UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

SMITH INTERFACE TECHNOLOGIES, LLC,

Patent Owner.

Case No. IPR2024-01115
Case No. IPR2024-01116
Case No. IPR2024-01119
U.S. Patent No. 10,656,754

PETITIONER'S NOTICE OF APPEAL

Pursuant to 28 U.S.C. § 1295(a)(4)(A), 35 U.S.C. §§ 141(c), 142, and 319, and 37 C.F.R. §§ 90.2(a), 90.3, and Federal Circuit Rule 15(a)(1), Apple Inc. ("Petitioner") provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board ("Board") entered February 10, 2026 (Paper 37), and from all underlying and related orders, decisions, rulings, institutions, and opinions regarding U.S. Patent No. 10,656,754 ("the '754 patent") at issue in *Inter Partes* Review Nos. IPR2024-01115, IPR2024-01116, and IPR2024-01119. This notice of appeal is timely filed because it is filed within 63 days of the February 10, 2026 Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to: the Board's determination that Petitioner did not establish that claims 1, 2, 27, 37, 58, 60–64, 67-79, 186, 187, 189, 191, 192, 197, 199-204, 208-216, 223, 225, 230 of the '754 patent are unpatentable and all other issues decided adversely to Petitioner in any orders, decisions, rulings, or opinions in this proceeding.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), a copy of this Notice is being filed with the Director of the United States Patent and Trademark Office and with the Patent Trial and Appeal Board. In addition, a copy of this Notice and the

required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Dated: April 13, 2026

Respectfully submitted,

/W. Karl Renner/

W. Karl Renner, Reg. No. 41,265
David Holt, Reg. No. 65,161
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Counsel for Petitioner

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on April 13, 2026, in addition to being filed and served electronically through the Patent Trial and Appeal Board's P-TACTS System, this NOTICE OF APPEAL is being provided to the Director of the USPTO by electronically filing to the email address as follows:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
efileSO@uspto.gov

I also hereby certify that on April 13, 2026, this NOTICE OF APPEAL and the requisite docketing fees were filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF.

I also hereby certify that on April 13, 2026, this NOTICE OF APPEAL was served via electronic mail to the following counsel at the addresses designated for service by Patent Owner:

Norton Rose Fulbright US LLP
Eagle H. Robinson
eagle.robinson@nortonrosefulbright.com
Daniel S. Leventhal
daniel.leventhal@nortonrosefulbright.com
Chad Wallis
chad.wallis@nortonrosefulbright.com

Respectfully submitted,

/W. Karl Renner/

W. Karl Renner, Reg. No. 41,265
David Holt, Reg. No. 65,161
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Counsel for Petitioner

Trials@uspto.gov
571-272-7822

Paper 37
Date: February 10, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMITH INTERFACE TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-01115
IPR2024-01116
IPR2024-01119
Patent 10,656,754 B1

Before MIRIAM L. QUINN, SHARON FENICK, and BRIAN P. MURPHY, *Administrative Patent Judges.*

Opinion concurring filed by *Administrative Patent Judge*, FENICK.

PER CURIAM.

JUDGMENT
Final Written Decision
Determining Some Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. Background and Summary

In IPR2024-01115, Apple Inc. ("Petitioner") filed a petition for *inter partes* review challenging claims 2, 27, 37, 58, 60–64, 67–79, and 223 of U.S. Patent 10,656,754 B1 (Ex. 1001 ("the '754 patent")). IPR2024-01115, Paper 2 ("Pet." or "Petition" or "Petition-01115"). In IPR2024-01116, Petitioner filed a petition for *inter partes* review challenging claims 2, 27, 186, 187, 189, 191, 192, 197, 199–204, 225, and 230 of the '754 patent. IPR2024-01116, Paper 2 ("Petition-01116"). In IPR2024-01119, Petitioner filed a petition for *inter partes* review challenging claims 1, 2, and 208–216 of the '754 patent. IPR2024-01119, Paper 2 ("Petition-01119"). After consideration of the record, including a preliminary response by Smith Interface Technologies, LLC ("Patent Owner") (IPR2024-01115, Paper 7 ("Prelim. Resp."); IPR2024-01116, Paper 7; IPR2024-01119, Paper 7), we entered decisions in which we instituted *inter partes* review in each of the three proceedings. IPR2024-01115, Paper 9 ("Dec. on Inst."); IPR2024-01116, Paper 9; IPR2024-01119, Paper 9.

After consulting with the parties, we consolidated the three proceedings for post-institution briefing and oral hearing. February 21, 2025 Order (Paper 12[1]); April 8, 2025 Order (Paper 18, "Consolidation Order"); Ex. 3001 (March 7, 2025 email from Patent Owner reporting on the parties' agreement with respect to word and page limits).

[1] For the remainder of this decision, we use paper numbers from IPR2024-01115 for papers that were filed in each proceeding. Exhibit numbers were common to all proceedings.

Patent Owner filed a patent owner response (Paper 21, "PO Resp."), Petitioner filed a reply (Paper 25, "Pet. Reply"), and Patent Owner filed a sur-reply (Paper 33, "PO Sur-reply"). On November 14, 2025, the parties presented oral arguments, and the Board entered a transcript into the record. Paper 36 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6(b)(4).

For the reasons set forth in this Final Written Decision, we determine that Petitioner does not demonstrate by a preponderance of the evidence that any challenged claim of the '754 patent is unpatentable.

B. Real Parties in Interest

Petitioner names only itself as a real party in interest. Petition-01115, 76; Petition-01116, 72; Petition-01119, 89. Patent Owner names only itself as a real party in interest. IPR2024-01115, Paper 4 (Patent Owner's Mandatory Notices), 1; IPR2024-01116, Paper 5 (Patent Owner's Mandatory Notices), 1; IPR2024-01119, Paper 4 (Patent Owner's Mandatory Notices), 1.

C. Related Matters

Petitioner and Patent Owner each informs us of the following related matters*: Smith Interface Technologies, LLC v. Samsung Electronics Co., Ltd.*, 2-22-cv-00290 (EDTX) (terminated) and *Smith Interface Technologies, LLC v. Apple Inc.*, 3-23-cv-01187 (SDCA) (pending) (the "District Court Litigation"). Petition-01115, 76; Petition-01116, 72; Petition-01119, 89; IPR2024-01115, Paper 4, 1; IPR2024-01116, Paper 5, 1; IPR2024-01119, Paper 4, 1. Patent Owner additionally informs us of related IPRs and a related *Ex Parte* Reexamination, No. 60/019,646. *See*, *e.g.*, IPR2024-01115,

Paper 11 (Patent Owner's First Updated Mandatory Notices), 1. After briefing, we entered an order staying that reexamination proceeding pending the termination or completion of these *inter partes* review proceedings. Paper 18, 1, 3–11.

D. The '754 Patent

The '754 patent is titled "Devices and Methods for Navigating Between User Interfaces." Ex. 1001, code (54). The application leading to this patent was filed on June 11, 2019, claiming priority to several applications, including a provisional application filed on August 5, 2011. *Id.* at codes (22), (60), (63).

The '754 patent includes a description of a method in which a signal is received in association with a touch interface of a device, and the user experience for the user of the device is altered utilizing the signal. *Id.* at 3:4–6, 14:31–53, 15:12–18, Fig. 3. The touch interface of a device may be combined with a display of the device, and thus may be a touch screen for the device. *Id.* at 14:57–65. The signal may include a pressure signal that is indicative of a magnitude of pressure applied to a touch screen. *Id.* at 15:39–43.

The '754 patent describes that a user's touch may be analyzed to determine if it is a gesture based on touch event attributes. *Id.* at 56:32–38; Fig. 18. The '754 patent notes that "[s]ome gestures may be able to be identified solely from initial touch event attributes" while "[o]ther gestures may only be identified after the gesture has been performed for some period of time." *Id.* at 56:53–56. A user may be given feedback, such as a display of a representation of the gesture, as a gesture is performed. *Id.* at 59:48–51.

"Once the gesture has been identified, the corresponding operation is performed." *Id.* at 57:9–10, Fig. 18. The association between gesture and operation may be context-dependent or context-independent. *Id.* at 59:28–29, 59:35–38, 59:41–44.

Gesture dynamics are aspects of a gesture that may vary without changing the identity of the gesture, such as contact point velocity, contact point acceleration, contact pressure velocity, contact pressure acceleration, time to complete gesture, or other aspects. *Id.* at 59:18–27. Gesture magnitude refers to the magnitude of gesture dynamics. *Id.* at 61:1–3. "For example, in one embodiment, the gesture magnitude of a swipe gesture may include the length of the swipe and/or the contact pressure exerted during the swipe." *Id.* at 61:3–5.

An interface may include multiple layers, which may be physical layers or virtual display layers. *Id.* at 68:30–47. Virtual display layers may be given the appearance of depth through the use of 3D depth cues. *Id.* at 68:58–60. "[A] 3D depth cue refers to an effect, manipulation, transformation, animation or operation which gives a visual indication of a simulated depth." *Id.* at 68:60–63. "[A] 3D depth cue may be a blur operation, such that layers located at successively greater depths may appear blurrier than those closer to the user." *Id.* at 68:63–66. "As an option, 3D depth cues may be used to indicate 'moving' through the display layers as the contact pressure is changed (i.e. magnifying and fading display layers as they are passed by, sharpening previously blurry display layers as they grow closer, etc.)." *Id.* at 71:4–9.

E. Illustrative Claim

In the petitions in IPR2024-01115, IPR2024-01116, and IPR2024-01119, Petitioner challenged claims 1, 2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 208–216, 223, 225, and 230 of the '754 patent. Petition-01115, 1; Petition-01116, 1; Petition-01119, 1. Of these, claims 1, 2, and 225 are independent.

Claim 2 is reproduced below:

> 2. [2.a] An apparatus, comprising:
>
> at least one non-transitory memory;
>
> a touch screen; and
>
> one or more processors in communication with the at least one non-transitory memory, and the touch screen, wherein the one or more processors execute instructions in the at least one non-transitory memory, to cause the apparatus to:
>
> > [2.b] display an object and at least one other object;
> >
> > [2.c] detect at least part of a gesture on the touch screen; and
> >
> > [2.d] during detection of at least a portion of the gesture before a completion thereof is detected, blur, based on a change in a magnitude of the gesture being detected on the touch screen, at least a portion of the at least one other object.

Ex. 1001, 95:35–49 (Petitioner's reference designations added in brackets).

F. Petitions' Asserted Grounds

Petitioner asserts the following grounds of unpatentability:

Claim(s) Challenged	Proceeding	35 U.S.C.[2] §	Reference(s)/Basis
2, 27, 37, 58, 60–64, 67–79, 223	IPR2024-01115	103(a)	Ahn[3], Chaudhri[4]
2, 27, 186, 187, 189, 191, 192, 197, 199–204, 225, 230	IPR2024-01116	103(a)	Ahn, Chaudhri
2	IPR2024-01119	103(a)	Ahn, Chaudhri
1, 208–216	IPR2024-01119	103(a)	Ahn, Chaudhri, Shiplacoff[5]

Petition-01115, 1; Petition-01116, 1; Petition-01119, 1.

[2] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), revised 35 U.S.C. §§ 102 and 103 effective March 16, 2013. We refer the pre-AIA version of the statute because the '754 patent claims priority to at least one application filed before that date. We additionally note that each party's declarant refers to the pre-AIA version of § 103. Ex. 1003 ¶ 12; Ex. 2001 ¶ 16. Our findings and analysis herein would be the same under the current statute.

[3] US 2008/0207188 A1, published August 28, 2008 (Ex. 1004).

[4] US 2007/0150842 A1, published June 28, 2007 (Ex. 1005).

[5] US 2010/0095240 A1, published Apr. 15, 2010 (Ex. 1013).

II. ANALYSIS

A. Legal Standards

"In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable." *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify "with particularity . . . the evidence that supports the grounds for the challenge to each claim")). This burden of persuasion does not shift to Patent Owner. *See Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (citing *Tech. Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1326–27 (Fed. Cir. 2008)) (discussing the burden of proof in *inter partes* review).

A patent claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed subject matter and the prior art are "such that the subject matter as a whole would have been obvious . . . to a person having ordinary skill in the art to which said subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved based on underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) objective evidence of nonobviousness,[6] i.e., secondary considerations. *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

[6] Neither party presents arguments regarding objective evidence of nonobviousness.

"To satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness." *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016).

B. Level of Ordinary Skill in the Art

Petitioner asserts, citing the testimony of Dr. Loren Terveen (Ex. 1003), that a person of ordinary skill in the art ("POSITA") would have had "a Bachelor of Science degree in computer science, computer engineering, electrical engineering, human-computer interaction, or a comparable field and at least two years of professional experience in the design and development of graphical user interfaces (GUIs), human-computer interfaces, or equivalents thereof," and that "[a]dditional years of experience could substitute for an advanced-level degree (and vice-versa)." Pet. 6 (citing Ex. 1003 ¶¶ 29–30).

In the Decision on Institution in each proceeding, we noted that Petitioner's definition left it unclear whether the bachelor's degree in the proposed definition would be considered by Petitioner to be "an advanced-level degree," and did not adopt the portion of the definition relating to the substitution of years of experience for a degree. Dec. on Inst. 15–16.

Patent Owner "does not agree with all aspects of Petitioner's proposed level of ordinary skill" but did not propose an alternative definition. PO Resp. 10–11. Patent Owner's declarant, Dr. Rosenberg, adopted Dr. Terveen's definition for the purposes of his declaration. Ex. 2018 ¶¶ 32–33.

We again adopt the main portion of Dr. Terveen's definition, and determine that one of ordinary skill in the art would have had "a bachelor's degree in computer science, computer engineering, human-computer interaction, or a comparable field and at least two years of professional experience working with graphical user interfaces and applications for computers." This definition is commensurate with the problems and solutions in the '754 patent and prior art of record and is supported by declarant testimony.

C. Claim Construction

In these proceedings, there is no controversy that would require us to decide any claim construction issue. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) ("[W]e need only construe terms 'that are in controversy, and only to the extent necessary to resolve the controversy.'" (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng'g*, Inc., 200 F.3d 795, 803 (Fed. Cir. 1999))).

D. Obviousness of Claims 2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 223, 225, and 230 over Ahn and Chaudhri

Petitioner argues that claims 2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 223, 225, and 230 would have been obvious over a combination Ahn and Chaudhri. Petition-01115, 7–72; Petition-01116, 7–68; Petition-01119, 4–33; Pet. Reply 2–16.

Patent Owner argues specific deficiencies in Petitioner's assertions. PO Resp. 1–2, 12–21, 25–47, 50, 59; PO Sur-reply 1–11.

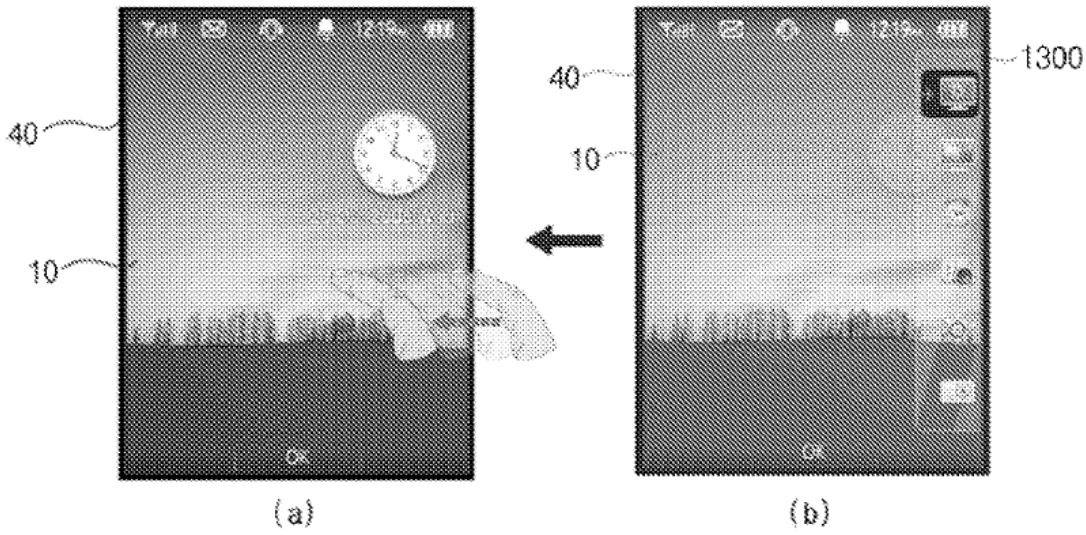
We begin with a description of the prior art references and then discuss the parties' contentions and provide our analysis.

1. Ahn

Ahn is a publication of a U.S. patent application, titled "Method of Displaying Menu in a Mobile Communication Terminal." Ex. 1004, codes (23), (54). Ahn's abstract describes displaying a menu in a mobile terminal by selecting a specific direction through an input device of the terminal and displaying a menu corresponding to the selected specific direction. *Id.*, code (57).

Ahn describes a device with a screen that may receive input, including via a touch screen. *Id.* ¶¶ 27–28, 72. A standby screen may be displayed on the device. *Id.* ¶¶ 21, 36, 96, 97, Figs. 3A, 12. Ahn describes that, upon user input, e.g., an upward motion or direction key selection, a menu may be displayed, such as by transparent display of a pop-up menu window. *Id.* ¶¶ 10, 11, 35–51, Figs. 3A–3E, 4A–4B. Ahn further describes that the detection of a touch and drag operation may cause the display of an item list matched to a direction in the display, such as a menu list or file list. *Id.* ¶¶ 98–99, Fig. 11. For example, according to Ahn, if the user touches a specific position of the touch screen and drags the touch in a left direction, a menu list matched to the left direction is displayed in the display; a sequence that is depicted in Figure 13a and 13b, reproduced below. *Id.* ¶ 102, Figs. 13a, 13b.

FIG. 13



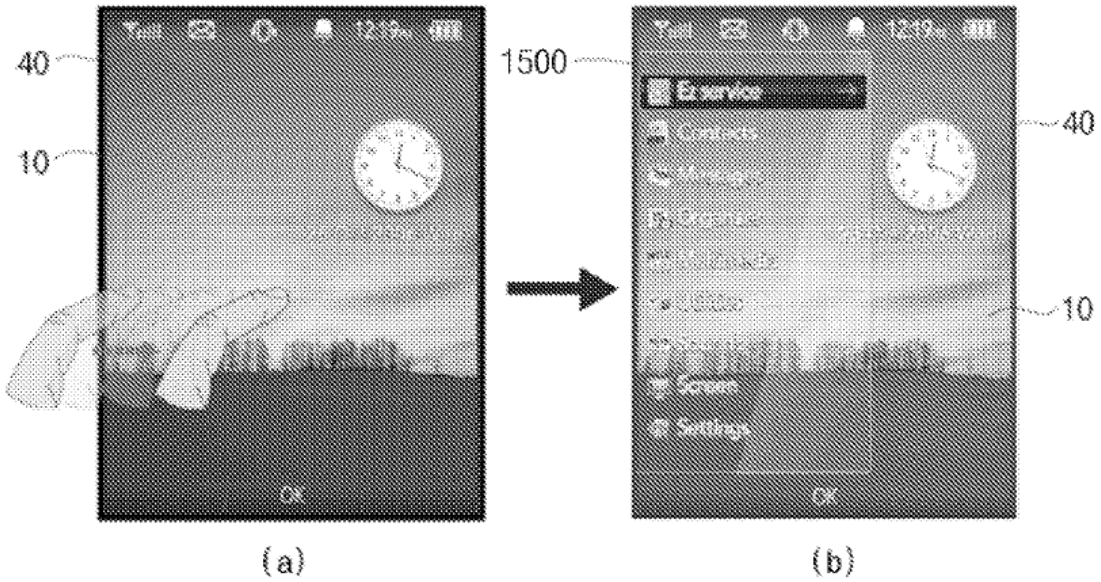
Ex. 2005,[7] 71. As shown in Figures 13a and 13b, when the user touches a right side of touch screen 10 and drags the touch in a left direction, menu list 1300 matched to the left direction is displayed in the display 40. Ex. 1004 ¶¶ 102, 104. Menu list 1300 shown in Figure 13b is displayed over a clock widget. *Id.* ¶ 70; Figs. 13a, 13b.

Figures 15a and 15b, reproduced below, illustrate a screen for displaying a menu list according to a touch and drag operation in the rightward direction. *Id.* ¶¶ 101, 103.

---

[7] Patent Owner filed "the counterpart European application" (EP 08101835.0) to Ahn as Exhibit 2005, and used figures from this Exhibit "[f]or improved clarity." Prelim. Resp. 21–22 n.5. We agree that the figures from Exhibit 2005 appear to be clearer while also identical in all respects, and use figures from Exhibit 2005 herein. Ex. 1004; Ex. 2005; *compare* Ex. 1004, code (30), ¶¶ 1–3 (claiming priority to KR 10-2007-0018175, KR 10-2007-0033308, and KR 10-2007-0043067), *with* Ex. 2005, 78 (listing the same applications in the priority declaration).

FIG. 15



Ex. 2005, 73. As seen in these figures, "if the user touches screen 10 and drags the touch in a rightward direction, a menu list 1500 matched to a right direction is displayed in the display 40." Ex. 1004 ¶ 103.

Ahn additionally teaches that a user may be notified of the start position for a touch and drag operation by a graphic shadow, and that, if so, "as the user drags the graphic shadow 1800, the menu list 1500 can be displayed along the dragged graphic 1800." *Id.* ¶ 118.

2. Chaudhri

Chaudhri describes how a device with a touch-sensitive display may be unlocked via gestures performed on the touch-sensitive display. Ex. 1005, code (57), ¶ 2. Chaudhri describes "a need for more efficient, user-friendly procedures for transitioning" devices "between user interface states (e.g. from a user interface state for a first application to a user

interface state for a second application, between user interface states in the same application, or between locked and unlocked states.)" *Id.* ¶ 6.

Chaudhri describes a device in a first state detecting progress towards satisfaction of an input condition needed to transition to a second state. *Id.* ¶ 81, Fig. 6. While still in the first user-interface state, progress is indicated by "transitioning an optical intensity of one or more user interface objects associated with the second user-interface state." *Id.* ¶¶ 82, 91–93, Figs. 6, 91–93. Chaudhri teaches that "[t]he optical intensity of a user-interface object, as used herein, is the object's degree of visual materialization." *Id.* ¶ 85. "In some embodiments, the optical intensity may be perceived by users as a transparency effect (or lack thereof) applied to the user-interface object." *Id.* ¶ 85, *see also id.* ¶¶ 79, 82.

The optical intensity may be the visual differentiation between the user interface object and the background, based on color, hue, color saturation, brightness, contrast, transparency, and any combination thereof. *Id.* The optical intensity of the user interface objects to be displayed in the second user interface state may be increased smoothly. *Id.* ¶ 86. The indication of progress towards completion of the user input condition is a function of the user's satisfaction of the condition. *Id.* ¶ 87. The user may perceive the optical intensity transition as a fading in of the user interface objects as the unlock action is performed. *Id.*

If the user input condition includes a predefined gesture, then the indication of progress of the gesture may be defined in terms of how much of the gesture is completed. Ex. 1005 ¶ 88. For example, if the gesture includes moving the finger from one edge of the screen to the opposite edge

horizontally, then the indication of progress may be defined in terms of the distance between the two edges. *Id.* If the user input condition includes dragging an image to a predefined location, then the indication of progress may be defined in terms of the distance between the initial location of the image and the predefined location. *Id.* ¶ 89.

3. Claim 2

In our review of claim 2, we first review Petitioner's arguments[8] with respect to limitations 2.a–2.c and the motivation to combine Ahn and Chaudhri. We find limitation 2.d of claim 2 dispositive, thus we next turn to summarize the parties' arguments with respect to claim 2, and follow that with a discussion of our determination with respect to the Petitioner's showing regarding claim 2.

[8] Petitioner's arguments with respect to claim 2 are not entirely identical between the petitions filed in the different proceedings. *See*, *e.g.*, Petition-01115, 23–27 (discussing each of Ahn and Chaudhri with respect to limitation 2a of claim 2); Petition-01116, 24–28 (some different statements with respect to Chaudhri's teachings); Petition-01119, 19–22 (no discussion of Chaudhri). However, the arguments are generally the same, and with respect to limitation 2d, which is dispositive, the petitions present the same arguments with only minor differences in wording or provided quotations. Petition-01115, 32–40; Petition-01116, 32–39; Petition-01119, 26–33. We further note that while we specifically provided for the parties to cite the different petitions if necessary, the parties did not reference or argue differences between the petitions with respect to claim 2 after consolidation. *See* Consolidation Order, 3. As discussed *supra*, our citations to "Pet." are to the petition in IPR2024-01115.

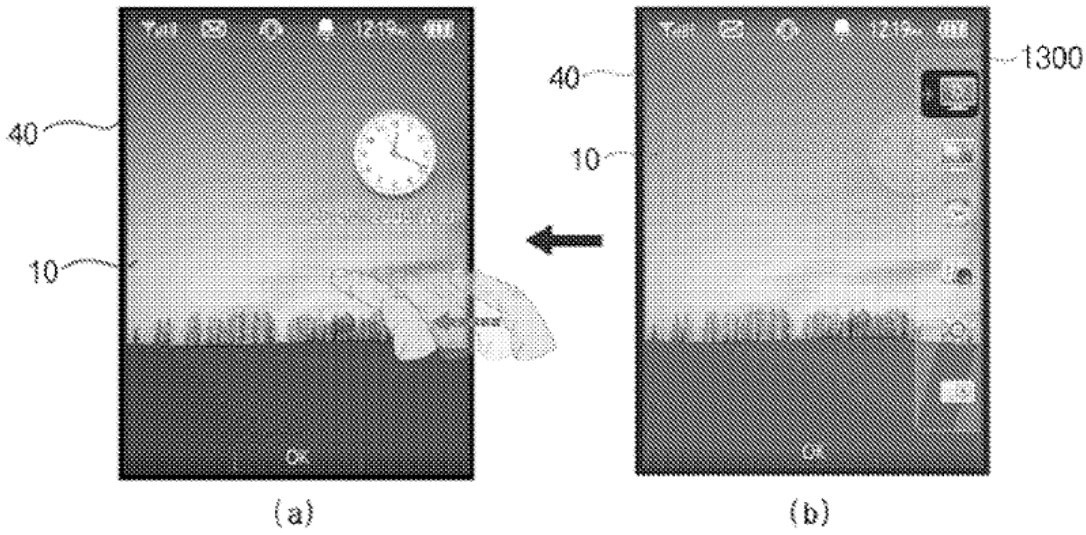
a) Limitations 2.a–2.c

Petitioner argues that Ahn teaches or suggests the apparatus, memory, touch screen, and processors of limitation 2.a, citing Ahn's mobile communication terminal with a memory, touch input device, and controller. Pet. 23–27 (citing, *inter alia*, Ex. 1004 ¶¶ 27–29, 32, 99–104, Fig. 1; Ex. 1003 ¶¶ 78–82).

With respect to limitation 2.b, reciting that the apparatus is caused to "display an object and at least one other object," Petitioner argues that Ahn teaches the display of a standby screen by the Ahn device, and that its standby screen includes a clock widget and icons for menu items in an indicator area. *Id.* at 27–30 (citing Ex. 1004 ¶¶ 36, 40, Figs. 3A, 12, 13a; Ex. 1003 ¶¶ 83–87). Petitioner contends that an icon in the indicator area teaches the "an object" recitation of limitation 2.b, and that the clock widget on the standby screen teaches the "at least one other object." *Id.* at 29–30 (citing Ex. 1003 ¶ 86).

Limitation 2.c of claim 2 requires that the apparatus is caused to "detect at least part of a gesture on the touch screen." Ex. 1001, 95:44. Petitioner contends that this is taught or suggested by Ahn, which describes a method of displaying a menu in response to a touch and drag operation. Pet. 30–32 (citing Ex. 1004 ¶¶ 95–99, 102, Figs. 13a, 13b; Ex. 1003 ¶¶ 88–90). Petitioner describes Figure 13, reproduced below, as illustrating an example of this teaching from Ahn.

FIG. 13



Ex. 2005, 71 (Fig. 13). Figure 13 illustrates touch screen 10, in which a user touches a specific portion near the right side of touch screen 10 and drags the touch in a left direction (in (a)) and menu list 1300 containing icons is consequently displayed on the right side of touch screen 10 (in (b)).

Ex. 1004 ¶¶ 101–102, 104. Petitioner contends that one of ordinary skill would have understood the "touch and drag" operation illustrated in Figure 13 to teach or suggest the gesture, and Ahn to teach or suggest the detection of a gesture in its Figure 13 disclosure. Pet. 31–32 (citing Ex. 1003 ¶¶ 90–91).

Patent Owner does not dispute any of these contentions. *See*, *generally*, PO Resp.

b) Limitation 2.d and Motivation to Combine

We summarize the parties' arguments on limitation 2.d, which we find dispositive.

(1) Arguments in Petition

Limitation 2.d of claim 2 recites that the apparatus is caused to, "during detection of at least a portion of the gesture before a completion thereof is detected, blur, based on a change in a magnitude of the gesture being detected on the touch screen, at least a portion of the at least one other object." Ex. 1001, 95:45–49.

Petitioner contends that Ahn teaches that its displayed menus may be displayed in translucent form overlaying the standby screen 300, and contends that this teaches "semitransparent" menus that would blur the standby screen, including objects displayed on it, such as the clock widget. Pet. 32–35 (citing Ex. 1004 ¶ 70; Ex. 1003 ¶¶ 93, 95). Petitioner argues that Ahn's teachings describe a menu list displayed along a graphic shadow that begins on a first edge of the display and is dragged with a user gesture. *Id.* at 33 (citing Ex. 1004 ¶¶ 118–119, Fig. 18; Ex. 1003 ¶ 94). Petitioner asserts that Chaudhri describes moving displayed graphics in correspondence with the magnitude of the gesture associated with the graphic. *Id.* at 33–34 (citing Ex. 1005 ¶¶ 54, 60, 62; Ex. 1003 ¶ 94). Thus, Petitioner argues, it would have been obvious from these teachings that "at least in implementations like those described with respect to FIG. 18, Ahn's menu list would have been graphically displayed as sliding onto the display based on a change in a magnitude of the "touch and drag" gesture being detected on the touch screen." *Id.* at 34 (citing Ex. 1003 ¶ 94).

In an alternative position, Petitioner argues, with respect to limitation 2.d, that one of ordinary skill would have noted in other teachings of Ahn that a portion of the background standby screen including the clock widget is

blurred as a result of the opening of a menu. Pet. 35–36 (citing Ex. 1004 ¶¶ 36, 97, 103, Figs. 3A, 4B, 10, 12, 13a, 13b; Ex. 1003 ¶ 96). Petitioner contends that Chaudhri's teaching of transitioning optical intensity to provide visual feedback regarding the progress of a transition between user interface states would have been used in the context of Ahn's terminal, resulting in a device that would indicate the progress of a gesture through visual differentiation between a user interface object (such as a pull-down menu) and the background. Pet. 36–39 (citing Ex. 1005 ¶¶ 60, 80–82, 85, 87–88; Ex. 1003 ¶¶ 97–100). Petitioner argues a combination of Ahn's teachings of the blurring of a portion of the background standby screen and the teachings of Chaudhri regarding changing an optical intensity to indicate the user's progress in completing a gesture, and contends that this combination would have yielded a device that would vary the optical intensity of the standby screen to indicate to a user the progress in completing the gesture and to help a user differentiate between the user-interface object and the background. *Id.* at 39–40 (citing Ex. 1003 ¶¶ 101–102).

With respect to the propriety of the proposed combination of Ahn and Chaudhri, Petitioner argues that each of the disclosures is directed to improving the usability of mobile devices with small display screens, and that one of ordinary skill would have expected the combination to yield predictable and expected results. Pet. 18 (citing Ex. 1003 ¶ 61). Petitioner contends that Ahn shows a process of opening menus that ends in a blurred background screen, but does not describe the implementation, and that one of ordinary skill would have found it obvious to consult Chaudhri for an

example of such implementation details. *Id.* at 18–20 (citing Ex. 1003 ¶¶ 62–64). Additionally, Petitioner argues that Chaudhri teaches specific benefits to a user that one of ordinary skill would have looked to provide in an implementation of Ahn's device. *Id.* at 20–21 (citing Ex. 1003 ¶ 65). Petitioner contends that one of ordinary skill would also have known that similar visual cuing techniques would have been used to draw the user's attention to the most relevant objects and help a user navigate through multi-layer user interfaces. *Id.* at 21–22 (citing Ex. 1008, 1–2; Ex. 1003 ¶ 66).

(2) Arguments in Patent Owner's Response

Patent Owner contends, among other arguments regarding claim 2, that the Ahn-Chaudhri combination proposed by Petitioner does not teach or suggest limitation 2.d, because Ahn does not teach or suggest a menu that progressively slides onto the display during a user's gesture on the touch screen, but only teaches that a menu would be displayed after the menu-opening gesture has been detected. PO Resp. 27–35.

Patent Owner asserts that for the embodiments depicted in Ahn Figures 4A/4B and 13A/13B, a menu list is displayed only after the completion of user input that calls that menu list. PO Resp. 27–29 (citing Ex. 1004 ¶¶ 50–51, 102, 116, Figs. 4A, 4B, 13A, 13B; Ex. 2018 ¶¶ 81–84); Ex. 2009, 32:9–33:3 (Dr. Terveen testifying that, with respect to the Figure 16 discussion in Ahn, the menu is not displayed until the gesture has exceeded a first distance), 42:6–16 (similar with respect to Figure 17 of Ahn)).

Patent Owner asserts that "[t]o establish [that] Ahn's menu progressively slides with the user's finger, Petitioner relies on one sentence

in Ahn's paragraph [0118]: 'as the user drags the graphic shadow 1800, the menu list 1500 can be displayed along the dragged graphic 1800.'" *Id.* at 30 (quoting Ex. 1004 ¶ 118). But Patent Owner argues that in using the words "drags the graphic shadow" Ahn does not teach or suggest that the shadow or the menu move with the user's finger as it performs a touch and drag on the Ahn touch screen. *Id.* at 30–35. Rather, Patent Owner contends that the indication that the graphic shadow 1800 is a "dragged graphic" does not indicate that that graphic moves with the gesture (and thus that the menu does not move with the shadow), that any "sliding in" of a menu in Ahn occurs as an animation effect after a user operation triggering it has been detected, and that Ahn's disclosure shows movement of other objects but not of menus. *Id.* (citing Ex. 1004 ¶¶ 98, 102, 103, 111, 116–119, Figs. 3B, 4A, 6A, 7A, 8B, 13–15, 18(a); Ex. 2018 ¶¶ 87–94).

Patent Owner additionally asserts that any modification of Ahn with Chaudhri provides only the gradual dimming of a widget, and no indication to the user of progress towards a required distance, because no frame of reference to show progress towards a clearly visible end goal would be available to the user to show "how much of the gesture is remaining." *Id.* at 1–2, 35–40 (quoting Ex. 1005 ¶ 88; citing, *inter alia*, Ex. 1005 ¶¶ 88–90; Ex. 2018 ¶¶ 96–100). Patent Owner contends that the increased translucency would not indicate progress towards the display of a menu or differentiate between a background and a menu, including because Ahn does not teach a menu that progressively appears, and that Petitioner has not sufficiently shown a motivation to combine Ahn and Chaudhri. *Id.*

(3) Arguments in Reply

In its Reply, Petitioner clarifies that the Petition presents two theories regarding obviousness for limitation 2.d. Pet. Reply 2. "Both theories rely upon the obviousness of the menus in the Ahn-Chaudhri combination following a user's finger as the user performs a dragging gesture to open the menu." *Id.* With respect to the its first theory, Petitioner argues that Patent Owner improperly argues Ahn alone and misreads Ahn's teachings because one of ordinary skill in the art would understand Ahn to be teaching a menu that emerges in direct correspondence with a user's dragging gesture, rather than when the gesture is complete. Pet. Reply 2–3. Petitioner additionally argues that, were Patent Owner's interpretation correct, an animation of a menu emerging in correspondence with the dragging gesture would be "a straightforward design choice if there ever was one." *Id.* at 3–4 (citing Ex. 1024, 99:16–108:20; Ex. 1023 ¶ 12).

Addressing the proposed combination of Ahn and Chaudhri, Petitioner argues that Chaudhri describes providing visual cues as "hints or reminders" of actions to the user, including graphical cues such as an "unlock image" being displayed that includes the dragging of an image in a predefined manner. *Id.* at 4–5 (citing Ex. 1005 ¶¶ 54, 62, Figs. 5A–5C). Petitioner asserts that "the purpose of [Chaudhri]'s visual cues is the same as Ahn's graphic shadow. *Id.* at 5–6 (citing Ex. 1004 ¶¶ 117–118; Ex. 1005 ¶¶ 54, 74–75; Ex. 1023 ¶ 15). Petitioner summarizes the teachings of other art regarding the sliding in of a menu onto a screen. *Id.* at 6–7 (citing Ex. 1006 ¶ 80; Ex. 1010, 4:1–4, 6:65–7:8; Ex. 1011 ¶¶ 50–52; Ex. 1023

¶ 16). Petitioner additionally argues that Dr. Rosenberg's testimony should be given little to no weight. *Id.* at 8–13.

Petitioner asserts that Chaudhri can be used for the blurring of the clock widget in Ahn, because that widget is a user interface object displayed with the background image, and Chaudhri teaches a broad definition for its user interface objects, including that they may be non-interactive objects. *Id.* at 14–15 (citing Ex. 1003 ¶ 47; Ex. 1005 ¶¶ 60, 79, 85; Ex. 1023 ¶¶ 20–21). Petitioner additionally reiterates the Petition's argument that fading out the clock widget in Ahn in a manner consistent with Chaudhri's teachings "would have been one of a limited number of ways of implementing the blurring effect" of Ahn. *Id.* at 15–16 (citing Petition-01119, 19 (identical argument to Pet. 22–23)).

(4) Arguments in Sur-reply

In sur-reply, Patent Owner stresses its contentions that Ahn describes only binary operations for the display of a menu, that either a directional key or a completed touch and drag gesture are disclosed in Ahn as causing a menu to be displayed. PO Sur-reply 1–5 (citing Ex. 1004 ¶¶ 50–51, 90–92, 94, 102–103, 109–112, 118–119, Figs. 3A, 4A, 4B, 8C, 10, 18(a), 18(b); Ex. 2018 ¶¶ 52–61, 94. Patent Owner contends that Ahn's disclosure that "as the user drags the graphic shadow 1800, the menu list 1500 can be displayed along the dragged graphic" (Ex. 1004 ¶ 118) must be interpreted consistently with other disclosures in Ahn that use "as" to describe a subsequent event, such as Ahn's disclosure that "the user setting menu 420 is displayed . . . as the user selects the rightward direction key" (Ex. 1004 ¶ 94), which causes the display of the menu after the completion of the key

selection by the user. *Id.* at 2–3 (citing Ex. 1004 ¶¶ 50–51, Figs. 4A, 4B (describing and depicting the selection of the key and, "[t]hereafter," the display of the user menu); Ex. 2018 ¶ 57); *see id.* at 3–4 (citing Ex. 1004 ¶¶ 90–92, Figs 8C, 10 (depicting a selection after movement of a cursor, while describing that "[a]s the cursor . . . is moved to the . . . menu" a selection can be made).

c) Claim 2 – Determination

We determine that Petitioner has not shown claim 2 unpatentable over Ahn and Chaudhri, because the Petition does not show that limitation 2.d of claim 2 is taught, suggested, or otherwise rendered obvious in the asserted combination.

As detailed above, Petitioner proposes two separate theories regarding how the combination of Ahn and Chaudhri would teach or suggest limitation 2.d. *See* Pet. 33–40; Pet. Reply 1 ("The Petition presents two theories regarding the obviousness of [limitation 2.d].").

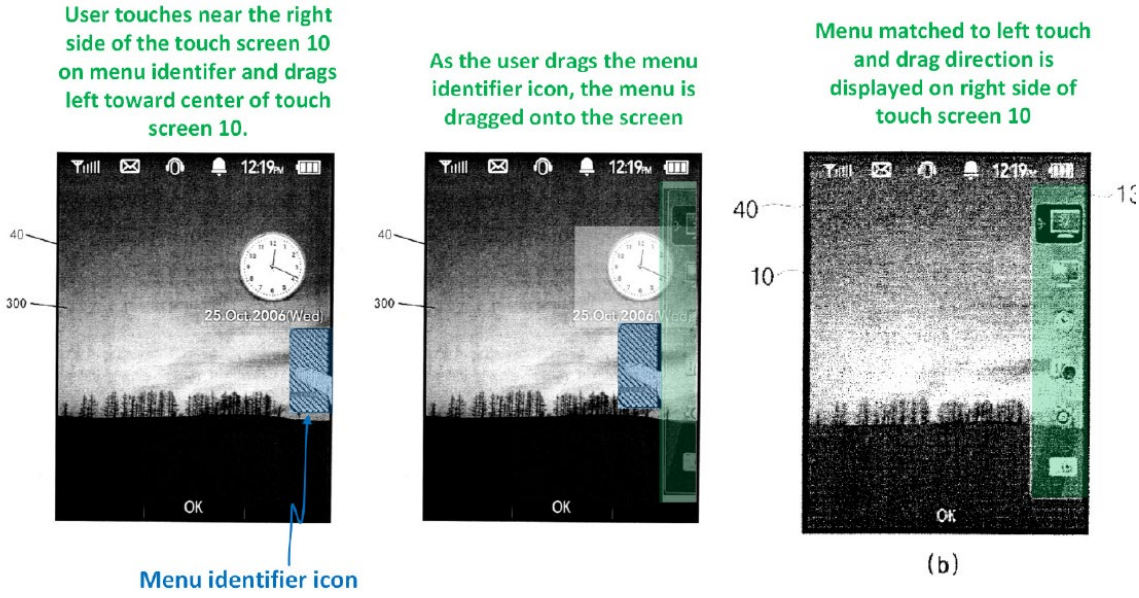
We address each of Petitioner's theories in turn.

(1) Ahn's Graphical Shadow Embodiments Alone or in Combination with Chaudhri

In evaluating this first argument with respect to limitation 2.d (Pet. 33–35), we first determine whether Ahn teaches or suggests a menu that is displayed during the user's dragging gesture and that moves in correspondence with the user's touch position. We agree with Patent Owner that Ahn does not teach or suggest, including in paragraphs 118 and 119, that a menu progressively slides onto the display in correspondence with the movement of a user's finger during a dragging gesture, as Petitioner

contends. Pet. 33–34. Ahn teaches display of a menu upon completion of the touch and drag gesture.

Petitioner argues that the "graphical shadow" of paragraph 118, which is later described as "the dragged graphic 1800," moves along with the user's finger during a dragging gesture, and is followed by a menu. *See* Pet. 33, 51–52 (with reference to claim 63); Pet. Reply 6. Petitioner illustrates this with figures annotated by Dr. Terveen, reproduced immediately below:



Ex. 1023 ¶ 15; Tr. 12:2–16 (Petitioner explaining that these images were created to illustrate the combination as it was described in the Petition). This illustration is an amalgamation of three figures based on Ahn's Figures 13 and 18, the first two of which are altered figures that do not appear in Ahn, in which a user touches a menu identifier that is "dragged" by the user's gesture along the screen followed by a menu. Ex. 1023 ¶ 15. We agree with Patent Owner that the evidence better supports Patent Owner's position that mention of "dragged graphic shadow 1800" in Ahn refers, not

to the movement of such a graphic shadow (or a corresponding menu), but instead to a user "performing a drag gesture over the graphic shadow" or "performing a drag gesture that ***starts*** on the graphic shadow." PO Resp. 31–32; Ex. 2018 ¶ 89.

As Patent Owner shows, this is consistent with other uses of "drag" in Ahn, such as the description of a user "drag[ging] the touch screen." *Id.* (citing Ex. 1004 ¶¶ 111, 116; Ex. 2018 ¶ 89). Additionally, we find this to be consistent with Ahn's disclosure that the graphical shadow "indicate[s] a start position for a touch and drag operation to a user." Ex. 1004 ¶¶ 25, 118, 119 (describing the graphic disappearing after a different user gesture), claim 20; *see id.* ¶ 117 (describing "a specific icon for notifying a start position of the touch and drag operation"). Indeed, Ahn describes the "touch and drag operation" as indicating "movement of an external object on the touch screen 10." *Id.* ¶ 98. Thus, each of these uses of the word "drag" relates to a user's action on the touch screen, with the user's finger being an example of the moving external object, and not the movement of a displayed object.

Petitioner relies on the word "as" in paragraph 118's disclosure that "*as* the user drags the graphic shadow 1800, the menu list 1500 can be displayed along the dragged graphic" (emphasis added), which Petitioner asserts teaches the menu list display during (and not after) the touch and drag operation (Pet. Reply 3–4). However, we find persuasive Patent Owner's arguments regarding the similar use of "as" in paragraph 119 ("as the user may press the graphic 1800 with a finger, the graphic 1800 gradually disappears in the display 50, and the menu list 1500 can be

displayed as emerging from the left side of the display") and elsewhere in Ahn. PO Resp. 27–30; PO Sur-reply 2–5 (summarizing other uses of "as" in Ahn that indicate the word is used to mean "after," citing Ex. 1004 ¶¶ 50, 51, 90–92, 94, 119). As Patent Owner compellingly points out, Ahn repeatedly describes a menu that is displayed after a user input is completed, and in these descriptions uses "as" to describe antecedent completed events that are followed by additional display or input events. PO Resp. 26–29; PO Sur-reply 2–4.

Given our determination of how Ahn consistently describes the "touch and drag" gesture and "dragged" to mean the movement of a finger (or other object external to the touch screen), and in the absence of persuasive evidence in the figures or in other portions of Ahn to support the movement or appearance of a menu during a user input gesture, we determine that the present record does not support a conclusion that Ahn teaches or suggests a menu sliding onto a display or appearing during an input gesture such as a touch and drag gesture, as opposed to being displayed after such a gesture is completed.

Petitioner additionally argues in its first theory with respect to this limitation that Chaudhri and other evidence was relied upon in combination with Ahn, to add the concept of moving displayed graphics in correspondence with the magnitude of gestures associated with those graphics. Pet. Reply 4–5. Petitioner asserts that "the Petition cited various examples of visual cues provided by Chaudhri[], including images that 'move along with the gesture as the gesture is detected.'" *Id.* However, we determine that the theory set forth in the Petition in the Ahn-Chaudhri

combination still relies on Ahn's menu moving during the user's gesture. For instance, the Petition plainly asserts that "Ahn's menu list" in Ahn's Figure 18 would be the image that moves as a visual cue. Pet. 34 ("A POSITA would have understood and found obvious from these teachings that, in at least implementations like those described with respect to FIG. 18, Ahn's menu list would have been graphically displayed as sliding onto the display based on a change in a magnitude of the 'touch and drag' gesture being detected on the touch screen"); *see also id.* at 19–20 ("Chaudhri [] provides additional details about the use of varying optical intensity for user interface objects that a POSITA would have found helpful to implement the optical effects shown but not otherwise described in Ahn").

Because we determine that Ahn does not teach a menu list that moves, slides onto a display, or appears during a user's gesture, the combination fails, even with Petitioner's reliance on Chaudhri. Although the cited portions of Chaudhri describe a moving visual cue of an unlock action, the Petition does not cogently explain a theory in which Chaudhri's unlock image would be an alternative to Ahn's menu, as a movable user-interface object. Petitioner relies on Chaudhri's disclosures to show that graphics may be displayed in correspondence with the magnitude of the gestures, not that Chaudhri's movable objects would be implemented in Ahn if Ahn were to be found as not disclosing any movable objects. Pet. 33 ("Similarly, Chaudhri '842 describes moving displayed graphics in correspondence with the magnitude of gestures associated with those graphics in order to provide the user who is performing the gesture a visual confirmation of the gesture and help direct them on how to complete the gesture").

Petitioner further asserts that "[t]here can be no credible argument against Chaudhri[] explicitly describing and illustrating an image following a user's finger." Pet. Reply 5. But Petitioner did not argue in the Petition that, in the combination, Chaudhri would have suggested that a menu as in Ahn should follow a user's finger and appear before the completion of the gesture, as a visual cue of the action to be taken by a user in Ahn to open the menu. Rather, again, the Petition uses Chaudhri to add to "implementations like those described with respect to FIG. 18" in Ahn the idea that performing the Ahn dragging movement "as a function of the magnitude of the user's dragging gesture" would "help direct [users] on how to complete the gesture." Pet. 33–34 (citing Ex. 1005 ¶¶ 54, 60, 62). This is confirmed by the Petition's focus on Ahn's menu list, "***in at least implementations like those described with respect to FIG. 18***." Pet. 34 (emphasis added); *see id*. 19–23 (describing the combination as relating to providing implementation details that are lacking for optical transitions otherwise disclosed in Ahn). The Petition asserts that Ahn teaches a menu list that is graphically displayed as sliding onto the display during a user's gesture, and that Chaudhri provides further implementation details showing that blurring would be done based on a change in magnitude of the user gesture, as recited in the claim limitation. Because we disagree with the assertion with respect to Ahn, we do not agree that the evidence supports this theory.

Petitioner argues that "even under [this] interpretation of Ahn, the only difference between Ahn and the claims is whether the animation occurs in direct correspondence with a user's dragging gesture or after the dragging gesture is complete – a straightforward design choice if ever there was one."

Pet. Reply 3–4 (citing Ex. 1024, 99:16–108:20; Ex. 1023 ¶ 12). However, as Patent Owner argues (PO Sur-reply 7–8) this argument is presented in Reply and is an improper shift of theory from the Petition. Nevertheless, were we to consider it, we would not find it compelling; Dr. Terveen's cited testimony repeats this bare statement and is not supported by any evidence or additional explanation. Ex. 1023 ¶ 12; *see* 37 CFR § 42.65(a) ("Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight."); *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 (Aug. 24, 2022) (precedential) (assigning little weight to opinion testimony that "merely repeats" conclusory statements in a brief, without "cit[ing] any additional supporting evidence or provid[ing] any technical reasoning to support [the declarant's] statement").

For these reasons, we determine that in the first limitation 2.d argument, Petitioner relies on Ahn's "dragged" graphic shadow embodiment for a teaching or suggestion that the menu slides onto a screen, a process in which "more real estate of the underlying background is being blurred as [a user] progresses [the user] gesture." Tr. 20:10–21:16; *see also* Tr. 21:22–22:1 (Petitioner stating that both theories require Ahn to be teaching a menu sliding onto the screen). As we determine that Ahn does not teach or suggest a menu appearing during detection of the user's gesture and "before a completion thereof is detected," we determine that Petitioner has not shown limitation 2.d of claim 2 taught or suggested by the combination of Ahn and Chaudhri according to this theory.

(2) Chaudhri's User Interface State Transition Techniques

Petitioner's second argument in the Petition is that Ahn shows that a portion of the background (e.g. the clock widget) is blurred when a user has opened a menu, but that Ahn does not specify or limit how this blurring would occur. Pet. 35–36. We determine that Petitioner has not shown by a preponderance of the evidence that the combination of Ahn and Chaudhri teaches or suggests limitation 2.d.

Petitioner asserts in its Reply that this theory "rel[ies] upon the obviousness of the menus in the Ahn-Chaudhri combination following a user's finger as the user performs the dragging gesture to open the menu." Pet. Reply 2 (citing 01119-Petition, 26–33, substantially identical to Pet. 32–40). However, again, the Petition does not explain an alternative theory in which Chaudhri supplements Ahn's menu functionality to move that menu onto the screen, as opposed to teaching visual cues provided by gradual changes of the display during a gesture or the visual cue that an unlock image may provide during the unlock gesture. *See* Pet. 14–18 (describing Chaudhri teaching "visual differentiation" or "transitioning an optical intensity" between a user-interface object and the background, based on, e.g., transparency), 35–40 (same). In Reply, Petitioner adds evidence to attempt to support its contention that the combination teaches a menu following a user's finger during a dragging gesture, involving references to Chaudhri's discussion of a visual cue, further discussing Chaudhri's unlock image. Ex. 1005 ¶¶ 54, 62, 74–79, Figs. 5A-5C (cited at Pet. Reply 4–5). With respect to these citations and arguments, even if they had been timely presented in the Petition, we agree with Patent Owner that they do not

articulate a modification of Ahn with Chaudhri or a motivation to combine. PO Sur-reply 6. Additionally, we agree that these embodiments of Chaudhri are distinct from the cited portions of Chaudhri discussed with respect to this theory in the Petition, which relate not to the movement of displayed graphics, but to variations of optical intensity and visual cues. *Id.* at 6–7.

We evaluate the Petition's arguments in light of Petitioner's statement in Reply that they require a teaching regarding "menus . . . following a user's finger as the user performs the dragging gesture." Pet. Reply 2. To the extent that the Petition shows that the combination of Ahn and Chaudhri would show visual changes as the user performs a dragging gesture, these do not relate to the movement of a menu, but rather to other optical effects. Thus, as we do not find that the Petition supports an Ahn-Chaudhri combination in which a menu follows a user's finger as the user performs the dragging gesture to open the menu, as Petitioner argues, we determine that Petitioner has not shown limitation 2.d of claim 2 taught or suggested by the combination of Ahn and Chaudhri according to this theory.

(3) Conclusion

For the reasons discussed above, Petitioner has not shown limitation 2.d to be taught, suggested, or otherwise rendered obvious by Ahn and Chaudhri. Thus, we determine that Petitioner does not show by a preponderance of the evidence that claim 2 would have been obvious over the combination of Ahn and Chaudhri.

4. Claim 225

Claim 225 is an independent claim directed to a method comprising an apparatus and recites "in response to the detection of . . . at least part of

[a] gesture without a completion of the gesture being detected, blurring, based on a change in a magnitude of the gesture being detected on the touch screen, at least a portion of . . . at least one other object." Ex. 1001, 119:43–54.

Petitioner asserts this limitation of claim 225 is taught or suggested by the combination of Ahn and Chaudhri for the reasons relied upon for limitation 2.d. Petition-01116, 67–68.

For the same reasons discussed above, after consideration of the arguments of the parties and the evidence of record, we determine that Petitioner does not show by a preponderance of the evidence that claim 225 would have been obvious over the combination of Ahn and Chaudhri.

5. Claims 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 223, and 230

For dependent claims 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 223, and 230, Petitioner relies in part on its arguments with respect to claim 2. Petition-01115, 40–72; Petition-01116, 40–68; Pet. Reply 2–16.

With respect to claim 58, Petitioner argues that claim 58 is obvious over Ahn and Chaudhri. Pet. 44–45. Claim 58 depends from claim 52. Ex. 1001, 99:40–41. Petitioner does not address the patentability of claim 52. *See* Pet. 1.

With respect to claim 200, Petitioner argues that this claim is obvious over Ahn and Chaudhri. Petition-01116, 62–63. Claim 200 depends from claim 165. Ex. 1001, 113:56–60. Petitioner does not address the patentability of claim 165. *See* Petition-01116, 1.

For these reasons and those discussed above with respect to claim 2, after consideration of the arguments of the parties and the record, we determine that Petitioner does not show by a preponderance of the evidence that claims 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 223, and 230 would have been obvious over the combination of Ahn and Chaudhri.

E. Obviousness of Claims 1 and 208–216 Over the Combination of Ahn, Chaudhri, and Shiplacoff

Petitioner additionally argues that claims 1 and 208–216 would have been obvious over a combination of Ahn, Chaudhri, and Shiplacoff . Petition-01119, 34–87.

Claim 1 is an independent claim directed to a device comprising programs including instructions for: "during detection of . . at least a portion of [a] gesture before a completion thereof is detected, blur, based on a change in a magnitude of the gesture being detected on the display, at least a portion of . . . at least one other object." Ex. 1001, 95:9–34. Petitioner asserts this limitation of claim 1 is taught or suggested by the combination of Ahn and Chaudhri for the reasons relied upon for limitation 2.d. Petition01119, 50.

Claims 208 to 216 depend directly or indirectly from claim 2. Ex. 1001, 114:60 –115:53. For these claims, Petitioner relies in part on its arguments with respect to claim 2. Petition-01119, 50–87.

For the same reasons discussed above, after consideration of the arguments of the parties and the record, we determine that Petitioner does not show by a preponderance of the evidence that claims 1 and 208–216

would have been obvious over the combination of Ahn, Chaudhri, and Shiplacoff.

III. CONCLUSION

Petitioner does not establish by a preponderance of the evidence that claims 1, 2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 208–216, 223, 225, 230 of the '754 patent are unpatentable, as follows:

Claim(s)		**Reference(s)/Basis**	**Claim(s) Shown Unpatentable**	**Claim(s) Not shown Unpatentable**
2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 223, 225, 230	103(a)	Ahn, Chaudhri		2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 223, 225, 230
1, 208–216	103(a)	Ahn, Chaudhri, Shiplacoff		1, 208–216
Overall Outcome				1, 2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 208–216, 223, 225, 230

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 1, 2, 27, 37, 58, 60–64, 67–79, 186, 187, 189, 191, 192, 197, 199–204, 208–216, 223, 225, 230 of the '754 patent have not been proven to be unpatentable; and

FURTHER ORDERED that because this is a Final Written Decision, parties to the proceeding seeking judicial review of the Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMITH INTERFACE TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-01115
IPR2024-01116
IPR2024-01119
Patent 10,656,754 B1

FENICK, *Administrative Patent Judge*, concurring.

I concur fully with the reasoning and outcome of this Final Written Decision. I write separately in order to highlight a difference between the record in this proceeding and that of *inter partes* review IPR2024-01083, in which I concurred with the final determination that the claims there had been shown to be unpatentable. That proceeding bears many similarities to this one, including involving similar arguments regarding a combination of Ahn and Chaudhri, along with a third reference. *See* IPR2024-01083, Paper 75, 18–21, 34–40, 42–47 (Final Decision, issued Jan. 26, 2026).

As I made clear in my concurrence in that case, I did not agree, on that record:

> that "as a user utilizes the dragging gesture to open a given translucent menu, the translucent menu would progressively slide onto the display as a function of the magnitude of the user's dragging gesture." Rather, I agree with the argument and evidence presented by Patent Owner that Ahn's disclosure that "the user drags the graphic shadow 1800" does not teach or suggest the movement of a displayed object as a result of a user action, but rather the movement of the user's finger across the area of the display where the graphic shadow is being displayed, with the shadow graphic being an identifier for notifying a start position of the touch and drag operation.

See IPR2024-01083, Paper 75, Concurrence 1–2 (internal citations omitted). This is consistent with the panel's findings and conclusions in this proceeding.

In this proceeding, Petitioner made arguments regarding the combination of Ahn and Chaudhri that are absent in IPR2024-01083. *See* Reply 2–8. Any differences between determinations here and those in IPR2024-01083 are based on differences in the record, including the arguments made here that were not made in IPR2024-01083 and on the presence of other evidence/prior art not relied upon here.

IPR2024-01115
IPR2024-01116
IPR2024-01119
Patent 10,656,754 B1

FOR PETITIONER:

W. Karl Renner
David L. Holt
FISH & RICHARDSON P.C.
axf-ptab@fr.com
dth@fr.com

FOR PATENT OWNER:

Eagle Robinson
Daniel Leventhal
Chad Wallis
NORTON ROSE FULBRIGHT US LLP
eagle.robinson@nortonrosefulbright.com
daniel.leventhal@nortonrosefulbright.com
chad.wallis@nortonrosefullbright.com