

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*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

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.”). Petitioner filed a Declaration of Dr. Sandeep Chatterjee in support of the Petition. Ex. 1002. Multifold International Incorporated Pte. Ltd. (“Patent Owner”) timely filed a Preliminary Response. Paper 7. On May 21, 2025, we instituted this *inter partes* review as to the Challenged Claims and all grounds presented in the Petition. Paper 8 (“Dec.”).

After institution, Patent Owner filed a Response to the Petition (“PO Resp.”). Paper 11. In support of the Patent Owner Response, Patent Owner filed a Declaration of Raveej Surati, Ph. D. Ex. 2002. Petitioner filed a Reply (“Pet. Reply”). Paper 16. Patent Owner filed a Sur-reply (“Sur-reply”). Paper 19. An oral hearing was held on February 25, 2026, and the transcript is entered into the record. Paper 26.

We have jurisdiction under 35 U.S.C. § 6. This is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the Challenged Claims. For the reasons discussed below, we determine Petitioner establishes by a preponderance of the evidence that all Challenged Claims are unpatentable.

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.* n. 1, 2.

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

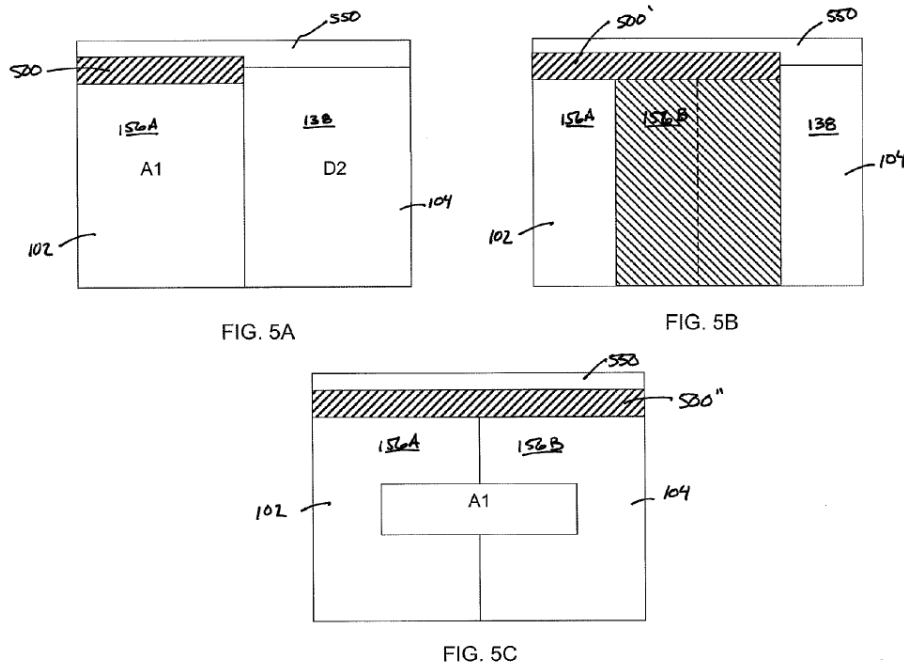
C. Summary of the '080 Patent (Ex. 1001)

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 apparatus 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 an application 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, 13:60–61. “As such, icon 500 may be in a first state.” *Id.* at 13:61–62. “In turn, icon 500’ may correspond to . . . icon 500 in a second state (e.g., wherein application 156 is in a second condition).” *Id.* at 13:62–64. Further, “[i]con 500’ “may represent icon 500 in a state between the first state and second state.” *Id.* at 13:64–65.

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

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

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(a)	Ogawa, Yook ⁴
1, 2, 12–16, 20	103(a)	Ogawa, Choi ⁵
4–9	103(a)	Ogawa, Choi, Yook

II. ANALYSIS

A. Overview

“In an [inter partes review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring inter partes review petitions to identify “with particularity . . . the evidence that supports the

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”).

grounds for the challenge to each claim”)). This burden of persuasion never shifts to Patent Owner. See *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (discussing the burden of proof in inter partes review).

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 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 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).

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)).

⁶ No evidence of secondary considerations has been presented by the parties.

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 applies Petitioner’s definition of a person of ordinary skill in the art. PO Resp. 10.

We apply Petitioner’s 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.

Patent Owner proposes construction of two claim terms, i.e., “open application state” (PO Resp. 7) and “display” (*id.* at 16).

a. Open Application State

Patent Owner contends that we should construe the term “open application state.” PO Resp. 7. Patent Owner notes that in our Decision on Institution, we “determined that the plain and ordinary meaning of ‘open application state’ is ‘that an application screen is open in the display.’” *Id.* (citing Dec. 18). Patent Owner submits that we should modify this determination to “the application is open and being displayed in the corresponding display condition/status.” *Id.*

In support of this proposed construction, Patent Owner relies on the various antecedents in claims 1 and 12. PO Resp. 7–8. Patent Owner contends that “[f]or example, claim 1 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.’” *Id.* at 8. Patent Owner provides similar antecedent analysis for claim 12. *Id.* According to Patent Owner:

The antecedents on these clauses indicate that the open application state is a state of the application recited in claims 1 and 12. 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.

Patent Owner does not cite to any portion of the Specification or prosecution history of the ’080 patent in support of this construction. See

PO Resp. 7–9. Dr. Surati does not offer any direct testimony in support of Patent Owner’s claim construction. Ex. 2002 ¶¶ 52–56.

Petitioner argues that “the claims do not require that the displayed icon indicate that the application is in an open application state, they only require that the icon indicate that the application is in a state corresponding to the display condition/status of the application, and separately state that the first and second states include an open application state.” Pet. Reply 4–5. Petitioner further argues that Patent Owner misreads the claims and points to deposition testimony by Dr. Surati in which, according to Petitioner, he “agreed that the claimed ‘**first state**’ and ‘**second state**,’ which are tied to the application’s ‘**[first/second] display condition**,’ are not limited to an ‘**open application state**.’” *Id.* at 5 (citing Ex. 1016, 45:18–48:17, 49:1–51:3).

For the following reasons, we do not adopt Patent Owner’s proposed modification of our construction of “open application state” and apply the plain and ordinary meaning of this term as articulated in our Decision on Institution.

Claim 1 recites “displaying a first screen of an application in a first display condition” and “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.” Ex. 1001, 14:62–66. These limitations do not require that the first state is “an open application state.” Claim 1 further recites “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.” *Id.* at 15:3–6.

These limitations do not require that the first state is “an open application state.”

Claim 1 also recites “wherein the first and second states comprise an open application state.” Given the usage of “comprise” in this clause, we determine that the possible first and second states must include an open application state but the states are not limited to an open application state.

Claim 12 similarly recites a processor that is operable to “displaying an icon associated with the application in at least one of the first display and the second display, wherein the icon indicates that the application is in one of two or more states associated with a display status of the application” and “wherein the first and second states comprise an open application state.”

Ex. 1001, 16:12–19. Given the usage of “comprise” in these clauses, we determine that the first and second states must include an open application state but are not limited to an open application state that is being displayed in the corresponding display status as argued by Patent Owner.

Patent Owner’s proposed construction, which requires the application to be “open *and being displayed* in the corresponding display condition/status,” further narrows the wherein clauses of claims 1 and 12 which do not require the application to be open and displayed. In fact, Patent Owner’s declarant, Dr. Surati, testified that the applications have multiple states and are not limited to open application states. Ex. 1016, 50:4–51:4. Patent Owner does not cite to an any portion of the Specification or prosecution history in support of its construction. PO Resp. 7–9.

For the reasons below, Petitioner shows that Ogawa discloses that “[i]f two or more applications are simultaneously displayed,” Ogawa’s application “has two or more states that comprise an open application state,”

as argued by Patent Owner in support of its interpretation of “open application state.” PO Resp. 8. As discussed below, Petitioner argues that Ogawa discloses “a first state corresponding to the first window size (‘first display condition’) of the program” (Pet. 18) and “a second state corresponding to the second window size (‘second display condition’)” (*id.* at 25), and both are “in an active state (‘open application state’)” (*id.* at 27).

The Specification provides that “a 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). The icon may be morphed along with the expansion of the application screen or application into another display.” Ex. 1001, 13:35–39. The Specification, thus, suggests that the term “state” can refer to a particular shape or size of the application screen.

We are also not persuaded by Patent Owner’s antecedent basis argument because it is based on a misreading of the claim. In claim 1, the “icon” indicates the state of the application but, the final wherein clause makes clear that the first and second states each “comprise an open application state” and are not limited to an open application that is also being displayed.

Finally, Patent Owner’s declarant testifies that “my opinions are based on the claim language as a whole, my opinions do not change regardless of whether the plain and ordinary meaning of ‘open application state’ is as stated in the Institution Decision or as modified by Patent Owner.” Ex. 2002 ¶ 55; Ex. 1016, 45:6–17 (agreeing that “the claim construction dispute regarding this claim term ‘open application state’ is irrelevant to [Patent Owner’s declarant’s] opinions regarding Ogawa”).

For these reasons, we apply the plain and ordinary meaning of open application state that is “an application is open in the display.” Dec. 18.

b. Display

Claim 2 recites “the first and second display” and claim 12 recites “a first display” and “a second display.” Ex. 1001, 15:12, 15:44, 16:1.

In arguing for the patentability of claim 2, Patent Owner contends that, based on the Specification, “the term ‘display’ is intended to connote device hardware.” PO Resp. 16 (citing Ex. 1001, 4:19–20). According to Patent Owner, “based on the intent expressed by the specification, the icon of claim 2 is changed in proportion to the relative position of the application with respect to two different hardware displays (the first display and the second display).” *Id.*

Petitioner argues that, in the co-pending district court litigation, Patent Owner asserts in its infringement contentions “that the ‘first display’ and ‘second display’ in claim 12 read on a single physical display divided into two or more logical displays.” Pet. 10 (citing Ex. 1015, 33–34). In the Petitioner Reply, Petitioner contends that Patent Owner further argued “that the ’080 patent specification supports a reading of these terms (with respect to claim 12) where the first and second displays may comprise separate portions of a unitary display and thus, ‘the specification discloses embodiments of two displays that not entirely separate and distinct.’” Pet. Reply 21 (citing Ex. 1017, 21–22).

For the following reasons, we do not agree with Patent Owner that “first display” and “second display” in claims 2 and 12 should be limited to “two different hardware displays.” PO Resp. 16.

The '080 patent provides “the term ‘display’ is intended to connote device hardware, whereas ‘screen’ is intended to connote the display image produced on a display. In this regard, a display is a physical hardware that is operable to render a screen.” Ex. 1001, 4:19–21. Further, “in one embodiment, the two displays 102 and 104 may comprise separate portions of a unitary display. As such, the first display . . . may be a . . . portion of the unitary display and the second display 104 may be a second portion of the unitary display.” *Id.* at 5:65–6:3. Based on this description in the Specification, we determine that claims 2 and 12 are not limited to two separate hardware displays but a unitary hardware display with separate portions is also within the scope of claims 2 and 12.⁷

Based on the record, we need not explicitly construe 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))).

D. Ground 1: 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.

⁷Moreover, for the reasons below in our analysis of Ground 3, even if the claims require “two different hardware displays,” we determine that Petitioner shows by a preponderance of the evidence that the combinations of (1) Ogawa and Choi and (2) Ogawa, Choi, and Yook would have rendered obvious the Challenged Claims under such an interpretation.

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:

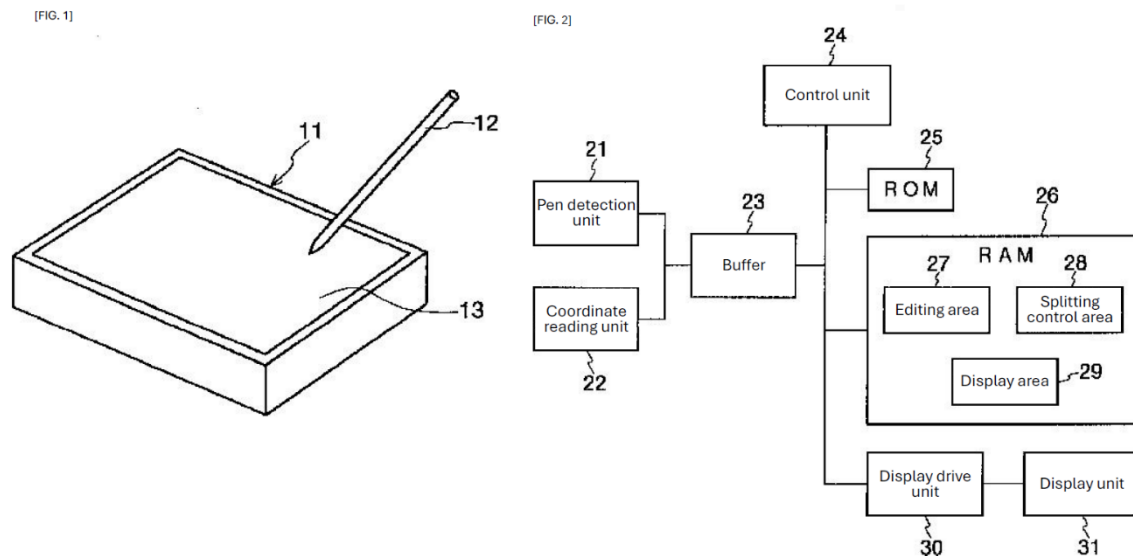


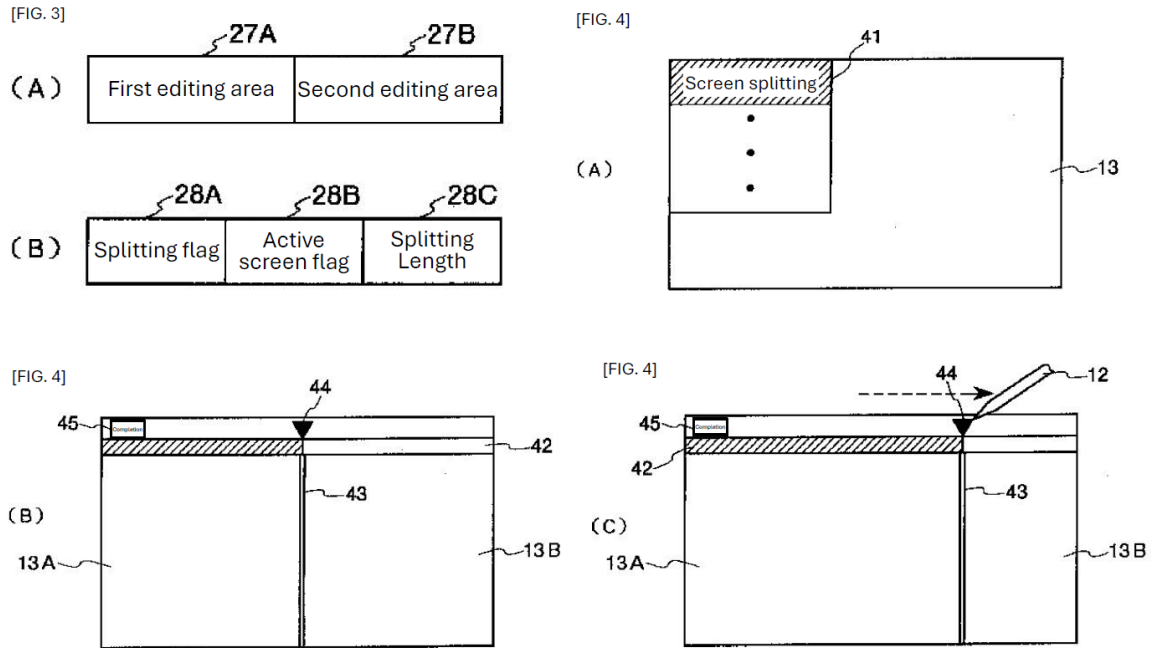
Figure 1 illustrates an electronic device including electronic device main body 11 and electronic pen 12, and Figure 2 is a block diagram of the circuit configuration of the electronic device. *Id.* ¶¶ 11–12.

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

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 this translation. *See generally* PO Resp.

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:



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

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

Petitioner contends that “Ogawa discloses an electronic display device (e.g. electronic notebook) (‘handheld computing device’) including display unit 31(‘one or more displays’) and pen 12 for providing touch input to the device.” Pet. 11 (citing Ex. 1005, Abstract, ¶¶ 1, 2, 11, 12, 15, 20, Figs. 1, 2). According to Petitioner, an ordinarily skilled artisan “would have understood that an ‘electronic notebook’ with a touch screen input device like Ogawa’s pen 12 would have been a ‘handheld computing device’ as it is portable . . . and has computing functionality (e.g. to show a calendar and schedule).” *Id.* at 12 (citing Ex. 1002 ¶ 58; Ex. 1005 ¶¶ 20, 33).

Petitioner next contends that Ogawa’s “electronic device also includes control unit 24, pen detection unit 21, coordinate reading unit 22, buffer 23, ROM 25, RAM 26 . . . and display drive unit 30 which displays content on display unit 31 under control of control unit 24.” Pet. 13 (citing Ex. 1002 ¶ 60; Ex. 1005 ¶¶ 12–15, Fig. 2). Petitioner further contends that “Ogawa

discloses a method of controlling its electronic device . . . with display input surface 13 including display unit 31 . . . because it discloses, e.g., a method for controlling its display such that it is split into one or more displays.” *Id.* at 13–14 (citing Ex. 1002 ¶¶ 59, 61; Ex. 1005 ¶ 11, Figs. 4A–4C).

Patent Owner does not address the preamble of claim 1. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses the subject matter of the preamble.

- ii. [1.a] “displaying a first screen of an application in a first display condition;”

Petitioner contends that Ogawa discloses this limitation. Pet. 15 (citing Ex. 1002 ¶¶ 64–67). Petitioner provides the following annotated version of Figure 4 of Ogawa (*id.* at 16):

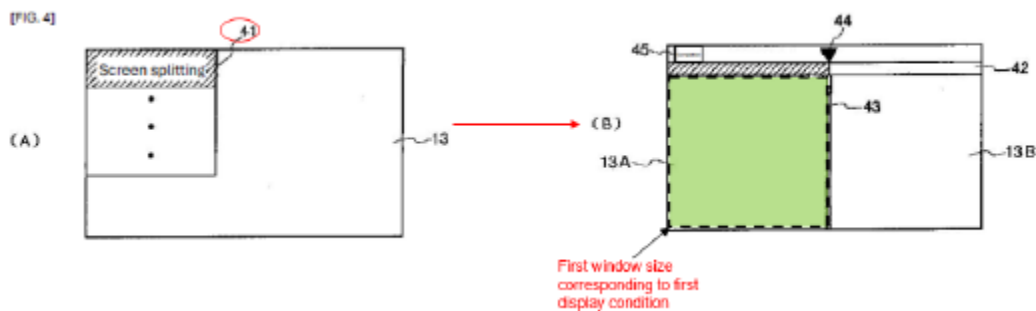


Figure 4 “is a diagram depicting an operation when a screen is split.” Ex. 1005 ¶ 58. Petitioner annotates Figure 4(B) by highlighting screen 13A green and adding text, “First window size corresponding to first display condition,” with an arrow pointing to screen 13A. Pet. 16.

Referring to its annotated Figure 4(B), Petitioner contends that “Ogawa discloses displaying a first screen 13A (‘first screen’ shaded in green) of a program (‘application’) in a first window size (‘first display

condition’).” Pet. 15 (citing Ex. 1005 ¶¶ 17, 18, 23, 24, 33, Figs. 3–5).

According to Petitioner,

Ogawa discloses that “[w]hen ‘Split Screen’ is selected with the pen 12 while a function operation (menu) 41 is displayed as depicted in FIG. 4(A), 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 depicted in FIG. 4(B).”

Id. at 15–16 (citing Ex. 1005 ¶ 17).

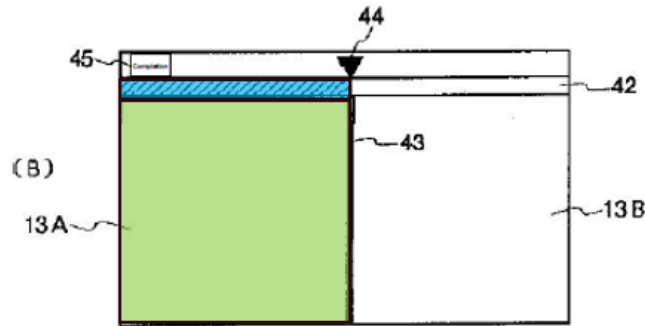
Patent Owner does not address this limitation. See PO Resp. 10–16.

Notwithstanding our determination not to adopt Patent Owner’s construction of “open application state”, we find that Ogawa discloses an open application on screen 13A in Figures 4(B) and 4(C). Ex. 1005 ¶ 33 (“even if a program different from the program being processed on the first screen 13A is executed, the first screen 13A is not affected.”). As we preliminarily found in our Decision on Institution, “[t]he clear implication from this text is both applications may remain open regardless of which screen is active.” Dec. 20. In the Patent Owner Response, Patent Owner refers to our Decision on Institution but does not address or dispute our finding. PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses limitation [1.a].

- iii. *[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;*

Petitioner contends that Ogawa discloses this limitation. Pet. 18 (citing Ex. 1002 ¶¶ 68–71). Petitioner provides the following annotated version of Ogawa’s Figure 4(B) (*id.*):

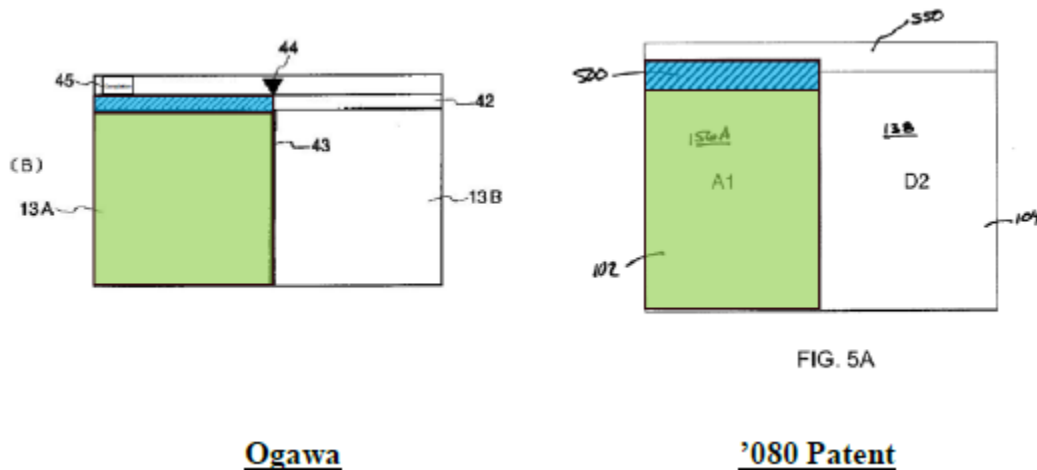


Pet. 18. Figure 4(B) is an “example of screen operation in an electronic device.” Ex. 1005 ¶ 17. Petitioner annotates Figure 4(B) by highlighting screen 13A green and the left portion of access bar 42 blue. Pet. 18.

Petitioner contends that Ogawa discloses limitation [1.b] because it discloses “[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, Figs. 3, 4(B), 5). Petitioner further contends that Ogawa discloses “as shown above, ‘[t]he 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.’” *Id.* (citing Ex. 1002 ¶ 69; Ex. 1005 ¶¶ 18⁹, 24).

⁹ The Petition references paragraph 17 which is a typographical error.

Petitioner next provides a side-by-side comparison of annotated versions of Ogawa Figure 4(B) and Figure 5A of the '080 patent (Pet. 19):



According to Petitioner, this comparison shows that “Ogawa’s disclosure is consistent with the ’080 patent’s disclosure which . . . describes displaying icon 500 with first screen 102 of application A1, where icon 500 indicates application A1 is in a first state corresponding to the size of the application A1 window.” *Id.* (citing Ex. 1001, Abstract, 3:3–14, 13:35–65, Fig. 5A; Ex. 1005, Fig. 4(B)).

Patent Owner contends that this limitation is not disclosed by Ogawa based on its proposed construction of “open application state,” i.e., “this claim language requires the icon to indicate that the application is open in the corresponding display condition/status.” PO Resp. 10–11. As discussed above, we do not adopt Patent Owner’s proposed construction. Nonetheless, as discussed above for limitation [1.a], we find that Ogawa discloses that an application is open in screen 13A. Ex. 1005 ¶ 33.

Finally, Patent Owner’s contention is not responsive to Petitioner’s mapping of the “first window size” shown in Ogawa to the recited “first state.” Pet. 18. Petitioner’s mapping of the “first window size” to the “first

state” is consistent with the description of “state” in the ’080 patent, which provides that “a screen may include an icon which indicates to a user the state of the screen (e.g., be it in expanded mode, unexpanded mode, or expanding mode). The icon may be morphed along with the expansion of the application screen or application into another display.” Ex. 1001, 13:35–37, Figs. 5A–5C.

We have reviewed Petitioner’s evidence and argument in light of Patent Owner’s contentions and find that Ogawa discloses limitation [1.b].

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

Petitioner contends that Ogawa discloses this limitation. Pet. 19 (citing Ex. 1002 ¶¶ 72–75). Petitioner specifically contends that “Ogawa discloses receiving a gesture input when pen 12 touches display input surface 13, where the contact is detected by pen detection unit 21 (‘gesture sensor’) based on the touch.” *Id.* at 19–20 (citing Ex. 1005 ¶¶ 13, 18, 19, 21, Figs. 1, 2). Petitioner further contends that Ogawa’s “pen detection unit 21 detects contact between the pen 12 and the display input surface 13, and outputs a detection signal” and “[b]ased on the output from pen detection unit 21, ‘coordinate reading unit 22 reads the coordinates of the contact position between the pen 12 and the display input surface 13, and outputs the coordinates that were read’ to buffer 23.” *Id.* at 20 (citing Ex. 1002 ¶ 73; Ex. 1005 ¶¶ 13, 15, 18, 29, 57).

Patent Owner does not address this limitation. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses limitation [1.c].

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

Petitioner contends that Ogawa discloses this limitation because it “discloses modifying the manner in which the program (‘application’) is displayed in response to receiving a gesture input via pen 12.” Pet. 21 (citing Ex. 1002 ¶¶ 76–78). Petitioner provides the following annotated version of Ogawa’s Figures 4(B) and 4(C) (*id.* at 22):

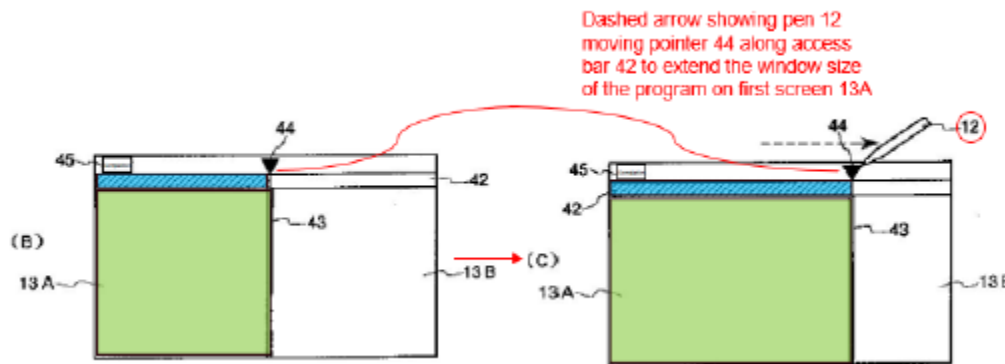


Figure 4 “is a diagram depicting an operation when a screen is split.”

Ex. 1005 ¶ 58. Petitioner annotates this drawing by highlighting screen 13A green, access bar 42 blue, and adding text “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.

Referring to its annotated Figure 4, Petitioner contends that “Ogawa discloses that its pen detection unit 21 (‘gesture sensor’) detects pen 12 contacting a pointer 44 that indicates the point at which screens 13A and 13B are split and pen 12 being moved along access bar 42 . . . to extend the size of first screen 13A such that [the] program encompasses a larger window size.” Pet. 21 (citing Ex. 1005 ¶¶ 19, 27, 28).

Patent Owner does not address this limitation. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses limitation [1.d].

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

Petitioner contends that Ogawa discloses this limitation. Pet. 22 (citing Ex. 1002 ¶¶ 79–82). Referring to its contentions for limitation [1.d], Petitioner contends that “in response to pen 12 dragging pointer 44 along access bar 42 to expand the size of first screen 13A, the size of the window in which the program (‘application’) is displayed is changed to a second (e.g. larger) window size (‘second display condition’).” *Id.* at 23 (citing Ex. 1005 ¶¶ 19, 27, 28).

Patent Owner does not address this limitation. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses limitation [1.e].

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

Petitioner contends that Ogawa discloses this limitation. Pet. 24 (citing Ex. 1002 ¶¶ 83–88). Petitioner provides the following annotated version of Ogawa’s Figure 4(B) and 4(C) (*id.* at 25);

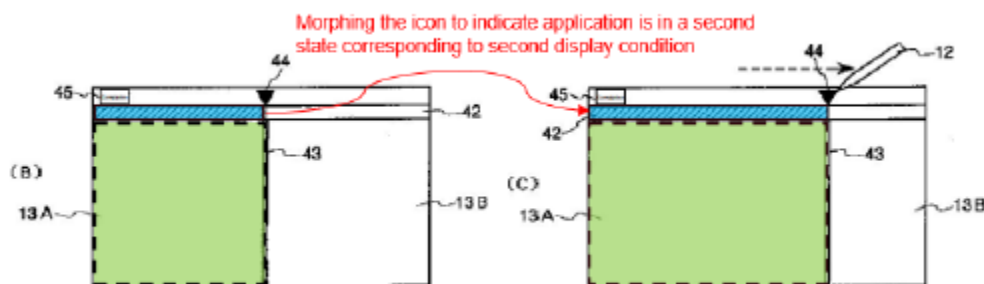


Figure 4 “is a diagram depicting an operation when a screen is split.”

Ex. 1005 ¶ 58. Petitioner annotates this drawing by highlighting screen 13A

green, access bar 42 blue, and adding text “Morphing the icon to indicate application is in a second state corresponding to second display condition.” Pet. 25.

Referring to its annotated Figures 4(B) and 4(C), Petitioner contends that “Ogawa discloses morphing the colored/shaded portion of access bar 42 (‘icon’ shaded blue) to indicate that Ogawa’s program (‘application’) is in a second state corresponding to the second window size (‘second display condition’).” *Id.* (citing Ex. 1005 ¶¶ 17–19, 23, 24, 27, 28, Figs. 3–5); *see also id.* at 26 (repeating substantially the same arguments).

With respect to the recited “second state”, Patent Owner relies on the same contentions as for limitation [1.b] discussed above. *See* PO Resp. 10–16. Those contentions are unavailing for the same reasons discussed above for limitation [1.b].

Patent Owner also contends that our Decision on Institution misapprehended “Patent Owner’s argument by conflating the state of the screen with the state of the application.” PO Resp. 12 (citing Dec. 20). Patent Owner argues that “the colored shaded portion of access bar 42 does not indicate the open state of the claimed application, or whether the application is in one of the corresponding display conditions/statuses” but “[i]nstead the color shaded portion of access bar 42 simply corresponds to the active state and size of the screen (which may or may not be displaying the claimed application).” *Id.* (citing Ex. 2002 ¶¶ 66–75). Patent Owner further argues that “[i]f Ogawa’s active screen can contain one open application at one point in time and a different open application at another point in time, then the colored shaded portion of access bar 42 only indicates whether the screen is active and the size of the screen—and not whether the

claimed application is open in one of the display conditions/statuses.” *Id.* at 12–13 (citing Ex. 2002 ¶¶ 70–75).

Patent Owner next contends that in Ogawa, “the color shaded portion of access bar 42 indicates the state of the screen (which could be displaying one or more applications), and not the state of the application (with respect to the first and second displays.)” PO Resp. 13 (citing Ex. 2002 ¶ 72). According to Patent Owner, “[s]imply because the color bar and its associated screen can change sizes does not change that it reflects the state of the screen and not any specific application.” *Id.*

Patent Owner next contends that “where the same application is open on [screens] 13A and 13B, the access bar 42 simply indicates which screen is active, but does not indicate the display condition/status of the application with respect to the displays.” PO Resp. 14 (citing Ex. 2002 ¶¶ 69–74). According to Patent Owner, “whether or not a particular screen (13A or 13B) is active (and the access bar is shaded), does not change anything regarding how the application is displayed on 13A and 13B.” *Id.* at 14–15 (citing Ex. 2002 ¶ 74).

Petitioner, in turn, argues that because Ogawa discloses that a “program is being displayed on the active screen (e.g., screen 13A in the below figures) in Ogawa, the program is necessarily open and the colored portion of access bar 42 thus indicates an ‘open application state.’” Pet. Reply 8 (citing Pet. 27; Ex. 1005 ¶¶ 24, 33, Figs. 4(B, 4(C)) (emphasis omitted).

Petitioner further contends that Patent Owner created two scenarios that are not expressly described in Ogawa and not relied on in the Petition. Pet. Reply 17 (citing PO Resp. 12–13, 14).

For the following reasons, we find that Petitioner establishes that Ogawa discloses this limitation.

Patent Owner's contentions are not responsive to Petitioner's mapping of Ogawa to claim limitation [1.f]. This claim limitation recites that "the morphing comprising changing the shape and size of the icon." Ex. 1001, 15:4–7. Petitioner relies on the size and shape of access bar 42 changing as shown by a comparison of Ogawa's Figure 4(B) and Figure 4(C). Pet. 24–25. Patent Owner does not dispute that the size and shape of access bar 42 changes from Figure 4(B) to Figure 4(C). *See* PO Resp. 10–16.

Patent Owner focuses on the color of access bar 42 shown as cross-hatching in Figure 4 to argue that the icon does not represent the state of the application. PO Resp. 12–14. However, the color of access bar 42 and the size and shape of access bar 42 are set independently of each other by different functions. Ogawa explains that:

[t]he splitting position of the screen is indicated by a pointer 44. When the pointer 44 is designated with the pen 12 and the pen is moved left or right (along the access bar 42), the splitting ratio (horizontal size ratio) of the two screens 13A, 13B changes as depicted in FIG. 4(C).
Ex. 1005 ¶ 19.

Ogawa also explains that "[t]he 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. The active screen is switched by touching the display input surface 13 and the pen 12." *Id.* ¶ 18. The Petition relies on the shape and size of the icon that is determined by moving the pen left or right on access bar 42 to indicate the first and second states of the application. Pet. 25 ("Ogawa discloses that the morphing of the icon includes changing the shape and size of the icon, in a manner consistent

with the disclosures of the '080 patent"). The color of access bar 42 is changed by touching input surface 13 which determines the active screen. Patent Owner's argument, thus, "conflat[es] the state of the screen [active or not] with the state of the application [window size]." PO Resp. 12.

Patent Owner's remaining arguments based on hypothetical scenarios concerning "one open application at one point in time and a different open application at another point in time" (PO Resp. 12) and the same application being "active on both of Ogawa's screens 13A and 13B" (*id.* at 13) are not responsive to Petitioner's mapping of this limitation to the disclosure of Ogawa and, thus, are unavailing.

We have reviewed Petitioner's evidence and argument, in light of Patent Owner's contentions, and find that Ogawa discloses limitation [1.f].

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

Petitioner contends that "Ogawa discloses this limitation for reasons similar to those given above for claim limitations [1.b] and [1.f]." Pet. 27 (citing Ex. 1002 ¶¶ 89–91). Petitioner further contends 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 input surface 13." *Id.* Petitioner next contends that "[f]or 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.'" *Id.* (citing Ex. 1002 ¶ 90; Ex. 1005 ¶¶ 16, 18, 23).

Patent Owner's argument for this limitation relies on its proposed construction for open application state which we do not adopt. PO Resp.

10–16. Additionally, as discussed above for limitation [1.a], Ogawa discloses that an application is open on screen 13A.

We have reviewed Petitioner’s evidence and argument, in light of Patent Owner’s contentions, and find that Ogawa discloses this limitation.

ix. *Summary of Claim 1*

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 1 is anticipated by Ogawa.

3. *Claim 2*

Claim 2 depends from claim 1 and recites “wherein the icon is changed in proportion to the relative position of the application with respect to the first and second display.” Ex. 1001, 15:10–12.

Petitioner contends that Ogawa discloses the limitations of claim 2. Pet. 27 (citing Ex. 1002 ¶ 92. Petitioner provides the following annotated version of Ogawa’s Figure 4 (*id.* at 28):

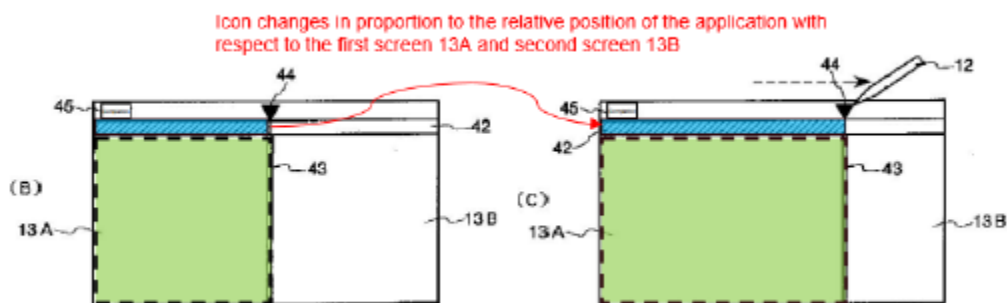


Figure 4 “is a diagram depicting an operation when a screen is split.”

Ex. 1005 ¶ 58. Petitioner annotates this drawing by highlighting screen 13A green, access bar 42 blue, and adding text “Icon changes in proportion to the relative position of the application with respect to the first screen 13A and second screen 13B.” Pet. 28.

Petitioner further contends that the

colored/shaded portion of access bar 42 . . . is changed in proportion to the relative position of the program (“application”) with respect to the first and second parts of display input surface 13 on which the first and second screens 13A and 13B are displayed, respectively (claimed first and second displays).

Pet. 28 (citing Ex. 1002 ¶ 92; Ex. 1005, Fig. 4).

Patent Owner argues, based on its construction of “first display” and “second display” discussed above that “Ogawa cannot anticipate claim 2 because Ogawa discloses only single physical display 13” and “cannot suggest an icon that is changed in proportion to the relative position of the application with respect to two different hardware displays.” PO Resp. 16–17. (citing Ex. 2002 ¶ 78). Because we do not adopt Patent Owner’s construction, this contention is unavailing. See Ex. 1001, 5:66–67 (“the two displays 102 and 104 may comprise separate portions of a unitary display”).

We have reviewed Petitioner’s evidence and argument, in light of Patent Owner’s contentions, and find that Ogawa discloses the limitations of claim 2.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 2 is anticipated by Ogawa.

4. Claim 12

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

Patent Owner presents the same arguments as those for claim 1. PO Resp. 10–16.

i. [12.pre] A handheld computing device, comprising:

Petitioner contends that Ogawa discloses the subject matter of the preamble because it “discloses an electronic device such as an electronic

notebook (‘handheld computing device’).” Pet. 29 (citing Ex. 1002 ¶¶ 93-94; Ex. 1005 ¶¶ 1, 2, 11, 12, 20, Figs. 1, 2).

Patent Owner does not address the preamble of claim 12. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses the subject matter of the preamble.

ii. [12.a] a processor

Petitioner contends that “Ogawa discloses that its electronic notebook includes control unit 24 (‘processor’) connected to various other components of the electronic notebook like ROM 25, RAM 26, and display drive unit 30.” Pet. 29 (citing Ex. 1005 ¶¶ 12, 15, Fig. 2).

Patent Owner does not address this limitation. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses this limitation.

iii. [12.b] a first display operable to display a first screen, the first display being in operative communication with the processor;

Petitioner contends that Ogawa discloses this limitation because it discloses “a first part of display input surface 13 (‘first display’) operable to display first screen 13A . . . the first part of display input surface 13 . . . being in operative communication with control unit 24 . . . at least via display drive unit 30 and RAM 26.” Pet. 31–32 (citing Ex. 1002 ¶¶ 98–10; Ex. 1005 ¶¶ 15, 1, 23–25, Figs. 2–5). Petitioner further contends that “[t]he logically split display input surface 13 includes a first part (which displays first screen 13A) and a second part (which displays second screen 13B)” which, according to Petitioner, correspond respectively to the recited “first display” and “second display.” *Id.* at 33 (citing Ex. 1002 ¶ 99).

Petitioner next contends that the first part of Ogawa’s “logically split display input surface 13 is in operative communication with control unit 24 as control unit 24 executes instructions from RAM 26 (including editing area 27, splitting control area 28, and display area 29) to display content on this first part using display drive unit 30.” Pet. 34 (citing Ex. 1005 ¶¶ 15, 17, 23–25, Figs. 2–5). Petitioner further contends that

when display input surface 13 is split, control unit 24 executes instructions to display content . . . on first screen 13A of the first part of the display input surface 13 based on, e.g., information stored in first editing area 27A, the splitting flag 28A and active screen flag 28B, along with actual VRAM 29A and primary VRAM 29B.

Id. (citing Ex. 1002 ¶ 100); *see also id.* at 34–37 (reproducing Ex. 1005 ¶¶ 15, 17, 23, 24, 25, Fig. 3).

Patent Owner does not address this limitation. *See* PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses this limitation.

- iv. *[12.c] a second display operable to display a second screen, the second display being in operative communication with the processor;*

Petitioner contends that “Ogawa discloses this limitation for reasons similar to those given above with respect to claim limitation [12.b].” Pet. 37 (citing Ex. 1002 ¶¶ 102–105). Petitioner specifically contends that Ogawa’s device “includes a second part of display input surface 13 (‘second display’) operable to display second screen 13B (‘second screen’), the second part of the display input surface 13 (‘second display’) being in operative communication with control unit 24 (‘processor’) at least via display drive unit 30 and RAM 26.” *Id.* (Ex. 1005 ¶¶ 15, 17, 23–25, Figs. 2–5).

Petitioner then essentially repeats the specific contentions from limitation [12.b]. *Id.* at 38–39.

Patent Owner does not address this limitation. *See* PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses this limitation.

- v. *[12.d] at least one gesture sensor, separate from the first display and the second display, and operable to receive a gesture input;*

Petitioner contends that “Ogawa discloses this limitation for reasons similar to those given above” for limitation [1.c]. Pet. 40 (citing Ex. 1002 ¶¶ 106–109). Petitioner specifically contends that Ogawa’s pen detection unit 12 corresponds to the recited “at least one gesture sensor” and it is “separate from the first and second parts of the display input surface 13 (‘first display’ and ‘second display,’ respectively), and operable to receive a gesture input via the pen 12.” *Id.* (citing Ex. 1005 ¶¶ 12, 13, 15, 21, Fig. 2).

Patent Owner does not address this limitation. *See* PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses this limitation.

- vi. *[12.e] wherein the processor is operable to:*

Petitioner contends that Ogawa discloses this limitation because “its control unit 24 (‘processor’) is operable to perform the features set forth in the following limitations” i.e., limitations [12.f]–[12.i].

Patent Owner does not address this limitation or limitations [12.f]–[12.i]. *See* PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses this limitation.

- vii. *[12.f] execute an application that is displayable on at least one of the first display and the second display in response to the gesture input; and*

Petitioner contends that “Ogawa discloses this limitation.” Pet. 41 (citing Ex. 1002 ¶¶ 111–113). Referring to its contentions for limitation [1.a], Petitioner contends that Ogawa executes a “program (‘application’) that is displayable on at least one of the first part and the second part of display input surface 13 (‘first display’ and ‘second display,’ respectively) in response to pen input detection unit 21 detecting a gesture input by way of pen 12 touching display input surface 13.” Pet. 41. Petitioner further contends that Ogawa executes a program “like a calendar on at least a first part of the display input surface 13 (‘at least one of the first display and the second display’) in response to the user selecting a split screen option on menu 41 with pen 12 (‘in response to the gesture input’).” *Id.* at 41–42 (citing Ex. 1005 ¶¶ 17, 18, 23, 24, 33, Figs. 3–5).

Patent Owner does not address this limitation. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses this limitation.

- viii. *[12.g] displaying an icon associated with the application in at least one of the first display and the second display,*

Petitioner contends that Ogawa discloses this limitation. Pet. 42 (citing Ex. 1002 ¶¶ 114–116). Referring to its contentions for limitation [1.b], Petitioner contends that Ogawa “display[s] a colored/shaded portion of an access bar 42 . . . associated with the program . . . in at least the first part of display input surface 13.” *Id.* (citing Ex. 1005 ¶¶ 17, 18, 23, 24, 33, Figs. 3, 5). Petitioner further contends that the portion of access bar 42 located on an active screen is shown with hatching in Figure 4 to indicate the

application is active. *Id.* at 43 (citing Ex. 1002 ¶ 115; Ex. 1005 ¶¶ 17, 24, Fig. 4).

Patent Owner does not address this limitation. *See* PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses this limitation.

ix. *[12.h] wherein the icon indicates the application is in one of two or more states associated with a display status with respect to the first and second displays;*

Petitioner contends that Ogawa discloses this limitation. Pet. 43 (citing Ex. 1002 ¶¶ 117–119). Referring to its contentions for limitations [1.b], [1.e], [1.f], and [12.g], Petitioner contends that the “colored/shaded portion of access bar 42 . . . indicates that the program (‘application’) is in one of two or more states associated with a window size (‘display status’) of the application with respect to the first and second parts of display input surface 13.” *Id.* at 43–44 (citing Ex. 1005 ¶¶ 17, 18, 23, 24, 33, Figs. 3, 5).

Patent Owner’s only argument specific to claim 12 is that “while not requiring the icon to morph, [claim 12] recites substantially similar limitations [to claim 1] with respect to the icon indicating the open application state.” PO Resp. 11. Although not explicitly stated by Patent Owner, this argument appears to refer to limitation [12.h]. The argument is unavailing because it is not responsive to Petitioner’s mapping of Ogawa to this limitation, i.e., Petitioner maps Ogawa’s window size to the state associated with a display status. *See* PO Resp. 10–16; *see also* our analysis above addressed to limitation [1.f].

We have reviewed Petitioner’s evidence and argument, in light of Patent Owner’s contention, and find that Ogawa discloses this limitation.

- x. *[12.i] wherein the first and second states comprise an open application state.*

Petitioner contends that “Ogawa discloses this limitation for at least reasons similar to those given above with respect to claim limitations [1.g] and [12.h].” Pet. 45 (citing Ex. 1002 ¶¶ 120–121). Petitioner further contends “the program in the first part of display input surface 13 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 the display input surface 13.” *Id.* (citing Ex. 1005 ¶¶ 16, 18, 23).

To the extent Patent Owner’s argument for claim 12 discussed above regarding limitation [12.h] applies to this limitation, it is not responsive to Petitioner’s mapping of Ogawa to this limitation.

We have reviewed Petitioner’s evidence and argument, in light of Patent Owner’s contention, and find that Ogawa discloses this limitation.

x. *Summary of Claim 12*

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 12 is anticipated by Ogawa

5. *Claim 13*

Claim 13 depends from claim 12 and recites “wherein the icon is indicative of whether the application is expandable, whether the application is expanded, or whether the application is expanding.” Ex. 1001, 16:20–23.

Petitioner first notes that claim 13 is phrased in the alternative and contends it “is met by the prior art if at least one of the alternatively claimed features is disclosed.” Pet. 46.

Petitioner contends that “Ogawa discloses at least that the colored/shaded portion of access bar 42 . . . is indicative of whether the

program . . . is expandable.” Pet. 46 (citing Ex. 1005 ¶¶ 19, 19, 24, 25, 27, 28, Figs. 4, 5). Petitioner further contends that Figures 4(B) and 4(C) show that

when the program does not occupy the entirety of display input surface 13 . . . then the icon is indicative of the application being expandable because the user can expand the program such that the window size of the program increases relative to the first and second displays of display input surface 13 . . . As shown in figure 4(C), the window size of the program displayed in the first part of display input surface 13 is expanded relative to the window size of the program shown in figure 4(B), thus the icon in figure 4(B) indicates that the program is expandable.

Id. at 46–47.

Patent Owner does not address claim 13. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses the limitations of claim 13.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 13 is anticipated by Ogawa.

6. Claim 20

Claim 20 depends from claim 12 and recites “wherein the icon morphs to indicate that the application is in one of two or more states, the morphing comprising changing the shape and size of the icon.” Ex. 1001, 16:41–44.

Petitioner contends that “Ogawa discloses this limitation for at least reasons similar to those given above with respect to claim limitation [1.f].” Pet. 48 (citing Ex. 1002 ¶ 126).

Patent Owner does not address claim 20. See PO Resp. 10–16.

We have reviewed Petitioner’s evidence and argument and find that Ogawa discloses the limitations of claim 20.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 20 is anticipated by Ogawa.

E. Ground 2: Obviousness of Claims 4–9 over Ogawa and Yook

1. Yook (Ex. 1007)

Yook is titled “Method of Dividing Screen Areas and Mobile Terminal Employing the Same.” Ex. 1007, code (54). Yook relates to “a method and mobile terminal that can divide the screen into individual divided screen areas and simultaneously present user functions on the individual divided screen areas.” *Id.* ¶ 3.

Figures 4A–4D of Yook are reproduced below:

FIG . 4a

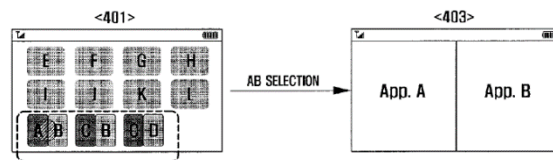


FIG . 4b

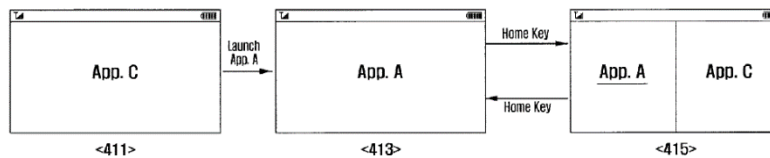


FIG . 4c

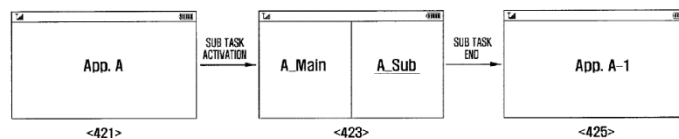
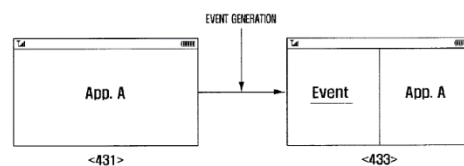


FIG . 4d



Figures 4A–4D of Yook illustrate splitting and merging of screens.

Ex. 1007 ¶ 14.

As shown in Figure 4A, the user of a mobile terminal 100 generates an input signal to display a plurality of menu items and widget items.

Ex. 1007 ¶ 44. When the user selects a dual menu item “AB” in screen 401, the mobile terminal 100 activates application programs related to the menu items A and B, displays a functional view area App. A as to the application program related to the menu item A on a divided screen area, and displays a functional view area App. B as to the application program related to the menu item B on the other divided screen area, as illustrated in screen 403.

Id. ¶ 45. As shown in Figure 4B, mobile terminal 100 can provide simultaneous presentation of two pieces of data related by an event history.

Id. ¶ 47. For example, when the user generates an input signal corresponding to one of a particular key and a touch event like the “Home” key in screen 413, mobile terminal 100 can simultaneously output two functional view areas App. C and App. A to display unit 141 as illustrated in screen 415, where the functional view area App. C is related by an event history to the functional view area App. A. *Id.*

As shown in Figure 4D, when the user of mobile terminal 100 generates an input signal for activating a function “A”, mobile terminal 100 displays a functional view area App. A as to the function “A” on display unit 141, as illustrated in screen 431. Ex. 1007 ¶ 51. Thereafter, when an event corresponding to one of a schedule and a condition is generated, mobile terminal 100 can activate an application program for handling the event and output a functional view area as to the event handling application program to display unit 141. *Id.* In particular, as illustrated in screen 433, mobile

terminal 100 can display the functional view area App. A as to the function “A” on one divided screen area through resizing, and display a functional view area Event as to the event handling application program on the other divided screen area. *Id.*

2. Claim 4

Claim 4 depends from claim 1 and recites “wherein the first display condition includes displaying the application in at least a first and second display, and wherein the modifying includes minimizing the application to occupy only one of the first and second displays.” Ex. 1001, 15:17–21.

Petitioner concedes that Ogawa does not disclose the limitations of claim 4. Pet. 49 (citing Ex. 1002 ¶ 128). Petitioner then turns to Yook.

Petitioner contends that “Yook discloses a screen area management program which, in response to user input or an event trigger, ‘divides the screen of the display unit 141 into a plurality of divided screen areas.’” Pet. 51 (citing Ex. 1007 ¶¶ 3–8, 26, 27, 35, Figs. 4a–4e, Abstract). Petitioner further contends that an ordinarily skilled artisan would have considered “the teachings of Yook when implementing Ogawa” because “Yook discloses methods of controlling the display of content in a dual display configuration in the same technical field as Ogawa.” *Id.* (citing Ex. 1002 ¶ 132).

Petitioner next contends that Yook’s Figure 4a “displays a plurality of menu items including ‘dual menu items’” and “[i]f one of the ‘dual menu items’ is selected, then ‘mobile terminal 100 can activate application programs related to the menu items A and B’” and then “display a functional view area App.A as to the application program related to the menu item A on a divided screen area, and display a functional view area App.B as to the

application program related to menu item B on the other divided screen area.” Pet. 51–52 (citing Ex. 1007 ¶ 44); *id.* at 52–53 (arguing Yook’s Figure 4B shows mobile terminal 100 “display[s] the functional view area App.A . . . on the left divided screen area, and display[s] the functional view area App.C . . . on the right divided screen area”) (citing Ex. 1007 ¶ 44) (emphasis omitted); *id.* at 53–54 (arguing Yook’s Figure 4D “shows a similar scenario”).

Petitioner next contends that it would have been obvious to an ordinarily skilled artisan to modify “Ogawa’s display control method using Yook’s technique such that Ogawa’s method would have included first displaying a program across both logically divided displays of display input surface 13 . . . to increase the viewing area for the program as shown and described [in] Yook’s figures 4b and 4d.” Pet. 54–55 (citing Ex. 1002 ¶ 137). Petitioner further contends that the modification would “include[] minimizing the program to occupy only one of the first and second parts of display input surface 13 . . . as also shown and described with reference to Yook’s figures 4b and 4d.” *Id.* at 55. Petitioner then provides an example of the modification. *Id.* Namely, Ogawa’s operation would have been modified so that “when a user elects to split a screen in figure 4(A) using the split screen menu 41, the program is first displayed like in figure 4(C) . . . across two displays and then, based on user input to minimize the program size” resulting in the program displayed on one display. *Id.* (citing Ex. 1002 ¶ 137; Ex. 1005, Figs. 4(A)–4(C)).

Petitioner next contends that the modification of Ogawa with Yook “would have involved the substitution of one known way of displaying a program” as shown in Ogawa “with another known display method” as

shown in Yook, “and thus would yield a predictable result.” Pet. 56–57 (citing Ex. 1002 ¶ 139).

Patent Owner does not address claim 4. See PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that Petitioner has shown that an ordinarily skilled artisan would have been motivated to combine Ogawa and Yook as a simple substitution of one known way of displaying a program for another with a predictable result. Ex. 1002 ¶ 139. Further, Petitioner has also shown that the combination of Ogawa and Yook teaches the limitations of claim 4.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 4 is obvious over Ogawa and Yook.

3. Claim 5

Claim 5 depends from claim 4 and recites “wherein a first and second dimension define a first aspect ratio of the icon and a third and fourth dimension define a second aspect ratio of the icon.” Ex. 1001, 15:22–25.

Petitioner contends that “Ogawa in view of Yook discloses and/or suggests, and renders obvious, this limitation.” Pet. 58 (citing Ex. 1002 ¶¶ 142–145). Petitioner provides the following annotated version of Ogawa’s Figures 4(B) and 4(C):

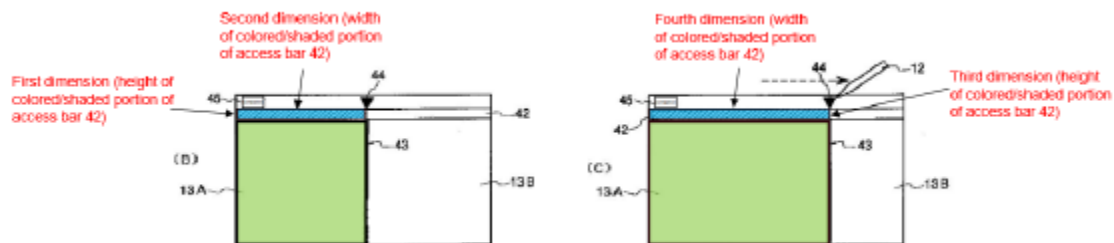


Figure 4 “is a diagram depicting an operation when a screen is split.”

Ex. 1005 ¶ 58. Petitioner annotates Figures 4(B) and 4(C) by highlighting screen 13A green, access bar 42 blue, and adding text “First dimension

(height of colored/shaded portion of access bar 42),” “Second dimension (width of colored shaded portion of access bar 42),” “Third dimension (height of colored/shaded portion of access bar 42),” and “Fourth dimension (width of colored/shaded portion of access bar 42).” Pet. 58.

Petitioner argues that the height of access bar 42 in Figure 4(B) corresponds to the recited “first dimension,” the width thereof corresponds to the recited “second dimension,” and defines the recited “first aspect ratio.” Pet. 58 (citing Ex. 1005 ¶¶ 17–19, Figs. 4(B), 4(C)). Petitioner similarly contends that the height and width of access bar 42 shown in Figure 4(C) define the recited “second aspect ratio.” *Id.*

Patent Owner does not address claim 5. *See* PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Yook teaches the limitations of claim 5.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 5 is obvious over Ogawa and Yook.

4. *Claim 6*

Claim 6 depends from claim 5 and recites “wherein the first aspect ratio is different than the second aspect ratio.” Ex. 1001, 15:26–27.

Referring to its contentions for claim 5, Petitioner contends that “[t]he two aspect ratios would have been different because the widths of the colored/shaded portion of access bar 42 in figures 4B and 4C are different (commensurate with the window size of the displayed program) while the height remains the same.” Pet. 60.

Patent Owner does not address claim 6. *See* PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Yook teaches the limitations of claim 6.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 6 is obvious over Ogawa and Yook.

5. *Claim 7*

Claim 7 depends from claim 6 and recites “wherein the first dimension and the third dimension are equal.” Ex. 1001, 28–29.

Referring to its contentions for claim 5, Petitioner contends that the height of the colored/shaded portion of access bar 42 is equal in Figure 4(B) (“first dimension”) and Figure 4(C) (“second dimension¹⁰”). Pet. 61.

Patent Owner does not address claim 7. *See* PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Yook teaches the limitations of claim 7.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 7 is obvious over Ogawa and Yook.

6. *Claim 8*

Claim 8 depends from claim 7 and recites “wherein the first dimension and the third dimension are vertical dimensions.” Ex. 1001, 15:30–31.

Referring to its contentions for claim 5, Petitioner contends “the claimed first and second¹¹ dimensions are being mapped to the height of the colored/shaded portion of access bar 42 in figures 4(B) and 4(C), where height is a ‘vertical dimension,’ as claimed.” Pet. 61–62.

Patent Owner does not address claim 8. *See* PO Resp. 10–18.

¹⁰ This is a typographical error as the Petition maps the height in Figure 4(C) to the “third dimension.” Pet. 58.

¹¹ This is a typographical error as the Petition maps the height in Figure 4(C) to the “third dimension.” Pet. 58.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Yook teaches the limitations of claim 8.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 8 is obvious over Ogawa and Yook.

7. *Claim 9*

Claim 9 depends from claim 8 and recites “wherein the second dimension corresponds to a width of the application when displayed in the first display, and wherein the fourth dimension corresponds to the width of the application when displayed in the first and second display.” Ex. 1001, 15:32–36.

Referring to its contentions for claim 5, Petitioner contends that “the claimed second dimension corresponds to a width of the program when displayed in the first and second parts of display input surface 13 . . . and the claimed fourth dimension corresponds to a width of the program when displayed in the first and second parts of display input surface 13.” Pet. 62.

Patent Owner does not address claim 9. *See* PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Yook teaches the limitations of claim 9.

For the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 9 is obvious over Ogawa and Yook.

F. Ground 3: Obviousness of Claims 1, 2, and 12–16 over Ogawa and Choi

1. *Choi (Ex. 1006)*

Choi is titled “Terminal and Method of Controlling the Same.” Ex. 1006, code (54). Choi’s described terminal includes a camera, a display, a user input having a camera shutter key, and a controller for controlling menu icons displayed in a standby mode to be displayed by being

overlapped with a camera preview image. *Id.* at code (57). A see-through image seen through a transparent display may be used as a camera preview image. *Id.*

Figure 39 of Choi is reproduced below:

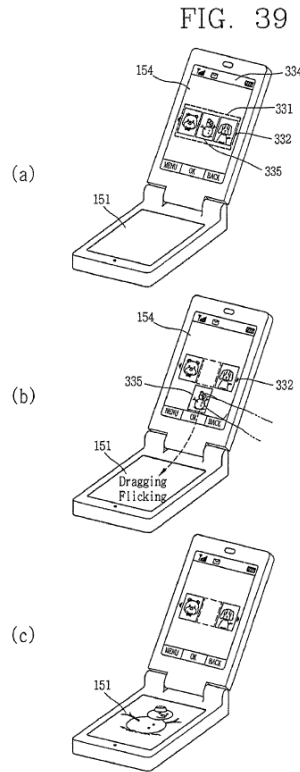


Figure 39 illustrates a method for controlling liquid crystal display (LCD) 151 and transparent organic light-emitting diode display (TOLED) 154 when executing a photo album function in a folder-type mobile terminal having a dual display. Ex. 1006, 4:17–20, 24:54–60.

As shown in Figure 39, in a mobile terminal having TOLED 154 and LCD 151 separately provided, the controller can display a screen for executing a photo album on TOLED 154. Ex. 1006, 24:67–25:8. In addition, the controller may display on TOLED 154 images 331, software navigation keys 332, and cursor 333 for selecting one of images 331. *Id.* Indicator 334 for indicating an operational state of the mobile terminal may

also be displayed on TOLED 154. *Id.* In addition, the user can select one image (e.g., image 335) of images 331 displayed on the screen for activating the photo album (as shown in Figure 39(a)), and drag or flick the selected image 335 in a direction from TOLED 154 to LCD 151 (as shown in Figure 39(b)). *Id.* at 25:9–21. Accordingly, the controller can display the dragged or flicked image 335 on LCD 151 as a preview image (as shown in Figure 39(c)). *Id.* The controller can also change the selected image 335 to be an idle screen image of LCD 151. *Id.* In addition, the controller can provide an animation effect that the selected image 335 is moved onto LCD 151 to be then unfolded. *Id.*

2. *Motivation to Combine*

Petitioner contends that “Choi discloses various examples of mobile terminals with single or multiple touch-sensitive displays.” Pet. 63 (citing Ex. 1006, 8:13–27, 13:52–65, 14:47–52, Figs. 5, 6). Petitioner further contends that “Choi discloses that a multiple display configuration for its mobile terminals can be implemented by logically dividing a single physical display into two displays or by providing two separate physical display units instead of the single physical display.” *Id.* at 64 (citing Ex. 1006, 33:6–18, Fig. 59). Petitioner next contends that Choi’s Figure 39 shows a folder-type mobile terminal includes two separate touch-sensitive displays, LCD 151 and TOLED 154. *Id.* at 66 (citing Ex. 1006, 24:64–25:3, Fig. 39).

With respect to Choi’s Figure 39, Petitioner contends “that content displayed on one display in a dual-display device (e.g., TOLED 154) may be switched with the content displayed on the other display of the device (e.g., LCD 151).” Pet. 67 (citing Ex. 1006, 25:22–40). Petitioner further contends that “Choi discloses that a screen switching function key ‘for

switching contents respectively displayed on the TOLED 154 and the LCD 151' is provided.” *Id.* at 67–68. According to Petitioner, Choi also “discloses changing an icon’s appearance to indicate a change in the display states associated with the content displayed on the multiple displays of the device (e.g., icon’s changed appearance indicating that the content being displayed on the first display and second display has been switched).” *Id.* at 68 (citing Ex. 1002 ¶ 156).

Petitioner next contends that an ordinarily skilled artisan would have been motivated “to implement Ogawa’s display control method using a folder-type mobile terminal such as a smart phone . . . disclosed by Choi.” Pet. 69. According to Petitioner, this “modification would have involved the substitution of one known computing device (electronic device/notebook in Ogawa) with another known computing device (Choi’s smartphone), both of which perform similar functions . . . and thus would yield a predictable result.” *Id.* at 69–70 (citing Ex. 1002 ¶ 160).

Patent Owner’s only argument specific to this ground is that Petitioner does not rely on Choi for the “open application state” discussed above in connection with Ground 1. PO Resp. 16.

We have reviewed Petitioner’s evidence and arguments and find that Petitioner establishes that an ordinarily skilled artisan would have been motivated to combine Ogawa’s display control method with Choi’s dual-display smart phone because it is a simple substitution of one known computing device for another with predictable results of applying Ogawa’s display control method to a device with two separate physical displays. Ex. 1002 ¶ 160.

3. *Claim 1*

In this alternative challenge to claim 1, Petitioner contends that the combination of Ogawa and Choi teaches “a handheld computing device including one or more displays” and “the morphing comprises changing the shape and size of the icon.” Pet. 72–73 (citing Ex. 1002 ¶¶ 166–169).

Petitioner next contends that the combination of Ogawa and Choi teaches “a method for controlling a folder-type mobile terminal such as a smart phone . . . with a dual-display configuration . . . as required by the claim 1 preamble.” Pet. 73–74 (citing Ex. 1002 ¶¶ 167, 168; Ex. 1006, Figs. 39(a)–39(c), Fig. 59).

Petitioner relies on Ogawa for the remaining limitations for claim 1 as discussed above in connection with Ground 1.

Patent Owner’s only argument specific to this ground is that Petitioner does not rely on Choi for the “open application state” discussed above in connection with Ground 1. PO Resp. 16.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Choi teaches the limitations of claim 1.

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 1 is obvious over Ogawa and Choi.

4. *Claim 2*

Petitioner presents this alternative challenge to claim 2 in the event we were to agree with Patent Owner’s argument that the claim requires two separate hardware displays (PO Resp. 16). Pet. 75. As discussed in connection with the challenge to claim 2 in Ground 1, we do not agree with Patent Owner’s contention that claim 2 requires two separate hardware displays.

Petitioner’s contention for this ground is that the combination of Ogawa and Choi teaches “a smart phone with physically distinct first and second displays.” Pet. 75 (citing Ex. 1002 ¶¶ 170–175). Petitioner contends that an ordinarily skilled artisan would have been motivated “to modify Ogawa’s method . . . to implement a multi-display configuration by logically dividing the single display . . . of Ogawa” into two separate physical displays “to implement a similar multi-display configuration as taught by Choi.” *Id.* at 75–76 (citing Ex. 1005 ¶¶ 15–18, Figs. 4(B), 4(C); Ex. 1006, 14:24–35, 14:47–52, 26:64–27:3, 33:14–18, Figs. 7A, 7B, 39, 59); *id.* at 79 (arguing “the proposed modification to Ogawa would have resulted in Ogawa implementing its process . . . across multiple physically distinct displays.” (citing Ex. 1002 ¶ 174)).

Patent Owner does not address the challenge to claim 2 in this ground. PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Choi teaches the limitations of claim 2.

For all of the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 2 is obvious over Ogawa and Choi.

5. *Claims 12 and 13*

Petitioner contends that the combination of Ogawa and Choi teaches “a handheld computing device” for the same reasons as claim 1. Pet. 80. Petitioner further contends that the combination teaches “a second display” that is “physically distinct from the first display for” the same reasons as claim 2. *Id.* Petitioner also contends that the combination teaches “the pen input detection unit 21 (‘at least one gesture sensor’) is disposed on an outer side or end (‘separate from’) the first and second parts of the display surface

of the display input surface 13.” *Id.* (citing Ex. 1002 ¶ 77). Petitioner next contends that Ogawa discloses the remaining limitations of claims 12 and claim 13 for the reasons set forth in its contentions for Ground 1. *Id.*

Patent Owner does not address Petitioner’s contentions for claim 12 other than those discussed above for Ground 1 or for claim 13. *See* PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Choi teaches the limitations of claims 12 and 13.

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claims 12 and 13 are obvious over Ogawa and Choi.

6. *Claim 14*

Claim 14 depends from claim 13 and recites “wherein the handheld computing device comprises a smartphone.” Ex. 1001, 16:24–25.

Petitioner contends that the combination of Ogawa and Choi teaches “a mobile terminal such as a smart phone that corresponds to the claimed ‘handheld computing device compris[ing] a smart phone.’” Pet. 81 (citing Ex. 1002 ¶ 179; Ex. 1006, 5:45–50).

Patent Owner does not address Petitioner’s contentions for claim 14. *See* PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Choi teaches the limitations of claim 14.

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 14 is obvious over Ogawa and Choi.

7. *Claim 15*

Claim 15 depends from claim 14 and recites “wherein the first display and second display are positionable with respect to each other between an open and closed position.” Ex. 1001, 16:27–29.

Petitioner contends that the combination of Ogawa and Choi teaches the limitations of claim 15 for the same reasons as claims 1, 2, and 12. Pet. 82 (citing Ex. 1002 ¶ 80). Petitioner further contends that in the combination, “the first display (e.g. display 151) and the second display (e.g. display 154) of the folder-type mobile terminal would have been positionable with respect to each other between an open and closed position.” *Id.* at 83 (citing Ex. 1002 ¶ 181; Ex. 1006, Figs. 39(a)–39(c)).

Patent Owner does not address Petitioner’s contentions for claim 15. *See* PO Resp. 10–18.

We have reviewed Petitioner’s evidence and argument and find that the combination of Ogawa and Choi teaches the limitations of claim 15.

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 15 is obvious over Ogawa and Choi.

8. *Claim 16*

Claim 16 depends from claim 15 and recites “wherein when in the open position, the first display and the second display are visible from the vantage point of a user.” Ex. 1001, 16:30–32.

Petitioner contends that in the combination of Ogawa and Choi, “when in the open position, the first display (e.g., display 151) and the second display (e.g., display 154) are visible from the vantage point of a user.” Pet. 85 (citing Ex. 1002 ¶ 184; Ex. 1006 Figs. 39(a)–39(c)).

Patent Owner does not address Petitioner's contentions for claim 16. *See* PO Resp. 10–18.

We have reviewed Petitioner's evidence and argument and find that the combination of Ogawa and Choi teaches the limitations of claim 16.

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claim 16 is obvious over Ogawa and Choi.

9. *Claim 20*

In this alternate challenge to claim 20, Petitioner aims to address a potential argument by Patent Owner that Ogawa does not disclose “the morphing comprising changing the shape and size of the icon.” Pet. 85.

Although Patent Owner has not made such an argument (PO Resp. 10–18), we determine that claim 20 is anticipated by Ogawa. A disclosure that anticipates under 35 U.S.C. § 102 also renders the claim unpatentable under 35 U.S.C. § 103, for anticipation is the epitome of obviousness. *See In re Pearson*, 494 F.2d 1399, 1402 (CCPA 1974). *See also In re Fracalossi*, 681 F.2d 792, 794 (CCPA 1982).

G. Ground 4: Obviousness of Claims 4–9 over Ogawa, Choi, and Yook

Petitioner interposes this alternate challenge to claims 4–9 under the “narrower interpretation of ‘display’ where the first display is physically distinct from the second display.” Pet. 88.

Patent Owner does not address Petitioner's contentions for this alternate challenge. *See* PO Resp. 10–18.

We have reviewed Petitioner's evidence and argument and find that the combination of Ogawa and Choi teaches the limitations of claims 4–9.

For all the foregoing reasons, Petitioner establishes by a preponderance of the evidence that claims 4–9 are obvious over Ogawa and Choi.

III. CONCLUSION

Weighing the competing evidence and testimony, we determine that Petitioner establishes by a preponderance of the evidence that the Challenged Claims are unpatentable.

In summary:

Claim(s)	35 U.S.C. §	Reference(s)/ Basis	Claim(s) Shown Unpatentable	Claim(s) Not Shown Unpatentable
1, 2, 12, 13, 20	102	Ogawa	1, 2, 12, 13, 20	
4–9	103(a)	Ogawa, Yook	4–9	
1, 2, 12–16, 20	103(a)	Ogawa, Choi	1, 2, 12–16	
4–9	103(a)	Ogawa, Choi, Yook	4–9	
Overall Outcome			1, 2, 4–9, 12–16, 20	

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 1, 2, 4–9, 12–16, and 20 of the '080 patent have been shown by a preponderance of the evidence to be unpatentable; and

FURTHER ORDERED that any party seeking judicial review must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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Patent 8,842,080 B2

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