

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

KEYLESS LICENSING LLC,
Patent Owner

Case IPR2025-00527
U.S. Patent No. 10,976,922

**PATENT OWNER PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107(a)**

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Amended Docket Control Order [43], <i>Keyless Licensing LLC v. Samsung Electronics America, Inc.</i> , Case No. 2:24-cv-00464 (E.D. Tex. Jan. 10, 2025)
2002	Federal Court Management Statistics (December 31, 2024)
2003	Defendants' Invalidity Contentions, <i>Keyless Licensing LLC v. Samsung Electronics America, Inc.</i> , Case No. 2:24-cv-00464 (E.D. Tex. Jan. 29, 2025)
2004	Defendants' Subject Matter Eligibility Contentions, <i>Keyless Licensing LLC v. Samsung Electronics America, Inc.</i> , Case No. 2:24-cv-00464 (E.D. Tex. Jan. 29, 2025)
2005	Complaint [1], <i>Keyless Licensing LLC v. Samsung Electronics America, Inc.</i> , No. 2:24-cb-00464 (E.D. Tex. June 20, 2024),
2006	Order Denying Motion to Stay [52], <i>Keyless Licensing LLC v. Samsung Electronics America, Inc.</i> , No. 2:24-cb-00464 (E.D. Tex. May 30, 2025)
2007	Patent Trial and Appeal Board Appeal Statistics: April 2025, USPTO (Apr. 30, 2025), https://www.uspto.gov/sites/default/files/documents/fy2025_appeal_stats_april2025.pdf
2008	FAQs for Interim Processes for PTAB Workload Management, USPTO (Mar. 26, 2025), https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management
2009	Plaintiff's Opposition to Samsung's Motion to Stay Pending <i>Inter Partes</i> Review [47], <i>Keyless Licensing LLC v. Samsung Electronics America, Inc.</i> , No. 2:24-cb-00464 (E.D. Tex. May 15, 2025)

I. INTRODUCTION

The Board should deny institution of *inter partes* review because Petitioner has not met its burden to show a reasonable likelihood that any of claims 1-21 (the “challenged claims”) of U.S. Patent No. 10,976,922 (“the ’922 patent”) are unpatentable. Petitioner presents seven invalidity grounds, none of which presents a compelling reason demonstrating that the challenged claims of the ’922 patent are unpatentable.

First, the Petition is fundamentally flawed because Petitioner fails to meet its burden to show that Goktekin qualifies as prior art. Petitioner argues that the earliest priority date of the ’922 patent is December 24, 2013. Pet., 8-11. Petitioner relies on this priority date to challenge the claims based on Goktekin. Pet., 12-13. However, Petitioner’s cursory argument that the ’922 patent’s provisional applications allegedly lack written description support is deficient. Petitioner’s scant analysis fails to meet Petitioner’s burden to establish that the ’922 patent is not entitled to a priority date that pre-dates Goktekin. *See* 35 U.S.C. § 316(e). Because Petitioner fails to demonstrate that Goktekin qualifies as prior art, more than half of Petitioner’s grounds are facially deficient. *See* Pet., 8.

Second, Petitioner fails to establish anticipation or obviousness for any of Grounds 1-7 because neither primary reference (Goktekin and Koch) teaches or suggests “activat[ing] a second application,” as recited in the independent claims.

Petitioner argues that the respective input functions of Goktekin and Koch are a “second application.” Pet., 22-25, 52-55. However, Goktekin and Koch merely describe extensions of the keyboard itself. These extensions are not separate, distinct applications—i.e., a “second application,” as claimed. Moreover, Petitioner’s obviousness theories modifying Goktekin and Koch to use separate applications for providing text input directly conflict with Goktekin’s and Koch’s explicit disclosures. Pet., 22-25, 52-55; EX1002, ¶¶128-129, 244-246. Lastly, neither Goktekin’s nor Koch’s keyboard “activate[]” any application, as claimed. These deficiencies demonstrate that Petitioner has not met its burden of showing a reasonable likelihood of prevailing with respect to any of the challenged claims.

For at least these reasons, Petitioner has not met—and cannot meet—its burden to show a reasonable likelihood that the challenged claims are unpatentable. Accordingly, the Board should deny institution.

II. THE ’922 PATENT

A. The ’922 patent describes and claims a novel way of initializing touchscreen displays to interact with multiple applications.

Leading up to the ’922 patent, touchscreen devices were becoming more ubiquitous in consumer electronics but faced issues due to the smaller size of mobile devices. EX1001, 1:29-38. For example, touchscreen keyboards were poorly optimized. EX1001, 1:14-26. In some cases, the keyboard was too small to type effectively. EX1001, 1:16-18. In other cases, an enlarged keyboard “cover[ed]

a significant portion of the screen, hindering the use of many current applications and *limiting creation of many other applications.*” EX1001, 1:35-38.¹

To address these issues, the ’922 patent presented a novel way of initializing and using multiple applications within a single touchscreen environment. EX1001, 85:11-55. Specifically, claim 1 recites, among other features, “based on accomplishment of a condition under the control of said keyboard, *the system activates a second application and displays an interface of the second application and a reduced interface corresponding to said keyboard* on at least a portion of said second zone, and wherein *said interface of said first application, said interface of said second application, and the reduced interface corresponding to said keyboard are simultaneously displayed on said touchscreen.*” EX1001, Cl. 1. Independent claim 12 recites similar features.

Accordingly, the ’922 patent describes and claims a novel system that provides touchscreen displays such that the keyboard of a touchscreen device can interact with multiple applications without being cumbersome or unusable. *See* EX1001, 1:47-50. Based on a gesture, the displayed keyboard “may be reduced in size” or “made invisible.” EX1001, 85:19-27. The area of the touchscreen display formerly allocated to the entirety of the keyboard can be partially allocated to a

¹ *Emphasis* added unless otherwise specified.

second application. *Id.* The reduced keyboard can provide inputs to both a first application and second application. EX1001, 85:27-39. This manipulation of the keyboard, in both size and input functionality, represents a substantial improvement to the data entry systems known at the time.

B. Prosecution History

During prosecution, the '922 patent received one non-final Office Action. As Petitioner noted, Claim 1 was amended to recite: a keyboard-based condition that “activates a second application”; displaying the second-application interface and a “reduced interface corresponding to said keyboard” on the second zone; and “simultaneously display[ing]” both application interfaces “and the reduced interface corresponding to said keyboard.” Pet., 6; EX1004, 553-556. Independent Claim 12 was similarly amended. EX1001, Cl. 12; EX1004, 553-556.

In the reasons for allowance, the Examiner noted that the prior art of record did not teach “requiring an on-screen keyboard that allows for activation and display of a second application to be simultaneously displayed on the touchscreen with the first application, the second application, and the reduced keyboard.” EX1004, 553-556. As discussed below, Petitioner’s Grounds suffer from the same deficiency. Petitioner’s applied references also fail to disclose or otherwise render obvious the same activation of a second application that ultimately led to allowance. Section V *infra*.

C. Person of Ordinary Skill in the Art (POSA)

For purposes of this Preliminary Response, Patent Owner applies Petitioner's level of skill for a person of ordinary skill in the art (POSA). Pet., 18-19. Patent Owner reserves the right to contest Petitioner's level of skill for a POSA should trial be instituted.

D. Claim Construction

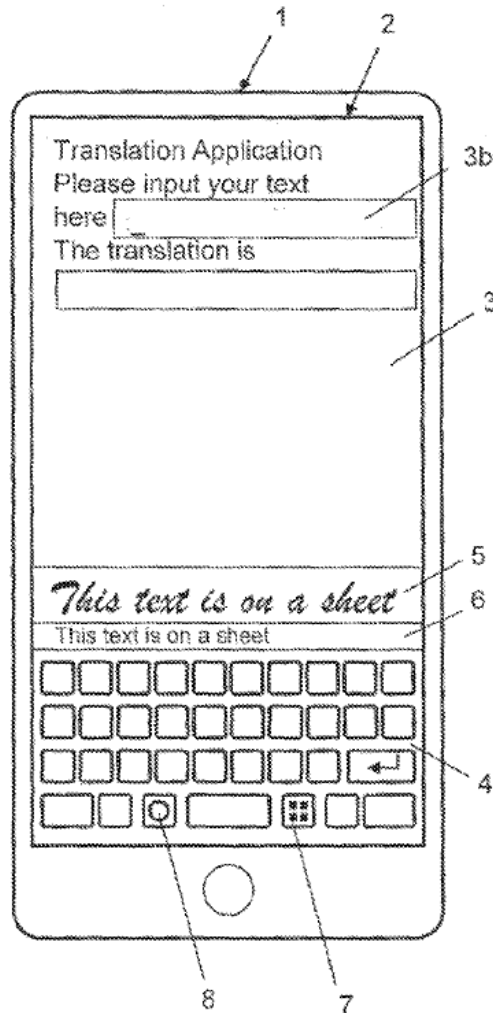
For purposes of this Preliminary Response, Patent Owner agrees the *Phillips* standard applies. No express construction is required for the Board to deny institution. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) ("The Board is required to construe 'only those terms ... that 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))). Patent Owner reserves the right to contest Petitioner's implicit or explicit constructions should trial be instituted.

III. OVERVIEW OF THE ART APPLIED IN THE PETITION

A. Goktekin

Goktekin describes a "text input program module" for "multimodal text input via the keyboard and via the camera with OCR implemented." EX1059, ¶11. The multimodal input text input provides "keyboard input functionality [like] a standard keyboard input module but also the additional camera based text input possibility." *Id.* Goktekin packages these two programs together by indicating that

the text input program module “could replace the standard keyboard module on the standard mobile devices.” *Id.* An example of this functionality is depicted in Figure 1b.



EX1059, FIG. 1b.

Goktekin does not explicitly describe its “camera mode” as a second application. Section V.A; *see* Pet., 22-27 (citing EX1059, ¶¶33, 46-48, FIGs. 1b, 4).

B. Koch

Koch describes an integrated input area that includes “a left portion with a left side of a split keyboard; a right portion with a right side of the split keyboard; and a center portion in between the left portion and the right portion.” EX1060, ¶9. A user can enter and view text as well as draw in the center portion. EX1060, ¶8. The input from the split keyboard and the center area may be directed towards an application, such as a notes or word processing application. *Id.* An example of this functionality is depicted in Figure 5C.

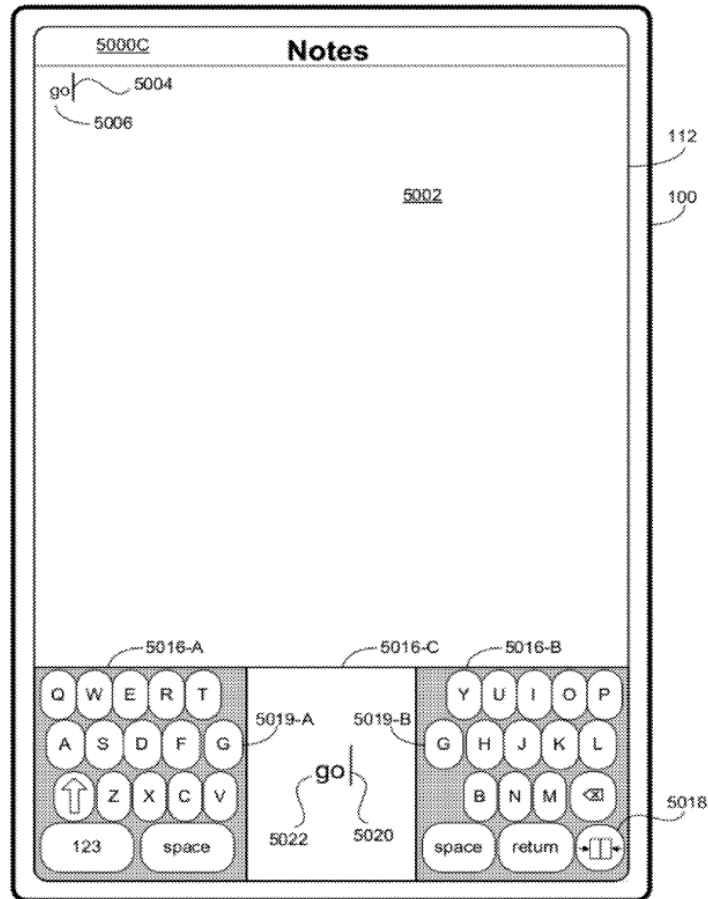


Figure 5C

EX1060, FIG. 5C.

Koch does not explicitly describe the “center area” of its integrated input method as a second application. Section V.B; *see* Pet., 52-55 (citing EX1060, ¶¶233-235, FIGs. 5Z, 5FF, 5HH, 5NN).

IV. PETITIONER FAILS TO MEET ITS BURDEN TO SHOW THAT GOKTEKIN QUALIFIES AS PRIOR ART.

Petitioner has not adequately demonstrated that Goktekin qualifies as prior art. This threshold flaw renders Petitioner’s lead Petition Grounds deficient. Petitioner alleges that the ’922 patent is not entitled to a priority date before

December 24, 2013 because the prior 47 provisional applications allegedly lack written description support for the entirety of the independent claims. *See* Pet., 8-11. But Petitioner's bald assertion does not meet its burden to show the '922 patent is not entitled to the priority date of the other, earlier provisional applications to which it claims priority. *See* Paper 8, 13-18. The Board requires that "the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence." 35 U.S.C. § 316(e); *see also Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) ("In an *inter partes* review, the burden of persuasion is on the petitioner to prove 'unpatentability by a preponderance of the evidence'. . . ."). In view of this deficiency, Petitioner fails to demonstrate that Goktekin qualifies as prior art.

For Goktekin to qualify as prior art, *Petitioner must establish* that the '922 patent is *not* entitled to priority earlier than Goktekin's earliest possible priority date of March 5, 2013. *See* 35 U.S.C. § 102; *see also Dynamic Drinkware*, 800 F.3d at 1378 (the burden of persuasion to prove unpatentability never shifts to the patentee). But Petitioner fails to do so. *See* 35 U.S.C. § 316(e). On its face, the '922 patent claims priority to a number of provisional applications and their respective filing dates. EX1001, (60). Notably, the '922 patent claims priority to 53 provisional applications spanning from February 17, 2013 to February 9, 2014. *Id.* Petitioner, however, argues that the earliest priority date of the '922 patent is

December 24, 2013. Pet., 8. Specifically, Petitioner alleges that “[t]he earliest provisional application—No. 61/765,751 (EX1006)—lacks written description support for the following elements of independent claims 1 and 12: (1) ‘based on accomplishment of a condition under the control of [a] keyboard’; (2) ‘activat[ing] a second application and display[ing] an interface of the second application and a reduced interface corresponding to said keyboard on at least a portion of [the] second zone’ assigned to the keyboard; and (3) wherein the interfaces of the first and second applications and the reduced interface corresponding to the keyboard ‘are simultaneously displayed.’” Pet., 8. Furthermore, Petitioner alleges that “[a]t best, the earliest provisional application describes that ‘one of the keys of the keypad may represent the ‘Google search’ application’ and, ‘[b]y providing a predefined interaction with said key, the operating system may focus/activate the Google Search application.’” Pet., 9.

However, Petitioner’s cursory analysis of the prosecution history and the provisional applications supporting the ’922 patent is deficient. Petitioner merely provides a barebones analysis of the earliest possible provisional application (EX1006) and fails to evaluate any other relevant provisional application outside of a conclusory statement. *See* Pet., 10 (“Therefore, the first 47 provisional applications do not ‘describe the claimed invention with all its limitations.’”). Even if Petitioner’s analysis was sufficient to call into question the earliest February 17,

2013 priority date (it is not), Petitioner fails to adequately explain why *the other three priority applications that pre-date Goktekin* (filed on February 20, 2013; February 26, 2013; and March 4, 2013) also lack written description support for the challenged claims. *See* Pet., 8-11.

In view of these deficiencies, Petitioner has not produced “additional evidence and persuasive argument[s]” to shift “the burden of production” (i.e., burden of going forward with evidence showing written description support) to Patent Owner for at least the three other relevant provisionals filed before Goktekin. *See Dynamic Drinkware*, 800 F.3d at 1379 (“[T]he burden of production, or the burden of going forward with evidence, is a shifting burden ... [that] may entail ‘producing additional evidence and presenting persuasive argument based on new evidence or evidence already of record.’” (citing *Tech. Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1327 (Fed. Cir. 2008))).

Petitioner’s cursory analysis of the ’922 patent’s priority date is therefore insufficient to establish that Goktekin is prior art. *See* 35 U.S.C. § 316(e) (“[T]he petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.”); *see also Dynamic Drinkware*, 800 F.3d at 1375 (petitioner has burden of persuasion to prove unpatentability by preponderance of the evidence). Accordingly, Petitioner has not met its burden of showing there is a reasonable likelihood it would prevail with respect to Goktekin’s application to the

challenged claims. *See* 35 U.S.C. § 314(a). Nor will Petitioner be able to meet its burden of establishing a lack of written description support by a preponderance of the evidence if the Board institutes trial. *See* 35 U.S.C. § 316(e). And by failing to analyze at least the three other provisional applications, Petitioner improperly places the burden on Patent Owner and/or the Board to address the gaps in Petitioner's analysis regarding written description support for the '922 patent claims in the relevant provisional applications. *See, e.g., Dynamic Drinkware*, 800 F.3d at 1375.

Accordingly, because Petitioner's priority date assessment is insufficient to establish that Goktekin qualifies as prior art, more than half of the Grounds are deficient. *See* Pet., 18. The Board should therefore deny institution.

V. EVERY GROUND IS DEFICIENT BECAUSE GOKTEKIN AND KOCH DO NOT TEACH OR SUGGEST “ACTIVAT[ING] A SECOND APPLICATION,” AS RECITED IN THE INDEPENDENT CLAIMS.

Claim 1 recites “wherein based on accomplishment of a condition under the control of said keyboard, *the system activates a second application and displays an interface of the second application and a reduced interface corresponding to said keyboard* on at least a portion of said second zone, and wherein said interface of said first application, said interface of said second application, and the reduced interface corresponding to said keyboard are simultaneously displayed on said touchscreen.” EX1001, Cl. 1. Independent claim 12 recites similar features. *Id.*, Cl.

12. Petitioner fails to demonstrate that Goktekin and Koch anticipate or render obvious the claimed *activat[ing] a second application*, as recited in independent claims 1 and 12. *See* Pet., 22-25, 52-55. Grounds 1 and 5 are therefore deficient. Because Grounds 2-4 and 6-7 depend on Grounds 1 and 5, respectively, all of the Petition's Grounds are deficient. *See* Pet., 18. Accordingly, the Board should deny institution.

A. Grounds 1-4: Goktekin fails to teach or suggest “activat[ing] a second application.”

Goktekin fails to teach or suggest “activat[ing] a second application,” as recited in independent claims 1 and 12. Petitioner's argument for Ground 1 is deficient for at least three reasons: (1) Goktekin fails to disclose “a second application” because Goktekin's “camera mode” is merely an extension of the keyboard rather than a second application; (2) Petitioner fails to provide a factual basis why a POSA would have been motivated to modify Goktekin's camera mode to be implemented as a second application; and (3) notwithstanding the fact that Goktekin does not disclose a second application, Goktekin fails to disclose “activat[ing]” a second application because Goktekin's keyboard does not “activate[]” its “camera mode.”

Accordingly, Petitioner's application of Goktekin in Grounds 1-4 is deficient, and the Board should deny institution for at least this reason.

1. Goktekin’s “camera mode” is a keyboard extension and not a “second application.”

Goktekin fails to disclose “activat[ing] a second application” because Goktekin’s “camera mode” is merely an extension of the keyboard rather than a second application. In Ground 1, Petitioner argues that Goktekin anticipates or renders obvious claim elements 1[d] and 12[c], alleging that Goktekin’s camera mode is a second application. Pet., 22-25, 31. However, Petitioner’s analysis relies on an erroneous understanding. Goktekin’s camera mode is *not* a second application at least because: (1) Goktekin’s keyboard and camera mode are a singular text input program module; (2) Goktekin does not classify the camera mode as an “application”; and (3) Petitioner’s own reading of Goktekin demonstrates that Goktekin’s camera mode is an extension of the keyboard.

a. Goktekin’s keyboard and camera mode are a singular text input program module, not separate programs.

First, Goktekin’s camera mode is not a second application because the keyboard and camera mode inputs are unified as a singular text input program, which Goktekin refers to as a “text input program module.” *See, e.g.*, EX1059, ¶¶11, 16-18, 32-34. Indeed, Goktekin indicates that its singular text input program module includes both the keyboard *and* the “camera with OCR.” *Id.* Thus, the text input program module reflects “keyboard input functionality [like] a standard keyboard input module *but also* the additional camera based text input possibility.”

Id. Goktekin packages these two features together by indicating that the “the multimodal text input program module could *replace* the standard keyboard module on the standard mobile devices, such as for instance on mobile phones, smart phones or the like, and under respective operating systems.” *Id.* Thus, because Goktekin’s camera mode is part of the keyboard’s text input program module, Goktekin’s camera mode does not teach activating “a second application,” as recited in the challenged claims.

Goktekin’s text input module clearly differs from the understanding provided by the ’922 patent’s specification. *See, e.g.,* Pet., 4-5. The ’922 patent explains that the keyboard “may be reduced in size ... and ... made available to *another application.*” EX1001, 85:11-39. Thus, the ’922 patent describes the keyboard as interchangeably interacting with two applications independently. *Id.* The ’922 patent underscores that the second application is not dependent on the keyboard. *See id.* Rather, the “second application” is a distinct application that the keyboard is designed to *interact with* instead of a module *incorporated into* the keyboard. *See id.* A user may utilize the keyboard and the two applications in combination or separately. EX1001, 85:40-55. For example, the ’922 patent describes providing inputs into an “instant messaging application” like “WhatsApp, Skype, [or] Facebook” while interchangeably operating an “image editing” application to edit and send pictures. *Id.* The ’922 patent additionally

describes chatting with a first group of users via the “instant message application” while separately conducting a video chat with a second group of users. *Id.*

This distinction between the first and second applications is reinforced by claim 3. Indeed, dependent claim 3 recites that the “keyboard is used with *both of said applications*.” EX1001, Cl. 3. The ’922 patent notes that the keyboard may provide input to each application individually or to both applications. EX1001, 85:56-67. Thus, claim 3 further indicates that the second application is distinct from the keyboard as opposed to an ancillary extension of the keyboard. *Id.*

In view of the understanding provided by both the ’922 specification and claim 3, Goktekin’s operations do not teach the claimed “second application.” Goktekin’s keyboard cannot be *used* with the described “camera mode.” *See* EX1059, ¶49. Rather, Goktekin describes using the keyboard *or* camera mode within a single multimodal text input module: “[t]hus the user may input text as usual via the displayed touch screen keyboard or he may press a camera mode key 8 to *switch over* to the camera mode.” *Id.*, ¶46. In this manner, Goktekin’s “camera mode” is not a “second application” as understood in view of the ’922 patent.

b. Goktekin does not classify its camera mode as an “application.”

Second, Goktekin itself does not classify its camera mode as an “application.” *See, e.g.*, EX1059, ¶34. Notably, Goktekin provides the following examples of an “application”: “a translation application, a search application such

as google search or the like searching for a keyword in the internet, a phone application requesting for a phone number or a name or for any other application requesting text input.” *Id.* As such, Goktekin is consistent with how the ’922 patent describes an application. *See* EX1001, 85:40-55 (indicating the keyboard may be used with two applications such as “a chat application, such as, for example Skype, image editing method/application of the invention (described herein), video chat application, while a regular application area (e.g. all related operating system and device resource e.g. such as a touchscreen device/resource) of an operating system may be occupied by other application(s), such as, for example WhatsApp”). Thus, based on how the term “application” is described in the ’922 patent and Goktekin itself, Goktekin’s camera mode does not teach the claimed “second application.” *Compare* EX1059, ¶34, *with* EX1001, 85:40-55.

c. Petitioner’s own reading of Goktekin demonstrates that Goktekin’s camera mode is an extension of the keyboard, not a separate application.

Finally, Petitioner’s own presentation of Goktekin demonstrates that Goktekin’s camera mode is an extension of the keyboard, not a second application as claimed. *See* Pet., 12, 23-25. For example, Petitioner notes that “[i]f the recognized and displayed text is correct and desired[,] the user selects the recognized text as input text, whereupon *the selected text is output to the application preferably in the same way as the text would have been input via the*

keyboard.” Pet., 23-24. But if Goktekin’s camera mode were a distinct second application, it would not require the keyboard to be active or function “in the same way” as the keyboard. *Compare* EX1059, ¶¶60-61, *with* EX1001, 85:40-55. Thus, even Petitioner’s own characterization of Goktekin refutes the claim the Goktekin’s “camera mode” is a second application distinct from the keyboard.

Accordingly, Petitioner has not demonstrated that Goktekin discloses the claimed *second application* recited in independent claims 1 and 12. Therefore, Grounds 1-4 fail to demonstrate that the claims are unpatentable.

2. Petitioner’s obviousness theory for Goktekin also fails to identify two distinct applications.

In addition to the deficiencies of Petitioner’s analysis for Goktekin anticipating the “second application,” Petitioner fails to establish a *prima facie* case of obviousness based on Goktekin in Ground 1 by failing to adequately explain why a POSA would have been motivated to modify Goktekin to use two distinct applications. In particular, Petitioner fails to account for Goktekin’s characterization of its “camera mode” and explicit integration of the “camera mode” into the keyboard.

Petitioner alleges that implementing Goktekin’s camera mode as an application or a component of a keyboard is “a simple ‘matter of design choice and

... semantics.” Pet., 24²; EX1002, ¶128. Petitioner additionally alleges that “a POSITA would have had ample motivation to implement Goktekin’s camera text input mode via an ‘application’ to achieve several known advantages ... [because] a ‘standard mobile device offers already [an] integrated camera module.’” EX1002, ¶130; Pet., 24.

But the mere existence of an integrated camera module within a standard mobile device does not sufficiently demonstrate that a POSA would have been motivated to *modify* Goktekin’s text input programming module to provide a second application, as claimed. This is clear based on Goktekin’s own disclosure.

Goktekin itself rejects the notion that a POSA would have been motivated to modify its text input programming module to include the “camera mode” as a standalone application. Indeed, Goktekin explicitly states that the “camera mode” is dependent on the state of the keyboard and is therefore intrinsically a component of the keyboard. EX1059, ¶¶60-61, FIG. 4. For example, Goktekin describes that “the keyboard text input module is independent from the camera text input module, but *the camera text input module is dependent of the state of the keyboard text*

² While Petitioner also cites the Vincent, Liow, and Koch references, these are not applied in the Ground. Additionally, Vincent, Liow, and Koch do not provide any teaching for modifying Goktekin’s system specifically.

input module, which is checked continuously by the camera text input module.”

EX1059, ¶¶60-61. Simply, Goktekin’s “camera mode” is always active in the background to detect whether the original keyboard module is activated by the application and cannot operate independently from the keyboard. *Id.* Thus, Goktekin’s camera mode is not “a simple ‘matter of design choice and ... semantics,’” as Petitioner alleges. Pet., 24. *But see* EX1001, 85:40-55 (indicating the two applications operate independently from the keyboard). Rather, Goktekin’s integrated camera mode is an essential, fundamental feature of Goktekin’s text input programming module because it is reliant on an activated keyboard. *See* EX1059, ¶¶60-61.

Additionally, by attempting to alter a fundamental aspect of Goktekin’s text input programming module, Petitioner and its declarant are modifying Goktekin’s principle of operation using hindsight bias. Nothing in Goktekin suggests implementing its camera mode as a standalone application or the need to modify its text input programming module to further conserve battery lifespan or keyboard bloat as Petitioner alleges. *Compare* EX1059, ¶¶10-12, 15-18, 60-61, *with* Pet., 24-25. Yet Petitioner argues that it was well-known to “implement camera and OCR tasks, such as Goktekin’s, via an ‘application,’” similar to what is contemplated in the ’922 patent. Pet., 24. This is impermissible hindsight and must be rejected. “Defining the problem in terms of its solution reveals improper hindsight in the

selection of the prior art relevant to obviousness.” *Insite Vision Inc. v. Sandoz, Inc.*, 783 F.3d 853, 859 (Fed. Cir. 2015); *see also ActiveVideo Networks, Inc. v. Verizon Comm’s, Inc.*, 694 F.3d 1312, 1327 (Fed. Cir. 2012).

Accordingly, Petitioner fails to provide a legitimate factual basis demonstrating why it would have been obvious to a POSA to modify Goktekin to use two distinct applications instead of one. Indeed, Petitioner’s theories contradict Goktekin’s explicit description of its text input programming module. *See* EX1059, ¶¶60-61. Thus, Petitioner fails to establish a *prima facie* case of obviousness against the challenged claims in view of Goktekin. Therefore, Grounds 1-4 fail to demonstrate that the claims are unpatentable for at least this additional reason.

3. Goktekin’s keyboard does not “activate[]” any application.

Petitioner’s analysis of whether Goktekin’s split keyboard “activates” an application is also deficient. Pet., 22-25. Claim 1 recites that the system “activates a second application” that is “based on accomplishment of a *condition under the control of said keyboard*.” EX1001, Cl. 1. Claim 12 recites similar features. *See* EX1001, Cl. 12. Notwithstanding the fact that Goktekin’s “camera mode” is not an application, Goktekin fails to disclose “activat[ing]” an application as claimed because Goktekin’s text input module is not activated *under the control of said keyboard*. EX1001, Cl. 1. That is, Petitioner’s analysis of Goktekin fails because Goktekin’s keyboard does not activate any application.

Petitioner argues that Goktekin “activates” an application *under the control of said keyboard* because a user may “press a camera mode key 8 to switch over to the camera mode.” Pet., 22 (citing EX1059, ¶46). However, Petitioner’s understanding of Goktekin is incorrect. Goktekin describes a single text input programming module and a single interface. *See* Section V.A.1 *supra*; *see, e.g.*, EX1059, ¶¶11, 16-18, 32-34. In many cases, Goktekin’s text input programming module (i.e., a single application) entirely replaces the touchscreen device’s original keyboard. *See, e.g.*, EX1059, ¶¶11, 17, 18, 32, 46-47. Therefore, if a user presses the camera mode key to switch over to camera mode, the user is merely enabling the display of a keyboard extension. *See* Section V.A.1 *supra*. Indeed, enabling the display of a keyboard extension—such as Goktekin’s OCR functionality—by pressing a button does not even activate another application. *Id.* This means that Goktekin’s operation still does not teach a keyboard activating a second application.

Additionally, in the event that Goktekin’s text input programming module does not replace the original keyboard, the “camera mode” is always running in the background. EX1059, ¶18 (“[A]n additional multimodal text input module steadily running in the background checks whether the original keyboard module is activated by an application.”). Once “the original keyboard module is activated by the application[,], the multimodal text input module activates the camera mode,

opens an additional second and/or third field on the display showing the written text captured by the camera in the second field and the recognized text converted by OCR in the third field.” EX1059, ¶18. Therefore, Goktekin’s text input programming module is not activated by the keyboard. The text input programming module is always active and is not activated *under the control of said keyboard. Compare* EX1001, Cl. 1 *with* EX1059, ¶18.

Accordingly, Petitioner fails to establish that Goktekin discloses “activat[ing]” an application as claimed because Goktekin’s keyboard does not activate any application. Therefore, Grounds 1-4 fail to demonstrate that the claims are unpatentable and the Board should deny institution for at least this additional reason.

B. Grounds 5-7: Koch also fails to teach or suggest “activat[ing] a second application.”

Like Goktekin, Koch fails to teach or suggest “activat[ing] a second application.” Petitioner’s argument for Ground 5 is deficient for at least three reasons: (1) Koch fails to disclose “a second application” because Koch’s “center area” is an extension of the keyboard rather than a second application; (2) Petitioner fails to provide a factual basis demonstrating why it would have been obvious to a POSA to modify Koch’s center area to be implemented as a second application; and (3) Koch fails to disclose “activat[ing]” a second application because Koch’s split keyboard does not “activate[.]” an application in the “center

area” of its integrated input method.

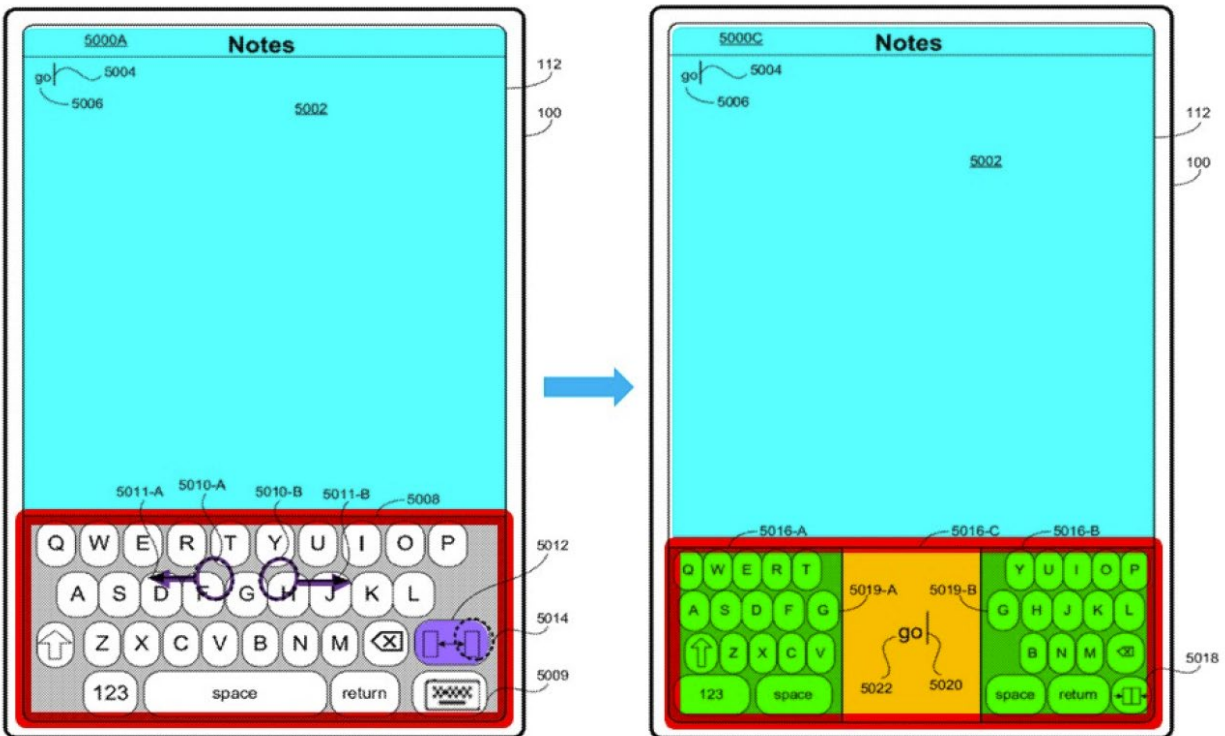
Accordingly, Petitioner’s application of Koch to the claims under Grounds 5-7 is deficient and the Board should deny institution for at least this additional reason.

1. Koch’s “center area” is an extension of the keyboard rather than a “second application.”

Koch fails to disclose “activat[ing] a second application” because Koch’s “center area” is merely an extension of the keyboard rather than a second application. In Ground 5, Petitioner argues that Koch anticipates or renders obvious claim elements 1[d] and 12[c], alleging that Koch’s “center area” discloses a second application. Pet., 52-55, 64. But this argument fails because: (1) Koch’s “center area” is also an extension of the keyboard; and (2) Koch does not classify its center area as an application and only describes one application.

a. Koch’s “center area” is also an extension of the keyboard.

First, Petitioner argues that Koch’s “center area” is a second application. *See* Pet., 54 (highlighted in orange below).



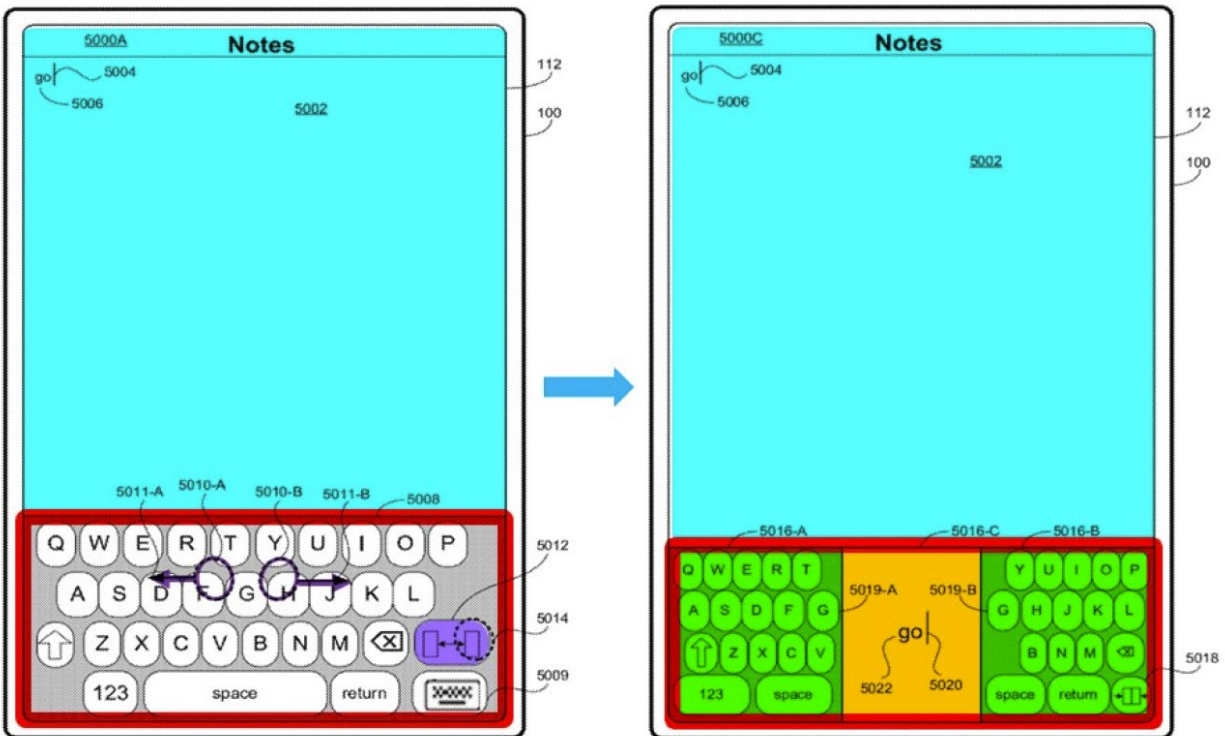
EX1060, FIGs. 5A, 5C (with Petitioner's annotations); Pet., 53.

However, the “center area” of Koch’s “integrated input method” is not a second application. Indeed, Koch states that its integrated input area “includes: a left portion with a left side of a split keyboard; a right portion with a right side of the split keyboard; and a center portion in between the left portion and the right portion.” EX1060, ¶9. Thus, the center area is merely an extension of the split keyboard for inputting text into an individual application. In fact, the center area requires the split keyboard to be activated and does not exist independently from the keyboard. *See, e.g.*, EX1060, ¶¶370-372 (indicating the center area operates concurrently with the split keyboard). The center portion is merely “a second text entry area . . . that shows a portion of the text being entered in the first text entry

area.” *Id.* Thus, Koch discloses that the center area of the integrated input area is simply an integrated extension of the keyboard rather than a “second application” as recited in the claims.

b. Koch does not classify its center area as an “application.”

Second, like Goktekin, Koch also contemplates only one application and does not classify its center area as an application. Nor would a POSA have understood its center area to be a separate application. The only “application” that Koch describes is one that accepts textual input from the integrated input method (i.e., the split keyboard and center area). EX1060, ¶231, FIGs. 5A, 5C. For example, only a “Notes” application is depicted below (annotated in blue). Pet., 53.



EX1060, FIGs. 5A, 5C (with Petitioner's annotations); Pet., 53.

According to the figures cited and annotated by Petitioner, Koch describes a touchscreen environment that includes a single application—such as a notes application or a web browser—that accepts input text from the integrated input method: “FIG. 5A depicts user interface (UI) 5000A displayed on touch-sensitive display 112 of a device (e.g., device 100). UI 5000A may be a user interface in *an application (e.g., a notes application, a web browser application, etc.)* on device 100. UI 5000A includes text entry area 5002. Cursor 5004 and input text 5006 are displayed in text entry area 5002.” EX1060, ¶231. Simply, Koch’s functionality is distinct from what is contemplated in the ’922 patent.

As previously explained, the '922 patent recites a keyboard and two distinct applications displayed on the electronic touchscreen. *See e.g.*, EX1001, 85:40-55 (describing an “instant message application” and a separate “image editing” application); Section V.A.1.a. The second application of the '922 patent does not rely on an initialized keyboard, but rather operates independently from the keyboard. EX1001, 85:40-55. Koch’s “integrated input method” does not disclose this functionality because the “center area” is a portion of the “integrated input method” itself. *See* EX1060, ¶¶14-15.

Accordingly, Koch fails to disclose a second application. Koch describes its integrated input area (i.e., a split keyboard and a center area) as a single unit rather than as distinct applications. *See id.* Therefore, Koch does not disclose “activat[ing] a second application.” Petitioner’s application of Koch to the challenged claims in Grounds 5-7 is therefore deficient and the Board should deny institution for at least this reason.

2. Petitioner’s obviousness theory for Koch also fails to identify two distinct applications.

In addition to the deficiencies of Petitioner’s anticipation analysis, Petitioner fails to establish a *prima facie* case of obviousness for Koch as a single reference in Ground 5 by failing to adequately explain why a POSA would have been motivated to modify Koch to use two distinct applications. *See* Pet., 54-55. In

particular, Petitioner fails to account for Koch’s explicit integration of the “center area” into the keyboard.

Petitioner and Dr. Bederson argue that “whether computer functionality is implemented as an ‘application’ or, e.g., a ‘component ... of the operating system or ... keyboard’ was a simple ‘matter of design choice and ... semantics.’” Pet., 54-55; EX1002, ¶¶244-246.³ This is false. Such a modification would diminish Koch’s alleged technological benefits realized by providing an integrated input area. *See* EX1060, ¶¶369, 372.

Specifically, Koch itself explicitly rejects the notion a POSA would have been motivated to modify Koch’s “center area” and implement the center area as a separate second application. Indeed, Koch alleges that integrating the “center area” into the touchscreen keyboard: (1) “make[s] character entry faster and more efficient”; (2) “makes additional character entry functions readily accessible to the user’s thumbs”; and (3) enables faster character entry, which “conserves power and increases the time between battery charges.” EX1060, ¶369. Koch further states that “a second text entry area in the center portion of the integrated input area ...

³ While Petitioner also cites the Bower and Liow references, these are not applied in the Ground. Additionally, Bower and Liow do not provide any teaching for modifying Koch’s system specifically.

makes text input faster, more efficient, and less stressful by reducing the amount of eye movement when a user is thumb typing with the split keyboard.” *Id.*, ¶372.

In the face of Koch’s purported benefits, Petitioner fails to provide a plausible reason why a POSA would have been motivated to remove Koch’s “center area” from the integrated keyboard. *See* Pet., 54-55. Petitioner alleges that such a modification would “minimize bloat,” but this is not credible. *Id.* Removing the “center area” from the integrated input area and instead re-installing the center area as a separate application would *increase* bloat and diminish Koch’s alleged text entry and power saving benefits. *See* EX1060, ¶¶369, 372. Namely, requiring the installation and operation of an *additional* application to perform the same functionality already implemented in Koch contradicts Petitioner’s alleged motivation of minimizing bloat.

Even Koch refutes Petitioner’s understanding of its “center area.” Koch indicates that the “center area” is dependent on the state of the soft split keyboard and is therefore a “component” of the keyboard. Pet., 54-55; EX1002, ¶244. Koch does not provide any suggestion that the “center area” can be or should be implemented as an application that is distinct from the keyboard. *Compare* EX1060, ¶258 (“Integrated input area 5016 includes split keyboard portions 5016-A (the left portion) and 5016-B (the right portion) and center area 5016-C.”), *with* EX1001, 85:40-55 (describing how the keyboard can be used with either an instant

messaging application or a video chat application). Thus, Petitioner fails to provide a sufficient reason for modifying Koch's express implementation of the center area as an extension of the keyboard.

Additionally, by attempting to alter a fundamental aspect of Koch's integrated input area, Petitioner, through its declarant, is modifying Koch's principle of operation using hindsight bias. Nothing in Koch suggests implementing its center area as a standalone application or the need to modify its integrated input method to further conserve battery lifespan or keyboard bloat. *Compare* EX1060, ¶¶10-12, 15-18, 60-61, *with* Pet., 54-55. Yet Petitioner argues that it was well-known to "implement[] Koch's center area functions via an 'application'"—similar to what is contemplated in the '922 patent. Pet., 54-55. This is impermissible hindsight and must be rejected. "Defining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness." *Insite*, 783 F.3d at 859; *see also ActiveVideo*, 694 F.3d at 1327.

Therefore, Petitioner fails to establish why a POSA would have been motivated to modify Koch to use two distinct applications. Petitioner's theories of separating the center area and splitting Koch's keyboard into two applications contradict Koch's explicit implementation and alleged benefits from implementing

a “center area” within an integrated input area. *See* Pet., 54-55; EX1002, ¶244; EX1060, ¶¶369, 372.

Accordingly, Petitioner fails to establish a *prima facie* case of obviousness for the challenged claims in view of Koch. Therefore, Grounds 5-7 fail to demonstrate that the claims are unpatentable and the Board should deny institution for at least this additional reason.

3. Koch’s split keyboard also does not “activate[]” an application in the “center area.”

Petitioner’s analysis of whether Koch’s split keyboard “activates” an application is also deficient. Pet., 52-55. Claim 1 recites that the system “activates a second application” that is “based on accomplishment of a *condition under the control of said keyboard.*” EX1001, Cl. 1. Claim 12 recites similar features. *See* EX1001, Cl. 12. Notwithstanding the fact that Koch’s “center area” is not an application, Koch fails to disclose “activat[ing]” an application because Koch’s “split keyboard” does not activate an application in the “center area.” That is, Petitioner’s analysis of Koch fails because Koch’s integrated input method does not activate any application based on detecting a gesture under the control of the keyboard, as discussed below.

Petitioner argues that Koch teaches this limitation because Koch describes “gestures that, if detected, activate splitting of unsplit soft keyboard 5008 in response.” Pet., 52; EX1060, ¶233. However, such a gesture still does not teach

activating an “application” as claimed because—as previously explained—Koch’s “center area” is not a separate application. *See* Section V.B.1 *supra*. That is, even if the keyboard is split to include an additional text entry area (i.e., the “center area”), Koch does not consider this to be another application. *See* EX1060, ¶¶5, 107 (listing examples of applications including “an image management application,” a “presentation application,” a “website creation application,” a “gaming application,” a “telephone application,” an “e-mail application,” etc.).

Indeed, Koch’s description of “modules” that are used by applications also leaves out “text input module 134.” EX1060, ¶¶133, 135-155. Koch states that “applications 136” may include a variety of modules and itemizes potential modules. EX1060, ¶¶135-152. Notably, “text input module 134” is not included in this list. *Id.* Rather, Koch states that “text input module 134” is a component of the “graphics module 132.” *Id.*, ¶133. Based on this understanding, Koch does not consider any portion of the text input module 134 to be a separate application. While Koch’s integrated input area allows a user to enable a variety of input options for input into an application, the integrated input area is not itself a standalone application nor does it activate any application. *Compare* EX1060, ¶278, *with* EX1060, ¶¶135-153. Thus, Koch merely provides a singular integrated input area used for text input, which is not considered an application.

Accordingly, Petitioner fails to establish that Koch teaches “activat[ing]” an

application because Koch’s split keyboard merely enables additional text input options as opposed to being a standalone application. Therefore, Grounds 5-7 fail to demonstrate that the claims are unpatentable and the Board should deny institution for at least this additional reason.

VI. IF THE BOARD FINDS THAT PETITIONER FAILS TO MEET ITS BURDEN FOR LESS THAN ALL OF THE CHALLENGED CLAIMS AND/OR PROPOSED GROUNDS, THE BOARD SHOULD DENY INSTITUTION TO CONSERVE RESOURCES.

Patent Owner identifies numerous deficiencies in Petitioner’s arguments above. Should the Board determine that Petitioner met its burden for some claims or Grounds, but failed to meet its burden for other claims or Grounds, the Board should still deny institution to conserve the Board’s valuable resources. *See* Interim Processes for PTAB Workload Management Memorandum, 3 (March 26, 2025) (the “Interim Processes Memo”); *Chevron Oronite Co. LLC v. Infineum USA L.P.*, IPR2018-00923, Paper 9 at 10–11 (P.T.A.B. Nov. 7, 2018).

Pursuant to 35 U.S.C. § 314(a), an *inter partes* review may not be instituted “unless ... the information presented in the petition ... and any response ... shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” But even when a petitioner demonstrates a reasonable likelihood of prevailing with respect to one or more claims, institution of review remains discretionary. *SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1356 (2018) (“[Section] 314(a) invests the Director with discretion on

the question whether to institute review” (emphasis omitted)); *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1367 (Fed. Cir. 2016) (“[T]he PTO is permitted, but never compelled, to institute an IPR proceeding.”). 35 U.S.C. § 316(b) also provides that, when determining whether to exercise its discretion, the Board should consider the effect of any regulations on “the efficient administration of the Office [and] the ability of the Office to timely complete proceedings.”

Additionally, 37 C.F.R. § 42.1(b) provides that the Board should also take into account the requirement to construe the rules to “secure the just, speedy, and inexpensive resolution of every proceeding.” The Consolidated Trial Practice Guide also explains that the Board may consider the number of claims and grounds that meet and do not meet the reasonable likelihood standard when deciding whether to institute *inter partes* review under 35 U.S.C. § 314(a). Patent Trial and Appeal Board Consolidated Trial Practice Guide November 2019, 64 (Nov. 20, 2019), available at <https://www.uspto.gov/TrialPracticeGuideConsolidated> (“CTPG”) (“[T]he panel will evaluate all the challenges and determine whether, in the interests of efficient administration of the Office and integrity of the patent system, the entire petition should be denied.”).

Here, should the Board determine that Petitioner failed to meet its burden of establishing unpatentability for some but fewer than all of the challenged claims of the ’922 patent as discussed in Sections IV and V, the Petition should still be

denied in order to conserve the Board's valuable time and resources. *See* Interim Processes Memo, 3; *Deeper, UAB. v. Vexilar, Inc.*, IPR2018-01310, Paper 7 at 43 (P.T.A.B. Jan. 24, 2019) (finding that because Petitioner only demonstrated a reasonable likelihood of prevailing with respect to a subset of the 23 challenged claims, "instituting a trial with respect to all twenty-three claims ... would not be an efficient use of the Board's time and resources."). Similarly, should the Board determine that Petitioner failed to meet its burden of establishing unpatentability for some but not all Grounds, the Petition should likewise be denied in order to conserve the Board's valuable time and resources. *See* Interim Processes Memo, 3; CTPG, 64; 35 U.S.C. § 316(b); 37 C.F.R. § 42.1(b).

VII. CONCLUSION

Petitioner fails to show a reasonable likelihood that any of the challenged claims are unpatentable as anticipated and/or obvious in view of the cited art and, therefore, the Board should deny institution.

Respectfully submitted,

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CERTIFICATE OF WORD COUNT (37 C.F.R. § 42.24(d))

1. This Patent Owner Preliminary Response complies with the type-volume limitation of 14,000 words, comprising 7,249 words, excluding the parts exempted by 37 C.F.R. § 42.24(a)(1).

2. This Patent Owner Preliminary Response complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman font.

Respectfully submitted,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PATENT OWNER PRELIMINARY
RESPONSE UNDER 37 C.F.R. § 42.107(a)** was served in its entirety on July 9,
2025, upon the following parties via electronic mail:

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