Filed on behalf of Intuit Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.,
Petitioner

v.

SAMESURF, INC.,
Patent Owner.

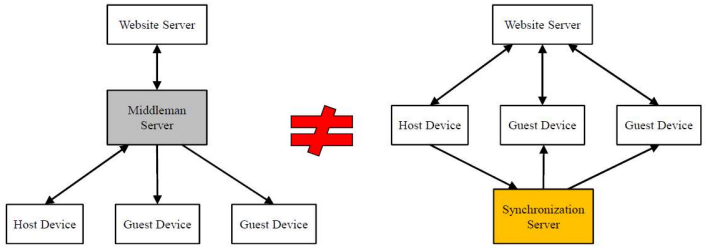
Inter Partes Review No. IPR2023-00339
Patent 9,185,145 B2

PETITIONER'S OBJECTIONS TO PATENT OWNER'S DEMONSTRATIVE EXHIBIT

In the Order Setting Oral Argument (IPR2023-00339, Paper 32; IPR2023-00341, Paper 33; IPR2023-00342, Paper 39) dated February 23, 2024, the Board instructed the parties regarding any objections that remain after meeting and conferring: "The objections shall identify with particularity which portions of the demonstratives are subject to objection (and should include a copy of the objected-to portions) and include a one (1) sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections, and may reserve ruling on the objections." IPR2023-00339, Paper 32 at 4.

Slide No.	Reason	Portion Objected To Shown In
13	Portion of Ex. 2008, which was new evidence in PO's Sur-reply, subject to Petitioner's Motion to Strike.	***Reasons for Allowance*** the client). Further, the claims presents that it is actually determined that the web browsing interaction is a shareable web browsing interaction, which is an active step that must be performed, meaning that the system could also determine that a web browsing interaction within the web browsing window is not a shareable interaction. These changes together are not considered to be fairly taught or suggested by the prior art of record in view of claims 1 and 13, as a whole.
39	Portion of Ex. 2006, which was new evidence in PO's Sur-reply, subject to Petitioner's Motion to Strike.	In the District Court, the Petitioner took an entirely contrary positon in stating— 11 (citations omitted)). Here, the claim language makes clear that sending and receiving 12 information for simultaneous interactions is the focus of the Asserted Claims.[2] This -00339, -00341, -00342, PO Sur-Replies, each at 7 Ex. 2006, 7:11-12; *see also* 2:16-21; 3:26-4:3; 6:12-14; Ex. 2007, 1:20-25; 3:16-17; 4:2-6; 5:2-4. U.S. District Court S.D. Cal., Case No.: 3:22-CV-00412-RSH-DDL

Slide No.	Reason	Portion Objected To Shown In
40	Portion of Ex. 2006, which was new evidence in PO's Sur-reply, subject to Petitioner's Motion to Strike.	14 [2] *See, e.g.*, '591 patent cl. 1 ("sending a request by the guest device to join the 15 synchronized browsing session … receiving from the synchronization server a 16 notification that guest device has joined the synchronized browsing session … a 17 website being accessed in real-time by a host device…"); '145 patent cl. 1 ("receiving 18 from the synchronization server a session invitation … activating the session 19 invitation to send a request to join said synchronized browsing session … receiving 20 web browsing interaction data … associated with: a website …, and the host device 21 that has initiated the session invitation…"); '448 patent at cl. 1 ("sending a request 22 to establish the synchronized browsing session … receiving a confirmation message 23 … sending an invitation to an invitee device to join the synchronized browsing 24 session … sending a request for webpage content to a website … receiving, 25 responsive to sending the request for webpage content … the requested webpage 26 content from the website."). Ex. 2006, footnote-2
41	Portion of Ex. 2006, which was new evidence in PO's Sur-reply, subject to Petitioner's Motion to Strike.	12 activity. *Cf. Repifi*, 2022 WL 794981, at *2. When distilled to their primary 13 elements, the Asserted Patents claim steps to send and receive information for 14 simultaneous interaction. These are the very activities that make humans human. Ex. 2006, 6:12-14
42	Portion of Ex. 2007, which was new evidence in PO's Sur-reply, subject to Petitioner's Motion to Strike.	2 receiving, and simultaneous interaction focus in the claims). These are the core steps 3 required to practice the invention as claimed (*e.g.*: (1) sending a request by a first 4 device to join a synchronized browsing session; (2) receiving information at a second 5 device about the website content accessed; and (3) accessing the website content by 6 the second device for synchronizing the session). *See* Mot. at 7-16. Ex. 2007, 5:2-6
43	Portion of Ex. 2005, which is subject to Petitioner's Motion to Exclude.	In its Order denying Petitioner's Motion to Dismiss, the District Court stated that— "The asserted claims are not merely directed to sending and receiving information for simultaneous interaction. Rather, *the asserted claims are specifically directed to performing a synchronized browsing session between two electronic devices* (a host device and a guest/invitee device) *via a synchronization server*." (emphasis added) -Hon. Robert S. Huie, United States District Judge Ex. 2005, 10:4-11:21 -00339, -00341, -00342, PO Sur-Replies, each at 8 U.S. District Court S.D. Cal., Case No.: 3:22-CV-00412-RSH-DDL

Slide No.	Reason	Portion Objected To Shown In
44	Portion of Ex. 2005, which is subject to Petitioner's Motion to Exclude.	The District Court further concluded that— "[T]he claims are directed to a specific solution that is rooted in computer technology to overcome a problem specifically arising in the realm of computer networks—using a synchronization server to administer synchronized browsing sessions in order to overcome the bandwidth and processing issues of the prior art." -00339, -00341, -00342, PO Sur-Replies, each at 8 Ex. 2005, 11:23-27 U.S. District Court S.D. Cal., Case No.: 3:22-CV-00412-RSH-DDL
45, 50	New evidence in the form of new figures not presented in any paper of record.	
178	Portion of Ex. 2005, which is subject to Petitioner's Motion to Exclude.	**As discussed on prior slides, Petitioner's own prior statements and the Judge Huie's (Southern District of California) disagree with this argument.** "The asserted claims are not merely directed to sending and receiving information for simultaneous interaction. Rather, *the asserted claims are specifically directed to performing a synchronized browsing session between two electronic devices* (a host device and a guest/invitee device) *via a synchronization server*." (emphasis added) -Hon. Robert S. Huie, United States District Judge

Dated: March 25, 2024

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on March 25, 2024, I caused a true and correct copy of the foregoing PETITIONER'S OBJECTIONS TO PATENT OWNER'S DEMONSTRATIVE EXHIBIT to be electronically served on Petitioner's lead and backup counsel at the following addresses:

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