

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION and MICROSOFT MOBILE, INC.,
Petitioner,

v.

GLOBAL TOUCH SOLUTIONS, LLC,
Patent Owner.

IPR2015-01151
U.S. Patent No. 8,288,952

**PETITIONER'S REPLY TO PATENT OWNER'S
RESPONSE TO PETITION**

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Patent Owner’s Arguments for Why Jahagirdar and Schultz Would Not Have Been Combined Contradict Obviousness Law and Statements Made by Its Expert, Dr. Morley.	1
A.	Dr. Morley’s Declaration and testimony confirm that touch sensors provide all of the advantages identified by Petitioner.....	2
B.	Patent Owner’s Arguments Fail Under the Correct Law of Obviousness.....	5
1.	Patent Owner fails to appreciate that obviousness does not require explicit teaching of a recognized problem in the prior art.....	5
2.	Patent Owner’s argument that Jahagirdar’s push buttons would have been replaced with membrane switches, rather than touch sensors, is also irrelevant to the obviousness analysis.....	6
3.	Patent Owner ignores that one of ordinary skill is also one of ordinary creativity.....	8
4.	Patent Owner fails to show that the combination of Jahagirdar and Schultz would have been inoperable.....	10
III.	Patent Owner Incorrectly Argues that Jahagirdar Lacked an “Activating a Visible Indication in Response to an Activation Signal Received from the User Interface.”	11
A.	Patent Owner ignores the critical sentence in Jahagirdar that shows that Jahagirdar taught the claimed activation of a visible indication.	12
IV.	Patent Owner’s Argument that Jahagirdar Did Not Disclose Automatic Deactivation Fails Because it is Based on the Same Mischaracterization of Jahagirdar Described in Section III.....	15
V.	Conclusion	16

TABLE OF AUTHORITIES

Page(s)

Cases

<i>ACCO Brands Corp. v. Fellowes, Inc.</i> , 813 F.3d 1361 (Fed. Cir. 2016)	6
<i>Apple Inc. v. Samsung Elecs. Co.</i> , 816 F.3d 788 (Fed. Cir. 2016)	7, 8
<i>Ball Aerosol & Specialty Container, Inc. v. Ltd. Brands, Inc.</i> , 555 F.3d 984 (Fed. Cir. 2009)	5
<i>In re Fulton</i> , 391 F.3d 1195 (Fed. Cir. 2004)	7, 8
<i>In re ICON Health & Fitness, Inc.</i> , 496 F.3d 1374 (Fed. Cir. 2007)	9
<i>KSR Intern. Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	2, 5, 6, 9
<i>Plas-Pak Industries, Inc. v. Sulzer Mixpac AG</i> , 600 Fed. Appx. 757 (Fed. Cir. 2015).....	10
<i>Q. I. Press Controls, B.V. v. Lee</i> , 752 F.3d 1371 (Fed. Cir. 2014)	6
<i>In re Urbanski</i> , 809 F.3d 1237 (Fed. Cir. 2016)	3

LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 8,288,952 (filed July 25, 2011) (“’952 patent”)
1002	Prosecution history for the ’952 patent (“’952 prosecution history”)
1003	U.S. Patent No. 6,249,089 (filed Oct. 9, 1998) (“’089 Patent”)
1004	U.S. Patent No. 6,125,286 (filed June 5, 1997) (“Jahagirdar”)
1005	U.S. Patent No. 4,053,789 (filed Aug. 27, 1976) (“Schultz”)
1006	U.S. Patent No. 5,329,577 (filed Dec. 29, 1992) (“Norimatsu”)
1007	William Buxton et al., <i>Issues and Techniques in Touch-Sensitive Tablet Input</i> , 85 PROC. SIGGRAPH CONF. ON COMPUTER GRAPHICS AND INTERACTIVE TECHS. 215, 215-24 (1985) (“Buxton”)
1008	U.S. Patent No. 4,963,793 (filed Mar. 8, 1988) (“DePauli”)
1009	U.S. Patent No. 4,764,708 (filed Dec. 8, 1986) (“Roudeski”)
1010	Reserved
1011	Reserved
1012	Reserved
1013	Reserved
1014	Expert Declaration of Dr. Horenstein (“Horenstein Decl.”)
1015	Reserved
1016	Reserved
1017	Transcript of Deposition of Robert E. Morley, Jr. (“Morley Tr.”)
1018	Reserved

Exhibit No.	Description
1019	Reserved
1020	Reserved
1021	Reserved
1022	Second Declaration of Mark Horenstein (“Second Horenstein Dec.”)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.