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Paper 48  
Entered: November 4, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERICAN MEGATRENDS, INC., MICRO-  
STAR INTERNATIONAL CO., LTD, MSI COMPUTER CORP.,  
GIGA-BYTE TECHNOLOGY CO., LTD., and G.B.T., INC.,  
Petitioners,

v.

KINGLITE HOLDINGS INC.,  
Patent Owner.

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Case IPR2015-01094  
Patent 6,401,202 B1

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Before TREVOR M. JEFFERSON, BRIAN J. McNAMARA, and  
J. JOHN LEE, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

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

## I. INTRODUCTION

On November 6, 2015, we instituted *inter partes* review of claims 1, 9–11, 19–21, 29–31, 39, and 40 of U.S. Patent No. 6,401,202 B1 (Ex. 1001, “the ‘202 patent”). Paper 16 (“Dec.”). Patent Owner, Kinglite Holdings Inc., filed a Patent Owner Response, Paper 28 (“PO Resp.”), to the Corrected Petition (Paper 9, “Pet.”) filed by American Megatrends, Inc., Micro-Star International Co., Ltd, MSI Computer Corp., Giga-Byte Technology Co., Ltd., and G.B.T., Inc. (collectively “Petitioner”). Petitioner filed a Reply. Paper 36 (“Pet. Reply”). Patent Owner filed a Contingent Motion to Amend (Paper 29, “Mot. to Amend”), and Petitioner filed an Opposition to Patent Owner’s Motion to Amend (Paper 35, “Pet. Opp. Amend”). Patent Owner filed a Motion to Exclude. Paper 24 (“PO Mot. to Exclude”). Petitioner also filed a Motion to Exclude. Paper 39 (“Pet. Mot. To Exclude”). A transcript of an oral hearing held on August 1, 2016 (Paper 47, “Tr.”) has been entered into the record.

We have jurisdiction under 35 U.S.C. § 6. 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 full record, we conclude that Petitioner has demonstrated by a preponderance of the evidence that the challenged claims are unpatentable for the reasons set forth below. For the reasons discussed below, we also deny Patent Owner’s Motion to Amend and both Patent Owner’s Motion to Exclude and Petitioner’s Motion to Exclude.

### A. *Related Proceedings*

The parties state that the ‘202 patent has been asserted in *Kinglite Holdings Inc. v. Giga-Byte Techn. Co. Ltd.*, Case No. 1:14-cv-04989 (C.D.

Cal.); *Kinglite Holdings Inc. v. Micro-Star International Co. Ltd.*, Case No. 1:14-cv-03009 (C.D. Cal.); *Kinglite Holdings, Inc. v. EliteGroup Comput. Sys. Co., Ltd. et al.*, Case No. 3:16-cv-00912 (N.D. Cal.); *Kinglite Holdings, Inc. v. Giga-Byte Tech. Co., Ltd.*, Case No. 2:15-cv-009615 (C.D. Cal.); and *Kinglite Holdings, Inc. v. Micro-Star Int'l. Co., Ltd.*, Case No. 2:15-cv-009612 (C.D. Cal.). Paper 32, 2; Paper 11, 1.

### B. The '202 Patent

The '202 patent discloses “a method and apparatus to perform multitasking in a basic input and output system (BIOS).” Ex. 1001, Abstract. “Interrupt signals are enabled at predetermined interrupt times” such that “[a] first task is performed in response to the interrupt signals at the interrupt times” and “[a] second task is performed between the successive interrupt times.” *Id.* Figure 5, provided below, “illustrat[es] an architecture to perform multitasking in a [BIOS].” *Id.* at 2:22–23.

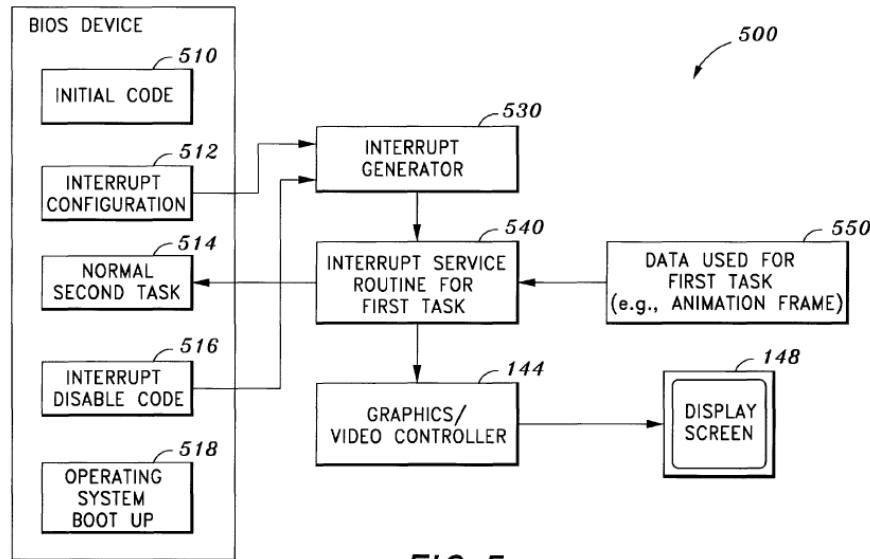


FIG. 5

Figure 5 shows architecture 500 to perform multitasking in a BIOS, interrupt generator 530, first task interrupt service routine (ISR) 540, and

first task data 550. *Id.* at 11:10–27. “BIOS includes an initial code 510, and interrupt configuration 512, a normal second task 514, an interrupt disable code 516, and an operating system (OS) boot-up code 518.” *Id.* at 11:17–20. The Specification states further that

[t]he ISR 540 is executed each time the interrupt generator 530 generates an interrupt signal such as when the timer reaches a specified value. When the ISR 540 is complete, the program control is returned to the normal second task 514 which will continue to perform the normal second task in the BIOS. The ISR 540 may use data provided by the first task data 550. The ISR 540 may operate upon the graphics engine in performing the first task. For example, the first task may be a graphics animation that display[s] animated sequence of banners and/or advertisements.

*Id.* at 12:2–12.

### C. Illustrative Claims

Independent claims 1, 11, 21, and 31 are reproduced below (Ex. 1001, 14:33–42, 15:1–12, 15:45–57, 16:23–34):

1. A method to perform multitasking in a basic input and output system (BIOS) by a processor, the method comprising:

enabling interrupt signals at predetermined interrupt times;

performing a first task in response to the interrupt signals at the interrupt times; and

performing a second task between the successive interrupt times.

11. A computer program product comprising:

a computer usable medium having computer program code embodied therein to perform multitasking in a basic input and output system (BIOS) by a processor, the computer program product having:

computer readable program code for enabling interrupt signals at predetermined interrupt times;

computer readable program code for performing a first task in response to the interrupt signals at the interrupt times; and

computer readable program code for performing a second task between the successive interrupt times.

21. A computer data signal embodied in a carrier wave comprising:

a multitasking code segment to perform multitasking in a basic input and output system (BIOS) by a processor, the multitasking code segment having:

an interrupt enable code segment for enabling interrupt signals at predetermined interrupt times;

a first task code segment for performing a first task in response to the interrupt signals at the interrupt times; and

a second task code segment for performing a second task between the successive interrupt times.

31. A system comprising;

a processor; and

a memory coupled to the processor, the memory containing a program code, the program code when executed by the processor causing the processor to:

enable interrupt signals at predetermined interrupt times,

perform a first task in response to the interrupt signals at the interrupt times, and

perform a second task between the successive interrupt times.

*D. Grounds of Unpatentability Instituted*

We instituted *inter partes* review on following grounds of unpatentability (Dec. 18–19):

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