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Paper 11
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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 IPR2015-00476
Patent 7,218,313 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 21–24, 26–29, 52–56, and 58–60 of U.S. Patent No. 7,218,313 B2 (Ex. 1001, "the '313 patent"). Paper 2 ("Pet."). In response, Patent Owner, Aplix IP Holdings Corporation, filed a Preliminary Response. Paper 10 ("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 21–24, 26–29, 52–56, and 58–60 of the '313 patent.

A. Related Matter

The '313 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. 59–60.

B. The '313 Patent

The '313 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, 1:5–11; 7:7–11.

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 21 and 52 are the only independent claims. Claims 22–24 and 26–29 depend either directly or indirectly from claim 21 and claims 53–56 and 58–60 depend either directly or indirectly from claim 52.

Claim 21, reproduced below, is illustrative.

> 21. A method for configuring a human interface and input system for use with a hand-held electronic device configured to run a plurality of applications, each application associated with a set of functions, the method comprising:
>
> disposing on a first surface a first input assembly having a plurality of input elements configured to receive input from a human user through manipulation of the plurality of input elements, wherein at least one of the input elements of the first input assembly is further configured to map to more than one input function associated with a selected one of the plurality of 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

> arranging the plurality of input elements of the first input assembly and the one or more input elements of the second input assembly to substantially optimize a biomechanical effect of the human user's hand.

Ex. 1001, 17:50–18:6.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Griffin	US 2003/0020692 A1	Jan. 30, 2003	(Ex. 1003)
Pallakoff	US 2002/0163504 A1	Nov. 7, 2002	(Ex. 1004)
Liebenow	US 2002/0118175 A1	Aug. 29, 2002	(Ex. 1005)
Rekimoto	US 7,088,342 B2	Aug. 8, 2006	(Ex. 1006)
Armstrong	US 6,469,691	Oct. 22, 2002	(Ex. 1007)
Hedberg	WO 99/18495	Apr. 15, 1999	(Ex. 1008)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Challenged Claims	Basis	References
21, 22, and 52–54	§ 102(a) and § 102(e)	Griffin
21, 22, 52–54, and 58	§ 102(a) and § 102(e)	Pallakoff
21–24, 26, 52–56, and 58	§ 103(a)	Griffin and Liebenow
21–24, 26, 52–56, and 58	§ 103(a)	Pallakoff and Liebenow

Challenged Claims	Basis	References
21–24 and 52–56	§ 103(a)	Griffin and Rekimoto
21–24, 26, 52–56, and 58	§ 103(a)	Pallakoff and Rekimoto
21, 22, and 27	§ 103(a)	Griffin and Armstrong
21, 22, and 27	§ 103(a)	Pallakoff and Armstrong
21,–2, 28, 29, 52–54, 59, and 60	§ 103(a)	Griffin and Hedberg
21, 22, 28,–9, 52–54, 59, and 60	§ 103(a)	Pallakoff and Hedberg

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

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