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Paper 13
Date: January 13, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

SOLAS OLED LTD.,
Patent Owner.

IPR2021-01254
Patent 8,526,767 B2

Before SALLY C. MEDLEY, JOHN A. HUDALLA, and JULIA HEANEY, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively "Petitioner") filed a Petition for *inter partes* review of claims 1–14 of U.S. Patent No. 8,526,767 B2 (Ex. 1001, "the '767 patent"). Paper 3 ("Pet."). Solas OLED, Ltd. ("Patent Owner") filed a Preliminary Response. Paper 8 ("Prelim. Resp."). Subsequently, we authorized the parties to file replies limited to the issue of discretionary denial under 35 U.S.C. § 314(a). Paper 9. Petitioner filed a Reply to the Preliminary Response (Paper 10; "Pet. Reply") and Patent Owner filed a Sur-reply (Paper 12; "PO Sur-reply").

Institution of an *inter partes* review is authorized by statute 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). Upon consideration of the Petition, the Preliminary Response, the Reply, the Sur-reply, and the evidence of record, we decline to institute review of the challenged claims of the '767 patent.

A. Related Matters

The parties indicate that related district court litigations are: *Solas OLED Ltd. v. Samsung Electronics Co., Ltd. et al.*, No. 2:21-cv-00105-JRG (E.D. Tex.) and *Samsung Electronics Co. Ltd. et al. v. Solas OLED Ltd. et al.*, No. 1:21-cv-05205 (S.D.N.Y.). Pet. 2; Papers 5, 6.

B. The '767 Patent[1]

The '767 patent describes how touch sensors are used to recognize gestures, such as those by a human finger or a stylus, on sensing surfaces. Ex. 1001, 1:13–22. The '767 patent addresses the difficulty in reliably and efficiently distinguishing between a significant number of gestures, including complex gesture combinations that arise in multi-touch input. *Id.* at 2:66–3:2, 13:64–14:5. The '767 patent purports to solve this problem "by adopting a state machine approach," in which a touch sensor device comprises an at least one-dimensional sensor to output a sense signal and a gesture processing unit comprising a plurality of linked state modules operable to analyze the time series data to distinguish gesture inputs. *Id.* at 3:11–23.

In one embodiment, a touch sensor device has two one-touch state machines for generating two-touch events. *Id.* at 6:60–62, Fig. 6.

Figure 6 of the '767 patent is illustrative and is reproduced below.

[1] Petitioner contends that "the earliest priority date to which Claims 1–14 are entitled is October 20, 2008." Pet. 8–9. At this juncture of the proceeding, Patent Owner does not contest Petitioner's assertion regarding the "priority date." *See generally* Prelim. Resp.

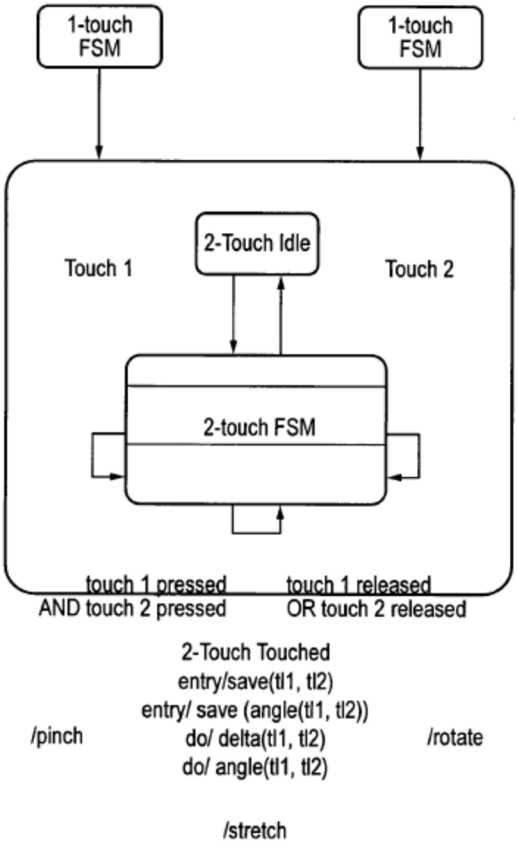

FIG. 6

Figure 6 shows a simple scalable architecture that includes state machines. *Id.* at 14:34–37. Each one-touch finite state machine (FSM) represents a single-touch state machine that generates a single-touch gesture, and a two-touch FSM represents a two-touch state machine that generates two-touch gestures. *Id.* at 14:20–24. Touch 1 and Touch 2 are processed by the two-touch FSM, "which tracks the separation and angle between the touches, and generates stretch, pinch, and rotate events as the distance and/or angle between the touches changes." *Id.* at 14:38–42. An FSM can also generate complex gestures. *Id.* at 14:43–44. For instance, if a one-touch FSM is in a "Pressed" state, and another one-touch FSM has just generated a

"Tap" event, then the two-touch FSM can generate a "Press and Tap" event. *Id.* at 14:45–49.

C. Illustrative Claim

Petitioner challenges claims 1–14 of the '767 patent. Claims 1 and 12–14 are independent claims, and claims 2–11 depend from claim 1. Claim 1 is reproduced below.

> 1. A touch sensor device comprising:
>
> a sensor having a sensitive area extending in at least one dimension and arranged to output sense signals responsive to proximity of an object to the sensitive area;
>
> a processor operable to execute position-processing logic stored in one or more tangible media, the position-processing logic, when executed by the processor, configured to:
>
> calculate positions of interactions with the sensitive area from an analysis of the sense signals; and
>
> output a times series of data indicative of the interaction positions on the sensor, the interaction positions corresponding to touches; and
>
> a processor operable to execute gesture-processing logic stored in one or more tangible media, the gesture-processing logic, when executed by the processor, configured to analyze the time series of data to distinguish one or more gesture inputs from the time series of data, the gesture-processing logic being coded with gesture-recognition code comprising a plurality of state-machine modules, the plurality of state machine modules comprising:
>
> a first one-touch state-machine module, the first one touch state-machine module being operable to recognize at least a first one-touch gesture and generate a first output based on the first one-touch gesture;
>
> a second one-touch state-machine module, the second one-touch state-machine module being operable to recognize at least a

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