

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.
Petitioner

v.

SAMESURF, INC.
Patent Owner

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

PATENT OWNER'S RESPONSE

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Patent Trial and Appeal Board
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2002	Saif Askar's Biography
2003	Declaration of David S. Howell
2004	Declaration of Stacy Friedman
2005	Order Denying Defendant's Motion to Dismiss Pursuant to 35 U.S.C. § 101

I. INTRODUCTION

Samesurf, Inc.¹ (“Patent Owner” or “Samesurf”) submits this Patent Owner Response (“POR”) responding to the Petition for *Inter Partes* Review (“Petition”) of claims 1-16 of U.S. Patent No. 9,483,448 (“Ex. 1001”) (the “’448 Patent”) filed by Intuit, Inc. (“Petitioner” or “Intuit”) and the Board’s subsequent decision to institute *Inter Partes* Review (“Institution Decision”) on the ’448 Patent.

The inventions described and claimed in the ’448 Patent relate in general to a method and apparatus that utilizes a “synchronization server” to establish and facilitate a “synchronized browsing session” that supports a real-time, sharable web browsing experience among multiple users, each of whom utilizes a device to simultaneously interact with a website server on the Internet.

As discussed herein, the “synchronized browsing sessions” of the inventions are achieved by first transmitting “information related to the shared web browsing interaction” from a host device to a “synchronization server.” The “information related to the shared web browsing interaction” is then transmitted from the “synchronization server” to an “invitee device.” The “invitee device”² next uses the received “information related to the shared web browsing interaction” to perform

¹ <https://www.samesurf.com/>

² The terms “invitee” and “guest” are used interchangeably for the purpose of this Patent Owner Response.

the same web browsing interactions that the host device performed. As a result, the “host device” and the “invitee device” are synchronously sharing the same web browsing experiences in real-time, *i.e.*, the devices are participating in a “synchronized browsing session.”

A primary benefit of “synchronized browsing,” as claimed in the ’448 Patent, is that the associated bandwidth and resource utilization levels of this invention are substantially lower and more efficient than pre-existing technologies such as “screen sharing” and “page sharing.” ’448 Patent, 5:34-37.

Significant differences exist between the roles, components, and data flows of the ’448 Patent’s “synchronized browsing session” as compared to Petitioner’s prior art references, as they relate to Lebrun’s “Group Surfing Server,” Prajapat’s “Web Media Server” and Wang’s “Server Apparatus,” in supporting “webpage sharing sessions” as opposed to “synchronized browsing” sessions. Each of these references ***lacks*** multiple required elements of the independent claims of the ’448 Patent, including the “information related to the shared web browsing interaction” that is transmitted from the “host device” to the “synchronization server,” then transmitted from the “synchronization server” to the “invitee device” and used by the “invitee device” to formulate a web request for a webpage(s).

In Lebrun, the controlling web client (i.e. host device) selects a webpage out of a progression of pages for the group-surfing session. Lebrun’s group-surfing

server acts as a resource-intensive “middleman” server that is in communication with the web clients and with the website server.³ In this “page sharing” process, the “middleman” server contacts the website server containing the webpage and then directs the website server to deliver the webpage *to the group-surfing server itself*. The group-surfing server then re-sends that webpage to all of the web clients (host and invitee devices). Where no cookies or other data related to identity are involved, the group-surfing server directs the web site server to deliver the webpage to the web clients (host and invitee devices).

In all of the Lebrun embodiments, it is the “middleman” group-surfing server that requests the subject webpages; this is how Lebrun realizes its “group-surfing” benefits. Importantly, Lebrun’s group-surfing session involves a controlling web client (i.e. host device) selecting a progression of pages for the group-surfing session. Once those pages are selected, the group-surfing server itself accesses the web server and either (1) directs the web server to deliver the webpage to the group-surfing server so it can resend the page to the participating web clients (host and guest devices), or (2) in cases where there are no cookies or other data related to identity, the group-surfing server directs the web server to send the page directly to

³ As used herein, the term “middleman” server refers to a server that: (1) receives website pages from a website server; and (2) transmits the received website pages to the web clients participating in the session.

the participating web clients (host and guest devices). This is in direct contrast to the '448 Patent where the host and invitee devices each access the website server *on their own* and the “synchronization server” does not need to communicate with a website server to achieve synchronization.

Prajapat (EX1007) encompasses two separately described systems for webpage sharing: (1) a peer-to-peer dynamic webpage sharing system (Prajapat ¶¶12-40); and (2) a peer-to-peer simple webpage sharing system (Prajapat ¶¶40-43).

In Prajapat’s “peer-to-peer dynamic webpage sharing system,” the web media server (which also acts as a “middleman” server) receives requests from browser 12a (*i.e.*, the host device) for one or more webpages. (Prajapat ¶22). The web media server then locates the appropriate web content server that includes the webpage that is requested by the host device. (*Id.*, ¶23). The web server returns the requested webpage to web media server 14a and web media server 14a then transforms the returned webpage into some “intermediate form” that may be then transferred into a “renderable form” capable of being rendered by the host device. (*Id.*, ¶24-25). This “intermediate form” is communicated between web media servers 14a and 14b. *Id.*, ¶26. Web media server 14b then transforms the “intermediate form” of the webpage into another “renderable form” that can be transmitted to a participating browser 12b (*i.e.* the invitee device) where it is rendered.

Like Lebrun, Prajapat's configuration is distinctly different from the '448 Patent, in which both the host and invitee devices independently access the website server as opposed to a "middleman" server accessing the webpage. In effect, the "synchronization server" of the '448 Patent merely relays the "webpage interaction information" from the host device to the invitee device (*see e.g.* '448 Patent, Fig. 5(d)).

Prajapat's "peer-to-peer simple webpage sharing system" is limited to simply allowing the invitee device to asynchronously request and display the same webpage as the host device from the web content server (*id.*, ¶43). In short, the peer-to-peer simple webpage sharing system lacks the ability (1) to display webpages at substantially the same time and (2) to view altered webpages. As such, Prajapat's peer-to-peer simple webpage sharing system merely acts as a general mechanism for sharing URLs that does not even provide a "synchronized browsing session," as required by the '448 Patent's claims.

Thus, both Lebrun and Prajapat disclose a "middleman" server that: (1) receives the webpage requests from the participants; (2) transmits those requests to the webpage server *on behalf of* the participants; (3) receives the webpages from the website servers; and (4) transmits the received webpages to the devices participating in the browsing session. Unlike the inventions of the '448 Patent, the "middleman" server in page sharing approaches like Lebrun and Prajapat transmits the webpage

itself to the participants (in the appropriate format that corresponds to each participant's device). Like screen sharing, page sharing also suffers from the significant shortcoming of "requir[ing] high levels of bandwidth and computer processing power" at the central "middleman" server. '448 Patent, 2:30-34.

Both Lebrun and Prajapat are therefore unrelated and antithetical to the "synchronized browsing sessions" that utilize the "synchronization server" and the "information related to the shared web browsing interaction" contemplated by the '448 Patent. Lebrun and Prajapat are materially, and therefore patentably, different than the inventions claimed in the '448 Patent.

Accordingly, Petitioner has not met its burden of proving that claims 1-16 of the '448 patent are obvious pursuant to 35 U.S.C. § 103. Confirmation of the validity of claims 1-16 over Lebrun (EX1005), Wang (EX1006), and Prajapat (EX1007) is therefore warranted.

II. THE INVENTIONS CLAIMED IN SAMESURF'S U.S. PATENT NO. 9,483,448

Inventor K. David Pirnazar filed the application for the '448 patent application on August 19, 2015, claiming priority to an application that was filed on May 20, 2010.

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

Prior to May 2010, known techniques for sharing webpages included: (1) sharing the HTML for a webpage (*i.e.* “web page sharing” or “page sharing”); or (2) sharing visual images of a webpage that a browser has already rendered (*i.e.* “screen sharing”). (Ex. 2004, Declaration of Stacy Friedman, ¶¶47-53). There also existed other general and well-known techniques for sharing information (*e.g.* bookmarking, bookmark sharing, URL sharing, etc.). *Id.*

“Screen sharing” involves the continuous capture and broadcast of rapidly taken screenshots of the host screen for real time reception, processing, and viewing by the guest participants. (Ex. 2004, ¶53). The predominant shortcomings of screen sharing include: (1) high resource utilization levels for CPU, GPU, and bandwidth; (2) noticeable levels of latency and screen pixelation; and (3) the prospective disclosure of sensitive screen elements like credit card numbers or open windows on the screen broadcaster side during shared sessions. (Ex. 2004, ¶¶52-53).

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

web content server. (Ex. 2004, ¶¶51-52). Page sharing enables session participants to view *a copy* of what the “middleman” server downloaded, as opposed to simultaneously sharing the same web experience in real time. (*Id.*).

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

B. The Inventions Claimed in the '448 Patent Solved the High Bandwidth and Computer Processing Power Problems Caused by the Use of the “Middleman” Server in Page Sharing

The '448 patent specification explains how, in 2010, there was a need for a device that allows all users in an Internet browsing session to interact with and share the same “Internet browsing experiences” in real time and in a simultaneous fashion from different devices. ('448 patent, 2:48-53). As described above, the then-current art lacked “technology that would simultaneously connect two or more users in a medium that would allow all of them to both interact with one another and with the content itself in real time and in a synchronized or shared fashion.” ('448 Patent, 2:8-12).

The '448 Patent specification explains that, although some current methods in the prior art “such as ‘desktop or screen sharing’” allow users to view the same

content, those methods suffer from the issue that they “do not enable all users in a session to click, input, and log into those experiences in a simultaneous or nearly simultaneous manner” and “require high levels of bandwidth and computer processing power.” (’448 Patent, 2:28-34). Therefore, prior systems such as screen sharing and page sharing were “inadequate for enabling larger groups to all view and fully interact with that interactive content in a simultaneous manner.” (’448 Patent, 2:36-38).

To overcome these issues, the ’448 Patent teaches the use of the “synchronization server,” which establishes and facilitates a “synchronized browsing session” between a “host device” and an “invitee device” in a manner that significantly improves the bandwidth and processing issues of resource intensive processes like screen sharing and page sharing. This occurs, in part, because the “synchronization server” of the present invention “does not materially impose more bandwidth or processing power requirements than simply browsing the internet using standard, conventional methods.” (’448 Patent, 5:33-36).

Among other considerations, the “synchronization server” of the ’448 Patent avoids the need for the “middleman” server and eliminates the high bandwidth and computer power processing requirements that are necessary when utilizing a “middleman” server. Unlike the “middleman” server which must itself request and receive webpages from the webpage server and then serve those webpages to the

various invitee devices, the “synchronization server” bypasses this multi-step process by simply coordinating the sharing of communication messages (*e.g.*, “information related to the shared web browsing interaction”) among the host device and the invitee devices involved in a synchronized browsing session.

Moreover, in the ’448 Patent, web server requests are made from the host and invitee devices themselves and web content is served to the host device and the invitee devices by the web server. This eliminates the need for a “middleman” server altogether. This configuration frees the “synchronization server” to perform additional functions that were not even contemplated by the deployment of a “middleman” server, such as detecting the host device’s “web browsing interactions” so as to instruct each invitee device to independently perform or mimic the host device’s “web browsing interactions” in real time.

C. The Independent Claims of the ’448 Patent Are Directed to “Synchronized Browsing Sessions” Wherein the “Guest Device” Receives “Information Related to the Shared Web Browsing Interaction” from a “Synchronization Server” and Uses the “Information Related to the Shared Web Browsing Interaction” to Access a “Website Server”

There are two independent claims in the ’448 Patent, both of which are directed to a “synchronized browsing session” using a “synchronization server,” “information related to the shared web browsing interaction,” and an “invitee

device” that uses the “information related to the shared web browsing interaction” to access a “website server.”

Claim 1 is a method claim performed by a “host device” for establishing a “synchronized browsing session” administered by a “synchronization server.” Claim 1 is reproduced below, with its important terms emphasized:

1.[1. Preamble] A method performed by a host device for establishing a ***synchronized browsing session***⁴ 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***

⁴ Emphasis added unless otherwise noted.

[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

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

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

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

Claim 11 is similar to claim 1 and claims a “host device” for establishing a “synchronized browsing session” administered by a “synchronization server.” The arguments presented regarding independent claim 1 also apply to independent claim 11.

D. The “Synchronization Server” and How it Uses the “Information Related to the Shared Web Browsing Interaction” to Administer a “Synchronized Browsing Session” Among a “Host Device” and an “Invitee Device”

According to exemplary claim 1, the “host device” establishes a “synchronized browsing session” that is administered by a “synchronization server”

pursuant to the steps described therein. The following is a description of the components and steps of exemplary claim 1 that are relevant to Patent Owner's response to the PTAB's Institution decision.

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

Claim 1 of the '448 patent requires a “host device” and an “invitee device” (“A method performed by a *host device* for establishing a synchronized browsing session between the *host device* and an *invitee device*”).

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

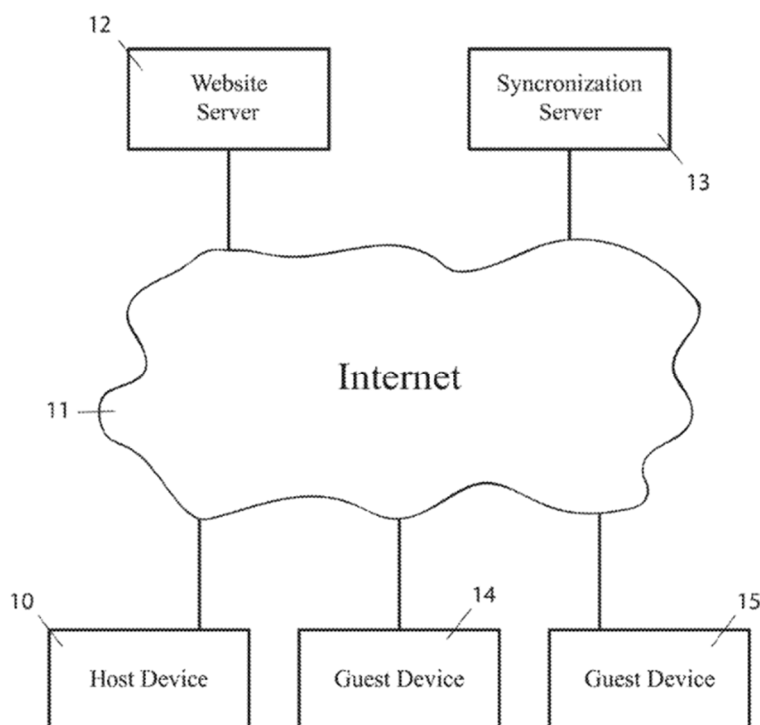


FIG. 1(a)

According to claim 1, the “host device” is the device that “send[s] a request to establish the synchronized browsing session” (’448 patent, 23:33-34) and then “send[s] an invitation to an invitee device to join the synchronized browsing session” (’448 patent, 23:40-42).

As described in the specification, the “host device” shares “webpage interactions” with the “invitee device” via the “synchronization server” and the invitee device receives “webpage interactions” from the “synchronization server.” (’448 Patent, 7:5-19).

2. The “Synchronized Browsing Session”

Claim 1 of the ’448 patent further describes a “synchronized browsing session”: “[a] method performed by a host device for establishing a ***synchronized browsing session*** between the host device and an invitee device. . . sending a request to establish the ***synchronized browsing session*** . . . sending an invitation to an invitee device to join the ***synchronized browsing session***.”

Pursuant to the specification, a “synchronized browsing session” is a browsing session in which a “host device” shares its internet browsing interactions with a website with a “guest device,” via the “synchronization server,” in a simultaneous real-time fashion in order to support a multitude of synchronized use cases. (’448 Patent, 2:48-54; 5:22-33; *see also* ’448 Patent, 5:36-6:3).

3. The “Synchronization Server”

Claim 1 requires a “synchronization server.” The “synchronization server” “is designed to establish and facilitate a synchronized browsing session between host device 10 and guest device 14.” (’448 Patent, 9:47-49).

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

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

Exemplary claim 1 describes how the “host device” establishes and facilitates a “synchronized browsing session” with an “invitee device.” These steps are described in further detail below.

a. Receiving and Activating the Session Request

The first three steps of exemplary claim 1 relate to: (1) the receipt by the “synchronization server” from the “host device” of a request to establish a “synchronized browsing session;” (2) the confirmation by the “synchronization server” of the request to establish a “synchronized browsing session;” and (3) the transmission of an invitation from the “host device” to the “invitee device” to join the “synchronized browsing session.” (See ’448 Patent, 23:30; 24:8; *see also* ’448 Patent, 10:27-15:4; FIGS. 2(a) – 4(e)).

b. Recording a “Shared Web Browsing Interaction” and Transmitting “Information Related to the Shared Web Browsing Interaction” to the “Synchronization Server”

Exemplary claim 1 requires that the “host device” performs the following steps:

[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

(’448 Patent, 23:43-52).

The term “information related to the shared web browsing interaction” is explicitly used in the specification. As such, its meaning and scope, in addition to the limitations set forth in the claims themselves, would have been apparent to a POSITA from the usage in the specification of the interchangeable terms: “webpage interactions,” “webpage interaction information,” and “information related to a shared web browsing interaction.” (Ex. 2004, ¶¶40-45). The pertinent disclosures in the specification are as follows:

The present invention further describes a method for implementing a synchronized browsing session, comprising recording a shared web browsing interaction, and transmitting

information related to the shared web browsing interaction to a synchronization server.

The present invention further describes an apparatus for implementing a synchronized browsing session, comprising a network interface adapted to communicate with a synchronization server, and a processor adapted to record a shared web browsing interaction and transmit *information related to the shared web browsing interaction* to the synchronization server via the network interface.

(’448 Patent, 3:15-26).

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

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

(’448 Patent, 7:9-19).

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

(’448 Patent, 18:57-60; *see also* FIG. 5(c) and 5(d)).

A POSITA, when reading the claims in view of the specification, would therefore have understood that the terms “webpage interactions” and “webpage interaction information” are interchangeable terms for the “information related to

the shared web browsing interaction” used in the claims. (*See* Ex. 2004, ¶45; *see also* ¶¶41-44).

FIG. 5(a) “illustrates a block diagram of exemplary data communication transferred between components of the present invention during a synchronized browsing session. FIG. 5(a) shows host device 10, website server 12, synchronization server 13 and guest device 14 transmitting data communication for a synchronized browsing session.” (’448 Patent, 16:5-10).

FIG. 5(a) is reproduced below:

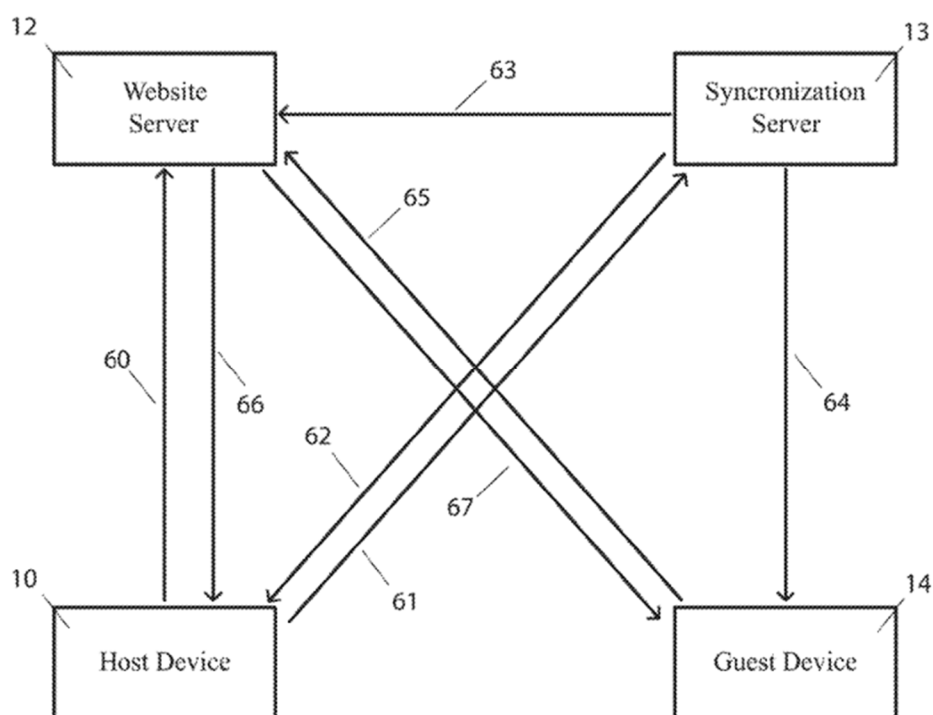
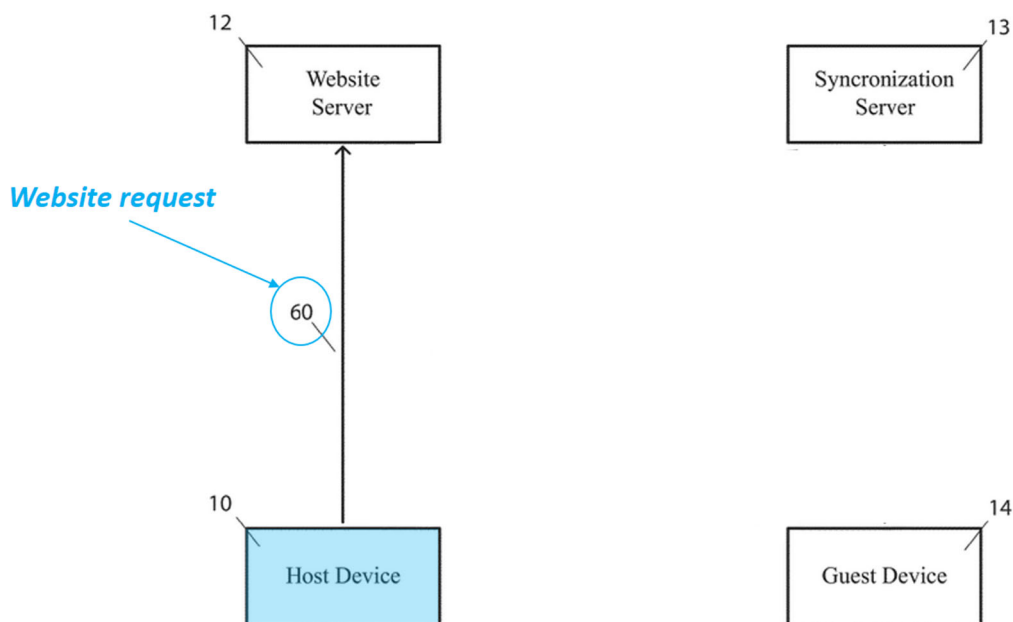


FIG. 5(a)

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

First, “[d]uring a synchronized browsing session, host device 10 may transmit website request 60 to website server 12. In an exemplary embodiment, website request 60 is a data communication message sent to request webpage content at a designated location, such as website server 12.” (’448 Patent, 16:13-15).

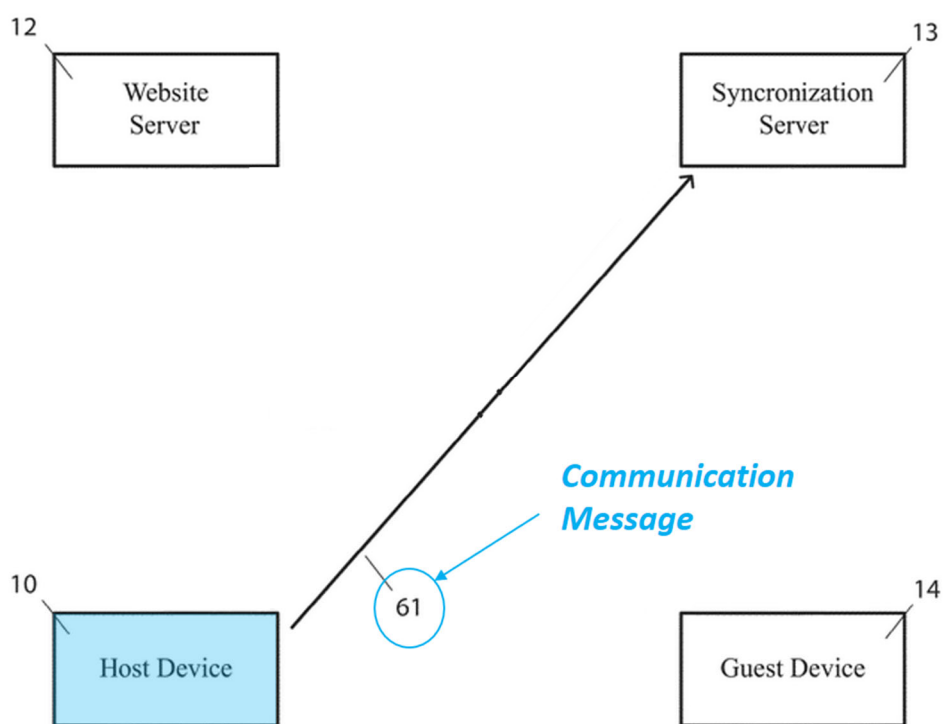
FIG. 5(a) is shown modified below in sequence to point out the sequence of steps. The first-step modified and annotated version of FIG. 5(a) below shows the “website request 60” from the “host device 10” to the “website server 12:”



Modified and Annotated FIG. 5(a)

Second, “[d]uring an exemplary synchronized browsing session, after host device 10 transmits website request 60 to website server 12, host device 10 transmits communication message 61 to synchronization server 13.” (’448 Patent, 16:31-34; *see also* 6:6-9; 17:28-31; 18:14-20). Communication message 61 “includes webpage interaction information, such as URL address, form data, java script, cookies, or other data communication.” (’448 Patent, 18:58-60). Communication message 61 thus includes and forwards the “webpage interactions performed by the [host] device within shared browsing window” to the “synchronization server.” (’448 Patent, 7:8-10).

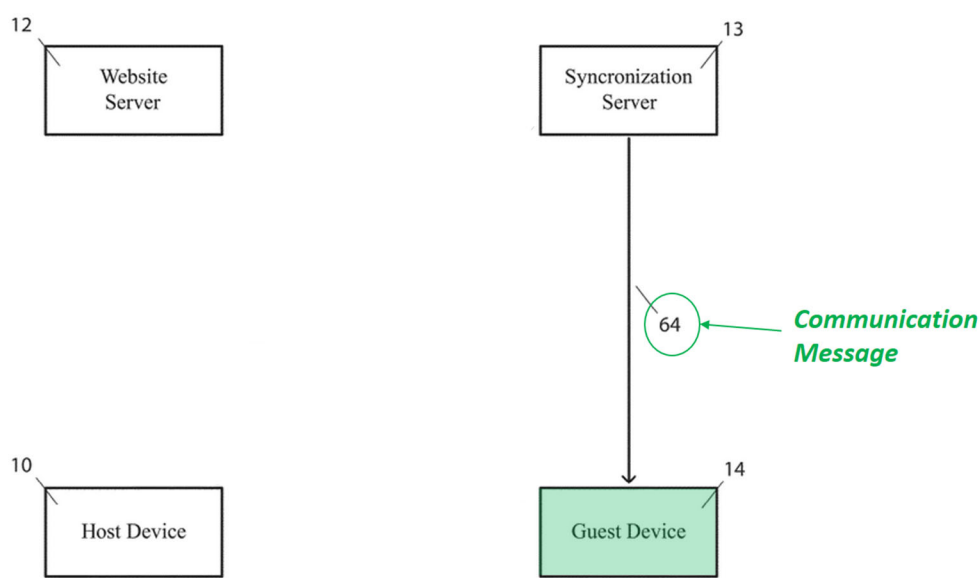
The second-step modified and annotated version of FIG. 5(a) below shows the “communication message 61” sent from the “host device 10” to the “synchronization server 13”:



Modified and Annotated FIG. 5(a)

Third, “[a]fter host device 10 transmits communication message 61 to synchronization server 13, synchronization server 13 forwards communication message 64 to guest devices.” (’448 Patent, 17:15-17). “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.” (’448 Patent, 16:62-65; *see also* 6:56-57; 19:41-44; FIG. 5(d), step 601). Communication message 64 thus includes and relays the “webpage interactions” performed by the “host device” from the “synchronization server” to the “guest device.” (’448 Patent, 7:8-10; 7:14-16).

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



Modified and Annotated FIG. 5(a)

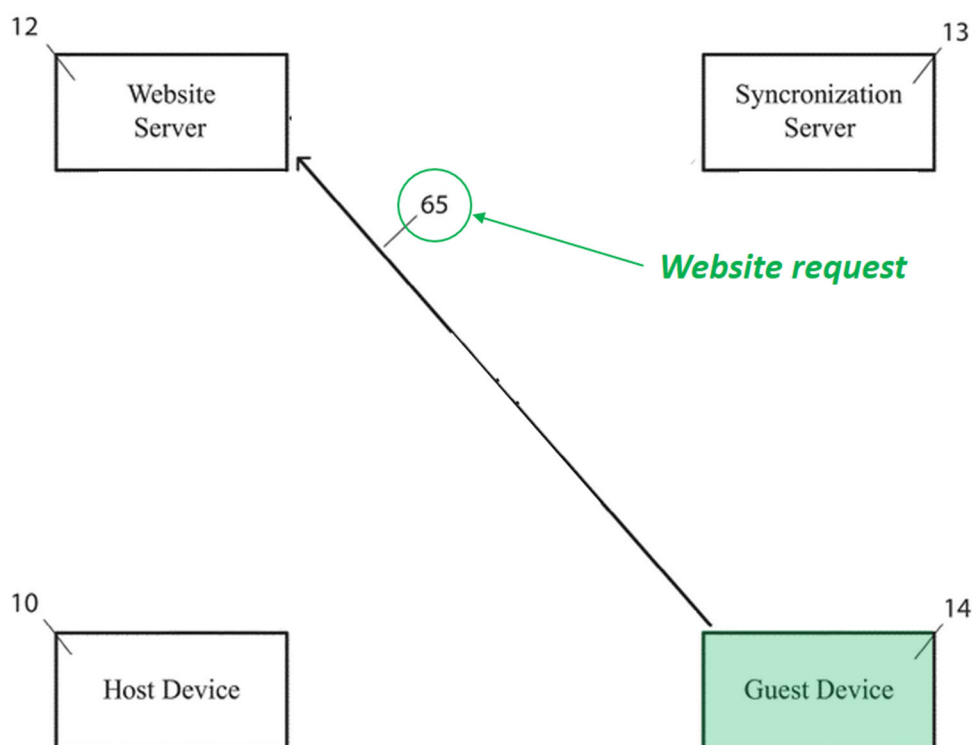
- c. The Invitee Device (1) Processes the “Information Related to the Shared Web Browsing Interaction,” (2) Requests Substantially the Same Webpage Content as the Host Device, and (3) Retrieves Said Website Content from the Website Server.**

Exemplary claim 1 also describes utilization of the “information related to the shared web browsing interaction” by the “invitee device.” (*See, e.g.,* ’448 patent, 23:53-24:3, Claim 1 limitations [1.f.i-iii]).

According to the specification, the “communication message 64” (*i.e.,* the “information related to the shared web browsing interaction”) that is sent from the synchronization server to the guest device in the prior step, “may be used by guest

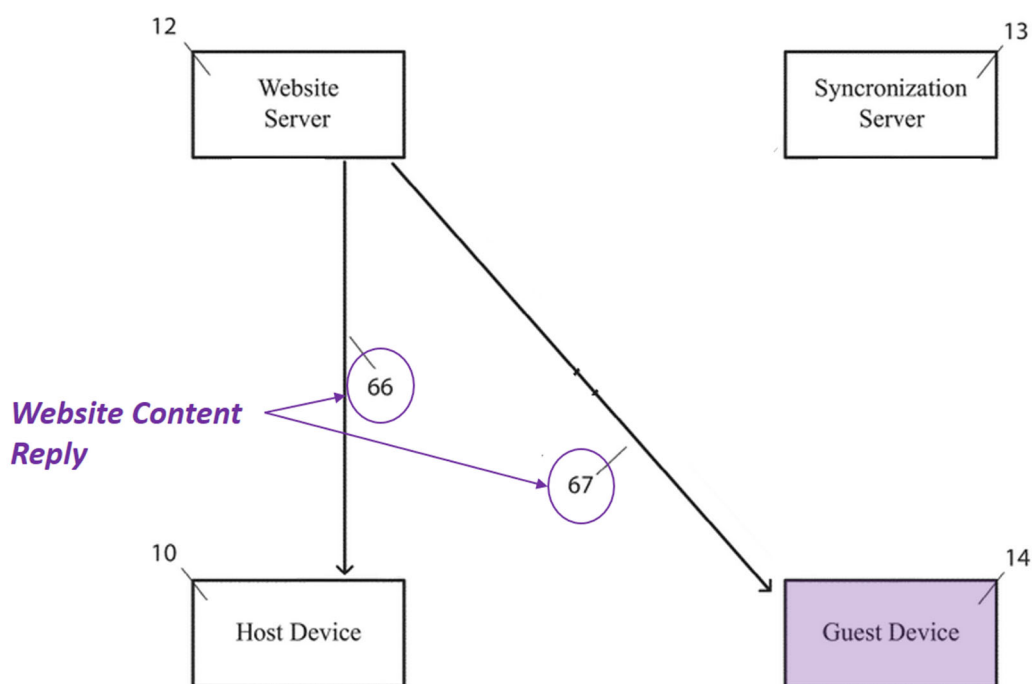
device 14 to formulate website request 65 to be sent from guest device 14 to website server 12.” (’448 patent, at 17:21-23). “Guest device 14 formulates website request 65 by processing communication message 64.” (’448 patent, at 19:48-52).

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



Modified and Annotated FIG. 5(a)

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



Modified and Annotated FIG. 5(a)

When the “website request 65” sent from the “guest device” to the “website server” is identical to the “website request 60” sent from the host device to the “website server,” the “website content replies” to both the host and guest devices (66 and 67 respectively in annotated FIG. 5(a) below) are “similar or identical” resulting in “similar or identical” “audio and visual output” on both host and guest devices. (’448 patent, at 17:60-18:2). This results in the user of the “host device” and the user of the “guest device” engaging in a “synchronized browsing session,” per the claims of the ’448 patent.

Importantly, the website content is sent from the website server to both the “host device” and to the “invitee device.” (*See also, e.g.*, steps [1.f.iii] and [1.g] of exemplary claim 1).

5. The Scope of the Claimed “Information Related to the Shared Web Browsing Interaction”

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

Ultimately, the Board concluded that, “[o]n the preliminary record, particularly in light of the broad language used in claim 1 that does not recite the specific operations that Patent Owner contends are required, the scope of ‘information related to the shared web browsing interaction’ as required by claim 1 encompasses Petitioner’s application of Lebrun sufficiently for institution.” (Institution Decision, 33).

Nevertheless, the below referenced analysis clearly illustrates that “Information related to the shared web browsing interaction” does *not* encompass Petitioner’s application of Lebrun. In particular, it does not encompass Lebrun’s webpages or portions thereof that are the result of a browsing interaction.

a. “Information Related to the Shared Web Browsing Interaction” of the Claims Does Not Encompass Webpages or Partially Filled Webpages

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

As depicted below, annotated Figure 5(d) of the '448 Patent refers to “webpage interaction information” in Steps 601 and 602, which, as discussed in Section II.D.4.b, *supra*, is interchangeable with the claim term “information related to the shared web browsing interaction:”

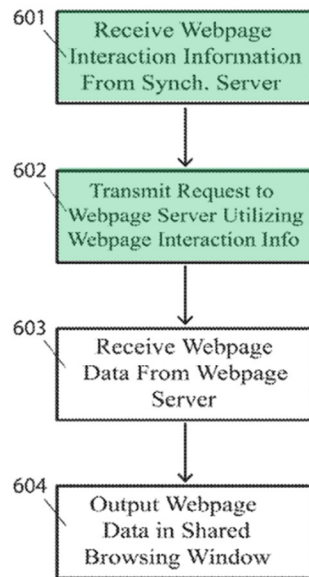


FIG. 5(d)

Annotated FIG. 5(d)

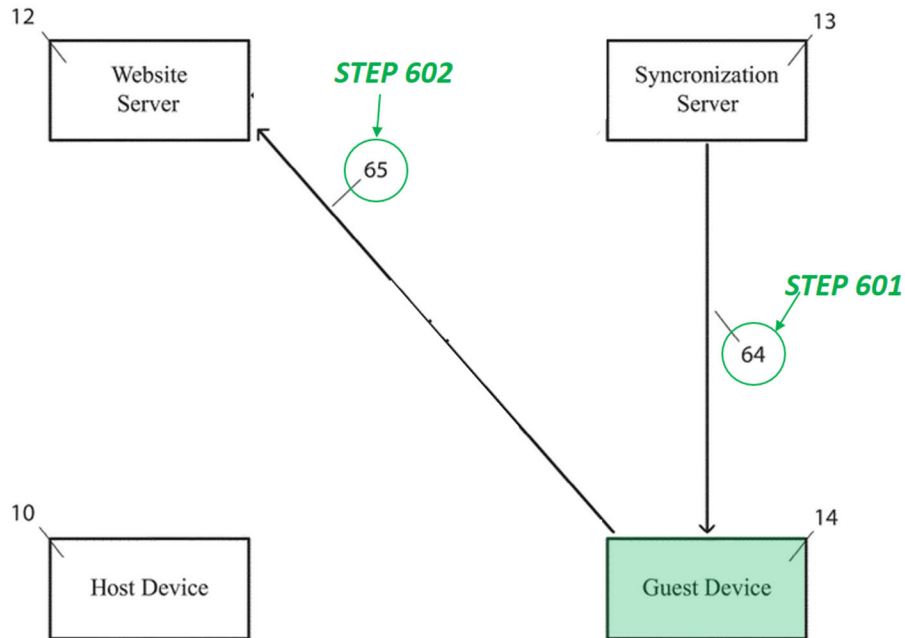


FIG. 5(a)

Modified and Annotated FIG. 5(a)

In step 601, the “guest device” receives “webpage interaction information” from the “synchronization server.” The specification also states that, in step 601, the “guest device” receives the “communication message” from the “synchronization server” (’448 Patent, 19:41-44) and that the “communication message” includes the “webpage interaction information” of Figure 5(d) (’448 Patent, 18:57-60). In the claims, steps [1.f.i] and [1.f.iii] correspond to step 601—the guest device “receiving *information related to the shared web browsing interaction* from the synchronization server . . .” (’448 Patent, 23:59-63). Therefore, the “webpage interaction information” is interchangeable with “information related to the shared web browsing interaction,” which is included in the “communication message.”

In step 602, the “guest device” utilizes the received “webpage interaction information” to transmit a request to a “webpage server.” Again, the specification describes the “webpage interaction information” of Figure 5(d) in the context of the “communication message 64:” “[g]uest device 14 formulates website request 65 by processing *communication message 64*...information in communication message 64...is transmitted in website request 65.” (’448 Patent, 19:48-52). In the claims, step [1.f.i] corresponds to step 602—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” (’448 Patent, 23:53-58). Therefore, the “information related to the shared web browsing interaction” is interchangeable with “webpage interaction information.”

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

As depicted in Figure 5(d) of the ’448 Patent, “webpage interaction information” of steps 601 and 602 is *not* the “webpage data” of steps 603 and 604 of Figure 5(d). Therefore, the “information related to the shared web browsing interaction” of the claims, which is interchangeable with the “webpage interaction information” of Figure 5(d), is *not* “webpage data” as shown below:

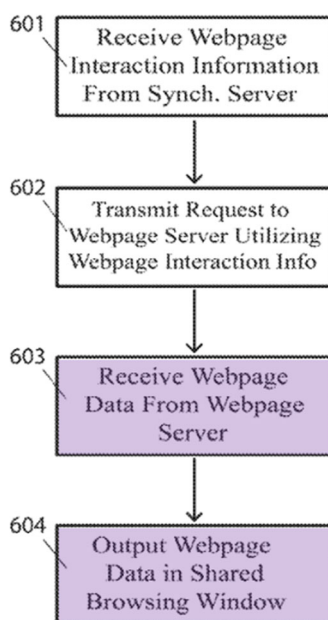


FIG. 5(d)
Annotated FIG. 5(d)

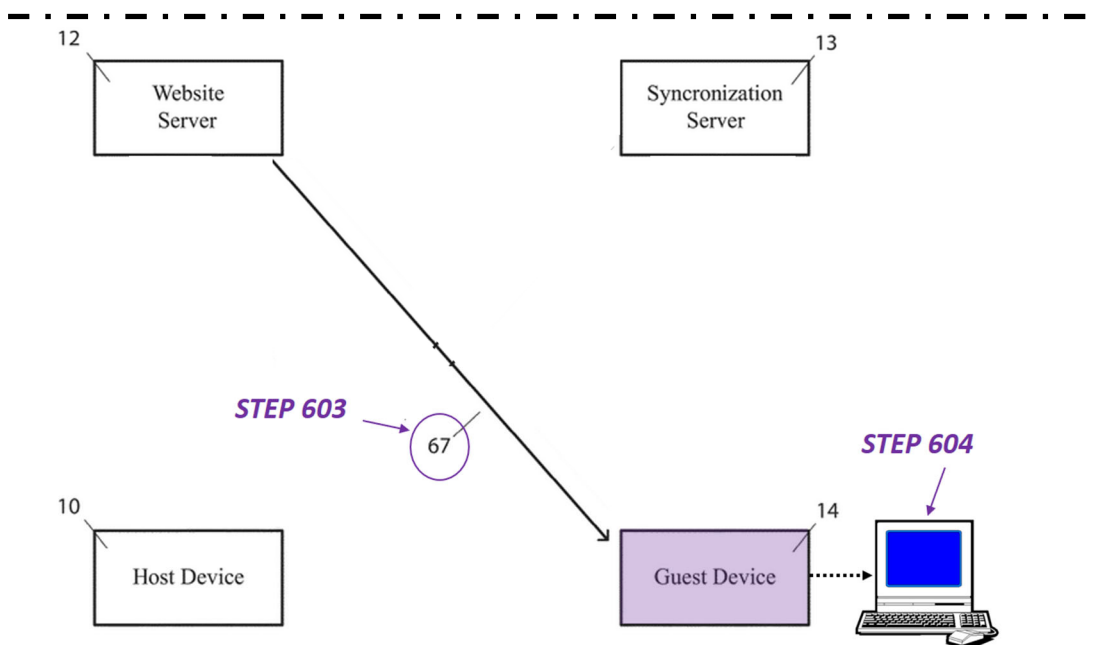


FIG. 5(a)

Modified and Annotated FIG. 5(a)

In step 603, the “guest device” receives “webpage data from webpage server,” *i.e.*, as stated in the specification: “[i]n step 603, guest device 14 receives content reply 67 from website server 12.” (’448 Patent, 19:53-54; Figure 5(d): Step 603). The receipt of the “webpage data” is in response to the request of Step 602, created by the guest device that is utilizing the “webpage interaction information” which is then sent to the webpage server. Thus, Figure 5(d) makes clear that the “webpage interaction information” is used to obtain the “webpage data,” and therefore these two things **must be distinct** from one another.

In step 604, the “guest device” outputs the “webpage data” in a shared browsing window, *i.e.*, “guest device 14 outputs content reply 67 via user interface 27 to the user of guest device 14 within shared browsing window 17 in synchronized browsing software 16.” (’448 Patent, 19:54-57; Figure 5(d), Step 604).

Below is the modified and annotated Figure 5(a) that depicts Figure 5(d) within the context of the invention architecture as depicted in Figure 5(a). It illustrates the distinction between “webpage interaction information” (step 602) and the “webpage data” (step 604). (Ex. 2004, ¶¶ 36-39).

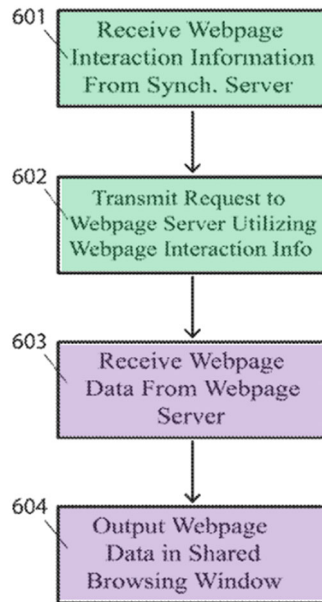


FIG. 5(d)

Annotated FIG. 5(d)

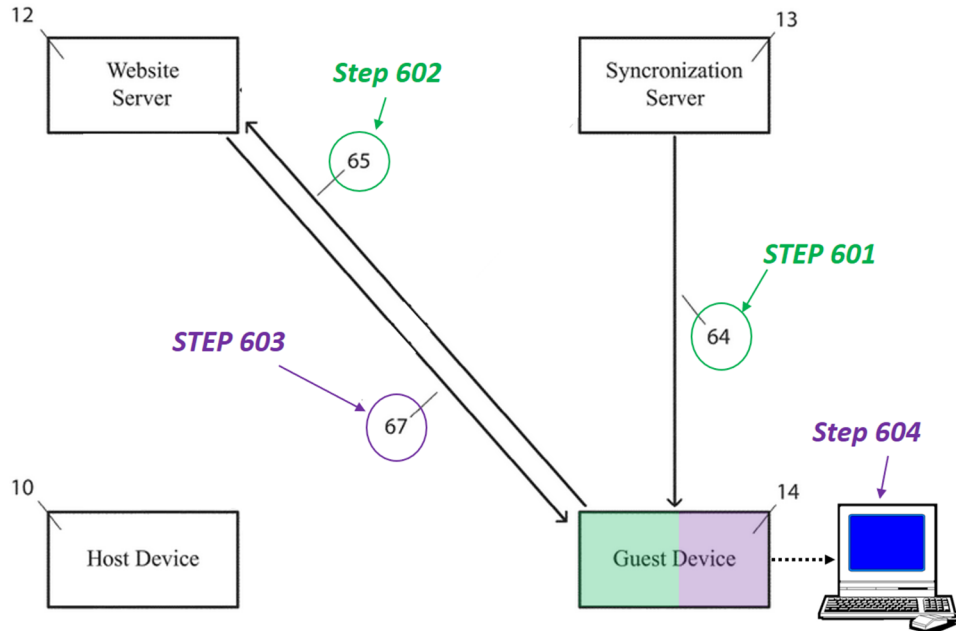


FIG. 5(a)

Modified and Annotated FIG. 5(a)

Thus, as understood from Figure 5(d) and from the description in the '448 Patent at 19:41-61, the terms “webpage interaction information” and “webpage data” refer to *different* things. As discussed, the “webpage interaction information” of steps 601 and 602 of Figure 5(d) corresponds to the “web browsing interaction information” of steps [1.f.i]–[1.f.iii] of claim 1, which is encompassed in a communication message.

In contrast, as described in Steps 603 and 604 of Figure 5(d), “webpage data” refers to the data that is received by the “guest device” from the “webpage server” that the “guest device” outputs in a shared browsing window. Thus, the “webpage data” that is received from a “webpage server” corresponds to the website server “content reply,” described, for example, at 19:53-66 of the '448 Patent.

The *distinction* between “webpage interaction information” (*i.e.*, “information related to the shared web browsing interaction”) and “webpage data” is therefore clear and relevant. “Webpage interaction information,” like “information related to the shared web browsing interaction” and the “communication message 64” by which it is communicated to the “guest device,” “is designed to be forwarded by synchronization server 13 to guests in the synchronized browsing session, such as guest 14, to perform the synchronized browsing session.” (448 Patent, 16:62-65).

On the other hand, “webpage data,” like the “content reply 67” to which it corresponds, is “the data content sent by website server 12 in response to website request 65.” (’448 Patent, 17: 17:60-64).

The Board concluded that “on this preliminary record,” the “scope of ‘information related to the shared web browsing interaction’ encompasses Petitioner’s application of Lebrun sufficiently for institution.” (Institution Decision, 33). However, this is *not* a correct result because the terms “webpage interaction information” received from the synchronization server (step 601) and “webpage data” received from the website server (step 603) refer to *different* things, *i.e.*, “information related to the shared web browsing interaction” is *not* inclusive of responsive webpage data from a webpage server.

c. Proper Construction of “Information Related to the Shared Web Browsing Interaction”

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

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

As further discussed in Sections II.D.1-4, *supra*, in a “synchronized browsing session,” the “guest device” mimics the web browsing interactions performed by the “host device,” because information related to the web browsing interaction performed by the “host device” is transmitted from the “host device” to the “synchronization server.” (’448 Patent, 7:14-16). The “synchronization server” then transmits the information related to the web browsing interaction performed by the “host device” to the “guest device,” which performs the shared web browsing interaction based on the information that the “guest device” received from the “synchronization server.” (’448 Patent, 3:15-19; *see also e.g.*, ’448 Patent, Abstract, 3:15-26, 7:1-10, 8:8-16, FIGs. 5(a), 5(d)).

Thus, a POSITA would have understood the term “information related to the shared web browsing interaction” to refer to “data describing interactions performed on a website by a host device.” *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005); *Trs. of Columbia Univ. v. Symantec Corp.*, 811 F.3d 1359, 1363 (Fed. Cir. 2016) (“the only meaning that matters in claim construction is the meaning

in the context of the patent.”); *GPNE Corp. v. Apple, Inc.*, 830 F. 3d 1365, 1370 (Fed. Cir. 2016) (“We have recognized that when a patent ‘repeatedly and consistently’ characterizes a claim term in a particular way, it is proper to construe the claim term in accordance with that characterization.”) (citing *VirnetX, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1318 (Fed. Cir. 2014) and *ICU Med., Inc. v. Alaris Med. Sys., Inc.*, 558 F.3d 1368, 137475 (Fed. Cir. 2009)).

Based on this analysis, “data describing interactions performed on a website by a host device” does not include the data **resulting** from the interactions. Ex. 2004, ¶¶36-39. Webpage data is the **result** of interactions performed on a website by a host device; webpage data is therefore not **data describing interactions** performed on a website by a host device.

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

E. The Southern District of California Court Found that the Claims of the ’448 Patent are Directed to Patentable Subject Matter Pursuant to 35 U.S.C. § 101’448 Patent

On March 29, 2022, Samesurf, owner of the ’448 Patent, filed a complaint in the District Court for the Southern District of California for, among other things, infringement by Intuit of the ’448 Patent.

On May 23, 2022, Intuit filed a motion to dismiss Samesurf’s complaint on the grounds that the claims of the ’448 Patent are directed to an abstract idea and are therefore invalid for failing to claim patentable subject matter pursuant to 35 U.S.C. § 101.

On January 10, 2023, the Southern District of California court issued an Order *denying* Intuit’s motion to dismiss. (“Order”; “Ex. 2005”). In its Order, the district court held that, because the ’448 Patent teaches that the “synchronization server” included in the claims overcame the bandwidth and processing issues of the prior art, the claims are directed to a specific solution to a problem arising in the realm of computer networks: “the asserted claims offer a specific technologic solution/mechanism—utilization of a synchronization server—to address the identified problems with the prior art.” (Ex. 2005, 16). The court thus held that the claims are not directed to an abstract idea. (*Id.*).

III. LEVEL OF ORDINARY SKILL IN THE ART

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

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

IV. ARGUMENT

As shown below, each of the three references relied upon by the Board in its Institution decision—Lebrun (EX1005), Wang (EX1006), and Prajapat (EX1007)—fail to teach or suggest at least steps [1.c-g] of exemplary claim 1. As such, there is *no* combination of these three references that discloses each of the limitations of claims 1-16 of the '448 Patent. (Ex. 2004, ¶¶82-89)

Accordingly, Petitioner has not proven that claims 1-16 of the '448 Patent are obvious over any combination of these references pursuant to 35 U.S.C. § 103. In an *inter partes* review, the petitioner must show with particularity why each challenged claim is unpatentable. *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016); 37 C.F.R. § 42.104(b) (2020). The burden of persuasion never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015).

The Board should therefore affirm the validity of claims 1-16 over these references.

A. Ground 1: Intuit Fails to Demonstrate that All Claims Are Rendered Obvious by Lebrun in Combination with Wang

Petitioner fails to meet its burden of proving that all claims of the '448 patent are rendered obvious by Lebrun in combination with Wang. (Ex. 2004, ¶¶54-56, 69-74, 82-89).

1. Lebrun Discloses a “Middleman” “Group-Surfing Server”

Lebrun (EX1005) teaches a “middleman” “group-surfing server” that is different than the “synchronization server” and the “information related to the shared web browsing interaction” of the claims of the ’448 patent. (Ex. 2004, ¶¶54, 69).

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

There are three primary steps taught by Lebrun: (1) the “group-surfing server” contacting the website server; (2) the website server delivering the webpage to the “group-surfing server”; and (3) the “group-surfing server” re-sending the full webpage to the web clients (where no multimedia is embedded) or, where multimedia is embedded, re-sending a partial webpage wherein each web client separately requests the embedded multimedia elements directly from the website. (Ex. 1005, 23:15-23; 32:9-11; 33:1-2; 33:2-7; and 35:5-15; Ex. 2004, ¶¶55-56)).

2. Wang Discloses a “Middleman” “Server Apparatus”

Petitioner relies upon Lebrun and Prajapat, both *in view of* Wang (EX1005), to assert that certain claim limitations are disclosed in the prior art. Wang, however, also discloses a resource intensive “middleman” server. Like Lebrun, Wang also fails to disclose at least the “synchronization server” and the “information related to

the shared web browsing interaction” of the claims of the ’448 patent. (Ex. 2004, ¶¶67-68).

Wang (EX1005) discloses a “server apparatus” to provide a collaborative virtual shopping session. Wang’s system is comprised of “a plurality of client devices 12a and 12b, a server apparatus 14, and a network 16 such as the Internet, which interconnects the server apparatus 14 and the client devices 12a and 12b.” (Ex. 1006, ¶39).

3. Lebrun and Wang, Alone and in Combination, Fail to Disclose Limitations [1.c] – [1.g] of Exemplary Claim 1

Lebrun and Wang, alone and in combination, fail to disclose limitations [1.c] – [1.g] of Exemplary Claim 1. (Ex. 2004, ¶¶69-74, 82-89).

Limitation [1.c]:

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

Lebrun’s controlling web client never sends an invitation to the participating web clients to join the group-surfing session. While the Institution Decision notes that “Petitioner relies for this limitation on Lebrun’s session-creation message that includes an identifier for the group-surfing session” (’448 Institution at 19 citing Pet. 25 (citing Ex. 1005, 32:9–12)), Lebrun’s session-creation message is sent from the

controlling web client to the group surfing server, not to the participating web clients:

A first web client 10 *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).

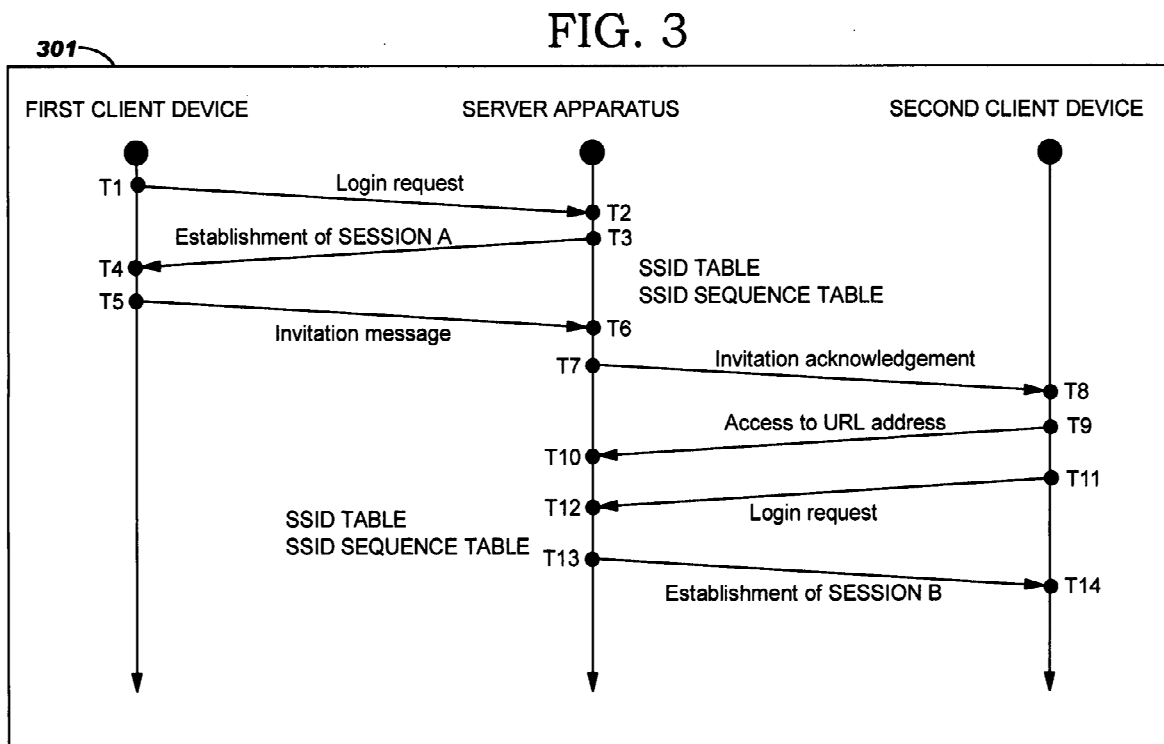
Petitioner’s reliance on Lebrun’s “session-creation message” is inapt because the session creation message is sent by the controlling web client to the group-surfing server and the group-surfing server then “informs the participants in the group-surfing session.” (Ex. 1005, 32:26-28, 44:12-14).

The session-creation message, at best, “includes identifiers for a set of web clients 110 participating in, permitted to participate in, or forbidden from participating in, that session” (Ex. 1005, 32:14-16), but these identifiers are not “an invitation to an invitee device to join the synchronized browsing session.”

Petitioner also fails to provide any evidence to substantiate the assertion that a “POSITA would have been motivated to combine Wang’s ‘communications means’ with Lebrun’s ‘first web client.’” (Pet. 25; Ex. 2004, ¶83-85). There is no evidence that Lebrun’s group-surfing session is in any way compatible with Wang’s “communication means.” Indeed, Wang’s “communication means” merely “enabl[es] the client device to display a message for other client devices” (Ex. 1006,

¶20). It is not an “invitation to an invitee device to join the synchronized browsing session, wherein the invitation includes the session identifier.”

Moreover, Wang describes a similar process for inviting “other client devices” as in Lebrun. As illustrated below in FIG. 3 of Wang, the invitation message from the first client device (T5) is sent to the server apparatus (T6), not the second client device. (Ex. 1006, ¶¶47-48). The server apparatus then “transmits an invitation notice...to a second client device.” Id., ¶48.



Limitation [1.d]:

Lebrun fails to disclose:

[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.

Petitioner cites Lebrun, 45:15-16 as disclosing “recording a shared web browsing interaction,” stating “[w]hen a page is selected, the program fragment records this information and transmits it to the group-surfing server.” Pet. 25-26. The full citation which is reproduced below shows that the Petitioner mischaracterizes the disclosure.

When the controlling web client 110 selects a link 152 on the page 153, *the selection is caught by the program fragment*, which sends the selection to the group-surfing server 140 as described below (preferably using a protocol operating on top of TCP/IP).

(Ex. 1005, 45:13-19).

As is clearly evident from the language Petitioner cites, the program fragment does not “*record* ... a shared web browsing interaction,” as required by the claim language. Instead, it “catches” or “intercepts” the link selected by the controlling web client and sends that selection to the group-surfing server.

The program fragment can *intercept* selection of a link 152 at the web client 110 and *direct* that selection to the group-surfing server 140 for processing.

(Ex. 1005, 37:5-6).

“Catching” or “intercepting” a selected link is not the same as recording a shared web browsing interaction. In the case of catching or intercepting, the

selection is prevented from being transmitted to its original destination (*i.e.* the website server). Instead, it is “caught/intercepted” and redirected to the group-surfing server, which employs the selected link to present the related webpage to all of the web clients that are participating in the session. (Ex. 2004, ¶74).

The claimed invention of the '448 Patent does something very different. Rather than “catching” or “intercepting” the link that is selected by the host device and then diverting it to the synchronization server, the “web browsing interaction” is instead recorded and transmitted to the “synchronization server.” (Ex. 2004, ¶74). In this manner, the selection of the link by the host device continues to its original destination and enables the “host device” to access the webpage from the website server, as opposed to the “synchronization server” accessing the webpage and presenting it to the host device.

Limitation [1.e]:

Lebrun in view of Wang fails to disclose:

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

Lebrun only discloses the controlling web client sending a session creation message that identifies an initial page to the group-surfing server, which then retrieves the webpage and sends it to the participating web clients (including the controlling web client). (Ex. 1005, 32:9-31).

Since all website requests that are made by the controlling web client are sent to the group-surfing server and not the website server, Lebrun fails to disclose the controlling web client sending a request for webpage content to the website server independent of the synchronization server.

Moreover, as explained above for limitation [1.d], Lebrun teaches that the request for webpage content by the controlling web client is prevented from reaching the website server because it is “intercepted” or “caught” by the program fragment and redirected to the group-surfing server, which presents the webpage to the web clients. (Lebrun 37:5-6, 45:13-19; Ex. 2004, ¶74). Therefore, not only does Lebrun fail to disclose the host device “sending a request for webpage content to a website server,” but it also fails to disclose that the host device does so “independent of the synchronization server [(group-surfing server)].”

Petitioner also asserts that the following from Lebrun discloses this limitation:

In 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 website 130.

(Pet. 27 citing Ex. 1005, 35: 17-19).

Petitioner is incorrect. This alternative embodiment is only applicable in cases “where no cookies or other data related to identity are involved.” *Id.* Therefore, this embodiment does not disclose any ’448 Patent claim limitations because claim [1.b]

of the '448 Patent specifically requires a “session identifier [that] is associated with the host device and the established synchronized browsing session.”

Moreover, although this alternative embodiment discloses that the web clients “*receive* the next page directly from the website,” it does not state that the host device is responsible for sending the request. Indeed, while the web client may receive the page from the website, it is still the group-surfing server, rather than the controlling web client, that is responsible for “*directing*” or “*causing*” the website to send the next page directly to the web client. (Ex. 1005, 35:6-8; 32:29-31). Therefore, Lebrun only discloses, at best, that the group-surfing server, and not the controlling web client, is “sending a request for webpage content to a website server.”

Petitioner further asserts that Wang discloses this limitation. Pet. at 27. In particular, Petitioner relies on Wang’s “page navigation means.” *Id.* Wang describes the page navigation means as a component of the client device that “allows the client device 12a to access the server apparatus 14 directly and to acquire a web page when the client device 12a has ownership of the initiative of web page operation.” (Ex. 1006, ¶41; Ex. 2004, ¶85). However, the client device does not “send[] a request for webpage content to a website server independent of the synchronization server.” (Ex. 2004, ¶85). Instead, the client device sends a request for webpage content to the server apparatus, not the website server, and “[e]ach of

the client devices 12a and 12b acquires a web page stored by the server apparatus 14 in a database 18.” (Ex. 1006, ¶39).

Limitation [1.f]:

Lebrun in view of Wang fails to disclose:

[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.

Lebrun in view of Wang does not disclose “sending the request for webpage content to the website server.” See Section IV.A.4, *supra*.

Lebrun in view of Wang also does not disclose “transmitting information related to the shared web browsing interaction to the synchronization server.” Petitioner states that “[a] POSITA would have understood that a ‘group-surfing server’ receiving a ‘next-page’ message from the ‘controlling web client,’ meets this limitation.” (Pet. 28-29; Decision at 25).

Petitioner is incorrect. (Ex. 2004, ¶¶70-73). A “next-page message” is a command from the controlling web client directing the *group-surfing server* to “*contact*[] the web site 130 having that next page 153..., and *direct*[] that target web site 130 to deliver that next page 153 to the group-surfing server 140 itself.” (Ex. 1005, 45:21-29). While the claimed “information related to the shared web browsing interaction” must be “transmitted to the invitee device,” per limitations [1.f.i-iii] and [1.g], Lebrun’s “next-page message” simply communicates a directive from the

controlling web client to the group-surfing server and is never transmitted to a web client, processed by a web client browser, or enables the web client to generate a request (*see, e.g.*, Ex. 1005, 45:21-26). (Ex. 2004, ¶¶70-73). As such, the “next-page message” cannot constitute “information related to the shared web browsing interaction.” As such and for that reason, Lebrun fails to disclose this limitation.

Petitioner also relies upon two disclosures, citing ¶¶15 and 21 in Wang to disclose this limitation. (Pet. 29, citing Ex. 1006, ¶¶15, 21). Neither Petitioner, nor its expert, explain how these disclosures satisfy the claim limitation. Pet. 29; Ex.1003, ¶170. They also fail to explain why “[a] POSITA would have been motivated to combine Wang’s notification to ‘individual session destinations’ with Lebrun’s ‘web client.’” *Id.*

Limitation [1.f.i]:

Lebrun in view of Wang fails to disclose:

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

Petitioner asserts that the controlling web client that is selecting a progression of pages and sending a “next page message” discloses “information related to the shared web browsing interaction that is to be processed by a browser of the invitee device.” Petition at 29-30; Decision at 25. Petitioner is incorrect.

As noted in Section IV.A.5, *supra*, the group-surfing server does **not** transmit a “next page message” (what the Petitioner suggests constitutes the “information related to the shared web browsing interaction”) to the participating web clients. Instead, it retrieves the web page itself and then forwards the web page (or web page without multimedia elements) to the participating web clients.

The full webpages (those that contain no embedded multimedia elements) and the partial webpages (those which contain removed multimedia elements) that are transmitted from the “group-surfing server” to the web clients are clearly **not** the claimed “information related to the shared web browsing interaction.” As discussed in Section II.D.5, *supra*, “information related to the shared web browsing interaction” must comprise “web browsing interactions” to be *performed* by the guest device, not merely *the end result* of performing those interactions (e.g. receiving the full webpages), *i.e.*, “data describing interactions performed on a website by a host device.”

As also discussed in Section II.D.5, *supra*, “information related to the shared web browsing interaction” **does not** include the responsive webpage data from a webpage server, that are the **result** of interacting with the website, as illustrated in Fig. 5(d). This is further evidenced by the fact that the terms “information related to the shared web browsing interaction” and “webpage content” are claimed separately. (Ex. 2004, ¶¶36-37). Otherwise, the data accessed by the guest device from the

website server would be meaninglessly redundant due to the fact that the same data has already been forwarded from the synchronization server to the guest device. This is antithetical to the description, purpose, and design of the claimed invention.

In both instances described by Lebrun—full and partial webpage forwarding—“data describing interactions performed on a website by a host device” is *not* transmitted to the guest device; *instead* the responsive webpage data is transmitted from the “group-surfing server,” and therefore such transmissions from the “group-surfing server” cannot be “information related to the shared web browsing interaction.” (Ex. 2004, ¶72).

Petitioner also relies upon Lebrun’s disclosure that, in alternative embodiments, “each web client 110 can receive the next page 153 directly from the web site 130,” to disclose this limitation. (Ex. 1005, 35:17–19). As explained above in Section IV.A.4, this alternative embodiment cannot apply to the ’448 Patent claim limitations because the embodiment requires that “no ‘cookies’ or other data related to identity are involved” and the ’448 Patent claims require, at least, that a session identifier is involved (see ’448 Patent, claim 1[d]).

Additionally, as the Board noted in the ’448 Institution Decision, “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.” ’448 Institution at 25 n.10 (emphasis in original) (internal quotes and citations omitted). Indeed, this limitation requires that “the invitee device to generate a request to *retrieve* [as opposed to *receive*] substantially the same webpage content as the request for the webpage content from the host device.”

The ’448 Patent claim language distinguishes between *retrieving* and *receiving*. In particular, claim [1.f.iii] of the ’448 Patent states 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.” Based on this express distinction, “retrieving” and “receiving” have different meanings. “Retrieving” denotes a fetching of data while “receiving” is the passive reception of the subject data. For example, because the synchronization server is transmitting the information related to the shared web browsing interaction to the invitee device from the host device, the invitee device naturally *receives* that information and does not need to go out and fetch it. *See, e.g.*, limitation [1.f.iii] of claim 1 (“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”).

Petitioner also asserts that Wang discloses this limitation by means of its “client synchronization control unit (CSC) of the server apparatus,” which “gives

the web page or the snapshot data to the client devices among which the web page is to be shared.” (Petition at 30-31 citing Ex. 1006, ¶¶23, 43). Petitioner is incorrect.

Here, the server apparatus is passing “web page or the snapshot data to the client devices.” (Ex. 1006, ¶43). As described in Sections II.D.5 and IV.A.1, *supra*, web pages or snapshot data do not constitute “information related to the shared web browsing interaction.” (Ex. 2004, ¶¶36-39). Moreover, Wang teaches that the web page or the snapshot data is “given” or “displayed” to the client devices from the server apparatus, rather than the client devices “generat[ing] a request to *retrieve* substantially the same webpage content as the request for the webpage content from the host device” as required by the claim language.

Limitation [1.f.ii]:

Lebrun in view of Wang fails to disclose:

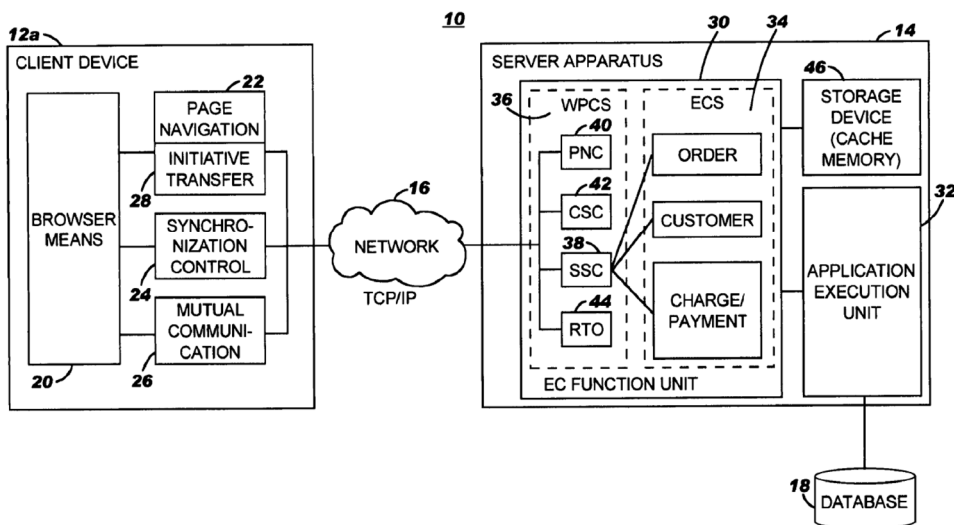
[1.f.ii] wherein the synchronization server transmits the information related to the shared web browsing interaction to the invitee device in response to receiving the information related to the shared web browsing interaction from the host device.

The Board notes that, according to Petitioner, this limitation is disclosed “[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.” Decision at 25.

As discussed in Section IV.A.6, *supra*, the “next-page message” sent to the group-surfing server is not “web browsing interaction information.” Additionally, this limitation requires that the “information related to the shared web browsing interaction” be transmitted to the invitee device “in response to receiving [such information] from the host device.” In Lebrun, the group-surfing server accesses the website in response to receiving the “next-page message” from the controlling web client – not the invitee device.

Petitioner also relies on Wang’s disclosure of a page navigation means as disclosing this limitation, but that reliance is inapt. (Pet. 32 citing Ex. 1006, ¶41). Wang’s page navigation means (“PNC” in FIG. 2 below) allows client device to access the server apparatus and acquire *web pages*. (Ex. 1006, ¶41, Ex. 2004, ¶¶67-68, 87-89).

FIG. 2



Moreover, the sharing of the webpage does not occur until “ownership of the initiative of the web page operation” is transferred from one client device to another. *Id.* Thus, there is no synchronization between the client devices and there is no disclosure of the server apparatus transferring “information related to the shared web browsing interaction” to the guest device in response to receiving such information from the host device.

Limitation [1.f.iii]:

Lebrun in view of Wang fails to disclose:

[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.

The Board notes that, according to Petitioner, limitation 1[f.iii] is disclosed by “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.” Decision at 26 citing Pet. 33 (citing Ex. 1005, 36:21–25, 32:21–24). As noted with regard to limitations 1[f.i] and 1[f.ii], *supra*, the web client in Lebrun does not “*retrieve data from the website server* in response to receiving the information related to the shared web browsing interaction from the synchronization server.” Instead, it *receives the web page* (i.e. data from the website

server) *from the group-surfing server itself*. (Ex. 1005, 35:26–28, 45:21–29; Sections IV.A.6, 7, *supra*).

Petitioner’s assertion that Wang discloses this limitation through the CSC component of the server apparatus also is incorrect. That portion reads: “The CSC 42 gives the web page or the snapshot data to the client devices among which the web page is to be shared, so that the same web page is displayed synchronously on the plurality of different client devices.” (Ex. 1006, ¶43). Here, the server apparatus operates through its CSC component to display a web page to the client devices rather than the claimed step whereby the invitee device itself “retrieves data from the website server.”

Moreover, Petitioner and its expert provide no discernable reasoning underlying their assertion that “[a] POSITA would have been motivated to combine Wang’s ‘server apparatus’ with integration and synchronization functionality with Lebrun’s ‘group-surfing server.’” (Pet. 34).

Limitation [1.g]:

Lebrun in view of Wang fails to disclose:

[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.

As discussed above with respect to claim [1.e], Lebrun fails to disclose the host device “sending the request for webpage content to the website server” and therefore, fails to disclose this limitation. Section IV.A.4, *supra*. Moreover, since the host device’s request is “caught” or “intercepted” and redirected to the group-surfing server, it never arrives at the website server. (Section IV.A.3.[1.d-e], Ex. 2004, ¶74). As such, the website server never has an opportunity to respond to that request by transmitting the requested webpage content to the host device. *Id.*

Petitioner’s reliance on the function of the “page navigation means 22, synchronization control means 24, and mutual communication means 26” of Wang’s server apparatus is inapt because the client device in Wang is still receiving the requested webpage content from the server apparatus as opposed to the website server, as required by the claim limitation. (Pet. 35 citing Ex. 1006, ¶43-44).

Moreover, Petitioner and its purported expert provide no discernable reasoning underlying their assertion that “[a] POSITA would have been motivated to combine Wang’s ‘server apparatus’ with synchronization functionality with Lebrun’s ‘group-surfing server.’” Pet. 34.

B. Ground 2: Intuit Fails to Demonstrate that All Claims Are Rendered Obvious by Prajapat in Combination with Wang

1. Prajapat and Wang Do Not Teach or Suggest Limitations of the Claims

Prajapat and Wang do not teach or suggest, either alone or in combination: (1) the “information related to the shared web browsing interaction;” (2) the “synchronization server;” or (3) the “invitee device” that receives and uses “information related to the shared web browsing interaction” found in all of the claims of the ’448 patent. (Ex. 2004, ¶¶57-66, 75-81, 82-89).

Prajapat relates to users in a call center environment who “desire to share [] web pages with one or more other users such that the users are viewing at least portions of the same web page.” (Ex. 1007, ¶2).

Prajapat discloses two embodiments: (1) “peer-to-peer dynamic web page sharing;” and (2) “peer-to-peer simple web page sharing.” (Ex. 1007, ¶¶12; 41). In both embodiments, Prajapat teaches the use of “peer-to-peer” multiple web media servers, *e.g.*, “web media server 14a” and “web media server 14b,” which, according to Prajapat, provides the technical advantages of splitting processing between web media servers to thereby provide better scalability. (Ex. 1007, ¶33; Ex. 2004, ¶¶58-59).

As discussed below, in neither of Prajapat’s embodiments does Prajapat teach or suggest the use of “information related to the shared web browsing interaction”

that a “guest device” receives from a “synchronization server” and uses to request web content from a website server. (Ex. 2004, ¶¶75-79).

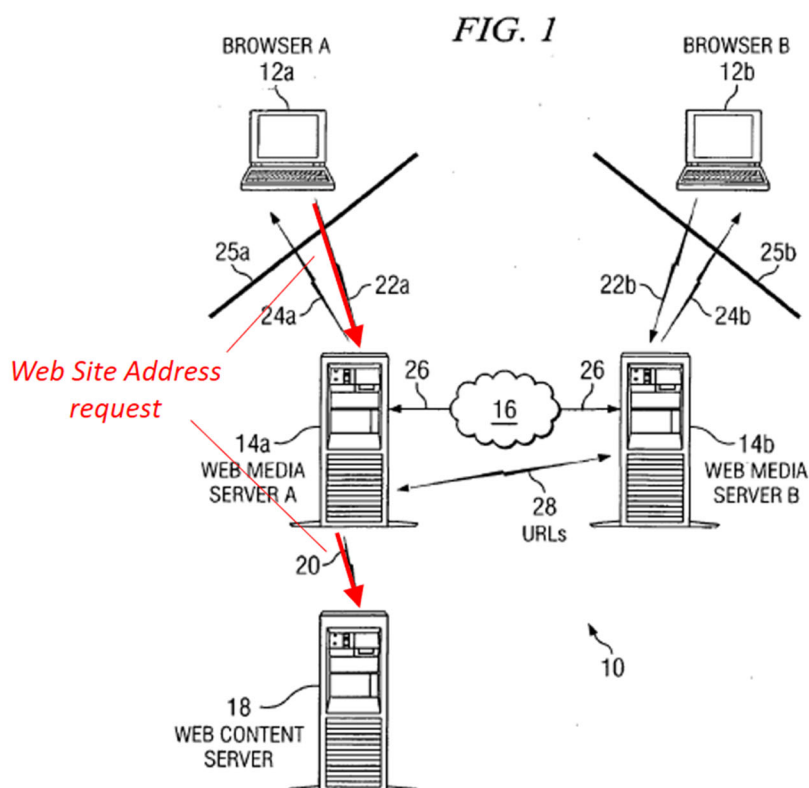
As discussed above in Section IV.A.1, *supra*, Wang also fails to teach or suggest the use of these claim elements.

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

In one embodiment, Prajapat teaches “peer-to-peer dynamic web page sharing,” which allows two browsers to perform what Prajapat refers to as “co-brows[ing].” (Ex. 1007, ¶12; Ex. 2004, ¶60).

First, “browser 12a may submit a web site address to web media server 14a, and web media server 14a may locate web content server 18 using the web site address.” (Ex. 1007, ¶23; *see also* ¶¶36-37).

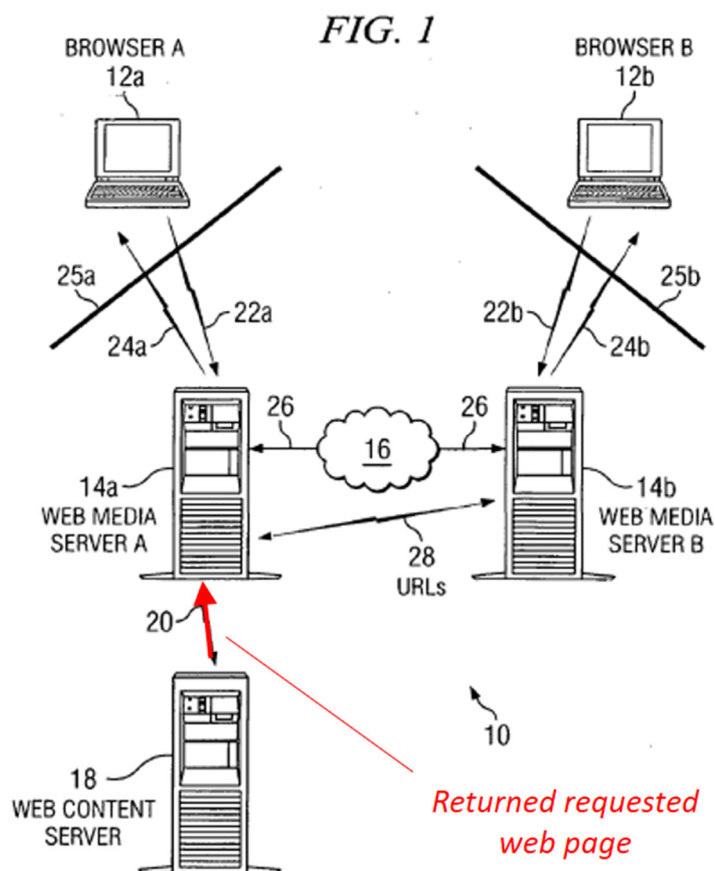
The modified and annotated version of Figure 1 of Prajapat below shows the request from browser 12a to web media server 14a and then from web media server 14a to web content server 18:



Modified and Annotated Figure 1 of Prajapat

Second, “[w]eb content server 18 may return a requested web page to web media server 14a.” (Ex. 1007, ¶24; *see also* ¶37).

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



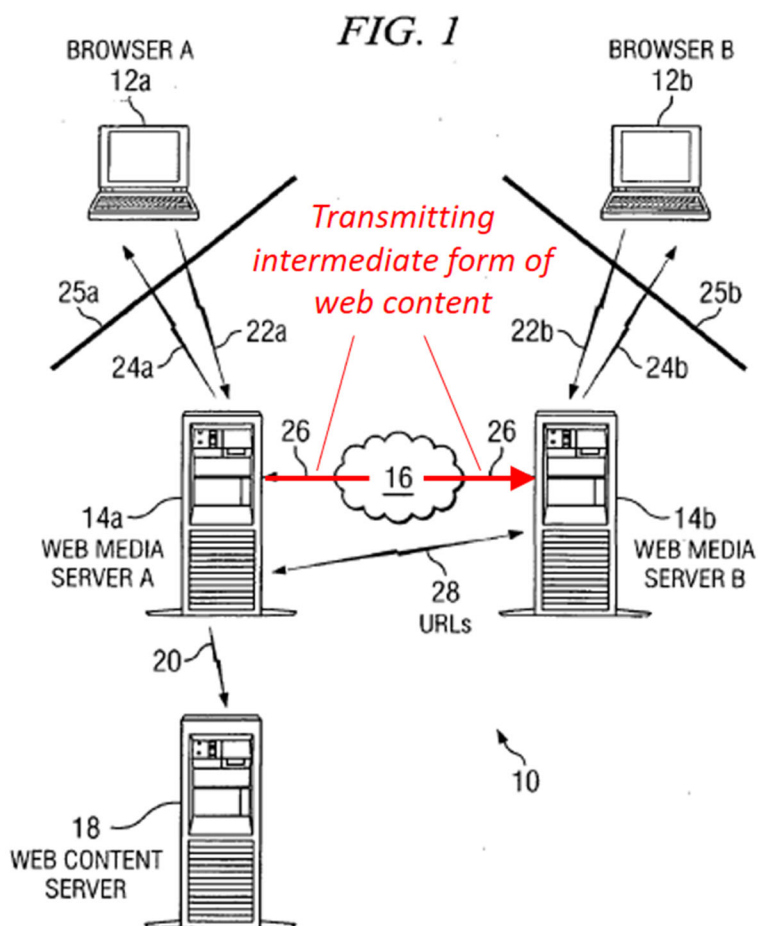
Modified and Annotated Figure 1 of Prajapat

Third, the “Web media server 14a may transform the returned web page into some intermediate form” “that may be rendered by browser 12a.” (Ex. 1007, ¶¶24, 25; *see also* ¶¶37, 38). According to Prajapat, the transformations are necessary depending on the type of browser on which the web content is to be displayed, *i.e.*, “in an embodiment in which the retrieved web page includes HTML content, one transformation may need to be applied, while in the case of an IP phone display, another transformation may need to be applied.” (Ex. 1007, ¶24; *see also* ¶37). Web

media server 14a then “transform[s] the intermediate form of the retrieved web page into a renderable form that may be rendered by browser 12a.” (Ex. 1007, ¶25; *see also* ¶38).

Fourth, the web media server 14a transmits the intermediate form of the web content to web media server 14b, which is associated with browser 14b. (Ex. 1007, ¶25; *see also* ¶38). Web media server 14b then transforms the intermediate form of the retrieved web page into a renderable form that may be rendered by browser 12b. (Ex. 1007, ¶26; *see also* ¶39).

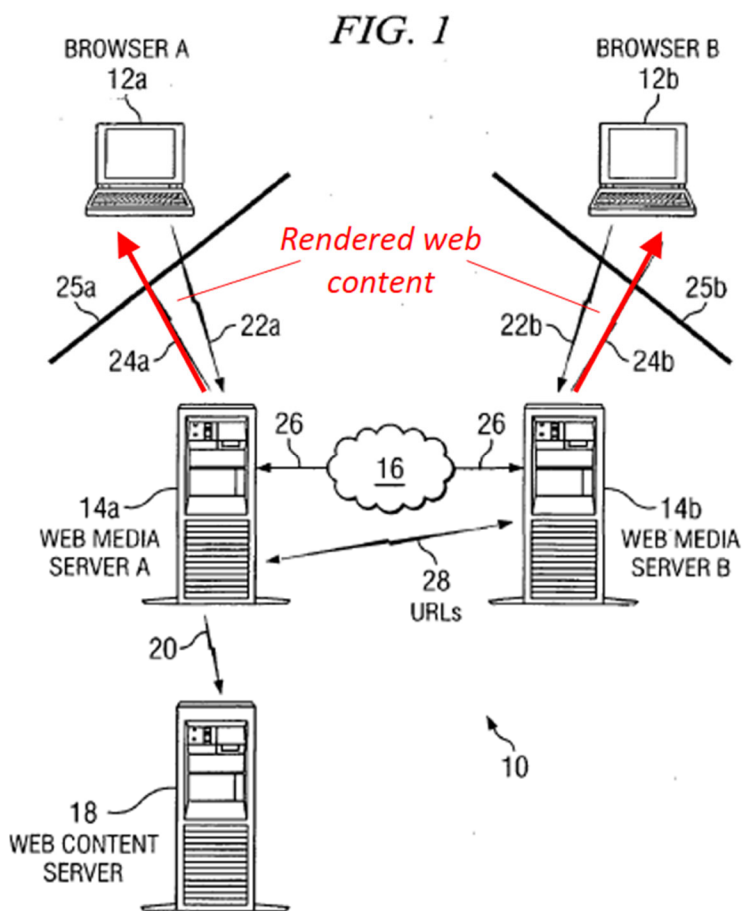
The modified and annotated version of Figure 1 of Prajapat below shows the transmission of the intermediate form of the retrieved web page from web media server 14a to web media server 14b:



Modified and Annotated Figure 1 of Prajapat

Fifth, the rendered form of the web content is transmitted from the web media servers to their respective browsers. (Ex. 1007, ¶¶25, 26; *see also* ¶¶38, 39).

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



Modified and Annotated Figure 1 of Prajapat

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

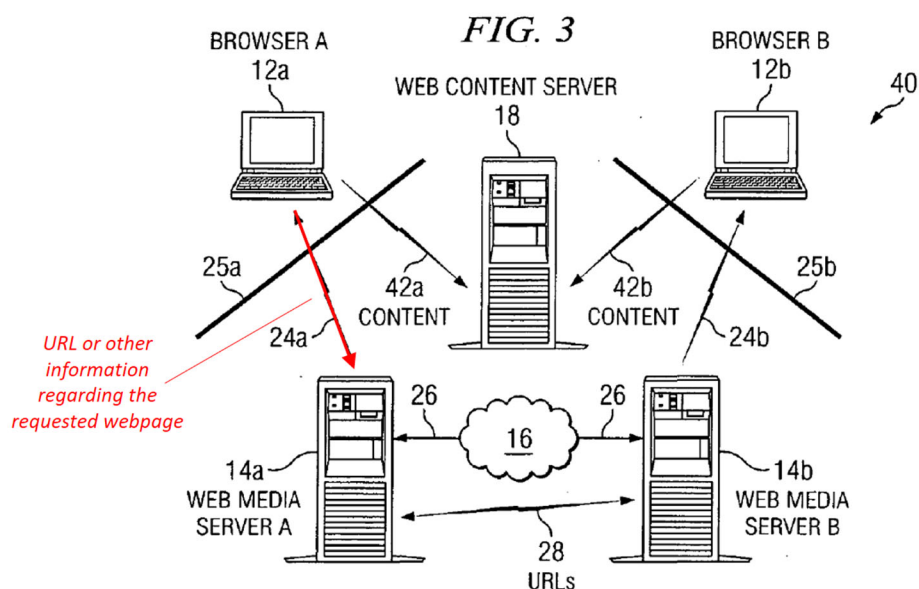
In another distinct embodiment, Prajapat teaches “peer-to-peer simple web page sharing.” (Ex. 1007, ¶¶41-43). In this embodiment, a URL or other suitable information regarding the requested web page is transmitted from one browser to another browser via the web media servers. However, there is no teaching or suggestion by Prajapat that the two browsers are simultaneously, or even nearly simultaneously, sharing internet browsing on the same web page in real time, *i.e.*,

that the browsers are engaged in a “synchronized browsing session,” as stated in the claims. Prajapat also does not disclose that the browsers simultaneously, or nearly simultaneously, share the URL for the requested web page in real time. Instead, Prajapat states that each event in the “peer-to-peer simple web sharing” embodiment “*may*” occur, not that it *will* occur or that it occurs *simultaneously, or nearly simultaneously, and/or in real time* with any other event. (Ex. 1007, ¶43; Ex. 2004, ¶¶61-66, 78).

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

First, after browser 12a “submit[s] a request to web content server 18 for one or more web pages using link 42a” and “[w]eb content server 18 [] return[s] the requested web page to browser 12a,” “[b]rowser 12a may communicate the URL or other suitable information regarding the requested web page to web media server 14a.” (Ex. 1007, ¶41).

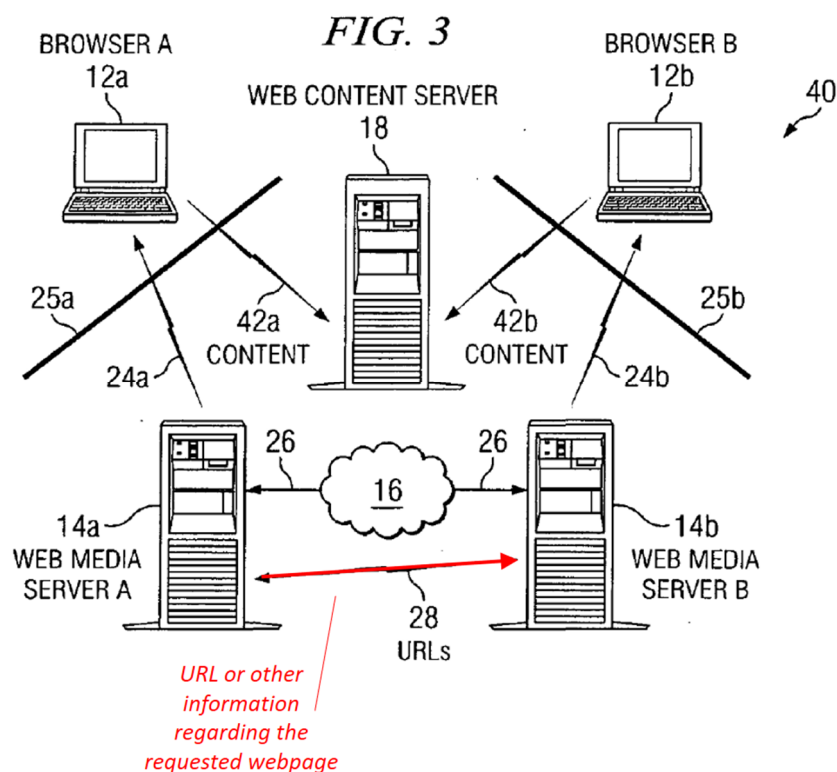
The modified and annotated version of Figure 3 of Prajapat below shows the browser 12a communicating the URL or other suitable information regarding the requested web page to web media server 14a:



Modified and Annotated Figure 3 of Prajapat

Second, “[w]eb media server 14a may communicate the URL and any other suitable information to web media server 14b, using media session 28 for example.” (Ex. 1007, ¶41).

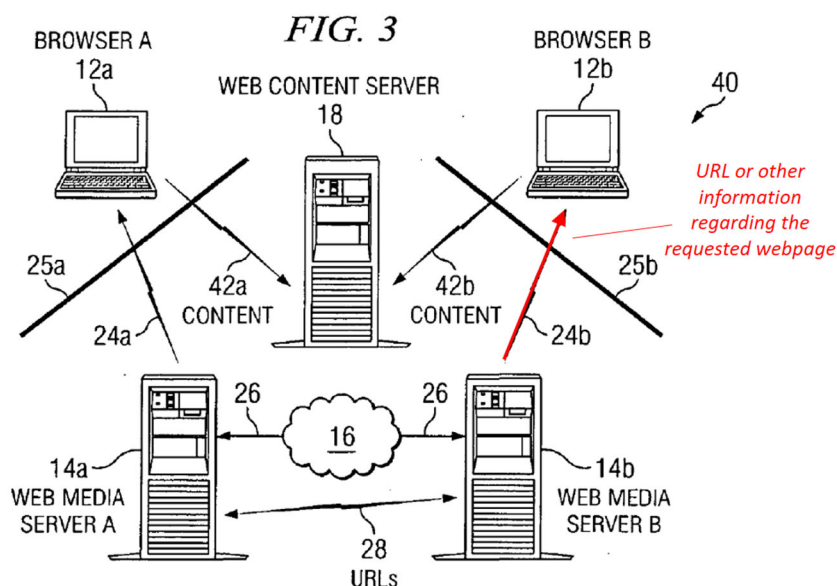
The modified and annotated version of Figure 3 of Prajapat below shows web media server 14a communicating the URL and any other suitable information to web media server 14b:



Modified and Annotated Figure 3 of Prajapat

Third, “[w]eb media server 14b may communicate the URL and any other suitable information to browser 12b.” (Ex. 1007, ¶41).

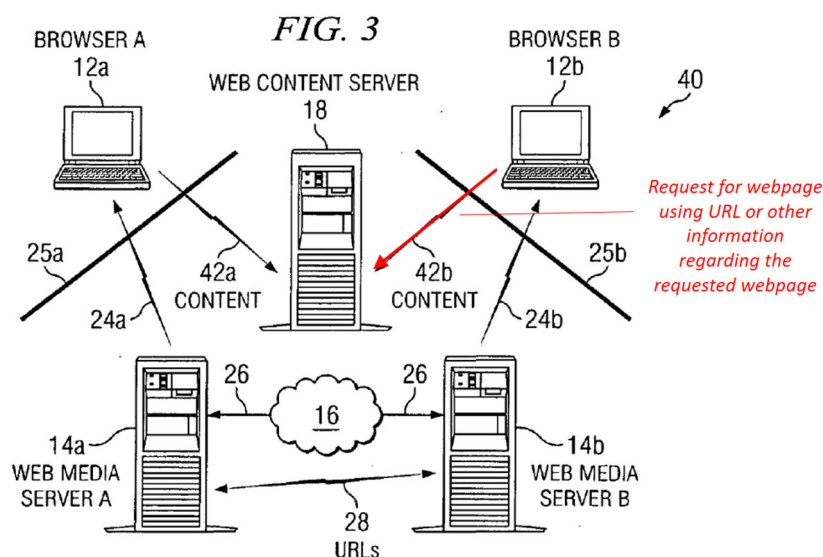
The modified and annotated version of Figure 3 of Prajapat below shows web media server 14b communicating the URL and any other suitable information to browser 12b:



Modified and Annotated Figure 3 of Prajapat

Fourth, “[b]rowser 12b may use the URL and any other suitable information to request from web content server 18 the web page that browser 12a requested.” (Ex. 1007, ¶41).

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



Modified and Annotated Figure 3 of Prajapat

Thus, in the “peer-to-peer simple web page sharing” embodiment, Prajapat teaches the mere transmission of a URL (or other suitable information regarding the requested web page) from one browser to another browser, in an “any time” sequence through “peer-to-peer” web media servers. Here, Prajapat provides no information to suggest that the transmission is “simultaneous,” in “real-time,” or temporally coordinated. (Ex. 2004, ¶¶61-66). Prajapat’s disclosure is therefore similar to posting a webpage bookmark URL or simply emailing the URL (or other suitable information regarding the requested web page) from one device to another device using email servers. As such, the act of emailing a URL does **not** result in simultaneous – or nearly simultaneous – real time sharing of the internet browsing

experience within the same web page, as claimed in the '448 Patent. (Ex. 2004, ¶¶75, 78)

4. Petitioner Fails to Show that Either of Prajapat's Two Distinct Embodiments Discloses the Requirements of the Claims of the '448 Patent or Show that the Embodiments Are Interchangeable or Combinable

Petitioner fails to show that (1) either of Prajapat's two distinct embodiments discloses the requirements of the claims of the '448 patent or (2) the embodiments are interchangeable or combinable. (Ex. 2004, ¶¶ 75-77).

In finding that Prajapat discloses the requirements of exemplary claim 1 of the '448 Patent, Petitioner and the Board relied upon disclosures particular to Prajapat's "*peer-to-peer dynamic web page sharing*" in combination with disclosures particular to Prajapat's "*peer-to-peer simple web page sharing*."

For example, in finding that Prajapat discloses a "method performed by a host device for establishing a synchronized browsing session between the host device and an invitee device" that was recited in the preamble of claim 1, the Board relied on Petitioner's identification of Prajapat's techniques that were particular to "*peer-to-peer dynamic web page sharing*," even listing specific examples related to Prajapat's "*peer-to-peer dynamic web page sharing*." Decision at 47-48, citing Pet. 46-48 (citing Ex. 1007, ¶¶12, 16 (addressing limitation [1.a]), 22 (addressing limitation [1.b])).

Similarly, with regard to limitations [1.b]⁵, [1.c]⁶, [1.d]⁷, and [1.e]⁸ the Board also relied on disclosures particular to Prajapat’s “*peer-to-peer dynamic web page sharing*” embodiment. Moreover, Petitioner specifically states that limitation 1[a] is disclosed by Prajapat’s “*peer-to-peer dynamic web page sharing.*” (Pet. 47; Ex. 2004, ¶80). Nevertheless, Petitioner does not state anywhere that “peer-to-peer simple web page sharing” corresponds to this limitation.

On the other hand, in finding that Prajapat discloses limitations [1.f.i-iii] of exemplary claim 1, the Board relied on Petitioner’s use of “Prajapat’s Figure 3 architecture for ‘*peer-to-peer simple web page sharing*’ that shows browser 12b (corresponding to an invitee device) retrieving data from the website server.” Decision at 53.

Clearly, as both the Board and Petitioner seem to recognize from their reliance on the disclosures illustrated above, neither “peer-to-peer dynamic” nor “peer-to-peer simple” web page sharing can disclose exemplary claim 1 standing as independent and distinct embodiments. In fact, the Board agreed with Patent Owner

⁵ Decision at 48, citing Pet. 48 (citing EX1007 ¶ 22).

⁶ Id. at 48-49, citing Pet. 49–50 (citing EX1007 ¶ 17).

⁷ Id. at 48-49, citing Pet. 49–51 (citing EX1007 ¶¶ 16, 17, 34).

⁸ Id. at 48, citing Pet. 48 (citing EX1007 ¶ 22).

that the architecture “for ‘*peer-to-peer 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” and therefore cannot disclose limitations [1.f.i-iii]. Decision at 53.

Therefore, the Petitioner and the Board’s alleged findings fail to show that a single embodiment disclosed in Prajapat teaches or suggests all of the limitations of exemplary claim 1 of the ’448 Patent.

To the extent that the Institution Decision is based on the premise that the architecture of “peer-to-peer dynamic web page sharing” is interchangeable or combinable with the architecture of “peer-to-peer simple web page sharing” (which are two distinctly different systems) while maintaining the function of “peer-to-peer dynamic web page sharing” to correspond to limitations [1.f.i-iii], this premise is unsupported by the specification or any argument contained in the Petition or the Institution Decision. (Ex. 2004, ¶¶75-81).

Applying such interchangeability of architecture, components, or function runs into Board precedent against interchanging and piecing together various components from distinct embodiments in a reference without a sufficient rationale. *See Abiomed, Inc. v. Maquet Cardiovascular, LLC*, IPR2017-01204, -01205, Paper 8 at 10-11 (With no sufficient rationale that “various embodiments are interchangeable or that one skilled in the art would have combined those features”

in the proposed manner, the Board rejected “treat[ing] the various features of Aboul-Hosn’s different embodiments as if they are interchangeable with one another.”). To the extent the Board noted that Prajapat’s systems “on their face seem applicable to web page sharing generally,” this would not amount to a sufficient rationale. Decision at 56. The employment of this “Frankenstein” embodiment crafted for the sole purpose of attempting to render limitations [1.f.i-iii] of claim 1 obvious also runs into Board precedent against using impermissible hindsight to reach a legal conclusion. *See* MPEP § 2142 (“[I]mpermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.”)

Furthermore, in finding that Prajapat discloses limitation [1.c] of exemplary claim 1—“sending an invitation to an invitee device to join the synchronized browsing session, wherein the invitation includes the session identifier”—the Board relied on the disclosure in Prajapat’s “*peer-to-peer dynamic web page sharing*” embodiment wherein “browser 12a (corresponding to the recited host device) may specify in a request to co-browse ‘one or more names or other identifiers of other browsers 12 with which browser 12a desires to cobrowse’ (Ex. 1007, ¶17).” Decision at 48-49, citing Pet. 49–50 (citing Ex. 1007, ¶17). While, in Prajapat, browser 12a sends the request *to the web media server* (Ex. 1007, ¶¶17, 34-35, FIGs.

1-3), limitation [1.c] requires that the host device “send[s] an invitation *to the invitee device*.” For this additional reason, Prajapat fails to disclose limitation [1.c].

Further, as with Lebrun, Petitioner and its expert, Dr. Lieberman, misstate the teachings of Prajapat by improperly combining features of different embodiments without pointing to any teachings within Prajapat, or any other art, that suggests a proper combination. The Petition relies on two different embodiments of Prajapat - the “peer-to-peer simple web page sharing” embodiment and the “peer-to-peer dynamic web page sharing” embodiment – even though the respective architectures that underlie these two embodiments are fundamentally different from one another. *Compare* Prajapat Figure 1 and Figure 3; Ex. 2004 (¶¶65-66, 75-78) .

Nowhere in the Petition or in Petitioners’ expert’s declaration does either acknowledge how or why portions of the disclosure from these two competing embodiments would be combined. As explained above with regard to Lebrun, even in a single reference obviousness rejection, the Board must “consider whether a POSITA would have been motivated to combine the prior art to achieve the claimed invention.” *In re Warsaw Orthopedic, Inc.*, 832 F.3d 1327, 1333 (Fed. Cir. 2016) (internal quotation marks, brackets, and citation omitted); *see also In re Stepan Co.*, 868 F.3d 1342, 1346 (Fed. Cir. 2017) (“Whether a rejection is based on combining disclosures from multiple references, combining multiple embodiments from a single reference, or selecting from large lists of elements in a single reference, there

must be a motivation to make the combination and a reasonable expectation that such a combination would be successful, otherwise a skilled artisan would not arrive at the claimed combination.”).

Petitioner also fails to include any commentary or evidence that a POSITA would expect success in combining the specific references that are relied upon. Without evidence directed to the expectation of success, there is no way for the Board to determine whether “a person of ordinary skill in the art would have...had a reasonable expectation of success” in combining the embodiments in the matter claimed. *Pers. Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 121 U.S.P.Q.2d 1578 (Fed. Cir. 2017). As such, there is insufficient evidence to support an obviousness determination.

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

“The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called secondary considerations.” *Apple Inc. v. Yu*, IPR2019-01258, Paper No. 29 at 39 (PTAB Jan. 5, 2021) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966)). Neither the Petition nor Dr. Lieberman’s declaration attempt to identify differences between the claimed subject matter and

the prior art, and does not discuss what obviousness-related modifications to Lebrun in Ground 1 (or Prajapat in Ground 2) should be made with the disclosure of Wang.

Petitioner also fails to acknowledge in their Petition that elements from different embodiments are implicated, let alone provide any rationale for combining the various different embodiments from Lebrun. Accordingly, the Petition fails as a matter of law. *In re Kotzab*, 217 F.3d at 1370; *see also, Cisco Sys., Inc. v. Bockstar Tech. LLC*, IPR2014-01192 (P.T.A.B. Feb. 2, 2015), Paper 10 at 7; *Arendi S.A.R.L. v. Apple Inc.*, 832 F.3d 1355, 1361-62 (Fed. Cir. 2016). Therefore, because in an *inter partes* review, the burden of persuasion never shifts to Patent Owner (*Dynamic Drinkware*, 800 F.3d at 1378), the petitioner must show with particularity why each challenged claim is unpatentable. (*Harmonic*, 815 F.3d at 1363; 37 C.F.R. § 42.104(b) (2020)). Here, the Petitioner has failed to meet its burden. This is grounds for the Board to enter an order finding that the claims of the '448 Patent are patentable over the asserted references.

Further, a POSITA would also not be motivated to combine Lebrun and Wang or Prajapat and Wang. (Ex. 2004, ¶¶82-89). “A POSITA would not have been motivated to combine Wang with either Lebrun or Prajapat due to the incompatible system architectures and purposes.” (*Id.*). Referring to those differences, “a POSITA would have understood that the system can produce either single snapshot data or multiple renderable forms, but it cannot do both simultaneously.” (*Id.*).

**D. None of the References Disclose the Additional Limitations
Required by Dependent Claims 4-6, 8-9 and 13-15**

**1. Petitioner Has Not Shown that Dependent Claims 4-5 are
Disclosed in the Cited References**

Claims 4 and 5 depend from claim 1 and requires that “the invitation comprises a hyperlink for joining the synchronized browsing session” and that “the invitation is sent to the invitee device via” a number of communication mediums, respectively.

Since the claims require the “invitation” to be sent to the invitee device, and Prajapat, Lebrun, and Wang teach that the invitation is sent to their respective “middleman” servers rather than the invitee device, the purported prior art fails to meet the claim limitations of the above-listed dependent claims. *See* Sections IV.A.3.[1.c], IV.B.4.

**2. Petitioner Has Not Shown that Dependent Claim 6 is
Disclosed in the Cited References**

Claim 6 depends from claim 1 and requires that “information related to the shared web browsing interactions comprises...cookie information....”

Petitioner contends that this limitation is disclosed by Lebrun at 41:9-10 and 46:7-11. (Decision, 40-41). In the portion of Lebrun relied on by Petitioner, Lebrun describes how “[t]he controlling web client 110 can *import or export information* related to web sites 130, including...‘cookies,’ ...*at participating web sites 130.*” not the group-surfing server. (Ex. 1005, 41:9-10). Next, Lebrun describes the “*group-*

surfing server 140 receives a ‘cookie’ or other data relating to identity or session from the web site 130” not the controlling web client. (Ex. 1005, 41:40-41). Petitioner therefore has not demonstrated that claim 6 is disclosed by Lebrun. (Ex. 2004, ¶¶90-94).

3. Petitioner Has Not Shown that Dependent Claims 8-9 and 14-15 Are Disclosed in the Cited References

Claims 8 and 14 depend from claims 1 and 9, respectively, and add that “the web browsing window is capable of accepting both shared and non-shared web browsing interactions. (Ex. 2004, ¶46).

Petitioner relies upon Lebrun, 37:27-38:17 (Web Page Special Access) as disclosing these claims, but that only gives the controlling web client the ability to select which web pages are accessible by other web clients. (Ex. 2004, ¶¶95-97). For example, the controlling web client can enter information that designates web client A and C, but not D to have access to web pages 1, 3, and 4. (*Id.*). This claim is also related to “web browsing interactions” rather than to the sharing of individual web pages.

Petitioner’s reliance on this section of Lebrun is also inapt since the relied upon section does not relate to “synchronized web browsing.” (*Id.*). Here, the controlling web client is simply deciding who gets special access at the time they designate a web page as a “next page” in the progression of pages.

Claims 9 and 15 depend from claims 1 and 9, respectively, and add “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 upon Lebrun, 37:27-38:17 (Web Page Look Ahead) as disclosing these claims, but that only discloses ways that the controlling web client can determine beforehand whether pages in the progression of pages will indeed be designated as a “next page.” (Ex. 2004, ¶¶98-100). This claim is also related to “web browsing interactions” - not to the sharing of web pages.

Petitioner’s reliance on this section of Lebrun is also inapt since the relied upon section does not constitute “synchronized web browsing.” (*Id.*). In this instance, the controlling web client is merely deciding ahead of time which pages in a progression of pages will be designated as a “next page.”

Since they each describe only “middleman” page sharing or URL sharing embodiments, neither Prajapat nor Lebrun, alone or in combination with Wang, even contemplate the concept of a shared or a non-shared web browser window, and thus cannot meet the claim limitations of the above-listed dependent claims. (*See also* Section IV.A.4-5; Ex. 2004, ¶¶101-102). Further, the Petition never refers to any part of Prajapat that discloses a “browsing window” capable of accepting both

“shared” and “non-shared” web browsing interactions, or a “non-shared web browser window that is separate from the web browsing window.” (Pet. 69).

V. CONCLUSION

For the reasons stated above, the Board should deny the Petition on the grounds that Petitioner has not met its burden of proving that claims 1-16 of the '448 Patent are obvious over combinations of Lebrun, Wang, and Prajapat. (Ex.2004, ¶102). Claims 1-16 are therefore patentable over these references.

Date: September 27, 2023

Respectfully submitted,

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CERTIFICATION OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned **PATENT OWNER'S RESPONSE** specified in 37 C.F.R. § 42.24 have 13,962 words, in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24(b)(1). This word count was prepared using Microsoft Word 2016 and by adding 73 words as counted from text annotations in the figures.

Date: September 27, 2023

Respectfully submitted,

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CERTIFICATION OF SERVICE

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

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