

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

FIRSTFACE CO., LTD.,  
Patent Owner.

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Case IPR2019-01011  
Patent 9,633,373 B2

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

HAAPALA, *Administrative Patent Judge*.

DECISION  
Granting Institution of *Inter Partes* Review  
35 U.S.C. § 314

Apple Inc. (“Petitioner”) filed a previous Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 2, 4–6, and 11–14 of U.S. Patent No. 9,633,373 B2 (“the ’373 patent”), which we instituted for trial on August 5, 2019. IPR2019-00613, Paper 10. Petitioner filed this Petition seeking *inter partes* review of claims 10 and 18 of the ’373 patent. Paper 1 (“Pet.”). Firstface Co., Ltd. (“Patent Owner”) waived the filing of a Preliminary Response. Paper 7. Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we grant Petitioner’s request to institute an *inter partes* review of claims 10 and 18.<sup>1</sup>

To administer this proceeding more efficiently, we also exercise our authority under 35 U.S.C. § 315(d) to consolidate it with IPR2019-00613 and conduct the proceedings as one trial. *See also* 37 C.F.R. § 42.122(a) (“Where another matter involving the patent is before the Office, the Board may during the pendency of the *inter partes* review enter any appropriate order regarding the additional matter including providing for the stay, transfer, consolidation, or termination of any such matter.”).

## I. BACKGROUND

### A. The ’373 Patent (Ex. 1001)

The ’373 patent describes a method and mobile communication terminal for performing a specific function when a mobile communication terminal is activated. Ex. 1001, 1:16–18. Figure 1 of the ’373 patent is reproduced below:

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<sup>1</sup> Although we granted Petitioner’s motion to seal certain exhibits filed with the Petition (Paper 8), we do not refer to any sealed material in this Decision.

FIG. 1

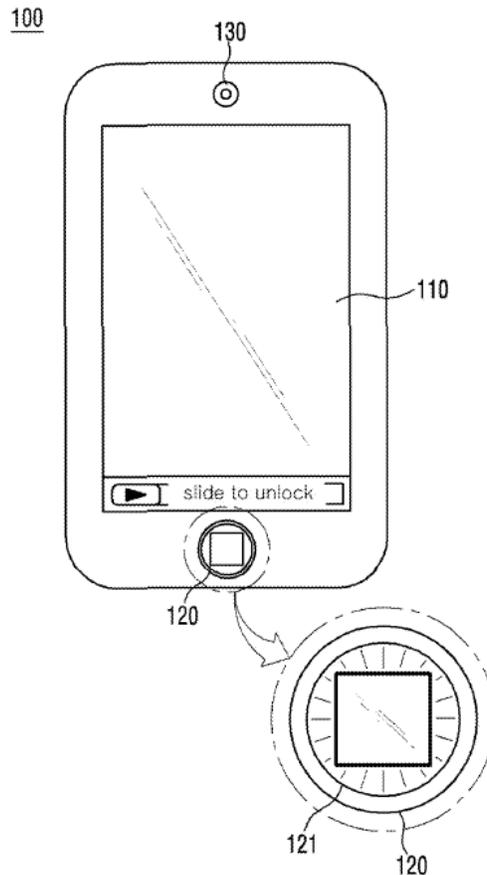


Figure 1 illustrates an external appearance of mobile communication terminal 100. *Id.* at 3:42–44. Mobile communication terminal 100 includes display unit 110 and activation button 120. *Id.* at 3:45–47. Display unit 110 displays various information regarding operation states of mobile communication terminal 100. *Id.* at 3:64–66. Activation button 120 switches mobile communication terminal 100 from an inactive state (in which the terminal is communicable but the display screen is turned off) to an active state (in which the display screen is turned on). *Id.* at 3:21–23, 3:32–37, 4:22–24.

If the user presses activation button 120 when mobile communication terminal 100 is in the inactive state, mobile communication terminal 100

performs a predetermined operation in addition to switching to the active state. *Id.* at 4:36–40. Example operations that can be performed include camera activation, user authentication (e.g., fingerprint recognition), and operation of a music player. *See id.* at 5:51–63, 7:18–8:20, 10:1–8.

The user can set the operation to be performed when the activation button is pressed. *Id.* at 4:51–53. Different operations can be set to be performed according to the number of presses or a press time of activation button 120; for example, a first operation can be performed if activation button 120 is pressed for a short time and a second operation can be set to be performed if activation button 120 is pressed for a long time. *See id.* at 4:57–5:2.

### *B. Illustrative Claims*

Claims 10 and 18 depend upon independent claims 1 and 11, respectively.<sup>2</sup> Claims 1 and 10 are illustrative of the subject matter at issue:

1. A mobile communication terminal comprising:

a touch screen display;

a camera;

a power button configured to turn on and off the terminal by pressing; and

an activation button separate from the power button and located outside the touch screen display, the activation button configured for pressing to turn on the touch screen display and to initiate one or more additional functions of the terminal,

wherein the terminal has a first function and a second function to perform in response to user input via the activation button and is configured to provide user settings for configuring at least one of the first and second functions such that at least one of the first and second functions is set to be performed in addition

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<sup>2</sup> Claims 1 and 11 were corrected in a certificate of correction dated June 27, 2017. Ex. 1001.

to turning on the touch screen display upon pressing of the activation button while the touch screen display is turned off, wherein the first and second functions are different from each other and selected from the group consisting of fingerprint authentication, activating the camera, playing music and a hands-free function,

wherein upon one-time pressing of the activation button while the touch screen display is turned off, the terminal is configured to turn on the touch screen display and further perform at least one of the first and second functions in addition to turning on the touch screen display such that:

a lock screen is displayed on the touch screen display upon turning on the touch screen display in response to the one-time pressing of the activation button while the touch screen display is turned off,

in response to the one-time pressing of the activation button, the first function is performed in addition to turning on the touch screen display for displaying the lock screen thereon, and

the second function is performed when the one-time pressing is for long time longer than a reference time period,

wherein at least one of the first and second functions is performed subsequent to turning on the touch screen display and displaying the lock screen in response to the one-time pressing of the activation button,

wherein the touch screen display displays the lock screen when at least one of the first and second functions is being performed.

10. The terminal of claim 1, wherein the terminal comprises a smartphone which comprises an activation sensor configured to detect pressing of the activation button and a user identification module configured to perform the fingerprint authentication.

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