

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC and MOTOROLA MOBILITY LLC
Petitioners

v.

MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD.,
Patent Owner

Case IPR2025-00059
Patent No. 9,141,135

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

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I. INTRODUCTION

Patent Owner’s Request for Director Review (Paper 34) (“Request”) stumbles out of the gate because the Board did address Patent Owner’s argument regarding its proposed construction. *See* Paper 32 (“FWD”), 21-22, 24, 27-28. Having considered that argument, the Board rejected it, finding that “Petitioner adequately shows Yook would have rendered obvious [‘displays information selectively’] under [Patent Owner’s] interpretation[] because the proposed modification to Yook would result in intentionally choosing to display an updated status icon instead of the previously shown status icon.” *Id.* at 27-28 (citing Paper 1 (“Pet.”), 34-35, 38-39; Paper 22 (“Reply”), 25-26).

Patent Owner attempts to recast the Board’s rejection of its argument as a failure to consider the argument. But that does not withstand scrutiny. The Board considered both sides’ arguments and explained why it found Petitioners’ evidence-backed positions more persuasive. *Id.* at 21-22, 24, 27-28. The Request presents no abuse of discretion, important issues of law or policy, erroneous findings of material fact, or erroneous conclusions of law. Instead, Patent Owner asks the Director to second-guess the Board’s reasoned factual determination that under Patent Owner’s proposed construction for “displays information selectively,” the prior art renders that limitation obvious. Patent Owner’s Request should be denied.

II. ARGUMENT

Patent Owner makes three main arguments, each of which fails to raise an issue appropriate for Director Review. *First*, Patent Owner argues that the Board declined to construe “display[] information selectively.” Request, 4. Patent Owner ascribes no error to that determination, and indeed there is none because the Board found that the prior art renders the limitation obvious under either the plain meaning or Patent Owner’s construction. FWD, 10. *Second*, Patent Owner argues the Board “did not address Multifold’s argument.” Request, 4; *see also id.*, 1, 6, 8. But that is not accurate. The Board acknowledged Multifold’s argument, explained it, and then explained why the Board agreed with Petitioners. FWD, 22-24, 27-28. *Third*, Patent Owner cherry-picks two sentences from the FWD and argues they reveal errors in the Board’s analysis of Patent Owner’s construction and argument. Request, 6-7. But one alleged “error” is merely the Board making a factual finding regarding evidence cited by Petitioners without also including a cite to Petitioners’ papers, and the other simply reflects Patent Owner’s dissatisfaction that the Board agreed with Petitioners that it was unclear when Patent Owner’s proposed construction would not be satisfied by a processor displaying information, as disclosed in the prior art. FWD, 28.

A. The Board Did Not Adopt Patent Owner’s Proposed Construction Because Petitioners Demonstrated that Yook Renders Obvious “Displays Information Selectively” Under its Plain Meaning and Patent Owner’s Construction

The Board determined that it “d[id] not need to interpret expressly any claim term to resolve the parties’ dispute” because the Board “agree[d] with Petitioner that [Petitioner] prevails under both the plain meaning and Patent Owner’s proposed interpretation of ‘displays information selectively.’” FWD, 10 (citing Paper 22 (“Reply”), 1). Patent Owner does not dispute that Petitioners prevail under plain meaning, only that the Board did not sufficiently explain why Petitioners prevail in the alternative scenario where Patent Owner’s proposed interpretation applies.¹

¹ The Board rejected Patent Owner’s proposed construction at institution, even before Petitioners had an opportunity to explain why it was wrong. *See* FWD, 9. Accordingly, it is unsurprising that the Board did not adopt Patent Owner’s proposed construction in the FWD after Petitioners provided voluminous analysis showing that construction was inconsistent with and unsupported by intrinsic and extrinsic evidence. *See* Reply, 1-8. But the Board still took a belt-and-suspenders approach and, after finding “displays information selectively” obvious under its plain meaning, explained why Patent Owner would not prevail “even if” the Board adopted Patent Owner’s proposed construction. FWD, 27-28.

Patent Owner's proposed construction is that "displays information selectively" means "displays information in a way that involves intentionally choosing some information to display and not others." *See* Paper 13 ("POR"), 10. Petitioners showed in the Reply how Yook renders that construction obvious:

The Petition explained that it would have been obvious to update [Yook's] status bar icon for a given status when that status changes, and that such behavior would be implemented through a program or applet executed by a processor. (*See* Pet., 34-35, 38-39.) Dr. Chatterjee's evidence-backed analysis also demonstrated that a POSITA would have been motivated to implement a processor controlling Yook's status bar to display and dynamically reflect changed device status and connectivity status to selectively display updated status information to the user. (*See* EX1002, ¶¶62-63 (citing EX1007), ¶¶66-67.)

Based on that unrebutted analysis, when Yook's battery status changes but the connectivity status does not change, Yook modifies the status bar to "selectively" display information showing a new battery status but chooses not to display information showing a new connectivity status. The same is true when Yook's connectivity status changes but not its battery status. That is intentional selection.

More broadly, in the context of Claim 1 where a processor displays information on a screen, it is unclear how a processor

displaying information could ever fail to meet the plain language of PO's construction. For instance, if a processor displays an apple, then it has chosen to display an apple and chosen not to display an orange (or anything else). Likewise, when Yook's processor modifies the annunciator window to display information showing a changed status, it has chosen some information to display (the changed status) and chosen not to display other information (everything not shown in the annunciator). (*See Pet.*, 38.)

Reply, 26-27; *c.f.*, *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1384 (Fed. Cir. 2023) (holding Board must permit new argument and evidence in a reply directed to a new claim construction proposed by the patent owner). As explained below, after considering the parties' respective positions and evidence, the Board found Petitioners' positions more persuasive.

B. The Board Addressed Patent Owner's Proposed Construction and Credited Petitioners' Argument and Evidence Demonstrating Yook Rendered That Construction Obvious

Patent Owner repeatedly argues the Board "did not address Multifold's argument" that "updating information does not select information for display." Request, 4; *see also id.*, 1, 6, 8. To the contrary, the Board acknowledged, summarized, and quoted that argument from Patent Owner's papers across multiple pages of the FWD. *See, e.g.*, FWD, 21-22 ("In Patent Owner's view, Petitioner's arguments 'do not demonstrate that Yook's status bar selects some information to

display as required by the claim language’ and, at most, ‘suggest 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.’”) (citing POR, 35); FWD, 24. But the Board credited Petitioners’ expert and made factual findings that—despite Patent Owner’s arguments to the contrary—Yook teaches or suggests selecting updated icons to display:

[I]n view of such knowledge in the art, one of ordinary skill in the art reviewing Figure 3 of Yook would have understood that Yook, at least, suggests, if not teaches, that the icons in Yook’s status bar are updated when battery status or signal strength status changes. Ex. 1002 ¶ 62.

Petitioner’s proposed modification also results in *selecting updated icons to display in its status bar* to provide updated information to the user, because Petitioner argues one of ordinary skill in the art “would have been motivated to implement and pre-configure the status bar . . . such that device status . . . dynamically reflect the battery and mobile device signal strength status” (Ex. 1002 ¶ 62) to yield “a pre-configured status bar dynamically reflecting device status” (*id.* ¶ 63).

FWD, 27 (emphasis added). Thus, the Board explained *why* it correlated dynamically reflecting the battery and mobile device signal strength status with

selecting updated status icons. *See id.* This is directly responsive to Patent Owner’s allegedly unaddressed argument.

Turning to Patent Owner’s proposed construction, the Board reiterated its agreement with Petitioners that “the proposed modification to Yook would result in *intentionally choosing* to display an updated status icon instead of the previously shown status icon.” FWD, 27-28 (citing Pet. 34-35, 38-39; Reply, 25-26) (emphasis added). The Board further supported that finding by agreeing with Petitioners’ arguments and affirmatively explaining how Petitioners’ evidence supported the conclusion that Yook renders obvious the disputed limitation:

We agree with Petitioner that “in the context of Claim 1 where a processor displays information on a screen, it is unclear how a processor displaying information could ever fail to meet the plain language of [Patent Owner’s] construction,” because, if a processor displays something, it was chosen for display. Pet. Reply 26–27 (citing Pet. 38). Moreover, the fact that Yook shows a signal strength icon and battery icon in its Figure 3, but not other icons known in the art as evidenced by Bauer indicates that those icons were selected for display in a manner that meets Patent Owner’s proposed interpretation. *See* Ex. 1007, 1:29–33 (describing “a telephone shaped icon with wavy lines on either side may indicate a courtesy mode; an automobile-shaped icon may indicate a driving mode (e.g.,

one in which the device is configured to receive voice commands from a user)").

FWD, 28.

Thus, by acknowledging Patent Owner's argument and affirmatively explaining why the prior art met the claims under Patent Owner's proposed construction, the Board was necessarily also explaining why Patent Owner's argument was wrong. The Board also reached its conclusion "[b]ased on the full record and for the reasons stated above," which includes both parties' arguments that the Board summarized before explaining why it agreed with Petitioners. FWD, 28; *see id.*, 20-27. That analysis is more than sufficient. The case law has never demanded a point-by-point rejection of one party's positions to justify the Board's agreement with the opposing party. *See Uniloc 2017 LLC v. Facebook, Inc.*, No. 2019-2159, 2021 WL 5370480, at *7 (Fed. Cir. Nov. 18, 2021) (rejecting patent owner's challenge to the Board's determination where "the Board stated that it was 'persuaded, for the reasons stated by [the petitioner] and discussed above,'" and "the 'above' discussion included recitations of [the petitioner's] specific counterarguments to [the patent owner's] argument"); *Outdry Techs. Corp. v. Geox S.p.A.*, 859 F.3d 1364, 1370 (Fed. Cir. 2017) (holding the Board is permitted to credit a party's argument as part of its reasoned explanation of its factual findings).

Moreover, the context of the disputed limitation in claim 1 is important to understand the FWD's reasoning and why "displays information selectively" includes selecting updated status icons to display. "[D]isplay[ing] information selectively" must occur in response to a changed state of a device, connectivity, and/or messaging status, where those statuses can be displayed before their state changes. Reply, 2. Petitioners explained why it would not make sense to exclude from the claim scope choosing to update an already-displayed status icon to reflect the new state as Patent Owner urges:

Claim 1 (like the other independent claims) recites that an annunciator window displays "information therein showing at least one of a device status, a connectivity status, and a messaging status." (EX1001, 29:46-49.) The annunciator window is modified "in response to a changed state of at least one of the device status, connectivity status, and messaging status." (*Id.*, 29:56-59.) That "modified display of the annunciator window"—again, modified in response to a change in a state of one or more of the three statuses that could be shown in the annunciator—"displays information selectively across the annunciator window." (*Id.*, 29:59-61.) Thus, the claim language itself plainly suggests that "display[ing] information selectively" encompasses at least displaying information reflecting the changed state for one or more of the previously displayed statuses, as this is the clear purpose for modifying the annunciator window's displayed

information. This understanding also gives meaning to “selectively,” as the annunciator window is modified to display the changed status or statuses but its display for the remaining (unchanged) statuses, if any, is not modified. Accordingly, the annunciator “selectively” displays that new status information.

Simply put, the annunciator can show one or more of the device status, connectivity status, and messaging status. It is modified to “selectively” display information in response to a change in one or more of those statuses (e.g., modified to convey the status change). It would be illogical to construe the claim in a way that does not encompass displaying information reflecting changes to the very status information whose change triggered the modification to the annunciator window display in the first instance.

Reply, 2-3. This context illuminates why there is no error in the Board’s determination that choosing to update the displayed status information in response to a changed state discloses “display[ing] information selectively.” *Contra* Request, 5. Further confirming there is no error, Petitioners also showed that the above interpretation of claim 1 aligns with and encompasses an embodiment disclosed in the ’135 patent specification, whereas Patent Owner’s arguments attempt to exclude that embodiment. *See* Reply, 4-5; *GE Lighting Sols., LLC v.*

AgiLight, Inc., 750 F.3d 1304, 1311 (Fed. Cir. 2014) (claims should not be construed to exclude a disclosed embodiment).

C. Patent Owner Fails to Show the Board Erred

Patent Owner attempts to recharacterize the Board’s findings directed to the prior art meeting Patent Owner’s proposed construction as “the Board backfill[ing] its unsupported conclusion with legal errors.” Request, 6. Patent Owner alleges two specific errors (Request, 6-7), but those arguments both fail.

Patent Owner first argues that the Board’s reliance on Bauer to support its conclusion that Yook renders obvious “displays information selectively” was “a new argument never made by petitioners,” supposedly evidenced by the alleged fact that “the FWD could not cite any of Petitioners’ papers for this argument.” Request, 6 (citing FWD, 28; *Qualcomm Inc. v. Intel Corp.*, 6 F.4th 1256, 1264 (Fed. Cir. 2021)). That is misdirection. The Board cited Bauer (Ex. 1007) as support for the challenged finding. *See* FWD, 28 (citing Ex. 1007, 1:29-33). Petitioners and their expert both cited to the same portion of Bauer as the Board to support their argument that Yook renders obvious “displays information selectively,” including under Patent Owner’s proposed construction. *See* Pet., 35 (citing Ex. 1007, 1:13-33, as confirming it was known to “display status indicators associated with various system resources” of a mobile device); Ex. 1002 ¶62 (same); Reply, 25-27 (citing, *inter alia*, Pet., 35 and Ex. 1002 ¶62). And the Board acknowledged those citations in crediting Petitioners’

position. FWD, 25-27. Even if Petitioners did not articulate the precise finding the Board made about the cited portion of Bauer, “the Board may resolve an issue the parties put in dispute by making findings supported by the evidence, regardless of whether any party advocated for that particularly expressed finding.” *Corephotonics, Ltd. v. Apple Inc.*, 84 F.4th 990, 1011 (Fed. Cir. 2023) (collecting cases). Patent Owner does not contend it was deprived notice, the opportunity to be heard, nor that it was unfairly surprised by the Board relying in the FWD on Petitioners’ cited evidence. That is very different from *Qualcomm*, where the Board did not provide notice that it would, in the Final Written Decision, eschew a claim requirement that the parties agreed on throughout the briefing. *Qualcomm Inc.*, 6 F.4th at 1263-64. Accordingly, there was no error in the Board making permissible fact findings about record evidence.

Patent Owner next tries to find fault in a sentence where the Board agreed with Petitioners that “it is unclear how a processor displaying information could ever fail to meet the plain language of [Patent Owner’s] construction because, if a processor displays something, it was chosen for display.” FWD, 28; *see* Request, 7-8. Patent Owner equates that statement to the Board “tak[ing] the position that ‘displaying information selectively’ is a meaningless limitation.” Request, 7. But the fundamental problem with Patent Owner’s theory is that the Board was not analyzing the plain language “displays information selectively,” it was analyzing

Patent Owner’s proposed construction. *See* FWD, 28. Patent Owner can hardly complain that it proposed a construction so broad that the Board found it was unclear when that construction would fail to be satisfied by a processor displaying information. *See id.* So, the Board was not interpreting a claim in a manner that reads out a limitation as Patent Owner alleges; it was applying Patent Owner’s proposed claim construction. Patent Owner’s apparent dissatisfaction with its own proposed construction does not evidence any error in the Board’s analysis of that construction—doubly so where the Board also determined, in findings that Patent Owner does not even contest, that the claims were rendered obvious by the prior art when applying the plain meaning of the “displays information selectively” term.

D. Patent Owner’s Repeated Citations to its Preliminary Response Should be Disregarded

It is the Board’s longstanding practice to disregard arguments made in the preliminary response but not re-raised after institution. *See In re Nuvasive, Inc.*, 842 F.3d 1376, 1381 (Fed. Cir. 2016) (explaining that a patent owner waives an issue presented in its preliminary response if it fails to renew the issue in its response after trial is instituted). Patent Owner repeatedly and improperly cites its Preliminary Response to support the Request. *See* Request, 2, 3, 7. Arguments that Patent Owner did not deem important enough to renew after institution—which the FWD should not have considered in the first instance—cannot now support granting Director Review.

E. Reversal Is an Improper Remedy

Patent Owner requests reversal of the FWD based on the Board's alleged failure to address an argument related to Patent Owner's proposed claim construction, but that is not a basis for reversal. *See* Request, 1, 4, 8. If the Director finds that the Board did not sufficiently explain why it rejected Patent Owner's argument (but as explained above, the Board adequately supported its determination), that would not be a reason to reverse the Board's ultimate determination. At best, the appropriate remedy would be for the Board to provide a more thorough explanation as to why it agreed with Petitioners that Yook renders obvious Patent Owner's proposed construction.

That is particularly true here because the Board also found that Yook renders obvious "displays information selectively" under its plain meaning. FWD, 10, 24-27. Patent Owner does not seek to disturb that finding (it does not even acknowledge that finding in the Request). *See generally*, Request. Reversing the Board, however, would require reversing those unchallenged findings because the Board did not adopt Patent Owner's claim construction (and the Request does not ask to have Patent Owner's construction adopted) and instead analyzed both plain meaning and the proposed construction. The alleged error only concerns the Board's analysis regarding Patent Owner's proposed construction and so Patent Owner has not shown any basis to reverse the Board's unchallenged plain meaning analysis.

III. CONCLUSION

The Board addressed Patent Owner’s proposed construction for “displays information selectively” and related arguments, and adequately explained why it agreed with Petitioners in the FWD. There is no basis for Director Review and so, for the foregoing reasons, the Request should be denied.

Respectfully submitted,

Dated: May 15, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2026, I caused a true and correct copy of the foregoing Petitioners' Authorized Response to Request for Director Review of the Final Written Decision to be served electronically on counsel for Patent Owner at the following addresses:

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