**UNITED STATES PATENT AND TRADEMARK OFFICE**
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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LG Electronics, Inc.,
Petitioner

v.

Core Wireless Licensing S.a.r.l.,
Patent Owner.

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Patent No. 8,713,476

Issue Date: April 29, 2013

Title: Computing Device with Improved User Interface for Applications

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# PETITIONER'S REPLY TO THE PATENT OWNER'S RESPONSE

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## TABLE OF EXHIBITS

| Exhibit | Description |
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| 1001 | U.S. Patent No. 8,713,476 |
| 1002 | U.S. Patent No. 6,415,164 (Blanchard) |
| 1008 | Core Wireless's Sur-Reply To LG's Rule 56 Motion For Judgement Of Invalidity, Dkt. No. 332 in Case No. 2:14-cv-911-JRG-RSP |
| 1009 | Rebuttal Expert Report of Dr. Mark Mahon, Exhibit A |
| 1010 | Excerpt from 12/99 issue of Popular Science |
| 1011 | User's Guide for Ericsson R380s |
| 1012 | Press release dated 3/18/99 from Open Mobile Alliance |
| 1013 | Article dated 3/18/199 from EE Times |
| 1014 | Excerpts from *Authoritative Dictionary of IEEE Standards Terms* (2000) |
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| 1016 | Transcript of September 7, 2016 Deposition of Scott Denning |

## I. INTRODUCTION

Patent Owner has changed course in its efforts to distinguish the Blanchard reference from its claims. Patent Owner initially argued that Blanchard was different from its invention because Blanchard's applications were "launched" while its menus were displayed, and because Blanchard did not describe an "alternative" means of launching applications. In its Response, Patent Owner abandons both of these arguments, and now focuses on arguing that Blanchard is different because it does not have any "applications." This argument is inconsistent with Patent Owner's position in the underlying litigation, as well as with its initial arguments in this proceeding.

Patent Owner's "applications" argument is also substantively wrong, both because it depends on an artificially narrow construction of the term "application," and because it fundamentally misreads the Blanchard reference. Patent Owner argues that while Blanchard has software in its "program memory," this software does not include "applications" because in the context of the '476 patent, the term "applications" requires a particular software architecture, where there is a distinct "operating system," and where the underlying computer system is multi-threaded. This overly-restrictive interpretation of "applications" should be rejected.

Moreover, Blanchard renders the claimed "applications" obvious regardless of how that term is construed. Patent Owner fundamentally misreads Blanchard

when it asserts that its disclosure is limited to a "monolithic operating program." Blanchard, like the '476 patent, describes a user interface for a mobile phone. Blanchard does not specify that its user interface is implemented using any particular software architecture—to the contrary, it is intentionally silent on that topic. Patent Owner's expert conceded both that Blanchard's user interface could be implemented using any of the known software configurations for mobile phones, and that the architecture of "applications layered on top of an operating system" was known to those of skill in the art at the time of alleged invention. Thus, even if the term "application" did require "applications layered on top of an operating system," Blanchard would render the claims obvious.

## II. ARGUMENT

### A. Patent Owner No Longer Contests Several Of The Board's Initial Findings

In its Institution Decision,[1] the Board rejected Patent Owner's argument that Blanchard did not meet the "unlaunched state" limitation. Patent Owner had argued that in Blanchard, the user "can take only one action with respect to the applications listed on the menu (i.e., phone book, mail box, lock and tool

[1] Decision at 13-14.

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