

IPR2023-00621 (U.S. Patent No. 8,020,083)

PO's Response

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,

Patent Owner.

Case IPR2023-00621

U.S. Patent No. 8,020,083 B1

**PATENT OWNER'S RESPONSE TO PETITION FOR *INTER PARTES*
REVIEW OF UNITED STATES PATENT NO. 8,020,083**

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PATENT OWNER'S EXHIBIT LIST

IPR2023-00621 (U.S. Patent No. 8,020,083)

Exhibit No.	Description
2001	<i>Lenovo Holding Co, Inc. et al. v. DoDots Licensing Sols.</i> , IPR2019-01278 (P.T.A.B. Jan. 19, 2021)
2002	<i>Lenovo Holding Co. v. DoDots Licensing Sols. LLC</i> , 2021 U.S. App. LEXIS 36126, at *2 (Fed. Cir. Dec. 8, 2021)
2003	Defendants' Proposed Claim Constructions, dated March 1, 2023
2004	Fintiv Memo, dated June 21, 2022
2005	Agreed Scheduling Order, dated December 29, 2022
2006	Excerpts from Dr. Schmidt's three declarations in support of Samsung's petitions in IPR2023-00621, IPR2023-00756, and IPR2023-00701
2007	Samsung's counsel's first email to DoDots' counsel regarding meet and confer on the alleged typographical error
2008	July 27, 2023 Order from the United States District Court, Western District of Texas in <i>DoDots Licensing Solutions LLC v. Samsung Electronics Co., Ltd. et al.</i> , 6:22-cv-00535-ADA, (W.D. Tex.)
2009	INENTIONALLY LEFT BLANK
2010	Declaration of Ted Selker, Ph.D.
2011	Curriculum Vitae of Ted Selker, Ph.D.
2012	INENTIONALLY LEFT BLANK
2013	INENTIONALLY LEFT BLANK
2014	Introduction to Active Channel Technology, dated 08/15/2017
2015	U.S. Patent No. 7,660,868
2016	What is Data Structure? (available at https://www.geeksforgeeks.org/data-structure-meaning/)
2017	HTML Data Guide, W3C Interest Group Note 08 March 2012

2018	Specifications of Personal Computers Over Time (available at https://www.hp.com/us-en/shop/tech-takes/specifications-personal-computers-over-time)
2019	Barnett, S., Palm VII: Like its predecessors, the Palm VII doesn't do all that a desktop does, but it just might do enough
2020	CNET: Windows CE to become "Windows powered" (available at https://www.itprotoday.com/windows-78/cnet-windows-ce-become-windows-powered#close-modal)
2021	Declaration of John Kembel
2022	Imagining a Web Beyond the Browser; Fortune Magazine, February 21, 2000
2023	Lyons, D., Browser Bashers; Forbes, May 15, 2000
2024	Baig, E., Bits of organization clear clutter; USA Today
2025	Heim, K., Tools turn browser into galaxy, July 7, 2000
2026	Mossberg, W., New Metabrowsers Allow You To Create a Quilt of Web Pages, May 18, 2000
2027	A New World Needs a New Internet
2028	DoDots Technical Overview
2029	How to Build Dots
2030	Declaration of George Kembel
2031	June 15, 1999 Email from Tom Kosnik to investors re: Periphio (next steps)
2032	SOFTBANK Venture Capital's Technology Fund Invests in DoDots, Inc., October 13, 1999
2033	DoDots Website
2034	DoDots Technology Embraced by ABC Television Network and ABC.com to Deliver Innovative ABC Dots on the Internet, October 2, 2000
2035	Leading Online Companies Do Dots With DoDots ; DoDots ' Technology Delivers Internet Packaging and Distribution for Internet Content, Applications and Services, March, 13, 2000

2036	Excite@Home Partners With DoDots to Enhance Service for Business Professionals On Work.com, March 13, 2000
2037	DoDots Announces Partnership With Wireless Solution Provider 2Roam at DEMOMobile 2000 Wireless Conference in Pasadena, California, September 7, 2000
2038	Dots Go Live; Web Sites Now Offer Internet Applications, Content, and Services in Dots, April 3, 2000
2039	Conference Guide to Demo 2000
2040	DemoMobile Conference Program, September 6-8, 2000
2041	Demo 2000: The innovation Continues, March 6, 2000
2042	DoDots Named “Investors’ Choice” Winner at Telenelogic Partners’ Internet Outlook Conference in Burlingame, California, September 20, 2000
2043	Stanford Business School Case Study of DoDots, June 2000
2044	Stanford Business School Case Study of DoDots, September 2001
2045	Dots Messaging and XML specification
2046	Yurko, C., DoDots: The Web without a browser, April 7, 2000
2047	Back to the launch pad: after a few dormant years, tech entrepreneurs are returning to the game.
2048	U.S. Patent No. 8,099,332
2049	U.S. Patent No. 8,935,690
2050	U.S. Patent No. 9,325,795
2051	U.S. Patent No. 9,817,545
2052	U.S. Patent No. 10,180,831
2053	U.S. Patent No. 10,955,994
2054	The App Store turns 10, July 5, 2018
2055	Samsung Launches Its Own App Store for WM and Symbian Devices, February 4, 2009

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2056	Ted Selker's list of materials considered
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I. INTRODUCTION

The '083 Patent is directed to the fundamental technology behind mobile apps. The technology dates back to at least April 26, 1999 – over seven years before Apple's first iPhone release in 2007 and over eight years before Apple's App Store launched in mid-2008.

Despite the fact that neither of the industry leaders (Apple, Samsung) adopted this industry-shaping technology until years after DoDots, Samsung now claims the novel technology was “obvious.” It was not. The nature of Samsung's prior art – which all involves presenting web pages – highlights the improper hindsight-based approach upon which Samsung bases its arguments. The claimed inventions were the antithesis of conventional browser and web page approaches. DoDots abandoned those approaches to content design and the prior art embracing those approaches is simply inapplicable.

At the time of the invention, people viewed web content through webpages using web browsers. The inventors, however, saw the existing web technology as the problem – because it limited how people could view web content. Contrary to the direction of the industry, the inventors took a different path and moved *away from* web browsers and web pages.

The inventors envisioned small applications that could be downloaded to a user device. Each application would enable users to view/control specific web content outside the confines of webpages and web browsers. The inventors referred to these applications as “Dots” or “Networked Information Monitors” (NIMs). DODOTS-2021, ¶32. Today, we refer to them as mobile “apps.” The inventors also envisioned an application – which they called a “Home Dot” – that could be used to access a “Dot server” from which Dots could be downloaded to a user device. *Id.* Today, this server-based repository of apps is known as an “app store.” SAMSUNG-1001, 3:60-4:12; 22:61-63; 23:1-4.

The claimed inventions of the '083 patent thus disclosed an ecosystem for software developers to author and distribute, and for users to obtain, data structures which the inventors referred to as NIM templates. These templates defined the configuration of the NIM's display frame, content appearance, and controls. Content in the NIM could thus be viewed and navigated in entirely different ways that were unencumbered by the design, presentation and control limitations imposed by conventional web browsers.

“Dot” technology was ground-breaking and received favorable media coverage, won awards, attracted hundreds of independent Dot developers (app

developers), and was used by hundreds-of-thousands of users. DODOTS-2021, ¶¶36-40.

In a previous IPR, the challenged claims of the '083 patent were found patentable by the PTAB/Federal Circuit. SAMSUNG-1012; SAMSUNG-1014. The decision in this IPR should conclude the same.

As discussed below and in the supporting Declarations of Dr. Ted Selker (DODOTS-2010) and John/George Kembel (DODOTS-2021, DODOTS-2030), the '083 patent takes an approach to providing web content that is significantly different than the approaches described in Samsung's prior art references. No amount of rationalizing hindsight can justify finding the innovations described in the '083 patent to be obvious. They simply were not.

II. BACKGROUND

A. Invention of the "Dot"

In early 1999, Stanford-educated engineers John and George Kembel founded DoDots Inc. The Kembels (and their co-inventors) conceived and developed "Dots" or NIMs – today known as mobile apps.

The inventors saw conventional web browsers and web pages as a problem and recognized that there was a "growing desire for individual users to fully control the aggregation and presentation of content and web applications that appear on a client computer." SAMSUNG-1001, 2:32-35; DODOTS-2010, ¶¶33-36.

In particular, the inventors recognized that viewing web content was hindered by the fact that web content and web applications (web browsers) were designed to fill an entire web page displayed on a full-screen web browser and the patent specifically called out many of the limiting factors:

Users and application developers therefore have limited control over the presentation of Internet content: content is typically trapped within the frame of the browser...the user is constrained to view the content that has been delivered in the manner provided by the server computer hosting the web page...Currently, content providers and end users have limited tools to alter the browser in which content appears. That is, the controls associated with a browser are not fully configurable. . . the current browser applications provide very limited control to a user or content provide[r] to alter the frame and controls provided by the browser window.

SAMSUNG-1001, 2:5-10, 21-32; *see also* 2:45-59.

To address those shortcomings, the patent disclosed “a unique frame [NIM], independent of a Web Browser application and window, for the retrieval and display of [] [Internet/web] content.” *Id.*, 2:1-3. This NIM (sometimes referred to

as a “Dot” or “Application Media Package”) was an alternative way to view web content. DODOTS-2010, ¶36.

An example Dot/NIM, which provided traffic information, is shown below:



These Dots were “web browser-readable code...executed on a non-browser-based installed client application” that used significantly less data than a traditional web page would use. *Id.*, 3:51-54; *See also* DODOTS-2027.

In April 2000, a CNN article called the technology the “Web without a browser” and noted that Dots “take advantage of the features and services offered by certain Web sites without visiting them through a browser” and that because “the dots are small and operate outside the browser, they provide a faster, more direct link to content providers.” DODOTS-2046.

At its height, DoDots was valued at \$275 million and employed more than 100 people. DODOTS-2047. DoDots’ customers included ABC, Bloomberg, Edmunds, CNET, and Merriam-Webster. DODOTS-2030, ¶¶21-25.

DoDots' developer program cultivated a community of over 400 Dot developers (app developers). More than 250,000 end-users downloaded Dots. And DoDots' Dot-distribution platform (its app store) predated the Apple App Store by nearly eight years (DODOTS-2054) and the Samsung App Store by nine years (DODOTS-2055). *See also* DODOTS-2027. This ground-breaking technology was ahead of its time and garnered favorable media coverage and multiple awards. *See* DODOTS-2041, -2042.

B. The '083 patent.

The '083 patent's Dot/NIM is "a fully configurable frame with one or more controls; the frame through which content is optionally presented" that "stands in contrast to present web browsers...." SAMSUNG-1001, 5:41-48.

Essential to a Dot/NIM is a NIM template (also called a Dot Definition, Dot Template, or Application Media Package template). Each NIM template defines a *specific* Dot/NIM including a frame for the Dot/NIM and its elements and controls, and specifies the web location of content to be displayed within the Dot/NIM's frame. *Id.*, 7:19-23 ("Each [NIM] template defines the characteristics of a specific [NIM], including fully configurable frame characteristics, viewer and control characteristics, and [NIM] content references."); 15:22-29; Fig. 8; 10:11-19; 13:47-48; *see also* DODOTS-2010, ¶¶28-29.

A NIM template is a data structure, which is stored in a database; it is not an executable program (*i.e.*, not compiled code). *Id.*, 7:14-23; 17:63-66; 13:48-52; 8:46-56; 14:32-37; 40:24-28. DODOTS-2010, ¶¶30-32.

Each Dot/NIM has its own NIM template that is processed separately from other NIM templates to render/display the Dot/NIM on a screen. SAMSUNG-1001, 5:41-44; 9:9-46; 20:25-37; 27:44-59.

Figure 8 illustrates the process of how the NIM template is used to present/display a NIM/Dot. *Id.*, Fig 8.

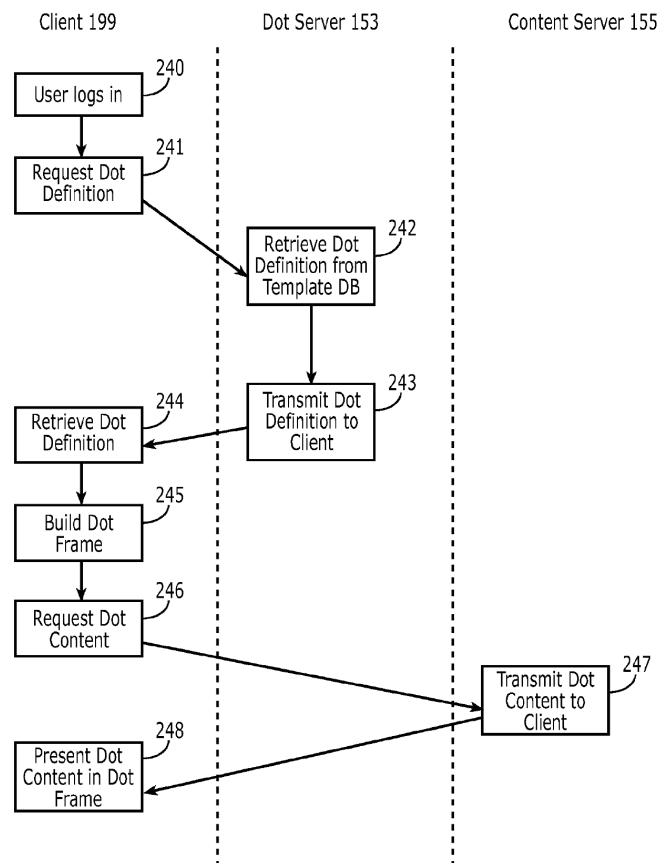


FIG. 8

As shown above, the NIM template (Dot Definition) is requested by, and transmitted to, the client device (*e.g.*, a mobile device¹) from a server. After the NIM template is sent to the client, a Dot/NIM (including its frame and controls) is constructed from the data in the NIM template. *Id.*, 20:35-37. Web content identified in the NIM template is retrieved by the client and displayed within the Dot/NIM frame according to the configuration defined by the NIM template. *Id.*, 14:16-29; DODOTS-2010, ¶32.

III. PERSON OF ORDINARY SKILL IN THE ART

A POSITA would have a bachelor's degree in Computer Engineering, Computer Science, Electrical Engineering, or a related field and have three or more years of corresponding industry work experience. Ex. 1012, 8. DODOTS-2010, ¶24-25.

IV. CLAIM CONSTRUCTION

A. “Networked information monitor”

A “network information monitor” (NIM) is “a fully configurable frame, with one or more controls, through which content is presented to the user.” See Ex. 1012; Petition, 4. The terms NIMs, “Application Media Packages,” and “Dots” are used interchangeably. Petition, 5; DODOTS-2010, ¶40.

¹ SAMSUNG-1001, 27:22-32.

B. “Networked information monitor template”

A “network information monitor template,” is “a data structure that defines the characteristics of a NIM, including the NIM frame, view, and control characteristics, and that excludes executable applications/compiled code.” *See* SAMSUNG-1012, 10; Ex. 1014, 9; DODOTS-2010, ¶41.

C. “Execute the template.”

Because a template is a data structure, not an executable computer program, a POSITA would understand that “execute”/“executing” a NIM template means “use/using the information from the NIM template to instantiate a NIM with a markup language in connection with specified operations.” “Execute” used with respect to a NIM template does not have the same meaning as “execute” used with respect to a computer program. *See* SAMSUNG-1012, 17-18; SAMSUNG-1014, *8-9; DODOTS-2010, ¶¶42-43.

D. “Client Device”

Independent claims 1 and 9 (preamble) require a “client device” - not just any device that comprises the claimed structures (claims 1-8) or performs the claimed methods (claims 9-16).

The preamble of claim 9 recites “a client device comprising a[n] electronic storage, an electronic display, and one or more processors.” Claim 9 then refers to “the electronic storage,” “the electronic display,” and “the one or more

processors.” A POSITA understands that these components refer back to the components of “a client device” in the preamble.

Further, claim 1 recites “an electronic display” and that “the graphic user interface . . . is presented to a user on the electronic display” A POSITA understands a client device (e.g., a personal computer) would have these components. A POSITA understands that servers interact with client devices, but are not themselves a client device.

Thus, a POSITA understands that “a client device” is an “end user device.”
DoDots 2010, ¶44.

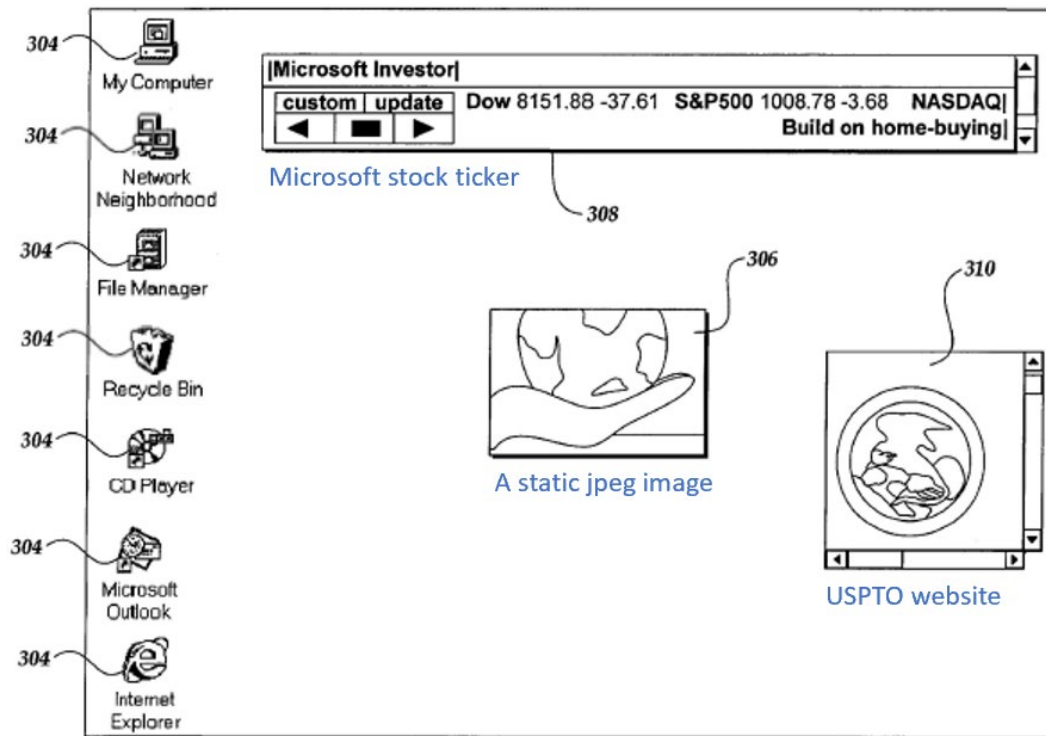
V. PETITIONER HAS NOT MET ITS BURDEN REGARDING OBVIOUSNESS IN VIEW OF BROWN AND/OR WECKER (GROUNDS 1A/1B).

Samsung asserts that claims 1-5 and 9-13 are rendered obvious by Brown (Ground 1A) and claims 1-16 are rendered obvious by Brown and Wecker (Ground 1B).

A. Brown

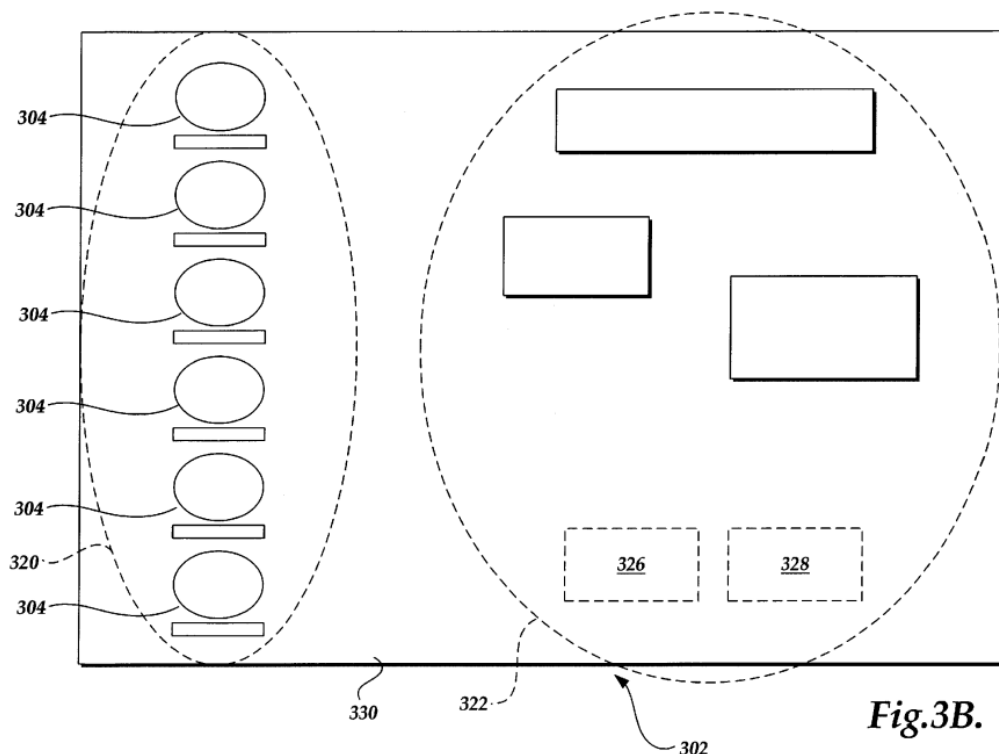
U.S. Patent No. 6,278,448 (“Brown”) discloses a way to present a web page to a user. In particular, Brown disclosed a type of computer desktop – a composite desktop – where a computer’s desktop is overlaid on top of a web page.

DODOTS-2010, ¶46.



SAMSUNG-1005, Fig. 3A (annotated)

As shown above, Brown's composite desktop includes traditional icons 304 (in an icon layer) overlaid on top of a single web page (in an HTML layer) made up of various "components" -- a static desktop component 306, an active desktop component 308, and a web page desktop component 310 (with an entire embedded webpage). DODOTS-2010, ¶¶48, 50.



SAMSUNG-1005, Fig. 3B

“FIG. 3B illustrates the layers that comprise the composite desktop 302 of FIG. 3A. As depicted in FIG. 3B, an icon layer 320, comprising the icons 304, is the topmost layer of the composite desktop 302. Behind the icon layer, an HTML layer comprises two sublayers: a desktop components sublayer 322 and a background [i.e., wallpaper] layer 330.” SAMSUNG-1005, 7:48-55.

Notably, Brown states that “[t]he composite desktop is implemented as *a Web page*, and the creation of the composite desktop includes building a composite *Web page* made up of one or more components selected and retrieved from one or more locations.” SAMSUNG-1005, 4:15-19. And because the composite desktop

is implemented as a web page, all of the desktop components 306, 308, 310 are defined within the same HTML file/document – the desktop.htt file. *Id.*, 11:42-12:43; DODOTS-2010, ¶¶48, 53.

The desktop.htt file is used to create the entire HTML layer – a single web page – for displaying on the computer's desktop. *Id.*, 11:28-29; 6:33-37. The “desktop.htt file 210 contains the HTML instructions necessary to display the composite desktop...An HTML viewer 212 reads the desktop.htt file 210, interprets the instructions, and generates a composite desktop display.” *Id.*, 6:38-41. DODOTS-2010, ¶¶48, 52.

Petitioner points to Brown's desktop.htt file and desktop components 306, 308, 310 as teaching the elements of the claims including the NIM/NIM template. Samsung's reliance on Brown, however, is misplaced. Brown's approach simply pertains to how to display a web page as part of a computer's desktop. This approach is significantly different from the approach claimed in the '083 patent which sought to avoid the use of web pages and, instead, displayed web content in separately defined and rendered mini applications (Dots/NIMs). DODOTS-2010, ¶¶53-57.

B. Wecker.

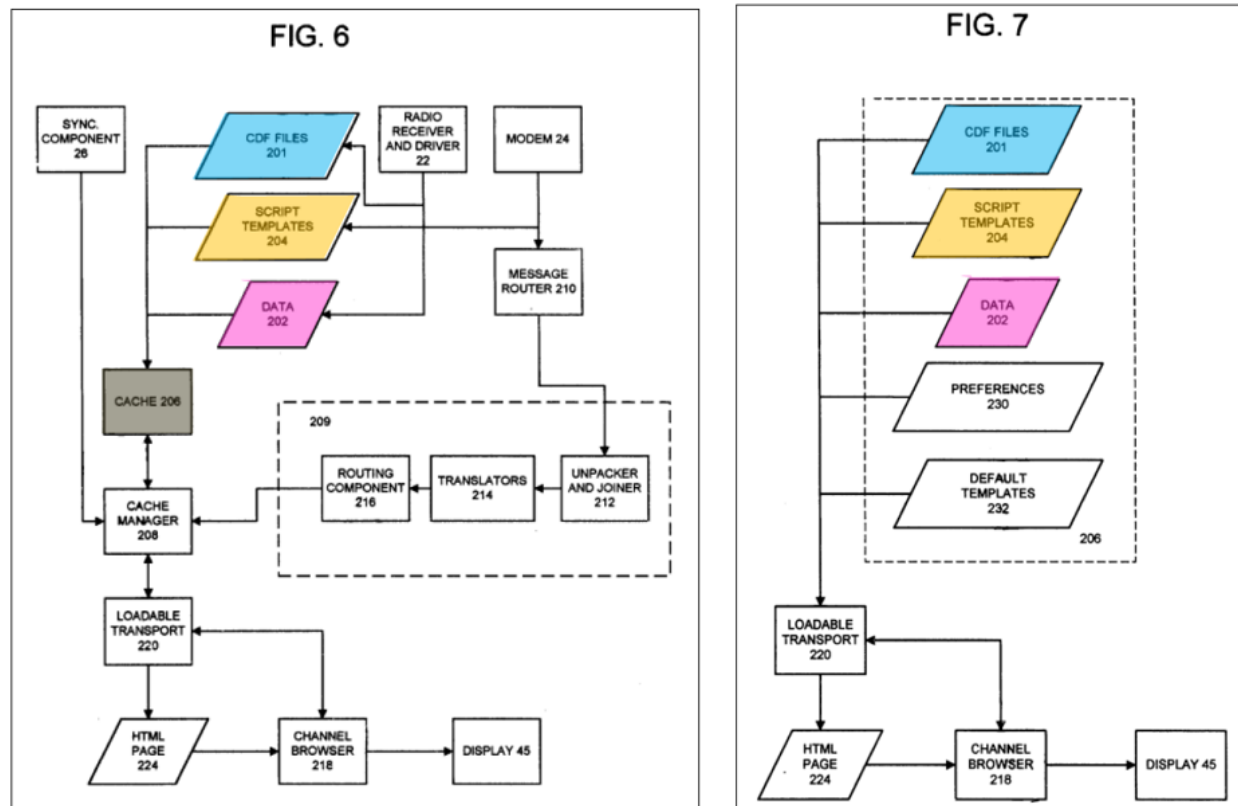
U.S. Patent No. 6,449,638 (“Wecker”) discloses a system/method for delivering content to a mobile device “referred to as personal digital assistants [PDAs].” SAMSUNG-1006, 1:13-24.

Wecker discloses how to deliver web content wirelessly where, *e.g.*, bit rates of wireless channels can be very low and delivery of large content is “highly impractical.” *Id.*, 1:44-45, 50-61. In particular, Wecker addresses the delivery/display of web content on mobile devices, which have limited resources (*e.g.*, memory, bandwidth, screen size) compared to desktop computers. *See e.g.*, SAMSUNG-1006, 1:58-59 (“The bit-rate of conventional wireless channels is very low.”); 6:10-17 (“display 45 for the mobile device as shown in FIGS. 3 and 4...would typically be much smaller than a conventional display used with a desktop computer). DODOTS-2010, ¶¶129-130; ¶¶132-133.

Wecker discloses a “mobile channel,” (*e.g.*, for news, weather, business, sports, traffic) which is a “self-describing web site that contains all of the information necessary for efficient download of web content to a mobile device 18.” *Id.*, 2:9-11; 3:8-16; 3:34-35; 4:8-13; DODOTS-2010, ¶¶134-136.

A mobile user can use a “channel browser” (a web browser specialized to the mobile device) to view a channel/content. *Id.*, 4:8-13; 9:20-26, 45-48; Fig. 8;

1:45-57; 20:1-14. Wecker involves the delivery of “content in small segments of data instead of full HTML pages.” *Id.*, 10:45-47.



(SAMSUNG-1006, Figs. 6, 7 (annotated))

Wecker discloses separately sending “a content structure file, a data file and a script file” to the mobile device, which then uses these files to construct an HMTL page to display web content. *Id.*, Abstract; 2:8-15; 4:47-51. By separating the delivery of the script file from the data file, web content can be transmitted “over very low bit-rate channels.” *Id.*, 4:52-61.

Specifically, as shown above in Figures 6 and 7, a mobile device receives CDF files 201 (blue), data files 202 (pink), and script templates 204 (orange),

which are provided to cache memory 206 (brown). *Id.*, 8:34-53. The script templates 204 are executable code used to generate HTML instructions. *Id.*, 3:19-20. “By examining the CDF file for the top-level channel 242, the loadable transport 220 determines which script file will be executed from the script templates 204.” *Id.*, 20:23-27; DODOTS-2010, ¶¶137-138.

“In response to the user requesting to view information provided via the chosen channel,” web content information corresponding to that channel – in the form of script templates files 204 (orange) and data files 202 (pink) – is retrieved from cache 206 (brown). *Id.*, 9:30-34. The CDF file (blue) is then used in conjunction with the script template and data to construct the HTML page. *Id.*, 10:26-29. The HTML page 224 is then provided to the channel browser 218 for viewing on the display 45 of the mobile device 18. *Id.*, 9:44-47. DODOTS-2010, ¶¶137-139.

C. There is no motivation to combine Brown and Wecker.

A POSITA would not combine Brown and Wecker. The goals of Brown and Wecker, along with the manner/environment in which each implement their respective solutions, are vastly different. DODOTS-2010, ¶¶140, 159-161.

Brown pertains to a type of computer desktop – a composite desktop that integrates desktop icons and a web page. Wecker, on the other hand, addresses the

issue of delivering an HTML page (web page) to mobile devices/PDAs, which have limited resources. Wecker is using *executable* script files/templates to display a complete web page of a website on a computer screen (not as part of a computer's desktop). The disparate purpose of Brown and Wecker alone negates combining these two references. DODOTS-2010, ¶¶140-147, 158.

Moreover, Brown's composite desktop is implemented as a web page that is layered underneath icons of a computer's desktop. Brown discloses storing a complete HTML document/file – desktop.htm file – for a full HTML/web page. SAMSUNG-1005, 6:33-41; DODOTS-2010, ¶¶148-150. On the other hand, the entire purpose of Wecker is to *avoid* storing a complete HTML document/file for a full HTML/web page. Specifically, Wecker discloses sending “a content structure file, a data file and a script file” to the mobile device. *Id.*, Abstract; 2:8-10; 4:47-51. The script files are used to build an HTML/web page on the fly using the data in the data file. Notably, because Wecker's method addresses the limited capabilities of mobile devices, Wecker's method is “*more complex* than conventional systems and method where full HTML pages are transferred from a server to a client.” *Id.*, 10:41-46. A POSITA would not be motivated to use Wecker's more complex method with Brown's personal computers which, unlike

mobile devices, did not have limited capabilities. There is no reason to do so. DODOTS-2010, ¶¶151-155.

Given the vastly different approaches taken by Brown and Wecker, a POSITA would not be motivated to combine them. DODOTS-2010, ¶¶147.

Dr. Schmidt, however, notes that Brown and Wecker both are assigned to Microsoft and “a POSITA would therefore have reasonably expected their techniques to be compatible....” SAMSUNG-1003, ¶40. Dr. Schmidt then concludes “that a POSITA would have had a reasonable expectation of success in implementing features of Wecker into Brown’s composite desktop.” *Id.*, DODOTS-2010, ¶¶159, 162. But such a superficial conclusion is incorrect.

A POSITA would know that Microsoft offered multiple, incompatible product lines, and would not infer that simply because two patents were assigned to Microsoft, the technology would be compatible. For example, Windows CE (disclosed in Wecker) and Windows 95 (disclosed in Brown) are different operating systems. DODOTS-2010, ¶161. Windows CE will not run Windows applications or use the same drivers. *Id.*, ¶162. Therefore, Brown and Wecker describe and use incompatible technology.

Dr. Schmidt asserts that “a POSITA would have found it obvious to leverage Wecker’s disclosure of a cache to store HTML style templates.” SAMSUNG-1003,

¶35. Not so. Brown does not disclose or suggest using “style templates.”

DODOTS-2010, ¶¶163-164. Instead, the disclosure of “style templates” comes from the Beer and Petty references² – two background references that Petitioner does not rely on for invalidity. *Id.*, ¶46; DODOTS-2010, ¶¶163-164.

Dr. Schmidt asserts that a “POSITA also would have found it obvious that Brown’s desktop components could be implemented as mobile channels....”

SAMSUNG-1003, ¶35. Dr. Schmidt asserts that Wecker’s script files/templates are similar in objective to Brown’s HTML instructions. *Id.*, ¶37 (citing SAMSUNG-1005, 12:61-62; SAMSUNG-1006, 3:17-20). Further, Dr. Schmidt asserts that Wecker describes that a personal computer can subscribe to channels and “periodically retrieve or receive new and updated script, data and CDF files” *Id.* (citing SAMSUNG-1005, 3:63-66, 4:3-6). Dr. Schmidt concludes “that a POSITA would have recognized or found obvious that the ‘desktop,’ as contemplated by Wecker, would have possessed similar features to the ‘composite desktop’ of Brown and that these features of Wecker’s desktop could be incorporated into Brown with a reasonably high expectation of success.” *Id.* Dr. Schmidt also concludes that a “POSITA would have been prompted to pursue this combination because doing so is merely the application of known techniques (e.g., rendering

² Reliance of these references improperly injects a new, unexplained ground.

content using templates/script files) to a known structure (e.g., Brown's composite desktop) to yield predictable results." *Id.*, ¶38. Dr. Schmidt's opinions are incorrect.

As a preliminary matter, Dr. Schmidt's conclusion that Wecker's desktop "would have possessed similar features to the 'composite desktop' of Brown" is wrong because it is based on a misreading/misunderstanding of the word "desktop." The word "desktop" in Wecker and Brown refer to different things. DODOTS-2010, ¶¶149, 159. "Desktop" in Wecker is a type of computer – "desktop computer" (SAMSUNG-1006, 3:58), while "desktop" in Brown is the computer's desktop – i.e., the graphical user interface to a computer's operating system. DODOTS-2010, ¶¶149.

Moreover, Dr. Schmidt's opinion that Wecker's script files/templates are similar in objective to Brown's HTML instructions is erroneous. Brown's objective in using an HTML document/file to create web page (and HTML layer) was to incorporate *into a computer's desktop* icons (in an icon layer) overlayed on the web page. Brown does not use an executable script file to construct an HTML document/file for that web page. Wecker, on the other hand, uses an executable script file to build an HTML page to display a channel on a mobile device; there are no layers or overlay of icons over the channel. DODOTS-2010, ¶151-152. As a

result, it is incorrect to equate Brown's HTML instructions with Wecker's script files/templates. *Id.*, ¶¶153, 167-169.

Finally, Dr. Schmidt asserts that because U.S. Patent 5,737,560 ("Yohanan") is cited in Brown, this provides motivation to combine Brown with Wecker "to improve the usability of graphical displays that present internet content."³ SAMSUNG-1003, ¶41 (citing SAMSUNG-1016, 2:18-23). His analysis is incorrect. If anything, a POSITA would look to Brown's own technology, not references within Brown, to find a reason to combine Brown/Wecker. DODOTS-2010, ¶¶170. Nevertheless, as explained above, Brown and Wecker are very different and would not be combined. *Id.*

D. Brown alone or with Wecker does not render the claims obvious.

Brown by itself or combined with Wecker fails to disclose/render obvious numerous claim elements and, therefore, cannot render the claims obvious. DODOTS-2010, ¶171.

1. Brown alone or with Wecker does not disclose or render obvious a NIM template.

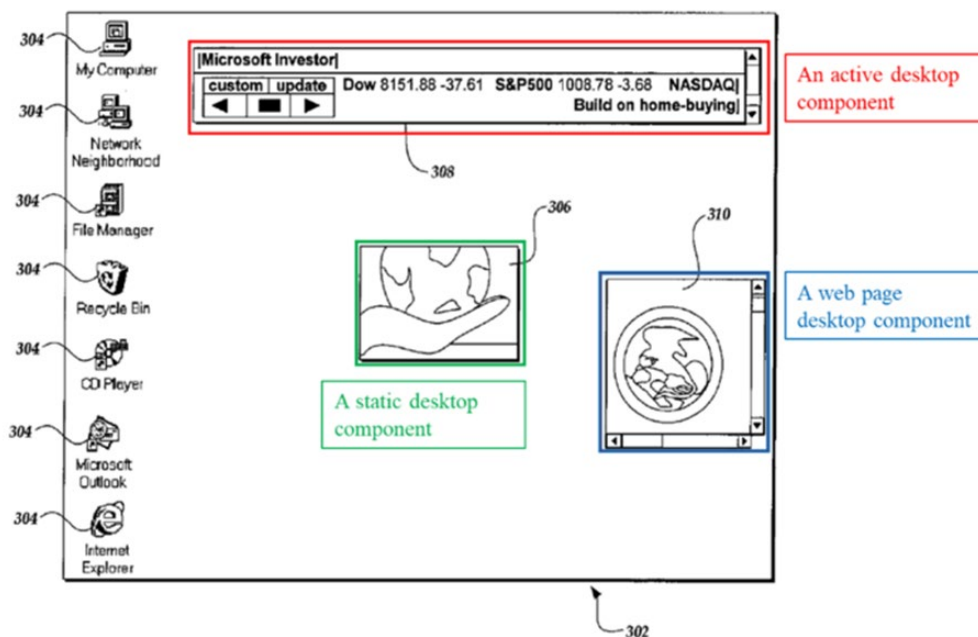
All the claims recite a "networked information monitor template" which is "a data structure that defines the characteristics of a NIM, including the NIM

³ The Petitioner's use of Yohanan improperly injects a new unexplained ground.

frame, view, and control characteristics, and that excludes executable applications/compiled code.” SAMSUNG-1014.

a. The alleged NIM template.

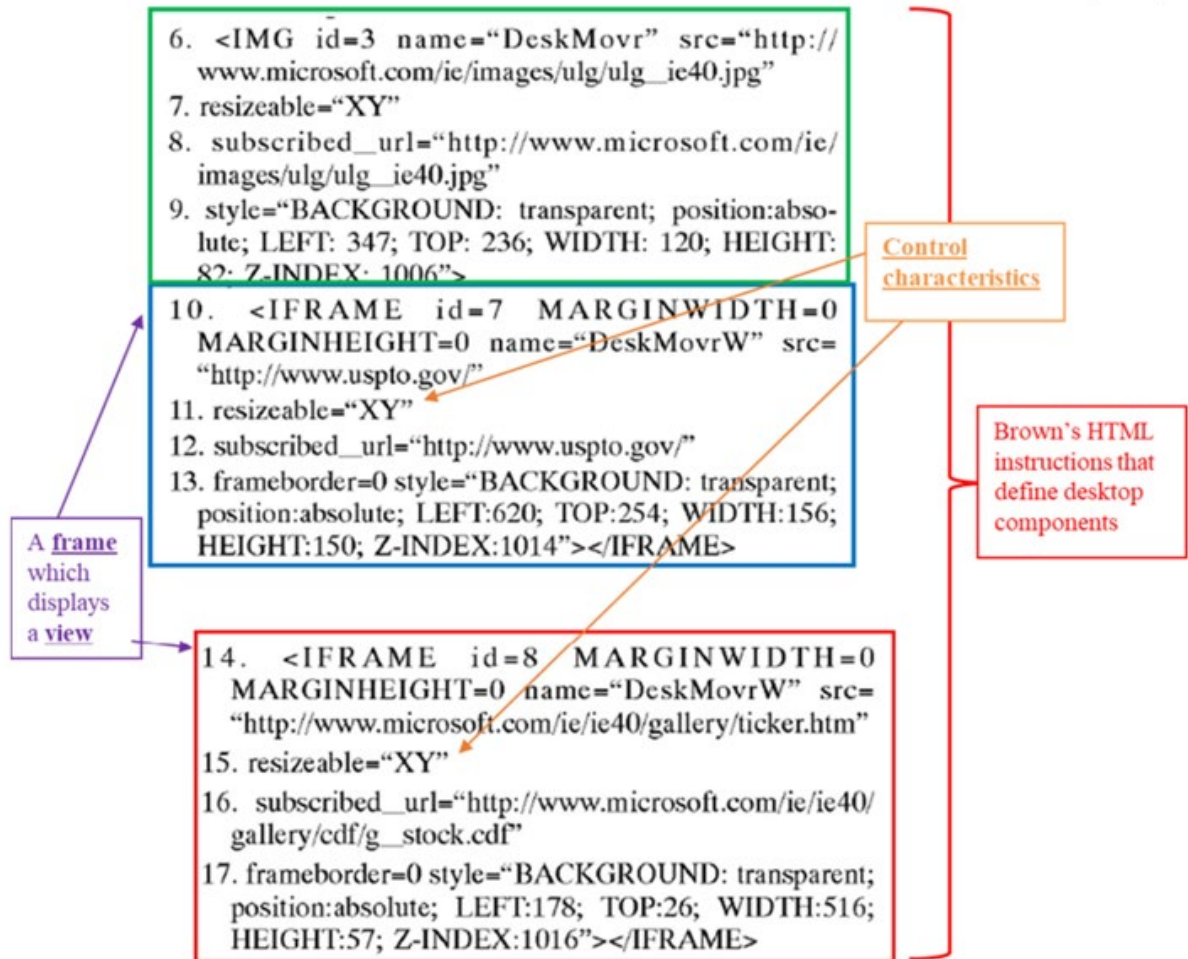
Petitioner alleges that the three desktop components of Brown (red, green, blue boxes below) are each a NIM. Petition, 25.



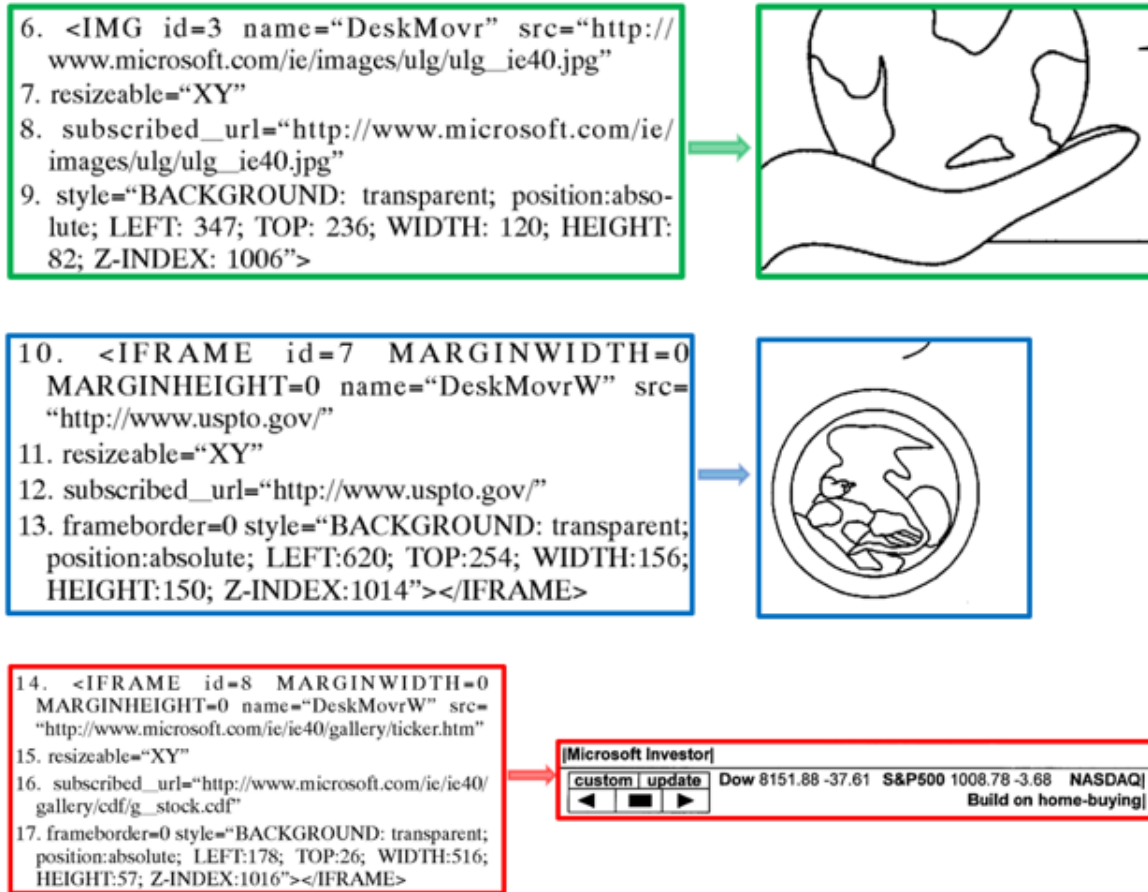
(Excerpted from Petition, 9 (annotations by Petitioner))

Petitioner then asserts “the ‘HTML instructions’ that define Brown’s ‘desktop components’” 306, 308, and 310 are each a NIM template. Petition, 25-26.

The sections of the desktop.htt file that Petitioner alleges correspond to each desktop component are shown below. Petition, 28-29; SAMSUNG-1003, ¶60.



(Excerpted from Petition, 29 (annotations by Petitioner))



According to Petitioner, (1) the HTML in lines 6-9 of the desktop.htt file (green boxes) is the NIM template for the static desktop component 306, (2) the HTML in lines 14-17 of the desktop.htt file (red boxes) is the NIM template for the active desktop component 308; and (3) the HTML in lines 10-13 of the desktop.htt file (blue boxes) is the NIM template for the webpage desktop component 310.

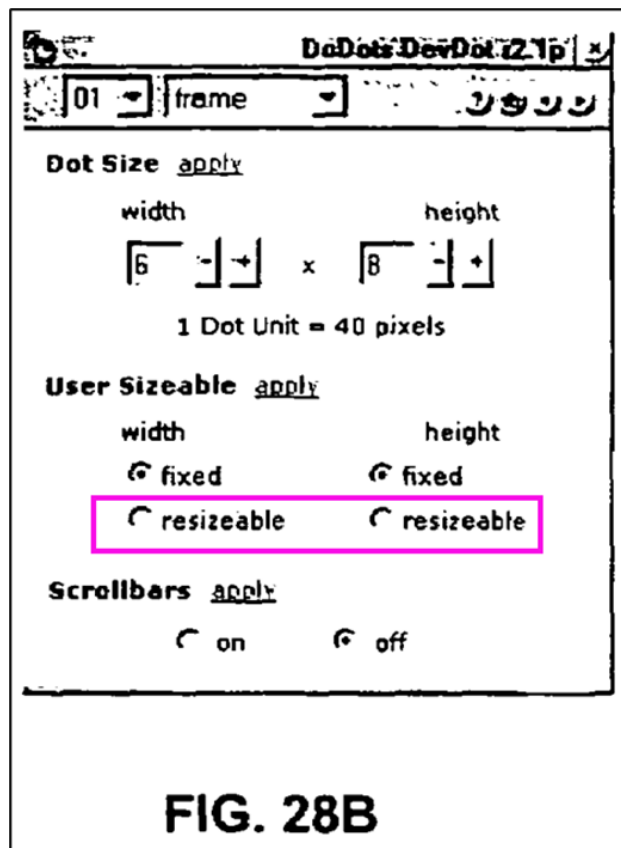
b. Control characteristics.

Petitioner only identifies *resizable* = "XY" in the alleged NIM templates as the alleged control characteristic (see lines 11, 15 of HTML above (orange

arrows/box)). Petition, 42; SAMSUNG-1003, ¶¶58, 60, 78. Petitioner and its expert, Dr. Schmidt, do not identify anything else in the alleged NIM templates as a control characteristic. But *resizable* = “XY” is not a control characteristic for several reasons. DODOTS-2010, ¶¶68.

First, a POSITA would understand that *resizable* = “XY” indicates that the frame generated by the IFRAME command has the capability of being resized (i.e., a user can resize the desktop component’s frame) in both width and height (X and Y directions). DODOTS-2010, ¶74. That a frame is *capable* of being resized is a characteristic of a frame itself (a feature of the frame). DODOTS-2010, ¶¶75-77.

The ’083 patent incorporates by reference Application No. 09/558,925 (U.S. Patent No. 7,660,868 (“’868 patent”). The ’868 patent expressly explains that “resizeable” is a frame characteristic. Specifically, it describes Figure 28B (below) as showing “frame characteristics.” DODOTS-2010, ¶¶69 (citing DODOTS-2015, 36:12-15).



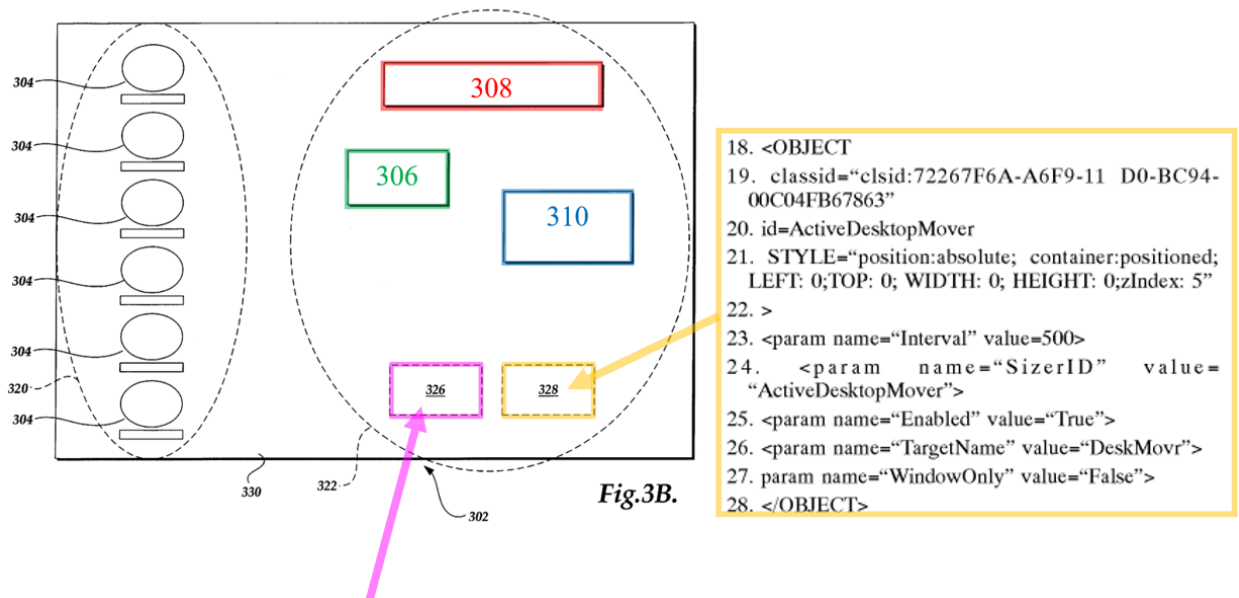
(DODOTS-2015, Fig. 28B (annotated))

Figure 28B includes as a frame characteristic the capability of being “resizeable” in either/both “width” and “height” (pink box). This “resizeable” is identical to the *resizable*=“XY” in Brown’s desktop.htt file. Thus, based on the patent’s disclosures, a POSITA would understand that *resizable*=“XY” is a frame characteristic, not a control characteristic. DODOTS-2010, ¶70.

To understand why *resizable* = “XY” is a frame characteristic, it is important to understand the difference between frame characteristics and control characteristics. DODOTS-2010, ¶¶62-67.

A POSITA understands that a frame characteristic is a characteristic of the frame itself, - *e.g.*, resizeability, size - while a control characteristic is a characteristic of a control. In the context of the '083 patent, one use of the term “control” is a user interface element that is used to control the frame itself (*e.g.*, resize handle, close button) or that is within a frame (*e.g.* menu). In particular, the patent states that a control is “arranged within the frame” and a control being located “in a [] control space” within a frame. SAMSUNG-1001, 9:61-63; 14:47-53. Thus, a control characteristic is a characteristic of a control itself – *e.g.*, a characteristic of the resize handle, menu, close button, or control space. DODOTS-2010, ¶¶64, 66-67.

Second, a POSITA would not recognize or find obvious that the alleged NIM templates would define control characteristics because the actual controls for resizing/moving the alleged NIMs are defined *outside* of the HMTL for the alleged NIM templates. As the Petition admits, the components that are responsible for resizing the frames in Brown are manipulation controls 326 and 328: “[t]he resizing of desktop components is enabled by ‘a windowed component manipulation control 326 and a windowless component manipulation control 328.’” Petition, 27, 42; DODOTS-2010, ¶¶53-56, 70-73.



```

29. <OBJECT
30.  classid="clsid:72267F6A-A6F9-11D0-BC94-
    00C04FB67863"
31.  id=ActiveDesktopMoverW
32.  STYLE="position:absolute; container:positioned;
    LEFT: 0;TOP: 0; WIDTH: 0; HEIGHT: 0;zIndex 19"
33. >
34. <param name="Interval" value=500>
35.   <param name="SizerID" value=
    "ActiveDesktopMoverW">
36. <param name="Enabled" value="True">
37. <param name="TargetName" value="DeskMoverW">
38. <param name="WindowOnly" value="True">
39. </OBJECT>
  
```

(SAMSUNG-1005, Fig. 3B; 12:10-42, (annotated))

As shown above in Brown's Figure 3B, controls 326 and 328 (pink, orange boxes) are separate/distinct from desktop components 306, 308, and 310 (green, red, blue boxes). DODOTS-2010, ¶¶54-56. Importantly, the description/definition of controls 326, 328 are HTML OBJECTS defined separately from the HTML fragments of Petitioner's alleged NIM templates. *Id.*

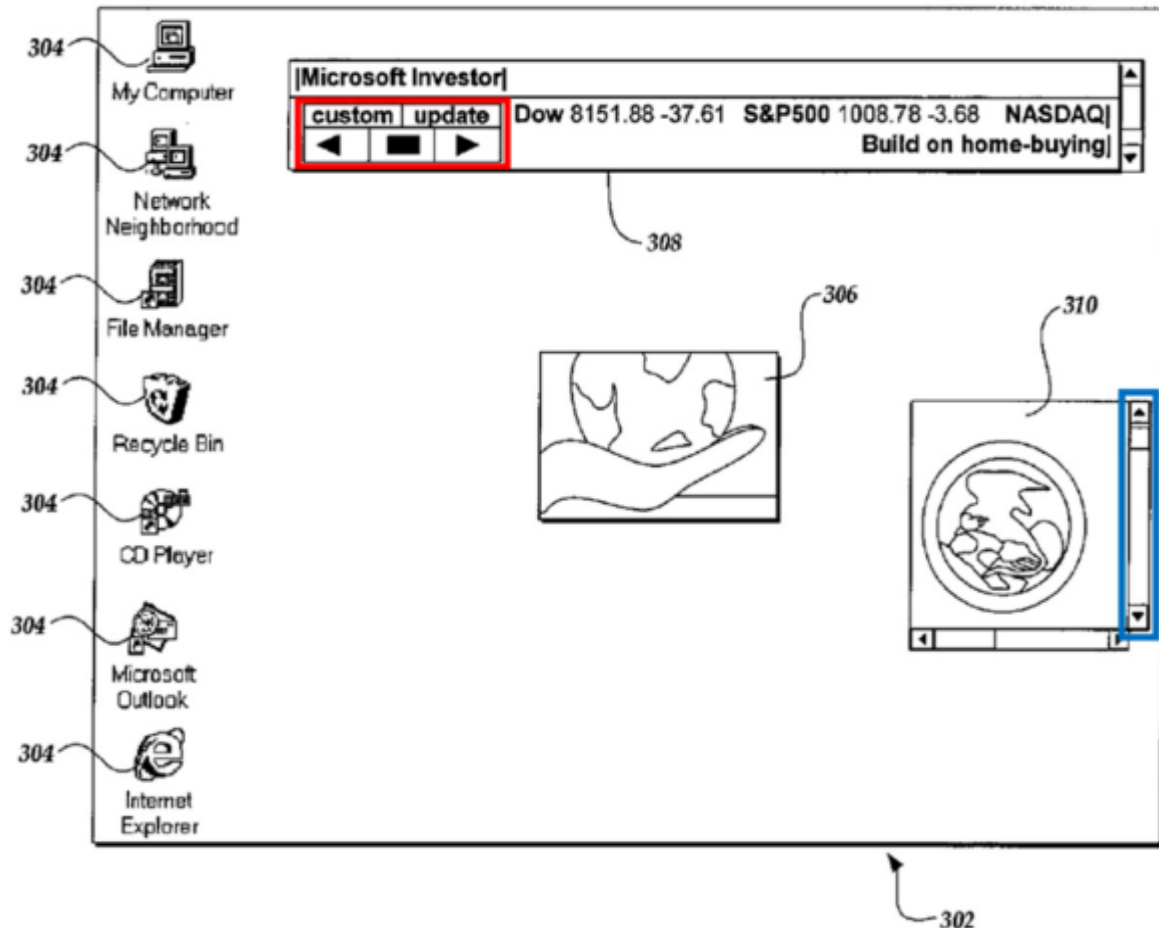
Whereas the alleged NIMs (desktop components 306, 308, 310) are defined in lines 6-9, 10-13, 14-17 of the desktop.htm file, as shown above, controls 326, 328 are defined outside the alleged NIM templates. Controls 326, 328 are defined in lines 18-28 (orange box above) and lines 29-39 (pink box above). SAMSUNG-1005, 12:10-42. DODOTS-2010, ¶¶54-56, 71-73.

Thus, Brown's alleged NIM templates do not define any controls/control characteristics for manipulating the NIM because the controls are defined elsewhere – in separate and distinct HTML fragments defining controls 326, 328. DODOTS-2010, ¶73.

Accordingly, the alleged NIM templates cannot be NIM templates as construed. *Id.*

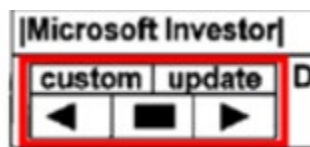
c. Other alleged controls.

Petitioner mentions other alleged controls in passing. In particular, Petitioner points to the red box and blue box below as allegedly showing controls.



(Excerpted from Petition, 43 (annotations by Petitioner))

None of these alleged controls (nor their characteristics), however, are defined within the alleged NIM templates. DODOTS-2010, ¶80-82



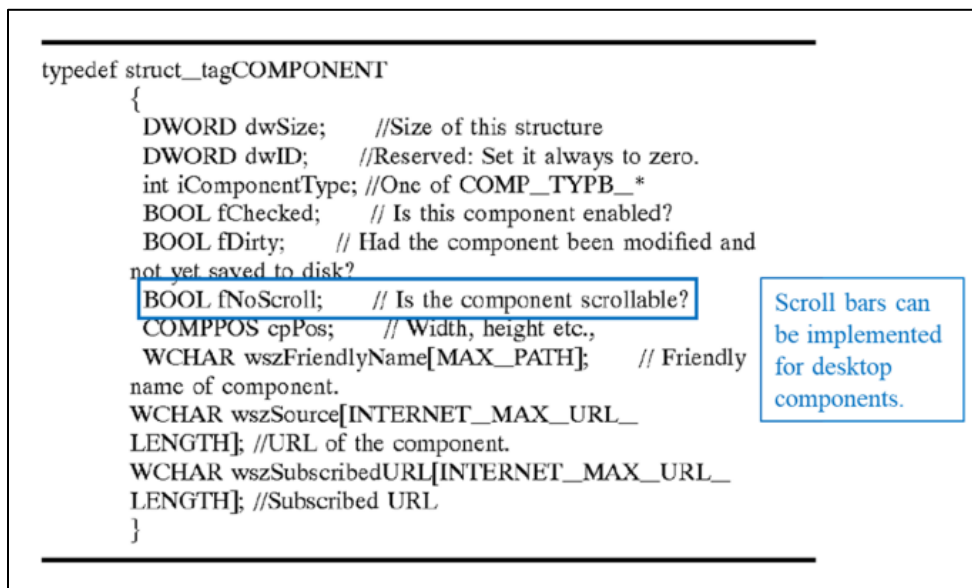
With regard to the alleged controls (red box above), these are displayed on Brown's composite desktop as *content of a third-party web page*. A POSITA understands these alleged controls are *not* defined in the alleged NIM template for

desktop component 308. Moreover, these controls have nothing to do with resizing/moving component 308. *Id.*, ¶83-84.

To the extent that Petitioner alleges that *resizable* = “XY” is what results in the alleged controls shown in the red box above, Petitioner is wrong. *resizable* = “XY” is also found in the HTML for desktop components 306 and 310 but these do not have the same alleged controls. *Id.*, ¶85.



With regard to the scroll bars (e.g., blue box above) next to desktop component 310 (or component 308), a POSITA understands that these scroll bars are not characteristics/features specified anywhere within the alleged NIM templates (or anywhere within Brown's desktop.htt file). *Id.*, ¶86-87. Instead, a POSITA understands that the scroll bars are a standard feature of the Windows operating system, implemented by software not disclosed by Brown. A POSITA would understand that nothing in the alleged NIM templates has any relation to whether a scroll bar was presented on the composite desktop. *Id.*; see also ¶88-89.

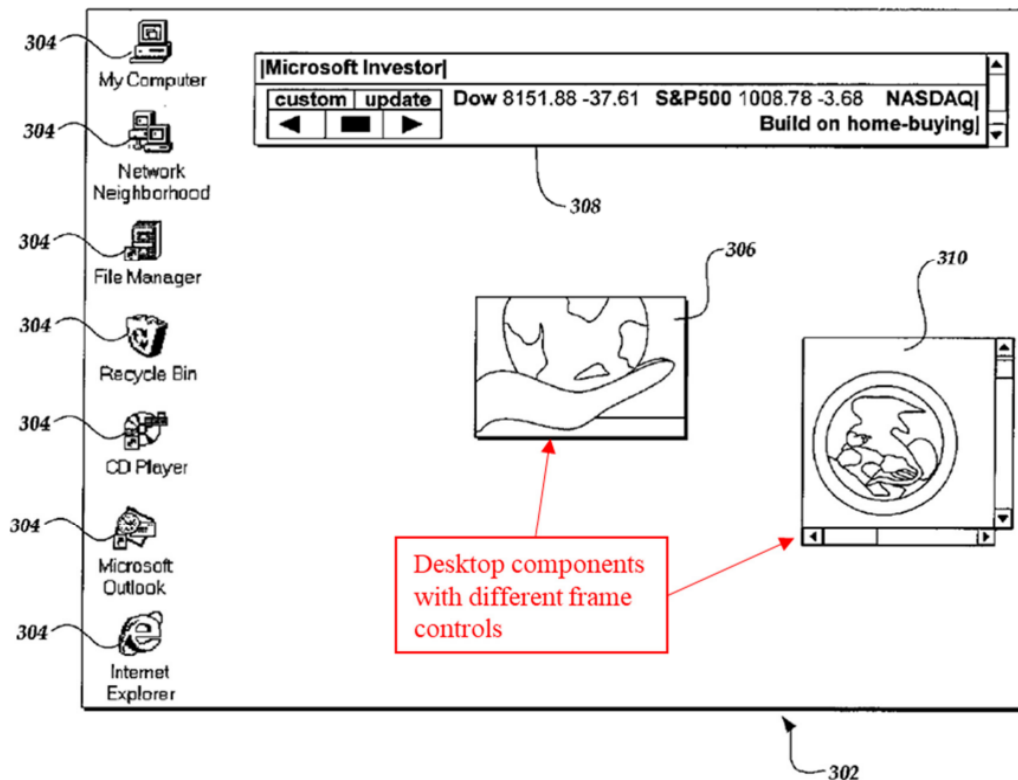


(Excerpted from Petitioner, 43 (annotations by Petitioner))

The property specification in the blue box above is also not contained in any of the alleged NIM templates. DODOTS-2010, ¶¶90-92.

Petitioner also discusses Jones (SAMSUNG-1010), which discloses a user's ability to put a cursor on the edge/border of a desktop component and resize the desktop component by dragging the cursor. Petition, 44 (citing Ex. 1010, 5:1-7, FIG. 4). To the extent Petitioner alleges that this is a control, any control characteristic related to this are not defined in the alleged NIM templates. DODOTS-2010, ¶93.

As shown below, Petitioner appears to allege that controls associated with the thickness of the borders, scroll bars, and/or resizing or moving desktop components 306, 308, 310 are frame controls. Petition, 24.



(Excerpted from Petition, 24 (annotations by Petitioner))

None of these alleged controls are defined in the alleged NIM templates.

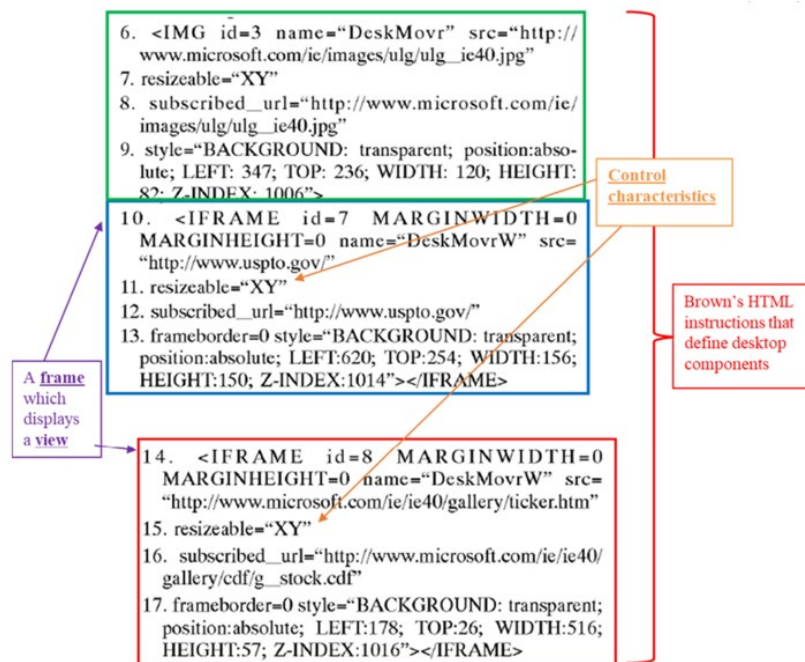
DODOTS-2010, ¶¶94-96.

d. Data structures

A POSITA would understand that “a data structure is a way of organizing and storing data in a computer so that it can be accessed and used efficiently. It refers to the logical or mathematical representation of data, as well as the implementation in a computer program.” This stands in contrast with HTML,

which is code for displaying a webpage. DODOTS-2010, ¶¶97, 103 (citing DODOTS-2016).

The Petition alleges that Brown's NIM templates are the three HTML fragments below (red, green, blue boxes below).



(Excerpted from Petition, 29 (annotations by Petitioner))

According to the Petition, each of the HTML instructions is a data structure because they are “generated from the data stored in the registry 208.” Petition, 26 (citing Ex. 1005, 14:7-8). Not so. That HTML instructions are generated using data in a data structure (registry 208) does not mean the HTML instructions themselves are data structures. DODOTS-2010, ¶¶99. The Petition provides no explanation or

reasoning why Brown's HTML instructions in the alleged NIM templates would be considered a data structure or even what a data structure is. *Id.*, ¶100.

To determine whether Brown's HTML instructions are a data structure, a POSITA would look at how HTML instructions are being used. DODOTS-2010, ¶103. Brown's HTML is written and read sequentially from beginning to end. *Id.*, ¶104 (citing SAMSUNG-1005, 2:16-18). Given this, a POSITA would not understand Brown's HTML instructions to be a data structure.

Unlike a data structure, (1) Brown's HTML instructions are simply written and read sequentially from beginning to end, and (2) Brown's HTML instructions are not being used for data organization. *Id.*, ¶104.

Indeed, the organization responsible for publishing the HTML standards describes "parsing data from an HTML page into a data structure." *Id.*, ¶105 (citing Ex. 2017). That data from an HTML page (data that would be found in Brown's HTML instructions) can be parsed to create a data structure indicates to a POSITA that the HTML code disclosed in Brown is not itself a data structure. *Id.*

To the extent that Petitioner is alleging that using data from registry 208 to generate Brown's HTML instructions makes the resulting HTML instructions a data structure, Petitioner is incorrect. A POSITA would not understand that

extracting data from a data structure to generate HTML makes the resulting HTML instructions data structures. *Id.*, ¶106.

Indeed, Brown makes no mention (nor does Brown imply) that Brown's HTML is a data structure. Brown specifically refers to "HTML *documents*." SAMSUNG-1005, 2:18-26; DODOTS-2010, ¶107. Because Brown's HTML is not a "data structure," Brown alone or in combination with Wecker cannot render the claims of the '083 patent obvious. DODOTS-2010, ¶107.

2. Brown alone or with Wecker does not disclose or render obvious a NIM.

All claims of the '083 patent recite a "networked information monitor" (NIM). A "NIM" is "a fully configurable frame, with one or more controls, through which content is presented to the user." SAMSUNG-1012; Petition, 3-4. None of the alleged NIMs meets this construction and, thus, Brown alone or in combination with Wecker cannot render obvious any of the claims of the '083 patent. DODOTS-2010, ¶108.

None of the alleged NIMs of Brown is "a fully configurable frame...through which content is presented to the user." *Id.*, ¶109. The '083 patent discloses that the frame of the Dot/NIM can be customized such that the web content and controls can be configured/presented in different ways depending on how a Dot/NIM developer wants them to appear to a user. SAMSUNG-1001, 10:55-57

(“[T]he frame shape and content may be wholly defined by the Dot developer.”); 11:11-15, 65-67; 12:20-45; 16:61-65. This is what it means to be a fully configurable frame. So, for example, within the frame of a Dot/NIM, web content can be arranged completely differently from the original web page(s) that contains the content and the frame can include different controls than are found in the web page(s). Contrary to Petitioner’s assertion (Petition, 23-24), a fully configurable frame is not one that can simply be moved around, resized, or that can be affected by controls located/defined external to the NIM/NIM template. DODOTS-2010, ¶109.

Whereas the web page that makes up the HTML layer of Brown’s composite desktop can itself be configured with different desktop components, that configuration is not relevant to the construction of a NIM. DODOTS-2010, ¶109. The desktop components 306, 308, 310 (the alleged NIM) themselves must be fully configurable. They are not. *Id.* The content for each desktop component appears exactly as it appears on the original web page from where the content is retrieved. For example, there is no HTML in Brown that can make the stock ticker in desktop component 308 or the USPTO website in desktop component 310 appear any differently than they appear on the web page from which they came.

Thus, Brown's desktop components (the alleged NIMs) are not fully configurable frames as required by the construction of NIM. *Id.*

Moreover, based on the '083 patent specification, a POSITA understands that a "fully configurable frame, with one or more controls" means that the NIM must include its own configurable control(s). The Petition, however, does not identify any such controls/control characteristics and, thus, the Petition fails to identify a NIM as that term is construed. Indeed, instead of identifying a fully configurable frame with one or more controls, the Petition identifies controls/control characteristics that are visually shown to be external to, and defined separately from, the alleged NIMs. *Id.*, ¶110.

The patent explains the problem with existing browsers was that "the controls associated with a browser are not fully configurable." SAMSUNG-1001, 2:21-36, 45-49; DODOTS-2010, ¶111. To address this problem, the patent discloses a NIM/NIM template, where each NIM template "defines the characteristics of a specific [NIM], including... control characteristics..." SAMSUNG-1001, 7:19-23; *see also id.*, 5:44-48; DODOTS-2010, ¶112.

The alleged NIMs in Brown, however, are not fully configurable frames with their own controls. Instead, the alleged NIMs in Brown share controls that are defined external to the NIM and/or have controls defined other than by the alleged

NIM templates. Thus, none of the alleged NIMs of Brown is a “fully configurable frame, with one or more controls.” DODOTS-2010, ¶113.

And as discussed in Section V.D.1.b and V.D.1.c, a NIM is not just a frame that has some external controls that work with the NIM in some way. A POSITA understands that each NIM is fully configurable and must include at least one or more of its own controls, which are defined in the NIM template for that NIM. DODOTS-2010, ¶114.

Indeed, the '083 patent specification states “A Dot [NIM] comprises of at least one control, each of which is arranged within the frame according to the Dot Definition [NIM template].” SAMSUNG-1001, 9:61-63. The specification also states that: “The Dot Definition [NIM template] contains data used to...specify and lay out the controls. *Id.*, 15:26-29; 24:11-14; *see id.*, 7:19-23; Fig. 8; 10:11-19; 13:47-48; DODOTS-2010, ¶115.

Thus, if the NIM template does not define a control, the NIM cannot have a control. *Id.*

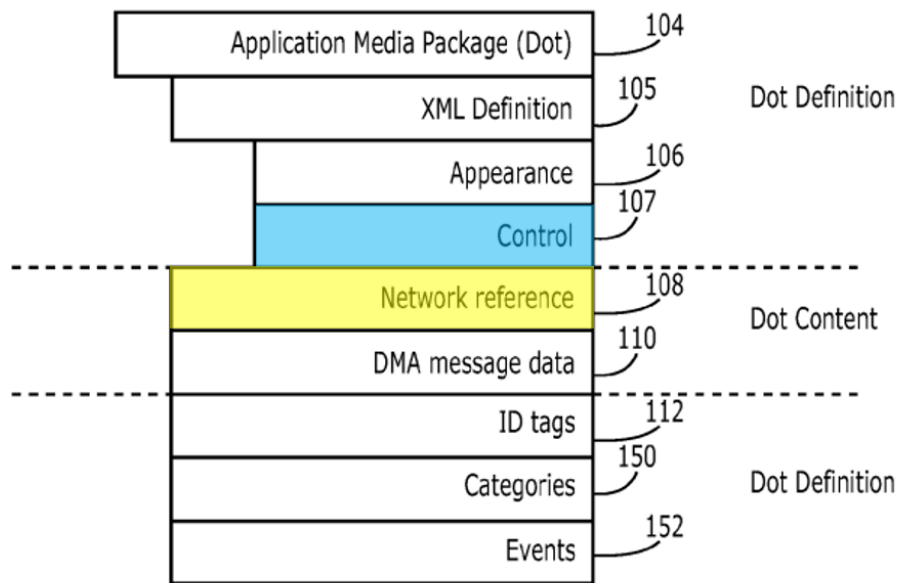


FIG. 3

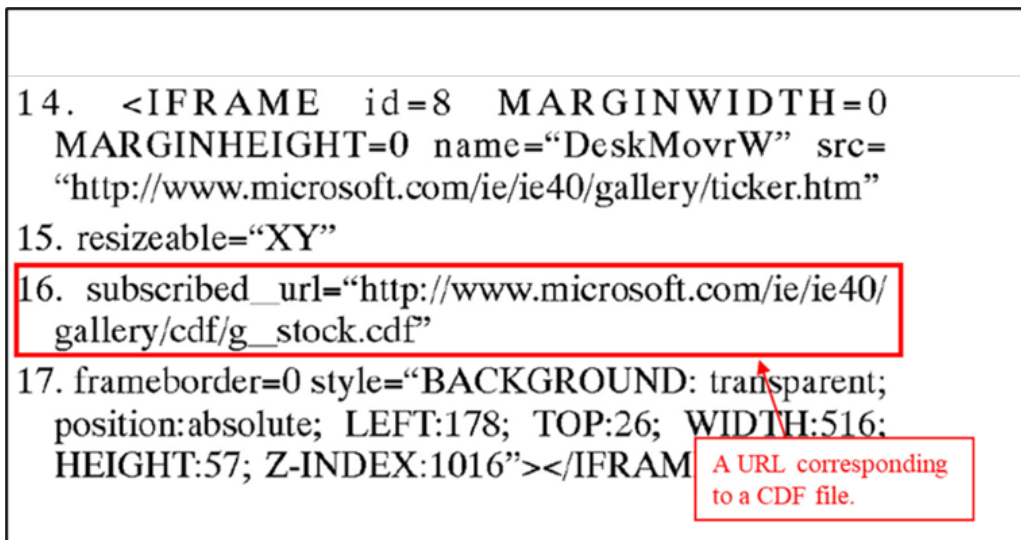
(SAMSUNG-1001, Fig. 3 (annotated))

Figure 3 above shows that control 107 (blue) is defined within the NIM template separate from web content 108 (yellow). Petitioner alleges that controls are components for resizing/moving the desktop components, scroll bars, frame border, or “rewind, stop, and play buttons.” None of these alleged controls, however, are defined within the alleged NIM templates in Brown and, thus, none of the desktop’s components are NIMs. DODOTS-2010, ¶¶116-117.

3. Brown alone or with Wecker does not disclose or render obvious a “content reference ...”

All claims require a NIM template to include “a content reference that comprises a network location at which content for the first network information monitor is accessible.” SAMSUNG-1001, Claims 1-16.

Based on the '083 patent specification, a POSITA understands this language requires that the NIM template itself must identify/include the network location of the content to be displayed in the NIM. The Petition, however, fails to identify this limitation. DODOTS-2010, ¶119.



(Excerpt from Petition, 33 (annotations by Petitioner))

In particular, the Petition asserts that the “content reference” is a “CDF subscription” and the “network location” is a URL referenced in the CDF

subscription. Petition, 32, 33; DODOTS-2010, ¶119. The Petition points to the URL in the red box below as the network location of content.

This URL, however, is not a network location of content that is displayed in the NIM. Instead, the URL is the network location of a CDF file, which is not itself content. That is, the content for the alleged NIM is not accessible at the URL that the Petition identifies; only a CDF file is accessible there. DODOTS-2010, ¶120. This is not what the claims require. *Id.* Petitioner points to Wecker's disclosure that web content is "described" in a CDF file. Petition, 32. But describing web content does not make it accessible at the CDF file's URL. *Id.*

To the extent Petitioner asserts that the CDF file includes a URL/network location of content, Petitioner has failed to provide the actual CDF file referenced in Brown let alone identify any network location in this undisclosed file. *Id.*, ¶121. And even if Petitioner asserts that the CDF file includes a URL that is the network location of content, that is not what the claim requires. Nor would it be obvious to take a URL found in a CDF file and put it in Brown's HTML. Such an assertion would require a POSITA to abandon the teachings of Brown. *Id.*

4. Brown alone or with Wecker does not disclose or render obvious instructions configured to cause the first/second NIM to request content.

All claims require “instructions configured [] to cause the first networked information monitor to request content from the network location.” Claims 2 and 4 require “instructions configured [] to cause the second networked information monitor to request content from the network location.”

Each NIM template defines a specific NIM and each NIM is its own entity. As such, a POSITA, reading the '083 patent, understands that each NIM can run independently of any other NIM and must be instantiated using its own NIM template (i.e., each NIM must be able to request content without requiring any other NIM to also do so). *See, e.g.,* SAMSUNG-1001, 7:19-23; 5:50-51; 15:22-23. DODOTS-2010, ¶123.

As shown below in Figure 8 of the '083 patent, to render a NIM on a computer screen, the client device uses the content reference(s) in a *single* NIM template (Dot definition) and requests content for only that Dot/NIM. *See id.*, Fig. 3 (showing only one NIM (Dot) having its own Dot definition and content reference(s)); 22:53-23:9; Fig. 10, 24:18-30. DODOTS-2010, ¶123.

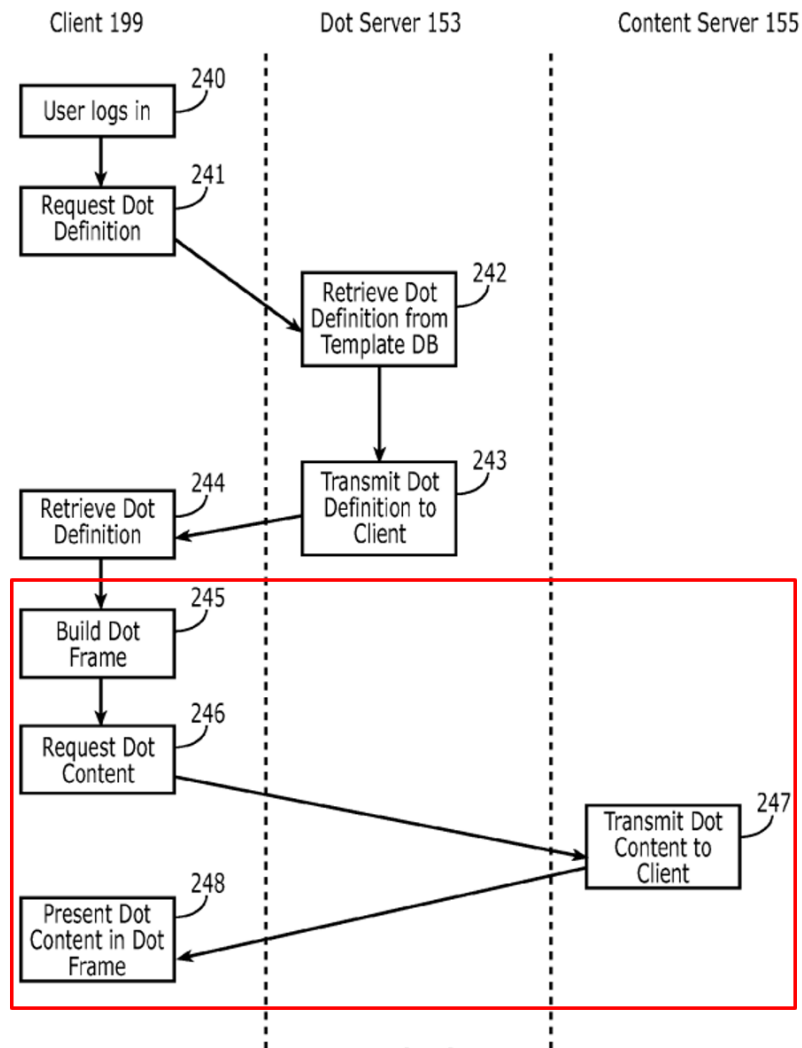


FIG. 8

The claims require that each NIM – first and second NIM – must be able to separately/independently request content from any other NIM. That is not what happens in Brown. DODOTS-2010, ¶124.

Brown discloses a single web page defined by a single HTML document. All the alleged NIMs are part of the same web page. Brown creates a graphical user interface by retrieving *all* the web content associated with *all* the alleged NIMs.

SAMSUNG-1005, 4:15-19; DODOTS-2010, ¶125. Thus, when Brown's HTML document is evaluated, just as with a traditional web page, the rendering software displays the *entire* HTML layer of the composite desktop with all alleged NIMs. DODOTS-2010, ¶125. Consequently, the alleged NIMs of Brown are not separate NIMs that operate independently as set forth in the claims. *Id.*

5. Brown alone or with Wecker does not disclose or render obvious one or more processors configured to access or execute the first/second/further NIM template.

Claim 1 requires "one or more processors configured to access the first networked information monitor template, and to execute the first networked information monitor template." Claim 5 requires "one or more processors are further configured to execute the second networked information monitor template." *See also* SAMSUNG-1001, claims 8, 9, 13, 16. Given the specification's discussion of a NIM/NIM template, a POSITA understands the claims require that each NIM template is accessed and/or executed independently of any other NIM template. *See* Section V.D.4; DODOTS-2010, ¶127.

The alleged NIM templates, however, are not separate and distinct NIM templates, so it is impossible to access and/or execute Brown's alleged NIM templates separately. DODOTS-2010, ¶127. Brown discloses a *single* HTML document (desktop.htt file) that includes *all* of the alleged NIM templates. The

HTML document is “executed” in its entirety; one HTML fragment in the HTML document is not accessed or executed separately from other fragments in that same HTML document. *Id.* A single invocation of the rendering engine generates the entire composite desktop display with the desktop components 306, 308, 310. SAMSUNG-1005, 6:38-40; *see also id.*, 7:12-15; *see also* DODOTS-2010, ¶122-127.

6. Brown and Wecker do not render the claims obvious.

The Petition relies on “Wecker’s disclosure for a single feature of claim 1 (“electronic storage having stored thereon a plurality of networked information monitor templates”) and features of claims 6-8 and 14-16.” Petition, 8. Wecker, however, does not teach these claimed features. DODOTS-2010, ¶172. And Wecker fails to cure the deficiencies of Brown.

Wecker does not disclose storing a plurality of NIM templates. Petitioner appears to imply that Wecker’s script/default templates are NIM templates. Petition, 29-30. The Petition also asserts that these scripts are stored in Wecker’s “cache memory.” *Id.* (citing Ex. 1006, 8:31-39, FIG. 6, FIG. 7, Claim 1, Claim 13); DODOTS-2010, ¶173-174.

Wecker’s script/default templates cannot be NIM templates because, the Petition fails to discuss Wecker’s templates having all of the claimed features of a

NIM template. Moreover, Wecker's templates contain executable Visual Basic Script (later known as VBScript) code: "Scripts are preferably written in visual basic script (VBS)." SAMSUNG-1006, 3:17-20; DODOTS-2010, ¶¶174-175. A POSITA knows that VBS is a procedural language and thus Wecker's script/default templates are *executable applications/compiled code*. *Id.*, ¶176. The construction of NIM template specifically "excludes executable applications/compiled code." *Id.*, ¶176. Wecker cannot be combined with Brown for this reason alone.

Additionally, contrary to Petitioner's assertion, just because Wecker discloses storing script templates in cache memory does not mean that Wecker discloses storing all types of templates in cache memory, such as Brown's alleged NIM templates. *Id.*, ¶¶164, 175. Brown does not use the script/default templates of Wecker. Thus, Wecker storing script templates in "cache memory" does not teach a POSITA anything about where or how to store Brown's alleged NIM templates. Accordingly, Wecker cannot fill the gap in Brown's disclosure regarding storage of a plurality of NIM templates. DODOTS-2010, ¶¶176-177.

Moreover, contrary to Petitioner's assertion that a Brown-Wecker combination would provide for a plurality of desktop components/templates (SAMSUNG-1003, ¶87), Wecker fails to disclose (and a POSITA reading Wecker

would not understand Wecker to disclose) web content (associated with multiple script files/templates or default templates) being rendered/displayed simultaneously on a computer's desktop like desktop components are displayed in Brown. DODOTS-2010, ¶177. Wecker discloses a user selecting a single channel, after which the web content for that one channel will be displayed on the screen.

Id.

Therefore, the Brown and Wecker combination does not invalidate the challenged claims of the '083 patent. *Id.*, ¶178.

7. Brown alone or with Wecker does not render claims 4, 5, 6, 7, 14, or 15 obvious.

Claim 4 requires “a definition of a graphical user interface of” the first and second NIM. Claim 5 requires “the *graphical user interface* of the second networked information monitor is presented to the user on the electronic display *separately and discretely* from the *user interface* of the first networked information monitor” In other words, the first and second NIMs must have their own separate graphical user interface.

Brown does not disclose separate graphic user interfaces for the first and second alleged NIMs. DODOTS-2010, ¶¶179. Brown discloses only *one* graphical user interface. SAMSUNG-1003, claim 1 (“1. A computer-based method of displaying information in *a graphical user interface* displayed on a computer

monitor”); *see also id.*, claim 19. Although desktop components 306, 308, 310 appear visually separate, they are part of the same graphical user interface – they are part of the same/single web page. SAMSUNG-1003, 4:14-18; 6:33-41; Title – “*Composite web page...*”. A POSITA does not understand this to be separate/discrete graphic user interfaces. DODOTS-2010, ¶¶179.

Claims 6 and 14 require transmitting a request to a server for a NIM template responsive to a user request for a NIM. Claims 7 and 15 further require electronic storage of that NIM template responsive to receiving it from a server.

Brown fails to disclose these limitations. DODOTS-2010, ¶¶180. The Petition argues that these limitations are disclosed by Brown's shell user interface control 220 that can be selected in order to add a corresponding desktop component to the composite desktop. Petition, 61-64 (citing Fig. 2 SAMSUNG-1005, 7:3-7). But Brown fails to provide any details of what is transmitted to a client computer running Brown's composite desktop when the shell user interface control is selected. DODOTS-2010, ¶¶180-181. There is certainly no disclosure or suggestion in Brown that, in response to a user request using control 220, the alleged NIM templates are transmitted to Brown's computer. For this reason, claims 6 and 14 are not obvious from Brown. *Id.*

Indeed, Brown provides no details whatsoever (and the Petitioner points to none) showing what would be returned and stored when the control 220 is used. Thus, Brown fails to teach the limitations of claims 7 and 15. *Id.*

Additionally, a POSITA would understand from Brown that the alleged NIM template for (i) the static desktop component 306 was generated from data already resident on the client computer; (ii) the alleged webpage desktop component 310 was generated from a URL typed into the client computer (SAMSUNG-1005, 10:46-57, 11:1-14); and (iii) for the active desktop component 308, and for an alternative method of generating a static desktop component 306, Brown discloses that “the API described above” would be employed. SAMSUNG-1005, 10:29-45, 10:57-62; DODOTS-2010, ¶¶181-183. Accordingly, Brown fails to disclose the receiving of NIM templates from a server and storing of those NIM templates, as required by the claims. DODOTS-2010, ¶184.

Other than through hindsight with the '083 patent in mind, a POSITA would not understand that the alleged NIM template is being transmitted from a server in response to a user requesting the alleged NIM. DODOTS-2010, ¶185.

Wecker does not resolve these deficiencies. The Petition merely points to the fact that Wecker periodically retrieves new/updated scripts, data, and CDF files. Petition, 51. The Petition also asserts that the subscription of Wecker would be

implemented in a Brown-Wecker combination for the HTML instructions of Brown. Petition, 52-53; DODOTS-2010, ¶184.

First, the Petition points to no evidence that Wecker's scripts/templates, are transmitted in response to a user request. DODOTS-2010, ¶184. Second, Wecker's scripts/templates are not NIM templates as construed nor has the Petitioner alleged that they are. *Id.* Third, Wecker provides no details regarding what would be contained in any scripts/templates that are transmitted from a server and whether what is transmitted and stored is a NIM template as construed. *Id.* Finally, other than speculation/hindsight, there is no teaching/suggestion in Wecker or Brown that the subscription of Wecker would be implemented as Brown's HTML instructions that are the alleged NIM template. *Id.* Both Brown and Wecker are silent with regard to the details of what is transmitted/stored, and a POSITA would not understand that NIM template as construed would be transmitted from a server and stored. *Id.*

Therefore, Brown alone or in combination with Wecker does not render obvious claims 4, 5, 6, 7, 14, or 15 of the '083 patent. *Id.*, ¶185.

**VI. PETITIONER HAS NOT MET ITS BURDEN REGARDING
OBVIOUSNESS IN VIEW OF SHIMADA AND BUCHHOLZ
(GROUND 2)**

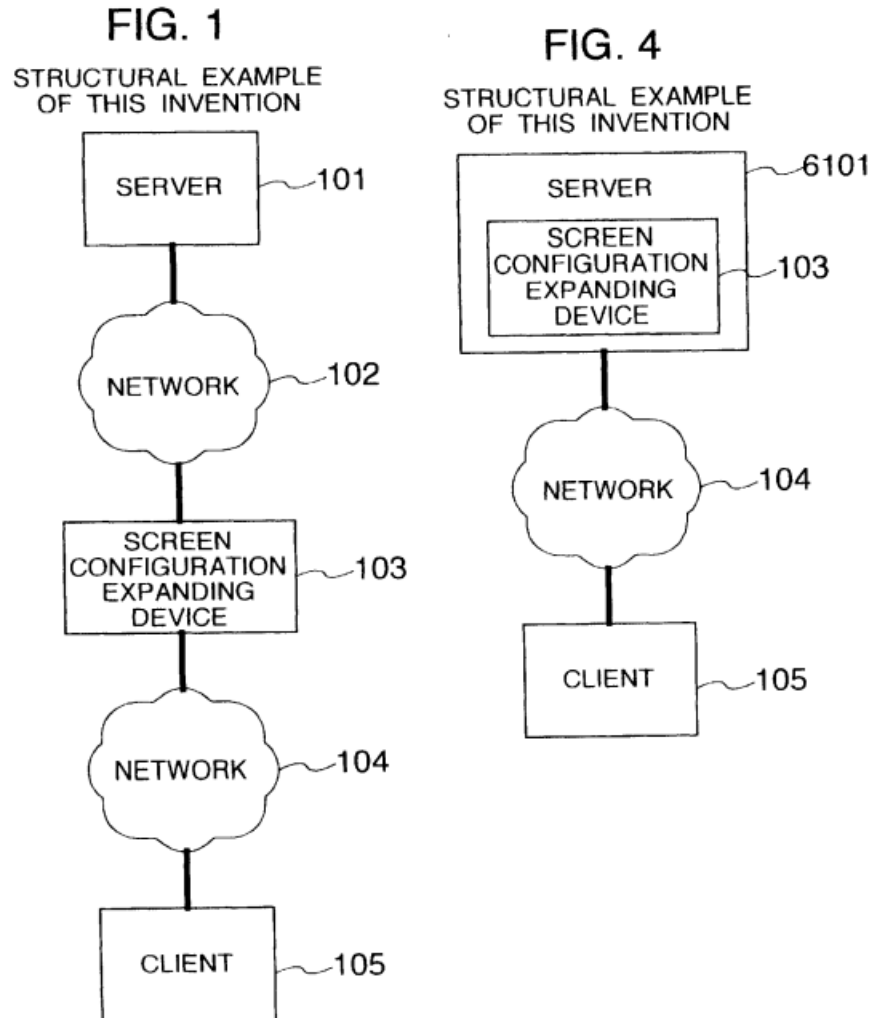
Samsung asserts that claims 1-16 of the '083 patent are obvious in view of Shimada-Buchholz.

Shimada's approach pertains to composing an HTML document that will change media, change formatting, and add user interface elements to display a web page. DODOTS-2010, ¶186. Buchholz's approach, on the other hand, pertains to how to display time-varying web content on mobile devices by separating data from a template that uses that data to create a display on a screen. DODOTS-2010, ¶208. These approaches are significantly different from each other as well as from the approach claimed in the '083 patent. DODOTS-2010, ¶223.

A. Shimada.

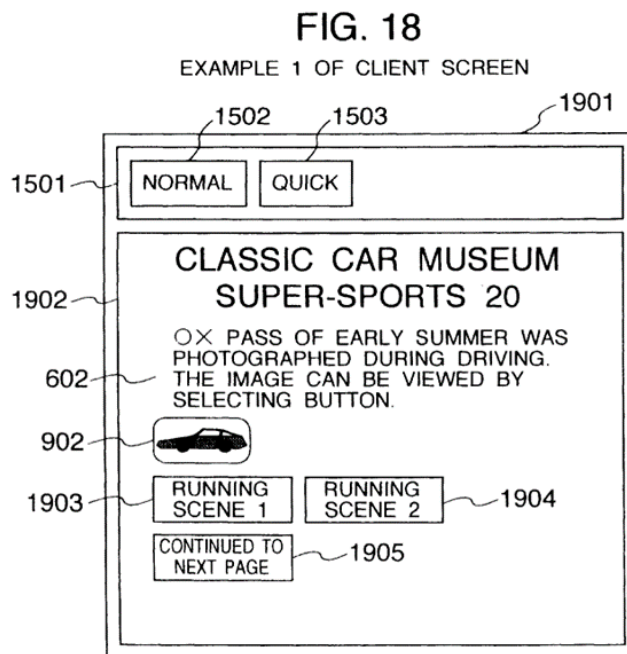
U.S. Patent No. 6,789,263 ("Shimada") discloses a way to create *a web page* for presenting on a user device. Specifically, Shimada describes a "data converting device" which converts data transmitted from a server. SAMSUNG-1008, 2:15-19. Shimada notes that when information, such as a web page is requested in an "environment having a small network transmission capacity, the problem develops in that an extremely long time is necessary for the data transfer." *Id.*, 1:40-44. Shimada describes using the data converting device to reduce the data access time by reducing the amount of data transmitted between the server and the client. *Id.*,

1:50-54. This data converting device, also referred to as a screen configuration expanding device 102, is positioned between server 101 and a client 105. *Id.*, Figs. 1, 4 (below). DODOTS-2010, ¶186-188.



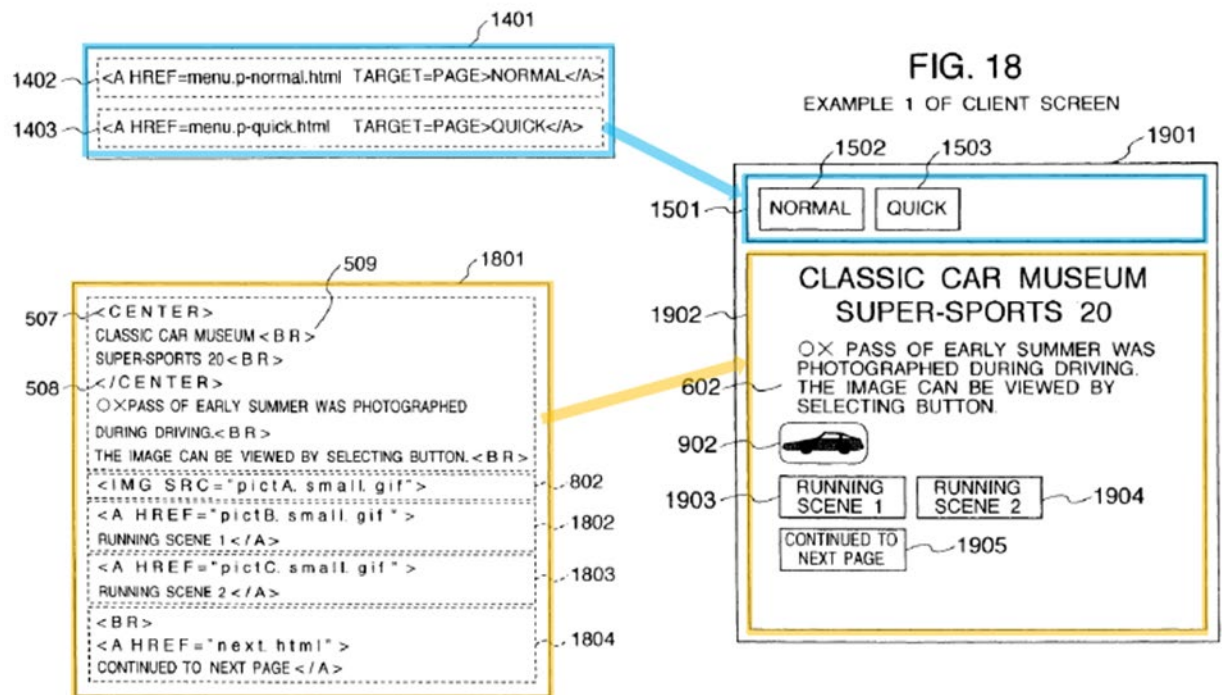
(SAMSUNG-1008, Figs. 1,4)

Shimada notes that server 101 stores screen configuration data 501 and uses it for defining the screen configuration when displaying a web page on a client screen. 105. *Id.*, 6:4-62; Fig. 5. Shimada generally explains how client 105 uses screen configuration data 501 *to display a web page* on a screen. *Id.*, Fig. 6; 6:63-7:28. When expanding device 103 is being used, a screen configuration data file is transmitted from server 101 to the expanding device 103. The expanding device 103 modifies the screen configuration data before providing it to the client 105. *Id.*, 8:29-39. In particular, the expanding device 103 contains templates that are used in a multi-step process to provide screen configuration data to the client 105 so that the client can display the web page. *See id.*, Figs. 11, 15, 18; 8:56-9:3. DODOTS-2010, ¶189-192.



The eleven-step process for generating the client screen display 1901 (a modified version of the web page) of Figure 18 (above) begins when the client first requests web content for a server. The expanding device 103 intercepts the request and this is the start of extensive back-and-forth communications with the client 105. DODOTS-2010, ¶193.

During this process, the expanding device 103 retrieves stored templates that includes details about what data needs to be obtained for analysis. *Id.*, Figs. 34; 10:25-65. In particular, in response to the request from client 105, the expanding device 103 engages in a cycle of retrieving templates, filling in blanks in the templates, and obtaining data to send to the client. *Id.* Based on this process the expanding device 103 sequentially/separately sends multiple/different screen configuration data (multiple/different HTML fragments) to the client. DODOTS-2010, ¶194-205.



(SAMSUNG-1008, Figs. 13, 17, 18, (annotated))

Finally, as shown above, when client 105 has the data receives all necessary HTML fragments, client 105 employs that data (in an undisclosed process) to display the content shown in Figure 18. *Id.*, 12:17-26. As shown in blue, client 105 uses data 1401 to generate screen portion 1501; as shown in orange, client 105 uses data 1801 to generate screen portion 1902. DODOTS-2010, ¶194-205.

Shimada's screen configuration data are fragments of HTML and not a syntactically valid HTML document. Thus, a POSITA would know that rendering software for standard HTML could not render the display without additional

processing to embed the HTML fragments within a valid HTML document.

DODOTS-2010, ¶206-207.

B. Buchholz.

U.S. Patent No. 6,088,340 to Buchholz (“Buchholz”) describes a method/apparatus for sending data to devices having limited capabilities (*e.g.*, pager or mobile device). Notably, Buchholz is assigned to Motorola and when Motorola challenged the patent in its own IPR (which upheld patentability), Motorola did not assert the reference as relevant. And it is not. DODOTS-2010, ¶208.

In particular, Buchholz discloses controlling a display of time-varying web content on a mobile device using a template stored on that device. Ex. 1009, Abstract, 1:7-10; 1:57-59. Buchholz’s method seeks to “reduce the size of data downloads” and “allow customization [of] the display of the data according to the desires of the end user.” *Id.*, 1:48-53; 6:63-67. DODOTS-2010, ¶209-213.

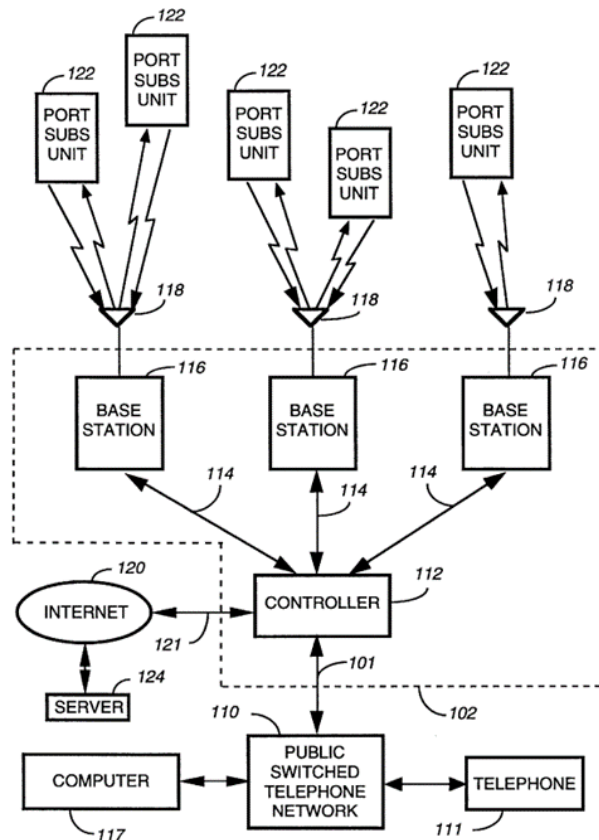
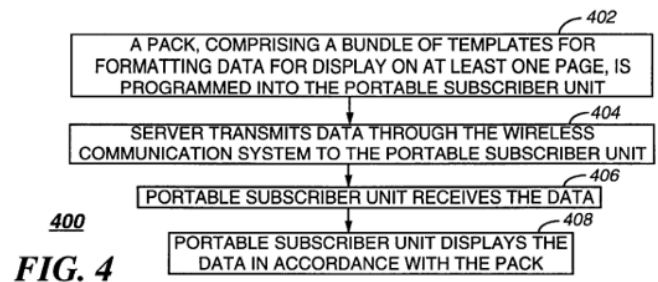
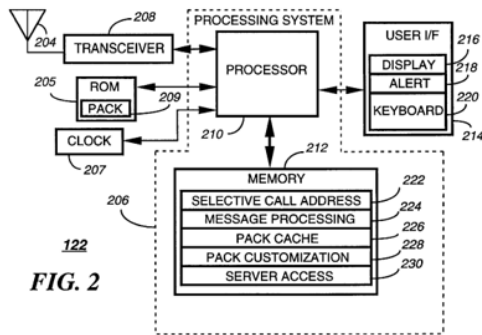
**FIG. 1**

Figure 1 above illustrates a wireless communication architecture having portable subscriber units 122 that can be connected wirelessly to base stations 116. The portable subscriber units 122 can access web content from server 124 over the Internet 120. Buchholz discloses using (1) multiple templates (referred to as a “pack”), and (2) template data (time-varying data – stocks, sports, news information) in order to display web content on a screen of units 122. *Id.*, Abstract; 1:57-67; 5:16-22. DODOTS-2010, ¶214-215.



As shown in Figures 2 and 4 (above), a pack of templates is programmed into a portable subscriber unit 122 and stored in pack cache 226. *Id.*; *see also* Fig. 8; 5:1-6. Storing the pack in portable subscriber unit 122 reduces latency for the template data. *Id.*, 5:37-41. Template data is transmitted from server 124 to the portable subscriber unit 122 separately from the templates. *Id.*, Abstract; Figs. 1, 3; 1:57-67; 5:29-35. Upon receiving the template data, portable subscriber unit 122 uses the templates to format the template data for display on unit 122. *Id.*; *see also id.*, 2:11-30; 4:50-64. Buchholz allows for customization of the templates. *Id.*, Figs. 5, 6; 4:26-31, 50-64; 5:11:16, 47-67; 6:15-24. DODOTS-2010, ¶ 216-222.

C. There is no motivation to combine Shimada and Buchholz.

A POSITA would not be motivated to combine Shimada with Buchholz. The goals of Shimada/Buchholz, along with the manner in which each of them implement their respective solutions, are significantly different. DODOTS-2010, ¶223.

Shimada seeks to reduce the amount of time to transfer data to a client device in an environment having “a small network transmission capacity.” SAMSUNG-1008, 1:40-43; DODOTS-2010, ¶¶224-226. On the other hand, Buchholz seeks to provide time-varying content (data that changes over time *e.g.*, stocks, sports, and news) in a customized display while reducing the size of data downloads. SAMSUNG-1009, 1:13-19, 29-37, 43-53; DODOTS-2010, ¶¶227-231.

Given this differing purpose, each uses a disparate approach to accomplish their respective goals that is ultimately incompatible with each other. *Id.*, ¶¶232-234.

Shimada's solution involves positioning an expanding device between a server and a client. The expanding device affects how a screen is displayed on a client by using a series of HTML templates *stored in the expanding device*, sequentially creating multiple/different HTML fragments using those templates, and sequentially/separately sending those HTML fragments to the client. The client uses those HTML fragments to build/display a screen. *Id.*, ¶¶224-227.

Buchholz, however, does not have a device positioned between the server and client that works with a client to build/display a page. Buchholz's client builds a page by itself. And while Buchholz uses templates, those templates are different (and used for a different purpose) than the templates used in Shimada. Buchholz's

templates do not even use HTML. Buchholz's templates defines where and in what size/color, data is displayed. SAMSUNG-1009, 5:11-22. These templates are sent to and stored *in the client device* prior to the client receiving data for display. This way, the system does not need to send the template every time data is transmitted. To build/display a page, the client configures received data using the templates stored therein. Thus, Shimada and Buchholz are incompatible and would not be combined. DODOTS-2010, ¶¶227-232.

Dr. Schmidt's conclusion that both Shimada/Buchholz are directed to accessing and viewing internet content and reducing data transfer times is superficial and not probative as to whether a POSITA would combine these references. *Id.*, ¶¶232-234.

Dr. Schmidt bases his opinion in part on an erroneous reading of these two references. He suggests that "a POSITA would have recognized that the 'screen configuration data' of Shimada and the 'templates' of Buchholz are both implemented in HTML." SAMSUNG-1003, ¶122 (citing SAMSUNG-1008, 6:59-62; SAMSUNG-1009, 5:9-13). This is incorrect. DODOTS-2010, ¶¶235-236. Whereas Shimada's "screen configuration data" is in the format/syntax of HTML, Buchholz specifically states it is not using HTML but rather something "similar" to HTML. SAMSUNG-1009, 5:9-11; DODOTS-2010, ¶¶236. Thus, a POSITA

would understand that Buchholz is using some custom variant of HTML for a mobile device, not HTML. Therefore, any suggestions that one would have a reasonable expectation of combining the two references because of passing mentions about HTML (SAMSUNG-1003, ¶123) is based on a false premise and incorrect. DODOTS-2010, ¶¶236-237.

Dr. Schmidt also asserts that a “POSITA would have recognized that both Shimada and Buchholz complement each other’s ability to mitigate long download times in networks with ‘small network transmission capacity’” and be “complementary, and each would enhance the abilities of the other.” SAMSUNG-1003, ¶123 (citing SAMSUNG-1008, 1:40-44 and SAMSUNG-1009, 1:26-37); DODOTS-2010, ¶¶237.

Dr. Schmidt fails to explain how the distinct designs of Shimada and Buchholz for reducing download times would be complementary, as opposed to contradictory. DODOTS-2010, ¶¶238. A POSITA would understand that Shimada and Buchholz are configured differently, not compatible, and would require significant experimentation to determine if they complement each other. *Id.* In other words, a POSITA would not be motivated to combine Shimada’s eleven-step process (involving an expanding device working with a client to build/display a screen) with Buchholz’s approach of storing templates on a client device and

letting the client do all of the work. DODOTS-2010, ¶¶238-242. And such reasonable expectation of success cannot exist in a POSITA's mind given the disparate nature of Shimada and Buchholz. *Id.*

D. Shimada-Buchholz does not render any of the claims obvious.

Shimada-Buchholz fails to disclose/render obvious numerous claim elements and, therefore, cannot render the claims obvious. DODOTS-2010, ¶¶243-245.

1. Shimada-Buchholz does not disclose or render obvious a NIM template.

Shimada-Buchholz fails to disclose or render obvious a NIM template because the alleged NIM template(s) do not define view or control characteristics and is not a “data structure.”

Indeed, the Petition provides no analysis whatsoever to suggest that Buchholz's “template” can be a “NIM template” as construed.

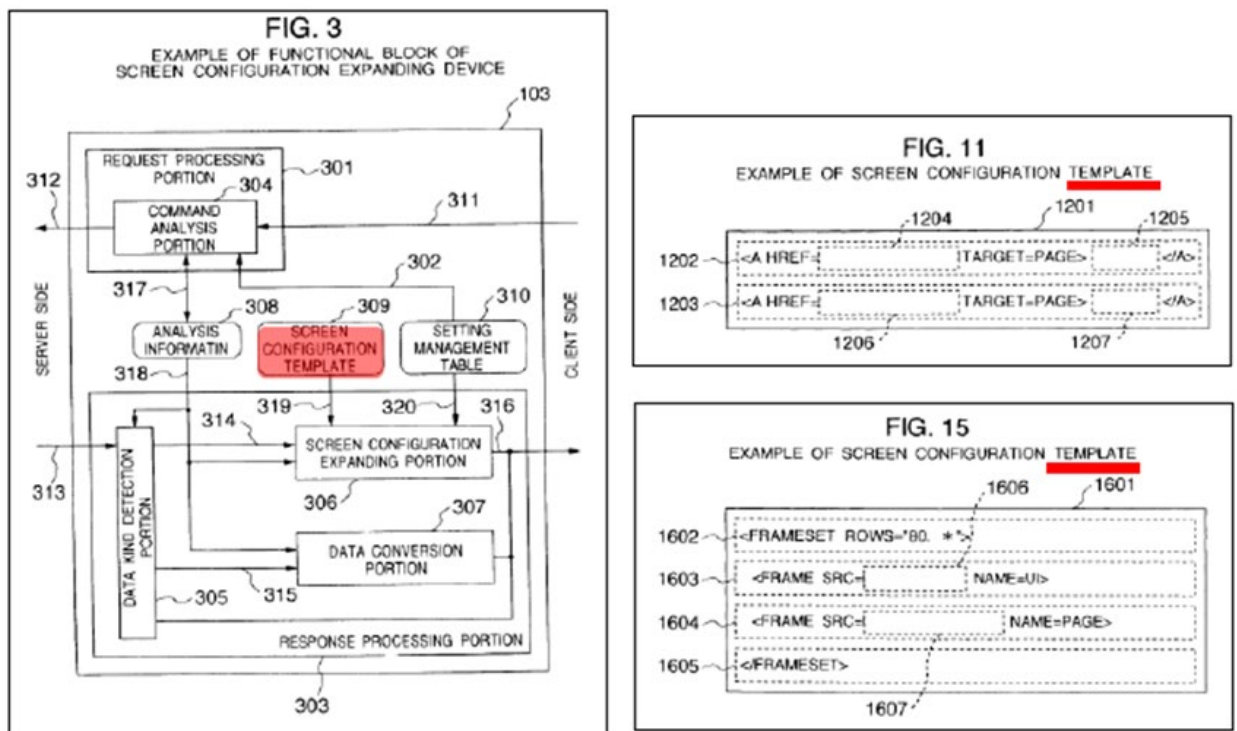
Moreover, the Petitioner appears to have a fundamental misunderstanding regarding NIMs/NIM templates - a NIM is not contained within a NIM template. DODOTS-2010, ¶¶246-247.

a. Petitioner mischaracterizes Shimada's screen configuration data.

Petitioner asserts that Shimada's “screen configuration data” (that define Shimada's “screens” and includes “anchor tags”) is the same as Buchholz's “template.” Petition, 64. But, in doing so, Petitioner engages in “sleight of hand,”

mischaracterizing Shimada in an attempt to support combining Shimada and Buchholz. DODOTS-2010, ¶¶248.

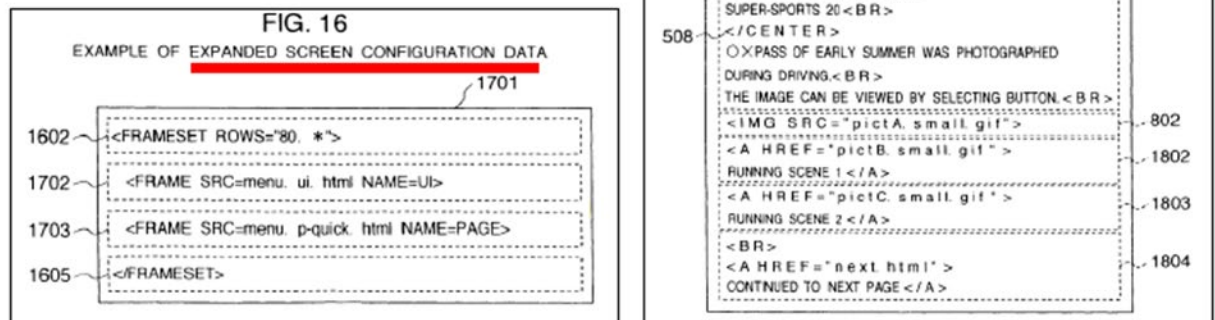
Buchholz is completely silent regarding any details of its templates. Shimada specifically identifies “templates” as screen configuration template 309, 1201 (Figure 11), 1601 (Figure 15), not “screen configuration data.” *Id.*



As shown in Figure 3, Shimada’s templates are stored in (and only exist in) expanding device 103. SAMSUNG-1008, 8:56-57. The “templates” are not stored in client 105. And because Shimada’s “templates” are **not** stored on client 105 (where Buchholz’s templates are stored), the Petition ignores what Shimada itself

identifies as templates. Instead, the Petition asserts that Shimada's templates are something else – “screen configuration data.” DODOTS-2010, ¶¶250-251.

This is a mischaracterization of “screen configuration data.” DODOTS-2010, ¶250. Expanding device 103 stores templates and fills them in to create HTML fragments. According to Shimada, once filled in, the templates are no longer templates – they are HTML fragments referred to as “screen configuration data” (see Figures 16 and 17 below (red underline)), which is sent to a client. DODOTS-2010, ¶251.



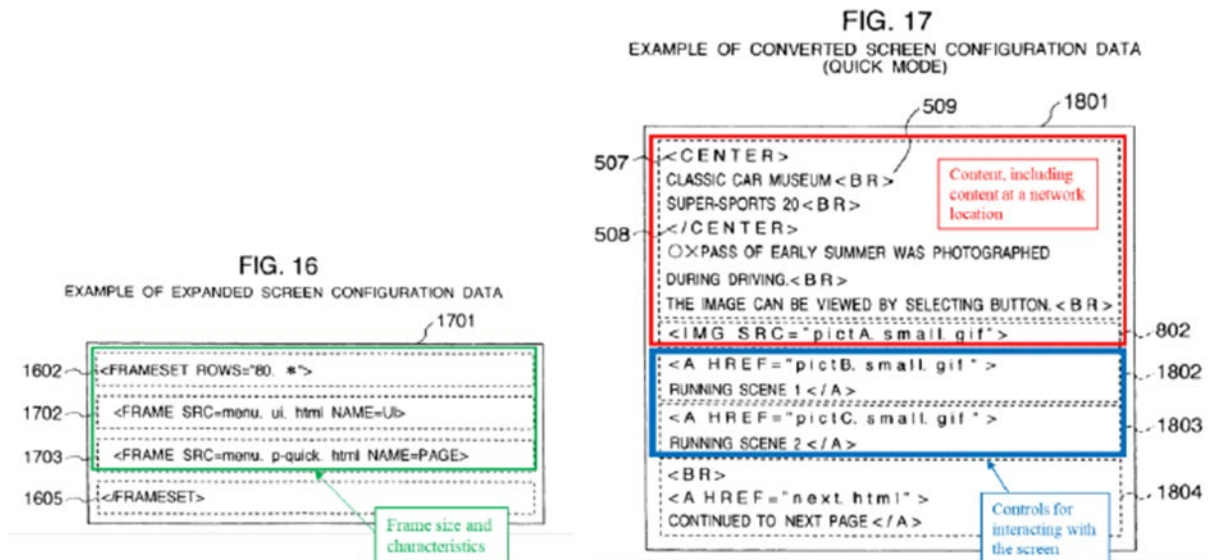
Petitioner, however, ignores this because Shimada's/Buchholz's teachings regarding templates are inconsistent. DODOTS-2010, ¶253.

The Petition also asserts that a POSITA would understand that Shimada's screen configuration data would be a Buchholz “template” because “screen configuration data is also an HTML data structure that defines the presentation of

content.” Petition, 64. Buchholz is explicit that it does not use HTML but, instead, uses something “similar” to HTML. SAMSUNG-1009, 5:9-11; DODOTS-2010, ¶¶252-253. And a POSITA understands that Buchholz’s variant of HTML would not be compatible with the HTML standard because it would not conform to the specific format/syntax of HTML. *Id.* Shimada’s screen configuration data is not the same as the templates as Buchholz. *See also* Section VI.C. Accordingly, it would not be obvious to a POSITA that Shimada’s screen configuration data would be supplemented for Buchholz’s “templates” or vice versa. DODOTS-2010, ¶254.

b. View Characteristics.

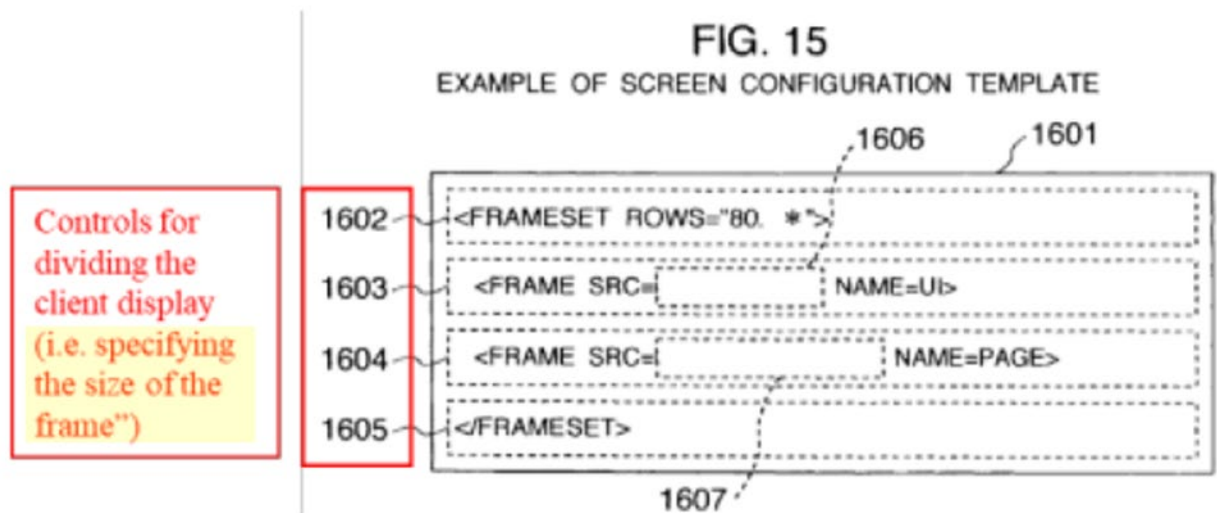
The Petition is completely silent as to what constitutes “view” characteristics in Shimada-Buchholz. *Id.*, ¶255. The Petition’s only reference to “view” in Shimada-Buchholz is a vague reference to “view” with regard to Shimada: “[S]creen configuration data also specifies the content frame (“NIM frame [and] view”).” Petition, 72; DODOTS-2010, ¶256. The Petition provides no discussion of what a view characteristic means to a POSITA in the context of the ’083 patent, or Shimada-Buchholz. DODOTS-2010, ¶257.



(Excerpt from Petition, 73-74 (annotations by Petitioner))

Indeed, as shown above, despite stating that the “view” is shown in its annotations of Shimada (above), there is nothing identified by Petitioner in its annotated Figures 16 and 17 as specifying a view, let alone being “view” characteristics. The only mention of any sort of characteristics in Petitioner’s annotations is Figure 16 refers to “frame” characteristics. DODOTS-2010, ¶258. Even then, Petitioner identifies all the elements shown in Figure 16 as specifying “frame size and characteristics,” which are not view characteristics. *Id.*

Further, as shown below, referencing Figure 15 (which is the template used to create Figure 16), Petitioner identifies everything in Figure 16 as related to “specifying the size of the frame” - a “frame” characteristic, not a “view” characteristic. Petition, 78; DODOTS-2010, ¶259.



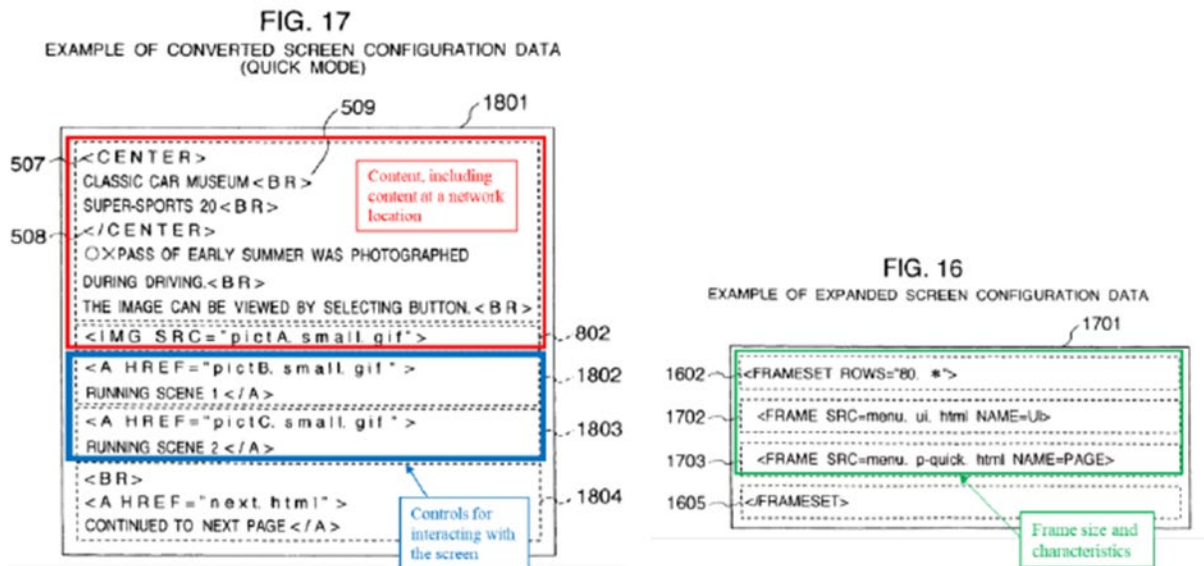
(Excerpt from Petition, 79 (annotations by Petitioner)).

See SAMSUNG-1001, claim 1 (47:57-58); claim 9 (49:15-16) (identifying size as a “frame” characteristic). Accordingly, the Petition fails to identify “view” characteristics in Shimada-Buchholz and, thus, has not identified a NIM template as construed. DODOTS-2010, ¶¶260-261.

c. Control Characteristics.

The Petition provides no discussion of what a “control” characteristic means in the context of the ’083 patent or Shimada-Buchholz. *Id.*, ¶ 265. Instead, the Petition merely states in a conclusory manner that “Shimada’s screen configuration data possesses” this feature. Petition, 71. The Petition does not identify anything in the Shimada/Buchholz specifications/figures as being a “control” characteristic.

Id., ¶266-268.



(Excerpt from Petition, 73-74 (annotations by Petitioner))

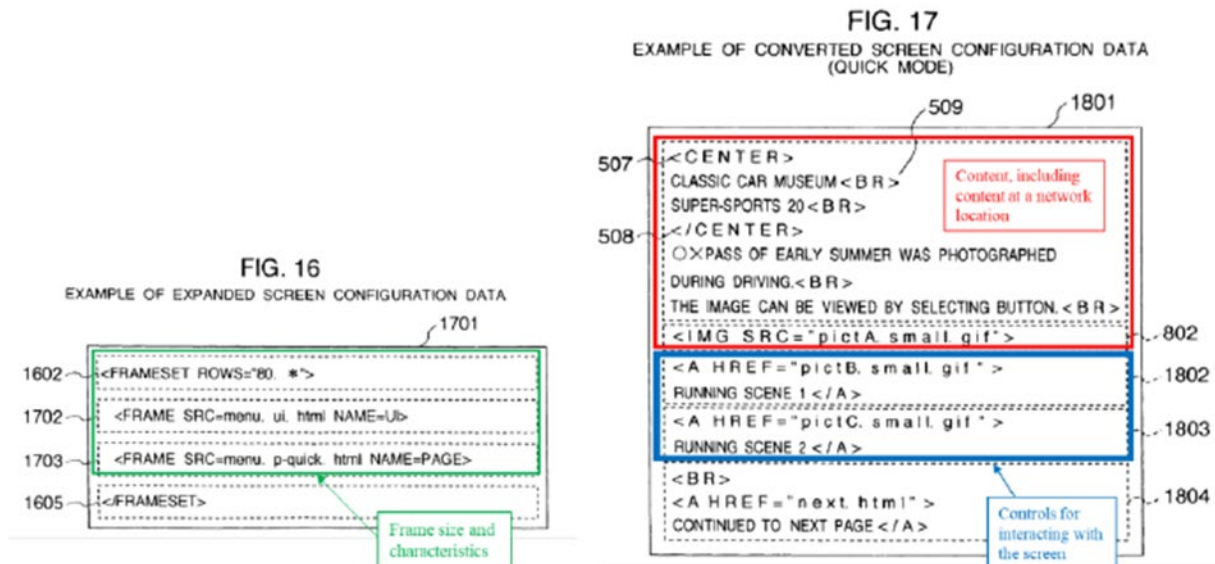
As shown above, there is nothing identified by Petitioner in its annotated Figures 16 or 17 (above) as being “control” characteristics nor has Petitioner explained how Figures 16 or 17 disclose a “control” characteristic. The Petition makes the conclusory allegation that what is in the blue box in Figure 17 are controls, but does not identify anything in the blue box as being a “characteristic.” *Id.*, ¶269. Accordingly, the Petition fails to identify a “control” characteristic and, thus, has not identified a NIM template as construed. *See also Id.*, ¶270-273.

d. Data structure.

The Petition provides no discussion of what a “data structure” means in the context of the '083 patent or Shimada-Buchholz. Instead, the Petition merely states in a conclusory manner that “Shimada’s screen configuration data possesses” this feature. Petition, 71.

The Petition does not set forth the reasons “screen configuration data” is a “data structure” or includes a “data structure.” DODOTS-2010, ¶262. Shimada’s “screen configuration data” is merely HTML fragments. The Petition incorrectly assumes without support/justification that a file with a .html suffix is a data structure. HTML (and certainly HTML fragments) are not data structures for the same reasons set forth in Section V.D.1.d regarding Brown. DODOTS-2010, ¶263. Accordingly, the Petition fails to identify “a data structure” and, thus, has not identified a NIM template as construed. *Id.*, ¶264.

The Petition also does not identify any single data structure that includes “frame, view, and control characteristics.” Instead, the Petition points to separate HTML fragments of Figs. 16 and 17. But these are not part of the same structure. Even then, the Petition only purports to identify frame characteristics and controls. DODOTS-2010, ¶¶265-266.



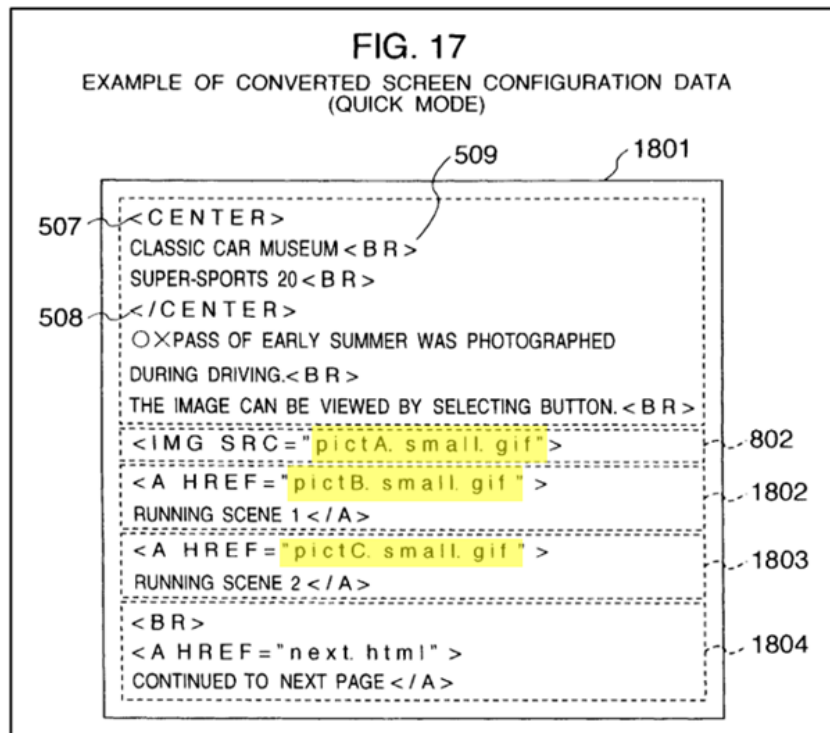
(Excerpt from Petition, 73-74 (annotations by Petitioner))

Notably, the screen configuration data of Figure 17 does not even exist at the time that screen configuration data of Figure 16 is transmitted to client 105. DODOTS-2010, ¶266-267. The screen configuration data 1801 of Figure 17 is only created after a series of communications between the client 105 and expanding device 103. In particular, the file names of 802 and 1802 of Fig. 17 are added by the expanding device 103 after screen configuration data 1701 of Figure 16 has been transmitted to the client 105. *Id.* Accordingly, the Petition fails to identify a NIM template as construed. *Id.*, ¶268.

e. Content Reference.

All challenged claims require “a content reference that comprises a network location at which content . . . is accessible.” Shimada-Buchholz does not disclose or render obvious this element. DODOTS-2010, ¶274.

The Petition merely asserts that “both Shimada’s IMG and anchor tags include a URL because Shimada describes these tags as including an ‘address representing a static image’ which is obtained from a ‘server.’” Petition, 75; SAMSUNG-1003, ¶137. This, however, is wrong. DODOTS-2010, ¶274. The claim language requires the URL that Petitioner identifies (the alleged network location) to be in the alleged NIM template itself. But Shimada does not disclose any URLs in the screen configuration data (the alleged NIM template). To the contrary, a POSITA would understand that Shimada employs file names in the screen configuration data (the alleged NIM templates) and obtains content without referencing URLs in the screen configuration data. Shimada is completely silent regarding the details of how content is obtained or where any URLs are located. *Id.*



(SAMSUNG1008, Fig. 17 (annotated))

Shimada, however, is very clear as to what is in the screen configuration data because it shows it in its figures. As shown in Figure 17 above in the yellow highlights, Shimada's IMG tag only contains "pictA.small.gif" and the two anchor tags (HREF) only contain "pictB.small.gif" and "pictC.small.gif."

"pictA.small.gif," "pictB.small.gif" and "pictC.small.gif" are only file names, not URLs or addresses of a server (a network location) at which content is accessible. DODOTS-2010, ¶275.

A POSITA understands that the file names above are not a network location from which content is accessible. *Id.* Yet, Shimada specifically decided to use a

file name and not a URL in its screen configuration data (the alleged NIM templates). Indeed, Shimada is completely silent regarding how it would use these file names to access content from a server. Shimada just says that content is being retrieved from a server. SAMSUNG-1008, 6:34-35, 42-44; DODOTS-2010, ¶275. A POSITA would not abandon the express teaching of Shimada, which uses file names, and replace it with a URL. *Id.*

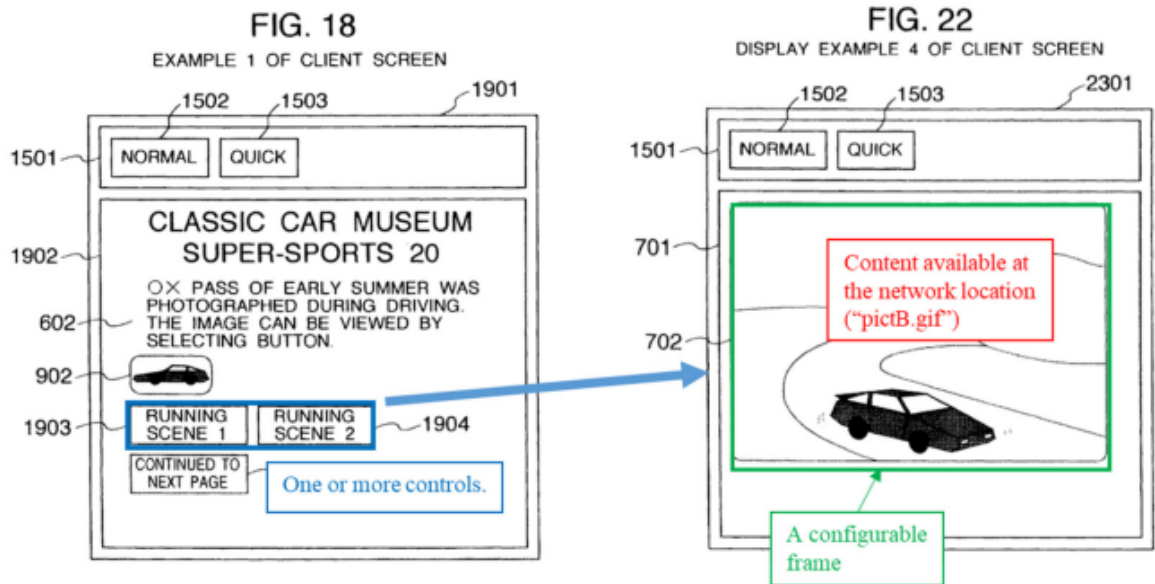
The Petition notes that Shimada describes a file name as an “address representing a static image.” Petition, 75. A POSITA understands that “address” simply refers to a file name of a file that exists in the world, not the address of a network location – e.g., not the address of the server at which content is accessible. *Id.*

2. Shimada-Buchholz does not disclose or render obvious a NIM.

The Petition identifies Shimada’s “screens” (e.g., Figure 18) and “anchor tags” as the alleged NIM. Petition, 66, 69-70.

A POSITA would not understand that the screens of Shimada are fully configurable frames. As shown in the figures below, Shimada’s screens all have a similar and specific layout indicating that they are not fully configurable frames. DODOTS-2010, ¶277.

Anchor tags are not fully configurable frames through which content is presented and, thus, are not NIMs. A POSITA understands that “through which content is presented to the user” in the definition of NIM requires that content must be displayed within the fully configurable frame itself, not that a frame is merely used to display content outside the frame or on another page as Petitioner shows below. *Id.*, ¶278.



(Excerpt from Petition, 71 (annotations by Petitioner))

As shown above in Petitioner's annotations, content is not presented within the anchor tags (shown in blue) nor do the anchor tags cause a frame with one or more controls to be rendered. Rather, the anchor tags results in buttons labelled

“running scene” and “continue to next page” being displayed on a screen.

DODOTS-2010, ¶278. Anchor tags also include the files names of pictures or the next HTML page to display upon clicking the button. The anchor tags are not fully configurable frame that include control(s). *Id.* The green box above is just an image that appears after a “running scene” button is clicked; what is shown is not a fully configurable frame, nor are there controls within the frame. *Id.* Additionally, whereas each NIM must be instantiated by a separate NIM templates, the anchor tags are all part of the same alleged NIM template. *Id.*

Accordingly, the Petition fails to identify in Shimada-Buchholz a NIM as construed. DODOTS-2010, ¶279.

3. Shimada-Buchholz does not disclose or render obvious storing a plurality of NIM templates on a client device.

All challenged claims require “a client device” (preamble) storing “a plurality of NIM templates” in electronic storage. Neither Shimada nor Buchholz disclose or render obvious this element. DODOTS-2010, ¶280.

Because Petitioner does not identify that Buchholz’s “templates” are NIM templates as construed, Buchholz cannot teach this limitation. Thus, only the alleged NIM templates of Shimada are relevant for discussion. *Id.*

Shimada is silent regarding what happens to the screen configuration data for a particular screen after that screen has been displayed and the user closes the

screen. In view of how Shimada's system is configured, a POSITA would not understand that multiple alleged NIM templates would be stored in Shimada's client device. DODOTS-2010, ¶281. A POSITA would know not to take up valuable storage space on a client device, especially when a screen can simply be re-rendered/displayed using the process disclosed in Shimada. *Id.*

That Buchholz discloses storing a pack of templates at the client device does not teach a POSITA to store multiple alleged templates of Shimada. *Id.*, ¶282. A POSITA would not combine Buchholz/Shimada. And Buchholz discloses a different type of system where storing multiple templates makes sense because the client is doing all of the work to render a page. *Id.* As discussed above, with Shimada's process, it would not make sense to store multiple alleged NIM templates. *Id.*

The Petition references Shimada's disclosure of "a screen configuration data capable of displaying a plurality of screen configurations on the same screen." Petition 58 (citing Ex.1008, Abstract). A POSITA understands that this means that one screen (the same screen) can be configured in alternative ways (having different configurations) on the client. *See* SAMSUNG-1008, Figs. 6, 7, 9, 10, 18, 19, 21-29. A POSITA would not understand Shimada to disclose that multiple alleged NIM templates would need to be stored. DODOTS-2010, ¶282-283.

4. Shimada-Buchholz does not disclose or render obvious dependent claims 4 and 12.

Claims 4 and 12 require a second NIM and second NIM template.

Buchholz does not disclose the claimed NIM or NIM template. But Petitioner relies on Buchholz's disclosure of a pack/bundle of templates. Petition, 87-88. The Petition states "a POSITA would have recognized or found obvious that multiple instances of 'screen configuration data' or 'templates' would be downloaded to the device of the Shimada-Buchholz combination, as it was known that a user would want the flexibility to request multiple pieces of content (each requiring a template)." Petition, 87. This assertion is erroneous. DODOTS-2010, ¶288.

That Buchholz discloses multiple templates does not mean that a second instance of Shimada's screen configuration data (a second alleged NIM template) will have the elements of the NIM template as construed. Indeed, Buchholz makes this explicit: "The templates of the pack can be related or *unrelated in form and functionality*, depending upon the use for which the deck and template data are intended." SAMSUNG-1006, 5:14-16 (emphasis added); DODOTS-2010, ¶¶288-289. Thus, a POSITA understands that a second alleged NIM template in Shimada-Buchholz may not have the elements of a NIM template as construed. Accordingly, there will not be a second NIM template and, because a second NIM template

defines a second NIM, there will also not be a second NIM. DODOTS-2010, ¶¶288-289.

Claims 4 and 12 require “a second content reference” and “a second network location.” *Id.*, ¶¶290.

The Petition does not identify what the second content reference is or what the second network location is. The Petition merely speculates that “A POSITA also would have understood or found obvious that, to provide content distinct from the first template, the second template would need to reference a ‘second network location, which is different from the network location in the content reference of the first networked information monitor template.’” Petition, 88; DODOTS-2010, ¶¶290.

The Petition does not identify a second content reference that comprises a second network location for the same reasons discussed above in Section VI.D.1.e with regard to the first content reference/network location. DODOTS-2010, ¶¶290.

VII. FURTHER DISCUSSION OF DEPENDENT CLAIMS

Claims 2-8, 10-16 depend from Claims 1 and 9, respectively. Because the Petition fails to disclose or render obvious the claim elements identified above, the Petitioner fails to demonstrate claims 2-8, 10-16 are obvious.

VIII. SECONDARY CONSIDERATIONS

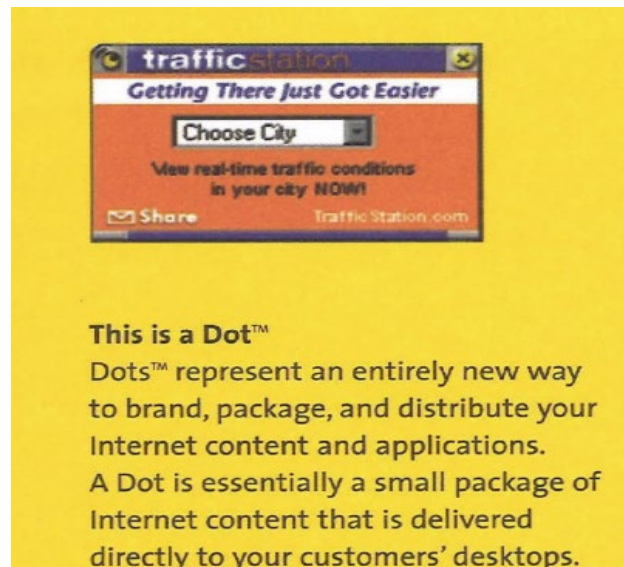
The secondary considerations in this case demonstrate that the challenged claims were not obvious.

The Kembel brothers founded DoDots in 1999 with the explicit goal of disrupting and changing the paradigm of how Internet/web content was created by companies and delivered to users. The Stanford graduates (with deep experiential design experience) realized that existing web browsers had significant limitations – they trapped content in monolithic documents and required users to navigate from site to site, one page at a time. DODOTS-2021, ¶3 (J. Kembel Dec.). Their novel Internet technology broke the model of page-based browsing and instead packaged interactive content in flexible forms that felt more like “apps”. *Id.* Other companies were aware of the problems the web browsing model presented and took different approaches to overcoming them, including: developing portals, media channels, news streams, and pursuing the webification of operating systems. *Id.* ¶4. None (except DoDots) succeeded and their new, more app-centric, technology was met by fanfare/accolades, and forever changed the direction of content communication on mobiles devices.

A. Claimed inventions' nexus to secondary considerations.

The inventors addressed the problems identified above through the inventions of the '083 patent. *Id.*, ¶23. DoDots provided companies with “Dots”

(NIMs) to enable web content to be “packaged, branded, and distributed” to customers outside of a web browser. *Id.*, ¶24. These Dots were small windows which delivered information and interactive features regarding weather, games, and financial information. *Id.*, ¶25. These packages allowed companies to maintain their own branding and style rather than the formats used by conventional web browsing platforms. *Id.*, ¶26.



Id., ¶24 (citing DODOTS-2027 at DODOTS0025768)

Each Dot was configured through the Dot descriptions (NIM templates) to present information on various displays of all sizes (including then-burgeoning mobile devices). *Id.*, ¶30 (citing DODOTS-2027 at DODOTS0025780) and ¶36 (citing DODOTS-2027 at DODOTS0025769).



The NIM templates made the Dots fully configurable, dictating frame characteristics, content appearance, and the controls used. *Id.*, ¶¶25-28. And each Dot was generated/displayed separately so that multiple Dots could be running at the same time. *Id.*

Because each claim element is present in the commercialized Dots, there is a concrete nexus to all the patent claims. DODOTS-2010, ¶¶293-299. The substantial impact this technology had on the direction of the industry should be considered when assessing the novelty of the inventions. *Id.*, ¶38; DODOTS-2010, ¶299.

B. Long-felt need

At the time of the invention, change was needed – and sought. DODOTS-2021, ¶¶2-4; DODOTS-2010, ¶300. The primary means of accessing internet content, a web browser, was not meeting the needs of consumers interacting with Internet content. DODOTS-2021, ¶5. Web browsers and page-based web sites kept

companies from engaging customers directly, content creators from developing more interactive experiences, and users from easily accessing the information and functionality they wanted from the burgeoning internet. *Id.* The '083 patent specifically recognized that “internet content and web applications are designed to fill the entire web page” and “Users and application developers therefore have limited control over the presentation of internet content: content is typically trapped within the frame of the browser.” *Id.*, ¶6 (citing SAMSUNG-1001, 2:5-35).

The internet and web pages at the time of the invention were undesirable because:

- a) content was one page at a time, with each page displayed serially in a browser window which took up most of a user's screen;
- b) content was designed for delivery in the form of web pages and even when modularized, was reassembled into full web pages;
- c) visually and architecturally, browser windows were not tailored to the content being displayed;
- d) Internet content was trapped within the “frame” of the browser (viewer application) which limited how interactive content could be and what types of user experiences could be offered;
- e) the pages had limited access to application functionality such as controlling the window and frame, the size of the frame, content branding, and application behavior such as size and menu items.

Id., ¶6 (citing SAMSUNG-1001, 2:60-3:29); DODOTS-2010, ¶301.

These deficiencies of web browsers and web-page navigation were fully appreciated by industry experts as holding the internet back, frustrating consumers and creating tedium in user experiences. DODOTS-2021, ¶8 (citing DODOTS-

2022) (“Tim Berners-Lee, the creator of the World Wide Web, thinks [the browser] stifles creativity. Jakob Nielsen, the reigning guru of Web usability, thinks [web browsers are] a disgrace. Bill Gates wishes it would just go away and become “part of the operating system.”); *Id.*, ¶11, 12 (citing DODOTS-2023) (people “hate[d] the browser because it turns the Web into nothing more than ‘pages.’ . . . It does little to help people exchange information . . . adapting software to the “page” makes for clunky design.”); *Id.*, ¶13 (citing DODOTS-2024) (“There’s too much happening, and accessing even the simplest stuff - a quickie stock quote or weather forecast - takes too long...Why must I be exposed to a full Web page each time I want to digest a slice of the material on display?”); *Id.*, ¶14-15 (citing DODOTS-2023) (it takes too many mouse clicks to get from one place to another; the arrangement of information sometimes makes no sense); *Id.*, ¶18 (citing DODOTS-2023); *see also* DODOTS-2021, ¶16-19; DODOTS-2010, ¶¶302-312 (blaming the browser for technological and experiential deficiencies).

Dots technology solved these problems and ushered in a sea change in the creation and presentation of internet content. DODOTS-2010, ¶311. Given the tech-bubble financial crisis which hampered DoDots’ financial viability, these needs were not fully met until others – like Apple and Samsung – adopted DoDots’

technology years later. And, these companies filed for and received hordes of patents related to the ecosystem that DoDots created. *Id.* citing DODOTS-2048-2053 (Apple and Samsung apps and app store patents).

C. Industry praise

The novelty of DoDot's inventions and their industry-shaping effect were reflected in the universal praise received for the inventions and products embodying them. A Stanford University professor said that he was "More excited about the [Dots] concept than any I have seen since Netscape browser first gave us graphical access to the WWW. In fact, MORE excited. Their concept creates enormous leverage for anyone who multitasks on computer-based task in real-time business, as well as anyone who channel surfs!" DODOTS-2030, ¶15 (citing DODOTS-2031). Prominent investor Softbank noted that "DoDots has the potential to revolutionize the way people use the Internet," summarizing the novelty of the technology that "[u]nlike the full-screen document model of the Web which forces users to a single page at a time, DoDots enables online companies to engage users with a simultaneous collection of content, services, and Web applications." *Id.*, ¶16 (citing DODOTS-2032). Forbes also remarked that "the ideas of DoDots, a Palo Alto startup, [were] interesting. The company unveiled the prototype of a platform that online companies can use to develop

Internet applications that don't feel like Web pages but like handy virtual appliances." *Id.*, ¶17 (citing DODOTS-2022); DODOTS-2010, ¶¶313-316. Users of the technology also praised it. DODOTS-2030, ¶¶21-22 citing DODOTS-2035.

D. Commercial success.

Because of its potential to revolutionize an industry, the initial success of the Dots product was rapid. At its peak, DoDots had 60+ customers. *See also* DODOTS-2010, ¶¶316-318; DODOTS-2030, ¶18-23, 25 (citing DODOTS-2033-2036, 2038). In 2000, a Business Wire article explained that "DoDots enables online companies to exploit the multibillion-dollar opportunity that exists 'outside the browser' with a whole new approach for Internet content. DoDots technology delivers the benefits of consumer packaging and distribution to the Internet, enabling online companies to fully brand and appropriately package their content so it can be instantly distributed and shared between users." DODOTS-2030, ¶18 (citing DODOTS-2035). One customer, noted that "DoDots technology is a killer application for wireless devices as it supports the information needs of the on-the-go mobile professional and, like 2Roam, enables users to maintain a constant state with their wireless content or application, insuring the optimal user experience. We look forward to working closely with DoDots to help reach millions of wireless users." *Id.*, ¶24 (citing DODOTS-2037).

E. Awards/citations.

DoDots received awards/ peer-recognition for its novel developments. At the preeminent invitation-only Demo conferences for tech start-ups, DoDots twice received a “DemoGod” award – selected by start-up investors, experts in the fields, and competitors who thought that the Dots product was among the best-of-the-best. DODOTS-2030, ¶¶26-27 and ¶30 (citing DODOTS-2041). The conference guides for the Demo conferences noted that the “[i]nternet is a vast source for information, yet most people connect to one site at a time. DoDots is an innovative way to connect to multiple sites allowing anyone to track fast changing information and other forms of internet content” and that “DoDots extensible software architecture is a rare find in today’s world. It increases the power and capabilities of handheld computers and other small form factor internet devices. And what makes DoDots more remarkable is that it uses a tool to extend web presence to new emerging form factors.” *Id.*, ¶¶26-30 (citing DODOTS-2039-2041); *see also* DODOTS-2030, ¶31 (citing DODOTS-2042).

DoDots’ inventions thus satisfied long-felt needs in the industry by providing an elegant solution to the limitations of web browsing, received industry praise, adoption, and awards for its novel Dot products, and exhibited immediate and rapid success through the adoption of its technology by over 60 companies.

DODOTS-2010, ¶¶311-312, 319-322, 324. DoDots' innovations thus provided solutions that allowed content creators/users to break free of traditional web browsers of the time. DODOTS-2030, ¶¶44-45. The technology cited in Samsung's prior art – which clung to those outdated browsers/webpages – cannot render DoDots claimed inventions invalid. Even after DoDot's proved the value of its technology in the early 2000s, it would be many years before Samsung (or Apple) would grasp on to the concepts that they now denigrate as “obvious.”

IX. CONCLUSION

For all of these reasons, the Board should uphold the validity of the challenged claims of the '083 patent – which helped shape the revolutionary development of mobile devices and “apps” which we take for granted today.

Dated: February 23, 2024

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PO's Response

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CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned PATENT OWNER'S RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 8,020,083 specified in 37 C.F.R. § 42.24 has _____ words in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24. This word count was prepared using automated count of typed words using Microsoft Word for Office 365.

Dated: February 23, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PATENT OWNER'S
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