

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*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

In this *inter partes* review, instituted pursuant to 35 U.S.C. § 314, Apple Inc. and Motorola Mobility LLC (collectively, “Petitioner”) challenge the patentability 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”), owned by Global Touch Solutions, LLC (“Patent Owner”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed below, Petitioner has shown by a preponderance of the evidence that the challenged claims of the '952 patent are unpatentable.

A. Procedural History

Petitioner filed a Petition for *inter partes* review of the challenged claims of the '952 patent. Paper 3 ("Pet."). Patent Owner did not file a Preliminary Response. On November 17, 2015, we instituted an *inter partes* review of the challenged claims of the '952 patent. Paper 8 ("Institution Decision" or "Dec."). After institution, Patent Owner filed a Patent Owner Response, Paper 14 ("PO Resp."), and Petitioner filed a Reply to the Patent Owner Response, Paper 20 ("Pet. Reply"). A consolidated oral hearing for this case and several others was held on August 3, 2016. A transcript of the hearing has been entered into the record. Paper 34 ("Tr.").

B. Related Matters

The parties identify the following district court proceedings as related matters: *Global Touch Solutions, LLC v. Microsoft Corp.*, No. 3:15-cv-2750-JD (N.D. Cal.); *Global Touch Solutions, LLC v. Toshiba Corp.*, No. 3:15-cv-2746-JD (N.D. Cal.); *Global Touch Solutions, LLC v. VIZIO Inc.*, No. 3:15-cv-2747-JD (N.D. Cal.); *Global Touch Solutions, LLC v. Apple Inc.*, No. 3:15-cv-2748-JD (N.D. Cal.); and *Global Touch Solutions, LLC v. Motorola Mobility, LLC*, No. 3:15-cv-2749-JD (N.D. Cal.). Pet. 3; Paper 6, 2; Paper 7, 1–2. Petitioner also 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. Trials were instituted in those proceedings as well. The

parties also identify as a related matter IPR2015-01151, which is an ongoing *inter partes* review of the '952 patent filed by a different petitioner. Paper 6, 2; Paper 7, 3.

C. The '952 Patent

The '952 patent is directed to portable electronic devices that operate on exhaustible power sources such as batteries. Ex. 1001, Abstract. A visible indicator such as a light emitting diode (LED) can be used to indicate the condition of the battery. *Id.* at 9:46–54, Fig. 11.

D. Claims

Independent claim 1 is illustrative and is reproduced below, with formatting added:

1. A method of 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.

E. Grounds of Unpatentability Instituted for Trial

We instituted an *inter partes* review based on Petitioner's contentions 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

Dec. 11.

II. DISCUSSION

A. Claim Construction

We construe explicitly only those claim terms or phrases in controversy, and we do so only to the extent necessary to resolve the controversy. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). 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). 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

¹ U.S. Patent 5,898,290, issued Apr. 27, 1999 (Ex. 1005, "Beard").

² U.S. Patent 5,955,869, issued Sept. 21, 1999 (Ex. 1006, "Rathmann").

³ U.S. Patent 5,710,728, issued Jan. 20, 1998 (Ex. 1007, "Danielson").

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). Absent such a clear, deliberate and precise definition, it is one of the “cardinal sins” of patent law to import limitations from an embodiment in the specification into the claims. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1320 (Fed. Cir. 2005) (en banc).

In the Petition, Petitioner proposed a construction for “energy consuming load.” Pet. 8–9. Patent Owner did not file a Preliminary Response. In the Institution Decision, we determined the term “energy consuming load” did not require express construction, and we did not expressly construe any other claim terms. Dec. 4–5.

Patent Owner proposes a construction for “energy consuming load” and for various phrases that include the term “function[s].” PO Resp. 16–30. Patent Owner also proposes a construction for “user interface.” *Id.* at 15. As Petitioner points out, Patent Owner “proposes to construe ‘user interface,’ but it never applies this construction in its analysis and never explains why this construction could be relevant to any issue in this proceeding.” Pet. Reply 20. Accordingly, we determine “user interface” requires no explicit construction.

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