

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,

Petitioner,

v.

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

Patent Owner.

Case 2015-01894

Patent 8,434,020 B2

PATENT OWNER'S PRELIMINARY RESPONSE TO
PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,434,020
UNDER 35 USC §§ 311-319 AND 37 CFR §42.100 ET SEQ.

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I. INTRODUCTION.

Petitioner challenges the validity of claims 1, 2, 5-8, 10, 11, 13, and 16 of US Patent 8,434,020 (the “’020 Patent”)¹ as follows:

1. Claims 1, 2, 5-8, 10, 11, 13, and 16 are alleged to be obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 6,415,164 to Blanchard et al. (“Blanchard”).
2. Claims 1, 2, 5-8, 10, 11, 13, and 16 are alleged to be obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 7,225,409 to Schnarel (“Schnarel”).

¹ At p. 1, the Petition alleges that the Petitioner is seeking seeks *inter partes* review of Claims 1, 2, 5, 6, 7, 8, 10, 11, 13, and 16. Pet. at 1. However, at pp. 2-3, the Petition “requests that claims 1, 2, 5, 6, 7, 8, 10, 11, 13, and 14 of the ’020 patent (Ex. 1001) be cancelled” on the grounds specified above. Later, at p. 6 and elsewhere, it is claim 16 that again appears to be the subject of the challenges. For purposes of this preliminary response, both claims 14 and 16 are addressed. However, the lack of specificity in the challenge it itself a reason for denying the petition. 37 C.F.R. §§ 42.22, 42.104.

As discussed below, however, the Patent Trial and Appeal Board (“PTAB” or “Board”) should not institute *inter partes* review of the ‘020 Patent on any of the proposed grounds, because Petitioner has not met its burden to show a reasonable likelihood that it would prevail with respect to at least one of the challenged claims.²

With respect to the challenge based on Schnarel, Petitioner fails to demonstrate that Schnarel teaches or suggests both a main menu listing at least a first application, and an application summary window that can be reached directly from the main menu. Indeed, rather than describing such an arrangement, Schnarel describes a user interface that includes an “application button bar” and a message summary pane, which are displayed concurrently, but independently. The message summary pane is reachable by the user independently of the application button bar in the application selection area and *not* from that application selection area. Accordingly,

² 35 U.S.C. § 314(a) (An *inter partes* review may be instituted only if “the information presented in the petition . . . and any response . . . 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.”); 37 C.F.R. § 42.108(c).

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