

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.

IPR2025-00060
Patent 8,842,080 B2

Before HYUN J. JUNG, ARTHUR M. PESLAK, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

PESLAK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Google LLC and Motorola Mobility LLC (collectively “Petitioner”) filed a Petition requesting an *inter partes* review of claims 1, 2, 4–9, 12–16, and 20 (“the Challenged Claims”) of U.S. Patent No. 8,842,080 B2 (Ex. 1001, “the ’080 patent”). Paper 1 (“Pet.”). Multifold International Incorporated Pte. Ltd. (“Patent Owner”) timely filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

We have authority, acting on the designation of the Director, to determine whether to institute an *inter partes* review under 35 U.S.C. § 314(a). *See* 37 C.F.R. § 42.4(a) (2024) (“The Board institutes the trial on behalf of the Director.”). Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Considering the Petition and the Preliminary Response as well as all supporting evidence, we conclude that the information presented in the Petition establishes a reasonable likelihood that Petitioner would prevail in its challenge of at least one claim of the ’080 patent as unpatentable. Pursuant to 35 U.S.C. § 314, we institute *inter partes* review of all challenged claims of the ’080 patent on all grounds stated in the Petition.

A. Related Matters

The parties state the ’080 patent is the subject of Case No. 1:23-cv-01323 (D. Del.) against Google and Case No. 1:23-cv-01173 (D. Del.) against Motorola Mobility LLC. Pet. 1; Paper 4, 1.

B. Real Parties-in-Interest

Petitioner identifies Google LLC and Motorola Mobility LLC as the real parties-in-interest. Pet. 1. Petitioner further notes that Google LLC is a subsidiary of XXVI Holdings Inc., which is a subsidiary of Alphabet Inc., but XXVI Holdings Inc. and Alphabet Inc. are not real parties-in-interest; and Motorola Mobility LLC is a direct, wholly owned subsidiary of Motorola Mobility Holdings LLC, which is indirectly a wholly-owned subsidiary of Lenovo Group Ltd., but Motorola Mobility Holdings LLC and Lenovo Group Ltd. are not real parties-in-interest. *Id.* nn. 1, 2.

Patent Owner identifies itself as the sole real party-in-interest. Paper 4, 1.

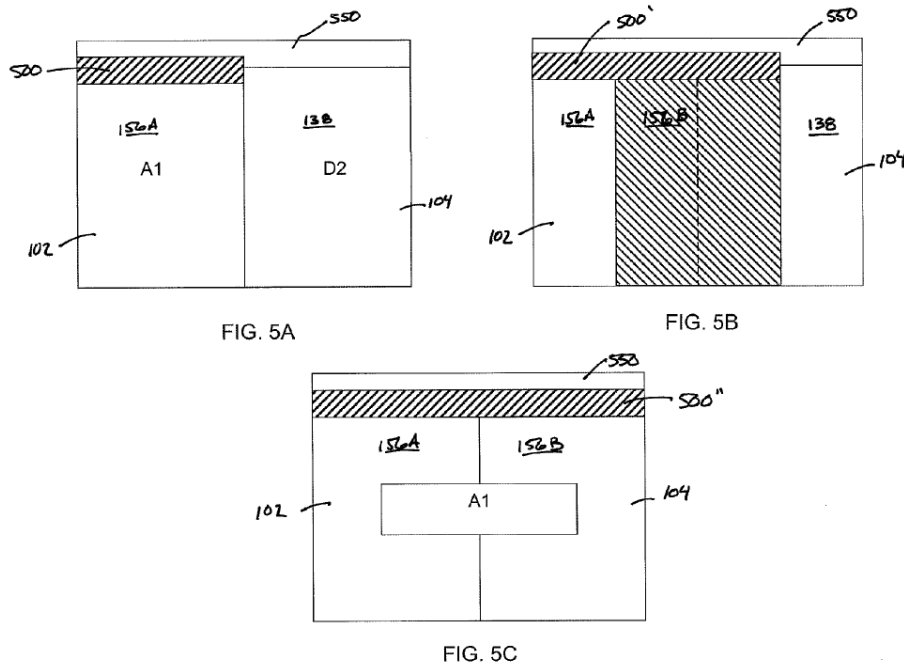
C. Summary of the '080 Patent (Ex. 1001)

The '080 patent is titled "User Interface with Screen Spanning Icon Morphing." Ex. 1001, code (54). The '080 patent's application, No. 12/948,686, was filed November 17, 2010. *Id.* at codes (21), (22). The '080 patent also identifies related provisional applications, No. 61/389,000 filed October 1, 2010, No. 61/389,117 filed October 1, 2010, and No. 61/389,087 filed October 1, 2010. *Id.* at code (60).

The '080 patent describes "[m]ethods and apparatuses for indicating a status of an application that is displayable on one or more displays of a handheld computing device." Ex. 1001, code (57). "An icon may be provided that indicates the status and/or potential statuses of the application," such as whether the application is expandable and/or expanded. *Id.* The icon may be changeable between a first state and a second state depending on the status of the application, and the change in the icon from the first state to the second state may be animated along with an animated

change of the application between display states. *Id.* “As such, a user may observe the icon to determine the status of the application with respect to the one or more displays (e.g., whether the application is expandable, expanded, or expanding).” *Id.* The ’080 patent also explains that the icon may be “indicative of a display status of the application with respect to the first and second displays,” and “the icon may be changed in proportion to the relative position of the application with respect to the first and second display.” *Id.* at 2:61–63, 3:4–6.

Figures 5A–5C of the ’080 patent are reproduced below:



Figures 5A–5C are graphical representations of a handheld computing device during a progression in which a screen is expanded into a second display. Ex. 1001, 3:54–56, 13:35–40.

The ’080 patent explains that a “handheld computing device that is positionable such that a first display 102 and a second display 104 are both visible from the vantage point of the user may allow for expansion of applications to occupy both the first display 102 and the second display

104.” Ex. 1001, 13:24–28. The ’080 patent provides that such expansion may be “by a variety of techniques such as, for example, by way of receipt of a gesture or otherwise,” and for “applications [that] may include one or more screens or have screens that may be expanded across multiple displays, it may be advantageous to provide an indication to a user as to whether the application screen is expandable, has been expanded, or is in the process of expanding.” *Id.* at 13:28–34. To this end, the ’080 patent describes a handheld computing device whose screen may include an icon which indicates to a user “the state of the screen (e.g., be it in an expanded mode, unexpanded mode, or expanding mode).” *Id.* at 13:35–40. The ’080 patent provides that “[t]he icon may be morphed along with the expansion of the application screen or application into another display” as depicted in Figures 5A–5C. *Id.*

In Figure 5A, an expandable multiscreen application 156 appears in a first display 102. Ex. 1001, 13:40–59. A first screen 156A of application 156 occupies substantially all of first display 102, and an icon 500 is provided on first screen 156A and may indicate to a user that application 156 may be expanded. *Id.* Icon 500 may be located along a periphery of the first display 102 (e.g., as shown, icon 500 may be arranged along a top portion of the display). *Id.* Icon 500 may be provided adjacent to or superimposed on a status bar 550. *Id.* As also shown in the figure, icon 500 occupies a portion of status bar 550 and application screen 156A, but according to the ’080 patent, other embodiments may be provided wherein icon 500 is disposed wholly within status bar 550, application screen 156A, or in some other fashion. *Id.* Status bar 550 may provide data such as cellular signal

strength, cellular carrier information, services executing on the device, battery strength, or time/date information. *Id.*

The '080 patent provides that icon 500 “may have a number of states that correspond with the condition of the application 156.” Ex. 1001, 13:60–65. As such, icon 500 may be in a first state. *Id.* “In turn, icon 500” may correspond to . . . icon 500 in a second state (e.g., wherein application 156 is in a second condition).” *Id.* Further, icon 500’ ‘may represent icon 500 in a state between the first state and second state.” *Id.*

D. Illustrative Claim

Independent claim 1 is reproduced below with Petitioner’s annotations¹:

1. [1.pre] A method for controlling a handheld computing device including one or more displays, comprising:

[1.a] displaying a first screen of an application in a first display condition;

[1.b] displaying an icon with the first screen of the application, wherein the icon indicates that the application is in a first state corresponding to the first display condition;

[1.c] receiving a gesture input at a gesture sensor;

[1.d] modifying the manner in which the application is displayed in response to the receiving step;

[1.e] changing the application to a second display condition; and

[1.f] morphing the icon to indicate that the application is in a second state corresponding to a second display condition the morphing comprising changing the shape and size of the icon;

[1.g] wherein the first and the second states comprise an open application state.

¹ We use Petitioner’s annotations herein for ease of reference.

Ex. 1001, 14:60–15:9.

E. Asserted Grounds of Unpatentability

Petitioner, supported by the declaration of Sandeep Chatterjee, Ph.D. (Ex. 1002), asserts the following grounds of unpatentability (Pet. 4)²:

Claims Challenged	35 U.S.C. §	References/Basis
1, 2, 12, 13, 20	§ 102	Ogawa ³
4–9	§ 103	Ogawa, Yook ⁴
1, 2, 12–16, 20	§ 103	Ogawa, Choi ⁵
4–9	§ 103	Ogawa, Choi, Yook

II. ANALYSIS

A. Overview

Petitioner bears the burden of demonstrating a reasonable likelihood that it would prevail with respect to at least one challenged claim for a petition to be granted. 35 U.S.C. § 314(a).

To establish anticipation under 35 U.S.C. § 102, each and every element in a claim, arranged as recited in the claim, must be found in a single prior art reference. *Net MoneyConn, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008); *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242

² We apply the pre-AIA version of 35 U.S.C. § 102 and 35 U.S.C. § 103 because the claims at issue have an effective filing date prior to March 16, 2013, the effective date of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”). *See* Ex. 1001, code (22).

³ Ogawa, JP Patent Publication No. H09-204288, published August 5, 1997, for which Petitioner also submitted a certified English translation (Ex. 1005, “Ogawa”).

⁴ Yook et al., U.S. Pat. Appl. Pub. 2010/0248788 A1, published September 30, 2010 (Ex. 1007, “Yook”).

⁵ Choi, U.S. Pat. 8,649,824 B2, issued February 11, 2014 (Ex. 1006, “Choi”).

F.3d 1376, 1383 (Fed. Cir. 2001). Each element of the challenged claim must be found, either expressly or inherently, in the single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). When evaluating a prior art reference in the context of anticipation, the reference must be “considered together with the knowledge of one of ordinary skill in the pertinent art.” *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (citing *In re Samour*, 571 F.2d 559, 562 (CCPA 1978)). “[A] reference can anticipate a claim even if it ‘d[oes] not expressly spell out’ all the limitations arranged or combined as in the claim, if a person of skill in the art, reading the reference, would ‘at once envisage’ the claimed arrangement or combination.” *Kennametal, Inc. v. Ingersoll Cutting Tool Co.*, 780 F.3d 1376, 1381 (Fed. Cir. 2015) (quoting *In re Petering*, 301 F.2d 676, 681 (CCPA 1962)).

A claim is unpatentable under § 103(a) 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) when in evidence, objective indicia of non-obviousness (i.e., secondary considerations).⁶ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

⁶ No evidence of secondary considerations has been presented at this stage of the proceeding.

The Supreme Court explained in *KSR International Co. v. Teleflex Inc.* that

[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.

550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (alteration in original)).

“Whether an ordinarily skilled artisan would have been motivated to modify the teachings of a reference is a question of fact.” *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1327 (Fed. Cir. 2016) (citations omitted). “[W]here a party argues a skilled artisan would have been motivated to combine references, it must show the artisan ‘would have had a reasonable expectation of success from doing so.’” *Arctic Cat Inc. v. Bombardier Recreational Prods. Inc.*, 876 F.3d 1350, 1360–61 (Fed. Cir. 2017) (quoting *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1068–69 (Fed. Cir. 2012)).

B. Level of Ordinary Skill in the Art

Petitioner asserts a person having ordinary skill in the art (“POSITA”) on the priority date of the ’080 patent:

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 interface technologies, or a related field. . . . More education can supplement practical experience and vice versa.

Pet. 5–6 (citing Ex. 1002 ¶¶ 20–21).

Patent Owner notes that it “applies [Petitioner’s] definition of a POSITA for the purposes of th[e] preliminary response but expressly reserves the right to urge a different definition of a POSITA and support such definition with evidence including expert testimony.” Prelim. Resp. 6.

For the purposes of this Decision, we apply Petitioner’s currently uncontested definition because it appears consistent with the problems addressed in the ’080 patent and the prior art.

C. Claim Construction

In an *inter partes* review proceeding, a patent claim shall be 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). 37 C.F.R. § 42.100(b) (as amended Oct. 11, 2018). Our rule adopts the same claim construction standard used by Article III federal courts, which follow *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc), and its progeny. Under this standard, the words of a claim are generally given their “ordinary and customary meaning,” which is the meaning the term would have to a person of ordinary skill at the time of the invention. *See Phillips*, 415 F.3d at 1312–13. In construing claims in accordance with their ordinary and customary meaning, we take into account the specification and prosecution history. *Id.* at 1315–17.

Petitioner submits that “the Board need not construe any terms of the challenged claims to resolve the underlying controversy.” Pet. 9.

Petitioner however notes the multiple “displays” recited in, e.g., independent claim 12 and dependent claims 2 and 4, and submits that Patent Owner’s infringement contentions “suggest that the ‘first display’ and ‘second display’ in claim 12 read on a single physical display divided into two or more logical displays.” Pet. 9–10 (citing Ex. 1015, 33–34).

Petitioner submits that (i) the presented grounds 1 and 2 cover the respective claims under Patent Owner’s interpretation of “display” which Petitioner alleges to encompass the claimed “first display” and “second display” being logically divided displays of a single physical display, (ii) grounds 3 and 4 cover the respective claims under a narrower interpretation of “display” under which the claimed “first display” and “second display” are physically distinct from each other,⁷ and (iii) ground 3 also covers the respective claims under Patent Owner’s interpretation of “display.”

In response, Patent Owner submits that for the purposes of the Preliminary Response, its arguments “do not turn on any specific construction of ‘display’ and the Board need not address the construction of this term for institution.” Prelim. Resp. 5.

Based on the record at this stage of the proceeding, we need not construe “display” or any other claim term to resolve the controversy before us. *See 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))).

⁷ Petitioner submits this interpretation of “display” is consistent with the description at column 4, lines 18–22 in the ’080 patent. Pet. 9–10.

The parties are free to address the construction of any claim term in subsequent authorized briefing during trial. If either party chooses to do so, they should do so in a separately delineated portion of the brief labelled accordingly.

D. Alleged Anticipation of Claims 1, 2, 12, 13, and 20 by Ogawa

Petitioner contends that claims 1, 2, 12, 13, and 20 are anticipated by Ogawa. Pet. 11–48. Petitioner supports its contentions with the Declaration of Dr. Chatterjee. Ex. 1002.

We begin with a summary of Ogawa. We then address the parties’ respective contentions.

1. Ogawa (Ex. 1005)

Ogawa is titled “Display Device.” Ex. 1005, code (54).⁸ Ogawa discloses a “pen input type electronic device” in which “when a line segment that splits the screen is drawn with a pen, a control unit [] detects the line segment, sets a splitting flag . . . and splits the screen of the display device into two using the line segment as a boundary.” *Id.* at code (57). Ogawa’s Figures 1 and 2 are reproduced below:

⁸ We reference the certified English translation of Ogawa appearing at pages 1–13 in Exhibit 1005. Patent Owner does not dispute the accuracy of the translation provided by Petitioner at this time but reserves the right to do so. Prelim. Resp. 3 n.1.

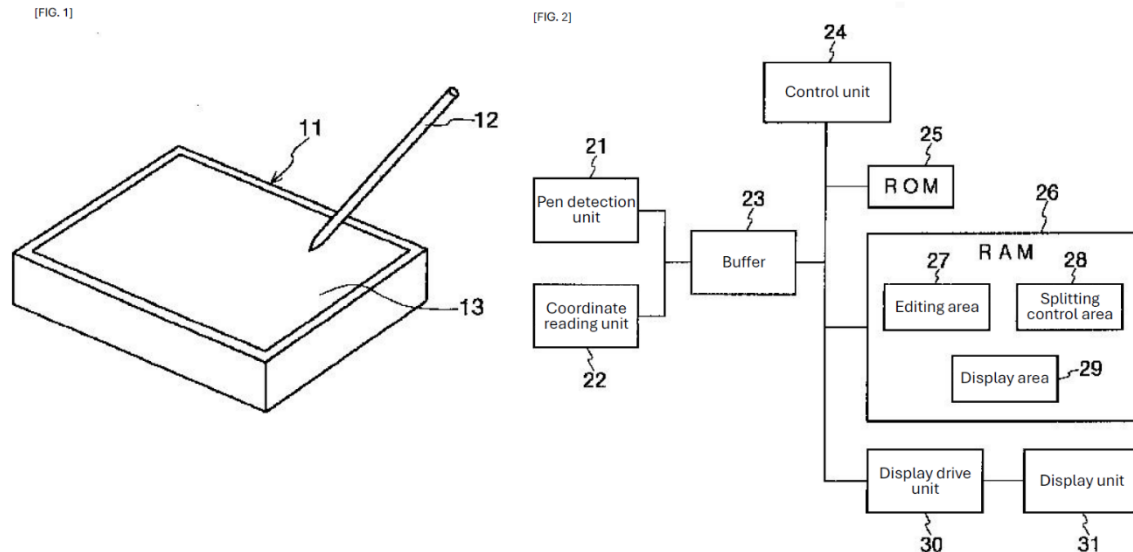
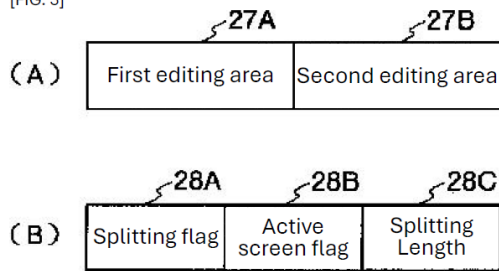


Figure 1 illustrates an electronic device including electronic device main body 11 and electronic pen 12, and Figure 2 is a block diagram of the circuit configuration of the electronic device. *Id.* ¶¶ 11–12.

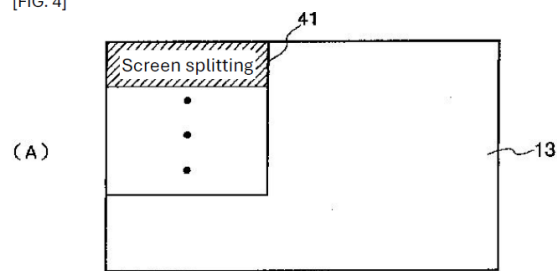
As shown in Figure 1, main body 11 of the electronic device is formed with a display input surface 13 in which a display surface and an input surface are integrated, and as shown in Figure 2, the electronic device is configured with a pen detection unit 21, a coordinate reading unit 22, a buffer 23 that temporarily stores output signals of pen detection unit 21 and coordinate reading unit 22, a control unit 24, a ROM 25, a RAM 26, a display drive unit 30, and a display unit 31. Ex. 1005 ¶¶ 11–12. Display unit 31 may be a flat panel display, and display drive unit 30 displays images on display unit 31 under the control of control unit 24. *Id.* ¶ 15.

Figures 3(A), 3(B), and Figures 4(A)–4(C) of Ogawa are reproduced below:

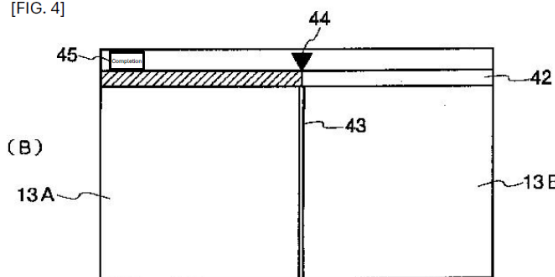
[FIG. 3]



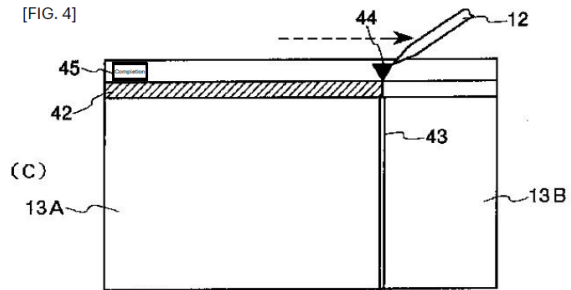
[FIG. 4]



[FIG. 4]



[FIG. 4]



Figures 3(A) and 3(B) illustrate details of the RAM depicted in Figure 2 and how it may be used when the screen of the electronic device is split, and Figures 4(A)–4(C) illustrate an operation when the screen is split. Ex. 1005 ¶¶ 16–19.

As shown in Ogawa’s Figure 4(A), when “Split Screen” is selected with pen 12 while a function operation (menu) 41 is displayed, “an access bar 42 is displayed in a top line of the display area, the entire screen is lowered by one line, and the display surface is split into two screens 13A and 13B, almost symmetrically” as shown in Figure 4(B). Ex. 1005 ¶ 17. The portion of access bar 42 located on an active screen (the screen currently being accessed) is depicted with hatching in Figure 4, to indicate an active state. *Id.* ¶ 18. The active screen is switched by touching display input surface 13 with pen 12. *Id.* The splitting position of the screen is indicated by a pointer 44, and when pointer 44 is designated with pen 12 and the pen is moved left or right (along access bar 42), the splitting ratio (horizontal

size ratio) of the two screens 13A and 13B changes as illustrated in Figure 4(C). *Id.* ¶ 19.

2. *Claim 1*

Petitioner provides a limitation-by-limitation analysis of independent claim 1, mapping each claim limitation to Ogawa. Pet. 11–27.

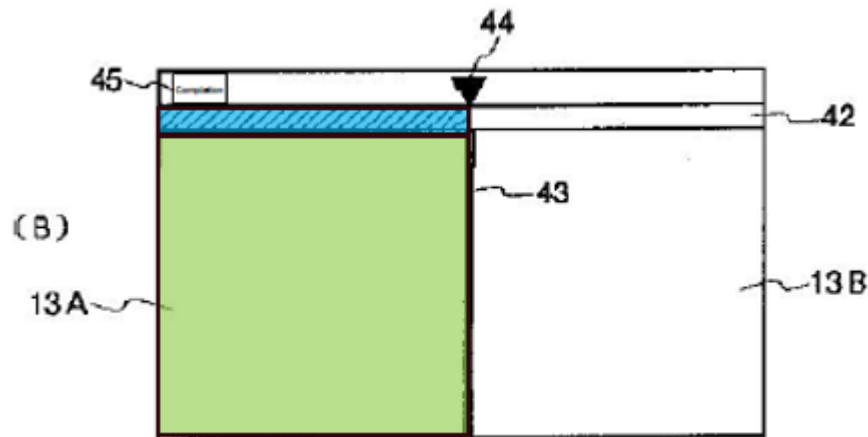
Patent Owner argues Petitioner fails to show that Ogawa alone or in combination with any other reference teaches an icon indicating the open application state of the application as required by claim 1 which, according to Patent Owner, implicates limitations [1.b], [1.f], and [1.g]. Prelim. Resp. 6–10.⁹

We have reviewed Petitioner’s evidence and arguments for the preamble of claim 1 and limitations [1.a] and [1.c]–[1.e] that are not currently disputed by Patent Owner. Based on our review, we find, based on the present record at this stage of the proceeding, that Petitioner sufficiently establishes that Ogawa discloses the preamble of claim 1 and limitations [1.a], [1.c], [1.d], and [1.e].

We now address the parties’ respective contentions for limitations [1.b], [1.f], and [1.g].

Petitioner provides the following annotated version of Ogawa’s Figure 4(B):

⁹ Petitioner does not rely on Yook or Choi in Grounds 2–4 for these limitations. *See* Pet. 49–88.



Pet. 18. Figure 4(B) is an “example of screen operation in an electronic device.” Ex. 1005 ¶ 17. Petitioner annotates this figure by shading element 13A green and element 42 blue. Pet. 18.

Petitioner argues Ogawa discloses limitation [1.b] because it “display[s] a colored/shaded portion of access bar 42 (‘icon’ . . .) with first screen 13A of the program (‘application’), wherein the colored/shaded portion of access bar 42 (‘icon’) indicates that the program is in a first state corresponding to the first window size (‘first display condition’) of the program.” Pet. 18 (citing Ex. 1002 ¶¶ 68–71; Ex. 1005 ¶¶ 17–18, 23–24, 33, Fig. 4(B)).

Petitioner argues Ogawa discloses limitation [1.f] because it “discloses morphing the colored/shaded portion of access bar 42 (‘icon’ . . .) to indicate that the program (‘application’) is in a second state corresponding to the second window size (‘second display condition’).” Pet. 24 (citing Ex. 1005 ¶¶ 17–19, 23, 24, 27, 28, Figs. 3, 4, 5). According to Petitioner:

the shape and size of the shaded portion of access bar 42 changes (commensurate with the size of the first screen 13A changing from figure 4(B) to 4(C)) as part of the morphing of access bar 42 to indicate that Ogawa’s program is in a second state corresponding to the second window size.

Id. at 26 (citing Ex. 1002 ¶ 86; Ex. 1005 ¶¶ 17–19, 23, 24, 27, 28, Figs. 3, 4, 5).

Petitioner argues Ogawa discloses limitation [1.g] because it discloses that the program in first screen 13A in both the first state (figure 4(B)) and second state (figure 4(C)) is in an active state (“open application state”) because the colored/shaded portion of access bar 42 corresponds to the active screen on display input surface 13. . . .

For example, Ogawa discloses that the “portion of the access bar 42 located on an active screen (the screen currently being accessed) is colored (depicted with hatching in FIG. 4) to indicate an active state.”

Pet. 27 (citing Ex. 1002 ¶ 90; Ex. 1005 ¶¶ 16, 18, 23).

Patent Owner argues Petitioner fails to establish that Ogawa discloses limitations [1.b], [1.f], and [1.g]. Prelim. Resp. 6–10.¹⁰ In particular, Patent Owner contends that the icon in Ogawa identified by the Petition does not satisfy the requirement to indicate the state of the application. *Id.* at 7.

Patent Owner contends that “[i]ndicating Ogawa’s active **screen** . . . is very different than indicating an open **application** state, and Ogawa’s teaching of an active screen indicator cannot suggest the claimed open application state indicator.” Prelim. Resp. 8. Patent Owner further contends that “[t]here is no teaching in Ogawa that its active screen always contains the same open application.” *Id.* at 9. Patent Owner argues that, in Ogawa, “a user can close the original program that was displayed when the screen was split and execute an entirely different program on the same split screen – and thus explicitly contemplates that an application displayed in one of

¹⁰ Patent Owner submits that its claim 1 arguments apply to the limitation in claim 12 “with respect to the icon indicating the open application state.” Prelim. Resp. 6.

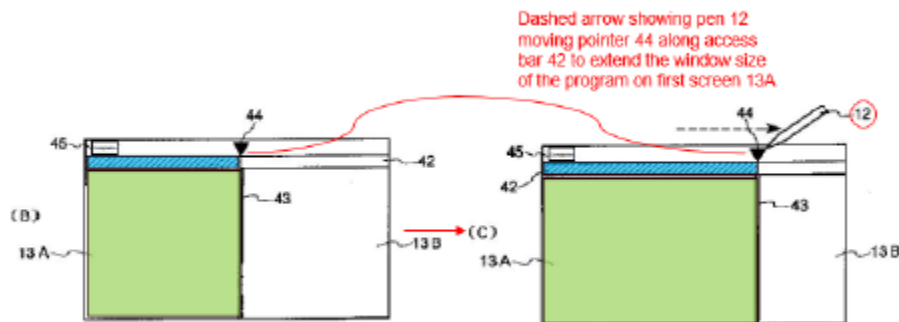
Ogawa’s split screens can be closed.” *Id.* (citing Ex. 1005 ¶ 33). According to Patent Owner, “access bar 42 indicates whether Ogawa’s split screen is active or not, because it only changes when the screen (not application) changes” and “does not indicate any open application state of the application.” *Id.*

We note that Patent Owner does not dispute at this stage of the proceeding that Ogawa’s access bar 42 indicates the recited “first display condition” recited in limitation [1.b] and “second display condition” recited in limitation [1.f]. *See* Prelim. Resp. 6–10. Rather, Patent Owner’s arguments are limited to whether the first display condition and second display condition “comprise an open application state” as required by limitation [1.g].

For the following reasons, Petitioner sufficiently establishes that Ogawa discloses these limitations based on the present record at this stage of the proceeding.

Patent Owner begins its argument with the premise that “Ogawa’s teaching of an active screen indicator cannot suggest the claimed open application state indicator.” Prelim. Resp. 8. We note that Patent Owner does not direct us to any portion of the Specification or prosecution history of the ’080 patent describing the recited “open application state” nor does Patent Owner propose a construction of this term. *See generally* Prelim. Resp. Our review of the Specification and prosecution history does not reveal any explicit description of “open application state.” Consequently, we give this term its plain and ordinary meaning that an application screen is open in the display.

Petitioner provides the following color annotated version of Ogawa's Figures 4B and 4C:



Pet. 22. Figures 4B (on left) and 4C (on right) are “example[s] of screen operation in an electronic device.” Ex. 1005 ¶ 17. Petitioner annotates these figures by shading element 13A green, element 42 blue, adding a red circle around element number 12 in Figure 4(C), and red text stating “Dashed arrow showing pen 12 moving pointer 44 along access bar 42 to extend the window size of the program on first screen 13A.” Pet. 22.

Patent Owner’s arguments appear to conflate two separate processes disclosed in Ogawa. i.e, changing the horizontal ratio of screens 13A and 13B and changing which of screens 13A and 13B is active. In Ogawa, pointer 44 can be moved left or right with pen 12 to change the horizontal size ratio of screens 13A and 13B. Ex. 1005 ¶¶ 17–19, 28, 29. In order to change a screen from inactive to active, pen 12 touches either screen 13A or 13B *not* pointer 44. *See id.* ¶ 29 (“if the left screen 13A is currently set to the active state and the right screen 13B is touched with the pen 12, a determination is made that the active screen has been changed [from 13A to 13B]).” Ogawa also discloses that data processing is performed for the application in the active screen and that “if a program different from the program being processed on the first screen 13A is executed [on screen

13B], the first screen is not affected.” *Id.* ¶ 33. Further, “two different programs such as a calendar and a schedule, . . . can be displayed independently on the two split screens.” *Id.*

While Patent Owner’s argument that “[t]here is no teaching in Ogawa that its active screen always contains the same open application” (Prelim. Resp. 9) may be true, Patent Owner does not direct us to any disclosure in Ogawa where moving pointer 44 from left to right as shown in Figures 4(B) and 4(C) or changing the active screen necessarily results in the application closing. Patent Owner relies on paragraph 33 for its additional argument that Ogawa “explicitly contemplates that an application displayed in one of Ogawa’s split screens can be closed.” Prelim. Resp. 9. This argument is unsupported by paragraph 33 of Ogawa. In fact, Ogawa discloses that “even if a program different from the program being processed on the first screen 13A is executed, the first screen 13A is not affected.” Ex. 1005 ¶ 33. The clear implication from this text is both applications may remain open regardless of which screen is active.

For the foregoing reasons, Petitioner sufficiently supports its argument that “Ogawa discloses that the program in first screen 13A in both the first state (figure 4(B)) and second state (figure 4(C)) is in an active state (‘open application state’)) because the colored shaded portion of access bar 42 corresponds to the active screen on display.” Pet. 27. Consequently, Petitioner sufficiently shows that limitations [1.b], [1.f], and [1.g] are disclosed by Ogawa.

i. Summary of Claim 1

For all the foregoing reasons, Petitioner establishes a reasonable likelihood that claim 1 is anticipated by Ogawa.

3. Claim 12

Petitioner provides a limitation-by-limitation analysis of independent claim 12, mapping each claim limitation to Ogawa. Pet. 29–46.

Patent Owner does not dispute Petitioner’s contentions for the preamble of claim 12 and limitations [12a]–[12f]. Rather it presents the same arguments as those for claim 1, for limitations of claim 12 that “recite[] substantially similar limitations [as claim 1] with respect to the icon indicating the open application state.” Prelim. Resp. 6–10.

We have reviewed Petitioner’s evidence and arguments for the preamble of claim 12 and limitations [12a]–[12f] and find that Petitioner sufficiently establishes that Ogawa discloses the preamble and these limitations.

Patent Owner’s contentions for limitations [12g]–[12i] are unavailing for the same reasons discussed above for claim 1.

For these reasons, Petitioner establishes a reasonable likelihood that claim 12 is anticipated by Ogawa.

4. Claims 2, 13, and 20

Petitioner cites to additional disclosures in Ogawa that it contends corresponds to the limitations in dependent claims 2, 13, and 20. Pet. 27–28, 46–48.

Patent Owner does not address these claims separately from the arguments raised regarding independent claims 1 and 12. *See* Prelim. Resp.

Because we have already determined that Petitioner has shown a reasonable likelihood that independent claims 1 and 12 are anticipated by Ogawa, we do not reach these dependent claims at this time.

E. Petitioner's Remaining Challenges

Because we have already determined that Petitioner has shown a reasonable likelihood that it would prevail in establishing that at least one challenged claim of the '080 patent is unpatentable and because we have addressed all of Patent Owner's arguments set forth in the Preliminary Response, we do not reach the remaining grounds at this time.

III. CONCLUSION

Based on the present record, we determine that Petitioner demonstrates a reasonable likelihood that it would prevail in establishing that at least one challenged claim of the '080 patent is unpatentable. We, thus, institute an *inter partes* review of all challenged claims of the '080 patent based on all grounds in the Petition. At this stage of the proceeding, we have not made a final determination under 35 U.S.C. § 318(a) with respect to the unpatentability of any challenged claim.

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 the '080 patent is instituted with respect to all challenged claims and grounds set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(a) and 37 C.F.R. § 42.4(b), *inter partes* review of the '080 patent shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

PETITIONER:

Naveen Modi
Joseph Palys
Daniel Zeilberger
Quadeer Ahmed
Timothy Pearce
Christopher Higgins
David Valente
PAUL HASTINGS LLP
naveenmodi@paulhastings.com
josephpalys@paulhastings.com
danielzeilberger@paulhastings.com
quadeerahmed@paulhastings.com
tvpptabdocket@orrick.com
0chptabdocket@orrick.com
davidvalente@paulhastings.com

PATENT OWNER:

James T. Carmichael
Stephen Schreiner
Minghui Yang
Stephen McBride
Christopher R. Abidin
CARMICHAEL IP, PLLC
jim@carmichaelip.com
schreiner@carmichaelip.com
mitch@carmichaelip.com
stevemcbride@carmichaelip.com
chris@carmichaelip.com