UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

NEONODE SMARTPHONE LLC,

Patent Owner.

Case No. IPR2021-01041
U.S. Patent No. 8,095,879

DECLARATION OF JACOB O. WOBBROCK, PH.D.

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IX. CLAIMS 1-7, 9, 12, 13, and 15-17 WOULD HAVE BEEN OBVIOUS TO ONE SKILLED IN THE ART BASED ON THE PRIOR ART IN GROUNDS 1-6 34

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3. Independent Claim 1 45

a. [1Preamble] "A non-transitory computer readable medium storing a computer program with computer program code, which, when read by a mobile handheld computer unit, allows the computer to present a user interface for the mobile

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handheld computer unit, the user interface comprising:" 45

i. Motivation to implement Robertson's user interface in a mobile handheld computer unit.....50

ii. Expectation of success in implementing Robertson on mobile handheld computer units 54

b. [1a] "a touch sensitive area in which a representation of a function is provided," 56

c. [1b] "wherein the representation consists of only one option for activating the function and".....61

d. [1c] "wherein the function is activated by a multi-step operation comprising (i) an object touching the touch sensitive area at a location where the representation is provided and then (ii) the object gliding along the touch sensitive area away from the touched location," 63

e. [1d] "wherein the representation of the function is not relocated or duplicated during the gliding."....69

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i. Motivation to display icons representing services or settings 74

ii. Expectation of success in displaying icons representing services or settings.....76

5. [Claim 3] "wherein the user interface is characterised in, that a selection of a preferred service or setting is done by tapping on a display icon corresponding to the preferred service or setting."....77

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7. [Claim 5] "wherein said text field is used for inputting and editing of text through said keyboard."....85

8. [Claim 13] "wherein the user interface is characterised in, that said representation of said function is located at the bottom of said touch sensitive area." 86

9. [Claim 15] "characterised in, that said computer program code is adapted to function as a shell upon an operating system."....88

10. [Claim 16] "wherein the representation is finger-sized." 89

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11. [Claim 17] "wherein the location where the representation is provided does not provide touch functionality for a different function."....92

B. [Ground 2] Claims 6, 7, and 9 are rendered obvious by Robertson, Maddalozzo, and Vayda 94

1. Overview of Vayda 94

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2. [Claim 6] "wherein the function, when activated, causes the user interface to display a list with a library of available applications and files on the mobile handheld computer unit."....97

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ii. Expectation of success in displaying a menu listing a library of available applications and files 100

3. [Claim 7] "wherein the user interface is characterised in, that a selection of an application or file is done by gliding the object along said touch sensitive area so that a representation of a desired one of said application or file is highlighted, raising said object from said touch sensitive area, and then tapping on said touch sensitive area." 102

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4. [Claim 9] "wherein the user interface is characterised in, that, one item in said list is highlighted by a moveable marking, and the user interface enables list navigation whereby gliding the object along the touch sensitive area in a direction towards the top of said list or towards the bottom of said list causes said marking to move in the same direction without scrolling the list." 109

C. [Ground 3] Claim 12 rendered obvious by Robertson, Maddalozzo, and Bedford-Roberts 111

1. [Claim 12] "wherein the user interface is characterised in, that an active application, function, service or setting is

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