

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC and MOTOROLA MOBILITY LLC,
Petitioners,

v.

MULTIFOLD INTERNATIONAL INC. PTE. LTD.,
Patent Owner.

Case IPR2025-00060
U.S. Patent No. 8,842,080

PATENT OWNER'S SUR-REPLY

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Realtime Data, LLC v. Iancu,
912 F.3d 1368 (Fed. Cir. 2019) 2

I. INTRODUCTION

For the reasons discussed in detail below and in the Patent Owner Response, the Petition has not shown that the art suggests an icon that indicates an application meeting every element of the independent claims is in an “open application state” as correctly construed. Since icons in the art do not indicate that an icon is in an “open application state,” the Board should confirm the patentability of claims 1, 2, 4-9, 12-16, and 20.

II. CLAIM CONSTRUCTION

A. “Open Application State”

The plain and ordinary meaning of “open application state” is that “the application is open and being displayed in the corresponding display condition/status.” POR, 7-9.

This is required by the claim language. *Id.* Claim 1 (and analogously claim 12) specifies that “*the* application is in a first state,” “*the* application is in a second state,” and “*the* first and *the* second states comprise an open application state.” POR, 8. The antecedents in these clauses unambiguously require that the open application state be the state of the same application recited throughout claim 1 (and claim 12 respectively). *Id.* If two or more applications are simultaneously displayed, the language of claims 1 and 12 requires that a single application meet all the recited elements, including that the application has two or more states that comprise an open

application state. *Id.* Furthermore, the claim language requires that “the first state correspond[s] to the first display condition” and “the second state correspond[s] to the second display condition” and “the first and the second states comprise an open application state.” Therefore, the open application state must be the state of the application recited in claims 1 and 12 respectively (*i.e.*, in one of the corresponding display conditions/statuses), and not the state of a screen displaying the application (which could allow for different applications to be displayed, or different applications to be opened and closed). POR, 8-9.

Petitioners’ Reply first argues that there is no need to construe “open application state.” Reply, 2-3. But the Parties appear to dispute whether a single application in the art meets every claim element, including that an icon indicates that an application is in the “open application state.” The Board must construe “open application state” to resolve this dispute. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019).

Petitioners then argue that the claim language does not support Patent Owner’s proposed construction. Reply, 3-5. But Petitioners’ argument ignores multiple antecedent requirements in claims 1 and 12. For example, claim 1 recites:

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

displaying a first screen of *an application* in a first display condition;

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;

receiving a gesture input at a gesture sensor;

modifying the manner in which *the application* is displayed in response to the receiving step;

changing *the application* to a second display condition; and

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;

wherein *the first and the second states comprise an open application state*.

Here, as shown in red, claim 1 recites *an application* and the remaining claim steps are performed with *that application* (the same one). As shown in green, *the first state and the second state* are states of *that application* (“*the application is in a first state*” and “*the application is in a second state*”). Therefore, when claim 1 recites “*the first and the second states comprise an open application state*,” the open application state must be a state of *the same application* consistently recited in claim 1. The same is true of claim 12.

The Reply ignores these antecedents that require Patent Owner’s construction. While the Reply is correct that “[first/second] display condition’ are not limited to an ‘open application state’” (Reply, 5), this inverts the inquiry. Claim 1 (and claim 12) require the “open application state” be a state of the same application recited by

the rest of the claim, regardless of whether that application may have other states. In other words, a single application must satisfy all the steps of claims 1 and 12 respectively, including that the “open application state” be a state of that single application. POR, 7-9.

Because the antecedents in the claims require Patent Owner’s construction, it should be adopted.

III. CLAIMS 1, 2, 4-9, 12-16, AND 20 ARE PATENTABLE

A. All Claims: Petitioners’ art does not suggest an icon that indicates an application which also meets every claim element is in an “open application state”

Correctly construed, an “open application state” indicates that the application (meeting the remaining claim elements) “is open and being displayed in the corresponding display condition/status.” Section II.A *supra*. This claim language requires the icon to indicate that *the application* is open in the corresponding display condition/status (i.e., with respect to how the application is displayed in the first and second displays). *Id.*; POR, 7-9.

Neither claim 1 nor claim 12 is obvious in view of Ogawa because the status bar in Ogawa alleged by Petitioners to be the claimed icon does not indicate that the application is open in the corresponding display condition. POR, 11-16. Instead, Ogawa’s status bar indicates whether one of Ogawa’s multiple screens is active (*i.e.*, an active screen). *Id.* As Dr. Surati explained in deposition:

[Ogawa] can't indicate that it's an open application because it's indicating the screen is active. The state of the application or desktop underneath it is not clearly that of an open application because it could be a desktop, it could be another application. It's not indicative of that particular application being open. It could be a desktop.

Ex.1016, 58:19-59:15. In other words, Ogawa's icon indicates that a screen is active, not that a particular application meeting the remaining elements of claim 1 (or claim 12) is active. And because Ogawa's screen does not require an active application and is not limited to a particular application, Dr. Surati further confirmed that just because Ogawa's access bar is colored does not mean that there is an active application in the part of the screen indicated by the access bar:

[I]f you happen to see [Ogawa's] icon, it indicates that part of the screen is active, and there could be an open application on the screen, but there doesn't have to be... if I were to just tell you, oh, the -- if I just put your hands over your head and I said, oh, the left-hand side of the screen -- I mean, of that diagram 42 is lit up, is there an application that's open on that screen? ***You wouldn't know*** because you don't know if there's an application open on that part of the screen -- I mean, literally there as opposed to it's just the desktop. I think that's what I'm trying to say is that if you say -- if I make that statement, you don't know that there's an application there on that screen, A; and B, if it is, and that's active, it probably would indicate that it's open, but it's not necessarily an indication that there's an open application on that screen just because it's active.

Ex.1016, 61:2-62:3.

Fundamentally, Petitioners do not dispute that Ogawa's access bar indicates the status of an active screen – not an active application. Instead, Petitioners argue, citing *Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc.*, 843 F.3d 1315, 1336-37 (Fed. Cir. 2016), that Ogawa anticipates because its access bar color may *sometimes* coincide with an active application in the active screen. Reply, 8. The Reply then provides various scenarios when this occurs. Reply, 10-16. But despite these scenarios, Petitioners' argument that Ogawa's access bar *only sometimes* matches an open application during operation confirms that Ogawa's access bar indicates the status of an active screen – not an active application. But this is not an issue of Ogawa sometimes meeting the “open application state” element during operation. Rather, Ogawa's access bar does not and cannot correctly indicate an “open application state” because it indicates the open state of a screen – a completely different element than the claimed application.

Petitioners then argue that the Board previously rejected Patent Owner's arguments regarding Ogawa's access bar. Reply, 9. But respectfully, the Institution Decision did not consider the additional evidence submitted in Patent Owner's Response including the additional examples and Dr. Surati's supporting testimony confirming that Ogawa's access bar does not indicate that an application meeting the remaining claim elements is in an “open application state” as correctly construed. POR, 12-16. And Petitioners' admission in the Reply that Ogawa's access bar *only*

sometimes coincides with an active application was also not before the Board. *See* Reply, 8. The additional evidence, examples, expert testimony, and even Petitioners' admission confirms that Ogawa's access bar does not indicate an application meeting the remaining claim elements is in an "open application state."

Finally, Patent Owner notes that Petitioners' admission that they did not consider the examples provided by Patent Owner where Ogawa's access bar does not indicate an application meeting the remaining claim elements is in an "open application state" further confirms that they did not consider whether Ogawa's access bar correctly maps to all the claim elements. Reply, 17-20. The first example where Ogawa's active screen may display different applications at different times is a natural reading of Ogawa – as the Institution Decision recognized, "[t]here is no teaching in Ogawa that its active screen always contains the same open application." Paper 8, 20. And Patent Owner's second example where the same application is open on both screens is further compelling – Petitioners' expert Dr. Chatterjee confirmed that a person of ordinary skill would recognize this example from Ogawa's teachings, and Dr. Surati then confirmed that Ogawa's access bar does not indicate an application meeting the remaining claim elements is in an "open application state" in this example. POR, 13-16 (*citing* 164:6-165:1). Petitioners' only response? Ogawa's access bar *only sometimes* matches an open application. Reply, 19-20. But this is not an issue of Ogawa sometimes meeting the "open application state" element

during operation. Rather, Ogawa's access bar does not and cannot correctly indicate an "open application state" because it indicates the open state of a screen – a completely different element than the claimed application.

Ogawa thus does not suggest an icon associated with an application that indicates an open application state of the application as claimed. As the Petition does not rely on any other reference for this element, claims 1, 2, 4-9, 12-16, and 20 are patentable over all instituted grounds.

IV. CONCLUSION

For the foregoing reasons, the Petitioners have failed to show by a preponderance of the evidence that claims 1, 2, 4-9, 12-16, and 20 are unpatentable.

Date: December 26, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This Patent Owner's Sur-Reply ("Sur-Reply") consists of 1,818 words, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The Sur-Reply complies with the type-volume limitation of 5,600 words as mandated in 37 C.F.R. § 42.24. In preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

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Date: December 26, 2025

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, pursuant to 37 CFR § 42.6(e), a true and correct copy of the foregoing **PATENT OWNER'S SUR-REPLY** have been served electronically via email on counsel of record for Petitioner:

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