

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.
Petitioner

v.

SAMESURF, INC.
Patent Owner

Case IPR2023-00339
U.S. Patent No. 9,185,145

PATENT OWNER'S RESPONSE

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Patent Trial and Appeal Board
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P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

TABLE OF CONTENTS.....	I
I. INTRODUCTION	1
II. THE INVENTIONS CLAIMED IN SAMESURF’S U.S. PATENT NO. 9,185,145	6
A. The State of the Art in 2010 at the Time of the Inventions Claimed in the ’145 Patent.....	6
B. The Inventions Claimed in the ’145 Patent Solved the High Bandwidth and Computer Processing Power Problems Caused by the Use of the “Middleman” Server in Page Sharing	8
C. The Independent Claims of the ’145 Patent Are Directed to “Synchronized Browsing Sessions” Wherein the “Guest Device” Receives “Web Browsing Interaction Data” from a “Synchronization Server” and Uses the “Web Browsing Interaction Data” to Access a “Website Server”	11
D. The “Synchronization Server” and How it Uses the “Web Browsing Interaction Data” to Administer a “Synchronized Browsing Session” Among a “Host Device” and a “Guest Device”	12
1. The “Host Device” and the “Guest Device”	12
2. The “Synchronized Browsing Session”	14
3. The “Synchronization Server”	15
4. The Method by Which the “Synchronization Server” Establishes and Facilitates a “Synchronized Browsing Session” Among a “Host Device” and a “Guest Device”	16
a. Receiving and Activating the “Session Invitation”	16
b. Receiving “Web Browsing Interaction Data” from the “Synchronization Server”	16

c.	Operating an Application Based on the “Web Browsing Interaction Data” to Access a “Website Server”	24
5.	The Scope of the Claimed “Web Browsing Interaction Data”	28
a.	“Web Browsing Interaction Data” of the Claims Does Not Encompass Webpages or Partially Filled Webpages.....	30
b.	Figure 5(d) Makes Clear that “Web Browsing Interaction Data” is Not the “Webpage Data” Received in Later Steps	33
c.	Proper Construction of “Web Browsing Interaction Data”	39
E.	The Southern District of California Court Found that the Claims of the ’145 Patent are Directed to Patentable Subject Matter Pursuant to 35 U.S.C. § 101	41
III.	LEVEL OF ORDINARY SKILL IN THE ART	42
IV.	ARGUMENT	43
A.	Lebrun Does Not Teach or Suggest the “Web Browsing Interaction Data,” the “Synchronization Server,” or the “Guest Device” that Receives and Uses “Web Browsing Interaction Data” Found in All of the Claims	43
B.	Prajapat Does Not Teach or Suggest the “Web Browsing Interaction Data,” the “Synchronization Server,” or the “Guest Device” that Receives and Uses “Web Browsing Interaction Data” Found in All of the Claims	53
1.	Prajapat’s “Peer-to-Peer Dynamic Web Page Sharing” Embodiment	54
2.	Prajapat’s “Peer-to-Peer Simple Web Page Sharing” Embodiment	59
3.	Petitioner Fails to Show that Prajapat Discloses these Requirements of the Claims of the ’145 Patent	65

C.	Wang Does Not Teach or Suggest the Claimed “Web Browsing Interaction Data,” the “Synchronization Server,” or the “Guest Device” that Receives and Uses “Web Browsing Interaction Data” that is Found in All of the Claims	71
D.	None of the References Disclose the Additional Limitations Required by Dependent Claims 4-6 and 17-18.....	78
1.	Petitioner Has Not Shown that Dependent Claim 4 is Disclosed in Lebrun	78
2.	Petitioner Has Not Shown that Dependent Claims 5, 6, 17, and 18 Are Disclosed in Lebrun	78
V.	CONCLUSION.....	80

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Abiomed, Inc. v. Maquet Cardiovascular, LLC</i> , IPR2017-01204, -01205.....	69
<i>Apple Inc. v. Yu</i> , IPR2019-01258, Paper No. 29 (PTAB Jan. 5, 2021).....	76
<i>Arendi S.A.R.L. v. Apple Inc.</i> , 832 F.3d 1355 (Fed. Cir. 2016).....	76
<i>Cisco Sys., Inc. v. Bockstar Tech. LLC</i> , IPR2014-01192 (P.T.A.B. Feb. 2, 2015)	76
<i>Dynamic Drinkware</i> , 800 F.3d at 1378	77
<i>GPNE Corp. v. Apple, Inc.</i> , 830 F. 3d 1365 (Fed. Cir. 2016).....	40
<i>Harmonic</i> , 815 F.3d at 1363	77
<i>In re Kotzab</i> , 217 F.3d at 1370	76
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005).....	40
<i>Trs. of Columbia Univ. v. Symantec Corp.</i> , 811 F.3d 1359 (Fed. Cir. 2016).....	40
STATUTES	
35 U.S.C. § 101.....	41, 42
§ 103.....	passim

TABLE OF EXHIBITS

Exhibit	Description
2001	Saif Askar's Declaration
2002	Saif Askar's Biography
2003	Declaration of David S. Howell
2004	Declaration of Stacy Friedman
2005	Order Denying Defendant's Motion to Dismiss Pursuant to 35 U.S.C. § 101

I. INTRODUCTION

Samesurf, Inc.¹ (“Patent Owner” or “Samesurf”) submits this Patent Owner Response (“POR”) responding to the Petition for *Inter Partes* Review (“Petition”) of claims 1-18 of U.S. Patent No. 9,185,145 (the “’145 Patent”) filed by Intuit, Inc. (“Petitioner” or “Intuit”) and the Board’s subsequent decision to institute *Inter Partes* Review (“Institution Decision”) on the ’145 Patent.

The inventions described and claimed in the ’145 Patent relate in general to a method and apparatus that utilizes a “synchronization server” to establish and facilitate a “synchronized browsing session” that supports a real-time, sharable web browsing experience among multiple users, each of whom utilizes a device to simultaneously interact with a website server on the Internet.

Pursuant to the claims of the ’145 Patent, the “synchronized browsing sessions” of the inventions are achieved by transmitting “web browsing interaction data” from a host device to a “synchronization server.” The “synchronization server” then transmits the “web browsing interaction data” to a “guest device.” The “guest device” uses the received “web browsing interaction data” to perform the same web browsing interactions that the host device performed. As a result, the “host device” and the “guest device” are synchronously sharing the same web browsing

¹ <https://www.samesurf.com/>

experiences in real time, *i.e.*, the devices are participating in a “synchronized browsing session.”

Importantly, according to these claimed steps, the “synchronization server” relays the “web browsing interaction data” from the “host device” to the “guest device.” It is thus the “host device” and the “guest device” that transmit requests for webpage data from a website server, and it is the website server that transmits the requested webpage data to the “host device” and to the “guest device.”

The claimed sequence of steps and components is *not* taught or suggested by any of the three references relied on by Petitioners. Significant differences exist between the roles, components, and data flows of the ’145 Patent’s “synchronized browsing session” as compared to those of Lebrun’s “Group Surfing Server,” Prajapat’s “Web Media Server” and Wang’s “Server Apparatus” in supporting “webpage sharing sessions.” Each of these references, which are the subject of the Board’s Institution Decision, *lacks* multiple required elements of the independent claims of the ’145 Patent, including the “web browsing interaction data” that is received by the “guest device” from the “synchronization server” and used by the “guest device” to formulate a web request for a webpage(s).

In Lebrun (Ex. 1005), the controlling web client (*i.e.* host device) selects a webpage out of a progression of pages for the group-surfing session. Lebrun’s group-surfing server acts as a resource-intensive “middleman” server that is in

communication with the web clients and with the website server.² In this “page sharing” process, the “middleman” server contacts the website server containing the webpage and then directs the website server to deliver the webpage *to the group-surfing server itself*. The group-surfing server then re-sends that webpage to all of the web clients (host and guest devices). In an alternative embodiment “where no ‘cookies’ or other data related to identify are involved,” the group-surfing server may contact the website server containing the webpage and direct the web server to deliver the webpage to the web clients (host and guest devices), such that each web client receives the webpage from the web server.

In all of the Lebrun embodiments, it is the “middleman” group-surfing server that requests the subject webpages. Unlike the ’145 Patent where the host and guest devices each access the website server *on their own* and the “synchronization server” does not need to communicate with a website server to achieve synchronization, Lebrun’s group-surfing session necessarily requires that the group-surfing server access the website server *on behalf* of the participating web clients (host and guest devices) in order to realize its “group-surfing” benefits.

² As used herein, the term “middleman” server refers to a server that: (1) receives website pages from a website server; and (2) transmits the received website pages to the web clients participating in the session.

Prajapat (Ex. 1007) encompasses two separately described systems for webpage sharing: (1) a peer-to-peer dynamic webpage sharing system (Ex. 1007, [0012-40]); and (2) a peer-to-peer simple webpage sharing system (Ex. 1007, [0040-43]).

In Prajapat's "peer-to-peer dynamic webpage sharing system," the web media server (which also acts as a "middleman" server) receives requests from browser 12a (*i.e.*, the host device) for one or more webpages. (Ex. 1007, [0022]). The web media server then locates the appropriate web content server that includes the webpage that is requested by the host device. (*Id.*, [0023]). The web server returns the requested webpage to web media server 14a and web media server 14a then transforms the returned webpage into some "intermediate form" that may then be transformed into a "renderable form" capable of being rendered by the host device. (*Id.*, [0024-25]). This "intermediate form" is communicated between web media server 14a and 14b. (*Id.*, [0026]). Web media server 14b then transforms the "intermediate form" of the webpage into another "renderable form" that can be transmitted to a participating browser 12b (*i.e.* the guest device) where it is rendered.

Like Lebrun, Prajapat's configuration is distinctly different from the '145 Patent, in which both the host and guest devices independently access the website server as opposed to a "middleman" server accessing the webpage. In effect, the

“synchronization server” of the ’145 Patent merely relays the “webpage interaction information” from the host device to the guest device. (*See e.g.* Ex. 1001, Fig. 5(d)).

Prajapat’s “peer-to-peer simple webpage sharing system” is limited to merely allowing the guest device to request the same webpage as the host device from the web content server. (Ex. 1007, [0043]). In short, the peer-to-peer simple webpage sharing system lacks the ability (1) to display webpages at substantially the same time and (2) to view altered webpages. As such, Prajapat’s peer-to-peer simple webpage sharing system merely acts as a general mechanism for sharing URLs that does not even provide a “synchronized browsing session,” as required by the ’145 Patent claims.

Thus, both Lebrun and Prajapat disclose an “middleman” server that: (1) receives the webpage requests from the participants; (2) transmits those requests to the webpage server *on behalf of* the participants; (3) receives the webpages from the website servers; and (4) transmits the received webpages to the devices participating in the browsing session. Unlike the inventions of the ’145 Patent, the “middleman” server in page sharing approaches like Lebrun and Prajapat transmits the webpage itself (in the appropriate format that corresponds to each participant’s device). Like screen sharing, page sharing also suffers from the significant shortcoming of “requir[ing] high levels of bandwidth and computer processing power” at the central “middleman” server. (Ex. 1001, 2:30-34).

Both Lebrun and Prajapat are therefore unrelated and antithetical to the “synchronized browsing sessions” that utilize the “synchronization server” and the “web browsing interaction data” contemplated by the ’145 Patent. Lebrun and Prajapat are therefore materially, and therefore patentably, different than the inventions claimed in the ’145 Patent.

Accordingly, Petitioner has not met its burden of proving that claims 1-18 of the ’145 Patent are obvious pursuant to 35 U.S.C. § 103. Confirmation of the validity of claims 1-18 over Lebrun (Ex. 1005), Wang (Ex. 1006), and Prajapat (Ex. 1007) is therefore warranted.

II. THE INVENTIONS CLAIMED IN SAMESURF’S U.S. PATENT NO. 9,185,145

Inventor K. David Pirnazar filed the application for the ’145 Patent application on July 26, 2013, claiming priority to an application that he filed on May 20, 2010.

A. The State of the Art at the Time of the Claimed Inventions

Prior to May 2010, known techniques for sharing webpages included: (1) sharing the HTML for a webpage (i.e. “web page sharing” or “page sharing”); or (2) sharing visual images of a webpage that a browser has already rendered (i.e. “screen sharing”). (Ex. 2004, Declaration of Stacy Friedman, ¶¶46-52). There also existed

other general and well-known techniques for sharing information (*e.g.* bookmarking, bookmark sharing, URL sharing, etc.). (*Id.*)

“Screen sharing” involves the continuous capture and broadcast of rapidly taken screenshots of the host screen for real time reception, processing, and viewing by the following participants. (Ex. 2004, ¶¶51-52). For use cases where multiple remote users wish to view the same web pages in real time, they can utilize screen sharing to broadcast the host’s entire screen or individual browser windows therein to display the subject web pages for the following participants. The predominant shortcomings of screen sharing include: (1) high resource utilization levels for CPU, GPU, and bandwidth; (2) noticeable levels of latency and screen pixelation; and (3) the prospective disclosure of sensitive screen elements like credit card numbers or open windows on the screen broadcaster side during shared sessions. (*Id.*, ¶52).

“Web page sharing” or “page sharing” is an entirely different approach to sharing webpages that does not involve screen broadcasting at all. This legacy approach is described throughout Petitioner’s cited prior art references in, for example, Prajapat’s “Peer-to-Peer Dynamic *Web Page Sharing*”³. In page sharing (or webpage sharing), the participants request and receive web pages from a “middleman” server that acts as a “go-between” between the participants and the

³ Emphasis added throughout Response unless otherwise noted.

web content server. (Ex. 2004, ¶50). Page sharing enables session participants to view *a copy* of what the “middleman” server downloaded, as opposed to simultaneously sharing the same web experience in real time. (*Id.*)

The predominant issues with page sharing included: (1) high resource utilization levels; (2) significant latency; (3) the inability to support joint real time interaction with online content; and (4) disjointed webpage sharing sessions that are the byproduct of a process that enables all users to freely interact with different components and portions of the shared webpage on their own accord. (*See* Ex. 2004, ¶50).

B. The Inventions Claimed in the ’145 Patent Solved the High Bandwidth and Computer Processing Power Problems Caused by the Use of the “Middleman” Server in Page Sharing

The ’145 Patent specification explains how, in 2010, there was a need for a device that allows all users in an Internet browsing session to interact with and share the same “Internet browsing experiences” in real time and in a simultaneous fashion from different devices. (Ex. 1001, 2:48-53). As described above, the then-current art lacked “technology that would simultaneously connect two or more users in a medium that would allow all of them to both interact with one another and with the content itself in real time and in a synchronized or shared fashion.” (Ex. 1001, 2:8-12). In other words, there was no “fully interactive modality that enables a group of users to view and interact with internet content and media simultaneously with others

on different computers or other connected devices with all of those users empowered to interact with that content in real-time on a simultaneous basis.” (Ex. 1001, 2:15-20).

The ’145 Patent specification explains that, although some current methods in the prior art “such as ‘desktop or screen sharing’” allow users to view the same content, those methods suffer from the issue that they “do not enable all users in a session to click, input, and log into those experiences in a simultaneous or nearly simultaneous manner.” (Ex. 1001, 2:28-30). Desktop and screen sharing “work by broadcasting continuous screenshots of the host screen in large files or packets and require high levels of bandwidth and computer processing power” (Ex. 1001, 2:30-34). Therefore, screen sharing and other alternatives, like the page sharing approaches referenced in the cited prior art references, were “inadequate for enabling larger groups to all view and fully interact with that interactive content in a simultaneous manner.” (Ex. 1001, 2:36-38).

To overcome these issues, the ’145 Patent teaches the use of the “synchronization server,” which establishes and facilitates a “synchronized browsing session” between a “host device” and a “guest device” in a manner that significantly improves the bandwidth and processing issues of resource intensive processes like screen sharing and page sharing. This occurs, in part, because the “synchronization server” of the present invention “does not materially impose more

bandwidth or processing power requirements than simply browsing the internet using standard, conventional methods.” (Ex. 1001, 5:33-36).

Thus, the “synchronization server” of the claimed inventions sidesteps the need for a “middleman” server that serves as the centerpiece of the resource-intensive page sharing process. The “synchronization server” of the ’145 Patent, among other things, eliminates the high bandwidth and computer power processing requirements necessary when utilizing a “middleman” server. Unlike the “middleman” server, which must itself request and receive webpages from the webpage server and then continuously serve those webpages to the various guest devices, the “synchronization server” simply coordinates the sharing of communication messages (*e.g.*, “web browsing interaction data”) among the host device and the guest devices involved in a synchronized browsing session. Further, where the participants were joining page sharing sessions from a diverse range of devices and/or browsers, the “middleman” server was often required to serve multiple versions of the same webpage to each of the “guest devices,” thereby exasperating the bandwidth, resource utilization, and latency issues that characterize page sharing.

Moreover, in the ’145 Patent, web server requests are made from the host and guest devices themselves and web content is served to the host device and the guest devices by the web server, thereby eliminating the need for a “middleman” server.

Thus, as compared to the “middleman” servers of the Lebrun, Prajapat, and Wang references, the “synchronization server” of the ’145 Patent provides the numerous benefits described herein.

C. The Independent Claims of the ’145 Patent Are Directed to “Synchronized Browsing Sessions” Wherein the “Guest Device” Receives “Web Browsing Interaction Data” from a “Synchronization Server” and Uses the “Web Browsing Interaction Data” to Access a “Website Server”

There are two independent claims in the ’145 Patent, both of which are directed to a “synchronized browsing session” using a “synchronization server,” “web browsing interaction data,” and a “guest device” that uses the “web browsing interaction data” to access a “website server.”

Claim 1 is a method claim performed by a “guest device” for joining a “synchronized browsing session” that is administered by a “synchronization server.”

Claim 1 is reproduced below, with its important terms emphasized:

1.[1. Preamble] A method performed by a guest device for joining a *synchronized browsing session* administered by a *synchronization server*, comprising:

[1.a] receiving from the *synchronization server* a session invitation including a session identifier associated with a *host device*;

[1.b] activating the session invitation to send a request to join said *synchronized browsing session* to said *synchronization server*;

[1.c] receiving *web browsing interaction data* from said synchronization server, wherein said *web browsing interaction data* is associated with:

[1.c.i] a website server that is independent of the *synchronization server*, and

[1.c.ii] the *host device* that has initiated the session invitation; and

[1.d] operating an application based on said *web browsing interaction data* received from said *synchronization server* to access a website server independent of the *synchronization server* subsequent to the activation of the session invitation.

Claim 9 is similar to claim 1. Claim 9 claims a “guest device” for performing a “synchronized browsing session” administered by a “synchronization server.” The arguments presented regarding independent claim 1 also apply to independent claim 9.

D. The “Synchronization Server” and How it Uses the “Web Browsing Interaction Data” to Administer a “Synchronized Browsing Session” Among a “Host Device” and a “Guest Device”

According to exemplary claim 1, the “guest device” joins a “synchronized browsing session” that is administered by a “synchronization server” pursuant to the steps described therein. The following is a description of the components and steps of exemplary claim 1 that are relevant to Patent Owner’s response to the PTAB’s Institution Decision.

1. The “Host Device” and the “Guest Device”

Claim 1 of the ’145 Patent requires a “guest device” (“A method performed by a *guest device* for joining a synchronized browsing session. . .”) and a “host device” (“receiving . . . a session invitation . . . associated with a *host device* . . .”).

As shown in Figure 1(a), the “host device” and the “guest device” are independent of one another, of the synchronization server, and of the website server. Both are also connected to the Internet:

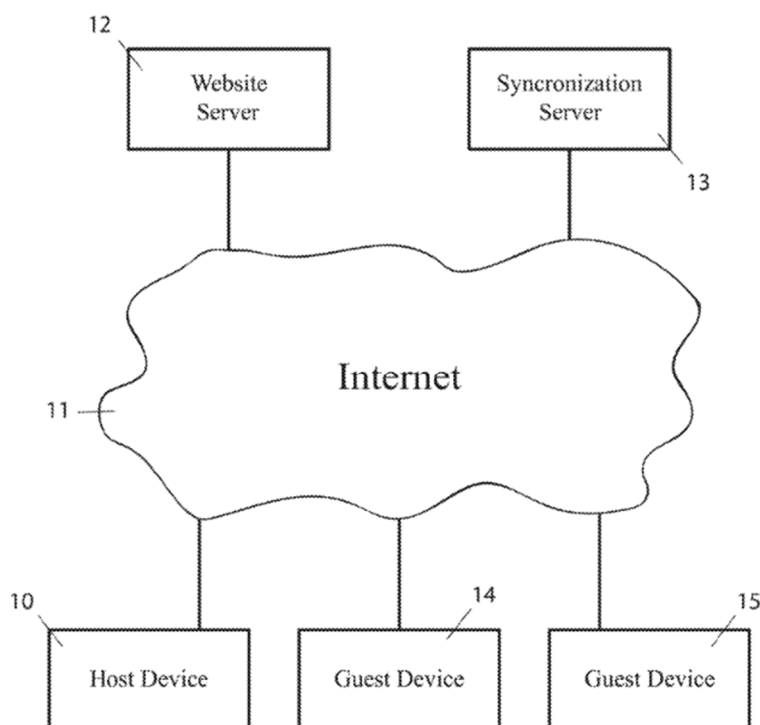


FIG. 1(a)

Pursuant to the claims, the “host device” is the device that “has initiated the session invitation.” (Ex. 1001, 23:9; *see also* 6:14-16). The “guest device” receives “web browsing interaction data” from the synchronization server and operates an application based on the “web browsing interaction data” to access a website server. (Ex. 1001, 23:4-15; *see also* Institution Decision, 5 (“Guest device 14 uses the

communication message to send website request 65 to website server 12. Ex. 1001, 16:67-17:4”)).

As described in the specification, the “host device” shares “webpage interactions” with the “guest device” via the “synchronization server”:

[A] leading device, such as *host device* 10, may be defined as a device that possesses control within the synchronized browsing session, wherein *webpage interactions performed by the leading device within shared browsing window 17 are forwarded to synchronization server 13. . . .*

A following device, such as *guest device* 14, may be defined as any device that *receives relayed webpage interactions from synchronization server 13*. In exemplary embodiments, relayed webpage interactions may include data such as URL, form data, scripts, advertising codes, or other information.

(Ex. 1001, 6:66-7:13).

Both the “host device” and the “guest device” are “electronic device[s] with a visual user interface and a network connection such that a user may access and view a third party website such as one provided by website server 12 over internet 11.” (Ex. 1001, 6:19-22 and 6:29-32).

2. The “Synchronized Browsing Session”

Claim 1 of the ’145 Patent further describes a “synchronized browsing session”: “[a] method performed by a guest device for joining a *synchronized browsing session* administered by a synchronization server . . . activating the session

invitation to send a request to join said *synchronized browsing session* to said synchronization server.”

Pursuant to the specification, a “synchronized browsing session” is a browsing session in which a “host device” shares its internet browsing interactions with a website with a “guest device,” via the “synchronization server,” in a simultaneous real-time fashion in order to support a multitude of synchronized use cases, such as “shopping together, booking travel together, watching or listening to media together, and browsing the internet together in a *simultaneous fashion* from different devices and/or locations.” (Ex. 1001, 2:44-53, 5:22-33; *see also Id.*, 5:37-67).

3. The “Synchronization Server”

Claim 1 requires a “synchronization server.” The “synchronization server” “is designed to establish and facilitate a synchronized browsing session between host device 10 and guest device 14.” (Ex. 1001, 9:34-36).

The manner in which the “synchronization server” establishes and facilitates a “synchronized browsing session” among a “host device” and a “guest device” is set forth in the steps of exemplary claim 1, as described below.

4. The Method by Which the “Synchronization Server” Establishes and Facilitates a “Synchronized Browsing Session” Among a “Host Device” and a “Guest Device”

In its four steps, exemplary claim 1 describes how the “synchronization server” establishes and facilitates a “synchronized browsing session” with a “guest device.” These four steps are described in further detail below.

a. Receiving and Activating the “Session Invitation”

The first two steps of exemplary claim 1 relate to: (1) the receipt from the “synchronization server” by the “guest device” of the invitation to join a “synchronized browsing session;” and (2) the activation by the “guest device” of the session invitation to send a request to the “synchronization server” to join the “synchronized browsing session.” (*See* Ex. 1001, Claim 1, 22:65-23:3; *see also* 10:13-14:53; FIGS. 2(a) – 4(e)).

b. Receiving “Web Browsing Interaction Data” from the “Synchronization Server”

The third step of exemplary claim 1 requires that the “guest device” perform the following step:

[1.c] receiving web browsing interaction data from said synchronization server, wherein said web browsing interaction data is associated with:

[1.c.i] a website server that is independent of the synchronization server, and

[1.c.ii] the host device that has initiated the session invitation

(Ex. 1001, 23:4-9).

Although the term “web browsing interaction data” is not explicitly used in the specification, its meaning and scope, in addition to the limitations set forth in the claims themselves, would have been apparent to a POSITA from the usage in the specification of the interchangeable terms: “webpage interactions,” “webpage interaction information,” and “information related to a shared web browsing interaction.” The pertinent disclosures in the specification are as follows:

- **“webpage interactions”**:

[A] leading device, such as host device 10, may be defined as a device that possesses control within the synchronized browsing session, wherein ***webpage interactions*** performed by the leading device within shared browsing window 17 are forwarded to synchronization server 13. . . .

A following device, such as guest device 14, may be defined as any device that receives relayed ***webpage interactions*** from synchronization server 13. In exemplary embodiments, relayed ***webpage interactions*** may include data such as URL, form data, scripts, advertising codes, or other information.

(Ex. 1001, 6:66-7:13).

- **“webpage interaction information”**:

As previously described, communication message 61 includes ***webpage interaction information***, such as a URL address, form data, java script, cookies, or other data communication.

(Ex. 1001, 18:35-38; *see also* FIG. 5(c) and 5(d)).

- **“information related to a shared web browsing interaction”**:

The present invention further describes a method for implementing a synchronized browsing session, comprising receiving ***information related to a shared web browsing interaction*** performed by a host device from a synchronization server, and performing the shared ***web browsing interaction based on the information received from the synchronization server***.

(Ex. 1001, Abstract).

The present invention further describes a method for implementing a synchronized browsing session, comprising receiving ***information related to a shared web browsing interaction*** performed by a host device from a synchronization server, and performing the shared ***web browsing interaction based on the information received from the synchronization server***.

The present invention further describes an apparatus for implementing a synchronized browsing session, comprising a network interface adapted to communicate with a synchronization server, and a processor adapted to receive ***information from the synchronization server related to a shared web browsing interaction*** performed by a host device, and perform the shared ***web browsing interaction based on the information received from the synchronization server***.

(Ex. 1001, 3:10-24).

A POSITA, when reading the claims in view of the specification, would therefore have understood that the terms “webpage interactions,” “webpage interaction information,” and “information related to a shared web browsing interaction” are interchangeable terms for the “web browsing interaction data” used in the claims. (Ex. 2004, ¶40: “In my opinion, it is clear from the usage of the phrase ‘webpage interaction information’ in the specification and figures that that term

corresponds to the claimed ‘web browsing interaction data’ found in the claims. . . . Therefore, a webpage interaction is a web browsing interaction, and webpage interaction information is web browsing interaction data.”)

The specification further describes the steps for performing the “synchronized browsing session” using the “web browsing interaction data,” the “synchronization server,” and the “guest device” as follows:

FIG. 5(a) “illustrates a block diagram of exemplary data communication transferred between components of the present invention during a synchronized browsing session. FIG. 5(a) shows host device 10, website server 12, synchronization server 13 and guest device 14 transmitting data communication for a synchronized browsing session.” (Ex. 1001, 15:53-58).

FIG. 5(a) is reproduced below:

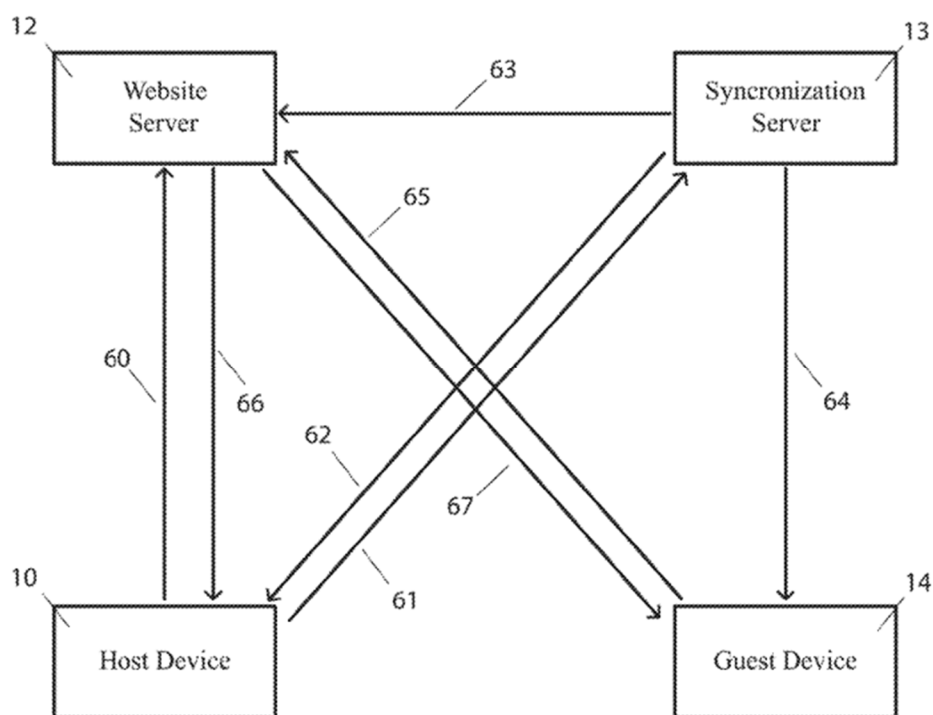
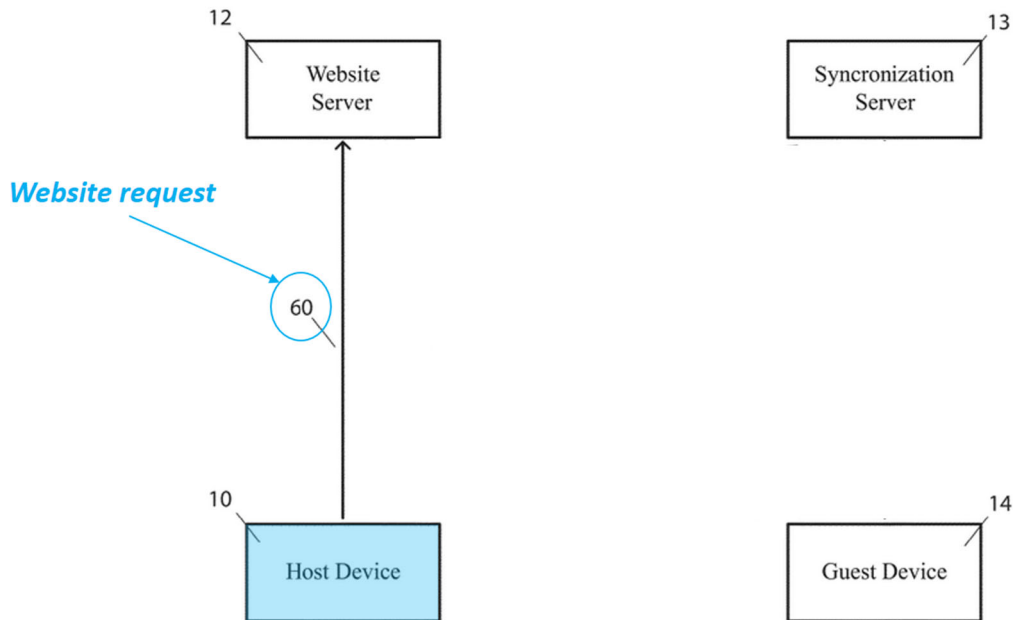


FIG. 5(a)

The specification describes the “data communication transferred between components of the present invention during a synchronized browsing session” as follows:

First, “[d]uring a synchronized browsing session, host device 10 may transmit website request 60 to website server 12. In an exemplary embodiment, website request 60 is a data communication message sent to request webpage content at a designated location, such as website server 12.” (Ex. 1001, 15:61-66).

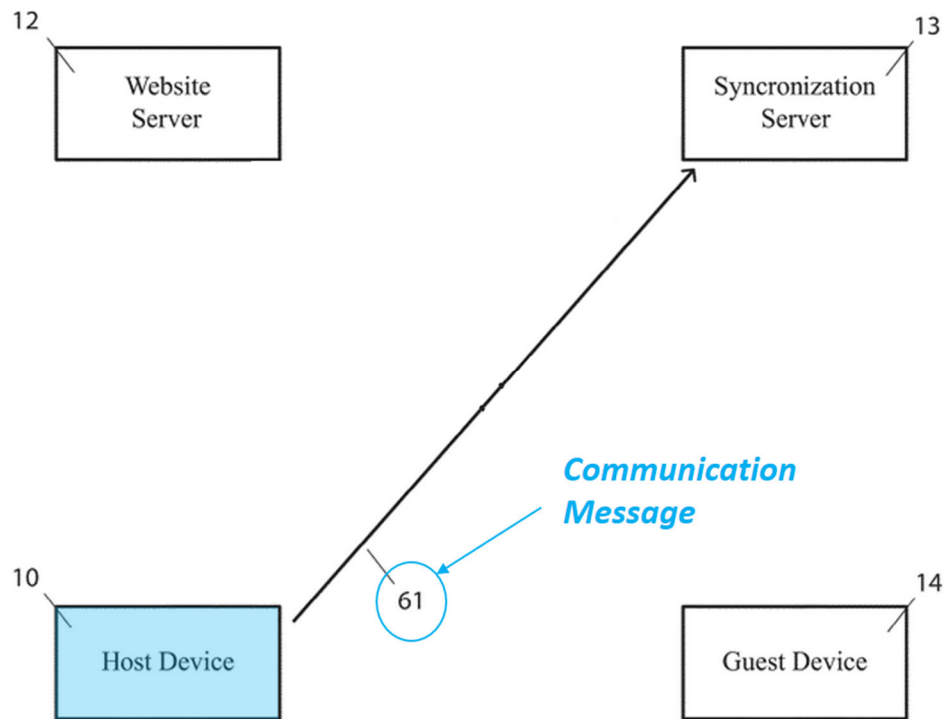
FIG. 5(a) is shown modified below in sequence to point out the sequence of steps. The first-step modified and annotated version of FIG. 5(a) below shows the “website request 60” from the “host device 10” to the “website server 12”:



Modified and Annotated FIG. 5(a)

Second, “[d]uring an exemplary synchronized browsing session, after host device 10 transmits website request 60 to website server 12, host device 10 transmits communication message 61 to synchronization server 13.” (Ex. 1001, 16:12-15; *see also* 6:33-36; 17:7-10; 17:59-65). Communication message 61 “includes webpage interaction information, such as URL address, form data, java script, cookies, or other data communication.” (Ex. 1001, 18:35-38). Communication message 61 thus includes and forwards the “webpage interactions performed by the [host] device within shared browsing window” to the “synchronization server.” (Ex. 1001, 7:2-4).

The second-step modified and annotated version of FIG. 5(a) below shows the “communication message 61” sent from the “host device 10” to the “synchronization server 13”:

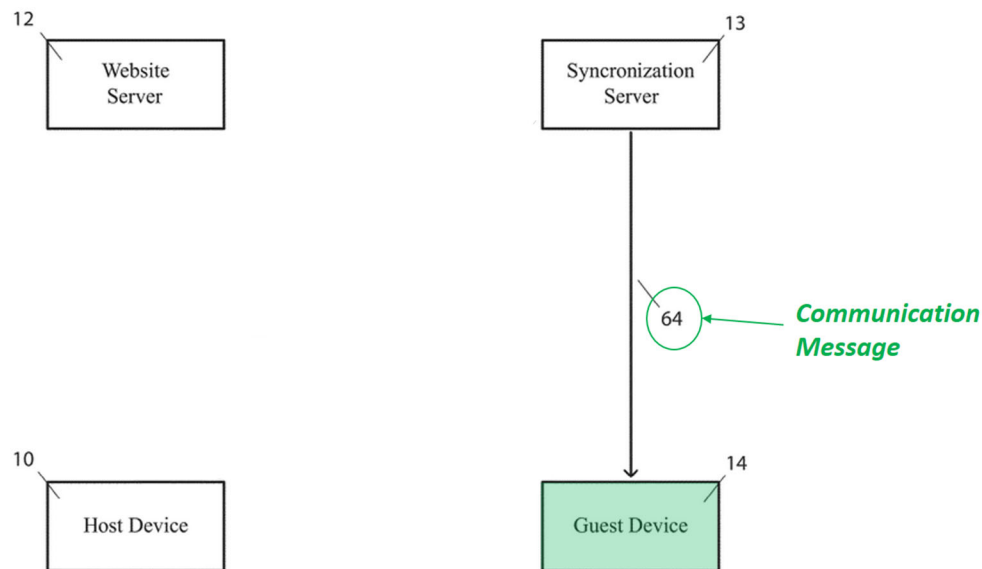


Modified and Annotated FIG. 5(a)

Third, “[a]fter host device 10 transmits communication message 61 to synchronization server 13, synchronization server 13 forwards communication message 64 to guest devices.” (Ex. 1001, 16:62-64). “Communication message 64 is designed to be forwarded by synchronization server 13 to guests in the synchronized browsing session, such as guest 14, to perform the synchronized browsing session. In exemplary embodiments, communication message 64 may be

a duplicate of website request 60, or may comprise the URL address of website server 12. In other embodiments, communication message 64 may also include other transmitted data from website request 60, such as cookie information, form data, java script, or other user inputted information, or attached files.” (Ex. 1001, 16:42-51; *see also* 6:51-52; 19:15-19; FIG. 5(d), step 601). Communication message 64 thus includes and relays the “webpage interactions” performed by the “host device” from the “synchronization server” to the “guest device.” (Ex. 1001, 7:2-4; 7:8-10).

The next-step modified and annotated version of FIG. 5(a) below shows the “communication message 64” sent from “synchronization server 13” to the “guest device 14:”



Modified and Annotated FIG. 5(a)

c. Operating an Application Based on the “Web Browsing Interaction Data” to Access a “Website Server”

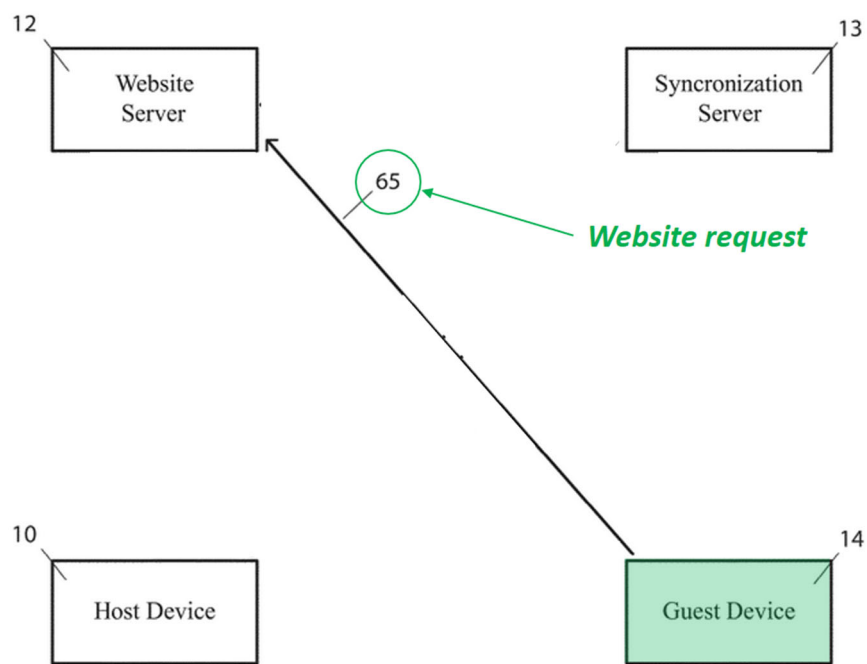
The fourth and final step of exemplary claim 1 requires that the “guest device” operate an application based on the “web browsing interaction data” received from the “synchronization server” to access a “website server”:

[1.d] operating an application based on said web browsing interaction data received from said synchronization server *to access a website server independent of the synchronization server* subsequent to the activation of the session invitation.

(Ex. 1001, 23:11-15).

According to the specification, the “communication message 64” (which, as discussed in Section II.D.4.b., *supra*, includes the “webpage interactions” performed by the “host device”) sent from the synchronization server to the guest device in the prior step, “may be used by guest device 14 to formulate website request 65 to be sent from guest device 14 to website server 12. Website request 65 is a data communication message transmitted by guest device 14 to website server 12. In exemplary embodiments, website request 65 should be similar or identical to website request 60.” (Ex. 1001, 16:67-17:6). “Guest device 14 formulates website request 65 by processing communication message 64. In exemplary embodiments, information in communication message 64, including URL, form data, cookies or other data, is transmitted in website request 65.” (Ex. 1001, 19:23-27).

The next-step modified and annotated version of FIG. 5(a) below shows the “website request 65” sent from the “guest device 14” to the “website server 12:”

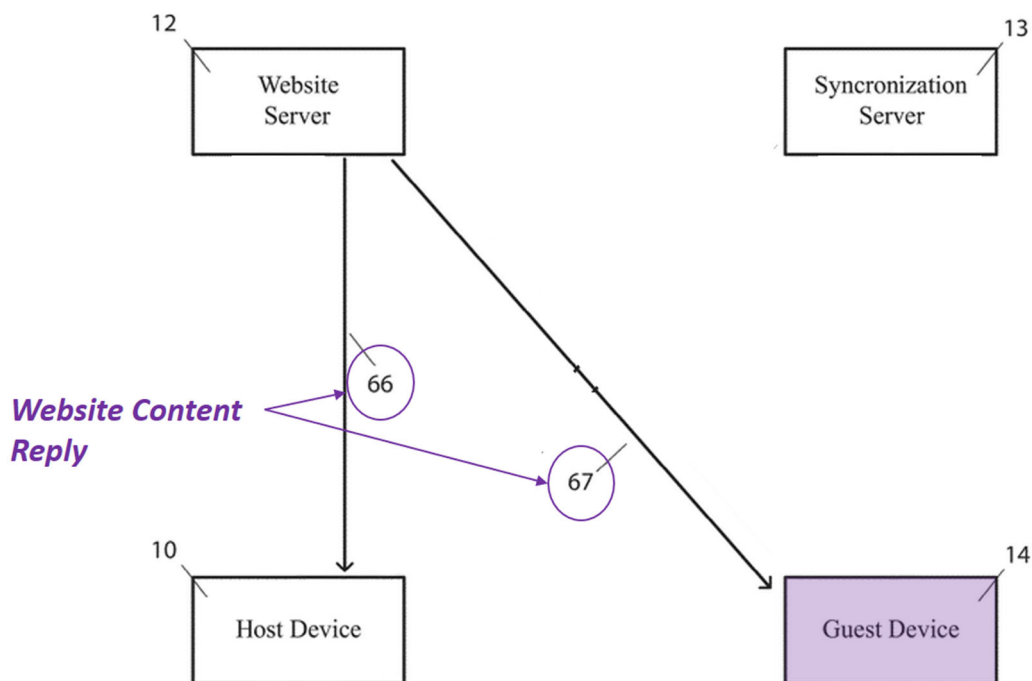


Modified and Annotated FIG. 5(a)

When the “website request 65” sent from the “guest device” to the “website server” is identical to the “website request 60” sent from the host device to the “website server,” as described in the specification, the “website content reply 67, the data content sent by website server 12 in response to website request 65, is similar or identical to website content reply 66. As such, in a synchronized browsing session between host device 10 and guest device 14, audio and visual output of shared browsing window 17 on guest device 14 is similar or identical to that on host device

10 unless personalization settings, such as private cookie information, are triggered for one of the devices on the site.” (Ex. 1001, 17:39-47).

The next-step modified and annotated version of FIG. 5(a) below shows the “website content reply 66” sent from the “website server 12” to the “host device 10” and shows the “website content reply 67” sent from the “website server 12” to the guest device 20:



Modified and Annotated FIG. 5(a)

When “website request 65 is similar or identical to website request 60, audio and visual output of content reply 67 is similar or identical to audio and visual output of content reply 66 unless one or more of the users has already registered with that site and certain personalization settings are triggered for that user at that site in which

case the rendered site would also include those settings within the context of the requested site.” (Ex. 1001, 19:37-43).

In other words, when “website request 60” from the “host device 10” and “website request 65” from the “guest device” are identical, “website content reply 66” will be similar or identical to “website content reply 67,” and therefore the user of the “host device” and the user of the “guest device” will be engaging in a “synchronized browsing session,” per the claims of the ’145 Patent.

In a “synchronized browsing session,” the “guest device” mimics the web browsing interactions performed by the “host device.” This is achieved as follows: When the “host device” performs web browsing interactions, information related to the web browsing interaction performed by the “host device” is sent from to the “host device” to the “synchronization server” and then “webpage interactions performed by the [host device] within shared browsing window 17 are forwarded to synchronization server 13.” (Ex. 1001, 7:2-4).

The “synchronization server” then sends (relays) the “webpage interactions” received from the “host device” to the “guest device”: “guest device 14 . . . receives relayed webpage interactions from synchronization server 13.” (Ex. 1001, 7:8-10). Thus, having received the information related to the shared browsing interaction performed by a “host device” from the “synchronization server,” the “guest device” performs the shared web browsing interaction based on the information that the

“guest device” received from the “synchronization server.” (Ex. 1001, 3:10-16; *see also e.g.*, Abstract, 3:10-24, 6:62-7:4, 7:66-8:5, FIGs. 5(a), 5(d)).

The performance of web browsing interactions by the “host device” is therefore mimicked by the “guest device” in this “synchronized browsing session” to achieve a website data output (*e.g.* “audio and visual output”) that is “similar or identical to that on [the] host device.” (*See, e.g.* Ex. 1001, 7:37-41, 8:3-23, 17:38-47, 19:36-39, FIGs. 5(a), 5(d)).

5. The Scope of the Claimed “Web Browsing Interaction Data”

The Board stated that, for the purposes of its institution decision, “no claim terms need be expressly construed.” (Institution Decision, 12). However, the Board noted that Patent Owner’s arguments “raise particular claim scope contentions regarding ‘web browsing interaction data’ recited in each of the independent claims.” (*Id.*, 13).

In response to Patent Owner’s contention that the claimed “web browsing interaction data” is the “webpage interaction information,” the Board further stated that Patent Owner “does not sufficiently address, at this preliminary juncture, the differences in the term used in the written description and the claim term itself.” (Institution Decision, 27). The Board then explained that, “based on this preliminary record, ‘web browsing interaction data’ encompasses webpages or portions thereof

related to a browsing interaction and is not limited to data related to enabling a host interaction being replicated by the guest device.” (Institution Decision, 27).

Ultimately, the Board concluded that, “[o]n the preliminary record, particularly in light of the broad language used in claim 1 that does not recite the specific operations that Patent Owner contends are required, the scope of ‘web browsing interaction data’ encompasses web page data used for browsing and interacting with a web site.” (Institution Decision, 28).

Nevertheless, the below analysis clearly shows that “Web browsing interaction data” does *not* encompass webpages or portions thereof that are the result of a browsing interaction. Instead, as taught in the specification of the ’145 Patent:

- The terms used in the specification—“webpage interactions,” “webpage interaction information,” and “information related to a shared web browsing interaction”—are interchangeable with the claim term “web browsing interaction data” (*see* Section II.D.4.b., *supra*);
- As demonstrated by Figure 5(d), “webpage interaction information,” *i.e.*, “web browsing interaction data,” does not include the webpage data received from a website server in response to a website request by the “host device”; and

- Consistent with the teachings of the specification, “web browsing interaction data” of the claims is “data describing interactions performed on a website by a host device.”

a. “Web Browsing Interaction Data” of the Claims Does Not Encompass Webpages or Partially Filled Webpages

From the description in the specification, it is clear that the claim term “web browsing interaction data” does not encompass webpages or partially filled webpages.

Annotated Figure 5(d) of the ’145 Patent refers to “webpage interaction information” in Steps 601 and 602, which, as shown in Figure 5(a), corresponds to “communication message 64” and to “website request 65,” respectively. As discussed in Section II.D.4.b., *supra*, the term “webpage interaction information” is interchangeable with the claim term “web browsing interaction data”:

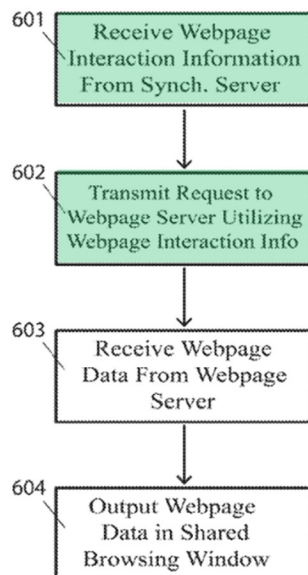


FIG. 5(d)

Annotated FIG. 5(d)

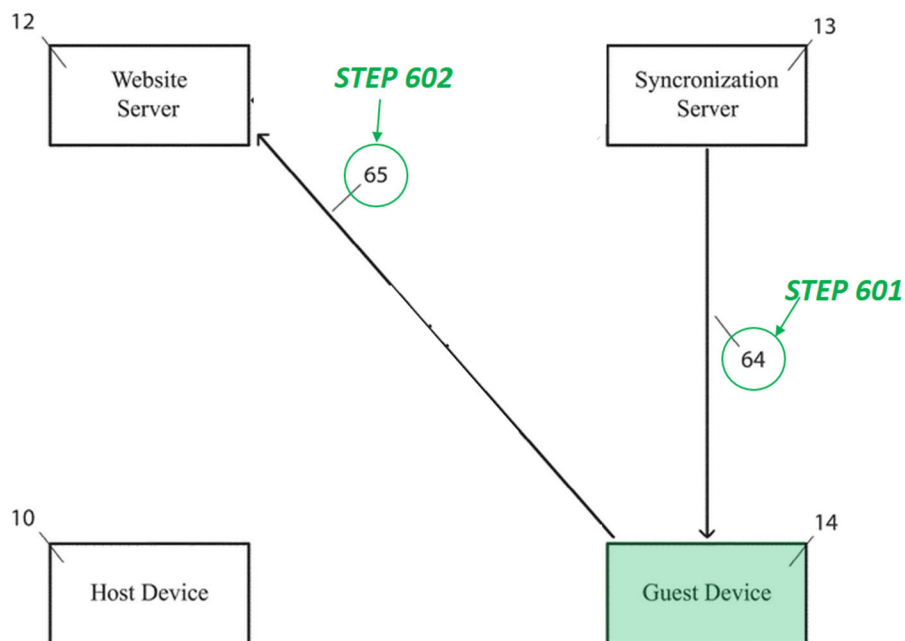


FIG. 5(a)

Modified and Annotated FIG. 5(a)

In step 601, the “guest device” receives “webpage interaction information” from the “synchronization server.” The specification also states that, in step 601, the “guest device” receives the “communication message” from the “synchronization server” (Ex. 1001, 19:16-19), and that the “communication message” includes the “webpage interaction information” of Figure 5(d) (Ex. 1001, 18:35-38). In the claims, step [1.c] corresponds to step 601—“receiving *web browsing interaction data* from said synchronization server . . .” (Ex. 1001, 23:4-5)—and therefore the “webpage interaction information” is interchangeable with “web browsing interaction data,” which are included in the “communication message.”

In step 602, the “guest device” utilizes the received “webpage interaction information” to transmit a request to a “webpage server.” Again, the specification describes the “webpage interaction information” of Figure 5(d) in the context of the “communication message 64”: “[g]uest device 14 formulates website request 65 by processing *communication message 64*. In exemplary embodiments, information in communication message 64, including URL, form data, cookies or other data, is transmitted in website request 65.” (Ex. 1001, 19:19-27). In the claims, step [1.d] corresponds to step 602—“operating an application based on said *web browsing interaction data* received from said synchronization server to access a website server . . .” (Ex. 1001, 23:11-13)—and therefore, the “web browsing interaction data” is interchangeable with “webpage interaction information.”

b. Figure 5(d) Makes Clear that “Web Browsing Interaction Data” is Not the “Webpage Data” Received in Later Steps

As depicted in Figure 5(d) of the '145 Patent, “webpage interaction information” of steps 601 and 602 is *not* the “webpage data” of steps 603 and 604 of Figure 5(d). Therefore the “web browsing interaction data” of the claims, which is interchangeable with the “webpage interaction information” of Figure 5(d), is *not* “webpage data.”

Figure 5(d) describes, in steps 603 and 604, the receipt, by the “guest device,” of the webpage data from the webpage (website) server and the output, by the “guest device” of the webpage data in a shared browsing window. As the webpage data that is received by the “guest device” was sent by the webpage server in response to the request, in step 602, to the webpage server that utilized the webpage interaction information, it is plain that, since the webpage interaction information is utilized to formulate the website request and since the webpage data is sent in response to the website request, the webpage interaction information and the webpage data must not be the same thing:

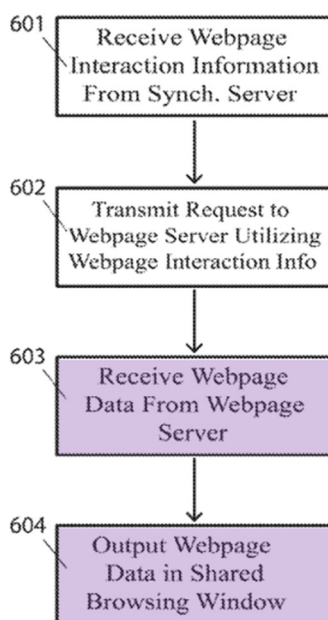


FIG. 5(d)
Annotated FIG. 5(d)

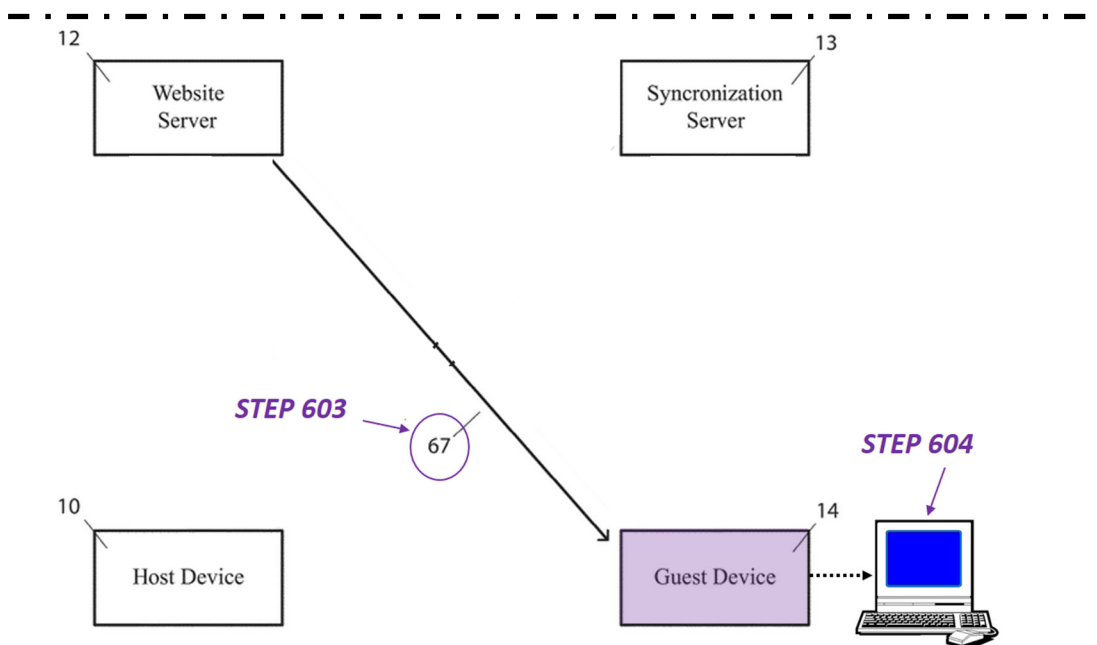


FIG. 5(a)

Modified and Annotated FIG. 5(a)

In step 603, the “guest device” receives “webpage data from webpage server,” *i.e.*, as stated in the specification, “[i]n step 603, guest device 14 receives content reply 67 from website server 12.” (Ex. 1001, 19:28-29; Figure 5(d):Step 603). The receipt of the “webpage data” is in response to the request of Step 602, created by the guest device that is utilizing the “webpage interaction information” which is then sent to the webpage server. Thus, Figure 5(d) makes clear that the “webpage interaction information” is used to obtain the “webpage data,” and therefore these two things must be distinct from one another.

In step 604, the “guest device” outputs the “webpage data” in a shared browsing window, *i.e.*, “guest device 14 outputs content reply 67 via user interface 27 to the user of guest device 14 within shared browsing window 17 in synchronized browsing software 16.” (Ex. 1001, 19:26-32; Figure 5(d), Step 604).

Below is the modified and annotated Figure 5(a) that depicts Figure 5(d) within the context of the invention architecture as depicted in Figure 5(a). It illustrates the distinction between “webpage interaction information” (step 602) and the “webpage data” (step 604):

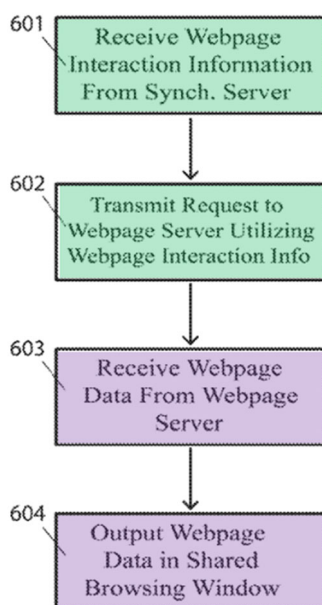


FIG. 5(d)

Annotated FIG. 5(d)

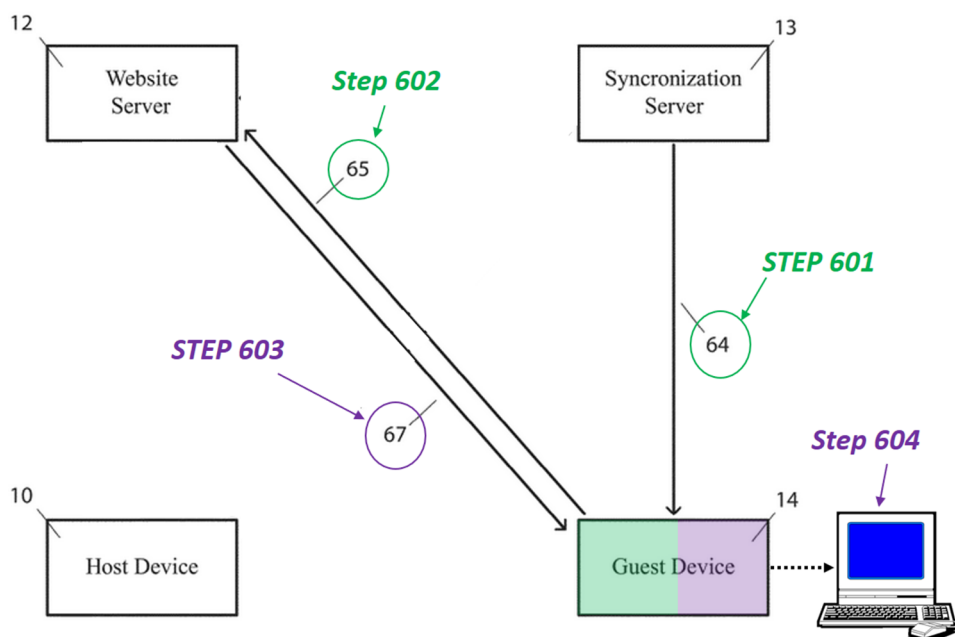


FIG. 5(a)

Modified and Annotated FIG. 5(a)

Thus, as understood from Figure 5(d) and from the description in the '145 Patent at 19:16-36, the terms “webpage interaction information” and “webpage data” refer to *different* things. As discussed, the “webpage interaction information” of steps 601 and 602 of Figure 5(d) corresponds to the “web browsing interaction information” of steps [1.c] and [1.d] of claim 1, which is encompassed in a communication message.

In contrast, as described in Steps 603 and 604 of Figure 5(d), “webpage data” refers to the data that is received by the “guest device” from the “webpage server” that the “guest device” outputs in a shared browsing window. Thus, the “webpage data,” received from a “webpage server,” corresponds to the website server “content reply,” described, for example, at 19:28-40 of the '145 Patent.

The *distinction* between “webpage interaction information” (*i.e.*, “web browsing interaction data”) and “webpage data” is therefore clear and relevant. “Webpage interaction information,” like “web browsing interaction data,” and the “communication message 64” by which it is communicated to the “guest device,” “is designed to be forwarded by synchronization server 13 to guests in the synchronized browsing session, such as guest 14, to perform the synchronized browsing session.” (Ex. 1001, 16:42-45). In exemplary embodiments, “communication message 64 may be a duplicate of website request 60, or may comprise the URL address of website server 12. In other embodiments,

communication message 64 may also include other transmitted data from website request 60, such as cookie information, form data, java script, or other user inputted information, or attached files. . . . Communication message 64 may be used by guest device 14 to formulate website request 65 to be sent from guest device 14 to website server 12” (Ex. 1001, 16:42-51; 16:67-17:2).

On the other hand, “webpage data,” like the “content reply 67” to which it corresponds, is “the data content sent by website server 12 in response to website request 65.” (Ex. 1001, 17:39-41).

This distinction between the webpage interaction information contained in the request to the webpage server from the “guest device” and the contents of a webpage contained in the response from the webpage server is confirmed by Samesurf’s expert, Stacy Friedman: “the ’145 Patent distinguishes the contents of a webpage (the webpage data in the web server’s response) from the webpage interaction information sent in the guest device’s request.” (Ex. 2004, ¶39; *see also* ¶¶40-45).

The Board concluded that “on this preliminary record,” the “scope of ‘web browsing interaction data’ encompasses web page data for browsing and interacting with a web site.” (Institution Decision, 28). However, this is **not** correct because the terms “webpage interaction information” received from the synchronization server (step 601) and “webpage data” received from the website server (step 603) refer to

different things, *i.e.*, “web browsing interaction data” is ***not*** inclusive of responsive webpage data from a webpage server.

Accordingly, “web browsing interaction data” does ***not*** include responsive “***webpage*** data” from a website server. Otherwise, the “guest device” would be engaging in meaningless redundancy by utilizing the webpage data received from the synchronization server to request the very same webpage data from the webpage server that was already received in the “web browsing interaction data” message.

c. Proper Construction of “Web Browsing Interaction Data”

In acknowledgement of the above arguments and in addition to Patent Owner and Petitioner’s apparent disagreement regarding the plain and ordinary meaning of this term, Patent Owner suggests that, should the Board elect to construe the claim term “web browsing interaction data,” the Board should adopt the following construction: “data describing interactions performed on a website by a host device.”

As discussed in Section II.D.4.b., *supra*, a POSITA reading the claims in light of the specification would have understood that the term “web browsing interaction data” is interchangeable with the terms “webpage interactions,” “webpage interaction information,” and “information related to a shared web browsing interaction” which are used in the specification.

As further discussed in Section II.D.4.c., *supra*, as it relates to a “synchronized browsing session,” the “guest device” mimics the web browsing interactions performed by the “host device,” because information related to the web browsing interaction performed by the “host device” is sent from to the “host device” to the “synchronization server.” (Ex. 1001, 7:8-10). The “synchronization server” then sends the information related to the web browsing interaction performed by the “host device” to the “guest device,” which performs the shared web browsing interaction based on the information that the “guest device” received from the “synchronization server.” (Ex. 1001, 3:10-16; *see also e.g.*, Abstract, 3:10-24, 6:62-7:4, 7:66-8:5, FIGs. 5(a), 5(d)).

Thus, a POSITA would have understood the term “web browsing interaction data” to refer to “data describing interactions performed on a website by a host device.” *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005); *Trs. of Columbia Univ. v. Symantec Corp.*, 811 F.3d 1359, 1363 (Fed. Cir. 2016) (“the only meaning that matters in claim construction is the meaning in the context of the patent.”); *GPNE Corp. v. Apple, Inc.*, 830 F. 3d 1365, 1370 (Fed. Cir. 2016) (“We have recognized that when a patent “repeatedly and consistently” characterizes a claim term in a particular way, it is proper to construe the claim term in accordance with that characterization.”) (citing *VirnetX, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308,

1318 (Fed. Cir. 2014) and *ICU Med., Inc. v. Alaris Med. Sys., Inc.*, 558 F.3d 1368, 137475 (Fed. Cir. 2009)).

“Data describing interactions performed on a website by a host device” does not include the data **resulting** from the interactions. (Ex. 2004, ¶¶36-45). The webpage data returned from the website is the **result** of interactions performed on a website by a host device. (*Id.*) Indeed, for this reason, Mr. Friedman opines that the term “web browsing interaction data” cannot include “the webpage data that is sent by a website server **in response** to a web request sent by the claimed guest device to that website server.” (*Id.* at ¶45).

Thus, as described in the remainder of this brief, this construction, which does not include webpage data, resolves any apparent dispute between Patent Owner and Petitioner regarding the scope and application of this claim term and therefore assists the Board in adjudicating this matter.

E. The Southern District of California Court Found that the Claims of the '145 Patent are Directed to Patentable Subject Matter Pursuant to 35 U.S.C. § 101

On March 29, 2022, Samesurf, owner of the '145 Patent, filed a complaint in the District Court for the Southern District of California for, among other things, infringement by Intuit of the '145 Patent.

On May 23, 2022, Intuit filed a motion to dismiss Samesurf's complaint on the grounds that the claims of the '145 Patent are directed to an abstract idea and are

therefore invalid for failing to claim patentable subject matter pursuant to 35 U.S.C. § 101.

On January 10, 2023, the Southern District of California court issued an Order *denying* Intuit’s motion to dismiss. (“Order”; Ex. 2005). In its Order, the district court held that, because the ’145 Patent teaches that the “synchronization server” included in the claims overcame the bandwidth and processing issues of the prior art, the claims are directed to a specific solution to a problem arising in the realm of computer networks: “the asserted claims offer a specific technologic solution/mechanism—utilization of a synchronization server—to address the identified problems with the prior art.” (Ex. 2005, 16). The court thus held that the claims are not directed to an abstract idea. (*Id.*)

III. LEVEL OF ORDINARY SKILL IN THE ART

In its Institution Decision, the Board found that, “a person of ordinary skill in the art would have had (1) at least a bachelor’s degree in computer science, computer engineering, electrical engineering, or a similar field, and (2) at least two years of work experience in software development and/or web-based software.” (Decision, 11-12).

Patent Owner accepts the Board’s level of ordinary skill in the art.

IV. ARGUMENT

As shown below, each of the three references relied upon by the Board in its Institution Decision (“Decision”)—Lebrun (Ex. 1005), Wang (Ex. 1006), and Prajapat (Ex. 1007)—fail to teach or suggest at least: (1) step [1.c] of exemplary claim 1: “receiving web browsing interaction data from said synchronization server. . .”; and (2) step [1.d] of exemplary claim 1: “operating an application based on said web browsing interaction data received from said synchronization server to access a website server. . .” As such, there is *no* combination of these three references that discloses each of the limitations of claims 1-18 of the ’145 Patent. (Ex. 2004, ¶¶53-85).

Accordingly, neither the Board nor Petitioner has proven that claims 1-18 of the ’145 Patent are obvious over any combination of these references pursuant to 35 U.S.C. § 103. The Board should therefore affirm the validity of claims 1-18 over these references.

A. Lebrun Does Not Teach or Suggest the “Web Browsing Interaction Data,” the “Synchronization Server,” or the “Guest Device” that Receives and Uses “Web Browsing Interaction Data” Found in All of the Claims

The Board found that there is a reasonable likelihood that Petitioner would prevail in showing at least one of claims 1-18 of the ’145 Patent is unpatentable

under 35 U.S.C. § 103 over Lebrun (WIPO Int'l Publ. No. WO00/48110 (Ex. 1005)) in view of Wang (U.S. Patent Pub. No. 2005/0033656 (Ex. 1006)).

Lebrun (Ex. 1005) sought to “provide an improved technique for group access to web sites,” “in which multiple related users can simultaneously access a sequence of web sites (web surfing), such that each of the related users has substantially the same content presented at the same times.” (Ex. 1005, 4:6-9).

Lebrun's system operates in the following manner:

After creating a “group-surfing session” that includes identifying all of the web clients that are participating in that session, the group-surfing server, or one of the web clients, determines which webpage to deliver to the participating web clients. (Ex. 1005, 34:15-35:2).

Having received from the controlling web client the identity of the webpage to be delivered to the participating web clients, “[t]he group-surfing server 140 contacts the web site 130 having that next page 153, and directs that target web site 130 to deliver that next page 153 so it can be presented [by the group-surfing server 140] to those web clients 110 participating in the session” (Ex. 1005, 35:6-8). In other words, “[t]he group-surfing server 140 (1) contacts the web site 130 having that next page 153 after adding proper cookie or other identity information, and directs that target web site 130 to deliver that next page 153 to the group-surfing server 140 itself.” (Ex. 1005, 45:25-28).

In some circumstances where the web clients participating in the “group-surfing session” comprise different types of devices such as smartphones or “Palm Pilots,” the “group-serving server” must make multiple requests for the web site to send different versions of the same webpage. (Ex. 1005, 36:11-17).

Since it is the “group-surfing server” that requests and receives the webpage from the website, it is also the “group-surfing server”—*not the web clients*—that receives “a ‘cookie’ or other data relating to identity or session from the web site 130.” (Ex. 1005, 46:7-8). The “group-surfing server” “records the ‘cookie’ in a cookie database relatively local to the group-surfing server 140 and session.” (Ex. 1005, 46:8-9). “Each time the group-surfing 140 requests a page from the web site 130, the group-surfing server 140 also sends any relevant ‘cookies’ that were received from the web site 130.” (Ex. 1005, 46:10-11). Thus, the group-surfing server maintains cookie or other identity/session information in a local database and uses that information to retrieve personalized web pages (based on that cookie or identity information) before sending those web pages to the participating clients. (Ex. 2004, ¶¶53-56 and ¶¶72-73).

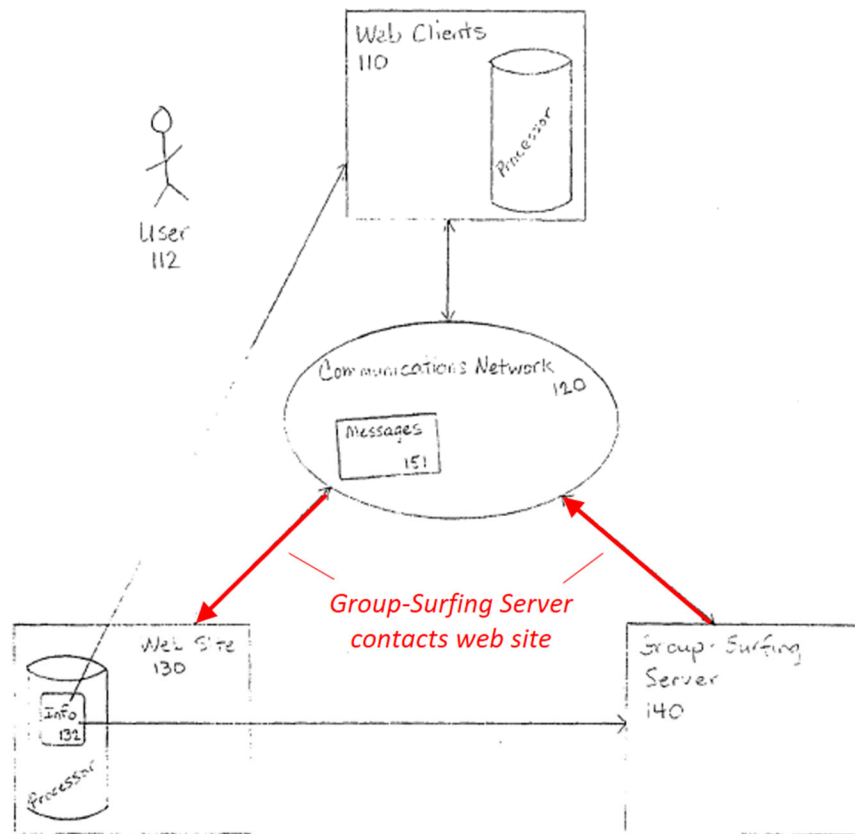
After receiving the different versions of the webpage from the website server, “the group-surfing server 140 then re-sends that page 153 to those web clients 110 participating in the session.” (Ex. 1005, 45:28-29). (Ex. 2004, ¶54).

Lebrun teaches that load can be reduced on the “group-surfing server” by using a “program fragment” loaded at each web client. (Ex. 1005, 36:21-22). “The program fragment can include one or more of, or any combination of, a Java applet, a section of JavaScript code, a web browser plug-in, an active-X element, or another technique for interfacing with the web client 25 110 and affecting its operation with the web site 130 and the group-surfing server 140.” (Ex. 1005, 36:22-25). Lebrun lists five functions of the program fragment. (Ex. 1005, 36:31-37:17).

Further, where the webpages include “multimedia (such as embedded sound, images, or program fragments),” Lebrun teaches that, “in order to reduce load on the group-serving server 140, the group-serving server 140 sends only the page 153 itself without any multimedia elements (such as embedded sound, images, or program fragments). Each participating web client 110 requests those multimedia elements directly from the web site 130.” (Lebrun, 45:31-46:2).

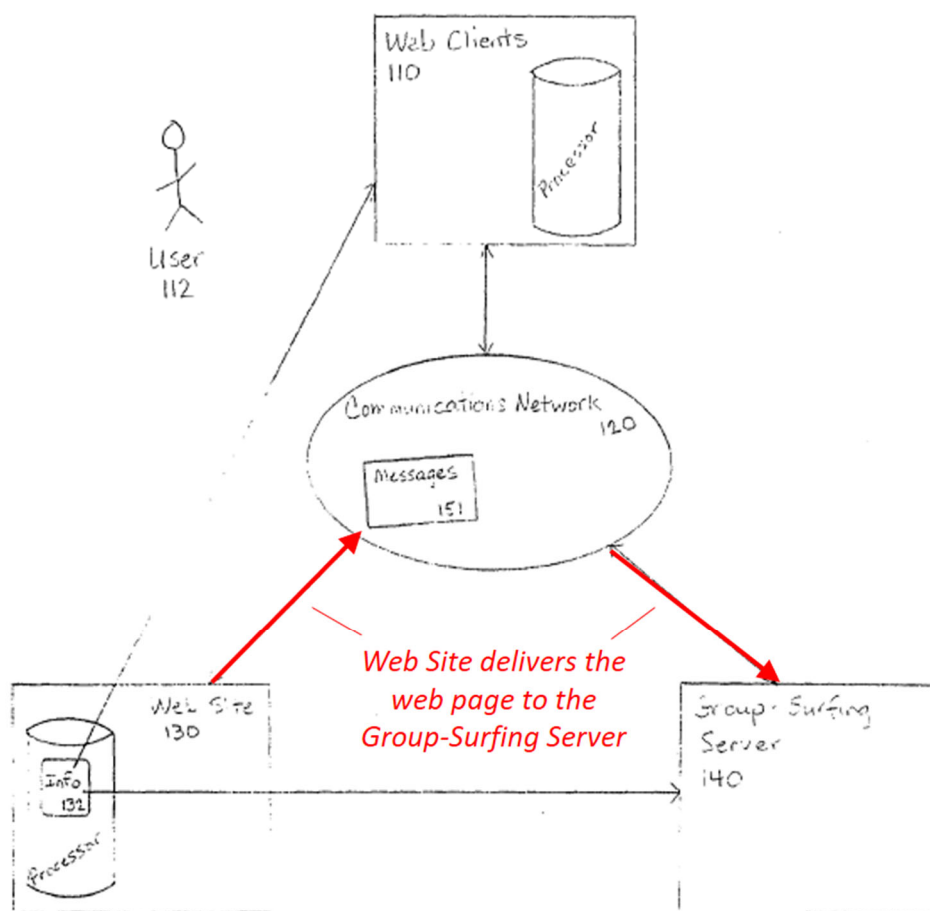
The three primary steps taught by Lebrun—(1) the “group-surfing server” contacting the website server; (2) the website server delivering the webpage to the “group-surfing server”; and (3) the “group-surfing server” re-sending the full webpage to the web clients (where no multimedia is embedded) or, where multimedia is embedded, re-sending a partial webpage wherein each web client separately requests the embedded multimedia elements directly from the website—are depicted below using Figure 3 of Lebrun.

First, the modified and annotated version of Figure 3 of Lebrun below shows the group-surfing server contacting, via the added red arrows, the website having the next webpage and directing the website to deliver the webpage to the group-serving server:



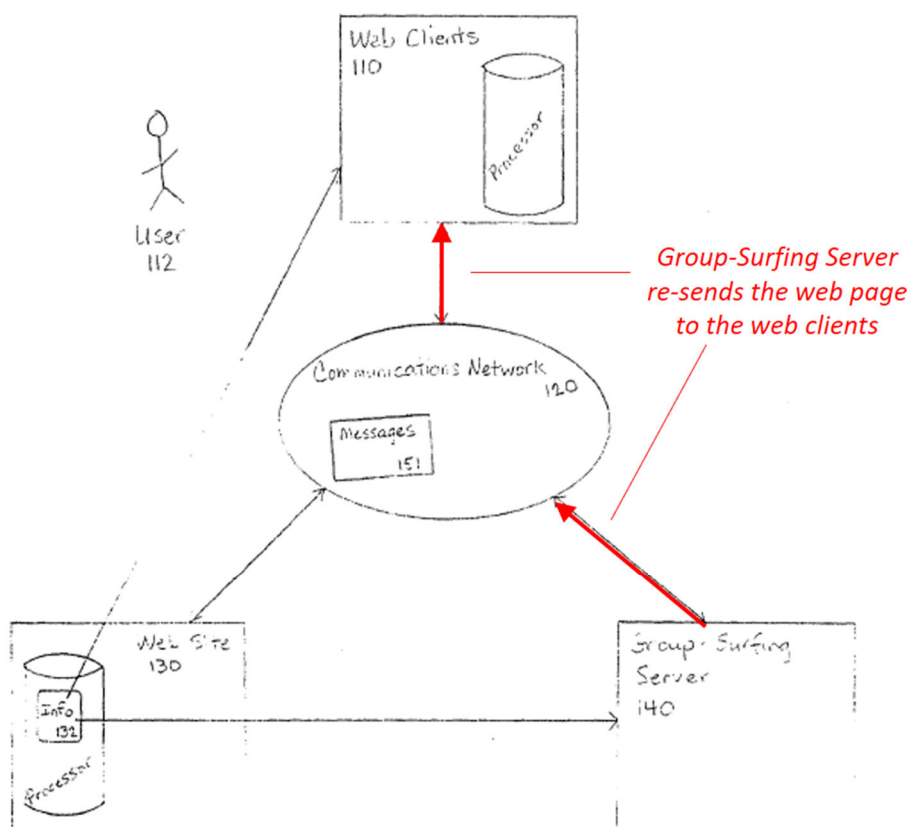
Modified and Annotated Figure 3 of Lebrun

Second, the modified and annotated version of Figure 3 of Lebrun below shows the website delivering the webpage to the group-serving server:



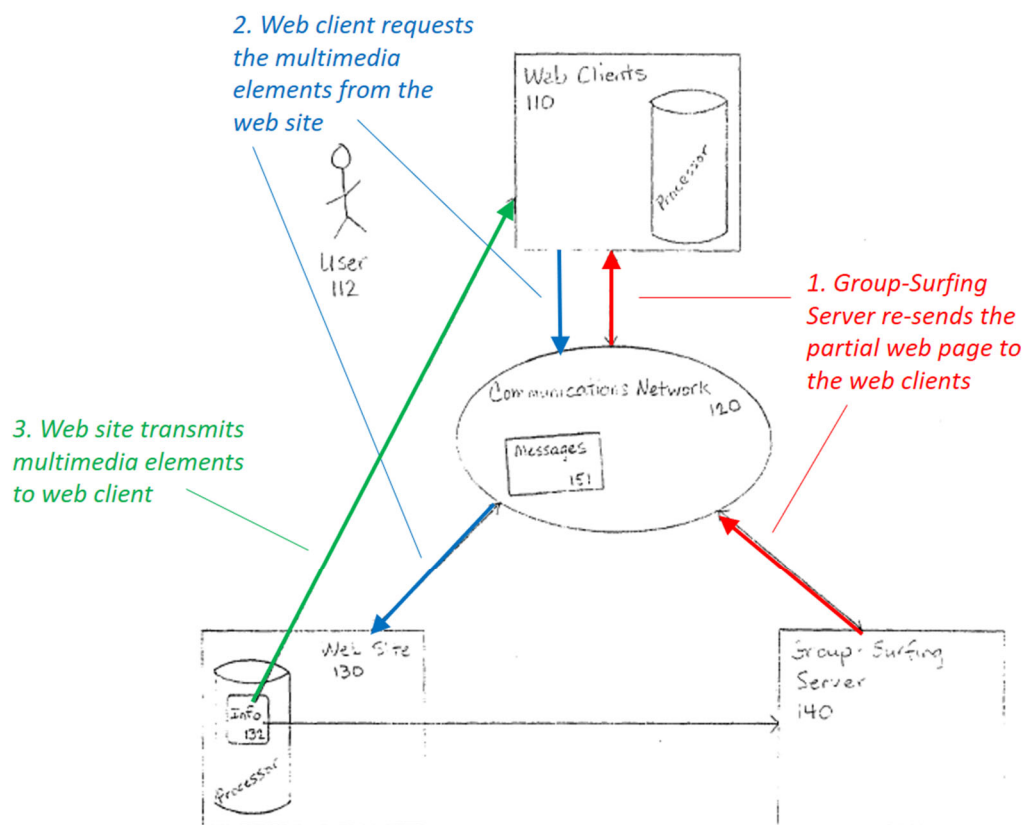
Modified and Annotated Figure 3 of Lebrun

Third, in instances where the webpage contains no embedded multimedia elements, the modified and annotated version of Figure 3 of Lebrun below shows the group-surfing server 140 re-sending the full webpage 153 to those web clients 110 participating in the session:



Modified and Annotated Figure 3 of Lebrun

Fourth, in instances where the webpage contains embedded multimedia elements, the modified and annotated version of Figure 3 of Lebrun below shows the group-surfing server 140 re-sending a partial webpage 153 to those web clients 110 participating in the session and the web clients requesting the multimedia elements directly from the website:



Modified and Annotated Figure 3 of Lebrun

The Board found Petitioner’s showing regarding Lebrun to be sufficient for institution. (Decision, 30). Nevertheless, Petitioner has not met its burden of proving that Lebrun meets steps [1.c] and [1.d] of exemplary claim 1 of the ’145 Patent.

With respect to step [1.c] which reads “receiving web browsing interaction data from the synchronization server,” Petitioner contends that the webpages delivered to web clients participating in the group-surfing session and the program fragment used to present the webpages correspond to the “web browsing interaction data.” (Decision, 22).

The full webpages (those that contain no embedded multimedia elements) and the partial webpages (those which contain removed multimedia elements) that are transmitted from the “group-surfing server” to the web clients are clearly *not* the claimed “web browsing interaction data.” As discussed, “web browsing interaction data” must comprise “web browsing interactions” to be *performed* by the guest device, not merely the end result of performing those interactions (*e.g.* receiving the full webpages), *i.e.*, “data describing interactions performed on a website by a host device.” As discussed in Section II.D.5.c., *supra*, “web browsing interaction data” *does not* include the responsive webpage data from a webpage server, that are the *result* of interacting with the website, as illustrated in Fig. 5(d). Otherwise, as discussed, the data accessed by the guest device from the website server would be meaninglessly redundant due to the fact that the same data has already been forwarded from the synchronization server to the guest device. This is antithetical to the description, purpose, and design of the claimed invention.

In both instances described by Lebrun—full and partial webpage forwarding—“data describing interactions performed on a website by a host device” is *not* forwarded to the guest device; *instead* the responsive webpage data is forwarded. Therefore, such transmissions from the “group-surfing server” cannot be “web browsing interaction data.” (Ex. 2004, ¶¶68-73).

Further, the Board states that Petitioner argues “the web client receives web browsing interaction data from the synchronization server because the ‘program fragment’ received from the group-surfing server is used to present webpages and forms at the web client.” (Decision, 29). The program fragments are executable code, not data, and forms presented at the web client cannot satisfy the guest device “receiving web browsing interaction data” as claimed in the ’145 Patent since the presented webpages and forms are the *end result* of performing the web browsing interactions, as discussed above. (Ex. 2004, ¶68).

With respect to step [1.d] which reads “operating an application based on said web browsing interaction data received from said synchronization server to access a website server . . . ,” Petitioner contends that this step is met by Lebrun’s system, because in Lebrun, “the web browser on the web client uses the web page data received from the group-surfing server to access multimedia data elements directly from the web server.” (Decision, 24). As discussed, full webpages (those that contain no embedded multimedia elements) and the partial webpages (those which contain removed multimedia elements) that are transmitted from the “group-surfing server” to the web clients *do not satisfy* the claimed “web browsing interaction data.” Therefore, the requirement of step [1.d] of “operating an application *based on said web browsing interaction data* received from said synchronization server to access a website server” is not met by Lebrun.

Moreover, in Lebrun, since the web clients merely receive the *end result* of a single type of web browsing interaction—the delivery of the actual webpage from the “group-surfing server”—the web clients do not receive “web browsing interaction data” from the “group-surfing server,” and therefore, the “group-surfing server” is not a “synchronization server.” This point is further supported by step [1.c] of exemplary claim 1 which requires that the “guest device” receive “web browsing interaction data” from the “synchronization server.” Further, by failing to disclose a “synchronization server,” Lebrun further fails to teach or suggest the first two steps, [1.a] and [1.b], of the claims, since both steps require the “synchronization server”: [1.a] “receiving *from the synchronization server . . .*” and [1.b] “activating the session invitation to send a request to join said synchronized browsing session *to said synchronization server.*” (Ex. 1001, 22:65-23:3).

B. Prajapat Does Not Teach or Suggest the “Web Browsing Interaction Data,” the “Synchronization Server,” or the “Guest Device” that Receives and Uses “Web Browsing Interaction Data” Found in All of the Claims

The Board found that there is a reasonable likelihood that Petitioner would prevail in showing at least one of claims 1-18 of the ’145 Patent is unpatentable under 35 U.S.C. § 103 over Prajapat (U.S. Patent Pub. No. 2005/0021626 (Ex. 1007)) in view of Wang (Ex. 1006).

Prajapat relates to users in a call center environment who “desire to share [] web pages with one or more other users such that the users are viewing at least portions of the same web page.” (Ex. 1007, [0002]).

Prajapat discloses two embodiments: (1) “peer-to-peer dynamic web page sharing;” and (2) “peer-to-peer simple web page sharing.” (Ex. 1007, [0012]; [0041]). In both embodiments, Prajapat teaches the use of “peer-to-peer” multiple web media servers, *e.g.*, “web media server 14a” and “web media server 14b,” which, according to Prajapat, provides the technical advantages of splitting processing between web media servers to thereby provide better scalability. (Ex. 1007, [0033]).

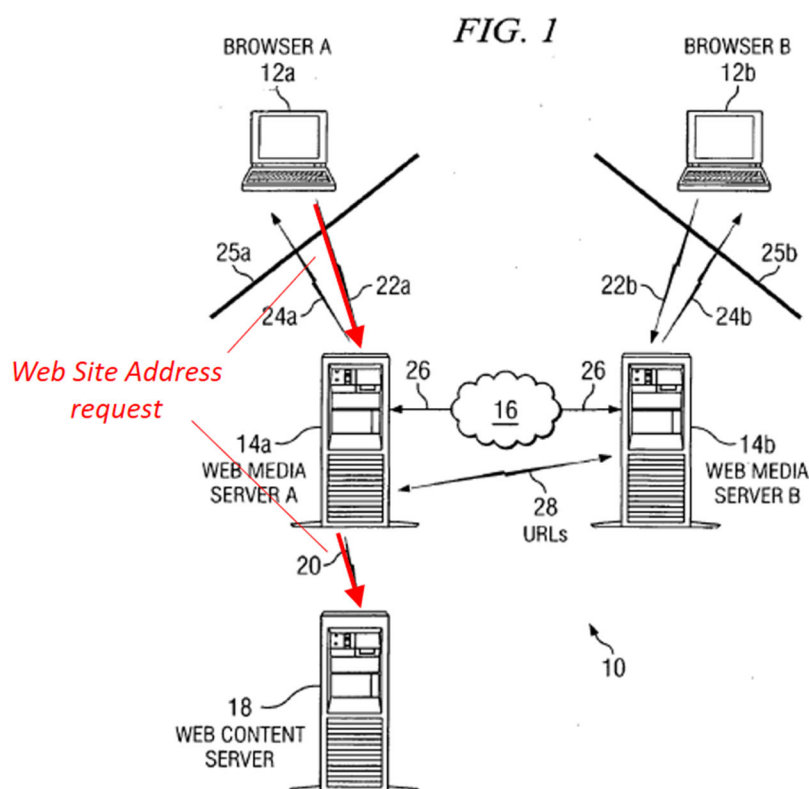
As discussed below, in neither of Prajapat’s embodiments does Prajapat teach or suggest the use of “web browsing interaction data” that a “guest device” receives from a “synchronization server” and uses to request web content from a website server. (Ex. 2004, ¶¶56-65).

1. Prajapat’s “Peer-to-Peer Dynamic Web Page Sharing” Embodiment

In one embodiment, Prajapat teaches “peer-to-peer dynamic web page sharing,” which allows two browsers to purportedly “co-browse.” (Ex. 1007, [0012]).

First, “browser 12a may submit a web site address to web media server 14a, and web media server 14a may locate web content server 18 using the web site address.” (Ex. 1007, [0023]; *see also* [0036-37]).

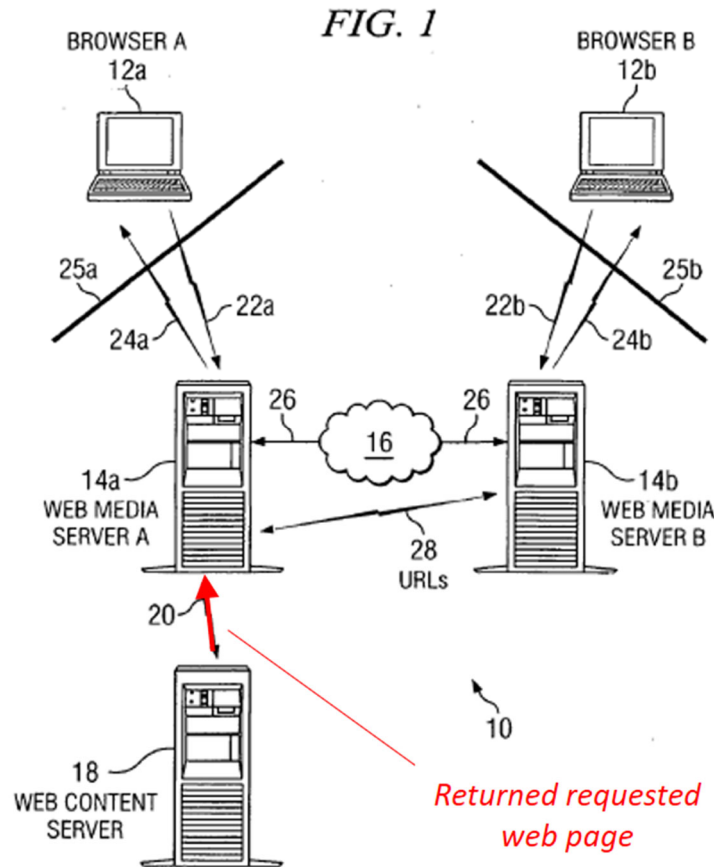
The modified and annotated version of Figure 1 of Prajapat below shows the request from browser 12a to web media server 14a and then from web media server 14a to web content server 18:



Modified and Annotated Figure 1 of Prajapat

Second, “[w]eb content server 18 may return a requested web page to web media server 14a.” (Ex. 1007, [0024]; *see also* [0037]).

Modified and annotated version of Figure 1 of Prajapat below shows the web content server 18 returning the requested webpage to web media server 14a:



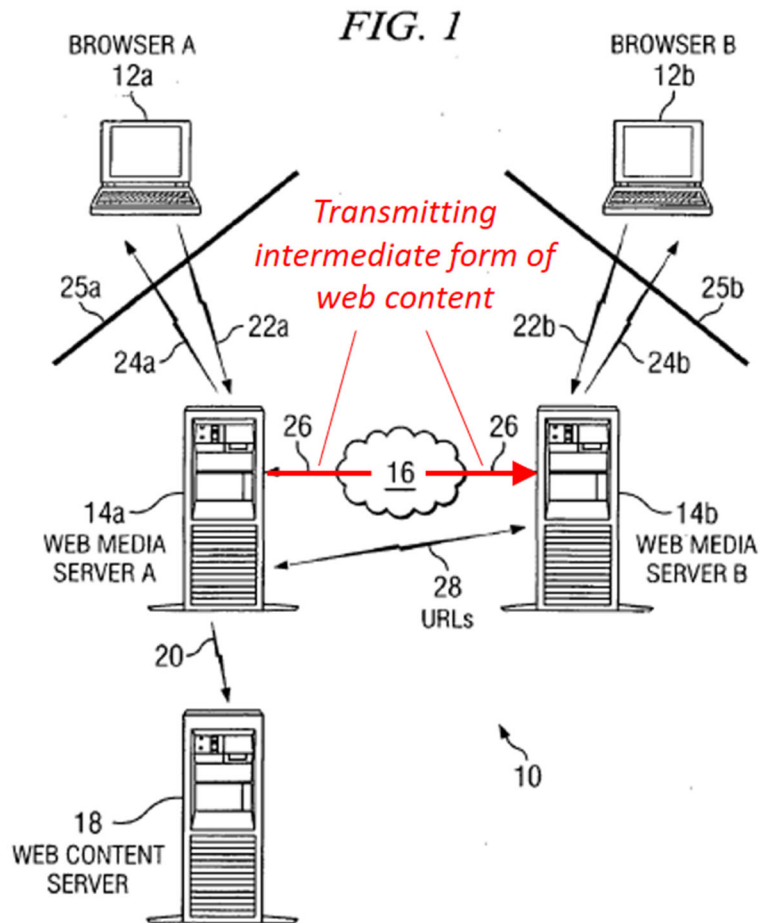
Modified and Annotated Figure 1 of Prajapat

Third, the “Web media server 14a may transform the returned web page into some intermediate form” “that may be rendered by browser 12a.” (Ex. 1007, [0024], [0025]; *see also* [0037-38]). According to Prajapat, the transformations are necessary depending on the type of browser and/or device on which the web content is to be displayed, *i.e.*, “in an embodiment in which the retrieved web page includes

HTML content, one transformation may need to be applied, while in the case of an IP phone display, another transformation may need to be applied.” (Ex. 1007, [0024]; *see also* [0037]). Web media server 14a then “transform[s] the intermediate form of the retrieved webpage into a renderable form that may be rendered by browser 12a.” (Ex. 1007, [0025]; *see also* [0038]).

Fourth, the web media server 14a transmits the intermediate form of the web content to web media server 14b, which is associated with browser 14b. (Ex. 1007, [0025]; *see also* [0038]). Web media server 14b then transforms the intermediate form of the retrieved webpage into a renderable form that may be rendered by browser 12b. (Ex. 1007, [0026]; *see also* [0039]).

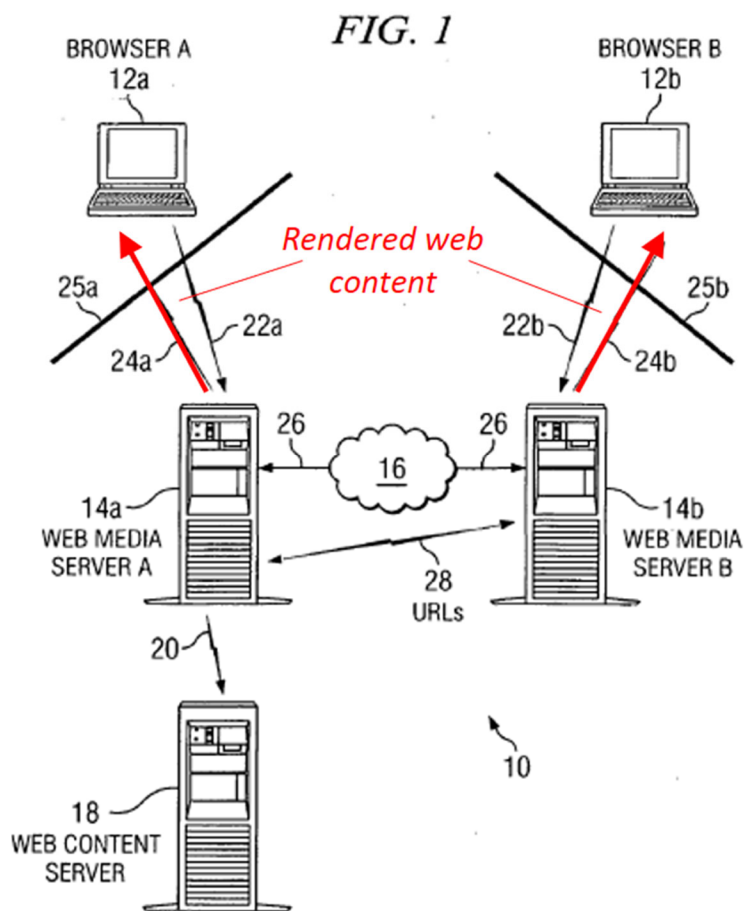
The modified and annotated version of Figure 1 of Prajapat below shows the transmission of the intermediate form of the retrieved webpage from web media server 14a to web media server 14b:



Modified and Annotated Figure 1 of Prajapat

Fifth, the rendered form of the web content is transmitted from the web media servers to their respective browsers. (Ex. 1007, [0025-26]; *see also* [0038-39]).

Modified and annotated version of Figure 1 of Prajapat below shows the web media servers transmitting the rendered form of the web content to their respective browsers:



Modified and Annotated Figure 1 of Prajapat

2. Prajapat's "Peer-to-Peer Simple Web Page Sharing" Embodiment

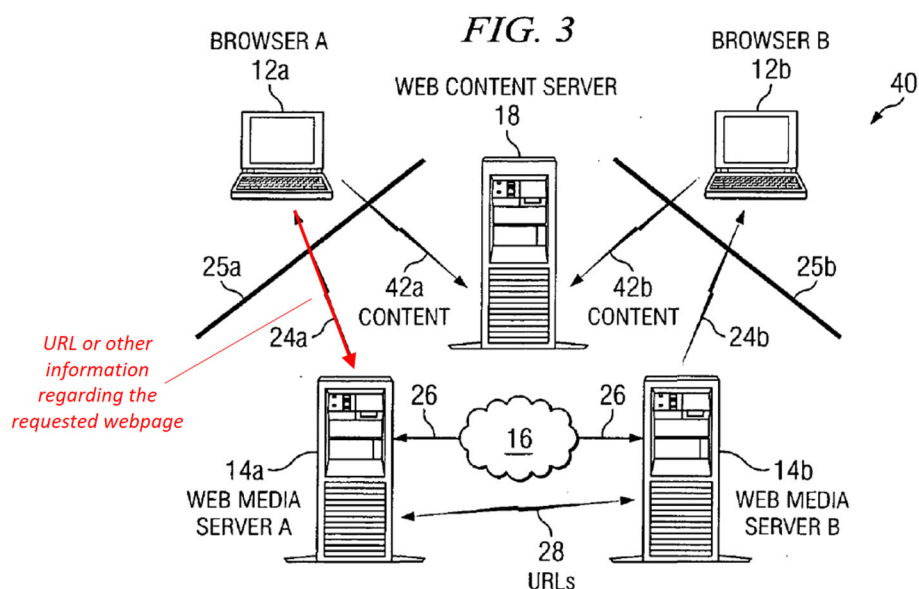
In another embodiment, Prajapat teaches "peer-to-peer simple web page sharing." (Ex. 1007, [0041-43]). In this embodiment, a URL or other suitable information regarding the requested webpage is transmitted directly from one browser to another browser via the web media servers. There is, however, no teaching or suggestion by Prajapat that the two browsers are simultaneously, or nearly simultaneously, sharing internet browsing on the same webpage in real time,

i.e., that the browsers are engaged in a “synchronized browsing session,” as stated in the claims. Prajapat further does not disclose that the browsers simultaneously, or nearly simultaneously, are sharing the URL for the requested webpage in real time. Instead, Prajapat states that each event in the “peer-to-peer simple web sharing” embodiment “*may*” occur, *not* that it will occur, or that it occurs simultaneously, or nearly simultaneously, and/or in real time with any other event. (Ex. 1007, [0043]) (Ex. 2004, ¶¶60-62).

Prajapat’s “peer-to-peer simple web page sharing” embodiment operates as follows:

First, after browser 12a “submit[s] a request to web content server 18 for one or more web pages using link 42a” and “[w]eb content server 18 [] return[s] the requested web page to browser 12a,” “[b]rowser 12a may communicate the URL or other suitable information regarding the requested web page to web media server 14a.” (Ex. 1007, [0041]).

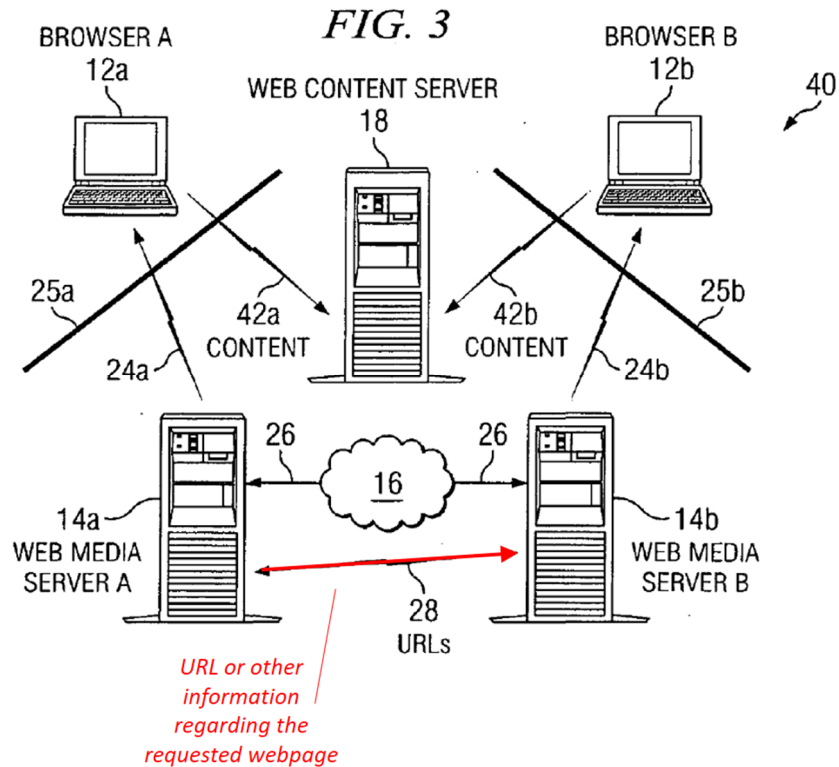
The modified and annotated version of Figure 3 of Prajapat below shows the browser 12a communicating the URL or other suitable information regarding the requested webpage to web media server 14a:



Modified and Annotated Figure 3 of Prajapat

Second, “[w]eb media server 14a may communicate the URL and any other suitable information to web media server 14b, using media session 28 for example.” (Ex. 1007, [0041]).

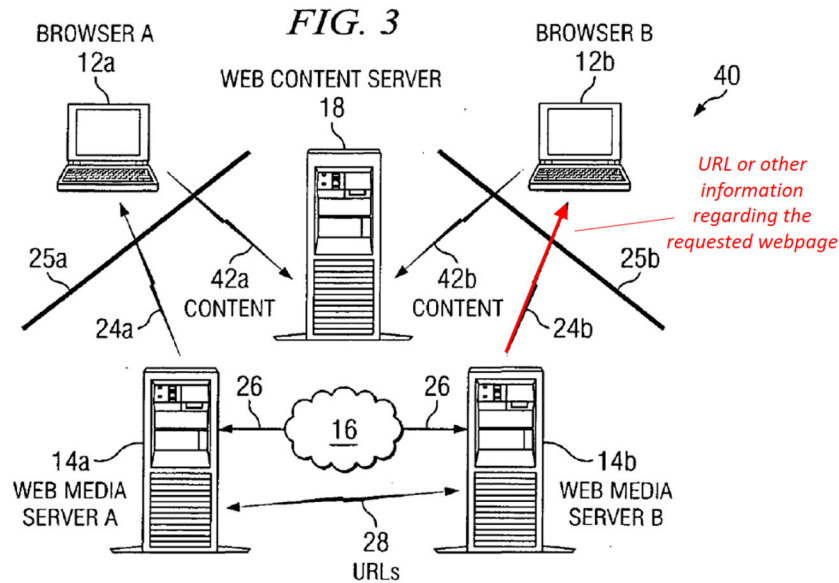
The modified and annotated version of Figure 3 of Prajapat below shows web media server 14a communicating the URL and any other suitable information to web media server 14b:



Modified and Annotated Figure 3 of Prajapat

Third, “[w]eb media server 14b may communicate the URL and any other suitable information to browser 12b.” (Ex. 1007, [0041]).

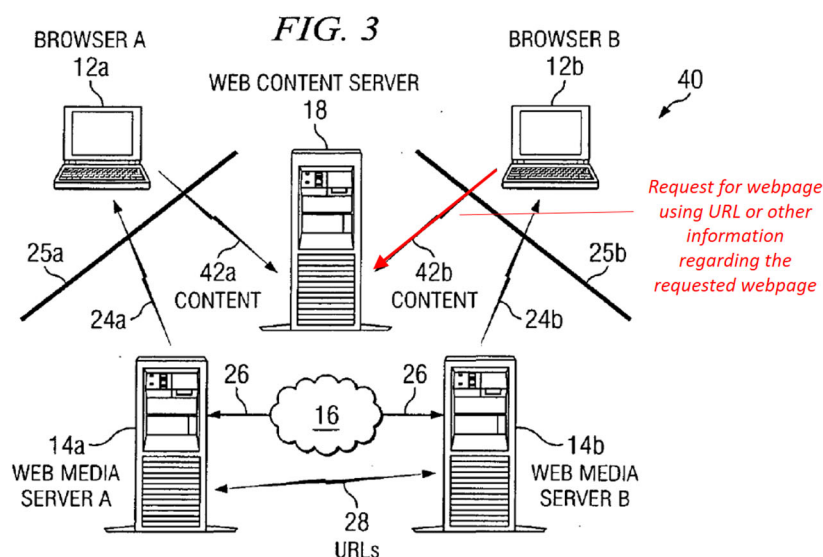
The modified and annotated version of Figure 3 of Prajapat below shows web media server 14b communicating the URL and any other suitable information to browser 12b:



Modified and Annotated Figure 3 of Prajapat

Fourth, “[b]rowser 12b may use the URL and any other suitable information to request from web content server 18 the web page that browser 12a requested.” (Ex. 1007, [0041]).

Modified and annotated version of Figure 3 of Prajapat below shows browser 12b using the URL and any other suitable information to request from web content server 18 the webpage that browser 12a requested:



Modified and Annotated Figure 3 of Prajapat

Thus, in the “peer-to-peer simple web page sharing” embodiment, Prajapat teaches the mere and direct transmission of a URL (or other suitable information regarding the requested webpage) from one browser to another browser, in an “any time” sequence. Further, Prajapat provides no information to suggest that the transmission is “simultaneous,” in “real-time,” or temporally coordinated whatsoever, through the “peer-to-peer” web media servers. Prajapat’s disclosure is therefore similar to posting a webpage bookmark URL or simply emailing the URL (or other suitable information regarding the requested webpage) from one device to another device using email servers. As such, the act of emailing a URL from one user to another does *not* result in simultaneous – or even nearly simultaneous – real time sharing of the same internet browsing experience within the same webpage, as

claimed in the '145 Patent. (Ex. 2004, ¶¶74-77: “Uncoordinated sharing of links is plainly outside the scope of the claims.”)

3. Petitioner Fails to Show that Prajapat Discloses these Requirements of the Claims of the '145 Patent

Petitioner fails to show that Prajapat discloses the claims of the '145 Patent.

In finding that Prajapat discloses the “web browsing interaction data,” the Board relied on the disclosure in Prajapat’s “peer-to-peer dynamic web page sharing” embodiment of the “web pages, content trees, or relayed information to update web page form content that browser 12b (corresponding to the guest device) receives from the web media servers.” (Decision, 41).

In finding that Prajapat discloses step [1.d] of exemplary claim 1—“operating an application based on said web browsing interaction data received from said synchronization server to access a website server”—the Board relied on the disclosure in Prajapat’s “peer-to-peer dynamic web page sharing” embodiment. (Decision, 41). For the “operating an application” limitation, the Board found that “Prajapat’s description that browsers 12a and 12b ‘may include any suitable interface for submitting requests and displaying media such as web pages.’ Pet. 58 (citing Ex. 1007 ¶15). . . . is a sufficient showing of ‘operating an application’ for institution.” (Decision, 41). For the “based on said web browsing interaction data received from said synchronization server to access a website server” limitation, the

Board found that, “[a]fter the session is initiated, either browser ‘may submit new action requests such as request[s] for web pages’ and ‘requests to alter currently displayed web pages.’ Pet. 58 (quoting Ex. 1007 ¶28)” and found that such requests are “based on web browsing interaction data received from the media servers (corresponding to the recited synchronization server) and to access web content server 18 (corresponding to the recited website server).” (Decision, 41).

The Board’s preliminary findings fail to show that Prajapat teaches or suggests the limitations of exemplary claim 1 of the ’145 Patent. For example, the Board made a preliminary determination that the “web pages, content trees, or relayed information to update web page form content that browser 12b (corresponding to the guest device) receives from the web media servers” are the “web browsing interaction data.” As discussed below, these elements are clearly *not* “web browsing interaction data.”

Pursuant to step [1.d] of exemplary claim 1, the “guest device” “operat[es] an application based on said web browsing interaction data received from said synchronization server *to access a website server.*” (Ex. 1001, 23:11-13).

However, as disclosed by Prajapat and in each instance relied on by the Board, the browser 12a or 12b (which Petitioner and the Board equate to the “guest device” (Decision, 41)) communicates with the web media servers 14a or 14b (which

Petitioner and the Board equate to the “synchronization server”), and therefore the browsers do not communicate with the web content server 18 at all. (Decision, 40)).

For example, Prajapat teaches that browsers 12a or 12b may submit new action requests for webpages, in which case, the browser (*i.e.*, “guest device”) contacts the web media server (*i.e.*, the “synchronization server”). Importantly, it is the web media server (*i.e.*, the “synchronization server”) and **not** the browser (*i.e.*, the “guest device”), that actually communicates with the web content server. (Ex. 1007, [0028]) (Ex. 2004, ¶¶59-60).

Similarly, with respect to a “content tree,” Prajapat discloses that content trees are maintained by the web media server associated with each browser and therefore changes are sent from the browser to the web media server rather than to the web content server: “As the content tree in an associated browser 12 changes, changes to the content tree may be propagated back to the web media server 14 associated with the browser 12 to facilitate maintenance of an accurate reflection of the content tree of the browser 12.” (Ex. 1007, [0030]). With respect to form fields, those changes, too, are sent to the web media server: “when data in a web page form field changes, a JavaScript or other suitable event may be triggered to send a command to the appropriate web media server 14.” (Ex. 1007, [0031]).

Further, with respect to step [1.d] of exemplary claim 1 of the ’145 Patent, the Board, in referring to the “peer-to-peer simple web sharing” embodiment of

Prajapat, states that “Patent Owner, however, does not address Petitioner’s arguments concerning Prajapat’s paragraph 43 description of an alternative architecture in which ‘[b]rowser 12b may use the URL and any other suitable information to request from web content server 18 the web page that browser 12a requested,’” which the Board contends “show a guest device accessing the website server independent from the synchronization server.” (Decision, 43).

As understood by Patent Owner, Petitioner argued that the URL received by browser 12b and subsequently used by browser 12b to request, from the web content server 18, the webpage that browser 12a requested discloses “activating a session invitation” of step [1.b] of the claims. (Decision, 40). If the sending of the URL from browser 12b to the web content server 18 is “activating a session invitation,” from [1.b], then that same transmission of the same URL *cannot also* be the use of “web browsing interaction data” to access a website server, as required by step [1.d] of exemplary claim 1.

Moreover, Petitioner specifically states, with respect to step [1.d] of exemplary claim 1 of the ’145 Patent, that “A POSITA would understand that taking action on the *peer-to-peer dynamically shared web pages* during the co-browsing session by altering the web pages or selecting new web pages to be displayed correspond to this limitation.” Petition, pg. 58. Petitioner does not state anywhere that “peer-to-peer simple web page sharing” corresponds to this limitation. To the

extent the Institution Decision assumes the architecture of “peer-to-peer dynamic web page sharing” is interchangeable with the architecture of “peer-to-peer simple web page sharing” while maintaining the function of “peer-to-peer dynamic web page sharing” to correspond to this limitation, that is inappropriate as it is unsupported by the specification or any argument contained in the Petition or the Institution Decision. (*See* Ex. 2004, ¶¶60-65 and ¶¶74-78).

To the extent such interchangeability of architecture, components, or function is assumed, it runs into Board precedent against interchanging and piecing together various components from distinct embodiments in a reference without a sufficient rationale. *See Abiomed, Inc. v. Maquet Cardiovascular, LLC*, IPR2017-01204, -01205, Paper 8 at 10-11 (With no sufficient rationale that “various embodiments are interchangeable or that one skilled in the art would have combined those features” in the proposed manner, the Board rejected “treat[ing] the various features of Aboul-Hosn’s different embodiments as if they are interchangeable with one another.”). The employment of this “Frankenstein” embodiment crafted for the sole purpose of attempting to render step [1.d] of claim 1 obvious also runs into Board precedent against using impermissible hindsight to reach a legal conclusion. *See* MPEP § 2142 (“[I]mpermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.”)

Regardless, assuming *arguendo* that the sending of the URL from browser 12b to the web content server 18 is the use by the guest device of “web browsing interaction data” to access a website server, that teaching still would **not** disclose the claims of the ’145 Patent. This is because, in Prajapat’s “peer-to-peer simple web page sharing” embodiment (Ex. 1007, [0041-43]), as discussed in Section IV.B.2., *supra*, there is **no** teaching or suggestion that browser 12a and browser 12b simultaneously, or even nearly simultaneously, and in real time share internet browsing on the same webpage. Indeed, Prajapat’s “peer-to-peer simple web page sharing” embodiment merely describes a process that results in browser b (i.e. the guest device) requesting the webpage that browser a (i.e. the host device) requested, without any regard to the simultaneous, real-time timing and/or coordination of that request between browsers a and b. (Ex. 1007, [0043]). Thus, Prajapat does not teach or suggest that the communication of the URL or other suitable information regarding the requested webpage creates a “synchronized browsing session,” as stated by the claims of the ’145 Patent.

Further, there is no teaching or suggestion in Prajapat that the communication of the URL or other suitable information regarding the requested webpage is the “web browsing interaction data” claimed in the ’145 Patent. Pursuant to step [1.c] of the claims, the “web browsing interaction data” must, among other things, be “associated with the host device that has initiated the session invitation.” The Board

relies on Petitioner’s contention that “the web pages are chosen by the initiating web browser and so are associated with the host device that has initiated the session invitation.” (Decision, 41). Importantly, *choosing* the webpages by the host device does not establish that the “web browsing interaction *data*” is *associated* with the host device.

C. Wang Does Not Teach or Suggest the Claimed “Web Browsing Interaction Data,” the “Synchronization Server,” or the “Guest Device” that Receives and Uses “Web Browsing Interaction Data” that is Found in All of the Claims

The Board found that there is a reasonable likelihood that Petitioner would prevail in showing at least one of claims 1-18 of the ’145 Patent is unpatentable under 35 U.S.C. § 103 over Lebrun (Ex. 1005) in view of Wang (Ex. 1006) and over Prajapat (U.S. Patent Pub. No. 2005/0021626 (Ex. 1007)) in view of Wang (Ex. 1006).

Wang (Ex. 1005) discloses the use of a “server apparatus” to provide a collaborative virtual shopping session. Wang’s system is comprised of “a plurality of client devices 12a and 12b, a server apparatus 14, and a network 16 such as the Internet, which interconnects the server apparatus 14 and the client devices 12a and 12b.” (Ex. 1006, ¶39).

FIG. 1

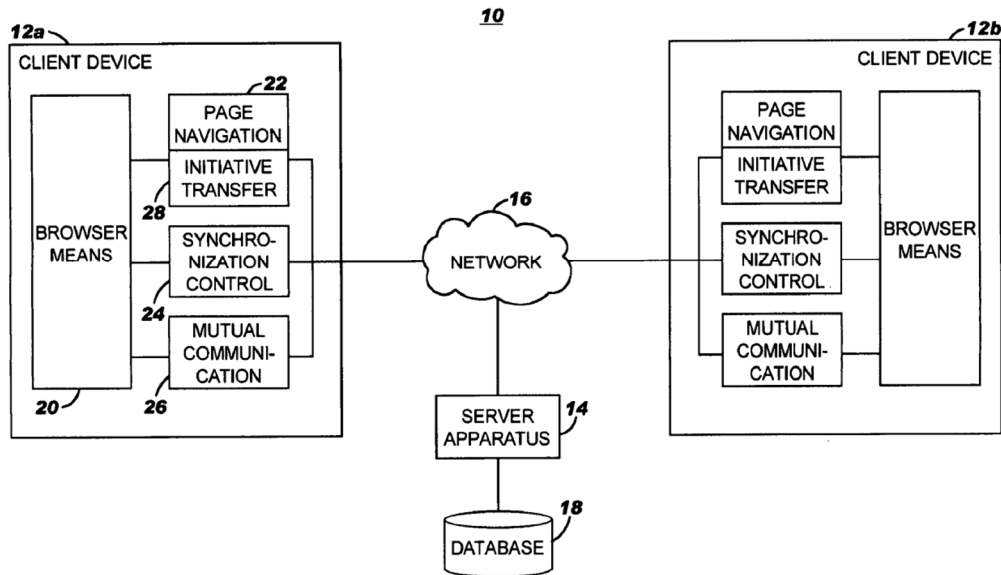


Figure 1 of Wang

Figures 1 and 2 of Wang shows the structure of both the client device and the server apparatus. The server apparatus 14 includes a “web page collaboration system (WPCS)” 36, which includes “a shopping session control unit (SSC) 38, a page navigation control unit (PNC) 40, a client synchronization control unit (CSC) 42 for enabling synchronization between the client devices, and a mutual communication control unit (RTC) 44.” (Ex. 1006, ¶42).

FIG. 2

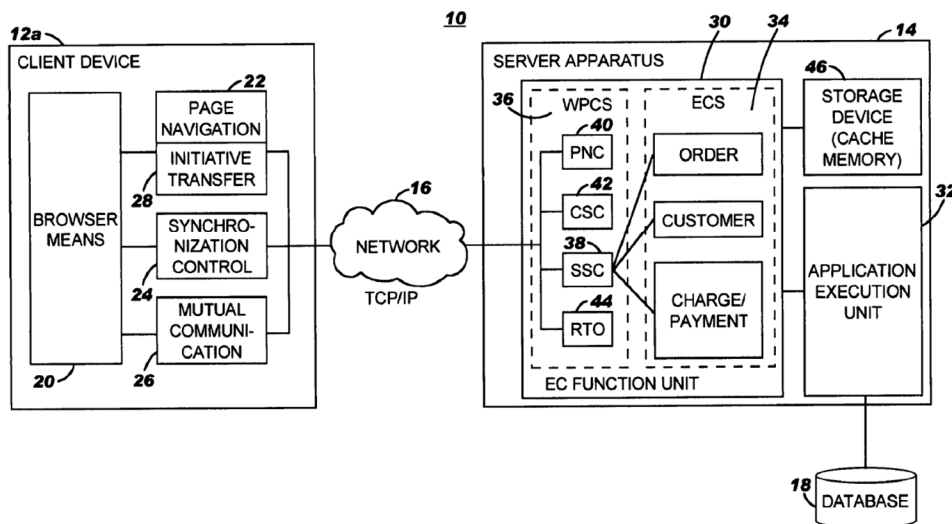


Figure 2 of Wang

Wang describes the processing performed by the server apparatus that allows the client devices to share the webpage after the plurality of sessions are established.

First, “the server apparatus reads the new web page into the cache memory, sends the web page data to the PNC 40, and allows the PNC 40 to use the data for processing the web page.” (Ex. 1006, ¶54).

Second, “the PNC 40 stores the snapshot data and the identification value in the server apparatus 14 in association with each other.” (Ex. 1006, ¶43). “The PNC 40 creates snapshot data by compiling a plurality of files for configuring the web page and creates an identification value for designating the snapshot data uniquely.” (Ex. 1006, ¶43).

More specifically, “[u]pon receiving the HTTP request including the web page request from the client device which owns the initiative, the server apparatus 14 first transmits an HTML file for displaying the web page to the client device which owns the initiative.” (Ex. 1006, ¶56). The PNC 40 receives the transmitted data of the webpage, and creates a page synchronization identification value PNID. (*Id.*) As such, the PNC 40 compiles the received data of the webpage, and creates the snapshot data. (*Id.*) Together with the dedicated URL address of the webpage, the snapshot data is stored in a page management table created in the appropriate storage device in association with the previously created page synchronization value PNID. (*Id.*)

The snapshot data only describes the webpage content and structure at the moment in time that the snapshot data is taken. (Ex. 1006, ¶61 (“Note that the snapshot data may be an HTML file, an XML file, or an SGML file”)). Consequently, a snapshot does not provide information about interactions occurring between the client device 12a and the webpage. (Ex. 2004, ¶¶66-67).

Third, “the server apparatus receives, from the second client device, a page synchronization request commanding the page to be synchronized with a request from the first client device, for example, ‘page synchro request.’” (Ex. 1006, ¶54). “The page navigation means 22, synchronization control means 24, and mutual communication means 26 of the client device 12a individually receive information

from the respective control units included in the WPCS 36 of the server apparatus 14, extract an applicable URL address and a command from the received HTTP response, and allow the address and the command to be displayed on the client devices by use of the browser means 20.” (Ex. 1006, ¶44).

Fourth, “CSC 42 gives the web page or the snapshot data to the client devices among which the web page is to be shared, so that the same web page is displayed synchronously on the plurality of different client devices.” (Ex. 1006, ¶43).

Thus, Wang teaches that the “server apparatus” requests and receives web content from the website server. Later, after using a “page navigation control unit” to create and store “snapshot data” representing the web content, the “server apparatus,” in response to a “page synchronization request,” transmits the webpage from the “server apparatus” to the web clients participating in the collaborative virtual shopping session. (Ex. 1005, 34:15-35:2; 45:25-29).

Again, as discussed in Section II.D.5.c., *supra*, the “web browsing interaction data” of the claims refers to “data describing interactions performed on a website by a host device.” Accordingly, because, in Wang, the client devices request webpages from the “server apparatus” and the webpages are transmitted to the client devices from the “server apparatus,” Wang fails to teach or suggest the receipt by the client device of “web browsing interaction data” sent by the “server apparatus,” as required by step [1.c] (“receiving web browsing interaction data from said synchronization

server”). (Ex. 2004, ¶66). Further, Wang fails to teach or suggest that the client devices “operat[e] an application based on said web browsing interaction data. . . to access a website server . . . ,” as is also required by the claims of the ’145 Patent in step [1.d].

D. Petitioner Fails to Articulate a Proper Obviousness Analysis for Each Ground

“The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called secondary considerations.” *Apple Inc. v. Yu*, IPR2019-01258, Paper No. 29 at 39 (PTAB Jan. 5, 2021) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966)). Neither the Petition nor Dr. Lieberman’s declaration attempt to identify differences between the claimed subject matter and the prior art, and does not discuss what obviousness-related modifications to Lebrun in Ground 1 (or Prajapat in Ground 2) should be made with the disclosure of Wang.

Petitioner also fails to acknowledge in their Petition that elements from different embodiments are implicated, let alone provide any rationale for combining the various different embodiments from Lebrun. Accordingly, the Petition fails as a matter of law. *In re Kotzab*, 217 F.3d at 1370; *see also, Cisco Sys., Inc. v. Bockstar Tech. LLC*, IPR2014-01192 (P.T.A.B. Feb. 2, 2015), Paper 10 at 7; *Arendi S.A.R.L.*

v. Apple Inc., 832 F.3d 1355, 1361-62 (Fed. Cir. 2016). Therefore, because in an *inter partes* review, the burden of persuasion never shifts to Patent Owner (*Dynamic Drinkware*, 800 F.3d at 1378), the petitioner must show with particularity why each challenged claim is unpatentable. (*Harmonic*, 815 F.3d at 1363; 37 C.F.R. § 42.104(b) (2020)). Here, the Petitioner has failed to meet its burden. This is grounds for the Board to enter an order finding that the claims of the '145 Patent are patentable over the asserted references.

Further, a POSITA would also not be motivated to combine Lebrun and Wang or Prajapat and Wang. (Ex. 2004, ¶¶79-85). “A POSITA would not have been motivated to combine Wang with either Lebrun or Prajapat due to the incompatible system architectures and purposes. Wang’s system is designed to store a snapshot of page data locally to the server performing the synchronization and distribute that snapshot data to participating client browsers. ... a POSITA would think that Lebrun’s preferred embodiment of sending ‘only the page 153 itself without any multimedia elements (such as ...images)’ teaches away from the snapshot data of Wang that is ‘compiled by linking text, hypertext, image data and the like together.’” (*Id.*) A POSITA would similarly not have been motivated to combine Prajapat and Wang given their differing architectures. (*Id.*) Referring to those differences, “a POSITA would have understood that the system can produce either single snapshot data or multiple renderable forms, but it cannot do both simultaneously.” (*Id.*)

**E. None of the References Disclose the Additional Limitations
Required by Dependent Claims 4-6 and 17-18**

**1. Petitioner Has Not Shown that Dependent Claim 4 is
Disclosed in the Cited References**

Claim 4 depends from claim 1 and requires that “the web browsing interaction data further comprises cookie information associated with the website server.”

Petitioner contends that this limitation is disclosed by Lebrun at 49:1-11. (Decision, 33-34). In the portion of Lebrun relied on by Petitioner, Lebrun describes how “the controlling web client 110 sends an import-export message 151 to the group-surfing server 140, directing import or export of information relating to web sites (such as bookmarks, ‘cookies,’ or user registrations at participating web sites 130).” (Ex. 2004, ¶¶54-55). Further, the Petition never refers to any part of Prajapat that discloses receiving cookie data. (Pet. 66). The “import-export message” sent by the controlling web client has nothing at all to do with a browsing session and therefore it is not “web browsing interaction data.” (*Id.*) Petitioner therefore has not demonstrated that claim 4 is taught or even suggested by Lebrun or Prajapat.

**2. Petitioner Has Not Shown that Dependent Claims 5, 6, 17,
and 18 Are Disclosed in the Cited References**

Claim 5 depends from claim 4 and adds the limitation that “web browsing interaction data further comprises information related to shared user input web browsing interactions depicted in a first web browser window.”

Claim 6 depends from claim 5 and adds that “non-shared web browsing interactions are depicted in a second web browser window.”

Claim 17 depends from claim 14 (which depends from claim 9) and adds that “shared user input web browsing interactions are depicted in a first web browser window.”

Claim 18 depends from claim 17 and adds that “non-shared web browsing interactions are depicted in a non-shared web browser window.”

Since they each describe only “middleman” page sharing or URL sharing embodiments, neither Prajapat nor Lebrun, alone or in combination with Wang, even contemplate the concept of a shared or a non-shared web browser window, and thus cannot meet the claim limitations of the above-listed dependent claims.

Petitioner contends that these limitations relating to first and second browser windows, and a non-shared window, are disclosed by Lebrun’s web client interactions, Lebrun’s “web page look ahead feature,” and Lebrun’s “web page special access feature.” (Decision, at 34-35). Reliance on these disclosures, however, is inapt because these references involve selecting which webpages are accessible to other web clients (Web Page Special Access) and ways that the controlling web client can determine beforehand whether pages in the progression of pages will indeed be designated as a “next page” (Web Page Look Ahead). Nothing in these

portions of Lebrun disclose the use of browser windows, let alone a first and a second window or a non-shared window.

V. CONCLUSION

For the reasons stated above, the Board should deny the Petition on the grounds that Petitioner has not met its burden of proving that claims 1-18 of the '145 Patent are obvious over combinations of Lebrun, Wang, and Prajapat. (Ex. 2004, ¶86). Claims 1-18 are therefore patentable over these references.

Date: September 27, 2023

Respectfully submitted,

/ Scott W. Hejny /

Scott W. Hejny

Reg. No. 45,882

shejny@mckoolsmith.com

McKool Smith, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: 214-978-4000

Fax: 214-978-4044

Counsel for Patent Owner, Samesurf, Inc.

CERTIFICATION OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned **PATENT OWNER'S RESPONSE** specified in 37 C.F.R. § 42.24 have 13,964 words, in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24(b)(1). This word count was prepared using Microsoft Word 2016 and by adding 123 words as counted from text annotations in the figures.

Date: September 27, 2023

Respectfully submitted,

/ Scott W. Hejny /

Scott W. Hejny
Reg. No. 45,882

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the above-captioned **PATENT OWNER'S RESPONSE** is being served on counsel for petitioner via electronic mail on, in its entirety on the following counsel of record for Petitioner on this 27th day of September 2023:

Jennifer R. Bush
jbush-ptab@fenwick.com

Michael J. Sacksteder
msacksteder@fenwick.com

Gregory R. Miller
gmiller@fenwick.com

Daniel Ledesma
dledesma@fenwick.com

Christopher L. Larson
clarson@fenwick.com

McKool Smith, P.C.

/ Scott W. Hejny /

Scott W. Hejny
Reg. No. 45,882