

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
Patent 8,020,083

**CORRECTED PETITIONER'S REPLY TO PATENT OWNER'S
RESPONSE**

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EXHIBIT LIST

SAMSUNG-1001 U.S. Patent No. 8,020,083 to Kembel, et al. (“the ’083 Patent”)

SAMSUNG-1002 Excerpts from the Prosecution History of the ’083 Patent (“the Prosecution History”)

SAMSUNG-1003 Declaration of Dr. Douglas C. Schmidt

SAMSUNG-1004 Curriculum Vitae of Dr. Douglas C. Schmidt

SAMSUNG-1005 U.S. Patent No. 6,278,448 B1 (“Brown”)

SAMSUNG-1006 U.S. Patent No. 6,449,638 B1 (“Wecker”)

SAMSUNG-1007 U.S. Patent No. 5,793,368 (“Beer”)

SAMSUNG-1008 U.S. Patent No. 6,789,263 B1 (“Shimada”)

SAMSUNG-1009 U.S. Patent No. 6,088,340 (“Buchholz”)

SAMSUNG-1010 U.S. Patent No. 6,819,345 B1 (“Jones”)

SAMSUNG-1011 *HTML 4 Unleashed* (“Darnell”)

SAMSUNG-1012 IPR2019-01278 Final Written Decision

SAMSUNG-1013 U.S. Patent No. 6,342,907 B1 (“Petty”)

SAMSUNG-1014 *Lenovo Holding Company, Inc. v. DoDots Licensing Solutions LLC*, No. 2021-1247, 2021 WL 5822248 (Dec. 8, 2021).

SAMSUNG-1015 U.S. Patent No. 6,311,058 B1 (“Wecker 2”)

SAMSUNG-1016 U.S. Patent No. 5,737,560 (“Yohanan”)

SAMSUNG-1017 CNET News, “PointCast unveils free news service,”
https://web.archive.org/web/20110616130215/http://news.cnet.com/PointCast-unveils-free-news-service/2100-1023_3-204658.html, last accessed Feb. 16, 2023

SAMSUNG-1018 Declaration of June Ann Munford

SAMSUNG-1019 *DoDots Licensing Solutions LLC v. Samsung Electronics Co., Ltd. et al.*, 6:22-cv-00535, W.D. Tex., filed May 24, 2022

SAMSUNG-1020 Board's email of August 14, 2023, authorizing Petitioner's reply

SAMSUNG-1021 Joint Claim Construction Statement, 6:22-cv-00535, W.D. Tex., filed May 15, 2023.

SAMSUNG-1022 IPR2019-01278, Paper 40 (CAFC Decision)

SAMSUNG-1023 Email from Board dated November 15, 2023 authorizing Petitioner to file a Motion to Submit Supplemental Information

SAMSUNG-1024 Declaration of Michael Ballanco in Support of Pro Hac Vice Admission

SAMSUNG-1025 U.S. Patent No. 6,216,141 ("Straub")

SAMSUNG-1026 Declaration and Curriculum Vitae of Dr. Philip Greenspun

SAMSUNG-1027 Transcript of the deposition of Dr. Ted Selker

SAMSUNG-1028 Transcript of the deposition of John Kembel

SAMSUNG-1029 Transcript of the deposition of George Kembel

SAMSUNG-1030 Official Version PDF, "The Honorable Dr. Douglas C. Schmidt Director, Operational Test and Evaluation Office of the Secretary of Defense,"
https://www.dote.osd.mil/Portals/97/docs/bios/Schmidt_DOTE_BIO20240416.pdf?ver=gulFoMGyakgLeDTya8Wklw%3d%3d, last accessed May 25, 2024

SAMSUNG-1031 Microsoft's Computer Dictionary, 4th Edition

SAMSUNG-1032 *Inside Dynamic HTML*

SAMSUNG-1033 U.S. Patent No. 6,539,387 ("Oren")

SAMSUNG-1034 U.S. Patent No. 6,243,700 ("Zellweger")

SAMSUNG-1035 U.S. Patent No. 6,144,962 (“Weinberg”)

SAMSUNG-1036 XHTML™ 1.0: The Extensible HyperText Markup Language,
<https://www.w3.org/TR/1999/PR-xhtml1-19991210/>

SAMSUNG-1037 U.S. Patent No. 9,438,467 (“The ’467 Patent”)

SAMSUNG-1038 U.S. Patent No. 8,510,406 (“The ’406 Patent”)

SAMSUNG-1039 U.S. Patent No. 9,369,545 to Kembel, et al. (“the ’545 Patent”)

SAMSUNG-1040 Hypertext Markup Language - 2.0,
<https://datatracker.ietf.org/doc/html/rfc1866>

SAMSUNG-1041 Declaration of Rakesh Ramde (in-house counsel of DoDots)
submitted in IPR2019-01278

SAMSUNG-1042 Transcript of Deposition of Rakesh Ramde (in-house counsel
of DoDots) conducted in IPR2019-01278

I. INTRODUCTION

Arguments advanced by Patent Owner (“DoDots”) lack merit.

II. A POSITA WOULD HAVE COMBINED BROWN AND WECKER

Brown-Wecker is a straightforward combination of two Microsoft patents that are both directed to improving delivery of Internet content to user devices. As Drs. Schmidt and Greenspun explain, a POSITA would have considered their disclosures together and turn to Wecker for implementation techniques that would have been beneficial to Brown’s system.¹ SAMSUNG-1003, ¶¶35-42; SAMSUNG-1026, ¶46.

In fact, because Brown’s disclosure is so similar to the ’083 patent, the combination relies on just two basic techniques that were well-known and part of a POSITA’s general knowledge: (1) storing a template in memory and (2) requesting a template from a remote computer. Wecker clearly discloses these concepts and, when Brown’s disclosure is viewed in the context of Wecker, it would have been

¹ After the POR, for which DoDots chose not to depose Dr. Schmidt, he was sworn in as Director, Operational Test and Evaluation—an advisor to the Secretary of Defense. SAMSUNG-1030. As such, Samsung has retained a new expert, Dr. Philip Greenspun, to provide additional testimony in support of this Petitioner’s Reply.

obvious to implement Brown's templates using these two basic techniques.

SAMSUNG-1003, ¶¶35-42; SAMSUNG-1026, ¶46.

Brown uses templates to build "a composite desktop...from Web content retrieved from one or more Web sites," and Wecker uses templates to produce "a mobile channel" that is "a self describing web site that contains all the information necessary for efficient download of web content." Petition, 9-13. Brown's templates are similar to Wecker's templates because they each define the visual appearance of data on a screen. Petition, 10-12; SAMSUNG-1006, 2:8-36, 3:17-20. Understanding these similarities, a POSITA would have been motivated to apply Wecker's techniques of downloading templates stored on remote devices (e.g., as part of a channel) to Brown's templates and would have used the downloaded templates as part of Brown's composite desktop. Petition, 13-16. In this way, a user of Brown's composite desktop would achieve the benefits of using remotely stored HTML templates via a model similar to Wecker's mobile channel subscription model. Petition, 13-16; SAMSUNG-1003, ¶¶35-42; SAMSUNG-1026, ¶46. Benefits of remotely managing templates and making them available for download were well-known and would have led a POSITA to implement these techniques in Brown, particularly because Brown already suggests local storage and remote download of its templates. Petition, 14; SAMSUNG-1005, 4:16-21, 4:49-52, 5:45-47. Indeed, the benefits described by Wecker for managing its

templates remotely and separately from Internet content would have motivated a POSITA to apply these techniques to Brown's templates. Petition, 16; SAMSUNG-1006, 4:53-62, 10:41-56. And a POSITA would have understood and found it obvious that these techniques could be applied to various types of templates, including Brown's, and would not have needed to change Brown's templates simply to have them available for download. SAMSUNG-1003, ¶¶35-42; SAMSUNG-1026, ¶47

DoDots attacks a strawman, wrongly describing the complexity of the combination and assuming bodily incorporation of Wecker's specific templates and content delivery process. But that is not the law, and a POSITA would have been able to readily apply the well-known techniques of template storage and remote template management to Brown's templates and desktop components.

Allied Erecting & Dismantling Co. v. Genesis Attachments, LLC, 825 F.3d 1373, 1381 (Fed. Cir. 2016); *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012); *In re Etter*, 756 F.2d 852, 859 (Fed. Cir. 1985) (*en banc*).

Specifically, DoDots exaggerates the complexity of the combination by erroneously alleging that the combination recites additional modifications, namely "us[ing] Wecker's more complex method [of script templates] with Brown's personal computers." POR, 17. But the Petition never alleged that Brown's HTML desktop components must be transformed into script templates. Petition,

13-19. Rather, the required modification to Brown’s HTML desktop components is that these components would have been downloaded and stored—something that DoDots’ expert Selker admits is “absolutely” possible. Petition, 13-19; SAMSUNG-1027, 92:4-6; SAMSUNG-1003, ¶¶35-42; SAMSUNG-1026, ¶48.

Additionally, DoDots alleges that “style templates” are exclusive to HTML. POR, 18-19. That is, DoDots argues “style templates” (or “style sheets”) were not terms of art commonly used to describe HTML/XML templates. *Id.* This is simply not true, as evidenced by (1) multiple corroborating references in the Petition and (2) Selker, when asked about a “style template,” readily confirmed its relationship to HTML. Petition, 20; SAMSUNG-1011, 202-220, 412; SAMSUNG-1027, 58:22-59:15; SAMSUNG-1032, 16-20; SAMSUNG-1036; SAMSUNG-1003, ¶¶35, 46-48, 94; SAMSUNG-1026, ¶49.

Finally, DoDots alleges that the differing operating systems (OS) disclosed in Brown/Wecker mean that they are “incompatible.” POR, 18. First, a POSITA would naturally implement the combination in the most recent OS version available (e.g., Windows 98), making DoDots’ arguments against a particular OS moot. SAMSUNG-1026, ¶50. Indeed, Petitioner has never alleged a particular OS is required. Petition, 13-19. Second, “both Brown and Wecker describe the Windows 95 OS as a suitable OS that can implement their techniques.” Petition, 15; SAMSUNG-1005, 6:26-32; SAMSUNG-1006, 1:39-44, 8:15-21. Because

Wecker uses its techniques for a desktop computer, DoDots arguments that a POSITA would not have considered Wecker for non-mobile implementations falls flat. Petition, 13-14; SAMSUNG-1006, 3:58-4:13, 6:45-7:26. Finally, Microsoft had already implemented “channels,” as described by Wecker, on a Windows 95 OS. SAMSUNG-1025, 8:3-9:6, 7:21-37, FIG. 5; SAMSUNG-1006, 10:56-67; 19:60-20:51; SAMSUNG-1003, ¶¶38-39; SAMSUNG-1026, ¶¶50-52.

III. BROWN AND BROWN-WECKER RENDER THE CLAIMS OBVIOUS

A. Brown and Brown-Wecker render obvious a NIM template

1. Brown’s HTML instructions include control characteristics

DoDots alleges that “a control characteristic is a characteristic of a control itself,” “located ‘in a [] control space’ within a frame,” and that these characteristics must be completely defined within the NIM template. POR, 24-29. However, there is no disavowal or redefinition of the plain and ordinary meaning of the term “characteristic” in the ’083 patent that would support such a narrow interpretation. POR, 24-26. Rather, a POSITA would have understood that “control characteristics” would include any data in the NIM template that dictate the existence/nature/functionality/appearance of a control. SAMSUNG-1003, ¶¶54-58; SAMSUNG-1026, ¶53.

The construction of “NIM template” does not limit the feature of a “control” with its use of the word “characteristic”—it broadens it by simply requiring

definition of “control characteristics” of the NIM.² Petition, 4-5. Additionally, the ’083 patent makes clear that NIM templates include “control calls” (invoking control functionality defined outside of the template). SAMSUNG-1001, 8:46-53, 9:15-19, 13:49-53, 13:57-59, 20:38-40. From this disclosure, a POSITA would understand that a control need not be fully defined within the NIM template. SAMSUNG-1003, ¶29; SAMSUNG-1026, ¶54.

Under its narrow interpretation, DoDots alleges that Brown’s “resizable” characteristic is a “frame characteristic,” not a “control characteristic.” POR, 24-26. DoDots attempts to support its flawed argument by referring to a *different* DoDots patent (DODOTS-2015, 36:12-15, FIG. 28B)³ while ignoring conflicting disclosure within the ’083 patent, which clearly describes “resize” as a control.⁴

² The ’083 patent even describes that “[t]erms not specifically defined...shall be understood to have their broadest, generally accepted meaning.” SAMSUNG-1001, 8:16-22.

³ Although this patent supports the idea that “resizable” is an example “frame characteristic,” it does not state that “resizable” cannot also be a “control characteristic.” DODOTS-2015, 36:12-15, FIG. 28B.

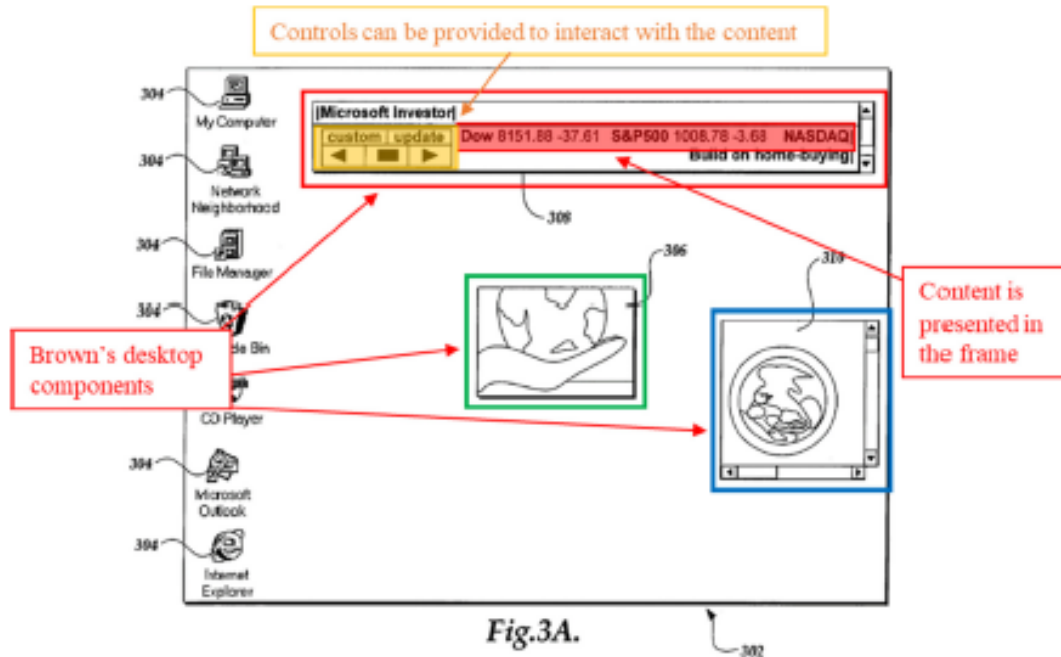
⁴ The ’545 Patent claims adjusting the “size of the user interface” as a “control.” SAMSUNG-1039, Claim 4.

SAMSUNG-1001, 8:49-53 (“controls such as...resize”); 9:61-10:4 (“base control (close, resize)”). Indeed, the ’083 patent describes the decision to render resize controls as a control characteristic. *Id.*, 10:1-4. Because Brown’s “resizable” characteristic defines whether a resize control is rendered for a desktop component, it aligns precisely with the ’083 patent’s description of control characteristics. *Id.* In contrast, the ’083 patent does not describe “resizable” as being “a frame characteristic.” SAMSUNG-1001, 7:19-23; 10:46-57. Thus, a POSITA would have understood Brown’s “resizable” characteristic to be a “control characteristic.” SAMSUNG-1003, ¶¶54-58; SAMSUNG-1026, ¶55.

Other controls defined within Brown’s HTML instructions are also control characteristics. Petition, 25-29, 42-46; SAMSUNG-1005, 2:41-43, 4:20-24, 10:34-39, 13:22-29, 13:33-34, FIG. 3A. For example, the ’083 patent describes “an active-X control...rendered in the Web Conduit control.” SAMSUNG-1001, 16:47-52, 16:61-65, 17:3-5. Brown describes the use of Active-X controls in the same manner, and describes a nearly identical example. SAMSUNG-1001, 16:61-67; SAMSUNG-1005, 2:41-43, 4:20-24, 10:34-39, 13:22-29, 13:33-34, FIG. 3A; Petition, 23-29, 42-46. Indeed, the ’083 patent describes its “minimum control” as being a “Web Conduit which is the Internet data rendering portion of the frame.” SAMSUNG-1001, 9:61-65; 11:5-10. Brown’s HTML instructions clearly define the “Internet data rendering portion of the frame” and Brown’s Active-X controls

align directly with the '083 patent's Web Conduit. SAMSUNG-1003, ¶¶77-83;

SAMSUNG-1026, ¶56.



SAMSUNG-1005, FIG. 3A (color added).

Finally, characteristics of the scroll bar controls in Brown's desktop components are defined by Brown's HTML instructions. Petition, 42-43; SAMSUNG-1005, 7:49-65, 9:13-27, 11:43-12:43, 13:22-44. As Dr. Greenspun explains, whether these controls are present and the size of the scroll element are defined by the frame size specified in Brown's HTML instructions. SAMSUNG-1026, ¶57. Although the characteristics of these controls are indirectly defined by frame size, the '083 patent does not exclude that type of indirect definition. SAMSUNG-1001, 15:36-62 (describing "a fixed height and width *that is a function of the frame's width*"). Because characteristics of Brown's scroll bars

are functions of a frame's width and height, Brown's definition of the frame size in its HTML instructions defines control characteristics in a manner similar to the '083 patent. SAMSUNG-1003, ¶¶77-79; SAMSUNG-1026, ¶57.

2. Brown's HTML instructions are data structures

DoDots alleges that HTML is not a data structure. POR, 33-36. This position cannot be reconciled with the '083 patent, which (1) recites "dHTML" ("dynamic" HTML) as an example NIM template format, and (2) offers no disavowal or redefinition of the term "data structure." SAMSUNG-1001, 6:64-7:4, 8:36-45. Additionally, DoDots' own exhibits corroborate that HTML is a data structure. DODOTS-2017, 5, 11, 13, 17; DODOTS-2025, 2; DODOTS-2033, 42. Finally, a POSITA would have understood that HTML is an example of a data structure as HTML documents are structured and include data.⁵ SAMSUNG-1003, ¶54; SAMSUNG-1026, ¶58.

⁵ DoDots' own exhibit frequently mentions "HTML data," and repeatedly uses the word "structure" in relation to this HTML data. DODOTS- 2017, 5, 11, 13, 17.

George and John Kembel, twin brothers and graduates of the same Stanford University product design program, founded Sunnyvale start-up DoDots Inc. to give Web sites better packaging.

In their analogy, surfing the Web is like trolling the supermarket aisles for lettuce, croutons and dressing. They aim to combine everything into a single bag of mixed salad.



The dot icons they offer are like those bags, serving up bite-size applications written with the widely used HTML code. Companies use the dots to package their content and services, and then send them out to users as miniature versions of their Web pages.

DODOTS-2025, 2 (annotated).

Brown's HTML instructions are "data structures," at least because (1) DoDots has availed themselves of HTML as a suitable format, and (2) a POSITA would understand that "data structure" is a genus term that encompasses many different types of data formats, to include the HTML Document Object Model (DOM)—a hierarchical structure. Petition, 26; SAMSUNG-1001, 8:36-45; SAMSUNG-1027, 84:19-85:18; DODOTS-2025, 2; DODOTS-2033, 42; SAMSUNG-1003, ¶54; SAMSUNG-1026, ¶¶59-60; SAMSUNG-1031; SAMSUNG-1032, 3, 82-92; SAMSUNG-1033, Cover, 1:15-40, 3:54-4:6; SAMSUNG-1034, Cover, 2:47-56, 3:14-28, 4:32-41; SAMSUNG-1035, Cover, 2:27-48, 6:52-65, 12:17-39; SAMSUNG-1040, 20.

B. Brown’s desktop components render obvious a NIM, and have fully configurable frames

DoDots alleges that none of the desktop components of Brown include “a fully configurable frame” because the “frame shape and content [cannot] be wholly defined by the Dot developer.” POR, 36-37; SAMSUNG-1026, ¶61.

In support of this argument, DoDots cites to several areas of the ’083 patent, none of which specify that a NIM frame *must* include a configurable control defined by a “developer.” SAMSUNG-1001, 10:55-57, 11:11-15, 65-67; 12:20-45; 16:61-65. At best, these passages suggest that NIMs “may” include controls that are designed by a developer, but that such a feature is not a requirement. SAMSUNG-1001, 10:56, 11:11-15, 12:24-25, 16:61-62. Additionally, none of these passages are directly tied to a “fully configurable frame,” much less offer a definition of “fully configurable frame” or disavow coverage of NIMs where the frame shape and content is not wholly defined by the developer. *Id.* In fact, DoDots’ exhibits provide examples of NIMs that do not include a configurable control added by a developer. SAMSUNG-1001, Appendix A, 3 (depicting “zero or more <CONTROL> tags”); DODOTS-2021, 15, citing DODOTS-2028, Technical Overview at 1; SAMSUNG-1003, ¶¶50-51; SAMSUNG-1026, ¶62.

<MENU>

Contains zero or more <ITEM> tags.

<ITEM>

TITLE= "string"

TOOLTIP="string"

ICON="URL"

ID=" string"

Must be unique.

<ACTION>

RECIPIENT="address"

MESSAGE="string"

<CONTROL_LAYOUT>

Contains zero or more <CONTROL> tags.

WIDTH= "integer"

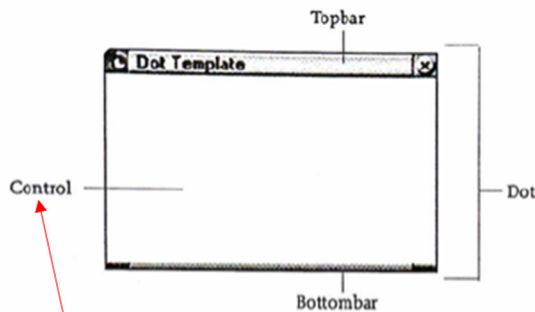
Divides control space into this many evenly spaced columns. Default is 1.

SAMSUNG-1001, Appendix A, 3.

DoDots Technical Overview

THE DOT™ DEFINES THE PACKAGE FOR CONTENT AND APPLICATIONS

Dots™ are packaged pieces of branded Internet content and applications. The Dot descriptions are constructed of three primary elements: the Topbar, the Bottombar, and the Web Control. Groups of Dots, called DotPacks™, can work together, using Dot messaging, to give users a full application experience. Through the DevDot™ and Dot messaging, developers have access to all the elements of Dots and DotPacks, and can create branded, smart packages targeted to specific customers.



The "web control" is the
only control present

DODOTS-2021, 15, citing DODOTS-2028, Technical Overview at 1.

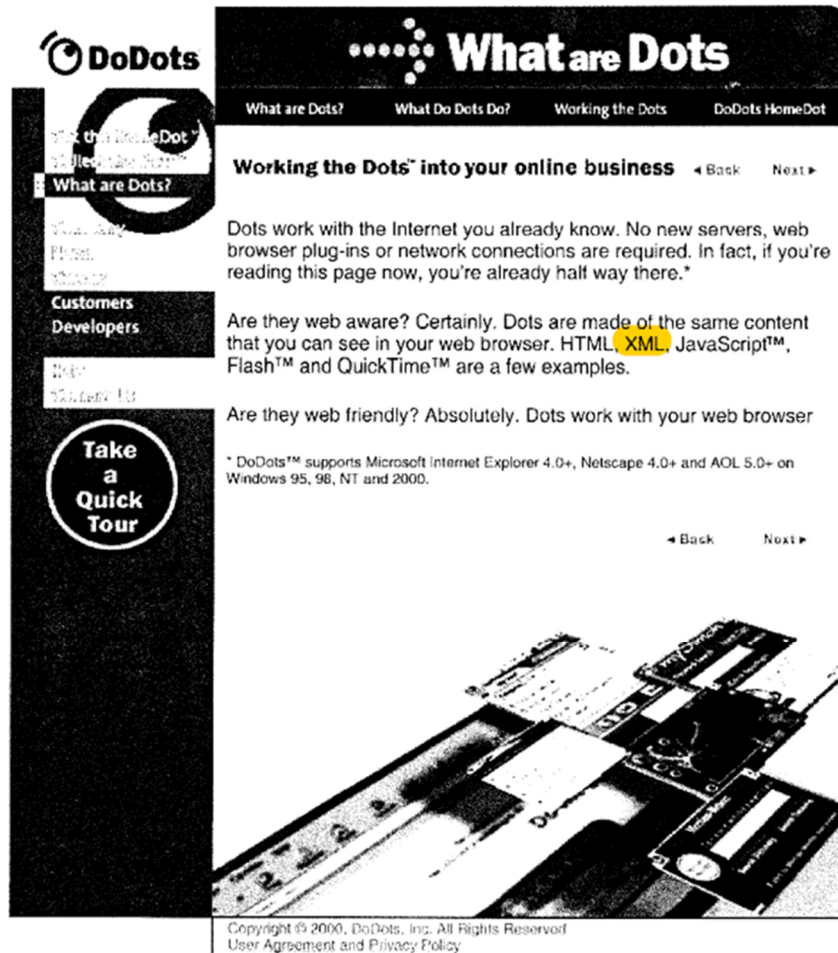
DoDots construction of NIM merely requires “a fully configurable frame, with one or more controls.” Petition, 3-4. As explained in the Petition, Brown places no restriction on the frames of its desktop components and, thus, Brown discloses fully configurable frames. Petition, 23-25. Moreover, Brown does not place any restrictions on the HTML included in its desktop components and, without restrictions, a POSITA would have understood that standard controls defined by HTML are available for addition in Brown’s desktop components. SAMSUNG-1005, 7:9-47; 8:10-16; 10:9-15; 12:44-13:21; SAMSUNG-1026, ¶63.

C. Each of Brown’s desktop components includes “a content reference”

DoDots alleges that Brown’s “CDF subscription” is not “internet content,” and therefore, not a “content reference.” POR, 41-42; SAMSUNG-1026, ¶64.

1. The ’083 patent clearly admits that XML is internet content, and CDF files are coded in XML

The ’083 patent admits that XML is “internet content,” and Selker’s testimony confirms the same. SAMSUNG-1001, 11:1-4, 14:29-37, 21:18-20; SAMSUNG-1027, 108:19-25. Moreover, DoDots’ own exhibits corroborate that XML was understood to be internet “content.” DODOTS-2033, 12; SAMSUNG-1026, ¶65.



DODOTS-2033, 12.

CDF is based on XML, as corroborated by Wecker. SAMSUNG-1006, 10:57-60. DoDots does not explain why XML, in the context of CDF, is *not* internet content. POR, 41-42. The claim simply requires “a content reference that comprises a network location at which content for the first networked information monitor is accessible.” *Id.* Brown’s CDF file is certainly for Brown’s desktop component and, as discussed above, is content. DoDots’ assertion that CDF files themselves cannot be internet content is at odds with the ’083 patent itself. POR,

41-42; SAMSUNG-1001, 11:1-4, 21:18-20; SAMSUNG-1027, 108:19-25, 111:21-112:23 (Selker admitting he was not aware CDF files were written in XML); SAMSUNG-1006, 10:57-60; Petition, 33; SAMSUNG-1003, ¶¶32-34, 64; SAMSUNG-1026, ¶¶66-67.

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14. <IFRAME id=8 MARGINWIDTH=0
    MARGINHEIGHT=0 name="DeskMovrW" src=
    "http://www.microsoft.com/ie/ie40/gallery/ticker.htm"
15. resizable="XY"
16. subscribed_url="http://www.microsoft.com/ie/ie40/
    gallery/cdf/g_stock.cdf"
17. frameborder=0 style="BACKGROUND: transparent;
    position:absolute; LEFT:178; TOP:26; WIDTH:516;
    HEIGHT:57; Z-INDEX:1016"></IFRAME

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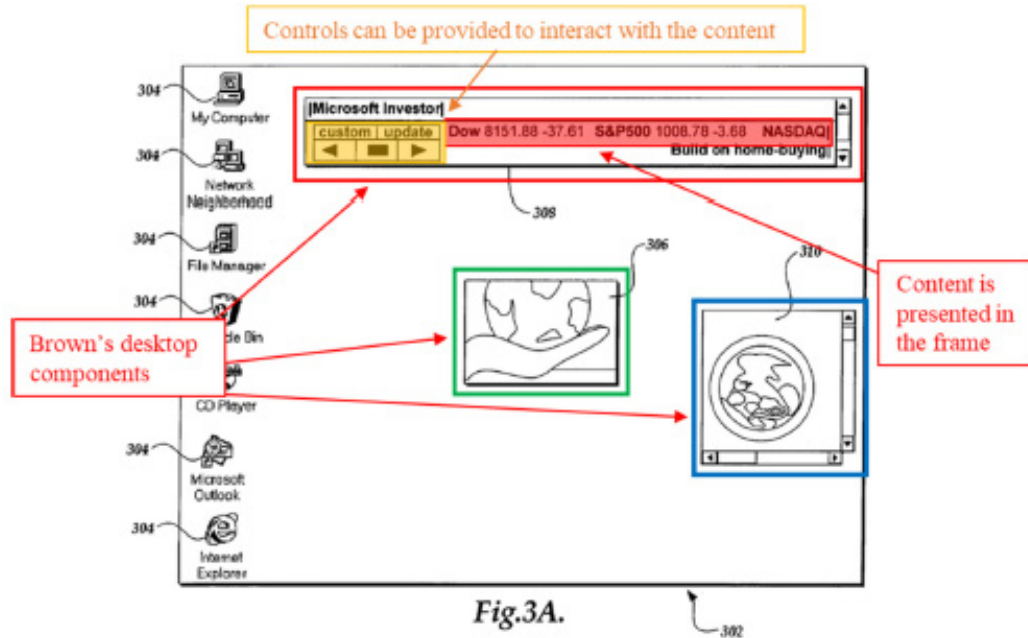
A URL corresponding to a CDF file.

Petition, 33 (annotated).

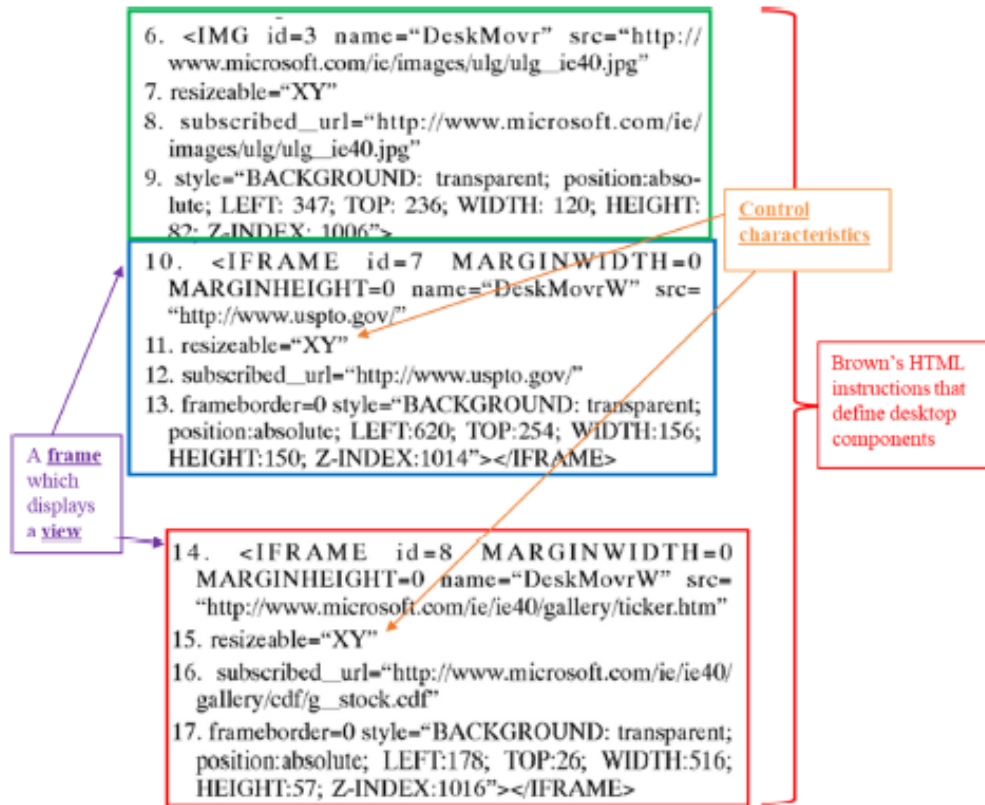
2. DoDots ignores other examples of content references in Brown

Although Brown’s CDF subscription was relied upon in the Petition as an illustrative example, the Petition clearly articulates that: (1) according to Dr. Schmidt, “a POSITA would have understood that a Uniform Resource Locator (‘URL’) [is a] ‘network location,’” and that content is available at these network locations, and (2) Brown depicts multiple desktop components, each with its own content reference. Petition, 23-25, 32-33; SAMSUNG-1003, ¶¶23, 52-53, 64-67. DoDots offers no explanation of why the other desktop components of Brown do not also include content references (e.g., <http://www.uspto.gov/>). POR, 41-42.

Indeed, even Selker recognizes that Brown's FIG. 3A displays "three kinds of active desktop items" where "content is retrieved from a URL." SAMSUNG-1027, 127:5-128:19, 131:17-21; SAMSUNG-1003, ¶53, 68; SAMSUNG-1026, ¶68.



Petition, 25.



Petition, 29.

D. Each of Brown's HTML instructions have "instructions configured to cause the first/second NIM to request content"

DoDots alleges that "each NIM must be able to request content without requiring any other NIM to also do so," and that Brown's HTML instructions fail because "[a]ll the alleged NIMs are part of the same web page." POR, 43-45; SAMSUNG-1026, ¶69.

DoDots' allegation that each NIM is completely independent is incorrect. POR, 43. Although DoDots cites to various areas of the '083 patent, they neglect to mention the "Application Media Viewer" (or "Home Dot") which "renders the [NIMs] as well as provides additional functionality to the user experience."

encompassed in the claims. *Id.*, 20:49-50; SAMSUNG-1026, ¶70.



Instantiation of NIMs
and retrieval of content
is performed by the
“Home Dot”

SAMSUNG-1001, FIG. 6 (annotated).

Next, DoDots argues that, because “the alleged NIMs of Brown are not separate NIMs that operate independently,” they do not disclose this claim feature. POR, 44-45. This argument simply repackages DoDots’ assertion that NIMs must be completely separate without explaining how HTML instructions including a URL are not “instructions configured to cause the first/second NIM to request content” as that would have been interpreted by a POSITA. Petition, 37-38. Also, as Dr. Greenspun explains, a POSITA would have recognized the “IFRAME” HTML tag within Brown’s HTML instructions creates a nested GUI that references content separately of all other GUIs within the instructions. *Id.*; SAMSUNG-1003, ¶56; SAMSUNG-1026, ¶71.

Moreover, as established in the Petition, Brown’s composite desktop is composed of a *plurality* of “HTML instructions,” each set of instructions defining its own separate and unique “desktop component,” and where each component is visually distinct from all other components. Petition 23-29. Users can add or subtract individual desktop components at will from the composite desktop. *Id.*; SAMSUNG-1005, 13:45-14:6; 2:61-65; 7:21-25. This level of separation satisfies the limitation, which simply requires “instructions” for a “first networked information monitor.” Petition, 37-38. DoDots’ attempt to insert “independently” or “separately” into the claim language is unsupported. POR, 43-44; SAMSUNG-1003, ¶¶49-60; SAMSUNG-1026, ¶72.

E. Brown and Brown-Wecker discloses and renders obvious “one or more processors configured to access or execute the ... NIM template.”

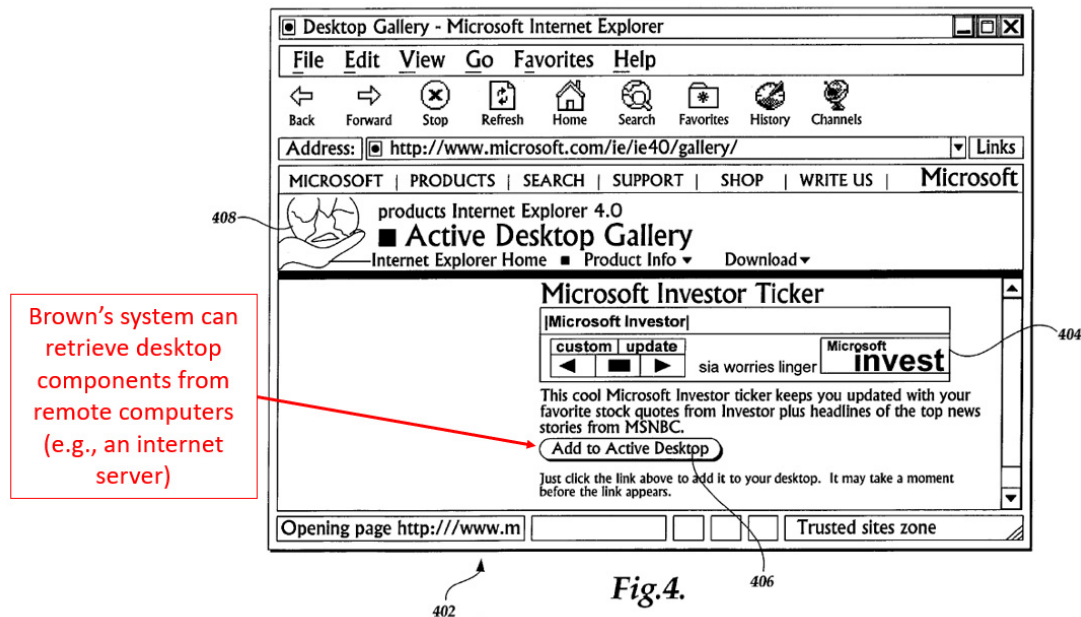
DoDots’ assumes, wrongly, that NIMs are “accessed and/or executed independently,” which as explained above, is incorrect. POR, 45-46; *see supra*, §III.D. DoDots’ argument depends entirely on this assumption and does not substantively address the analysis in the Petition. POR, 45-46; SAMSUNG-1026, ¶73.

F. Brown and Brown-Wecker render claims 4, 5, 6, 7, 14, and 15 obvious

With respect to claims 4 and 5, DoDots argues that Brown discloses only “one graphical user interface.” POR, 48-49. However, DoDots and Selker admit that “desktop components 306, 308, 310 appear visually separate,” and the same can be seen from Brown’s FIG. 3A. POR, 48-49; Petition, 24-25; SAMSUNG-1027, 127:9-23; SAMSUNG-1005, 13:45-14:6; 2:61-65; 7:21-25. Accordingly, DoDots’ argument that “[a] POSITA does not understand [desktop components] to be separate/discrete graphic user interfaces” is conclusory, and even contradicted by its own expert. POR, 48-49; DODOTS-2010, ¶179; SAMSUNG-1027, 127:9-23; SAMSUNG-1003, ¶¶49-60; SAMSUNG-1026, ¶74.

With respect to claims 6-7 and 14-15, which are directed to transmitting a request for a NIM and storing the NIM, respectively, DoDots first argues that Brown fails to disclose these claims because “Brown fails to provide any details of

what is transmitted to a client computer....” POR, 49-50. Brown makes clear that its desktop components can be retrieved from “remote computers,” which, as noted above and in the Petition, supports its combination with Wecker. Petition, 15-16; SAMSUNG-1005, FIG. 4; SAMSUNG-1003, ¶39; SAMSUNG-1026, ¶75.



SAMSUNG-1005, FIG. 4.

Second, DoDots argues that “Wecker does not resolve” the alleged deficiencies of Brown because (1) “the Petition points to no evidence that Wecker’s scripts/templates, are transmitted in response to a user request,” (2) “Wecker’s scripts/templates are not NIM templates as construed nor has the Petitioner alleged that they are,” and (3) “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.” POR, 50-51; SAMSUNG-1026, ¶76.

With respect to (2) and (3), the Petition never alleges that Wecker’s “scripts” are NIM templates and makes clear that HTML instructions for Brown’s desktop components are the claimed NIM template. POR, 50-51; Petition, 19-32; SAMSUNG-1003, ¶¶35-42; SAMSUNG-1026, ¶77.

With respect to (1), Wecker makes clear that “the users of desktop 16 can preferably subscribe to channels”—sending a “user request” for a template that defines the channel’s content (via a “subscription”). Petition, 51-52 (emphasis added). As explained in the Petition (and above), a POSITA would have viewed the disclosure of Wecker in the context of Brown and found it obvious to maintain HTML instructions for Brown’s desktop components on a server and download them upon user request based on Wecker’s description of server-based templates and channel subscriptions, as well as the well-known benefits of using server-based templates that would have been part of a POSITA’s general knowledge. Petition, 13-19, 51-54; SAMSUNG-1003, ¶37; SAMSUNG-1026, ¶¶78-79.

IV. A POSITA WOULD HAVE COMBINED SHIMADA AND BUCHHOLZ

The Petition explained how the combination of Shimada and Buchholz would involve “implementing the ‘screen configuration data’ of Shimada into the ‘subscriber units’ of Buchholz.” Petition, 62. As detailed in the Petition and

explained below, a POSITA would have been motivated to make such a combination. *Id.*; SAMSUNG-1003, ¶¶76-77; SAMSUNG-1026, ¶80.

A. The combination of Shimada-Buchholz does not rely on the “expanding device”

DoDots presents multiple arguments that “Buchholz...does not have [an expanding] device positioned between the server and client.” POR, 59-66; SAMSUNG-1026, ¶81.

DoDots appears to reverse the roles of the two references. POR, 59-66. It appears DoDots argues that Petitioner relies on the structure of Shimada to implement the techniques of Buchholz, when in fact, it is the opposite. Petition, 62. Shimada’s techniques (“screen configuration data”) are implemented in the structure of Buchholz’s system (“subscriber units”). *Id.* Shimada’s “expanding device” is not part of the combination. *Id.* Indeed, as described in the Petition, Buchholz’s subscriber units are already configured to store, parse, and display collections of HTML-like templates. Petition, 63-65, 82-84; SAMSUNG-1003, ¶¶76-77; SAMSUNG-1026, ¶82.

B. DoDots’ alleged disparity between “HTML” templates and templates “similar” to HTML is unsupported on the record

DoDots alleges that Buchholz, when discussing something “similar” to HTML, proposes “some custom variant of HTML for a mobile device” that would be incompatible with HTML techniques. POR, 61-62. The POR does not

elaborate on what this “custom variant” could be, and neither does Selker’s testimony. POR, 61-62; DODOTS-2010, ¶¶231-232. As DoDots admits, “Buchholz is completely silent regarding any details of its templates.” POR, 64. DoDots’ conclusion that Buchholz is using “some custom variant of HTML” is unfounded. POR, 61-62; DODOTS-2010, ¶¶231-232; SAMSUNG-1003, ¶123; SAMSUNG-1026, ¶83.

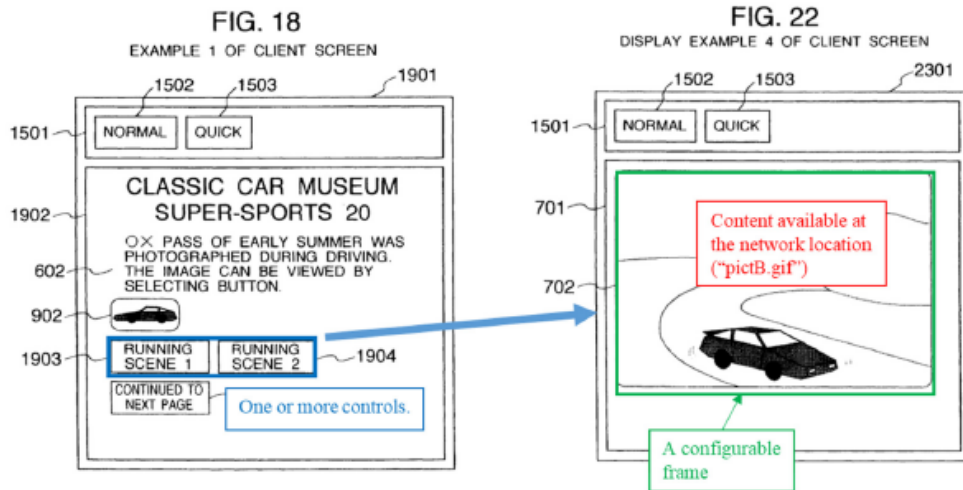
V. SHIMADA-BUCHHOLZ RENDERS THE CLAIMS OBVIOUS

A. Shimada-Buchholz renders obvious a NIM template

1. Shimada’s screen configuration data includes view characteristics

DoDots argues that “[t]he Petition provides no discussion of what a view characteristic means to a POSITA in the context of the ’083 patent, or Shimada-Buchholz.” POR, 66. However, as acknowledged in the POR, the Petition describes that “screen configuration data also specifies the content frame (‘NIM frame [**and**] **view**’). Petition, 71-72; POR, 66. As can be seen from Shimada’s figures, reproduced below, the frame of screen configuration data bounds a “view.” Petition, 77. DoDots appears to be arguing that the feature “view characteristics” takes on special meaning in the ’083 patent. POR, 66-68. However, details of “view characteristics” do not appear in the ’083 patent, which simply describes that the content of a NIM may be “viewed.” SAMSUNG-1001, 7:63-66, 8:32, 11:22-23, 18:51-55. Accordingly, Shimada-Buchholz satisfies this feature simply

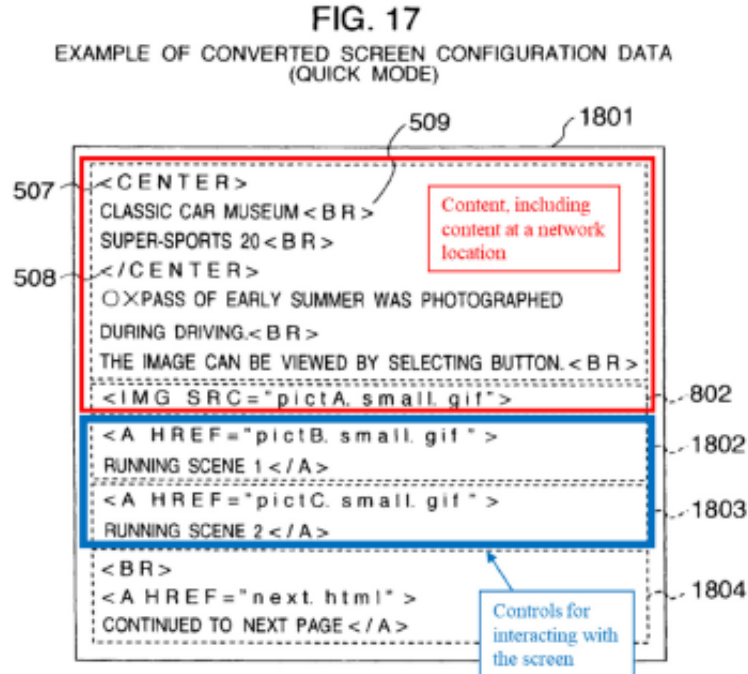
because its content can be observed (“viewed”) based on the characteristics defined in its templates. *Id.*; Petition, 71-72; SAMSUNG-1003, ¶¶132-134; SAMSUNG-1026, ¶84.



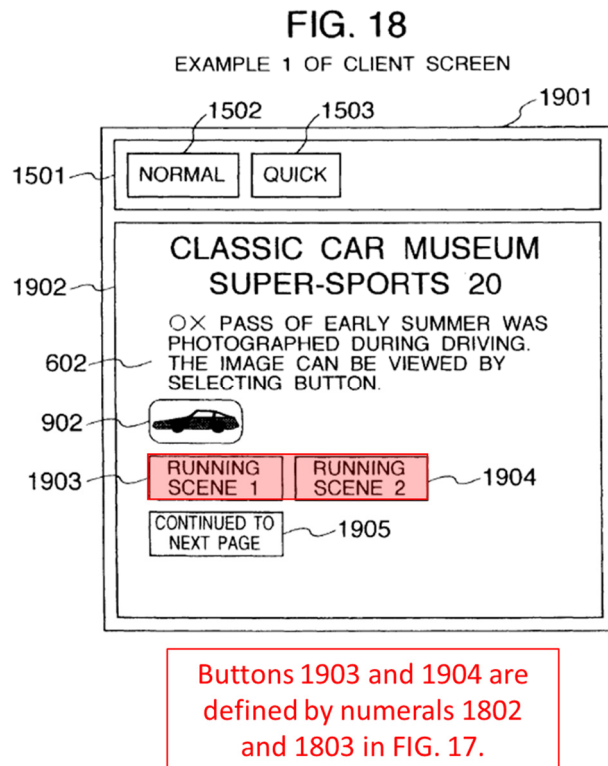
SAMSUNG-1008, FIGS. 18 and 22 (annotated).

2. Shimada’s screen configuration data includes control characteristics

DoDots alleges that “[t]he Petition does not identify anything in the Shimada/Buchholz specifications/figures as being a ‘control’ characteristic,” yet the POR cites the controls the Petition identified. POR, 68-69. DoDots appears to argue that the Petition allegedly does not identify the “characteristic” of these controls. POR, 69. The distinction DoDots makes is insignificant and does not change the fact that Shimada’s screen configuration data includes controls that are presented to a user (manifesting “characteristics”). POR, 68-69; Petition, 71-73; SAMSUNG-1003, ¶¶134-135; SAMSUNG-1026, ¶85.



SAMSUNG-1008, FIG. 17 (annotated).



SAMSUNG-1008, FIG. 18 (annotated).

3. Shimada’s HTML is a “data structure,” for the same reasons described above for Brown

DoDots alleges that “HTML (and certainly HTML fragments) are not data structures for the same reasons set forth in Section V.D.1.d regarding Brown.”

POR, 70-71. This argument is deficient for the same reasons discussed above. *See supra*, §III.A.2; SAMSUNG-1026, ¶86.

B. Shimada-Buchholz renders obvious a NIM

DoDots argues that Shimada’s screen configuration data is not “fully configurable” because “Shimada’s screens all have a similar and specific layout” and that this “indicat[es] that they are not fully configurable frames.” POR, 74. This is a circular argument with no supporting analysis, and Selker’s testimony simply parrots the POR. POR, 74; DODOTS-2010, ¶277. Also, as discussed above, DoDots’ implicit construction of this feature requiring that a developer “wholly define” the frame should be rejected. *See supra*, §III.B; SAMSUNG-1003, ¶132; SAMSUNG-1026, ¶87.

C. Shimada-Buchholz discloses “storing a plurality of NIM templates on a client device”

DoDots argues that “Buchholz [disclosing] storing a pack of templates at the client device does not teach a POSITA to store multiple alleged templates of Shimada,” simply because “[a] POSITA would not combine Buchholz/Shimada.” POR, 76-77; Petition, 63-65. DoDots’ argument here relies entirely on its flawed

combination arguments. POR, 76-77; Petition, 62; *see supra*, §IV; SAMSUNG-1026, ¶88.

D. Shimada-Buchholz renders obvious dependent claims 4 and 12

DoDots argues that Shimada-Buchholz fails to render obvious a second NIM template because Buchholz discloses “[t]he templates of the pack can be related or *unrelated in form and functionality*.” POR, 78-79 (emphasis in original). DoDots has simply emphasized the portion of the reference that suits its argument and ignored portions that don’t (passing over “related”). *Id.* Selker’s analysis simply parrots the POR. DODOTS-2010, ¶¶287-290; SAMSUNG-1026, ¶89.

DoDots argues that “[t]he Petition does not identify what the second content reference is or what the second network location is.” POR, 79. As described in the Petition, to “provide content distinct from the first template, the second template would need to reference a ‘second network location, which is different from the [first] network location.’” POR, 79; Petition, 88. Indeed, Shimada describes “world wide networks” and “world-wide information,” which clearly indicates that its content is not from a single source. Petition, 74-75; SAMSUNG-1009, 1:13-19; SAMSUNG-1003, ¶¶154-157, 172-175; SAMSUNG-1026, ¶90.

VI. DODOTS’ PROPOSED CONSTRUCTION FOR “EXECUTE THE TEMPLATE” IS INCORRECT

DoDots alleges that the phrase “execute the template” should be construed to mean “use/using the information from the NIM template to instantiate a NIM with

a markup language in connection with specified operations.” POR, 9; DODOTS-2010, ¶¶42-43. However, Selker’s declaration provides no indication of supporting disclosure, and his deposition testimony simply described retrieving a template from a database. DODOTS-2010, ¶¶42-43; SAMSUNG-1027, 75:5-78:5; SAMSUNG-1001, 33:6-11. To that end, “execute the template” should be given its plain and ordinary meaning, with the understanding that a NIM template cannot be executable code. *Id.*; SAMSUNG-1026, ¶91.

VII. THERE ARE NO SECONDARY CONSIDERATIONS THAT SUPPORT PATENTABILITY

DoDots’ attempt to put forward secondary considerations evidence to salvage the claims of the ’083 patent fails because DoDots does not establish a nexus between any of the purported secondary considerations evidence and the claims. *Ormco Cor v. Align Techs.*, 463 F.3d 1299, 1311–12 (Fed. Cir. 2006). DoDots does not even attempt to tie its secondary considerations evidence to the claims of the ’083 patent and, instead, relies on a presumption of nexus.

But to prove a presumption of nexus to a product, DoDots must show that the asserted secondary considerations evidence is tied to a specific product and that product embodies the claimed features, and *is coextensive with them*. *Polaris Indus., Inc. v. Arctic Cat, Inc.*, 882 F.3d 1056, 1072 (Fed. Cir. 2018). DoDots misses these requirements and fails to carry its burden.

A. DoDots Fails to Establish Nexus

DoDots' analysis on nexus is essentially limited to a single conclusory sentence: "Because each claim element is present in the commercialized Dots, there is a concrete nexus to all the patent claims." POR, 82. Selker provided a similar conclusory analysis in reiterating that "all of the claim elements for the [challenged patent] are found in the DoDots technology." SAMSUNG-1027, 134:4-21. Having all claimed features in a product, however, is insufficient to establish a presumption of nexus. The law requires coextensiveness.

DoDots ignores this requirement. Indeed, DoDots failed to even consider unclaimed features in the DoDots technology/product in evaluating nexus, thereby unequivocally rebutting its allegations of nexus. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988).

In fact, John and George Kembel, the co-founders/inventors of DoDots, testified about unclaimed features of DoDots technology that were critical to its alleged success. For example, John Kembel attributed the alleged success of DoDots to the "Dot infrastructure," where such infrastructure included critical, unclaimed elements called "Home Dot," "Dot sharing," and "DevDot," to name a few examples. SAMSUNG-1028, 20:6-21:5, 29:16-33:11, 50:12-52:18. As he repeatedly acknowledged, an unclaimed "Home Dot" was "*needed*" to "Dot-enable" a computer prior to practicing the alleged invention. *Id.*, 29:16-33:11. He

further testified that the DevDot supported “a whole developer ecosystem,” which was a key to DoDots’ alleged success. *Id.*, 59:2-17. None of these features appear in any of the claims of the ’083 patent. Some of these allegedly critical elements of DoDots technology appear to be claimed in *other* patents, including U.S. 9,438,467 (SAMSUNG-1037) and U.S. 8,510,306 (SAMSUNG-1038). *See, e.g.*, SAMSUNG-1034, Claim 1; SAMSUNG-1035, Claim 16. Selker confirmed he did not review these or any other DoDots patents in his nexus analysis, despite confirming that such an analysis would have been necessary to establish coextensiveness. DODOTS-2010, 292-293; SAMSUNG-1027, 135:13-18.

George Kembel pointed to the “visual design of the Dots” as “one ingredient of many ingredients of why [DoDots] was successful.” SAMSUNG-1029; 40:12-41:25. He further acknowledged that the DoDots technology was encompassed by patents beyond the three asserted in the instant IPR proceedings, thus further casting doubt on any alleged nexus between the DoDots product and the invention claimed in the ’083 patent. *Id.*, 45:16-46:20.

B. DoDots’ Alleged Secondary Considerations Fail to Outweigh the Strong Evidence of Obviousness

In its POR, DoDots entire case for secondary considerations relies on the testimony and cherry-picked exhibits provided by two interested witnesses—co-founders/inventors John and George Kembel. POR, 80-88; DODOTS-2021; DODOTS-2030. DoDot’s sole “independent” expert, Selker, based his entire

secondary considerations analysis on declarations provided by the co-founder/inventor duo. DODOTS-2010, 292; SAMSUNG-1027, 135:13-18. But when pressed during deposition for related testimony based on his own personal knowledge, Selker painted a very different picture of the actual circumstances surrounding DoDots.

For instance, regarding long-felt need and praise, Selker praised Microsoft, not DoDots, acknowledging that “[t]here was something very special about” the browser eliminating technology described by Brown and pursued by Microsoft, whose “goal was to kill browsers.” SAMSUNG-1027, 117:17-118:7. With regard to praise and commercial success, Selker acknowledged during deposition that he had never even heard of DoDots before starting work on this case. *See* SAMSUNG-1027, 63:19-25.

Beyond Selker’s admissions, the evidence does not support DoDots’ contentions. As to long-felt need, DoDots cites just three articles. DODOTS-2022-2024. But each of these articles was published in 2000—after the Critical Date—and each discusses DoDots. Evidence that comes *after* the Critical Date and references the alleged invention does not demonstrate a *long-felt* need for the invention and failure by others. In fact, DoDots’ evidence suggests prior/contemporaneous recognition of the same problem by other companies (including Microsoft) that solved the problem at least as well as DoDots.

DODOTS-2023, 1-5 (“Amaze Ltd.,” “Xerox,” “Inxight Software,” “Microsoft’s 3-D effort, TaskGallery,” “Unext.com,” “The-Brain,” “ZigZag”); DODOTS-2024, 1 (“Several start-ups - DoDots, iWare, NetSanity, Snippets.com and Winfire among them”). That supports obviousness. And the fact that Apple and Samsung “received hordes of [apps and app store] patents” suggests that Apple and Samsung invented apps, not DoDots. POR, 85 (citing DODOTS-2048-2053). There was no long-felt need for anything invented by DoDots.

As to industry praise, DoDots leads with evidence from a “Stanford” professor that served on the Kembel’s “board of advisors,” as well as praise offered by Softbank *after* Softbank agreed to fund DoDots. DODOTS-2031, 1; DODOTS-2032, 1. It is hardly surprising that DoDots would be praised by its own “board of advisors” and its investor. This is not industry praise; it is praise by DoDots itself. DoDots also ignores criticism offered by others. DODOTS-2023, 5 (“But big sites present a tough challenge for seamless navigation.”); DODOTS-2024, 3 (“Relatively few partners so far. Can’t create Dots for your own sites.”); DODOTS-2026, 2 (“The main weakness of DoDots is that you can only get the Dots from a limited number of sites the company has signed up as partners. Also, the Dots are designed to perform only narrow tasks, rather than display large amounts of Web content.”)

As to commercial success, DoDots “must be armed with evidence of market share, growth in market share, and replacement of prior sales by others.” *Brand Mgmt, Inc. v. Menard, Inc.*, No. 97-1329, 1998 WL 15241 at *11 (Fed. Cir. 1998). But DoDots offers no evidence of market share, much less any sales. This is not surprising, as DoDots attempted to demonstrate commercial success in a prior IPR and was soundly rebutted. As established in that proceeding, DoDots had “no revenue,” but was instead operating with monthly net losses of over \$1.1 million. SAMSUNG-1042, 50:17-52:16; 53:20-54:5; 56:13-57:6; DODOTS-2043, 3; SAMSUNG-1041, Exhibit C (below).

DoDots, Inc

**Income statement
Month of March 2000**

	actual	forecast	variance	
	\$'000	\$'000	\$'000	%
Revenue	-	1	(1)	-100%
Cost of revenue	-	-	-	n/a
Gross profit	-	1	(1)	-100%
Operating expenses:				
Product development	(602)	(402)	(200)	50%
Sales and marketing	(268)	(439)	171	-39%
General and administrative	(226)	(269)	43	-16%
Total operating expenses	(1,097)	(1,110)	13	-1%
Operating loss	(1,097)	(1,109)	12	-1%
Interest income	1	8	(7)	-88%
Interest expense	(23)	(46)	23	-50%
Net loss	(1,119)	(1,147)	28	-2%

In contrast to its large expenditures, DoDots “product” was offered to customers in beta-form “free of charge.” SAMSUNG-1042, 24:13-25; 25:7-22. Although DoDots alleges that it raised \$18.5M (\$17M completely uncorroborated and supported only by interested investor testimony), there is no evidence of any

revenue and only evidence of that funding being quickly depleted with failed attempts to enhance it. DODOTS-2030, 33-43. A limited amount of funding with a series of alleged investment offers that all ultimately failed is not commercial success, it is failure. Tellingly, when asked during deposition whether DoDots was ever profitable, George Kembel—the ***CEO and co-founder*** of DoDots—refused to provide an answer. SAMSUNG-1029, 51:5-54:9.

For at least the reasons above, DoDots has failed to carry its burden to prove secondary considerations tied to the '083 patent claims outweigh Petitioner's strong evidence of obviousness. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007).

VIII. CONCLUSION

For the foregoing reasons, Petitioner requests that the Board issue a Final Written Decision canceling the Challenged Claims of the '083 patent.

Respectfully submitted,

Dated: July 3, 2024

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CERTIFICATION UNDER 37 CFR § 42.24

Under the provisions of 37 CFR § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Corrected Petitioner's Reply to Patent Owner's Response totals 5,574 words, which is less than the 5,600 allowed under 37 CFR § 42.24(c)(1).

Dated: July 3, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on July 3, 2024, a complete and entire copy of this Corrected Petitioner's Reply to Patent Owner's Response was provided by email, to the Patent Owner, by serving the correspondence addresses of record as follows:

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