

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC and MOTOROLA MOBILITY LLC,  
Petitioner,

v.

MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD.,  
Patent Owner.

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IPR2025-00060  
Patent 8,842,080 B2

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Record of Oral Hearing  
Held: February 25, 2026

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

APPEARANCES:

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The above-entitled matter came on for hearing Wednesday, February 25, 2026, commencing at 10:45 a.m. EST, at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P-R-O-C-E-E-D-I-N-G-S

10:45 a.m.

JUDGE JUNG: Please be seated.

JUDGEJUNG: Good morning. This is an oral argument for IPR2025-00060. In this proceeding Petitioners Google and Motorola challenge Claims 1, 2, 4 through 9, 12 through 16, and 20 of U.S. Patent Number 8,842,080 owned by Multifold International.

Beginning with Petitioner's Counsel, followed by Patent Owners Counsel, please state your names for the record.

MR. AHMED: Good morning, Your Honor. My name is Quadeer Ahmed. I'm counsel for Petitioners Google and Motorola. And with me are my co-counsel, Daniel Zeilberger and Naveen Modi. And we also have our client, Mr. Timur Engin.

JUDGE JUNG: Welcome to all of you.

MR. YANG: Good morning, Your Honor. Mitch Yang on behalf of Patent Owner Multifold. With me is my colleague, Steve Schreiner.

JUDGE JUNG: Welcome. I remind you once again, refer to demonstratives, papers, and slides by page or exhibit number or page or slide number, and there is a line for the public to listen in to this proceeding.

All that said, Mr. Ahmed, you may proceed when you're ready.

MR. AHMED: Your Honor, may I approach the bench for the demonstrative --

JUDGE JUNG: Oh, yes, you may approach.

MR. AHMED: Thank you.

JUDGEMURPHY: Thank you.

MR. AHMED: Okay. (inaudible).

1           So I'm connected to the HDMI here. Can you all see it or -- I can't?

2           JUDGEMURPHY: I think --

3           JUDGE JUNG: You have to give us a moment.

4           MR. AHMED: I can get started?

5           JUDGE JUNG: Yes, you may proceed.

6           MR. AHMED: May it please the Board. Good morning, Your  
7 Honors. Before I begin, I'm aiming to reserve about 10 minutes for my  
8 rebuttal.

9           Your Honors, based on the petition and accompanying evidence, the  
10 Board instituted a review of all challenged claims of the 080 Patent based on  
11 each proposed ground in this IPR. If you go to Slide 2, you can see the  
12 instituted grounds are listed there. The record as further developed during  
13 trial, including cross-examination testimony of Petitioners' expert, Dr.  
14 Sandeep Chatterjee, and Patent Owner expert, Dr. Rajeev Surati, provide  
15 more than sufficient evidence for the Board to confirm its preliminary  
16 finding and issue a final written decision canceling the challenged claims in  
17 this IPR.

18           Let me explain why. Your Honor, the 080 Patent includes two  
19 independent claims, namely Claims 1 and 12. Both Claims 1 and 12 are  
20 challenged in this IPR. As shown in Slide 2, the Board instituted Ground 1,  
21 under which independent Claims 1 and 12, amongst the other challenge  
22 claims are anticipated by Ogawa, which is Exhibit 1005 in this proceeding.

23           The Board also instituted Ground 3 under which Independent Claims  
24 1 and 12, along with the other challenged claims are rendered obvious over  
25 Ogawa and Choi, which is Exhibit 1006. Patent Owner's attempt to

1 distinguish Independent Claims 1 and 12 from the prior art are the same for  
2 Grounds 1 and 3.

3 If you can go to slides -- slide 5, please. Your Honors, Patent Owner's  
4 arguments -- argument distinguishing Claims 1 and 12 from the prior art is  
5 based on an unsupported claim construction position for the claim term open  
6 application state. But Your Honors, Ogawa discloses this term under both  
7 its plain and ordinary meaning, which is Petitioner's position and under  
8 Patent Owner's proposed construction.

9 As you -- as you can see here on Slide 5, actually, Your Honors,  
10 Patent Owner's expert agreed that the claim construction dispute is not  
11 relevant to whether Ogawa discloses the open application term. Patent  
12 Owner -- Patent Owner's expert acknowledged this point both in his opening  
13 declaration; that's Exhibit 2002 at Paragraph 55, and also during his cross  
14 examination; that's Exhibit 1016 at Page 45, Line 6 to 17.

15 So unless your Honors have questions about the claim construction  
16 position, Your Honor, I would like to proceed to demonstrate how Ogawa  
17 discloses this limitation under both, you know, its plain and ordinary  
18 meaning --

19 JUDGE MURPHY: Yeah, just one question. So Petitioner, again, is  
20 not taking a position on the claim construction; is that it?

21 MR. AHMED: Your Honor, we believe that the, you know, open  
22 application term should be given as plain and ordinary meaning and I think  
23 that encompasses what the Board said in its Institution Decision.

24 JUDGE MURPHY: Well, but that's the Institution Decision.

25 MR. AHMED: Right.

1 JUDGE MURPHY: Now we have to do a final -- I just want to know  
2 if you're taking a position on claim construction.

3 MR. AHMED: No, we believe the term should be entitled to plain  
4 and ordinary meaning.

5 JUDGE MURPHY: Thank you.

6 MR. AHMED: So if we can go to Slide 13, please. See, Slide 13  
7 shows claim -- independent Claim 1 of the 080 Patent. Claim 1 is a method  
8 claim directed to controlling a handheld computing device including one or  
9 more displays. The relevant parts of the claim are highlighted here.  
10 (inaudible) displaying a first screen of an application in a first display  
11 condition, displaying an icon with the first screen of the application wherein  
12 the icon indicates that the application is in a first state corresponding to the  
13 first display condition, changing the application to a second display  
14 condition, and then morphing the icon to indicate that the application is in a  
15 second state, corresponding to a second display condition. And finally, the  
16 claim recites that the first and second states comprise an open application  
17 state.

18 Slide 14 shows the relevant portions of Independent Claim 12 of the  
19 080 Patent highlighted. And again, I'm not going to repeat some of the  
20 similar claim language, but ultimately the claim again recites that the first  
21 and second states comprise an open application state.

22 Your Honors, Ogawa discloses the limitations of these claims in  
23 essentially the same way as that disclosed by the 080 Patent. For example,  
24 as Petitioner demonstrated in the petition, the relevant figures in Ogawa are  
25 nearly indistinguishable from the 080 Patent figures related to the claim  
26 limitations at issue.

1           Let me walk you through them now. Go to Slide 15, please. Slide 15,  
2           Your Honors, shows -- addresses the first limitation of the claim, displaying  
3           a first screen of an application to a first display -- in a first display condition.  
4           And as shown on the left-hand side of the screen as Figure 4B of Ogawa,  
5           that shows a program that is the application in Ogawa that's shaded in green,  
6           that's displayed in a first screen -- in a first display condition, which is the  
7           window size of the program, right?

8           And then when the 080 Patent describes this example in the  
9           specification, it references Figure 5A, which again, as you can see, you can  
10          barely tell the difference between the two figures. Figure 5A shows that in  
11          Application A1 it's displayed on a first screen 102 in a first display  
12          condition. And again, that condition is -- corresponds to the size of the  
13          application window.

14          Similarly, if we go to Slide 16, addressing the limitation of displaying  
15          an icon with this first screen of the application, where the icon indicates the  
16          application is in a first state corresponding to the first display condition.  
17          And similarly, this claim also -- this slide also addresses a similar limitation  
18          in Claim 12, which says displaying an icon associated with the application.  
19          If you -- again, if you look at the left-hand side of the slide, Figure 4B of  
20          Ogawa shows an Access Bar 42. There's a colored portion of it in blue that  
21          indicates that the -- indicates that the application is in a first state  
22          corresponding again to the first display condition, which is a size. So if you  
23          see the icon Access Bar 42, it -- it's commensurate with the size of the  
24          application window -- the program window on the left side.

25          And again, the 080 Patent, when it's describing this example, shows  
26          the same thing in Figure 5A. It talks about an Icon 500, again shaded in blue

1 here on the right-hand side, and it corresponds to the first display condition  
2 of the application again, which is the size of the Application A1.

3 Going to Slide 17, Your Honors, this addresses the next limitation,  
4 which is changing the application to a second display condition. And this  
5 shows on the top -- on the top half of the slide, the transition between  
6 Figures 4B and 4C in Ogawa's user interface, and the bottom part of the  
7 slide shows the same transition between Figures 5A and 5C of the 080  
8 Patent. And again, as you can see here, as the app -- program window in  
9 Ogawa is extended, is -- the size of it is increased, the program then ends up  
10 in a second display condition, again, corresponding to its window size. And  
11 similarly, the application in the 080 Patent going from Figure A to 5 -- or  
12 Figure 5A to 5B, again, shows that it's changing from a smaller size to a  
13 larger size, and you can see that highlighted in green.

14 So the next limitation now, Your Honors, addresses how the icon  
15 changes commensurate with the application or program size. And so similar  
16 to what you saw in the previous slide, in Ogawa, when you transition from  
17 Figures 4B to 4C, as the window is -- the program window size is increased,  
18 so is the Access Bar 42's colored portion, right? So you can see the blue  
19 portion of the Access Bar 42, the size of that increases commensurate with  
20 the size of the program window. And again, the 080 Patent shows the same  
21 thing and it's transitioned from figure 5A to 5B, the Icon 500 morphs into  
22 the Icon 500 Prime, commensurate with the size of the increased Application  
23 Window A1.

24 So finally, Your Honors, then we come to the Slide 19, which is the  
25 last limitation of the claim, which says that the first and second states  
26 comprise an open application state. Ogawa expressly discloses this

1 limitation, Your Honors. If you look at paragraph 18 of Ogawa Exhibit  
2 1005 reproduced here, it says that the portion of the Access Bar 42 located in  
3 a -- on an active screen -- the screen currently being accessed is colored to  
4 indicate an active state. So when -- whatever portion of the Access Bar 42 is  
5 colored or shaded in Ogawa corresponds to the screen that is currently being  
6 accessed, and you can see that in the figures below.

7 Now, Patent Owner attempts to distinguish its claims from these clear  
8 disclosures of Ogawa by trying to differentiate between Ogawa's screen  
9 from Ogawa's program. Patent Owner argues that while the colored portion  
10 of Access Bar 42 indicates that the screen is open, it does not indicate that a  
11 program on a screen is open. This is the same argument Patent Owner made  
12 in its preliminary response, which the Board preliminarily rejected. But, you  
13 know, Ogawa's disclosures express -- expressly contradict the distinction  
14 that the Patent Owner is attempting to manufacture here, Your Honors.

15 For example, if you see here on Slide 20, Paragraph 33 of Ogawa is  
16 reproduced here, which expressly discloses that when two programs, for  
17 example, a calendar and a schedule, are displayed on the two screens of  
18 Ogawa, they're displayed, and I quote, "According to the splitting ratio." In  
19 other words, if the programs that are being displayed on the screens in  
20 Ogawa are adjusted based on the split ratio of the screens, and the colored  
21 portion of Access Bar 42 then corresponds to the window size of that  
22 program, that is the display condition, right? And the colored portion of the  
23 Access Bar 42 also indicates that the program is in an open application state  
24 because it is a program currently being accessed that is tied to the active  
25 screen. And you can find these arguments and supporting evidence at Pages  
26 18 to 27 of the Petition and Pages 10 to 16 of the Reply.

1           In fact, Your Honors, if we turn to Slide 23, Patent Owner's expert,  
2           Dr. Surati, agreed with Petitioner's understanding of Ogawa. During his  
3           cross-examination, Dr. Surati was asked whether Ogawa's Paragraph 33 that  
4           we just discussed discloses that the programs being displayed on Ogawa  
5           screens are displayed according to the splitting ratio of the screens. As you  
6           can see here, Dr. Surati agreed. He also agreed that along with the displayed  
7           programs being displayed on the split -- based on the split ratio, the Access  
8           Bar 42, which is the icon, is also changed according to the splitting ratio.  
9           And this testimony, Your Honors, as you can see here, is from Exhibit 1016  
10          at Page 65, Line 8, to Page 66, Line 21.

11          If you go to Slide 24, where we again highlight certain testimony from  
12          Dr. Surati's cross-examination, Dr. Surati similarly agreed that the Access  
13          Bar 42 expanded in commensurate fashion with the program being expanded  
14          on Ogawa's screen, and that colored portion of Access Bar 42 indicates that  
15          the screen is active, meaning that the program displayed on the screen is also  
16          active. This is at Page 71, Lines 4 to 22 of Exhibit 1016.

17          Your Honor, Dr. Surati's admissions regarding how Ogawa operates  
18          are dispositive for the main disputed issue in this case. Given he agreed with  
19          Petitioner's positions and evidence regarding how Ogawa operates, there's no  
20          question that Ogawa's Access Bar 42, that is, the claimed icon, indicates that  
21          the first or second state of the displayed program is in an open application  
22          state as claimed. And even if you take Patent Owner's construction into  
23          account, Ogawa discloses the claim limitation at issue. Patent Owner  
24          proposed that the term open application state be construed as the application  
25          is open and being displayed in a corresponding display condition status.  
26          This is exactly how Ogawa operates. For example, Ogawa's Access Bar 42,

1 again, the icon, indicates that the first and second state of the displayed  
2 program indicate that the program is open because it -- again, it's tied to the  
3 active flag in Ogawa, right, the active screen flag in Ogawa. And also in -- it  
4 corresponds to the display condition or status of the application because  
5 it's -- it -- it's always commensurate with the size of the displayed program.  
6 And again, this is supported by Paragraph 33 of Ogawa and the cross-  
7 examination testimony of Dr. Surati that we highlighted, along with Dr.  
8 Chatterjee, Petitioner's expert's testimony that's cited both in the Petition and  
9 the opening Declaration and in the Reply.

10 JUDGE MURPHY: And is that what you're also showing in, I guess  
11 it's Slide 19, Ogawa Figures 4B and C?

12 MR. AHMED: That's exactly right, Your Honor. So if you see -- if  
13 you look at Figures 4B and C, either figure, if you pick and you look at -- if  
14 you take Patent Owner's construction into account, which says that the  
15 application is open, let's take it part-by-part, the application is open. So the  
16 green part of the screen, which is the open program, both in Figures 4B and  
17 4C, the program is open, and that is why the -- that side of the Access Bar 42  
18 is what's indicated as active, right? Because that's -- it's tied to the active  
19 screen. And Dr. Surati agreed that as the programs extend, so does the  
20 access bar. So then going to Figure 4C, same thing. As the program is -- as  
21 the program window is -- size is increasing, so is the Access Bar 42.

22 So the -- in both those examples, Figures 4B and 4C, Patent Owner's  
23 construction says that the application is open, and that's what the icon  
24 indicates, that the application is open. And then the next part of Patent  
25 Owner's construction that is being displayed in the corresponding display  
26 condition/status, and that simply, Your Honors, is tied to the size of the

1 program window. So not only does the Access Bar 42, when it's colored,  
2 indicate that that's the screen that's being accessed, that's the program that's  
3 being accessed, it's open, but it also always aligns with the size of the  
4 program window, which is the display condition of the program. So both  
5 part of Patent Owner's proposed construction, which we -- which is  
6 unsupported, we believe, but even if you take that into account, it's -- you  
7 know, it's shown by Ogawa.

8 JUDGE MURPHY: Yeah, thank you.

9 MR. AHMED: Okay. So I just want to address, Your Honors, before  
10 I -- let me -- one point I wanted to address is Patent Owner's counsel may  
11 argue that certain hypothetical scenarios in Ogawa do not meet the claim  
12 limitations. But as explained in our Reply at Pages 17 to 20, those  
13 hypothetical scenarios are not described in Ogawa and were not relied upon  
14 in the Petition. The scenarios that were actually relied upon in the Petition,  
15 which I just went through, expressly disclose all the features of the  
16 challenged claims. And in the Reply, Petitioner had cited the *Power*  
17 *Integrations* case for the proposition that in at least one of Patent Owner's  
18 scenarios discussed at Pages 18 to 20 of the reply, the claim limitation is met  
19 at least at one point during Ogawa's operation under that hypothetical. But  
20 Patent Owner's focus on the *Power Integration* citation is simply an attempt  
21 to distract this panel from how indistinguishable Ogawa's figures are from  
22 the 080 patent figures, which all are relevant to, you know, the claim  
23 limitations at issue. Patent Owner never confronts the actual mapping of  
24 Ogawa to the claims that was presented in the petition based, again, on  
25 Ogawa's express disclosures and drawings.

1           Finally, Your Honors, if you don't have any questions with respect to  
2 Claim 1, I just want to make note that with respect to Claim 2 -- sorry, I just  
3 want to pause. Do you have any? That's all.

4           JUDGE JUNG: I have no questions.

5           JUDGE MURPHY: Judge Peslak, do you have any questions?

6           JUDGE PESLAK: I don't. Thank you.

7           MR. AHMED: All right, great. So with respect to Claim 2, while  
8 Patent Owner initially made some arguments in its Patent Owner Response  
9 that did not counter Petitioner's rebuttal to those arguments in their reply,  
10 Petitioner is planning to rest on the papers for its petitions on Claim 2,  
11 unless Your Honors have any questions?

12          JUDGE MURPHY: No questions.

13          MR. AHMED: Thank you, Your Honors. I'll reserve the rest of my  
14 time for rebuttal.

15          JUDGE JUNG: Okay. You have 27 minutes.

16          MR. AHMED: Thank you.

17          JUDGE JUNG: You may proceed, Mr. Yang.

18          MR. YANG: Thank you, Your Honor. Good morning. I'd like to  
19 reserve 15 minutes for sur-rebuttal. And the issue I want to cover today is  
20 the construction of open application states, and how that construction affects  
21 the remaining language of Claim 1. And the issues with Claim 12 is  
22 analogous to the issues of Claim 1.

23          So I'd like to start with Patent Owner's Slide Number 3. And there are  
24 a few things on Slide Number 3 about Claim 1 that I would like to  
25 emphasize. First, looking at Slide 3, as you can see from the red  
26 highlighting, Claim 1 specifies "displaying a first screen of an application,"

1 and then the remaining claim steps specify the application, the same one. So  
2 what this means is that Claim 1 requires all of the claim steps to be  
3 performed on a single application. It -- so all of the claim steps in Claim 1  
4 that specify the application all have to be performed consistently on that  
5 same application. In other words, Claim 1 cannot be met if one application  
6 is being applied to display the -- displaying a first screen of an application in  
7 a first display condition step, and then a different application is used for  
8 displaying an icon with the first screen of the application step. Those have  
9 to -- all of those steps have to be performed on the same application.

10 And second, as you can see from the green highlighting, the first state  
11 and the second state are states of that single application, the red highlighting,  
12 specified by Claim 1. So the first state and the second state are states of the  
13 application. Claim 1 literally says the application, the same one, is in a first  
14 state, and the application, the same one, is in a second state. So the first and  
15 second states are states of that single application. And then crucially, the  
16 last clause says, "Wherein the first and second states comprise an open  
17 application state." What this means is that the first and second states are the  
18 opening application, but if you recall, Claim 1 earlier said the first and  
19 second states are the states of the application. So the application must have  
20 an open application state. That is what all the dependencies of this -- of  
21 Claim 1 require. All of this is required by the explicit claim language itself.  
22 And also, this is consistent with the specification.

23 If you look at the abstract, the 080 patent, the last line of the abstract  
24 says, and I quote, "A user may observe the icon to determine the status of  
25 the application." So what the abstract is confirming is -- the reading of this  
26 claim is that the user is looking at the icon to be informed about the state of

1 that icon, of the application, which necessarily includes the open application  
2 state as stated by the last element of Claim 1.

3 And so then if I could refer Your Honors to Petitioner's Slide 10.  
4 Petitioner's Slide 10 says that Claims 1 and 12 do not require that the  
5 displayed icon indicate that the application is in an open application state.  
6 And I submit to Your Honors that this is directly contradicted by the claim  
7 language that we just covered. The claim language itself explicitly requires  
8 that the icon indicate that the application is in the open application state  
9 because of the dependent -- because of its clear recital that only one single  
10 application is involved, the first and second states are states of that  
11 application, and the first and second states are an open application state.  
12 Therefore, the icon must indicate that the application is open.

13 JUDGE MURPHY: Well, Counsel, explain to me why, if I -- I'm  
14 looking at Petitioner's Slide 19, which Petitioner's Counsel just walked us  
15 through, based on Patent Owner's proposed claim construction, explain to  
16 me why that's incorrect.

17 MR. YANG: Certainly, Your Honor, and the reason it's incorrect is  
18 because the icon in -- on Slide 19 is indicating the wrong thing. It's  
19 indicating something that it isn't claimed. If you look at Slide 19, Ogawa  
20 literally says, "Access Bar 42 is colored to indicate the active screen." Not  
21 the active application, the active screen. So the -- access Bar 42 isn't  
22 indicating whether there's an application active or whether there's an  
23 application open. It's indicating which of the two screens are active. As  
24 Your Honors stated in the Institution decision, there could potentially be no  
25 act --

1 JUDGE PESLAK: Counsel, are you saying there's no application in  
2 the screens that are colored green?

3 MR. YANG: Your Honor, that's --

4 JUDGE PESLAK: Where do you get that, if that's your position?

5 MR. YANG: My position is, first of all, it -- I believe it's literally  
6 stated in the Institution Decision that there could be instances where Ogawa  
7 has -- where Ogawa only has the screen open without an application. And  
8 second of all, Ogawa itself says -- refers to it as the active screen. Ogawa  
9 never says that there is an active -- there is always an application on that  
10 screen.

11 JUDGE MURPHY: Well, wait a minute. In Paragraph 18, the first  
12 sentence says the portion of the Access Bar 42 located on an active screen is  
13 colored to indicate an active state.

14 MR. YANG: Of the screen. The active state is of the screen.

15 JUDGE MURPHY: And what's on the screen?

16 MR. YANG: Potentially an application or potentially no application.

17 JUDGE MURPHY: Okay.

18 MR. YANG: So my point is, like, Ogawa's status Access Bar 42 is  
19 indicating that the screen is active. Whether there is an application actually  
20 on the screen, you have no idea. And --

21 JUDGE MURPHY: You're saying when it makes a distinction  
22 between an active screen and an active state, that doesn't necessarily mean  
23 there's an application open on the screen?

24 MR. YANG: I'm saying that when Ogawa says active state, it's  
25 referring to the active state of the screen. The screen is active. The screen is  
26 in an active state. But the claims of the 080 patent require more than that. It

1 requires that there be an actual open application. And I'm saying Ogawa  
2 doesn't disclose that there isn't always an open application on the screen.

3 JUDGE PESLAK: Well, Counsel, how do you reconcile that with  
4 Paragraph 33, which says, "Therefore, even if a program different from the  
5 program being processed on the first screen, 13A, is executed, the first  
6 screen, 13A, is not affected."

7 MR. YANG: Well --

8 JUDGE PESLAK: It seems to indicate that there's an application  
9 open in each screen. It's just when you hit the display -- not the icon, when  
10 you hit the display, it just changes which application is being processed by  
11 the VRAM.

12 MR. YANG: Well, Your Honor, I'm not disputing that there are  
13 embodiments where sometimes there are applications open on the screen.  
14 But the issue here is that the icon has to indicate an active application, the  
15 icon can't indicate an active screen. So in order to indicate an active open  
16 application, it has to always indicate that the application is open. If -- and if  
17 there are circumstances where only sometimes an application is open and it's  
18 indicating that the screen is open, regardless of whether there's an  
19 application open on that screen, then it's not indicating that the application is  
20 open, it's only indicating that the screen is open.

21 JUDGE PESLAK: Well, aren't you really conflating two issues,  
22 whether it's open or active? Because the last part of Paragraph 33 on  
23 Petitioner's slide 20 says, "Two different programs, such as a calendar and a  
24 schedule, can be executed independently using the first and second editing  
25 areas, 27A and 27B, and can be displayed independently on the two split  
26 screens."

1           MR. YANG: No, Your Honor, because the claim language that we're  
2 looking at is open application state. So the claim language itself requires  
3 that an application be open. The claim language itself says nothing about  
4 which of the two screens is active. And what I --

5           JUDGE PESLAK: Well, doesn't Paragraph 33 say the applications  
6 are open on the screen?

7           MR. YANG: Well, Ogawa is saying that there are certain  
8 embodiments when applications are open on the screen, but the point is in  
9 order to indicate an open application, the icon has to indicate --

10          JUDGE PESLAK: Well, wasn't that -- wouldn't that be enough to  
11 satisfy the claim if there are situations when both are open?

12          MR. YANG: No, Your Honor. For example, if I gave you the  
13 example of a circle with a stick in the middle, would you say that -- would  
14 you say that satisfies a clock that tells time? You wouldn't because it only  
15 coincides with the correct time twice a day. And that's the same issue that  
16 we have here. When -- whatever the access bar is -- what the access bar is  
17 indicating is that there's a screen active, but we don't know whether there's  
18 an open application in the screen underlying it. So the status bar isn't  
19 indicating whether there's an open application in the screen. The status bar  
20 is only indicating that the screen itself is active, so it's indicating a different  
21 thing. If the -- if you have an open application in the screen, then by  
22 coincidence, the status bar coincides with the open application.

23          But once you close the application, the status bar would -- indicates  
24 that the screen is active, but there's no longer an application there. So that  
25 shows you that it doesn't indicate an open application, it only open --  
26 indicates an -- that the screen is open. And those are very -- two distinct

1 concepts. And if I could refer Your Honors to Patent Owner slide number 8,  
2 this is from Dr. Surati's deposition testimony, and I think Dr. Surati explains  
3 exactly what the distinction between an open application versus an open  
4 screen is. And he says here, "What I'm trying to say is the Ogawa reference  
5 is indicating that the portion of the screen is active. And I'm trying to say  
6 that it could be a desktop and it's active. It could be an application and it's  
7 active." The portion of the screen -- the problem is that portion of the  
8 screen, we can't say what's on that screen. It can indicate that it's an open  
9 application because it's indicating the screen is active.

10 To say that the application of the desktop underneath it is not clearly  
11 that of an open application because it could be -- it could be just the desktop,  
12 it could be another application. It's not indicative of a particular application  
13 being open, it's -- it could just be a desktop. And that is our principle point  
14 is that the icon is indicating that the screen is active. What is inside the  
15 screen, Ogawa doesn't tell -- doesn't say that it is always an application. And  
16 because Ogawa doesn't say it's always an application and because the  
17 institution decision itself found that it could -- there are circumstances when  
18 there is no application open in the screen, the icon is indicating the active  
19 state of the screen, the icon is not indicating an open application. Does that  
20 answer Your Honor's question?

21 JUDGE PESLAK: I hear your argument so I'll leave it at that --

22 JUDGE MURPHY: I have a follow up. So are you saying that there's  
23 an embodiment where an application is open, the status bar coincides and  
24 indicates the status of that open application, but that's not always the case  
25 and therefore it can't be in anticipation?

1 MR. YANG: I'm saying that Ogawa discloses that sometimes that  
2 application is open in the screen. And by coincidence, because of that, then  
3 the icon would coincide with an open application. But the icon isn't telling  
4 you that the application is actually open, it's only telling you that the screen  
5 is open. Going back to my analogy with the stick -- the circle with the stick  
6 in the middle, isn't it true that the -- that indicates time twice a day? It is.  
7 But that doesn't tell you what the time is because it only coincides with the  
8 information that you're actually looking for, it doesn't actually give you that  
9 information. And the same thing is true --

10 JUDGE MURPHY: Yeah, but that's not true here. When the  
11 application's open, it does give you that information every time.

12 MR. YANG: Well, that is exactly the case here because what's  
13 happening is that is -- here is that the open application coincides with the  
14 active screen. The icon is indicating an active screen and there happens to  
15 be an open application inside the screen. But once you close that  
16 application, then the icon no longer coincides with an open application. It's  
17 still active because the screen is active, but there's no longer an open  
18 application there.

19 JUDGE MURPHY: Yeah. But the converse is when it's open --  
20 when the application's open and active, it -- the indicator coincides with it.

21 MR. YANG: But you can't --

22 JUDGE MURPHY: Every time.

23 MR. YANG: You can't look at the indicator and, without any other  
24 information, know whether there's an open application there or not. The  
25 only thing you can determine from looking at the indicator is that there's an  
26 open -- is that there's an active screen because we don't know whether there's

1 an -- Ogawa doesn't tell you whether there's always an active application  
2 inside the screen. And because of that, when you're just looking at the  
3 access bar, you only know that there's an active screen, you don't know  
4 whether there's an underlying active open application.

5 JUDGE MURPHY: Do you agree that Paragraph 33 in Ogawa  
6 discloses an active open application?

7 MR. YANG: Yes, Your Honor. It discloses an active open  
8 application. My point is the icon doesn't indicate that. The icon indicates  
9 something completely different, the active --

10 JUDGE MURPHY: I hear your argument.

11 MR. YANG: And I'd like to refer now to Patent Owner's slide 9. And  
12 I think slide 9 also summarizes this point. Dr. Surati testified in his  
13 deposition that if you happen to see that icon, it indicates that part of the  
14 screen is active, and there could be an open application on that screen, but  
15 there doesn't have to be. And so if you just looked at it and you say, oh, it's  
16 active, then you -- there's -- there could be an open application, but you don't  
17 know that. And the point of this claim is to know that. Once you look at the  
18 icon, you have to know that there is an open application.

19 The point of -- and that's very distinct from Ogawa. When you look at  
20 the icon, you don't know whether there's an underlying open application.  
21 The only thing you know from looking at the icon is that there's an active  
22 screen, because as we all know, there could be a screen active on the -- there  
23 could be a screen open on -- there could be an application open on the  
24 screen, but there are also instances where there's no open application on that  
25 screen. So looking only at the icon, you don't know whether there's an open  
26 application or not. You only know that the screen is active.

1 JUDGE PESLAK: So Counsel, let me ask you another question then.  
2 Is there any disclosure in the challenged patent as to how the icon that's  
3 described in the spec indicates by itself that there's an open application as  
4 just an open -- versus an open screen?

5 MR. YANG: Yes, Your Honor. As I -- referring back to the abstract  
6 of the 080 application -- I'm sorry, 080 patent, that was the last sentence I  
7 was talking about. It says, "A user may observe the icon to determine the  
8 status of the application." That's the whole point of this invention. You're  
9 looking at the icon and from looking at the icon, you know that the  
10 application is open. By contrast --

11 JUDGE PESLAK: No, no, no, no, no. I'm asking how it does that.  
12 Other than you're saying it does it. I mean, how does it indicate there's an  
13 open application versus just an open screen?

14 MR. YANG: Because if you look at the figures, the icon corresponds  
15 to the application. For example, if you look at Figure 5A, A1 is an  
16 application. So when 520 is highlighted, you know that A1, which is an  
17 application, is open. It's not saying that there's a screen is open, it's  
18 specifically pointing to an application.

19 JUDGE PESLAK: And so your position is Ogawa doesn't say that  
20 what's under the icon is an application explicitly. That's your position?

21 MR. YANG: No, Your Honor. My position is actually Ogawa  
22 explicitly says that the icon corresponds to an active screen. It's literally in  
23 Ogawa. My position is that because Ogawa discloses that the icon  
24 corresponds to an active screen, then -- and it -- Ogawa doesn't disclose that  
25 there could be -- that an application is always open in that screen, then the  
26 icon only -- looking at the icon, you only know that the screen is active, you

1 don't know that the application is open, as required by the 080 patent. So  
2 going back to Petitioner's slide 16, the thing I want to highlight about  
3 Petitioner's slide 16 is that Petitioner's entire presentation is that Ogawa's  
4 disclosures track the 080 patent because of that icon. But the critical  
5 distinction is that what that icon represents is completely different. And the  
6 080 claims require the icon to indicate that the application is open. It  
7 correlates with an -- as you saw from the figure I pointed to earlier, that icon  
8 correlates specifically to an open application.

9 And Ogawa itself says that Ogawa's icon doesn't correlate to an open  
10 application. Instead, Ogawa's icon indicates whether a screen is active or  
11 not. It specifically says "active screen." The only additional thing we know  
12 about that is sometimes Ogawa can have an open -- application open in the  
13 screen and sometimes Ogawa may not have an application open in the  
14 screen. So looking specifically at the icon, you do not know whether --  
15 looking specifically at the icon, that an application is actually open or not.  
16 You only know that the screen is active and that is Dr. Surati's testimony on  
17 slide 9 of Patent Owner's demonstratives. And then I also want to address  
18 Petitioner's slide 20. I don't think there's anything inconsistent between  
19 Ogawa's Paragraph 33 and the argument that I've been presenting. Ogawa  
20 says that if there is a program on the screen, the program is split in the same  
21 way that the screen is split.

22 But as Your Honors yourselves recognize in the Institution Decision,  
23 there doesn't need to be a program on the screen. The screens can be split  
24 without a program. So that goes back to my argument that the icon is  
25 indicating the wrong thing. The icon is indicating that an -- there is an  
26 active screen, but the icon isn't indicating that there's an open application

1 underlying the screen. And because the icon is indicating the wrong thing,  
2 looking just at the icon, which is what the claims require, you don't know if  
3 there's an open application or not, you only know that the screen is active.  
4 Coincidentally, there are circumstances, certainly, like on Petitioner's  
5 claim -- slide 20, where there could be an open application in the screen, but  
6 that's only a coincidence. That's the same as what I analogized earlier, based  
7 on that -- based on that overlap, it doesn't indicate that the application is  
8 open, it only indicates that the screen is active because it doesn't always  
9 indicate an open application so you don't know, looking at the icon, whether  
10 an application is actually open.

11 JUDGE PESLAK: Counsel --

12 JUDGE MURPHY: Counsel --

13 JUDGE PESLAK: -- let me ask you another question. The first  
14 sentence of Paragraph 33 of Ogawa says, "When the second screen 13V is  
15 said to be active, data processing is performed using the second editing area  
16 27V. The display contents are written to the second VRAM, and  
17 furthermore, the contents of the first and second VRAMs are combined in  
18 the actual VRAM 29A according to the splitting ratio and displayed."  
19 Doesn't that indicate there's an application open?

20 MR. YANG: Well, once again, Your Honor, the language Ogawa  
21 specifically uses is "screen". You --

22 JUDGE PESLAK: But it says "the contents of the screen". What  
23 does that mean, if it's not an open application?

24 MR. YANG: Well, as Dr. Surati testified, there could be any sort of  
25 thing there. It could be an open desktop. There -- it doesn't have to be an  
26 application there.

1 JUDGE PESLAK: Well, isn't a desktop an application?

2 MR. YANG: Not necessarily, Your Honor.

3 JUDGE PESLAK: Well, what is a desktop then? It's a bunch -- you  
4 have icons, and you can click on the icons. There's contents open.

5 MR. YANG: Well, it could be an empty desktop with nothing on it.

6 JUDGE PESLAK: So that would be no contents then, right? This  
7 says there's contents of the screen.

8 MR. YANG: Well, an empty screen -- the contents of an empty  
9 screen is empty, but that's still content. And the other analogy that I wanted  
10 to mention, which is pointed out on the patent, and the response is, it doesn't  
11 need all -- Ogawa specifically contemplates it doesn't need to be the same  
12 application open in that screen all the time. You could potentially close that  
13 application and open up a different one. If you recall from our discussion of  
14 Claim 1, all of the claim steps of Claim 1 have to be applied to a one single  
15 application. So the icon has to indicate the open state of that one application  
16 and no -- and not any other -- not another application.

17 So going back to the example where you have one application open on  
18 the screen, you close it, and you open up a different application, in that case,  
19 the icon indicates an active screen when the first application is open, but it  
20 also indicates an application -- active screen when the first application is  
21 closed. So in that instance, it doesn't correspond to an open application  
22 again. It --

23 JUDGE MURPHY: Counsel, let me follow up with Judge Peslak's  
24 earlier questions. If you go to Column 13 of the 080 patent, please, starting  
25 at Line 35.

26 MR. YANG: Okay. I'm sorry, Your Honor, was there a question?

1 JUDGE MURPHY: Are you with me?

2 MR. YANG: I am.

3 JUDGE MURPHY: Yeah. Okay. So the first sentence says, "To this  
4 end, a screen may include an icon which indicates to a user the state of the  
5 screen (e.g., be it in an expanded mode, unexpanded mode, or expanding  
6 mode)." And then it continues to indicate the morphing -- the capability of  
7 morphing the icon. How is that different from Ogawa in your view of the  
8 claim construction?

9 MR. YANG: Well, Your Honor, I would submit to you that this  
10 embodiment is an unclaimed embodiment because it's directed to an icon  
11 that indicates the --

12 JUDGE MURPHY: Why is it unclaimed? Because of your claim  
13 construction?

14 MR. YANG: Because the claims specifically state "open application  
15 state", not "open screen state". So the icons are directed to the state of a --  
16 whether an application is open or not. And --

17 JUDGE MURPHY: Yes, but doesn't this indicate your icon can  
18 perform the -- not your -- the icon in the patent can perform both functions?

19 MR. YANG: This is why --

20 JUDGE MURPHY: When there's no -- when there's -- let me finish.  
21 When there's no open application, it's an icon that indicates the state of the  
22 screen. And when there's an open application, it morphs into an icon  
23 indicating the state of the application.

24 MR. YANG: Well --

25 JUDGE MURPHY: Isn't that what it says at Lines 35 to 40 on --

1 MR. YANG: This is why, Your Honor, I said that I believe this is  
2 directed to an unclaimed embodiment, because in this example, the icon is  
3 indicating a screen, whereas, based on our discussion earlier of the language  
4 of Claim 1, which I don't think Petitioner is disputing, the icon has to  
5 indicate an application. And we all know that an application is different  
6 from a screen. So to the extent that this paragraph is talking about an icon  
7 indicating the state of a screen, that's not what's claimed in Claim 1, so I  
8 don't think it can be -- it can be directed to a claimed embodiment.

9 JUDGE MURPHY: The petitioner does dispute the claim  
10 construction, although apparently they're not taking a position on it, so I'll let  
11 them respond to that when it's their turn.

12 MR. YANG: Well, I apologize, Your Honor. I believe at the  
13 beginning of the hearing, you asked them if there was a dispute. I didn't  
14 hear an objection. I apologize if I misheard.

15 JUDGE MURPHY: We are splitting hairs with verbiage.

16 MR. YANG: Okay.

17 JUDGE MURPHY: I'll let Petitioners speak for themselves.

18 MR. YANG: Okay. I apologize. But again, I think what we have to  
19 look for here is the language of Claim 1, and the language of Claim 1 is  
20 explicit that the icon indicates an active open application, not any -- not a  
21 screen, an application. So looking at the icon -- based on the language of  
22 Claim 1, looking at an icon, at the claimed icon, you have to know that an  
23 application is open, and that's simply absent from Ogawa's disclosure. If  
24 you're looking at the icon in Ogawa, you don't know whether there's an open  
25 application. You only know that the screen itself is active.

1           And the other thing I want to highlight is during Petitioner's argument,  
2 they didn't engage with any of the examples we provided in both the patent  
3 owner response and the patent owner sur-reply, examples where the icon  
4 cannot correspond to an open application state because it corresponds to the  
5 active screen. And there are different -- multiple different applications on  
6 the screen, and therefore it indicates both that the application is open and  
7 closed. And in another example where you have the same application on  
8 both screens, which -- when I deposed Dr. Chatterjee, he admitted that this  
9 was part of Ogawa's disclosure. In that example, if you have the same  
10 application on both screens, then the icon indicates that the screen is active,  
11 but, like, the application is open on both screens, so that doesn't even work.

12           Before I end my argument, I also just want to say that I understand  
13 that the Institution Decision expressed skepticism about this argument, but  
14 the institution decision is decided on reasonable likelihood of success,  
15 whereas the final written decision is decided on preponderance of the  
16 evidence. And I believe that the preponderance of the evidence favors  
17 Patent Owner, particularly with the evidence that was developed post-  
18 institution.

19           Specifically, what I'm looking at is Petitioner's argument under *Power*  
20 *Integrations* that is essentially an admission that Ogawa's icon only  
21 sometimes coincides with an open application. To me, I feel like that  
22 admission is dispositive, because if Ogawa's icon only sometimes coincides  
23 with an open application, then it cannot indicate an open application state  
24 because it doesn't accurately tell you whether an application is open or not.  
25 In the circumstances where Ogawa -- Ogawa's icon doesn't coincide with an  
26 open application, then it certainly doesn't tell you that an application is open.

1 If it only sometimes coincides with an open application, then, like the  
2 broken clock that can't tell time, Ogawa's icon can't indicate that the open --  
3 that the icon -- that the application is in an open application state.

4 Unless Your Honors have any further questions, that concludes my  
5 argument.

6 JUDGE PESLAK: I do have an additional question. In the patent  
7 owner response, when you went through the claim construction for open  
8 application state, I -- you're -- you were only relying on the claim language  
9 itself, and you didn't reference the specification at all, correct?

10 MR. YANG: That's true, Your Honor. My only point is that the  
11 specification is consistent --

12 JUDGE PESLAK: Well, let me just ask you a second question. I  
13 mean, when I look at the disclosure in Column 13, first there was the part  
14 that Judge Murphy just referred to from 35 to 40, and then down below in  
15 that column, it also discusses other states that can be indicated by the icon.  
16 And I just want to make clear, when you're saying -- when your response to  
17 Judge Murphy was that what he pointed to was an unclaimed embodiment,  
18 but you made no reference to that in your claim construction, that that was  
19 not a -- that was an unclaimed embodiment?

20 MR. YANG: Well, Your Honor, that wasn't a response to Judge  
21 Murphy's question because Petitioners didn't raise this issue.

22 JUDGE PESLAK: No, no, no, no. I'm not -- I -- I'm just asking,  
23 that's what you said was an unclaimed embodiment, and I'm asking you  
24 whether in your -- anywhere in your papers, when you were arguing for the  
25 claim construction, whether you referred to that disclosure at all, or whether  
26 you indicated to us that that was an unclaimed embodiment?

1 MR. YANG: Well, Your Honor, I don't believe there was any need to  
2 because Petitioners never --

3 JUDGE PESLAK: So the answer is no? The answer is no, you didn't  
4 refer to that?

5 MR. YANG: May I please finish my answer? I don't think it's --

6 JUDGE PESLAK: It's a yes or no question. Did you refer (inaudible)  
7 that it was an unclaimed embodiment?

8 MR. YANG: And you didn't let me finish my answer. Could you  
9 please let me finish? My answer is that Petitioners never raised this issue in  
10 any of their papers. And because it's an unclaimed embodiment, we thought  
11 it wasn't relevant to the claim language, so there was no need to discuss it. If  
12 Petitioners had raised this issue, we'd have certainly said that. This is a new  
13 issue that's being raised for the first time in this hearing. This Column 13  
14 was never raised by Petitioners in any of their papers.

15 JUDGE PESLAK: And you didn't raise it in your claim construction,  
16 correct? Or --

17 MR. YANG: Because there was no need to, because this particular  
18 column is not relevant to the interpretation of this claim, because Claim 1 is  
19 directed to an active -- an open application state, and this particular column  
20 is describing a screen, which is different than an application. And I thank  
21 you for your indulgence, Your Honor. I'm finished with my answer.

22 JUDGE PESLAK: Okay. Thank you.

23 MR. YANG: Thank you so much.

24 JUDGE JUNG: Okay. You have about 13 minutes left for rebuttal.

25 MR. AHMED: (inaudible).

26 JUDGE JUNG: Yes, you may proceed.

1 MR. AHMED: All right. Thank you, Your Honors. So first of all,  
2 regarding the claim construction position of open application state, we  
3 certainly dispute with the construction as Patent Owner is trying to apply it  
4 in this proceeding. Our position is that the claim should be construed  
5 under -- should be given its plain meaning, and then we provide our position  
6 in the reply as to why Patent Owner's position is unsupported because the  
7 claim -- the claims in themselves, they don't tie the open application state to  
8 a corresponding condition or status. And we pointed out in our reply,  
9 actually, at the bottom of Page 5 of our reply, that Patent Owner did not  
10 point to anything in the specification of the 080 patent or prosecution history  
11 to support its position.

12 And in fact, the -- you know, the portion of the abstract that our  
13 counsel pointed to today for the first time, Your Honors, that feature of  
14 whether an application is expanded, expanding, or expandable is actually  
15 recited as a separate dependent claim, Claim 14 -- Claim 13 off of  
16 Independent Claim 12. So Claim 12 says that the, you know, first and  
17 second state comprise an open application state, and then Claim 13  
18 separately recites that the states can indicate whether the application --

19 So I think that, first, their argument should be given -- shouldn't be  
20 considered, given it was brought up for the first time. But even if you  
21 consider it, it doesn't support, you know, the proposition for which they cited  
22 for.

23 JUDGE JUNG: Well, let me just --

24 MR. AHMED: Yeah.

25 JUDGE JUNG: -- let me just to -- let me just confirm then. When  
26 it -- when the claim recites the application is in a first state and then later

1 says the application is in a second state, do you agree those first and second  
2 states referred back to the application?

3 MR. AHMED: Yes.

4 JUDGE JUNG: Okay. That's the plain and ordinary meaning of that  
5 claim, right?

6 MR. AHMED: Right.

7 JUDGE JUNG: Is application in the first state and application in the  
8 second state --

9 MR. AHMED: Yeah.

10 JUDGE JUNG: -- that's about the application, not the screen?

11 MR. AHMED: That's correct.

12 JUDGE JUNG: Okay. Then -- I just want to make sure you've got all  
13 your bases covered in your arguments. So it seems like Mr. Yang brought  
14 up that Ogawa talks about that icon in Ogawa explicitly being tied to the  
15 screen and not to the application itself, correct?

16 MR. AHMED: That's correct.

17 JUDGE JUNG: That's your understanding up to that?

18 MR. AHMED: That's my understanding of their argument. Yep.

19 JUDGE JUNG: And do you dispute that? Do you think the icon is  
20 not directly related to the screen, that it's --

21 MR. AHMED: Your Honor, the embodiment in Paragraph 33 of  
22 Ogawa that described, expressing in Ogawa and agreed to by both experts  
23 discloses that the portion of the Access Bar 42 that's colored is tied to the  
24 program that's displayed.

1           So whether you want to say that the -- you know, it's both tied -- the  
2           Access Bar 42 is tied both to the screen size of -- in Ogawa, or the -- and the  
3           program that's displayed on that screen that's active --

4           JUDGE JUNG: Interrupt for a moment.

5           MR. AHMED: Yes.

6           JUDGE JUNG: I understand your position that it's tied to the  
7           program, but are you saying it's directly tied or it is by implication tied to the  
8           program?

9           MR. AHMED: It is directly tied, Your Honors. In fact, you know,  
10          because if it weren't -- if it weren't, the -- you know, the display as I believe  
11          Judge Peslak noted in Paragraph 33, when it's talking about the display  
12          control in a Ogawa, it goes to the editing area and graphs the data from -- for  
13          the program that's being displayed. Then it puts that in the VRAM -- in the  
14          RAM, right?

15          And that -- again, that is what it describes as being one of the  
16          programs, like the schedule or the calendar. And then that is what's being  
17          displayed on the screen. And then you refer to the active flag to color the  
18          Access Bar 42.

19          JUDGE JUNG: Okay.

20          MR. AHMED: Right? So it's directly tied to the program that's being  
21          displayed.

22          JUDGE JUNG: Now, if there is no program running, if it's just a  
23          blank screen, is it still tied to the program?

24          MR. AHMED: It's tied to whatever is being displayed on the active  
25          screen.

26          JUDGE JUNG: And if it's nothing --

1 MR. AHMED: So --

2 JUDGE JUNG: -- then it's not tied to anything?

3 MR. AHMED: The Ogawa doesn't describe any embodiment, Your  
4 Honor, that shows that there's nothing displayed on the screen.

5 JUDGE JUNG: That is an implication, correct? If there is a calendar  
6 program or a schedule, and they don't always have to be there, then maybe  
7 there's a state where there is no calendar, there is no schedule, then the icon  
8 is not tied to any program; would that be correct?

9 MR. AHMED: That may be an implication, again, not described in  
10 Ogawa and not relied upon in -- that's not a scenario that's relied upon in our  
11 Petition.

12 In our -- in the Petition, we always take the position that there's a  
13 program that's displayed, and when it's displayed, as Judge Murphy, I  
14 believe noted, it's always then tied -- the Access Bar 42, the colored portion,  
15 is always tied to that program.

16 JUDGE JUNG: Okay. Let me -- then I'll turn to the testimonial  
17 evidence you provided in Patent Owner's testimonial evidence. So I'm  
18 assuming you're declarant Dr. Chatterjee. He says pretty much the same  
19 thing you say in your Petition, correct?

20 MR. AHMED: Right. Right.

21 JUDGE JUNG: And then we have Patent Owner's declarant saying  
22 that the icon is more directly tied to the screen rather than the program. And  
23 it seems like -- you know, I just did a quick reading of the deposition  
24 testimony you cited and the paragraph cited in Ogawa, but it does seem like  
25 it better supports Patent Owner's declarant. That icon is really directly tied

1 to the active state of the screen, not a state of an application, but by  
2 implication, it may be an application, but --

3 So that's -- you know, presuming that's all true, then Patent Owner's  
4 declarant is better supported by Ogawa than your declarant.

5 MR. AHMED: I would respectfully disagree, Judge Jung, because if  
6 that were the case, then -- I think an example you gave is that, you know,  
7 there's no application that's displayed on the screen, but if Ogawa is  
8 describing in Paragraph 33 here that the size of the Access Bar 42 that is  
9 colored is tied to the program that's being extended as the pointer, right?

10 So if we go to this -- we have a Pen 12 that drags a Pointer 44. As  
11 that's dragged, Dr. Surati agreed that the program that's being displayed on  
12 the screen is extended. Now, if the -- to your question, if the icon wasn't  
13 really always directly tied to the program, the program itself wouldn't extend  
14 when the pen drags the Pointer 44 to increase the size. So --

15 JUDGE JUNG: It's kind of like a, I guess, chicken and egg problem,  
16 but is the program being extended because the screen is being extended?

17 MR. AHMED: The program is being extended because the pen is  
18 dragging the Pointer 44 --

19 JUDGE JUNG: The pen is dragging the pointer of what?

20 MR. AHMED: Pointer of --

21 JUDGE JUNG: Screen or the program?

22 MR. AHMED: No. Pointer of the screen, but the program is  
23 displayed on that screen, right? That's the example that Ogawa gives. My  
24 point simply -- no. Sorry. Go ahead --

25 JUDGE JUNG: So the screen is being expanded, and by virtue of the  
26 screen being expanded, the program is being expanded? It's --

1 MR. AHMED: I -- but when -- if Ogawa is tying the expansion of the  
2 program with the expansion of the screen, Your Honors, I don't believe that  
3 there's any difference between the two. So what is displayed on the screen.

4 I think your hypothetical, Judge Jung, may have supported Patent  
5 Owner's position if Ogawa, for example, in Paragraph 33 said that the screen  
6 is being expanded, but it didn't talk -- the program being expanded. But the  
7 program is being expanded along with the screen, right, and the -- and so is  
8 the Access Bar 42.

9 So the -- when the display control in Ogawa, again, this is what  
10 Paragraph 33 describes, is reading the VRAM, right, and extending that  
11 program that's being displayed, and then the (inaudible) that it's doing is  
12 commensurately increasing the colored portion of the Access Bar.

13 JUDGE JUNG: So if -- in the instance that we think Ogawa better  
14 supports Dr. Surati rather than Dr. Chatterjee, do you have other evidence to  
15 support your position? Was there something else cited in your Petition for  
16 this proposition?

17 MR. AHMED: Well, Your Honor, as we explained in the Reply, for  
18 example -- and Dr. Surati agree. In fact, if we look at Patent Owner's  
19 demonstratives and the testimony that they highlighted of Dr. Surati, that  
20 regardless when an application is displayed on the screen, then the claim  
21 limitations are met. That's what he's saying here in Exhibit 1016. That's his  
22 cross-examination testimony, at Page 58, Line 19 to Page 59, Line 15.

23 He says, "I'm trying to say that it could be a desktop and it's active. It  
24 could be Application 1 and it's active. And it's Application 2 and it's active."  
25 And so what he's saying there is that when there is an application that's  
26 displayed, the claim is met, right? Because he also doesn't dispute that the

1 Access Bar 42, the colored portion of it, also corresponds with whatever  
2 application is being displayed, right?

3 So as we cited in that -- the *Power Integrations* case in our Reply,  
4 Your Honors, as long as the claim is anticipated, at least sometimes during  
5 the operation of a device or doing the, you know, method, it's -- and being --  
6 doing the method being executed, then the claim is anticipated, right? So --  
7 and that's our position. So hopefully that answers your question, Your  
8 Honor.

9 And then again, I think the point we were trying to make, the screen  
10 could be expanded if the program is not expanded is -- this is just not an  
11 example that Ogawa discloses. And while the terminology in the '080,  
12 frankly, the Column 13 portion actually reinforces our point. They use kind  
13 of screen and application interchangeably and the terminology in the -- in  
14 Ogawa and 08 -- 080 might be slightly different, but again, as you saw from  
15 the figure, they're nearly indistinguishable. And that's (inaudible). Yeah.

16 JUDGE JUNG: I agree the figures look the same, but they're trying to  
17 show different things, right? In Ogawa, it's the screen that's being shown as  
18 being expanded or shrunk down, whereas in the '080, it's the application  
19 itself, which -- actually just as a prerequisite, do you agree there's a  
20 difference between application and the display that the application is on?

21 MR. AHMED: So the claim language says displaying a first screen of  
22 an application, right? In a first display. And so your question, Your Honor,  
23 just so I understand is, is there a difference between an application and a --  
24 the screen on which the application is displayed? Is that --

1 JUDGE JUNG: Let me rephrase. The display of the application  
2 itself, that's distinguishable from -- like, from the desktop, the display of a  
3 desktop, correct?

4 MR. AHMED: Okay. I understand. Yep.

5 JUDGE JUNG: So is there -- those would be two distinct things,  
6 right? A window for the application and the desktop?

7 MR. AHMED: Yeah. So in the hypothetical you're describing, I  
8 would agree. Yeah.

9 JUDGE JUNG: Okay. And then the window could be -- you know,  
10 could be expanded or shrunk down like we've seen in a lot of other patents  
11 and references, but the desktop itself, you know, stays the same. And it  
12 seems like Patent Owner is arguing that its icon changes in -- the status of  
13 the desktop rather than the status of the application.

14 MR. AHMED: I -- but I -- that is not what Ogawa describes, Judge  
15 Jung, in Paragraph 33, right? I -- paragraph 18 says that -- and I see that  
16 that's your questions. Paragraph 18 says, "Portion of Access Bar 42 located  
17 in an active screen, the screen currently being accessed is colored to  
18 indicate" --

19 JUDGE JUNG: Okay. So are you reading that screen to mean the  
20 window of an application versus the desktop?

21 MR. AHMED: Well, we're reading and this Patent Owner's expert  
22 petition -- we're reading that in the context of how Ogawa discloses its  
23 display control, right? And when Ogawa actually describes how this is  
24 implemented, it's implemented based on the program that's being displayed.  
25 So the Access Bar 42 is always tied directly, I would submit to, the size of  
26 the program window that's being displayed on the screen.

1 JUDGE JUNG: Okay. Just to reframe your response. Does that --  
2 are you saying that this Access Bar only shows up when a program is  
3 executed?

4 MR. AHMED: I'm saying the Access Bar always shows up when a  
5 program is executed. So -- because that's the -- again, Judge Jung, I'm -- my  
6 answers are based on what Ogawa describes, right?

7 There -- to your point, there -- there's implications, right? This is a  
8 user interface. There might be scenarios where there's a desktop, again, not  
9 described in Ogawa, or some other applications or one application may be  
10 minimized, but we -- Ogawa doesn't describe that.

11 What Ogawa describes is a program being displayed on the screen and  
12 the size of that program window always being tied to the size of the screen,  
13 and then the Access Bar 42, the colored portion of that, always being tied to  
14 the size of that window and the fact that that program window is open, that  
15 it's currently being accessed.

16 JUDGE JUNG: Okay. So we're back to the proposition that the size  
17 of the program window is determined by the size of the screen. It's not that  
18 the icon or the icon associated with the screen is directly associated with the  
19 program, but the program -- sorry.

20 MR. AHMED: No, no.

21 JUDGE JUNG: Words fail me, but it seems like you're -- the  
22 summary of your position is that we need -- we still need to go through one  
23 additional step to get -- to tie the icon, the Access Bar, to the application.

24 MR. AHMED: I'm not fully clear, you know, in terms of what the  
25 additional step you're referring to is, because, you know, as far as -- you  
26 know, our understanding of Ogawa as supported by the record evidence is

1 that when it talks -- when Ogawa talks about its Access Bar 42, it talks about  
2 it being commensurate with the program being displayed on the screen, not  
3 with the screen itself, but the program being displayed on the screen. And I,  
4 you know, since you were asking some of these questions, Judge Jung, it  
5 reminded me, you know, in the opening declaration of Dr. Chatterjee, you  
6 know, what he pointed to when he was addressing this open application state  
7 term, one of the paragraphs he cited to was Paragraph 23 of Ogawa, right?  
8 And that states that this -- "and Access Bar 42 is drawn at the top, and  
9 furthermore, a portion of the Access Bar 42 is colored based on" -- and now  
10 it says two things, right? The active screen flag, which you and I are talking  
11 about, but let's put that to the side.

12 But my point is it -- this addresses Patent Owner's construction. It's  
13 two things that the Access Bar 42 is tied to: The active screen flag, which  
14 again, our position, again supported by record evidence, is the open  
15 application state of the program, and the splitting length to -- and the  
16 splitting length meaning the size of the program. So from our perspective,  
17 this --

18 JUDGE JUNG: Size of the program or the size of the screen?

19 MR. AHMED: The size of the screen, which is commensurate with  
20 the size of the program, because again, there's no dispute, Your Honor -- I  
21 want to reiterate, there is no dispute between Petitioner and Patent Owner  
22 that the size of the program changes commensurate with the size of the  
23 screen, and also at the same time then, the size of the Access Bar 42 that's  
24 colored changes commensurate with the change of the size in the program.  
25 So yeah.

26 JUDGE JUNG: Thank you.

1 MR. AHMED: Yeah.

2 JUDGE JUNG: Yeah, I just want to follow up. I -- this discussion  
3 suggests to me that perhaps we do need to construe the wherein clause. On  
4 Pages 4 and 5 of your Reply, you do challenge or dispute Patent Owner's  
5 claim construction. So I guess my first question is, if we don't construe the  
6 claim, and if we were to presume that Patent Owner's claim construction is  
7 correct, your position is that Ogawa still discloses?

8 MR. AHMED: That -- that's exactly right, Your Honor, because their  
9 position is that -- I just want to make sure I'm -- is that open active state  
10 should mean that the application is open and being displayed in the  
11 corresponding display condition/status. And I was I was just showing you,  
12 like, Dr. Chatterjee's testimony in his opening declaration, Paragraph 90, the  
13 Access Bar 42, the icon, is actually based on two things: The active screen  
14 flag, which again, our position is that that shows the open application state  
15 of the program, and so that means the application is open part of their  
16 construction, and the splitting length -- the splitting ratio of the screens,  
17 right? Which is the corresponding display condition, because there's --  
18 again, there's no dispute that the -- between the parties that the program's  
19 window size is adjusted based on the splitting ratio in Ogawa.

20 JUDGE JUNG: Well, yeah, and you anticipate my next question. So  
21 are you saying, like, if Ogawa Paragraph 33 is -- you explained it, and as it  
22 states, when the program's -- the application's loaded, and it's open and  
23 active, the indicator bar moves in accordance with the program and the  
24 screen. Is there any distinction between the two when an application is  
25 loaded?

26 MR. AHMED: There -- the -- Ogawa described no such distinction.

1 JUDGE JUNG: Thank you.

2 MR. AHMED: Unless Your Honors have any more questions, we'll  
3 rest on our papers.

4 JUDGE MURPHY: I have no questions.

5 JUDGE JUNG: Yeah.

6 JUDGE PESLAK: I have none. Thank you.

7 MR. YANG: Thank you, Your Honor. I just want to make a few  
8 quick reply points. With respect to the construction of open application  
9 state, our claim construction position as -- is that the claim language itself is  
10 explicit, and there is no other way to read the claim language. The first and  
11 second state is of the single claimed application, the application. And the  
12 claim also says the first and second state is an open application state. So  
13 based on these two clauses, the open application state is the open state of the  
14 single claimed application, and the icon has to indicate that state, the open  
15 application state.

16 The other point I want to make is that Petitioners, I think, said that  
17 they only considered scenarios where the application coincides with the  
18 screen, and I believe they said that they did not consider scenarios where the  
19 application in Ogawa does not coincide with the screen. And that's very  
20 important because Patent Owner has shown that those scenarios exist. There  
21 are scenarios, based on Ogawa's teachings, where the application does not  
22 coincide with the screen.

23 But in order to show that the icon is tied to the program, they have to  
24 show that there are no scenarios where the program does not coincide with  
25 the screen. If there are scenarios where the program does not coincide with  
26 the screen, then the icon cannot indicate an open program. It only indicates

1 an active screen. And we submitted evidence, including Dr. Surati's  
2 testimony, that these scenarios exist, and Dr. Chatterjee confirmed in his  
3 deposition for the existence of at least one of these scenarios. And because  
4 these scenarios exist, Ogawa cannot disclose an icon that indicates an open  
5 application rather than an active screen.

6 And so based on that, I want to emphasize Dr. Surati's testimony on  
7 the bottom of Patent Owner's Slide 9. If you look at the bottom of Patent  
8 Owner's Slide 9, Dr. Surati said, "If I were to just tell you -- if I put -- if I put  
9 your hands over your head and I said, oh, the left-hand side of the screen, I  
10 mean, of that Diagram 42 is lit up, is there an application open on that  
11 screen? You wouldn't know because you don't know if there's an application  
12 open on that part of the screen, literally there, as opposed to it's just a  
13 desktop." And that is our -- the entirety of our point, is that looking at this  
14 application, based on Ogawa, you don't know whether there's an open  
15 application in that screen. You only know that the application is -- I'm sorry.  
16 You only know that the screen is active.

17 And this is different than *Power Integrations*, which is the case that I  
18 believe Petitioners just referenced again. The claim requires the icon to  
19 indicate that the application is open. In order to do that, it has to be correct,  
20 and Ogawa's icon cannot correctly do that because there are scenarios that  
21 we provided where the icon doesn't indicate that the application is open.  
22 The icon indicates that the -- indicates an active screen, but the icon is closed  
23 or the icon is on a different screen. In those scenarios, it only indicates that  
24 the screen is active, not that there's an open application underlying the  
25 screen, and that is what Claim 1 requires.

1 JUDGE PESLAK: Counsel, let me just ask you a question. What --  
2 and I'm not talking about expert's deposition testimony about what may or  
3 may not happen. Is there some text in Ogawa that you can point us to that  
4 makes this distinction that there's a screen open, but it expressly states  
5 there's no application open?

6 MR. YANG: Well, Your Honor, Ogawa doesn't say the converse, that  
7 there's always an application open when there's a screen open. And I think  
8 the institution decision recognized that. The institution decision recognized  
9 that there are -- there could be a scenario where the -- there are -- the  
10 application is closed while the screen is active, because Ogawa certainly  
11 doesn't say that the screen always corresponds to one application. That is  
12 the teaching that's required to suggest Claim 1 of the 080 patent, and that is  
13 the teaching that's missing from Ogawa. Does that answer your question?

14 JUDGE PESLAK: I -- within reason.

15 MR. YANG: Okay. Thank you. Is there any further questions from  
16 Your Honors?

17 JUDGE MURPHY: I have no questions. Thank you, Mr. Yang.

18 MR. YANG: Thank you so much.

19 JUDGE JUNG: Thank you both for your presentations. It was very  
20 helpful. We are adjourned. Case is submitted --

21 (Whereupon, the above-entitled matter went off the record at 12:04  
22 p.m.)

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