UNITED STATES PATENT AND TRADEMARK OFFICE
_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD
_____

MICROSOFT CORPORATION and MICROSOFT MOBILE INC.,
Petitioner,

v.

KONINKLIJKE PHILIPS ELECTRONICS N.V.,
Patent Owner.
_____

Case IPR2017-01766
Patent RE44,913
_____

Before DAVID C. McKONE, ROBERT J. WEINSCHENK, and
KAMRAN JIVANI, *Administrative Patent Judges.*

JIVANI, *Administrative Patent Judge.*

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314(a); 37 C.F.R. § 42.108
Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122
Denying Motion for Additional Discovery
37 C.F.R. § 42.51(b)(2)

I.   INTRODUCTION

Microsoft Corporation and Microsoft Mobile Inc. (collectively, "Microsoft" or "Petitioner") requested an *inter partes* review of claims 1 and 3–16 (the "Challenged Claims") of U.S. Patent No. RE44,913 ("the '913 patent"). Paper 2 ("Petition" or "Pet."). Microsoft also filed a Motion for Joinder (Paper 3, "Joinder Motion" or "Joinder Mot.") requesting that it be joined to IPR2017-00386 ("the 386 IPR"), a pending *inter partes* review involving claims 1 and 3–16 of the '913 patent.

Koninklijke Philips N.V. ("Patent Owner") did not file a Preliminary Response to the Petition. With our authorization, however, Patent Owner filed a Motion for Additional Discovery (Paper 12, "Discovery Motion" or "Discovery Mot."). Microsoft filed an Opposition to the Motion for Additional Discovery. Paper 14 ("Discovery Opposition" or "Discovery Opp."). Together with Microsoft and with our authorization, Patent Owner also filed a Joint Stipulation on the Motion for Joinder, wherein Patent Owner states that it does not oppose Microsoft's Joinder Motion. Paper 7 ("Joinder Joint Stipulation"), 3.

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless it is determined that there is "a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." Based on the information presented in the Petition, we are persuaded that there is a reasonable likelihood Petitioner would prevail with respect to claims 1 and 3–16. Accordingly, we institute an *inter partes* review of claims 1 and 3–16 on the grounds specified below. We further grant Petitioner's Joinder Motion and deny Patent Owner's Discovery Motion for the reasons discussed below.

II.   ANALYSIS OF PETITION

A.   Overview of the '913 patent (Ex. 1001)

The '913 patent relates to entering characters on a handheld mobile device via a keypad. Ex. 1001, 1:18–21. Figure 1 of the '913 patent is reproduced below.
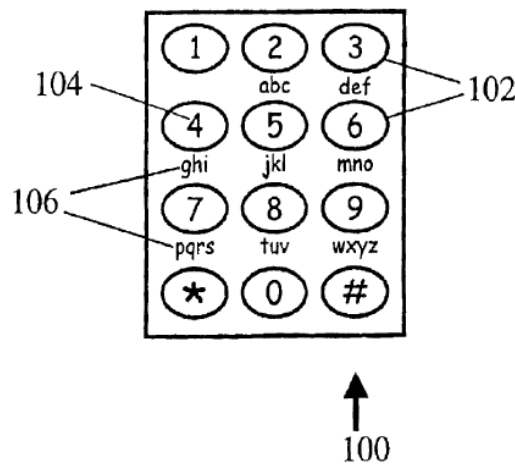

Fig. 1

Figure 1 depicts a default display state of a keypad 100 with twelve keys 102, where each key is associated with a primary character 104 and a plurality of secondary characters 106. *Id. at* 3:25–28. The primary characters in Figure 1 are the numbers and symbols displayed on the keys of the keypad. *Id. at* 3:28–31. The secondary characters in Figure 1 are the letters displayed in groups below each key. *Id. at* 3:31–37.

In one embodiment, a user selects a primary character by initiating a "quick tapping" of the corresponding key for a pre-determined time period, for instance 0.2 seconds. *Id. at* 6:1–6. If the user's tap is longer than the pre-determined time period, the keypad responds to the user's tap by

entering into a second state, wherein secondary characters associated with the selected key are made available. *Id. at* 4:4–6, 6:3–6. Figure 2 of the '913 patent is reproduced below.
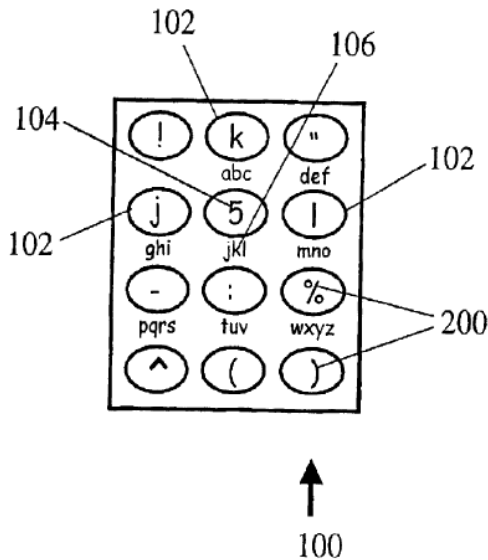

Fig. 2

Figure 2 depicts a second display state of the keypad after a first key selection by a user. *Id. at* 3:42–43. In this instance, the user has selected the key associated with primary character '5', causing the primary character '5' to remain displayed on the selected key and causing the associated secondary characters 'j', 'k', and 'l' each to be displayed on an adjacent key. *Id. at* 3:44–52. The user may now select any of the displayed characters by tapping on the corresponding key, thereby providing "quick and accurate character input wherein secondary characters are available with only two key selections." *Id. at* 3:63–65, 4:4–6. "Following a character input, the

keypad of [Figure] 2 is returned to the default display state as shown in [Figure] 1." *Id. at* 3:60–62.

B.   *Illustrative Claim*

Claims 1, 3, and 4 are independent claims. Claim 1 is illustrative of the claimed subject matter and is reproduced below.

> 1.   A method for inputting a character to a device, the device including a keypad, the keypad including a plurality of keys, at least one of the keys has a primary character, a plurality of secondary characters and an associated display area, the keypad in a default state displaying the primary character associated with the at least one key in the associated display area, the method comprising acts of:
>
> in the default state,
>
>> returning the primary character as an input character in response to selection of the at least one key for a period shorter than a predetermined time period;
>>
>> switching to a second state after detecting a first key selection of the at least one key for a period longer than the predetermined time period;
>
> in the second state:
>
>> displaying each of the secondary characters associated with the first selected key in a respective display area;
>>
>> detecting a second key selection;
>>
>> selecting for the input character the secondary character associated with the second key selection; and
>>
>> returning the keypad to the default state.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.