

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 IPR2015-00729
Patent 7,280,097 B2

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

MOORE, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed herein, Petitioner has shown by a preponderance of the evidence that claims 1–14, 16–19, 21–32, and 34–38 of U.S. Patent No. 7,280,097 B2 are unpatentable.

A. Procedural History

Petitioner, Sony Computer Entertainment America LLC, filed a Corrected Petition requesting an *inter partes* review of claims 1–14, 16–19, 21–32, and 34–38 of U.S. Patent No. 7,280,097 B2 (Ex. 1001, “the ’097 patent”). Paper 4 (“Pet.”). Patent Owner, Aplix IP Holdings Corporation, filed a Preliminary Response. Paper 12 (“Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, on July 22, 2015, we instituted an *inter partes* review of claims 1–14, 16–19, 21–32, and 34–38, pursuant to 35 U.S.C. § 314. Paper 13 (“Dec.”).

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 21 (“PO Resp.”)) and Petitioner filed a Reply (Paper 26 (“Reply”)). Patent Owner filed a Motion for Observations (Paper 28) and Petitioner filed a Response to the Observations (Paper 32). An oral hearing was held on March 30, 2016, and a transcript of the hearing is included in the record (Paper 34 (“Tr.”)).

B. Related Proceedings

The ’097 patent is involved in the following lawsuit: *Aplix IP Holdings Corp. v. Sony Computer Entertainment, Inc.*, No. 1:14-cv-12745 (MLW) (D. Mass.). Pet. 59.

C. The ’097 Patent

The ’097 patent relates to hand-held input acceleration devices that interface with electronic devices, such as cell phones, personal digital assistants (“PDAs”), pocket personal computers, smart phones, hand-held game devices, bar-code readers, MP3 players and other similar input devices having a keypad or one or more input elements. Ex. 1001, 1:10–18. The

hand-held input acceleration device transfers data bi-directionally with a hand-held host device. *Id.* at Abstract.

D. Illustrative Claim

Claims 1, 16, and 27 are the only independent claims. Claims 2–14, 17–19, 21–26, 28–32, and 34–38 directly or indirectly depend from one of claims 1, 16, and 27.

Claim 1, reproduced below, is illustrative.

1. An input accelerator device for controlling a hand-held host device, the input accelerator device comprising:
 - a communication channel configured to interface with the hand-held host device;
 - an input assembly comprising a plurality of input elements, each input element being configured to be selectively mapped to one or more functions of a software application in order to minimize actuation required of at least one input element of the hand-held host device; and
 - an input controller communicatively coupled to the input assembly and the communication channel, the input controller being configured to generate an input signal upon actuation of at least one of the plurality of input elements and being further configured to relay the input signal to the communication channel for transmission to the hand-held host device to control execution of the one or more functions of the software application mapped to the actuated input element.

Ex. 1001, 20:32–50.

E. Grounds of Unpatentability

We instituted an *inter partes* review of claims 1–11 on the following grounds:

Claims	Basis	Reference(s)
1–4, 7, 8, 13, 14, 16–18, 21, 23–29, 31, and 34–38	§ 103(a)	Mollinari ¹ and Nishiumi ²
6, 22, and 32	§ 103(a)	Mollinari, Nishiumi, and Tu ³
5, 9, 19, and 30	§ 102(b)	Shima ⁴
10–12	§ 103(a)	Kerr ⁵ and Lum ⁶

II. ANALYSIS

A. Level of Skill of Person in the Art

We find that the level of ordinary skill in the art is reflected by the prior art of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995).

¹ WO 2004/007041 A2; Jan. 22, 2004 (Ex. 1003, “Mollinari”).

² U.S. Patent No. 5,903,257; May 11, 1999, (Ex. 1004, “Nishiumi”).

³ U.S. Patent Application Publication No. 2004/0139254 A1; July 15, 2004 (Ex. 1005, “Tu”).

⁴ U.S. Patent Application Publication No. 2002/0198030 A1; Dec. 26, 2002 (Ex. 1006, “Shima”).

⁵ U.S. Patent Application Publication No. 2004/0137983 A1; July 15, 2004 (Ex. 1007, “Kerr”).

⁶ U.S. Patent Application Publication No. 2005/0221894 A1; Oct. 6, 2005 (Ex. 1008, “Lum”).

B. Claim Interpretation

In an *inter partes* review, we construe claim terms in an unexpired patent according to 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*, 793 F.3d 1268, 1278 (Fed. Cir. 2015) (“We conclude that Congress implicitly approved the broadest reasonable interpretation standard in enacting the AIA”), *aff’d sub nom. Cuozzo Speed Techs., LLC v. Lee*, No. 15–446, 2016 WL 3369425, at *12 (U.S. June 20, 2016). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Also, we must be careful not to read a particular embodiment appearing in the written description into a claim if the claim language is broader than the embodiment. *See In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (“[L]imitations are not to be read into the claims from the specification.”). However, an inventor may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

input controller configured to generate an input signal . . . to control execution of the one or more functions of the software application

In our Decision to Institute, we determined that it was not necessary to construe any terms. Dec. 4–5. Patent Owner subsequently proposed a construction for the claim 1 term an “input controller configured to generate an input signal . . . to control execution of the one or more functions of the

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