

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

FIRSTFACE CO., LTD.,
Patent Owner.

IPR2019-00614,
IPR2019-01012
Patent 9,779,419 B2

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

CASS, *Administrative Patent Judge*.

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

IPR2019-00614
Patent 9,779,419 B2

Apple Inc. (“Petitioner”) filed a Petition in IPR2019-00614 pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1–4, 6, 7, 10–13, and 15–17 of U.S. Patent No. 9,779,419 B2 (“the ’419 patent”). IPR2019-00614, Paper 2 (“Pet.”). Petitioner later filed a Petition in IPR2019-01012 to institute *inter partes* review of claim 9 of the ’419 patent. IPR2019-01012, Paper 1 (“-1012 Pet.”). Firstface Co., Ltd. (“Patent Owner”) filed a Preliminary Response in both cases. IPR2019-00614, Paper 8 (“Prelim. Resp.”); IPR2019-01012, Paper 7. Pursuant to 35 U.S.C. § 314, we instituted *inter partes* review of all of the challenged claims based on all the grounds presented in both Petitions. IPR2019-00614, Paper 10 (“Inst. Dec.”); IPR2019-01012, Paper 9. We further consolidated both proceedings and ordered all further filings in the consolidated proceeding to be made in IPR2019-00614. IPR2019-01012, Paper 9 at 27.

In the consolidated proceedings, Patent Owner filed a Response (Paper 16,¹ “PO Resp.”), Petitioner filed a Reply (Paper 18, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 21, “PO Sur-reply”). On May 5, 2020, we conducted an oral hearing. A copy of the transcript of the oral hearing (Paper 26, “Tr.”) is included in the record.

We have jurisdiction under 35 U.S.C. § 6(b). For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–4, 6, 7, and 9 of the ’419 patent are unpatentable, and that Petitioner has not shown by a preponderance of the evidence that claims

¹ Unless otherwise specified with the prefix “-1012,” we refer herein to papers and exhibits filed in IPR2019-00614.

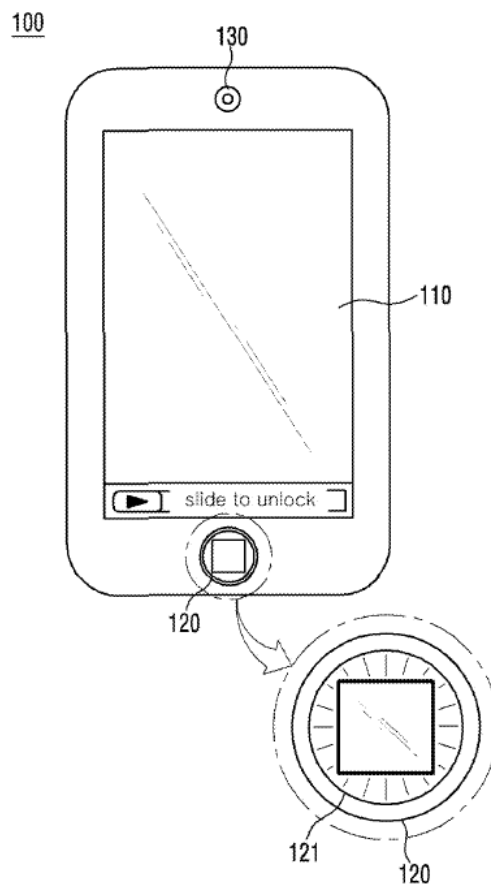
10–13 and 15–17 of the '419 patent are unpatentable.² This final written decision is issued pursuant to 35 U.S.C. § 318(a).

I. BACKGROUND

A. The '419 Patent (Ex. 1001)

The '419 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 '419 patent is reproduced below.

FIG. 1



² Although we granted Petitioner's motions to seal certain exhibits filed with the Petitions, we do not refer to any sealed material in this Decision. See Paper 9; -1012 Paper 8.

Figure 1 illustrates the 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. When the user presses the activation button, the terminal 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 3:21–34; 4:22–27.

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 in addition to switching to the active state. *Id.* at 4:36–40. The terminal may also perform different operations according to the number of presses or the press time of the activation button. *Id.* at 4:58–61. For example, the terminal may perform a first operation if activation button 120 is pressed once for a short time, and a second operation if activation button 120 is pressed once for a longer time. *Id.* at 4:65–5:2.

The '419 patent describes a number of operations that can be performed when the activation button is pressed. *Id.* at 5:51–57. One of those functions is a user identification function, which performs a security authentication process. *Id.* at 7:14–17. According to this process, when mobile communication terminal 100 is in the inactive state, it senses that the user has pressed the activation button, and then operates the user identification function. *Id.* at 7:22–28. The '419 patent describes an example user identification unit 420 that uses camera activation element 421, iris detection element 422, and user identification element 423 for sensing and recognizing the iris of a user's eye. *Id.* at 7:28–8:6. The 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 8:13–20. Mobile communication terminal 100 may also be switched to a hands-free function by pressing activation button 120. *Id.* at 9:22–24.

B. Illustrative Claims

Claims 1 and 10 are independent claims, and are illustrative of the subject matter at issue:³

1. A mobile communication terminal comprising:

a touch screen display;

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,

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 perform a fingerprint authentication function 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 being turned off,

³ Claims 1, 3, 4, 7, 10, 12, 13, and 17 were corrected in a certificate of correction dated March 20, 2018. Ex. 1001.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.