

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

Record of Oral Hearing
Held: February 24, 2026

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

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IPR2025-00059
Patent 9,141,135 B2

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P R O C E E D I N G S

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JUDGE JUNG: This is oral argument for IPR2025-00059. In this IPR, Petitioners Google and Motorola, challenge claims 1 through 3, 5 through 9, 15, 16, and 19 of U.S. Patent Number 9,141,135 owned by Multifold International. Starting with Petitioner's Counsel, followed by Patent Owner's Counsel, please state your names for the record in this proceeding.

MR. VALENTE: Your Honor, this is David Valente of Paul Hastings. With me today is my co-Counsel, Naveen Modi, Daniel Zeilberger, and backup Counsel, Mr. Higgins and Dana Sublett, and Mr. Engin of Google.

JUDGE JUNG: Thank you, Mr. Valente.

MR. YANG: Good morning, Your Honors. Minghui Yang on behalf of Patent Owner.

JUDGE JUNG: Thank you, Mr. Yang. Mr. Valente, you may start when you're ready.

MR. VALENTE: Thank you, Your Honor. I'd like to reserve eight minutes for rebuttal, please.

JUDGE JUNG: You said eight?

MR. VALENTE: Yes, please. All right, thank you. So, turning to Slide 2, Your Honors, this is a listing of the instituted grounds. The main point I wanted to make here is that each of the grounds involves the Yook reference, and each of the disputes generally relates to Yook, so that's important to all grounds.

If you go to Slide 3, this is an overview of the three main issues

1 that I intend to address today. We'll spend the majority of our time on the
2 first issue, but we'll touch on all three. So, beginning with the first issue, if
3 we can go to Slide 5, this is the language of Claim 1 or the pertinent
4 language of Claim 1. And in the Petition, we showed how the Yook
5 reference renders obvious the wherein clause at the bottom of this. So,
6 essentially, Yook discloses -- let's turn to Slide 6, Your Honors.

7 Yook discloses a status bar at the top, which corresponds to the
8 claimed annunciator, and there's no dispute that that corresponds to the
9 claimed annunciator. In Yook's status bar, we have two icons, you'll see at
10 the top. The one on the left is a signal strength indicator and the one on the
11 right is a battery indicator, showing the level of the battery. So, our position
12 is that the plain meaning of this claim, where it says that the modified
13 display of the annunciator window displays information selectively across
14 the annunciator window, would include updates to the status of displayed
15 signal strength, which would correspond to the connectivity status in the
16 claim, and to the battery indicator, which corresponds to the device status
17 recited in the claim.

18 If we turn to Slide 7, we argued this was obvious over Yook,
19 because as Patent Owner points out, Yook's disclosure in the specification
20 itself is silent about what's in -- how those icons operate, that is. But a
21 person of ordinary skill in the art looking at those icons would understand
22 that for them to be functional, that they would indeed update as the status of
23 the displayed status's changes. So, as the signal strength changes, the signal
24 strength indicator icon would change to reflect the changed signal strength,
25 and same with the battery indicator. This is fairly straightforward and it was
26 known at the time.

1 If we go to Slide 8, Your Honors, here, we have the Bauer
2 reference, and we relied on the Bauer reference, as did our expert to show
3 that this was, in fact, known, in the state of the art at the time, and would've
4 been obvious to a person of skill in the art based on Yook's disclosure of
5 those icons that they would, in fact, update. So, as you can see here, Bauer
6 tells us that the device may display a battery shaped power meter, just like
7 Yook discloses, or may display an antenna shaped graphic icon, having a
8 number of bars depicting the relative signal strengths, just like Yook
9 discloses. And that those icons would, in fact, change shape to reflect the
10 changed signal strength or changed battery level device.

11 JUDGE MURPHY: So, Counsel, doesn't this really devolve into a
12 claim construction dispute?

13 MR. VALENTE: To some extent, that is how Patent Owner has
14 framed this. We don't think the claim expressly needs to be construed to
15 resolve the issues here. Just defines that this functionality is within the
16 scope of the claim of --

17 JUDGE MURPHY: When you say "this functionality", you mean
18 the dynamic update of the status bar?

19 MR. VALENTE: That's correct, Your Honor.

20 JUDGE MURPHY: Okay. Well, take us through then that. Well,
21 regardless of claim construction, if you will, what's your position on why
22 that satisfies the claim?

23 MR. VALENTE: Yeah, absolutely. So, let's turn to -- if we can
24 dive into what the claim means in a little more detail here. If we go to Slide
25 16, that's probably a good place to turn to work through this. So, starting
26 with the green limitation on the top of the claim, this is requiring that the

1 device display an annunciator window, that shows at least one of a device
2 status, connectivity status, and messaging status. So, as an initial matter, we
3 have an annunciator that can display or is displaying one or more of those
4 three statuses. And when you go down to the modifying display that is
5 highlighted in blue, our modifying limitation we've highlighted in blue,
6 where it has modifying the display of the annunciator window in response to
7 a changed state of one of those three statuses that could already be
8 displayed.

9 And then you have the wherein clause that follows that, that tells
10 us how the annunciator window is modified in response to that changed
11 state. And it tells us that it's modified to display information selectively.
12 So, the dispute that Patent Owner has raised here is what does display
13 information selectively mean as Yook's disclosure within that, and Your
14 Honors, we would posit that it most certainly is because Yook, based on the
15 obviousness analysis that we've presented, is modifying the display to show
16 the changed state, and the changed state is displaying information
17 selectively. Yook is updating, in our view, the states that change and not
18 updating the states that don't change so that we can meet this limitation.

19 JUDGE MURPHY: Can you walk us through -- I think it's
20 Column 26 in the Spec. -- that both sides seem to be relying on?

21 MR. VALENTE: Yes, Your Honor. So, generally, Column 26, if
22 we go to Slide 18, we have a couple of excerpts here that we think support
23 our interpretation or [INDISCERNIBLE] interpretation of the claim. So,
24 starting with these -- this largely mirrors the claim language at the top part.
25 The first excerpt we have, which is Column 26, lines 9 to 15, and that again,
26 tells us that the annunciator window can serve many purposes to include

1 displaying messages, alerts, and statuses. And then it tells us we can display
2 at least one of the same three statuses that are recited in the claim.

3 And then we go down further to lines 30 to 34 in Column 26, and
4 that tells us that those icons can -- or at least indicates that those icons can be
5 updated to reflect the current status. So, for example, the wireless data
6 connectivity icon, which is 1108 in '135 patent's Figure 7, that will update
7 to represent the type of wireless data they exchanged at the time, so it will
8 reflect current connectivity status. And similarly, icon 1110 will represent
9 the battery power level, which we understand to mean that the battery power
10 level icon will change to reflect the current battery power level in order to
11 represent that actual power level and not just be a static icon.

12 Patent Owner has pointed to some other disclosures in Column 26
13 that refer to things like messages being displayed over the top of some of the
14 icons. That appears to really go to the masking limitation, which is in a
15 dependent claim and is not part of Claim 1. It would be narrower than
16 what's in Claim 1, so we don't think that those disclosures are really that
17 pertinent to understanding the scope of Claim 1 for that reason.

18 JUDGE MURPHY: Okay, understood. Is there anywhere in the
19 Spec. that actually describes the exact claim language used for the selective
20 display?

21 MR. VALENTE: No, Your Honor. The claim uses the word
22 "selective" just once, but if we go to the '884 provisional application, which
23 is incorporated by reference -- that's going to be on our Slide 19, and also on
24 our Slide 20 -- there are a couple of disclosures in there that we think shed
25 light on what this means. They use the term "selectively", give us some
26 guidance as to the bounds of that term.

1 So, the first one here is on page 155 of Exhibit 1015, and on that
2 page number, Your Honors, I did want to note that we had a version control
3 issue with this exhibit, so the page numbers are off in our brief on this, but
4 155 on our slide is the correct page number.

5 JUDGE MURPHY: Ah.

6 MR. VALENTE: They're off by three pages.

7 JUDGE MURPHY: Understood, okay.

8 MR. VALENTE: Yeah. So, this first excerpt is from one of the
9 claims in the provisional, and it recites selectively moving at least one of
10 displayed first and second desktops or applications to another selected
11 position. So, here, selectively would include choosing both of the desktops,
12 and Patent Owner's construction is that selectively must mean that you
13 choose something and there is something else that you do not choose, so this
14 would be in direct conflict with that because you can choose both items.

15 And then if we go to the next slide, which is Slide 20, this is page
16 339 of Exhibit 1015, '884 application, and this is an abstract from that
17 provisional application. And here, that uses the term "selectively
18 presenting" to refer to presenting a virtual keyboard or not presenting a
19 virtual keyboard. So, you're selecting or not selecting one of those items to
20 display or not display, and that's determined based on conditions at the time
21 the application is launched. So, again, this would be inconsistent with Patent
22 Owner's construction that requires both, selecting and not selecting, or
23 choosing and not choosing something.

24 And if we go to Slide 21, Patent Owner appears to agree with our
25 analysis of what that provisional means, and Patent Owner does say that's
26 exactly as selectively as construed by Patent Owner in its Sur-reply, but we

1 don't see how that can be consistent because it seems basically inconsistent
2 with Patent Owner's construction. So, I think this stands. Everyone agrees
3 with the '884 provisional and what those excerpts that we just discussed
4 mean. And the dispute really comes down to claim construction on that
5 front, what the proper claim construction is.

6 So, you know, based on those excerpts, it seems like we can't
7 exclude from the scope of the claim selecting something for display or not
8 selecting something for display, and the claim can't require both selecting
9 and not selecting something for display simultaneously, as Patent Owner has
10 proposed. In the alternative, here you can choose or not choose something
11 would be very consistent with how we mapped the prior art, because that is
12 choosing to update something in response to changed state.

13 JUDGE JUNG: Okay, Mr. Valente. I just want to verify that we
14 understand your argument correctly. Patent Owner takes issue with our
15 description of your argument in the DI stage, but the selection that's
16 occurring in Yook, is it selecting one particular -- like let's say, for example,
17 selecting the power icon to represent what the power is now, or is the
18 selecting the icon for power at 25 percent versus selecting the icon for power
19 at 50 percent?

20 MR. VALENTE: So, it would be selectively displaying the current
21 state of the icon as the state changes. So, when the state of the icon -- or the
22 thing that's displayed on the icon changes, the icon would change to reflect
23 that current state.

24 JUDGE JUNG: So, it seems like we did understand your argument
25 correctly at the DI stage with selecting the proper icon based on the power
26 level of the battery. It's selecting based on power level, either the icon for

1 25 percent or 50 percent or 75 percent, 100 percent; is that right?

2 MR. VALENTE: That's correct, Your Honor.

3 JUDGE JUNG: Okay.

4 MR. VALENTE: Let's turn to Slide 22. I also wanted to point
5 out, the Patent Owner is not relying on any extrinsic evidence at this stage of
6 the case. They had relied on both, a declaration from their expert, Dr. Surati
7 and an excerpt from the Cambridge Business English Dictionary at the
8 institution stage, but following institution, they're not citing to those, and
9 don't appear to be relying on them anymore as part of their arguments. But
10 they are still using a definition that's been largely excerpted from the
11 Cambridge Business English Dictionary.

12 *Phillips* does tell us that general purpose dictionaries are not
13 preferred and dictionaries generally aren't preferred for claim construction at
14 all. To the extent that Your Honors wanted to look at dictionary definitions,
15 we also proffered a more appropriate dictionary definition from a technical
16 dictionary that's computer science focused, and under *Phillips*, would be a
17 preferred dictionary to look at.

18 So, on Slide 23, I have an excerpt here from the McGraw-Hill
19 Dictionary of Scientific and Technical Terms. We think that the second
20 definition here in the computer science definition for select is very consistent
21 with our position where you're taking an alternative on the report of the
22 conditions of one state and a different alternative if the report of the
23 condition is of another state, so you're applying that to our analysis of Yook.
24 If the state has changed, then we'll take the alternative of displaying the
25 changed states, and if the state has not changed, then we would take the
26 second alternative of not displaying the changed states.

1 JUDGE MURPHY: And is that definition consistent with the
2 excerpt from the '884 provisional that you went through earlier?

3 MR. VALENTE: That would be consistent. Yes, Your Honor.
4 The second definition where you are choosing to display or not display the
5 keyboard based on the state of the device at the time that you're opening an
6 application, would be very much consistent with exactly what's recited here
7 in this dictionary.

8 All right. With that, Your Honors, I want to turn to our second
9 issue. So here, this is for Grounds 1 and 3 for Claim 9 and 2 and 4 for Claim
10 3. If we go to the claim language that's at issue here, Patent Owner has
11 raised a dispute that includes two limitations of those claims, one being that
12 the annunciator has displayed across adjacent upper and lower edges for
13 Claim 9, or just across the two displays for Claim 3, while at the same time,
14 the displays are on first and second screens. And Patent Owner's argument,
15 as we understand it, is that the combination of those is not disclosed or
16 suggested by prior art.

17 We had mapped, as we previously discussed, Yook's annunciator
18 window. You see the status bar across the top of Yook. And you can see
19 here on Slide 27 that that status bar does span across the top of both of the
20 displays. And turning to Slide 28, you can see how we mapped Yook's two
21 displays, and this is consistent with a description in the '135 patent where
22 one display is on one side of the device, the second display is on the other
23 side of the device. We put these in red and blue boxes to show exactly what
24 we're considering to be the display, and this is directly taken from the
25 Petition at 16. And you can see Yook, in paragraph 38, also tells us that the
26 control unit can control the display to divide the screen into two areas

1 consistent with our mapping.

2 Turning to Slide 29, here is where we're putting the pieces together
3 where we have Yook's annunciator now highlighted in blue with the two red
4 and blue boxes. This is really just showing how those first two pieces come
5 together. And then the claims require two physical screens, so for that,
6 we've turned to the Lee reference. Lee teaches us a multiscreen device,
7 where you can have different displays on two screens or the same display
8 spanning two screens, very similar to what we have in the Yook reference,
9 except for here, the difference would be that there's two physical hardware
10 screens, but before the motivation to combine those, it included multiple
11 rationales, but chiefly among them, that you get the advantage of a larger
12 screen size while having a smaller form factor because you can fold the
13 device and also add additional functionality, as taught by the Lee reference.
14 And this is a very straightforward combination in our view. You're just
15 putting one of the displays onto each -- one of the displays from Yook onto
16 each of the screens from Lee.

17 We're not looking at bodily incorporation here. Just using the
18 hardware from Lee with Yook's device. And one of the arguments that
19 Patent Owner has raised here is that in Lee, one of the screens is off in one
20 of its figures. Reading the description of that figure, it turns off after you
21 answer a phone call. We don't think that has any relevance really to this
22 issue because we're not looking at using the functionality described in Lee.
23 Just its hardware with Yook's interface, so nothing else about Yook would
24 be changed. It would just be moving those screens -- those displays of Yook
25 onto Lee's screens.

26 And you can see on Slide 31, we've illustrated the combination, as

1 set forward in the Petition here on Exhibit 1014, which we walked through
2 with Patent Owner's experts and we confirmed that these are the mappings
3 that we have in the Petition for Yook and Lee.

4 So, turning to the third issue, Your Honors, this is Grounds 1 and
5 3, Claim 15. And if we go to Slide 33, you'll see the relevant claim
6 language here. So, again, we're looking at the annunciator window going
7 across a portion of the two displays, but here, the secondary issue that Patent
8 Owners raised is whether that occurs while the displays are both in a portrait
9 mode.

10 Now, if we go to Slide 34, the '135 patent tells us what a portrait
11 mode means, and that's also saying the width of display is less than the
12 height of the display. It's the '135 patent at Column 4, line 66 through
13 Column 5, line 4. And we see in Yook -- that's just the figure below that's
14 taken from the Petition is Yook's Figure 3, which also is showing other
15 figures of Yook, that Yook discloses portrait mode displays where the width
16 of each display -- that would be the display in the red box and the blue box,
17 has a width that is less than the height. And when -- looking at Figure 3, for
18 example, we can also see that the annunciator is disclosed as being across
19 the top of the figure, going through both displays. So, this would meet all
20 claim limitations.

21 Patent Owner has also raised an argument that, you know, this may
22 be impermissible under the case law to rely on proportions. The case law is
23 very clear, as you can see here from this excerpt of the *Regents of the*
24 *University of California* case, that patent drawings can be used to rely on the
25 relative sizes and general shapes of elements. The real prohibition here
26 comes from the *Hockerson-Halberstadt* case, and there -- that case

1 annunciated that we can't rely on precise proportions of elements, but here,
2 we're not taking out a ruler and saying one side is 1.1 times the length of the
3 other side. We're just saying you can look at the boxes that are drawn to
4 annotate the displays on these figures, and it's very clear that they are, in
5 fact, rectangles, not squares, and which side is shorter than the other. So, the
6 case law is fully in support of relying on figures for the relevant dimensions,
7 as we've done here.

8 JUDGE MURPHY: Okay. Counsel, just one question. So,
9 you've highlighted for us on Slide 34 the '135 patent definition of portrait
10 mode as the width of the display being less than the height of the display,
11 without any more particular proportions.

12 MR. VALENTE: That's correct, Your Honor.

13 JUDGE MURPHY: Is that consistent with the case law that
14 you've just gone through with us?

15 MR. VALENTE: Yes. The case law permits reliance on the
16 relative dimensions in figures, so that would be very much consistent with
17 that case law because we are just relying on the relative dimensions that one
18 side is shorter or longer than the other side. Not a particular ratio, or
19 particular dimensions or angles, or anything like that.

20 JUDGE MURPHY: And does Yook or Lee reference portrait
21 mode, landscape mode, that kind of thing?

22 MR. VALENTE: So, the Yook reference -- if we go to Slide 38,
23 the Yook reference does describe Figure 4e, as we see here, having a portrait
24 mode screen on the left side. So, it does tell us that Yook is at least
25 intentionally depicting proportions in the figures. For this particular slide, I
26 put this together because Patent Owner is pointing to this Figure 4e and

1 saying this would be a portrait mode, and this portrait mode, the annunciator
2 window only goes across one display, but the issue with that argument is
3 that this is showing a screen in portrait mode, which is not what the claim
4 requires. The claim requires that the displays are in portrait mode. So, in
5 the Figure 3 or 10 embodiments that we're relying on from Yook, in those,
6 we see that when the displays are in portrait mode, the annunciator does go
7 across both displays. If Your Honors don't have any more questions, I'll
8 reserve the rest of my time.

9 JUDGE JUNG: I have no questions.

10 JUDGE MURPHY: No? Okay. All right, Counsel. So, you'll
11 have, I guess, 23 minutes.

12 JUDGE JUNG: Mr. Yang, you may proceed when you're ready.

13 JUDGE MURPHY: Do you want to reserve any rebuttal at this
14 point or you want --

15 MR. YANG: Yes, Your Honor. I'd like to reserve 10 minutes for
16 rebuttal.

17 JUDGE MURPHY: Ten?

18 MR. YANG: Yes.

19 JUDGE MURPHY: Okay.

20 MR. YANG: Thank you, Your Honor. I want to start with the
21 construction of the modified display displays information selectively. And
22 based on Petitioner's presentation, I think we all agree that the ordinary and
23 customary meaning of that term requires a choice to display information.
24 And so then the only question is, is there any intrinsic evidence that suggests
25 that the applicant departed from the ordinary and customary meaning, and
26 the answer to that, I believe, is no.

1 I believe the Institution Decision expressed concern that the
2 ordinary and customary meaning of selective may not be consistent with the
3 masking limitation in dependent Claim 3, but we explained in the Patent
4 Owner Response that the masking limitation is narrower than selective.
5 Masking specifically refers to the embodiment in the Specification where an
6 icon is covered up, whereas selective itself only requires there to be a choice.
7 It doesn't have to actually cover up any of the icons, so there's nothing
8 inconsistent between the masking limitation and dependent Claim 3 with
9 requiring a choice of the selected limitation in independent Claim 1. And I
10 don't think Petitioners actually argue the masking limitation in their Reply.

11 Instead, I think the Reply argues the entire last element of Claim 1,
12 which is modifying via the processor of the display of the annunciator
13 window, wherein the modified display of the annunciator window displays
14 information selectively. So, there's actually two steps to that last element.
15 One of them is the modifying step, where you modify the display element,
16 and then as a subset of that, there's a further element or requirement to
17 selectively display information to -- during the modifying step, so these are
18 actually two separate elements. One is a subset of the other, but these two
19 clauses are not the same. They have different scope. I think what
20 Petitioners are pointing to in the Specification, though, for the selective
21 element, actually refers to the broader modifying element.

22 So, when they're saying the Specification permits displaying
23 various icons without making a choice, if they were to make that argument,
24 that would be inconsistent with the claim language because that -- those
25 examples in the Specification are directed to the broader modifying element,
26 rather than the narrower selectively element. And then I also want to --

1 JUDGE MURPHY: Counsel, let me stop you there for a minute.
2 So, do you agree with Petitioner's Counsel that the claim language that's in
3 dispute here, where the annunciator window displays information selectively
4 across the annunciator window, that that's expressly described in the
5 Specification?

6 MR. YANG: Actually, Your Honor, I believe that is described in
7 the Specification in Column 26. For example, line 16 of Column 26 says,
8 the annunciator window 1100 is provided in the expanded dual screen
9 configuration in order to better the information provided within the window.
10 For annunciator notifications, these may include icons that indicate an event
11 has taken place with respect to a particular function of the device. So here, it
12 is talking about selecting certain icons to a display, and we submit that the
13 selection -- the plain and ordinary meaning of the word "selection" requires
14 you to make a choice of some sort.

15 JUDGE JUNG: So, Mr. Yang, is it also a choice to display an icon
16 at 50 percent versus an icon at 25 percent?

17 MR. YANG: If that were to be disclosed by the Yook reference,
18 displaying icon in different sizes potentially --

19 JUDGE JUNG: Concentrating on the Specification. Would that
20 be in the scope of the Specification?

21 MR. YANG: Yes, Your Honor. So then I'd like to go back to
22 -- address Petitioner's slides 19 and 20. The usage of the word selectively in
23 the provisional doesn't conflict with the ordinary and customary meaning of
24 the word selectively. In each of Petitioner's examples, you are making a
25 choice. In fact, I think Petitioners in their presentation equated the words
26 "choice" and "choose" with the word "selective", so I think we're all in

1 agreement that selectively, as recited in Claim 1, requires you to make a
2 choice of some sort.

3 And then moving on to whether Yook discloses Claim 1, I don't
4 think Yook teaches displaying in a way that chooses or selectively selects
5 some information over others. The thing that Petitioners rely on for this
6 element is what appears to be a status bar at the top of Figure 3, but when I
7 ask Petitioner's expert, Dr. Rodriguez, does Yook disclose how the icons on
8 the status bar are displayed at all, well, he answered that Yook doesn't
9 discuss the alleged status bar whatsoever, so there's no disclosure anywhere
10 in Yook of how those icons are displayed. It just shows you the icons on the
11 status bar. It doesn't tell you how they're displayed, what -- it doesn't tell
12 you where there's a choice to be made. So, there's no disclosure
13 whatsoever. So, how can Yook disclose making a choice or displaying in a
14 way that intentionally selects some information if it doesn't disclose how the
15 alleged status bar displays information at all? It just doesn't.

16 And then finally, I want to address Petitioner's contention that
17 dynamically updating a status bar satisfies this claim. So, first of all, there's
18 no evidence beyond Dr. Chatterjee's say-so that this is true at all. As Dr.
19 Rodriguez confirmed, Yook doesn't contain any disclosure whatsoever of
20 how the icons in the status bar are displayed. It just doesn't. And second of
21 all, even if the status bar dynamically updates icons, that is not displaying in
22 a way that selectively displays or makes a choice. When a status bar
23 dynamically updates an icon, like the battery level or the signal strength as
24 shown in Yook, it just displays whatever the device tells it. There's no
25 selection of information or making a choice to display.

26 For example, when you dynamically update the battery level, the

1 device is not saying that the battery level is either one percent or 100
2 percent, and then you select either one percent or 100 percent to display.
3 That's not what the device does. The device just tells you, the battery level
4 is 42 percent and then it displays 42 percent. During that process, there's no
5 choice there whatsoever. There's no selection of information to be
6 displayed. The device simply provides information and then that's whatever
7 is displayed. There's no choice involved.

8 And the same is true of the other element that the Petitioner relied
9 on -- the signal strength. The device doesn't tell you that it's either one bar
10 or five bars, and then you choose either one bar or five bars to display. The
11 device simply tells you that there's three bars and that's what's being
12 displayed -- three bars. Yet there's no choice involved.

13 Because there's no choice involved in any of the examples that
14 Petitioner cited, none of these examples correspond or require selective
15 display. So, dynamic updates don't display --

16 JUDGE JUNG: Mr. Yang, just so I understand your argument,
17 what would involve a choice? What kind of information involves a choice?

18 MR. YANG: Well, if you were to say, you can either display the
19 -- in the status bar, you could either display the battery level or you can
20 display the signal strength, that would be a choice. You would display one
21 of those, or you could choose to display both or you could choose to display
22 none. That would be a choice, but here, what Petitioners are pointing to with
23 dynamic updates, there's no choice involved. It's simply displaying
24 whatever the device tells it to.

25 JUDGE JUNG: Okay, thank you.

26 MR. YANG: So, as I described, dynamic updates don't display in

1 a way that require -- that involves a choice. It doesn't display in a way that
2 intentionally selects information, as required by Claim 1 under the ordinary
3 and customary meaning of the word "selective", which has not been
4 modified by the applicant.

5 The other thing I wanted to point out is that I believe the Institution
6 Decision found that the proposed construction of selectively displayed is a
7 reasonable construction. And here, we're dealing with the *Phillips* standard.
8 Under the *Phillips* standard, if there are multiple competing reasonable
9 constructions, the PTAB has to adopt the construction that upholds the
10 validity of the claim. So, in order for Petitioners to win on this claim
11 construction, they have to show that Patent Owner's construction is
12 unreasonable. That's what -- that's not what they've done. There's no
13 evidence whatsoever that the ordinary and customary meaning of selectively
14 requiring a choice is unreasonable in any way.

15 JUDGE JUNG: Oh, one more question. Is masking also a form of
16 choosing? Is that also a choice?

17 MR. YANG: Well, yes, Your Honor. You're choosing to cover
18 one of the icons with another icon.

19 JUDGE JUNG: Okay. And then is masking a subset -- that
20 limitation, is that a subset of modifying the annunciator window?

21 MR. YANG: Based on the dependency of Claim 3, it has to be.

22 JUDGE JUNG: Okay.

23 JUDGE MURPHY: Counsel, I have a question regarding the last
24 limitations -- the modifying limitations at the end of Claim 1. The
25 modification is done in response to a changed state of at least one of the
26 device status, connectivity status. So, is that the choice you're referring to in

1 the claim?

2 MR. YANG: No, Your Honor, because as I explained earlier, the
3 modifying step is broader than the selectively step, and you're making a
4 modification that doesn't necessarily mean you're making a selection. The
5 claim requires both, the claim requires you to modify, and also, to select. If
6 you were to say that the modifying -- meeting a modifying step also meets
7 the selective step, that would erase the selective step, and I believe that was
8 the concern, Your Honor, raised with respect to Claim 3, that Patent
9 Owner's construction of selectively would have erased the masking step.
10 This is the same issue. If you were to equate modifying to masking, that
11 would erase the -- I'm sorry -- if you were to equate modifying with
12 selecting, that would erase the selecting step. These are -- these two claim
13 elements are different (INDISCERNIBLE).

14 JUDGE JUNG: You just told me masking is a form of selecting,
15 though.

16 MR. YANG: It is. I'm saying that masking has to be narrower
17 than selecting. If they were -- if masking is the same as selecting, then that
18 would erase Claim 3. Same is true for the two elements of Claim 1. If
19 modifying was the same as selecting, that would erase selecting and you
20 would only have modifying.

21 So, then I -- next, I want to address Claim 5 -- or I'm sorry, Claim
22 15. Claim 15 says that two displays are in portrait mode and Claim 15
23 depends on Claim 1, which says the annunciator window extends across the
24 two displays, so I think we all agree that Claim 15 requires the annunciator
25 window to extend across two displays while the displays are in portrait
26 mode. And I don't think that's contested by the Petitioners. I also want to

1 point out that Petitioners initially identified Yook's Figure 4e for this
2 element. And Yook explicitly describes Figure 4e as being in portrait mode.
3 And if you look at Figure 4e, in Figure 4e, portrait mode is exaggerated, so
4 you can see in these dimensions, that one is obviously much larger than the
5 other. But once you pointed out that Figure 4e doesn't show the annunciator
6 where they were extending across two portions of display, they abandoned
7 that argument, so I don't understand why we're wasting Your Honor's time
8 with Figure 4e when they're not arguing that Figure 4e suggests Claim 15.

9 The only argument I believe they're still maintaining for this claim
10 is Yook's Figure 3. The issue with Yook's Figure 3, though, is that Yook
11 doesn't say anything in the specification about the dimensions of Figure 3.
12 It only says Figure 4e is in portrait mode. It doesn't say Figure 3 is in
13 portrait mode.

14 And we know from the *Hockerson-Halberstadt* case that if a patent
15 drawing is silent on the dimensions of the figure, then it can't be relied on
16 for its dimensions. Petitioner's Reply cites the *Regents of the University of*
17 *California* case, but when I read the case, I feel like the case actually
18 supports Patent Owner's argument, not Petitioner's. If you read the case, the
19 Federal Circuit says that if the lines are demonstrating a separate structure,
20 then they can't also be read to as disclosing all the dimensions. That's what
21 the Federal Circuit said, and in fact, it overruled the Board on that. I feel
22 like that is absolutely the case here.

23 If you look at Figure 3, what the lines are saying is that in Figure 3,
24 Yook is -- Yook's Figure 3 is one screen being split into two displays. The
25 whole purpose of a line there is to show that the screen is being split into
26 displays. The line doesn't provide any additional suggestion that those

1 -- what the proportions of those displays are or whether those displays are in
2 portrait mode. The whole purpose of the line is only -- the purpose of the
3 line, as disclosed by Yook, is only to show that the screen has been split in
4 half.

5 The other thing I want to emphasize is that unlike Figure 4e, where
6 portrait mode is explicitly described, and also exaggerated, so you can
7 explicitly see what the relative dimensions of portrait mode is, that's very
8 ambiguous for Figure 4e. It's not apparent at all that one side of each
9 individual display is larger than the other in Figure 4e, unless you actually
10 took a ruler to measure it. Just by eyeballing it, it's not apparent at all that's
11 not a square. So, and once you've -- once you need a ruler to actually
12 measure how big the figure is, the Federal Circuit under Hockerson-
13 Halberstadt says that you can't rely on that figure for the dimensions.

14 JUDGE JUNG: Okay. So, do you agree that Figure 4e of Yook
15 shows -- for example, 445 -- that it's taller than it is thin? Can you
16 reasonably make that presumption?

17 MR. YANG: I don't think you could reasonably make that
18 assumption without measuring it because if you just eyeball it, they're pretty
19 similar in size.

20 JUDGE JUNG: Okay. Now, paragraph 55 of Yook, it also says
21 they are in portrait mode.

22 MR. YANG: Well, if you read paragraph 55, I believe that's
23 referring to Figure 4e, and Figure 4e is in portrait mode, I absolutely agree
24 with that. But Figure 4e cannot meet the remaining claim language that the
25 annunciator window extends across both displays. That's what --

26 JUDGE JUNG: Does this Figure 4e also meet the description of

1 portrait mode in the '135 patent?

2 MR. YANG: Well, I certainly can see that Figure 4e is in portrait
3 mode. It just doesn't meet the remaining claim elements. That's why I
4 believe it's --

5 JUDGE JUNG: Why do you think it's in portrait mode? Is it just
6 because Yook says so or Yook says so, and you can also tell it's taller than it
7 is thin?

8 MR. YANG: Well, both, because Yook says so and specifically,
9 in Figure 4e, it's exaggerated. That same exaggeration is not present in
10 Figure 3.

11 JUDGE JUNG: So, if Figure 3 was exaggerated the same way,
12 would you agree that Figure 3 would be portrait mode?

13 MR. YANG: Well, that's speculating on what Yook may disclose.
14 It's not --

15 JUDGE JUNG: It's just hypothetically. Let's say Figure 3 was
16 exaggerated the same way as 4e. Then that'll be --

17 MR. YANG: Well, I would have to have more information to
18 answer that. Exaggerated in what way?

19 JUDGE JUNG: Exactly the same way as in 4e.

20 MR. YANG: I'm actually not sure about that.

21 JUDGE JUNG: Yook says 4e is in portrait mode and Figure 3,
22 hypothetically, is exaggerated the same way as in Figure 4e. That may or
23 may not be portrait mode; is that your position?

24 MR. YANG: My position is that Yook doesn't disclose those
25 modifications, and I hesitate --

26 JUDGE JUNG: No, it's not a modification. It's not on the record.

1 It's just my hypothetical.

2 MR. YANG: I hesitate to guess on a hypothetical that's not in the
3 record.

4 JUDGE JUNG: Okay.

5 MR. YANG: The last thing I wanted to address is Claim 9. On
6 Column 4, line 11 of the patent, says a screen is a physical structure, and we
7 believe that's definitional, so Claim 9 requires two actual physical screens.
8 Based on this requirement, the Patent Owner Response explains why the
9 Yook/Lee combination doesn't suggest two displays on two physical
10 screens. So, I believe that in response to that argument, the Reply introduces
11 a new theory on page 10. And first of all, we believe that this theory is
12 untimely and shouldn't be considered. The Petition itself never developed
13 this theory. If you look on page 10 of the Reply, Petitioners cobbled
14 together this theory from unrelated sections of the Petition, page 16, 37, 64,
15 and those are completely unrelated sections.

16 Frankly, we don't believe that cobbling together these unrelated
17 pages satisfies the statutory requirement to identify the evidence relied on
18 for each claim element with specificity. But even further, the figure on the
19 right -- the actual figure needed to explain this theory -- that's not in the
20 Petition at all. The Petitioner just put this figure up for the Reply. This is
21 the critical figure that's necessary to support their theory and they never
22 bothered to put it in the Petition. And --

23 JUDGE JUNG: Just to confirm, you do agree that in this figure,
24 everything on the left-hand side, the Petition at 16, Petition at 37, Petition at
25 64, those are the correct cites that show these figures?

26 MR. YANG: We don't dispute the citations to the figures on the

1 left. What we're saying is that the --

2 JUDGE JUNG: I think that --

3 MR. YANG: -- citations have some clearly --

4 JUDGE JUNG: -- the Board --

5 MR. YANG: -- unrelated selections of the Petition, and they don't
6 include the most critical figure, the one on the right.

7 JUDGE JUNG: And we can't make that implication? Patent
8 Owner's position is that we can't make the implication that Figures 3, plus
9 Figure 4A, would result in what's shown on the far right of the Reply on
10 page 10 -- I'm sorry, page 11?

11 MR. YANG: Well, we submit that that argument is waived
12 because Petitioner obviously should've foreseen this argument. If you read
13 the Petition, the argument that the screen is a physical structure, they
14 acknowledge that argument. In fact, they presented multiple alternative
15 theories based on whether a screen is visible or not. The issue there was
16 even though they knew of this argument, they never included that critical
17 figure -- the one on the right in any of the Petition paper they cobbled
18 together out of completely unrelated sections.

19 JUDGE JUNG: Okay.

20 MR. YANG: So, even though --

21 JUDGE JUNG: Let me just run through Petitioner's argument.
22 So, you agree that Petitioner did argue that Yook has two apps, shown side
23 by side. For example, Figure 3. And annunciator window goes across the
24 top of both. And you also agree that the Petitioner did argue that Figure 4A
25 shows two physical screens. And then Petitioner did also argue that when
26 you combine Yook and Lee together, each of those apps will be on separate,

1 physical screens, but your point of dispute is that they didn't explicitly say
2 that the annunciator window would go across both physical screens; is that
3 right?

4 MR. YANG: My point is they didn't identify that as a result.
5 They didn't provide that as an example anywhere.

6 JUDGE JUNG: Okay. And just to put a fine point on it, is there
7 any reason why one of ordinary skill in the art wouldn't have extended the
8 annunciator screen all the way across, like it's taught in Yook, when Yook is
9 combined with Lee in the manner proposed by the Petitioner?

10 MR. YANG: Yes, Your Honor. That -- we submitted in the Sur-
11 reply that one of ordinary skill wouldn't do that because Lee explicitly
12 teaches that only one screen is active.

13 JUDGE JUNG: Only one screen is on?

14 MR. YANG: Only one screen is active. The other screen is
15 inactive. So, if you were to use that embodiment in Yook, we'd have to put
16 it all --

17 JUDGE JUNG: Does Yook teach only one screen is active?

18 MR. YANG: Lee does.

19 JUDGE JUNG: Lee does, but are they taking that -- is Petitioner
20 relying on that teaching? Do you think that that's the teaching that
21 Petitioner is also relying on?

22 MR. YANG: Well, Petitioner has to rely on that embodiment in
23 order to get to their preferred result. They can't ignore the explicit teaching
24 with that embodiment.

25 JUDGE JUNG: Okay. Because as to a different way as -- it
26 doesn't seem like you're really addressing Petitioner's proposed

1 combination, right?

2 MR. YANG: Well --

3 JUDGE JUNG: They propose --

4 MR. YANG: -- this --

5 JUDGE JUNG: -- putting, you know, these applications on two
6 different physical screens, and in -- according to Petitioner, the annunciator
7 window will go across both of those physical screens, but then you have this
8 additional teaching from Lee that you point us to, but that was not part of
9 their proposed combination and there's really -- is there a good technical
10 reason why one of ordinary skill in the art would have had to put that feature
11 into the proposed combination from Lee?

12 MR. YANG: Yes, Your Honor, because Lee teaches that Lee only
13 has embodiments, where in portrait mode, one stays active. And all the
14 embodiments with both screens are active. It's always in landscape mode.

15 JUDGE JUNG: Let me just ask you a different way. Faced with
16 the teachings of Yook, when both applications are active, then faced with the
17 teachings of Lee where one application is active, why would one of ordinary
18 skill in the art choose the teachings of Lee over Yook?

19 MR. YANG: Because one of ordinary skill would know to put
20 whatever is being displayed on the active screen. One of ordinary skill
21 wouldn't display something on an inactive screen.

22 JUDGE JUNG: It still kind of seems to be missing the point of the
23 proposed combination, but I don't want to waste your time anymore. You
24 can move on to your next point.

25 MR. YANG: Well, actually, Your Honor, this was my last point,
26 so I'm glad -- I would be glad to answer any further questions you have

1 about it.

2 JUDGE JUNG: Oh, that's it. That's -- unless you have any other
3 -- I'm not entirely persuaded that you're addressing the proposed
4 combination directly. I don't see a reason why one of ordinary skill in the
5 art, when faced with the teachings of Yook and Lee, would give more
6 weight to the teachings of Lee and turn off one of the physical screens.
7 When Yook tells you that you can have both apps up at the same time in the
8 same display, and then Petitioner proposes modifying Yook so that they're
9 on two different physical screens.

10 MR. YANG: Certainly, Your Honor. I can address that. So, as
11 we all know, Yook has two embodiments. One is, you know, when both
12 screens are in landscape mode and one is when both screens are in portrait
13 mode. Yook's -- the purpose of Yook's landscape mode is to actually have a
14 large screen in order to watch it, so when you're watching on a device and
15 you'd want to hold it like this so your fingers won't get cramped. And the
16 way -- the reason you would hold something in portrait mode is because it's
17 (INDISCERNIBLE). So, when you're watching something in landscape
18 mode, you would want to use the whole screen. So, in that instance, when
19 you're displaying something, you're using both screens. Lee says that when
20 -- the reason that you turn that screen off is because when you're using that
21 and you're answering calls, in the call functionality, you're holding the
22 phone in portrait mode. That's why that screen is off.

23 JUDGE JUNG: Okay. I have no further questions on that point.

24 MR. YANG: Okay then. I believe that ends my presentation.
25 Thank you.

26 JUDGE JUNG: Counsel for Patent Owner, so you'll have 20

1 minutes.

2 MR. VALENTE: Okay, thank you. Okay. So, a few quick points,
3 Your Honors. I want to start with Patent Owner's contention that the
4 obviousness analysis for Yook is based solely on Dr. Chatterjee's say-so
5 with no evidence or reasonable analysis, but we had this on our Slide 9 that
6 we passed over before, where we show excerpts from paragraph 62 of Dr.
7 Chatterjee's declaration where he describes the Bauer reference and relies on
8 the Bauer reference that we looked at. That does show that this was known
9 in the state of the art to update those icons that we previously discussed. I
10 can see that analysis in paragraphs 62 and 63 of his declaration. Those are
11 actually for prior elements on 1.e, but he cites back to that same analysis in
12 paragraphs 65 and 66 when he's discussing 1.g, which is the selectively
13 displaying limitation.

14 Patent Owner also argued that selectively requires an intentional
15 choice. I don't know that I fully follow that argument, but I think that
16 generally, you know, the device is choosing to display something or is
17 displaying something, simply has a program that simply has to set it so that
18 it could display something. If there's a battery meter that changes how
19 much battery is being displayed or a signal strength meter that shows how
20 much signal strength is being displayed, at some point, someone had to set
21 the device so that it would choose to display those things and not choose to
22 display something else. So, I don't think that's really a meaningful
23 distinction there.

24 Patent Owner has argued that we equate essentially modifying with
25 selecting and sort of reselecting out of the claim. I don't think that we're
26 doing that at all. I know Yook's (INDISCERNIBLE) selecting by saying

1 that the device is choosing to display or not display something. You know, I
2 don't think it's really any different than a Patent Owner has to meet the
3 relationship between the modifying and the selecting element. Their only
4 distinction is that they're saying that selecting requires intentional choice or
5 not displaying something. We're both looking at selecting and just trying to
6 determine what it is that that adds to the claim. We're taking the position
7 that it does, in fact, add something. Otherwise, the modifying limitation
8 doesn't put any bounds at all on what you're displaying, and for example, if
9 the device state were to be viewed as whether the device is fully open or
10 closed in the two screen embodiment. For example, if you're fully closed,
11 the annunciator display could be modifying steps that it's, you know,, half
12 the width than it used to be before, so it's only on one screen. Other
13 modifications of that would certainly be within the scope of the modifying
14 limitation of how the selecting limitation -- we have to be displaying
15 something, you know, potentially on that screen whereas modifying shape or
16 size annunciator would be different and broader. So, selectively is adding
17 something in both of our positions that --

18 JUDGE MURPHY: So, effectively, you're saying it can be any
19 type of selection, if you will?

20 MR. VALENTE: Well, what do you mean by any type of
21 selection?

22 JUDGE MURPHY: Well, as long as there's a modification of this
23 state being changed.

24 MR. VALENTE: So, the display in the second part of limitation
25 -- the wherein clause -- needs to be displayed selectively in response to the
26 changed state. So effectively, it could choose to display anything in

1 response to the changed state, as long as it's choosing something or it could
2 choose not to display anything. I think that we both agree that selectively
3 would encompass not displaying something, and it's the broad reading.
4 We're not arguing that Yook doesn't display something. We're arguing,
5 generally, that it does display the changes, but I think, you know, the claim
6 is broader than what we're looking at for purposes of Yook.

7 For the *Regents -- the University of California* case -- relating to
8 whether or not we can rely on the relative dimensions, Patent Owner raised
9 an argument that they think that that case supports their position. The
10 *Regents* case is looking at bold lines in the figures and it's not clear from the
11 patent whether the bold lines were intended to represent a thicker dimension
12 or a second component. Here, that's kind of an opposite. It's not really
13 relevant to the issue that we've raised because we dispute that the
14 dimensions in the --

15 (RECORDING: This meeting is being recorded.)

16 JUDGE MURPHY: Wow. I think we understood that, but --

17 MR. VALENTE: Yeah. There's no more argument here that the
18 dimension is shown and those figures are there to represent anything but the
19 dimensions. Patent Owner doesn't dispute whether we can see and rely on
20 the altered dimensions. I'll leave that to Your Honors. When I look at those
21 figures, I see rectangles that look pretty clearly narrower than they are tall.
22 They might not be as exaggerated as Patent Owner put it, as Figure 4e, but
23 it's clear with any eye that there is -- that's a rectangle there, it's not a
24 square. You can see it's (INDISCERNIBLE). So, the difference between
25 the perhaps more exaggerated dimensions in Figure 4e than Figures 3 and
26 10, and 1 that show the portrait mode displays that we're relying on, I don't

1 think it's really a meaningful difference.

2 And with respect to 4e, Patent Owner said that we were relying on
3 Figure 4e in the Petition. We do reference Figure 4e in the Petition. We
4 reference that just for the acknowledgment that the reference does say this is
5 portrait mode and understands what portrait mode is, and would further
6 inform a person of skill in the art's understanding of that term. But if you
7 look at Petition at 46, you'll see Figures 3 and 10 excerpted there from the
8 Yook reference, and those are what we rely on for the actual teaching of
9 portrait mode display as those other figures that do, in fact, disclose portrait
10 mode displays, as opposed to Figure 4e, which discloses a portrait mode
11 screen.

12 JUDGE MURPHY: Right. As I'm understanding the Petitioner's
13 contention, Yook is primary for everything except two physical screens, if
14 needed from Lee, for example?

15 MR. VALENTE: That's correct, Your Honor, yes.

16 JUDGE MURPHY: Okay.

17 MR. VALENTE: If there are no further questions --

18 JUDGE JUNG: No questions.

19 JUDGE MURPHY: Okay. Thank you, Counsel.

20 MR. YANG: Thank you, Your Honor. I want to start by
21 addressing what Petitioner said with respect to Slide 9. First of all, Bauer is
22 not a ground in, I guess, Claim 1. The extent that Petitioners rely on it for
23 the state of the art, it's only being used for dynamic updates. It's not being
24 used for choosing icons to display in any other way.

25 And as we covered, dynamic updates doesn't involve a choice
26 because the device provides the information. And then whatever the

1 provided information is, is displayed. There's no choice to display the
2 provided information versus other information as far as not to display the
3 provided information. So, there's no choice involved with dynamic updates.
4 Dynamic updates simply shows whatever the device provides.

5 And there's no reliance on Bauer for a choice other than dynamic
6 updates in Ground -- in the grounds against Claim 1, so because selection
7 requires more than one modification, it requires a choice, even if Bauer
8 suggests modifying Yook to include dynamic updates, the modification
9 -- that doesn't suggest the correct construction of displaying information
10 selectively.

11 The other thing I wanted to address was Petitioner's argument with
12 respect to modifying. I want to point out that modification alone
13 corresponds to the modifying limit that is the first element of the last clause.
14 Selection -- the second element in the last clause has to be narrower than just
15 modifying. So, if you're simply modifying -- let's say you're going to
16 display something, that corresponds to the first element of the last clause.
17 That doesn't necessarily support the second element of the last clause. And
18 because of that, selection requires more than a modification. Otherwise,
19 those clauses would be the same. Therefore, selection has to be accorded its
20 ordinary and customary meaning, which is that you have to make a choice
21 involved.

22 The last thing I want to point out is that I believe *Regents*, the case
23 that was just discussed, absolutely supports Patent Owner's position. We're
24 looking at Yook's figure. A line dividing two screens. The intent of that is
25 to show the division of the two screens, and it's not clear from the
26 specification or the figure that the dividing line represents the division of

1 two portraits. So, based on *Regents*, we can only rely on that figure to show
2 division of the two -- division of the display -- division of the screen and
3 those two displays, and cannot further rely on that to show that the division
4 is in two portraits. Other than that, I have no further argument, unless Your
5 Honors have any questions.

6 JUDGE JUNG: No questions.

7 JUDGE MURPHY: Thank you, Counsel.

8 MR. YANG: Thank you, Your Honors.

9 JUDGE MURPHY: All right. That concludes our argument for
10 today.

11 (Whereupon the above-entitled matter went off the record at 11:29
12 a.m.)

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Patent 9,141,135 B2

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