

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

In the *Inter Partes* Review of:

U.S. Patent No. 9,185,145

For: METHOD AND APPARATUS
FOR THE IMPLEMENTATION OF A
REAL-TIME, SHARABLE BROWSING
EXPERIENCE ON A GUEST DEVICE

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Patent Trial and Appeal Board
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**DECLARATION OF HENRY A. LIEBERMAN IN SUPPORT OF
PETITIONER’S REPLY TO PATENT OWNER’S RESPONSE TO
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,185,145**

I, Henry A. Lieberman, declare as follows:

I. INTRODUCTION

1. I have been asked by the party requesting this review, Intuit Inc. (“Petitioner”), to provide my expert opinions in support of Petitioner’s Reply to Patent Owner’s Response to Petition for *Inter Partes* Review of U.S. Patent No. 9,185,145 (“’145 patent”), challenging the patentability of the claims 1-18 of the ’145 patent.

2. I currently hold the opinions set forth in this declaration, which supplements my prior declaration, filed as Ex. 1003 in this case.

3. In summary, it is my opinion that the references cited and discussed below render obvious the challenged claims of the ’145 patent. My detailed opinions on the claim are set forth below.

II. MATERIALS CONSIDERED

4. I have reviewed and considered, in the preparation of this declaration, the following additional documents related to this case:

- a. Patent Owner’s Response (Paper 21),
- b. Declaration of Stacy Friedman (Ex. 2004), and
- c. Exhibits 1031-1033 accompanying this Declaration.

III. PO MISREPRESENTS THE SPECIFICATION

5. Many of Patent Owner’s (PO) statements misrepresent the specification. For example, a POSITA would understand that there is a difference

between “desktop or screensharing” and “page sharing.” Yet PO repeatedly asserts that the ’145 patent specification disparages page sharing as too resource intensive (POR, 5, 7-10), whereas the ’145 specification makes no mention of “page sharing” whatsoever. *See* Ex. 1001, 2:36-38. Rather, in its discussion of background technology, it describes “desktop or screensharing” as a preexisting co-browsing technology. Ex. 1001, 2:25-30. Specifically, the specification says “desktop or screensharing” works by “broadcasting continuous screenshots of the host screen in large files or packets,” and “require[s] high levels of bandwidth and computer processing power.” *Id.*, 2:30-38. A POSITA would not conclude from this anything about “page sharing.”

6. PO also talks about the prior art as having “middleman” servers and the ’145 patent solving the problems of using such servers. POR, 2-3; *see also id.*, 8-11. This does not accurately reflect the specification. The ’145 patent does not identify or describe any “middleman” server or disparage the use of a server to relay webpage information to or from a webpage server. Nor do the claims recite any architecture that would solve problems purportedly caused by such “middleman” servers. The claims of the ’145 patent recite only that 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, claim 1. The only thing the claims say about the host device is that it needs to be

associated with a “session identifier” and that it “has initiated the session invitation.” *Id.*

A. Synchronized Browsing Session; “Synchronized”

7. None of the claim limitations requires any synchronous sharing of the same web browsing experiences, despite PO trying to read in this limitation.

8. Independent claims 1 and 10 only recite the synchronized browsing session in 1[pre]-1[b] and 9[pre]-9[b], which are the initial limitations establishing the session and notifying the guest that it has joined. The challenged limitations do not recite the synchronized browsing session or any synchronous sharing between the host and guest whatsoever.

9. According to FIG. 2(a) of the ’145 patent, establishing a synchronized browsing session does not require any content to be passed. Ex. 1001, 10:13-39. Rather, a host device transmits a request to the synchronization server, which the synchronization server responds to with a confirmation including a session identifier. *Id.* After the synchronized browsing session is established, a guest device can join. *Id.*, 10:29-39.

10. PO’s repeated criticism that the applied references do not disclose synchronized browsing is misplaced. The claims do not recite that any content be “synchronized” between the host and guest device, nor viewed “simultaneously” (or near simultaneously), nor “coordinated” in any manner. The term

“synchronized” appears in the claims only in the context of a “synchronized browsing session,” but nothing in the claims recite *how* the synchronized browsing session is administered by the synchronization server. Even if the claims required content to be synchronized, which I see no evidence of, the plain and ordinary meaning of that term is “occurring at the same time.” *See* Ex, 1031, 506. This is the plain meaning of the term; it is how a POSITA would understand the term as used in the art, both in the ’145 patent and in the Prajapat reference. This definition also is similar to that of another term used in both Lebrun and Prajapat, “dynamic,” which is defined as “occurring immediately and concurrently.” *See* Ex, 1031, 181.

11. Although the apparent intent of the patent is to allow users in a session to share "synchronized" internet browsing in real time, the specification does not disclose a specific process that would enable such synchronization, nor do the claims recite one. Indeed, the specification of the ’145 patent does not disclose that the process shown in FIG. 5(a) is performed repeatedly, or even more than once, as would be required to “synchronize” the data as between the host and guest devices. Nor does the specification disclose how the information received at the guest device (Fig 5(a), communication message 64) would enable it to “independently replicate” the host interaction. The specification discloses only that the guest device 14 may use the “[c]ommunication message 64 ...to formulate website request 65 to be sent from guest device 14 to website server 12,” and that

“website request 65 should be similar or identical to website request 60,” and that request results in content reply 67. Ex. 1001, 16:65-17:6, 17:38-39. It is not clear how the formulation of the website request 65 by the guest device 14 would cause the guest device 14 to perform an independent replication of the “host device interaction” with the content of the website as recited in the proposed claims.

12. Nor is there any disclosure in the specification for a communication message (e.g., 64) that includes both data that serves as the basis for the guest device obtaining the website content from a website server and that enables the guest device to independently replicate the host device interaction with that already-obtained content. The specification supports only a single content reply (67) to the guest. The content reply 67 is also not described as containing both the content and the data for independently replicating the interaction with that content at the guest device.

IV. PO MISCONSTRUES WEB BROWSING INTERACTION DATA

13. The plain meaning of “web browsing interaction data” is data related to web browsing interactions. No additional definition or limitation is required in my opinion, nor is there any special or specific meaning given to the term in the specification of the ’145 patent. PO’s proposed construction appears to me to be an improper attempt to import a limitation from an exemplary embodiment into the claims.

14. PO's argument that "web browsing interaction data" must exclude "webpage data that is sent by a website server in response to a web request" is unsupported by the record and thus incorrect. PO's apparent position that "interaction data" excludes the data *resulting from* the interactions is not recited by the claim and is unsupported by the specification. Although the specification draws a distinction between the information in a request from the information that results from the request, the claims make no such distinction. And while PO points to the embodiment illustrated in Figures 5(a)-(c), nothing in that embodiment suggests that "web browsing interaction data" is limited to that embodiment or the "communication message 64" as described. To the contrary, the specification repeatedly states that embodiment described in Figure 5 is merely "exemplary." Ex. 1001, 4:51-54; 15:53-58; 16:4-51. The recited limitation in claim 1 is broader than the narrow exemplary embodiment of Figure 5; PO has not addressed this difference in scope or why it believes the narrower description should be imported into the claim. In my opinion there is no justification for doing so.

15. PO's construction seeks to improperly narrow the interpretation of the interaction data to only that data "describing" interactions. PO's proposed construction cannot be correct because it conflicts with the language of dependent claims 5 and 8. Claim 5 recites that "web browsing interaction data" includes "information related to shared user input web browsing interactions depicted in a

first web browser window.” Therefore, “web browsing interaction data” is not limited to “data describing interactions performed on a website by a host device.” Claim 5 includes any “shared user input” from a synchronized browsing session, which can include “web page interactions performed by any controlling party,” not just the host device. Ex. 1001, 6:64-66. Likewise, claim 8 recites that the “web browsing interaction data” may further comprise “a log-in into a restricted access webpage” without restriction to a particular device; it could be from any device in the session.

V. GROUND 1 RENDERS THE CLAIMS OBVIOUS

A. Limitation [1.c]

16. As I discussed in my prior declaration, a POSITA would understand that the links intercepted by the program fragment are used to present selected web pages, and thus constitute “web browsing interaction data.” See Ex. 1003, ¶¶188-89. A POSITA would have the same understanding under PO’s proposed construction. The links intercepted by the program fragment are web browsing interactions “to be *performed by* the guest device” because they direct the selection of the webpage and are sent to the group surfing server. Ex. 1005, 37:5-10. Although PO is incorrect that the web browsing interactions need “to be performed by the guest device” (POR, 51), even if that construction were correct, Lebrun discloses the limitation under that construction.

B. Limitation [1.d]

17. As I opined in my prior declaration, Lebrun discloses “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. 1003, ¶¶204-205. This remains true under PO’s incorrect construction. “Data describing interactions performed on a website by a host device” as understood by PO includes web browsing interactions “to be *performed by* the guest device.” POR, 52. The “partial” webpage informs the guest device what information *to request or access* directly from the webpage server, thus meeting this limitation.

C. Lebrun Contemplates Combining Embodiments

18. Lebrun contemplates the processes of its various disclosed embodiments being compatible. Lebrun describes several “*variations on the group-surfing session*,” which includes a subsection of “multiple group surfing channels.” Ex. 1005, 37:19, 43:5 (emphasis in original). A POSITA would understand “multiple group surfing channels” would be one example/scenario of the “variations on the group-surfing session,” and the latter encompasses the former and the two embodiments are compatible and combinable.

VI. GROUND 2 RENDERS THE CLAIMS OBVIOUS

A. Limitation [1.d]

19. PO tries to read into [1.d] the modifier “directly,” but there is no basis for doing so. PO argues that various iterations of “web pages” or “web page form content” are not “web browsing interaction data” because the “web media server” (“synchronization server”) is what communicates directly with the web content server 18, which then relays back the web browsing interaction data to the browser. POR, 67. But this argument assumes that there is a requirement in the claims that the client device must communicate “directly” with the website server. The claims have no such requirement. A POSITA would not read “directly” into “access[ing]” a server.

20. PO appears to contend that the “web pages,” “alter[ed] web pages,” “multiple web pages” from the content tree, or “update[d] web page form content” each are not “web browsing interaction data” because the “web media server” (“synchronization server”) communicates directly with the web content server 18, which then relays back the web browsing interaction data to the browser. POR, 67. But the claims do not state that the client device (Prajapat’s browser) must communicate “directly” with the website server (Prajapat’s web media server). They only require that the browser operate an application based on the web browsing interaction data “to access a website server” that is independent of the synchronization server.

B. Prajapat Contemplates Combining Embodiments

21. Prajapat explicitly ties together the processes of its various disclosed embodiments. For example, in Prajapat's description of its peer-to-peer "simple" web page sharing embodiment (FIG. 3), it describes the process that the web media server 14a uses to locate the web media server associated with browser 12b as being "in a substantially similar manner to that described above with reference to FIGS. 1 and 2" (peer-to-peer "dynamic" web page sharing embodiment). Ex. 1007, [0041]. Similarly, in Prajapat's description of its peer-to-peer web page sharing embodiment using two phones (FIG. 4), it discloses that "for purposes of web page sharing, UA and media controller 54a may locate UA and media controller 54b in substantially the same manner as described above with reference to FIGS. 1, 2, and 3" (all the other embodiments). *Id.*, [0045]. Finally, upon institution in related case IPR2023-00342, the Board cited [0047] and stated "Prajapat expressly indicates that the web page sharing of Figure 3 is the same as that described in the dynamic web page sharing embodiment of Figures 1 and 2." IPR2023-00342, Paper 12 (Institution Decision) at. 40, citing Ex. 1007, [0047]. Thus, Prajapat explicitly ties together the processes of its various disclosed embodiments in at least three different places in its specification.

22. PO's contention that webpages chosen by the host device are not "associated" with the host device is nonsensical. A POSITA would understand

that the host browser submitting the action requesting the web page, which webpage is then displayed to the guest browser, is “associated” with the host by virtue of it being selected by that browser. I discussed this unreasonable stance by PO in my prior declaration. Ex. 1003, ¶¶294-95.

VII. MOTIVATION TO COMBINE THE REFERENCES

23. That two references describe or teach different approaches in the same field would not lead a POSITA away from combining them in this instance. Lebrun sends a webpage without multimedia features, whereas Wang purportedly is “designed to store a snapshot of page data locally,” according to PO. POR, 77. To the extent Lebrun and Wang teach different methods of storing data, doing so does not provide a reason that a POSITA would not be motivated to combine their disclosures. A POSITA is expected to have ordinary creativity, common sense, common wisdom, and common knowledge and to apply it to the teachings of the references.

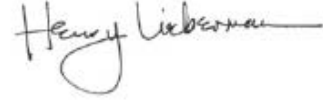
VIII. CONCLUSION

24. For the reasons presented above, it is my opinion that the applied references render obvious claims 1-18 of the ’145 patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both,
under Section 1001 of Title 18 of the United States Code.

Dated: December 20, 2023

A handwritten signature in dark ink, appearing to read "Henry A. Lieberman", written over a horizontal line.

Henry A. Lieberman