

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Michael S. Smith
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Title: DEVICES, METHODS, AND GRAPHICAL
USER INTERFACES FOR MANIPULATING
USER INTERFACE OBJECTS WITH VISUAL
AND/OR HAPTIC FEEDBACK

SUPPLEMENTAL DECLARATION OF DR. LOREN TERVEEN

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code.

Dated: September 26, 2025

By: 

Loren Terveen, Ph.D.

TABLE OF CONTENTS

TABLE OF CONTENTS	2
I. INTRODUCTION	3
II. BACKGROUND AND QUALIFICATIONS	4
III. INFORMATION CONSIDERED	4
IV. SUMMARY OF OPINIONS	4
V. Reply to Arguments Made By Dr. Rosenberg.....	5
A. The Combination of Ahn and Chaudhri Renders Obvious a Menu Emerging from a Side of the Display Simultaneous with a User’s Drag Gesture and Blurring at Least a Portion of the Interface as a Function of the Gesture	5
B. Chaudhri-842’s Teachings Provide Clear Support for the Ahn-Chaudhri Combination.....	13
C. Dr. Rosenberg’s Attempts to Rebut the Motivation to Combine Ahn and Chaudhri-842 Do Not Withstand Scrutiny	16
D. The Analysis of [1.d.ii] in My Original Declaration is Complete	21
E. Dr. Rosenberg’s Arguments Regarding Various Dependent Claims.....	24

I, Loren Terveen of Minneapolis, MN, declare that:

I. INTRODUCTION

1. I have been retained on behalf of Apple Inc. (“Apple”), as an independent expert consultant in this *inter partes* review (“IPR”) proceeding before the Patent Trial and Appeal Board (“PTAB”) of the United States Patent and Trademark Office (“USPTO”). I understand that the proceeding numbers of this IPR proceeding is IPR2024-01256.

2. I have been asked by Apple’s counsel (“Counsel”) to consider whether certain references describe or make obvious features recited in claims 1–6, 10–14, 16, and 17 of U.S. Patent No. 11,740,727 (“the ’727 patent”) (EX1001). My opinions are based on my education, my knowledge and experience in the relevant fields of technology, and my review of the materials considered in preparing this document.

3. I previously submitted a declaration in this proceeding that I signed on August 1, 2024 (“Original Declaration”). I understand that the Original Declaration was marked as EX1003. The Declaration contained my opinions and the bases for them. Since submitting the Original Declaration, I have considered the Declaration of Dr. Craig Rosenberg (“Rosenberg Declaration”) (EX2006) as well as the references cited by him, including:

- EX2009: U.S. Patent 7,657,849 to Imran Chaudhri *et al.*

4. My opinions from my Original Declaration have not changed.

II. BACKGROUND AND QUALIFICATIONS

5. My background and qualifications are set forth in the Declaration. I incorporate that section in this declaration (“Supplemental Declaration”) by reference.

III. INFORMATION CONSIDERED

6. In preparing this Supplemental Declaration, I have considered materials listed in paragraph 18 of my Original Declaration. I have also considered the references listed below. In addition, my opinions are further based on my education, training, experience, and knowledge in the relevant fields.

- EX1025: U.S. Pat. No. 9,311,112 (“Shaffer”)
- EX1026: U.S. Pat. No. 8,375,336 (“Matthews”)

IV. SUMMARY OF OPINIONS

7. I have been asked to consider whether the claims of the ’754 patent are anticipated or obvious over certain prior art references. As explained in the Original Declaration, and in further detail in this Supplemental Declaration, it is my opinion that claims 1–6, 10–14, 16, and 17 of the ’727 patent are obvious over Ahn and Chaudhri-842.

V. Reply to Arguments Made By Dr. Rosenberg

8. The Original Declaration analyzed how combinations of Ahn, Chaudhri-842, and Shiplacof render claims 1–6, 10–14, 16, and 17 (among others) of the '727 patent obvious. I incorporate that analysis here by reference. In this Supplemental Declaration, I further address statements from Dr. Rosenberg relating to the prior art discussed in the Original Declaration.

A. The Combination of Ahn and Chaudhri Renders Obvious a Menu Emerging from a Side of the Display Simultaneous with a User's Drag Gesture and Blurring at Least a Portion of the Interface as a Function of the Gesture

9. Dr. Rosenberg argues that I “must show” Ahn’s menu moves with the user’s finger as the user drags their finger across the display, and that “Ahn unambiguously uses ‘drag’ to describe the input—not any responsive movement of graphic 1800.” EX2006, [86]-[87]. While Ahn does show this (as I explain briefly below), my Original Declaration relied upon the Ahn- Chaudhri combination to render obvious the menu emerging onto the display simultaneous with the corresponding “touch and drag operation.” EX1003, [71]-[79]. I did not rely upon any one reference’s teachings for this proposition. Rather, I cited to both references in combination as supporting that it would have been obvious.

10. A POSITA would have at least found obvious that Ahn teaches a menu that follows a user’s finger. For example, Ahn teaches that “as the user drags the graphic shadow 1800, the menu list 1500 can be displayed along the

dragged graphic 1800.” EX1004, [0118]¹. Similarly, with respect to the embodiment of FIG. 18(b), “as the user may press the graphic 1800 with a finger, the graphic 1800 gradually disappears in the display 40, and the menu list 1500 can be displayed as **emerging** from the left side of the display 40 **while** the graphic 1800 disappears in the display 40.” EX1004, [0119]. A POSITA would have understood or at least found obvious that these temporal descriptions would have been implemented such that menu 1500 emerges “**as** the user” “drags in a right direction” while “press[ing] the graphic 1800.” See EX1004, [0117]-[0119]².

¹ Emphasis added throughout unless otherwise noted.

² It is my understanding that, during his deposition in IPR2024-01083, Dr. Rosenberg interpreted paragraphs [0117]-[0119] of Ahn as teaching that “it is a right swipe to bring up the graphic shadow and then a left swipe that is starting on the graphic shadow to dismiss the graphic shadow and bring up 15B.” EX1024, 98:17-112:4. According to Dr. Rosenberg, a right-swipe would not open the menu at all. *Id.* This interpretation is directly counter to Ahn’s goal of displaying the graphic shadow 1800. See EX1004, [0117]. Specifically, Ahn teaches that “an identifier [e.g., graphic shadow 1800] for notifying the user that an item list matched to the specific direction is displayed in the display 40 can be displayed in

11. Dr. Rosenberg admits that Ahn discloses animations for the menu emerging from the side of the display. *See, e.g.*, EX2018, [51], (“a POSITA would have understood that “as the user may press the graphic 1800 with a finger, the graphic 1800 gradually disappears in the display 40” ... indicates programming logic that triggers an animation”). Therefore, the only difference between Ahn and the claims is whether the animation occurs in direct correspondence with a user’s dragging gesture or after the dragging gesture is complete, which a POSITA would have understood are both straightforward and obvious design choices.

12. Furthermore, my Original Declaration relied upon the combination with Chaudhri-842 with respect to the menu following the user’s finger, not solely on the teachings of Ahn. Specifically, my Original Declaration applied the teachings of Chaudhri-842 “in the context of Ahn’s ‘touch and drag’ gesture and

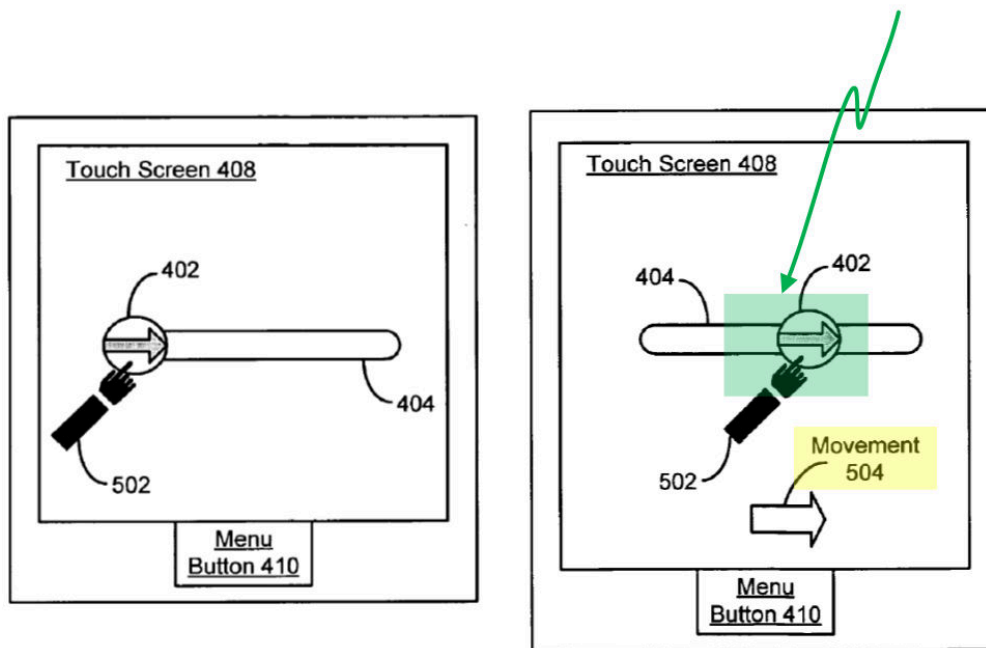
the display 40.” *Id.* Forcing a user to access the notifying identifier with a gesture that itself has no identifier defeats the purpose of notification. Further, Ahn teaches that “the identifier may be a specific icon for notifying a start position of the touch and drag operation.” *Id.* Under Dr. Rosenberg’s interpretation, opening a menu is a two-part touch-and-drag operation that is started before the identifier is even displayed. Thus, under Dr. Rosenberg’s interpretation, the identifier (*e.g.*, shadow 1800) would not “notify[] a **start** position.” *Id.*

Ahn's corresponding transition between a user interface state where the standby screen is displayed (*see, e.g.*, EX1004, FIG. 13a, 18(a)) and a user interface state where a menu list 1300 is displayed above or on top of the standby screen (*see, e.g.*, EX1004, FIG. 4B, 10, and 13b).” EX1003, [76]. In describing application of Chaudhri-842's teachings to Ahn, my Original Declaration explained that Chaudhri-842 “teaches that the user interface may additionally include ‘cues’ to help the user know what gesture to utilize and whether they are correctly performing the gesture (*e.g.*, graphics such as movable images that, when **combined with the transition in optical intensity**, help the user visualize the correct gesture and how to complete it successfully).” EX1003, [52] (citing EX1005, Abstract, [0054], [0062], [0073]); *see also id.*, [79]. That is, the Ahn-Chaudhri combination described in my Original Declaration and applied to Elements [1.d.i] and [1.d.ii] relied upon two user interface elements for visualizing the correct gesture: (1) “graphics such as movable images;” and (2) a “transition in optical intensity.”

13. In cited paragraph [0054], Chaudhri-842 describes “visual cue(s) [that] provide hints or reminders of” actions to the user, and “visual cues may be textual, graphical or any combination thereof.” EX1005, [0054]. Chaudhri-842 goes on to describe that “the visual cues may also be displayed upon particular user inputs, such as the user interacting with the menu button...” *Id.* In an example of

a locked device, Chaudhri-842 describes an unlock action with respect to “an unlock image” displayed “along with the visual cues,” and teaches that performing an unlock action with respect to “the image includes dragging the unlock image in a predefined manner, which moves the unlock image across the touch screen.” EX1005, [0062]. Chaudhri-842 provides an example of this “unlock action” in FIGS. 5A-5C (two of which are reproduced below), which illustrate a user “performing [a] gesture by moving her finger, which is in continuous contact with the touch screen [], in the direction of movement” and an image being “dragged along...as a result of the gesture.” See EX1005, [0074]-[0079].

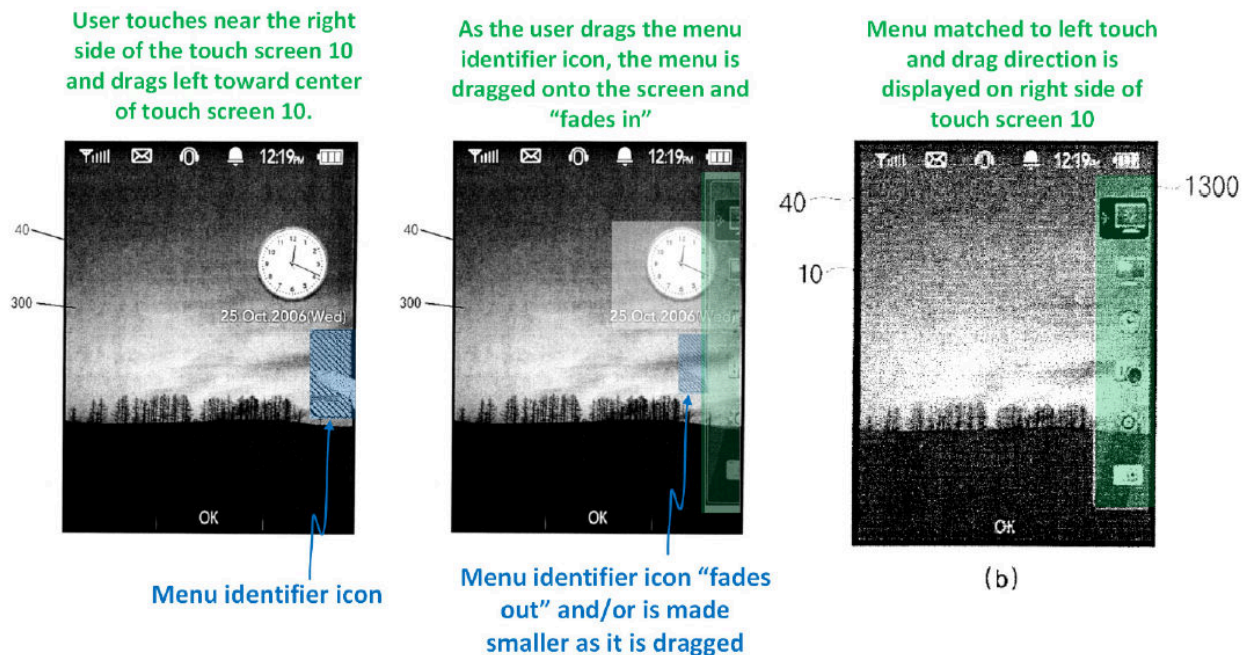
Graphic following user's finger during transition gesture



Chaudhri-842 (EX1005)
FIGS. 5A and 5B (Highlighted and Annotated)

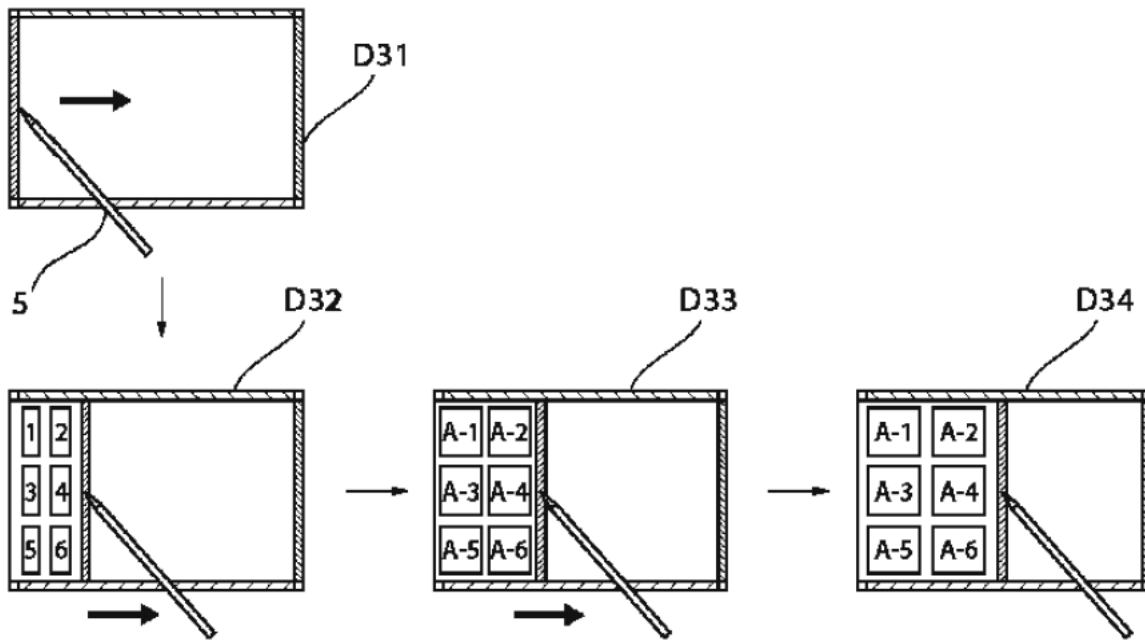
14. A POSITA would have undoubtedly understood that these figures illustrate an image following a user's finger. A POSITA would have understood and found obvious that the purpose of Chaudhri-842's visual cues is the same as Ahn's "identifier [*e.g.*, graphic shadow 1800] for notifying the user that an item list matched to the specific direction is displayed in the display 40." *Compare* EX1005, [0054] *to* EX1004, [0117]. Like Chaudhri-842's unlock image, a POSITA would have found it obvious that, in order to open a menu, a user touches the touch screen at the location corresponding to the Ahn's graphic shadow 1800, moves her finger from the edge of the display toward the center of the screen while in continuous contact with the touch screen, and while the gesture is being performed, the graphic shadow 1800 is dragged along as a result of the gesture and the menu is "displayed along the dragged graphic 1800." EX1004, [0117]-[0118]; EX1005, [0074]-[0075]. An example of this is shown in the below diagram that I provided in my Original Declaration³. EX1003, [78].

³ A POSITA would have found obvious from Ahn's teachings that the menu identifier icon would either remain displayed or disappear (as illustrated) as the menu opens. *See* EX1004, [0117]-[0119].



15. In addition to being consistent with the express teachings of Ahn and Chaudhri-842, the method of opening a menu shown in the above sequence was well known in the art. For example, Hinckley describes the opening of a menu from the side of a display similar to Ahn and teaches that the menu “slides out and tracks with the user’s finger.” EX1006, [0080]. Similarly, Nan describes an example of “edge gestures” that open a menu, and that the menu “presented in response to a gesture [can] be presented prior to completion of the gesture” and “progressively as the gesture is received.” See EX1010, 4:1-4 (describing that an “options menu” may be displayed), 6:65-7:8. “This permits a user experience of dragging out the user interface from the edge as the gesture is performed with the user interface appearing to ‘stick’ to the gesture (e.g., to a mouse point or person’s finger making the gesture).” *Id.* Furthermore, Hisatomi describes “processing

procedures at the time of displaying [a] pull-out menu” during which “the display amount of the pull-out menu will be updated corresponding to the X coordinate value generated by the input device.” EX1011, [0050]-[0052].



Hisatomi (EX1011), FIG. 21

16. Thus, as I explained in my Original Declaration, “[a] POSITA would have found obvious from these teachings that, in at least implementations like those described referencing FIG. 18, Ahn’s menu list would have been graphically displayed as sliding onto the display based on a change in a magnitude of the ‘touch and drag’ gesture being detected on the touch screen.” EX1003, [94].

B. Chaudhri-842's Teachings Provide Clear Support for the Ahn-Chaudhri Combination

17. Dr. Rosenberg also argues that Ahn's clock widget is part of the background, and that Chaudhri '842 does not teach blurring the background. EX2006, [108]-[117]. According to Dr. Rosenberg, "Ahn's clock widget is part of the background." EX2006, [109]. Dr. Rosenberg is mistaken for at least two reasons.

18. First, my Original Declaration explained that "Ahn already illustrates in FIGS. 3A and 4B that the process of opening the edge menus may cause user interface objects that are displayed as part of the standby screen 300 (e.g., a clock widget) to be blurred when the edge menu is opened and displayed on the screen." EX1003, [50]. I similarly differentiated the clock widget as a distinct user interface object in other places in my Original Declaration. *See, e.g.*, EX1003, [51], [55] ("varying optical intensity for a user interface object (e.g., the blurring of Ahn's clock widget)"). This is consistent with Ahn's treatment of the clock widget in the figures, because it shows only the clock widget being blurred and not the whole "background." *See* EX1004, FIG. 4B, 13(b). As I explained in my Original Declaration (EX1003, [64]), Chaudhri-842 describes that the "user-interface objects" to which its teachings apply broadly encompass "objects that make up the user interface of the device and may include, without limitation, text, images,

icons, soft keys (or ‘virtual buttons’), pull-down menus, radio buttons, check boxes, selectable lists, and so forth.” EX1005, [0060]. “The displayed user-interface objects may include non-interactive objects that convey information or contribute to the look and feel of the user interface, interactive objects with which the user may interact, or any combination thereof.” *Id.* In other words, there is no indication that Chaudhri-842 intended to limit its changes in optical intensity to “foreground” objects, as Dr. Rosenberg alleges.

19. Second, Dr. Rosenberg again reads the prior art too narrowly. Chaudhri-842 teaches that, “[i]n some other embodiments, the optical intensity may be the visual differentiation between the user-interface object and the background, based on color, hue, color saturation, brightness, contrast, transparency, and any combination thereof.” EX1005, [0085]. This description of these “other embodiments” does not limit the use of “color, hue, color saturation, brightness, contrast, transparency, and any combination thereof” to only the user-interface object in order to achieve the differentiation with the background. *Id.* A POSITA would have also understood this sentence as teaching that the properties of the background (*e.g.*, transparency) could also be adjusted to achieve the differentiation.

20. Chaudhri-842 teaches an example in which “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).” EX1005, [0079]. “In other words,” I explained, “the transition may appear to a user as though objects associated with the second user interface state ‘fade in’ while objects associated with the first user interface state ‘fade out.’” EX1003, [47]. In the context of the Ahn-Chaudhri combination, FIG. 18a represents an example of a first user interface state, which includes graphical shadow 1800 and user interface objects associated with the standby screen (*e.g.*, the clock widget). *See* EX1003, [76] (describing a “transition between a user interface state where the standby screen is displayed ... and a user interface state where a menu list 1300 is displayed above or on top of the standby screen”).

21. And when Chaudhri-842 teaches that “the optical intensity may be the visual differentiation between the user-interface object and the background,” it does not limit the corresponding changes in optical intensity to only the user-interface object or exclude the optical intensity of the background or portions thereof from also being changed to further the visual differentiation. *See* EX1005, [0085]; *see also id.*, [0033] (describing “all of the visual output [to the touchscreen 126] may correspond to user interface objects”), [0060] (“user interface objects are objects that make up the user interface of the device,” including “images” that are “non-interactive” like the image set as the standby screen in Ahn); EX1004,

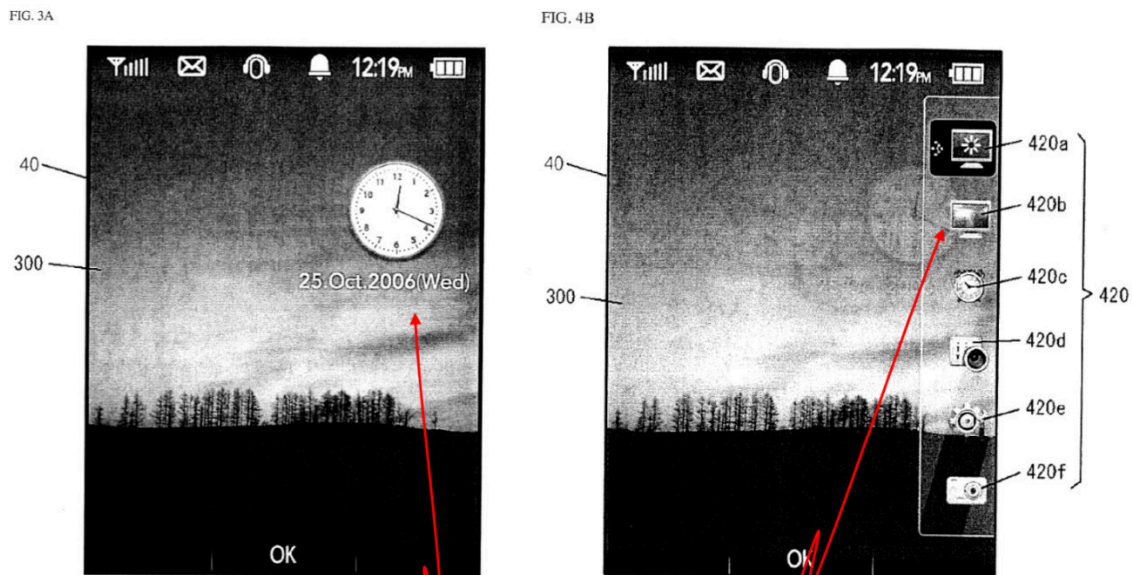
[0055], (“[s]tandby screens that can be set are provided in a thumbnail image form on the standby screen setting window”). Thus, Chaudhri-842 directly supports the combination described in my Original Declaration.

C. Dr. Rosenberg’s Attempts to Rebut the Motivation to Combine Ahn and Chaudhri-842 Do Not Withstand Scrutiny

22. My Original Declaration provided four motivations for combining Ahn and Chaudhri-842. EX1003, [49]-[55]. Dr. Rosenberg alleges I “did not identify any actual problem with Ahn that Chaudhri would solve or any benefit of the combination that was not already present in Ahn.” EX2006, [62]. However, as I explain below, each of his arguments are directly counter to the teachings of Ahn and Chaudhri-842.

23. With respect to the first motivation explained in my Original Declaration, Dr. Rosenberg concludes that “Ahn already describes what Dr. Terveen points to as how “its user interface may utilize blur,” and alleges that my Original Declaration “identifies no deficiency with this method, and fails to describe why a POSITA would have any motivation to look to Chaudhri for what Dr. Terveen points to as the second way to ‘utilize blur’ (of the clock widget).” EX2006, [65]. However, this argument runs directly counter to Ahn’s figures. While Ahn describes that the menu “can be embodied in a translucent form,” this is only one of several described implementations. EX1004, [0070]. Ahn’s figures

focus on another implementation in which the menus “are transparently displayed on the standby screen 300.” *Id.* For example, in FIGS. 4B, 10, and 13B, Ahn illustrates an implementation that I presented in my Original Declaration and that utilizes transparent menus and blurring the clock widget. EX1003, [71]-[72] (annotating Ahn’s FIG. 3A and 4B, as reproduced below).



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

24. In the proposed combination, a POSITA would have turned to Chaudhri-842 with respect to this explicit implementation of Ahn—not the implementation in which translucent menus are used. *See* EX1003, [50], [71]-[83]. That Ahn illustrates and describes this implementation demonstrates its utility, but

Ahn goes further to explain a benefit of a transparent menu: “the user can directly enter a menu related to the icon 330 while viewing the standby screen 300 in a standby screen state.” EX1004, [0039]. This benefit would not be achieved with either a translucent or opaque menu, so a POSITA seeking the benefit would not utilize a translucent menu, as Smith implies. *See* POR, 18. Accordingly, Dr. Rosenberg’s arguments with respect to my first motivation are contradicted by Ahn’s teachings⁴.

25. With respect to the second motivation explained in my Original Declaration, Dr. Rosenberg argues “the ‘blurring’ of Ahn’s clock widget proposed by Dr. Terveen during Ahn’s ‘touch and drag operation’ would not provide the user with any indication of progress of opening menu 420/1300.” EX2006, [71]. However, Dr. Rosenberg’s arguments with respect to the second motivation ignore a key aspect. In describing the application of Chaudhri-842’s teachings to Ahn, my Original Declaration explained that Chaudhri-842 “teaches that the user interface may additionally include ‘cues’ to help the user know what gesture to

⁴ Dr. Rosenberg makes the same argument with respect to the remaining motivations explained in my Original Declaration, and that argument fails for the same reasons as discussed with respect to the first motivation. *See* EX2006, [66]-[68].

utilize and whether they are correctly performing the gesture (*e.g.*, graphics such as movable images that, when combined with the transition in optical intensity, help the user visualize the correct gesture and how to complete it successfully).”

EX1003, [52] (citing EX1005, Abstract, [0054], [0062], [0073]). In other words, my Original Declaration does not solely rely upon the transition in optical intensity, but instead relies upon both the menu tracking the user’s finger during performance of the gesture and the transition in optical intensity to provide a visual indication to the user of their progress in completing the gesture, consistent with Chaudhri-842’s teachings. *See* EX1003, [52], [76].

26. Like Chaudhri-842’s lock screen example, the dragging of graphic shadow 1800 and resulting emerging menu indicate progress toward completion of the opening operation and the progressive blurring of the underlying user interface objects (*e.g.*, the clock widget) complement this visual dragging by further demonstrating the results of the user’s gesture (*e.g.*, that the clock widget will be blurred as a result of the opening menu, as shown in Ahn’s FIG. 4A) and by further distinguishing the emerging menu from the underlying user interface objects. *See* EX1005, [0079], [0085]. Accordingly, Dr. Rosenberg’s argument that the transition in optical intensity alone does not provide a visual indication to the user of their progress does not consider the full context of the Ahn-Chaudhri combination and are therefore not applicable.

27. With respect to the fourth motivation, Dr. Rosenberg argues “varying the optical intensity of the background is not without cost,” so “a POSITA would have chosen not to expend resources to make that modification to Ahn.” EX2006, [82]. However, Ahn already teaches that underlying user interface objects (e.g., the clock widget) are blurred by the opening menu, so a POSITA would need to design this outcome in some manner. The POSITA would have known of only two predictable ways to design this transition (binary change or progressive change), and they would have freely selected between them.

28. Without citing any support, Dr. Rosenberg further alleges that “progressively varying the optical intensity of the background in a touch input device 10 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.” EX2006, [82]. However, Dr. Rosenberg does not explain why progressively varying the optical intensity would expend significantly more resources (either memory or battery power) than toggling instantaneously between unblurred and blurred and/or presenting the animation of the emerging menu that Dr. Rosenberg admits Ahn already teaches. *See* EX2006, [51] (“a POSITA would have understood that ‘as the user may press the graphic 1800 with a finger, the graphic 1800 gradually disappears in the display 40’ (EX1004, ¶[0117]) indicates

programming logic that triggers an animation after an input (e.g., tap) occurs”).

Though Dr. Rosenberg refers to my explanation of the two predictable design options as a “false binary,” Dr. Rosenberg does not identify any other design options. EX2006, [82].

D. The Analysis of [1.d.ii] in My Original Declaration is Complete

29. With respect to Element [1.d.ii], Dr. Rosenberg argues that my Original Declaration “does not specifically address the part of the Limitation [1.d.ii] requiring the blurring to increase a[s] ‘a function of an increase in the distance magnitude.’” EX2006, [127]-[131]. However, this is demonstrably false.

30. In analyzing Element [1.d.ii], I explained: “As discussed with respect to Element [1.d.i], *supra*, a POSITA would have at least found it obvious to vary, according to the teachings of Chaudhri ’842, 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.” EX1003, [81]. Thus, my analysis of Element [1.d.ii] cites to Element [1.d.i], which explains how the Ahn-Chaudhri combination renders obvious the blur increasing as a function of an increase in the distance magnitude. Specifically, with respect to [1.d.i], my Original Declaration described that, “[a]s the user input condition (e.g., a gesture) progresses, the optical intensity can correspondingly vary in magnitude based on the magnitude of the progress

toward gesture completion according to both linear and non-linear functions, such as those illustrated in FIGS. 8A-8C” (citing EX1005, [0087]-[0088]) and explained how these teachings apply to the context of the combination. EX1003, [75]-[79].

31. In the paragraphs of Chaudhri-842 that I cited, Chaudhri-842 provides an example where, “if the gesture includes moving the finger from one edge of the screen to the opposite edge horizontally, then the indication of progress may be defined in terms of the **distance** between the two edges because the distance remaining objectively measures how much further the user has to move her finger to complete the gesture.” EX1005, [0088]. Dr. Rosenberg’s arguments ignore these teachings, and instead focus on Chaudhri-842’s paragraph [0087] allegedly not describing a distance magnitude. *See* EX2006, [130]-[131], [134].

32. Dr. Rosenberg goes on to assert that “Chaudhri’s goals are completely oppos[ed]” to Ahn’s continued display of the background screen. *See* EX2006, [132]-[134]. However, the arguments Dr. Rosenberg makes in support of this assertion do not account of Chaudhri-842’s broader teachings.

33. With respect to FIG. 6, Chaudhri-842 teaches, “[w]hile an electronic device is in a first user-interface state, progress is detected (602) towards satisfaction of a user input condition needed to transition to a second user-interface state.” EX1005, [0081]; *see also id.*, [0006] (“[m]ore generally, there is a need for more efficient, user-friendly procedures for transitioning such devices, touch

screens, and/or applications between user interface states”). While Chaudhri-842 teaches that, in “some embodiments,” this process may include transitioning between a lock and unlock screen or between a first and second application, Chaudhri-842 does not limit its teachings to these examples. *See id.* Rather, Chaudhri-842 broadly defines a “user interface state [as] a state in which the device 100 responds in a predefined manner to user input.” EX1005, [0048]. A POSITA would have understood that this definition encompasses the transition between states taught in Ahn.

34. That the user interface states illustrated in Ahn look different than the example user interface states in Chaudhri-842 would not have dissuaded a POSITA from utilizing Chaudhri-842’s techniques. So long as there was a transition between user interface states, as there is in Ahn, a POSITA would have understood that Chaudhri-842’s teachings regarding movable images and transitioning optical intensity are applicable. *See* EX1005, [0006], [0048], [0081]. This is underscored by the fact that Ahn already illustrates transitioning the optical intensity of the clock widget (*i.e.*, the blurring illustrated in FIG. 4A). *See* EX1004, FIGS. 3A, 4B, 10, 13b.

E. Dr. Rosenberg's Arguments Regarding Various Dependent Claims

35. Dr. Rosenberg provides additional arguments with respect to several dependent claims. *See* EX2006, [135]-[159]. These arguments are similarly as weak as the other arguments that I disproved above.

36. With respect to Element [2.b] and claims 3 and 11-14, Dr. Rosenberg's arguments assume that a POSITA would have implemented the prior art disclosures (*e.g.*, Ahn's menus and notifying indicators) exactly as they are illustrated and described, ignoring the fact that the illustrations are just examples not intended to limit the disclosures. POR, [135]-[138], [142]-[146], [153]-[159]; APPLE-1004, [0071] ("Please note however that this is an exemplary illustration, and various menus can be displayed, depending on implementation."); APPLE-1005, [0025] ("it will be apparent to one of ordinary skill in the art that the present invention may be practiced without [the] specific details" set forth to provide an understanding of the invention), [0080] ("it should be apparent" that the process flow 600 "can include more or fewer operations").

37. For example, with respect to [2.b], Dr. Rosenberg argues that my Original Declaration "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.'" EX2006, [136]. However,

my Original Declaration cited Ahn's disclosure that "[a] position in which the item list is displayed in the display 40 can be preset" and explained that a "POSITA would have understood and found obvious that the position at which the menus are displayed (e.g., at which edge) is a design choice." EX1003, 89 (citing EX1004, [0104]).

38. With respect to Element [2.d], Dr. Rosenberg's arguments rely upon arguments he made with respect to independent claim 1, each of which I rebutted above. *See* EX2006, [139]0[140]. Specifically, Smith argues "Chaudhri does not vary the optical intensity of a background," which I showed above is simply not true.

39. With respect to claims 5, 6, and 17, Dr. Rosenberg argues that my Original Declaration "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.'" EX2006, [147]. This is incorrect. Dr. Rosenberg correctly acknowledges that the analysis of claims 5 and 17 incorporates the analysis of Element [2.c]. *Id.* With respect to Element [2.c], my Original Declaration explained that "the transition may appear to a user as though objects associated with the second user interface state (e.g., the menu that's opened in Ahn) 'fade in' while objects associated with the first user interface state

(e.g., the clock widget in Ahn and menu identifier icon) ‘fade out.’” EX1003, [94] (citing EX1005, [0079], [0087]). And with respect to limitation [1.d.i] (which I directly referenced in my analysis of claim 2), my Original Declaration explained that, “[a]s the user input condition (*e.g.*, a gesture) progresses, the optical intensity can correspondingly vary in magnitude based on the magnitude of the progress toward gesture completion according to both linear and non-linear functions, such as those illustrated in FIGS. 8A-8C.” EX1003, [75]. The paragraphs of Chaudhri-842 cited with respect to Elements [1.d.i] and [2.c] affirm that the fading “may be in accordance with” the gesture, and “is a function of the user’s satisfaction of the condition.” EX1005, [0079], [0087]. And the associated figures (8A-8C) show that the “optical intensity” (*e.g.*, the “fading”) begins changing immediately and in correspondence with the gesture (*i.e.*, ***during at least a part at least an initial portion of the change in the distance magnitude***, as claimed). See EX1005, FIGS. 8A-8C, [0079], [0087].

40. With respect to claim 6, Dr. Rosenberg additionally argues that my analysis “appears to be inconsistent with [my] 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).” POR, 68. There is no such inconsistency. My Original Declaration explained how and why “the transition

may appear to a user as though objects associated with the second user interface state (*e.g.*, the menu that's opened in Ahn) 'fade in' while objects associated with the first user interface state (*e.g.*, the clock widget in Ahn and menu identifier icon) 'fade out.'" EX1003, [93]-[94]. The menu is the opened item, not the menu identifier icon. This is consistent with Ahn, which shows the clock widget blurred when the menu is open (*see* EX1004, FIG. 4a) and describes the menu identifier icon disappearing (*see* EX1004, [119]).