

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

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

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Case IPR2015-01899  
Patent No. 8,713,476

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**PATENT OWNER'S REQUEST FOR REHEARING  
UNDER 37 C.F.R. § 42.71(d)**

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## I. Summary Of Issue For Rehearing

Patent Owner requests rehearing as to the Board's conclusions with respect to claim 4.

Claim 4 recites that “a user can define what data types are of interest to the user for the *summary* for an application.” Claim 4 is directed to customization of data types displayed within the *application summary*, and not within the underlying application itself. Patent Owner Response at 37.

In its Final Written Decision, the Board correctly found that Schnarel does not teach user customization. Paper 42 at 43-45. But the Board incorrectly concluded that the combination of Schnarel and Aberg with Smith teaches claim 4. *Id.* at 46-47. In reaching that conclusion, the Board noted Patent Owner's argument that Smith's teaching only comes in the context of customizing data types within the underlying application itself—the “message center 6100”—and not within an application summary, as claim 4 requires. *Id.* at 46 (citing PO Resp. at 37). But the Board did not address that dispositive argument, nor did it identify any evidentiary basis to support a finding that a POSA would have been motivated by Smith to modify the purported application summary of Schnarel, much less the purported application summary resulting from a combination of Schnarel and Aberg.

Accordingly, Patent Owner respectfully requests that the Board reconsider its decision, and recognize that there is no evidentiary basis for a finding of obviousness as to claim 4 based on Schnarel, Aberg, and Smith on this record.<sup>1</sup>

## II. Legal Standard

“A party dissatisfied with a decision may file a request for rehearing, without prior authorization from the Board.” 37 C.F.R. § 42.71(d). “The burden of showing a decision should be modified lies with the party challenging the decision.” *Id.* A patent owner may raise specific issues for rehearing before the Board without waiving its right to appeal other issues before the Federal Circuit. *In re Magnum Oil Tools Int’l Ltd.*, 829 F.3d 1364, 1377 (Fed. Cir. 2016).

## III. Argument

### A. Claim 4 requires user customization of an application *summary*, not an application

Claim 4 depends from claim 1 and further recites that “a user can define what data types are of interest to the user for the *summary* for an application.” Ex. 1001, 6:12-14.

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<sup>1</sup> Patent Owner does not separately challenge the Board’s conclusions as to claim 4 based on Nason in this rehearing request. Paper 42 at 68-69. Rather, Patent Owner reserves the right to challenge each aspect of the Board’s reasoning as to Nason in its anticipated appeal to the Federal Circuit.

A central underlying teaching of the '476 patent is the distinction between an application itself, and the separate concept of an “application summary” for an underlying application that can be “reached directly” from the main menu. *See* Ex. 1001, 2:26-4:5 (teaching an innovative “application summary” that is “reached directly” from a device’s main menu, giving the user access to specific functionalities and/or data of an application “without actually opening the application up”).

Moreover, both the patent’s specification and its claims place particular significance on the curated nature of the content displayed in the application summary window. *See, e.g.*, Ex. 1001, 2:39:41 (teaching that the invention “brings together, in one summary window, a *limited list of common* functions and *commonly accessed* stored data”); *id.* at claim 1 (reciting that the data displayed within the application summary must be a “*limited list of data offered within the one or more applications*”).

And critically, each of the patent’s claims requires that the application summary be displayed while the underlying application remains “in an unlaunched state,” *i.e.*, not displayed.

Thus in the context of the patent’s teachings and its claims, it is clear that claim 4’s focus on customization of the contents of an application *summary*, rather than an underlying application itself, is a non-trivial distinction. In short, no prior

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