UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC and MOTOROLA MOBILITY LLC
Petitioners

v.

MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD.,
Patent Owner

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

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

TABLE OF CONTENTS

I. Introduction....1

II. Argument....1

A. The Board Gave Proper Weight to the "Open Application State" Limitation....1

B. The Board Correctly Found the Prior Art to Teach the "Open Application State" Limitation, Regardless of Patent Owner's Construction....4

III. Conclusion....9

I. INTRODUCTION

Patent Owner's Request for Director Review (Paper 28) ("Request") repeatedly misconstrues the record in arguing for reversal of the Board's final written decision. The Request tries to paint a picture that the Board "cited the word 'comprise'" to read the "open application state" limitation out of the claims, and then attacks that straw man by arguing that "the word 'comprise' permits other elements but requires the enumerated element to be present." *See, e.g.*, Request, 1. But the premise of Patent Owner's argument—that the Board read the "open application state" limitation out of the claims—is simply untrue. Indeed, the Board not only gave proper weight to the "open application state" limitation, *see* Paper 27 ("FWD"), 11-15, but also repeatedly explained how, even if it were to further read the "open application state" limitation into other limitations where it is not recited (as Patent Owner argued), the Ogawa prior art reference disclosed such an "open application state," FWD, 14, 21, 23, 27, 31. As discussed in further detail below, Patent Owner's Request should be denied.

II. ARGUMENT

A. The Board Gave Proper Weight to the "Open Application State" Limitation

Claim 1 of the '080 patent recites, in relevant part:

> [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.f] *morphing the icon to indicate that the application is in a second state corresponding to a second display condition* the morphing comprising changing the shape and size of the icon;
>
> [1.g] *wherein the first and the second states comprise an open application state*.

EX1001, 14:60-15:9 (emphasis added); *see also id.*, 15:42-16:19 (similar limitations recited in claim 12, though referring to "display status" instead of "display condition").

Claims 1 and 12 thus require displaying an icon indicating that the application is in a first/second state corresponding to a first/second display condition or display status. The claims then separately recite that "the first and second states comprise an open application state." In other words, the claims do not, as Patent Owner argues, require "that the icon must indicate the application is in an 'open application state.'" Request, 3. Rather, the claims 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.

In its Institution Decision, the Board explained that, because nothing in the specification or prosecution history described the "open application state" term, it would "give this term its plain and ordinary meaning that an application screen is open in the display." Paper 8 ("ID"), 18. Patent Owner argued this construction should be modified to, "the application is open and being displayed in the corresponding display condition/status." FWD, 11 (quoting Paper 11 ("POR"), 7). Contrary to Patent Owner's suggestion in its Request, the Final Written Decision did not read the "open application state" limitation out of the claims, but rather reaffirmed the institution decision's construction. FWD, 12 ("[W]e 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.").

The issue was thus not whether the "open application state" limitation should be considered, but rather whether it should be further read into the preceding limitations in the manner proposed by Patent Owner. The Board rejected such a narrowing construction because those preceding limitations "do not require that the first state ***is*** 'an open application state.'" FWD, 12-13 (emphasis added). Rather, "[g]iven the usage of 'comprise' in [the 'wherein the first and second states comprise an open application state] clause … the possible first and second states must include an open application state but the states are not limited to an open application state."

FWD, 13. The Board further recognized that Patent Owner's own declarant agreed that the application of claim 1 has multiple states and is not limited to an open application state. FWD, 13 (citing EX1016, 50:4-51:4). And the Board repeatedly noted that Patent Owner failed to support its construction with anything in the specification or prosecution history. FWD, 11, 13.

* * *

For these reasons, the Board properly construed the "open application state" limitation. However, as discussed further below, the Director need not even reach Patent Owner's confusing claim construction arguments because Ogawa indisputably teaches an "open application state" even under Patent Owner's construction.

B. The Board Correctly Found the Prior Art to Teach the "Open Application State" Limitation, Regardless of Patent Owner's Construction

Patent Owner asserts that "Petitioners admitted during the proceeding that the prior art does not suggest Multifold's construction." Request, 7. But that is simply not true. To the contrary, it was Patent Owner's own expert that conceded "the claim construction dispute regarding the claim term 'open application state' is irrelevant to [his] opinions regarding Ogawa." FWD, 14 (quoting EX1016, 45:6-17).

As the Petition explained, in Ogawa, the colored portion of access bar 42 ("icon") indicates a state of a program ("application") being displayed on a split

screen 13 such as first screen 13A ("first screen"), the state corresponding to a window size ("first display condition" or "second display condition") of the displayed program. Pet., 18-19, 24-27; EX1005, [0017]-[0019], [0023]-[0024], [0027]-[0028], [0033], FIGS. 4(B)-4(C). Moreover, as the Petition further explained, because the program is being displayed on the active screen (e.g., screen 13A) in Ogawa, the program is necessarily open and the colored portion of access bar 42 thus indicates an "open application state." Pet., 27; EX1005, [0024], [0033]; *see also* Paper 16 ("Reply"), 8.

Moreover, as the Petitioners' Reply explained, "Patent Owner's arguments also fail even if its construction is applied." Reply, 10. For example, the Petitioners' explained:

> Ogawa discloses that "**the first and second states comprise an *open application state***" limitation under Patent Owner's proposed construction of "**open application state**," i.e., "that the application is open and being displayed in the corresponding display condition/status." (POR, 7.) For instance, as discussed, Ogawa discloses that the splitting ratio determines the size of the colored portion of access bar 42 and the window size of the program on the active screen. (Ex. 1005, [0033]; EX1002, ¶¶69-70; 84-85; EX2005, 165:6-166:17; EX1016, 65:8-66:21, 71:4-22.) As also discussed, Ogawa discloses that the colored portion of access bar 42 indicates that the program being displayed on the active

> screen is open (e.g., because the window size of the program is being adjusted commensurate with the colored portion of access bar 42). (Ex. 1005, [0023], [0033]; EX1002, ¶¶89-91; EX2005, 159:10-20; EX1016, 65:8-66:21, 71:4-22; Institution Decision, 20.) Thus, Ogawa discloses that "**the first and second states**" of the displayed program ("**application**") include an "**open application state**" under Patent Owner's construction, because the states indicate that the program is open and is being displayed in a window size corresponding to the size of the colored portion of access bar 42.

Reply, 15-16; *see also id.*, 11-15. As Petitioners' further explained, Patent Owner's argument was ultimately premised on convoluted hypothetical scenarios that were not actually described in Ogawa and thus not distinctions from Ogawa. *Id.*, 17-20.

The Board agreed with Petitioners. For example, the Board explained, "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)." FWD, 14 (emphasis added); *see also id.* (observing how the '080 patent specification similarly "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'") (quoting EX1001, 13:35-39); Paper 26 ("Hearing Tr."), 25:23-26:11 (Patent Owner's counsel asserting that the '080 patent's description of an icon was directed to an "unclaimed embodiment" but not disputing that it was no different than Ogawa).

Then, in stepping through the limitations of the claims, the Board explained how they are met even under Patent Owner's construction. For example, addressing the first displaying limitation [1.a], the Board explained:

> ***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.

FWD, 21 (emphasis added).

Similarly, addressing the second displaying limitation [1.b], the Board explained:

> 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.

FWD, 23 (emphasis added).

Similarly, addressing the morphing limitation [1.f], the Board explained:

> 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].
>
> . . .
>
> 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.

FWD, 27, 29-30 (emphasis added).

Thus, the Board methodically explained how, even accepting Patent Owner's interpretation of the "open application state" limitation, the prior art met such an interpretation.

III. CONCLUSION

The Board properly construed the "open application state" limitation and correctly found the prior art to teach the "open application state" limitation even under Patent Owner's construction. There is no basis for Director Review and so, for the foregoing reasons, the Request should be denied.

Respectfully submitted,

Dated: June 1, 2026

By: /Naveen Modi/
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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2026, I caused a true and correct copy of the foregoing Petitioners' Authorized Response to Request for Director Review of the Final Written Decision to be served electronically on counsel for Patent Owner at the following addresses:

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