

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA MOBILITY LLC, AND GOOGLE, LLC,
Petitioners,

v.

MULTIFOLD INT'L INC. PTE. LTD.,
Patent Owner

Case IPR2025-00040
Patent No. 9,134,756

**PETITIONERS' AUTHORIZED RESPONSE TO REQUEST FOR
DIRECTOR REVIEW OF THE FINAL WRITTEN DECISION**

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I. INTRODUCTION

The Board did exactly what Patent Owner (“PO”) says the Board should do and what the Board was required to do by statute, regulation, and precedent: determine whether the Petition showed how the prior art addressed every element of the challenged claims. And the Board found that it did.

Here, PO argues that the Petition failed to address Claim 1’s “displaying” limitation, which reads “displaying, by the processor, the selected first and second desktops or applications on the first and second displays” because that language was inadvertently omitted from a sub-section heading. In a 43-page Final Written Decision (“FWD”), the Board dedicated 12 pages to thoroughly considering and rejecting PO’s argument. *See* Paper 29 (“FWD”) at 12-24. The Board found, based on a detailed review of the evidence cited in the Petition and the substance of the Petition’s arguments, that the Petition showed how four different prior art references and all eight grounds disclosed the “displaying” limitation in compliance with the particularity requirement of 35 U.S.C. § 312(a)(3) and 37 C.F.R. § 42.104(b)(4). *See* FWD at 14, 17, 21. Unsatisfied with the outcome, PO now requests Director Review of the FWD.

PO cites no case law that supports finding any deficiency in the Petition or error with the Board’s analysis. Faced with a lack of real authority, PO resorts to mischaracterizing the facts of *Apple Inc. v. MPH Techs. Oy*, No. 2021 1355, 2021-

1356, 2022 WL 4103286 (Fed. Cir. Sep. 8, 2022) to make it sound like an on-point case. As discussed below in Section III.B, in *Apple*, the petitioner left an independent claim entirely out of an IPR ground (apparently intentionally) and never “argued that it was ‘an obvious typo’” as PO represents. *See id.* at *8; Request at 8.¹ And PO’s representation that “the Federal Circuit rejected that argument” is simply not true because that argument was never made and thus could not have been rejected.

Indeed, there exists no requirement that the full claim language be reproduced in a section heading. It is often impractical, and as the Board noted here, what is important is whether the substantive argument identifies what in the prior art invalidates the claims. That is not even a question here, nor was it disputed.

PO made a calculated decision not to engage with the substance of the Petition’s thorough analysis regarding the “displaying” limitation. As the Board observed, “[PO] had sufficient notice and opportunity to address the merits of the Petition’s contentions and evidence for claims 1 and 7, including those directed to limitation 1[B] and the *displaying* element.” FWD at 21. But PO chose not to address the merits in either its Patent Owner’s Response or Sur-Reply. As the Board

¹ PO also cites only *non-existent pages* in *Apple*. Compare Request at 8 (citing *Apple Inc.*, 2022 WL 4103286 at *16-17), with *Apple Inc.*, 2022 WL 4103286 (ending at page *8).

observed, “it is [PO] who avoids engaging the substantive merits of the Petition.” *Id.* PO went so far as to direct its expert not to consider the patentability of the independent Claims 1 and 7, which he disclaimed in bold, red font. *Id.* at 22; *see also* Ex. 2002 (Surati Decl.) ¶ 46; *see also* Ex. 1012 (Deposition of Dr. Rajeev Surati), at 162:16–164:3. PO also used its sur-reply not to address Petitioner’s arguments, but to improperly raise new patentability arguments. *See* FWD at 22.

PO makes no attempt to engage with the Board’s detailed reasoning or factual findings from the FWD. Instead, just as PO chose to avoid engaging in the substantive merits of the Petition, PO’s Request avoids engaging in the substantive merits of the FWD. At no point does PO address any of the Board’s citations to evidence and arguments in the Petition showing that the limitation was addressed. And, regrettably, PO accuses the Board of “confirmation bias.” Request at 8. This claim is not only unfounded, it does not make any sense because PO never presented its “displaying” argument at the institution stage so there was nothing to “confirm[.]”

Finally, PO’s attempt to stretch its argument to cover Claim 7 is unfounded. Petitioners included every limitation of Claim 7 in the subheadings of the Petition, so PO’s argument cannot extend to Claim 7. The Board found that the Petition explained how the prior art taught Claim 7 and PO presents no contrary argument; certainly no basis for director review of that decision.

The Director should deny the Request.

II. STANDARD FOR DIRECTOR REVIEW

Director Review of a FWD is available in limited circumstances, and not merely because a patent owner disagrees with the outcome of an *inter partes* review, as seems to be the case here. “Director Review of a Board’s final decision ... shall be limited to decisions presenting (a) an abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law.” www.uspto.gov/patents/ptab/decisions/director-review-process, §II.B. PO fails to acknowledge—let alone satisfy—any of these criteria.

III. THE BOARD CORRECTLY CONCLUDED THAT THE CHALLENGED CLAIMS ARE UNPATENTABLE

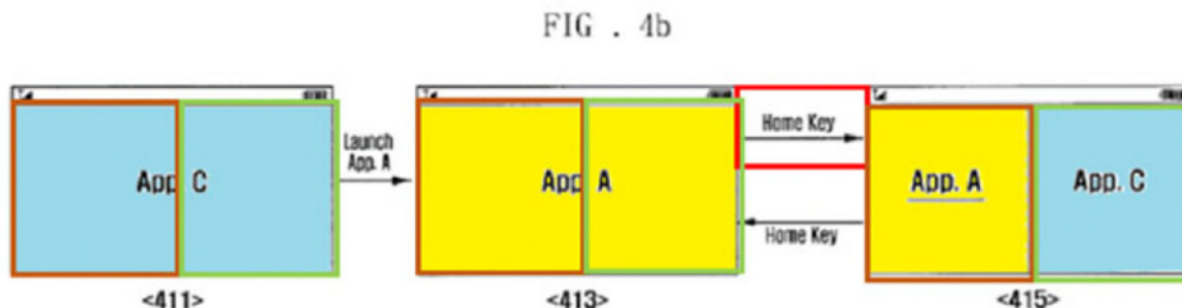
A. The Final Written Decision Correctly Recognizes That the Petition Addressed the “Displaying” Limitation of Claim 1

Here, the FWD unmistakably identifies how the Petition showed that the “displaying” limitation in the ’756 patent is present in all four prior art references for all eight grounds.² *See, e.g.*, FWD at 14 (“The Petition addresses in detail how each asserted reference discloses displaying two applications on two separate displays in accordance with the *displaying* element, by presenting multiple annotated

² As noted in Section I, the “displaying” limitation reads “displaying, by the processor, the selected first and second desktops or applications on the first and second displays.”

figures from Yook, Lee, Aguilar, and Purcell.’”) (citing Pet. 27–30, 47–50, 62–63, 77–78). The Board painstakingly summarizes how the evidence cited in the Petition maps to the “displaying” limitation of Claim 1. *See* FWD at 12-24. This includes citation to annotated figures from each of the prior art references and explanation from Petitioner’s expert witness. *See id.* at 14 (summarizing evidence).

Starting with the Yook reference, the Board demonstrated how the Petition mapped Yook onto the “displaying” limitation in multiple ways. *See* FWD at 15-17. For example, the Board explained that the Petition highlighted Yook’s “Home Key” in Figure 4b, and explained how activating the home key causes the device to show two selected applications as claimed:



The Petition makes clear that: “Yook’s device utilizes a split-screen mode for two applications in which an application (*App.A*) is *revealed on the first display* (orange box);” and “[i]n response to receiving the input from touching the ‘Home’ key, the processor *reveals a second application, App.C on the second display* (green box),” in accordance with the *displaying* element recited in

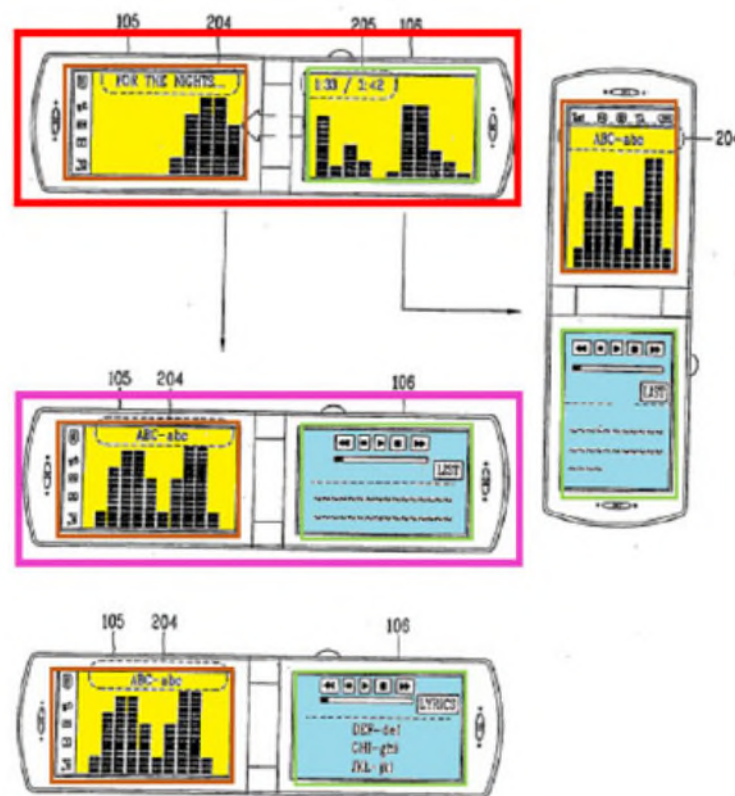
limitation 1[B]. *Id.* at 25, 28 (emphases added) (citing Ex. 1003 ¶¶ 66, 71; Ex. 1004 ¶¶ 46–47, Fig. 4b). The Petition further specifies with precision that, in Yook Figure 4b, “[t]he Home Key input is shown in the red box in annotated Fig. 4b [above], and demonstrates how *Yook can reveal the second application* to the user when it may have been in the background prior to the reveal.” *Id.* at 28 (emphasis added).

FWD at 15-16.

The Board also found that the Petition “discusses and annotates Figure 10 of Yook, which the Petition describes as showing that ‘a user can provide an input for an instruction to *reveal a first application* (e.g., web browser) and Yook’s device will respond by *revealing a second application* (e.g., Twitter) *on the second display.*” FWD at 16-17 (citing Pet. 28-29 and excerpting annotated Figure 10 of Yook from the Petition). And that “[t]he Petition provides yet another example from Yook Figure 5a and explains that ‘Yook also discloses how a user can select one out of multiple running applications to reveal on each display.’” FWD at 16 (citing Pet. 29); *see also id.* (finding Dr. Rodriguez’s testimony cited in the Petition explains “how a second application ‘Event’ can be *displayed on the second display* . . . upon *the processor* in Yook’s device receiving an ‘event generation’ input,” in accordance with the *displaying* element that recites “*displaying, by the processor.*”) (citing Pet. 30; Ex. 1003 ¶17). Accordingly, there can be no doubt that the Board correctly found

“the Petition maps Yook onto the *displaying* element of limitation 1[B] in compliance with the particularity requirement of 35 U.S.C. §312(a)(3) and 37 C.F.R. §42.104(b)(4).” FWD, 17.

The Board went through a similarly thorough exercise to find that the Petition maps the Lee reference to the “displaying” element. FWD at 17-21. For example, the Board recognized how the Petition showed that Lee discloses changing from displaying a single application across a first and second display to displaying first and second applications on the first and second displays, such as with respect to annotated Figure 9 (reproduced below). *See id.*



FWD, 18 (excerpting annotated figure from Petition and citing Pet. at 47-48).

Regarding Lee’s Figure 9, the Board found “[t]he Petition explains that ‘Lee further recognized that a user may wish to ‘multitask’ among several applications, and Lee describes how a user can perform multitasking and *display two application windows* using the *two separate displays*.’” FWD at 18-19 (quoting Pet. at 47). And the Board explained how the Petition, supported by Dr. Rodriguez’s testimony, “specifies how Lee discloses ‘*displaying*’ two application windows on two separate displays, shown above within the pink outline.” FWD at 18-19 (quoting Pet. at 48-49) (citing Ex. 1003 ¶ 121). The Board went through a similarly thorough analysis with respect to how the Petition’s discussion of Lee’s Figure 10 “very clearly show[s] displaying two application windows on two displays in accordance with the *displaying* element.” FWD at 19-21. Accordingly, there can also be no doubt the Board correctly found “the Petition maps Lee onto the *displaying* element of limitation 1[B] in compliance with the particularity requirement of 35 U.S.C. §312(a)(3) and 37 C.F.R. §42.104(b)(4).” *Id.* at 21.

For the remaining prior art, Aguilar and Purcell, the Board similarly found the Petition mapped those references to the “displaying” limitation and cited corresponding portions of the petition and Dr. Rodriguez’s testimony. *See, e.g.*, FWD at 14 (collecting citations).

The PO does not engage with the substance of these mappings at all. *Id.* at 22 (“[PO] chose not to address the substance of the detailed citations and evidence in

support of the prior art mappings of the displaying element in the Petition.”). Even worse, PO directed its expert to not even *consider* the patentability of Claim 1. *Id.*

The lack of the direct language from the “displaying” limitation is the result of a typographical or clerical error. This is evident from the fact that despite the section subheading not including the “displaying” language from the end of the claim element, the mappings are included in the analysis. *Id.* Moreover, the Petition structures its analysis of Claim 1 of the ’756 patent into *three* steps and not *five* as PO seems to suggest. *See, e.g.,* Pet. at vi. The “display” limitation language is missing as a subheading related to Claim 1[B], which is confirmed by Claim 7’s reference to claim 1, and it is mappings in this section that provide the basis of the Board’s substantive analysis. *See* FWD at 12-24. That PO is not inclined to engage with the Board’s analysis and citations is not a basis for Director Review.

B. The Board Did Not Exceed Its Authority or “Identify Missing Limitations on Petitioners’ Behalf”

PO claims that the Final Written Decision “contravenes numerous Supreme Court and Federal Circuit precedents,” Request at 6, but none of the cases cited are relevant to the grounds for the Request. Moreover, PO misrepresents each of these cases, which underscores the baselessness of its position.

PO cites *Apple Inc. v. MPH Techs. Oy*, No. 2021 1355, 2021-1356, 2022 WL 4103286 (Fed. Cir. Sep. 8, 2022) and *DK Crown Holdings, Inc. v. AG 18, LLC*, No. 2024-2078, 2026 WL 1242446 (Fed. Cir. May 6, 2026), for the proposition that “an

obvious typo” omitting a claim limitation is fatal. Request, 8. But the cases stand for nothing of the sort. *Apple* has nothing to do with a “typo,” and while *DK Crown Holdings* concerns an alleged “clerical error” the petitioner asked the Board to analyze a claim under an entirely different ground than the ones presented for that claim the Petition which is far afield from the circumstances at issue here where claim language was omitted from a sub-section heading but indisputably addressed within every single one of 8 grounds (as discussed above in Section III.A).

In *Apple*, contrary to what PO represents, the petitioner ***never argued or even suggested*** to the Federal Circuit there was a “typo” or any other error in the Petition. *Supra* §I; *see generally Apple*, 2022 WL 4103286. The petitioner used a reference (Ahonen) in a ground challenging claim 5 of U.S. Patent No. 7,937,581, but did not include Ahonen in the grounds challenging claims 6-8, which depended from claim 5. *Apple*, 2022 WL 4103286 at *6-8. The Board declined to consider the petitioner’s unpatentability arguments for dependent claims 6–8 because those grounds did not address any limitations of claim 5 (which are incorporated into the dependent claims), and the Court affirmed the Board’s decision that such grounds could not render the dependent claims obvious. *Id.* at *2, 6. Far from calling anything “an obvious typo,” the petitioner in *Apple* argued that it did not need to include Ahonen in the grounds for claims 6-8 because Ahonen was only used to address limitations

in claim 5, suggesting Ahonen's omission was intentional, not an error. *Id.* at *8. PO's representations about *Apple* are woven from whole cloth.

DK Crown Holdings is no more helpful to PO. The case does not stand for the proposition that an allegedly omitted *limitation* cannot be considered by the Board as PO contends (though even if it did, that would not apply here where the Petition contains a mapping between each limitation and the prior art asserted, *see* FWD at 12-24). In *DK Crown Holdings*, the Board found all challenged claims unpatentable except claim 18, which was challenged in grounds 1 and 2 of the petition. In its Reply, petitioner tried to expand ground 3 to also cover claim 18, which included a different obviousness combination than grounds 1 and 2. *See DK Crown Holdings*, 2026 WL 1242446 at *1. Petitioner argued that it was "obvious" that ground 3 should have been asserted and said its omission was a clerical error. *Id.* at *2. The Board rejected this and the Federal Circuit affirmed. *Id.* That non-precedential opinion is inapposite. This is not a case where, like *DK Crown Holdings*, an entire legal theory (*i.e.*, *ground*) is alleged to have been omitted from the Petition. PO does not dispute that the Petition discloses eight grounds showing the '756 patent is invalid, and that the FWD invalidates the patent on those exact eight grounds.

PO's remaining case law is even less helpful to it. In *SAS Institute Inc. v. Iancu*, 584 U.S. 357 (2018), the Board instituted *inter partes* review on a subset of the claims challenged by the petitioner. *Id.* at 361-62. On appeal, the Supreme Court

held that the Director lacked the authority to institute *inter partes* review on fewer than the claims for which review was sought. This case is inapposite. Here, Petitioner sought review of claims 1-9 of the '756 patent, the Board instituted *inter partes* review of claims 1-9 of the '756 patent, and the Board issued a final written decision on claims 1-9 of the '756 patent, finding each unpatentable on eight separate grounds. *See* Paper 1 (“Petition”) and 10 (“Institution Decision”); *see also* FWD.

Koninklijke Philips N.V. v. Google LLC, 948 F.3d 1330 (Fed. Cir. 2020) (“*Philips*”) is similarly inapposite. In *Philips*, the petition stated two grounds to invalidate a patent: (1) anticipation in view of the SMIL 1.0 reference, and (2) obviousness over SMIL 1.0 in view of general knowledge of POSITA, which included the Hua reference. *Id.* at 1333-34. The Board instituted *inter partes* review on three grounds: the two Petitioner requested, and (3) obviousness over SMIL 1.0 in view of Hua. *Id.* at 1334. On appeal, the Federal Circuit held that the Board erred by instituting an *inter partes* review on grounds not present in the petition. *Id.* This case is also inapposite. Here, the Petition states eight grounds for invalidating the '756 patent. Paper 1 at 81-88. These are the same grounds on which the Board instituted its *inter partes* review. *See* Paper 10 (Institution Decision) at 8-9. *Philips* is irrelevant.

PO next cites *Netflix, Inc. v. DivX, LLC*, 84 F.4th 1371 (Fed. Cir. 2023), where the Federal Circuit affirmed the Board’s decision that the petitioner had not raised

certain arguments in its petition by pointing to block quotes in prior art references. 84 F.4th at 1378-80. The court acknowledged that though the petition need not use the exact language of the claim limitation, there has to be some basis for the understanding that the petitioner is making a particular argument. *Id.* at 1378-79. Here, the Board found just such a basis in the direct citation to each of the prior art references and detailed explanations for how each disclosed the “displaying” limitation. *See* FWD at 12-14.

Similarly, PO cites *M&K Holdings, Inc. v. Samsung Electronics Co., Ltd.*, 985 F.3d 1376 (Fed. Cir. 2021) and *In re IPR Licensing, Inc.*, 942 F.3d 1363 (Fed. Cir. 2019) in support of a generalized proposition that the Board cannot entertain arguments not made in the Petition. But, as discussed above, the Board did not entertain arguments not made in the petition. *See supra* Section II.A. Furthermore, PO misreads these cases. In *M&K Holdings*, the petitioner sought to invalidate a patent—including claim 3 on anticipation grounds. The Board instituted *inter partes* review and in its final written decision invalidated claim 3 on *obviousness* grounds instead. The Federal Circuit reversed as to claim 3, holding that the respondent was deprived of notice of the theory on which the Board ultimately relied (obviousness). This is nothing like *M&K Holdings*, as the Board invalidated the ’756 patent on the same eight grounds identified in the petition and the Board here noted that PO had numerous instances of early notice. *See* FWD at 21-22.

Finally, in PO's last inapposite case, *In re Patent Licensing*, the Federal Circuit reversed the Board's finding of invalidity where the Board relied on evidence cited in the petition that was only included to support grounds the Board never instituted. 942 F.3d at 1369-70.

None of the cases PO cites undermine the Board's conclusion that "the Petition maps [each prior art reference] onto the 'displaying' element of limitation 1[B] in compliance with the particularity requirement of 35 U.S.C. §312(a)(3) and 37 C.F.R. §42.104(b)(4)." FWD at 14, 17, 21.

C. The FWD Relies on Adequate Evidence to Invalidate Claim 7

The entire premise for PO's Request does *not* apply to Claim 7. The Petition includes the full language of Claim 7 in the subheadings for each Ground, with *no* typographical errors or omissions. Paper 1 at 39, 55-56, 70, 82-83. The FWD makes clear that the comparable "display" language for Claim 7 is in the Petition. *See* FWD at 13 n.8. PO's assertion that "[t]his Petition did not identify every element of independent claim[] 7" is unambiguously false. *See* Request at 9.

PO instead suggests that the Petition and FWD are deficient insofar as they cross-reference evidence cited in support of Claim 1, which PO claims does not support the "missing" "display" limitation. *See* Request at 4-5. This argument is wholly without merit. The substantive arguments in support of Claim 7 in both the Petition and FWD cite evidence supporting Claim 1, including the "display"

limitation. As discussed in Section III.A, above, PO does not engage with the substance of this evidence. Moreover, the evidence cited in support of the “displaying” limitation for Claim 1 is sufficient to support the Board’s invalidating ruling in the FWD. Since the FWD cites this same evidence in support of the comparable “displaying” limitation from Claim 7, this language is more than sufficient. PO’s unsupported argument to the contrary should not be credited.

IV. CONCLUSION

PO has failed to engage with the substance underpinning the Board’s correct and thorough analysis concluding that each of the eight instituted grounds invalidate the ’756 patent, including the allegedly “missing” limitation. The Director should reject this Request for Review.

Dated: May 28, 2026

By: */Christopher J. Higgins/*

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on May 28, 2026 via electronic mail, upon the following attorneys of record for the Patent Owner:

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