

| Patent Owner's Demonstratives for Contingent Motion to Amend

Intuit Inc. v. Samesurf Inc.

IPR2023-00342

U.S. Patent No. 8,527,591

Consolidated Hearing March 27, 2024

Written Description

the proposed substitute claims are supported by the original non-provisional application and thus do not introduce new subject matter.

MTA, 6

receiving first data from the synchronization server, where the data relates to a website being accessed in real-time by a host device, (*Id.*, [0008], [0011], [0044], [0048], [0055], [0096], [0127], [0130]) – wherein the first data comprises a URL of the website, (*Id.*, [0042], [0050], [0110], [0113]) cookie information associated with the website and the host device, (*Id.*, [0042], [0110], [0047])

information related to a shared user input web browsing interaction that includes second data indicating at least one direct host device interaction with content of the website performed by the host device. (*Id.*, [0013], [0042]-[0044], [0050], [0110], [0113], [0116], [0125], [0130].)

operating a browser by the guest device based on at least the second data received from the synchronization server to independently replicate the host device interaction with the content of the website, obtained by the guest device from a website server based on at least the first data. (*Id.*, [0011]-[0013], [0042]-[0044], [0048], [0049], [0053], [0056], [0058], [0066], [0113], [0116], [0118], [0130], [0131].)

MTA, 7-8

Written Description

At this preliminary stage, we find that Patent Owner has not established written description support for the operating a browser step of proposed substitute claim 19 (and similar portions of proposed substitute claim 28).

As support for the browser step, Patent Owner cites approximately seventeen paragraphs of the application without identifying or stating what in the application corresponds to the newly claimed “second data.” See Mot. 7–8. At this preliminary stage and based on a review of cited paragraphs and the information presented, we find that Patent Owner has not established that the application evidences possession of the invention of proposed substitute claim 19 (and similar portions of proposed substitute claim 28).

Preliminary Guidance (PG), 6

wherein the first data comprises a URL of the website, and cookie information associated with the website and the host device, and information related to a shared user input web browsing interaction that includes second data indicating at least one direct host device interaction with content of the website performed by the host device; and operating a browser by the guest device based on at least the second data received from the synchronization server to independently replicate the host device interaction with the content of the website, obtained by the guest device from a website server based on at least the first data

Substitute claim 19, Amendments in blue, MTA Appendix A, 1

Written Description

we preliminarily find that the paragraphs cited by Patent Owner provide adequate written description support for the terminology “independently replicate.” For example, paragraph 118 describes that the visual and audio output of host device 10 and guest device 14 may be identical. Ex. 1002, 193. Paragraph 56 describes that the user of guest device 14 views the same display of internet content as displayed to the user of host device 10. *Id.* at 174. Paragraph 43 describes that all users are allowed to view and fully interact with the same internet content. *Id.* at 168–69.

PG, 5-6

operating a browser by the guest device based on at least the second data received from the synchronization server to independently replicate the host device interaction with the content of the website

Substitute claim 19, Amendments in blue, MTA Appendix A, 1

Written Description

Generally, the data passed from the host device, to the synchronization server, and ultimately to the guest device, can include “URL..., cookie..., form data, javascript or other user inputted information” input into the host device. (Ex.1001, 16:4-7.)

Reply to Opp, 1

The guest device then *uses* this information, which can include the claimed “second data,” to replicate an action of the host device, including, for example, “formulating” an “identical” request. (*Id.*, 16:56-63, 19:12-16.)

Reply to Opp, 2

device **14**. Communication message **64** may be used by guest device **14** to formulate website request **65** to be sent from guest device **14** to website server **12**. Website request **65** is a data communication message transmitted by guest device **14** to website server **12**. In exemplary embodiments, website request **65** should be similar or identical to website request **60**.

'591 Pat (Ex.1001), 16:56-62; '743 App (Ex.1002), [0115]

Written Description

The '591 Patent also lists other examples of replication that include host input being “formatted, forwarded and inputted into other devices.” (*Id.*, 5:26-35.) This enables “all” session attendees to “view[] and fully interact in a shared browsing experience” and “with the same internet content.” (*Id.*, 5:41-47.) “Fully interact” includes “filling in form data” as well as activities such as “drawing on the screen,” both of which are examples of content interaction that can be “inputted” into the other devices. (*Id.*, 5:48-50.)

Reply to Opp, 2

In the current art, should two or more people, on different devices, attempt to book an airline flight through an internet website, each person would be separately required to input identical information such as destination, date of departure, or date of arrival into their respective browser. Coordination of such data input is often difficult to accomplish and input errors can lead to conflicting search results. In a synchronized browsing session utilizing the present invention, however, such data input is automatically formatted, forwarded and inputted into the other devices, thereby allowing all persons to view, book, and alter the same flight results. Further activities may include..., screen share, screen draw, ..., and otherwise browse and fully interact in a shared browsing experience. As such, utilization of the present invention facilitates the initialization and implementation of a synchronized browsing session between two or more internet users, thereby allowing all of them to view and fully interact with the same internet content without the hassle of coordinated user input. For purposes of this discussion, the term, "fully interact with" may comprise, but is not limited to: ... (2) filling in form data;... or (7) "drawing" on the screen and simultaneously transmitting those figures, annotations, or markups to other users in the session.

'591 Pat. (Ex.1001), 5:26-56; '743 App (Ex.1002), [0043]

Written Description

Ultimately, “webpage interactions of the host ... are relayed to following devices,” which allows for “identical” “visual output of shared browsing window ...” (*Id.*, 7:56-62.)

Reply to Opp, 2-3

Shared browsing window **17** is an element of synchronized browsing software **16** wherein the webpage interactions of host device **10**, or other leading device, are relayed to following devices in the synchronized browsing session, such as guest device **14**. In exemplary embodiments, the audio and visual output of shared browsing window **17** may be similar or identical on both leading and following devices.

'591 Pat (Ex.1001), 7:56-62; '743 App (Ex.1002), [0055]

Written Description

The software of the guest device may be a standard browser, plugin, or standalone software that can operate a browser or that includes browser capabilities. (*Id.*, 7:32-55, 19:21-28.)

Reply to Opp, 3

Shared browsing window 17 is an element of synchronized browsing software 16 wherein the webpage interactions of host device 10, or other leading device, are relayed to following devices in the synchronized browsing session, such as guest device 14. In exemplary embodiments, the audio and visual output of shared browsing window 17 may be similar or identical on both leading and following devices.

'591 Pat (Ex.1001), 7:56-62; '743 App (Ex.1002), [0055]

In exemplary embodiments, synchronized browsing software 16 is designed to run on a computer or other electronic device, such as host device 10 or guest device 14, in order for the user of the device to participate in a synchronized browsing session. Synchronized browsing software 16 may incorporate internet browsing software functionality on the existing device, such as INTERNET EXPLORER®, SAFARI®, CHROME®, FIREFOX®, or WEBKIT® to browse the internet. In such embodiments, synchronized browsing software 16 may integrate the native browser control components of commonly used web browsers such as INTERNET EXPLORER® into the software user interface for PC computers, ...

'591 Pat (Ex.1001), 7:32-48; '743 App (Ex.1002), [0053]

In alternative embodiments wherein synchronized browsing software 16 is not required, guest device 14 may output webpage content reply 67 via user interface 27 within a standard internet browser window or other compatible software. In exemplary embodiments, because website request 65 is similar or identical to website request 60, audio and visual output of content reply 67 is similar or identical to audio and visual output of content reply 66

'591 Pat (Ex.1001), 19:21-28; '743 App (Ex.1002), [0131]

Written Description

PO did not set forth in the MTA Reply where its alleged support could be found *in the original disclosure* of the patent. See MTA Reply, 1-3 (citing only Ex. 1001, not to the '743 Application as filed). "A motion to amend claims must ... set forth: (1) The support in the original disclosure of the patent for each claim that is added or amended." 37 C.F.R. § 42.121(b)(1). In particular, the MTA Reply includes *eight* new citations to Ex. 1001 that do not correspond to any of the portions of the application as filed that were relied upon in the Motion.

Sur-Reply to Reply to Opp, 2

1 The citations with no corresponding '743 Application citation in the Motion span 7:32-62, 16:51-63. MTA Reply, 2-3.

Footnote from above

In exemplary embodiments, synchronized browsing software 16 is designed to run on a computer or other electronic device, such as host device 10 or guest device 14, in order for the user of the device to participate in a synchronized browsing session. Synchronized browsing software 16 may incorporate internet browsing software functionality on the existing device, such as INTERNET EXPLORER®, SAFARI®, CHROME®, FIREFOX®, or WEBKIT® to browse the internet. In such embodiments, synchronized browsing software 16 may integrate the native browser control components of commonly used web browsers such as INTERNET EXPLORER® into the software user interface for PC computers, or may integrate the native browser control components of the SAFARI® or WEBKIT® web browsers for the software user interface on APPLE® or MAC® computers. Some or all of these components may be pre-installed on the PC and APPLE® computers, respectively.

In other embodiments of the present invention, synchronized browsing software 16 may comprise an add-on or plug-in to commonly used internet browsing software such as INTERNET EXPLORER®, FIREFOX®, CHROME®, or SAFARI®. In further embodiments, synchronized browsing software 16 may comprise independent functionality to browse the internet.

'591 Pat (Ex.1001), 7:32-62

After host device 10 transmits communication message 61 to synchronization server 13, synchronization server 13 forwards communication message 64 to guest devices. In the present embodiment illustrated in FIG. 5(a), synchronization server 13 forwards communication message 64 to guest device 14. Communication message 64 may be used by guest device 14 to formulate website request 65 to be sent from guest device 14 to website server 12. Website request 65 is a data communication message transmitted by guest device 14 to website server 12. In exemplary embodiments, website request 65 should be similar or identical to website request 60.

'591 Pat (Ex.1001), 16:51-63

[0053] In exemplary embodiments, synchronized browsing software 16 is designed to run on a computer or other electronic device, such as host device 10 or guest device 14, in order for the user of the device to participate in a synchronized browsing session. Synchronized browsing software 16 may incorporate internet browsing software functionality on the existing device, such as INTERNET EXPLORER®, SAFARI®, CHROME®, FIREFOX®, or WEBKIT® to browse the internet. In such embodiments, synchronized browsing software 16 may integrate the native browser control components of commonly used web browsers such as INTERNET EXPLORER® into the software user interface for PC computers, or may integrate the native browser control components of the SAFARI® or WEBKIT® web browsers for the software user interface on APPLE® or MAC® com-

'743 App (Ex.1002), [0053]

[0115] After host device 10 transmits communication message 61 to synchronization server 13, synchronization server 13 forwards communication message 64 to guest devices. In the present embodiment illustrated in FIG. 5(a), synchronization server 13 forwards communication message 64 to guest device 14. Communication message 64 may be used by guest device 14 to formulate website request 65 to be sent from guest device 14 to website server 12. Website request 65 is a data communication message transmitted by guest device 14 to website server 12. In exemplary embodiments, website request 65 should be similar or identical to website request 60.

'743 App (Ex.1002), [0115]

The '743 Application discloses a processor adapted to operate a guest browser by the guest device based at least in part on the second data received from the synchronization server to independently replicate the at least one action in the guest browser on content obtained by the guest device from a website server based on at least the first data. (*Id.*, [0011]-[0013], [0042]-[0044], [0048], [0049], [0053], [0056], [0058], [0066], [0113], [0115], [0116], [0118], [0130], [0131].)

MTA, 10-11

Written Description

PO did not set forth in the MTA Reply where its alleged support could be found *in the original disclosure* of the patent. See MTA Reply, 1-3 (citing only Ex. 1001, not to the '743 Application as filed). "A motion to amend claims must ... set forth: (1) The support in the original disclosure of the patent for each claim that is added or amended." 37 C.F.R. § 42.121(b)(1). In particular, the MTA Reply includes *eight* new citations to Ex. 1001 that do not correspond to any of the portions of the application as filed that were relied upon in the Motion.

Sur-Reply to Reply to Opp, 2

1 The citations with no corresponding '743 Application citation in the Motion span 7:32-62, 16:51-63. MTA Reply, 2-3.

Footnote from above

In exemplary embodiments, synchronized browsing software 16 is designed to run on a computer or other electronic device, such as host device 10 or guest device 14, in order for the user of the device to participate in a synchronized browsing session. Synchronized browsing software 16 may incorporate internet browsing software functionality on the existing device, such as INTERNET EXPLORER®, SAFARI®, CHROME®, FIREFOX®, or WEBKIT® to browse the internet. In such embodiments, synchronized browsing software 16 may integrate the native browser control components of commonly used web browsers such as INTERNET EXPLORER® into the software user interface for PC computers, or may integrate the native browser control components of the SAFARI® or WEBKIT® web browsers for the software user interface on APPLE® or MAC® computers. Some or all of these components may be pre-installed on the PC and APPLE® computers, respectively.

In other embodiments of the present invention, synchronized browsing software 16 may comprise an add-on or plug-in to commonly used internet browsing software such as INTERNET EXPLORER®, FIREFOX®, CHROME®, or SAFARI®. In further embodiments, synchronized browsing software 16 may comprise independent functionality to browse the internet.

'591 Pat (Ex.1001), 7:32-62

After host device 10 transmits communication message 61 to synchronization server 13, synchronization server 13 forwards communication message 64 to guest devices. In the present embodiment illustrated in FIG. 5(a), synchronization server 13 forwards communication message 64 to guest device 14. Communication message 64 may be used by guest device 14 to formulate website request 65 to be sent from guest device 14 to website server 12. Website request 65 is a data communication message transmitted by guest device 14 to website server 12. In exemplary embodiments, website request 65 should be similar or identical to website request 60.

'591 Pat (Ex.1001), 16:51-63

[0053] In exemplary embodiments, synchronized browsing software 16 is designed to run on a computer or other electronic device, such as host device 10 or guest device 14, in order for the user of the device to participate in a synchronized browsing session. Synchronized browsing software 16 may incorporate internet browsing software functionality on the existing device, such as INTERNET EXPLORER®, SAFARI®, CHROME®, FIREFOX®, or WEBKIT® to browse the internet. In such embodiments, synchronized browsing software 16 may integrate the native browser control components of commonly used web browsers such as INTERNET EXPLORER® into the software user interface for PC computers, or may integrate the native browser control components of the SAFARI® or WEBKIT® web browsers for the software user interface on APPLE® or MAC® computers.

'743 App (Ex.1002), [0053]

[0115] After host device 10 transmits communication message 61 to synchronization server 13, synchronization server 13 forwards communication message 64 to guest devices. In the present embodiment illustrated in FIG. 5(a), synchronization server 13 forwards communication message 64 to guest device 14. Communication message 64 may be used by guest device 14 to formulate website request 65 to be sent from guest device 14 to website server 12. Website request 65 is a data communication message transmitted by guest device 14 to website server 12. In exemplary embodiments, website request 65 should be similar or identical to website request 60.

'743 App (Ex.1002), [0115]

The '743 Application discloses a processor adapted to operate a guest browser by the guest device based at least in part on the second data received from the synchronization server to independently replicate the at least one action in the guest browser on content obtained by the guest device from a website server based on at least the first data. (*Id.*, [0011]-[0013], [0042]-[0044], [0048], [0049], [0053], [0056], [0058], [0066], [0113], [0115], [0116], [0118], [0130], [0131].)

MTA, 10-11

Written Description

Nor do PO's new citations provide written description support for the amended claims, which specifically require that the first data comprises a second data subset "indicating at least one direct host device *interaction with the content of the website* performed by the host device" and that the "operating a browser" step to independently replicate that action is performed "based on at least the second data."

Sur Reply to Reply to Opp, 3

Shared browsing window **17** is an element of synchronized browsing software **16** wherein the webpage interactions of host device **10**, or other leading device, are relayed to following devices in the synchronized browsing session, such as guest device **14**. In exemplary embodiments, the audio and visual output of shared browsing window **17** may be similar or identical on both leading and following devices.

'591 Pat (Ex.1001), 7:56-62; '743 App (Ex.1002), [0055]

In a synchronized browsing session utilizing the present invention, however, such data input is automatically formatted, forwarded and inputted into the other devices, thereby allowing all persons to view, book, and alter the same flight results. Further activities may include, but are not limited to, enabling session attendees to shop, book travel, view or listen to media, chat, audio and video conference, screen share, screen draw, stay connected to contacts in order to send invites and chat with those not currently in the experience, detect online friends, and otherwise browse and fully interact in a shared browsing experience. As such, utilization of the present invention facilitates the initialization and implementation of a synchronized browsing session between two or more internet users, thereby allowing all of them to view and fully interact with the same internet content without the hassle of coordinated user input. For purposes of this discussion, the term, "fully interact with" may comprise, but is not limited to: (1) logging into or registering at certain sites or applications; (2) filling in form data; (3) performing multiple queries; (4) having following participants click on links that open in new non-shared tabs; (5) playing online games; (6) visiting virtual...

'591 Pat (Ex.1001), 5:26-56; '743 App (Ex.1002), [0043]

Written Description

The specification makes no distinction among the list of data relayed to the guest device from which a POSITA could reasonably conclude what constitutes the “first” data as opposed to the “second” data.

Sur Reply to Reply to Opp to MTA, 4

Failure to state argument

Intuit's burden pursuant to 37 C.F.R. §42.121(d)(2) is to "show... that any proposed substitute claims are unpatentable." See 37 C.F.R. §42.121(d)(2); *Aqua Prods., Inc. v. Matal*, 872 F.3d 1290, 1325 (Fed. Cir. 2017). This includes compliance with the 37 C.F.R. §42.22(a)(2) "motions¹" requirement: "a full statement of the reasons for the relief requested" and the 37 C.F.R. §42.23(b) requirement: "all arguments for the relief requested ... must be made in the motion." (37 C.F.R. §42.22(a)(2); 37 C.F.R. §42.23(b).) PO asks the Board to consider whether Intuit even fully satisfied the statutory requirement to include "all arguments... in the motion," when Intuit failed to even request application of its prior argument for claim elements 1.a-1.c. (See 37 C.F.R. § 42.23(b).)

Reply to Opp, 4

§ 42.121 Amendment of the patent.

(d) *Burden of Persuasion*. On a motion to amend:

(2) A petitioner bears the burden of persuasion to show, by a preponderance of the evidence, that any proposed substitute claims are unpatentable; and

37 C.F.R. §42.121(d)(2)

§ 42.22 Content of petitions and motions.

(a) Each petition or motion must be filed as a separate paper and must include:

(2) A full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence including material facts, and the governing law, rules, and precedent.

37 C.F.R. §42.22(a)(2)

§ 42.23 Oppositions, replies, and sur-replies.

(a) Oppositions, replies, and sur-replies must comply with the content requirements for motions

(b) All arguments for the relief requested in a motion must be made in the motion. A reply may only respond to arguments raised in the corresponding opposition, patent owner preliminary response, patent owner response, or decision on institution. A sur-reply may only respond to arguments raised in the corresponding reply and may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness.

37 C.F.R. §42.23(b)

Failure to state argument

Parus Holdings permits the Board to disregard “evidence and issues introduced by a party in violation of its rules, or not introduced at all.” *Parus Holdings, Inc. v. Google LLC*, 70 F.4th 1365, 1372 (Fed. Cir. 2023). If the Board finds that Intuit has contravened § 42.22(a)(2), § 42.23(b), or § 42.6(a)(3), the Board is urged to disregard any incomplete arguments and/or limit referentially-incorporated argument to the argument in the OPP.

Reply to OPP to MTA, 5

A. Proposed substitute claims 19 and 28 remain obvious over Lebrun in view of Wang

1. Lebrun discloses the “receiving first data” limitation of claim 19¹

a. Lebrun discloses [1.d] of the ‘591 patent as issued.

As explained in the Petition, Lebrun [discloses limitation 1[d]] of claim 1. Pet.,

28-31; Ex. 1005, 32:9-13, 32:26-31, 32:30-31, 35:5-28, 43:5-22. The Board

B. Proposed substitute claims 19 and 28 remain obvious over Prajapat in view of Wang

1. Prajapat, alone or in combination with Wang, discloses the “receiving first data” limitation of claims 19 and 28

a. Prajapat discloses [1.d] of the ‘591 patent as issued.

As explained in the Petition, Prajapat [discloses limitation 1[d]] of claim 1. Pet.,

C. Proposed substitute claims 19 and 28 are also obvious over Birnbaum in view of Wang and Lebrun and/or Prajapat

U.S. Patent Publication No. 2002/0143878 to Birnbaum et al. (“Birnbaum”;

Ex. 1035) also [discloses the newly added limitations], and Birnbaum in view of Wang

Opp to MTA (Opp), 10, 15, 19

Failure to state argument

§ 42.22 Content of petitions and motions.

- (a) Each petition or motion must be filed as a separate paper and **must include**:
- (2) A full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence including material facts, and the governing law, rules, and precedent.

37 C.F.R. §42.22(a)(2)

§ 42.23 Oppositions, replies, and sur-replies.

- (a) Oppositions, replies, and sur-replies **must comply** with the content requirements for motions
- (b) All arguments for the relief requested in a motion **must be made** in the motion. A reply may only respond to arguments raised in the corresponding opposition, patent owner preliminary response, patent owner response, or decision on institution. A sur-reply may only respond to arguments raised in the corresponding reply and may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness.

37 C.F.R. §42.23(b)

The Trial Practice Guide advises that “Petitioners **may respond** to *new issues* arising from proposed substitute claims and **may include** evidence responsive to the amendment.” TPG, 71 (emphasis added).

Sur Reply to Reply to Opp, 12

Failure to state argument

§ 42.22 Content of petitions and motions.

(a) Each petition or motion must be filed as a separate paper and must include:

(2) A full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence including material facts, and the governing law, rules, and precedent.

37 C.F.R. §42.22(a)(2)

§ 42.23 Oppositions, replies, and sur-replies.

(a) Oppositions, replies, and sur-replies must comply with the content requirements for motions

(b) All arguments for the relief requested in a motion must be made in the motion. A reply may only respond to arguments raised in the corresponding opposition, patent owner preliminary response, patent owner response, or decision on institution. A sur-reply may only respond to arguments raised in the corresponding reply and may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness.

37 C.F.R. §42.23(a);

37 C.F.R. §42.23(b)

Although 37 C.F.R. § 42.121(d)(2) places the burden on Petitioner to show the proposed claims as amended are unpatentable, nothing in that statute or the others cited requires Petitioner to repeat arguments from the Petition about the asserted art as it applies to the unamended claim limitations.

Sur Reply to Reply to Opp, 11

PO points to no requirement that Petitioner must repeat arguments from the Petition about the asserted art as it applies to the unamended claim limitations.

Sur Reply to Reply to Opp, 12

Failure to state argument

The Board commonly grants Motions to Amend based on Petitioners' addressing only the amended limitations. *See, e.g., Unified Patents Inc., v. KCG Technologies LLC*, IPR2019-01536, Paper 28 (FWD) at 42 (P.T.A.B. Feb. 10, 2021); *id.*, Paper 16 at 7-23 (P.T.A.B. July 31, 2020) (Opposition addressed only added elements).

Sur Reply to Reply to Opp, 12

II. Proposed Substitute Claims 14-26 are Obvious

For the reasons presented in the Petition, *Vanderwall, Dybalski, Hu, and Eich* teach all of the elements in the proposed claims that are identical to those in granted claims 1-13. *See* Paper 1, 11-85; *see also* Ex. 1002, ¶¶56-254. *Vanderwall, Dybalski,*

IPR2019-01536 Paper 16, 7 (“KCG Tech”)

Failure to state argument

If Intuit wanted to modify Birnbaum in view of “Wang and LeBrun” or “Wang and Prajapat,” it had an obligation to particularly identify *which* aspects are being combined as well as which aspects of Birnbaum are being modified, so that PO had notice and could refute those *particular* combinations. In this regard, Intuit’s duties were no less than those in the Petition. *See* 37 C.F.R. §§ 42.104(b)(4) and 42.104(b)(5). Instead of explaining the combinations, Intuit submits: “Birnbaum likewise is combinable with Lebrun and/or Wang ...” and Intuit does not even mention the combination of Birnbaum and Prajapat in its Motivation section. (OPP, 24.)

Reply to Opp, 5-6

U.S. Patent Publication No. 2002/0143878 to Birnbaum et al. (“Birnbaum”; Ex. 1035) also discloses the newly added limitations, and Birnbaum in view of Wang and Lebrun or Wang and Prajapat also render claims 19 and 28 obvious.

Opp, 19

Birnbaum likewise is combinable with Lebrun and/or Wang as it is directed to “collaboration between two computing devices so that a person at one computing device sees the same information as a person at another computing device,” and is related to the same technical field. Ex. 1035, [0012], FIG. 4. Ex. 1036, ¶29.

Opp, 24

Failure to state argument

Birnbaum likewise is combinable with Lebrun and/or Wang as it is directed to “collaboration between two computing devices so that a person at one computing device sees the same information as a person at another computing device,” and is related to the same technical field. Ex. 1035, [0012], FIG. 4. Ex. 1036, ¶29.

Opp, 24

Failure to state argument

Specific to the amended claim limitations, a POSITA would be motivated to combine Birnbaum's specific teachings of allowing "any change occurring at the customer's browser [to] also occur at the agent's browser, so the agent's browser will be synchronized to the customer's browser" (Ex. 1035, [0080]) with Lebrun and/or Wang's multi-user collaborative web browsing. A POSITA would have sought out various available solutions for enabling multiple users to browse web pages together in a collaborative, synchronized manner.

Opp, 24

Failure to state argument

In addition, combining the teachings of *Vanderwall* and *Dybalski*, would have been no more than the combination of prior art elements according to known methods to yield predictable results. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). A POSITA reading *Vanderwall* would have understood that it would have been beneficial to have to control features of the portable device with corresponding touch

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screen features of the in-vehicle system. Ex. 1003, [0048], [0065]. *Vanderwall* explains that based on device information, the in-vehicle control system maps “a user interface feature (e.g., button, switch, **touch screen area**, etc.) to a feature (such as a **user interface feature**) of the remote device.” Ex. 1003, [0065] (emphasis added). *Vanderwall* further explains that the vehicle touch screen provides touch screen features to the displays reproduced from the remote source. *Id.*, [0098]. Thus, a POSITA would have been motivated to have the in-vehicle control systems of *Vanderwall* use touch screen controls to mimic controls of the portable device. Ex. 1034, ¶70. *Dybalski*, as noted above, discloses a virtual image 30 of the portable electronic device 22 that “includes a look and feel that mimics that of the actual portable electronic device 22, so that the usability of the portable electronic device 22 is familiar to the user.” Ex. 1004, [0021]. This “eliminates an additional ‘middle-ware’ software interface that can be confusing to the user.” *Id.* A POSITA would have been motivated to combine *Dybalski*’s teachings into the system of *Vanderwall*, as doing so would have simply made explicit what *Vanderwall* implicitly taught. Ex. 1034, ¶70. *Dybalski*’s touch screen user interface allows a user to have a familiar user interface. Ex. 1004, [0021]. *Dybalski* describes the benefits of “allowing the user to operate the buttons in a similar manner to those on the actual portable electronic device 22.” *Id.* Enhancement of the in-vehicle user interface to control the portable device would have been recognized as an obvious benefit to a POSITA for providing

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a more efficient interface for the user, and a POSITA would have looked to and incorporated the teachings of *Dybalski* to obtain these benefits. Ex. 1034, ¶70.

A POSITA would have had a reasonable expectation of success incorporating the teachings of *Dybalski* into *Vanderwall*’s system because *Dybalski* specifically discloses using a touch screen interface that mirrors the interface of the portable device. *Dybalski* explicitly describes what a POSITA would have expected occurs in *Vanderwall*, and, thus, a POSITA would have expected success in combining the teachings of *Dybalski* with *Vanderwall*. Ex. 1034, ¶71.

Accordingly, *Vanderwall*’s description of using a touch screen interface to control a portable device, including mapping controls of the in-vehicle control system to corresponding controls of the portable device, combined with *Dybalski*’s descriptions of the desire to use a touch screen interface of the in-vehicle system that mimics the interface of the portable device, renders obvious this element. Ex. 1034, ¶72.

With respect to Grounds 7’ and 9’, to the extent that KCG argues that either *Vanderwall* or *Dybalski* do not explicitly disclose (and that the proposed amended claim requires) that the smart phone includes a touch screen itself and that the touch screen of the in-vehicle system provides a user interface that corresponds item for item to the user interface of the touch screen of the smart phone, it would have been obvious in view of *Zilka* to modify the in-vehicle systems of *Vanderwall* and

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Dybalski, respectively, to include this feature. *Id.*, ¶73.

Zilka is analogous art to the ‘955 patent (as well as *Vanderwall* and *Dybalski*), as each discloses methods of controlling a portable device from a remote device and each share the common characteristic of being directed to in-vehicle devices. Ex. 1001, Abstract; Ex. 1004, Abstract; Ex. 1005, Abstract; Ex. 1006, Abstract; Ex. 1029, Abstract; Ex. 1002, ¶195; Ex. 1034, ¶74.

In addition, combining the teachings of *Vanderwall* and *Dybalski*, respectively, with *Zilka* would have been no more than the combination of prior art elements according to known methods to yield predictable results. *See KSR*, 550 U.S. at 416. A POSITA reading either *Vanderwall* or *Dybalski* would have understood that it would have been beneficial to control touch screen features of the portable device with corresponding touch screen features of the in-vehicle system. Ex. 1003, [0048], [0065], [0098]; Ex. 1004, [0021]; Ex. 1034, ¶75. *Vanderwall* explains that based on device information, the in-vehicle control system maps “a user interface feature (e.g., button, switch, **touch screen area**, etc.) to a feature (such as a **user interface feature**) of the remote device.” Ex. 1003, [0065]. *Vanderwall* further explains that the vehicle touch screen provides touch screen features to the displays reproduced from the remote source. *Id.*, [0098]. *Dybalski*, as noted above, discloses a virtual image 30 of the portable electronic device 22 that “includes a look and feel that mimics that of the actual portable electronic device 22, so that the usability of the portable electronic

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device 22 is familiar to the user.” Ex. 1004, [0021]. This “eliminates an additional ‘middle-ware’ software interface that can be confusing to the user.” *Id.* Thus, a POSITA would have been motivated to have the respective in-vehicle control systems of *Vanderwall* and *Dybalski* use touch screen controls that correspond to the same touch screen controls of the portable device. Ex. 1034, ¶75. *Zilka* explicitly teaches replicating a touch screen interface from a mobile phone on a touch screen interface of an in-vehicle control system that controls the mobile phone. Ex. 1029, 14:5-11. A POSITA would have been motivated to combine *Zilka*’s teachings into the respective systems of *Vanderwall* and *Dybalski*, as doing so would have simply made explicit what *Vanderwall* and *Dybalski* implicitly taught. Ex. 1034, ¶75.

Zilka discloses that “user input may be received by a touch screen of the vehicular assembly. Ex. 1029, 14:5-6. In particular, “icons or text may be displayed on the touch screen that correspond to the applications on the mobile device. As an option, the touch screen may display a mirror image of what is displayed on the mobile phone.” *Id.*, 14:6-10. This allows the user to touch the in-vehicle touch screen to control the applications on the mobile device. *Id.*, 14:10-11. Enhancement of the in-vehicle user interface to control the portable device would have been recognized as an obvious benefit to a POSITA for providing a more efficient interface for the user, and a POSITA would have looked to and incorporated the teachings of *Zilka* to obtain these benefits. Ex. 1034, ¶76.

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A POSITA would have had a reasonable expectation of success incorporating the teachings of *Zilka* into *Vanderwall*’s and *Dybalski*’s systems because *Zilka* specifically discloses using a touch screen interface that mirrors the touch screen interface of the portable device. *Zilka* explicitly describes what a POSITA would have expected occurs in *Vanderwall* and *Dybalski*, and, thus, a POSITA would have expected success in combining the teachings of *Zilka* with *Vanderwall* and *Dybalski*, respectively. Ex. 1034, ¶77.

Accordingly, *Vanderwall*’s and *Dybalski*’s description of using a touch screen interface to control a portable device, including mapping controls of the in-vehicle control system to corresponding controls of the portable device, combined with *Zilka*’s descriptions of the desire to use the touch screen interface of the in-vehicle system to control an identical touch screen interface of a portable device, renders obvious this element. Ex. 1034, ¶78.

IPR2019-01536 Paper 16, 13-17 (“KCG Tech”)

Failure to state argument

II. Proposed Substitute Claims 14-26 are Obvious

For the reasons presented in the Petition, Vanderwall, Dybalski, Hu, and Eich teach all of the elements in the proposed claims that are identical to those in granted claims 1-13. See Paper 1, 11-85; see also Ex. 1002, ¶¶56-254. *Vanderwall, Dybalski,*

IPR2019-01536 Paper 16, 7 (“KCG Tech”)

In addition, combining the teachings of *Vanderwall* and *Dybalski*, would have been no more than the combination of prior art elements according to known methods to yield predictable results. See *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). A POSITA reading *Vanderwall* would have understood that it would have been beneficial to have to control features of the portable device with corresponding touch

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screen features of the in-vehicle system. Ex. 1003, [0048], [0065]. *Vanderwall* explains that based on device information, the in-vehicle control system maps “a user interface feature (e.g., button, switch, **touch screen area**, etc.) to a feature (such as a **user interface feature**) of the remote device.” Ex. 1003, [0065] (emphasis added). *Vanderwall* further explains that the vehicle touch screen provides touch screen features to the displays reproduced from the remote source. *Id.*, [0098]. Thus, a POSITA would have been motivated to have the in-vehicle control systems of *Vanderwall* use touch screen controls to mimic controls of the portable device. Ex. 1034, ¶70. *Dybalski*, as noted above, discloses a virtual image 30 of the portable electronic device 22 that “includes a look and feel that mimics that of the actual portable electronic device 22, so that the usability of the portable electronic device 22 is familiar to the user.” Ex. 1004, [0021]. This “eliminates an additional ‘middle-ware’ software interface that can be confusing to the user.” *Id.* A POSITA would have been motivated to combine *Dybalski*’s teachings into the system of *Vanderwall*, as doing so would have simply made explicit what *Vanderwall* implicitly taught. Ex. 1034, ¶70. *Dybalski*’s touch screen user interface allows a user to have a familiar user interface. Ex. 1004, [0021] *Dybalski* describes the benefits of “allowing the user to operate the buttons in a similar manner to those on the actual portable electronic device 22.” *Id.* Enhancement of the in-vehicle user interface to control the portable device would have been recognized as an obvious benefit to a POSITA for providing

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a more efficient interface for the user, and a POSITA would have looked to and incorporated the teachings of *Dybalski* to obtain these benefits. Ex. 1034, ¶70.

A POSITA would have had a reasonable expectation of success incorporating the teachings of *Dybalski* into *Vanderwall*’s system because *Dybalski* specifically discloses using a touch screen interface that mirrors the interface of the portable device. *Dybalski* explicitly describes what a POSITA would have expected occurs in *Vanderwall*, and, thus, a POSITA would have expected success in combining the teachings of *Dybalski* with *Vanderwall*. Ex. 1034, ¶71.

Accordingly, *Vanderwall*’s description of using a touch screen interface to control a portable device, including mapping controls of the in-vehicle control system to corresponding controls of the portable device, combined with *Dybalski*’s descriptions of the desire to use a touch screen interface of the in-vehicle system that mimics the interface of the portable device, renders obvious this element. Ex. 1034, ¶72.

With respect to Grounds 7’ and 9’, to the extent that KCG argues that either *Vanderwall* or *Dybalski* do not explicitly disclose (and that the proposed amended claim requires) that the smart phone includes a touch screen itself and that the touch screen of the in-vehicle system provides a user interface that corresponds item for item to the user interface of the touch screen of the smart phone, it would have been obvious in view of *Zilka* to modify the in-vehicle systems of *Vanderwall* and

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IPR2019-01536 Paper 16, 13-15 (“KCG Tech”)

Failure to state argument

according to known methods to yield predictable results. *See KSR*, 550 U.S. at 416. A

POSITA reading either *Vanderwall* or *Dybalski* would have understood that it would have been beneficial to control touch screen features of the portable device with corresponding touch screen features of the in-vehicle system. Ex. 1003, [0048], [0065], [0098]; Ex. 1004, [0021]; Ex. 1034, ¶75. *Vanderwall* explains that based on device information, the in-vehicle control system maps “a user interface feature (e.g., button, switch, **touch screen area**, etc.) to a feature (such as a **user interface feature of the remote device**.” Ex. 1003, [0065]. *Vanderwall* further explains that the vehicle touch screen provides touch screen features to the displays reproduced from the remote source. *Id.*, [0098]. *Dybalski*, as noted above, discloses a virtual image 30 of the portable electronic device 22 that “includes a look and feel that mimics that of the actual portable electronic device 22, so that the usability of the portable electronic

device 22 is familiar to the user.” Ex. 1004, [0021]. This “eliminates an additional ‘middle-ware’ software interface that can be confusing to the user.” *Id.* Thus, a

POSITA would have been motivated to have the respective in- vehicle control systems of *Vanderwall* and *Dybalski* use touch screen controls that correspond to the same touch screen controls of the portable device. Ex. 1034, ¶75. *Zilka* explicitly teaches replicating a touch screen interface from a mobile phone on a touch screen interface of an in-vehicle control system that controls the mobile phone. Ex. 1029, 14:5-11. A POSITA would have been motivated to combine *Zilka*’s teachings into the respective systems of *Vanderwall* and *Dybalski*, as doing so would have simply made explicit what *Vanderwall* and *Dybalski* implicitly taught. Ex. 1034, ¶75.

Failure to state argument

Accordingly, *Vanderwall's* and *Dybalski's* description of using a touch screen interface to control a portable device, including mapping controls of the in-vehicle control system to corresponding controls of the portable device, combined with *Zilka's* descriptions of the desire to use the touch screen interface of the in-vehicle system to control an identical touch screen interface of a portable device, renders obvious this element. Ex. 1034, ¶78.

IPR2019-01536 Paper 16, 17 (“*KCG Tech*”)

Failure to state argument

Original combination:

As described in the Petition, each of Lebrun and Prajapat are combinable with Wang because they each are directed to solving problems in the art regarding collaborative browsing of web pages by multiple users in a synchronized manner.

Opp, 24

New combination:

Birnbaum likewise is combinable with Lebrun and/or Wang as it is directed to “collaboration between two computing devices so that a person at one computing device sees the same information as a person at another computing device,” and is related to the same technical field. Ex. 1035, [0012], FIG. 4. Ex. 1036, ¶129.

Specific to the amended claim limitations, a POSITA would be motivated to combine Birnbaum’s specific teachings of allowing “any change occurring at the customer’s browser [to] also occur at the agent’s browser, so the agent’s browser will be synchronized to the customer’s browser” (Ex. 1035, [0080]) with Lebrun and/or Wang’s multi-user collaborative web browsing. A POSITA would have sought out various available solutions for enabling multiple users to browse web pages together in a collaborative, synchronized manner. See KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 421 (2007) (identifying “a finite number of identified, predictable solutions”). Moreover, due to the similarities in the goals of these references and their system architectures, a POSITA also would have had a reasonable expectation of success in the combination. Ex. 1036, ¶130.

Opp, 24

Failure to state argument

U.S. Patent Publication No. 2002/0143878 to Birnbaum et al. (“Birnbaum”; Ex. 1035) also discloses the newly added limitations, and Birnbaum in view of Wang and Lebrun or Wang and Prajapat also render claims 19 and 28 obvious.

Opp, 19

Birnbaum likewise is combinable with Lebrun and/or Wang as it is directed to “collaboration between two computing devices so that a person at one computing device sees the same information as a person at another computing device,” and is related to the same technical field. Ex. 1035, [0012], FIG. 4. Ex. 1036, ¶129.

Opp, 24

Specific to the amended claim limitations, a POSITA would be motivated to combine Birnbaum’s specific teachings of allowing “any change occurring at the customer’s browser [to] also occur at the agent’s browser, so the agent’s browser will be synchronized to the customer’s browser” (Ex. 1035, [0080]) with Lebrun and/or Wang’s multi-user collaborative web browsing.

Opp, 24

Failure to state argument

Intuit impermissibly incorporates-by-reference a great deal of argument about combining LeBrun, Prajapat and Wang and then seems to be applying this to Birnbaum by extension. (*Id.*) The motivation to combine even the original references is markedly deficient, amounting to nothing more than a comment that they “are combinable” because they all solve problems (not even the same problems) related to collaborative browsing. (*Id.*)

Reply to Opp 6

Petitioner also supported its position with direct cites to each of the references, as well as substantial expert testimony, both from the original declaration supporting the Petition (Ex. 1003) and the new declaration supporting the Opposition (Ex. 1036).

Sur Reply to Reply to Opp 11

Birnbaum likewise is combinable with Lebrun and/or Wang as it is directed to “collaboration between two computing devices so that a person at one computing device sees the same information as a person at another computing device,” and is related to the same technical field. Ex. 1035, [0012], FIG. 4. Ex. 1036, ¶29 ...

Moreover, due to the similarities in the goals of these references and their system architectures, a POSITA also would have had a reasonable expectation of success in the combination. Ex. 1036, ¶30.

Sur Reply to Reply to Opp 11

Failure to state argument

As described in the Petition, each of Lebrun and Prajapat are combinable with Wang because they each are directed to solving problems in the art regarding collaborative browsing of web pages by multiple users in a synchronized manner. Pet., 18-20; see Ex. 1005, 4:1-4, 39:4-10; Ex. 1007, [0005], [0030]-[0031] Fig. 2; Ex. 1006, [0009]-[0010], [0013]; Ex. 1003, ¶¶138-146. Birnbaum likewise is combinable with Lebrun and/or Wang as it is directed to “collaboration between two computing devices so that a person at one computing device sees the same information as a person at another computing device,” and is related to the same technical field. Ex. 1035, [0012], FIG. 4. Ex. 1036, ¶29.

Opp, 24

Specific to the amended claim limitations, a POSITA would be motivated to combine Birnbaum’s specific teachings of allowing “any change occurring at the customer’s browser [to] also occur at the agent’s browser, so the agent’s browser will be synchronized to the customer’s browser” (Ex. 1035, [0080]) with Lebrun and/or Wang’s multi-user collaborative web browsing. A POSITA would have sought out various available solutions for enabling multiple users to browse web pages together in a collaborative, synchronized manner. See KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 421 (2007) (identifying “a finite number of identified, predictable solutions”). Moreover, due to the similarities in the goals of these references and their system architectures, a POSITA also would have had a reasonable expectation of success in the combination. Ex. 1036, ¶30.

Opp, 24

29. In my opinion, Birnbaum is combinable with Lebrun and/or Wang as it is directed to “collaboration between two computing devices so that a person at one computing device sees the same information as a person at another computing device,” and is related to the same technical field. Ex. 1035, [0012], FIG. 4. Each of Lebrun and Prajapat were shown in my prior declaration as being combinable with Wang because they each are directed to solving problems in the art regarding collaborative browsing of web pages by multiple users in a synchronized manner, each predictably using their elements according to well-established functions. Ex. 1003, ¶¶138-146; see also Pet., 18-20; see Ex. 1005, 4:1-4, 39:4-10; Ex. 1007, ¶¶[0005], [0030]-[0031] Fig. 2; Ex. 1006, ¶¶[0009]-[0010], [0013]. Thus, a POSITA would consider these teachings together to yield the claimed combination, with a high expectation of success in that combination.

30. In particular, a POSITA would be motivated to combine Birnbaum’s specific teachings of allowing “any change occurring at the customer’s browser [to] also occur at the agent’s browser, so the agent’s browser will be synchronized to the customer’s browser” (Ex. 1035, [0080]) with Lebrun and/or Wang’s multi-user collaborative web browsing to meet the amended claim limitations. Each of these are being used according to their established function in each reference. A POSITA would have sought out various available solutions for enabling multiple users to browse web pages together in a collaborative, synchronized manner. Moreover, due to the similarities in the goals of these references and their system architectures, a POSITA also would have had a reasonable expectation of success in the combination as a predictable use of prior art elements according to their established functions.

Ex.1036, ¶¶ 129, 130

Failings of LeBrun / Wang Proof

*the group server sends or instructs sending of **copies of formatted pages to clients 110.** (Ex.1005, 35:5-12.) In such an instance, the client receiving the formatted copy will not “operate a browser” “based on the second data.”*

Reply to Opp, 8

5 In any event, the group-surfing server 140 determines a next one in the progression of pages 153 in the session. The group-surfing server 140 contacts the web site 130 having that next page 153, and directs that target web site 130 to deliver that next page 153 so it can be presented to those web clients 110 participating in the session.

10 In a preferred embodiment, the group-surfing server 140 directs the target web site 130 to deliver that next page 153 to the group-surfing server 140 itself. **The group-surfing server 140 then re-sends that page 153 to those web clients 110 participating in the session.**

LeBrun (Ex.1005), 35:5-12

Failings of LeBrun / Wang Proof

Intuit presents a teaching about form-completion but fails to account for how “group-surfing” is *taught* to function. (OPP, 12.) Citing: “the group-surfing server 140 may *present that information on the HTML form at each ... client,*” Intuit immediately misconstrues this as “the controlling web client ... *entering information to complete the HTML form.*” (*Id.*) That is not what LeBrun says.

Reply to Opp, 8

The group server is the acting “presenting” agent, not the client. (Ex.1005, 39:4-10.) The way that the group server “presents” pages is by sending copies of pages to the client. (*Id.*, 35:7-24.) This includes instances of form-completion by the host. (*Id.*, 38:31-39:2.) LeBrun’s mention of “seeing the form being filled in” can be achieved through distributions of formatted copies of the webpage, which would comport with the *taught function* of how the group server provides pages for presentation at the guest clients. (*Id.*, 39:4-10, 35:7-24.)

Reply to Opp, 8-9

In alternative embodiments, the when the controlling web client 110 enters information to complete the HTML form, and sends that information to the group-surfing server 140, the group-surfing server 140 may present that information on the HTML form at each participating web client 110, so that each participating web client 110 can see the HTML form being filled in. The group-surfing server 140 may present that information on the HTML form as each field of the form is completed, or when the entire form is completed, or at other times. LeBrun (Ex.1005), 39:4-10

site 130. In some such alternative embodiments, the group-surfing server 140 may retrieve that next page 153 itself from the target web site 130, and re-send that next page 153 to each web client 110 participating in the session. In other such alternative embodiments, the group-surfing server 140 may use a multicast protocol such as the IGMP protocol (Internet Group Management Protocol), to multicast the next page 153 to those web clients 110 participating in the session. LeBrun (Ex.1005), 35:7-24

“operating a browser by the guest device based on at least the second data received from the synchronization server to independently replicate the host device interaction with the content of the website, obtained by the guest device from a website server based on at least the first data.”

Amended Substitute Claim 19

Failings of Prajapat / Wang Proof

“Generating an event to the browsers 12 to update the web page form content” does not teach the claim. Prajapat explains *exactly* what happens when it “generates an *event* to the browser 12” and how that browser responsively “updates” the form content. (*Id.*, [0025]-[0026].) Prajapat uses “events” to cause the browser 12a to *retrieve a renderable form from the media server 14*. (*Id.*) The “renderable form” is a *copy* of a page that the media server *obtained from the website server, already transformed by server 14 to be renderable by browser 12*. (*Id.*) Thus, when Prajapat “generates events” for the “browser 12 to update the webpage” in [0031], the “event” *causes the browser 12 to retrieve the renderable page from the media server 14*. The “update” is the obtaining/displaying of the *copy*. Even if that copy includes form data input by server 14, the browser 12 does not use that data to replicate a host action. (*Id.*, [0025]-[0026], [0031].)

Reply to Opp, 10-11

[0025] Web media server 14a may transform the intermediate form of the retrieved web page into a renderable form that may be rendered by browser 12a. In one embodiment, each internal link in the renderable form may point back to a unique location on web media server 14a rather than web content server 18. Web media server 14a may send a notification to browser 12a, using incoming channel 32a for example, indicating that the requested web page has been retrieved. In one embodiment, incoming channel 32a includes a LongPoll event channel and web media server 14a sends a notification message using the LongPoll event channel to browser 12a. In one embodiment, browser 12a may automatically, and without any input from a user associated with browser 12a, retrieve the renderable form from web media server 14a. However, the present invention contemplates browser 12a retrieving the renderable form from web media server 14a in any suitable manner.

Prajapat (Ex.1007), ¶[0025]

[0026] Web media server 14a may communicate the intermediate form to web media server 14b. In one embodiment, web media server 14a communicates the intermediate form to web media server 14b using media session 28. Web media server 14b may transform the intermediate form of the retrieved web page into a renderable form that may be rendered by browser 12b. In one embodiment, the renderable form generated by web media server 14b and the renderable form generated by web media server 14a are different due, in part, to possible differences in browsers 12a and 12b. In one embodiment, each internal link in the renderable form may point back to a unique location on web media server 14b rather than web content server 18. Web media server 14b may send a notification to browser 12b, using incoming channel 32b for example, indicating that the requested page has been retrieved. In one embodiment, incoming channel 32b includes a LongPoll event channel and web media server 14b sends a notification message using the LongPoll event channel to browser 12b. In one embodiment, browser 12b automatically, and without any input from a user associated with browser 12b, retrieve the renderable form from web media server 14b. However, the present invention contemplates browser 12b retrieving the renderable form from web media server 14b in any suitable manner.

Prajapat (Ex.1007), [0026]

Failings of Prajapat / Wang Proof

“Generating an event to the browsers 12 to update the web page form content” does not teach the claim. Prajapat explains *exactly* what happens when it “generates an *event* to the browser 12” and how that browser responsively “updates” the form content. (*Id.*, [0025]-[0026].) Prajapat uses “events” to cause the browser 12a to *retrieve a renderable form from the media server 14*. (*Id.*) The “renderable form” is a *copy of a page that the media server obtained from the website server, already transformed by server 14 to be renderable by browser 12*. (*Id.*) Thus, when Prajapat “generates events” for the “browser 12 to update the webpage” in [0031], the “event” *causes the browser 12 to retrieve the renderable page from the media server 14*. The “update” is the obtaining/displaying *of the copy*. Even if that copy includes form data input by server 14, the browser 12 does not use that data to replicate a host action. (*Id.*, [0025]-[0026], [0031].)

Reply to Opp, 10-11

[0031] In certain embodiments, web page form content, such as fields in web page forms for example, are kept in sync on web pages in browsers 12 involved in a web page sharing session by using JavaScript or other suitable events. *As an example, at appropriate times when data in a web page form field changes, a JavaScript or other suitable event may be triggered to send a command to the appropriate web media server 14. If web media server 14b receives the command, for example, it may then be forwarded to web media server 14a. Web media server 14a may then send the updated metadata to web media server 14b, and events may be generated to the browsers 12 to update the web page form content* if necessary (i.e. the originating browser 12 may not need the event).

Prajapat (Ex.1007), [0031]

Failings of Prajapat / Wang Proof

Petitioner combines these teachings with the Fig. 3/4 embodiments under the logic that the teaching of “any other suitable information” will cover the claimed “second data.” (OPP, 18.) A URL or cookie is not “the second data” due to claim differentiation. (§V, *supra*.) The contention that “suitable information” constitutes the claimed “second data” is unsupported by substantial evidence. Figs. 3/4 are directed to “simple web page sharing.” When Prajapat wants to “duplicate” more complex host interactions using what it terms “co-browsing,” it uses the embodiments of Figs. 1/2. (Ex.1007, [0012].) Notable is the *complete lack* of the term “co-browsing” outside of the Fig. 1/2 descriptions. References to duplicating “alterations” or “form data” are limited to the Fig. 1/2 descriptions.

Reply to Opp, 11

[0012] FIG. 1 illustrates an example communication system 10 operable to provide peer-to-peer **dynamic** web page sharing. Communication system 10 includes browsers 12, web media servers 14a and 14b coupled via network 16, and web content server 18 coupled to web media server 14a via link 20. In general, web media servers 14 allow browser 12a to co-browse one or more web pages with browser 12b. The term “co-browse” may include one or more of the following situations: browser 12a and browser 12b display the same web pages at substantially the same time; browser 12a may alter web pages and browser 12b may view those alterations; browser 12b may alter web pages and browser 12a may view those alterations; or any other suitable situations. In one embodiment, system 10 is implemented to enable co-browsing in a call center environment such as a customer service environment. It should be understood, however, that system 10 may be implemented in any suitable environment where co-browsing may be desired.

Prajapat Ex.1007, [0012]

[0041] FIG. 3 illustrates an example communication system 40 operable to provide peer-to-peer **simple** web page sharing. System 40 includes browsers 12, web media servers 14, and web content server 18. In certain embodiments, system 40 includes firewalls or other security measures 25. In operation of system 40, browser 12a may request a web page sharing session with one or more other browsers 12 (in this example, browser 12b) and may submit this request to web media server 14a. Web media server 14a may locate the web media server associated with browser 12b in a substantially similar manner to that described above with reference to FIGS. 1 and 2. In one embodiment in which web media servers 14 are SIP endpoints, web media server 14a may locate web media server 14b using presence functionality or a SIP registrar/location function of SIP network 16 such as SIP softswitch, for example. In one embodiment, web media servers 14 are already registered with SIP network 16. Web media server 14a may establish a signaling session 26 with web media server 14b using network 16. In an embodiment in which network 16 is a SIP network, signaling session 26 may be a SIP signaling session. In one embodiment, once web media servers 14 have found each other using network 16, the established signaling session 26 is a direct connection between web media servers 14.

Prajapat Ex.1007, [0041];
Opp 11

Failings of Prajapat / Wang Proof

The reference to Figs. 1-3 in [0045] is *specifically* in the context of *locating* a device. (Ex.1007, [0045]). This has nothing to do with the functions at issue. Paragraph [0047] of Prajapat relates to Fig. 4, an embodiment lacking a “synchronization server” of any sort. (*Id.*, [0047], Fig. 4.)

Reply to Opp, 12

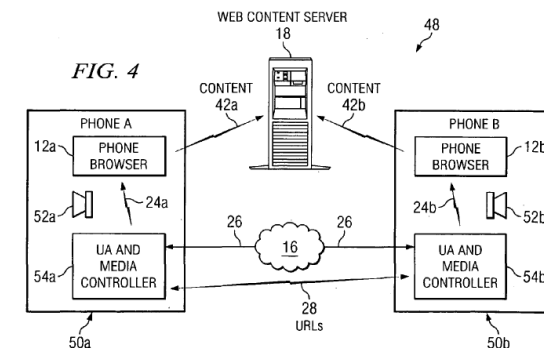
receiving first data from the synchronization server, where the first data relates to a website being accessed in real-time by a host device;
Substitute Claim 19

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...

“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].

Opp, 11-12

[0047] Although the illustrated embodiment depicts browsers 12 retrieving web pages from web content server 18, system 48 may be constructed such that UA and web media controller 54a is operable to retrieve web pages from web content server 18. In this example, web pages may be shared in a substantially similar manner to that described above with reference to FIGS. 1 and 2. Prajapat (Ex.1007), [0047]



Prajapat Ex.1007, Fig. 4