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Paper 8
Entered: November 17, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. and MOTOROLA MOBILITY LLC,
Petitioner,

v.

GLOBAL TOUCH SOLUTIONS, LLC,
Patent Owner.

Case IPR2015-01175
Patent 8,288,952 B2

Before JUSTIN BUSCH, LYNNE E. PETTIGREW, and BETH Z. SHAW,
Administrative Patent Judges.

BUSCH, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Apple Inc. and Motorola Mobility LLC (collectively, "Petitioner") filed a Petition for *inter partes* review of claims 1–4, 14, 16, 17, 19, 22–24, 26, 27, and 38–40 ("the challenged claims") of U.S. Patent No. 8,288,952 B2 (Ex. 1001, "the '952 patent"). Paper 3 ("Pet."). Global Touch Solutions, LLC ("Patent Owner") did not file a Preliminary Response. 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); *see* 37 C.F.R. § 42.108. Upon consideration of the Petition, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of the challenged claims.

A. Related Matters

The parties identify the following district court proceedings as related matters: *Global Touch Solutions, LLC v. Microsoft Corp.*, Case No. 3:15-cv-2750 (N.D. Cal.); *Global Touch Solutions, LLC v. Toshiba Corp.*, Case No. 3:15-cv-2746 (N.D. Cal.); *Global Touch Solutions, LLC v. VIZIO Inc.*, Case No. 3:15-cv-2747 (N.D. Cal.); *Global Touch Solutions, LLC v. Apple Inc.*, Case No. 3:15-cv-2748 (N.D. Cal.); and *Global Touch Solutions, LLC v. Motorola Mobility, LLC*, Case No. 3:15-cv-2749 (N.D. Cal.). Pet. 3; Paper 6, 2; Paper 7, 1–2. Petitioner also has filed petitions for *inter partes* review of related U.S. Patent Nos. 7,994,726 (IPR2015-01171), 7,498,749 (IPR2015-01172), 7,329,970 (IPR2015-01173), and 7,781,980 (IPR2015-01174). Pet. 3; Paper 7, 2–3. The parties also identify as a related matter

IPR2015-01151, which is a petition for *inter partes* review of the '952 patent filed by a different petitioner. Paper 6, 2; Paper 7, 3.

B. The '952 Patent

The '952 patent is directed to portable electronic devices operating on exhaustible power sources, such as batteries. Ex. 1001, Abstract. The '952 patent describes using a microchip-controlled switch that manages both current-conducting and user-interface functions in an electronic device, such as a flashlight, without the switch itself conducting current to the load. *Id.* at 3:61–66. A visible indicator, such as a light emitting diode (LED), can be used to indicate the condition of the battery and/or find the device in the dark. *Id.* at 9:46–54, 9:58–63, Fig. 11.

C. Illustrative Claim

Among the challenged claims, claims 1 and 26 are independent. Claim 1 is illustrative and reproduced below:

> 1. A method for implementing a user interface of a product, the product comprising a power source, or a connection for a power source and at least one energy consuming load, said method including the step of using an electronic module comprising an electronic circuit including a microchip and a touch sensor forming part of the user interface, said microchip at least partially implementing the touch sensor functions and said method including the step of activating a visible indication in response to an activation signal received from the user interface, wherein the visible indication provides information to a user on at least one item from the following group:
>
> a state or condition of the product,
>
> location of the user interface,
>
> a battery power level indication.

Id. at 12:27–41.

D. Asserted Grounds of Unpatentability

Petitioner contends that the challenged claims are unpatentable based on the following specific grounds:

References	Basis	Challenged Claims
Beard[1] and Rathmann[2]	35 U.S.C. § 103(a)	1–3, 16, 17, 19, 22–24, 26, 27, and 38–40
Beard, Rathmann, and Danielson[3]	35 U.S.C. § 103(a)	4 and 14

Pet. 27–58. In its analysis, Petitioner relies on the declaration testimony of Mr. Paul Beard. Ex. 1003.

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1275–79 (Fed. Cir. 2015). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An inventor may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Petitioner proposes a construction for "energy

[1] U.S. Patent 5,898,290, issued Apr. 27, 1999 (Ex. 1005, "Beard").
[2] U.S. Patent 5,955,869, issued Apr. 27, 1999 (Ex. 1006, "Rathmann").
[3] U.S. Patent 5,710,728, issued Jan. 20, 1998 (Ex. 1007, "Danielson").

consuming load." Pet. 8–9. We do not find it necessary to construe explicitly any terms for purposes of this decision.

C. Asserted Grounds Based on Beard and Rathmann

Petitioner contends claims 1–3, 16, 17, 19, 22–24, 26, 27, and 38–40 are unpatentable under 35 U.S.C. § 103(a) as obvious in view of Beard and Rathmann. Pet. 17–23, 27–58. Relying on the testimony of Mr. Beard, Petitioner explains how Beard and Rathmann allegedly teach all the claim limitations, and argues a person of ordinary skill in the art would have combined Beard with Rathmann. *Id.* (citing Ex. 1003).

1. Beard

Beard describes an intelligent battery pack with a microcontroller and battery indicators that is designed to be used with a portable electronic device. Ex. 1005, 1:18–21; Ex. 1003 ¶ 68. The microcontroller responds to a touch-sensing circuit that detects changes in impedance or capacitance when an operator touches one or two contacts. Ex. 1005, 11:12–16, 7:41–52; Ex. 1003 ¶ 68. Figure 11 of Beard is reproduced below.

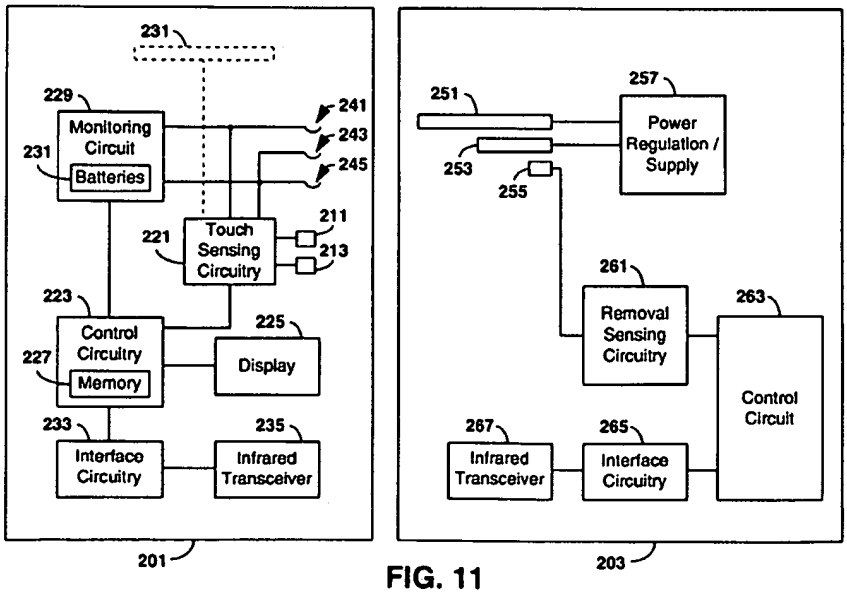

FIG. 11

DOCKET ALARM

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