

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

GUI GLOBAL PRODUCTS, LTD., D/B/A GWEE,
Patent Owner.

IPR2021-00473
Patent 10,589,320 B1

Before SALLY C. MEDLEY, SHEILA F. McSHANE, and
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

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

I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons discussed herein, we determine that Apple Inc. (“Petitioner”) has shown, by a preponderance of the evidence, that claims 1–5 and 7–13 of U.S. Patent No. 10,589,320 B1 (Ex. 1001, “the ’320 patent”) are unpatentable.

A. Procedural Background

Petitioner filed a Petition requesting *inter partes* review of claims 1–5 and 7–13 (“the challenged claims”) of the ’320 patent, along with the supporting Declaration of Dr. Jerry Cooperstock. Paper 2 (“Pet.”); Ex. 1003. GUI Global Products, Ltd., d/b/a Gwee (“Patent Owner”) filed a Preliminary Response to the Petition, along with the supporting Declaration of Mr. Robert Stillerman. Paper 6; Ex. 2001.

Pursuant to 35 U.S.C. § 314(a), on August 13, 2021, we instituted *inter partes* review on the grounds of:

Claim(s) Challenged	35 U.S.C §	Reference(s)/Basis
1, 2, 8, 9, 11	103(a) ¹	Gundlach, ² Lee ³

¹ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. § 103. Because the ’320 patent has an effective filing date before the effective date of the applicable AIA amendments, we refer to the pre-AIA version of 35 U.S.C. § 103.

² U.S. Pat. Appl. Pub. No. US 2008/0132293 A1, published June 5, 2008 (Ex. 1005, “Gundlach”).

³ U.S. Pat. No. US 7,548,040 B2, issued June 16, 2009 (Ex. 1006, “Lee”).

Claim(s) Challenged	35 U.S.C §	Reference(s)/Basis
2, 8	103(a)	Gundlach, Lee, Nishikawa ⁴
11	103(a)	Gundlach, Lee, Rosener ⁵
3, 7	103(a)	Gundlach, Lee, Brown ⁶
4, 5, 10, 12, 13	103(a)	Gundlach, Lee, Mak-Fan ⁷
1, 2, 8, 9, 11	103(a)	Gundlach, Lee, Kim ⁸
2, 8	103(a)	Gundlach, Lee, Kim, Nishikawa
11	103(a)	Gundlach, Lee, Kim, Rosener
3, 7	103(a)	Gundlach, Lee, Kim, Brown
4, 5, 10, 12, 13	103(a)	Gundlach, Lee, Kim, Mak- Fan

See Pet. 1–2; Paper 9 (“Inst. Dec.” or “Dec.”), 7–8, 40.

Patent Owner filed a Patent Owner Response (“PO Resp.”). Paper 17. Patent Owner filed the Declaration of Dr. Hamid Toliyat to support its positions. Ex. 2022. Petitioner filed a Reply (“Pet. Reply”) to the Patent Owner Response, with the supporting Supplemental Declaration of Dr. Cooperstock. Paper 21; Ex. 1089. Patent Owner filed a Sur-Reply to Petitioner’s Reply (“PO Sur-Reply”). Paper 27.

An oral hearing was held on May 19, 2022. A transcript of the hearing is included in the record. Paper 32 (“Tr.”).

⁴U.S. Pat. Appl. Pub. No. US 2007/0145255 A1, published June 28, 2007 (Ex. 1059, “Nishikawa”).

⁵U.S. Pat. Appl. Pub. No. US 2008/0076489 A1, published Mar. 27, 2008 (Ex. 1050, “Rosener”).

⁶U.S. Pat. No. US 7,631,811 B1, issued Dec. 15, 2009 (Ex. 1008, “Brown”).

⁷U.S. Pat. Appl. Pub. No. US 2008/0012706 A1, published Jan. 17, 2008 (Ex. 1010, “Mak-Fan”).

⁸U.S. Pat. Appl. Pub. No. US 2011/0117851 A1, published May 19, 2011 (Ex. 1007, “Kim”).

B. Related Matters

The parties indicate this Petition is related to *GUI Global Prods, Ltd. d/b/a Gwee v. Samsung Elecs. Co.*, No. 4:20-cv-02624 (E.D. Tex.) and *GUI Global Prods, Ltd. d/b/a Gwee v. Apple, Inc.*, No. 4:20-cv-02652 (S.D. Tex.). Pet. 82; Paper 4, 1–2. The parties indicate that the '320 patent is also the subject of a petition filed by Samsung Electronics Co., Ltd. in IPR2021-00338. Pet. 83; Paper 4, 2.

C. The '320 Patent

The '320 patent is titled “System Comprising A Portable Switching Device For Use With A Portable Electronic Device” and issued on March 17, 2020, from an application filed on November 27, 2019. Ex. 1001, codes (22), (45), (54). The application for the '320 patent is a continuation of several applications as well as several provisional applications. *Id.*, codes (60), (63).

The Specification of the '320 patent describes how an apparatus may be used for cleaning view screens of electrical devices. *See* Ex. 1001, 2:19–24. The '320 patent aims to provide appropriate cleaning materials where the cleaning component can be carried on an electronic device case. *Id.* at 1:56–2:15.

In one embodiment, a cleaning component for cleaning a view screen of an electronic device is coupled to a first case of the electronic device using magnetic attractive force. *Id.* at 5:64–6:2, Fig. 1B. Figure 1B is illustrative and is reproduced below.

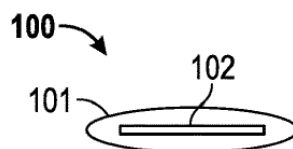


FIG. 1B

Figure 1B, above, shows a side view of a cleaning component. Ex. 1001, 6:29–30. Cleaning component 100 includes ferromagnetic or ferrimagnetic substrate 102 covered by cleaning material 101, such as a fabric or a cloth. *Id.* at 6:20–49.

In another embodiment, a second case receives the cleaning component and also “functions to protect the primary case.” Ex. 1001, 6:2–7. Figure 3 is illustrative and is reproduced below.

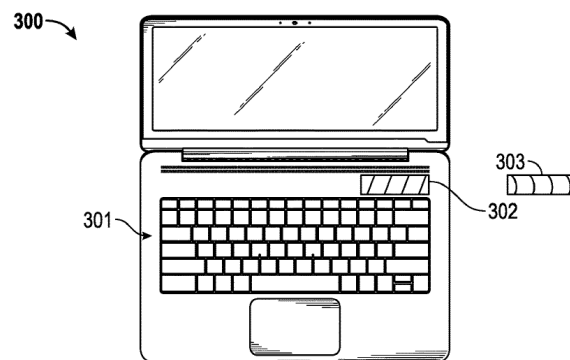


FIG. 3

Figure 3, above, shows a computer case configured to receive a cleaning component. Ex. 1001, 4:45–46. Laptop 300 has rectangular indentation 302 dimensioned for receiving cleaning component 303 which has a magnet. *Id.* at 8:62–9:2.

Figure 5A is also illustrative and is reproduced below.

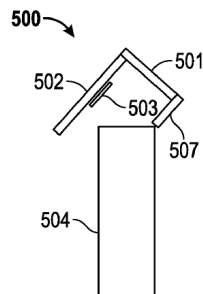


FIG. 5A

Figure 5A, above, shows “a lateral type phone case configured to receive a cleaning component.” Ex. 1001, 4:49–50. Case 500 includes body 504

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