Trials@uspto.gov
571-272-7822

Paper 15
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY COMPUTER ENTERTAINMENT AMERICA LLC,
Petitioner,

v.

APLIX IP HOLDINGS CORPORATION,
Patent Owner.

Case IPR2015-00229
Patent 7,667,692 B2

Before SALLY C. MEDLEY, BRYAN F. MOORE, and JASON J. CHUNG, *Administrative Patent Judges.*

MOORE, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Sony Computer Entertainment America LLC, filed a Petition requesting an *inter partes* review of claims 1–3, 5–13, and 15–20 of U.S. Patent No. 7,667,692 B2 (Ex. 1001, "the '692 patent"). Paper 2 ("Pet."). In response, Patent Owner, Aplix Holdings Corporation, filed a Preliminary Response. Paper 14 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted "unless . . . the information presented in the petition . . . 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."

For the reasons set forth below, we institute an *inter partes* review of claims 1–3, 5–13, and 15–20 of the '692 patent.

A. Related Matter

The '692 patent is involved in the following lawsuit: *Aplix IP Holdings Corporation v. Sony Computer Entertainment, Inc. et al.*, No. 1:14-cv-12745 (MLW) (D. Mass.). Pet. 59.

B. The '692 Patent

The '692 patent relates to hand-held electronic devices, such as cell phones, personal digital assistants ("PDAs"), pocket personal computers, smart phones, hand-held game devices, bar-code readers, remote controls having a keypad or one or more input elements. Ex. 1001, 1:15–21. The hand-held device includes, on one surface, one or more software

configurable input elements that can be manipulated by a user's thumb(s) or stylus, and on the other surface, one or more software configurable selection elements that can be manipulated by a user's finger(s). *Id.* at Abstract.

C. Illustrative Claim

Of the challenged claims, claims 1 and 12 are the only independent claims. Claims 2, 3, and 5–11 depend either directly or indirectly from claim 1 and claims 13, and 15–20 depend either directly or indirectly from claim 12.

Claim 1, reproduced below, is illustrative.

> 1. A method for configuring a human interface and input system for use with a host hand-held electronic device configured to run applications, wherein at least one of the applications is associated with multiple input functions, the method comprising:
>
> selectively disposing on a first surface of the system a first input assembly having input elements configured to receive input from a human user through manipulation of the input elements, wherein at least one of the input elements of the first input assembly is further configured to map to one or more of the input functions associated with a selected one of the applications;
>
> disposing on a second surface a second input assembly having one or more input elements configured to be manipulated by one or more of the human user's fingers, wherein at least one of the input elements of the second input assembly is further configured to selectively map to one or more of the input functions associated with the selected application; and
>
> selectively arranging the first input assembly and the

second input assembly in substantial opposition to each other.

Ex. 1001, 15:34–52.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Liebenow	US 2002/0118175 A1	Aug. 29, 2002	(Ex. 1003)
Armstrong	US 6,469,691	Oct. 22, 2002	(Ex. 1004)
Hedberg	WO 1999/18495	Apr. 15, 1999	(Ex. 1005)
Griffin	US 2003/0020692 A1	Jan. 30, 2003	(Ex. 1006)
Rekimoto	US 7,088,342 B2	Aug. 8, 2006	(Ex. 1007)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Challenged Claims	Basis	References
1–3, 5, 7–10, 12, 13, 15–18 and 20	§ 102(b)	Liebenow
1–3 and 5–10	§ 103(a)	Liebenow and Armstrong
1–3, 5, 7–13, 15–20	§ 103(a)	Liebenow and Hedberg
1, 2, 7–10, 12, 15–18 and 20	§ 102(a)	Griffin
1, 2, and 6–10	§ 103(a)	Griffin and Armstrong
1, 2, 7–12, and 15–20	§ 103(a)	Griffin and Hedberg
1–3, 12, 13, and 17	§ 102(e)	Rekimoto

Challenged Claims	Basis	References
1–3, 5, 7–10, 12, 13, 15–18, and 20	§ 103(a)	Rekimoto and Liebenow

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see also In re Cuozzo Speed Techs., LLC*, 778 F.3d 1271, 1281–1282 (Fed. Cir. Feb. 4, 2015) ("Congress implicitly adopted the broadest reasonable interpretation standard in enacting the AIA," and "the standard was properly adopted by PTO regulation."). Under the broadest reasonable interpretation standard, claim terms are given their ordinary and customary meaning as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes constructions for the claim term "delineated active area," (claims 3, 5, and 13). Pet. 7–8, 22. Specifically, Petitioner proposes that delineated active areas "must at least include areas that are differentiated from each other either physically or tactilely to assist the user in locating the position on the sensor pad of the active areas." *Id.* at 8. Patent Owner argues that Petitioner has submitted an unduly narrow construction for "delineated active area." Prelim. Resp. 22–27. For purposes of this

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