

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACER INC., ACER AMERICA CORPORATION,
ASUSTEK COMPUTER INC., ASUS COMPUTER INTERNATIONAL,
GOOGLE LLC, MICROSOFT CORPORATION, and
MICROSOFT MOBILE INC.,
Petitioner,

v.

KONINKLIJKE PHILIPS ELECTRONICS N.V.,
Patent Owner.

Case IPR2017-00386¹
Patent RE44,913

Before DAVID C. MCKONE, ROBERT J. WEINSCHENK, and
KAMRAN JIVANI, *Administrative Patent Judges*.

JIVANI, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

¹ Microsoft Corporation and Microsoft Mobile Inc. (collectively, “Microsoft”) filed a petition in IPR2017-01766, and Microsoft has been joined to the instant proceeding.

I. INTRODUCTION

Acer Inc., Acer America Corporation, ASUSTek Computer Inc., ASUS Computer International, and Google LLC requested an *inter partes* review of claims 1 and 3–16 (the “challenged claims”) of U.S. Patent No. RE44,913 (Ex. 1001, “the ’913 patent”). Paper 2 (“Petition” or “Pet.”). Patent Owner Koninklijke Philips Electronics N.V. filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we instituted an *inter partes* review pursuant to 35 U.S.C. § 314 of the challenged claims. Paper 8 (“Decision on Institution” or “Dec. on Inst.”), 19.

After institution, Microsoft Corporation and Microsoft Mobile Inc. requested an *inter partes* review of the challenged claims and filed a motion for joinder to the instant proceeding. IPR2017-01766, Papers 2 and 3. Patent Owner, together with Microsoft Corporation and Microsoft Mobile Inc., filed a joint stipulation stating that Patent Owner did not oppose the requested joinder. IPR2017-01766, Paper 7, 3. We granted the motion and joined the Microsoft entities to the instant proceeding. IPR2017-01766, Paper 15, 10. Consequently, we refer herein to Acer Inc., Acer America Corporation, ASUSTek Computer Inc., ASUS Computer International, Google LLC, Microsoft Corporation, and Microsoft Mobile Inc. collectively as “Petitioner.”

Petitioner and Patent Owner requested an oral hearing, and a hearing was held on February 28, 2018. Paper 20. A transcript of the oral hearing has been entered into the record. Paper 23 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons discussed below, we determine that Petitioner has failed to show by a preponderance of the evidence that any of the challenged claims are unpatentable.

II. BACKGROUND

A. *Asserted Grounds of Unpatentability*

Petitioner advances the following grounds of unpatentability under 35 U.S.C. § 103(a) (Pet. 3–4):

1. Obviousness of claims 1 and 3–16 over Sakata II²; and
2. Obviousness of claims 1 and 3–16 over Sakata II and Buxton³.

B. *Overview of the '913 patent*

The '913 patent relates to entering characters on a handheld mobile device via a keypad. Ex. 1001, 1:18–21. Figure 1 of the '913 patent is reproduced below.

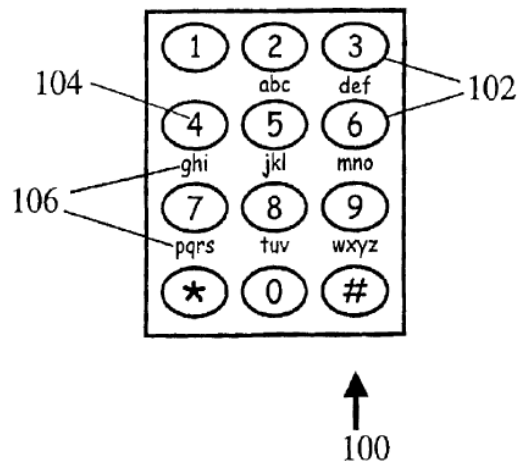


Fig. 1

² Sakata, Japanese Unexamined Patent Application No. 2000-148366 (“Sakata II”) (Ex. 1004).

³ Buxton, U.S. 6,094,197; iss. July 25, 2000 (“Buxton”) (Ex. 1006).

Figure 1 depicts a default display state of a keypad 100 with twelve keys 102, where each key is associated with a primary character 104 and a plurality of secondary characters 106. *Id.* at 3:25–28. The primary characters in Figure 1 are the numbers and symbols displayed on the keys of the keypad. *Id.* at 3:28–31. The secondary characters in Figure 1 are the letters displayed in groups below each key. *Id.* at 3:31–37.

In one embodiment, a user selects a primary character by initiating a “quick tapping” of the corresponding key for a pre-determined time period, for instance 0.2 seconds. *Id.* at 6:1–6. If the user’s tap is longer than the pre-determined time period, the keypad responds to the user’s tap by entering into a second state, wherein secondary characters associated with the selected key are made available. *Id.* at 4:4–6, 6:3–6. Figure 2 of the ’913 patent is reproduced below.

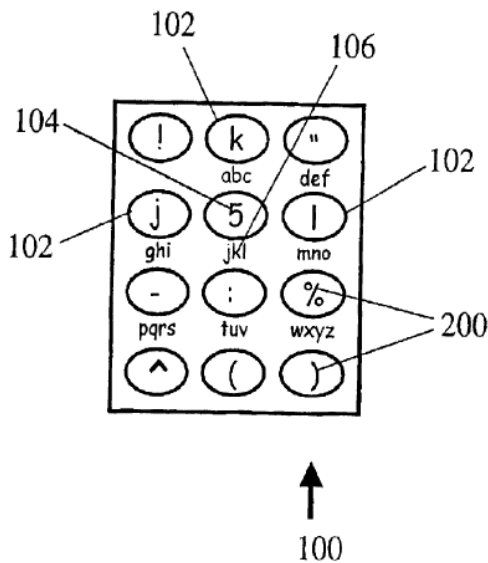


Fig. 2

Figure 2 depicts a second display state of the keypad after a first key selection by a user. *Id.* at 3:42–43. In this instance, the user has selected the

key associated with primary character ‘5’, causing the primary character ‘5’ to remain displayed on the selected key and causing the associated secondary characters ‘j’, ‘k’, and ‘l’ each to be displayed on an adjacent key. *Id.* at 3:44–52. The user may now select any of the displayed characters by tapping on the corresponding key, thereby providing “quick and accurate character input wherein secondary characters are available with only two key selections.” *Id.* at 3:63–65, 4:4–6. “Following a character input, the keypad of [Figure] 2 is returned to the default display state as shown in [Figure] 1.” *Id.* at 3:60–62.

C. Prosecution History

The ’913 patent is a reissue of U.S. Patent No. 6,885,318. Ex. 1001, 1. During prosecution of the reissue application and pursuant to a request for continued examination, Patent Owner submitted an information disclosure statement (IDS) disclosing Japanese Patent No. 4,019,512 to Sakata (the “Sakata ’512 patent”), which results from Japanese Unexamined Patent Application No. 2000–56912 (“Sakata I”). Ex. 1008, 522. The IDS does not identify the secondary reference, Buxton, and Buxton was not before the Examiner during prosecution. *Id.*; *see also* Pet. 15 n. 4. Moreover, the translation of Sakata II upon which Petitioner relies appears to be materially different from the translation of the Sakata ’512 patent before the Examiner. *Compare, e.g.*, Ex. 1004, ¶ 55 (Sakata II describing, “when a user wants to select and enter a special character or symbol that is not displayed on the soft keyboard 20, a user touches the key position of the group of similar characters and symbols with the touch pen 4 for longer than the threshold time.”) *with* Ex. 1008, 289 (Sakata ’512 patent stating, “[o]n the other hand, when changing the character classification displayed on a

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