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Paper 7
Date Entered: March 17, 2016

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*.

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

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I. INTRODUCTION

Petitioner, Apple Inc., filed a Petition requesting an *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") under 35 U.S.C. §§ 311–319. Paper 2 ("Petition" or "Pet."). Patent Owner, Core Wireless Licensing S.A.R.L., filed a Preliminary Response. Paper 6 ("Prelim. Resp."). Under 35 U.S.C. § 314, 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 that follow, we institute an *inter partes* review of claims 1, 4, 7–9, 20, 28, and 29 of the '476 patent.

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.), *Core Wireless Licensing S.A.R.L. v. Apple, Inc.*, No. 6:14-cv-00752 (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; Paper 5, 2. Petitioner indicates that the cases involving Apple, Inc., are being transferred to the Northern District of California. Pet. 5. The '476 patent is also subject to IPR2015-01984. Paper 5, 1. 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

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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.

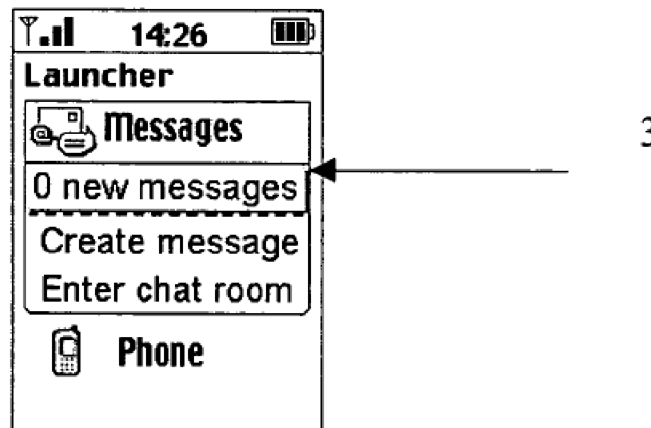

Figure 2

Figure 2 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 4–9 depend directly from claim 1 and claims 28 and 29 depend directly from

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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 un-launched 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.

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Wagner US 6,256,516 B1 July 3, 2001[5] Ex. 1010

Petitioner also relies upon the Declaration of Dr. Brad A. Myers, dated September 11, 2015 ("Myers Declaration"). Ex. 1003.

E. Asserted Grounds of Unpatentability

Petitioner asserts 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

II. ANALYSIS

A. Claim Interpretation

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. *See* 37 C.F.R. § 42.100(b). Under the broadest reasonable construction 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. *See In re Translogic Tech., Inc.*,

[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, we do believe it is necessary to explicitly list 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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