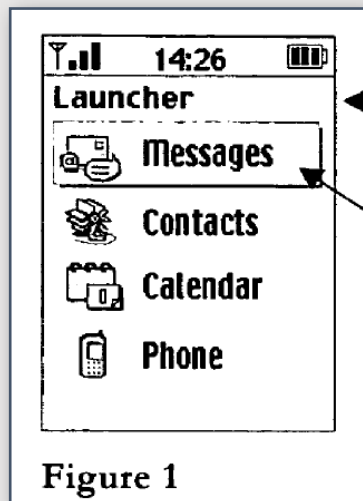


Figure 1

EX1005, FIG. 1; POR at 49



Dr. Madisetti Declaration

94. Contrary to what is asserted in the Petition, a POSITA would have understood Martyn's highlighting to facilitate selection of options on a non-touch screen where a cursor must be scrolled to an item before the item can be selected. See also EX1005, [0016]-[0018], FIG. 1. Martyn's disclosure makes clear that highlighting is used to allow "an item in the App Snapshot [to be] selected." See EX1005, [0018]. A POSITA would have understood that such highlighting or other emphasis is required on non-touch screen devices because only one item may be selected at a time using the scroll wheel. See EX1005, FIG. 1. This is consistent with the common operation of non-touch screen devices like the one described in Martyn and those that were ubiquitous at the time of Martyn's filing. By contrast, a touch screen device enables any item on the screen to be selected without scrolling using "a conventional selection technique," as is required in Martyn. Compare

EX2005, ¶194; POR at 49-50

Limitations [1.f], [16.k], [84.g] – Theory 1

tively, 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, [0016]; POR at 49

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, [0017]; POR at 49

[0007] Some mobile telephones also offer limited shortcuts to get straight to a particular function. This usually involves memorising various keyboard input sequences, corresponding to different menu positions at different levels in the menu hierarchy. These shortcuts appeal only to a small number of expert users. Most mobile telephones also include

EX1005, [0007]; Sur-Reply at 14



Dr. Madisetti Declaration

Pet., 51, *see also id.*, 34-35. However, the highlighting functionality taught in Martyn is a feature unique to non-touch screen devices that required scrolling through a list of options, of which only one could be selected at a time. *See* EX1005, [0018]. Specifically, Martyn teaches that:

EX2005, ¶193; POR at 49

selection. For this reason, a POSITA would have understood Martyn’s highlighting as an unnecessary feature for Hotelling’s touch screen device, which enables item selection without scrolling, . *See* EX1004, FIG. 27A. Therefore, this is not a feature

EX2005, ¶195; POR at 50

Limitations [1.f], [16.k], [84.g] – Theory 2

#	UI Mode	Light Touch or Tactile Click	# Fingers used	Movement during touch or click	Duration	Touchdown location (virtual button?)	Proposed Behavior	Feedback
Basic list navigation								
List Nav.		light	1	none	any	anywhere	On touch-down, do nothing. On lift-off, highlight item (if any) under touch	highlight item touched
List Nav.		click	1	NONE	short	virtual button / list item	On touch-down, do nothing. On click-down highlight item under touch (if any). On un-click, execute the item clicked	animate screen sliding RIGHT to expose new screen
List Nav.		click	1	NONE	short	PLAY / PAUSE virtual button	On touch-down, do nothing. On click-down highlight Play/Pause icon. On un-click, PLAY/PAUSE	Change PLAY/PAUSE icon
List Nav.		click	1	NONE	LONG	virtual button	On touch-down, do nothing. On click-down highlight item under touch (if any). After delay, bring-up context sensitive menu.	Context sensitive menu pop-up
List Nav.		light or click	1	UP/DOWN	any	anywhere	On touch-down, do nothing. Scroll list UP/DOWN depending on UP/DOWN distance moved, use inertia & brakes, disregard LEFT/RIGHT motion during gesture. If highlighted item slides off visible screen, change highlighted item to one that is visible.	list scrolling UP/DOWN, first few letters enlarged
List Nav.		light or click	1	LEFT	any	anywhere	On touch-down, do nothing. On left motion, open highlighted folder or execute highlighted item (like legacy SELECT button)	animate screen sliding LEFT
List Nav.		light or click	1	RIGHT	any	anywhere	On touch-down, do nothing. On right motion, go back out a folder (like legacy MENU function)	animate screen sliding RIGHT

FIG. 27A

EX1004, FIG. 27A; POR at 51



Dr. Madisetti Declaration

97. Instead, a POSITA would affirmatively consider Row 7 of Figure 27A

of Hotelling (i.e., the “back[ing] out a folder” gesture) *not* to be applicable to

Martyn’s App Snapshot. For example, Figure 27A teaches that the device

“animate[s] screen sliding RIGHT” as the corresponding “Feedback” when this

gesture is executed. EX1004, FIG. 27A. This response allows users to easily

navigate layers of a folder system, which is fundamentally hierarchical. Users must

have a way to efficiently navigate between multiple layers of a folder structure. To

support navigation of a folder hierarchy, Hotelling teaches that the screen may be

swiped left to navigate to a lower layer of the folder hierarchy, see EX1004, FIG.

27A (“On left motion, open highlighted folder”), and may be swiped right to

navigate to a higher layer of the folder hierarchy, see *id.* (“On right motion, go back

out a folder”). While this set of gestures makes sense in the folder context, it does

not make sense to swipe left and right to navigate between layers of Martyn’s App

Snapshot menu because Martyn’s App Snapshot *has no layers*. There is only a

single menu and it is displayed in one screen (i.e., screen sliding feedback is not

applicable). EX1005, Figures 2-3. The menu is not hierarchical in nature and,

EX2005, ¶197; POR at 51

Limitations [1.f], [16.k], [84.g] – Theory 3



Figure 3

EX1005, FIG. 3; POR at 53



Dr. Madisetti Declaration

99. The Petition first points to Cho's "teach[ing] that '[t]he contents of the information window 620 may be scrolled ... in response to a flick [(swipe)] on the information window.'" Pet., 38 (citing EX1006, [0127]). However, as discussed above with respect to Martyn's highlighting, this again conflates the meaning and function of "scrolling" in Martyn with "scrolling" on a touch screen device. See

EX2005, ¶199; POR at 52-53

[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

EX1005, [0015]; POR at 54

A POSITA would not have been motivated to combine Cho's scrolling with Martyn's App Snapshot menu because the contents of Martyn's App Snapshot are all visible when the App Snapshot is first displayed (i.e., there are no list items that must be brought into view via scrolling). EX2005, ¶100; see EX1005 [0017], ("The App Snapshot ... includes the number of new messages ('0') and links to the two most common functions"), [0021] ("Scrolling down through the App snapshot and off the end moves the highlight to the next application in the list (i.e., to 'Contacts')"); Figures 2-3. The only examples that Martyn provides for the contents

EX2005, ¶100; POR at 53

Limitations [1.f], [16.k], [84.g] – Theory 3



Dr. Cockburn Deposition

Q. Are you saying -- is it your opinion that a POSITA would understand Martyn to disclose scrolling through initially nonvisible items in the app snapshot?

A. I don't know how I can clarify my previous answer. I'm reading from Martyn. It says, "Scrolling down through the App Snapshot and off the end moves the highlight to the next application in the list."

To a person of skill in the art, that scrolling includes both moving the highlight through the displayed items and moving the highlight such that it brings previously nondisplayed items in the app snapshot into the app snapshot's view.

EX2006, 89:18-90:13

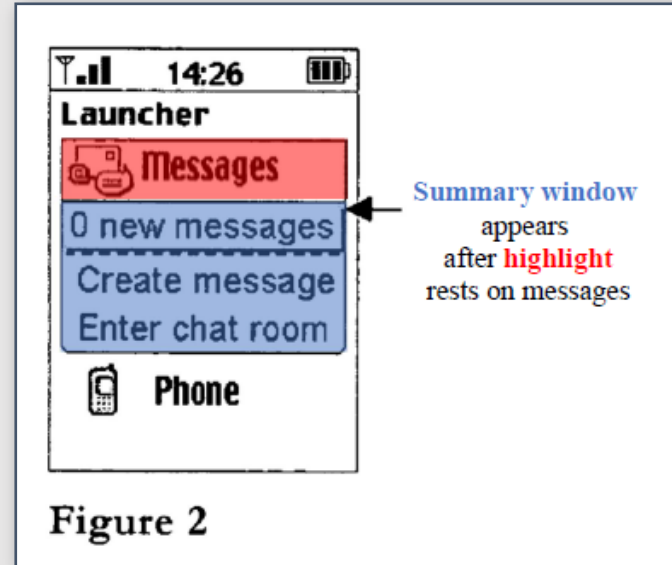


Figure 2

POR at 25 (citing EX1005, FIG. 2 (annotated))

[0021] If a timeout is used to call the App Snapshot, scrolling the highlight back to the relevant application name (i.e. back up to 'Messages' in FIG. 2 or 3) removes the App Snapshot. Scrolling down through the App Snapshot and off the end moves the highlight to the next application in the list (i.e. to 'Contacts' if the Messages App Snapshot has been scrolled through).

EX1005, [0021]

Limitations [1.f], [16.k], [84.g] – Theory 4



Dr. Madisetti Declaration

combination. *See* Pet., 17-20, 38-39. In place of a specific motivation to combine window re-sizing with Hotelling and Martyn (e.g., an expected benefit or improvement), the Petition merely asserts that a POSITA would look to “tertiary references like Cho to obtain supplemental information about using swipe/slide touch gestures,” and similar, generic motivations. *See* Pet., 17-20. The Petition’s generic motivations are particularly problematic with respect to this mapping because it is not at all clear why Hotelling or Martyn would benefit from a gesture that enables menu windows to be re-sized. Neither reference provides any reason to believe window re-sizing would be beneficial and neither the Petition nor Dr. Cockburn points to a teaching in Cho that would provide such a reason. There is not one. A POSITA would not have looked to Cho’s scrolling to supplement the Petition’s proposed App Snapshot based on the teachings of Martyn and Hotelling.

EX2005, ¶103; POR at 56

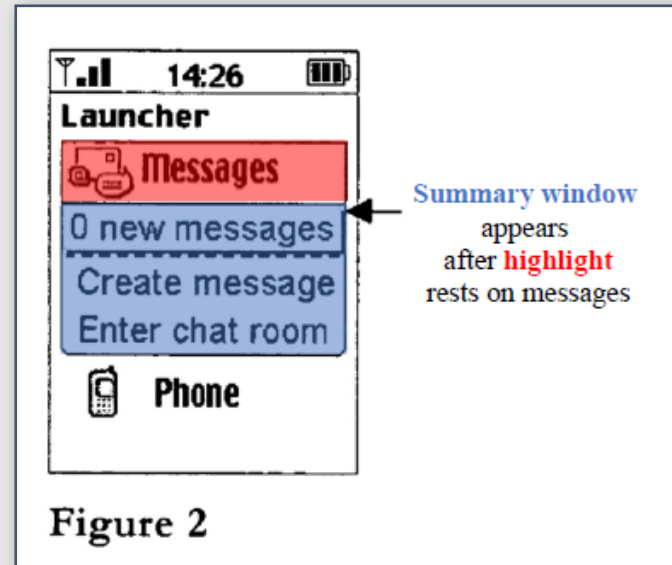


Figure 2

POR at 25 (citing EX1005, FIG. 2 (annotated))

[0021] If a timeout is used to call the App Snapshot, scrolling the highlight back to the relevant application name (i.e. back up to ‘Messages’ in FIG. 2 or 3) removes the App Snapshot. Scrolling down through the App Snapshot and off the end moves the highlight to the next application in the list (i.e. to ‘Contacts’ if the Messages App Snapshot has been scrolled through).

EX1005, [0021]

Limitations [1.f], [16.k], [84.g] – Theory 5

[0020] The App Snapshot dropdown may be dismissed in the following ways:

[0021] If a timeout is used to call the App Snapshot, scrolling the highlight back to the relevant application name (i.e. back up to ‘Messages’ in FIG. 2 or 3) removes the App Snapshot. Scrolling down through the App Snapshot and off the end moves the highlight to the next application in the list (i.e. to ‘Contacts’ if the Messages App Snapshot has been scrolled through).

[0022] If scroll functions (e.g. right scroll) call the App Snapshot the opposite scroll function removes the snapshot.

EX1005, [0020]-[0022]; POR at 57-58

[0023] When a user scrolls off the end of the App Snapshot, the main list from which the App Snapshot was opened de-compresses to regain the display estate that was taken up by the App Snapshot (i.e. the screen reverts to that shown FIG. 1). If the user has scrolled up back to the application name (so that the highlight moves up), this application name stays where it was and the next main list item draws back up to abut it. If the user scrolls off the end of the App Snapshot, the highlight moves down to the next item in the main list and this item together with the highlight move up the screen to regain the App Snapshot estate (i.e. taking the place of the App Snapshot).

EX1005, [0023]; POR at 58



Dr. Madisetti Declaration

105. A POSITA would not have been motivated to combine Cho’s teaching with Hotelling and Martyn because Martyn already teaches multiple techniques for ending the display of its App Snapshot. See EX1005, [0021] (“If a timeout is used to call the App Snapshot, scrolling the highlight back to the relevant application name ... removes the App Snapshot.”), [0022] (“If scroll functions ... call the App Snapshot the opposite scroll function removes the snapshot.”); [0023] (“When a user scrolls off the end of the App Snapshot, the main list from which the App Snapshot was opened de-compresses ... (i.e., the screen reverts to that shown FIG. 1)”). None of the cited references suggest that Martyn’s disclosed methods for closing its App Snapshot are inadequate, nor does the Petition cite any evidence that would explain why the addition of Cho’s “touch-and-drag” gesture would be an improvement to the functioning of Hotelling’s main menu GUI or Martyn’s App Snapshot. Without

EX2005, ¶105; POR at 57-58

Additional Slides

“Claim Construction”

Petitioner’s Reply Brief

As for Patent Owner’s additional argument that “each Limitation [must be] performed when presented with an instance of user input where their preconditions apply,” (POR, 14–15), the Board need not reach an affirmative construction because there is no “controversy” on this issue here. *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). The Petition accounts for every limitation in exactly the fashion Patent Owner contends is required. *See* Pet., 4–5, 20–40.

Reply at 2

PO’s Sur-Reply Brief

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, PO 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), 13-17. In support, PO pointed to the claim language and specification disclosure “consistent with” that claim language. *Id.*

Sur-Reply at 2-3

Petitioner's Attacks on Dr. Madisetti are Without Merit



Dr. Madisetti Deposition

Q. Okay. But you did offer an opinion about the scope and content of Hotelling's disclosure, correct? From the perspective of a person of ordinary skill?

MR. LEVENTHAL: Form.

THE WITNESS: I offered a rebuttal to the petition and a rebuttal to Dr. Cochburn's opinions and the basis.

That was the purpose of my declaration. I did not do any independent evaluation of Hotelling in its entirety and whatever it does.

EX1059, 55:16-22

The Reply spends nearly six pages attacking Dr. Madisetti *without linking any of those criticisms to any portion of Dr. Madisetti's actual opinions on why Petitioner fails to meet its burden.* Reply, 22-27. Petitioner faults Dr. Madisetti for not having studied every single word of Hotelling, but cites no portion of Hotelling that should have altered Dr. Madisetti's analysis. *Id.* Petitioner also omits the full

Sur-Reply at 22

was an expert for a petitioner in another matter. Petitioner also faults Dr. Madisetti for not reviewing a document Hotelling incorporates by reference, EX1010, but omits that that the Petition does not cite EX1010 for any claim addressed in Dr. Madisetti's declaration.

Sur-Reply at 22