

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC and MOTOROLA MOBILITY LLC,
Petitioner,

v.

MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD.,
Patent Owner.

IPR2025-00059
Patent 9,141,135 B2

Before KRISTEN L. DROESCH, HYUN J. JUNG, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. *Background and Summary*

Google LLC and Motorola Mobility LLC (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting institution of an *inter partes* review of claims 1–3, 5–9, 15, 16, 19, and 20 of U.S. Patent No. 9,141,135 B2 (Ex. 1001, “the ’135 patent”). Multifold International Incorporated Pte. Ltd. (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

Under 35 U.S.C. § 314 (2024), an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the present record and for the reasons explained below, we determine that Petitioner has shown a reasonable likelihood of prevailing with respect to at least one of the challenged claims.

Thus, we institute an *inter partes* review of claims 1–3, 5–9, 15, 16, 19, and 20 of the ’135 patent on all presented challenges. 37 C.F.R. § 42.108(a) (2024) (“When instituting . . . review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.”); *see also SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018).

B. *Real Parties in Interest*

Petitioner identifies Google LLC and Motorola Mobility LLC as real parties in interest. Pet. 1. Petitioner also notes that the real parties in interest are subsidiaries of other entities that are not real parties in interest to this proceeding. *Id.* nn. 1, 2. Patent Owner identifies itself as a real party in interest. Paper 4, 1.

C. Related Matters

The parties identify *Multifold International Incorporated Pte. Ltd. v. Motorola Mobility LLC*, 1:23-cv-01173-UNA (D. Del.) and *Multifold International Incorporated Pte. Ltd. v. Google LLC*, 1:23-cv-01323-UNA (D. Del.) as related matters. Pet. 1–2; Paper 4, 1.

D. The '135 Patent (Ex. 1001)

The '135 patent issued on September 22, 2015 from an application filed on September 28, 2011 and claims priority to four provisional applications, the earliest of which was filed on October 1, 2010. Ex. 1001, codes (22), (45), (60), 1:6–15.

Figure 1B of the '135 patent is below reproduced.

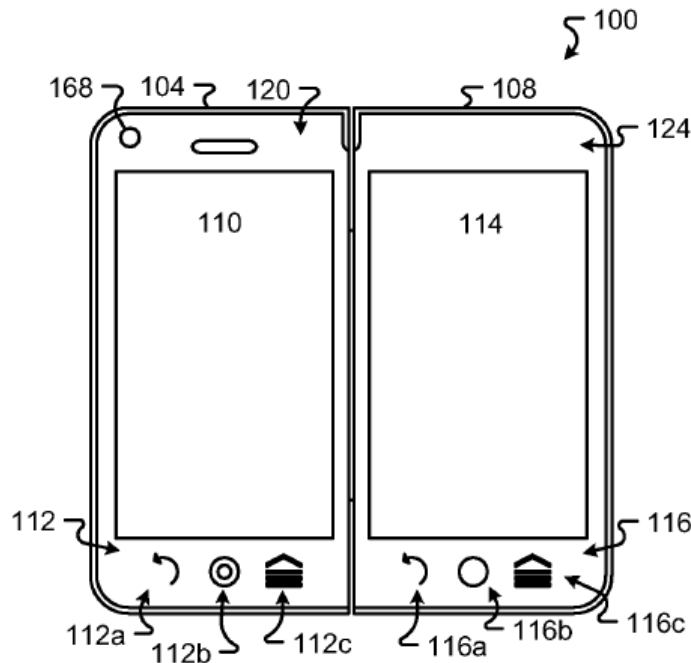


Figure 1B shows a view of a multi-screen user device. Ex. 1001, 6:34–35. Device 100 “can be positioned in a number of different ways each of which provides different functionality to a user” and includes primary screen 104 and secondary screen 108. *Id.* at 7:62–65. Screens 104, 108 can

recognize a user's gesture inputs, and hinge 128 (shown in Figure 1C) connects screens 104, 108 together. *Id.* at 8:45–46, 15:20–18:3, Figs. 1C, 4A–4H. Primary screen 104 includes touch sensitive display 110 and configurable area 112. *Id.* at 8:2–3, 8:9–11. Secondary screen 108 likewise includes touch sensitive display 114 and configurable area 116. *Id.* at 8:5, 8:11–12.

Touch sensitive areas 110, 114 can also display information. Ex. 1001, 8:3–4. Configurable areas 112, 116 are configured for specific inputs when touched and can include, for example, a “back” input to view previously displayed information, a “menu” input to view options from a menu, and a “home” input to view information associated with a “home” view. *Id.* at 8:10–21.

Device 100 makes possible various output configurations. Ex. 1001, 23:43–26:62, Figs. 6A–6J, 7, 8. In one embodiment, screens 104, 108 display desk tops D1, D2, respectively. *Id.* at 26:1–3, Fig. 7; *see also id.* at 4:3–8 (“The term ‘desktop’ refers to a metaphor used to portray systems” and “is generally considered a ‘surface’ that typically includes pictures, called icons, widgets, folders, etc. that can activate . . . applications, windows, cabinets, files, folders, documents, and other graphical items.”), 4:43–48 (“The term ‘display’ refers to a portion of one or more screens used to display the output of a computer to a user” and “may be a single-screen display or a multi-screen display, referred to as a composite display” that “can encompass the touch sensitive display of one or more screens.”).

Unitary annunciator window or display 1100 can extend continuously across screens 104, 108 and display “messages, alerts, statuses of the device, and other information.” Ex. 1001, 26:5–12, Fig. 7. “[A] longer alert or message having greater text or data content can span across the entire

annunciator window 1100, thereby temporarily masking or covering the other icons for a period of time until the alert or message is cleared by the user.” *Id.* at 26:46–50, Fig. 8.

E. Illustrative Claim

The ’135 patent includes 20 claims, of which Petitioner challenges claims 1–3, 5–9, 15, 16, 19, and 20. Of the challenged claims, claims 1 and 6 are independent, and reproduced below is claim 1.

1. A method of displaying information on a mobile multi-display device including a plurality of desktops and/or applications each having at least one window, and an annunciator window, the method comprising:

placing the multi-display device in an open state with a first display and a second display facing in a same direction;

receiving, by a processor, a first input that represents an instruction to reveal one of a first desktop or application on the first display of the multi-display device and selecting the first desktop or application to display on the first display;

receiving, by the processor, a second input that represents an instruction to reveal one of a second desktop or application on the second display of the multi-display device and selecting the second desktop or application to display on the second display;

displaying, by the processor, the selected first and second desktops or applications on the first and second displays;

displaying, by the processor, a pre-configured annunciator window having information therein showing at least one of a device status, a connectivity status, and a messaging status;

configuring, by the processor, the annunciator window to extend across a first portion of the first display and a second portion of the second display, wherein the first portion and the second portion do not degrade the display of information by the selected first and second desktops or applications; and

modifying, by the processor, the display of the annunciator window in response to a changed state of at least one of the device status, connectivity status, and messaging status, wherein the modified display of the annunciator window displays information selectively across the annunciator window.

Ex. 1001, 29:27–61.

F. Asserted Prior Art and Proffered Testimonial Evidence

Petitioner identifies the following references as prior art in the asserted grounds of unpatentability:

Name	Reference	Exhibit
Bauer	US 7,996,045 B1, filed Nov. 9, 2007, issued Aug. 9, 2011	1007
Lee	US 8,265,705 B2, filed Oct. 22, 2009, issued Sept. 11, 2012	1008
Yook	US 2010/0248788 A1, filed Mar. 22, 2010, published Sept. 30, 2010	1005

Petitioner contends that each reference qualifies as prior art under at least § 102(e).¹ Pet. 1. Petitioner also provides a Declaration of Dr. Sandeep Chatterjee. Ex. 1002.

G. Asserted Grounds

Petitioner asserts that claims 1–3, 5–9, 15, 16, 19, and 20 are unpatentable on the following grounds:

Claims Challenged	35 U.S.C. §	References/Basis
1, 5, 6, 9, 15, 20	103(a)	Yook
2, 3, 7, 8, 19	103(a)	Yook, Bauer
1, 5, 6, 9, 15, 20	103(a)	Yook, Lee
2, 3, 7, 8, 16, 19	103(a)	Yook, Bauer, Lee

Pet. 4.

¹ The relevant sections of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (Sept. 16, 2011), took effect on March 16, 2013. Because the ’135 patent issued from an application filed before that date, our citations to 35 U.S.C. §§ 102 and 103 in this Decision are to their pre-AIA versions. *See also* Pet. 5 (stating that “[f]or purposes of this proceeding, Petitioners assume the earliest possible priority date of the ’135 patent is October, 1, 2010”).

II. ANALYSIS

A. *Legal Standards*

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent [claim] it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016). This burden of persuasion never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). The Board may authorize an *inter partes* review if we determine that the information presented in the Petition shows that there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the claims challenged in the petition. 35 U.S.C. § 314(a).

Petitioner contends that the challenged claims of the ’135 patent are unpatentable under § 103. Pet. 4. A claim is unpatentable under § 103 if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called secondary considerations. *Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 17–18 (1966). When evaluating a combination of teachings, we must also “determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

B. Level of Ordinary Skill in the Art

Petitioner contends that a person of ordinary skill in the art “would have had an undergraduate degree in electrical engineering, computer engineering, computer science or a related field along with two years of work experience in the field of user interface technologies, including e.g., graphical user interface technologies, or a related field” and that “[m]ore education can supplement practical experience and vice versa.” Pet. 5–6 (citing Ex. 1002 ¶¶ 20, 21, 22–34).

“Patent Owner applies [Petitioner’s] definition of a [person of ordinary skill in the art] for the purposes of [its] preliminary response but expressly reserves the right to urge a different definition . . . and support such definition with evidence including expert testimony.” Prelim. Resp. 9 (citing Pet. 5–6).

Based on the preliminary record, we adopt Petitioner’s as yet undisputed level of ordinary skill to determine whether there is a reasonable likelihood that Petitioner would prevail with respect to at least one of the claims challenged in the Petition.

C. Claim Construction

In an *inter partes* review, the claims are construed

using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. [§] 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.

37 C.F.R. § 42.100(b); *see Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc).

According to Petitioner, “the Board need not construe any terms of the challenged claims to resolve the underlying controversy, as any reasonable construction reads on the prior art.” Pet. 11 (citing Ex. 1002 ¶ 42).

Petitioner also argues how the asserted references meet the claim limitations based on interpretations from infringement allegations. *Id.* at 11–12.

Patent Owner proposes interpreting “displays information selectively” to mean “display[ing] information in a way that involves intentionally choosing some information to display and not others.” Prelim. Resp. 7. Patent Owner asserts that support for its proposed interpretation can be found in the Specification and a proffered dictionary definition. *Id.* at 8 (citing Ex. 1001, 26:45–50; Ex. 2001).

Turning to the language of the claims, claim 1 recites “modifying, by the processor, the display of the annunciator window in response to a changed state of at least one of the device status, connectivity status, and messaging status, wherein the modified display of the annunciator window displays information selectively across the annunciator window.” Ex. 1001, 29:56–61. Independent claim 6 recites a similar limitation. *Id.* at 30:44–49. Independent claim 10, which is not challenged, also includes a similar limitation. *Id.* at 31:40–46.

Patent Owner does not argue at this stage how the plain language of the claims supports its proposed interpretation. Prelim. Resp. 7–8. Nevertheless, the language of claims 1, 6, and 10 could support Patent Owner’s interpretation that selectively displaying information can mean “display[ing] information in a way that involves intentionally choosing some information to display and not others.” *Id.* at 7.

The language of the dependent claims, however, indicates that “displays information selectively” has a meaning broader than Patent Owner’s proposal. In particular, claim 3 depends from claim 1 and recites:

wherein modifying the display of the annunciator window further includes:

displaying the changed state across a portion of the annunciator window; and

masking at least one icon representing the device status, connectivity status, or messaging status, wherein the first display is on a first screen of the multi-display device, and wherein the second display is on a different second screen of the multi-display device.

Ex. 1001, 30:1–9 (emphasis added). Dependent claim 8 and unchallenged dependent claim 12 recite similar limitations. *Id.* at 30:56–64, 32:8–14. The limitation “masking at least one icon representing the device status, connectivity status, or messaging status” of these dependent claims indicates that “displays information selectively” recited by the independent claims has a meaning broader than Patent Owner’s proposal of “display[ing] information in a way that involves intentionally choosing some information to display and not others.” Prelim. Resp. 7.

At this stage, on the preliminary record, we determine that, in view of the language of dependent claims 3, 8, and 12, the phrase “wherein the modified display of the annunciator window displays information selectively across the annunciator window” of the independent claims has a meaning broader than Patent Owner’s proposed interpretation. Prelim. Resp. 7–8.

Turning to the Specification, Patent Owner cites to a portion that states:

In another aspect of the invention, it is also contemplated that a longer alert or message having greater text or data content can span across the entire annunciator window 1100, thereby temporarily masking or covering the other icons for a period of time until the alert or message is cleared by the user.

Ex. 1001, 26:45–50. The relied-upon portion of the Specification does not support expressly that “displays information selectively” means “display[ing] information in a way that involves intentionally choosing some information to display and not others.” Prelim. Resp. 7. The cited portion explains how long alerts or messages can temporarily mask or cover other icons. Ex. 1001, 26:45–50.

As discussed above, dependent claims 3, 8, and 12 recite “masking at least one icon representing the device status, connectivity status, or messaging status.” Ex. 1001, 30:1–9, 30:56–64, 32:8–14. Patent Owner’s citation to the Specification, therefore, also indicates that “wherein the modified display of the annunciator window displays information selectively across the annunciator window” has a broader meaning. On the present record, Patent Owner’s proposed interpretation encompasses one example of “display[ing] information selectively across the annunciator window” but does not appear to capture the full scope of the limitation.

Patent Owner does not yet present any arguments based on prosecution history. Prelim. Resp. 7–8. Patent Owner does provide a dictionary definition of “selective.” Ex. 2001.

At this stage, the language of the claims and the cited portion of the Specification indicate that Patent Owner’s proposed interpretation is too narrow, and, even if we determined that the proffered dictionary definition supports the proposed interpretation, the overall preliminary record insufficiently supports adopting Patent Owner’s proposed interpretation.

Patent Owner also “interprets all other terms under their plain and ordinary meaning” and “reserves the right to expressly construe other terms,” if institution is granted. Prelim. Resp. 7. On the record before us, we do not need to interpret expressly any other claim term. *Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms that . . . are in controversy, and only to the extent necessary to resolve the controversy.’”) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

D. Patentability Challenge to Claim 1 Based on Yook

1. Yook (Ex. 1005)

Yook relates particularly “to a method and mobile terminal that can divide the screen into individual divided screen areas and simultaneously present user functions on the individual divided screen areas.” Ex. 1005 ¶ 3. Figures 1 and 2 of Yook are below reproduced.

FIG . 2

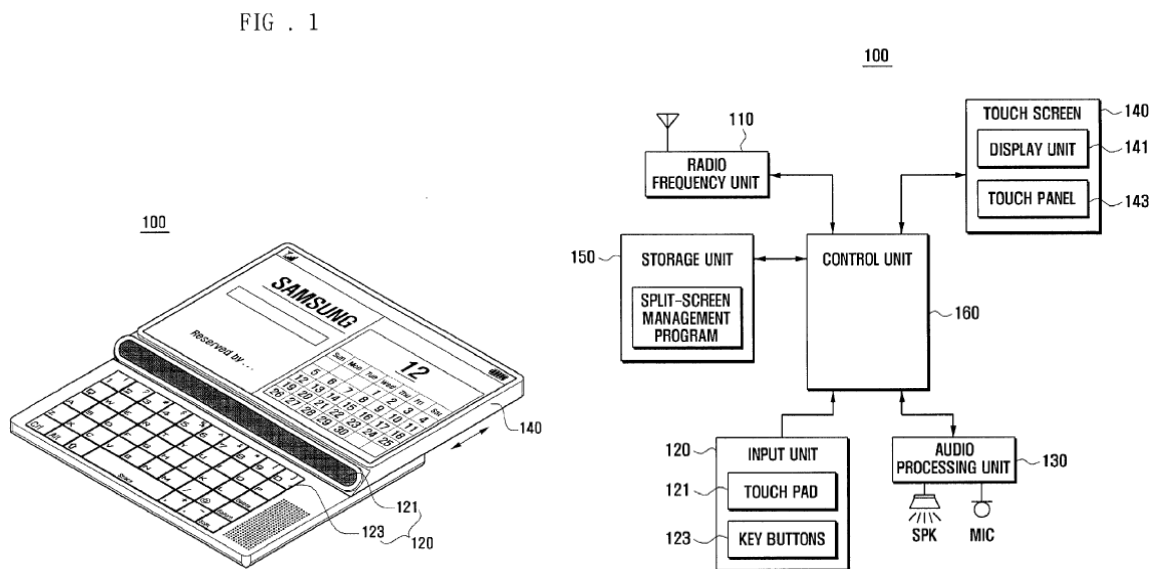


Figure 1 “illustrates an external appearance of a mobile terminal,” and Figure 2 “is an illustration of an exemplary block diagram of the mobile terminal” shown in Figure 1. Ex. 1005 ¶¶ 11, 12. Mobile terminal 100 includes touch screen 140, control unit 160, and storage unit 150, as well as radio frequency unit 110, input unit 120, and audio processing unit 130. *Id.* ¶ 25. Touch screen 140 includes display unit 141 and touch panel 143 that can be arranged in front of display unit 141. *Id.* ¶ 30.

Mobile unit 100, specifically control unit 160, can activate a screen management program stored in storage unit 150 “in response to a user request, divide the screen into divided screen areas if necessary, and output functional view areas related to activated user functions on the individual divided screen areas.” Ex. 1005 ¶¶ 26, 31; *see also id.* ¶ 37 (“In particular, the control unit 160 controls an operation to demarcate the display unit 141 into two areas according to properties of activated user functions, and outputs functional view areas related to the user functions to the two areas.”).

“The screen management program can be loaded on the control unit 160 in response to activation of a particular function.” Ex. 1005 ¶ 35. The screen management program may include:

a routine for detecting an input signal generated during execution of a user function, a routine for determining whether an input signal corresponds to a condition preset for divided screen area formation, and a routine for dividing the screen if the input signal corresponds to a condition preset for divided screen area formation.

Id. “The screen area management program can further include any of an output routine for outputting two functional view areas related to a user

function and the input signal to the corresponding divided screen areas of the display unit 141.” *Id.*

[W]hen a first user function and a second user function, which are independent of each other, are activated at one of the same time and in sequence, . . . control unit 160 can control the display unit 141 to divide the screen into two areas, and cause a function view area A.App for the first user function to be displayed in one area and cause a function view area B.App for the second user function to be displayed on the other area.

Id. ¶ 38, Fig. 3.

2. Independent Claim 1

Petitioner argues that, to the extent the preamble is limiting, Yook discloses a method for mobile terminal 100 with input unit 120 and touch screen 140 that has display unit 141 and touch panel 143. Pet. 12–13 (citing Ex. 1002 ¶¶ 44–48; Ex. 1005 ¶¶ 25, 28, 30, 31, Figs. 1, 2). Petitioner also argues that screen 140 shows “various information items” with “divided screen areas . . . and output functional view areas related to activated user functions” and, thus, mobile terminal 100 is a “mobile multi-display device” consistent with the ’135 patent’s disclosure. *Id.* at 13–16 (citing Ex. 1001, 4:11–14, 4:43–51, 7:60–8:8, 26:1–15, Fig. 7; Ex. 1002 ¶¶ 44–46; Ex. 1005, code (57), ¶¶ 3, 6–8, 26–27, 31, 35, 37, 38, Fig. 3).

Petitioner further argues that Yook discloses desktops and applications with windows consistent with the ’135 patent. Pet. 16–20 (citing Ex. 1001, 5:66–6:2; Ex. 1002 ¶ 47; Ex. 1005 ¶¶ 33, 38–112, Figs. 3, 4A). Petitioner additionally argues that Yook discloses displaying information in an annunciator window consistent with the ’135 patent’s discussion and the information includes, for example, battery status and connectivity status. *Id.* at 20–21 (citing Ex. 1001, 26:1–27:5, Figs. 7, 8; Ex. 1002 ¶ 48; Ex. 1005 ¶ 27, Figs. 1, 3, 10).

For “placing the multi-display device in an open state with a first display and a second display facing in a same direction,” Petitioner argues that Yook discloses screen 140 with two screen areas facing the same direction and mobile terminal 100 in an open state when upper slide body is slid open against lower slide body. Pet. 21–22 (citing Ex. 1001, 9:58–59, 14:35–36; Ex. 1002 ¶¶ 49–50; Ex. 1005 ¶¶ 3–8, 25–27, 31, 35, 37, Figs. 1, 3, 10).

For “receiving, by a processor, a first input that represents an instruction to reveal one of a first desktop or application on the first display of the multi-display device and selecting the first desktop or application to display on the first display,” Petitioner argues that Yook discloses mobile terminal 100 activating a screen management program in response to a user request to divide screen 140 and displaying output functional view areas related to user functions in those divided screen areas. Pet. 23–26 (citing Ex. 1002 ¶¶ 51–54; Ex. 1005 ¶¶ 7, 8, 25, 26, 28, 31, 32, 35, 38–42, Figs. 2, 3), 28 (citing Ex. 1002 ¶ 54; Ex. 1005 ¶¶ 35, 36). Petitioner also argues that one of ordinary skill in the art would have understood that Yook’s control unit 160 corresponds to the recited “processor.” *Id.* at 26–27 (citing Ex. 1001, 11:63–12:10; Ex. 1005 ¶ 117).

For “receiving, by the processor, a second input that represents an instruction to reveal one of a second desktop or application on the second display of the multi-display device and selecting the second desktop or application to display on the second display,” Petitioner argues that Yook discloses control unit 160 receiving inputs for first and second user functions sequentially and activating those functions in sequence. Pet. 28–31 (citing Ex. 1002 ¶¶ 55–57; Ex. 1005 ¶¶ 7, 8, 26, 28, 31, 32, 35, 38, 58–64, Figs. 2, 3).

For “displaying, by the processor, the selected first and second desktops or applications on the first and second displays,” Petitioner argues that Yook discloses control unit 160 executing the screen area management program to divide screen 140 into two areas for displaying views related to user functions. Pet. 31–32 (citing Ex. 1002 ¶¶ 58; Ex. 1005 ¶¶ 58–64, 77–92, 96–102, Figs. 3, 5A–5B, 7A–8, 10, 11).

For “displaying, by the processor, a pre-configured annunciator window having information therein showing at least one of a device status, a connectivity status, and a messaging status,” Petitioner contends that Yook discloses a status bar with information indicating battery status and signal strength status. Pet. 32–33 (citing Ex. 1002 ¶ 60; Ex. 1005, Figs. 2, 3) (cross-referencing Pet. §§ IX.A.1(iii)-(iv)).

Petitioner also contends that one of ordinary skill in the art would have understood that the status bar would have been controlled by a program similar to the screen area management program executed by control unit 160 to control screen 140, and thus, it would have been obvious to implement an applet executed by control unit 160 to display the status bar. Pet. 34 (citing Ex. 1002 ¶¶ 22–34, 61; Ex. 1005 ¶¶ 33, 35). Petitioner further contends that, as known in the art, the ordinarily skilled artisan would have been motivated to pre-configure the status bar to provide updated information to the user. *Id.* at 34–35 (citing Ex. 1002 ¶ 62; Ex. 1007, 1:13–33). Petitioner additionally contends that such modifications would have involved applications of known technologies to yield predictable results and the ordinarily skilled artisan would have had a reasonable expectation of success in implementing such status bar (“annunciator window”) features in Yook. *Id.* at 35–36 (citing Ex. 1002 ¶ 63); *see also id.* at 32 (arguing Yook would have rendered obvious the limitation) (citing Ex. 1002 ¶¶ 59–63).

For “configuring, by the processor, the annunciator window to extend across a first portion of the first display and a second portion of the second display, wherein the first portion and the second portion do not degrade the display of information by the selected first and second desktops or applications,” Petitioner argues that Yook discloses its status bar extending across portions of its first and second displays but not into the functional areas in a manner consistent with the ’135 patent’s description of its annunciator window. Pet. 36–37 (citing Ex. 1001, 26:1–15, Fig. 7; Ex. 1002 ¶¶ 64–65; Ex. 1005, Fig. 3).

For “modifying, by the processor, the display of the annunciator window in response to a changed state of at least one of the device status, connectivity status, and messaging status, wherein the modified display of the annunciator window displays information selectively across the annunciator window,” Petitioner argues that one of ordinary skill in the art would have implemented an applet for execution by control unit 160 for displaying the status bar for the reasons asserted previously. Pet. 38 (citing Ex. 1002 ¶¶ 66–67). The status bar, Petitioner argues, would also be updated dynamically. *Id.* at 38–39 (citing Ex. 1002 ¶ 67).

a) Preliminary Response

Patent Owner responds that “claim 1 explicitly requires that [1] the selection step be performed *after* the instructions are received from the user and [2] the selection step be performed by the *processor*.” Prelim. Resp. 10. Patent Owner argues that “a selection step performed by a user” does not disclose claim 1 “because [1] the user selection is the input received by device and not the claimed selection that occurs after the device receives the input and [2] the user selection is not made by the processor.” *Id.*

Patent Owner also argues that the '135 patent distinguishes between user selection and processor selection of a desktop or application for display and contends that the claims are consistent with that description. Prelim. Resp. 11–12 (quoting Ex. 1001, 16:62–17:14). According to Patent Owner, Petitioner relies exclusively on Yook and concedes that Yook discloses a user selecting a first desktop or application for the first display and a second desktop or application for the second display. *Id.* at 12–13 (quoting Pet. 25, 29), 14.

Patent Owner further argues that Yook “does not disclose a processor determining and causing a desktop or application to be displayed on a first display and a second display.” Prelim. Resp. 12. Patent Owner additionally argues that Petitioner’s relied-upon descriptions “do[] not disclose . . . a separate step of the *processor* selecting a desktop or application to display based on an instruction to display” and “that the selecting step occur[s] after receiving an input from the user.” *Id.* at 13.

Patent Owner also responds that Petitioner fails to show that Yook teaches or suggests “the annunciator window displays information selectively across the annunciator window.” Prelim. Resp. 14. In particular, Patent Owner argues that Yook does not suggest “selectively displaying information in a way that involves intentionally choosing some information to display and not others,” in accordance with Patent Owner’s proposed interpretation of “displays information selectively.” *Id.* (citing Pet. 50, 62, 70).

Patent Owner argues that Petitioner “has at most alleged that Yook’s status bar always displays information showing device status and connectivity status, and that the values of this information may be dynamically updated.” Prelim. Resp. 14–15 (quoting Pet. 38–39).

According to Patent Owner, Petitioner fails to show or allege that “Yook’s status bar selects some information to display as required by the claim language” and that “Yook displays only some of the status icons but does not display other status icons.” *Id.* at 15. Patent Owner also argues that Yook fails to describe its bar shown in its Figure 3 and fails to disclose “any selection of the icons on that bar for display.” *Id.* at 16.

b) Petitioner Shows a Reasonable Likelihood of Prevailing

Based on the present record, Petitioner sufficiently shows that Yook teaches, suggests, or would have been understood to disclose the limitations of claim 1 and that one of ordinary skill in the art would have modified Yook in the manner asserted with a reasonable expectation of success.

Regarding Patent Owner’s contention that the processor, not the user, must select a desktop or application to display after receiving input from the user, Petitioner sufficiently argues at this stage that one of ordinary skill in the art would have understood Yook’s description of its control unit 160 teaches the recited processor selecting a desktop or application to display consistent with the ’135 patent. Pet. 26–27 (citing Ex. 1001, 11:63–12:10; Ex. 1002 ¶ 54; Ex. 1005 ¶ 117).

Petitioner also points to portions of Yook that describe touch pad 121 “generate[s] an input signal corresponding to a touch of the user and send[s] the input signal to the control unit 160.” Pet. 24; Ex. 1005 ¶ 28; *see also* Ex. 1002 ¶ 51 (opining about the recited “first input”); Ex. 1005 ¶ 32 (describing similarly sending a “touch event” to control unit 160). Petitioner further cites portions of Yook that state “mobile terminal 100 . . . can activate a screen management program . . . in response to a user request” and control unit 160 controls screen 140 to divide itself and output functional

view areas in the divided screen areas. Pet. 23–26; Ex. 1005 ¶¶ 7, 8, 26, 28, 31, 32, 39–42, Fig. 3.

Specifically for the asserted processor selecting an application to display after receiving user input, the relied-upon portions of Yook and other cited evidence sufficiently show at this stage that Yook discloses, “in response to a user request,” “generat[ing] an input signal corresponding to a touch of the user and send[ing] the input signal to the control unit 160,” and, thereafter, “control unit 160 can control the display unit 141 to divide the screen into different areas, and cause functional view areas associated with any of independent user functions, instances of the same user function, related user functions, and main and subordinate user functions, to be displayed on the corresponding areas.” Ex. 1005 ¶¶ 26, 28, 42; *see also id.* ¶¶ 58–64 (describing, with reference to Figs. 5A, 5B, selecting an icon for an app and outputting a functional view related to the app).

Based on Petitioner’s citations to the record, Petitioner sufficiently shows for the purpose of institution that Yook teaches that, after receiving an input, control unit 160 causes functional view areas to be displayed in different divided areas of a screen and, thus, teaches “selecting the first desktop or application to display on the first display.” Pet. 29–30; Ex. 1002 ¶ 54 (opining that “Yook discloses receiving, by control unit 160 (‘processor’), a first input that represents an instruction to reveal a first user function (‘first . . . application’) on the first screen area (blue portion in Figure 3 or ‘first display’) of mobile terminal 100 and selecting the first user function to display on the first screen area”).

If Patent Owner raises this issue again for trial, Patent Owner should consider proposing an interpretation for “receiving, by a processor, a first input that represents an instruction to reveal one of a first desktop or

application on the first display of the multi-display device and selecting the first desktop or application to display on the first display” in support of its argument.

As for Patent Owner’s response regarding “wherein the modified display of the annunciator window displays information selectively across the annunciator window,” for the reasons discussed above, at this stage, we do not adopt Patent Owner’s proposed interpretation of “displays information selectively.”

Also, on the present record, Petitioner argues sufficiently that Yook’s status bar on screen 140 displays information showing device status and connectivity status. Pet. 33. Furthermore, on the present record, Petitioner sufficiently argues that one of ordinary skill in the art would have been motivated to implement and pre-configure Yook’s status bar to display dynamically the device status and connectivity status, so that Yook discloses or suggests “wherein the modified display of the annunciator window displays information selectively across the annunciator window.” *Id.* at 33–36, 38–39. In other words, as we understand the argument, Petitioner associates dynamically updating a status via a status icon with “display[ing] information selectively.” *See id.* at 38–39; Ex. 1002 ¶ 67.

Moreover, even if we adopted Patent Owner’s proposed interpretation for “displays information selectively,” Petitioner’s arguments for dependent claim 3 include contentions that Yook modified by Bauer would have “mask[ed] at least one icon representing the device status, connectivity status, or messaging status.” Pet. 53–55 (citing Ex. 1001, 26:45–50; Ex. 1002 ¶¶ 82, 83; Ex. 1007, 6:14–29, 6:33–42 (describing that “the interactive indicator (e.g., the icon 204 and the corresponding preview) are superimposed over the static indicators” and that “[o]nce the preview

content associated with the interactive indicator 204 is removed, the intensity of the static indicators may be restored”), 6:47–61, 7:22–27, Fig. 2A). At this preliminary stage, based on the arguments presented for dependent claim 3, Petitioner sufficiently shows that Yook and Bauer would have rendered obvious an annunciator window that “displays information selectively across the annunciator window,” as recited by claim 1, under an interpretation of that limitation meaning “displays information in a way that involves intentionally choosing some information to display and not others,” as proposed by Patent Owner.

For the reasons above, Petitioner shows a reasonable likelihood of prevailing in its challenge to claim 1 as unpatentable over Yook.

E. Patentability Challenges to Claims 2, 3, 5–9, 15, 16, 19, and 20

Petitioner argues with citations to the record that (1) claims 5, 6, 9, 15, and 20 are unpatentable over Yook, (2) claims 2, 3, 7, 8, and 19 are unpatentable over Yook and Bauer, (3) claims 1, 5, 6, 9, 15, and 20 are unpatentable over Yook and Lee, and (4) claims 2, 3, 7, 8, 16, and 19 are unpatentable over Yook, Lee, and Bauer. Pet. 39–77. Patent Owner responds for all challenges with the same arguments described above for claim 1. Prelim. Resp. 10–16.

Because we preliminarily determine for the reasons discussed above that Petitioner demonstrates a reasonable likelihood of prevailing with respect to its patentability challenge to claim 1, we institute review on all challenged claims on all grounds set forth in the Petition. 37 C.F.R. § 42.108(a); *see also SAS*, 138 S. Ct. at 1354.

III. CONCLUSION

After considering the evidence and arguments presented in the Petition and Preliminary Response, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing in proving that at least one of claims 1–3, 5–9, 15, 16, 19, and 20 of the '135 patent is unpatentable, and thus, we institute an *inter partes* review of all challenged claims on all presented challenges. 37 C.F.R. § 42.108(a).

At this stage of the proceeding, the Board has not made a final determination as to the patentability of any challenged claim or any underlying factual and legal issues.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–3, 5–9, 15, 16, 19, and 20 of U.S. Patent No. 9,141,135 B2 is instituted with respect to all grounds set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of U.S. Patent No. 9,141,135 B2 shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

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Patent 9,141,135 B2

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