

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

In the *Inter Partes* Review of:

U.S. Patent No. 9,483,448

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

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**DECLARATION OF HENRY A. LIEBERMAN IN SUPPORT OF
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE TO
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,483,448**

I, Henry A. Lieberman, declare as follows:

I. INTRODUCTION

1. I have been asked by the party requesting this review, Intuit Inc. (“Petitioner”), to provide my expert opinions in support of Petitioner’s Reply to Patent Owner’s Response to Petition for *Inter Partes* Review of U.S. Patent No. 9,483,448 (“’448 patent”), challenging the patentability of the claims 1-16 of the ’448 patent.

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

3. In summary, it is my opinion that the references cited and discussed below render obvious the challenged claims of the ’448 patent. My detailed opinions on the claim are set forth below.

II. MATERIALS CONSIDERED

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

- a. Patent Owner’s Response (Paper 22),
- b. Declaration of Stacy Friedman (Ex. 2004), and
- c. Exhibits 1031-1033 accompanying this Declaration.

III. PO MISREPRESENTS THE SPECIFICATION

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

between “desktop or screensharing” and “page sharing.” Yet PO repeatedly asserts that the ’448 patent specification disparages page sharing as too resource intensive (POR, 2-3, 6), whereas the ’448 specification makes no mention of “page sharing” whatsoever. *See* Ex. 1001, 2:26-35. Rather, in its discussion of background technology, it describes “desktop or screensharing” as a preexisting co-browsing technology. Ex. 1001, 2:26-35. Specifically, the specification says “desktop or screensharing” works by “broadcasting continuous screenshots of the host screen in large files or packets,” and “require[s] high levels of bandwidth and computer processing power.” *Id.*, 2:33-35. A POSITA would not conclude from this anything about “page sharing.”

6. PO also talks about the prior art as having “middleman” servers and the ’448 patent solving the problems of using such servers. POR, 3-10. This does not accurately reflect the specification. The ’448 patent does not identify or describe any “middleman” server or disparage the use of a server to relay webpage information to or from a webpage server. Nor do the claims recite any architecture that would solve problems purportedly caused by such “middleman” servers. The claims recite only that “the synchronization server transmits the information related to the shared web browsing interaction to the invitee device in response to receiving the information related to the shared web browsing interaction from the host device.” Ex. 1001, claim 1. The only thing the claims say about the invitee

device is the that “the invitee device retrieves data from the website server in response to receiving the information related to the shared web browsing interaction from the synchronization server, the data associated with the webpage content requested by the host device and the information related to the shared web browsing interaction.” *Id.*

A. Synchronized Browsing Session; “Synchronized”

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

8. Independent claims 1 and 11 only recite the synchronized browsing session in 1[pre]-1[c] and 11[pre]-11[e]. The challenged limitations do not recite the synchronized browsing session or any synchronous sharing between the host and guest.

9. According to FIG. 2(a) of the ’448 patent, establishing a synchronized browsing session does not require any content to be passed. Ex. 1001, 10:26-42. Rather, a host device transmits a request to the synchronization server, which the synchronization server responds to with a confirmation including a session identifier. *Id.*, 10:26-42. After the synchronized browsing session is established, a guest device can join. *Id.*, 10:43-52.

10. PO’s repeated criticism that the applied references do not disclose synchronized browsing is misplaced. The claims do not recite that any content be

“synchronized” between the host and guest device, nor viewed “simultaneously” (or near simultaneously), nor “coordinated” in any manner. The term “synchronized” appears in the claims only in the context of a “synchronized browsing session,” but nothing in the claims recite *how* the synchronized browsing session is administered by the synchronization server. Even if the claims required content to be synchronized, which I see no evidence of, the plain and ordinary meaning of that term is “occurring at the same time.” *See* Ex, 1031, 506. This is the plain meaning of the term; it is how a POSITA would understand the term as used in the art, both in the ’448 patent and in the Prajapat reference. This definition also is similar to that of another term used in both Lebrun and Prajapat, “dynamic,” which is defined as “occurring immediately and concurrently.” *See* Ex, 1031, 181.

11. Although the apparent intent of the patent is to allow users in a session to share "synchronized" internet browsing in real time, the specification does not disclose a specific process that would enable such synchronization, nor do the claims recite one. Indeed, the specification of the ’448 patent does not disclose that the process shown in FIG. 5(a) is performed repeatedly, or even more than once, as would be required to “synchronize” the data as between the host and guest devices. Nor does the specification disclose how the information received at the guest device (Fig 5(a), communication message 64) would enable it to “independently replicate” the host interaction. The specification discloses only that

the guest device 14 may use the “[c]ommunication message 64 ...to formulate website request 65 to be sent from guest device 14 to website server 12,” and that “website request 65 should be similar or identical to website request 60,” and that request results in content reply 67. Ex. 1001, 17:16-27, 17:60-62. It is not clear how the formulation of the website request 65 by the guest device 14 would cause the guest device 14 to perform an independent replication of the “host device interaction” with the content of the website as recited in the proposed claims.

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

IV. PO MISCONSTRUES INFORMATION RELATED TO THE SHARED WEB BROWSING INTERACTION

13. The plain meaning of “information related to the shared web browsing interaction” (“IRTTSWBI”) is any information related to the shared web browsing interaction. *See* DI, 23; *accord id.*, 27. PO’s proffered construction of this term is incorrect. The POR argues that the correct construction of “information related to

the shared web browsing interaction” is “data describing interactions performed on a website by a host device,” and it excludes “webpage data.” POR, 34-36.

14. PO’s construction seeks to improperly narrow the interpretation that the information is “related to” interactions to just those “describing” interactions. A POSITA would understand that IRTTSWBI encompasses various data associated with online activities where multiple users engage in interactions with shared web content. IRTTSWBI may include information of user actions, webpage content, metadata, etc. Information “describing” interactions is only one type of information that can be included in the IRTTSWBI. Neither the claim language nor the specification supports the narrowing PO suggests.

15. Further PO’s apparent position that IRTTSWBI must be interactions performed by a host device—excluding information resulting from the interactions—is not recited by the claim and is unsupported by the specification. Although the specification draws a distinction between the information in a request from the information that results from the request, the claims make no such distinction. Indeed, PO’s proffered construction is so narrow that its own argument is inconsistent. PO contends that the interactions of IRTTSWBI are only those “performed on a website by a *host device*.” POR, 34-35. But later PO argues that IRTTSWBI must instead comprise “web browsing interactions” to be “performed by the *guest device*.” POR, 49. Both cannot be true under PO’s

proposed construction. And in my opinion, there is no justification for limiting to either device. Indeed, the specification discloses embodiments in which both of the host device and guest device perform the shared web browsing interaction. For example, the specification recites “any webpage interaction performed by guest device 14 within the shared browsing window will be relayed to host device 10, and any webpage interaction performed by host device 10 within the shared browsing window will be relayed to guest device 14.” Ex. 1001, 7:29-34.

16. PO is also incorrect that the term “cannot encompass web pages that are shared across the browsers engaged in the co-browsing or sharing session.” This position is at odds with statements made by PO’s own expert that “the *primary way* that a user interacts with a web page is through a web browser.” Ex. 2004, ¶45 (emphasis added). If a web browser is the “primary way” that a user interacts with a web page, the web page would necessarily be part of the “information *related to* the shared web browsing interaction.” In my opinion, it would be difficult – if not impossible – to describe a web browsing interaction without describing the web page that was interacted with because the interaction is inherently tied to the content and context provided by the web page. The content of a web page determines the purpose and context of the interaction, and the specifics of the interaction depend on the nature and content of the web pages. When the web browsing interaction refers to an action performed on a web page, especially

an interaction with user interface elements, such as buttons, links, forms, and multimedia content, any description of the interaction would need to reference these elements, which are parts of the web page.

V. GROUND 1 RENDERS THE CLAIMS OBVIOUS

A. Limitation [1.f.i]

17. Lebrun discloses that web site 130 includes a processor operating under control of web server software 131 and “disposed for delivering information 132 to the web clients 110 or the group-surfing server 140 in response to requests made using the 30 communication protocol.” Ex. 1005, 31:27-30. A POSITA would understand that the processor in a website server is designed to handle incoming requests, process them, generate the appropriate content, and send it back to the requesting web clients. This process adheres to the principles of the client-server model and the rules of the HTTP protocol, enabling the seamless delivery of webpage content over the Internet.

B. Lebrun Contemplates Combining Embodiments

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

surfing session,” and the latter encompasses the former and the two embodiments are compatible and combinable.

VI. GROUND 2 RENDERS THE CLAIMS OBVIOUS

A. Prajapat Contemplates Combining Embodiments

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

20. PO's contention that webpages chosen by the host device are not "associated" with the host device is nonsensical. A POSITA would understand that the host browser submitting the action requesting the web page, which webpage is then displayed to the guest browser, is "associated" with the host by virtue of it being selected by that browser. I discussed this unreasonable stance by PO in my prior declaration. Ex. 1003, ¶¶294-95.

I. THE DEPENDENT CLAIMS ARE RENDERED OBVIOUS

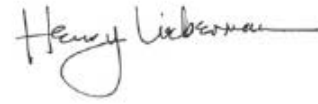
21. For claims 8-9 and 14-15, Petitioner demonstrated that Lebrun's selection of pages indicates whether the web browsing interaction is shareable. *See* Pet., 43, 69. For example, using Web Page Special Access, which allows the controlling web client 110 to enter some information ("required for special access") privately, without presenting that information to other web clients 110 participating in the session. Ex. 1005, 38:19-27; *see* Pet., 43, 69; Ex. 1003, ¶¶209-210, 218-219. In my opinion, this shows both that the web browsing window is capable of accepting both shared and non-shared web browsing interactions and that web browsing interactions that the host device determined to be non-shared web browsing interactions are depicted in a non-shared web browser window at the host that is separate from the web browsing window shared with the other devices.

VII. CONCLUSION

22. For the reasons presented above, it is my opinion that the applied references render obvious claims 1-16 of the '448 patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: December 20, 2023



Henry A. Lieberman