

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MAXELL, LTD.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Civil Action No. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

**APPLE INC.'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR PARTIAL
SUMMARY JUDGMENT OF SUBJECT MATTER INELIGIBILITY UNDER 35 U.S.C.
§ 101 FOR U.S. PATENT NOS. 6,748,317, 6,430,498, AND 6,580,999 [DKT. 359]**

Far from a “genuine invention,” the Navigation Patents claim the abstract idea of presenting navigation and location information to a walking user by displaying simple lines, arrows, or symbols on existing computers. Maxell provides no meaningful analysis to show otherwise. It provides only attorney arguments that the claims cover “hardware” to improve the “poor accuracy” of existing devices and a specific “graphical user interface.” But Maxell’s attorney arguments do not create a genuine dispute of material fact because they are contradicted by both (1) the common specification, which states that the claimed hardware is “just like those of **ordinary** portable telephones,” ’317 at 2:62-31, and (2) testimony of its own expert, Dr. Rosenberg, who confirmed that the patents are unconcerned with “improvements to hardware,” such as “the accuracy or functionality” of “GPS, compasses, or any other sensors,” *e.g.*, Ex. R at 24:16-25:17, 69:9-25. The claimed user interface also fails to support patent-eligibility because it could scarcely be more primitive and generic—displaying a “location” using a “symbol,” a “direction” using an “arrow,” and a “route” using a “line.” In fact, the specification proposes such basic techniques so that they could be used even with “low in performance” prior art devices. Dr. Rosenberg confirmed that the claimed interface presents “less or simpler information” using “lines, arrows” as humans had done with “maps, papers, and pencils . . . before computers.” *Id.* at 200:15-201:13, 206:4-7, 209:5-15. Because there is nothing inventive or technological about using symbols, arrows, and lines to convey directions, the Navigation Patents are invalid under § 101.

A. The Navigation Patents Claim An Abstract Idea

At *Alice* step one, Maxell attempts to rebut Apple’s clear showing that the three Navigation Patents claim an abstract idea by simply block quoting every claim limitation and claim construction from each patent, and summarily concluding that the claims reflect “specific features” and “inventive concepts.” *Opp.* at 9, 10, 12, 14. To the extent Maxell provides any real analysis, it appears to contend that the claims cover (1) a “structured graphical user interface” for displaying

directions and (2) “hardware” elements that resolve “poor accuracy and performance” in existing navigation technologies. Opp. at 9, 12. Maxell is incorrect on both counts.

To support its first contention, Maxell cites three decisions to argue that graphical user interface claims are patent-eligible. Opp. at 7. But in all three, the courts emphasized that the user interfaces at issue were patentable because they were unconventional and specific:

- In *Data Engine Techs. LLC v. Google LLC*, a claim used 95 words to specify an “electronic spreadsheet system for modeling user-specified information,” which the Court found to recite “a specific structure (i.e., notebook tabs) within a particular spreadsheet display that performs a specific function (i.e., navigating within a three-dimensional spreadsheet).” 906 F.3d 999, 1006, 1009-10 (Fed. Cir. 2018).
- In *Core Wireless Licensing S.A.R.L v. LG Elecs. Inc.*, a claim used 105 words to describe an “application summary window” that presented “an improved user interface” because it “allow[ed] the user to see the most relevant data or functions ‘without actually opening the application.’” 880 F.3d 1356, 1359, 1362 (Fed. Cir. 2018).
- In *IDB Ventures LLC v. Charlotte Russe Holdings, Inc.*, a claim used 134 words to detail the operation of a “query dialog box” that provided a “specific improvement over prior systems, consisting of the use of the query dialog box to facilitate the presentation, sorting, and selection of text data objects” using a “specific structure.” Ex. N (2:17-cv-660-WCB-RSP, Dkt. 96) at 2, 8-9 (E.D. Tex. Oct. 31, 2018).

Indeed, the Federal Circuit in *Data Engine* contrasted the claimed user interface that presented a “technical solution and improvement in computer spreadsheet functionality,” with the “conventional” and “generic” user interfaces the court had rejected as not patent-eligible in several prior cases. 906 F.3d at 1008, 1010. For example, in *Affinity Labs of Texas, LLC v. DIRECTV, LLC*, the Federal Circuit rejected a claim reciting a “graphical user interface” that simply “display[ed] a menu of options to the user,” as it was neither “directed to an improvement” nor a “technological means” to solving any problem. 838 F.3d 1253, 1261-62 (Fed. Cir. 2016).

Here, the Navigation Patents do not claim an unconventional, improved computer user interface, such as a “three-dimensional spreadsheet” or novel “query dialog box.” They instead claim depicting directions using simple lines, arrows, and symbols:

- The '317 Patent, Claim 1 recites displaying “positions” of a “present place” and “destination,” and a “direction” between them, while Claim 17 adds using an “arrow,” “bent line,” and “symbols” to denote the “starting and ending points”;
- The '999 Patent, Claim 3 recites displaying “direction from said present place to the location” of another terminal and the “distance” between them;
- The '498 Patent, Claim 3 denotes “direction” and “distance” using a “line” and Claim 13 denotes a “full route” as a “bent line” with a “symbol” for the “present location.”

The common specification’s figures further confirm that the claimed interface is just simple lines, arrows, and dots as symbols. *E.g.*, '317 at Figs. 1, 3, 5. Indeed, the specification expressly proposes such a primitive interface precisely because it was simple enough to be used with existing “low in performance” portable terminals from the 1990s. *Id.* at 1:49-52, 9:64-67. Maxell’s expert Dr. Rosenberg agreed the claimed interface “presents navigation information. . . through lines, arrows,” which was “less or simpler information” compared to existing prior art map interfaces and something that humans had done using “maps, papers, and pencils . . . before computers.” Ex. R at 200:15-201:13, 206:4-7, 209:5-15.

Maxell’s second contention—that the claims recite improved hardware “devices” with better “accuracy”—is debunked by the specification and Maxell’s expert Dr. Rosenberg. The specification does not even mention poor accuracy as a problem, let alone propose any solutions to improve it. To the contrary, it explains that its “portable terminal” is “low in performance” and uses existing, generic hardware “devices”—a “display device,” “input device,” “memory device,” “device for data communication,” “device for getting location information,” and “device for getting direction information.”—“just like those of **ordinary** portable telephones.” '317 at 2:62-3:1, 9:42-59, Fig. 10. Dr. Rosenberg confirmed at least a dozen different ways in his deposition that the Navigation Patents are not “about improvements to hardware and all of [the components] that we’re talking about right now, a compass, gyroscope, a sensor such as a clinometer, a CPU.”

Ex. R at 69:9-25, 205:2-10; *see also, e.g., id.* at 54:5-15, 60:10-23, 71:11-72:3, 86:9-20. He twice specifically rejected that the patents even concern—let alone improve—the “accuracy” of prior art navigation products. *Id.* at 24:16-25:17, 209:25-210:10. The Navigation Patents therefore disclose no technological improvements and are abstract at *Alice* step one.

B. The Navigation Patents Disclose No Inventive Concept

At *Alice* step two, Maxell makes three arguments to attempt to save its claims, none having merit. First, Maxell mischaracterizes Apple’s motion as only addressing “each claimed piece of hardware individually,” but not as a “specific arrangement.” *Opp.* at 13. In truth, Apple’s motion explained that as an “ordered combination,” the claimed hardware “devices” just make up a “portable terminal” that the specification characterizes as “conventional,” “low in processing capacity,” “low in performance,” and typical of “**an ordinary portable telephone** and a PHS terminal.” *Mot.* at 12-13; ’317 at 2:37-39, 3:64-66, 9:40-49. Even Dr. Rosenberg, Maxell’s expert, confirmed that the patents “don’t require any specific arrangement of the components”; the components “merely have to be together on the same portable terminal.” *Ex. R* at 46:3-47:4.

Second, unable to find any statements from the patents themselves to support inventiveness, Maxell engages in misdirection by citing out-of-context statements from Apple’s expert Dr. Paradiso that commercial navigation products from the 2000s had “flaky” radar or GPS sensors, provided “very coarse location,” and did not work well “indoors.” *Opp.* at 1, 14. But the Navigation Patents do nothing to resolve these problems. Indeed, Dr. Rosenberg cited these same statements from Dr. Paradiso in his report (*Ex. O* at ¶¶657-675, 681); but when asked about them at deposition, Dr. Rosenberg admitted that the Navigation Patents do not “improve any of the sensors like the GPS or radar sensors that Dr. Paradiso identifies as being flaky or deficient” and the patents never “talk about indoor navigation.” *Ex. R* at 202:7-13, 205:2-23, 209:25-210:10.

Third, Maxell argues the jury’s verdict in the *ZTE* case finding representative Claim 1 of

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