UNITED STATES PATENT AND TRADEMARK OFFICE

———————

BEFORE THE PATENT TRIAL AND APPEAL BOARD

———————

LENOVO (UNITED STATES) INC.,
Petitioner,

v.

LITL LLC,
Patent Owner.

———————

IPR2021-00681
Patent 8,289,688 B2

———————

Before KRISTINA M. KALAN, CHRISTOPHER M. KAISER,
and BRIAN D. RANGE, *Administrative Patent Judges.*

KAISER, *Administrative Patent Judge*.

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

## INTRODUCTION

### A. Background

Lenovo (United States) Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting an *inter partes* review of claims 1–9 and 11–32 of U.S. Patent No. 8,289,688 B2 (Ex. 1001, "the '688 patent"). LiTL LLC, Inc. ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp.").

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a) (2020). The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

After considering the Petition, the Preliminary Response, and the evidence of record, we determine that Petitioner has not demonstrated a reasonable likelihood that it would prevail with respect to at least one challenged claim. Accordingly, we do not institute an *inter partes* review of any challenged claim on any asserted ground.

### B. Related Matters

The parties identify *LiTL LLC v. Lenovo (United States), Inc.*, Case No. 1:20-cv-00689 (D. Del.), as a matter related to the present proceeding. Pet. 1; Paper 6, 1. Patent Owner also notes that there are several related *inter partes* review proceedings: IPR2021-00786, IPR2021-00800, IPR2021-00821, and IPR2021-00822. Paper 6, 1.

## C. The Asserted Grounds of Unpatentability

Petitioner contends that claims 1–9 and 11–32[1] of the '688 patent are unpatentable based on the following grounds (Pet. 37–113):[2]

| Claim(s) Challenged | 35 U.S.C. §[3] | References/Basis |
|---|---|---|
| 1–7, 19, 29–32 | 103 | Shimura,[4] Hisano[5] |
| 12, 13, 24, 26 | 103 | Shimura, Tsuji[6] |
| 8, 9, 14–16, 20, 23, 25 | 103 | Shimura, Hisano, Tsuji |
| 17, 18, 21, 22, 27, 28 | 103 | Shimura, Hisano, Shigeo[7] |
| 11 | 103 | Shimura, Hisano, Shigeo, Choi[8] |

## D. The '688 Patent

The '688 patent, titled "Portable Computer with Multiple Display Configurations," issued on October 16, 2012. Ex. 1001, codes (45), (54). The patent relates to a "portable computer that is configurable between a plurality of display modes." *Id.* at code (57). According to the '688 patent,

---

[1] Patent Owner has disclaimed claim 29. Ex. 2009, 1.

[2] Petitioner also relies on a declaration from Jean Renard Ward. Ex. 1010.

[3] The earliest priority date claimed by the '688 patent is April 1, 2008. Ex. 1001, codes (22), (60). Thus, the application leading to the '688 patent has an effective filing date before March 16, 2013, so patentability is governed by the versions of 35 U.S.C. §§ 102 and 103 that were in force before they were amended by the Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112–29, 125 Stat. 284 (2011).

[4] JP 1994-242853 A, published September 2, 1994 (Ex. 1003) (certified English translation provided as Ex. 1004).

[5] US 2006/0034042 A1, published Feb. 16, 2006 (Ex. 1005).

[6] US 2005/0062715 A1, published Mar. 24, 2005 (Ex. 1006).

[7] JP 1996-179851 A, published July 12, 1996 (Ex. 1007) (certified English translation provided as Ex. 1008).

[8] US 6,918,159 B2, issued July 19, 2005 (Ex. 1009).

"[c]onventional portable computers most commonly have a 'clam-shell' configuration, with a base including the keyboard, various ports, connectors and/or inputs . . . and a display component pivotably coupled to the base by a hinge." *Id.* at 1:21–27. Conventional computers sometimes "operat[e] in 'tablet mode,'" and the '688 patent also describes existing computers that were "capable of operating either as a normal laptop computer receiving user input via a keyboard ('laptop mode'), or as a tablet computer receiving user input via a touch screen." *Id.* at 1:32–41. In this latter case, "the display component of the computer is attached to the base of the computer by hinges that allow the display to be tilted relative to the base (for laptop mode), and to be rotated and folded against the base to configure the computer into tablet mode." *Id.* at 1:41–46.

The '688 patent builds on these configurations, describing "a portable computer" that "is configurable between various modes, including a closed mode, a laptop mode, an easel mode, a flat mode, and a frame mode." *Id.* at 2:19–22. Each of these modes is depicted in a figure of the '688 patent. *Id.* at 4:40–5:39. Figure 1, reproduced below, shows the laptop mode.
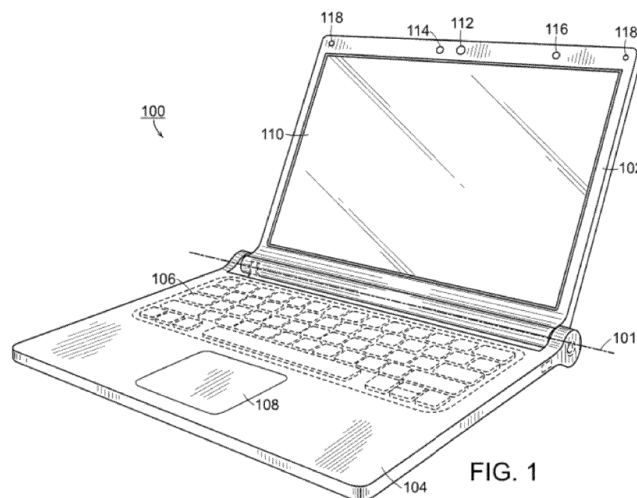


FIG. 1

Figure 1 depicts the portable computer of the '688 patent in laptop mode. *Id.* at 6:24–27. Display component 102 is "inclined at a viewing angle from the base 104." *Id.* at 6:27–28.

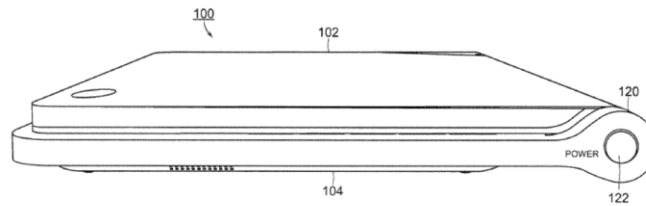Figure 2, reproduced below, shows the closed mode.



FIG. 2

Figure 2 depicts the portable computer of the '688 patent in closed mode. *Id.* at 6:63–64. The angle between display component 102 and base 104 is zero, and "the display screen is disposed 'face down' against the keyboard of the base 104." *Id.* at 6:65–7:1.
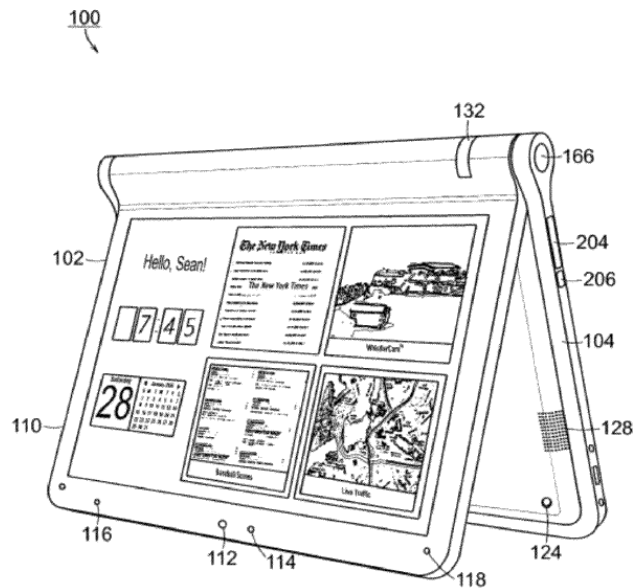
Figure 4, reproduced below, shows the easel mode.



FIG. 4

# DOCKET ALARM

# 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.