

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

SMITH INTERFACE TECHNOLOGIES, LLC

Patent Owner

IPR2024-01256
Patent 11,740,727

PATENT OWNER RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	OVERVIEW OF THE '727 PATENT	3
A.	Independent Claim 1	5
III.	LEVEL OF ORDINARY SKILL	6
IV.	CLAIM CONSTRUCTION	6
A.	“Blur”	6
B.	“Distance Magnitude”	7
C.	“Top,” “Bottom,” “Right,” and “Left”	7
V.	OVERVIEW OF THE PRIOR ART	8
A.	Ahn (EX1004)	8
B.	Chaudhri (EX1005)	12
1.	<i>Unlocking a device via gestures</i>	13
2.	<i>Indication of progress towards satisfaction of a user input condition</i>	14
VI.	A POSITA WOULD NOT HAVE BEEN MOTIVATED TO COMBINE AHN AND CHAUDHRI.....	16
A.	Petitioner Failed to Articulate Any Credible Motivation to Combine Ahn and Chaudhri	16
B.	Petitioner’s Modification Would Not Achieve the Benefits Allegedly Motivating Petitioner’s Combination.....	21
1.	<i>Petitioner’s modification does not provide a visual indication of performance of menu selection</i>	22
2.	<i>Petitioner’s modification does not help differentiate between objects</i>	25
3.	<i>Petitioner’s implementation details motivation is contrary to Chaudhri</i>	26
4.	<i>Petitioner’s choice of progressive blurring is not supported</i>	27

VII. PETITIONER DOES NOT ESTABLISH THAT AHN-CHAUDRHI TEACHES CLAIM 1	29
A. Limitation [1.d.i]	29
1. <i>Petitioner’s theory does not establish that a “gesture” “move[s] the object on the touch screen”</i>	<i>29</i>
2. <i>Petitioner’s theory does not establish that “the at least one other object” is “blur[red], based on a change in distance magnitude of the gesture”</i>	<i>39</i>
3. <i>Petitioner’s theory does not establish that blurring occurs “during detection of at least a portion of the gesture before a completion thereof is detected”</i>	<i>51</i>
B. Limitation [1.d.ii]	55
1. <i>Chaudhri does not teach increasing the blur of the “other object” as a function of distance magnitude of the gesture.....</i>	<i>55</i>
2. <i>Chaudhri’s change in “optical intensity” does not apply to Petitioner’s modification</i>	<i>58</i>
VIII. PETITIONER DOES NOT ESTABLISH THAT AHN-CHAUDRHI TEACHES MULTIPLE DEPENDENT CLAIMS.....	61
A. Claim 2	61
1. <i>Limitation [2.b].....</i>	<i>61</i>
2. <i>Limitation [2.d].....</i>	<i>63</i>
B. Claim 3	65
C. Claims 5 and 17	66
D. Claim 6	67
E. Claims 11 and 12.....	69
F. Claims 13 and 14.....	70
IX. CONCLUSION.....	71

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Apple Inc. v. ContentGuard Holdings, Inc.</i> , IPR2015-00441, Paper 11 (P.T.A.B. July 13, 2015).....	20
<i>Apple Inc. v Qualcomm Inc.</i> , IPR2018-01276, Paper 32 (P.T.A.B. Feb. 3, 2020).....	16
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	49
<i>Metalcraft of Mayville, Inc. v. The Toro Co.</i> , 848 F.3d 1358 (Fed. Cir. 2017)	28
<i>Ex Parte Patrick C. Tessier & Jeffrey S. Hartzler</i> , APPEAL 2012-006616, 2014 WL 4925550 (P.T.A.B. Sept. 30, 2014)	16, 20
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	6
<i>Ex parte Rinkevich</i> , Appeal No. 2007-1317, slip op. (BPAI May 29, 2007)	26
<i>Square, Inc. v. J. Carl Cooper, Inc.</i> , IPR2014-00158, 2014 WL 2093424 (P.T.A.B. May 15, 2014)	16, 20
<i>TQ Delta, LLC v. CISCO Sys., Inc.</i> , 942 F.3d 1352 (Fed. Cir. 2019)	21
<i>Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.</i> , 97 F.4th 882 (Fed. Cir. 2024)	21
<i>Winner Int’l Royalty Corp. v. Wang</i> , 202 F.3d 1340 (Fed. Cir. 2000)	17

PATENT OWNER'S EXHIBIT LIST

Exhibit	Shorthand	Description
2001	Declaration	[withdrawn] Declaration of Rajeev Surati, Ph.D.
2002	CV	[withdrawn] CV of Rajeev Surati, Ph.D.
2003	JCC	Excerpt of Joint Claim Construction Chart Exhibit A.
2004	Stay Order	October 2, 2024, Order Granting in Part Apple's Motion to Stay in <i>Smith Interface Technologies, LLC v. Apple Inc.</i> , 3-23-cv-01187, S.D. Cal (Dkt. No. 127).
2005	Ahn EP	European Publication App. No. EP08101835.0 to Hye Sang Ahn et al. ("Ahn EP")
2006	Declaration	Declaration of Craig Rosenberg, Ph.D.
2007	CV	CV of Craig Rosenberg, Ph.D.
2008	Terveen	Transcript of the Deposition of Loren Terveen, Ph.D.
2009		U.S. Patent 7,657,849 to Imran Chaudhri <i>et al.</i>

I. INTRODUCTION

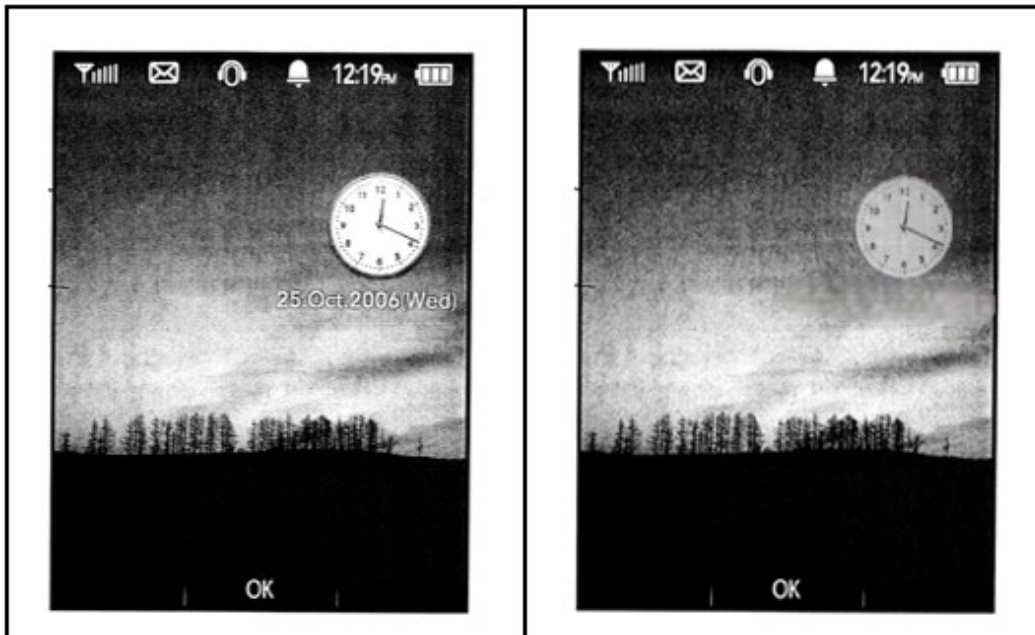
The Petition fails to establish unpatentability of any of the challenged claims based on any of the asserted grounds.

Petitioner provides two theories for allegedly disclosing the claimed blurring as recited in Limitations [1.d.i] and [1.d.ii], but each theory fails to meet what is claimed.

First, Petitioner contends Ahn discloses its menu icon/graphic 1800 moves with a gesture by the user's finger. Ahn unequivocally does not disclose this specific operation. Nor would any variation in Ahn arrive at Petitioner's proposed operation as such an interpretation requires imparting several internal inconsistencies into Ahn's description and figures that would not otherwise exist.

Second, Petitioner relies on Chaudhri's transition *decreasing* the blur of selectable *foreground* elements during an unlock gesture to indicate to the user that the completion of the gesture will enable the *appearing* buttons to become selectable to answer or decline a call. Petitioner contends that this would have led a POSITA to *increase* the blur of Ahn's *background* clock widget during Ahn's "touch and drag operation" to (a) indicate progress toward display of the foreground menu (which is not visible during that operation), and (b) to differentiate between the background and Ahn's foreground menu. But neither "motivation" makes sense in view of Ahn's binary operation.

Unlike the appearing of Chaudhri's selectable icons, there is no frame of reference for the *background* clock widget "blurring" or for an indication as to what operation this alleged "blurring" would initiate. As illustrated below, the proposed progressive "blurring" of the clock provides no indication as to how far the user is along in the gesture nor what would occur when this undefined gesture is complete.



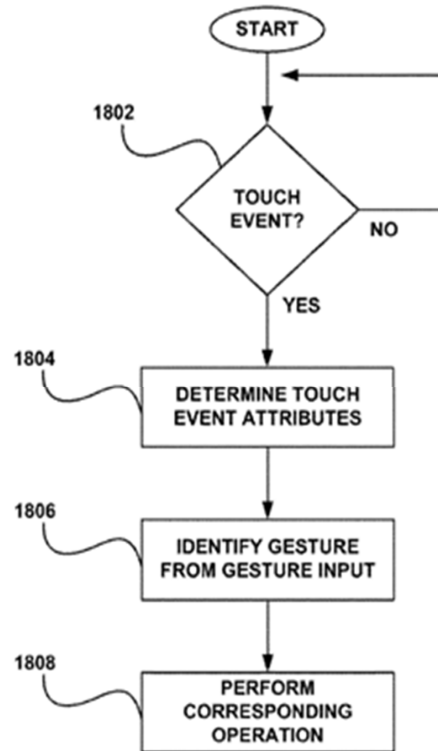
Any understanding that the 'blurring' of the clock would occur in a transition state along with the appearance of Ahn's menu is inconsistent with Ahn's disclosure—which does not begin displaying the menu until the gesture is complete.

Finally, Petitioner's analysis of multiple dependent claims only serves to confirm Ahn's disclosure and create inconsistencies in Petitioner's theories.

II. OVERVIEW OF THE '727 PATENT

The '727 Patent describes devices, methods, and graphical user interfaces for manipulating user interface objects with visual and/or haptic feedback. EX1001, Title. For example, the '727 Patent describes a mobile device having various components, including user interface devices such as a touch screen. *Id.*, 13:41–58. In operation, signals can be received in association with the touch interface (e.g., touch screen) and can correspond to a signal indicative of a touch interface being touched. *Id.*, 14:11–33. The user experience can then be altered utilizing these touch signals. *Id.*, 15:19–31, FIG. 3.

An example of these operations can be seen in FIG. 18, where attributes of touch events are detected, and gesture inputs related to these touch event attributes (both initial and over time) can be identified. *Id.*, 56:8–35.



Id., FIG. 18.

These attributes can include the duration and/or distance of a gesture because often different gestures will be indistinguishable based on initial contact. *Id.*, 56:8–35, 60:43–47. Once the gesture is identified, a corresponding operation can be performed (step 1808). *Id.*, 56:50–51. Such operations can include the modification of one or more display attributes such as blurring the display attributes. *Id.*, 57:9–10, 68:37–52.

In some operations, “a user may be given feedback as a gesture is performed.” *Id.*, 59:23–24. For example, some “gestures may be associated with operations that are carried out as functions of the gesture input” *Id.*, 58:58–59:3. In this way, the

device can provide a user with feedback as a gesture is performed. *See id.*, 59:23–29; FIG. 18 (step 1802 showing continuous detection of touch event as gesture is performed); EX2006, ¶¶33–35.

A. Independent Claim 1

Independent claim 1 is directed to a “device” having one or more processors that are configured to execute instructions that cause the device to perform functions. EX1001, 102:31–50. Specifically, claim 1 recites:

[1.a] A device, 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 device to:

[1.b] display an object and at least one other object;

[1.c] detect at least part of a gesture on the touch screen; and

[1.d.i] during detection of at least a portion of the gesture before a completion thereof is detected, blur, based on a change in a distance magnitude of the gesture being detected on the touch screen to thereby move the object on the touch screen, at least a portion of the at least one other object that is not overlapped

[1.d.ii] such that a magnitude of the blur itself, and not a magnitude of an area of the touch screen that is blurred, is increased as a function of an increase in the distance magnitude.

EX1001, 102:31–50.

III. LEVEL OF ORDINARY SKILL

Patent Owner does not agree with all aspects of Petitioner’s proposed level of ordinary skill but does not believe that resolving that level is necessary to resolve the issues raised in this response.

Patent Owner agrees with the Board’s rejection of Petitioner’s ambiguous phrase that “[a]dditional years of experience could substitute for an advanced-level degree (and vice versa)” (Pet., 5) is inapplicable where the base degree is a bachelor’s degree and was therefore likely an error. D.I., 8.

IV. CLAIM CONSTRUCTION

The claims are construed “in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. § 42.100; *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005). While Petitioner submits that “no claim terms need to be construed to resolve issues of controversy in the present Petition” (Pet., 5), Petitioner proposes multiple terms for construction in the body of the Petition. However, the plain and ordinary meaning of these terms is readily understandable.

A. “Blur”

Petitioner asserted that a POSITA would have understood “blur” to mean “make or become less clear or less distinct” and translucency, i.e., “not transmitting detail[,]” is a type of blurring. Pet., 11. While Patent Owner does not agree with Petitioner’s proposed construction, Patent Owner does not believe formal

construction to be necessary for purposes of this proceeding. The Board construed “the blurring of an object as displaying that object with less detail” for purposes of institution. D.I., 8. Where necessary, Patent Owner applies the Board’s construction. EX2006, ¶59.

B. “Distance Magnitude”

In the Litigation, Apple contends that “distance magnitude [of the gesture]” means “length [of the gesture].” EX2003, 9–11. However, the plain and ordinary meaning of this term is readily understandable and Patent Owner does not believe formal construction to be necessary for purposes of this proceeding. The Board construed “distance magnitude” as “length.” D.I., 8. Where necessary, Patent Owner applies the Board’s construction. EX2006, ¶60.

C. “Top,” “Bottom,” “Right,” and “Left”

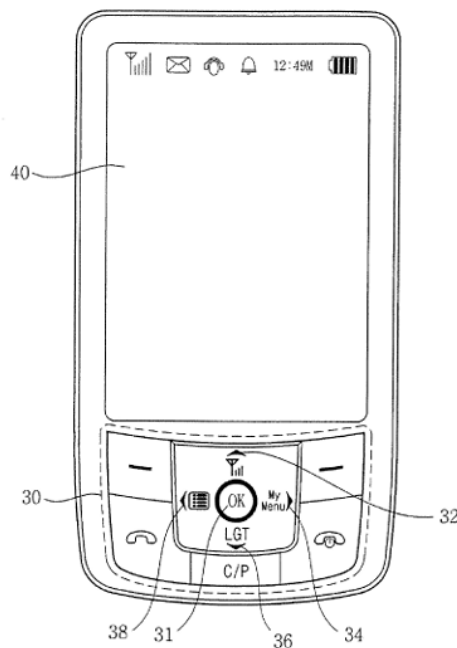
For Claims 2 and 3, Petitioner contends that “the terms ‘top’ and ‘bottom’ should be broadly construed” (Pet., 45) and “the terms ‘right’ and ‘left’ should be broadly construed” (*id.*, 55), but then offers no constructions of these terms. Petitioner then applies these unknown constructions. *See id.*, 46 (“[u]nder the above-described construction of the terms ‘top’ and ‘bottom’ a POSITA would have understood and found obvious ...”). The plain and ordinary meaning of these terms are readily understandable and Patent Owner does not believe formal construction to be necessary for purposes of this proceeding. EX2006, ¶61.

V. OVERVIEW OF THE PRIOR ART

A. Ahn (EX1004)

As depicted in FIG. 2 (below), Ahn discloses a mobile communication terminal that includes a display 40 along with a key input device 30 and a touch input device (e.g., element 10 in FIG. 1). EX1004, Abstract, ¶27.

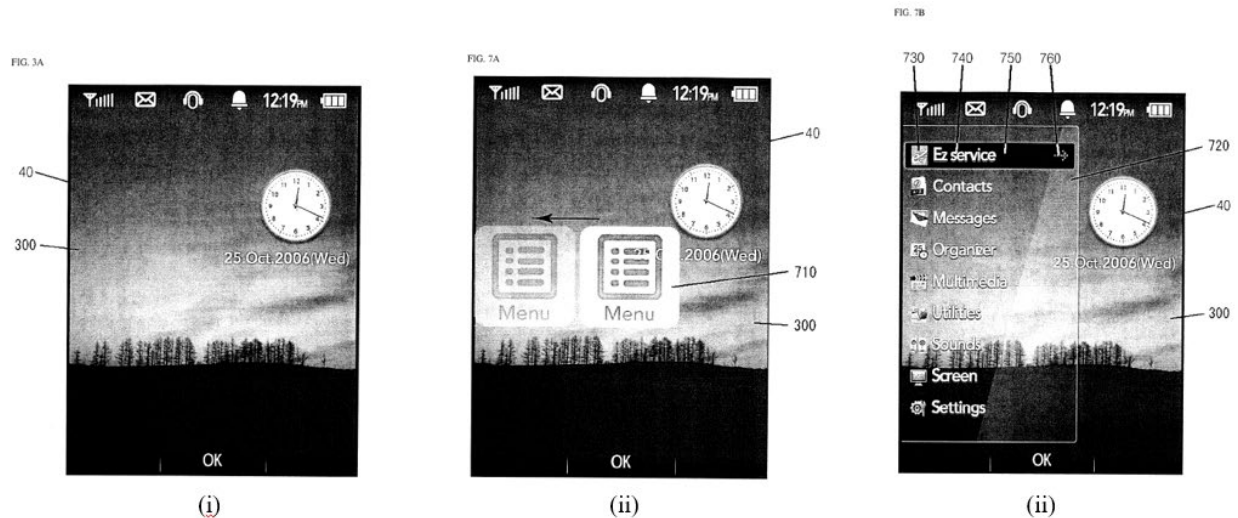
FIG. 2



Ahn's proposed operation attempts to solve the problem in which device characteristics are unavailable when a menu list is displayed and proposes displaying menus that only take up a portion of the display so the standby screen can be displayed concurrently. EX2006, ¶40.

Ahn's menus are binary operations. Ahn's menus are displayed after an input is recognized by the device. EX2006, ¶41 (the display of the menu is a binary operation—appearing only when the input is satisfied). In a first embodiment, Ahn

describes a method of displaying a menu via a selection of a specific direction on a direction key (e.g., keys 32–38). EX1004, ¶34. As shown in FIGS. 7A–7C, a menu (e.g., setting menu 720/820) can be accessed “when a leftward direction key is selected.” *Id.*, ¶62. “[I]f the user selects the leftward direction key 38 ... *[t]hereafter*,¹ a basic setting menu list 720 ... is displayed.” *Id.*, ¶¶63–64.

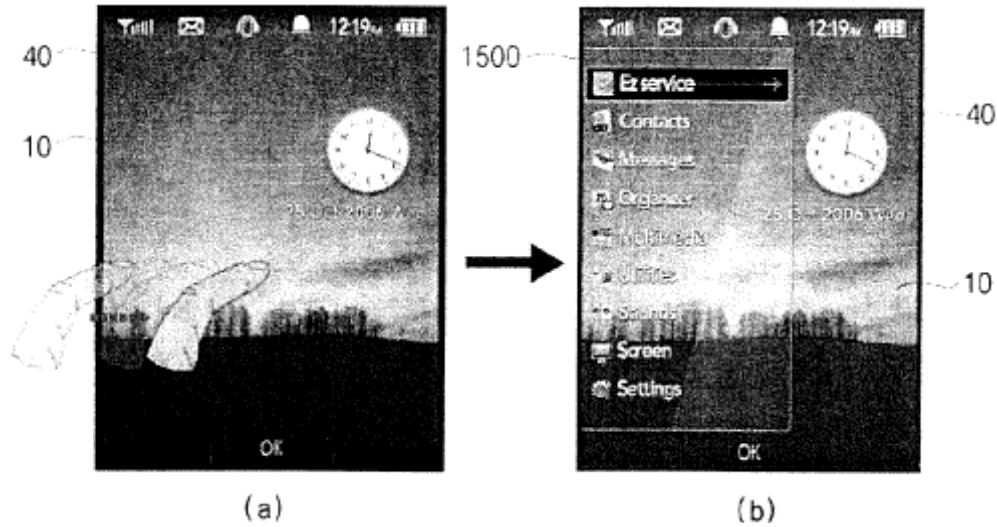


Ahn refers to an input of the its direction keys (e.g., 34, 38) as a “click.” *Id.*, ¶¶45–47. The direction keys are single input buttons that can only receive one type of input. EX2006, ¶43. A POSITA would have recognized a selection (*i.e.*, click) of a direction key would initiate display of the menu in a binary manner (e.g., if the direction key is pressed, then the menu is displayed “thereafter,” and if the key is *not* pressed, the menu is *not* displayed). *Id.* Accordingly, the opening of Ahn’s menu is performed in an “all or nothing” or binary manner rather than progressively. *Id.*

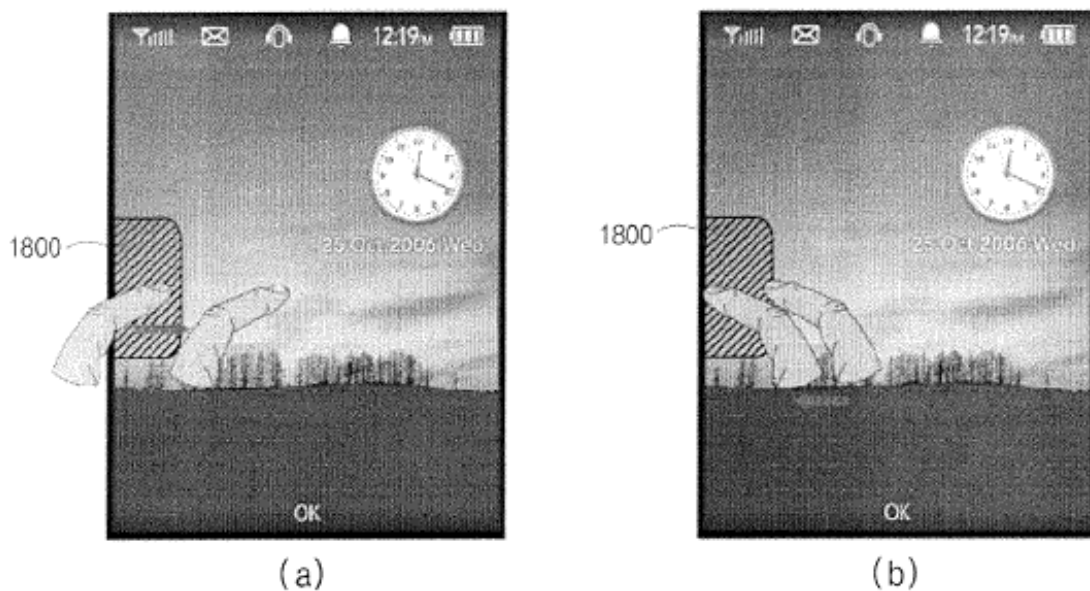
¹ All emphasis added unless otherwise noted.

Ahn also describes a method of displaying a menu via “a touch and drag operation of a specific direction.” EX1004, ¶¶101–104. The opening of the menus according to Ahn’s touch and drag operation is also performed in a binary manner. EX2006, ¶44. As shown below in Ahn’s FIGS. 15a–b, “[a] controller 50 detects a touch and drag operation of a specific direction in the touch screen 10.” EX1004, ¶107. Then “controller 50 determines whether a drag distance of the detected touch and drag operation is a first distance or more.” *Id.*, ¶109. **After** the user performs the touch and drag gesture and the controller compares the drag distance to a threshold, the menu can then be displayed. *Id.*; *see also* FIG. 16 (detecting touch at step 1610 **before** displaying menu at step 1630); FIG. 11 (displaying item list **after** detecting touch and drag operation)²; EX2006, ¶¶45–46.

² To the extent the Board is interpreting Ahn’s display of a menu “[a]s the touch and drag operation is detected” to mean the menu is displayed **during** the drag, this is inconsistent with Ahn’s use of the term “as” and the understanding of a POSITA. EX2006, ¶49; EX1004, ¶¶16, 71, 92, 94 (using similar language for directional key operations).



In a further embodiment, Ahn explains this touch and drag operation can be used with “an identifier” such as “a specific icon for notifying a *start position* of the touch and drag operation.” EX1004, ¶117. But that does not diverge from the binary operation described above and simply adds an icon so that a user is notified that a corresponding menu is available, as shown in FIGS. 18a–b (below). EX2006, ¶50.



In FIG. 18a, the user may perform the same touch and drag operation on the graphic 1800³ to display a menu 1500 as is done with the touch and drag operation depicted in FIG. 15. EX1004, ¶118. Notably, neither FIGS. 18a nor 18b show that graphic 1800 ever moves from the “start position.” EX2006, ¶¶51–52. The menu appears after the gesture is completed. *Id.* Ahn does not suggest that its menu (e.g., 1500) will emerge and be displayed in any in-between state where the menu is neither fully open nor closed. Thus, all of Ahn’s embodiments operate in a binary manner, opening the menu *after completion of the gesture* and not as a function of a gesture. *Id.*, ¶52.

B. Chaudhri (EX1005)

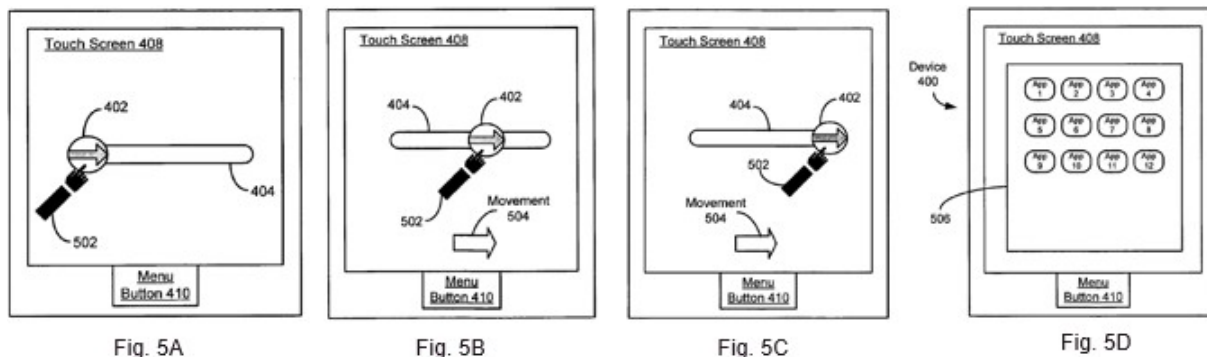
Chaudhri discloses “[a] device with a touch sensitive display [that] may be *unlocked* via gestures performed on the touch-sensitive display.” EX1005, Abstract. Chaudhri provides several different sections discussing different aspects of its operations. EX1005, ¶¶48–51 (User Interface States), 52–79 (Unlocking a Device via Gestures), 80–98 (Indication of Progress Towards Satisfaction of a User Input

³ Ahn refers to its icon as “graphical shadow 1800” (EX1004, ¶118) and “graphic 1800” (*id.*, ¶119). Patent Owner uses “graphic 1800” for consistency.

Condition)⁴, 99–109 (User Interface Active States Corresponding to Events or Applications).

1. *Unlocking a device via gestures*

The primary focus of Chaudhri is a method for “unlocking [a] device” via a “predefined gesture” where the method includes “moving [an] unlock image to a predefined location and/or moving the unlock image along a predefined path.” , Abstract. Chaudhri shows progress of such an unlocking gesture by the distance an indicator 402 (shown in FIGS. 5A–5C) moves toward an “end” of a channel 404. *Id.*, ¶71 (The end of the channel 404 “serves as a predefined location to which the unlock image 402 is to be dragged.”).



Id., FIGS. 5A–5D. A POSITA would have understood that this transition— from a first interface (FIGS. 5A–5C) to a second interface (FIG. 5D)—is performed after the gesture is completed. EX2006, ¶¶54–55; *see* EX1005, ¶¶76–77 (“Upon

⁴ This section header was incorrectly added into ¶79 in the published version of the application. *See* EX2009, 24.

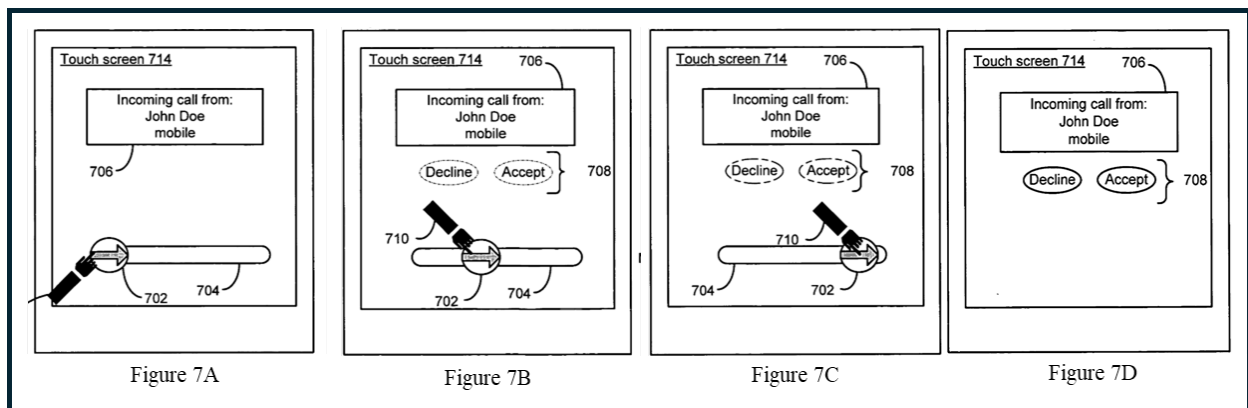
completion of the unlock gesture,” the device displays the second user interface and failure to complete the gesture results in the device remaining on the lock screen).

Chaudhri also describes a second scenario where a user transitions between two different applications (e.g., between “a telephone application to a music player”), as opposed to a lock and unlock state. EX1005, ¶79. In this application transition scenario, “as the user transitions from a first application and to a second application, a user interface for the second application may fade in (i.e., increase in intensity) and a user interface for the first application may fade out (i.e., decrease in intensity).” *Id.*, ¶79. Similar to the lock/unlock scenario, the transition does not occur until *after* the gesture is completed. EX2006, ¶¶54–55; *see* EX1005, ¶¶76–77. Chaudhri only describes this fade in/fade out operation for the scenario in which a user transitions between two different applications. EX1005, ¶¶52–79. Thus, Chaudhri discloses two ways to transition between interfaces states, each occurring *after* a condition (e.g., gesture) is completed. EX2006, ¶¶54–55; *see also* EX1005, FIG. 3 (steps 201–314).

2. Indication of progress towards satisfaction of a user input condition

In this operation, Chaudhri discloses a process for displaying additional interface objects on the lock screen. Here, Chaudhri describes a method of unlocking a device using a predefined gesture via displaying additional interface objects on a lock screen. *See* EX1005, ¶¶91–93. As shown in FIGS. 7A–7D (below), this

operation starts when “device 700 is locked ... [and] display[s] a prompt 706 to the user, informing the user of [an] incoming call” *Id.*, ¶91. When the user “drag[s] unlock image 702 along the channel 704 in the direction of movement 712 ... a set of virtual buttons 708 appears and increases in optical intensity.” *Id.*, ¶92. When “the user **completes the unlock action** by dragging the unlock image to the right end of channel 704 ... [t]he unlock image 702 and the channel 704 disappear from the display and the virtual buttons 708 are at their final optical intensity levels.” *Id.*, ¶93. Once the virtual buttons are at their final intensity levels, “the user may interact with virtual buttons 708 and accept or decline the incoming call.” *Id.*



EX1005, FIGS. 7A–7D.

Similar to the operation above, the device only transitions “to the second user-interface state if the condition is satisfied.” EX1005, ¶84. That is, the transition occurs only after the gesture is completed. EX2006, ¶¶56–57. As shown in FIGS. 7C–7D, the indicator (e.g., image 702 and channel 704) do not disappear or fade out until after the gesture is determined to be completed. *Id.*; EX1005, ¶93 (“the user

completes the unlock action by dragging the unlock image to the right end of the channel 704 and releasing the unlock image 702. The device 700 transitions to the unlock state. The unlock image 702 and the channel 704 disappear from the display and the virtual buttons 708 are at their final optical intensity levels, as illustrated by their solid outlines.”).

**VI. A POSITA WOULD NOT HAVE BEEN MOTIVATED TO COMBINE
AHN AND CHAUDHRI**

**A. Petitioner Failed to Articulate Any Credible Motivation to
Combine Ahn and Chaudhri**

Petitioner alleged four motivations to combine Ahn and Chaudhri. But each of Petitioner’s purported motivations are no motivations at all because Petitioner did not identify any problem with Ahn that Chaudhri would solve or any benefit of the combination that was not already present in Ahn. *See Apple Inc. v Qualcomm Inc.*, IPR2018-01276, Paper 32 at 29–30 (P.T.A.B. Feb. 3, 2020) (finding no motivation to combine when primary embodiment solves the problem identified); *Ex Parte Patrick C. Tessier & Jeffrey S. Hartzler*, APPEAL 2012-006616, 2014 WL 4925550, at *6 (P.T.A.B. Sept. 30, 2014) (finding no reason to combine where primary reference already solves the problem addressed by the secondary reference); *Square, Inc. v. J. Carl Cooper, Inc.*, IPR2014-00158, 2014 WL 2093424, at *17 (P.T.A.B. May 15, 2014) (proposed motivation to combine was unpersuasive because primary reference already solved problem at issue, albeit in different way than claimed

invention); *Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 1349 (Fed. Cir. 2000) (affirming finding of no motivation to combine in part because there was no apparent problem with the existing prior art mechanism).

Petitioner first asserts that Ahn discloses blurring but “leaves the implementation details to POSITAs” who would have looked Chaudhri that “provides one example of implementation details.” Pet., 19. This assertion that a POSITA would be motivated to look to Chaudhri is belied by the disclosure of Ahn and Petitioner’s discussion of same. Specifically, Petitioner and Petitioner’s expert, Dr. Terveen, describe that:

Ahn teaches at least *two ways that its user interface may utilize blur*. First, Ahn teaches that, instead of a transparent form, its menus “can be embodied in a translucent form or an opaque form, depending on implementation.” ... the word “translucent” means “allowing light, but not detailed images, to pass through; semitransparent.” A POSITA would have understood not transmitting detail as *a type of blurring*, because the word “blur” means to “make or become unclear or less distinct.” ... In other words, a POSITA would have known and found it obvious that Ahn contemplates that, *when embodied in translucent form, its menus would have blurred at least a portion of the background standby screen* (e.g., shown in FIG. 12).

Pet., 10–11 (underline in original; internal citations omitted); EX1003, ¶36. Here, Petitioner asserts that “translucent” is “not transmitting detail” is “a type of blurring.” EX2006, ¶63. And, as discussed in Section IV.A, The Board construed

“the blurring of an object as displaying that object with less detail” for purposes of institution. D.I., 8. Thus, with Petitioner relying on translucency of an overlying object as purported blurring, Ahn teaches such translucency without having to look to Chaudhri. EX2006, ¶¶63–64. A POSITA would not have looked to Chaudhri to find details already existing in Ahn. *Id.* Indeed, Dr. Terveen confirmed that a POSITA would not have looked to Chaudhri to accomplish the first way (translucent means) a user “may utilize blur” described by Ahn, but would look to Chaudhri only for the second way, when “Ahn illustrates that the clock widget is blurred.” EX1003, ¶¶37–38; EX2008, 23:21–25:3; EX2006, ¶65. Because Ahn already describes how “its user interface may utilize” translucency and Petitioner identifies no deficiency with this method, Petitioner fails to articulate why a POSITA would have a motivation to look to Chaudhri for a second way to “utilize blur.” EX2006, ¶65.

Petitioner’s second and third motivations are related. Petitioner asserts that a POSITA for would look to Chaudhri for “changes in optical intensity [that] provide the user *a visual indication that they are performing a particular operation*” (Pet., 20–21) and that “a POSITA would have known that transparency, translucency/blurring, and other ‘focus and context’ techniques may be utilized in user interfaces to help *draw a user’s attention to the most relevant part of a user interface*” (Pet., 22). Again, using translucency, Ahn already teaches changes in optical intensity to provide a visual indication that a user is performing an operation

and provide focus to draw a user’s attention. EX2006, ¶66. Specifically, Ahn teaches using translucent menus. EX1004, ¶70. As described by Dr. Terveen, a POSITA would have understood that translucency “would have the effect of helping user distinguish between the object on top ... that was displayed in a translucent form, and anything behind it [that] would, in fact, be blurred or faded.” EX2008, 22:24–23:20. Translucency has a “distinguishing effect” and “would be one way of [] conveying focus.” *Id.* At least because Ahn’s use of translucent menus provides both a visual indication that the user is using the menu and draws a user’s attention to the menu in use and Petitioner identifies no deficiency with Ahn’s disclosure, Petitioner fails to articulate why a POSITA would have a motivation to look to Chaudhri for such a distinguishing effect. EX2006, ¶67.

Petitioner further asserts that “varying optical intensity for a user interface object ... as a function of the magnitude of the user’s touch and drag gesture would have been one of a limited number of ways of implementing the blurring effect.” Pet., 23. However, Petitioner concedes that “POSITA could have *implemented the blurring effect in a binary fashion*,” as taught by Ahn. *Id.*; see §V.A above. Petitioner provides no reason why—given that Ahn describes a way to implement “the blurring effect”—a POSITA would have been motivated to look to Chaudhri for a different (and wholly unnecessary) way of implementing an alleged blurring effect. EX2006, ¶68. This is especially so given that Petitioner fails to articulate any

purported benefit of Chaudhri's progressive blurring over Ahn's binary menu display.

Petitioner's failure to articulate any credible motivation to combine Ahn and Chaudhri is similar to *Ex Parte Tessier*, in which the Board reversed an obviousness rejection because a first reference taught a remotely controlled system, and there was no evidence that either the first or second reference addressed a problem that was not already solved by the first remote system. *Ex Parte Tessier*, 2014 WL 4925550, at *6. The Board concluded that there was insufficient explanation as to why a POSITA would look to the second reference, absent hindsight. *Id.*; *Apple Inc. v. ContentGuard Holdings, Inc.*, IPR2015-00441, Paper 11 at 14 (P.T.A.B. July 13, 2015) ("Care must be taken to avoid hindsight reconstruction by using the 'patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit.'").

Similarly, in *Square*, the Petitioner alleged that a POSITA would be motivated to combine a third reference to enable access to credit cards during phone calls or to avoid having to carry multiple credit cards. *Square*, 2014 WL 2093424, at *17. The Board rejected Petitioner's arguments because the first two cited references already allowed for these alleged benefits. *Id.* As such, a POSITA would not have been motivated to incorporate any teachings of the third reference. *Id.* So too here, Ahn

alone accomplishes the advantages Petitioner alleges are the basis of a motivation to combine.

As such, Petitioner’s combination of Ahn and Chaudhri is textbook hindsight. As the Federal Circuit has reiterated, “there must exist a motivation to combine various prior art references in order for a skilled artisan to make the claimed invention.” *Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 887 (Fed. Cir. 2024). Petitioner asserts that Chaudhri “provides one example of implementation details that are lacking for a feature otherwise disclosed in Ahn.” Pet., 11–12. But entirely absent from the Petition is any identification of an actual problem in Ahn’s disclosure of using “touch and drag” gestures and translucent menus that would cause a POSITA to look to other prior art teachings to address—particularly a reference directed towards lock screens. EX2006, ¶68. Petitioner’s modification is only logical when using the claims of the ’727 Patent as a roadmap to reconstruct the claimed invention, but this cannot support obviousness. *TQ Delta, LLC v. CISCO Sys., Inc.*, 942 F.3d 1352, 1361 (Fed. Cir. 2019).

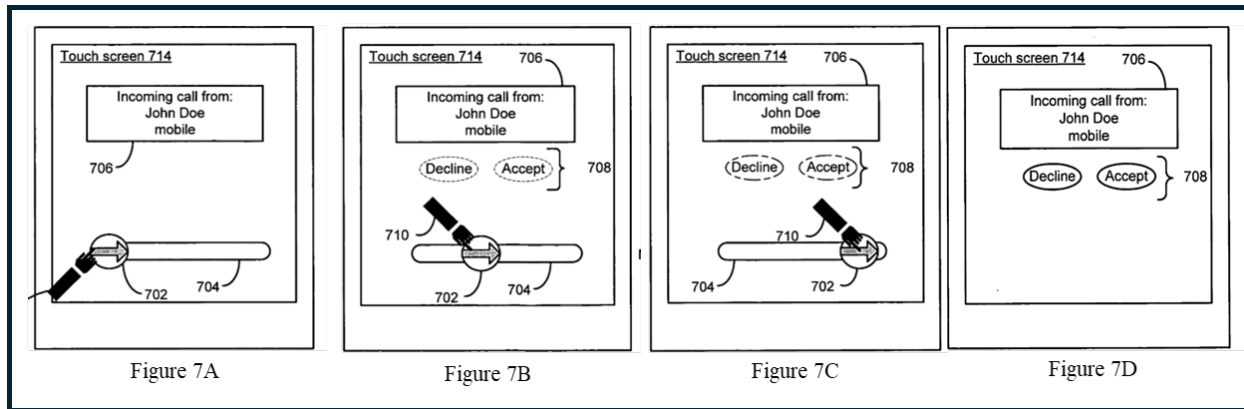
B. Petitioner’s Modification Would Not Achieve the Benefits Allegedly Motivating Petitioner’s Combination

Petitioner’s proposed modification does not “provide the user a visual indication that they are performing a particular operation” (Pet., 21) or “help draw a user’s attention to the most relevant part of a user interface” (Pet., 22), which are Petitioner’s purported functionality and benefits.

1. Petitioner’s modification does not provide a visual indication of performance of menu selection

To illustrate, Petitioner contends it would have been obvious to implement its modification—alleged “blurring” of the clock widget during the touch and drag operation—“to provide *visual feedback* regarding the *progress* of a transition between user interface states.” Pet., 35–36. According to Petitioner, this would (1) “provid[e] a visual indication to the user of their progress in completing the gesture” and (2) “help differentiate between the” menu list and the clock widget. Pet., 39. But a POSITA would not have expected either purported motivation to be present in Petitioner’s proposed Ahn-Chaudhri combination.

First, the alleged “blur” of Ahn’s clock widget during Ahn’s “touch and drag operation” would not provide the user with any indication of progress of opening menu 420/1300. EX2006, ¶¶71–72. Chaudhri shows progress by an indicator 702 moving toward an “end” of a channel 704. EX1005, FIGS. 7A–7D (below); *see also id.*, ¶71 (end of the channel 404 “serves as a predefined location to which the unlock image 402 is to be dragged.”). Simultaneously, optical intensity of the virtual buttons 708 *increases* to “their final optical intensity levels, as illustrated by their *solid outlines*.” *Id.*, ¶93.



EX1005, FIGS. 7A–7D.

Thus, a user is given feedback of the progress of an “unlock action” by the distance the indicator 702 has moved relative to the total length of the channel 704, and by virtual buttons 708—associated with the second user-interface state—*increasing* in optical intensity to an opaque end point with “solid outlines.” *Id.*, ¶¶90–93; *see also id.*, ¶87 (“the indication of progress may be defined in terms of the distance between the two edges because the distance remaining objectively measures how much further the user has to move her finger to complete the gesture”). Chaudhri’s visual feedback is thus provided only because the ***selectable virtual buttons 708*** of the second user-interface state *increase* in optical intensity. EX2006, ¶73.

A POSITA would have understood that this visual feedback would not have been present in Petitioner’s proposed modification to “blur” the clock widget of Ahn. EX2006, ¶74. In Petitioner’s modification, the user cannot compare its gesture to some visual end point and, instead, would see only in abstract the alleged “blur”

of the clock widget. *Id.* But that change in appearance of the clock widget ***offers no indication of progress***, at least because its end state cannot be perceived or predicted based on that alleged change in appearance. *Id.* Nor does it direct a user to a selectable object as in Chaudhri because a user would not be able to interact with Ahn’s clock widget once the menu is displayed over the top of that clock widget. *Id.* Nor is this end-state (display of the menu) otherwise related to the alteration of the clock widget in any manner that is perceivable by a user. *Id.* For example, there is no frame of reference to discern any progress, relative to its required distance, of the gesture based on the changing appearance of the clock widget. *Id.*

As such, the alleged “blur” *during* the touch and drag operation would not provide any indication of (1) how much of the gesture is completed, or (2) how much of the gesture is remaining. *Id.*; *contra* EX1005, ¶¶88–90 (“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 and ***how much of the gesture is remaining***”); Pet., 38 (quoting same). In other words, a user cannot tell from the alleged “blurring” how much more “blurring” or swiping is needed before the menu will be completed. EX2006, ¶75.

Further, Petitioner’s modification to have menu 1300 slide out with graphical shadow 1800 “as part of the touch and drag gesture” (Pet., 39–41) renders the

“blurring” of the clock widget even less relevant. EX2006, ¶76. A user would know the gesture is completed when the menu 1300 stops advancing according to the user’s drag. *Id.* There is no evidence or logical explanation to suggest that the “blurring” of the clock widget—to a state that is not completely transparent (EX1004, FIGS. 4B, 13B)—would suggest the gesture is complete or how much of that gesture remains until the menu is fully opened. EX2006, ¶76. Accordingly, a POSITA would have understood that Petitioner’s purported modification to blur the clock widget would not provide any indication of a user’s progress in completing Ahn’s “touch and drag” gesture because, unlike Chaudhri, the Petition’s proposed user interface (UI) shows no indication of progress toward a clearly visible end goal. *Id.* And Petitioner’s remaining modifications (to fade out the graphic 1800 or slide in menu 1300) do not meet the claim language. *See* §VII.A below (Petitioner only identifies Ahn’s clock widget as the claimed “at least one other object.”). Thus, Petitioner’s purported ‘progress’ motivation would not have led a POSITA to make the asserted modification of Ahn.

2. *Petitioner’s modification does not help differentiate between objects*

Petitioner’s assertion that “utilizing this progressive translucency or blurring effect would have helped differentiate between the user-interface object (e.g., the menu list 1300) and the background (e.g., the standby screen and/or clock widget)” is misguided and is not supported by evidence. Pet., 39.

As explained above, the menu 1300 in Ahn is not selectable until the gesture is complete. EX2006, ¶78. Additionally, Petitioner does not modify Ahn so that the clock widget is “blurred” more than already pictured in Ahn (e.g., transparency of the clock widget in Petitioner’s modification is not reduced as compared to Ahn’s FIG. 4B). *See* Pet., 33–43. When displayed in a selectable state, the differentiation of the clock widget and the menu is identical in Ahn’s disclosure and Petitioner’s modification. EX2006, ¶78. Thus, this alleged “differentiation” motivation offers no change from the “differentiation” already provided by Ahn. That is, the alleged motivation is a solution without a problem. *See Ex parte Rinkevich*, Appeal No. 2007-1317, slip op. at 8–9 (BPAI May 29, 2007) (noting that “the problem proffered by the Examiner is already solved” by the primary reference, and explaining that “a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably looked at [a secondary reference] to solve a problem already solved by [the primary reference].”). Petitioner’s “differentiation” motivation would not have led a POSITA to make the asserted modification of Ahn. EX2006, ¶79.

3. *Petitioner’s implementation details motivation is contrary to Chaudhri*

Petitioner asserts generally that “Chaudhri-842 provides one example of implementation details that are lacking for a feature otherwise disclosed in Ahn.” Pet., 19. However, for the reasons explained above in Section VI.A, a POSITA

would not have been motivated to look to Chaudhri because Ahn already teaches examples of blurring. Further, as explained above in Section VII.A.2.b, Chaudhri (1) discloses varying the optical intensity of foreground UI elements (not the background), (2) discloses increasing the optical intensity of UI elements associated with a second user-interface state (not decreasing optical intensity of a background associated with first user-interface state), and (3) discloses decreasing the optical intensity of a first application (not a second application that would be associated with Ahn's background/clock widget). EX2006, ¶80. As such, Petitioner's proposed modifications to Ahn do not even implement the alleged "implementation details" of Chaudhri. *Id.*

4. *Petitioner's choice of progressive blurring is not supported*

Petitioner asserts generally that "POSITA would have known that varying optical intensity for a user interface object (e.g., the blurring of Ahn's clock widget) as a function of the magnitude of the user's touch and drag gesture would have been one of a limited number of ways of implementing the blurring effect that's shown in FIGS. 4B, 10, and 13B of Ahn." Pet., 23. Petitioner continues that "[e]ither a POSITA could have implemented the blurring effect in a binary fashion (e.g., toggling instantaneously between unblurred and blurred) or progressively varied the blur as a function of the user's gesture, as taught by Chaudhri-842." Pet., 23. Here, Petitioner abandons its first three motivations and, as a last-ditch fallback,

constructs a false binary choice of its own by framing the decision as simply either/or. EX2006, ¶81. Not only is this motivation divorced from the teachings of Ahn or Chaudhri, but it is also belied by Petitioner’s own arguments based on the various reasons and considerations driving a POSITA’s decision of whether, when, and how to alter the appearance of Ahn’s background. *See, e.g.,* Pet., 19–23.

As explained in Section V.A above, Ahn’s widget is not “blurred” until after the “touch and drag operation” is complete. EX2006, ¶82. Weighing against doing so is the fact that varying the optical intensity of the background is not without cost. *Id.* In particular, progressively varying the optical intensity of the background in a touch input device like Ahn’s would require code that would eat into the device’s limited storage, as well as the use of limited processing and memory bandwidth, and limited battery power, to execute the function of varying that optical intensity. *Id.*

In Petitioner’s asserted combination, progressively varying the optical intensity of the background while the menu 1300 is not selectable would serve no purpose. *Id.* As such, even assuming Petitioner’s false binary, a POSITA would have chosen not to expend resources to make that modification to Ahn. *Id.*

For the reasons explained above, Petitioner’s modification would not achieve any of the purported benefits alleged to motivate Petitioner’s modifications of Ahn. As such, “we are left with only hindsight bias that KSR warns against.” *Metalcraft*

of Mayville, Inc. v. The Toro Co., 848 F.3d 1358, 1367 (Fed. Cir. 2017).

VII. PETITIONER DOES NOT ESTABLISH THAT AHN-CHAUDRHI TEACHES CLAIM 1

A. Limitation [1.d.i]

Limitation [1.d.i] recites “during detection of at least a portion of the gesture before a completion thereof is detected, blur, based on a change in a distance magnitude of the gesture being detected on the touch screen to thereby move the object on the touch screen, at least a portion of the at least one other object that is not overlapped.” Petitioner’s Ahn-Chaudhri theory fails to render Limitation [1.d.i] obvious for multiple reasons.

1. Petitioner’s theory does not establish that a “gesture” “move[s] the object on the touch screen”

Petitioner asserts that Ahn’s “menu identifier icon such as graphical shadow 1800” moves with the user’s finger as the user drags their finger across the display. *See* Pet., 39–40. Petitioner must show this assertion to be true in order for its mapping of Ahn to meet Limitation [1.d.i]. Unless Ahn’s “graphical shadow 1800” follows the user’s finger across the display, the overlap of Ahn’s menu onto the standby screen does not occur “based on a change in a distance magnitude of the gesture being detected on the touch screen to thereby move the object on the touch screen” as required by Limitation [1.d.i]. EX2006, ¶85.

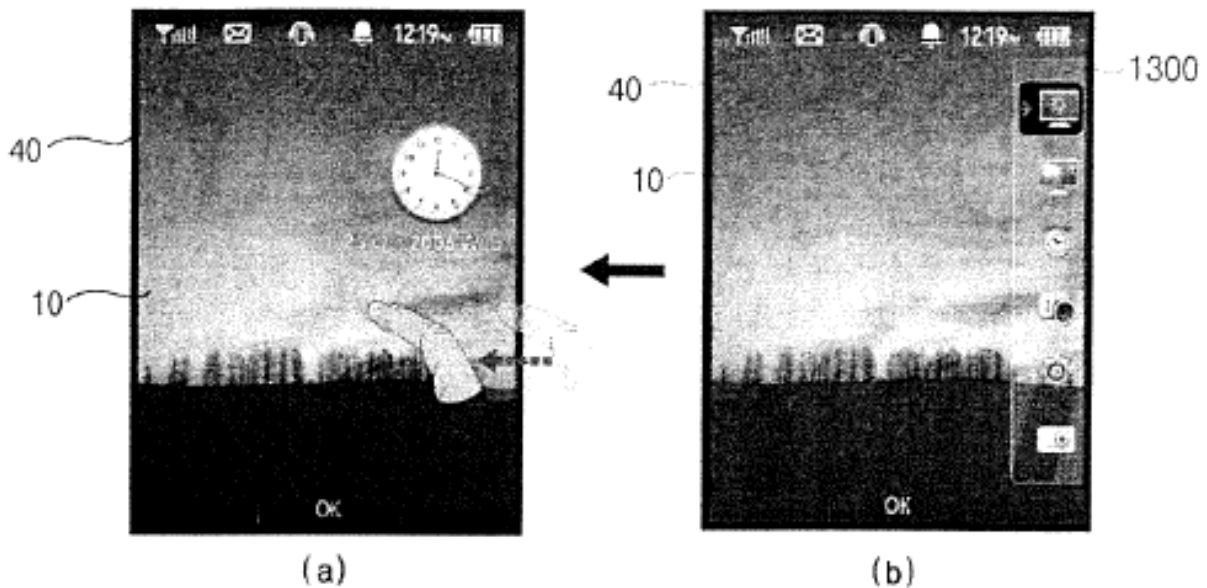
To establish Ahn’s “graphical shadow 1800” progressively slides with the user’s finger, Petitioner relies on one sentence in Ahn’s paragraph 118: “as the user

drags the graphic shadow 1800, the menu list 1500 can be displayed along the dragged graphic 1800.” Pet., 39–40. The crux of Petitioner’s theory is that “drags the graphic shadow” means that graphic 1800 is depicted as *moving with* the user’s finger when it performs a touch and drag operation. But this is inconsistent with both Ahn’s use of the term “drag” and the depiction of graphic 1800 in FIGS. 18a and 18b. EX2006, ¶86.

a. “Drag” does not mean move in Ahn

Ahn unambiguously uses “drag” to describe the input—not any responsive movement of graphic 1800. In Ahn, “drag” “indicates movement of an external object on the touch screen 10.” EX1004, ¶98. In other words, “drag” means an external object (e.g., finger, stylus, etc.) is acting on the screen or part of the screen, not that a graphic is moving. EX2006, ¶87. For example, related to FIG. 13 below, when Ahn states that “if the user touches a specific position of the touch screen 10 and drags the touch in a left direction a menu list 1300 ... is displayed[,]” (EX1004, ¶102) the user is dragging a finger across the touch screen. EX2006, ¶87.

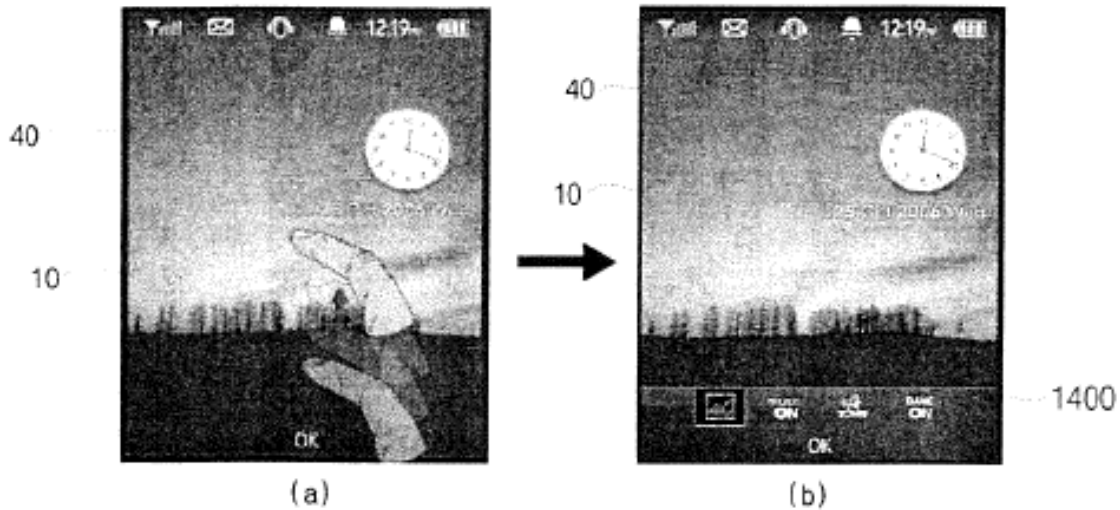
FIG. 13



The Board stated that “Figure 13a depicts a display at the start of the user gesture, while Figure 13b depicts the display after the gesture,” such that “[n]either figure depicts the details of what occurs during the gesture.” D.I., 25. But the Board’s premise and conclusion are both mistaken. In particular, FIG. 13a plainly depicts what occurs during the gesture itself—*i.e.*, FIG. 13a shows the user’s finger moving from the gesture’s starting position to the gesture’s ending position. EX2006, ¶88. But Ahn’s FIG. 13a does not show any portion of the menu list 1300, and therefore depicts an example of the binary (on/off) menu display shown in the flowchart of Ahn’s FIG. 16. EX2006, ¶88. Stated another way, FIGS. 13a and 13b are neither silent nor ambiguous on this point; Ahn’s FIGS. 13a and 13b show that menu list 1300 is not displayed until after the gesture is completed. EX2006, ¶88.

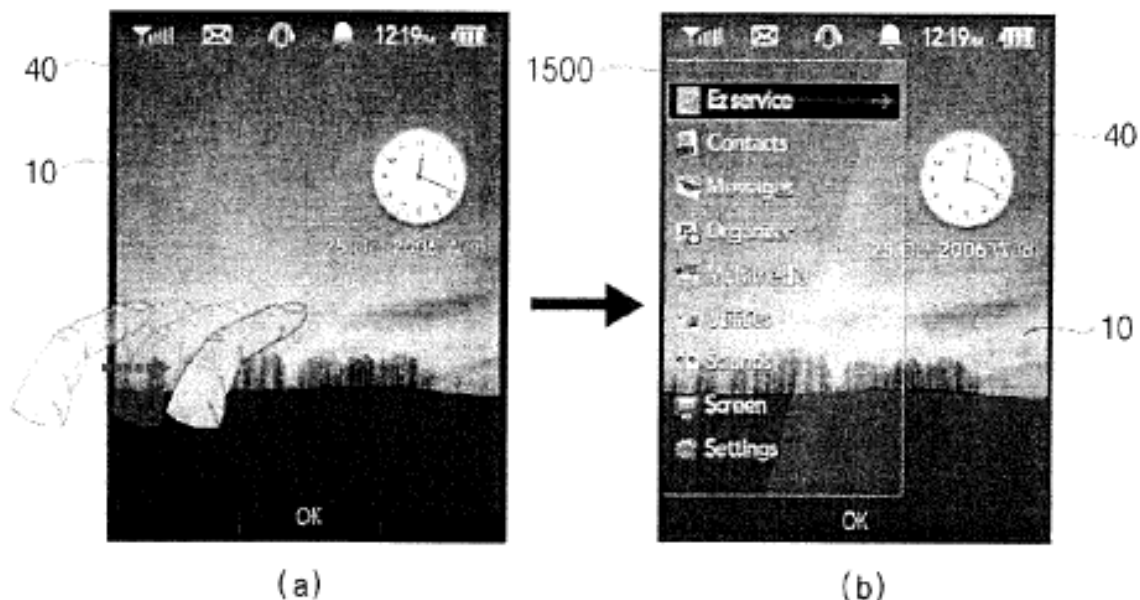
Similarly for FIG. 14 (below), Ahn teaches that “if the user touches screen 10 and drags the touch in an upward direction, a menu list 1400 ... is displayed.” EX1004, ¶103; EX2006, ¶89.

FIG. 14



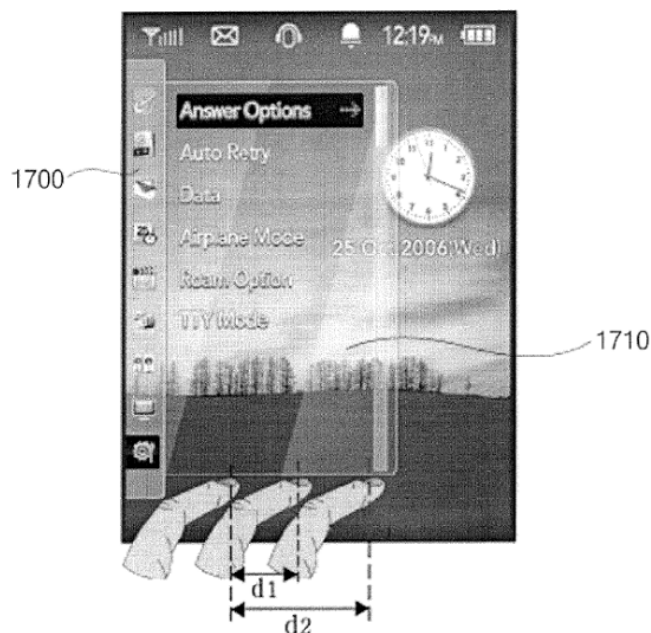
For FIG. 15 (below), Ahn teaches that “if the user touches screen 10 and drags the touch in a rightward direction, a menu list 1500 ... is displayed.” *Id.*; EX2006, ¶90.

FIG. 15



Regarding FIG. 17, Ahn states that “if the user drags the touch screen 10 by a distance longer than or equal to the distance d1 and shorter than the distance d2, the first menu list 1700 is displayed.” EX1004, ¶116.

FIG. 17

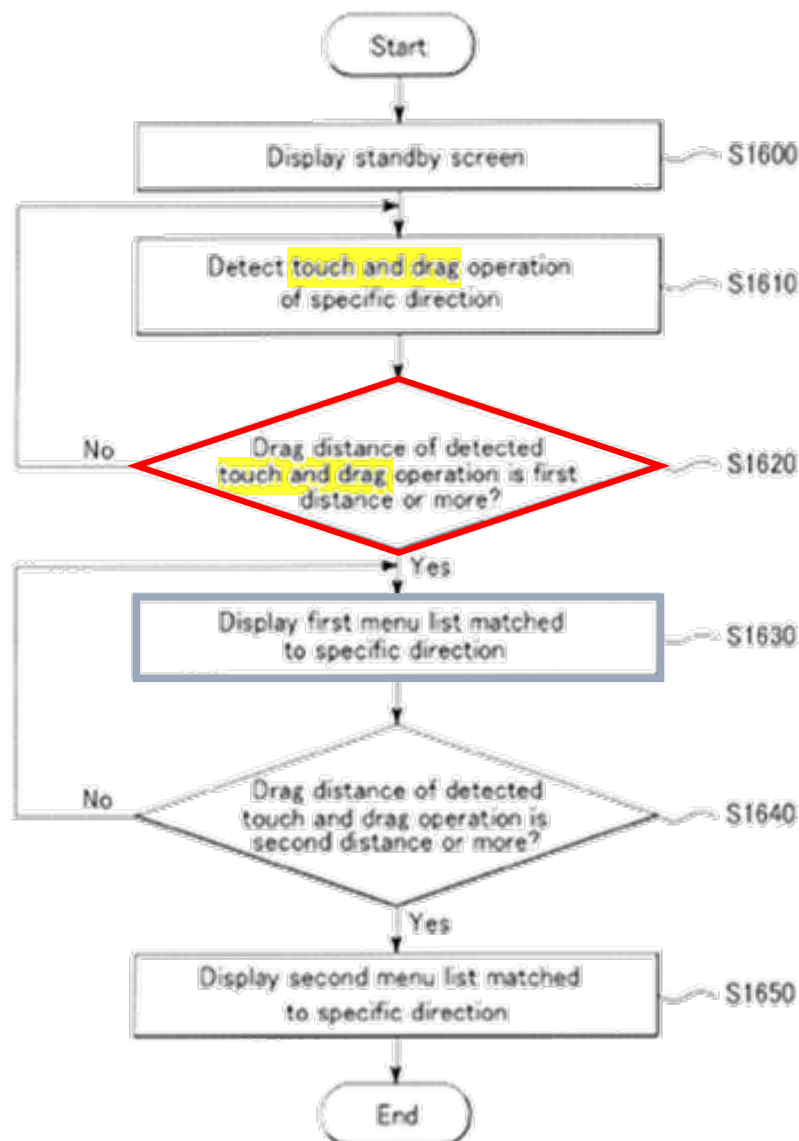


Of course, the user does not move the touch screen 10 itself, but merely performs a drag gesture on the touch screen, in response to which the first menu list is displayed. EX2006, ¶91; *see also* EX1004, ¶111 (describing touch operation as “dragged”).

Each of Ahn’s examples show that the movement of the external object, e.g., a finger, itself is the key to the display of the menu and no “identifier” or “graphic” is necessary to be moved. Likewise, when “the user drags the graphic shadow 1800” (EX1004, ¶118), the user is merely performing a drag gesture that starts on the graphic shadow, in response to which the menu list 1500 is displayed. EX2006, ¶91.

Ahn's description of its other operations confirms this interpretation. EX2006, ¶92. As explained above in Section V.A, a POSITA would have understood that Ahn's menu operations are binary, opening *after* the input is received. EX2006, ¶92. Ahn's "touch and drag" embodiments, including FIGS. 11–18 ((EX1004, ¶¶95–119), are described as binary—not progressive—and only display a menu *after* determining a drag distance exceeds a first distance.

FIG. 16



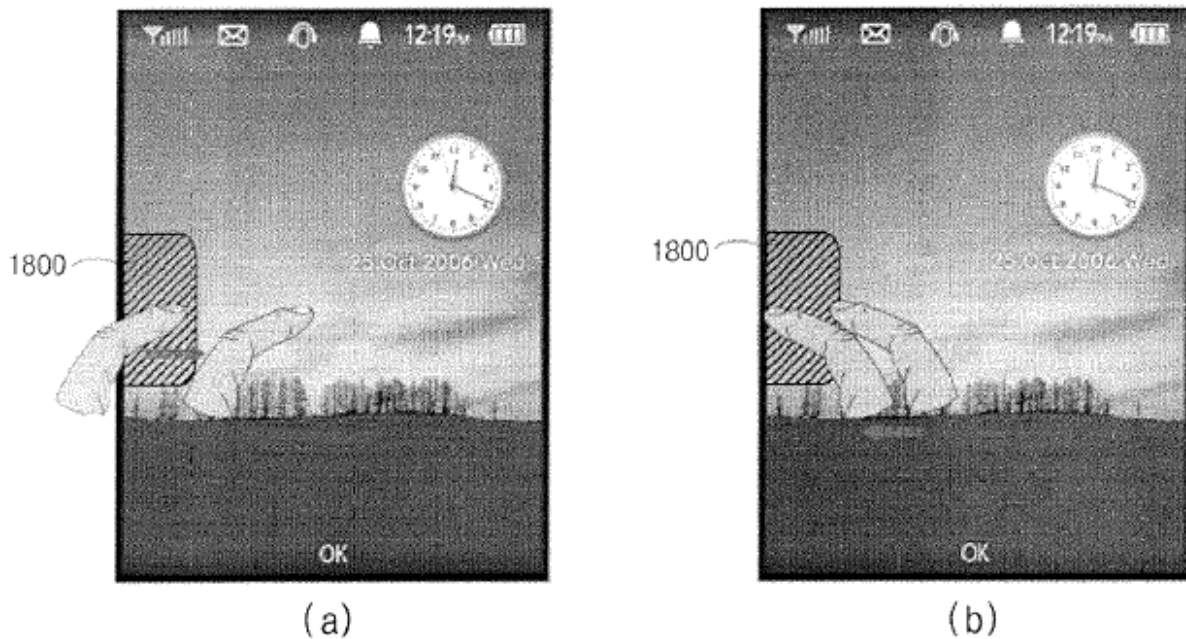
EX1004, FIG. 16 (step S1630 only occurs after S1620 is met); *id.*, ¶109 (“controller 50 determines whether a drag distance of the detected touch and drag operation is a first distance or more (S1620). *If a drag distance of the detected touch and drag operation is a first distance or more*, the controller 50 controls to display a first menu list.”); EX2006, ¶92.

b. Adding “an identifier” of a start position does not indicate movement in Ahn

Ahn’s disclosure to add “an identifier” for “notifying a *start position* of a touch and drag operation” (EX1004, ¶117) does not change the described binary menu opening operation to a progressive one. EX2006, ¶93. In other words, Ahn’s paragraphs 118 and 119 merely describe adding a start position identifier to the binary “touch and drag” menu embodiments already described elsewhere in Ahn’s disclosure and does not describe differences in the process through which the menus are displayed. EX2006, ¶32.

While Dr. Terveen explained that Ahn’s paragraph 118, describing FIG. 18a, and paragraph 119, describing FIG. 18b, are describing “one gesture” (EX2008, 30:15–23), importantly, *neither FIG. 18a nor FIG. 18b show that graphic 1800 moves at all*. EX2006, ¶93. In both figures, graphic 1800 remains attached to the left side of the display, despite both showing movement of the user’s finger:

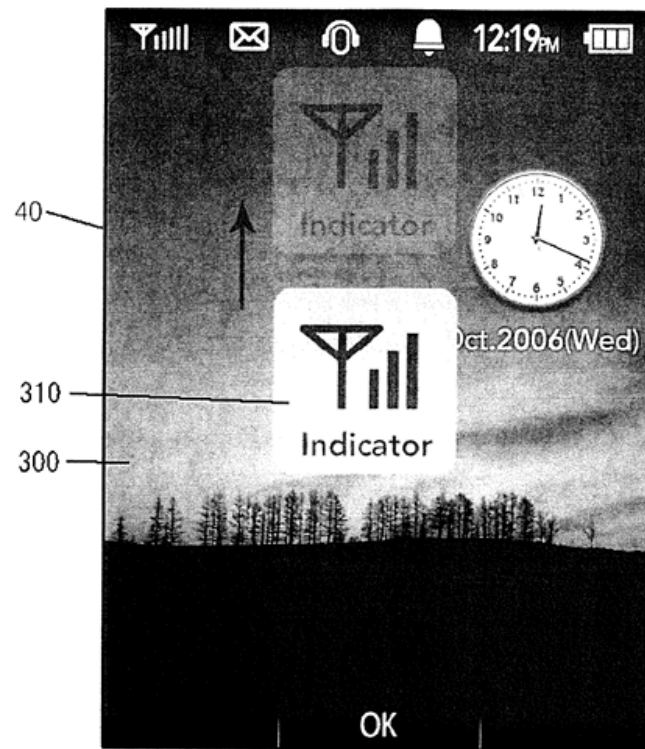
FIG. 18



EX1004, FIGS. 18a and 18b; EX2006, ¶¶93–94.

If Ahn wanted to display the graphic 1800 as moving with the finger, it knew how to display such a movement—it would have simply shown the shadow in multiple positions in the same way it showed the finger in multiple positions to indicate movement. EX2006, ¶95. In its FIGS. 3B, 4A, 6A, 7A, and 8B, Ahn also depicts other objects as moving in response to an input. *Id.* For example, Ahn's FIG. 3B (inset below) shows icon 310 moving.

FIG. 3B



Ahn also clearly depicts movement of a finger. EX1004, FIGS. 13–15. In fact, FIG. 18a of Ahn illustrates the user’s finger moving along the display while the graphic 1800 *remains stationary*. EX1004, FIG. 18a. If Ahn wanted to display the graphic 1800 as moving with the finger, it knew how to display such a movement. EX2006, ¶¶95–97.

For the “graphic 1800” to move “in response to and along with a user’s touch and drag gesture on the touch screen” (Pet., 40) Petitioner must create several internal inconsistencies within Ahn’s disclosure. For example, under Petitioner’s interpretation show Ahn’s paragraph 118 must: (1) use the term ‘drag’ inconsistently with the rest of Ahn’s disclosure; (2) operate contrary to the described

touch and drag operation that display a menu before the gesture is completed; and (3) depict FIG. 18(a)'s stationary graphic as inconsistent with its operation. EX2006, ¶98. But there is nothing in Ahn or Petitioner's explanation that would explain adopting an interpretation that would create such inconsistencies. Instead, a POSITA would have understood Ahn's paragraph 118 to describe displaying a menu after a touch and drag operation—starting on graphic 1800—is detected to be complete as is consistent with Ahn's specification, figures, and other embodiments. EX2006, ¶98.

In sum, there is nothing to establish that Ahn's paragraph 118 intends to use the term "drag" inconsistently with the rest of the specification or operate the menu in a manner contrary to the described "touch and drag" operation. EX2006, ¶¶96–98. To the contrary, Ahn's FIGS. 18a and 18b—like FIG. 13a—are neither silent nor ambiguous on this point: both show that the graphic shadow 18 *does not move* while the user's finger does move. EX2006, ¶98. As explained above, a POSITA would not have arrived at an operation to have Ahn's graphic 1800 follow a user's finger as this is contrary to the operations expressly disclosed in Ahn. *Id.*

c. Adding generic reference to Chaudhri does not cure Ahn's deficiency

Further, while the Petition cites Chaudhri's discussion of "cues," it does so solely to suggest an interpretation of Ahn and, despite elaboration in the Institution Decision, the Petition itself does *not* describe how any "dragging the unlock image"

would be applied to graphic 1800. Pet., 40–41; D.I., 24–25 . Notably, the Petition does not articulate any modification of Ahn’s graphic 1800 based on Chaudhri and only refers to graphic 1800 in the context of Ahn’s touch and drag operation, i.e., “moving the graphic 1800 as part of the touch and drag gesture.” Pet., 40–41; EX2006, ¶99. Moreover, as discussed below, Petitioner’s modification is the opposite of what Chaudhri teaches, i.e., changing the optical intensity of “the object” not “the other object” to the extent a gesture moves “the object on the touch screen.”

2. *Petitioner’s theory does not establish that “the at least one other object” is “blur[red], based on a change in distance magnitude of the gesture”*

Petitioner’s modification of Ahn with Chaudhri is premised on providing a user with an indication of or feedback on the progress of Ahn’s gesture. Pet., 19 (“Ahn-Chaudhri combination is a mobile device that changes an optical intensity of one or more user interface objects as a function of progress towards satisfaction of a user’s gesture input”). Specifically, Limitation [1.d.i] requires that “the at least one other object” is “blur[red], based on a change in distance magnitude of the gesture.” Petitioner asserts that Ahn-Chaudhri teaches this limitation because a POSITA viewing Chaudhri would have found it obvious to “*transition[] optical intensity to provide visual feedback regarding the progress of a transition* between user interface states as a result of detecting a user’s input of a predefined gesture.” Pet., 35. But this is logically incorrect. EX2006, ¶100.

a. Petitioner's modification does not show progress

First, Petitioner's alleged "blurring" of Ahn's clock widget during Ahn's "touch and drag operation" would not provide the user with any indication of progress of opening the corresponding menu list, i.e., does not "blur, based on a change in distance magnitude of the gesture ... at least a portion of the at least one other object that is not overlapped" EX2006, ¶101. In Petitioner's modification, the "clock widget [is] blurred *when user menu 420 is opened*," as illustrated by Ahn's FIGS. 3A and 4B.

FIG. 3A

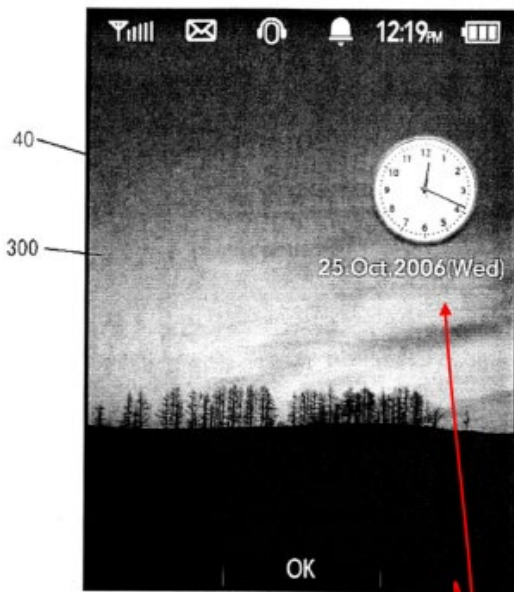
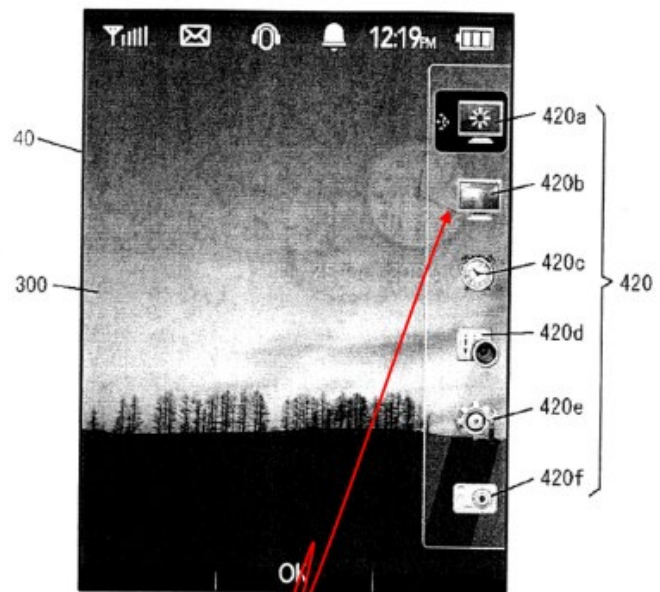


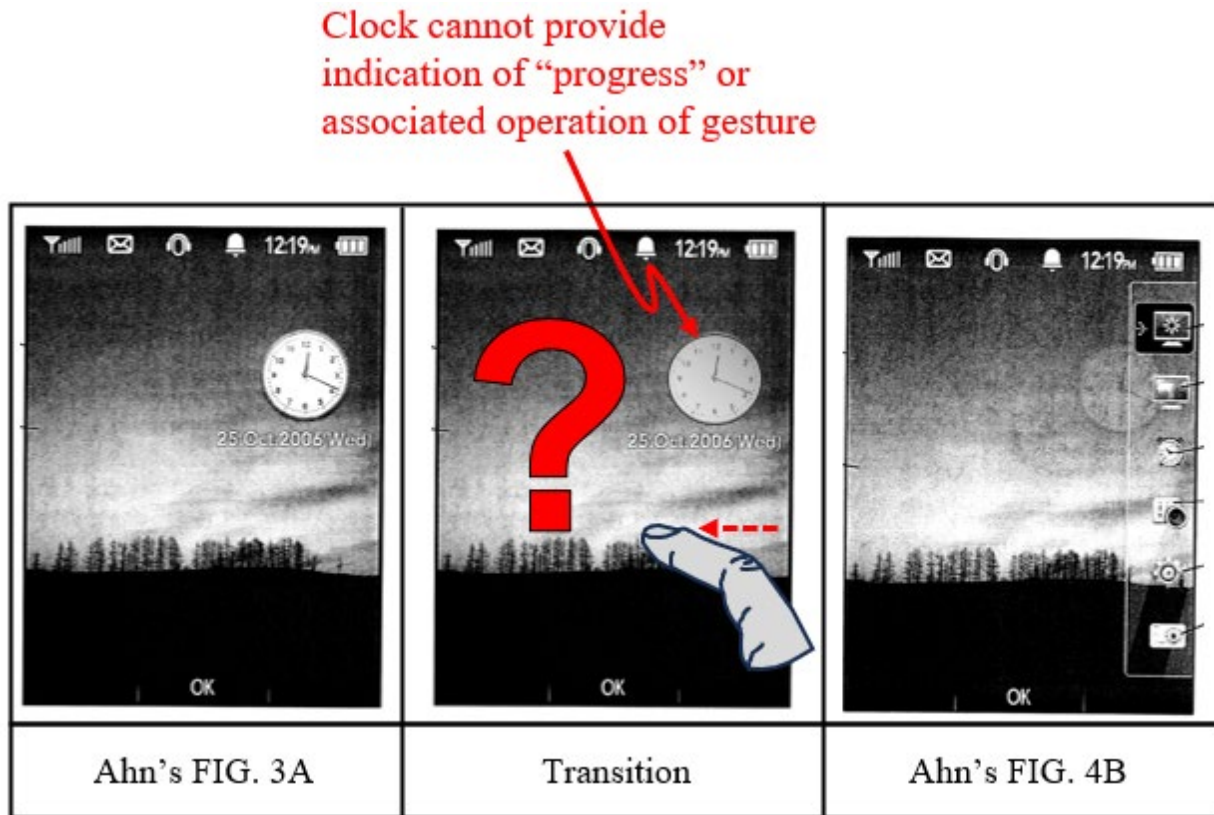
FIG. 4B



Entire clock widget blurred when user menu
420 is opened, including portion not
overlapped/obscured by the open menu

Pet., 35.

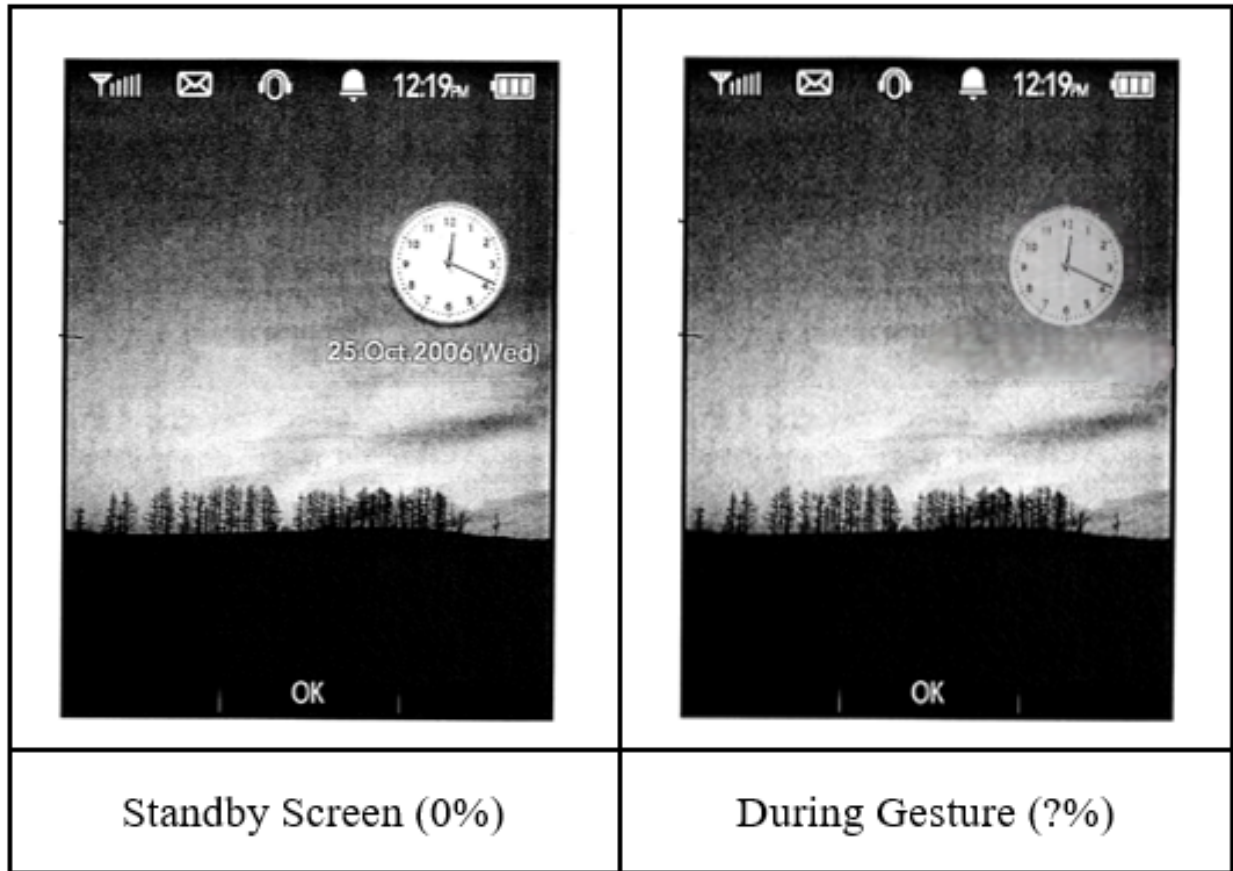
Petitioner's alleged modification of Ahn is illustrated by the below progression which transitions from a Standby Screen (corresponding to Ahn's FIG. 3A) to a Menu Screen (corresponding to Ahn's FIG. 4B) in response to a touch and drag gesture as described in Ahn. EX2006, ¶102; *see* Pet., 38–39 (“obvious to vary ... the optical intensity of the standby screen or at least portions thereof (e.g., the blurring of the clock widget, as shown in FIGS. 4B, 10, and 13b) as a visual indication of a user's progress in completing Ahn's ‘touch and drag’ gesture”).



As is apparent in this sequence of figures (and Ahn's FIG. 13b), the clock widget remains visible throughout the transition. EX1004, FIG. 4B (depicting clock widget after menu is displayed). EX2006, ¶103. This optical transition of the clock

widget, from left to right in the images above, does not suggest to a user when or if the menu 420 will appear as in Ahn's FIG. 4B—"blur" is not "based on a change in distance magnitude of the gesture." EX2006, ¶103. Nor is this end-state (display of the menu) otherwise related to the alteration of the clock widget in any manner that is perceivable by a user. *Id.* For example, there is no frame of reference to discern any progress, relative to its required distance, of the gesture based on the changing appearance of the clock widget.

As such, the change in optical intensity during the touch and drag operation would not provide any indication of (1) how much of the gesture is completed, or (2) how much of the gesture is remaining. *Id.*; *contra* EX1005, ¶¶88, 90 ("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 and ***how much of the gesture is remaining***"); Pet., 38 (quoting same). In other words, a user cannot tell from the alleged "blurring" how much more "blurring" or swiping is needed before the menu will appear. EX2006, ¶104. This can be illustrated in the below figure:



Because a user cannot determine the amount of progress for Ahn's touch and drag operation based on the variation in the clock widget in the above image, a POSITA would have understood that progressive blurring of the clock widget would *not* indicate progress. EX2006, ¶105 *cf* EX1005, FIG. 5B (depicting progress of gesture). A POSITA therefore would not have been motivated to modify Ahn to progressively blur the clock widget as a visual indication of a user's progress in completing the gesture. EX2006, ¶105.

A POSITA would have understood that this change in appearance merely indicates that a gesture is happening, but the user *already* knows that much because

the user *is performing* that gesture. EX2006, ¶106. As in Ahn alone, the user would only know the gesture is complete once the menu list 1300/420 appears, ***upon completion of the gesture***. *Id.* Accordingly, a POSITA would have understood that Petitioner’s purported modification would not provide any indication of a user’s progress in completing Ahn’s “touch and drag” gesture because, unlike Chaudhri, the Petition’s proposed UI shows no indication of progress toward a clearly visible end goal. *Id.* Thus, Petitioner’s purported ‘progress’ motivation would not have led a POSITA to make the asserted modification of Ahn.

Further, as explained above in Section V.A, the alleged variation in optical intensity would not have helped differentiate between the user-interface object (e.g., the menu list 1300) and the background (e.g., the standby screen and/or clock widget) because the menu is not shown until ***after*** the gesture is completed. EX2006, ¶107. Because the menu is not displayed during the gesture, there can be no differentiation until the menu appears, which is ***after the gesture is completed***. *Id.* Thus, differentiation cannot provide a logical motivation for why a POSITA would vary the optical intensity of the clock during Ahn’s “touch and drag” gesture.

b. Petitioner’s modification operates contrary to Chaudhri

Petitioner contends it obvious to decrease “the optical intensity of the standby screen or portions thereof (e.g., the blurring of the clock widget ...),” which Petitioner identifies as Ahn’s background. Pet., 38; *see id.*, 39 (“progressively

blurring at least a portion of the standby screen 300 such as the clock widget throughout detection of the touch and drag operation consistent with the teachings of Chaudhri '842"). Thus, Petitioner's modification decreases the optical intensity of Ahn's background, which Petitioner associates with Chaudhri's "first user interface state." Pet., 50; EX2006, ¶108. Chaudhri teaches the opposite of Petitioner's modification.

First, Chaudhri does not vary the optical intensity of a background. EX2006, ¶109. To the contrary, Chaudhri discloses adjusting an optical intensity of user interface (UI) objects: "The optical intensity of a user-interface object, as used herein, is the object's degree of visual materialization." EX1005, ¶85. And Chaudhri repeatedly makes clear that user interface objects are distinct from a background. *See, e.g., id.* ("optical intensity may be the visual differentiation *between* the user-interface object and *the background*"); EX2006, ¶109. Thus, Chaudhri teaches varying the optical intensity of foreground UI elements. EX2006, ¶109.

Unlike Chaudhri's foreground UI elements, Ahn's clock widget is part of the background, as conceded by Petitioner. *See* Pet., 33 ("that a clock widget is part of the background standby screen 300"), 39 ("the background (e.g., the standby screen and/or clock widget)."). But Chaudhri does not suggest adjusting the optical intensity (or otherwise altering) a background. EX2006, ¶110. And neither the Petition nor Petitioner's expert explain this gap in logic.

Second, the relied upon portion of Chaudhri explains that “progress is indicated (604) towards satisfaction of the condition by transitioning an optical intensity of one or more user interface objects *associated with the second user-interface state*.” EX1005, ¶¶81–82, FIG. 6 (reproduced and annotated below).

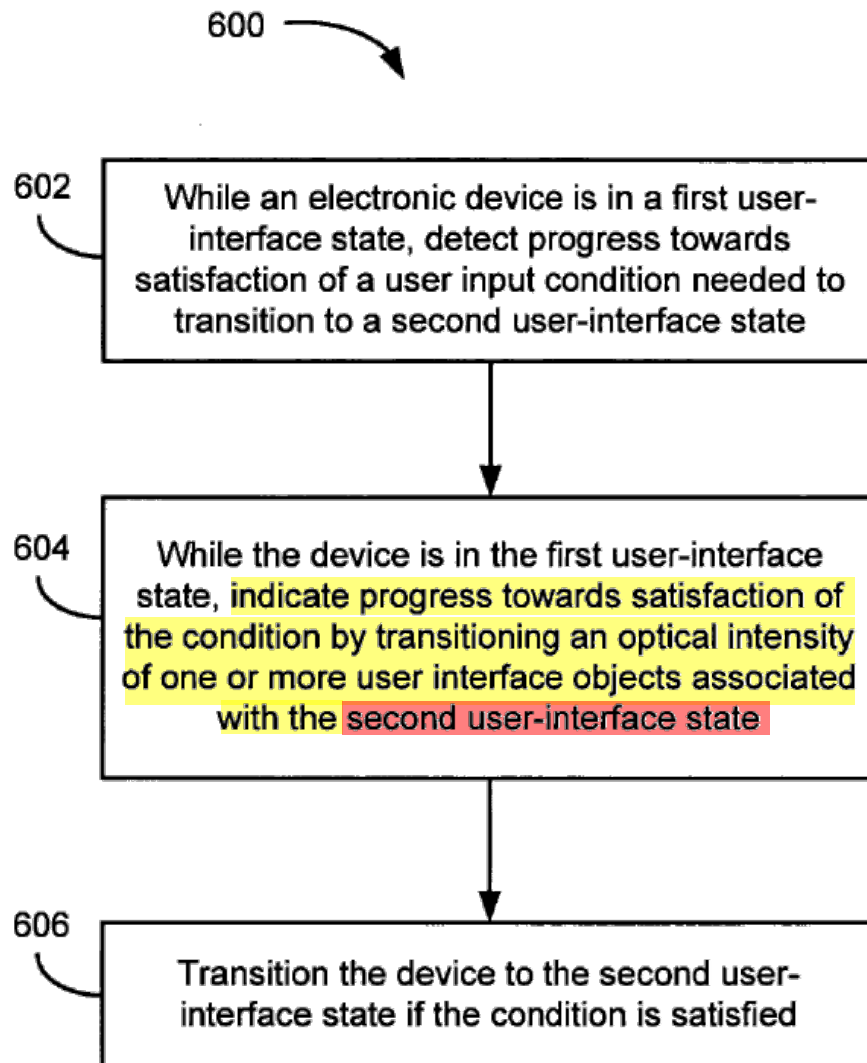
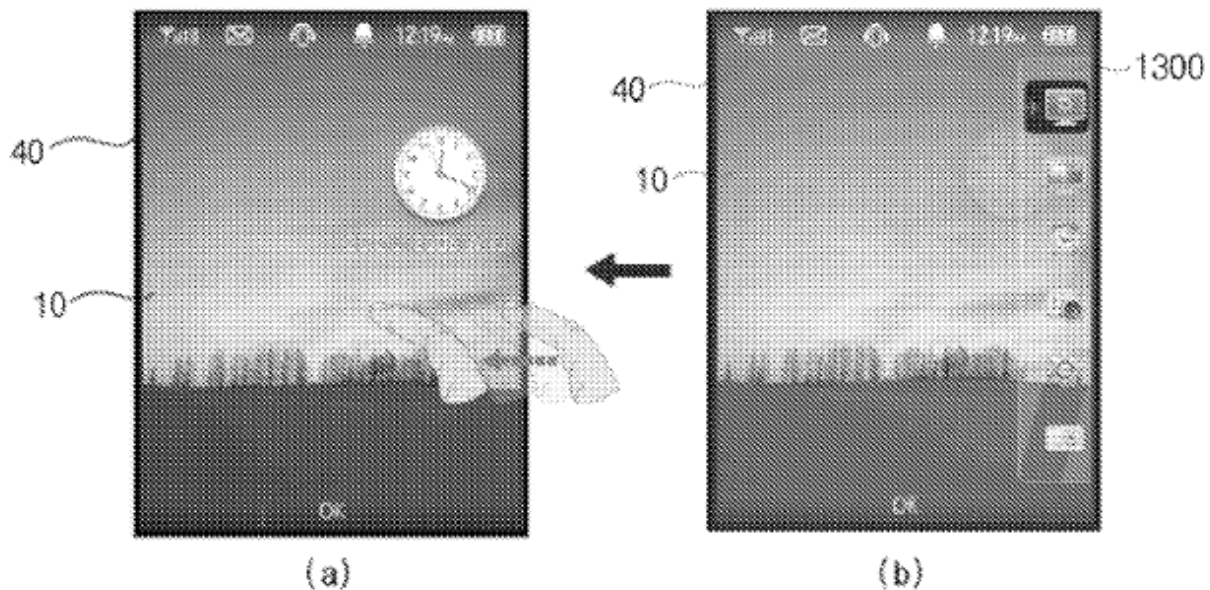


Figure 6

In contrast, Petitioner’s Ahn-Chaudhri combination relies on *reducing* optical intensity of Ahn’s background (the alleged *first* user interface state). EX2006, ¶¶111–112. Specifically, Petitioner identifies Ahn’s *standby screen* (FIG. 13a – below left) as corresponding to the alleged first user-interface state and “*state where a menu list 1300 is displayed*” (FIG. 13b – below right) as the alleged second user-interface state. Pet., 38, 50.

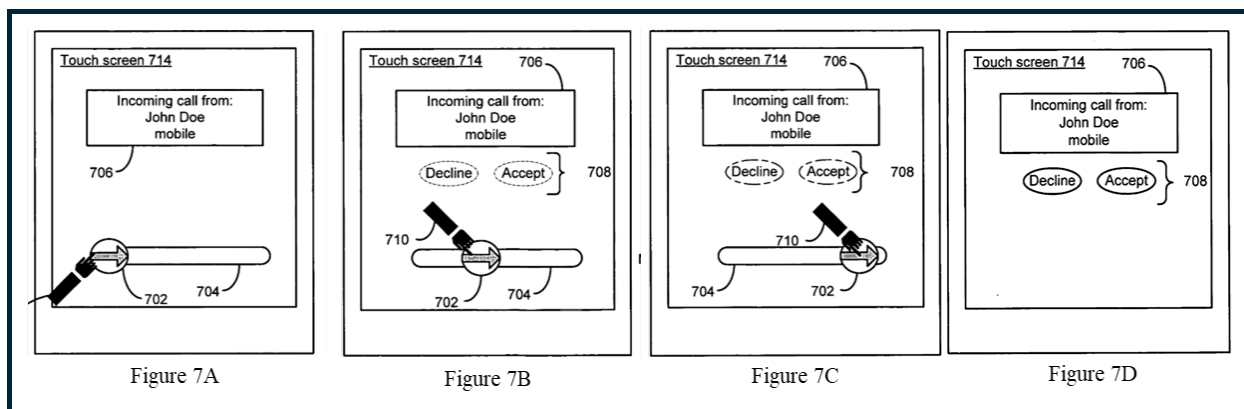


EX2006, ¶112.

In Petitioner’s Ahn mapping, the clock widget is displayed in (e.g., associated with) the *first* user-interface state. EX2006, ¶113. But Chaudhri does not teach adjusting the optical intensity of an object associated with the *first* user-interface state. *Id.* Thus, Petitioner’s modification to change the appearance of Ahn’s clock widget (of the *first* user-interface state) is inconsistent with Chaudhri’s teaching to

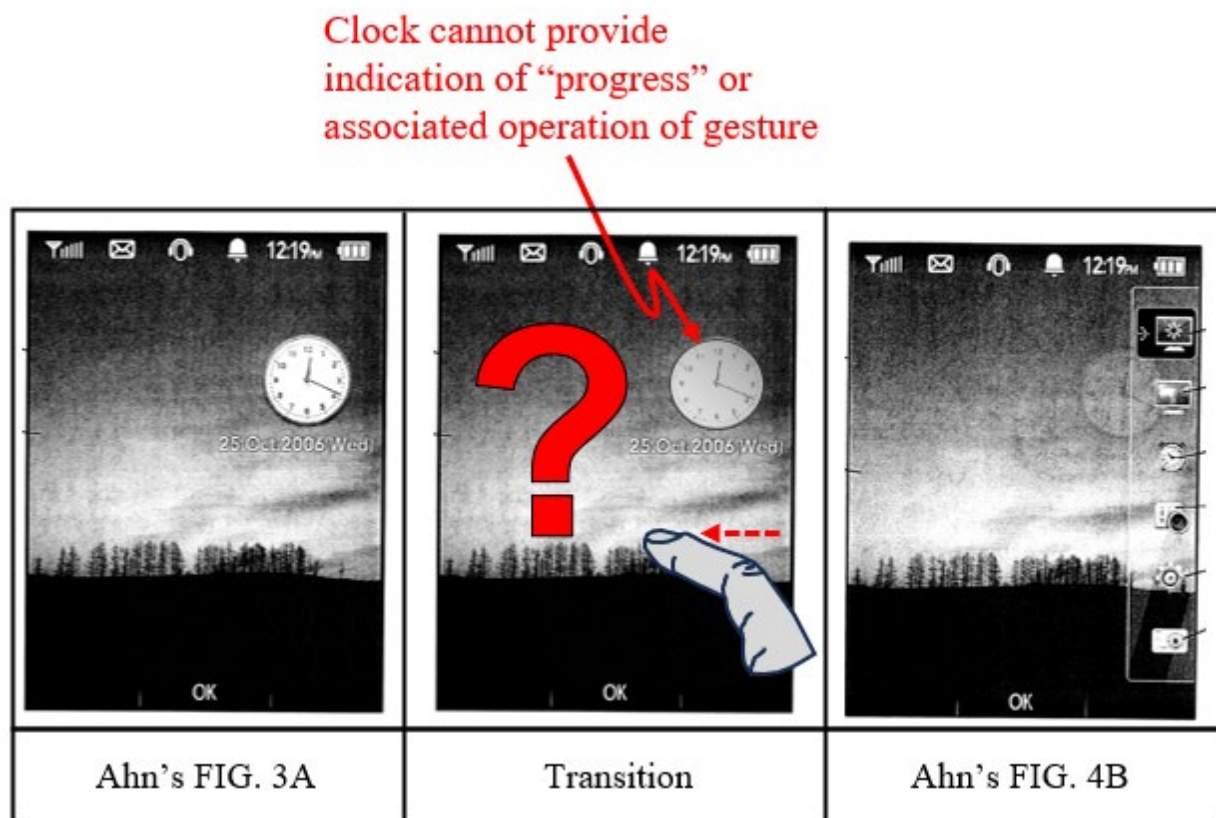
“transition[] an optical intensity of one or more user interface objects associated with the *second user-interface state*.” EX1005, ¶82; EX2006, ¶113.

Importantly, Chaudhri’s teaching of changing the optical intensity of *foreground* objects of a *second user-interface state* provides its user with an indication of progress. EX2006, ¶114. Chaudhri illustrates this concept in its Figures 7A–7D (inset below), where as the user drags arrow 702 to the right, the optical intensity of the virtual buttons 708—associated with the second user interface state—increases. EX1005, ¶¶92–93.



EX1005, FIG. 7A–7D. Here, the user would realize that the gesture—continuing to slide arrow 702 is related to the appearing foreground icons 708 and that their increasing optical intensity indicates these icons would be selectable when the gesture is completed. EX2006, ¶114. Thus, the user is provided with a visual indication of their progress in completing the gesture; both in how much progress of the gesture is left and what functionality this gesture will trigger. *Id.*

In contrast, Petitioner’s purported modification changes the appearance of the *background* clock widget as the user drags their finger towards an undefined end, which would not offer any context to the user on what operation will occur or when. EX2006, ¶115. The appearance of the clock widget is unrelated to the menu 420 and the user would not realize that decreasing optical intensity of the clock widget would result in a menu being displayed, as illustrated below. *Id.*



Thus, a POSITA would have understood that reducing optical intensity for a background object (in a first interface state)—as Petitioner proposes—would not result in a visual indication of progress like that taught for Chaudhri’s increasing of optical intensity for a foreground object of a second interface state. EX2006, ¶115.

Finally, even if Ahn and Chaudhri both describe visual differentiation, it does not render the claims obvious. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (“a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art”). Petitioner contends a POSITA would have decreased the optical intensity of the clock widget “as a visual indication of a user’s progress in completing Ahn’s ‘touch and drag’ gesture.” Pet., 41. As explained above, this is incorrect and not supported by substantial evidence.

Third, the Board cites Chaudhri’s paragraph 79 as supporting Petitioner’s position: “*as the user transitions* from a first application and to a second application, a user interface for the second application may fade in (i.e., increase in intensity) and a user interface for the first application may fade out (i.e., decrease in intensity).” D.I., 26. Petitioner does not cite Chaudhri’s paragraph 79 related to Limitation [1.d.i]. Regardless, Chaudhri’s paragraph 79 again describes operations opposite to the claim language and Petitioner’s allegations regarding the Ahn-Chaudhri combination. EX2006, ¶116. For the sake of argument, to switch between, for example, a “telephone application to a music player” (EX1005, ¶79), Chaudhri’s “first application” [telephone application] would be the focus of “the gesture.” EX2006, ¶116. Thus, Chaudhri’s “first application” would be mapped to the claimed “object”—because it has elements that are moved “on the touch screen”—e.g.,

Petitioner’s mapped Ahn’s graphic 1800. *Id.* Chaudhri’s “second application” [music player] would be mapped to the claimed “other object,” e.g., Petitioner’s mapped Ahn’s clock widget. *Id.* However, Chaudhri’s paragraph 79 teaches that the “first application” (claimed “object” [graphic 1800]) “may fade out” and the “second application” (claimed “other object” [clock widget]) “may fade in.” *Id.* This is the opposite of Limitation [1.d.i] that requires the “other object” to “blur, based on a change in distance magnitude of the gesture.” *Id.*

In sum, Petitioner’s alleged modification does the opposite of what Chaudhri teaches, and a POSITA would not have made this conflicting modification—especially not without an articulable reason, which the Petition does not provide. *Id.*, ¶117.

3. *Petitioner’s theory does not establish that blurring occurs “during detection of at least a portion of the gesture before a completion thereof is detected”*

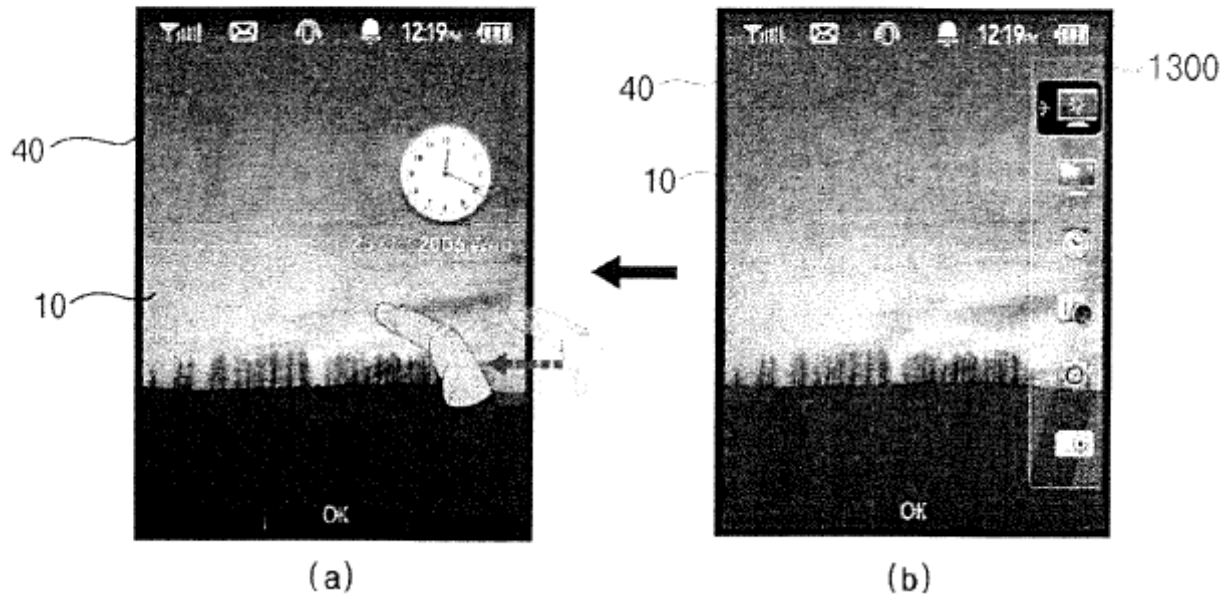
Limitation [1.d.i] recites that “*during* detection of at least a portion of the gesture before a completion thereof is detected” the processor executes instructions to cause the device to “blur [at least a portion of the at least one other object] based on a change in a magnitude of the gesture.” Petitioner asserts that the change in the appearance of Ahn’s clock widget (EX1004, FIG. 4B) discloses the claimed “blur” by applying the use of transitioning optical intensity of Chaudhri. Pet., 33–35; *see also* Pet., 39 (“utilizing this progressive translucency or blurring effect”). However,

Petitioner’s mapping fails to show that Ahn’s clock widget is blurred *during*—and *before* completion of—a gesture. EX2006, ¶118.

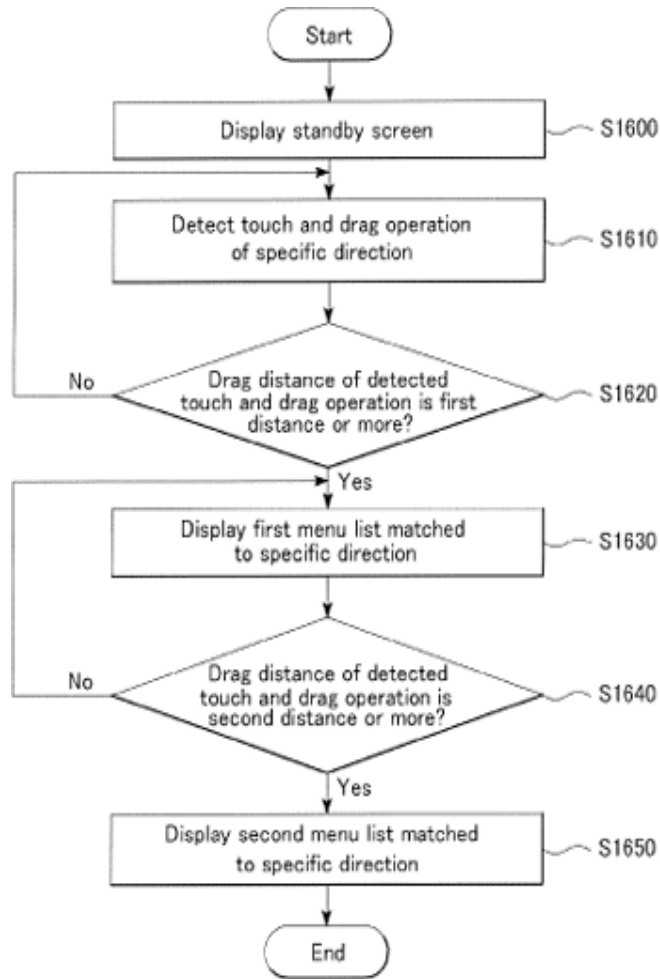
As the Board recognized, regarding Ahn’s FIGS. 13a and 13b, “[n]either figure depicts the details of what occurs during the gesture ... [n]or does the written description provide this detail.” D.I., 25. Indeed, as discussed in Section V.A, Ahn consistently teaches its menus are displayed in a binary operation. At no point does Ahn explain, identify, or even allude to any gradual change in appearance of its clock widget. *See generally*, EX1004. As such, Petitioner turns to Chaudhri as allegedly motivating a ***gradual transition*** from Ahn’s Figure 3A to Ahn’s Figure 13b during a touch and drag operation to deploy Ahn’s menu 1300. Pet., 33–40. However, Petitioner’s cited portions of Chaudhri does not suggest this; instead, Chaudhri *increases* the optical intensity of a *foreground* element, or entirely fading out a previous application when transitioning to a new application. Ultimately, Chaudhri does not suggest either changing the appearance of a background ***during*** detection of a gesture or *decreasing* optical intensity of a background that remains visible upon completion of the gesture. EX2006, ¶¶119–121.

Referring to Ahn’s FIGS. 13a and 13b (below), a user touches the screen and “drags the touch in a left direction” (EX1004, ¶102) and ***afterwards*** a menu list 1300 matched to a left direction is displayed (FIG. 13b). EX2006, ¶122.

FIG. 13



As shown in FIG. 13a, the user's finger drags from a first point to a second point on the display, while the display does not change as the user's finger "drags the touch in a left direction." EX2006, ¶123; *see* EX1004, ¶102. Only *after* "the touch and drag operation [i.e., gesture] of the user is completed" is the appearance of the clock changed (FIG. 13b). *See* EX1004, ¶116. This operation is confirmed by Ahn's FIG. 16 (below), in which Ahn displays its menu (1630) only *after* determining a drag distance exceeded a first distance (1620). EX2006, ¶123; *see* EX1004, ¶¶107–109.



EX1004, FIG. 16. “That is, if the touch and drag operation of the user *is completed*, the controller 50 determines a distance of the touch and drag operation, whereby a specific menu list corresponding to the distance can be displayed in the display 40.” *Id.*, ¶116. Thus, the menu 1300 is not displayed *during* the gesture; rather, it is displayed only *after* the gesture is completed. EX2006, ¶124.

As another example, the user interacts with graphic 1800 shown in FIG. 18, e.g., “press the graphic 1800 with a finger” to cause the graphic 1800 to gradually disappear in the display 40 and the menu list 1500 to be displayed. EX1004, ¶119;

EX2006, ¶125. Again, there is nothing in Ahn that suggests that any object is “blurred” *during* the interaction. *Id.* Indeed, even graphic 1800 does not “gradually disappear[]” until after the interaction. EX1004, ¶119. Thus, Ahn does not disclose “blurring” any object—much less its clock widget—*during* a touch and drag operation or based on any other interaction with graphic 1800. EX2006, ¶125.

As discussed above, the Board cites Chaudhri’s paragraph 79 as supporting Petitioner’s position. D.I., 26. Again, Petitioner does not cite Chaudhri’s paragraph 79 related to Limitation [1.d.i] and does not advance the position included in the Institution Decision.

B. Limitation [1.d.ii]

For Limitation [1.d.ii], Petitioner must show that “blur” of the clock widget increases as a function of the distance magnitude of the gesture. But Petitioner’s analysis of Limitation [1.d.ii] focuses solely on the portion of the clock widget being blurred, not that the blur is increased as a function of the gesture. Pet., 41–43.

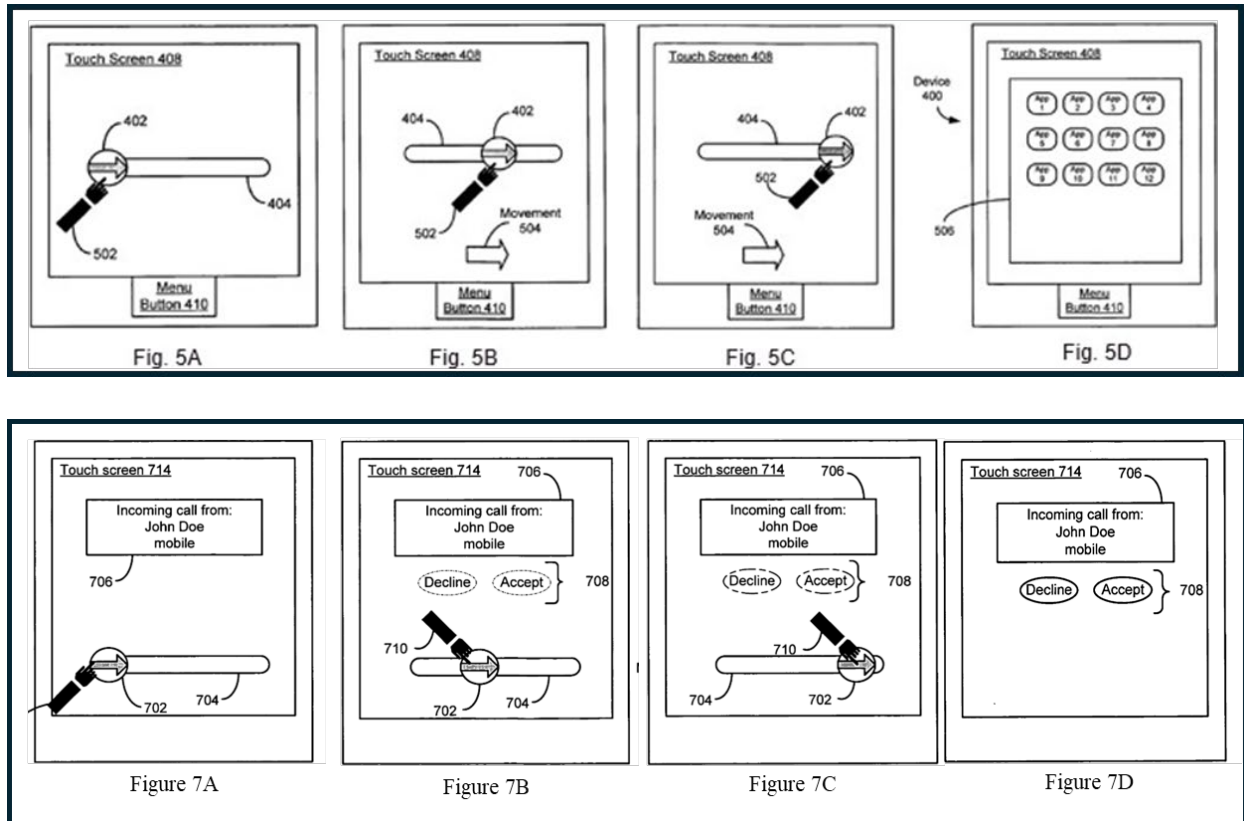
1. *Chaudhri does not teach increasing the blur of the “other object” as a function of distance magnitude of the gesture*

As discussed in Section V.A, Ahn teaches a binary operation and fails to describe any gradual change in the appearance of its clock widget. EX2006, ¶127; *see generally* EX1004. Thus, Petitioner turns to Chaudhri and cites to a general range, Chaudhri, paragraphs 80–89, in support of varying “the optical intensity of the standby screen.” Pet., 41. However, Petitioner does not specifically address the

part of the Limitation [1.d.ii] requiring the blurring to increase a “a function of an increase in the distance magnitude.” Pet., 41. This term does not even appear in Petitioner’s argument. Pet., 41–43. While Petitioner also cites Chaudhri’s paragraph 79 as teaching that a first application may “fade out,” this is not done as a function of an increase in the distance magnitude. EX2006, ¶¶128–129. Instead, Chaudhri explains that such fading is performed according to a pre-set *temporal* interval, not a *distance* magnitude. EX1005, ¶79 (“over a ***pre-determined*** time interval”).

Even though Petitioner does not articulate any rationale for decreasing the optical intensity of Ahn’s clock widget as a function of the distance magnitude of any gesture, the Board relies on Chaudhri’s paragraph 87 as teaching this element. D.I., 28–29. But Chaudhri’s paragraph 87 also fails to teach an ***increase in the magnitude of the blurring of Ahn’s clock widget*** (“other object”) as a function of the increase in the distance magnitude of the gesture. EX2006, ¶130. Chaudhri’s paragraph 87 teaches that “the indication of progress towards completion of the user input condition is a function of the user’s satisfaction of the condition.” EX1005, ¶87. Chaudhri’s “user input condition” is described as a “predefined gesture” or “dragging an image along a predefined path,” as examples. EX1005, ¶¶88, 90. This is shown, for example, in FIGS. 5A–5D and 7A–7D below, where Chaudhri illustrates “the indication of progress is 10% complete when the unlock action is

10% complete; ... and so forth, up to 100% completion of the unlock action, at which point the transition to the unlock state occurs.” EX1005, ¶87.



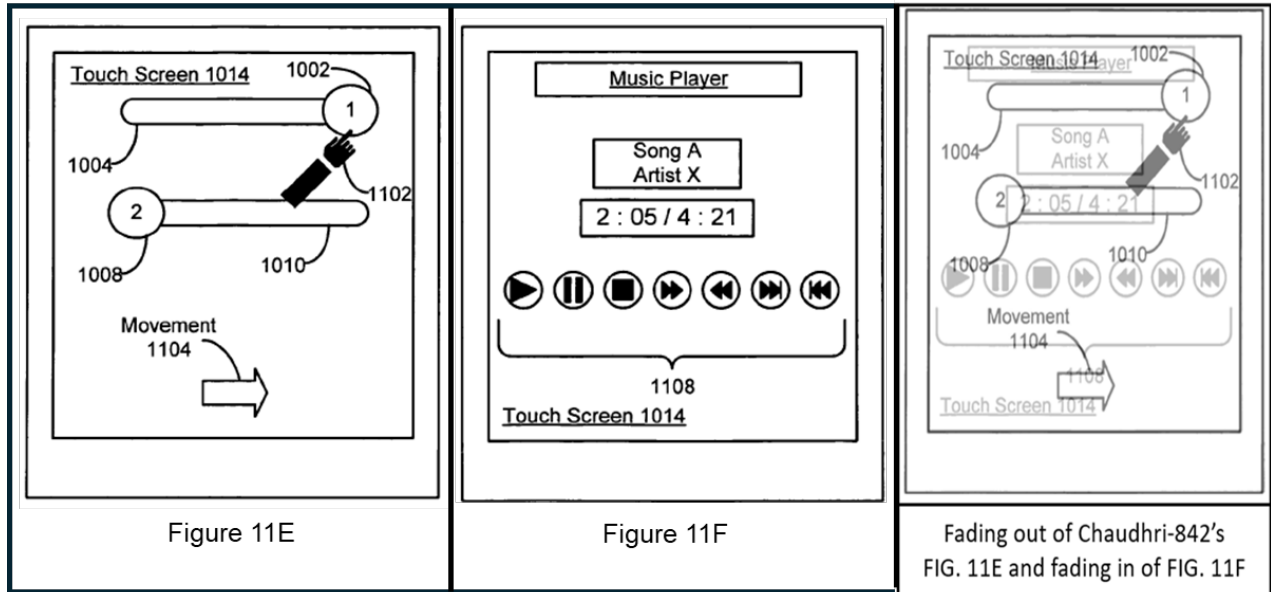
EX1005, FIGS. 5A–5D, 7A–7D. Notably this transition occurs on a lock screen in Chaudhri, which could only be mapped to graphic 1800 or “the object” of Claim 1. EX2006, ¶¶129–130. Chaudhri then teaches that “*the transition of the optical intensity* from an initial value to a final value is 10% complete when the unlock action is 10% complete; ... and so forth, up to 100% completion of the unlock action, at which point the optical intensity is at its final value.” EX1005, ¶87. Thus, Chaudhri teaches a change in the “optical intensity” of lock screen, i.e., “the object” of Claim 1. EX2006, ¶131. Conversely, Limitation [1.d.ii] requires increase in the

“magnitude of the blur” of the “other object” [clock widget] not “the object” [graphic 1800]. *Id.* Neither Petitioner nor the Board provide a rationale or reasoning why a POSITA would have applied Chaudhri’s transition in optical intensity described in paragraph 87 to Ahn’s clock widget rather than to Ahn’s graphic 1800.

2. *Chaudhri’s change in “optical intensity” does not apply to Petitioner’s modification*

The change in optical intensity described in Chaudhri’s paragraph 87 does not apply to Petitioner’s Ahn-Chaudhri combination. Specifically, the fading out of the *entire* user interface for a first application, and the fading in of the *entire* user interface for a second application, does not teach and is not applicable to Petitioner’s alleged modification to decrease the optical intensity of an isolated “other object” [clock widget]. EX2006, ¶132. Unlike Ahn’s menu opening operation—where a menu is overlaid on a part of the background—the transition between applications requires the display to completely change interfaces. *Id.* This can only be done by ceasing the display of the first application UI and transitioning to display the second application UI. *Id.* The fact that Chaudhri does this transition by fading in and fading out the UIs does not explain why a POSITA would fade out Ahn’s clock widget. *Id.* Ahn’s transition is not between two applications. EX2006, ¶132. Nor does Ahn replace the entire background display. EX1004, FIG. 13 (displaying background and menu). In fact, Ahn’s clock widget is still visible when the menu appears (EX1004, FIG. 4B); whereas Chaudhri’s first application fades out completely.

Ahn displays a background screen and then displays a popout menu over a portion of that background screen. This does not necessitate ceasing the display of the background screen and, in fact, Ahn chooses to continue displaying the background screen. EX2006, ¶133. Ahn's and Chaudhri's goals are completely opposing on this point. *Id.* Ahn emphasizes the benefits of its directional pop out menus is to enable the standby screen to *remain visible* while using the menus. *Supra*, §V.A; EX2006, ¶133; EX1004, ¶¶5, 6, 39, 64 (displaying menus and standby screen concurrently). On the other hand, a POSITA would have understood that, when transitioning from a first application to a second application, allowing the first application UI to *remain visible* during a gesture would lead to a poor user experience. EX2006, ¶133. This is illustrated by comparing the isolated fading in of two buttons as shown in Chaudhri's FIG. 7C, with a fading in and fading out between Chaudhri's unlock screen (FIG. 11E) and music player application (FIG. 11F). EX2006, ¶133; EX1005, ¶107; *see* EX1005, ¶79 ("music player application").



Chaudhri's FIGS. 11E, 11F, and amalgamation of FIGS. 11E and 11F

As shown, when the user is at 50% progress of the unlock gesture the transparency of the unlock screen and the music application would be at 50%. EX1005, ¶87. However, this fails to provide a clear indication of progress of the gesture or transition as the significant overlap of UI elements leads to a poor user experience and would confusion the user. EX2006, ¶134. Thus, a POSITA would have understood Chaudhri's fade in/fade out of applications as occurring after the gesture is complete and not as "a function of an increase in the distance magnitude. *Id.*

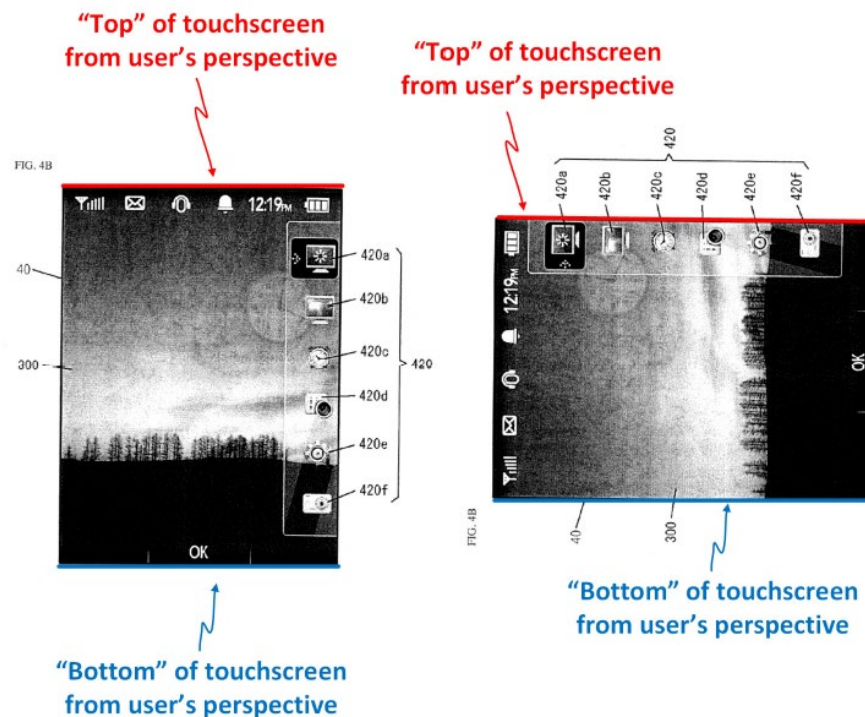
VIII. PETITIONER DOES NOT ESTABLISH THAT AHN-CHAUDRHI TEACHES MULTIPLE DEPENDENT CLAIMS

A. Claim 2

Petitioner provides no motivations to combine art supporting alleged invalidity of Claim 2 and therefore, fails to show obviousness of Claim 2.

1. Limitation [2.b]

Limitation [2.b] recites “the object is displayed closer to a top edge of the touch screen than a bottom edge of the touch screen.” Petitioner provides two orientations of FIG. 4B—portrait and landscape orientations—that allegedly teach this limitation shown below.



For the orientation shown in Ahn’s FIG. 4B portrait orientation (Pet., 46 (left figure)), Petitioner cites nothing in Ahn or Chaudhri to support that the object, i.e.,

menu identifier icon/graphic 1800, is “displayed closer to the top edge of the touch screen than a bottom edge of the touch screen.” Pet., 47. Indeed, Ahn’s FIG. 4B relied on by Petitioner does not include any menu identifier icon/graphic 1800 at all; the menu 420 shown is as close to the top as to the bottom; and FIG. 18 actually illustrates “graphic 1800” closer to the bottom of the screen. EX2006, ¶¶135–136. Indeed, a POSITA would have found it more intuitive and ergonomic to have “graphic 1800” located closer to the bottom of the screen in the portrait orientation. EX2006, ¶136. Further, Ahn’s paragraph 104, cited by Petitioner, is directed to the location of “the item list” and not the menu identifier icon/graphic 1800. EX2006, ¶¶135–136.

Moreover, when discussing the orientation, Petitioner asserts that “in the context of Ahn’s mobile communication terminal 100, what the user sees as the top and bottom would change depending on whether the user holds the device as illustrated in FIG. 4B or oriented 90 degrees from what is illustrated in FIG. 4B, particularly where the orientation of what is displayed on display 40 is ‘locked’ or not otherwise configured to respond to how the user holds the terminal 100.” Pet., 45. Petitioner provides no reason why a POSITA would have understood that the orientation on display 40 would remain “locked” such that a user would need to rotate their own head 90 degrees to read the display 40. EX2006, ¶137.

Having nothing for support in Ahn, Petitioner cites two additional references to support its invalidity analysis (EX1006 and EX1011). Petitioner asserts EX1006 suggests “the right and *top edges* may still be associated with bezel menus,” and EX1011 teaches “pull-out menus associated with all found edges of the display.” However, Petitioner provides no motivation to combine these references with its Ahn-Chaudhri combination. EX2006, ¶138. These exhibits are not described anywhere or cited as part of Ground 1. Because both Petitioner and Dr. Terveen relied on these references to conclude Limitation [2.b] is obvious (Pet, 48 (“based at least on this evidence, a POSITA would have recognized ...”); EX1003, ¶90 (same)), these references are relied on for invalidity, rather than merely background or state of the art, which is improper. EX2006, ¶138.

2. *Limitation [2.d]*

Limitation [2.d] recites that “the at least one other object includes a background image” (requiring that “a background image” be blurred). Petitioner admits that “Ahn only specifically illustrates that the clock widget [is] blurred” and not the remaining background. Pet., 53. Petitioner then alleges that “Chaudhri ’842 explicitly describes differentiating between a menu and ‘the background’—not simply a portion thereof—displayed on the touch screen during its user interface state transition process.” Pet., 53. However, as discussed in Section V.B, Chaudhri does not vary the optical intensity of a background. EX2006, ¶139. To the contrary,

Chaudhri discloses adjusting an optical intensity of UI objects, which are distinct from the background. EX1005, ¶85. Chaudhri’s paragraph 85 discusses optical intensity of “a user-interface object” including that “optical intensity may be perceived by users as a transparency effect (or lack thereof) applied to the user-interface objects.” *Id.* Chaudhri then makes clear that “optical intensity may be the visual differentiation between the user-interface object and ***the background.***” *Id.* Thus, rather than teaching the blurring of “a background image,” Chaudhri teaches varying the optical intensity of foreground UI elements to directly contrast with the background. EX2006, ¶139.

Unable to rely on Ahn or Chaudhri, Petitioner cites to EX1008 as teaching that “objects within layers at progressively different layers of depth are assigned ***progressively lower relevance*** and displayed ***with greater blur.***” Pet., 53–54. Petitioner and Dr. Terveen then allege “[a]pplying these known techniques to the teachings of Ahn, a POSITA would have at least found it obvious to blur the entire standby screen 300.” Pet., 54; EX1003, ¶101 (same). Again, Petitioner is relying on EX1008 to establish invalidity and fails to provide a motivation to combine EX1008 with Ahn-Chaudhri. EX2006, ¶140. Notably, Petitioner reaches its conclusions without identifying any portion of EX1008 that concerns blurring ***the background*** rather than other layers. *Id.* Even if Petitioner properly provided a motivation to

combine EX1008 with Ahn-Chaudhri, the combination would still not suggest blurring the background. *Id.*

Petitioner has failed to establish that Ahn-Chaudhri would have rendered obvious Claim 2.

B. Claim 3

Claim 3 depends from Claim 2 and recites: “the object is displayed closer to a right edge of the touch screen than a left edge of the touch screen.” As discussed above related to Claim 2, Petitioner includes two orientations of Ahn’s FIG. 4B—portrait and landscape orientations—in its mapping for Limitation [2.b], but fails to provide the required motivation to combine the references it relies on for its invalidity theory related to the portrait orientation. Petitioner similarly fails to establish that Ahn-Chaudhri would have rendered obvious Claim 3.

Petitioner maps Claim 3 only to portrait orientations of an amalgamation of FIGS. 3A/18a and FIG. 4B and asserts that menu identifier icon/graphic 1800 and menu 420 are shown closer to the right edge of the touch screen. Pet., 55–57. Petitioner fails to allege invalidity of Claim 3 related to a landscape orientation at all. EX2006, ¶143. Thus, to the extent Petitioner relies on the landscape orientation to establish Ahn teaches Limitation [2.b], Petitioner’s mapping of Claim 3 is inconsistent. *Id.*

Further, as discussed above, Petitioner fails to provide the required motivations to combine for its arguments related to FIG. 4B's portrait orientation. EX2006, ¶144. And, for at least this reason, Petitioner's mapping of Claim 3 based on a portrait orientation also fails. Additionally, similar to Claim 2, Petitioner relies on EX1006 ("the *right and top edges* may still be associated with bezel menus") and EX1011 to support its invalidity arguments related to Claim 3 but fails to provide a motivation to combine any of EX1006 or EX1011 with Ahn-Chaudhri. EX2006, ¶145. For at least these reasons, Petitioner has failed to establish that Ahn-Chaudhri would have rendered obvious Claim 3.

C. Claims 5 and 17

Claims 5 and 17 depend from Claim 2 and recite: "during at least a part of at least an initial portion of the change in the distance magnitude, an entirety of the object is blurred." Petitioner relies on arguments related to Limitation [2.c], e.g., menu identifier icon/graphic 1800 disappearing in Ahn's paragraph 119, to teach that "an entirety of the object is blurred," but entirely fails to address blurring during "an initial portion of the change in the distance magnitude." Pet., 60, 49; EX2006, ¶147. As discussed in Section VII.A, Ahn's paragraph 119 discloses that "the user may press the graphic 1800 with a finger, the graphic 1800 gradually disappears." Thus, Ahn's graphic 1800 is not described as disappearing related to any "change in the distance magnitude." EX2006, ¶147. As such, Ahn does not describe blurring

“an entirety of the object” during “*an initial portion of the change in the distance magnitude.*” *Id.* Petitioner fails to even address this portion of Claims 5 and 17. As such, Petitioner has failed to establish that Ahn-Chaudhri would have rendered obvious Claims 5 and 17.

D. Claim 6

Claim 6 depends from Claim 2 and recites: “during at least a part of at least an initial portion of the change in the distance magnitude, an entirety of a virtual display layer in which the object is displayed, is blurred.” Petitioner asserts that menu identifier icon/graphic 1800 is displayed in a “virtual display layer” and because the “entire menu identifier icon fades out,” it is obvious that “one way to blur the menu identifier icon in this manner would have been to blur the virtual display layer that includes the menu identifier.” Pet., 62–64.

First, as discussed above related to Claim 5, Ahn’s graphic 1800 does not “blur” during “*an initial portion of the change in the distance magnitude.*” Petitioner provides no rationale why a “virtual display layer” that contains graphic 1800 would “blur” during “*an initial portion of the change in the distance magnitude.*” EX2006, ¶150. Petitioner fails to even address this portion of Claim 6.

Further, Petitioner’s analysis for Claim 6 appears to be inconsistent with the analysis for Limitation [2.d] in which the background (i.e., “the entire standby screen 300”) purportedly blurs to “more effectively draw a user’s attention to the opened

item” (i.e., the layer in which the “graphical shadow 1800” is displayed). Pet., 54–55; EX2006, ¶151. Here, Petitioner is blurring the “virtual display layer” with graphic 1800, which contradicts the reasoning for blurring the standby screen 300.⁵

Second, Petitioner cites two additional references to support its invalidity analysis (EX1008 and EX1007), but provides no motivation to combine these references with Ahn-Chaudhri. EX2006, ¶152. Because both Petitioner and Dr. Terveen relied on these references to conclude Claim 6 is obvious, these references are not merely background or state of the art. Pet, 64 (“[b]ased on these teachings, a POSITA would have understood and found obvious ...”), 65 (“[a]pplying this known technique for determining the degree of blur utilized in displaying user interface objects to the teachings of Ahn, a POSITA would have found it obvious...”); EX1003, ¶¶119–121; EX2006, ¶152.

For at least these reasons, Petitioner has failed to establish that Ahn-Chaudhri would have rendered obvious Claim 6.

⁵ Petitioner argues that a “POSITA would have understood and found obvious that in order to display the menu identifier icon as being ‘dragged’ across the screen...” Pet., 63. As discussed in Section VII.A, Ahn does not teach that any “menu identifier icon” is “dragged.”

E. Claims 11 and 12

Claims 11 and 12 depend from Claim 2 and recite: “the aspect of the object includes a size of the object.” Claim 2 requires that the “aspect of the object ... is modified, based on the change in distance magnitude of the gesture...” Petitioner relies on its arguments related to Limitation [2.c], e.g., “graphic 1800” disappearing in Ahn’s paragraph 119. Pet., 67, 49.⁶ However, Ahn fails to teach that menu identifier icon/graphic 1800 changes in size with the change in distance magnitude of the gesture. EX2006, ¶154. Petitioner admits that “Ahn does not dictate or otherwise limit how the menu identifier icon, such as graphic 1800, ‘disappears.’” Pet., 49–50. Petitioner then turns to Chaudhri’s paragraph 44 and claim 10 and EX1008, which Petitioner alleges teaches “geometry changes” and “describes use of blurring techniques along with size.” Pet., 50. First, neither Chaudhri’s paragraph 44 nor claim 10 address change in size. EX2006, ¶¶155-156. And, as discussed related to Claim 2, Petitioner provides no motivation to combine EX1008 with Ahn and/or Chaudhri and thus, reliance on EX1008 to establish invalidity of Claims 11 and 12, i.e., change in size of “the object,” is also improper. EX2006, ¶157. Petitioner has

⁶ Petitioner provides no support in Ahn—and indeed there is no support in Ahn—for Petitioner’s “amalgamation” of four different figures and assertion that “[m]enu identifier icon ‘fades out’ and/or *is made smaller as it is dragged.*”

failed to establish that Ahn-Chaudhri would have rendered obvious Claims 11 and 12.

F. Claims 13 and 14

Claims 13 and 14 depend from Claim 2 and recite: “the aspect of the object includes a color of the object.” Claim 2 requires that the “aspect of the object ... is modified, based on the change in distance magnitude of the gesture...” Petitioner cites Chaudhri’s paragraph 85 that refers to “visual differentiation between the user-interface object and the background, based on color...” and also cites to Chaudhri’s paragraph 44, claim 10, and EX1008. EX2006, ¶158. However, while including the word “color,” Chaudhri’s paragraph 85 does not teach that the color of an object changes, or changes “based on the change in distance magnitude of the gesture,” and neither Chaudhri’s paragraph 44 nor claim 10 address “color.” *Id.* As discussed related to Claim 2, Petitioner provides no motivation to combine EX1008 with Ahn-Chaudhri and thus, reliance on EX1008 to establish invalidity of Claims 13 and 14, i.e., change in color of “the object,” is also improper. EX2006, ¶159. Petitioner has failed to establish that Ahn-Chaudhri would have rendered obvious Claims 13 and 14.

IX. CONCLUSION

For the foregoing reasons, the Petition should be denied in its entirety.

Dated: July 3, 2025

Respectfully submitted,

/Eagle H. Robinson/

Eagle H. Robinson

Reg. No. 61,361

Lead Counsel for Patent Owner

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(a)(i), the undersigned certifies that this Paper—exclusive of the table of contents, exhibit list, table of authorities, certificate of service, and this certificate of word count—includes 13,127 words. The undersigned relies upon the word count generated by Microsoft Word.

/Eagle H. Robinson/
Eagle H. Robinson (Reg. No. 61,361)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on July 3, 2024, complete copies of this Patent Owner Response and EX2006-EX2009 were served on Petitioner via email (by consent), at the following email address(s):

IPR50095-0175IP1@fr.com

/Eagle H. Robinson/
Eagle H. Robinson, Reg. No. 61,361