

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ASUSTEK COMPUTER INC., ASUS GLOBAL PTE. LTD.,  
DELL TECHNOLOGIES INC., DELL INC., and HP INC.,  
Petitioners,

v.

LITL LLC,  
Patent Owner.

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IPR2024-00532  
Patent 8,289,688 B2

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Before KRISTINA M. KALAN, BRIAN D. RANGE, and DAVID COTTA,  
*Administrative Patent Judges.*

COTTA, *Administrative Patent Judge*

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

## I. INTRODUCTION

ASUSTeK Computer Inc., Asus Global Pte. Ltd., Dell Technologies Inc., Dell Inc., and HP Inc. (collectively, “Petitioner”) filed a corrected Petition to institute an *inter partes* review (“IPR”) of claims 1–10 and 23 (the “challenged claims”) of U.S. Patent No. 8,289,688 B2 (“the ’688 patent”). Paper 16 (“Petition” or “Pet.”).<sup>1</sup> LiTL LLC (“Patent Owner”) filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). With our prior authorization, Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 18) and Patent Owner filed a Sur-reply (Paper 19).

Under 35 U.S.C. § 314(a), *inter partes* review may not be instituted unless the Petition “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.” Petitioner has not established a reasonable likelihood of prevailing on its assertion that the challenged claims are unpatentable based on the grounds advanced here. Thus, for reasons explained below, we deny institution of *inter partes* review of claims 1–10 and 23 of the ’688 patent.

### A. Real Parties-in-Interest

Petitioner identifies ASUSTeK Computer Inc., Asus Global Pte. Ltd., Dell Technologies Inc., Dell Inc., and HP Inc. as the real parties-in-interest. Pet. at xii. Patent Owner identifies itself as the real party-in-interest. Paper 7, 1.

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<sup>1</sup> With our permission, Petitioner filed a Corrected Petition to correct the cover page of the originally-filed Petition (Paper 1), which incorrectly captioned the case. All references herein to the Petition are to the Corrected Petition (Paper 16), which we understand to be substantively identical to the originally-filed Petition.

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*B. Related Matters*

The parties identify as related matters the following lawsuits involving the '688 patent: *LiTL LLC v. Dell Technologies Inc. and Dell Inc.*, No. 1:23-cv-00121-RGA (D. Del.); *LiTL LLC v. HP Inc.*, No. 1:23-cv-00120-RGA (D. Del.); *LiTL LLC v. ASUSTeK Computer Inc., et al.*, No. 1:23-cv-00122-RGA (D. Del.); and *LiTL LLC v. Lenovo (United States), Inc. et al.*, No. 1:20-cv-00689 (D. Del.). Pet. at xii; Paper 7, 2.

The parties identify the following administrative matters involving the '688 patent: IPR2021-00681 (not instituted); *Ex parte* Reexamination No. 90/015,035. Pet. at xii; Paper 7, 1.

Patent Owner also identifies the following proceedings that challenge the patents related to the '688 patent: IPR2021-00800; IPR2021-00822; IPR2021-00786; IPR2021-00821; IPR2024-00404; IPR2024-00480; IPR2024-00481; IPR2021-01011; IPR2024-00454; IPR2024-00455; IPR2024-00456; IPR2024-00457; IPR2024-00458. Paper 7, 1–2. In addition, Patent Owner indicates that patents related to the '688 patent were subject to the following reexamination proceedings: 90/015,025; 90/014,965; and 90/014,958. *Id.*

*C. The '688 Patent*

The '688 patent is titled “Portable Computer with Multiple Display Configurations.” Ex. 1001, code (54) (capitalization omitted). The '688 patent issued from an application filed July 10, 2008. *Id.* at code (22). The '688 patent claims priority to a provisional application filed April 1, 2008. *Id.* at code (60).

According to the '688 patent, conventional portable computers commonly have a “clam-shell” configuration with a base and a display component pivotably coupled by a hinge. *Id.* at 1:19–27. The '688 patent

describes a “portable computer that is configurable between a plurality of display modes including a laptop mode . . . and an easel mode.” *Id.* at code (57). The portable computer includes a hinge that “allows the display component to be rotated about an axis along an interface between the display component and the base to configure the portable computer between a closed position, the laptop mode, and the easel mode.” *Id.*

Figure 1 of the '688 patent, reproduced below, illustrates a portable computer in a “laptop” configuration. *Id.* at 4:40–42.

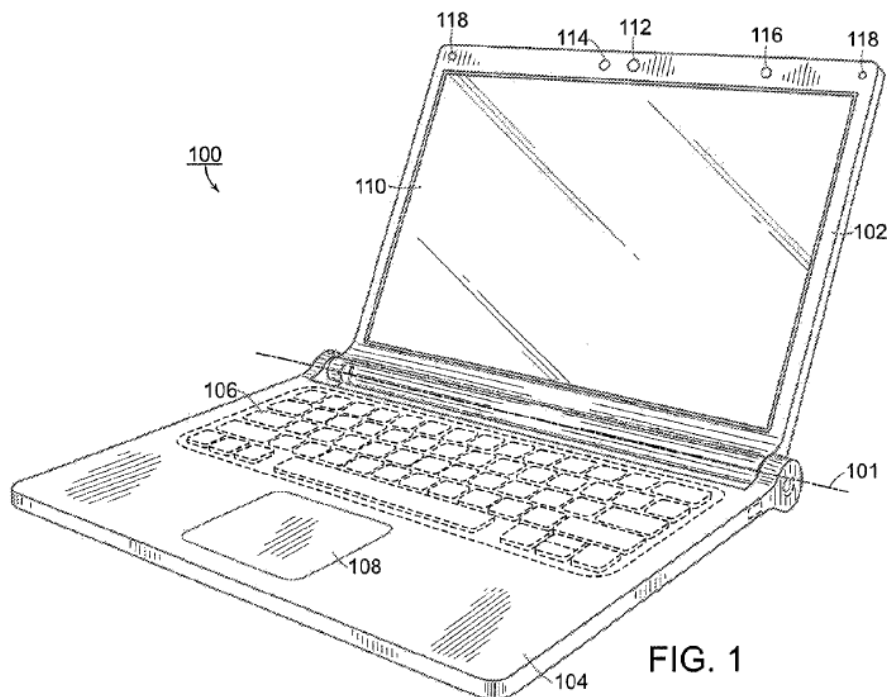


Figure 1, above illustrates an example of a portable computer. *Id.* at 6:24–25. Portable computer 100 includes display component 102 and base 104. *Id.* at 6:25–28. “The display component 102 is pivotably coupled to the base 104 by a hinge assembly (not shown)” that “allows the display component 102 to be rotated (or tilted) about a longitudinal axis 101 running along an interface between the display component and base 104.” *Id.* at

6:28–38.

Figure 4 of the '688 patent, reproduced below, illustrates a portable computer in an “easel” configuration. *Id.* at 4:47–48.

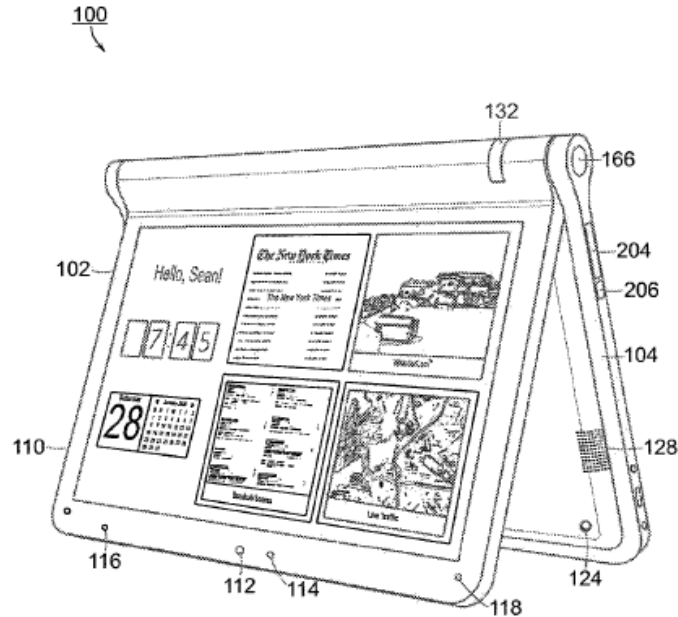


FIG. 4

Figure 4, above, illustrates “portable computer 100 configured into an easel mode.” *Id.* at 7:48–49. Portable computer 100 includes display component 102 and base 104. *Id.* at 7:49–52. As shown in Figure 4, portable computer 100 is converted from a laptop mode to an easel mode by folding away from base 104, such that “the base 104 and the display component 102 form an inverted ‘V’ shape with the bottom of the base and the back of the display component fac[ing one] another.” *Id.* at 7:49–57.

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