

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.,
Petitioner,

v.

CYWEE GROUPLTD,
Patent Owner.

IPR2019-01203
Patent 8,441,438 B2

Before PATRICK M. BOUCHER, KAMRAN JIVANI, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

DECISION

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

Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

LG Electronics Inc. (“Petitioner”)¹ filed (1) a Petition for *inter partes* review (Paper 2, “Pet.”) of claims 1, 4, 5, 14–17, and 19 of U.S. Patent No. 8,441,438 B2 (Ex. 1001, “the ’438 patent”); and (2) a Motion for Joinder (Paper 3, “Mot.”) with IPR2019-00143 (the “related IPR” or “ZTE IPR”), for which we instituted an *inter partes* review on May 17, 2019. *ZTE (USA), Inc. v. Cywee Group Ltd.*, IPR2019-00143, Paper 7 (PTAB May 17, 2019) (“IPR2019-00143 Dec.”). CyWee Group Ltd. (“Patent Owner”²), filed a Preliminary Response (Paper 8, “Prelim. Resp.”). Patent Owner’s arguments regarding the Motion for Joinder appear solely in the Preliminary Response. *See* Prelim. Resp. 59–63.

At our discretion, we may institute an *inter partes* review when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Applying that standard, we institute an *inter partes* review of claims 1, 4, 5, 14–17, and 19 of the ’438 patent, for the reasons explained below. We also grant the Motion for Joinder, joining Petitioner as a party to the related IPR.

¹ Petitioner identifies itself and LG Electronics U.S.A., Inc. as the real parties in interest. Pet. 1. Petitioner also “further identifies” as real parties in interest “the parties identified in IPR2019-00143 (to which this petition seeks joinder): ZTE (USA), Inc. and ZTE Corporation.” *Id.*

² Patent Owner identifies itself as the real party in interest. Paper 5, 2.

II. BACKGROUND

A. RELATED PROCEEDINGS

In addition to the related IPR, the parties identify the following as related matters: *CyWee Group Ltd. v. ZTE (USA) Inc.*, No. 3:17-cv-02130 (S.D. Cal.); *CyWee Group Ltd. v. Google, Inc.*, No. 1:18-cv-00571 (D. Del.); *CyWee Group Ltd. v. HTC Corporation et al.*, No. 2:17-cv-00932 (W.D. Wash.); *CyWee Group Ltd. v. Motorola Mobility LLC*, No. 1:17-cv-00780 (D. Del.); *CyWee Group Ltd. v. Huawei Technologies Co., Inc. et al.*, No. 2:17-cv-00495 (E.D. Tex.); *CyWee Group Ltd. v. LG Electronics, Inc. et al.*, Case No. 3:17-cv-01102, (S.D. Cal.); and *CyWee Group Ltd. v. Samsung Electronics Co. Ltd. et al.*, No. 2:17-cv-00140 (E.D. Tex.); *CyWee Group Ltd. v. Apple Inc.*, No. 4:14-cv-01853 (N.D. Cal.); and *Google LLC v. CyWee Group Ltd.*, IPR2018-01258 (PTAB) (trial instituted Dec. 11, 2018). Pet. 1–2; Paper 5, 2–3.

B. THE '438 PATENT (EX. 1001)

The '438 patent “relates to a three-dimensional (3D) pointing device.” Ex. 1001, 1:17–18. The pointing device uses a “six-axis motion sensor module” to measure movements and rotations of the device. *Id.* at 1:18–23. The device then compensates for accumulated measurement errors, to obtain actual deviation angles in the device’s spatial reference frame. *Id.* at 1:23–26. The pointing device relates to prior art shown in Figure 1 of the '438 patent, reproduced below:

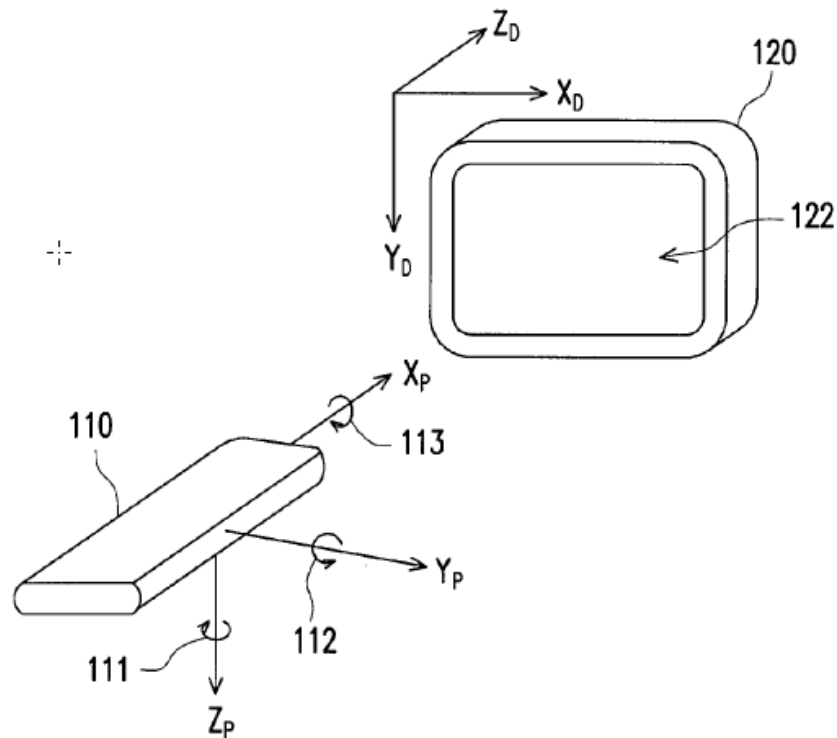


FIG. 1 (RELATED ART)

Figure 1, above, depicts handheld 3D pointing device 110, which a user may point at screen 122 of display device 120. Ex. 1001, 1:28–30. The figure also depicts a reference frame, called the “spatial pointer reference frame,” associated with pointing device 110, which is defined by coordinate axes X_p , Y_p , and Z_p (113, 112, and 111, respectively). *Id.* at 1:38–41.

Figure 3 of the '438 patent, reproduced below, shows the pointing device's hardware components:

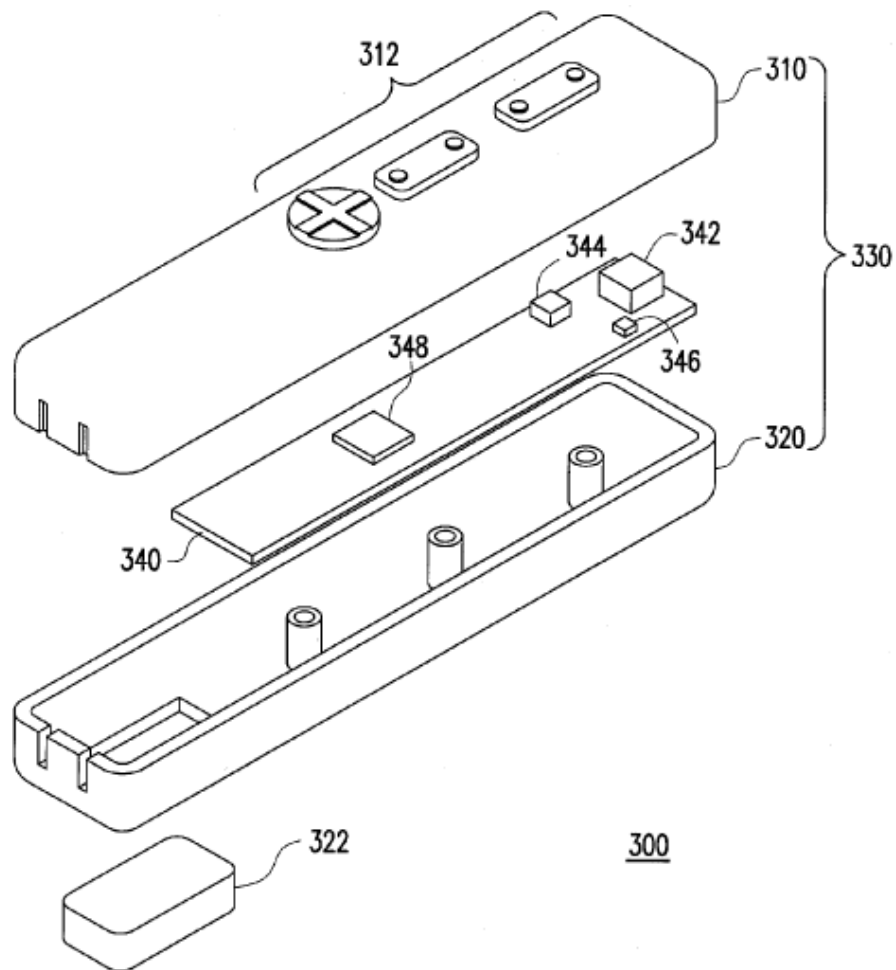


FIG. 3

Figure 3, above, is an exploded diagram showing 3D pointing device 300. Ex. 1001, 7:26–28. Within housing 330, formed of top cover 310 and bottom cover 320, are rotation sensor 342, accelerometer 344, data transmitting unit 346, and computing processor 348, each attached to printed circuit board 340. *Id.* at 7:36–55.

Some of the above hardware components are also depicted in Figure 4, reproduced below:

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