

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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

v.

LG ELECTRONICS, INC., AND LG,
ELECTRONICS MOBILECOMM
U.S.A., INC.
Defendants.

Case Nos. 2:14-911 and 2:14-912

JURY TRIAL DEMANDED

EXHIBIT A TO THE REBUTTAL EXPERT REPORT OF DR. MARK MAHON
REGARDING VALIDITY OF U.S. PATENT NOS. 8,434,020 AND 8,713,476

**EXHIBIT A - REBUTTAL EXPERT REPORT OF DR. MARK MAHON REGARDING
VALIDITY OF '020 AND '476 PATENTS**

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1. VALIDITY ANALYSIS OF '020 AND '476 FOR ALLEGED ANTICIPATION

1. In this Exhibit A to my rebuttal expert report, I analyze Dr. Rhyne's claims regarding the validity of the '020 and '476 patents and the alleged prior art references he asserts. Unless otherwise noted, all references in this Exhibit A to Dr. Rhyne's opinions are to his report regarding the invalidity of the '020 and '476 patents.

2. This Exhibit A is an attachment to my rebuttal expert report, which I hereby incorporate by reference.

3. As a preliminary matter, I understand that Core Wireless has objected to LG's and Dr. Rhyne's opinions regarding the Blanchard, Schnarel, and Ericsson references, as these alleged prior art references were untimely disclosed. I understand this objection may need to be resolved by the Court. I am providing my preliminary analysis of these references in this Exhibit A, but respectfully reserve the right to supplement these analyses as I continue to investigate these untimely disclosed references.

1.1 BLANCHARD DOES NOT INVALIDATE THE ASSERTED CLAIMS

4. Dr. Rhyne contends that U.S. Pat. No. 6,415,164 to Blanchard et al. "anticipates and/or renders obvious" all of the Asserted Claims of the '020 and '476 patents. In my opinion, Dr. Rhyne is incorrect, as Blanchard fails to disclose limitations of claim 1 of the '020 patent (the asserted independent claim), claims 1 and 20 of the '476 patent (the asserted independent claims), as well as limitations added by several of the asserted dependent claims.

5. I note that Dr. Rhyne does not allege that Blanchard in combination with any other reference renders any asserted claims obvious. Instead, Dr. Rhyne considers the "obviousness of limitations" based on rather conclusory assertions of what would allegedly "have been obvious to a person of ordinary skill in the art," (*see* Rhyne ¶¶ 95-96). As I explain below, it is my opinion based on my experience that these allegations fail to provide the clear and convincing evidence necessary to invalidate the asserted claims.

1.1.1 Failure to Invalidate Claim 1 of the '020 and Claim 1 of the '476

6. Claim 1 of the '020 Patent provides:

“[1a] A computing device comprising a display screen, the computing device being configured [1b] to display on the screen a main menu listing at least a first application, [1c] and additionally being configured to display on the screen an application summary window that can be reached directly from the main menu, [1d] wherein the application summary window displays a limited list of at least one function offered within the first application, each function in the list being selectable to launch the first application and initiate the selected function, [1e] and wherein the application summary window is displayed while the application is in an un-launched state.”

7. Similarly, Claim 1 of the '476 Patent provides:

“[1a] A computing device comprising a display screen, the computing device being configured [1b] to display on the screen a menu listing one or more applications, [1c] and additionally being configured to display on the screen an application summary that can be reached directly from the menu, [1d] 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, [1e] and wherein the application summary is displayed while the one or more applications are in an un-launched state.”

8. In my opinion, Blanchard fails to disclose at least limitations [1b], [1c], [1d], and [1e] of Claim 1 of both the '020 and '476 patents.

1.1.1.1 Blanchard Does Not Disclose Limitation [1b]

9. In my opinion, Blanchard does not disclose limitation [1b], as the Blanchard reference does not disclose any “application.” Rather, as described below in more detail, Blanchard discloses merely a single menu that offers a set of various functionalities (e.g., Phone Book, Mailbox, Security). Particularly in connection with my analysis of limitation [1c] below, it appears that the sub-level menus Blanchard discloses and Rhyne relies on are merely the functions the phone offers, wherein the user has to navigate through various menus and sub-level

menus to achieve his or her desired action. This is contrary to the teaching of the '020 and '476 patents, which are directed to more efficient navigation of a computing device.

1.1.1.2 Blanchard Does Not Disclose Limitation [1c]

10. In my opinion, Blanchard fails to disclose [1c] of the '020 and '476 patents as Blanchard's sub-menus are not an "application summary window" or "application summary." Furthermore, even assuming Blanchard discloses an application summary or application summary window, that summary cannot "be reached directly from the main menu"

11. Blanchard '164 discloses a series of sub-level menus "Shown in the display 210 is just one menu screen in the hierarchically arranged menu. The illustrated entry is one of possible original starting screens" [Blanchard '164 3:46-48]. These sub-level menus are displayed simultaneously with what Blanchard terms a 'parent menu': "The display screens shown in FIG. 3 are of the five parent screens 210, 320, 330, 340 and 350 or main areas on the top level of the menu." [Blanchard '164 5:39-41]. In ¶81 Rhyne says that "This 'parent menu' lists applications using icons..." and he calls this (via the §5.2 heading) the 'main menu'. If the list of icons is the parent menu, then the display of 'parent screens' is the applications summary window.

12. The illustration in Fig. 3 shows that the user is actually navigating through the sub-level menus (application summary window) while the user is led to conclude that the icons pictured at the top (main menu) are associated with the sub-level menu they are highlighting (filled in ellipse next to action) at that time. A person of ordinary skill in the art could understand that from the user's perspective it is reasonable to come to the conclusion that as they move from sub-menu to sub-menu they are actually navigating through the main menu via the application summary window. The only thing changing on the screen is the display and highlighting of actions within the sub-menu, the user can never enter the parent menu. At best this is an ambiguous menu structure.

13. In my opinion, the structure Dr. Rhyne cites in Fig. 3 represents the *only* way to interact with given "applications." For example, it is at the very least unclear that there is any other way for a user to run or interact with the mailbox application other than navigating to the sub-menu in 330, 331, and 332. Thus, in my opinion Blanchard's "sub-level menu choices" are not, as Rhyne

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