

Ok UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.
Petitioner

v.

SAMESURF, INC.
Patent Owner

Case IPR2023-00341
U.S. Patent No. 9,483,448

PATENT OWNER'S PRELIMINARY RESPONSE

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Alexandria, VA 22313-1450

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2003	Declaration of David S. Howell

I. INTRODUCTION

Samesurf, Inc. (“Patent Owner” or “Samesurf”) submits this preliminary response in accordance with 35 U.S.C. § 313 and 37 C.F.R. § 42.107, responding to the Petition for *Inter Partes* Review (“Petition”) of claims 1-18 of U.S. Patent No. 9,483,448 (the “ ’448 Patent”) filed by Intuit, Inc. (“Petitioner” or “Intuit”).

The Board should deny Intuit’s Petition because the prior art references fail to disclose or render obvious key limitations and concepts of the challenged claims. In particular, none of the references disclose or render obvious “information related to the shared web browsing interaction” and related limitations nor do they teach processes that involve a guest device directly interacting with a website server to independently replicate these web browsing interactions in real time. Among the other points of discussion referenced below, these two fundamental constructs serve as essential elements of the ’448 Patent that are nonexistent in the Petitioner’s references and corresponding arguments. It is also essential to note that these processes are critical factors that underlie the significant enhancements in performance, resource utilization and security that are achieved over the prior art by the ’448 Patent. In general, the Petitioner’s references are fundamentally different from the challenged claims and fall short of rendering obvious those claims. Institution should be denied.

This response, limited to reasons why trial should not be instituted, focuses on defects in the Petition relating to independent claims. *See generally, SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348 (2018); *see also* 37 C.F.R. 42.107(a). This focus does not imply that Samesurf agrees with any argument not expressly addressed here.

II. BACKGROUND

The '448 Patent discloses a method and apparatus to achieve processes that are known as “synchronized browsing.” At the time of the invention, there was a need for a “resource efficient” and “effective, 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, 2:15-21. Whereas some methods at the time, such as screen or desktop sharing, allowed “users to simply view the same internet content, these methods do not enable all users in a session to click, input, and log into those experiences in a simultaneous or nearly simultaneous manner.” *Id.* at 2:26-30.

Moreover, methods like 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” that result in “high bandwidth and processing power requirements,” which are “inadequate for enabling larger groups

to all view and fully interact with that interactive content in a simultaneous manner.”

Id. at 2:30-38. Another major drawback of screen sharing is that it

“afford[s] little protection for the broadcasting host’s private information since all participants in a particular session see the host screen as s/he enters sensitive information such as user names or passwords or when the host toggles back and forth in other areas on their desktop.”

Id. at 2:38-44. Samesurf recognized the performance, efficiency, and security drawbacks of methods like screen sharing and developed the present invention to allow

“all users in a session to interact with, discuss, log in separately or together, and share internet browsing in real time for online activities 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”
“[without] materially impos[ing] more bandwidth or processing power requirements than simply browsing the internet using standard, conventional methods.”

Id. at 2:48-55.

Petitioner’s cited prior art merely describes concepts that relate to the non-secure and resource intensive process of deploying (1) a multi-step HTML markup scheme that involves the requesting, receiving, rewriting, and transmitting (2) of a

select number of webpages (as opposed to web browsing *interactions*) at their respective initial load states (termed as the “intermediate form” in Prajapat and the “HTTP response” in Wang) (3) by a middleman server that is required to act as a proxy in generating webpage requests to the web server on behalf of one or more of the session participants; (4) in the middleman server’s attempt to receive and then recompile the “intermediate form” or “HTTP response” based on the source code of the webpage that is received from the true authorized source of the webpage; (5) so that the middleman server can then transmit the rewritten HTML markup of that page to the participants; (6) for rendering on a non-sanctioned URL that is entirely different from the authorized web server of the original webpage that is being accessed; (7) within a construct that requires that the middleman server serve as the central point of processing for the webpage code request, authorization, receipt, rewrite and transmission process.

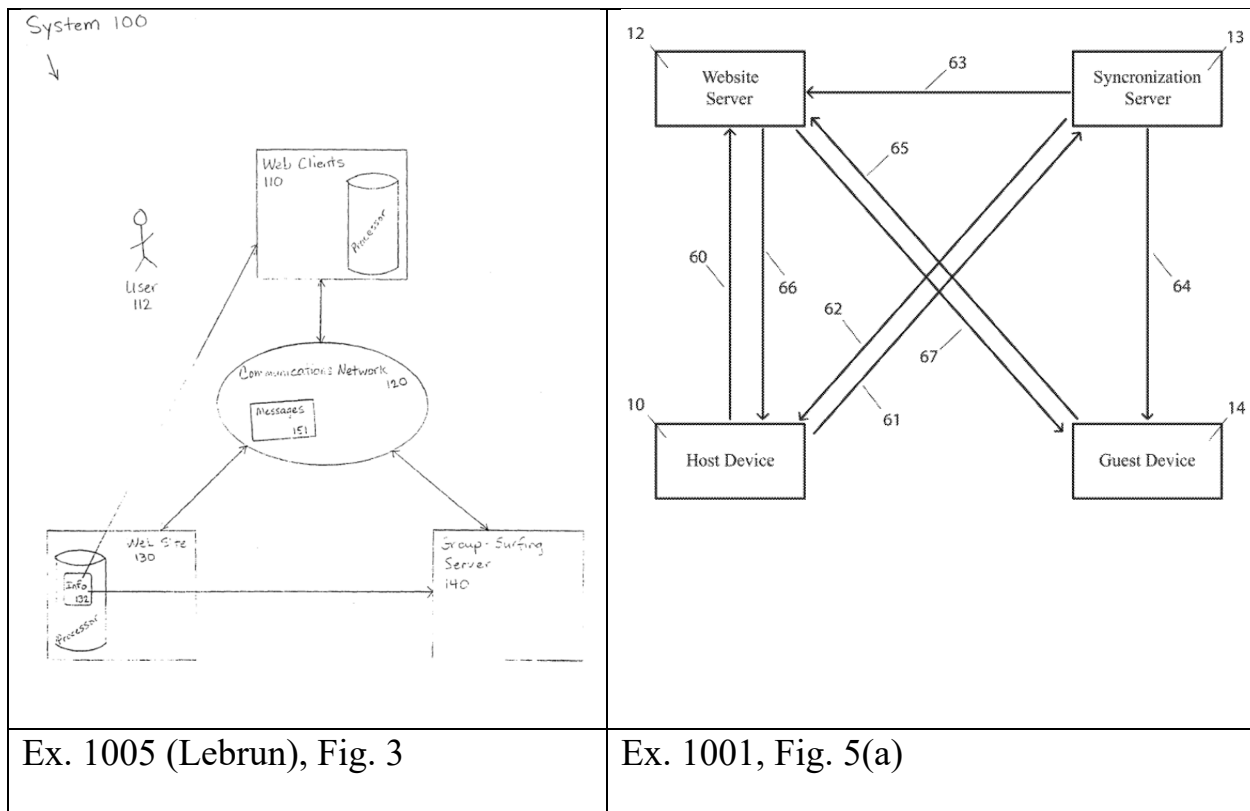
There is a fundamental mismatch between the alleged prior art relied upon by Petitioner and the challenged claims of the ’448 Patent. The ’448 Patent discloses a system “for the implementation of a real-time, sharable web browsing experience on a guest device.” Ex. 1001, 23:17-19. The ’448 Patent discloses a synchronization server that detects and passes “information related to the shared web browsing interaction” that originated on the host device for separate and independent replication by the guest device(s) who utilize that “information related to the shared

web browsing interaction” to continuously and directly access a website server “independent of the synchronization server.” *See e.g., id.* at Claim 1; Ex. 2003, ¶ 38. In contrast, Petitioner describes exemplary systems from the three cited references that all rely on the above-described middleman server to provide the webpage markup that is derived from the web server to the guest and host devices. Even more, Petitioner’s exemplary systems do not describe the passing of “information related to the shared web browsing interaction” at all from the host to guest devices.

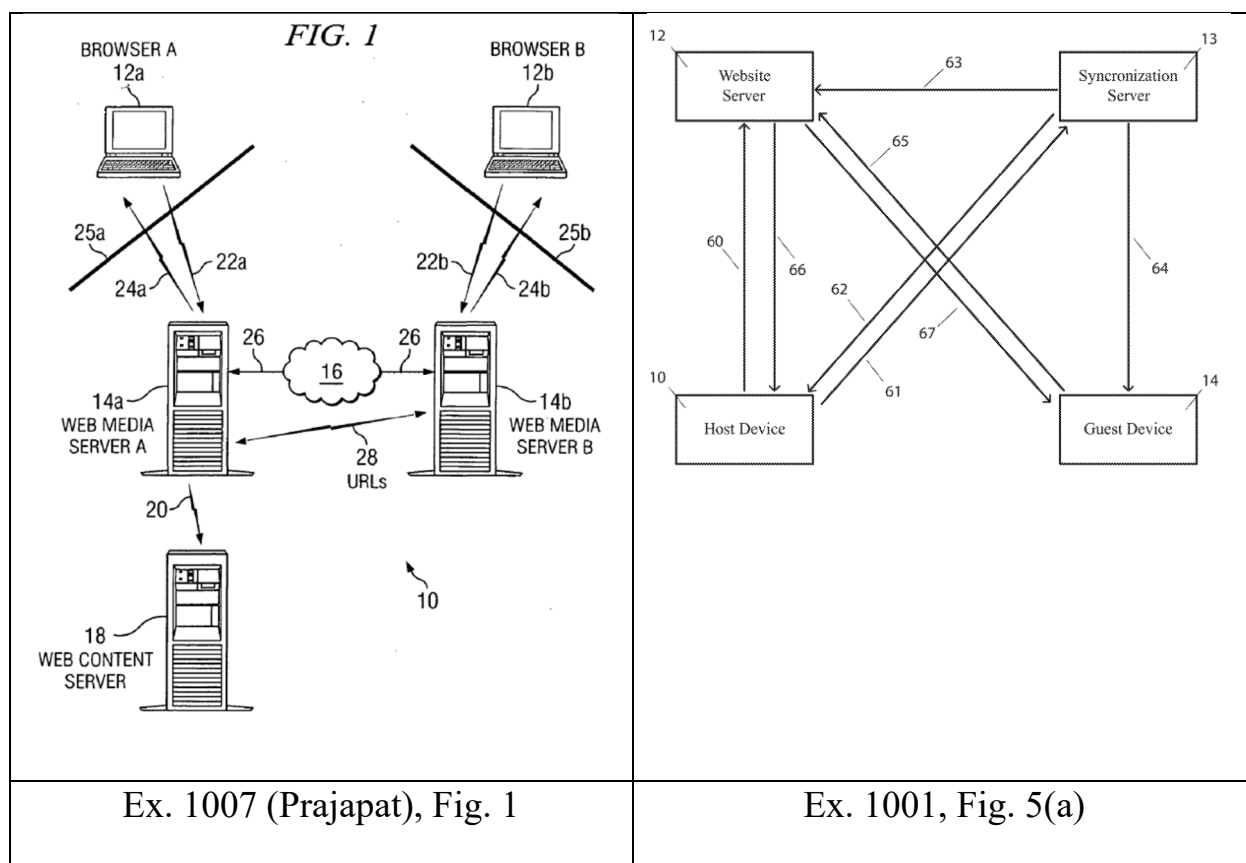
Instead, each of Lebrun, Prajapat, and Wang provide a system that involves having a middleman server access single webpages from a web server on behalf of all participants by (1) taking a single “snapshot” of the HTML markup of the same webpage as that page would appear at its initial load state; (2) storing that snapshot on the middleman server; and (3) then either pushing that single snapshot to the guest devices or providing the guest devices access to the HTML markup of the webpage at its initial load state so that the guest and host devices can then render that snapshot on a web browser. Instead of providing guest devices the means to access the original webpage via the original webpage server by sending, through a synchronization server, web browsing interactions taken by the host device, each of the cited prior art references describe a system that creates, at the middleman server, an *adulterated replication* of the original webpage for access by the guest devices that is hosted on a URL that is not affiliated with the original source of the webpage

or the web server. In short, the guest devices in the cited prior art references receive webpage data in the form of a reformulation of the original webpage rather than receiving “web browsing *interaction data*” from the middleman server. This results in a lower performing, non-secure, and resource inefficient system than that which is taught by the present invention as recited in the independent claims of the ’448 Patent.

For example, with respect to Petitioner’s two primary references (Lebrun and Prajapat), Petitioner describes the exemplary embodiments illustrated in Figure 3 of Lebrun and Figure 1 of Prajapat. Petition, 12-14, 16-18.



The juxtaposition above of Lebrun's Figure 3, cited by the Petition as the exemplary embodiment, and Figure 5(a) of the '448 Patent highlights a fundamental difference. In Lebrun, it is "the group-surfing server 140" that receives the webpage 153 and then resends the webpage 153 to the web clients 110 participating in the session. Ex. 1005, 35:10-15; Ex. 2003, ¶ 42. In the '448 Patent, it is the guest device itself that is using the information related to the shared web browsing interaction that it receives from the host through the synchronization server to directly replicate each of the host device's web browsing interactions in real time via direct access to the website server. Ex. 2003, ¶ 43.



That same difference is similarly underscored when comparing Figure 1 of Prajapat with Figure 5(a) of the '448 Patent. Ex. 2003, ¶ 51. For Prajapat, the Petition focuses on Figure 1 noting that “any of the client browsers may **submit webpage requests** to their respective web media servers, which **collectively synchronize the retrieval and display** of the requested web content on each client browser.” Petition, 18¹. Whereas the web media server in Figure 1 of Prajapat acts as a proxy or middleman to the client browser accessing the desired webpage, the host and guest devices in the '448 Patent never request permission from the synchronization server to access the website server—rather, the host and guest devices are independently and continuously accessing the website server on their own accord for retrieval of the web browsing interactions. Ex. 2003, ¶ 51.

Petitioner attempts to overcome the fundamental mismatch between the '448 Patent and the cited art by simply ignoring it or attempting to rewrite the scope of the claims to erase the foregoing limitations. For example, despite the fact that the '448 Patent's claim language clearly states that the:

“synchronization server transmits the *information related to the shared web browsing interaction* to the invitee device in response to receiving the information related to the shared web browsing interaction from the host device”

¹ All emphasis in this preliminary response has been added unless otherwise noted.

(Ex. 1001, 23:59-63), Petitioner describes Lebrun as disclosing “a sequence to create and participate within a group surfing session similar to the ’448 Patent” (Petition, 14), but leaves out any mention of the “group-surfing server” and its role in requesting, receiving, recompiling and resending webpages to the client devices. Ex. 1005, 35:10-15.

In Wang and Prajapat, Petitioner recognizes that these references disclose a middleman server mediating access to the desired webpages (as opposed to web browsing interactions), but nevertheless mischaracterizes that their systems operate “in much the same manner and operation” (Petition, 15) or “in a similar manner” (Petition, 17) to the ’448 Patent. Petitioner’s description of Wang states that the “server apparatus,” which Petitioner mischaracterizes as the claimed “synchronization server,” **“synchronizes the presentation of selected web pages to all participating client devices”** (Petition, 15-16), whereas in actuality it merely transmits the rewritten HTML snapshots in their respective initial load states to the client devices. Petitioner’s description of Prajapat that

“after establishing a co-browsing session...the client browsers may submit web page requests to their respective web media servers, which collectively synchronize the retrieval and display of the requested web content on each client browser”

(Petition, 18) also illustrates the fundamental difference between Prajapat's web media server, which acts as a middleman that retrieves and displays webpage snapshots for the client browsers, and the '448 Patent's synchronization server which continuously detects and transmits information related to the shared web browsing interaction that is received from the host device to send to and allow the guest device to continuously use received web browsing interactions to access the desired web content in a manner that is independent of the synchronization server.

A. The '448 Patent

The '448 Patent, titled "Method and apparatus for the implementation of a real-time, sharable browsing experience on a host device," was issued on November 1, 2016 from an application that was filed on August 19, 2015, and which claims priority to U.S. Provisional Applications No. 12/783,743, which was filed on May 20, 2010. The '448 Patent was invented by Kambiz David Pirnazar and is assigned to Samesurf.

The '448 Patent claims and discloses a "method and apparatus for the implementation of a real-time, sharable browsing experience on a host device." Ex. 1001, 23:17-19. In particular, the '448 Patent discloses an apparatus and method for "implementing a synchronized browsing session, comprising recording a shared web browsing interaction, and transmitting information related to the shared web

browsing interaction to a synchronization server” (Ex. 1001, 3:15-19), wherein the synchronization server “relay[s] the website interaction information to guest devices...for the recital of a synchronized browsing session” (*id.* at 6:15-17).

Claim 1 of the ’448 Patent is representative:

1. A method performed by a host device for establishing a synchronized browsing session between the host device and an invitee device, comprising:

[1.a] sending a request to establish the synchronized browsing session to a synchronization server;

[1.b] receiving a confirmation message from the synchronization server including a session identifier generated by the synchronization server, wherein the session identifier is associated with the host device and the established synchronized browsing session;

[1.c] sending an invitation to an invitee device to join the synchronized browsing session, wherein the invitation includes the session identifier;

[1.d] recording a shared web browsing interaction responsive to determining that a web browsing interaction of the host device within a web browsing window is a sharable web browsing interaction;

[1.e] sending a request for webpage content to a website server independent of the synchronization server;

[1.f] subsequent to sending the request for webpage content to the website server, transmitting information related to the shared web browsing interaction to the synchronization server,

[1.f.i] wherein the information related to the shared web browsing interaction is to be processed by a browser of the invitee device and enables the invitee device to generate a request to retrieve substantially the same webpage content as the request for the webpage content from the host device;

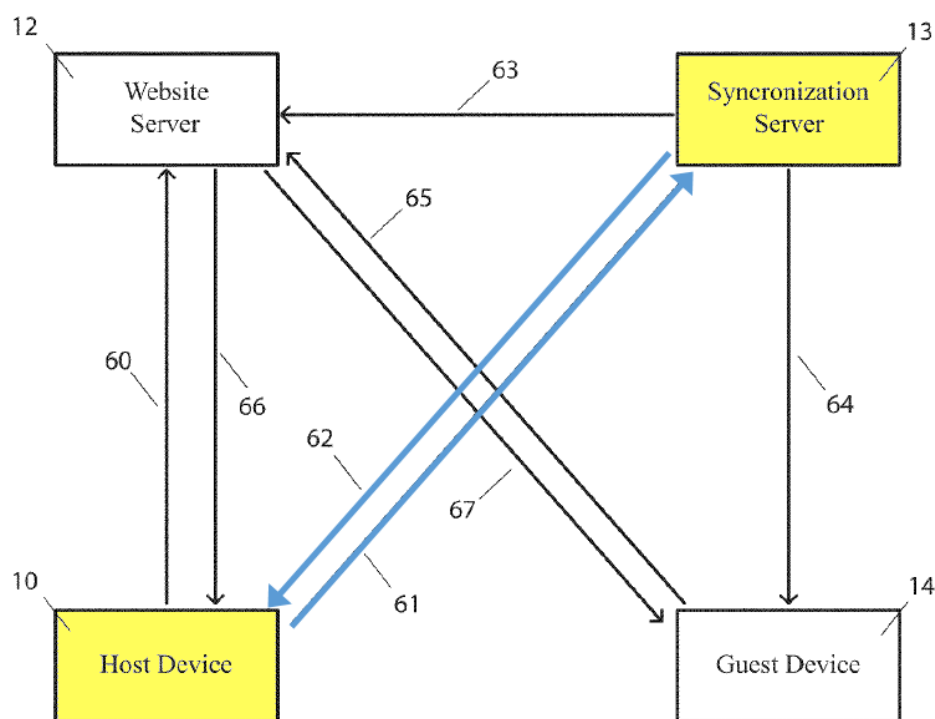
[1.f.ii] wherein the synchronization server transmits the information related to the shared web browsing interaction to the invitee device in response to receiving the information related to the shared web browsing interaction from the host device, and

[1.f.iii] wherein the invitee device retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction; and

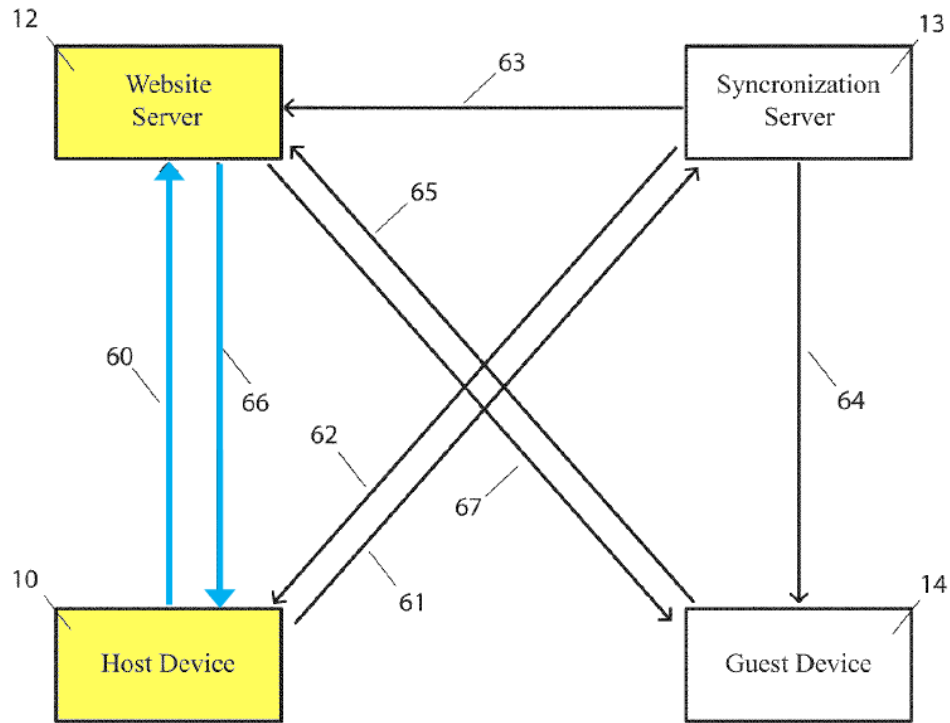
[1.g] receiving, responsive to sending the request for webpage content to the website server and after transmitting the information related to the shared web browsing interaction to the synchronization server, the requested webpage content from the website server.

The '448 Patent discloses a system architecture that utilizes a synchronization server to facilitate “synchronized browsing” sessions. The synchronization server continuously detects and transfers “information related to the shared web browsing interaction” which occurs on the host device for independent replication by the guest device(s). When a “synchronized browsing” session has been established between the host and guest devices (elements [1.a] and [1.b]), the host device sends data relating to its interaction with a website server (i.e., the claimed “information related to the shared web browsing interaction”) to the synchronization server. The synchronization server then relays that information related to the shared web browsing interaction to the guest device (element [1.f.ii] and [1.f.iii]) for each individual web browsing interaction. The guest device uses the information related to the shared web browsing interaction to directly, and on its own, interact with the website server (elements [1.f.i] and [1.f.iii]) in the same manner as the host device, resulting in a highly resource efficient, secure, and high-performance real-time “synchronized browsing” session between the host and guest devices. An overview

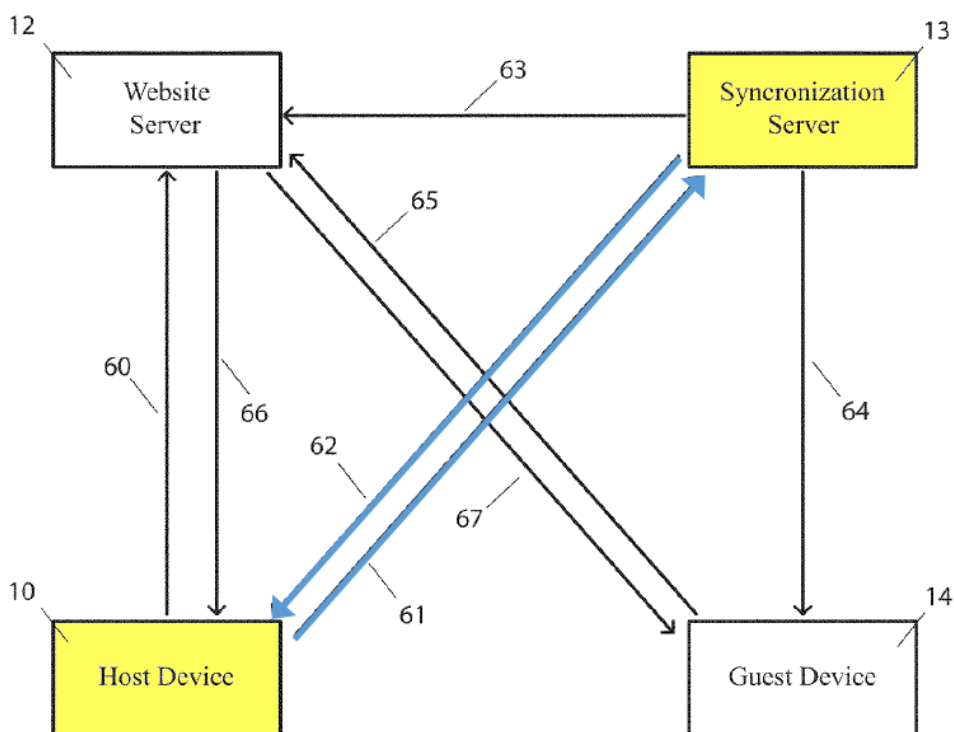
of this architecture is detailed by the example embodiment shown in annotated versions Fig. 5(a) and described below.



First, the host device 10 initializes and conducts a “synchronized browsing” session through communication with synchronization server 13. Ex. 1001, 16:11-13; Ex. 2003, ¶ 33.



During a “synchronized browsing” session, the host device 10 may transmit a website request 60 to website server 12. *Id.* at 16:13-15. In response to website request 60, website server 12 sends website content reply 66, which includes data necessary to view the website, to host device 10. *Id.* at 16:23-30; Ex. 2003, ¶ 34.

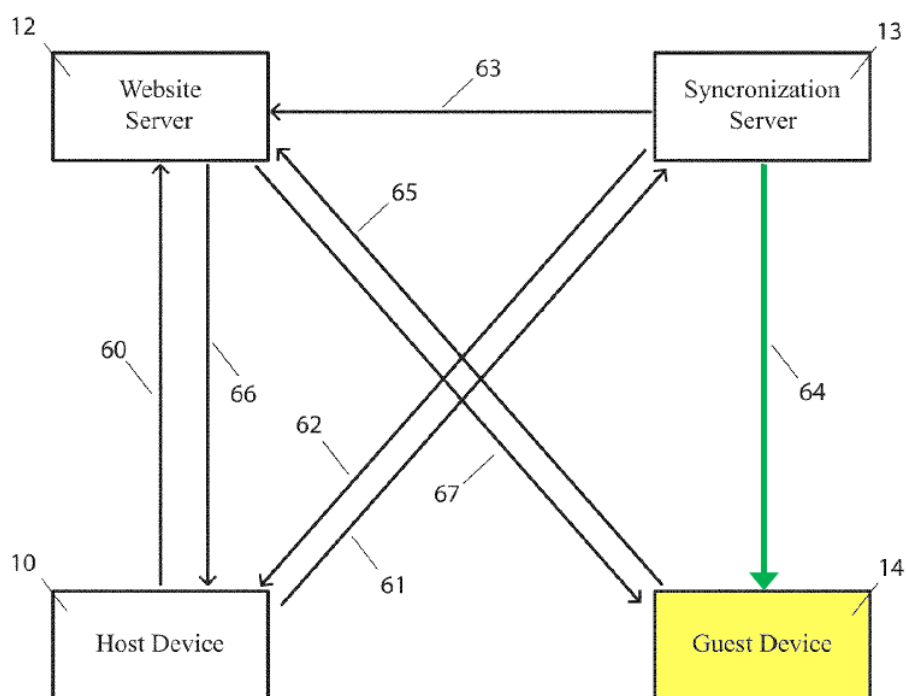


After the host device 10 transmits website request 60 to website server 12, the host device 10 transmits communication message 61, which includes webpage interaction information (i.e. the claimed “information related to the shared web browsing interaction”) (*id.* at 18:56-60), to the synchronization server 13. *Id.* at 16:31-34; Ex. 2003, ¶ 35. “Information related to the shared web browsing interaction” relates to an interaction performed by a host device that is able to be independently replicated by a guest device. Ex. 2003, ¶ 33. The ’448 Patent explains that:

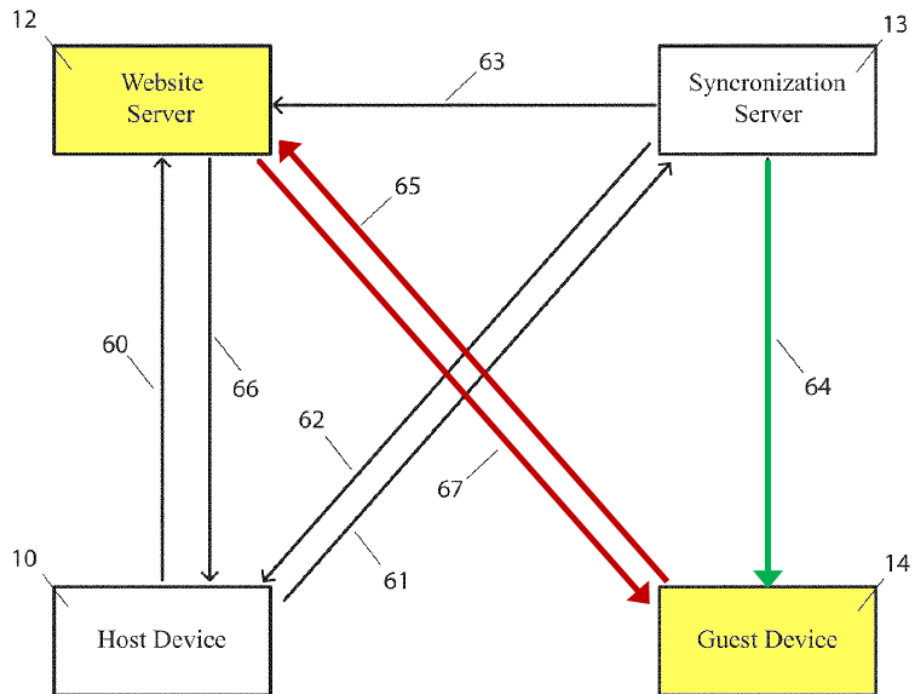
“In an exemplary synchronized browsing session, host device 10 may *forward **website interaction information** with website server 12 to synchronization server 13*, which may *relay the website interaction*

*information to guest devices 14 and 15 for the **recital of a synchronized browsing session.***”

Ex. 1001, 6:12-17. In other words, “website interaction information” relates to an interaction performed by the host device that, once received by the guest device, can also be performed by the guest device. It follows that the information related to the shared web browsing interaction must be associated with (1) the host device (because the information relates to the interaction performed by the host), as recited in claim element [1.d], and (2) the website server that is independent of the synchronization server (because the interaction performed by the host is performed on web content that is hosted by the website server, for example), as recited in element [1.f.i] and [1.f.iii] which is represented in the following annotated version of Figure 5(a):



After the host device 10 transmits communication message 61 to synchronization server 13, synchronization server 13 forwards communication message 64, which includes “information related to the shared web browsing interaction”, to guest device 14 (element [1.f.ii] and [1.f.iii]). *Id.* at 17:16-18; Ex. 2003, ¶ 36.



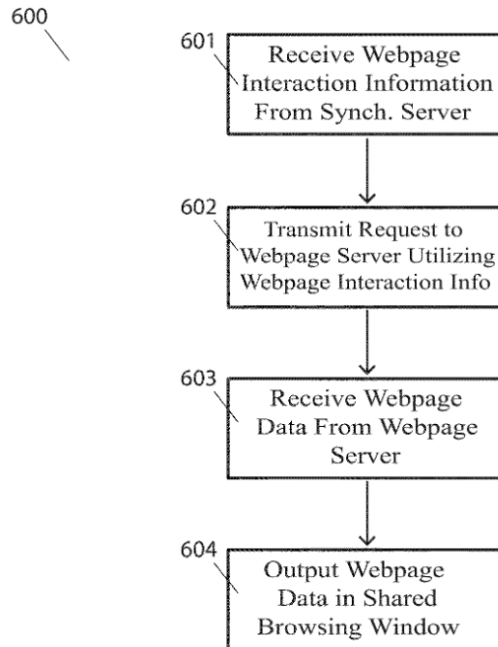
Communication message 64, which includes “information related to the shared web browsing interaction,” “may be used by guest device 14 to formulate website request 65 (element [1.f.i]) to be sent from guest device 14 to website server 12. Website request 65 is a data communication message transmitted by guest device 14 to website server 12. *Id.* at 17:18-17:23. Website request 65 may be identical to website request 60 such that 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. *Id.* at 17:60-64; Ex. 2003, ¶ 37.

Thus, 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. *Id.* at 17:64-67. In other words,

the interactions between the host device and the website server are contemporaneously, but independently, replicated in the interactions that are taking place between the guest device and website server.

The '448 Patent's claims require that a guest device specifically receives "information related to the shared web browsing interaction" from the synchronization server and do not recite receiving webpages or snapshots of webpages at their initial load state. *See, e.g.,* Ex. 1001, Claim 1. As further support, Figure 5(a) does not include a traffic arrow from the website server 12 to the synchronization server 13, which indicates that the synchronization server does not necessitate any data—webpage content or otherwise—be received from the website server 12. Thus, in the '448 Patent, the synchronization server sits between the host and guest devices to transfer information related to the shared web browsing interaction. The synchronization server does not operate as a middleman or proxy server to mediate web content traffic between the host and guest devices and the website server. Figure 5(d) further describes this operation by providing a flow chart illustrating how the guest device utilizes "information related to the shared web browsing interaction" from the synchronization server "for the execution of a synchronized browsing session with host device 10." *Id.* at 19:33-35.

FIG. 5(d)



First, the guest device receives the “information related to the shared web browsing interaction” (i.e. “webpage interaction information”) from the synchronization server (step 601 and element [1.f.ii] and [1.f.iii]) and subsequently transmits a website request to the website server (step 602 and element [1.f.i]). Ex. 1001, 19:41-48. The guest device formulates the website request by processing the “information related to the shared web browsing interaction.” *Id.* at 19:48-50. The guest device then receives a content reply from the website server (step 603) and displays the content reply to the user of the guest device within a shared browsing window (step 604). *Id.* at 19:53-57. The guest device receives “information related to the shared web browsing interaction” from the synchronization server (step

602)—not a copy, snapshot, or modified version of the webpage itself—and utilizes the information related to the shared web browsing interaction to access the website server on its own (step 602) (*i.e.* without the mediation of a “middleman” server) in order to retrieve the desired content (step 603).

The '448 Patent's claims also recite that the “information related to the shared web browsing interaction” is associated with the host device and a “website server that is *independent* of the synchronization server.” Ex. 1001, Claim elements [1.d], [1.e], [1.f.i], [1.f.ii], [1.f.iii]. The type of data passed by the synchronization server and the independence of the website server are complementary. Because the synchronization server sends “information related to the shared web browsing interaction” (to be received by the guest device) as opposed to, for example, generating a snapshot of the webpage (Wang) or retrieving the webpage on its own (Lebrun and Prajapat), the guest device is empowered to experience a fully synchronized shared web browsing journey, unlike the cited prior art which is limited to sharing webpages via entirely different processes. Ex. 1001, 2:30-38, 18:57-60, Figs. 5a & 5d. In comparing a synchronized shared web browsing journey to a page sharing construct, it is important to note that the cited prior art's inability to capture and replicate web browsing interactions that occur after the transmission of the initial state of the webpage will likely lead to a disjointed webpage sharing experience that is also unlikely to be synchronized.

While the cited prior art depends on the middleman server to receive the webpage, the '448 Patent claims require that the guest device *must* “access the web server independent of the synchronization server.” Ex. 1001, Claim 1. In fact, it is this independent access requirement of the '448 Patent that is at least partially responsible for the performance and security improvements that it achieves over the embodiments from Petitioner’s prior art references. Specifically, the '448 Patent describes in relation to Fig. 5(a) that

“website request 65 [from guest device 14] is identical to website request 60 [from host device 10] such that website content reply 67 [to the guest device], the data content sent by website server 12 in response to website request 65, is similar or identical to website content reply 66 [to the host device].”

Ex. 1001, 17:60-64; Ex. 2003, ¶ 37. As also described in Figure 5(d) above, the guest device utilizes “information related to the shared web browsing interaction” across the “synchronized browsing” session to initiate the “webpage requests” to the “website server” referred to in the preceding quote. Ex. 1001, Fig. 5(d).

The distinct system architecture and method utilizing “information related to the shared web browsing interaction” described and claimed in the '448 Patent results in significant improvements over the cited prior art, including, for example, enabling “all users in a session to click, input, and log into fully interactive experiences in a simultaneous or nearly simultaneous manner” within a framework

that requires less bandwidth and processing power than prior art systems while significantly enhancing the security and protection of private information during shared sessions due to the system's ability to determine whether or not "a web browsing interaction of the host device...is a sharable web browsing interaction."

Ex. 1001, Claim element [1.d]; 2:15-44.

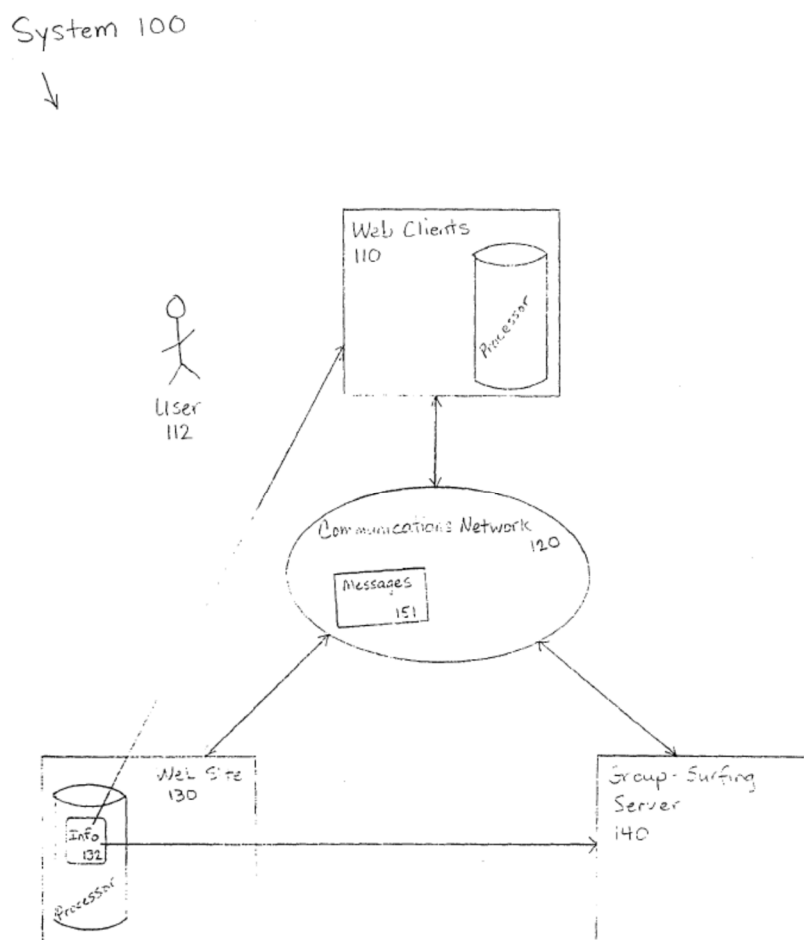
Thus, the '448 Patent is distinguished from the cited prior art references that merely teach the highly inefficient and non-secure process of requiring a middleman server to transmit reformulated webpages to one or more guest devices.

B. Alleged Prior Art

1. *Lebrun*

Lebrun (Ex. 1005) describes "an improved technique for group access to web sites" where "[m]ultiple related users can simultaneously access a sequence of web sites, such that each of the related users has substantially the same content presented at the same times." Ex.1005, Abstract.

Lebrun teaches a system that enables multiple users to view rebuilt versions of webpages at their respective initial load states. Lebrun is focused on group access to a progression of webpages using a group-surfing server. Figure 3 of Lebrun depicts "a block diagram of a system for group access to web sites." Ex. 1005, 10:20; Ex. 2003, ¶ 40.



In Lebrun's architecture, one or more controlling web clients 110 select a progression of pages 153 for viewing during the group-surfing session. Ex. 1005, 34:15-17. If there are multiple controlling web clients 110, then the group-surfing server determines the progression of pages 153. *Id.* at 34:19-22. Once the progression of webpages is determined, the group-surfing server 140 itself receives each webpage 153 and then resends the HTML markup of the subject webpage to the web clients 110 participating in the session. *Id.* at 35:10-15. The group-surfing

server—as opposed to the host and/or guest devices—makes the requests to the website for the webpages in place of the web clients. *Id.* at 36:11-17; Ex. 2003, ¶ 41.

2. *Wang*

Wang (Ex. 1006) describes a system directed towards collaborative virtual shopping which comprises a system with “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.”² Ex. 1006, ¶ 39. Figures 1 and 2 below illustrate the functional relationship between the system components:

² Wang uses extra spaces in reference numbering (e.g., “client devices 12 a and 12 b” instead of “client devices 12a”). For readability, the extra spacing has been removed from quoted portions and referenced elements of Wang throughout this preliminary response.

FIG. 1

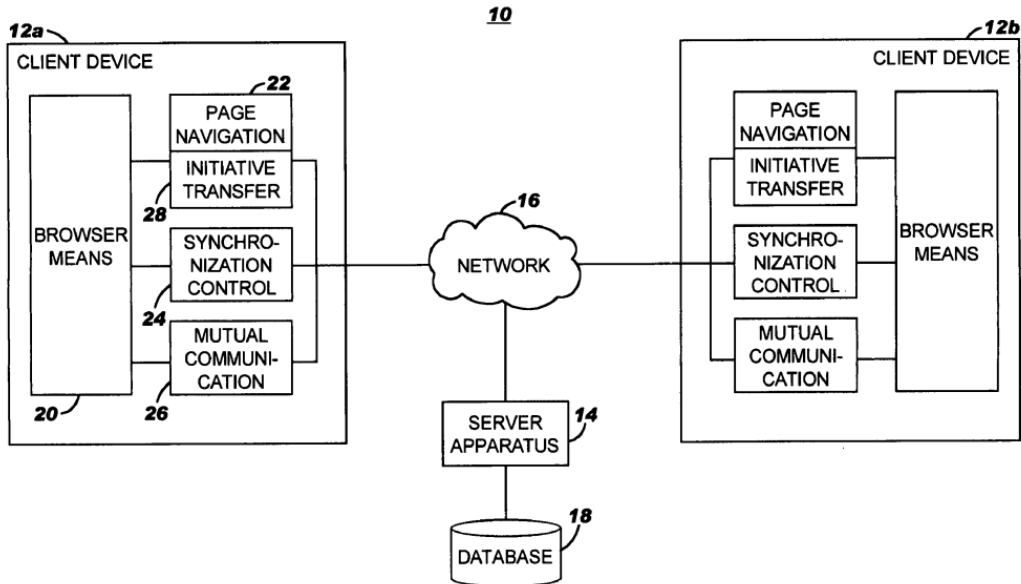
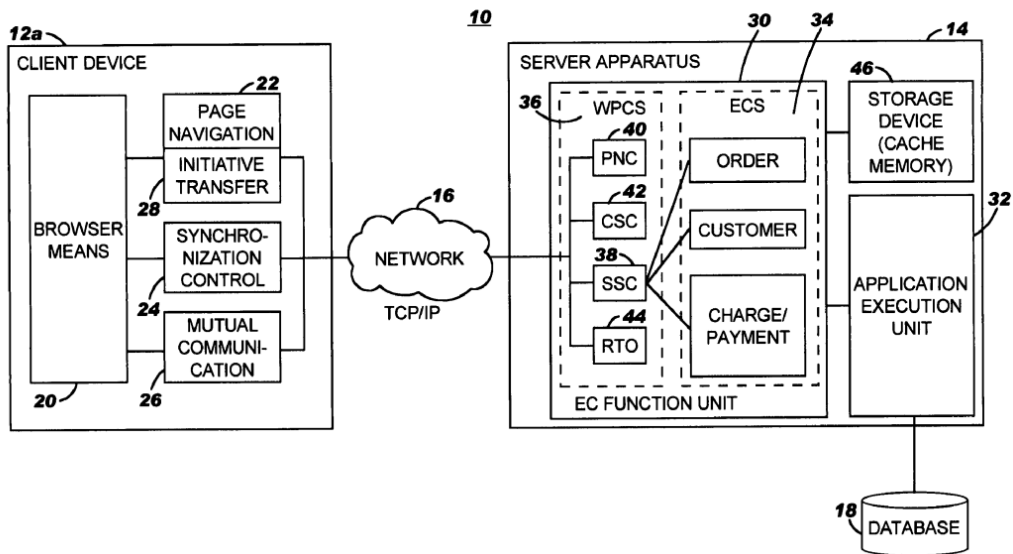


FIG. 2



Wang describes a collaborative end goal that is strictly mediated through the server apparatus 14. As such, every point of access and decision that a client device 12a and 12b makes must go through server apparatus 14, including access to

webpages and invitations to other client devices for joining the collaborative online shopping session. For example, in order to access a webpage, the client devices 12a and 12b send HTTP requests to the server apparatus; the server apparatus 14 then “retrieves applicable web pages based on commands included in the HTTP requests;” and “sends, as HTTP responses, data for displaying the web pages as, for example, HTML documents, to the predetermined client devices, thus servicing the HTTP requests.” Ex. 1006, ¶ 39. Thus, in Wang’s system, the client devices never interact directly with the website server from which they are requesting a webpage. Instead, each client device “acquires a web page stored by the *server apparatus* 14 in a database 18.” *Id.*

Moreover, while the synchronization server described in the ’448 Patent mediates the delivery of “information related to the shared web browsing interaction” to the guest device to enable the guest device to “operat[e] an application based on said information related to the shared web browsing interaction...to access a website server independent of the synchronization server subsequent to the activation of the session invitation” (element [1d]), Wang’s server apparatus 14 only “passes snapshot data of a web page then browsed by the client device 12a to the client device 12b” after it receives “a notice from the client device 12a to invite the client device 12b.” Ex. 1006, ¶ 40.

Unlike the claimed information related to the shared web browsing interaction, 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.

3. *Prajapat*

Like Lebrun, Prajapat (Ex. 1007) teaches a system that enables multiple users to view the same webpages based on a recompiled webpage that is sent from a middleman server. Petitioner relies on Figure 1, which illustrates that Prajapat’s system is fundamentally different from that claimed in the ’448 Patent:

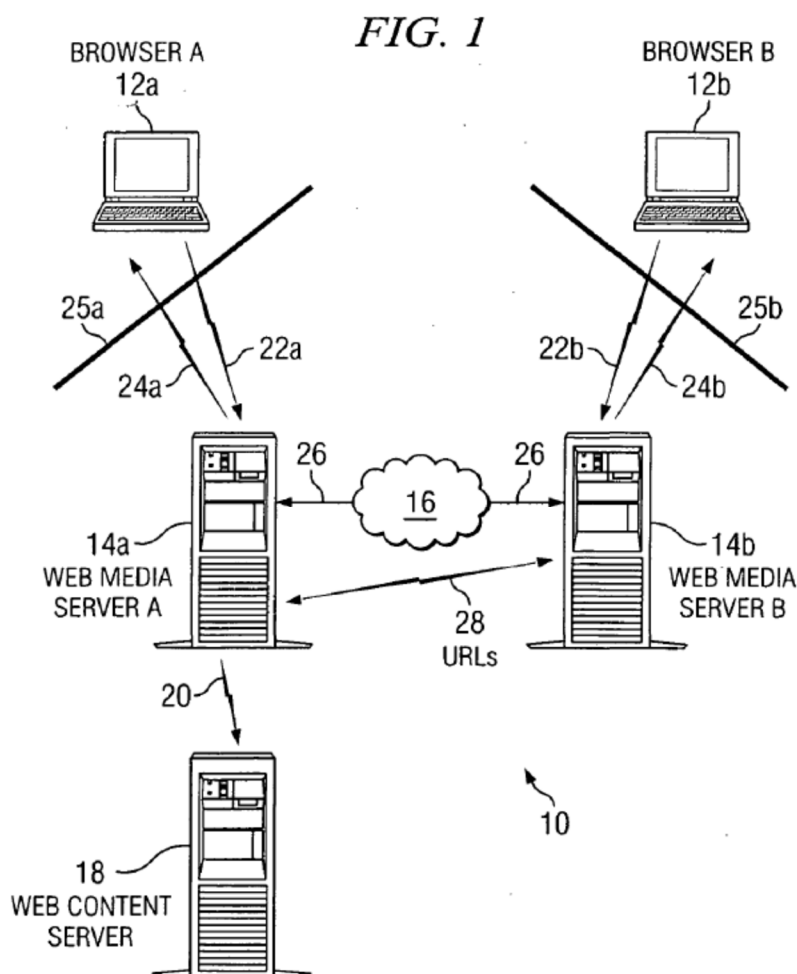
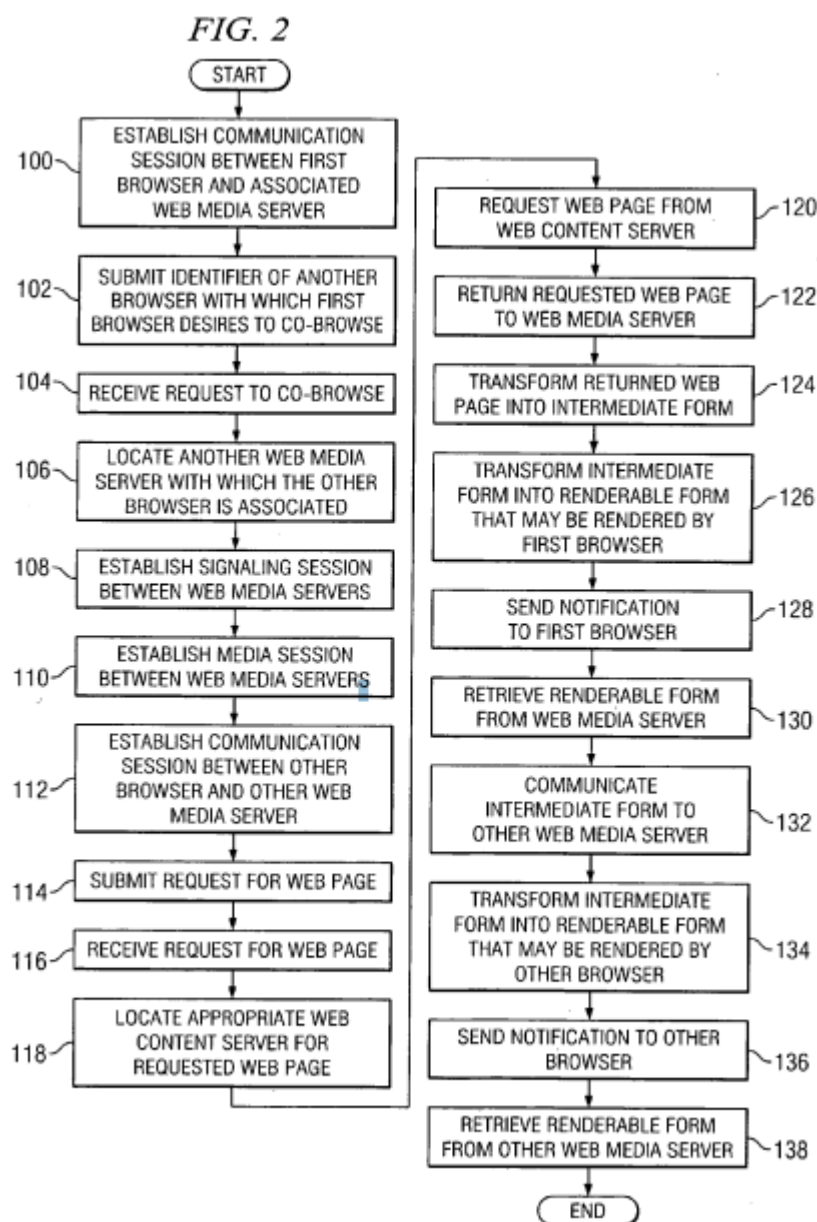


Figure 1 depicts a “communication system 10” that “includes browsers 12, web media servers 14a and 14b coupled via network 16, and web content server 18 coupled to web media server 14a via link 20.” Ex. 1007, ¶ [0012]. As depicted in Figure 1, there is no direct communication between the host and guest browsers 12a and 12b and the web content server 18. Ex. 2003, ¶ 48. Instead, the web media server 14 mediates all interaction between the two. Unlike the ’448 Patent’s claims where the guest device uses information related to the shared web browsing interaction to independently “retrieve[] data from the website server in

response to receiving the information related to the shared web browsing interaction from the synchronization server” (Ex. 1001, 23:64-67), Prajapat describes a system where browser 12a cannot access a webpage from the web content server 18 in a manner that is independent of the web media server 14a. Figure 2 further describes the steps illustrated by Figure 1 in more detail:



Beginning with step 114, “browser 12a may submit a request...for a web page...to web media server 14a.” Ex. 1007, ¶ 36. Next, the web media server 14a receives the request (step 116) and locates the web content server 18 that includes the requested webpage (step 118). *Id.* at ¶¶ 36-37. The web media server 14a then requests, from the web content server 18, the webpage requested by the browser 12a (step 120) and the web content server 18 returns the requested webpage to the web media server 14a (step 122). *Id.* at ¶ 37. At step 124, “web media server 14a may transform the returned webpage into some intermediate form.” *Id.* The web media server 14a then transforms the intermediate form of the webpage into a form that is renderable by browser 12a (step 126) and sends a notification to browser 12a that the webpage has been retrieved (step 128). *Id.* at ¶ 38. “At step 130, browser 12a retrieves the renderable form of the webpage from web media server 14a.” *Id.*

The web media server 14a also communicates the intermediate form of the webpage to web media server 14b (step 132), which transforms the intermediate form into a format that is renderable by web browser 12 b (step 134). *Id.* at ¶ 39. The web media server 14b then notifies browser 12b that the requested page has been retrieved (step 136) and browser 12b retrieves the renderable form of the webpage from web media server 14b (step 138). *Id.*

This is a fundamentally different system from the one that is disclosed by the '448 Patent wherein the host and guest devices access the website server independent of the synchronization server. Ex. 2003, ¶ 51. As such, the '448 Patent's synchronization server does not act as a middleman between the host and guest devices and the website server. Instead, it effectuates the transfer of information related to the shared web browsing interaction between the host and guest devices so that the guest device can employ the information related to the shared web browsing interaction to separately access the website server in order to independently replicate or simulate the host device's web browsing interactions in real time.

Moreover, Prajapat's transformation of the requested webpage by the web media server into an "intermediate form" as described in step 124 and then the subsequent transformation of that "intermediate form" into a format that is renderable by the browsers described in steps 126 and 134 is neither taught or claimed by the '448 Patent; nor does it constitute a transfer of "information related to the shared web browsing *interaction*." Instead, this process is similar to the one described in Wang where a snapshot of a webpage at its initial load state is taken and that snapshot is transferred to the browsers by the middleman server (web media servers 14) to the browsers 12a and 12b. In addition, the subject browsers never actually access the webpage that resides on the source URL on the web media server

“in real time” because the webpage that is requested from the web media server actually goes through two transformations that are generated by the web media server before it is received by the requesting browser.

III. CLAIM CONSTRUCTION

At this stage of the proceeding, Patent Owner takes no position regarding the proper construction of the claim terms in the '448 Patent because the Board may deny the Petition, and thus resolve the dispute, without construing these terms. *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). Patent Owner's silence at this stage is not a concession regarding any claim constructions, and Patent Owner reserves the right to present constructions for any claim terms in the future.

IV. LEVEL OF ORDINARY SKILL IN THE ART

A. Definition of a POSITA

A person of ordinary skill in the art (“POSITA”) as of at least May 20, 2010 would have had at least a bachelor's degree in computer science, computer engineering, electrical engineering, or a similar field, and at least two years of professional experience or significant work experience in internet web browsing software development, web connectivity software development, or networking software development. Ex. 2003 (Declaration of David S. Howell in support of Patent Owner's Preliminary Response (“Howell Decl.”)), ¶ 19. The prior art and the

'448 Patent evidence this level of ordinary skill. Under this definition, Dr. David S. Howell, Patent Owner's expert for this proceeding, would have at least been a POSITA at the time of the filing of the first application to which the '448 Patent claims priority. *Id.*

While both Patent Owner's and Petitioner's definitions of a POSITA require at least a bachelor's degree in computer science, computer engineering, electrical engineering, or a similar field, Patent Owner's definition requires at least two years of professional experience in internet web browsing software development, web connectivity software development, or networking software development, whereas Petitioner suggests that additional education could have substituted for professional experience or significant work experience. Petition, 11; Ex. 2003 (Howell Decl.), ¶ 20-21.

The subject matter of the '448 Patent, including the claims challenged by the Petition, relate to the implementation of a real-time, sharable web browsing experience, aka "synchronized web browsing." Ex. 2003 (Howell Decl.), ¶ 22; Ex. 1001, Abstract. Likewise, the primary prior art references and most of the secondary references cited in the Grounds of the Petition, including Lebrun, Wang, and Prajapat (i.e., all of the references relied upon by the Petition), relate to internet web browsing software and/or internet based web browsing. *See, e.g.*, Ex. 1005, Abstract, Fig. 3; Ex. 1006, ¶ 39, Figs. 1-2; Ex. 1007, ¶ [0012], Fig. 1. Thus, in both the '448

Patent and these prior art references, any discussion of internet web browsing that is present is never divorced from internet web browsing software. Ex. 2003 (Howell Decl.), ¶ 22.

Moreover, the opinions provided by Petitioner’s expert, Dr. Henry A. Lieberman, predominantly relate to internet web browsing software. Ex. 2003 (Howell Decl.), ¶ 23. This is no surprise, as Dr. Lieberman necessarily discusses the ’448 Patent and the Lebrun, Wang, and Prajapat references, which, as discussed above, all relate to internet web browsing software. Ex. 2003 (Howell Decl.), ¶ 23; Petition EX1003 (“Declaration of Henry A. Lieberman”), ¶¶ 10-20, ¶¶ 31-46.

B. Dr. Lieberman Does Not Qualify as a POSITA under Patent Owner’s Definition

Dr. Lieberman does not have the requisite level of skill to testify from the perspective of a POSITA under Patent Owner’s own definition. Ex. 2003 (Howell Decl.), ¶ 24. “To offer expert testimony from the perspective of a skilled artisan in a patent case—like for claim construction, validity, or infringement—a witness must at least have ordinary skill in the art. Without that skill, the witness’ opinions are neither relevant nor reliable.” *Kyocera Senco Indus. Tools Inc. v. Int’l Trade Comm’n*, 22 F.4th 1369, 1376-77 (Fed. Cir. 2022). Similar to the facts in *Kyocera*, here, while Dr. Lieberman has a degree in “*Informatique*” from the University of Paris VI (Sorbonne), his Curriculum Vitae (“CV”) does not describe at least two

years of experience in internet web browsing software development, web connectivity software development, or networking software development as required under Patent Owner's definition. Ex. 2003 (Howell Decl.), ¶ 24; Ex. 1004 ("Curriculum Vitae of Henry A. Lieberman"), 1.

Should the Board adopt Patent Owner's definition of a POSITA, Patent Owner respectfully requests that Dr. Lieberman's opinions should be given little or no weight because Dr. Lieberman does not have the requisite level of skill to testify from the perspective of a POSITA under Patent Owner's definition. Ex. 2003 (Howell Decl.), ¶ 25.

C. Dr. Lieberman Also Does Not Qualify as a POSITA Even under Petitioner's Definition

Even under Petitioner's definition, Dr. Lieberman does not have the requisite level of skill to testify from the perspective of a POSITA. Dr. Lieberman's Declaration only includes the conclusory statements that he "[is] known in the field as an expert in Artificial Intelligence and Human-Computer Interaction," and that while the level of ordinary skill requires, "at least two years of work experience in software development and/or web-based software [development]," he opines that "[w]ith more education, such as additional graduate degrees or study, less professional experience is needed to attain the ordinary level of skill." Ex. 1003, ¶¶ 7, 17-19. However, this does not establish that Dr. Lieberman has "at least two years

of work experience in software development and/or web-based software [development]” as required by Petitioner’s own definition or, “at least two years of professional experience or significant work experience in internet web browsing software development,” as required under Patent Owner’s definition. Ex. 2003 (Howell Decl.), ¶ 26. Furthermore, nothing in Dr. Lieberman’s CV represents such experience. *Id.*, ¶ 27.

Therefore, even if the Board adopts Petitioner’s definition of a POSITA, Patent Owner respectfully submits that Dr. Lieberman’s opinions should still be given little or no weight because Dr. Lieberman does not have the requisite level of skill to testify from the perspective of a POSITA and the definition suggested by the Petitioner in and of itself disqualifies Dr. Lieberman from being a POSITA. *Id.*, ¶ 29.

V. ARGUMENT

A. **Ground 1: Intuit fails to demonstrate a reasonable likelihood that Lebrun in view of Wang teaches “information related to the shared web browsing interaction.”**

The claims of the ’448 Patent all require that “information related to the shared web browsing interaction” satisfies multiple conditions. First, the information must pertain to an “interaction” related to web browsing. Second, the information must be associated with [a] data from the website server, and [b] the host device that has initiated the session invitation. Third, the information related to the shared web browsing interaction must be able to be used by the guest device to, on its own,

“generate a request to retrieve substantially the same webpage content as the request for the webpage content from the host device... [and to] retrieve[] data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

Information related to the shared web browsing interaction is a key element of the invention of the '448 Patent. As described in detail in Section II(A) and as it relates to the “synchronized browsing” disclosed and claimed in the '448 Patent, the browsing devices—host and guest(s)—each independently access website data from the relevant web content servers. Within this construct, the synchronization server transfers data relating to each interaction (“information related to the shared web browsing interaction”) that is performed by the host browsing device to one or more guest browsing devices, so that any guest browsing device may independently replicate the actions performed by the host device to access the same web content data from the website servers. The '448 Patent describes information related to the shared web browsing interaction in the following manner:

- “The present invention further describes a method for establishing a synchronized browsing session, comprising recording a shared web browsing interaction, and transmitting information related to the shared

web browsing interaction to a synchronization server.” Ex. 1001, 3:15-19.

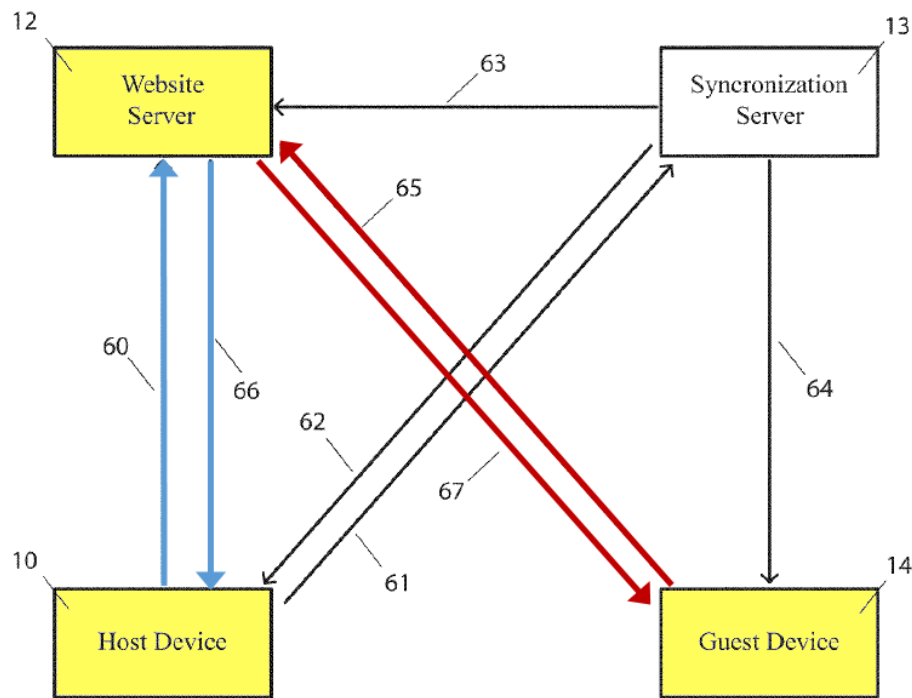
- “In an exemplary synchronized browsing session, host device 10 may *forward website interaction information with website server 12 to synchronization server 13*, which may *relay the website interaction information to guest devices 14 and 15* for the recital of a synchronized browsing session.” Ex. 1001, 6:12-17.
- In embodiments with more than one host device, “*webpage interactions performed by any controlling party* will be forwarded to the other attendees in the synchronized browsing session.” Ex. 1001, 6:64-66.
- “A following device, such as guest device 14, may be defined as any device that *receives relayed webpage interactions* from synchronization server 13.” Ex. 1001, 7:8-10.

The information related to the shared web browsing interaction received by the guest device allows the guest device to access a web server that is separate from the host device. For example, the ’448 Patent describes in relation to Fig. 5(a) that:

“[W]ebpage request 65 [from guest device 14] is *identical* to website request 60 [from host device 14] such that 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....”

Ex.1001, 17:38-45.



Ex. 1001, Fig. 5(a) (annotated).

In Ground 1, Petitioner cites Lebrun for this element and points to both “a ‘group-surfing server’ receiving a ‘next-page message’ from the ‘controlling web client,’” (Petition, 25-26) and a “‘next-page message’ that is sent to the ‘group-surfing server,’ which then causes the ‘next page’ to be presented to the other web clients in the session” (Petition, 29-30) as seemingly meeting the claim limitation. As explained in greater detail in Section V(B) below, the architecture of Lebrun is

fundamentally different from the invention disclosed and claimed in the '448 Patent. In Lebrun, the group-surfing server 140 performs the actions to actually retrieve the webpage in order to provide the snapshot of the webpage to web clients 110. The claims of the '448 Patent all require “information related to the shared web browsing interaction” that satisfies that: (1) the information must pertain to an “interaction” related to web browsing; (2) the information must be associated with [a] data from the website server, and [b] the host device that has initiated the session invitation; and (3) the information must be able to be used by the guest device to, on its own, “retrieve[] data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server.” The received webpage contents cannot constitute “information related to the shared web browsing interaction,” because they do not satisfy at least two of the three claimed conditions required of the term. With regard to the first point, Lebrun’s webpage does not amount to data relating to an *interaction* that may be performed by the guest device. As related to the third point, since the group-surfing server has already retrieved the contents of the webpage from the website server and delivered the contents to the guest web client, the guest web client will necessarily not access this data in “retriev[ing] data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server,” as required by the claims. Thus, Petitioner fails to demonstrate a reasonable

likelihood that Lebrun discloses “information related to the shared web browsing interaction.”

Petitioner further cites Wang as disclosing this limitation. Petition, 30-31. In particular, Petitioner states:

The “server apparatus” may include a “client synchronization control unit (CSC) 42 for enabling synchronization between the client devices,” wherein the CSC “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.”

Petition, 30 citing Ex. 1006, ¶ [0043]. Similar to the above argument for Lebrun, and as explained in Section II(B)(2), pushing a “web page or the snapshot data to the client devices” does not constitute information related to the web browsing *interaction* as required by the claim. As such, Petitioner’s assertion that:

A POSITA would have been motivated to combine Wang’s teachings of a “server apparatus” with integration and synchronization functionality to Lebrun’s “group-surfing server” to allow a “controlling web client” to share web pages with other users participating in the session

(Petition, 31 citing Ex. 1003, ¶ 174) is inapt. For at least the reasons above, the Petition fails to demonstrate a reasonable likelihood that this claim element is taught by Lebrun in combination with Wang.

B. Ground 1: Intuit fails to demonstrate a reasonable likelihood that Lebrun in view of Wang teaches a guest device that “retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

1. Intuit fails to demonstrate that the invitee device “retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server.”

Claim 1 of the '448 Patent recites a method performed by a “host device for establishing a synchronized browsing session” and requires that the guest device “retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.” Ex. 1001, claim 1. “Synchronized browsing” as defined and claimed in the '448 Patent is different than other contemporaneous and prior art “co-browsing” solutions that were available at the time. A key difference between the claimed “synchronized browsing” invention and the “page sharing” solution like the one shown in Lebrun is the latter’s dependence on a middleman server (Lebrun’s group-surfing server) that acts as an intermediary between the browsing devices (such as the host and guest browsing devices) and the relevant website servers. Lebrun not only fails to teach “receiving

the information related to the shared web browsing interaction” by an invitee device, it also does not teach a “synchronization server” as claimed.

Key to this element, Petitioner must show that Lebrun’s “web clients 110” each independently receive the claimed “information related to the shared web browsing interaction” from Lebrun’s “group-surfing server 140,” which Petitioner analogizes to the claimed synchronization server. Petitioner must also show that “in response to receiving the information related to the shared web browsing interaction from the synchronization server,” the invitee device itself “*retrieves data from the website server.*” Ex. 1001, claim 1. But in Lebrun, the group-surfing server 140 actually executes the content request, retrieval and recompiling processes on behalf of the web clients 110, and thus the guest web clients 110 (those that are not the controlling web browsing client³) never receive the claimed “information related to

³ Lebrun describes a group surfing session which is accessed by web clients 110. One or more of the web clients is designated as the controlling web client, which permits them to be “empowered by the group-surfing server 140 to control the group surfing session.” Ex. 1005, 33: 14-16. For clarity and consistency in this preliminary response, the web client that drives the group browsing session in Lebrun is referred to as the controlling web client, and the other web clients that follow the group browsing session are referred to as the “guest” or “invitee” web clients.

the shared web browsing interaction” from the web server and also never “retrieve data from the website server.” Lebrun’s group-surfing server captures user input in a browsing session by the controlling web client, and then, instead of sending that data to the other web clients in the co-browsing session for independent replication, the group-surfing server serves as a proxy that sends that user input information to the web site that is being browsed, and then passes the HTML markup of the webpage to the other web clients 110 that are participating in the browsing session.

In other words, the guest web clients 110 that are participating in a browsing session do not receive “information related to the shared web browsing interaction” from a “synchronization server” at all and also never “retrieve[] data from the website server.” The passages from Lebrun cited in the Petition confirm this operation. The Petition states that the “the ‘program fragment’ [which] is controlled by the ‘group-surfing server,’ interfaces and affects the operations of a ‘web client’, which includes determining which ‘web page’ to retrieve” (Petition, 33 citing Section IX.A.1.e and Ex. 1005, 36:21-25) and that “the information received by the other web clients from the ‘group-sharing server’ is related to the ‘controlling web client’ determining the ‘next page’ to present.” *Id.* citing Sections IX.A.1.g-h and Ex. 1005, 35:26-28; 45:21-29.

As explained here, Lebrun’s group-surfing server 140 “contacts the web site 130 having next page 153” and “directs that target web site 130 to deliver that next

page 153 so it can be presented to those web clients 110 participating in the session.” Ex. 1005, 35:6-8. The group-surfing server 140 does not send *any of this information* to guest web clients 110—it instead sends that information to the web site 130, and the web site 130 sends the next page information to the guest web clients. Thus, the web clients 110 receive (1) the *next page that is being browsed* from (2) *the web site 130*, but they do not receive (1) information related to the shared web browsing interaction from (2) the synchronization server, as claimed.

The Petition relies on Lebrun’s disclosure of a “program fragment” that “affects the operations of a web client” to meet this disclosure. Petition at 33. The program fragment disclosed by Lebrun is used to capture user input at the controlling web client 110 (that is, the web client that is driving the web browsing navigation with the other web clients 110), and then transfers that information to the group-surfing server, which then, as disclosed above, “directs that target web site 130 to deliver and the guest web clients 110 so it can be presented to those web clients 110 participating in the session.” Ex. 1005, 35:6-8. The program fragment operates at the controlling web client 110 to capture actions being performed at the controlling web client 110, and because the multiple web client 110 which may operate as the controlling web client may change within a group browsing session (Ex. 1005, 34:19-22), each web client 110 runs the program fragment. The program fragment *sends data to* the group-surfing server, and then receives some webpage information

from the web site 130. However, the program fragment never *receives* information related to the shared web browsing interaction *from* the synchronization server, as claimed.

For example, the Petition cites to Lebrun as stating that the “program fragment can intercept selection of a link 152” or “posting of HTML forms” “and *direct that selection to the group-surfing server 140 for processing*”—in direct contrast to claim element [1.i] in the ’448 Patent, which requires that the guest device “*receiv[e]* the information related to the shared web browsing interaction from the synchronization server.” Lebrun at 36-37. In these scenarios, the program fragment operates to detect an action on a controlling web client, and then *sends* information to the group-surfing server 140. These scenarios do not relate to the operation of the program fragment at a guest web client (*i.e.*, the focus of the claims of the ’448 Patent), and at no point does Lebrun disclose or teach that the program fragment *receives* any alleged shared web browsing interaction data *from* the alleged synchronization server, as required by the ’448 Patent’s claims.

In each of these scenarios, the program fragment operates to detect an action on a controlling web client, and then *sends* information to the group-surfing server 140, or requests information directly from the web site 130. None of these scenarios relate to the operation of the program fragment at a guest web client, and at no point does Lebrun disclose or teach that the program fragment *receives* any alleged

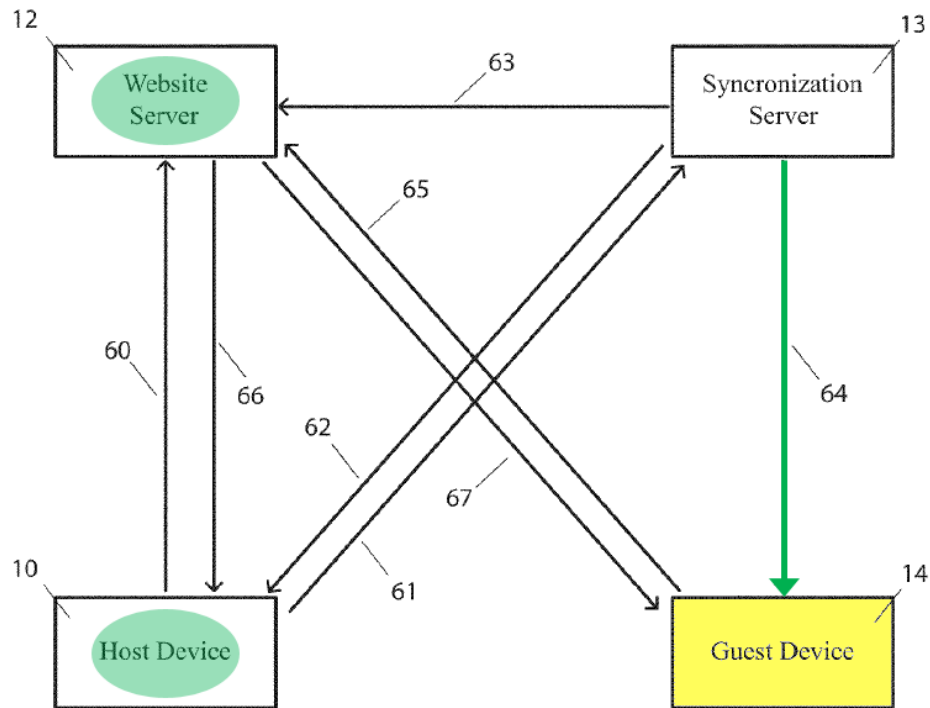
information related to the shared web browsing interaction *from* the alleged synchronization server, as required by the '448 Patent's claims. For each of the examples above, the Petition mischaracterizes the operation of Lebrun to state that Lebrun discloses the claimed "receiving [by the invitee device] information related to the shared web browsing interaction from the synchronization server."

Further, Petitioner's cited embodiment of Lebrun is distinguishable from the '448 Patent claims because "synchronized browsing," as described and claimed in the '448 Patent, requires the guest device itself to "retrieve data from the website server" (*i.e.* to independently access content from a website server). To begin with, as explained above, Petitioner fails to demonstrate that Lebrun teaches a guest device that "receiv[es] the information related to the shared web browsing interaction from the synchronization server," and therefore necessarily fails to teach that the guest device "retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server."

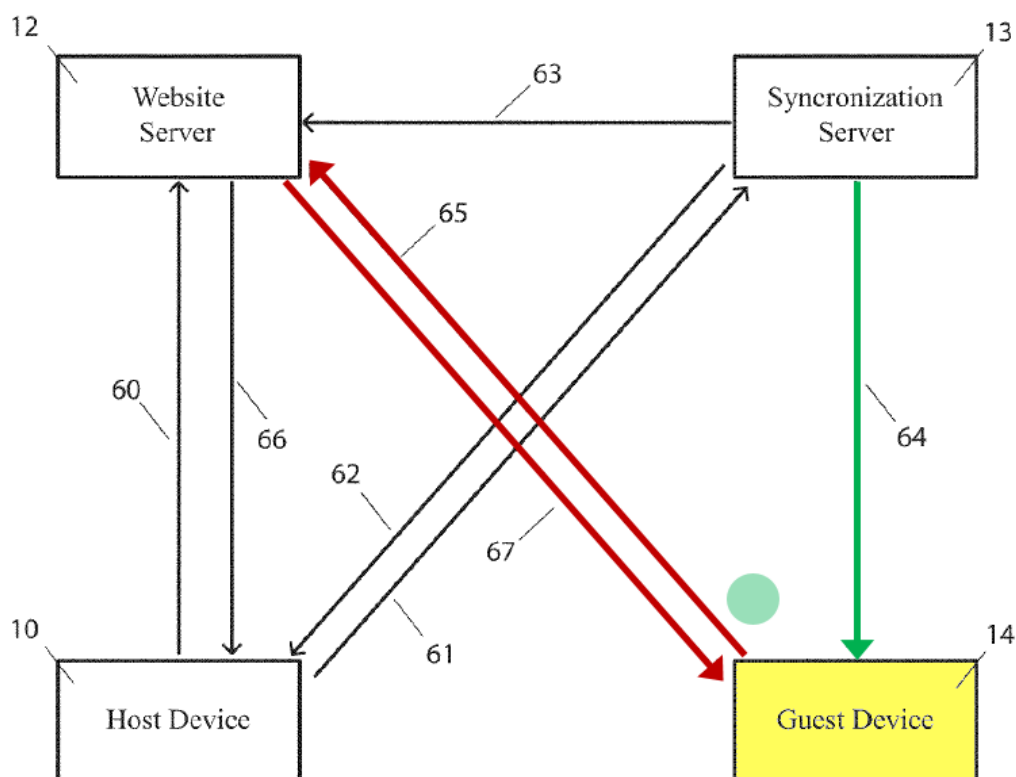
Additionally, to allow the guest device to "retrieve data from the website server," the guest device first receives—from the synchronization server—information related to the shared web browsing interaction from the host device that is leading the browsing navigation for the "synchronized browsing" session. The guest device then uses the information that is related to the shared web browsing

interaction to replicate the same interaction by independently accessing the website server on a continuous basis. These steps are reflected in Claim elements [1.f.i-iii], which recites that: [1.f.i] “the information related to the shared web browsing interaction is to be processed by a browser of the invitee device and enables the invitee device to generate a request to retrieve a substantially the same webpage content as the request for the webpage content from the host device;” [1.f.ii] and that “the synchronization server transmits the information related to the shared web browsing interaction to the invitee device in response to receiving the information related to the shared web browsing interaction from the host device;” and that [1.f.iii] “the invitee device retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server.”

As such, the '448 Patent's specification and claims make it clear that the guest device utilizes the information related to the shared web browsing interaction received from the synchronization server to “retrieve[] data from the website server” without mediation from the synchronization server. This is illustrated in the following annotated figures.



After the synchronization server 13 receives information related to the shared web browsing interaction from the host device 10 (element 61) (Ex. 1001, 18:56-60) which is associated with both the host device 10 and the website server 12, it transmits the host information related to the shared web browsing interaction to the guest devices 14 (*id.* at 19:27-29).



After the guest device 14 receives the information related to the shared web browsing interaction 64 from the synchronization server 13 (element 64), the guest device 14 transmits a website request to the website server 12 (element 65). Ex. 1001, 19:41-48. The information related to the shared web browsing interaction is necessary for the guest device to formulate the website request. *Id.* at 19:48-50. The guest device then receives a content reply from website server and displays the content reply to the user of the guest device within a shared browsing window (element 67). *Id.* at 19:53-57. This process is also described in Figure 5(d). See Section II(A).

Petitioner relies on the following disclosures from Lebrun as purported evidence of this limitation, reproduced below.

- “In a preferred embodiment, the message 151 can also include an identifier 152 for an initial page 153 for the group-surfing session. For example, the initial page 153 can include a home page for a selected web site 130 or a welcome page for a selected service available at the selected web site 130.” Ex. 1005, 32:21-24. In direct contrast to the ’448 Patent which requires that the guest or invitee device receive information related to web browsing interactions, Petitioner’s argument describes the *first web client 110 (i.e. host device)* sending message 151 to the group-surfing server. *Id.* at 9-24.
- “As the controlling web client 110 selects a progression of pages 153 for the session, that progression of pages 153 *is presented at each of the web clients 110 participating in the session.*” Ex. 1005, 35:26-28. In direct contrast to the ’448 Patent which requires that the guest or invitee device *receive* information related to web browsing *interactions*, Petitioner’s argument describes the *controlling web client 110 (i.e. host device)* selecting *pages 153* to be *presented* at each of the web clients 110 (*i.e. guest devices*). *Id.* at 9-24. As described above and in Sections II(A), (B), and V(A)), this describes transmission of HTML markups

of webpages at load and not information related to web browsing *interactions*, as required by the '448 Patent.

- “In a preferred embodiment, load is reduced on the group-surfing server 140 using a program fragment loaded at each web client 110. 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, 36:21-25. In direct contrast to the '448 Patent which requires that the *guest or invitee device receive* information related to web browsing interactions, the program fragment *operates at the controlling web client 110 (i.e. host device) to capture actions being performed at the controlling web client 110 (i.e. host device)* and then the program fragment *sends data to* the group-surfing server. *See supra*, pgs. 47-50.
- “At a step 233, the controlling web client 110 sends a next-page message 151 to the group-surfing server 140, indicating the next page 153 in the progression of pages 153 in the session. At a step 234, the group-surfing server 140 receives the next-page message 151. The 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. The group-surfing server 140 then re-sends that page 153 to those web clients 110 participating in the session.” Ex. 1005, 45:21-29. In direct contrast to the ’448 Patent which requires that the guest or invitee device “*retrieve data from the website server in response to receiving information related to web browsing interactions,*” Petitioner’s argument describes “group-surfing server 140,” not the guest or invitee device, contacting the target web site to retrieve the desired webpage (not the web browsing interaction) which the “group-surfing server” then pushes to the web clients 110 (*i.e.* guest or invitee device).

Petition, 33-34. Petitioner argues that “[a] POSITA would have understood that each web client requesting elements directly from the website corresponds with operating an application based on said information related to the shared web browsing interaction received from said synchronization server to access a website server independent of the synchronization server subsequent to the activation of the session invitation.” Petition, 34 citing Ex. 1003, ¶ 205.

But Petitioner and its expert fail to address the fact that Lebrun specifically states that the group-surfing server sends “only the page 153 itself” to the web

clients. Neither Petitioner nor its expert provide any support for their assumption that the stripped down webpage characterized above includes any information related to the shared web browsing interaction, or that the guest device “retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server.” This is unsurprising given that it is the group-surfing server that sends the page markup to the guest devices, rendering it impossible for the guest devices to “retrieve[] data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server.”

As such, Lebrun’s architecture does not permit independent content retrieval in the manner that is claimed. The participating web client does not “retrieve[] data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server”—rather the operation is completely driven by the group-surfing server. Thus, Petitioner’s citations to Lebrun fail to disclose both that the invitee device (1) “receiv[es] the information related to the shared web browsing interaction from the synchronization server” and (2) “retrieves data from the website server” in response to receiving said “shared web browsing interaction from the synchronization server.”

Moreover, the Petition cites to Ex.1003, ¶ 180 to support their assertion that “Lebrun discloses the invitee device retrieves data from the website server in

response to receiving the information related to the shared web browsing interaction from the synchronization server” (Petition at 33), but Petitioner’s expert merely copies the Petition, word for word, and offers no additional substantive support to Petitioner’s argument. As such, Petitioner’s expert’s opinion should be disregarded for the assertion that Lebrun discloses this limitation.

Petitioner further cites Wang as disclosing this limitation. Petition, 34. In particular, Petitioner states:

The “server apparatus” may include a “CSC” that “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.”

Petition, 30 citing Ex. 1006, ¶ [0043]. Similar to the above argument for Lebrun, and as explained in Section II(B)(2) and V(A), pushing a “web page or the snapshot data to the client devices” does not constitute information related to the web browsing *interaction* as required by the claim. As such, Petitioner’s assertion that:

A POSITA would have been motivated to combine Wang’s teachings of a “server apparatus” with integration and synchronization functionality to Lebrun’s “group-surfing server,” because it is a combination of prior art elements according to known methods yielding predictable results

(Petition, 34 citing Ex. 1003, ¶ 182) is inapt. For at least the reasons above, the Petition fails to demonstrate a reasonable likelihood that this claim element is taught by Lebrun in combination with Wang.

2. Intuit fails to demonstrate that the invitee device retrieves data from the website server, “the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

As explained above in section V(A), Petitioner fails to demonstrate that Lebrun teaches “information related to the shared web browsing interaction.” Also, as explained above in section V(B)(1), Petitioner fails to demonstrate that Lebrun teaches that “the invitee device retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server,” and therefore necessarily fails to teach that the invitee device retrieves data from the website server, “the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

Petitioner relies on a single sentence from Lebrun as purported evidence of this limitation, reproduced below.

“As the controlling web client 110 selects a progression of pages 153 for the session, that progression of pages 153 is presented at each of the web clients 110 participating in the session.”

Petition, 33-34 citing Ex. 1005, 35:26-28. Petitioner argues that “[a] POSITA would have understood that when a ‘controlling web client’ presents a web page, via a ‘group-surfing server,’ that is independently retrieved from ‘other web clients’ participating in the ‘session,’ and displays that page to ‘other web clients’ in response, meets this limitation.” Petition, 33-34 citing Ex. 1003, ¶ 181.

But Petitioner and its expert fail to address the fact that Lebrun specifically states that the group-surfing server sends “only the page 153 itself” to the web clients. Neither Petitioner nor its expert provide any support for their assumption that the stripped down webpage characterized above includes any information related to the shared web browsing interaction, or that that the information related to the shared web browsing interaction is used by “the invitee device to retrieve data from the website server... the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.” Beyond this and given that it is the group-surfing server that sends the page markup to the guest devices, it is not possible for the invitee devices to “retrieve[] data from the website server... the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

Moreover, the Petition cites to Ex.1003, ¶¶ 181 to support the assertion that “Lebrun discloses data associated with the webpage content requested by the host

device and the information related to the shared web browsing interaction” (Petition at 33), but Petitioner’s expert merely copies the Petition, word for word, and offers no additional substantive support to Petitioner’s argument. As such, Petitioner’s expert’s opinion should be disregarded for the assertion that Lebrun discloses this limitation.

Petitioner further cites Wang as disclosing this limitation. Petition, 34. Petitioner’s argument is substantially the same as the argument addressed above in Section V(B)(1). For at least the reasons in Section V(B)(1), Wang fails to disclose this limitation.

For at least these reasons, the Petition fails to demonstrate a reasonable likelihood that these claim limitations are present in Lebrun in combination with Wang. Further, the Petition repeats arguments and cites to the same disclosures related to Claim 9, which has analogous limitations to Claim 1, and so for the same reasons, the Petition fails to demonstrate a reasonable likelihood of showing that the limitations of Claim 9 are present in Lebrun in combination with Wang.

C. Ground 2: Intuit fails to demonstrate a reasonable likelihood that Prajapat in view of Wang teaches that “the invitee device retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction”

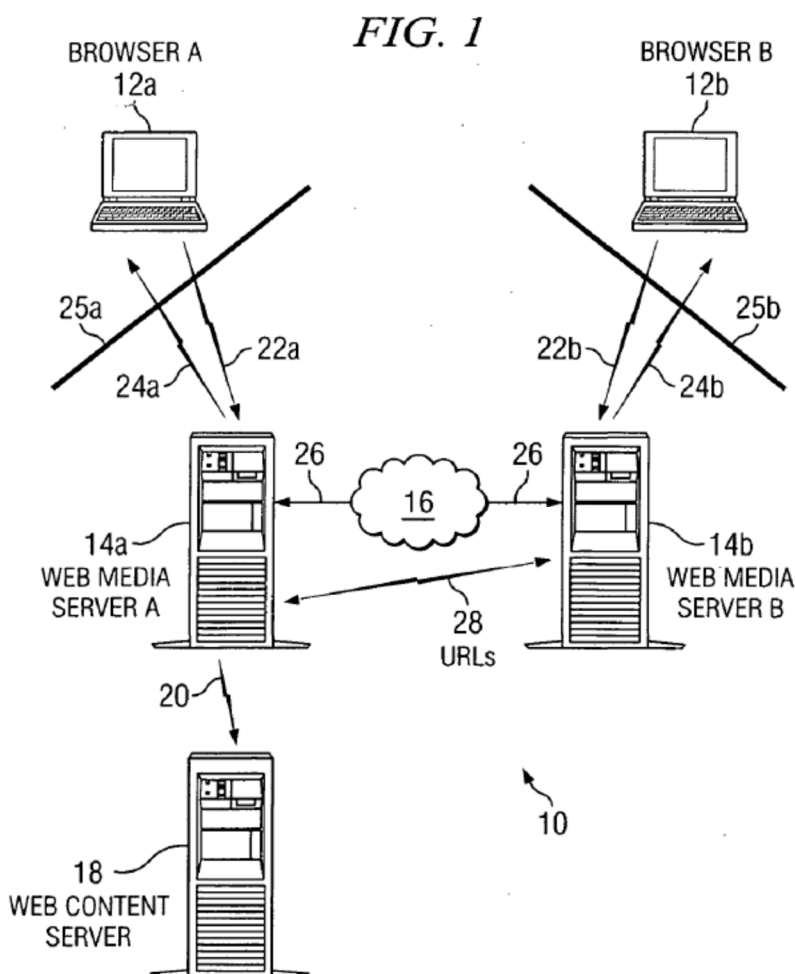
1. Intuit fails to demonstrate the invitee device “retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server.”

As described in Sections II(A), II(B)(3) and V(A) above, the claims of the ’448 Patent all require that “information related to the shared web browsing interaction” satisfies multiple conditions. The Petition relies on Prajapat at ¶¶ [0012], [0015], [0016], [0022], [0034], [0041] and [0043] as allegedly teaching information related to the shared web browsing interaction. Petition, Sections IX(B)(1)(e, g-k). However, none of these paragraphs specifically disclose “information related to the shared web browsing interaction” that is related to an “interaction” performed by a device during web browsing.

The disclosures relied upon by the Petition (Prajapat at ¶¶ [0012], [0015], [0016], [0022], [0034], [0041] and [0043]) to disclose this limitation focuses on two fundamentally different systems. Prajapat at ¶¶ [0012], [0015], [0016], [0022], and [0034] refer to the first system, known as “peer-to-peer *dynamic* web page sharing,” which is the namesake for the patent and where Prajapat focuses the bulk of its

disclosures. Prajapat at ¶¶ [0041] and [0043] refer to the second system, known as “peer-to-peer *simple* web page sharing.”

“Peer-to-peer *dynamic* web page sharing”, as described in detail in Sections II(B)(3) and similar to Lebrun’s architecture as described in V(B)(1), is fundamentally different from that which is disclosed in the ’448 Patent. As discussed in detail in Section II(B)(3) and given the reference’s title which relates specifically to “web page sharing,” Prajapat’s “dynamic web page sharing system” relies on intermediate web media servers 14a and 14b to retrieve data from the web content server 18:



Ex. 1007, Fig. 1. In Prajapat, the media servers operate as the middleman server to mediate all traffic to and from the browser and the website server. “[B]rowser 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.” *Id.*, ¶ [0023]. The web content server 18 may “return a requested web page to media server 14a.” Prajapat at ¶ [0024]. Before the media server 14a sends the webpage to the browser 12a or

12b, the “media server 14a may transform the returned web page into some intermediate form.” *Id.*

This difference in operation between Prajapat and that defined by the Patent ’448 claim elements becomes even more apparent when examining element 1[i], which requires that “the invitee device retrieve data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.” Because the browsers 12a and 12b of Prajapat are delivered webpages—and not information related to the shared web browsing interaction—by the media servers 14a and 14b, there is no possibility for them to further “*retrieve[] data from the website server* in response to receiving the information related to the shared web browsing interaction from the synchronization server,” as claimed.

Even setting aside that this is not a disclosure of how the guest or invitee devices “retrieve[] data from the website server,” the architecture (as illustrated in Figure 1) and method (as illustrated in Figure 2) of the “peer-to-peer dynamic web page sharing” system requires the alleged synchronization server (*i.e.* media server 14a or 14b) rather than the host or guest device to access the website server (*i.e.* web content server 18). This is significant because “synchronized browsing,” as described and claimed in the ’448 Patent, requires that the guest device itself

“retrieves data from the website server” (*i.e.* to independently access content from a website server), rather than employing a middleman server (*i.e.* the web media servers 14) to retrieve the data.

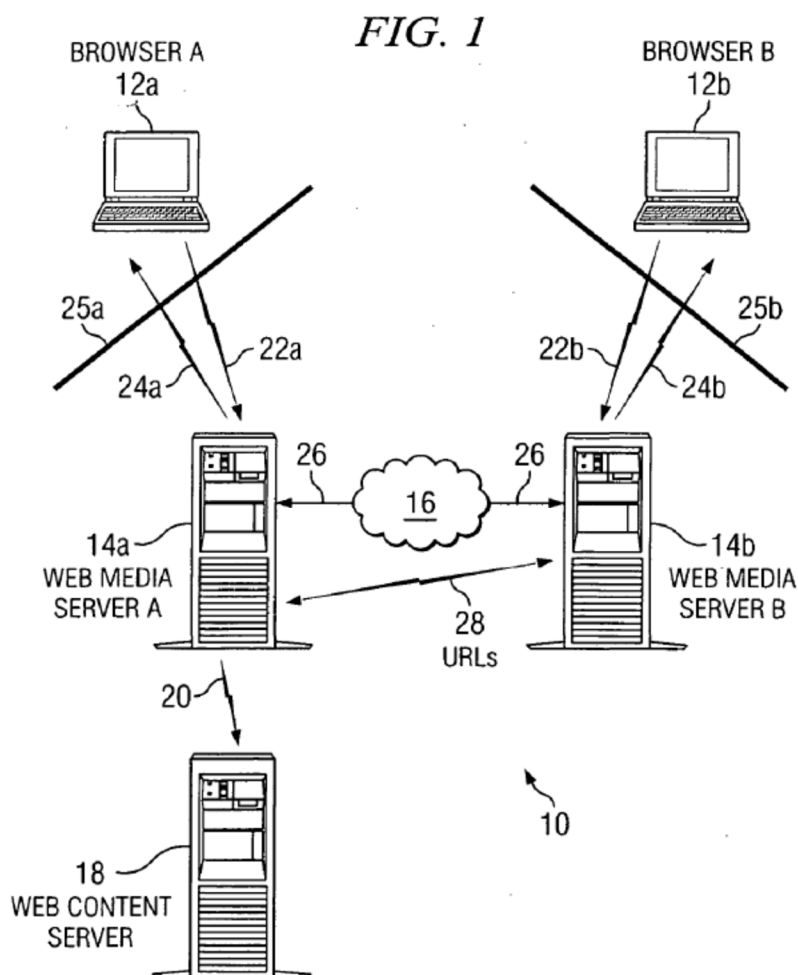


Figure 1, which Petitioner relies upon, underscores this point. Figure 1 illustrates that neither the host nor guest device (*i.e.* Browser A or Browser B) have direct access to the web content server. Instead, the alleged synchronization server

(*i.e.* web media server) is what accesses the website server (*i.e.* web content server) on behalf of the host and guest devices. Ex. 1007, Fig. 1; *supra* Section II.B.3.

The Petition further relies on references to Prajapat's "peer-to-peer *simple* web page sharing" system (as opposed to the "peer-to-peer *dynamic* web page sharing" system described above) to meet this limitation. Petition, 57-59 citing Ex. 1007, ¶ [0043]. The Petition states that "[B]rowser 12a' may communicate 'suitable information regarding the requested web page to web media server 14a,' which in turn may communicate to 'browser 12b.'" Petition, 58 citing Petition Section IX.B.1.h and Ex. 1007, ¶ [0043]. But this disclosure, related to Prajapat's "peer-to-peer *simple* web page sharing" system only contemplates the sharing of "one or more *web pages*," as opposed to "information related to the shared web browsing interaction" required by the '448 Patent. *See* Ex. 1007, ¶ [0043] ("Browser 12b may use the URL and any other suitable information to request from web content server 18 *the web page* that browser 12a requested").

Indeed, while Prajapat's "peer-to-peer dynamic web page sharing" system contemplates what Prajapat refers to as a "co-browse" functionality (as opposed to the "synchronized browsing" contemplated by the '448 Patent), its "peer-to-peer simple web page sharing" system only contemplates "web page sharing sessions." *Compare* Ex. 1007, ¶ [0012] ("In general, web media servers 14 allow browser 12a to *co-browse* one or more web pages with browser 12 b) *with* Ex. 1007, ¶ [0041]

(“In operation of system 40, browser 12a may request a *web page sharing session* with one or more other browsers 12”). Moreover, while Prajapat’s “peer-to-peer *dynamic* web page sharing” system contemplates that alterations to webpages by the leading browser may be viewed by the guest or invitee browser in a transformed intermediate form (*see, e.g.*, Ex. 1007, ¶¶ [0012]) as described above and in Section II(B)(3), its “peer-to-peer *simple* web page sharing” system does not contemplate any method for performing alterations on a webpage and permitting guest or invitee devices to view them (*see* Ex. 1007, ¶¶ [0041-43]). To be clear, neither of these embodiments contemplates the invitee device receiving information related to shared web browsing interactions, as claimed in element [1.f.iii].

Thus, Prajapat’s “peer-to-peer *dynamic* web page sharing” system is the only embodiment of an architecture (Fig. 1) and method (Fig. 2) contemplated for what Prajapat refers to as “co-browsing” one or more webpages (as opposed to the “synchronized browsing” contemplated by the ’448 Patent), as well as the only system contemplated for performing new actions on a webpage and permitting guest or invitee devices to view those new actions. As discussed below, this does not function in the claimed manner.

As such, Petitioner’s arguments provide no evidence whatsoever that Prajapat discloses (1) that the invitee device receive[s] “the information related to the shared web browsing interaction from the synchronization server” and (2) that in response

to receiving said information, “the invitee device retrieves data from the website server.” Instead, Petitioner’s arguments only reinforce the dependence on the “peer-to-peer *dynamic* web page sharing” system, which is fundamentally different in architecture and methodology from the system claimed in the ’448 Patent which teaches (1) the retrieval of data from the website server and (2) the sharing of information related to the shared web browsing interactions.

Consequently, the Petition critically fails to explain how the teachings of Prajapat map to the claim elements with any more than a cursory and conclusory examination, let alone with the sort of particularity that is required to be included in an *inter partes* review petition. See *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016) (“It is of the utmost importance that Petitioners in IPR proceedings adhere to the requirement that the initial Petition identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge to each claim.’”) (citing 35 U.S.C. § 312(a)(3)). Thus, Petitioner’s reliance on Prajapat cannot carry the burden that Petitioner and its expert places upon it for this limitation.

Petitioner further cites Wang as disclosing this limitation. Petition, 59. In particular, Petitioner states:

The “server apparatus” may include a “CSC” that “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.”

Petition, 59 citing Ex. 1006, ¶ [0043]. Similar to the above argument for Prajapat, and as explained in Sections II(B)(2), V(A), and V(B)(1), pushing a “web page or the snapshot data to the client devices” does not constitute information related to the web browsing *interaction* as required by the claim. As such, Petitioner’s assertion that:

A POSITA would have been motivated to combine Wang’s teachings of a “server apparatus” with integration and synchronization functionality to Lebrun’s “group-surfing server,” because it is a combination of prior art elements according to known methods yielding predictable results

(Petition, 59 citing Ex. 1003, ¶ 253) is inapt. For at least the reasons above, the Petition fails to demonstrate a reasonable likelihood that this claim element is taught by Prajapat in combination with Wang.

2. Intuit fails to demonstrate that the invitee device retrieves data from the website server, “the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

As described in Section V(A) above, the claims of the ’448 Patent all require that “information related to the shared web browsing interaction” satisfies multiple conditions. Also, as explained above in Section V(B)(1) and (2), the ’448 Patent

teaches that the guest device utilizes the information related to the shared web browsing interaction received from the synchronization server to access the website server that is “independent of the synchronization server.”

First, Petitioner states that Prajapat alone discloses this limitation. Petition, 58. As explained above in Section V(C)(1), Petitioner fails to demonstrate that Prajapat teaches a guest device that “receiv[es] information related to the shared web browsing interaction from said synchronization server,” and therefore fails to teach that the guest device “*retrieves data from the website server* in response to receiving the information related to the shared web browsing interaction from the synchronization server.” Consequently, Petitioner necessarily fails to demonstrate that the data retrieved by the invitee device from the website server is “associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

In their attempt to meet this limitation, Petitioner cobbles together disclosures related to embodiments that are fundamentally different from one another. In particular, Petitioner states the following:

[B]rowser 12a submits to web media server 14a one or more names or other identifiers of other browsers 12 with which browser 12a desires to co-browse,” thus establishing a co-browsing session. See *supra* Section IX.B.1.h; see also Ex. 1007, ¶ [0034]. Once the session has been initiated, the user “may submit requests for one or more web pages

by communicating a request to web media server,” where the request “may specify the web page to retrieve and display,” and “include information that may be required to properly render the web page such as session information, cookies, parameters to send to the web content server,” (see *supra* Section IX.B.1.c; see also Ex. 1007, ¶ [0022]) and that request may “return the requested web page to browser 12a.” See *supra* Section IX.B.1.f; see also Ex. 1007, ¶ [0041].

Petition, 58-59. Petitioner asserts that “[a] POSITA would have understood that when a ‘browser 12a’ enters information into a presented web page, via a ‘web media server’ that is retrieved from ‘other browsers,’ meets this limitation.” Petition, 59, citing Ex. 1003, ¶ 252. However, both Petitioner and its expert mix disclosures related to Prajapat’s “peer-to-peer *dynamic* web page sharing” system (Ex. 1007, ¶¶ [0022], [0034]) with disclosures related to Prajapat’s “peer-to-peer *simple* web page sharing” system (Ex. 1007, ¶ [0041]). As described in Section V(C)(1), these systems are fundamentally different and neither the Petitioner, its expert, nor Prajapat itself describes how the architectural and methodological differences between the two can be reconciled to support Petitioner’s assertion.

As such, Petitioner’s arguments provide no evidence whatsoever that Prajapat discloses that the invitee device retrieves data from the website server, i.e. “the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.”

Petitioner further cites Wang as disclosing this limitation. Petition, 59. In particular, Petitioner states:

The “server apparatus” may include a “CSC” that “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.”

Petition, 59 citing Ex. 1006, ¶ [0043]. Similar to the above argument for Prajapat, and as explained in Sections II(B)(2), V(A), V(B)(1) and V(C)(1), pushing a “web page or the snapshot data to the client devices” does not constitute information related to the web browsing *interaction* as required by the claim. As such, Petitioner’s assertion that:

A POSITA would have been motivated to combine Wang’s teachings of a “server apparatus” with integration and synchronization functionality to Lebrun’s “group-surfing server,” because it is a combination of prior art elements according to known methods yielding predictable results

(Petition, 59 citing Ex. 1003, ¶253) is inapt.

For at least the reasons above, the Petition fails to demonstrate a reasonable likelihood that this claim element is taught by Prajapat in combination with Wang. Further, the Petition repeats arguments and cites to the same disclosures related to Claim 9, which has analogous limitations to Claim 1, and so for the same reasons,

the Petition fails to demonstrate a reasonable likelihood of showing that all of the limitations of Claim 9 are taught by and in combination with Wang.

In sum, none of the cited references—Lebrun, Prajapat or Wang—disclose or teach (1) receiving information related to the shared web browsing interaction at a guest device to allow the guest device to (2) operate an application based on the information related to the shared web browsing interaction to access a website server independent of the synchronization server. Instead, each of the three cited references relies on a middleman server that acts as an active proxy to access the webpage from the website server itself and then, after processing, the middleman server transmits a modified version of the webpage to a guest device. Without even giving due deference to the other arguments referenced in this response, the lack of disclosure or teaching of these two critical elements alone serves as significant bases for denying institution.

VI. CONCLUSION

As discussed above, Intuit's proposed grounds fail to disclose or teach key limitations of each of independent claim 1 and independent claim 11 of the '448 Patent, and therefore also do not render obvious any of the dependent claims. For at least these reasons, denial of institution on all grounds is merited.

Date: April 20, 2023

Respectfully submitted,

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CERTIFICATION OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned **PATENT OWNER'S PRELIMINARY RESPONSE** specified in 37 C.F.R. § 42.24 have 13,935 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 2010.

Date: April 20, 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 20th day of April 2023:

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