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Paper 28
Date: January 22, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

QUALCOMM INCORPORATED,
Patent Owner.

IPR2018-01252
Patent 8,683,362 B2

Before DANIEL N. FISHMAN, MICHELLE N. WORMMEESTER, and SCOTT B. HOWARD, *Administrative Patent Judges.*

HOWARD, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

INTRODUCTION

Apple Inc. ("Petitioner") filed a Petition to institute an *inter partes* review of claims 1–6 and 8–20 of U.S. Patent No. 8,683,362 B2 (Ex. 1001, "the '362 patent") pursuant to 35 U.S.C. §§ 311–319. Paper 2 ("Petition" or "Pet."). Qualcomm Incorporated ("Patent Owner") filed a Patent Owner Preliminary Response. Paper 10. We instituted an *inter partes* review of

claims 1–6 and 8–20 on all grounds of unpatentability alleged in the Petition. Paper 11 ("Institution Decision" or "Inst. Dec.").

After institution of trial, Patent Owner filed a Response (Paper 17, "PO Resp."), Petitioner filed a Reply (Paper 19, "Pet. Reply"), and Patent Owner filed a Sur-reply (Paper 21, "PO Sur-reply").

Petitioner relies on the testimony of Dr. Andrew Sears (Ex. 1003) and Patent Owner relies on the testimony of Dr. Jacob O. Wobbrock (Exs. 2001, 2006).

An oral hearing was held on November 21, 2019, and the record contains a transcript of this hearing. Paper 27 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has not shown by a preponderance of the evidence that claims 1–6 and 8–20 of the '362 patent are unpatentable.

BACKGROUND

A. *Real Parties in Interest*

Petitioner identifies Apple Inc. as the real party in interest. Pet. 72.

Patent Owner identifies Qualcomm Incorporated as the real party in interest. Paper 3, 2 (Patent Owner's Mandatory Notices).

B. *Related Matters*

The parties identify the following dismissed patent litigation proceeding in which the '362 patent was asserted: *Qualcomm Inc. v. Apple Inc.*, Case No. 3:17-cv-02403 (S.D. Cal.). Pet. 72; Paper 3, 2 (Patent Owner's Mandatory Notices); Paper. 16, 2 (Petitioner's Updated Mandatory Notices).

The parties also identify a second request for *inter partes* review of the '362 patent: *Apple Inc. v. Qualcomm Inc.*, IPR2018–01253. Pet. 72;

Paper 3, 2 (Patent Owner's Mandatory Notices). We take official notice of a third request for *inter partes* review of the '362 patent: *Apple Inc. v. Qualcomm Inc.*, IPR2019-00112. *See* Ex. 1015 (IPR2019-00112, Petition). We previously denied institution of the other requests for *inter partes* review. IPR2018-01253, Paper 12 (PTAB Feb. 28, 2019) (Institution Decision); IPR2019-00112, Paper 7 (PTAB Apr. 11, 2019) (Institution Decision).

Additionally, Patent Owner identifies two pending patent applications that "claim the benefit of U.S. Patent Application No. 12/416,279, from which the '362 patent issued." Paper 3, 2 (Patent Owner's Mandatory Notices).

C. The '362 Patent

The '362 patent is titled "Card Metaphor for Activities in a Computing Device." Ex. 1001, code (54). According to the '362 patent, conventional computer systems use overlapping windows in order to allow the user the opportunity to run several applications at the same time or open multiple copies of a single application, such as opening different documents with a word processor. *Id*. at 1:32–2:2. However, such a graphical user interface typically requires a large screen. *Id*. at 2:3–5. If there is limited screen space, users "must choose between . . . making windows smaller and thus reducing available workspace within each application . . . [or] stacking windows atop each other so that only one window (or very few) is visible at a time." *Id*. at 2:5–9. This is especially true for mobile devices, such as smart phones, which have insufficient screen space to display multiple, overlapping windows. *Id*. at 2:32–47.

According to the '362 patent, this problem can be addressed by using a computer that provides at least two modes for interacting with multiple

activities which the user can toggle between as desired. Ex. 1001, 2:51–59. Specifically, the '362 patent describes using a card metaphor "in which each activity can be represented within an area of the screen." *Id*. at 2:60–3:5. "[I]n a full-screen mode, one activity occupies substantially an entire display screen. The card thus fills substantially the entire display screen, although in some embodiments some areas of the screen may be reserved for status indicators, alerts, messages, and the like." *Id*. at 3:9–13. In a second mode, referred to as a "card mode," "one activity is visible within a card, and a portion of at least one other card is also visible. Thus, a card that has focus (i.e., that the user is interacting with) is visible in full, while at least one other card is only partially visible." *Id*. at 3:14–19. When in card mode, the user can change the location of the cards "so as to change focus from one card to another" or a card can be moved off screen. *Id*. at 3:19–29.

D. Illustrative Claims

Petitioner challenges claims 1–6 and 8–20 of the '362 patent. Pet. 1. Claim 1 is independent, is illustrative of the subject matter of the challenged claims, and reads as follows:

> 1. A computer system comprising:
>
> a physical button;
>
> a processor coupled to the physical button;
>
> a touch-sensitive display screen coupled to the processor, the processor to receive gesture input on the touch-sensitive display screen and operate the computer system in any one of at least two display modes, wherein:
>
> during a given duration, the processor operates at least a first application and a second application concurrently;
>
> in a full-screen mode, the processor provides, on the touch-sensitive display screen, a

user interface for only one of either the at least first application or the second application;

in a windowed mode, the processor:

provides on the touch-sensitive display screen, a first card corresponding to the first application, and a first portion of a second card so that a second portion of the second card is not visible on the touch-sensitive display screen, the second card corresponding to the second application, wherein at least the first card displays content from operation of the first application, the content corresponding to (i) an output from an application, (ii) a task, (iii) a message, (iv) a document, or (v) a web page;

responds to a directional contact along a first direction on the touch-sensitive display screen by changing a position of the first card relative to the touch-sensitive display screen in the first direction; and

responds to a directional contact of moving the first card or the second card along a second direction that is different than the first direction on the touch-sensitive display screen by (i) identifying one of the first card or second card as being selected based on the directional contact along the second direction, and (ii) dismissing the selected first card or second card from the touch-sensitive display screen in the second direction so that the corresponding first application or second application is closed;

wherein the processor, in response to receiving user input via the physical button, transitions the computer system at least (i) from the full-screen mode to the windowed mode, or (ii) from the windowed mode to the full-screen mode.

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