

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

FIRSTFACE CO., LTD.,
Patent Owner.

IPR2019-00612
Patent 8,831,557 B2

Before JUSTIN T. ARBES, MELISSA A. HAAPALA, and
RUSSELL E. CASS, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. Background and Summary

Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics
America, Inc. (collectively, “Petitioner”) filed a Petition (Paper 3, “Pet.”)

IPR2019-00612
Patent 8,831,557 B2

requesting *inter partes* review of claims 1, 8, 9, and 15 of U.S. Patent No. 8,831,557 B2 (Ex. 1101, “the ’557 patent”) pursuant to 35 U.S.C. § 311(a). On August 5, 2019, we instituted an *inter partes* review as to all challenged claims on all grounds of unpatentability asserted in the Petition. Paper 11 (“Decision on Institution” or “Dec. on Inst.”). Patent Owner Firstface Co., Ltd. subsequently filed a Patent Owner Response (Paper 15, “PO Resp.”), Petitioner filed a Reply (Paper 17, “Reply”), and Patent Owner filed a Sur-Reply (Paper 20, “Sur-Reply”). An oral hearing was held on May 5, 2020, and a transcript of the hearing is included in the record (Paper 25, “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 shown by a preponderance of the evidence that claims 1, 8, 9, and 15 are unpatentable.

B. Related Matters

The parties indicate that the ’557 patent is the subject of the following district court cases: *Firstface Co., Ltd. v. Samsung Electronics Co., Ltd.*, Case No. 18-cv-02243 (N.D. Cal.), and *Firstface Co., Ltd. v. Apple Inc.*, Case No. 18-cv-02245 (N.D. Cal.). *See* Pet. 3; Paper 22, 2. Petitioner filed a second petition challenging claims 1, 8, 9, and 15 of the ’557 patent, premised on a different interpretation of the claim term “simultaneously” than the one asserted in this proceeding, which was denied. *See Apple Inc. v. Firstface Co., Ltd.*, IPR2019-00611, Paper 11 (PTAB Aug. 5, 2019).

C. The '557 Patent

The '557 patent discloses a mobile communication terminal with “an activation button configured to switch from an inactive state . . . to an active state,” where “a predetermined operation is performed simultaneously with switching to the active state by pressing the activation button.”

Ex. 1101, Abstract. According to the '557 patent, adding functionality to a mobile communication terminal, to be performed when the terminal is in an active state, typically required adding an “interface or button for performing the function.” *Id.* at col. 1, ll. 34–40. At the same time, terminal users often perform the actions of “habitually taking out and activating the terminal[] on the move or in a standby state while carrying the terminal[].” *Id.* at col. 1, ll. 45–48. The '557 patent seeks to take advantage of that habitual use by “connecting various operations to the activation button provided in a terminal” and performing a predetermined function whenever the user presses the activation button. *Id.* at col. 1, ll. 52–56.

Figure 1 of the '557 patent is reproduced below.

FIG. 1

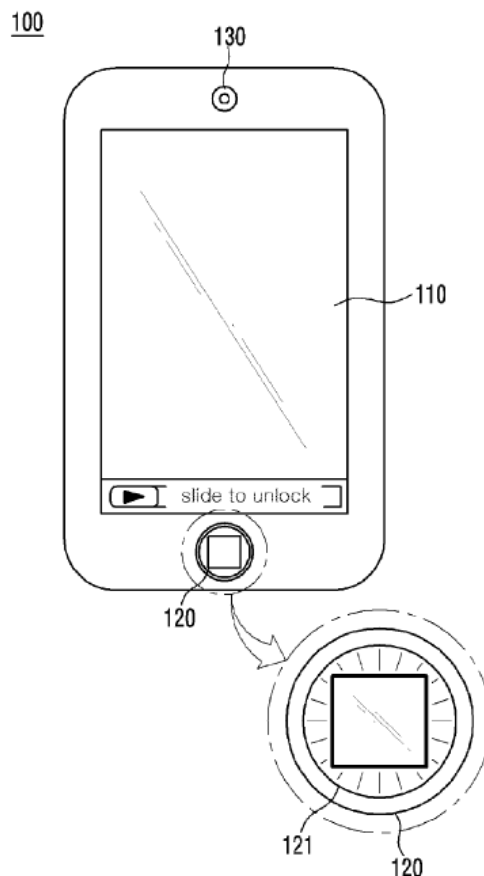


Figure 1 depicts mobile communication terminal 100 comprising camera 130, display unit 110, activation button 120, and sub-display unit 121. *Id.* at col. 3, ll. 51–55, col. 5, ll. 7–9. “[D]isplay unit 110 displays various information regarding operation states of the mobile communication terminal 100, and also displays an interface for a user’s input if the mobile communication terminal 100 drives a touch screen.” *Id.* at col. 4, ll. 3–6. When the user presses activation button 120, mobile communication terminal 100 switches from the inactive state (in which the terminal is communicable but the display screen is turned off) to the active state (in which the display screen is turned on). *Id.* at col. 3, ll. 28–46, col. 4,

ll. 27–35. Figure 1 above, for example, “illustrates a state in which a lock screen is displayed on the display unit 110 after pressing the activation button 120 when the mobile communication terminal 100 is in the inactive state.” *Id.* at col. 4, ll. 32–35. If the user presses activation button 120 when mobile communication terminal 100 is in the inactive state, mobile communication terminal 100 may perform a “predetermined operation” (set in advance by the user) “simultaneously with switching to the active state.” *Id.* at col. 2, ll. 1–17, col. 4, ll. 40–50. Mobile communication terminal 100 also may perform different operations depending on either the number of presses or the press time of activation button 120. *Id.* at col. 4, l. 50–col. 5, l. 6.

The ’557 patent describes a number of operations that can be performed when activation button 120 is pressed. *Id.* at col. 5, ll. 44–49. For example, a “user authentication process can be performed for security by pressing the activation button 120.” *Id.* at col. 7, ll. 4–7. When in the inactive state, mobile communication terminal 100 “senses whether or not the user has pressed the activation button” and, if so, performs a “user identification function.” *Id.* at col. 7, ll. 14–19. User identification unit 420 of mobile communication terminal 100 may use camera activation element 421, iris detection element 422, and user identification element 423 to sense and recognize the iris of a user’s eye. *Id.* at col. 7, ll. 20–50. The ’557 patent explains that “other authentication methods, for example, an authentication key matching method, a password matching method, a face recognition method, a fingerprint recognition method, and the like, can be used” instead of the iris recognition method. *Id.* at col. 8, ll. 3–8.

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