

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CORE WIRELESS LICENSING S.A.R.L.,
Patent Owner.

Case IPR2015-01899
Patent 8,713,476 B2

Before JAMESON LEE, DAVID C. MCKONE, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

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

Apple Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1, 4, 7–9, 20, 28, and 29 of U.S. Patent No. 8,713,476 B2 (Ex. 1001, “the ’476 patent”). Paper 2 (“Petition” or “Pet.”). Pursuant to 35 U.S.C. § 314(a), we determined the Petition showed a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of

claims 1, 4, 7–9, 10, 20, 28, and 29, and we instituted an *inter partes* review of these claims on certain asserted grounds of unpatentability. Paper 7 (“Inst. Dec.”). Patent Owner Core Wireless Licensing S.A.R.L. (“Patent Owner”) filed a Patent Owner Response. Paper 18 (“PO Resp.”). Petitioner filed a Reply to Patent Owner’s Response. Paper 27 (“Reply”). An oral hearing was held on December 14, 2016, pursuant to requests by both parties. Paper 38 (“Tr.”); *see* Papers 31, 34, 35.

We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine Petitioner has proven by a preponderance of the evidence that claims 1, 4, 7–9, 20, 28, and 29 of the ’476 patent are unpatentable. *See* 35 U.S.C. § 316(e).

I. BACKGROUND

A. RELATED PROCEEDINGS

According to Petitioner and Patent Owner, the ’476 patent is involved in, at least, the following lawsuits: *Core Wireless Licensing S.A.R.L. v. Apple, Inc.*, No. 6:14-cv-00751 (E.D. Tex.), and *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, No. 2:14-cv-00911 (E.D. Tex.). Pet. 5–6; Paper 5, 2. The ’476 patent is also the subject of IPR2015-01985. Paper 5, 2. A related patent, U.S. Patent No. 8,434,020, is at issue in IPR2015-01898 and IPR2015-01984.

B. THE ’476 PATENT

The ’476 patent relates to a computing device with an improved user interface for applications. Ex. 1001, 1:23–24. The ’476 patent describes a “snap-shot” view of an application that brings together, in one summary window, a limited list of common functions and commonly accessed stored

data. *Id.* at 2:37–41. Preferably, where the summary window for a given application shows data or a function of interest, the user can select that data or function directly, which causes the application to open and the user to be presented with a screen in which the data or function of interest is prominent. *Id.* at 2:42–46. The '476 patent explains that this summary window functionality saves the user from navigating to the required application, opening it up, and then navigating within that application to enable the data of interest to be seen or a function of interest to be activated. *Id.* at 2:46–50. Figure 2 of the '476 patent is reproduced below.

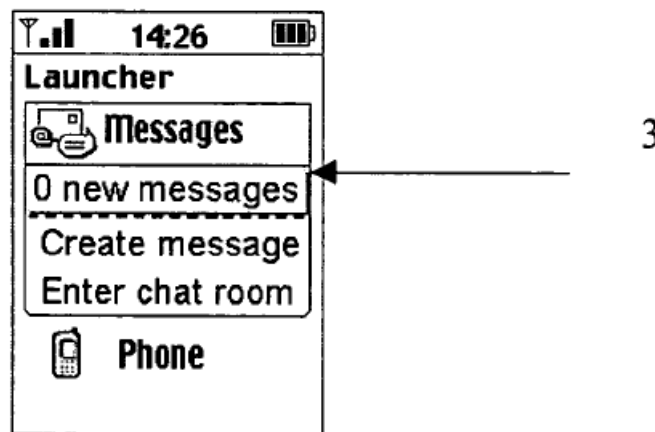


Figure 2

Figure 2, reproduced above, illustrates an implementation of the summary window (at 3) of the '476 patent. Ex. 1001, 3:42–43.

C. ILLUSTRATIVE CLAIM

Claim 1, a device claim, and claim 20, a method claim, are the only independent claims of the '476 patent that are challenged here. Claims 4 and 7–9 depend directly from claim 1 and claims 28 and 29 depend directly

from claim 20. Claim 1 is illustrative of the subject matter in this proceeding, and is reproduced below (formatting added).

1. A computing device comprising a display screen,
the computing device being configured to display on the screen a menu listing one or more applications, and
additionally being configured to display on the screen an application summary that can be reached directly from the menu,
wherein the application summary displays a limited list of data offered within the one or more applications,
each of the data in the list being selectable to launch the respective application and enable the selected data to be seen within the respective application, and
wherein the application summary is displayed while the one or more applications are in an unlaunched state.

Id. at 5:59–6:3.

D. EVIDENCE RELIED UPON

Petitioner relies upon the following prior art references.

Schnarel	US 7,225,409 B1	May 29, 2007 ¹	Ex. 1004
Aberg	US 6,993,362 B1	Jan. 31, 2006 ²	Ex. 1005
Smith	US 6,333,973 B1	Dec. 25, 2001 ³	Ex. 1006
Nason	US 6,593,945 B1	July 15, 2003 ⁴	Ex. 1007

¹ Schnarel was filed August 25, 1999.

² Aberg was filed March 13, 2000.

³ Smith was filed April 23, 1997.

⁴ Nason was filed May 19, 2000.

Wagner US 6,256,516 B1 July 3, 2001⁵ Ex. 1010

Petitioner also relies upon the Declaration of Dr. Brad A. Myers, dated September 11, 2015. Ex. 1003. Petitioner also relies on the Rebuttal Declaration of Dr. Brad A. Myers, dated October 17, 2016. Ex. 1038.

Patent Owner relies on the Declaration of Scott A. Denning, dated July 15, 2016. Ex. 2011.

Patent Owner also submitted observations on cross examination of Dr. Myers. *See* Paper 32. Petitioner submitted responsive observations. *See* Paper 36. We have considered both.

E. INSTITUTED GROUNDS OF UNPATENTABILITY

We instituted an *inter partes review* on the following grounds of unpatentability:

Reference(s)	Basis	Challenged Claim(s)
Schnarel ⁶	§ 103(a)	1, 4, 7–9, 20, 28, and 29
Schnarel and Aberg	§ 103(a)	1, 4, 7–9, 20, 28, and 29
Schnarel and Smith	§ 103(a)	4
Schnarel, Aberg, and Smith	§ 103(a)	4
Nason ⁷	§ 103(a)	1, 4, 7–9, 20, 28, and 29
Wagner and Nason	§ 103(a)	9

⁵ Wagner was filed September 24, 1999.

⁶ Petitioner includes “the knowledge of a POSITA [(person of skill in the art)]” in all of the Schnarel grounds. Pet. 13. Because an obviousness inquiry always includes the knowledge of person of ordinary skill, it is unnecessary to list explicitly such knowledge in the grounds.

⁷ As with Schnarel, Petitioner lists alternative grounds based on Nason that explicitly recite “the knowledge of a POSITA.” Pet. 37. For the reasons discussed in footnote 6, we do not list those alternative grounds separately.

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