

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**LENOVO HOLDING COMPANY, INC., LENOVO
(UNITED STATES) INC., MOTOROLA MOBILITY
LLC,**
Appellants

v.

DODOTS LICENSING SOLUTIONS LLC,
Appellee

2021-1247, 2021-1521, 2021-1580

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2019-
00988, IPR2019-01278, IPR2019-01279.

Decided: December 8, 2021

MITCHELL G. STOCKWELL, Kilpatrick Townsend &
Stockton LLP, Atlanta, GA, argued for appellants. Also
represented by DAVID A. REED; JOHN C. ALEMANNI, Ra-
leigh, NC; STEVEN MOORE, San Francisco, CA.

PERRY GOLDBERG, Progress LLP, Los Angeles, CA, ar-
gued for appellee.

Before NEWMAN, DYK, and REYNA, *Circuit Judges*.

DYK, *Circuit Judge*.

Lenovo Holding Company, Inc. (“Lenovo”) petitioned for *inter partes* review of claims 1–16 of U.S. Patent No. 8,020,083 (the “083 patent”), claims 1–10 and 12–15 of U.S. Patent No. 9,369,545 (the “545 patent”), and claims 1, 8–13, and 20–24 of U.S. Patent No. 8,510,407 (the “407 patent”), owned by DoDots Licensing Solutions LLC (“DoDots”). The United States Patent and Trademark Office Patent Trial and Appeal Board (the “Board”), in three separate Final Written Decisions, found that Lenovo had failed to show by a preponderance of the evidence that the challenged claims were unpatentable. *See Lenovo Holding Co. v. DoDots Licensing Sols., LLC*, Nos. IPR2019-00988 (Sept. 9, 2020), IPR2019-01279 (Jan. 5, 2021), IPR2019-01278 (Jan. 19, 2021). Lenovo challenges the Board’s decisions, arguing only that the Board erred in its construction of the claim term “NIM template.” We *affirm*.

BACKGROUND

I

The three patents at issue relate to a method for accessing and displaying Internet content in a graphical user interface (“GUI”). In the prior art, users “typically accesse[d] the Internet by using a viewer application, such as a browser[,] to view web content provided at a destination address, typically a web page.” ’407 patent, col. 1, ll. 56–59. Although the web page could be personalized so that there could be a separate page for a specific topic, such as “stock information, weather information[,] and sports information,” each page was assembled on a “full web page and [] served through a full-screen browser.” *Id.* at col. 1, l. 62–col. 2, l. 3. The problem with that construct, according to the inventors, was that “[w]eb content and application developers [] ha[d] limited control over the user experience”

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because “content [wa]s typically trapped within the frame of the browser.” *Id.* at col. 2, ll. 3–5.

The inventors claimed to have invented a solution to “a growing desire for individual users to fully control the aggregation and presentation of content and web applications that appear[] on a client computer.” *Id.* at col. 2, ll. 14–16. The patents utilize what the inventors called a “Networked Information Monitor (NIM)” and “NIM template,” ’545 patent, col. 2, ll. 35–36; *id.*, col. 6, l. 35,¹ to allow users to access web content outside of a web browser without the need for developing custom client applications, *see, e.g.*, ’083 patent, col. 12, ll. 45–48 (“Without the present invention, an alternative available to the Internet content developer is to develop a custom application that must be downloaded each time it is changed or alternate content is desired to be displayed.”).

Under the systems and methods disclosed by the patents, a user logs into a server by providing a login identifier, which is used to obtain the user’s profile. The user profile includes references to NIMs. A “NIM refers to a fully configurable frame with one or more controls; the frame through which content is optionally presented.” ’545 patent, col. 4, ll. 56–59. This “fully configurable frame . . . stands in contrast to web browsers, which are branded by the browser vendor and which have limited means by which to alter the controls associated with the browser.” *Id.*, col. 4, ll. 59–63. An example of a NIM (or Dot) provided in the figures of the three patents is Figure 5 of the ’083 patent:

¹ Whereas the ’407 and ’545 patents speak exclusively in terms of the NIM and NIM template, the ’083 patent also uses the analogous terms “Dot” and “Dot definition.” *See* ’083 patent, col. 24, ll. 12–14.

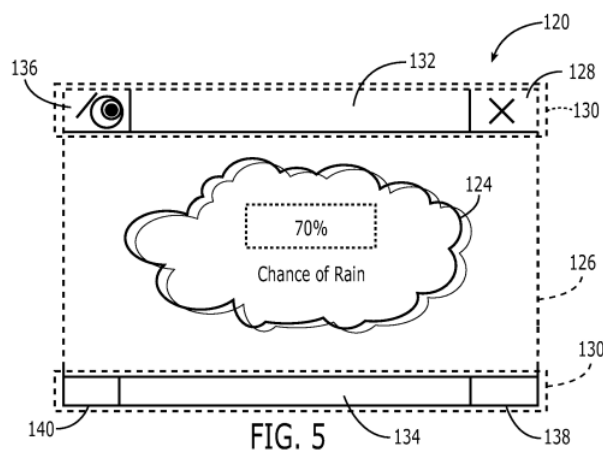


FIG. 5

After the user is logged in and has clicked on the NIM, an applications server retrieves a NIM definition (or template) from a NIM template database. *See, e.g.*, '545 patent, col. 20, ll. 26–30. A “NIM template” defines the characteristics of a specific NIM, including fully configurable frame characteristics, viewer and control characteristics, and NIM content references. *See id.*, col. 6, ll. 34–37. After the user accesses the user profile and the NIM template defines the characteristics of the NIM frame, the content is placed in the NIM viewer defined by the frame for viewing. *Id.* at col. 2, ll. 30–34. These steps are completed by a “client parser application” (or “home NIM” or “Home Dot”) that resides on the user’s client computing device. *See, e.g.*, *id.*, col. 10, ll. 8–10, 29–31.

II

Lenovo petitioned for *inter partes* review of claims 1–16 of the '083 patent, claims 1–10 and 12–15 of the '545 patent, and claims 1, 8–13, and 20–24 of the '407 patent, arguing that they were rendered obvious by prior art. The Board, in three Final Written Decisions, construed the term “NIM template” as a “data structure which defines the characteristics of a NIM, including the NIM frame, view and control characteristics, and which excludes

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executable applications/compiled code.” J.A. 19; *see also id.* at 55, 90. Based on that construction, the Board concluded that Lenovo had failed to prove by a preponderance of the evidence that the challenged claims were unpatentable over the prior art.

Lenovo appealed. The sole question before us is whether the Board erred in construing the term “NIM template” in the challenged claims to exclude “executable applications/compiled code.” We have jurisdiction under 28 U.S.C. § 1295(a)(4)(A).

DISCUSSION

“We review the Board’s claim construction[] *de novo* and its underpinning factual determinations involving extrinsic evidence for substantial evidence.” *Wasica Fin. GmbH v. Cont’l Auto. Sys., Inc.*, 853 F.3d 1272, 1278 (Fed. Cir. 2017). Claim construction requires a determination as to how a person of ordinary skill in the art would understand a claim term “in the context of the entire patent, including the specification.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc).² To understand the meaning of the claim language, we look to the entire intrinsic record, including “the words of the claims themselves, the remainder of the specification, [and] the prosecution history,” as well as to “extrinsic evidence concerning relevant scientific principles, [and] the meaning of

² We apply the *Phillips* standard because Lenovo filed its IPR petitions after November 13, 2018, when the PTO changed the claim construction standard to be the “same claim construction standard that is used to construe the claim in a civil action in federal district court.” *Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board*, 83 Fed. Reg. 51,340, 51,340 (Oct. 11, 2018) (codified at 37 C.F.R. § 42.100(b) (2020)).

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