

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 SUR-REPLY

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PATENT OWNER'S EXHIBIT LIST

Exhibit	Shorthand	Description
2001	Declaration	withdrawn
2002	CV	withdrawn
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. (June 18, 2025)
2009		U.S. Patent 7,657,849 to Imran Chaudhri <i>et al.</i>
2010		Transcript of the Deposition of Loren Terveen, Ph.D. (Sept. 11, 2025)
2011		October 3, 2025, Claim Construction Order in <i>Smith Interface Technologies, LLC v. Apple Inc.</i> , 3-23-cv-01187, S.D. Cal
2012		September 23, 2025, Tentative Claim Construction Order in <i>Smith Interface Technologies, LLC v. Apple Inc.</i> , 3-23-cv-01187, S.D. Cal

I. INTRODUCTION

Rather than meaningfully engage with PO's arguments, Petitioner introduces new theories to try to plug the holes in its Petition. Petitioner further confuses issues by side-stepping claim language to argue elements that are not in the claims. Petitioner ultimately fails to meet its burden and all claims should be upheld.

II. PETITIONER'S LIMITATION [1.D.i] THEORIES ARE DEFICIENT

Petitioner's arguments related to Limitation [1.d.i] confuse the language of the claim by focusing on the movement of a "menu" rather than "the object," *e.g.*, "Ahn and Chaudhri-842 Render Obvious *Sliding Out the Menu...*," "obviousness of the *menus*," "Ahn and Chaudhri-842 Render Obvious *Menus Emerging ...*," "dragging gesture to open the *menu*," "Smith argues that 'Petitioner must show' Ahn's *menu* moves with the user's finger...," "to render obvious the *menu emerging* on the display..." Reply, 2–3.¹ However, movement of a "menu" is not recited in this limitation. Petitioner maps the "object" to graphic 1800 and the "at least one other object" to the clock widget. Pet., 30, 31, 39. Thus, the gesture must "move the object [graphic 1800] on the touch screen" not any "menu." Petitioner's misstatement of this limitation shapes many arguments in its Reply.

¹ All emphasis added unless otherwise noted.

A. Petitioner’s new Ahn theory does not blur “based on a change in the distance magnitude of the gesture ... to [] move the object...”

Petitioner asserts that “Smith argues that ‘Petitioner must show’ Ahn’s menu moves with the user’s finger ...” Reply, 2 (emphasis added). Not so. The POR explained that Petitioner’s mapping requires Petitioner to show that “Ahn’s ‘menu identifier icon such as *graphical shadow 1800*’ moves with the user’s finger...” because this is what Limitation [1.d.i] requires for “the object.” POR, 29; *see also*, Pet., 30 (identifying graphical shadow 1800 as the “object” of Limitation [1.b]).

Rather than explain why the Petition’s theory and evidence were sufficient on this point, Petitioner introduces a new theory² that mixes disparate portions of Ahn’s *alternative embodiment* paragraphs [0118] and [0119] to construct a combination that is not disclosed by Ahn—“as the user” “drags in a *right* direction” while “press[ing] the graphic 1800.” Reply, 3 (emphasis in original).

First, these two paragraphs describe two different embodiments or operations: (i) paragraph [0118] describes FIG. 18(a) where “the user drags in a *right direction* after touching the screen;” and (ii) paragraph [0119] describes FIG. 18(b) where “the user drags to the *left*, [and then] the menu list 1500 ... can be displayed” or “press[es] the graphic 1800 ... [and] graphic 1800 gradually disappears.” EX1004, [0018]–[0119]; *see also* EX2010, 70:10–22 (FIGS. 18(a)-(b) disclose “two different

² The Petition *did not* cite Ahn’s paragraph [0119] for Limitation [1.d.i]. Pet., 33-41.

operations”). Even setting aside the untimely nature of this theory, Petitioner provides no reasoning or motivation for why a POSITA would have combined these two distinct operations to arrive at Petitioner’s modification—“menu 1500 emerges ‘as the user’ ‘drags in a right direction’ while continuing to ‘press the graphic 1800.’” Reply, 3 (emphasis in original). Moreover, as noted above, whether “menu 1500 emerges” due to a gesture is irrelevant to the claim language.

Second, Limitation [1.d.i] requires that “the at least one other object [Ahn’s clock widget]” is “blur[red], based on a change in distance magnitude³ of the gesture being detected on the touch screen to thereby move the object [i.e., Ahn’s graphic 1800] on the touch screen.” Ahn’s paragraph [0119] teaches “as the user may press the graphic 1800 with a finger, the graphic 1800 gradually disappears in the display 40.” As such, paragraph [0119]’s discussion of graphic 1800 being pressed then disappearing is completely divorced from the requirement of both a “change in distance magnitude” (not pressing) and a “blur” of the clock widget (not graphic 1800). Similarly, Dr. Rosenberg’s general reference to paragraph [0119]

³ In the Litigation, the Court construed “a distance magnitude” as “an amount of distance” (EX2011, 19), and the Board in this proceeding construed “distance magnitude” as “length” (D.I., 8).

“trigger[ing] an animation” cannot remedy the defect. Reply, 3-4. Limitation [1.d.i] does not claim a general “animation” but a specific operation that is not in Ahn.

Petitioner’s new assertion of a “straightforward design choice” (Reply, 4) is a motivation absent from the Petition, and is therefore too late. *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016) (“[T]he expedited nature of IPRs bring with it an obligation for petitioners to make their case in their petition to institute.”); 35 U.S.C. § 312(a)(3). Critically, this is not an instance in which Petitioner was forced to switch its theory based on an unexpected claim construction position from Patent Owner. Petitioner attempted to show movement of Ahn’s graphic shadow 1800 (Pet., 39-41), the Petition simply failed to do so because it relied on a mistaken interpretation of Ahn. POR, 29-39.

Thus, Petitioner’s unexplained amalgamation of “two different gestures” from distinct Ahn embodiments to arrive at the claimed feature is legally and technically deficient. *Abbott Labs. v. Sandoz, Inc.*, 544 F.3d 1341, 1348 (Fed. Cir. 2008) (“[T]he obviousness inquiry must ‘guard against slipping into use of hindsight and to resist the temptation to read into the prior art the teachings of the invention in issue.’”).

B. Petitioner’s new Ahn-Chaudhri-842 theories do not show blurring of the clock widget before completion of the gesture “based on a change in a distance magnitude of the gesture” to move graphic shadow 1800

1. The Petition did not modify Ahn’s “gesture” with Chaudhri

The Petition did not articulate a modification of Ahn with Chaudhri to move “graphic 1800” with the gesture. Pet., 18 (“Ahn-Chaudhri combination represents the predictable and expected result of applying, in the context of Ahn’s touch screen mobile device, the *user interface state transition techniques* described by Chaudhri ’842.”); 19 (“A POSITA would have been motivated to use the *interface state transition techniques* described by Chaudhri-842.”); 35–36 (“obvious to apply Chaudhri-842’s *user interface state transition techniques* ... in the context of Ahn’s mobile communication terminal 100.”). The Petition stated that:

Applying at least the above teachings of Chaudhri ’842 in the context of Ahn’s “touch and drag” gesture and Ahn’s corresponding transition between a user interface state where the standby screen is displayed (see, e.g., EX1004, FIG. 13a, 18(a))... 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 ... as a visual indication of a user’s progress in completing Ahn’s “touch and drag” gesture.

Pet., 38–39. But, as described above, *the implementation described referencing FIG. 18(a)* does **not** disclose “graphic 1800” following a user’s finger.

For movement of “the object” in [1.d.i], the Petition also relies on FIG. 18(a):

With respect to graphical shadow 1800, Ahn describes that “as the user drags the graphic shadow 1800, the menu list 1500 can be displayed along the dragged graphic 1800.” EX1004, [0118]. In other words, Ahn describes that the graphic 1800 moves (i.e., is “dragged”) in response to and along with a user’s touch and drag gesture on the touch screen. *See* EX1004, [0118]; EX1003, [78].

Pet., 38-39. The Petition also devotes a single, passing sentence attempting to equate Chaudhri-842’s “cues” to “graphics such as movable images that help the user visualize the correct gesture and how to complete it successfully.” Pet., 40 (citing EX1005, Abstract, [0054], [0062], [0073]; EX1003, [79]. The Petition does not address any particular teaching of those paragraphs or explain how or why a POSITA would have been motivated to modify Ahn in view of Chaudhri-842’s teachings. Indeed, the Petition failed to offer any motivation for such a modification and the cited paragraphs expressly distinguish “movable images” from the “visual cues” the Petition contends a POSITA would have been motivated to add to Ahn.

At the outset, the Petition offers “motivations” to combine Ahn and Chaudhri-842 *solely* to vary the optical intensity of the clock widget. Pet., 20 (“Chaudhri ’842 provides details for utilizing transitions in optical intensity during transitions in user interface state” and “about the use of varying optical intensity for user interface objects that a POSITA would have found helpful to implement”), 20 (“change in

optical intensity”), 23 (“varying optical intensity for a user interface object”). With no motivation to rely on Chaudhri-842 to move Ahn’s graphic 1800, Chaudhri-842 cannot remedy this defect in the Petition’s theory for Limitation [1.d.i].

Regardless, the cited paragraphs of Chaudhri-842 make clear that “movable images” are **not** among Chaudhri-842’s “visual cues” (which the Petition contends would have been obvious to add to Ahn). As such, even if Petitioner were to argue that the “interface state transition techniques” of the Petition’s motivations were interpreted to include “visual cues,” that still does not extend to Chaudhri-842’s movable “unlock image.” EX1005, ¶¶[0062], [0064]-[0065] (“unlock image is displayed **in addition to** the visual cues”), [0071] (visual cues include channel 404 and arrows 406, **not** unlock image 402). Accordingly, even if Petitioner had timely offered a motivation to modify Ahn to move graphic shadow 1800 based on Chaudhri-842’s visual cues, that effort would have been misplaced.

2. *Petitioner’s new Chaudhri-842 theories fail to establish obviousness of either movement of graphic shadow 1800 or blurring the clock widget before the completion of a gesture*

Petitioner advances new arguments for its Ahn-Chaudhri-842 combination related to (a) Chaudhri-842’s FIGS. 5A–5B and paragraphs [0074]–[0079] and (b) three new references—EX1006, EX1011, and EX1010. Reply, 4–9. Notably, the Petition **did not** rely on or cite Chaudhri’s FIGS. 5A–5B, paragraphs [0074]–[0079],

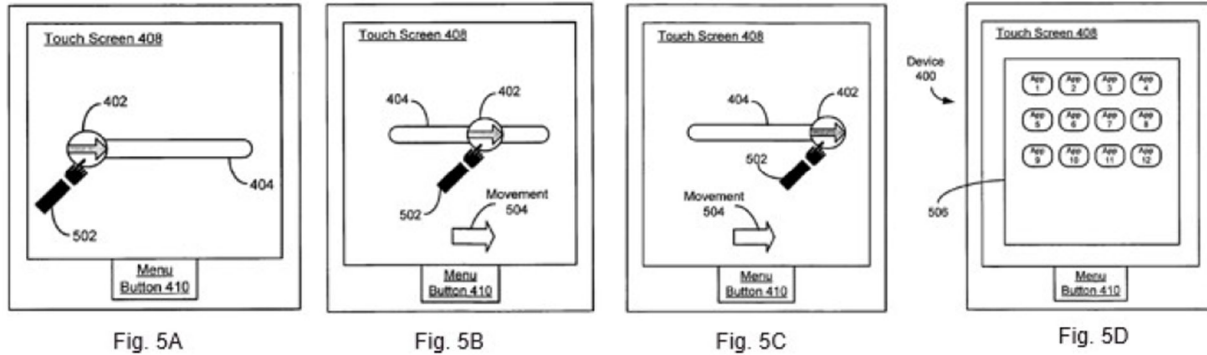
EX1006, EX1011, or EX1010 for Limitation [1.d.i]. *See* Pet., 33–41. As such, this theory is untimely.

The Reply contends that “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.’” Reply, 5 (quoting EX1005, [0054]). The Reply then attempts to shoehorn Chaudhri-842 “unlock image” into these “visual cues.” *Id.* However, as described below, the problem with Petitioner’s untimely approach is that Chaudhri-842 itself makes clear that its sliding “unlock image” is distinct from its “visual cues.”

On Reply, Petitioner for the first time describes Chaudhri-842’s FIGS. 5A–5B as depicting “an image being ‘dragged along...as a result of the gesture.’” Reply, 5 (emphasis in original). Chaudhri-842 further teaches that:

In FIG. 5C, the user has dragged the unlock image 402 to the right end of the channel 404. Once the user releases the unlock image 402 at the right end of the channel 404, the unlock action is complete. **Upon completion of the unlock gesture, the device unlocks and displays on the touch screen 408 user-interface objects associated with normal operation of the device 400.** FIG. 5D illustrates an example of user-interface objects that may be displayed when the device 400 is unlocked. In FIG. 5D, the device 400 displays a menu 506.

EX1005, [0076]. Chaudhri-842’s FIGS. 5A–5D are reproduced below:



Id., FIGS. 5A–5D. Remarkably, Petitioner overlooks even the language it quotes in Reply—*i.e.*, “Chaudhri-842 describes an unlock action with respect to ‘an unlock image’ displayed ‘along with the visual cues.’” Reply, 5 (quoting EX1005, [0062]). The plain import of this language is that the unlock image is not one of the “visual cues,” but is instead displayed “along with” them. Other parts of Chaudhri-842 are consistent with this conclusion. EX1005, [0064] (“an unlock image that is displayed with the visual cues”), [0065] (“unlock image and visual cues”), [0071] (same).

Indeed, Petitioner fails to even try to import the “visual cues” that Chaudhri-842 explain serve a purpose with used with “unlock image.” In particular, “[t]he visual cues shown include a channel 404 indicating the path of the gesture/movement along which the unlock image 402 is to be dragged ... and one or more arrows 406 indicating the direction of the gesture/ movement.” EX1005, [0071]. But Petitioner does not import either of the channel or arrows, meaning that the purported modification (moving graphic shadow 1800) would not be accompanied by a channel or arrows and therefore would **not** even serve the purpose of Chaudhri-842’s

visual cues. Thus, not only did the Petition not rely on Chaudhri-842's FIGs. 5A-5D for Limitation [1.d.i], but Petitioner's late-breaking reliance on Chaudhri-842's "unlock image" also is not even supported by the conclusory "visual cues" theory Petitioner now advances.

Moreover, as described by Chaudhri-842, the result of the "gesture" of Chaudhri-842 is not *before completion* of the gesture, but the instantaneous appearance of menu 506 (FIG. 5D) after completion of the gesture. *Id.*, [0076] ("[u]pon completion of the unlock gesture"). Nothing happens until "the unlock action is complete." *Id.* In contrast, Limitation [1.d.i] recites that the "blur" occurs "during detection of at least a portion of the gesture *before a completion thereof is detected.*"

As such, Petitioner's newly proffered analysis of Chaudhri's FIGs. 5A-5B fails to show that the Ahn-Chaudhri-842 combination teaches to "blur ... the at least one other object" or that any "blur" occurs "during detection of at least a portion of the gesture before a completion thereof is detected." Moreover, this untimely reliance on new parts of Chaudhri-842 comes too late. *Apple Inc. v. e-Watch, Inc.*, IPR2015-00412, Paper 50, 44 (P.T.A.B. May 6, 2016) ("Respond," in the context of 37 C.F.R. § 42.23(b), does not mean embark in a new direction with a new approach as compared to the position originally taken in the Petition. Accepting such belatedly presented new arguments would be unjust to the Patent Owner and we

decline to do so.”). Again, Petitioner was not forced to switch its theory based on an unexpected claim construction position from Patent Owner but because the Petition relied on a erroneous interpretation of Ahn. POR, 29-39.

Petitioner’s inclusion of the “amalgamation”⁴ of figures also does not fix the Petition’s defect. Reply, 7. Petitioner’s notations to the figures describe that the “menu is dragged onto the screen and ‘fades in’” and “[m]enu identifier icon ‘fades out’ and/or is made smaller as it is dragged.” *Id.* Importantly, Limitation [1.d.i] does not recite any “blur” of “fade out” of the “**object**” [graphic 1800], but a “blur” of “**the at least one other object**” [clock widget]. Petitioner fails to show how or why this “amalgamation” of figures that “fades in” something outside of the claim—a “menu”—and “fades out” something that is not required to be blurred—“menu identifier icon”—relates to Limitation [1.d.i].

Petitioner next asserts the “amalgamation” of figures’ “sequence of events” and “method of *opening a menu* was well known in the art, as evidenced by other references cited in the Petition.” Reply, 7–8. Again, the “opening of a menu” is not in the claim language. Regardless, Petitioner’s new references do not provide

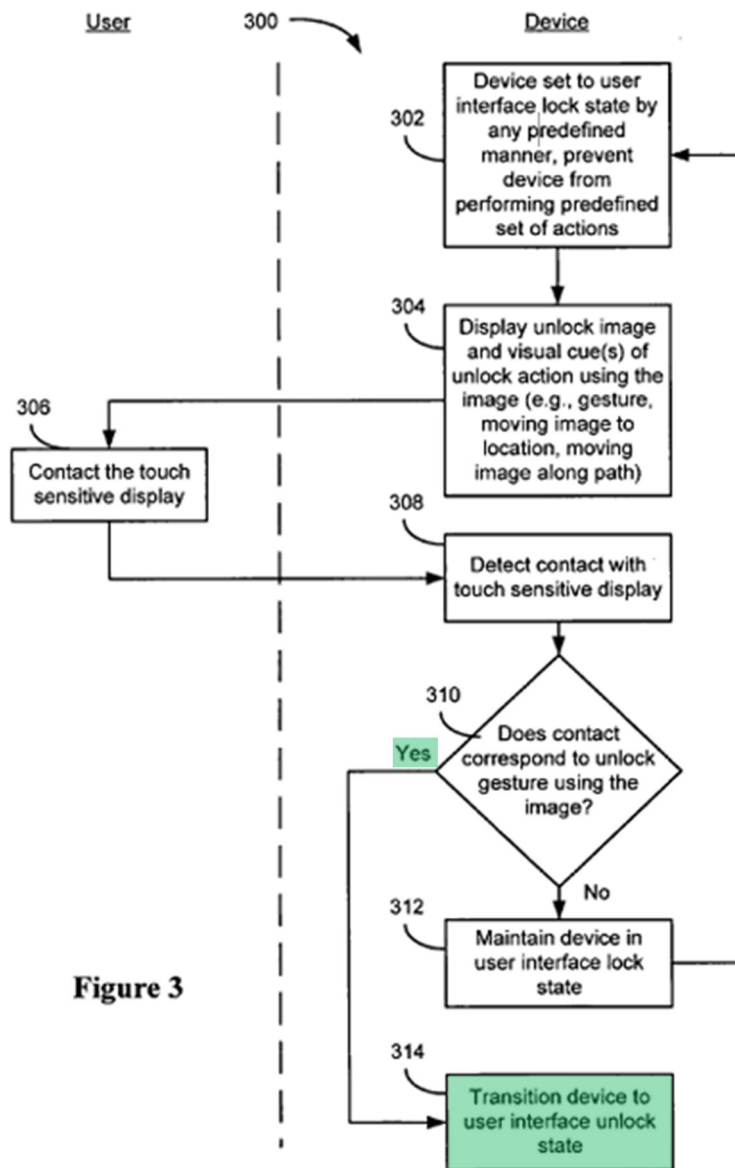
⁴ Petitioner’s full description of this set of figures is: “Amalgamation of FIGS. 3A and 18a (left), Amalgamation of FIGS. 3A, 4A, and 18a (center), and FIG. 13b (right).” Pet., 40, 49.

support for Petitioner’s argument that the Ahn-Chaudhri-842 combination teaches Limitation [1.d.i], at least because they were not relied on in the Petition, and they are not used to modify Ahn’s operation. For example, EX1006 concerns the sliding of “the bezel menu,” EX1011 describes display “of the pull-out menu,” and EX1010 describes an “edge gesture” that opens a menu. Reply, 8. Thus, each of these references only concern the movement of a menu and not the movement of an “object” [graphic 1800] as claimed. Moreover, EX1006 and EX1011 were cited in the Petition solely for the analysis of Claims 2 and 3, and the newly cited portions in the Reply are not cited in the Petition at all. Pet., 47, 57. EX1010 was not cited in the Petition or included in the Petition’s exhibit list.

Petitioner and Dr. Terveen then rely on “these teachings” to reach a conclusion that is (1) not in the Petition and (2) not relevant to Limitation [1.d.i]: “Ahn’s *menu list would have been graphically displayed as emerging* onto the display based on a change in a magnitude of the ‘touch and drag’ gesture being detected on the touch screen.” Reply, 9. Petitioner fails to provide a motivation to combine these references with Ahn-Chaudhri-842 or even describe these references with any detail. Thus, relying on these references for invalidity, rather than merely background or state of the art, is improper.

3. *Petitioner’s “fade” theory fails to establish blurring before the completion of a gesture*

Petitioner cites Chaudhri-842’s “fade in” and “fade out” animation, but that occurs *after* the gesture is complete so cannot support the combination. Reply, 16.



This cannot show obviousness of blurring “during detection of at least a portion of the gesture before a completion thereof is detected” because Chaudhri-842 teaches

that the transition occurs after completion of the gesture. EX1005, [0079] (fade “as the user transitions” between applications “over a predetermined time interval” not as a function of the gesture), [0076] (transitioning “[u]pon completion” of the gesture in FIGS. 5C-5D), FIG. 3 (depicting transition *after* unlock gesture is complete—annotated below). Chaudhri-842’s animation thus occurs *after* a gesture is completed and cannot show progress of a gesture as Petitioner contends. *Id.*

III. PETITIONER’S LIMITATION [1.D.ii] THEORY IS DEFICIENT

Petitioner cites to Chaudhri-842’s paragraph [0088] for teaching as a finger moves across the screen “then the indication of progress may be defined in terms of the distance between the two edges...” and FIG. 6. Reply, 22–23. Indicating progress via distance an object moves does not suggest or even relate to blurring of “at least one other object” where the “magnitude of the blur itself ... is increased as a function of an increase in the distance magnitude” as recited in Limitation [1.d.ii].

Indeed, the flowchart of FIG. 6 explains that the device may “indicate progress 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, FIG. 6. In contrast, Petitioner’s Ahn-Chaudhri-842 combination relies on *reducing* optical intensity of Ahn’s clock widget (Petitioner’s asserted *first* user interface state). Pet., 38, 50; Reply, 16. Specifically, Petitioner identifies Ahn’s *standby screen* as corresponding to the alleged first user-interface state and “*state*

where a menu list 1300 is displayed” as the alleged second user-interface state. Pet., 38, 50; Reply, 16. As such, FIG. 6 similarly does not support blurring of “at least one other object [clock widget]” where the “magnitude of the blur itself ... is increased as a function of an increase in the distance magnitude.”

IV. PETITIONER’S DEPENDENT CLAIM THEORIES ARE DEFICIENT

A. Limitation [2.b] and Claims 3 and 11–14

For Limitation [2.b] and Claims 3 and 11–14, Petitioner argues that Ahn teaches that “[a] position in which the item list is displayed in the display 40 can be preset,” and that this teaching is sufficient justification for “the position at which the menus are displayed (e.g., at which edge) is a design choice.” Reply, 24-25. Petitioner’s argument again ignores that the claims recite properties of the object, i.e., graphic 1800, not any menu or item list:

- “the object is displayed closer to the top edge of the touch screen than a bottom edge of the touch screen” (Limitation [2.b]);
- “the object is displayed closer to a right edge of the touch screen than a left edge of the touch screen” (Claim 3, depends from Claim 2);
- “the aspect of the object includes a size of the object” (Claims 11 and 12, both depend from Claim 2 that recites “an aspect of the object other than a location thereof is modified, based on the change in the distance magnitude of the gesture being detected on the touch screen”); and

- “the aspect of **the object** includes a color of the object” (Claims 13 and 14, both also depend from Claim 2).

Further, for Limitation [2.b] and Claim 3, Petitioner does not address the inconsistencies in its mapping related to the different screen orientations or the absence of any motivation to combine the two additional references used to support its invalidity analysis (EX1006 and EX1011). *See* POR, 61–63, 65–66.

For Claims 11–14, Petitioner does not deal with the Petition’s failure to address that the “aspect of the object” that is modified must be “based on the change in the distance magnitude of the gesture being detected on the touch screen.” *See* POR, 69–70. As discussed in the POR, Ahn and Chaudhri-842 fail to teach that graphic 1800 changes in size or changes color with “the change in distance magnitude of the gesture being detected on the touch screen.” *Id.* And Petitioner provides no explanation for its lack of motivation to combine EX1008, which it relies on for its invalidity analysis for Claims 11–14, with Ahn and/or Chaudhri-842.

B. Limitation [2.d]

For Limitation [2.d], Petitioner relies on its arguments related to Limitation [1.d.ii] discussed and refuted above in Section III. Reply, 25. Petitioner however does not address the absence of any motivation to combine EX1008 with Ahn-Chaudhri-842 or that even EX1008 does not teach or suggest blurring *the background* rather than other layers. *See* POR, 63–65.

C. Claims 5, 6, and 17

Petitioner relies on Chaudhri-842's paragraph [0079], its analysis related to Chaudhri-842's "fade in" and "fade out," and FIGS. 8A–8C to argue Chaudhri teaches blurring occurs "during at least a part of at least an initial portion of the change in the distance magnitude, ..." Reply, 25–26. As explained in Section II.B.2 above, Chaudhri-842 teaches that the change in user interface states, and thus any "fade out," does not occur until after the completion of the gesture. Further, FIGS. 8A-8C of Chaudhri-842 show that "[t]he user may perceive the optical intensity transition as **a fading in of the user-interface objects** as the unlock action is performed." EX1005, [0088]. That is, the curves shown in FIGS. 8A–8C—extending from 0% to 100% optical intensity—illustrate the "**fading in**" of user interface objects not a "fade out" or blurring as the claims require. Ahn therefore does not describe blurring "an entirety of the object" or "an entirety of a virtual display layer in which the object is displayed" during "***an initial portion of the change in the distance magnitude.***"

Further, Petitioner's Reply analysis for Claim 6 does not explain the inconsistency with the analysis for Limitation [2.d] in which "the at least one other object includes a background image" (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.

Finally, Petitioner does not address the absence of any motivation to combine EX1008 and EX1007, which it relies on to argue invalidity, with the Ahn-Chaudhri-842 combination.

V. PETITIONER’S MOTIVATIONS ARE DEFICIENT

The POR explains that the Petition provided no problem with Ahn that Chaudhri-842 would solve or any appreciable benefit of the combination that was not already present in Ahn. POR, 16–21. Petitioner’s Reply still fails to articulate any credible motivation to combine Ahn and Chaudhri-842. *See* Reply, 17–21.

For the first alleged motivation, Petitioner asserts that Ahn discloses blurring but “leaves the implementation details to POSITAs” who would have looked Chaudhri-842 that “provides one example of implementation details.” Pet., 19. As one way that a “user interface may utilize blur,” **the Petition and Dr. Terveen** rely on Ahn’s teaching that its menus “can be embodied in a translucent form or an opaque form, depending on implementation” as one type of blurring. Pet., 10–11 (underline in original); EX1003, ¶36; EX2008, 23:21–25:3. The POR explained that “with Petitioner relying on translucency of an overlying object as purported blurring, Ahn teaches such translucency without having to look to Chaudhri” and thus, a

“POSITA would not have looked to Chaudhri to find details already existing in Ahn.” POR, 17–18 (citing EX2006, ¶¶63–64).

In its Reply, Petitioner advances a new argument *absent from the Petition* that Ahn teaches “another implementation in which the menus ‘are transparently displayed on the standby screen 300’” using FIG. 4B as example, and “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].” Reply, 17–18.

Ahn teaches that the “menus displayed on the standby screen 300 can be embodied in a translucent form or an opaque form, depending on implementation.” EX1004, [0070]. In fact, many of the menus Ahn describes as “transparent” are translucent with portions that are opaque. For example, Ahn describes FIG. 5A’s “brightness setting window 510” and FIG. 7C’s “menu list 720” and “sub-menu 730” as “transparent.” EX1004, [0053], [0064]–[0066].

FIG. 5A

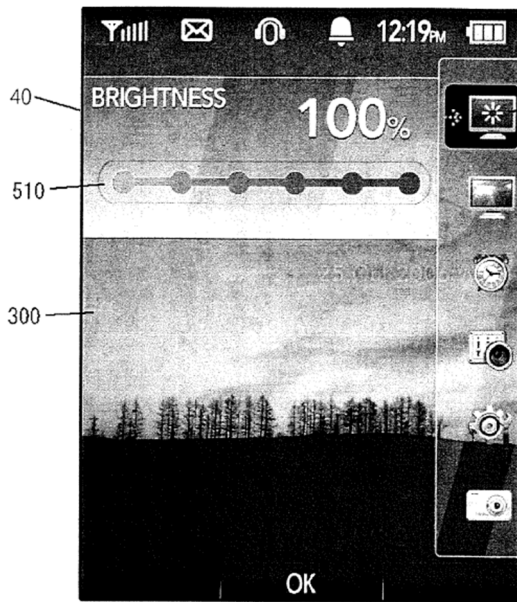
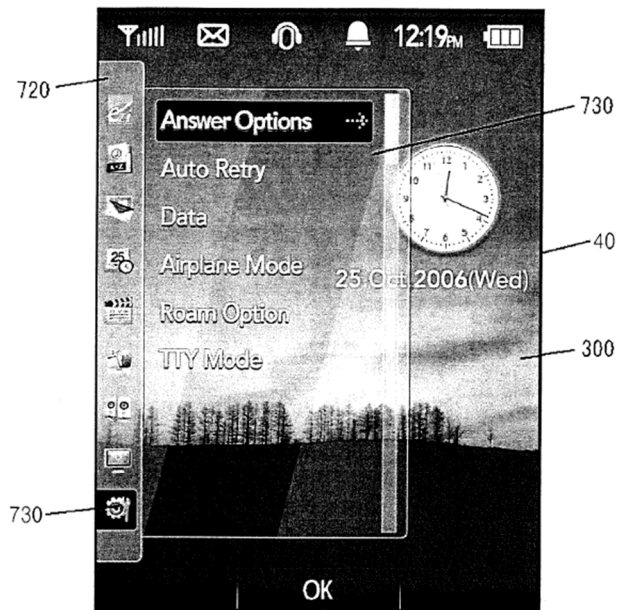


FIG. 7C



Ahn actually uses similar language as cited by Petitioner when describing the implementation in FIG. 7C:

In this implementation, ... a setting menu of the mobile communication terminal 100 is **transparently** displayed on the standby screen 300, for example. Therefore, the user can interact with the setting menu **while viewing a standby screen in a standby state.**

EX1004, [0068]. In each of these examples, the “transparent” elements are actually translucent with portions that are opaque.

Further, while Petitioner relies on FIG. 4B as an example of a “transparent” menu, Petitioner’s cited paragraph [0039] actually relates to FIG. 3C and there is no indication in the description of FIG. 4B (in paragraph [0051]) that menu 420 is “transparent” rather than translucent with opaque portions, i.e., brightness setting menu 420a (see FIG. 4B below compared with FIG. 12 having no menu):

FIG. 4B

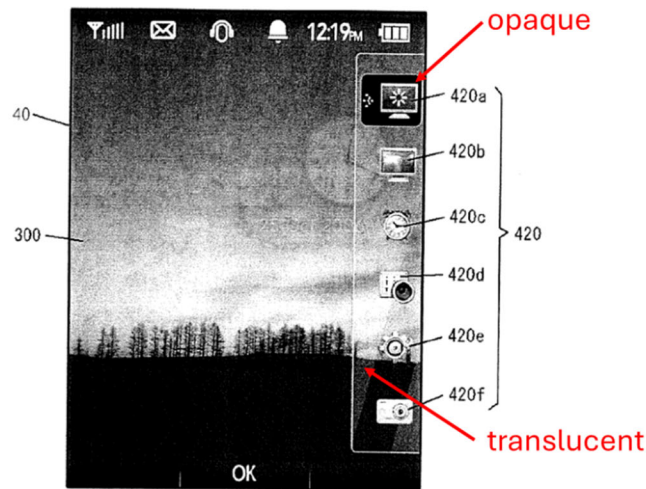
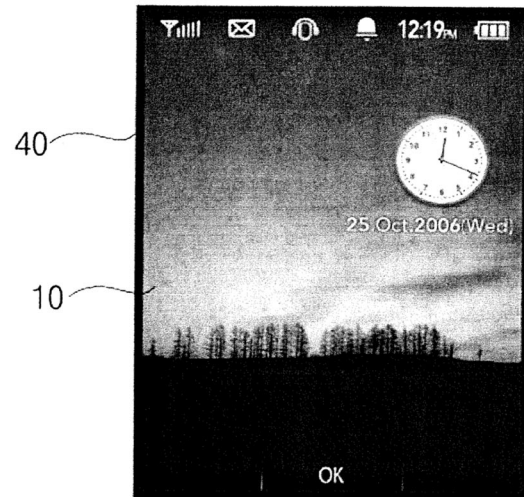


FIG. 12



Regardless of whether these implementations are considered “transparent” or “translucent,” a user is still afforded the benefit described by Ahn of being able to view “a standby screen in a standby state.” In sum, the benefit that Petitioner now claims would be a motivation when using a “transparent” menu applies equally to a “translucent” menu based on the full disclosure of Ahn, and thus, still fails to provide a motivation or benefit for combining Chaudhri-842 with Ahn.

For the second alleged motivation, the Petition asserts that a POSITA would look to Chaudri for “changes in optical intensity [that] provide the user *a visual indication that they are performing a particular operation.*” Pet., 20–21. The POR pointed out that both *the Petition and Dr. Terveen* indicated that Ahn’s “translucency/blurring” already provide a visual indication that they are performing a particular operation. POR, 18–19 (quoting Pet., 22 (asserting “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*”) and EX2008, 22:24–23:20 (“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’” and “[t]ranslucency has a ‘distinguishing effect’ and ‘would be one way of [] conveying focus’”). Thus, Petitioner failed to identify any deficiency in Ahn that would cause a POSITA to look to Chaudhri-842. In its Reply, Petitioner merely restates its reliance on Chaudhri-842 for “a visual indication to the user of their progress in completing the gesture.” Reply, 19. Again, according to the Petitioner and Dr. Terveen, Ahn already provides this “visual indication” via its use of translucency/blurring and Petitioner has failed to articulate a motivation for a POSITA to look to Chaudhri-842 *for another* “visual indication.”

For the fourth alleged motivation, Petitioner newly argues that “Ahn presents a ‘design need’⁵ regarding how to transition, e.g., its clock widget from fully visible to blurred when a transparent menu is opened.” Reply, 20. However, as indicated by Petitioner, Ahn also presents a solution to this “design need” with a “binary”

⁵ “Design need” was not included as a motivation to combine Ahn and Chaudhri in the Petition.

transition. Reply, 20; Pet., 23. Petitioner still provides no reason why a POSITA would have been motivated to look to Chaudhri-842 for a different (and wholly unnecessary) way of implementing a blurring effect. *See In re Kahn*, 441 F.3d 977, 986 (Fed. Cir. 2006) (stating that “mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole”).

Regardless, Petitioner’s belated obvious-to-try theory fails to articulate a design need or problem—rendering its analysis legally deficient. *Grunenthal GMBH v. Alkem Labs. Ltd.*, 919 F.3d 1333, 1345 (Fed. Cir. 2019) ([Petitioner] must show (1) a design or market need to solve a particular problem, **and** (2) that ‘there are a finite number of identified, predictable solutions’ that would lead to an expectation of success”); *Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 888 (Fed. Cir. 2024) (reversing an obviousness finding based on “no evidence of a design need or market pressure”). Further, Ahn’s “problem” cannot be how to implement blurring, which Ahn already achieves in “at least two ways.” Pet., 23.

Additionally, Petitioner’s and Dr. Terveen’s framing of blurring as being limited to merely ‘binary’ or ‘progressive’ is incorrect and unsupported. Reply, 20. There are numerous ways to “blur” an object that are not progressively as a function of the user’s gesture. For example, blurring after a keypad input (EX1004, [0049]–[0051]); providing an intermediate animation before the blurring operation

(EX1004, FIG. 4A); blurring the object instantaneously at the start of the gesture, during the gesture, or after the gesture is complete; blurring gradually at the start of the gesture or after the gesture, blurring over a predetermined time (EX1005, [0079]) at the start, during, or after the gesture. The Petitioner's and Dr. Terveen's blatant neglect of alternatives does not somehow narrow the choices to two. Moreover, if the problem/solution is viewed without hindsight narrowing, there are countless alternatives to blurring which further undermine this false binary. *See 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.'"); *Metalcraft of Mayville, Inc. v. The Toro Co.*, 848 F.3d 1358, 1367 (Fed. Cir. 2017) ("Without any explanation as to how or why the references would be combined to arrive at the claimed invention, we are left with only hindsight bias."). 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).

VI. DR. ROSENBERG'S TESTIMONY IS CREDIBLE

Petitioner provides no evidence that Dr. Rosenberg's declaration testimony is different than his deposition interpretations. Reply, 9–14 (not citing EX2006).

Dr. Rosenberg did not testify about the boundaries of graphic shadow 1800 emphasized by Petitioner's first two 'inconsistencies' (Reply, 10–11). EX1024, 70:20–71:17 ("not something I analyzed"). Further, Dr. Rosenberg's interpretation of the "ambiguity" in Ahn's paragraphs [0118]–[0119] is fully consistent with his opinion that Ahn's menus do not progressively slide. EX1024, 107:5-109:7 ("Because what you would have to do is you would show that graphic shadow just for a moment. And then it would disappear, because you are not showing 15B, the menu, at the same time as the graphic shadow. It is either the menu or the graphic shadow, right. If you had the graphic shadow, it would be obscuring part of your menu."); EX2006, ¶87-99. Petitioner must selectively quote the transcript to manufacture inconsistencies. For example, Petitioner attempts to cast Dr. Rosenberg's testimony regarding a tap on graphic shadow as inconsistent (Reply, 11 (citing EX1024, 88:4–9, 88:14–93:12)); however, Dr. Rosenberg clearly states "tapping" is not an example of opening the menu "*described in [paragraph] [0118]*" and then clarifies that "in reading further, actually [paragraph] [0119] ... is describing a press operation." EX1024, 87:8–90:1. There is nothing inconsistent or

inaccurate about this testimony. *See* EX2010, 70:10–22 (Figures 18(a) and 18(b) described in Ahn’s paragraphs [0118]–[0119] disclose “two different operations”).

Additionally, Petitioner asserts Dr. Rosenberg’s testimony is improper because he does not consider background knowledge, inferences, and creative steps a POSITA would employ. Reply, 12–14. This is false. Dr. Rosenberg explains that a POSITA would use “their education and training ... to interpret what they are reading.” EX1024, 74:11–77:5; *see also id.*, 86:5–87:17 (“POSITAs can be creative”); EX2006, ¶32–34 (providing understanding of a POSITA used in his declaration).⁶

At no point did Petitioner ask Dr. Rosenberg about any modifications or motivations at issue. Instead, Petitioner advanced incomplete hypotheticals and asked Dr. Rosenberg to determine obviousness—a legal conclusion—of modifications not disclosed in Ahn without providing any underlying reasoning to

⁶ A single imprecise formulation of the legal construct of a POSITA—an individual evaluating conflicting ideas—as multiple individuals evaluating conflicting ideas is not a credible basis to discard the entirety of Dr. Rosenberg’s testimony. *See* EX1024, 66:13–67:1 (“we need to go back go back to just a [singular] POSITA with the qualifications that are described in terms of their educational background and their experience”).

evaluate such a determination. *See e.g.*, EX1024, 70:7–9 (Q: “***Just looking at Ahn***, what would a POSITA have found obvious when looking at Ahn with respect to the graphical shadow”); 70:20–71:2 (Q: “would a POSITA have found it obvious to give some leeway ... about where the start position is with respect to the graphical shadow”). Consistent with the obviousness framework, Dr. Rosenberg responds that there is no motivation to change Ahn in Petitioner’s incomplete hypotheticals. EX1024, 120:13–124:19 (distinguishing undisclosed possibilities of what a POSITA ***could*** do from motivations); *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) (“Obviousness concerns whether a skilled artisan not only ***could have made*** but ***would have been motivated to make*** the combinations or modifications of prior art to arrive at the claimed invention.”) (emphasis in original).

VII. CONCLUSION

For the foregoing reasons, the Petition should be denied.

Dated: November 7, 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 5,583 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 November 7, 2025, complete copies of this Patent Owner Sur-Reply and EX2010-EX2012 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