

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ASUSTEK COMPUTER INC. and  
ASUS COMPUTER INTERNATIONAL,  
Petitioner,

v.

EXOTABLET, LTD.,  
Patent Owner.

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Case IPR2015-00046  
Patent 7,477,919 B2

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Before JUSTIN T. ARBES, BRIAN J. McNAMARA, and  
MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

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

## BACKGROUND

On April 23, 2015, we instituted an *inter partes* review of claims 1–4, 6–7, 14, and 19 of U.S. Patent No. 7,477,919 B2 (“the ’919 Patent”). Paper 6, 25 (“Dec. to Inst.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). We base our decision on the preponderance of the evidence. 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d). Having reviewed the arguments of the parties and the supporting evidence, we conclude, that claims 1–4, 6–7, 14, and 19 are unpatentable.

## THE ’919 PATENT

The ’919 Patent addresses the need for a portable wireless device that permits instant communication and remote access to information, is sufficiently small and lightweight to be carried around conveniently by a user on a routine basis, permits the user to enter information such as a web site address or an e-mail message to control the device to browse the web or send e-mail messages (or to view web pages and e-mail messages), and permits the user to access information stored on a remote computer. Ex. 1001, col. 1, ll. 57–67. Figure 1 of the ’919 Patent illustrates the claimed input/output device.

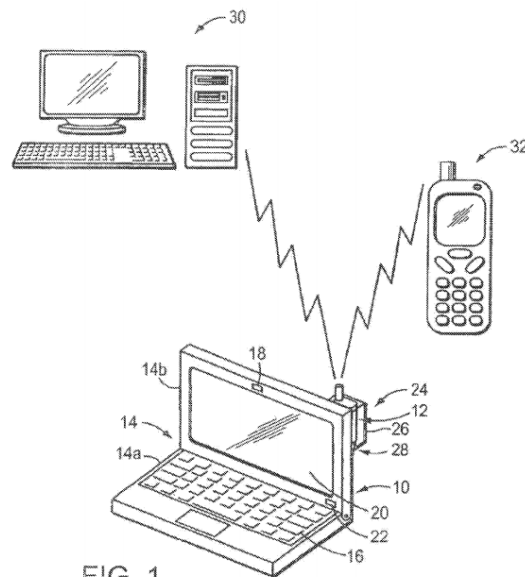


FIG. 1

Figure 1 of the '919 Patent

As shown above, the '919 Patent discloses an input/output device that has a phone port for connecting to a cell or other portable phone. *Id.* at col. 2, ll. 1–2. The device has input components, such as a keyboard, and output components, such as a screen, that are easier for a person to use than the small keypad and screen available on a cell phone. *Id.* at col. 2, ll. 3–9. Signals representing information or commands a user supplies with the input components are sent via the phone port to the phone, which transmits wireless signals to the intended destination device. *Id.* at col. 2, ll. 10–13. The phone also receives wireless signals that are sent through the phone port of the input/output device to be displayed as text or images on the screen. *Id.* at col. 2, ll. 13–16.

The input/output device generally has a housing that houses (i) the input components, e.g., a microphone or keyboard, (ii) the output components, e.g., a screen or speaker, (iii) a data storage device, e.g., a hard drive that can store a browser, email, and wireless application protocol, (iv) a processor, and (v) a phone interface having a support member for the portable phone and the phone port. *Id.* at col. 2, ll. 17–26. A modem also can be provided for use with a portable phone

that does not have one. *Id.* at col. 2, ll. 21–22. A user engaged in a conversation on a portable phone can insert the phone into the phone interface on the device to bring up a web page or view other data on its display screen and use the keyboard or another input component to enter data, such as a website address, email messages, personal information for making online purchases, a file location on a remote computer, or control functions. *Id.* at col. 4, ll. 36–57. The phone transmits wireless signals representing the data to the intended destination and receives wireless signals that are communicated to the device, which processes the signals to display text and images or to provide audible output. *Id.* at col. 4, l. 57–col. 5, l. 5. The device can be provided with minimum functionality to perform input/output operations, or can be provided with additional functionalities, e.g., browser functionality, a video card, additional storage drives, a scanner, a printer, and Bluetooth functionality. *Id.* at col. 6, ll. 7–24, 28–35. The device can be powered, e.g., by photovoltaic cells, or by a 120/240V line source through a detachable power cord. *Id.* at col. 6, ll. 25–28.

The '919 Patent describes a first exemplary embodiment in which the housing has the shape and size of a portable computer and a support member is formed by (i) a frame, e.g., a solid, perforated or lattice frame that may be elastic to fit different sized phones, having a bottom or side wall with the port disposed thereon pivotally mounted to the housing so that the frame pivots into and out of the housing opening, or (ii) a slot formed in the base housing section, or (iii) a slot formed in the pivotal housing section, or (iv) a base plate slidably attached to the housing at an opening so that the base plate slides into and out of the housing, or a retractable arm attached to the housing so that the arm slides out of the opening to laterally support the phone, or (v) a base plate pivotally mounted to the housing at an opening so that the base plate pivots into and out of the housing, or a pivotably

retractable arm attached to the housing at an opening so that the arm pivots. *Id.* at col. 2, ll. 30–59.

The '919 Patent discloses a second exemplary embodiment in which the slot has a channel for receiving the portable phone, with the support member formed by one of the walls defining the slot or channel. *Id.* at col. 2, ll. 60–64. A third exemplary embodiment, similar to the second, includes an adapter sleeve that receives and holds the phone so that the phone can be slid into and out of the sleeve and slot as desired. *Id.* at col. 2, l. 64–col. 3, l. 3.

#### SOLE CLAIM AT ISSUE

We instituted trial on certain of Petitioner's challenges to claims 1–4, 6–7, 14, and 19 of the '919 Patent. Dec. to Inst. 25. The Patent Owner Response addressed only Petitioner's challenge to claim 7. Paper 17, 10–51 ("PO Resp."). At oral hearing, Patent Owner agreed that it is not challenging Petitioner's assertions as to any of the challenged claims other than claim 7. Paper 24, 44:12–45:3. We have reviewed the Petition and the evidence cited therein, and are persuaded that for each ground on which we instituted trial of claims 1–4, 6, 14, and 19, Petitioner has established by a preponderance of the evidence that the corresponding claims are unpatentable. *See* Dec. to Inst. 9–25.

Claim 7, the only remaining claim, depends from claim 1 and is reproduced below, showing [in brackets] the elements of claim 1 incorporated into the claim:

7. The mobile telephone input output device of claim 1 [An input/output device for a mobile telephone providing a handheld, wirelessly portable, enhanced user interface for the mobile telephone having a display screen, comprising:  
a housing sized and configured to be conveniently carried by hand;

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