

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.

IPR2025-00061
Patent 9,792,007 B2

Before KRISTEN L. DROESCH, HYUN J. JUNG, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. *Background and Summary*

Google LLC and Motorola Mobility LLC (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting institution of an *inter partes* review of claims 1–5, 9, 10, 16, 17, and 20 of U.S. Patent No. 9,792,007 B2 (Ex. 1001, “the ’007 patent”). Multifold International Incorporated Pte. Ltd. (“Patent Owner”) did not file a Preliminary Response.

Under 35 U.S.C. § 314 (2024), an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and for the reasons explained below, we determine that Petitioner has shown a reasonable likelihood of prevailing with respect to at least one of the challenged claims.

Thus, we institute an *inter partes* review of claims 1–5, 9, 10, 16, 17, and 20 of the ’007 patent on all presented challenges. 37 C.F.R. § 42.108(a) (2024) (“When instituting . . . review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.”); *see also SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018).

B. *Real Parties in Interest*

Petitioner identifies Google LLC and Motorola Mobility LLC as real parties in interest. Pet. 1. Petitioner also notes that the real parties in interest are subsidiaries of other entities that are not real parties in interest to this proceeding. *Id.* nn. 1, 2. Patent Owner identifies itself as a real party in interest. Paper 5, 1.

C. Related Matters

The parties identify *Multifold International Incorporated Pte. Ltd. v. Motorola Mobility LLC*, 1:23-cv-01173-UNA (D. Del.) and *Multifold International Incorporated Pte. Ltd. v. Google LLC*, 1:23-cv-01323-UNA (D. Del.) as related matters. Pet. 1–2; Paper 5, 1.

D. The '007 Patent (Ex. 1001)

The '007 patent issued on October 17, 2017 from an application filed on October 24, 2014, that is a continuation of an application filed on September 29, 2011, and claims priority to four provisional applications, the earliest of which was filed on October 1, 2010. Ex. 1001, codes (22), (45), (60), (63), 1:7–18.

Reproduced below is Figure 1B of the '007 patent.

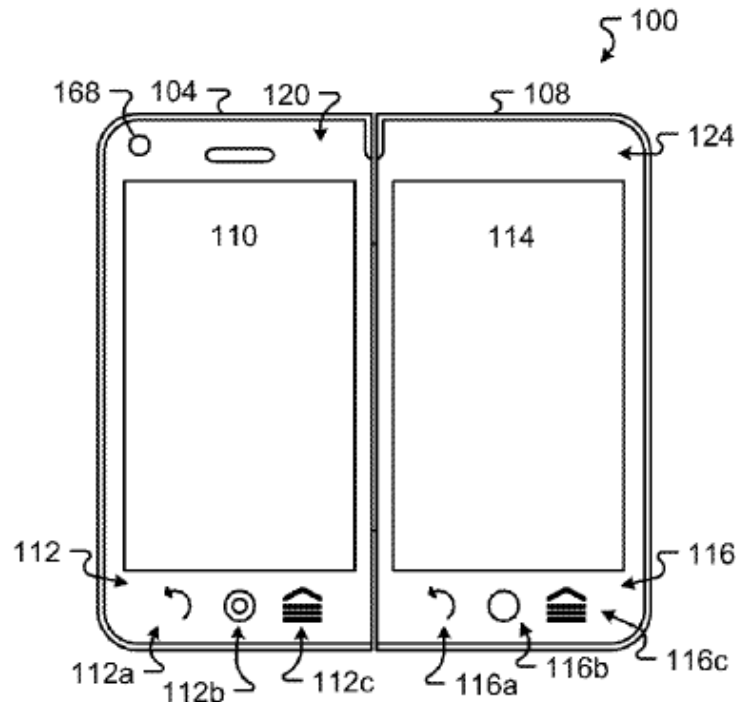


FIG. 1B

Figure 1B shows a view of a multi-screen user device. Ex. 1001, 6:1–2. Device 100 includes primary screen 104 and secondary screen 108.

Id. at 7:44–46. Primary screen 104 includes touch sensitive display 110, configurable area 112, and gesture capture area 120. *Id.* at 7:50, 7:56, 8:17–18. Secondary screen 108 likewise includes touch sensitive display 114, configurable area 116, and gesture capture area 124. *Id.* at 7:52–53, 7:58–59, 8:18–19.

Touch sensitive displays 110, 114 can also display information. Ex. 1001, 7:51–52, 7:53–54. Configurable areas 112, 116 are configured for specific inputs when touched and can include, for example, a “back” input to view previously displayed information, a “menu” input to view options from a menu, and a “home” input to view information associated with a “home” view. *Id.* at 7:60–8:1. Gesture capture areas 120, 124 can receive input from a user without requiring touch of the display area of the screen. *Id.* at 8:15–17.

Screen 104 and display area 110 can be active and selected for receiving input, and, thus, screen 104 and display area 110 will be in “focus.” Ex. 1001, 26:21–22, Fig. 7A. The ’007 patent states that “[t]he term ‘focus’ refers to being active and/or selected to receive input,” and a “screen, a display, or a component (e.g., displayed image) of a displayed graphical user interface may have ‘focus.’” *Id.* at 5:43–46; *see also id.* at 26:21–22 (“As noted above, ‘focus’ means active and selected for receiving input.”). “Non-limiting examples of displayed images on a graphical user interface that may have ‘focus’ include an icon of an application, an open window of an application, and/or a desktop/portion of a desktop.” *Id.* at 5:46–49.

Highlight 704 (shown in Figure 7A) can provide an indication that screen 104 and display area 110 have the focus. Ex. 1001, 26:22–24,

Fig. 7A. “If a user presses configurable area 112, device 100 will consider the inputs as inputs for screen 104 and/or display 110.” *Id.* at 26:24–26.

“[I]n addition to highlighting 704, configurable area 112 of screen 104 is highlighted to indicate that screen 104 and display 110 have the focus.” Ex. 1001, 27:4–6. “[W]hen configurable area 112 is highlighted, input can be received by pressing portions of area 112,” and “[a]t the same time, device 100 may be configured so that no input is received from configurable area 116.” *Id.* at 27:18–21. “Similarly, when configurable area 116 is highlighted[,] device 100 will allow input to be received from area 116, and no input will be received from area 112.” *Id.* at 27:23–25.

A user can make a gesture, such as a tap, drag, or flick gesture in gesture capture region 120, to indicate a request to launch an application. Ex. 1001, 26:27–30, Fig. 7B. In response, the application is launched, and image 720 (shown in Figure 7C) is displayed on display 114. *Id.* at 26:34–37, Fig. 7C. “The focus is also moved from screen 104 to screen 108, and display area 114, so that image 720 is in focus and a user can immediately begin to interact with the launched application.” *Id.* at 26:37–40. “[H]ighlighting 704 changes from screen 104 and display area 110 to screen 108 and display area 114.” *Id.* at 26:41–42.

E. Illustrative Claim

The ’007 patent includes 20 claims, of which Petitioner challenges claims 1–5, 9, 10, 16, 17, and 20. Of the challenged claims, claims 1, 10, and 17 are independent, and reproduced below is claim 1.

1. A method, comprising:
displaying a first image of a first application on a first display, wherein the first image is in focus, wherein input options for the first application are displayed in a first configurable area, wherein input is allowed from the first configurable area and the

first display, wherein no input options are displayed in a second configurable area, wherein input is not allowed from the second configurable area, wherein input is allowed from a second display, wherein the first configurable area does not display content from an application, and wherein the second configurable area does not display content from an application;
 receiving first input indicating a request to launch a second application;
 launching the second application; and
 in response to launching the second application:
 displaying, by the second application, a second image on the second display; and
 changing the focus from the first image to the second image;
 stopping display of input options in the first configurable area, wherein input is not allowed from the first configurable area, wherein input is allowed from the first display; and
 displaying input options for the second application in the second configurable area, wherein input is allowed from the second configurable area and the second display.

Ex. 1001, 32:62–33:24.

F. Asserted Prior Art and Proffered Testimonial Evidence

Petitioner identifies the following references as prior art in the asserted grounds of unpatentability:

Name	Reference	Exhibit
Nicholas	US 8,148,079 B2, issued Apr. 9, 2013, filed Sept. 1, 2009	1006
Gillespie	US 2002/0191029 A1, published Dec. 19, 2002	1005
Purcell	US 2007/0024645 A1, published Feb. 1, 2007	1010
Yook	US 2010/0248788 A1, published Sept. 30, 2010	1011

Petitioner contends that Purcell and Gillespie qualify as prior art under at least § 102(b) and that Nicholas and Yook qualify as prior art under at least

§ 102(e).¹ Pet. 1. Petitioner also provides a Declaration of Dr. Sandeep Chatterjee. Pet. 5 n.3; Ex. 1002.

G. Asserted Grounds

Petitioner asserts that claims 1–5, 9, 10, 16, 17, and 20 are unpatentable on the following grounds:

Claims Challenged	35 U.S.C. §	References/Basis
1–5, 9, 10, 16, 17, 20	103(a)	Purcell, Nicholas
1, 4, 5, 9, 10, 16, 17, 20	103(a)	Gillespie, Yook

Pet. 4.

II. ANALYSIS

A. Legal Standards

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent [claim] it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016). This burden of persuasion never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). The Board may authorize an *inter partes* review if we determine that the information presented in the Petition shows that there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the claims challenged in the petition. 35 U.S.C. § 314(a).

¹ The relevant sections of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (Sept. 16, 2011), took effect on March 16, 2013. Because the ’007 patent claims priority to an application filed before that date, our citations to 35 U.S.C. §§ 102 and 103 in this Decision are to their pre-AIA versions. *See also* Pet. 4 (stating that “[f]or purposes of this proceeding, Petitioners assume the effective date of the ’007 patent is October 1, 2010, without conceding the ’007 patent is entitled to such date”).

Petitioner contends that the challenged claims of the '007 patent are unpatentable under § 103. Pet. 4. A claim is unpatentable under § 103 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) where in evidence, so-called secondary considerations. *Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 17–18 (1966). When evaluating a combination of teachings, we must also “determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

B. Level of Ordinary Skill in the Art

Petitioner contends that a person of ordinary skill in the art “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 user interface technologies, or a related field” and that “[m]ore education can supplement practical experience and vice versa.” Pet. 5 (citing Ex. 1002 ¶¶ 20, 21). As noted above, Patent Owner has not yet responded.

Based on the preliminary record, we adopt Petitioner’s asserted level of ordinary skill to determine whether there is a reasonable likelihood that

Petitioner would prevail with respect to at least one of the claims challenged in the Petition.

C. Claim Construction

In an *inter partes* review, the claims are 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), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.

37 C.F.R. § 42.100(b); *see Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc).

Petitioner proposes interpreting “[first or second] configurable area” to mean “an area capable of receiving input and has display or limited display capabilities and is not part of the first [touch sensitive] or second [touch sensitive] display that provides content,” based on citations to the Specification and a statement made during prosecution that, in Petitioner’s view, constitutes disclaimer. Pet. 6–11 (citing Ex. 1001, 7:40–8:13, 10:60–11:36, 26:16–27:57, 27:58–29:3, 32:62–33:24, 34:18–28, 35:17–36:12, Figs. 1A, 1B, 1H–1J, 2, 6A–6J, 7A–8C; Ex. 1004, 362–370). According to Petitioner, “the Gillespie-Yook combination renders obvious the challenged claims under the above interpretation as well as under any interpretation that places no restrictions as to the position of the ‘configurable area(s)’ in context of the first/second display(s).” *Id.* at 12 (citing Ex. 1002 ¶ 64).

Petitioner also proposes interpreting “[first or second] configurable area” so that the “configurable area” is a part of the first or second display that provides content, because Patent Owner’s infringement contentions rely on such an interpretation. Pet. 12–13 (citing Ex. 1007 (“Appendix A-11:

Claim Chart for U.S. Patent No. 9,792,007 (Google Pixel Fold)), 1–33). Petitioner contends that “Purcell-Nicholas renders obvious the challenged claims under [Patent Owner]’s infringement interpretations.” *Id.* at 13 (Ex. 1002 ¶¶ 65–66).

At this stage, we do not need to adopt a particular interpretation of “[first or second] configurable area” to determine whether to institute review. *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)). Also, at this stage, we do not need to interpret expressly any other claim term. *Id.*

For our analysis below, we apply Petitioner’s interpretations of “first configurable area” and “second configurable area” based on Patent Owner’s infringement contentions. Pet. 12–13; Ex. 1007, 1–33. The parties, however, are encouraged to explore further Petitioner’s proposed interpretations in their subsequent briefs.

D. Patentability Challenge to Claim 1 Based on Purcell and Nicholas

1. Purcell (Ex. 1010)

Purcell “concerns an image format determination system for determining image size and format in a system including one or more display monitors and one or more executable applications.” Ex. 1010 ¶ 2. Purcell addresses a deficiency “[w]hen two related executable applications operate in a system including a workstation with multiple display monitors” and “employ[s] display images that need to share display image area.” *Id.* ¶ 3.

Purcell describes that “[a] user needing to interact with the secondary application again, performs an additional user interface action to bring the secondary image window forward again into the foreground (e.g . . . , by using an ALT-TAB command, or via the Windows Taskbar, or by simply clicking on an un-obscured portion of the secondary application image window),” and that such a process “is a burdensome non-user friendly process.” Ex. 1010 ¶ 3. Figure 2 of Purcell is reproduced below.

FIGURE 2

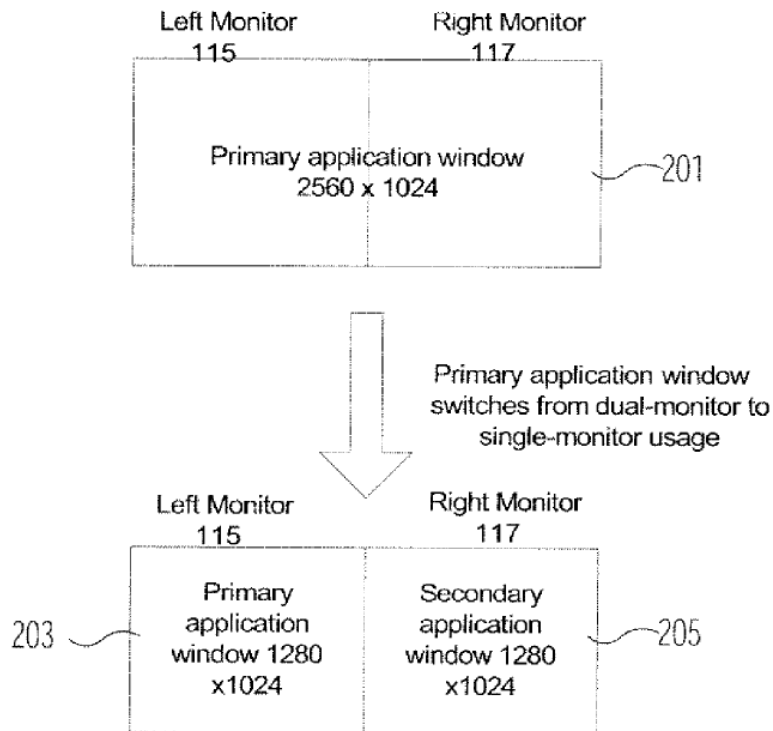


Figure 2 “illustrates image format determination system operation.” Ex. 1010 ¶ 6. Image format determination system 100 “employs a screen sharing function and multiple display monitors 115, 117 for displaying multiple user interface image windows associated with corresponding multiple executable applications.” *Id.* ¶ 13, Fig. 1. “[S]ystem 100 may be

implemented in a variety of forms including, but not limited to, one or more of the following: a personal computer (PC), a desktop computer, a laptop computer, a workstation, a minicomputer, a mainframe, a supercomputer, a network-based device, a personal digital assistant (PDA), a cellular telephone, a pager, and a wristwatch.” *Id.* ¶ 17.

“The primary application typically runs with a single full-size image window spanning both monitors 115 and 117” and “obscures image windows of a desktop application and any other executing applications.” Ex. 1010 ¶ 16. “In order to permit another application to execute concurrently and display an image window adjacent to an image window of the primary application, system 100 dynamically changes the primary application image window size to match that of a left monitor (monitor 115)” and “initiates execution of a secondary application that displays an associated image window on the right monitor (monitor 117),” “enabling a user to interact with both applications without causing either window to obscure the other.” *Id.*

“System 100 initiates the dynamic re-sizing in response to detection of a command to initiate execution of a secondary application or to initiate display of an image window associated with a secondary application.” *Id.* ¶ 16; *see also id.* ¶¶ 18–20 (describing with reference to Fig. 3 a process used by an image format determination system).

2. *Nicholas (Ex. 1006)*

Nicholas “generally relates to the display of information in a Graphical User Interface (‘GUI’).” Ex. 1006, 1:7–8. Nicholas states that a “GUI is a type of interface that allows users to interact with computers and other electronic devices using visual indicators as opposed to typing in text commands” and “generally involves the use of a cursor.” *Id.* at 1:13–16.

“One example of a commonly used GUI is a right-click menu” that “is a cursor-based drop down menu that appears on the display screen of a computer when the right mouse button is pressed” and “are traditionally contextual in nature” because “the content of the right-click menus typically change[s] depending on the cursor’s location on the display screen or the application that is currently running on the computer.” *Id.* at 1:21–28.

Nicholas shows and describes conventional, known right-click menus that appear in Windows OS desktop and programs, such as “Microsoft Word.” Ex. 1006, 1:29–39, 4:54–5:5, Figs. 1A–1G, 3. Nicholas provides a cursor-based GUI. *Id.* at 1:66–2:8. Figure 4 of Nicholas is reproduced below.

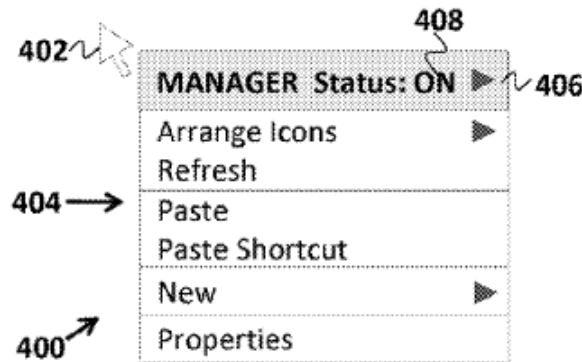


FIG.4

Figure 4 shows a “cursor-based GUI.” Ex. 1006, 3:26–27, 5:6–7. “[C]ursor-based GUI 400 is located adjacent to cursor 402 and includes a plurality of conventional command menu items 404 found in the prior art as well as application manager item 406.” *Id.* at 5:8–11. “[C]ursor-based GUI 400 is invoked based on user input” and, preferably, “is a right-click menu that can be invoked on a computer display when a user presses the right hand button on a conventional mouse.” *Id.* at 5:12–16.

3. *Independent Claim 1*

Petitioner argues that, to the extent the preamble is limiting, both Purcell alone and Purcell combined with Nicholas disclose a method. Pet. 14 (citing Ex. 1002 ¶¶ 67–83; Ex. 1010 ¶¶ 4, 8–10, 13, 14, 18–21, Figs. 1, 3); *see also id.* at 108 (labeling the preamble “[1.pre]”).

Petitioner also argues that Purcell (and, thus, the proposed combination) discloses “displaying a first image of a first application on a first display” because its system 100 displays an image window of a first primary application on monitor 115. Pet. 15–16 (citing Ex. 1002 ¶ 84; Ex. 1010 ¶¶ 8–20, Figs. 1, 2); *see also id.* at 108 (labeling the limitation “1.a.1”).

For “wherein the first image is in focus, wherein input options for the first application are displayed in a first configurable area, wherein input is allowed from the first configurable area and the first display,” Petitioner argues that Purcell’s first image window of its first application is active or selected to receive input and, thus, “is in focus” consistent with the ’007 patent and consistent with the ordinarily skilled artisan’s understanding of application focus. Pet. 16 (citing Ex. 1001, 5:43–49, 26:19–21; Ex. 1002 ¶ 85; Ex. 1005 ¶ 76; Ex. 1010 ¶¶ 3, 8–10, 16–18, Fig. 2); *see also id.* at 108 (labeling the limitation “1.a.2”).

Petitioner also argues that Purcell is not limited to any specific application, can be implemented on a notebook, laptop, or desktop computer, and mentions use of a “Windows Taskbar.” Pet. 16–17 (citing Ex. 1010 ¶¶ 3, 10, 15–17, 21). According to Petitioner, one of ordinary skill in the art would have understood that “Windows” referred to the OS by Microsoft and would have known of Microsoft’s other software and their features. *Id.* at 17 (citing Ex. 1002 ¶ 86; Ex. 1008; Ex. 1009).

Petitioner relies on Nicholas for confirmation that Microsoft Windows software and applications were used in computer systems. Pet. 17 (citing Ex. 1006, 1:13–62, 4:54–5:5, 10:58–11:44, 14:24–37, Figs. 1A–1G, 3, 19). Petitioner also contends that Nicholas is consistent with knowledge in the art at the time. *Id.* (citing Ex. 1002 ¶ 88; Ex. 1005 ¶¶ 66, 82, 95–97, Fig. 11; Ex. 1008; Ex. 1009). According to Petitioner, Nicholas teaches right-click features (*id.* at 18–19 (citing Ex. 1002 ¶¶ 90–91; Ex. 1006, 1:13–28, 1:30–41, 4:65–5:5, Figs. 1A, 1C–1E, 3)) and requests to launch an application (*id.* at 19 (citing Ex. 1002 ¶ 92; Ex. 1006, 1:66–3:7, 5:6–6:8, 10:13–36, Figs. 4–8, 18)).

For “wherein no input options are displayed in a second configurable area, wherein input is not allowed from the second configurable area, wherein input is allowed from a second display,” Petitioner argues that Purcell’s system 100 includes second monitor 117 and allows launching a second application in the display of monitor 117. Pet. 25–26 (citing Ex. 1002 ¶ 100; Ex. 1010 ¶¶ 4, 8, 9, 13–20, Figs. 2, 3); *see also id.* at 108 (labeling the limitation “1.a.3”). Petitioner also argues Purcell would have been configured in view of Nicholas to execute another Microsoft application for reasons previously asserted. *Id.* at 26–27 (citing Ex. 1002 ¶ 101; Ex. 1006, 1:13–36, Fig. 1D; Ex. 1010 ¶¶ 10–12, 16–20).

According to Petitioner, the proposed combination consistent with Purcell’s teaching would have provided a first image window on monitor 115 and there would have been no input options in a second configurable area where input is not allowed but input is allowed from the second display, because, for example, a Word document would have been displayed across both monitors 115, 117 or the Word document would have

been only on monitor 115. Pet. 27–29 (citing Ex. 1002 ¶¶ 102, 103; Ex. 1006, Fig. 3; Ex. 1010 ¶¶ 13, 16, 18–20, Figs. 2, 3).

Petitioner alternatively argues that, to the extent the feature is not disclosed, one of ordinary skill in the art would have allowed input from the display of monitor 117, because “it would have been a predictable application of known technologies” and “consistent with those known in the art.” Pet. 29–30 (citing Ex. 1002 ¶ 104; Ex. 1006, 1:29–33, Fig. 1B; Ex. 1010 ¶ 15). Under both theories, Petitioner contends that the proposed combination includes the limitation in a manner consistent with Patent Owner’s infringement contentions. *Id.* at 30 (citing Ex. 1007, 1–5, 13–15).

For “wherein the first configurable area does not display content from an application, and wherein the second configurable area does not display content from an application,” Petitioner argues that its asserted “first configurable area,” the right-click invoked menu, would not have displayed content from an application in a manner consistent with the ’007 patent and Patent Owner’s infringement contentions. Pet. 31–32 (citing Ex. 1001, 7:55–65; Ex. 1002 ¶ 105; Ex. 1006, Figs. 1C, 3; Ex. 1007, 3); *see also id.* at 108 (labeling the limitation “1.a.4”). Petitioner presents a similar argument for the second configurable area with reference to previous arguments. *Id.* at 32–33 (citing Ex. 1002 ¶ 106; Ex. 1007, 3–5, 13–15). Petitioner also argues that the asserted configurable areas would not have displayed content displayed on monitor 115 or monitor 117. *Id.* at 33–34 (citing Ex. 1002 ¶ 106).

For “receiving first input indicating a request to launch a second application” and “launching the second application,” Petitioner argues that Purcell discloses the limitations and the proposed combination would have been able to launch multiple applications. Pet. 34–35 (citing Ex. 1002

¶¶ 107–108; Ex. 1006, 1:29–47, 4:54–6:8, 10:13–36, Figs. 1D, 1E, 3, 4, 18; Ex. 1010 ¶¶ 4, 8–12, 15–20, Figs. 2, 3); *see also id.* at 109 (labeling the limitations “1.b” and “1.c”).

For “in response to launching the second application: displaying, by the second application, a second image on the second display; and changing the focus from the first image to the second image,” Petitioner refers to previous arguments for similar limitations and argues that launching a second application displays a second image window for that application on monitor 117. Pet. 35–36 (citing Ex. 1002 ¶¶ 109–111; Ex. 1009, 13; Ex. 1010 ¶¶ 10–18, Figs. 1, 2); *see also id.* at 109 (labeling the limitations “1.d” and “1.d.1”). Petitioner also argues that the proposed combination would have changed focus to the second application image that would have been understood to be active and available for use. *Id.* at 36–37 (citing Ex. 1002 ¶ 110; Ex. 1006, Fig. 3; Ex. 1010 ¶¶ 11–18, 20, Figs. 2, 3). According to Petitioner, its argument is consistent with Patent Owner’s infringement contentions. *Id.* at 37–38 (citing Ex. 1007, 10–11).

For “stopping display of input options in the first configurable area, wherein input is not allowed from the first configurable area, wherein input is allowed from the first display,” Petitioner argues that the proposed combination consistent with known, conventional functionalities would have stopped display of a right-click invoked menu, after a second application was launched and focus was shifted to that application. Pet. 38–39 (citing Ex. 1002 ¶¶ 112–114; Ex. 1006, 4:54–5:57, 10:13–36, Figs. 1C–1E, 3, 18; Ex. 1008, 14–16, 97, 98, 102, 104; Ex. 1010 ¶¶ 12, 13, 16–20); *see also id.* at 109 (labeling the limitation “1.d.2”). Petitioner also argues with reference to previous contentions that input would have no longer been allowed from that menu, but input would have been allowed from monitor 115. *Id.*

at 39–41 (citing Ex. 1002 ¶¶ 112–114). Petitioner further argues that its position is consistent with Patent Owner’s infringement contentions. *Id.* at 41–43 (citing Ex. 1007, 11–13).

For “displaying input options for the second application in the second configurable area, wherein input is allowed from the second configurable area and the second display,” Petitioner argues with reference to previous contentions that one of ordinary skill in the art would have been motivated to provide a right-click menu for a second application in focus on monitor 117. Pet. 43–45 (citing Ex. 1002 ¶¶ 115–121; Ex. 1006, 1:21–36, Figs. 1D, 1E; Ex. 1009, 19–20, 113, 122, 160, 165, 167; Ex. 1010 ¶¶ 4, 11, 15–20, Figs. 1–3); *see also id.* at 109 (labeling the limitation “1.d.3”). Petitioner also argues that the resulting combination would have allowed input from the right-click menu or another part of monitor 117. *Id.* at 45–46 (citing Ex. 1002 ¶¶ 119–120; Ex. 1006, 1:29–36, Figs. 1E, 3; Ex. 1009, 113, 122, 160, 165, 167, Figs. 3–8; Ex. 1010 ¶¶ 4, 15–20, Fig. 2). Petitioner further argues that its position is consistent with Patent Owner’s infringement contentions. *Id.* at 46–47 (citing Ex. 1002 ¶ 121; Ex. 1007, 15).

a) Petitioner’s Asserted Reasons to Combine

According to Petitioner, Purcell’s mention of a “Windows Taskbar” would have been understood to refer to the OS by Microsoft and its known software and features. Pet. 16–17 (citing Ex. 1002 ¶ 86; Ex. 1008; Ex. 1009; Ex. 1010 ¶¶ 3, 10, 15–17, 21). Petitioner contends that one of ordinary skill in the art “would have been motivated, and found obvious, to configure system 100 to use such conventional applications to facilitate the preparation/review/use of *e.g.*, medical/clinical-related information contemplated by Purcell.” *Id.* at 17 (citing Ex. 1002 ¶ 87; Ex. 1010 ¶¶ 10, 17).

Petitioner argues that, given such knowledge, one of ordinary skill in the art would have been motivated, and found obvious, to configure Purcell's system 100 to use software taught by Nicholas that include right-click features and requests to launch an application. Pet. 18–20 (citing Ex. 1002 ¶¶ 89–93; Ex. 1006, code (57), 1:13–28, 1:30–41, 1:66–3:7, 4:65–6:8, 10:13–36, 19:13–36, Figs. 1A, 1C–1E, 3–8, 18).

Petitioner also argues that the proposed combination would have resulted in system 100 executing known applications as a primary application for use and display on monitor 115 as known in the art and taught by Nicholas. Pet. 20 (citing Ex. 1002 ¶ 93). Petitioner further argues that (1) the application would have been executed to perform the tasks of Purcell, (2) the execution would have resulted in an image, such as a Word document, in focus on monitor 115, and (3) the application would have a menu of selectable options invoked by right-clicking, as known in the art and taught by Nicholas. *Id.* at 20–22 (citing Ex. 1002 ¶ 94; Ex. 1006, 1:66–3:7, 4:54–6:8, Figs. 1C, 3; Ex. 1008, 97–98, 102, 104, Fig. 8-3; Ex. 1010 ¶¶ 4, 10, 15–20, Fig. 2); *see also id.* at 23–24 (citing Ex. 1002 ¶ 97). Petitioner additionally argues that input would have been allowed from monitor 115 by using options in the right-click menu and options outside of that menu. *Id.* at 24 (citing Ex. 1002 ¶ 98).

In Petitioner's view, one of ordinary skill in the art would have known how to implement Nicholas in Purcell and the advantages of doing so would have been readily apparent, thereby motivating the modification. Pet. 22–23 (citing Ex. 1002 ¶ 95; Ex. 1010 ¶ 10). Petitioner contends there would have been a reasonable expectation of success in making the proposed modification because of the known use of Microsoft Windows OS and the “modification would have been a predictable application of known

technologies/techniques” that would have benefited Purcell. *Id.* at 23 (citing Ex. 1002 ¶ 96; Ex. 1010 ¶¶ 13, 17). Petitioner notes that the proposed combination discloses, suggests, or would have rendered obvious “wherein the first image is in focus, wherein input options for the first application are displayed in a first configurable area, wherein input is allowed from the first configurable area and the first display,” consistent with Patent Owner’s interpretation from its infringement contentions. *Id.* at 24–25 (citing Ex. 1002 ¶ 99).

b) Petitioner Shows a Reasonable Likelihood of Prevailing

Based on the present record, Petitioner sufficiently shows that the combination of Purcell and Nicholas teaches, suggests, or would have been understood to disclose the limitations of claim 1 and that one of ordinary skill in the art would have combined these references in the manner asserted with a reasonable expectation of success.

Petitioner, thus, shows a reasonable likelihood of prevailing in its challenge to claim 1 as unpatentable over Purcell and Nicholas.

E. Remaining Patentability Challenges

Petitioner argues with citations to the record that claims 2–5, 9, 10, 16, 17, and 20 are unpatentable over Purcell and Nicholas. Pet. 47–63. Petitioner also argues with citations to the record that claims 1, 4, 5, 9, 10, 16, 17, and 20 are unpatentable over Gillespie and Yook. *Id.* at 64–103.

For the reasons discussed above, we preliminarily determine that Petitioner demonstrates a reasonable likelihood of prevailing with respect to its patentability challenge to independent claim 1 based on Purcell and Nicholas. We, therefore, institute review on all challenged claims on all grounds set forth in the Petition. 37 C.F.R. § 42.108(a); *see also SAS*, 138 S. Ct. at 1354.

III. CONCLUSION

After considering the evidence and arguments presented in the Petition and the cited evidence, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing in proving that at least one of claims 1–5, 9, 10, 16, 17, and 20 of the '007 patent is unpatentable, and thus, we institute an *inter partes* review of all challenged claims on all presented challenges. 37 C.F.R. § 42.108(a).

At this stage of the proceeding, the Board has not made a final determination as to the patentability of any challenged claim or any underlying factual and legal issues.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–5, 9, 10, 16, 17, and 20 of U.S. Patent No. 9,792,007 B2 is instituted with respect to all grounds set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of U.S. Patent No. 9,792,007 B2 shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

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Patent 9,792,007 B2

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