

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.,
Petitioner,

v.

SAMESURF, INC.,
Patent Owner.

IPR2023-00341
Patent 9,483,448 B2

Before KARL D. EASTHOM, BARBARA A. BENOIT, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Intuit Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting institution of *inter partes* review of claims 1–16 (“the challenged claims”) of U.S. Patent No. 9,483,448 B2 (Ex. 1001, “the 448 patent”), supported by the Declaration of Henry A. Lieberman (Ex. 1003). Samesurf, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”), supported by the Declaration of David S. Howell (Ex. 2003).

The Board’s authority to determine whether to institute an *inter partes* review is under 35 U.S.C. § 314. *See also* 37 C.F.R. § 42.4(a) (2020). To institute an *inter partes* review, the information presented in the Petition must show “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

For the reasons set forth below, the information presented in the Petition establishes a reasonable likelihood that Petitioner will prevail with respect to at least one challenged claim. Accordingly, we institute an *inter partes* review of claims 1–16 of the ’448 patent on all grounds of unpatentability presented.

A. *Real Parties in Interest*

The parties each identify itself as the real party in interest. Pet. 3; Paper 4 (Patent Owner’s Mandatory Notices), 2.

B. *Related Matters*

As required by 37 C.F.R. § 42.8(b)(2), each party identifies various judicial or administrative matters that would affect or be affected by a decision in this proceeding. Pet. 3; Paper 4, 2. The parties identify the following district court case: *Samesurf, Inc. v. Intuit, Inc.*, No. 3:22-cv-

00412 (S.D. Cal.). Pet. 3; Paper 4, 2. The parties also each identify two concurrently filed petitions challenging different patents: IPR2023–00339 (challenging U.S. Patent No. 9,185,145 B2) and IPR2023–00342 (challenging U.S. Patent No. 8,527,591 B2). Pet. 3; Paper 4, 2.

C. The '448 Patent

The '448 patent is titled “Method and Apparatus for the Implementation of a Real-Time Sharable Browsing Experience on a Host Device.” Ex. 1001, code (54). The patent relates to a “sharable browsing experience” through “a synchronized browsing session on a host device utilizing the transfer of URL [uniform resource locator], form data, script, and other information.” *Id.* at 1:15–19. In contrast with “desktop or screen sharing” approaches that “allow users to simply view the same internet content,” techniques described by the '448 patent address the need for “all users in a session to interact with, discuss, log in separately or together, and share internet browsing in real time for online activities.” *Id.* at 2:26–28, 2:49–51.

Figure 2(a), reproduced below, illustrates communication between various devices “to initialize a synchronized browsing session.” *Id.* at 4:19–22.

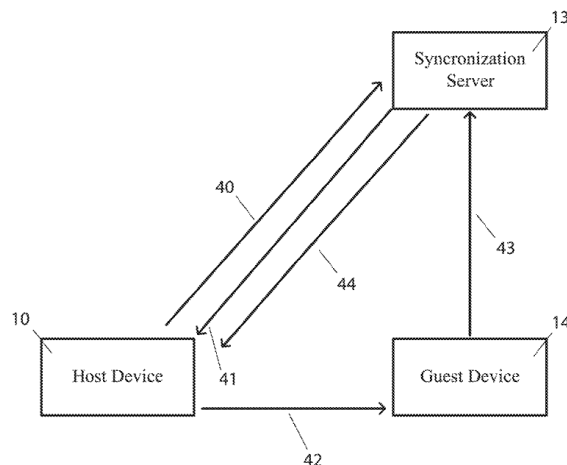


Figure 2(a) is a block diagram showing communication between host device 10, synchronization server 13, and guest device 14 to initialize a synchronized browsing session between host device 10 and guest device 14. *Id.* at 10:27–33; Fig. 2(a). Examples of host and guest devices include personal computers, mobile phones, and electronic tables with “a visual user interface and network connection.” *Id.* at 6:22–26 (identifying example host devices), 6:30–36 (identifying example guest devices). “[H]ost device 10 transmits initialization request 40 to synchronization server 13,” which responds by sending confirmation message 41 that includes session identifier 19 for the synchronized browsing session. *Id.* at 10:34–38. Host device 10 transmits session invitation 42 to guest device 14. *Id.* at 10:44–46.

To join the synchronized browsing session with host device 10, guest device 14 transmits request to join 43, which includes session identifier 19, to synchronization server 13. *Id.* at 10:53–58. Synchronization server 13 “records identification and routing information of guest device 14” and, in some embodiments, sends “notification 44 to host device 10 [that] guest device 14 has joined the synchronized browsing session.” *Id.* at 10:61–67.

Figure 5(a), reproduced below, illustrates communication between various devices during a synchronized browsing session with a website server. *Id.* at 4:51–54.

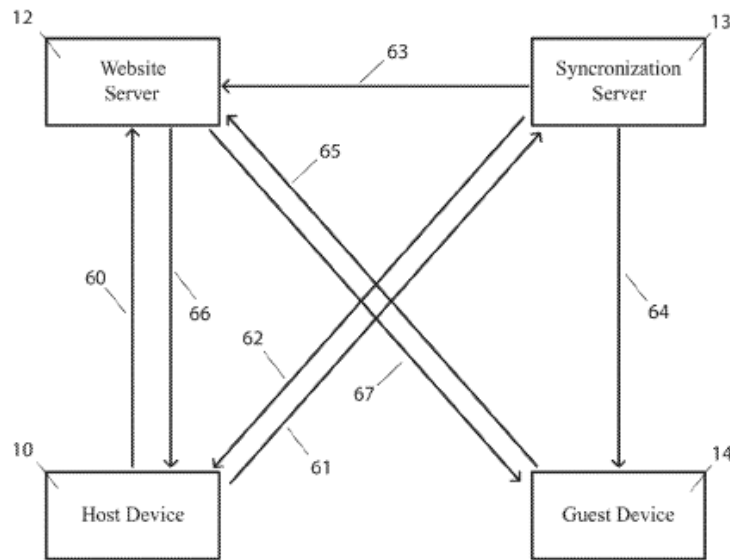


Figure 5(a) is a block diagram showing communication between website server 12, host device 10, synchronization server 13, and guest device 14 during a synchronized browsing session. *Id.* at 16:5–10. Host device 10 communicates with website server 12 to receive website content. *Id.* at 16:11–22. Host device 10 also transmits to synchronization server 13 communication message 61, which may include the URL address of website server 12, cookie information, form data, java script, other types of user inputted information, or attached files. *Id.* at 16:31–42. Communication message 61 may include “information indicating whether the webpage interaction information is to be relayed to the guest device 14.” *Id.* at 16:37–40. As such, the specification seems to equate the example information in the communication message—the URL address of website server 12, cookie information, form data, java script, other types of user inputted information, or attached files—with examples of webpage interaction information.

Synchronization server 13 then forwards the communication message to guest device 14. *Id.* at 16:63–17:4, 17:15–17. Guest device 14 uses the

communication message to send website request 65 to website server 12. *Id.* at 17:21–27. “In exemplary embodiments, website request 65 should be similar to or identical to website request 60.” *Id.* at 17:25–27. In one such exemplary embodiment, this enables synchronized browsing between host device 10 and guest device 14 because identical website content is provided by website server 12 to each device in response to identical requests sent by each device to the website server 12. *Id.* at 17:60–18:2.

Figure 5(d), reproduced below, illustrates steps used by a guest device during a synchronized browsing session with a host device. *Id.* at 19:33–35.

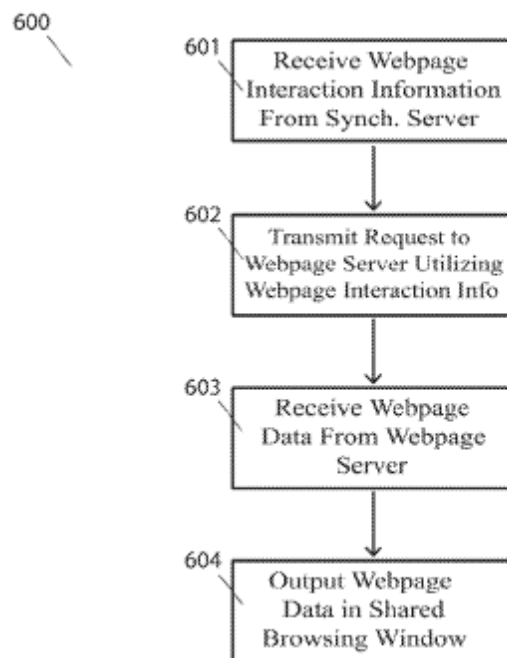


Figure 5(d) is “a flow chart of method 600 utilized by guest device 14 for the execution of a synchronized browsing session with host device 10.” *Id.* “In step 601, guest device 14 receives communication message 64 from synchronization server 13.” *Id.* at 19:41–43. As described previously, communication message 64 “is designed to be forwarded by synchronization

server 13 to guests in the synchronized browsing session, such as guest 14, to perform the synchronized browsing session.” *Id.* at 16:62–65. “In exemplary embodiments, communication message 64 may be a duplicate of [host device’s] website request 60, or may comprise the URL address of website server 12.” *Id.* at 16:65–17:1. “In other embodiments, communication message 64 may also include other transmitted data from [host device’s] website request, such as cookie information, form data, java script, or other user inputted information, or attached files.” *Id.* at 17:1–4.

“Guest device 14 formulates website request 65 by processing communication message 64.” *Id.* at 19:48–50. “In step 602, guest device 14 transmits website request 65 to website server 12.” *Id.* at 19:43–44. “In step 603, guest device 14 receives content reply 67 from website server 12.” *Id.* at 19:53–54. “Finally, in step 604, guest device 14 outputs content reply 67” through a user interface of guest device 14. *Id.* at 19:54–57. As shown, Figure 5(d) describes “content reply 67” as “webpage data.” The user interface may be part of specialized synchronization browsing software or may be output using a standard internet browser window. *Id.* at 19:57–61.

D. Challenged Claims

All sixteen claims of the ’448 patent are challenged, of which claims 1 and 11 are independent. Illustrative claim 1 follows, with bracketed annotations added by Patent Owner for reference:

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 a¹ 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 The “a” in the limitation “to retrieve a substantially the same webpage content” may reflect a particular drafting style rather than being a typographical error. In any event, we, like Petitioner and Patent Owner, are able to discern the meaning of the claim as “retrieving substantially the same webpage content.”

[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.

Ex. 1001, 23:30–24:8.; *see* Prelim. Resp. 11–13.

E. The Asserted Grounds of Unpatentability

Petitioner challenges the patentability of the challenged claims on the following grounds (Pet. 6):

Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1–16	103 ²	Lebrun ³ and Wang ⁴
1–16	103	Prajapat ⁵ and Wang

II. ANALYSIS

A. Level of Ordinary Skill in the Art

The level of ordinary skill in the art at the time of the invention is a factual determination that provides a primary guarantee of objectivity in an

² The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amending 35 U.S.C. § 103, was effective on March 16, 2013. The ’448 patent claims the filing benefit of a patent that issued from an application filed on May 20, 2010, which is before the effective date of the applicable AIA amendment. Ex. 1001, code (63), 1:8–11. We, therefore, apply the pre-AIA version of § 103 for purposes of institution. *See also* Pet. 6 n.2 (noting Petition references are to the pre-AIA version of the statute).

³ WIPO International Publication No. WO 00/48110, published August 17, 2000 (Ex. 1005). *See* Pet. 5 (asserting the reference is prior art under pre-AIA 35 U.S.C. § 102(a), § 102(b)).

⁴ U.S. Patent Appl. Pub. No. US 2005/0033656 A1, published February 10, 2005 (Ex. 1006). *See* Pet. 5 (asserting the reference is prior art under pre-AIA 35 U.S.C. § 102(b), § 102(e)).

⁵ U.S. Patent Appl. Pub. No. US 2005/0021626 A1, published January 27, 2005 (Ex. 1007). *See* Pet. 5 (asserting the reference is prior art under pre-AIA 35 U.S.C. § 102(b), § 102(e)).

obviousness analysis. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 1324 (Fed. Cir. 1999) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966); *Ryko Mfg. Co. v. Nu-Star, Inc.*, 950 F.2d 714, 718 (Fed. Cir. 1991)).

Petitioner asserts that a person of ordinary skill in the art “would have had a bachelor’s degree in computer science, computer engineering, or electrical engineering, or the equivalent, and at least two years of work experience in software development and/or web-based software.” Pet. 11 (citing Ex. 1003 ¶¶ 17–20). Petitioner also indicates that “[a]dditional education could have substituted for professional experience, and significant work experience could have substituted for formal education.” *Id.*

Patent Owner asserts that a person of ordinary skill “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.” Prelim. Resp. 34 (citing Ex. 2003 ¶ 19).

The two proposals are materially similar in the education requirement and the time requirement (at least two years) of work experience. Petitioner’s proposal, however, requires work experience in “software development and/or web-based software,” whereas Patent Owner’s proposal requires more specific work experience in “internet web browsing software development, web connectivity software development, or networking software development.” Pet. 11; Prelim. Resp. 34.

Determining the level of ordinary skill in the art involves various factors, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in

the field.” *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (citation omitted). The prior art of record also reflects the level of ordinary skill in the art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

The asserted prior art, like the challenged patent, presents high-level functional descriptions of web-based software with flow charts and diagrams between server components. The asserted prior art relates to functional descriptions of internet messages sent between software devices but does not have much discussion of the particulars of lower level communication protocols, such as cellular communication protocols or specific details of Internet protocols. For example, LeBrun’s technology relates to providing “access to personalized web sites” and describes messages sent over a network between web clients, a web site, and a personalization server. Ex. 1005, code (57), Figs. 1, 3. Wang describes a “collaboration system [that] includes a plurality of client devices individually connected to a network, and a server apparatus for receiving requests from the client devices, responding to the client devices, and providing a common collaboration environment among the client devices.” Ex. 1006, code (57), Fig. 3. Prajapat relates to “peer-to-peer dynamic web page sharing” and describes web browsers submitting requests for and receiving web pages, web servers providing web pages, and a web media server communicating shared web page information. Ex. 1007, codes (54, 57), Figs. 1–3.

Accordingly, based on this preliminary record, we find Patent Owner’s assessment of “internet web browsing software development, web connectivity software development, or networking software development” to be too narrow in view of the asserted prior art that describes in large measure requesting and receiving web pages from web servers. Thus, we find that Petitioner’s assessment of “software development and/or web-

based software” more appropriate for purposes of institution on this limited record. We also agree with Petitioner that additional education could have substituted for professional experience, and significant work experience could have substituted for formal education.

For the purpose of this decision, for these reasons, we find that a person of ordinary skill in the art would have had (1) at least a bachelor’s degree in computer science, computer engineering, electrical engineering, or a similar field, and (2) at least two years of work experience in software development and/or web-based software. We apply that level of ordinary skill in this decision. Our decision, however, would not change, however, if we had applied Patent Owner’s proposed level of ordinary skill.

B. Claim Construction

In *inter partes* reviews, the Board construes claims using the same claim construction standard employed in a civil action under 35 U.S.C. § 282(b). 37 C.F.R. § 42.100(b) (2020). Under the principles set forth by our reviewing court, the “words of a claim ‘are generally given their ordinary and customary meaning,’” as would have been understood by a person of ordinary skill in the art in question at the time of the invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). “In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips*, 415 F.3d at 1312–17). We construe claim terms only as relevant to the parties’ contentions and only to

the extent necessary to resolve the issues in dispute. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017).

Neither Petitioner nor Patent Owner propose express constructions for any claim terms. Pet. 12; Prelim. Resp. 34. For purposes of this decision, we agree that no claim terms need be expressly construed. Patent Owner arguments regarding the asserted grounds of unpatentability, however, raise particular claim scope contentions, particularly regarding “information related to the shared web browsing interaction” recited in each of the independent claims. We preliminarily address issues of claim scope in our later discussion of the asserted grounds of unpatentability.

C. Principles of Law

A patent claim is unpatentable under 35 U.S.C. § 103 “if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103 (2011); *accord KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (quoting 35 U.S.C. § 103). The question of obviousness involves resolving the basis of underlying factual determinations including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective indicia of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

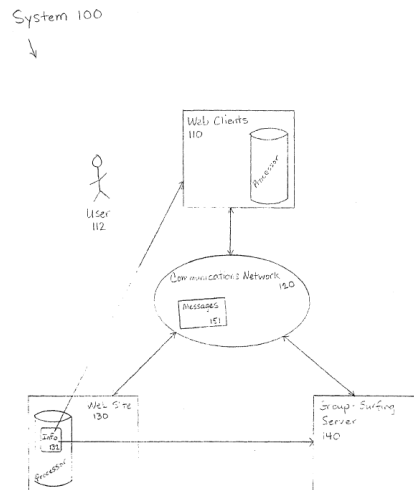
D. Asserted Obviousness of Claims 1–16 over Lebrun and Wang

Petitioner asserts that claims 1–16 would have been obvious under 35 U.S.C. § 103 based on the combined teachings of Lebrun and Wang.

1. Lebrun’s Disclosure

Lebrun is a WIPO (World Intellectual Property Organization) international application published under the PCT (Patent Cooperation Treaty) and titled “Personalized Access to Web Sites.” Ex. 1005, code (54). Among other features, Lebrun indicates “multiple related users can simultaneously access a sequence of web sites (web surfing), such that each of the related users has substantially the same content presented at the same times.” *Id.* at 4:6–9.⁶

Figure 3⁷, reproduced below, illustrates a system for group access to web sites. *Id.* at 29:25.



⁶ Page numbers refer to the original page numbers in the lower center of the document pages (i.e., not the page numbers added by Petitioner in the lower left of the document pages). This is consistent with Petitioner’s citations. See, e.g., Pet. 22 (citing Ex. 1005, 4:6–7; quoting “an improved technique for group access to web sites”).

⁷ Best available quality from Ex. 1005.

Figure 3 is a block diagram of “system 100 [that] includes a set of web clients 110, a communication network 120, at least one web site 130, and a group surfing server 140.” *Id.* at 29:27–28. Lebrun describes creating a “group-surfing session” in which “first web client 110 sends a session-creation message 151 to the group-surfing server” 140 to create a group-surfing session. *Id.* at 32:9–11. The message is sent in response “to an action by the user of the web client software 111, such as by selecting a web page or a link to a web page.” *Id.* at 32:5–7; Fig. 1 (showing web client software 111 of web client 110). Session-creation message 151 may include “an identifier for the group-surfing session, so that other web clients 110 can add themselves to the session.” *Id.* at 32:11–12. Lebrun further indicates that “group-surfing server 140 can also assign the identifier in a reply to the session-creation message 151.” *Id.* at 32:12–14.

“The group-surfing server 140 receives the session-creation message 151, and responds by (1) creating a group-surfing session, and (2) informing” the other web clients 110 participating in the group-surfing session. *Id.* at 32:26–31. “To add itself to the session, a second (or further) web client 110 sends a session-join message 151,” which may include the identifier for the group-surfing session, to the group-surfing server 140. *Id.* at 33:2–4.

Lebrun also describes group surfing server 140 adding web clients 110 to a group-surfing session in relation to steps in a flow chart shown in Figure 4. *Id.* at 44:18–26. After receiving the session-join message 151 from “the new web client 110,” the group-surfing server 140, among other steps, sends “a program fragment” to the new web client 110 that is used to process web pages received as part of the group-surfing session. *Id.* at 44:29–31. In general, in response to a link on a web page

being selected to request another web page, the program fragment intercepts the request before it is sent to the web site 130 and redirects the request to the group-surfing server 140. *Id.* at 44:31–33. The group-surfing server 140 is then able to “assure” that the next web page selected is “presented to all participating web clients 110.” *Id.* at 45:1–2.

Lebrun describes a more particular example of group-surfing server, web clients, and web site communication during a group-surfing session in which web page selections from first web client 110 (or “controlling web client 110”) are presented at each of the other web clients participating in the group-surfing session. *Id.* at 45:6–46:15; *see id.* at 45:9–11 (explaining the first web client 110 is the single controlling web client 110 in a preferred embodiment).⁸ First web client 110 receives a web page 153 from group-surfing server 140 (which in turn had received that page from the web site 130)). *Id.* at 45:13–14. First web client 110 selects a link 152 on web page 153, and the program fragment receives and sends the selection including “a next-page message 151 to the group-surfing server 140, indicating next page 153 in the progression of pages 153 in the session.” *Id.* at 45:21–23. Group-surfing server 140 adds “proper cookie or other identity information” and “directs the target web site 130 to deliver the next page 153 to the group-surfing server 140 itself.” *Id.* at 45:25–28. “The group-surfing server 140 then re-sends that page 153 to those web clients 110 participating in the session.” *Id.* at 45:28–29.

⁸ Lebrun explains that, in the group-surfing session operation, the group-surfing server designates one or more of the web clients 110 as “a controlling web client 110” that controls the group-surfing session to determine the progression of web pages viewed during the group-surfing session. Ex. 1005, 33:14–16, 34:15–21.

Lebrun continues, “[i]n a preferred embodiment, in order to reduce load on the group-surfing server 140, the group-surfing server 140 sends only the page 153 itself without any multimedia elements (such as embedded sound, images, or program fragments).” *Id.* at 45:29–46:1. “Each participating web client 110 requests those multimedia elements directly from the web site 130.” *Id.* at 46:1–2.

2. *Wang’s Disclosure*

Wang is a published patent application titled “Collaboration System Suitable for On-Line Shopping.” Ex. 1006, code (54). Wang’s server receives and responds to requests from multiple client devices and synchronizes the displays on each of the client devices. *Id.*, code (57).

Wang describes a virtual shopping system that provides collaboration among various client devices. *Id.* ¶ 39. The system includes a server apparatus and a network (such as the Internet) that connects the server apparatus with various client devices. *Id.* The server apparatus creates a group session after receiving a notice from one client device to invite another client device. *Id.* The server apparatus “passes snapshot data of a web page” browsed by one client device to the other client device, which enables both client devices “to browse the same web page.” *Id.*

3. *Claim 1*

As an initial matter, Petitioner asserts for some limitations that Lebrun “discloses this limitation,” and then asserts that “Wang also discloses this limitation” and provides purported reasons one of ordinary skill would have made the proposed combination. *See, e.g.*, Pet. 23 (regarding limitation [1.a]); Pet. 24–25 regarding limitation [1.c]); Pet. 27 (regarding limitation [1.e]). In analyzing claim 1 for purposes of institution, we focus on

Petitioner’s arguments regarding Lebrun in such cases, which we find sufficient for institution for the reasons discussed below.

a. Claim 1 Preamble and Limitations [1.a]–[1.c]

Petitioner relies on Lebrun’s group surfing session created by group surfing server 140 for teaching the “method performed by a host device for establishing a synchronized browsing session between the host device and an invitee device,” recited by claim 1. *See* Pet. 21–23 (citing Ex. 1005, 4:6–7, 7:4–5⁹, 32:9–12, 32:14–16). Regardless of whether the preamble is limiting, Petitioner’s showing for the preamble is sufficient for purposes of institution because Petitioner relies on plain reading of the cited passages discussed above with respect to Lebrun’s disclosure. Patent Owner does not address Petitioner’s showing. *See generally* Prelim. Resp.

For limitation [1.a] that requires sending to a synchronization server a request to establish a synchronized browsing session, Petitioner relies on Lebrun’s “first web client 110 that sends a session-creation message 151 to the group-surfing server 140, to request the group-surfing server 140 to create or set up a group-surfing session.” Ex. 1005, 32:9–12; *see* Pet. 23 (citing Ex. 1005, 32:9–12). The session-creation message sent “includes identifiers for a set of web clients 110 participating in . . . that session.” Ex. 1005, 32:14–16; *see* Pet. 22 (quoting Ex. 1005, 32:14–16). Thus, Petitioner identifies Lebrun’s first web client 110 as corresponding to the recited host device. Petitioner also refers to Lebrun’s passages concerning the controlling web client 110 as corresponding to the recited host device. *See, e.g.*, Pet. 33 (citing Ex. 1005, 35:26–28, 45:21–29).

⁹ Petitioner quotes this portion but cites Ex. 1005, 7:7–9.

Limitation [1.b] requires receiving from the synchronization server a confirmation message including a session identifier having specific characteristics—“generated by the synchronization server” and “is associated with the host device and the established synchronized browsing session.” Petitioner relies on Lebrun’s session-creation message created by the first web client and that includes an identifier for the group surfing session as a session identifier associated with first web client (corresponding to the recited host device) and the group-surfing server (corresponding to the recited synchronized browsing session). Pet. 24 (citing Ex. 1005, 32:9–12). Petitioner also relies on Lebrun’s description of the group-surfing server receiving the session-creation message, creating the group-surfing session, and “inform[ing] the participants in the group-surfing session” for the recited “receiving a confirmation message from a synchronization server.” Pet. 24 (citing Ex. 1005, 44:12–14).

Limitation [1.c] recites “sending an invitation to an invitee device to join the synchronized browsing session, wherein the invitation includes the session identifier.” Petitioner relies for this limitation on Lebrun’s session-creation message that includes an identifier for the group-surfing session. Pet. 25 (citing Ex. 1005, 32:9–12).

In sum, for limitations [1.a]–[1.c], Petitioner relies on Lebrun’s descriptions of (i) the first web client’s session-creation message that includes a group-surfing server identifier so that other web clients can join the group-surfing session, (ii) the session-creation message including identifiers of other web clients participating in the group-surfing session, and (iii) the group-surfing server creating the session and informing participants in the group-surfing session. Petitioner maps Lebrun’s first web client to the recited host device, Lebrun’s other web clients to the recited invitee device,

Lebrun's group-surfing server to the recited synchronization server, and Lebrun's group-surfing session to the recited "synchronized browsing session." Petitioner's showing is based on a straightforward mapping of Lebrun's descriptions to the claim limitations and is sufficient for purposes of institution. Patent Owner does not address Petitioner's showing. See *generally* Prelim. Resp.

b. Claim 1 Limitation [1.d]

Limitation [1.d] recites "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." Petitioner argues that Lebrun's description that the "controlling web client" selects a "progression of pages" to be "viewed during the group-surfing session" (Ex. 1005, 34:15–17, 35:26–28) and the transmission to the group-surfing server of an indication of the next page in the progression (Ex. 1005, 45:21–29) performed by "a program fragment" on the web client (Ex. 1005, 36:21–25, 45:15–16) discloses the required "recording a shared web browsing interaction." Pet. 25–26. Petitioner indicates that the program fragment "records" the information about the page selection and transmits it to the group-surfing server. Pet. 26. Petitioner's showing, which includes Lebrun's description that "the selection is caught by the program fragment, which sends the selection to the group-surfing server" (Ex. 1005, 45:15–16), is sufficient for institution to show "recording a shared web browsing interaction."

Regarding the required condition of doing so "responsive to determining that a web browsing interaction of the host device within a web browsing window is a sharable web browsing interaction," as recited in claim 1, Petitioner relies on Lebrun's description of "Web Page Look

Ahead” in which “the controlling web client can select web pages for ‘look ahead’ before designating those web pages as next pages in the progression of pages in the session” (Ex. 1005, 37:27-31 (reference numerals omitted)). Pet. 25–26. Lebrun indicates the “user at the controlling web client can determine if the selected ‘look ahead’ pages are appropriate for the web clients participating in the session” (Ex. 1005, 38:5–6). Petitioner contends that, by allowing a user to determine whether a web page is appropriate before presenting it, Lebrun discloses or suggests “determining that a web browsing interaction of the host device within a web browsing window is a sharable web browsing interaction.” Pet. 26 (citing Ex. 1005, 6:19–32, 37:27–38:27). Petitioner then contends that “when a ‘controlling web client’ chooses the next page, as opposed to designating a web page for ‘look ahead’ or ‘special access,’ the user is determining to share a web page to others participating in the session.” Pet. 26 (citing Ex. 1005, 37:27–38:27). As such, according to Petitioner, Lebrun’s program fragment recording the information about a web page to be shared occurs after such a determination and meets the limitation: “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.” See Pet. 25–26.

Petitioner’s contention is based on a reasonable reading of unambiguous passages in Lebrun and is sufficient for institution. Patent Owner does not address Petitioner’s showing. See *generally* Prelim. Resp. c. Claim 1 Limitation [1.e]

Limitation [1.e] recites “sending a request for webpage content to a website server independent of the synchronization server.” For this, Petitioner relies on Lebrun’s preferred embodiment of including an identifier

for an “initial page” (such as “a home page for a selected web site”) in the session-creation message sent by the first web client to the group-surfing server to create a group-surfing session. Pet. 27 (citing Ex. 1005, 32:9–12, 32:21–24). Petitioner also relies on Lebrun’s express disclosure that “each web client 110 can receive the next page 153 directly from the web site 130” “where no ‘cookies’ or other data related to identity are involved” (Ex. 1005, 35:17–19). Pet. 27 (quoting Ex. 1005, 35:17–19). Petitioner contends that, as part of identifying the initial page for the group-surfing session, a user must enter the web page URL of the initial page and retrieve the corresponding web page directly from the web site. Pet. 27 (citing Ex. 1003 ¶ 165).

At this preliminary juncture and for purposes of institution, Petitioner’s contentions sufficiently follow from Lebrun’s disclosure of (i) including an identifier for an initial page in the session-creation message and (ii) direct access by the web client of a web page from the web site itself. Patent Owner does not address Petitioner’s showing. *See generally* Prelim. Resp.

d. Claim 1 Limitations [1.f]

Limitation [1.f] recites transmitting certain information to the synchronization server “subsequent to sending the request for webpage content to the website server.” Among various limitations, the information transmitted is “related to the shared web browsing interaction” (limitation [1.f]), “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” (limitation [1.f.i]), is transmitted by the synchronization server to the invitee device in response to receiving the information from the host device (limitation [1.f.ii]), and is associated with

“data” retrieved from the website server by the invitee device “in response to receiving the information from the synchronization server” (limitation [1.f.iii]).

These limitations are at the center of Patent Owner’s contentions challenging the sufficiency of the Petition regarding purported obviousness of claim 1 over Lebrun and Wang. See Prelim. Resp. 38–60. Before discussing the contentions of Petitioner and Patent Owner, we note, at this preliminary juncture and based on the plain language of the claim, some of the broad terms recited in limitation [1.f] and its subparts [1.f.i–1.f.iii]. First, the information transmitted is “information related to the shared web browsing interaction” recorded as recited in limitation [1.e]. The claim does not recite a particular type of information, rather only that the “information” be “related” in some way “to the shared web browsing interaction” that is recorded. We note that claim 6, which depends directly from claim 1, further recites “wherein information related to the shared web browsing interaction comprises a URL, form data, cookie information, or script data.”

Second, the information enables the invitee device “to generate a request” to perform particular action—“retrieve . . . substantially the same webpage content as the request for the webpage content from the host device.” Thus, the request generated by the invitee device is not limited by the language of the claim to being the same request (or even being a substantially similar request) for the webpage content from the host device. Rather, the plain language of the claim requires the request generated by the invitee device be able to “retrieve . . . substantially the same webpage content as the request for the webpage content from the host device.” We also note that the language recites “substantially the same webpage content” and does not specify a particular type of webpage content or specify that the

entire contents of webpage to be displayed be retrieved. Thus, the plain language specifies the retrieved content is substantially the same, not that the request that does so be substantially similar. The plain language of the claim, at this preliminary junction and on this preliminary record, allows for the same request be used to retrieve the “substantially the same webpage content” but also allows for a different request be used to retrieve the “substantially the same webpage content.”

Third, we note the plain language of the claim requires that “data” retrieved “from the website server by the invitee device” be “associated with” the information related to the shared web browsing interaction and be “associated with the webpage content requested by the host device” (limitation [1.f.iii]). Here too, the language of the claim is broad—requiring “data” that is “associated” in some way with the information related to the shared web browsing interaction and is “associated” in some way with the webpage content requested by the host device.

(i) *Petitioner’s contentions for limitations [1.f] and its subparts*

For these limitations, Petitioner relies on Lebrun’s description of the program fragment on each web client that is used by the group-surfing server and affects the operations of the web client with the web site and the group-surfing server (Ex. 1005, 36:21–25). Pet. 28–34. Petitioner indicates that Lebrun discloses the following actions—the controlling web client (corresponding to the recited host device) selecting a progression of pages to be presented at each of the web clients during the group-surfing session (Ex. 1005, 35:26–28), the controlling web client sending a “next-page message” to the group-surfing server indicating the next page can be shared and causing the next web page to be presented (*id.* at 45:21–46:5), and that

each web client can “retrieve” the next web page directly from the web site (*id.* at 35:17–19). Pet. 28–34.

Thus, as we understand Petitioner’s argument, after requesting the initial page directly from the web server and as part of the group-surfing server, the controlling web server (corresponding to the host device) transmits the next page message to the group-surfing server, which (according to Petitioner) meets limitation [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.” Pet. 28–29. That Lebrun’s web clients can retrieve the next web page directly from the web site, according to Petitioner, meets limitation [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 a substantially the same webpage content as the request for the webpage content from the host device”—because the program fragment on the web client is used by the group-surfing server to affect the operations of the web client. Pet. 29–30.¹⁰

Petitioner explains that, “[w]hen the ‘controlling web client’ chooses the ‘next page,’ this information is captured by the ‘program fragment’ and sent to the ‘group-surfing server,’ which causes the ‘next page’ to be presented to the other web clients.” Pet. 31 (citing Ex. 36:21–25, 45:15–16,

¹⁰ We note that, although Petitioner states “Lebrun discloses that ‘each web client’ can *retrieve* the next web page ‘directly from the web site,’” Lebrun’s description states that in some embodiments “each web client 110 can *receive* the next page 153 directly from the web site 130.” Pet. 30 (citing Ex. 1005, 35:17–19) (emphasis added); Ex. 1005, 35:18–19 (emphasis added).

45:21–46:5). As such, according to Petitioner, Lebrun discloses limitation [1.f.ii].

For limitation [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—Petitioner explains that the program fragment loaded on the web client is used by the group-surfing server to interface with and affect operations of the web client, “includes determining which ‘web page’ to retrieve.” Pet. 33 (citing Ex. 1005, 36:21–25, 32:21–24). Petitioner also notes that “the information received by the other web clients from the ‘group-surfing server’ is related to the ‘controlling web client’ determining the ‘next page’ to present,” as discussed earlier. Pet. 33 (citing Ex. 1005, 35:26–28, 45:21–29). Thus, according to Petitioner, the web client (corresponding to the invitee device) retrieves the next web page from the web site in response to receiving information about the next page to be presented from the group-surfing server (corresponding to the synchronization server).

(ii) Patent Owner’s contentions regarding limitation [1f] and its subparts

Patent Owner contends that Petitioner’s combination of Lebrun and Wang does not teach “information related to the shared web browsing interaction” (Prelim. Resp. 38–43, Section V.A) or teach 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” (limitation 1.f.iii) (Prelim. Resp. 44–60, Section V.B).

(ii.a) information related to the shared web browsing interaction

Turning first to the scope of the recited “information related to the shared web browsing interaction,” Patent Owner indicates that “[i]nformation related to the shared web browsing interaction is a key element of the invention of the” challenged patent. Prelim. Resp. 39. Patent Owner contends that the information must satisfy three conditions—(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 device¹¹ to, on its own, ‘generate a request to retrieve a substantially the same webpage content as the request for the webpage content from the host device’” (recited in limitation [1.f.i]) 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” (as recited in limitation [1.f.iii]). Prelim. Resp. 38–39.

We agree with Patent Owner to a large degree because the identified three conditions largely track to claim language identified by Patent Owner. We essentially agree with Patent Owner that the “information related to the shared web browsing interaction” on its face requires information related in some way to the shared web browsing interaction. See Prelim. Resp. 38 (first condition). We also agree with Patent Owner that the information must

¹¹ Patent Owner uses the in terms “guest device” and “invitee device” interchangeably. We understand Patent Owner’s use of “guest device” to refer to the recited “invitee device” in the claims.

be associated with the data retrieved by the invitee device from the website server, which reflects limitation [1.f.iii]—“the invitee device retrieves data from the website server . . . the data associated with . . . the information related to the shared web browsing interaction.” *See* Prelim. Resp. 38 (second condition, part [a]). On the other hand, Patent Owner’s assertion that the information must be associated with “the host device that has initiated the session invitation” does not track directly with the claim language. *See* Prelim. Resp. 38 (second condition, part [b]).

Limitation [1.f.ii] requires, the synchronization server to transmit the information to the invitee device in response to receiving the information from the host device.

We also agree with Patent Owner that plain language of the claim requires the information to be able to be used by “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” (limitation [1.f.i]). We do not agree, at this point on this preliminary record, that the information must necessarily enable the invitee device to be able to do so “on its own” because those words do not appear in the claim. Nor is it clear what additional requirements, if any, Patent Owner’s phrase “on its own” would place on the claim limitation requiring that the information “enables the invitee device to generate a request to retrieve” the required webpage content.

For these reasons, on this preliminary record, we largely agree with Patent Owner’s identification of conditions that must be satisfied by the information related to the shared web browsing interaction, with the exception of disagreement noted above. *See* Prelim. Resp. 38–39.

Patent Owner also indicates that “the synchronization server transfers data relating to each interaction (‘information related to the shared web browsing interaction’)” performed by the host device to the invitee device, which enables invitee device to “independently replicate actions performed by the host device to access the same web content data from the website servers.” Prelim. Resp. 39. Patent Owner does not identify any claim language—nor are we aware of any—requiring the invitee device to “independently replicate actions performed by the host device to access the same web content data from the website servers.” Rather, as discussed above, the claim language more broadly requires “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” (limitation [1.f.i]). The claim language itself, however, does not require a particular manner of doing so (such as by independently replicating actions performed by the host).

In the absence of express claim language, Patent Owner points to various descriptions from the challenged patent to support Patent Owner’s contention that “information related to the shared web browsing interaction” requires a guest device to be able to “independently replicate the actions performed by the host device to access the same content data from website servers.” Prelim. Resp. 38. For example, Patent Owner points to a portion of the Summary of the Invention section that indicates establishing a synchronized browsing session includes “recording a shared web browsing interaction” and “transmitting information related to the shared web browsing interaction to a synchronization server.” Prelim. Resp. 39–40 (quoting Ex. 1001, 3:15–19); *see also* Ex. 1001, code (57) (“transmitting information related to the shared web browsing interaction to a

synchronization server”). This description, similar to limitations [1.d] and [1.f], describes transmitting “information related” to the recorded shared web browsing interaction and does not otherwise limit the type of information.

In other examples, Patent Owner quotes the specification stating that “the 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” and “webpage interactions performing by any controlling party will be forwarded to the other attendees in the synchronized browsing session.” Prelim. Resp. 40 (quoting Ex. 1001, 6:12–17, 6:64–66). Patent Owner also points to the specification statement that “[a] following device, such as guest device 14, may be defined as any device that receives relayed webpage interactions from synchronization server 13.” Prelim. Resp. 40 (quoting Ex. 1001, 7:8–10).

The plain language of claim 1, however, does not recite replicating actions of the host device, receiving information about webpage interactions performed by the host device or a controlling party, or receiving relayed webpage interactions. Rather, as discussed in detail above, claim 1 broadly recites “information related to the shared web browsing interaction” that, among other limitations, “enables the invitee device to generate a request to retrieve [] substantially the same web page content as the request for the webpage content from the host device” (limitation 1.f.i). As discussed above, the request must result in the retrieval of substantially the same web page content but the claim itself does not require an identical request as Patent Owner argues. See Prelim. Resp. 40–41 (indicating identical requests sent to website server 12 from guest device 14 and from host device 10 such

that the data content sent to each from website server is similar or identical) (quoting Ex. 1001, 17:38–45; annotating Ex. 1001, Fig. 5(a)). We also note that the specification indicates that “[i]n exemplary embodiments, website request 65 [sent by guest device 14 to website server 12¹²] should be similar or identical to website request 60 [sent by host device 10 to website server 12¹³].” In any event, on this preliminary record, the plain language of claim 1 does not require the request by the invitee device to be identical to the request sent in limitation [1.e].

Moreover, Patent Owner does not identify any descriptions in the challenged patent that uses the claim term “information related to the shared web browsing interaction.” *See, e.g.*, Prelim. Resp. 38. Nor are we aware of any use of the term “information related to the shared web browsing interaction” in the challenged patent other than in the claims and the phrase “transmitting information related to the shared web browsing interaction to a synchronization server” identified by Patent Owner. *See* Ex. 1001, 3:15–19; *see also* Ex. 1001, code (57) (using same phrase); Ex. 1001, 3:24–26 (using same phrase). The challenged patent, however, uses the term “webpage interaction information” (Ex. 1001, 6:12–17) and the term “relayed webpage interactions” (Ex. 1001, 7:8–10). The inventor, however, did not use the term “relayed webpage interactions” but choose to use the term “information related to the shared web browsing interaction” in claim 1.

¹² Ex. 1005, 17:23–25 (“Website request 65 is a data communication message transmitted by guest device 14 to website server 12.”).

¹³ Ex. 1005, 17:46–47 (describing website request 60 as being sent by host device 10 to website server 12).

At this preliminary juncture, we do not agree with Patent Owner that the recited “information related to the shared web browsing interaction” requires information that enables the invitee device to independently replicate the actions performed by the host to access the same web content data from the website server. We do not agree on this preliminary record because of the differences between the plain language of the claim and the specification descriptions identified by Patent Owner.

Also, regarding the “information related to the shared web browsing interaction” required by claim 1, Patent Owner contends that Lebrun’s next-page method does not meet the claim limitations because the group-surfing server “performs the actions to actually retrieve the webpage in order to provide the snapshot of the webpage to web clients.” Prelim. Resp. 41–42. We do not agree with Patent Owner, however at this preliminary juncture, because Lebrun describes that each web client can receive the next web page directly from the web site (Ex. 1005, 35:17–19). See Pet. 28–34. Patent Owner further contends that “Lebrun’s webpage does not amount to data relating to an *interaction* that may be performed by the guest device.” Prelim. Resp. 42. As summarized above, however, Petitioner’s argument also relies on Lebrun’s “next-page message” and the direction by the group-surfing server using the program fragment to conduct the group-surfing session by which web pages accessed by the controlling web client are presented on other web clients. See Pet. 28–34.

We also do not agree with Patent Owner that “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.” Prelim. Resp. 42. We do not agree on this preliminary record because, as noted above, Petitioner relies on Lebrun’s unambiguous description that Lebrun’s web clients can receive the next web page directly from the web site. Pet. 30 (citing Ex. 1005, 35:17–19).

On this preliminary record, particularly in light of the broad language used in claim 1 that does not recite the specific operations that Patent Owner contends are required, the scope of “the information related to the shared web browsing interaction” as required by claim 1 encompasses Petitioner’s application of Lebrun sufficiently for institution. Accordingly, based on this preliminary record, Petitioner’s showing for the “receiving web browsing interaction data from said synchronization server” is sufficient for institution.

(ii.b) limitation [1.f.iii]

Patent Owner additionally contends that Petitioner’s combination does not teach limitation [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, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.” Prelim. Resp. 44–60 (Section V.B).

Patent Owner asserts that Petitioner 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” (“the retrieving limitation”). Prelim. Resp. 44–58. Patent Owner further argues that Lebrun’s web client device (corresponding to the invitee device) does not “independently receive the claimed

‘information related to the shared web browsing interaction’ from the group-surfing server (corresponding to the synchronization server) and also fails to, in response to receiving that information, itself “retrieve[] data from the website server,” as required by the claim. Prelim. Resp. 45.

Rather, according to Patent Owner, the group-surfing server “executes the content request, retrieval and recompiling processes on behalf” of the web client based on captured user input the group-surfing server received from the controlling web client’s program fragment, which results in the web client receiving the next web page directly from the web site. Prelim. Resp. 45–47. Patent Owner contends that Lebrun’s disclosure of a program fragment that “affects the operations of a web client” is limited to capturing user input at the controlling web client, transferring that information to the group-surfing server, and receiving “some webpage information from the web site.” Prelim. Resp. 47–48. Patent Owner explains that each web client receives the program fragment because any of the web clients may function as the controlling web client during a group-surfing session. Prelim. Resp. 47. Patent Owner identifies portions of Lebrun to support its position. Prelim. Resp. 47–49 (Ex. 36:21–28, 45:21–29, 35:6–8, 34:19–22, 36–37 [sic]). Based on these descriptions, Patent Owner contends that “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 challenged claims. Prelim. Resp. 48; *see also* Prelim. Resp. 48–49 (similar contentions).

In essence, Patent Owner and Petitioner differ on the functions performed by the program fragment that is loaded on the web client, and is used by the group-surfing server to interface with and affect operations of the web client. *Compare, e.g.,* Prelim. Resp. 47–48, *with* Pet. 33.

Petitioner’s view, as discussed above, is that “the information received by the other web clients from the ‘group-surfing server’ is related to the ‘controlling web client’ determining the ‘next page’ to present” and used to retrieve the next web page from the web server. Pet. 33 (citing Ex. 1005, 36:21–25, 32:21–24, 35:26–28, 45:21–29). Petitioner’s arguments are drawn from descriptions in Lebrun and are sufficient for institution.

Patent Owner further contends that the Lebrun embodiments on which Petitioner relies are distinguishable from the challenged claims which require the invitee device “itself to ‘retrieve data from the website server’ (i.e., to independently access content from a website server)” and that the invitee device “uses 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 . . . as reflected in Claim elements [1.f.i–iii].” Prelim. Resp. 49–50. Patent Owner also contends that these limitations require operating as described in selected portions of the specification, particularly as shown in Patent Owner’s annotations of Figure 5(a), and that none of Petitioner’s cited passages from Lebrun disclose this method of operating.¹⁴ Prelim. Resp. 50–52 (citing Ex. 1001, 18:56–60, 19:27–29, 19:41–48, 19:48–50, 19:53–57, Figs. 5(a), 5(d)).

¹⁴ Patent Owner incorrectly contends that Petitioner argues these passages teach or suggest “each web client requesting elements directly from the website [that] 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.” Prelim. Resp. 55 (citing Pet. 34 (citing Ex. 1003 ¶ 205)). Petitioner does not make that argument as cited. See Pet. 35. Nor does claim 1 recite “operating an application based on said information related to the shared web browsing interaction received from said synchronization

For the reasons explained above, we do not agree with Patent Owner that, based on this preliminary record, claim 1 requires the specific architecture and operation asserted by Patent Owner. Nor do we agree with Patent Owner that “the group-surfing server 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.’” Prelim. Resp. 56. As noted above, Petitioner relies on an unambiguous description in Lebrun that the web client in some embodiments can receive the next web page directly from the web site. *See* Ex. 1005, 35:17–19; Pet. 30 (citing Ex. 1005, 35:17–19).

Patent Owner also contends that Petitioner fails to demonstrate that the data retrieved from the website server by the invitee device is “data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.” Prelim. Resp. 58–60. Patent Owner argues here, too, that the group-surfing server sends only the web page to the web clients, which does not include “any information related to the shared web browsing interaction” and is not used by the invitee device to retrieve data from the website server that is “associated with the webpage content requested by the host device and the information related to the shared web browsing interaction” (limitation [1.f.iii]). Prelim. Resp. 59.

server to access a website server independent of the synchronization server subsequent to the activation of the session invitation,” though claim 1 of U.S. Patent No. 9,185,145 challenged in IPR2023-00339 recites a similar limitation.

For the reasons explained above, we do not agree with Patent Owner. Petitioner's position is that Lebrun describes or at least suggests that the web client retrieves, not merely receives, the next page directly from the website in some embodiments. Pet. 30, 32–33. We understand Petitioner's argument to be that the recited "data" is the web page retrieved from the web site. See Pet. 33–34. As such, that "data" is associated with the webpage content requested by the host device because it is the next page selected by the "controlling web client" and identified in the "next-page message" sent to the group-surfing server. See Pet. 33–34. That "data" also is associated with the information related to the shared web browsing interaction for the same reason. See Pet. 33–34.

Accordingly, for the reasons discussed above, we find Petitioner's contentions regarding Lebrun's disclosure of limitation [1.f] and its subparts to be sufficient for institution.

e. Claim 1 Limitations [1.g]

Limitation [1.g] recites "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." Petitioner reiterates its position that Lebrun's program fragment is controlled by the group-surfing server to affect the operations of the web client, including determining which web page to retrieve. Pet. 34–35 (citing Ex. 1005, 32:21–24, 36:21–25). As such, according to Petitioner, Lebrun discloses the web clients in the group-surfing session are presented with web pages and meets this limitation. Pet. 35.

Petitioner's showing naturally follows from its understanding of Lebrun's disclosures discussed above and is sufficient for institution.

f. Conclusion regarding Claim 1

In sum, as discussed above, Petitioner’s showing regarding the limitations recited in claim 1 and at least Lebrun’s disclosures are sufficient for institution.

Accordingly, having reviewed the Petition, Preliminary Response, and prior art evidence cited therein, we determine that Petitioner has established a reasonable likelihood that the combination of Lebrun and Wang renders the subject matter of claim 1 obvious. This showing is sufficient to institute an *inter partes* review on all challenged claims on all asserted grounds. See *SAS Inst. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018); 37 C.F.R. § 42.108(a) (“When instituting *inter partes* review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.”). Notwithstanding, we provide additional commentary as to the remaining challenged claims in this asserted ground and as to some of the challenged claims in the additional asserted ground of obviousness over Prajapat and Wang.

4. Independent Claim 11

Independent claim 11 is directed to an apparatus for establishing a synchronized browsing session between a host device and an invitee device. The apparatus includes a network interface adapted to communicate with a synchronization server and a processor adapted to performing various steps, which largely track with the limitations recited in claim 1. Compare Ex. 1001, 23:33–24:8, with *id.* at 24:57–26:2. Relying generally on its showing with respect to claim 1, Petitioner provides a similar showing for independent claim 11. See Pet. 36–40 (claim 11). Patent Owner also

recognizes that claim 11 has “analogous limitations” to claim 1 and relies on its arguments presented with respect to claim 1. Prelim. Resp. 60.¹⁵

Accordingly, for the reasons discussed above with respect to claim 1, Petitioner also sufficiently establishes for purposes of institution a reasonable likelihood that the subject matter of claim 11 would have been obvious at least over Lebrun.

5. Dependent Claims 2–10 and 12–16

Claims 1–10 each depend directly or indirectly from independent claim 1. Claims 12–16 each depend directly or indirectly from independent claim 11. In its assertions that these claims would have been obvious over Lebrun and Wang, Petitioner maps the added limitations of the dependent claims to the asserted prior art and provides purported reasons why one of ordinary skill would have combined the references with a reasonable expectation of success for purposes of institution. Pet. 40–45; *see also* Pet. 18–19 (discussing motivation to combine Lebrun and Wang). Patent Owner does not offer arguments against these assertions at this time. *See generally* Prelim. Resp.

Regarding the additional subject matter recited in claim 2, Petitioner indicates Lebrun’s group-surfing server “informs” other web clients of a group-surfing session of “newly added” web clients so discloses “receiving a notification message indicative of the invitee device joining the synchronized browsing session,” additionally recited in claim 2. Pet. 40 (citing Ex. 1005, 33:6–10).

¹⁵ We understand Patent Owner’s reference to claim 9 to be a reference to claim 11, which is the only other independent claim in the challenged patent. *See* Prelim. Resp. 60.

Claim 3 additionally recites “activating a hyperlink on a website to initialize the sending of the request to establish the synchronized browsing session.” Petitioner relies on Lebrun’s description of the “session-creation message” being “responsive to an action by the user of the web client software,” which includes “selecting a web page or a link to a web page.” Pet. 41 (citing Ex. 1005, 32:9–12, 32:5–7). Petitioner alternatively relies on Wang’s “myURL address.” Pet. 41 (citing Ex. 1006 ¶ 47¹⁶). Petitioner relies on the same description in Lebrun and Wang’s “myURL address” for the additional recitation of claim 4 that “the invitation comprises a hyperlink for joining the synchronized browsing session.” Pet. 41–42 (citing Ex. 1005, 32:9–12, 32:5–7; Ex. 1006 ¶ 49).

Claim 5 recites various alternative means for sending the invitation to the invitee device, including “an instant message communication.” Petitioner relies on Lebrun’s description that web clients in a session can communicate between and among groups of users via “instant messaging,” among other means of communication. Pet. 42 (citing Ex. 1005, 41:6–22). Although Lebrun describes “instant messaging,” the claim recites using the communication means for a particular purpose—“sending the invitation to the invitee device,” whereas the description in Lebrun describes more generally communicating among the web client users.

Claim 6 additionally recites “wherein information related to the shared web browsing interaction comprises a URL, form data, cookie information, or script data.” The phrase “information related to the shared web browsing interaction” recited in claim 6 lacks antecedent basis in independent claim 1. Petitioner contends that “Lebrun explains that the

¹⁶ Wang’s disclosure of “myURL address” is found in paragraph 48.

‘controlling web client’ is able to exchange ‘cookies.’” Pet. 42 (citing Ex. 1005, 41:9–10). More precisely, Lebrun describes that the controlling web client “can import or export information related to web sites 130, including bookmarks, ‘cookies,’ and user registration at participating web sites.” Ex. 1005, 41:9–10. Petitioner also relies on Lebrun’s description that the group-surfing server can receive “a ‘cookie’ or other data relating to identity or session from the web site.” Ex. 1005, 46:7–9; see Pet. 42 (citing Ex. 1005, 46:7-11). Petitioner, however, does not explain here how these descriptions of cookie information in Lebrun relate to Lebrun’s description that “[i]n alternative embodiments, where no ‘cookies’ or other data related to identity are involved, each web client 110 can receive the next page 153 directly from the web site 130” (Ex. 1005, 35:17–19), on which Petitioner relies on for subject matter recited in independent claim 1, as discussed above.

Claims 7 and 13 each further require that the session identifier associated with the established synchronized browsing session comprises “an identification number, a passkey, a URL, MAC address, or other unique indicator such that the synchronized browsing session may be identified for joining the session.” Petitioner relies on Lebrun’s unambiguous description that, to add itself to a group-surfing session, a web client sends to the group-surfing server a session-join message that in a preferred embodiment includes the identifier for the group-surfing session. Pet. 42–43 (citing Ex. 1005, 33:2–5).

Claims 8 and 14 each recite “wherein the web browsing window [recited in limitation [1.d]] is capable of accepting both shared and non-shared web browsing interactions.” For this, Petitioner indicates “Lebrun explains that the ‘controlling web client’ is able to designate web pages as

‘special access,’ which determines whether a web page is presented to ‘other web clients.’” Pet. 43 (citing Ex. 1005, 38:21–27). Notably, Lebrun describes this capability as being performed by the controlling web client in the context of “designating those web pages 153 as next pages 153 in the progression of pages 153 in the session.” Ex. 1005, 38:21–23. Lebrun describes an example in which the controlling web client “can enter information required for special access privately, without presenting that information to other web clients 110 participating in the session.” Ex. 1005, 38:23–25.

Claims 9 and 15 each further requires “wherein web browsing interactions of the host device determined to be non-shared web browsing interactions are depicted in a non-shared web browser window that is separate from the web browsing window.” Petitioner relies on Lebrun’s “web page look ahead” feature and “web page special access” feature, discussed previously. Pet. 43 (citing Ex. 1005, 6:19–32, 37:27–38:27, 38:21–27). Petitioner explains that “a user must necessarily first view that page in a non-shared browser in the ‘web client’ prior to deciding to share that web page.” Pet. 43 (citing Ex. 1005, 37:27–38:17). Lebrun’s description discloses or at least suggests viewing the web page in some manner during the “look ahead” to allow the user of the controlling web client to decide whether the page can be shared in the group-surfing session.

Similarly, Lebrun’s “web page special access feature” allows entry of “information required for special access privately, without presenting that information to other web clients 110 participating in the session.” Ex 1005, 38:21–25. Lebrun describes specifically that “the controlling web client 110 can choose to accept such special access (such as entering a password or credit card number) without presenting the acceptance to other web clients

110 participating in the session.” Ex. 1005, 38:15–17. On this preliminary record, we agree only that Lebrun’s description discloses that the user of the controlling web client can decide that special access information is not shared in the session.

Claims 10 and 16 each recite “receiving, from the synchronization server, a reply message, wherein the reply message includes an adcode, an adcode identification code, XML, a modified URL address, cookie information, form data, script data, user input information, or attached files.” Petitioner relies on Lebrun’s “Web Page Automatic Form Completion” for this additional subject matter. Pet. 44 (citing Ex. 1005, 38:31–39:2). Lebrun describes “the controlling web client [] enters information to complete the HTML form, and sends that information to the group-surfing server,” which “enters information to compete the HTML form, and sends that information to the web site.” Ex. 1005, 38:31–39:1. Lebrun indicates that “[w]hen the web site [] replies with a new page, the group-surfing server [] sends that new page to all participating web clients.” Ex. 1005, 39:1–2. Petitioner asserts that “the web page retrieved after form information is sent represents a reply message” including “form data.” We note that Lebrun indicates that new page from the web site is sent from the group-surfing server to “all participating web clients.”

Claim 12 additionally recites “a user interface adapted to initiate the processor to send the request in response to a user input, wherein the user input comprises activation of a hyperlink on a website or third party application for initializing the sending of the request to establish the synchronized browsing session.” Petitioner relies on Lebrun’s description of creating a group-surfing server in which the first web client sends a session-creation message to the group-surfing server. Pet. 45 (citing Ex. 1005, 32:9–

12). Petitioner notes that the message is sent in response to an action by the user of the web client software, such as by selecting a web page or a link to a web page. Pet. 45 (citing Ex. 1005, 32:5–7). Petitioner also relies on Wang’s “myURL address” for this limitation. Pet. 45.

E. Asserted Obviousness of Claims 1–16 over Prajapat and Wang

Petitioner asserts that claims 1–16 would have been obvious under 35 U.S.C. § 103 based on the combined teachings of Prajapat and Wang. Pet. 6, 46–70.

1. Prajapat’s Disclosure

Prajapat relates to peer-to-peer web content sharing, such as may be used in a call center to share content with a customer. Ex. 1007 ¶¶ 1–2. Figure 1, reproduced below, illustrates an example of such a communication system. *Id.* ¶ 12.

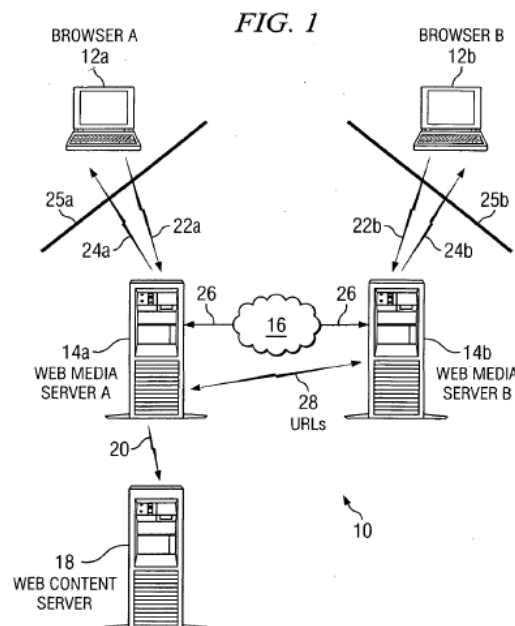


Figure 1 shows communication system 10 that includes browsers 12a and 12b, web media servers 14a and 14b, and web content server 18. *Id.*

¶ 12. Web media servers 14a and 16b are “coupled via network 16,” and web content server 18 is “coupled to web media server 14a via link 20.” *Id.*

A user associated with browser 12a may “desire to co-browse or share one or more web pages” with a user associated with browser 12b. *Id.* ¶ 16. Prajapat uses the term “co-browse” to describe a variety of situations, including (i) browsers 12a and 12b displaying “the same web pages at substantially the same time,” (ii) browser 12b viewing web pages alterations by browser 12a, and (iii) similarly, browser 12a viewing web pages alterations by browser 12b. *Id.* ¶ 12.

Prajapat describes an example of peer-to-peer dynamic web page sharing. *Id.* ¶ 34; Fig. 2. “[B]rowser 12a establishes a communication session with media server 14a” and submits a request to co-browse with browser 12b. *Id.* at ¶ 35. After receiving the request, web media server 14a locates and establishes a communication session with “web media server 14b with which browser 12b is associated.” *Id.* A communication session also is established between web media server 14b and browser 12b. *Id.*

In response to browser 12a request for a web page, web media server 14a requests the web page from web content server 18, which, in turn, provides the requested web page to the web media server 14a. *Id.* ¶ 36–37. Web media server 14a communicates the web page or a notification that the web page is available to browser 12a, which retrieves the web page from web media server 14a. *Id.* ¶ 38. Web media server 14a also communicates the web page in some form to web media server 14b. *Id.* ¶ 39. Web media server 14b communicates the web page or a notification that the web page is available to browser 12b. *Id.* Browser 12b retrieves the web page from web media server 14b. *Id.*

In another example, Prajapat describes “peer-to-peer simple web page sharing” using a web content server that returns the requested web page to a browser. *Id.* ¶ 43. Figure 3, reproduced below, illustrates an example of such a communication system. *Id.* ¶¶ 10, 41.

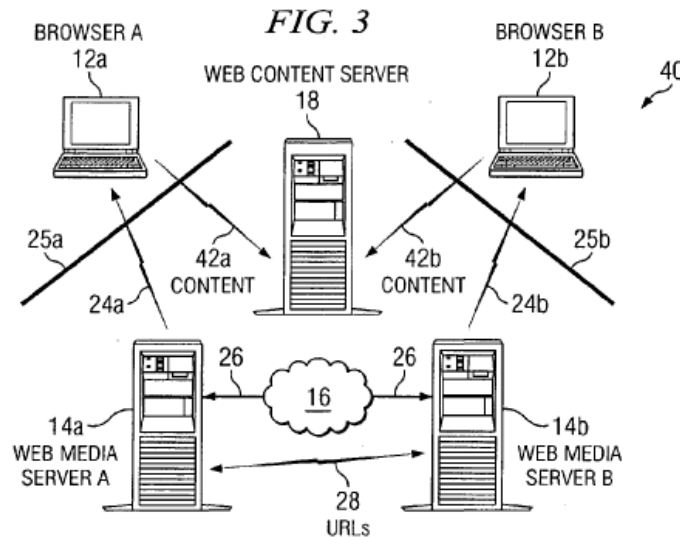


Figure 3 shows communication system 40 that, like Figure 1, includes browsers 12a and 12b, web media servers 14a and 14b, and web content server 18. *Id.* ¶ 41. Similarly to described above, browser 12a submits to web media server 14a a request for a web page sharing session with browser 12b; web media server 14a locates the web media server 14b associated with browser 12b; and web media server 14a establishes a “media session” with web media server 14b that allows the web media servers to communicate “media between each other.” *Id.* ¶¶ 41–42.

In contrast to the process described above with respect to Figure 1, in this example, browser 12a submits a request for a web page to web content server 18, which returns the requested web page to requesting browser 12a. *Id.* ¶ 43. Browser 12a communicates “the URL or other suitable information regarding the requested web page to web media server 14a,” which, in turn, communicates that information to web media server 14b. *Id.* Web media

server 14b then communicates “the URL or other suitable information to browser 12b.” *Id.* Browser 12b uses the information “to request from web content server 18 the web page that browser 12a requested.” *Id.*

2. Claim 1

a. Claim 1 Preamble and Limitations [1.a]–[1.e]

As an initial matter, Petitioner again asserts for some limitations that Prajapat “discloses this limitation,” and then also asserts that “Wang also discloses this limitation” and provides purported reasons one of ordinary skill would have made the proposed combination. *See, e.g.*, Pet. 47 (regarding limitation [1.a]); Pet. 49–50 regarding limitation [1.c]); Pet. 51–52 (regarding limitation [1.e]). In analyzing claim 1 for purposes of this institution decision, we focus on Petitioner’s arguments regarding Lebrun in such cases. Patent Owner does not address Petitioner’s showing as to these limitations.

In asserting the subject matter of claim 1 would have been obvious over Prajapat and Wang, Petitioner identifies Prajapat’s techniques discussed above for peer-to-peer dynamic web page sharing as disclosing the method “performed by a host device for establishing a synchronized browsing session between the host device and an invitee device,” recited in claim 1. Pet. 46 (citing Ex. 1007 ¶¶ 12, 16). Petitioner identifies Prajapat’s web media servers 14a and 14b for the recited “synchronization server.” Pet. 47 ¶ 16 (addressing limitation [1.a]), 48 ¶ 22 (addressing limitation [1.b]). Petitioner identifies Prajapat’s browser 12a as the recited host device that establishes the synchronized browsing session and that meets the limitation [1.a] requirement to send to the synchronization server a request

to establish a synchronized browsing session. Pet. 46–47 (citing Ex. 1007 ¶¶ 12, 16).

More specifically, Petitioner relies on Prajapat’s examples that the user of browser 12a who “desire[s] to co-browse . . . with another user associated with browser 12b” can “click on a desktop icon” to “establish a communication session with media server 14a” for sending the request in limitation [1.a]. Ex. 1007 ¶ 16; see Pet. 47 (citing Ex. 1007 ¶ 16). See *generally* Prelim. Resp. Petitioner’s showing maps the claim elements to straightforward descriptions in Prajapat as described above and is sufficient for institution.

For the receiving the confirmation message limitation [1.b], Petitioner points to Prajapat’s description of browser requests for web pages sent to the media server and that the requests “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.” Pet. 48 (citing Ex. 1007 ¶ 22). Petitioner contends that inherent communication necessarily would occur between the browser and the server and would include a confirmation message sent by the web media server that includes session information. Pet. 49 (citing Ex. 1003 ¶ 228). Petitioner does not rely on any disclosure in Wang for limitation [1.b]. Pet. 48–49.

For the sending an invitation limitation [1.c], Petitioner relies on Prajapat’s description that browser 12a (corresponding to the recited host device) may specify in a request to co-browser “one or more names or other identifiers of other browsers 12 with which browser 12a desires to co-browse” (Ex. 1007 ¶ 17). Pet. 49 (citing Ex. 1007 ¶ 17). Petitioner also contends that the information included in the request from browser 12a to the web media server “necessarily includes an identifier for other browsers

to join the co-browsing session.” Pet. 49–50 (citing Ex. 1007 ¶ 231). Petitioner here identifies as the invitation a request sent from browser 12a (corresponding to the recited host device) to the web media server (corresponding to the recited synchronization server). Petitioner also relies on Wang’s “communication means for enabling the client devices to display a message for other client devices” (Ex. 1006 ¶ 20). Pet. 50 (citing Ex. 1006 ¶ 20). Petitioner contends that “[t]he client device *could* send an invitation via the ‘communication means’ to join the session” and that one of ordinary skill “would have been motivated to combine Wang’s ‘communication means’ with Prajapat’s ‘browser,’ because it would be a combination of prior art elements according to known methods yielding predictable results.” Pet. 50 (citing Ex. 1006 ¶ 20, Ex. 1003 ¶ 232, Pet. Section VII.E) (emphasis added).

For the recording a shared web browsing interaction limitation [1.d], Petitioner additionally points to Prajapat’s indication that “browser 12a may be registered with web media server 14a without actually sharing web pages with another browser” (Ex. 1007 ¶ 34). Pet. 50–51 (citing Ex. 1007 ¶¶ 16, 34). Petitioner contends that “when a user determines to not share a web page, ‘browser 12a’ will have this setting recorded” and the user’s browser when co-browsing “records these [web browsing] interactions, which are transmitted to a ‘web media server 14a’ to present to other users.” Pet. 50–51 (citing Ex. 1003 ¶ 234, Ex. 1007 ¶ 16). Petitioner also contends that “when ‘browser 12a’ registers with a ‘web media server’ and decides to share a web page” discloses the required “determination that a web browsing interaction [of the host device] within a web browsing window is a sharable web browsing interaction.” Pet. 51 (citing Ex. 1003 ¶ 235, Pet. Section VII.E).

For the sending a request for webpage content limitation [1.e], Petitioner relies on Prajapat's description that browser 12a may submit a request to web content server 18 for one or more web pages using an HTTP link. Pet. 51 (citing Ex. 1007 ¶ 43 (regarding Fig. 3)). As Petitioner notes, the request is made to "a 'web content server,' as opposed to a 'web media server'" (which corresponds to the recited synchronization server). Pet. 51. Petitioner's showing here maps the claim elements to straightforward descriptions in Prajapat as described above.

b. Claim 1 Preamble and Limitations [1.f], its subparts, and [1.g]

For the transmitting information to the synchronization server limitation [1.f], Petitioner again relies on Prajapat's unambiguous disclosure that browser 12a may communicate requests to the web media server for web pages. Pet. 53 (citing Ex. 1007 ¶ 22). For the processing of the information by a browser of the invitee device limitation [1.f.i], Petitioner relies on Prajapat's indication that one browser involved in a group-surfing can "display the same web pages at substantially the same time," or "alter web pages" and another browser can "view those alterations." Pet. 54 (citing Ex. 1007 ¶ 12). Petitioner states "altering web pages is a web browsing interaction, and another browser viewing those alterations, requires the viewing browser to process information concerning that shared interaction." Pet. 54 (Ex. 1003 ¶ 243).

For the portion of limitation [1.f.i] requiring that the information "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," Petitioner relies again on Prajapat's description of browser 12a (corresponding to the recited host device as noted above) registering with a web media server to share web pages with other browsers (presumably the

recited invitee device). Pet. 55 (Ex. 1007 ¶¶ 15, 34). It is not readily apparent from Prajapat's description of the identification of the other browsers at the time browser 12a registers, that the other browsers are able to *generate a request* to retrieve substantially the same content. Nor is it readily apparent from Prajapat's descriptions how the web page alterations in Prajapat (which Petitioner identifies as the information related to the shared web browsing interaction) enable the other browsers to generate a request as required by the invitee device (limitation [1.f.i]). We note, however, that Petitioner asserts that Wang also discloses this limitation. Pet. 55–56 (citing Ex. 1006 ¶ 23).

Petitioner relies on Prajapat's architecture shown in Figure 3 and described above for limitations [1.f.ii], [1.f.iii], and [1.g]. Pet. 56–57 (citing Ex. 1007 ¶ 43 addressing limitation [1.f.ii]); Pet. 57–58 (citing Ex. 1007 ¶ 43 addressing limitation [1.f.ii]); Pet. 59–60 (citing Ex. 1007 ¶ 43 addressing limitation [1.g]). As described earlier, in general, browser 12a (corresponding to the recited host device) sends a request for a web page to the web media server, which then communicates “the URL and any other suitable information” to browser 12b (presumably the recited invitee device), which in turn uses the information to request the web page from the web content server. See Ex. 1007 ¶ 43; Fig. 3. Petitioner maps this description to the synchronization server transmitting information related to the shared web browsing interaction to the invitee device (limitation [1.f.ii]), the invitee device retrieving data from the website server (limitation [1.f.iii]), and receiving the requested webpage content from the website server (limitation [1.g]).

To show the required associations with the data retrieved from the website server by the invitee device (limitation [1.f.iii]), Petitioner also relies

again on Prajapat’s description of the browser 12a identifying other browsers with which to co-browse to show the retrieved data (¶ 34) and that the request for web pages received by a web media server from browser 12a “may 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 [] associated with the requested web page, or any other suitable information” (¶ 22). See Pet. 58–59. Petitioner contends that the required data associations of limitation [1.f.iii] are satisfied “when a ‘browser 12a’ enters information into a presented web page, via a ‘web media server’ that is retrieved from ‘other browsers.’” Pet. 59 (citing Ex. 1003 ¶ 252). As noted previously, the limitation is broad, requiring the data retrieved from the website server be “associated with” in some way the webpage content requested by the host device and be “associated with” in some way the information related to the shared web browsing interaction.

Patent Owner first contends that Petitioner “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.’” Prelim. Resp. 61–68. Patent Owner indicates that Prajapat discloses “two fundamentally different systems”—a “peer-to-peer *dynamic* web page sharing” system that “relies on intermediate web media servers 14a and 14b to retrieve data from the web content server 18” as shown in Figure 1 and described in paragraphs 12, 15, 16, 22, 34 relied on by Petitioner. Prelim. Resp. 61–63; see, e.g., Ex. 1007 ¶ 12 (indicating Fig. 1 illustrates an example communication system to provide peer-to-peer dynamic web page sharing), ¶ 34 (indicating Fig. 2 illustrates an example method for peer-to-peer dynamic web page sharing). Patent Owner correctly notes that the claim requires the invitee device retrieve data

from the website server. Prelim. Resp. 64–66. In addition, according to Patent Owner, only Prajapat’s “peer-to-peer *dynamic* web page sharing” system (shown in Figures 1–2) is used for (a) “co-browsing” web pages and (b) performing new actions on a web page and permitting invitee devices to view those new actions. Prelim. Resp. 67.

Patent Owner notes that Prajapat’s second system is a “peer-to-peer *simple* web page sharing” system described in Figure 3 and paragraphs 41 and 43, relied on by Petitioner. Prelim. Resp. 61–62; *see, e.g.* Ex. 1007 ¶ 41 (indicating the communication system in Fig. 3 provides “peer-to-peer simple web page sharing”). Although this system allows the retrieval of web pages from the web content server by the browser 12b, Patent Owner contends that this system is limited to sharing web pages and does not share “information related to the shared web browsing interaction” required by the challenged patent. Prelim. Resp. 66. Patent Owner contends that Prajapat’s “peer-to-peer *simple* web page sharing” system does not include “performing alterations on a webpage and permitting guest or invitee devices to view them,” which the “peer-to-peer *dynamic* web page sharing” system includes. Prelim. Resp. 67 (citing Ex. 1007 ¶¶ 41–43).

We agree with Patent Owner that Prajapat’s description related to the architecture shown in Figure 1 for “dynamic web page sharing” does not show browser 12b (corresponding to an invitee device) retrieving data directly from the website server, as required by the claim. Nor does Petitioner contend it does. As noted above, for limitations [1.f.ii, 1.f.iii, and 1.g], Petitioner relies on Prajapat’s Figure 3 architecture for “simple web page sharing” that shows browser 12b (corresponding to an invitee device) retrieving data from the website server, as Patent Owner acknowledges. *See* Prelim. Resp. 66.

Patent Owner, however, applies its narrower interpretation of “information related to the shared web browsing interaction” in asserting Prajapat’s “simple web page sharing” is not sufficient. For the reasons noted above, we view the claim language at this preliminary juncture and on this preliminary record more broadly. Accordingly, at this point, we do not agree with Patent Owner that the scope of “information related to the shared web browsing interaction” cannot encompass web pages that are shared across the browsers engaged in the co-browsing or sharing session. *See* Prelim. Resp. 64 (“[T]he browsers 12a and 12b of Prajapat are delivered webpages—and not information related to the shared web browsing interaction.”). Moreover, Petitioner relies on the information communicated to browser 12b and used by browser 12b to request the web page from the web content server that browser 12a requested, as described in paragraph 43—“the URL and any other suitable information.” Pet. 56 (indicating “‘browser 12a’ may communicate ‘suitable information regarding the requested web page to web media server 14a,’ which in turn may communicate to ‘browser 12b.’ Ex. 1007 ¶ 43.”); Pet. 57 (indicating “‘browser 12b’ may then use this ‘suitable information to request from web content server 18 the web page that browser 12a requested.’”). On this preliminary record, the scope of “information related to the shared web browsing interaction” encompasses the “URL and any other suitable information” to request from web content server the web page that browser 12a requested. At this preliminary juncture, for similar reasons, we do not agree with Patent Owner that a web page or the snapshot data of Wang cannot constitute “information related to the shared web browsing interaction” as recited in claim 1. *See* Prelim. Resp. 68–69.

Patent Owner also contends that Petitioner fails to demonstrate the invitee device retrieves from the website server data that is associated with the webpage content requested by the host device and the information related to the shared web browsing interaction (limitation [1.f.iii]). Prelim. Resp. 69–72. Patent Owner reiterates its position that browser 12b does not receive “information related to the shared web browsing interaction” from the web media server, with which we do not agree as discussed above. See Prelim. Resp. 70. Specifically, Petitioner relies on Prajapat’s “simple web page sharing” system in which browser 12b receives “URL and any other suitable information” from the web media server, which received the information from browser 12a. Pet. 58 (citing Ex. 1007 ¶ 43).

Patent Owner contends that Petitioner’s use of descriptions from both types of Prajapat’s systems without sufficient explanation result in “Petitioner’s arguments providing 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.’” Prelim. Resp. 71.

We don’t agree that Petitioner provided “no evidence whatsoever.” Rather, Petitioner quoted Prajapat’s paragraph 43 description as noted above—“‘[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.’”—as disclosing “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,” recited in limitation [1.f.iii]. Petitioner also addresses the how the data is associated as required by the claim—indicating how browser 12a identifies

other browsers with which to co-browse and how browser 12a identifies web pages to retrieve and display in the session. Pet. 58–59 (citing Ex. 1007 ¶¶ 34, 22).

Patent Owner is correct that these passages are presented in the context of Prajapat’s “dynamic web page sharing” system but on their face seem applicable to web page sharing generally and cover activities that are not discussed with specificity with regard to the later-described “simple web page sharing” system. See Ex. 1007 ¶¶ 41–43.

Also as noted above, at this preliminary juncture, we do not agree with Patent Owner that a web page or the snapshot data of Wang cannot constitute “information related to the shared web browsing interaction” as recited in claim 1. See Prelim. Resp. 72.

3. Independent Claim 11

Relying generally on its showing with respect to claim 1, Petitioner provides a similar showing for independent claim 11. See Pet. 61–66 (claim 11). Patent Owner also recognizes that claim 11 has “analogous limitations” to claim 1 and relies on its arguments presented with respect to claim 1. Prelim. Resp. 72–73.¹⁷

4. Dependent Claims 2–10 and 12–16

Petitioner cites various portions of Prajapat and Wang for the additional subject matter recited by dependent claims 2–10 and 12–16.

¹⁷ We understand Patent Owner reference to claim 9 to be a reference to claim 11, which is the only other independent claim in the challenged patent. See Prelim. Resp. 72–73.

Pet. 66–71. Patent Owner does not address the sufficiency of Petitioner’s showing regarding the dependent claims. *See generally* Prelim. Resp.

F. Qualifications of Petitioner’s Declarant

In its Preliminary Response, Patent Owner contends that Petitioner’s Declarant, Dr. Lieberman, does not have the requisite level of skill to testify from the perspective of one of ordinary skill either under Patent Owner’s proposed level of ordinary skill or under Petitioner’s proposed level of ordinary skill. Prelim. Resp. 36–38.

More specifically, Patent Owner contends that Dr. Lieberman’s 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 developer as required under Patent Owner’s proposed level of ordinary skill. *Id.* at 36–37 (citing Ex. 1004). Patent Owner further contends that Dr. Lieberman lacks “two years of work experience in software development and/or web-based software [development],” as Petitioner proposes. *Id.* at 37–38. For these reasons, Patent Owner indicates Dr. Lieberman does not possess the requisite level of ordinary skill to testify from the perspective of one of ordinary skill and his opinions should be given little or no weight. *Id.* at 38.

“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.” *Kyocera Senco Indus. Tools Inc. v. Int’l Trade Comm’n*, 22 F.4th 1369, 1376–77 (Fed. Cir. 2022). Patent Owner is correct that Dr. Lieberman’s CV on its face does not include two years in a position titled as software developer, web-based developer, or the like. *See generally* Ex. 1004. Dr. Lieberman, however, has a degree in

“*Informatique*” from the University of Paris VI (Sorbonne), as Patent Owner acknowledges (Prelim. Resp. 36), and this degree is in addition to Dr. Lieberman’s Bachelor of Science degree from the Massachusetts Institute of Technology (MIT). Ex. 1004, 12–13. This University of Paris VI (Sorbonne) degree is additional education beyond the required bachelor’s degree and could have substituted for some amount of professional experience, as we note in our determination of the level of ordinary skill for this institution decision in Section II.A.

We also note Dr. Lieberman’s extensive work experience, beginning in 1973 as a research scientist at MIT’s Artificial Intelligence Laboratory, may include the requisite two years of work experience. *Id.* at 3–4. Dr. Lieberman’s professional activities unequivocally demonstrate work experience related to web technology. He delivered an invited keynote speech at IEEE/ACM Conference on Web Intelligence and Intelligent Agent Technology in 2004. *Id.* at 9. Dr. Lieberman served as conference chair and program committee member for the American Association for Artificial Intelligence (AAAI) Special Track on AI and the Web in 2008 and for the World Wide Web Conference in 1999 and 2000. *Id.* at 10. Dr. Lieberman also presented a publication at the Workshop on the Social Mobile Web at the International AAAI Conference on Weblogs and Social Media, Barcelona, Catalonia, Spain in July 2011. *Id.* at 19. He co-wrote chapters in *No Code Required: Giving Users Tools to Transform the Web* in 2010—a nineteen-page chapter titled “A Goal-Oriented Web Browser” and a fifteen-page chapter titled “Knowing What You're Talking About: Natural Language Programming of an Multi-Player Online Game.” *Id.* at 21.

Accordingly, there is evidence to consider in making a determination whether Dr. Lieberman possesses the requisite ordinary level of skill. We,

however, need not make such a determination for purposes of this decision because it has not been necessary for us to rely on Dr. Lieberman's declaration in this decision.

“No rule requires a Petition to be accompanied by any declaration, let alone one from an expert guiding the Board as to how it should read prior art.” *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1079 (Fed. Cir. 2015). “[E]xpert testimony is not required when the references and the invention are easily understandable.” *Id.* (quoting *Wyers v. Master Lock Co.*, 616 F.3d 1231, 1242 (Fed. Cir. 2010)). “Board members, because of expertise, may more often find it easier to understand and soundly explain the teachings and suggestions of prior art without expert assistance.” *Id.*

Here, the invention and prior art are presented in high-level functional terms and are easily understandable, as we indicated previously in Section II.A and as shown by our discussion of the invention and prior art throughout this decision. To determine that the Petition met the institution threshold of showing “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition,” we have not relied on Dr. Lieberman's declaration testimony. Patent Owner, of course, may raise the issue of Dr. Lieberman's qualifications during trial.

III. CONCLUSION

For the foregoing reasons, we determine that the information presented in the Petition establishes a reasonable likelihood that Petitioner would prevail in showing at least one of claims 1–16 of the '448 patent is unpatentable under 35 U.S.C. § 103. We institute an *inter partes* review of all challenged claims on all asserted grounds. 37 C.F.R. § 42.108(a); *see SAS Inst. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018).

IV. ORDER

Accordingly, it is

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review is hereby instituted as to claims 1–16 of the '448 patent on all the grounds set forth in the Petition; and,

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial will commence on the entry date of this decision.

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