IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	John Albert Kembel, et al.	
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Appl. Serial No.:	11/932,553	
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Title:	DISPLAYING TIME-VARYING INTERNET BASED DATA USING APPLICATION MEDIA PACKAGES	

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PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 8,510,407 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42

TABLE OF CONTENTS

I. REQUIREMENTS FOR IPR 1
A. Grounds for Standing 1
B. Challenge and Relief Requested 1
C. Claim Construction 3
1. "networked information monitor" ("NIM") 3
2. "networked information monitor template" 4
D. Level of Ordinary Skill in the Art 5

II. SUMMARY OF THE '407 PATENT 5
A. Brief Description 5
B. Prosecution History 7

III. THE CHALLENGED CLAIMS ARE UNPATENTABLE 8
A. [GROUND 1A/1B] – Claims 1-4, 7-11, 13-16, and 19-23 are rendered obvious by Brown [1A], claims 1-4, 7-16, and 19-24 are rendered obvious by Brown and Wecker [1B] 8
1. Overview of Brown 9
2. Overview of Wecker 10
3. Combination of Brown and Wecker 12
4. Analysis 16
B. [GROUND 1C] – Claims 5-6 and 17-18 are rendered obvious by Brown and Beer, and/or Brown and Wecker in view of Beer 58
1. Overview of Beer 58
2. Combination of Brown and Beer 59
3. Analysis 63
C. [GROUND 2] – Claims 1-24 are rendered obvious by Shimada and Buchholz 65
1. Overview of Shimada 65
2. Overview of Buchholz 66
3. Combination of Shimada and Buchholz 68
4. Analysis 69

IV. PTAB DISCRETION SHOULD NOT PRECLUDE INSTITUTION 100
A. The *General Plastic* Factors Favor Institution 100
B. The *Fintiv* Factors Favor Institution 103
C. The *Advanced Bionics* Test Favors Institution 104

V. CONCLUSION AND FEES 105

VI. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1) 105
A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1) 105

B. Related Matters Under 37 C.F.R. § 42.8(b)(2) 105
C. Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3) 106
D. Service Information 106

EXHIBITS

SAMSUNG-1001 U.S. Patent No. 8,510,407 to Kembel, et al. ("the '407 Patent")

SAMSUNG-1002 Excerpts from the Prosecution History of the '407 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 IPR2019-01279 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 U.S. Patent No. 6,094,681 ("Shaffer")

SAMSUNG-1021 RESERVED

SAMSUNG-1022 U.S. Patent No. 6,185,614 B1 ("Cuomo")

LISTING OF CHALLENGED CLAIMS

Claim 1	
[1pre]	A client computing device configured to access content over a network, the client computing device comprising:
[1.1]	electronic storage configured to store networked information monitor template associated with a networked information monitor, the networked information monitor template having therein a definition of a viewer graphical user interface having a frame within which time varying content in a web browser-readable language may be presented on a display associated with the client computing device, wherein the frame of the viewer graphical user interface lacks controls for enabling a user to specify a network location at which content for the networked information monitor is available; and
[1.2]	one or more processors configured to execute one or more computer program modules, the one or more computer program modules being configured to access the networked information monitor defined by the networked information monitor template, wherein accessing the networked information monitor defined by the networked information monitor template results in:
[1.3]	transmission, over a network to a web server at a network location, of a content request for content to be displayed within the frame of the viewer graphical user interface defined by the networked information monitor template:
[1.4]	reception, over the network from the web server at the network location, of content transmitted from the web server in response to the content request, the content being time-varying:
[1.5]	presentation, on the display, of the viewer graphical user interface defined by the networked information monitor template outside of and separate from any graphical user interface of any other application; and
[1.6]	presentation, on the display within the frame of the viewer graphical user interface defined by the networked information monitor, of the time-varying content received from the web server.

Claim 2	
[2]	The method of claim 1, further comprising, responsive to reception of one or more elements included in the received time-varying content, modifying a feature of said viewer graphical user interface defined by the networked information monitor template in accordance with a modification corresponding to the received one or more elements.
Claim 3	
[3]	The client computing device of claim 2, wherein said modification corresponding to the received one or more elements comprises a modification to an image defined by the networked information monitor template as forming a part of said viewer graphical user interface.
Claim 4	
[4]	The client computing device of claim 2, wherein the correspondence between the modification and the received one or more elements is defined by the networked information monitor template.
Claim 5	
[5]	The client computing device of claim 2, wherein the one or more computer program modules and the networked information monitor template are configured such that modifying the feature of the viewer graphical user interface comprises adjusting a size of the frame of the viewer graphical user interface.
Claim 6	
[6]	The client computing device of claim 2, wherein the one or more computer program modules and the networked information monitor template are configured such that modifying the feature of the viewer graphical user interface comprises changing a color of a frame border or background of the viewer graphical user interface.

Claim 7	
[7]	The client computing device of claim 2, wherein the one or more computer program modules and the networked information monitor template are configured such that modifying the feature of the viewer graphical user interface comprises modifying text of the viewer graphical user interface in a manner defined by the networked information monitor template.
Claim 8	
[8]	The client computing device of claim 1, wherein the networked information monitor template includes a markup language file.
Claim 9	
[9]	The client computing device of claim 1, wherein one or more computer program modules are configured such that the time-varying content is received from the web server over the network according to the TCP/IP protocol.
Claim 10	
[10]	The client computing device of claim 1, wherein the network location corresponds to a uniform resource locator included in the networked information monitor template.
Claim 11	
[11]	The client computing device of claim 10, wherein the one or more computer program modules are further configured such that accessing the networked information monitor defined by the networked information monitor template results in transmission of the content request to the uniform resource locator included in the networked information monitor template, and the content request being transmitted according to the TCP/IP protocol over the network.
Claim 12	
[12.1]	The client computing device of claim 1, wherein the one or more computer program modules are further configured:

[12.2]	to transmit, over the network to a networked information monitor server, a request for the networked information monitor template:
[12.3]	to receive, from the networked information monitor server over the network, the networked information monitor template; and
[12.4]	to store the networked information monitor template to the electronic storage.
Claim 13	
[13pre]	A computer-implemented method of accessing content over a network on a client computing device, the client computing device having electronic storage and one or more processors configured to execute one or more computer program modules, the client method comprising:
[13.1]	storing, to the electronic storage, a networked information monitor template associated with a networked information monitor, the networked information monitor template having therein a definition of a viewer graphical user interface having a frame within which time-varying content in a web browser-readable language may be presented on a display associated with the client computing device, wherein the frame of the viewer graphical user interface lacks controls for enabling a user to specify a network location at which content for the networked information monitor is available;
[13.2]	accessing the networked information monitor defined by the networked information monitor template, wherein accessing the networked information monitor defined by the networked information monitor template results in:
[13.3]	transmission, over a network to a web server at a network location, of a content request for content to be displayed in the viewer graphical user interface defined by the networked information monitor template;
[13.4]	reception, over the network from the web server at the network location, of content transmitted from the web server in response to the content request, the content being time-varying:

[13.5]	presentation, on the display, of the viewer graphical user interface defined by the application media package template outside of and separate from any graphical user interface of any other application; and
[13.6]	presentation, on the display within the frame of the viewer graphical user interface defined by the networked information monitor, of the time-varying content received from the web server.
Claim 14	
[14]	The method of claim 13, responsive to reception of one or more elements included in the received time-varying content, modifying a feature of said viewer graphical user interface defined by the networked information monitor template in accordance with a modification corresponding to the received one or more elements.
Claim 15	
[15]	The method of claim 14, wherein said modification corresponding to the received one or more elements comprises a modification to an image defined by the networked information monitor template as forming a part of said viewer graphical user interface.
Claim 16	
[16]	The method of claim 14, wherein the correspondence between the modification and the received one or more elements is defined by the networked information monitor template.
Claim 17	
[17]	The method of claim 14, wherein modifying the feature of the viewer graphical user interface comprises adjusting a size of the frame of the viewer graphical user interface.
Claim 18	
[18]	The method of claim 14, wherein modifying the feature of the viewer graphical user interface comprises changing a color of a frame border or background of the viewer graphical user interface.

Claim 19	
[19]	The method of claim 14, wherein modifying the feature of the viewer graphical user interface comprises modifying text of the viewer graphical user interface in a manner defined by the networked information monitor template.
Claim 20	
[20]	The method of claim 13, wherein the networked information monitor template includes a markup language file, and wherein storing the networked information monitor template comprises storing the markup language file.
Claim 21	
[21]	The method of claim 13, wherein the time-varying content is received from the web server over the network according to the TCP/IP protocol.
Claim 22	
[22]	The method of claim 13, wherein the network location corresponds to a uniform resource locator included in the networked information monitor template.
Claim 23	
[23]	The method of claim 22, wherein accessing the networked information monitor defined by the networked information monitor template results in transmission of the content request to the uniform resource locator included in the networked information monitor template, and the content request being transmitted according to the TCP/IP protocol over the network.
Claim 24	
[24.1]	The method of claim 13, further comprising: prior to storing the networked information monitor template to the electronic storage, transmitting, over the network to a networked information monitor server, a request for the networked information monitor template; and

[24.2]	receiving, from the networked information monitor server over the network, the networked information monitor template.

Samsung Electronics Co., Ltd. ("Petitioner" or "Samsung") petitions for *Inter Partes* Review ("IPR") of claims 1-24 ("the Challenged Claims") of U.S. Patent No. 8,510,407 ("the '407 Patent").

I. REQUIREMENTS FOR IPR

A. Grounds for Standing

Samsung certifies that the '407 Patent is available for IPR. This petition is being filed within one year of service of a complaint against Samsung. Samsung is not barred or estopped from requesting review of the Challenged Claims on the below-identified grounds.

B. Challenge and Relief Requested

Samsung requests IPR of the Challenged Claims on the grounds below. Dr. Douglas Schmidt provides supporting testimony. SAMSUNG-1003, ¶¶1-234.

Ground	Claim(s)	§103 Basis
1A	1-4, 7-11, 13-16, 19-23	Obvious over Brown
1B	1-4, 7-16, 19-24	Obvious over Brown and Wecker
1C	5-6, 17-18	Obvious over Brown and Beer, and/or Brown, Wecker, and Beer
2	1-24	Obvious over Shimada and Buchholz

The '407 Patent claims priority to an application filed on April 26, 2000, as well as to a number of provisional applications, the earliest of which was filed on

April 26, 1999. SAMSUNG-1001, Cover. Solely for purposes of evaluating prior art in this proceeding and without conceding the propriety of these priority claims, this Petition will treat April 26, 1999, as the effective filing date ("Critical Date"). The applied references qualify as prior art at least under Pre-AIA §102(e) as indicated below.

Reference	Filing Date	Publication Date
Brown	08/21/2001	02/17/1998
Wecker	09/10/2002	06/30/1998
Beer	11/14/1996	08/11/1998
Shimada	09/07/2004	06/18/1997
Buchholz	07/11/2000	06/23/1998

C. Claim Construction

All claim terms should be construed according to the *Phillips* standard. *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005); 37 C.F.R. §42.100. Under the *Phillips* standard, the "words of a claim are generally given their ordinary and customary meaning as understood by a person of ordinary skill in the art when read in the context of the specification and prosecution history." *Thorner v. Sony Computer Entertainment America LLC*, 669 F. 3d 1362, 1366 (Fed. Cir. 2012) (citing *Phillips*, 415 F.3d at 1313). All claim terms should be given their ordinary and customary meaning in the context of the specification as detailed in the relevant sections below, except that Petitioner provides the following discussion to aid the Board in interpreting the following terms.[1]

1. "networked information monitor" ("NIM")

For the purposes of this proceeding, this term, which appears in claims 1, 11, 13, and 23, should be construed to mean "a fully configurable frame, with one or more controls, through which content is presented to the user." SAMSUNG-1003,

[1] Petitioner does not concede that the challenged claims meet all statutory standards. Patentability under §101 or compliance with §112 is not appropriate to resolve in IPR, and Petitioner reserves all rights to challenge claims for reasons out of scope for IPR.

¶28. This definition is consistent with the use of the term in the specification of the '407 patent, as well as the definition adopted by Patent Owner in prior proceedings. *See, e.g.*, SAMSUNG-1001, 5:21-24; SAMSUNG-1012, Pages 10-11; SAMSUNG-1014, *3-4. Thus, for purposes of this IPR, Petitioner adopts Patent Owner's construction of networked information monitor, which was adopted in IPR2019-01279. SAMSUNG-1012, Pages 10-11; SAMSUNG-1003, ¶28.

2. "networked information monitor template"

For the purposes of this proceeding, this term, which appears in claims 1-8, 10-16, 19-20, and 22-24 should be construed to mean "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**." SAMSUNG-1003, ¶29. This definition is consistent with the use of the term in the specification of the '407 Patent. *See, e.g.*, SAMSUNG-1001, 6:66-67, 7:1-2 ("Each NIM template defines the characteristics of a specific NIM, including fully configurable frame characteristics, viewer and control characteristics, and NIM content references"). Additionally, the '407 Patent states, "NIMs allow a developer to provide an application feel without developing custom client applications." *Id.*, 26:38-40. The '407 Patent further states that a NIM definition "is content, rather than compiled code." *Id.*, 21:49-50. According to Patent Owner in IPR2019-

01279, a networked information monitor template "is not compiled code, and cannot be an executable application or applet." SAMSUNG-1012, Page 12. Thus, for purposes of this IPR, Petitioner adopts Patent Owner's construction of networked information monitor template, which was adopted in IPR2019-01279. SAMSUNG-1012, Pages 13-14; SAMSUNG-1014, *3-4; SAMSUNG-1003, ¶29.

D. Level of Ordinary Skill in the Art

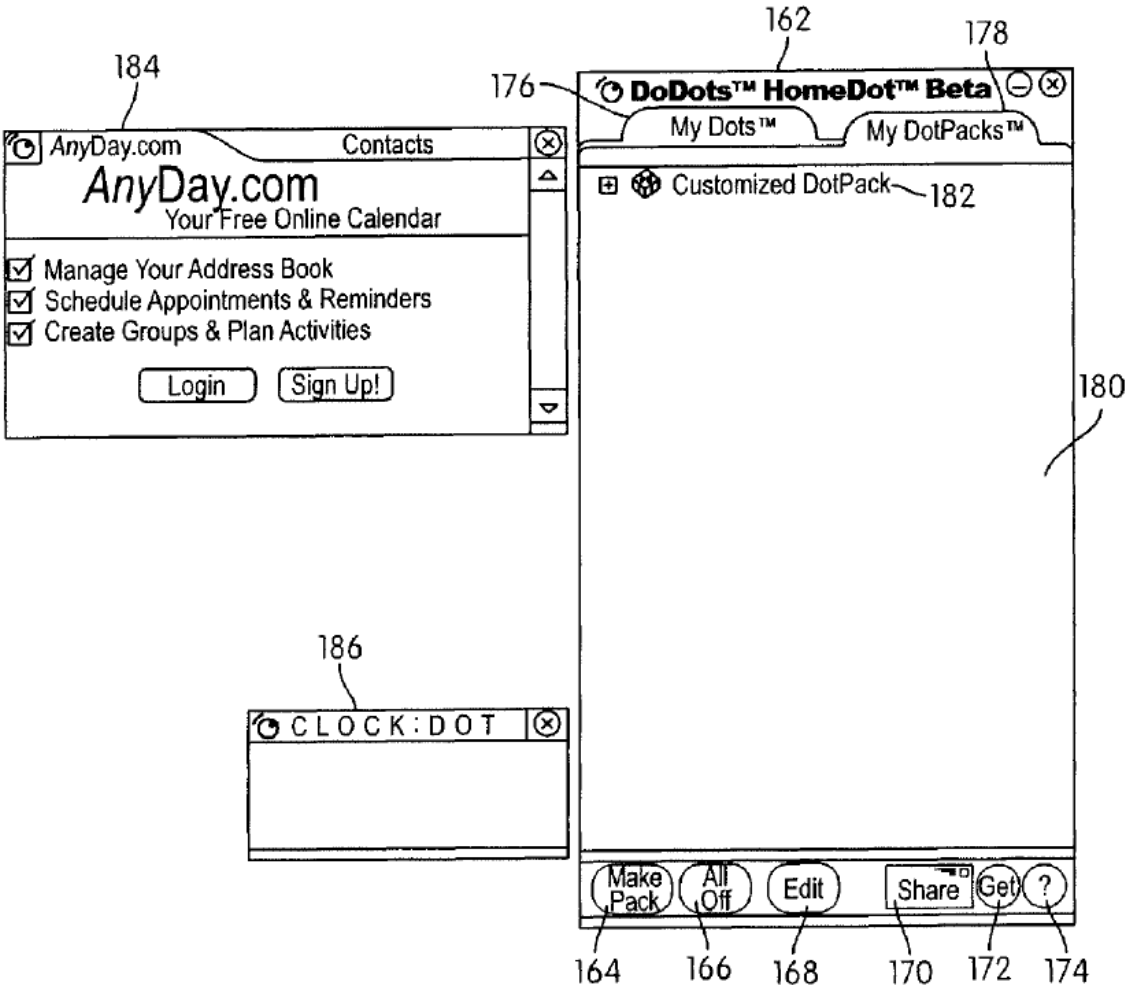
A person of ordinary skill ("POSITA") relating to the subject matter of the '407 Patent would have had (1) a bachelor's degree in computer science, computer engineering, electrical engineering, or a related field, and (2) at least three years of corresponding industry work experience. SAMSUNG-1003, ¶¶20-21. Additional graduate education could substitute for professional experience, or significant experience in the field could substitute for formal education. *Id*. This definition is consistent with the previous definition of a POSITA adopted in IPR2019-01279. SAMSUNG-1012, Page 8.

II. SUMMARY OF THE '407 PATENT

A. Brief Description

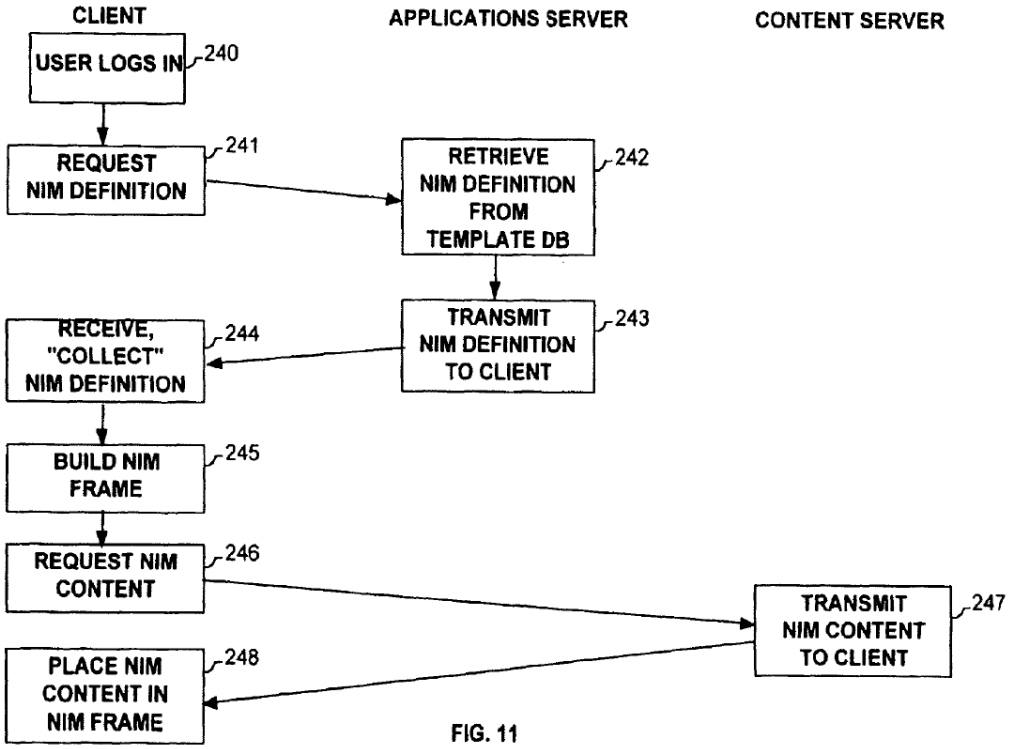
The '407 Patent is directed to "accessing and viewing internet content" through a plurality of software "networked information monitors" or "NIMs" SAMSUNG-1001, Abstract, 5:21-24. The '407 Patent discloses that NIMs include "a fully configurable frame with one or more controls; the frame through which

content is optionally presented." *Id*. Figure 4 below provides an example of a collection of NIMs according to the '407 Patent.



SAMSUNG-1001, FIG. 4

NIMs are executed by a "Home NIM" which "coordinates the activities of all other NIMs." SAMSUNG-1001, 5:29-31. Figure 11 provides an example process of downloading and generating a NIM according to the '407 Patent.



SAMSUNG-1001, FIG. 11

B. Prosecution History

The '407 application was allowed after two Office Actions, which presented rejections over prior art references that are substantially different from those relied upon in this petition. SAMSUNG-1002, 137-142, 903-914, 938-948, 973-977. Indeed, during prosecution, the examiner did not consider any of Brown, Wecker, Beer, Shimada, and Buchholz, which render the Challenged Claims obvious, as discussed below.

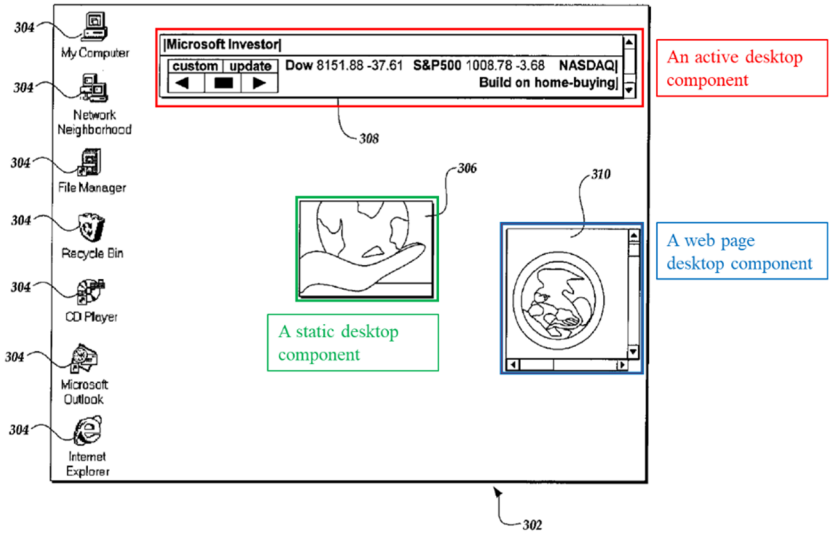
III. THE CHALLENGED CLAIMS ARE UNPATENTABLE

A. [GROUND 1A/1B] – Claims 1-4, 7-11, 13-16, and 19-23 are rendered obvious by Brown [1A], claims 1-4, 7-16, and 19-24 are rendered obvious by Brown and Wecker [1B]

Below, the Petition presents a first ground based on Brown alone and a second ground based on the combination of Brown and Wecker. In the first ground [1A], the Petition relies on the disclosure of Brown and explains why Brown's disclosure, when interpreted in view of the general knowledge of a POSITA, renders obvious claims 1-4, 7-11, 13-16, and 19-23. In the second ground [1B], the Petition relies on the same disclosure of Brown and explanation of obviousness as presented in the first ground [1A], but turns to Wecker's disclosure for a single feature of claim 1 ("**electronic storage configured to store networked information monitor template**") and features of claims 12 and 24. Although all of the features of claim 1 are rendered obvious by Brown alone as explained below, Petitioner has advanced a combination of the Brown and Wecker for claim 1 to the extent Patent Owner argues that the single feature of claim 1 is not explicit in Brown. Because the use of Brown's disclosure and corresponding obviousness arguments are similar for both grounds [1A/1B], the Petition discusses these grounds together for ease of presentation. SAMSUNG-1003, ¶43.

1. Overview of Brown [2]

Brown describes "a method of creating a composite desktop built from Web content retrieved from one or more Web sites." SAMSUNG-1005, Abstract. Brown's composite desktop includes components, which can be "a static image or an active desktop component providing dynamic content." *Id.*, Abstract; SAMSUNG-1003, ¶30.



SAMSUNG-1005, FIG. 3A (annotated)

As shown in FIG. 3A (above), Brown's "composite desktop 302 includes one or more desktop components," where each "desktop component is a distinct

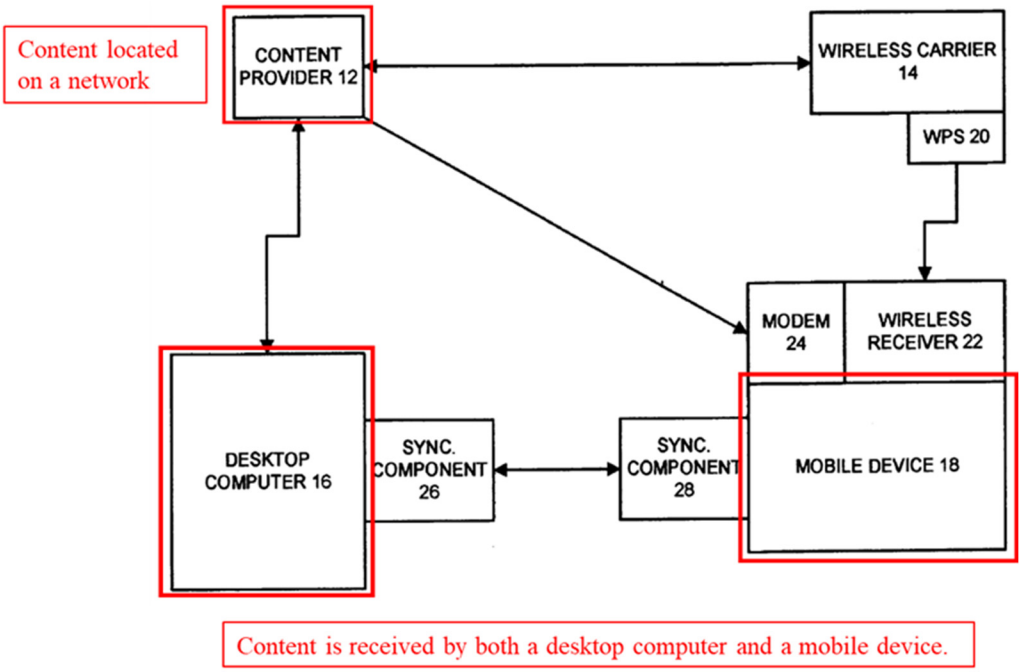
[2] Descriptions of the references and combinations thereof are incorporated into each mapping that includes citations to these references. All emphasis is added unless otherwise indicated.

geometric region that displays a single piece of Web-based content." SAMSUNG-1005, 7:21-23. Brown describes that "the component may be selected from a Web page, within which the component is embedded." SAMSUNG-1005, 7:40-41; SAMSUNG-1003, ¶31.

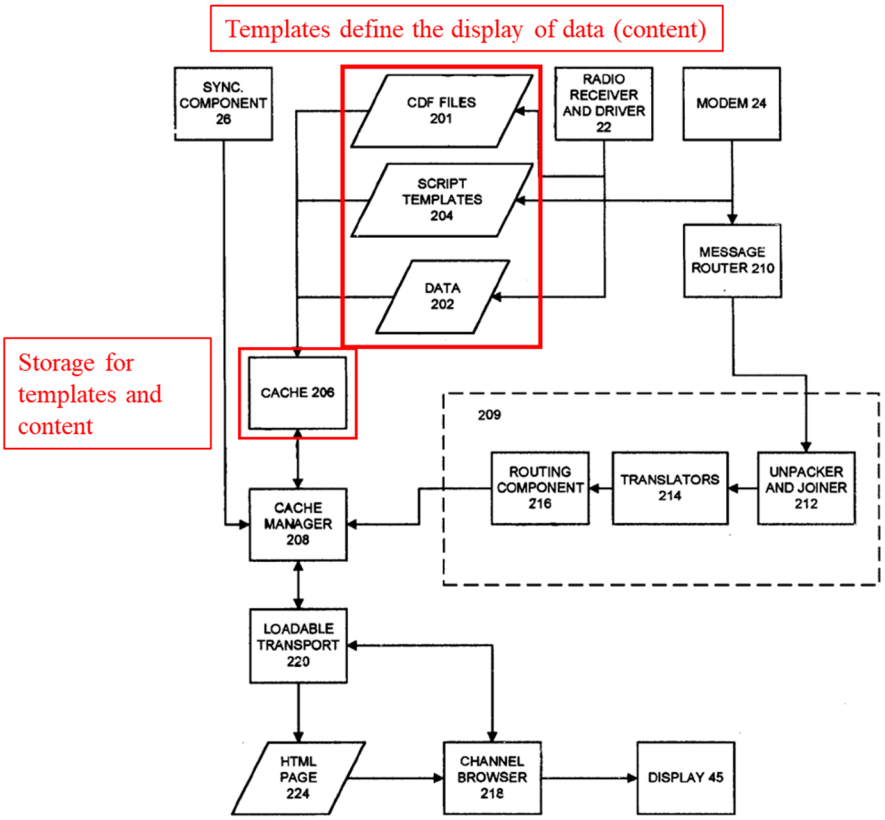
Brown also describes desktop component instructions, which "include a URL specifying an Internet location where additional HTML code corresponding to the active desktop component 308 resides." SAMSUNG-1005, 13:1-4; SAMSUNG-1003, ¶32.

2. Overview of Wecker

Wecker describes "a method for rendering information," the information including "a content structure file, a data file and a script file." SAMSUNG-1006, Abstract; SAMSUNG-1003, ¶33. Wecker describes that "the content structure file is read to ascertain which script in the script file is associated with data to be rendered." *Id*. Thereafter, "[t]he data from the data file is retrieved and the associated script file is executed to render the data." *Id*.



SAMSUNG-1006, FIG. 1 (annotated)



SAMSUNG-1006, FIG. 6 (annotated)

Wecker describes that "the content is provided in a standard format, such as HTML, JPEG, GIF, WAV, etc." and that "[t]he web content is also preferably described in a content structure file also known commonly as a channel definition format (CDF) file." SAMSUNG-1006, 3:2-6; SAMSUNG-1003, ¶34.

3. Combination of Brown and Wecker

A POSITA would have found it obvious to combine Brown and Wecker (collectively the "Brown-Wecker combination"). SAMSUNG-1003, ¶35. Among other things, both Brown and Wecker are generally directed to "accessing and viewing internet content" and further describe the use of Microsoft's channel definition format (CDF) to implement subscriptions to internet content, with Brown explicitly directing the reader toward additional references that discuss CDF. SAMSUNG-1005, Abstract, 13:4-13, 13:39-44; SAMSUNG-1006, Abstract, 3:1-16; SAMSUNG-1003, ¶35. Given the similarity of the disclosures, and spurred by Brown's directive, a POSITA would have found it obvious to consider Wecker's disclosure in the context of Brown's system for multiple reasons. For example, as Dr. Schmidt explains, a POSITA would have found it obvious to leverage Wecker's disclosure of a cache to store HTML style templates. A POSITA also would have found it obvious that Brown's desktop components would be implemented as mobile channels, such that a user would download desktop components,

and their associated HTML instructions, to their composite desktop. SAMSUNG-1005, 7:21-23; SAMSUNG-1006, 3:6-14; SAMSUNG-1003, ¶35.

As Dr. Schmidt explains, a POSITA would have been motivated to combine Brown and Wecker for various reasons. SAMSUNG-1003, ¶36.

First, a POSITA would have recognized that Wecker's mobile channel "script files," also referred to as "templates," are data structures that are similar in objective to the "HTML instructions" that define Brown's "desktop components." SAMSUNG-1005, 12:61-62; SAMSUNG-1006, 3:17-20; SAMSUNG-1003, ¶37. Indeed, Wecker describes that "the users of **desktop 16** can preferably subscribe to channels in a standard fashion which provide the user with certain channel content" and that the desktop can "periodically retrieve or receive new and updated script, data and CDF files." SAMSUNG-1005, 3:63-66, 4:3-6; SAMSUNG-1003, ¶37. 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 would be incorporated into Brown with a reasonably high expectation of success. SAMSUNG-1003, ¶37.

A POSITA would have been prompted to pursue this combination because doing so is merely the application of known techniques (*e.g.*, rendering content using templates/script files) to a known structure (*e.g.*, Brown's composite desktop)

to yield predictable results. SAMSUNG-1003, ¶38; *see also KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007). Additionally, both Brown and Wecker describe the Windows 95 operating system as a suitable operating system that can implement their techniques. SAMSUNG-1005, 6:26-32; SAMSUNG-1006, 8:15-21. Finally, both Brown and Wecker are assigned to the "Microsoft Corporation" and, therefore, a POSITA would have reasonably expected their techniques to be compatible as the assignee would have been motivated by business reasons to provide commonality between their products. SAMSUNG-1005, Cover; SAMSUNG-1006, Cover. Thus, as Dr. Schmidt explains, a POSITA would have had a reasonable expectation of success in implementing Wecker's techniques into the disclosure of Brown. SAMSUNG-1003, ¶38.

Second, a POSITA would have recognized or found obvious that, because Brown's desktop components are retrieved from "remote computers," such components would also be accessed via Wecker's "wireless push server" or "remote computer." SAMSUNG-1005, 4:16-21; SAMSUNG-1006, 3:34-38, 7:55-63; SAMSUNG-1003, ¶39. In fact, Wecker describes that a "user typically runs the same types of applications on both the desktop computer and on the mobile device." SAMSUNG-1006, 1:39-44; SAMSUNG-1003, ¶39. A POSITA would have recognized or found obvious from this disclosure that the "composite desktop" taught

by Brown would have been compatible with certain features of the interfaces running on mobile devices, as contemplated by Wecker. SAMSUNG-1005, 4:13-19; SAMSUNG-1003, ¶39. Indeed, Brown describes that its techniques may be practiced in "other computer system configurations, including **hand-held devices**." SAMSUNG-1005, 4:44-49; SAMSUNG-1003, ¶39.

A POSITA would have been prompted to pursue this combination because doing so is merely the application of known techniques (*e.g.*, rendering content using templates/script files) to a known structure (*e.g.*, Brown's composite desktop) to yield predictable results. SAMSUNG-1003, ¶40; *see also KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007). Additionally, Wecker describes that "Windows CE" is a suitable operating system upon which to implement its techniques, and that this operating system is made available by the "Microsoft Corporation" – the assignee of Brown. SAMSUNG-1005, Cover; SAMSUNG-1006, 5:30-32. Finally, both Brown and Wecker are assigned to the "Microsoft Corporation" and, therefore, a POSITA would have reasonably expected their techniques to be compatible as the assignee would have been motivated by business reasons to provide commonality between their products. SAMSUNG-1005, Cover; SAMSUNG-1006, Cover. Thus, as Dr. Schmidt explains, a POSITA would have had a reasonable expectation of success in implementing features of Wecker into Brown's composite desktop. SAMSUNG-1003, ¶40.

The publications thus detail various aspects of the similar technology employed by Brown and Wecker and provide an explicit motivation to combine. *Cimline, Inc. v. Crafco, Inc.*, 413 F. App'x 240, 245 (Fed. Cir. 2011). Aside from the express teaching to combine, a motivation to combine may be found based on the "background knowledge, creativity, and common sense of [a] person of ordinary skill." *Cimline Inc.*, 413 F. App'x 240, 245.

Moreover, a POSITA would have been motivated to combine Wecker with Brown to improve data transfer times, increase usability, standardize interfaces across different devices, reduce client-side storage requirements, and/or to capitalize on the growing need to display internet content in a customizable way. SAMSUNG-1003, ¶41.

For at least these reasons, a POSITA would have been motivated to combine Brown and Wecker and consider their disclosures together. SAMSUNG-1003, ¶42.

4. Analysis

[1.pre]

To the extent the preamble is limiting, Grounds 1A and 1B render [1.pre] obvious. For example, Brown describes "a computer-based system for controlling the display of elements on a desktop," and a "computer-based method of creating a composite desktop built from Web content," and also that "an operating system

user interface shell program executes on a computer, preferably a general purpose personal computer." SAMSUNG-1005, 2:54-57, 4:32-40, Claim 15; SAMSUNG-1003, ¶44.

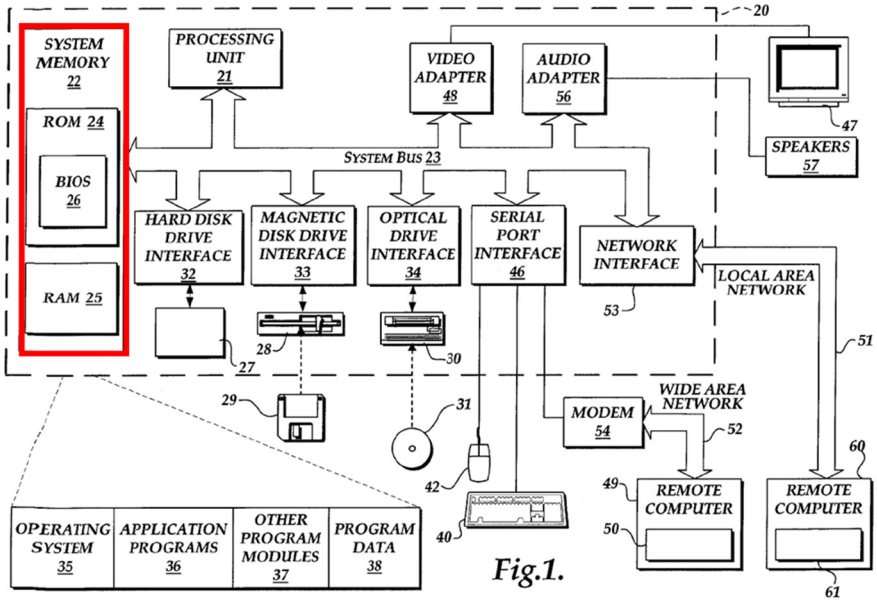
A POSITA would have understood or found obvious that "a computer-based system" includes a "**client computing device**," as a computer is frequently referred to as a "client." *Id.*; SAMSUNG-1003, ¶45. Indeed, the '407 Patent refers to a "client computer." SAMSUNG-1001, 1:56, 2:11, 6:30, 7:25, 34:37. A POSITA also would have understood that Brown's "Web content" is "**content over a network**." SAMSUNG-1005, 2:54-57, SAMSUNG-1003, ¶45. Indeed, the '407 Patent refers to its content as "Web content." SAMSUNG-1001, 1:58, 4:64, 5:63, 20:63.

[1.1]

A. Ground 1A (Brown)

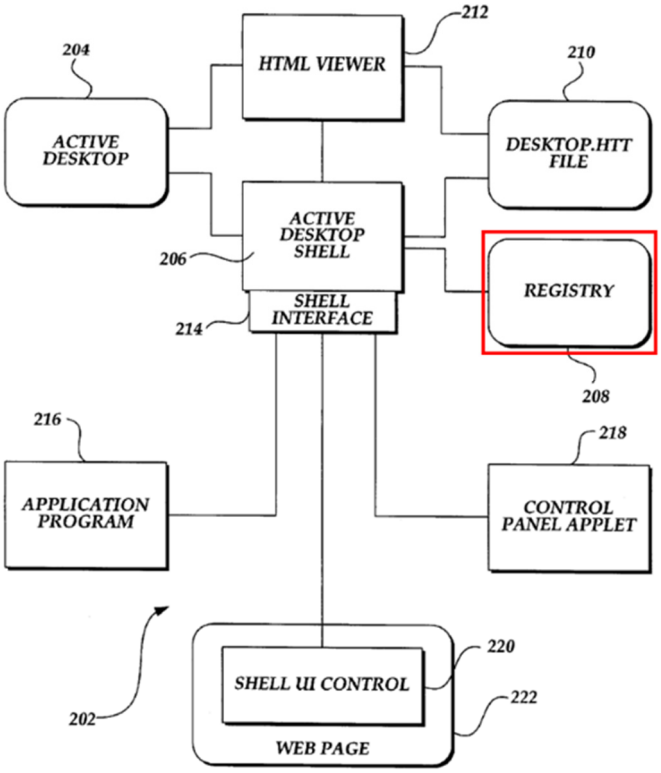
Brown discloses "a general purpose computing device" that includes a "system memory." SAMSUNG-1005, 4:54-58. As Dr. Schmidt explains, a POSITA would have understood or found obvious that Brown's system memory is a form of "**electronic storage**" because a POSITA would have understood that memory is an example of electronic storage. SAMSUNG-1003, ¶46. Indeed, the '407 Patent refers to "memory 30" within "computer 20." SAMSUNG 1001, 5:45-47, 5:55-59.

An annotated figure is presented below that displays the different forms of electronic storage within Brown's computing device.

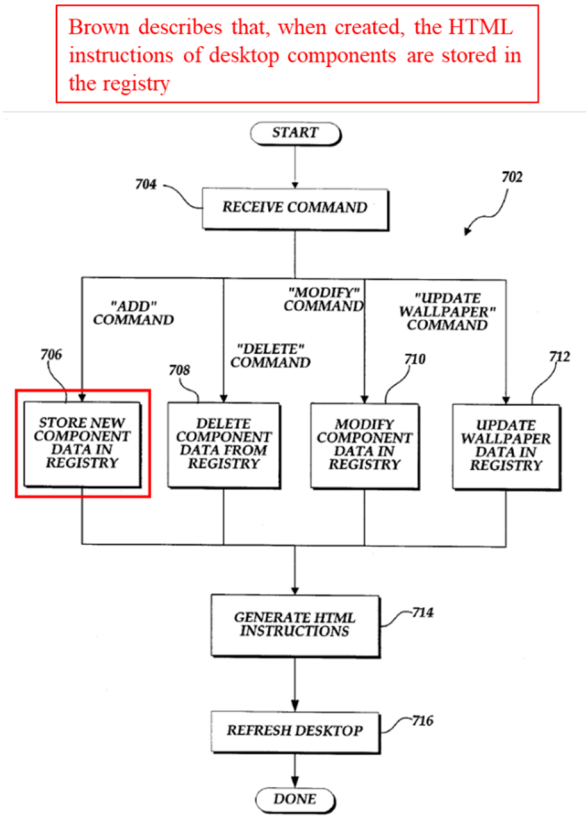


SAMSUNG-1005, FIG. 1 (annotated)

Brown's computing device also includes a "registry," which it describes as "a mechanism for storing program data, and preferably includes **one or more files on a persistent storage medium** and associated code for accessing the data." SAMSUG-1005, 6:20-26, FIG. 2, FIG. 6; SAMSUNG-1003, ¶47. Brown describes that each of the HTML instructions are stored in the registry "in an HTML file, referred to as the desktop.htt file 210." SAMSUNG-1005, 6:35-36, 14:8-9. Annotated figures showing the registry in Brown's computing device are presented below.



SAMSUNG-1005, FIG. 2 (annotated)



SAMSUNG-1005, FIG. 6 (annotated)

A POSITA also would have understood or found obvious that these various forms of storage would be capable of storing files, like "templates," ("**configured to store**") because it was well known as of the critical date that HTML files are stored in a form of "**electronic storage**." SAMSUNG-1003, ¶48. For example, Beer describes a system for "allowing a user to retrieve a user interface and a visual style from a **local** or remote **storage unit**, [and] … display the visual stylized user interface." SAMSUNG-1007, 2:9-15; SAMSUNG-1003, ¶48.

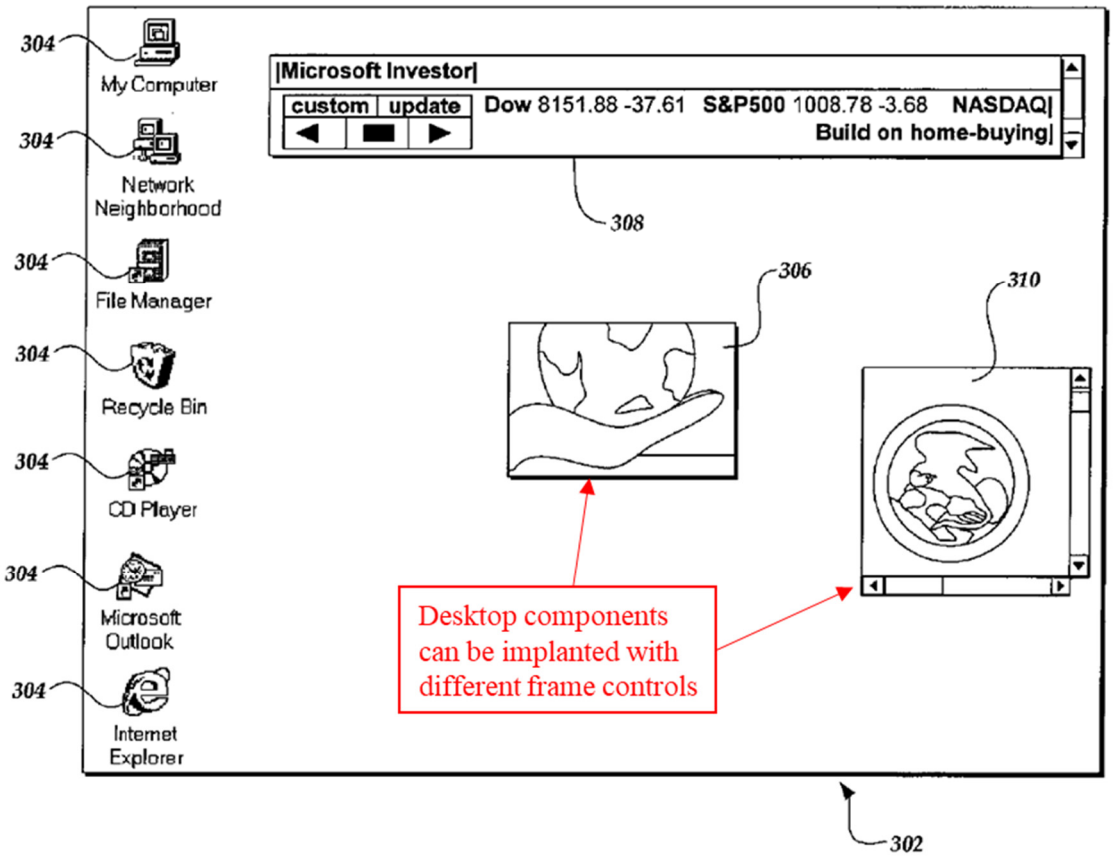
Brown describes sets of "HTML instructions" that define a "composite desktop" containing a plurality of "desktop components." SAMSUNG-1005, 6:34-36,

7:21-22, 11:1-67, 12:1-67, 13:1-54. Brown explains that a desktop component, examples of which are presented in the annotated version of Fig. 3A (below), is "a distinct geometric region that displays a single piece of Web-based content." *Id*., 7:22-23; SAMSUNG-1003, ¶49.

As Dr. Schmidt explains, a POSITA would have understood or found obvious the "desktop components" of Brown to be "networked information monitors" because desktop components have similar features. SAMSUNG-1003, ¶50. Indeed, networked information monitors are "a fully configurable **frame**, with one or more **controls**, through which **content** is presented to the user," and a POSITA would have recognized that a desktop component possesses all of these features. SAMSUNG-1001, 5:41-44; SAMSUNG-1003, ¶50; Section I.C.1, *supra*.

For instance, Brown describes that desktop components are "implemented as floating **frames**." SAMSUNG-1005, 12:61-64; *infra* [1.3]. Brown further explains that floating frames "can be positioned anywhere on a screen" and that desktop components, and their frames, can be "positioned at any location on a composite desktop, and can be resized if desired." SAMSUNG-1005, 7:24-26, 12:64-65. Brown presents examples of desktop components with different frame "**controls**", as annotated in Figure 3A below. SAMSUNG-1005, FIG. 3A. The above disclosures render Brown's desktop component frames "**fully configurable**" as this term

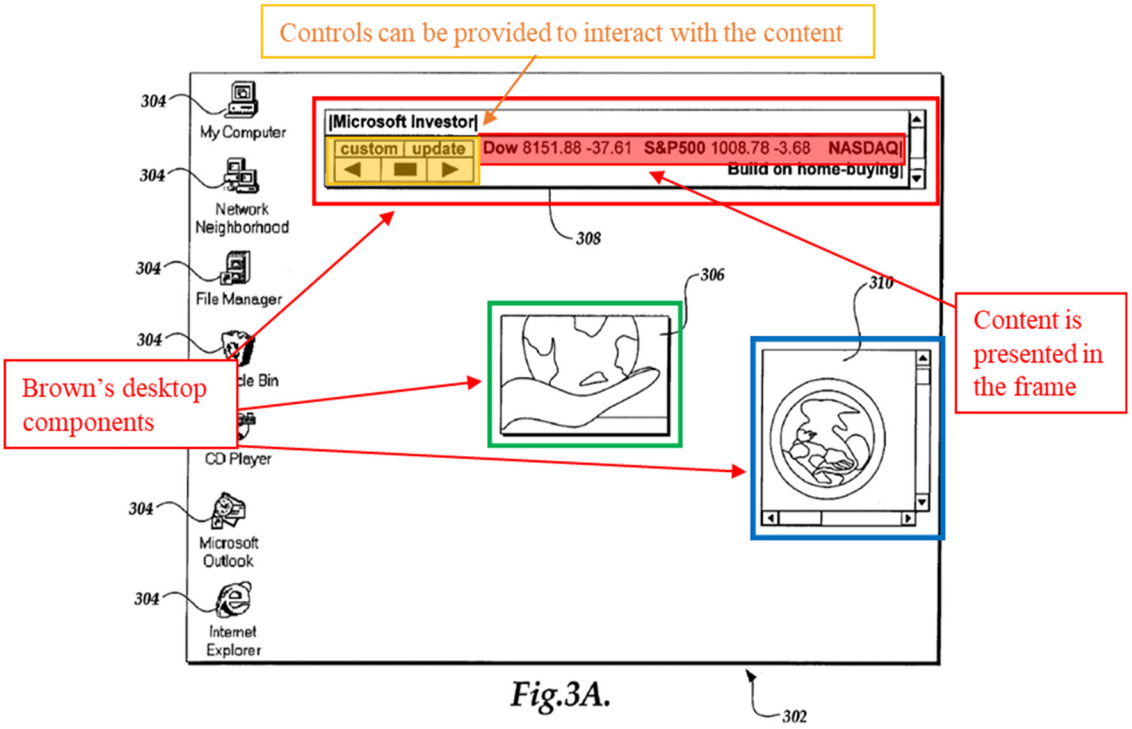
is used by the '407 Patent (e.g., "details defining the NIM, such as the look-and-feel"). SAMSUNG-1001, 30:41-42; SAMSUNG-1003, ¶¶51-52.



SAMSUNG-1005, FIG. 3A (annotated)

Finally, Brown describes that desktop components "[display] a single piece of Web-based **content**." SAMSUNG-1005, 7:22-23. As described above, Brown's desktop components are "fully configurable frames," and as a result, the "**content**" is displayed "**through**" the "**fully configurable frame**." SAMSUNG-1001, 2:45-59; SAMSUNG-1005, 7:24-26, 12:64-65, FIG. 3A; SAMSUNG-1003, ¶53.

Therefore, Brown's desktop components are "networked information monitors," as properly construed. SAMSUNG-1003, ¶54.



SAMSUNG-1005, FIG. 3A (annotated)

Additionally, a POSITA would have recognized or found obvious that the "HTML instructions" that define Brown's "desktop components" are a "networked information monitor template" because these HTML instructions have similar features. SAMSUNG-1005, 11:39-67, 12:1-43; SAMSUNG-1003, ¶55. Indeed, a networked information monitor template is "a **data structure** that defines the **characteristics of a NIM**, including the NIM **frame**, **view**, and **control characteristics**, [which] excludes executable **applications/compiled code**," and a

POSITA would have recognized or found obvious that a set of Brown's HTML instructions includes all of these features. SAMSUNG-1001, 7:19-23, 8:53-57, 14:34-35; SAMSUNG-1003, ¶55; Section I.C.2, *supra*. Brown provides a set of HTML instructions as an example, which is reproduced and annotated below. Brown describes that these instructions are "generated from the **data** stored in the registry 208" ("**a data structure**"). SAMSUNG-1005, 14:7-8.

Brown describes that "lines 14-17 [in the example code] comprise HTML instructions that **describe the active desktop component 308**," ("**defines the characteristics of [the] NIM"**). SAMSUNG-1005, 12:61-62. Brown includes similar language for the other desktop components of this example set of HTML instructions. *Id*., 12:44-46, 13:14-15; SAMSUNG-1003, ¶56.

For example, Brown describes that "[f]loating **frames** are designated by the 'IFRAME' tag." SAMSUNG-1005, 12:65-66. Brown's HTML instructions utilize the "IFRAME" HTML tag to **define the frame of the desktop component**, as shown in the annotated figure below. SAMSUNG-1005, 11:56-67, 12:1-10; SAMSUNG-1003, ¶57.

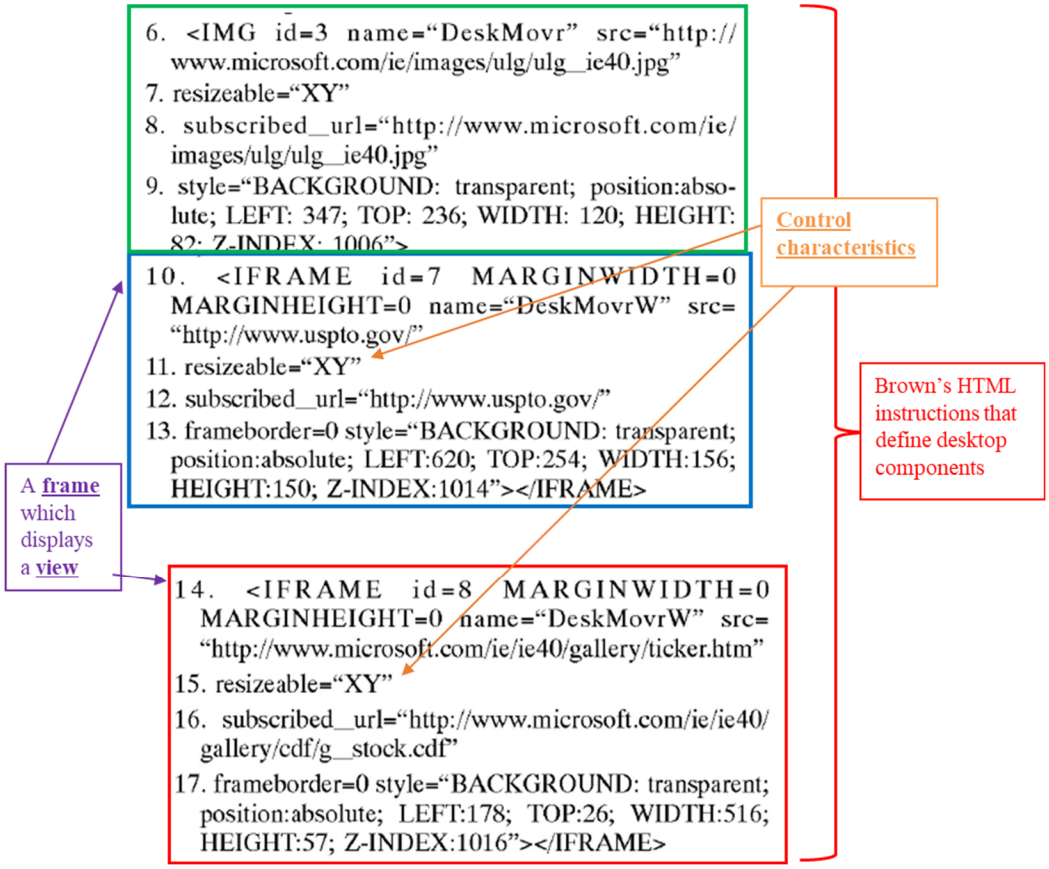
It can also be seen from the annotated figure that visual features of the desktop component ("**the view**") are defined by the HTML instructions. SAMSUNG-

1005, 11:56-67, 12:1-10. For example, the HTML instructions include a "frame-border" tag, as well as a "BACKGROUND" tag, that both define visual features of the desktop component. *Id.*; SAMSUNG-1003, ¶58.

Additionally, Brown's HTML instructions provide the ability to designate a desktop component as "resizable" as presented in the annotated figure below ("**a control characteristic**"). SAMSUNG-1005, 11:56-67, 12:1-10. The resizing of desktop components is enabled by "a windowed component manipulation **control** 326 and a windowless component manipulation **control** 328." SAMSUNG-1005, 7:57-59; SAMSUNG-1003, ¶59.

Additionally, as it can be seen in the annotated instructions below, Brown's HTML instructions do not contain "**applications**" or "**compiled code**." SAMSUNG-1005, 11:56-67, 12:1-10; SAMSUNG-1003, ¶60. Indeed, Brown describes its HTML instructions are stored in "an HTML file, referred to as the desktop.htt file 210," which, as Dr. Schmidt explains, a POSITA would have understood or found obvious to not include compiled code since HTML is known to be a markup language. *Id.*, 6:36-37; SAMSUNG-1011, Page 70; SAMSUNG-1003, ¶60. A POSITA would have understood the advantages of a platform independent markup language, like HTML, and would have been motivated to avoid including additional compiled code that would render these advantages moot. SAMSUNG-1003, ¶60.

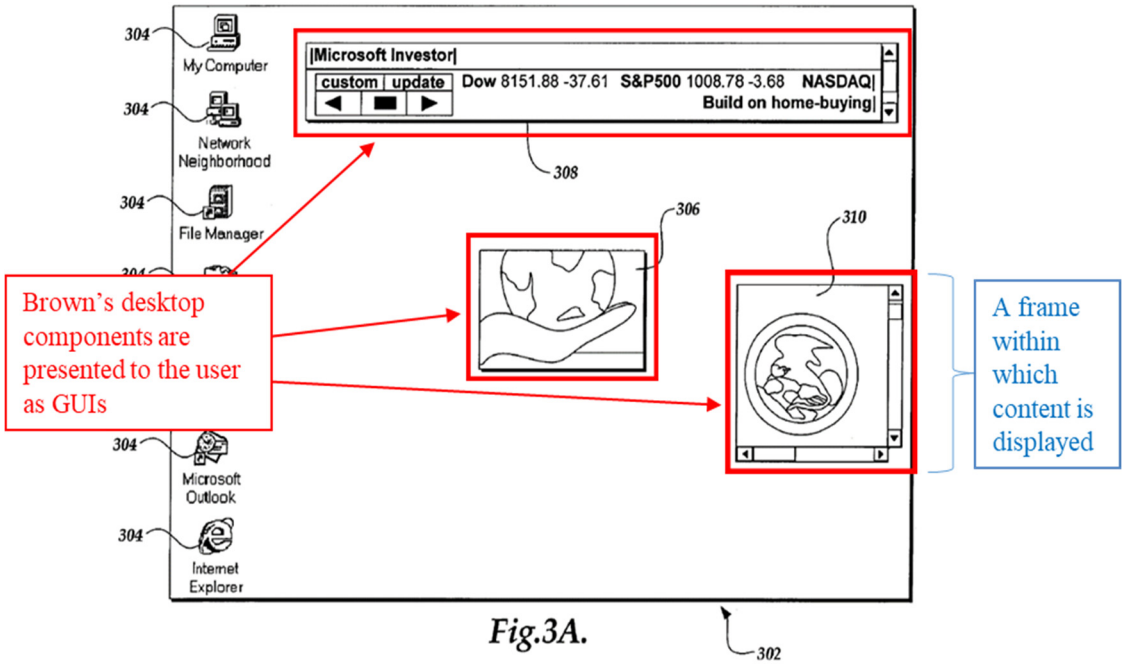
Therefore, with the above disclosures, Brown's HTML instructions correspond to a "networked information monitor template." SAMSUNG-1003, ¶61.



SAMSUNG-1005, 11:56-67, 12:1-10 (annotated)

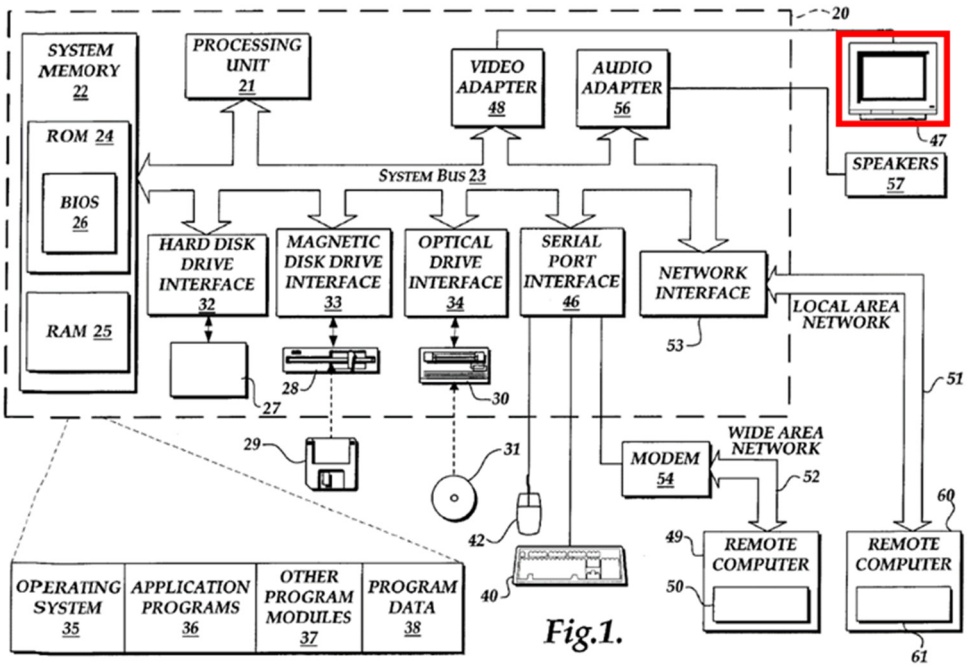
As Dr. Schmidt explains, a POSITA would have recognized that the desktop components are presented to the user as "graphical user interfaces" or "GUIs" as these terms are commonly used in the art to describe such visual components. SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶62. Example desktop components are presented in the annotated Figure 3A below. Indeed, Brown refers to its composite desktop (and all Windows-based desktops) as a "**GUI** desktop." SAMSUNG-1005, 1:35-38, FIG. 3A; SAMSUNG-1003, ¶62. Because Brown's HTML

instructions define the desktop component, a POSITA would have recognized that, therefore, they contain "**a definition of a graphical user interface**."



SAMSUNG-1005, FIG. 3A (annotated)

Brown further describes that desktop components are "implemented as floating **frames**." SAMSUNG-1005, 12:61-64; SAMSUNG-1003, ¶63. As annotated below in Figure 1, Brown's "computer-based system" also includes an electronic display, which Brown refers to as a "monitor." SAMSUNG-1005, 5:38-39. A POSITA would have recognized or found obvious from this disclosure that a display would be used to present content to a viewer. SAMSUNG-1003, ¶63.

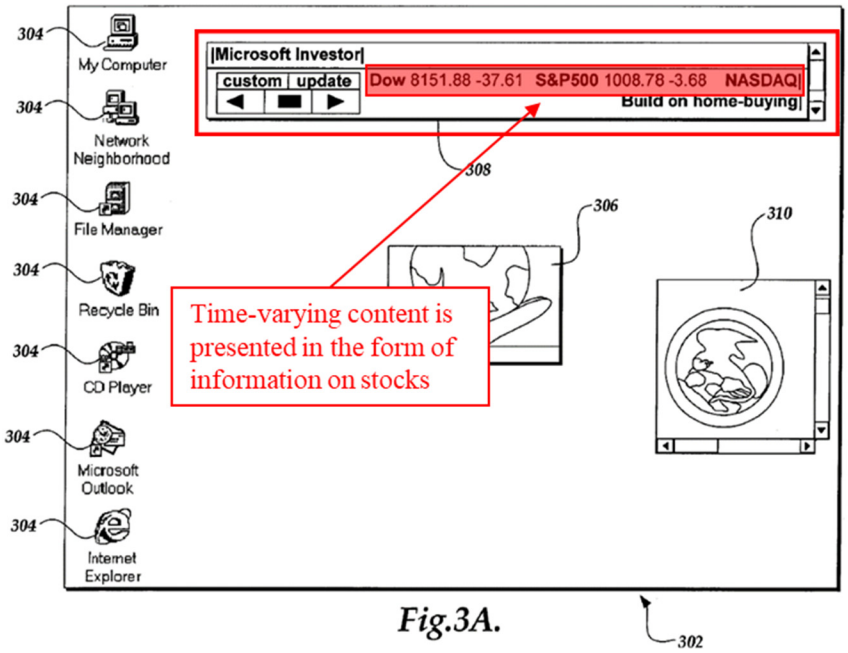


SAMSUNG-1005, FIG. 1 (annotated)

A POSITA would have understood or found obvious that the "floating frame" of Brown's desktop components displayed on the "monitor" in the "computer based system to be "**a frame within which [content] is presented on a display associated with the client computing device**," as desktop components are described by Brown as displaying internet content. SAMSUNG-1003, ¶64; [1.pre], *supra*.

Brown describes that the GUI desktop can "provide entry points to Internet resources" that can "**change over time** to reflect the **changing nature of the resource**." SAMSUNG-1005, 1:24-34. Additionally, Brown describes that Internet resources can be "HTML-based Web pages" or "documents." *Id*., 2:13-36. Brown describes that these HTML documents can be "text, graphics, **audio clips, and**

video clips, as well as metadata or commands providing formatting information." *Id.*, 2:20-22; SAMSUNG-1003, ¶65. As an example of content that can change over time, Brown presents a desktop component directed to stock information, presented in the annotated figure below.



SAMSUNG-1005, FIG. 3A (annotated)

Brown also describes that Web pages or documents presented in desktop components "[function] similarly to the corresponding Web page **viewed in a browser window**." SAMSUNG-1005, 11:20-28. As Dr. Schmidt explains, a POSITA also would have recognized that HTML is an example of a "web-browser readable language," as HTML is one of the most common examples of such a language. SAMSUNG-1003, ¶66. Indeed, Darnell describes an HTML "standard"

for web-browsers. SAMSUNG-1011, Page 112 ("the W3 Consortium (W3C) sets the **HTML standards for the World Wide Web (W3)**").

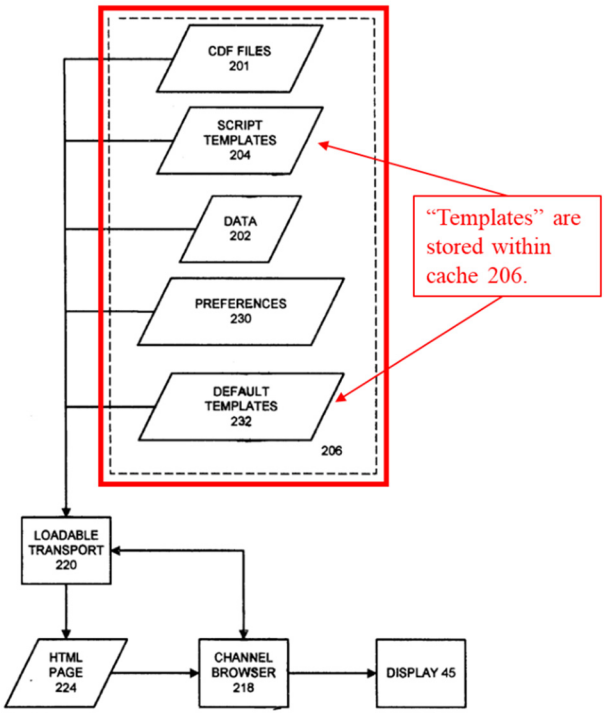
In view of the above disclosures, a POSITA would have understood or found obvious that Brown's content is "**time varying content in a web browser-readable language**." Indeed, the '407 Patent frequently refers to HTML as "standard web content" or "a NIM's content." SAMSUNG-1001, 4:63-64, 21:50-53, 34:48-49, 37:13. Dr. Schmidt explains that a POSITA would have also understood or found obvious that web pages, as described by Brown, would include "**time-varying content**" as the Internet was known to host such content. SAMSUNG-1003, ¶67. Indeed, Shaffer describes "messages received by [a] computer [that] include **web page updates** received by a router associated with a web server on the **World Wide Web of the Internet**." SAMSUNG-1020, 36-59. A "web page update," according to Shaffer, can include "scheduled updates of stock prices ('**time-varying content**')." *Id*.

Referencing Brown's FIG. 3A above, it can be seen that the "**frame**" of the desktop components "**lacks controls for enabling a user to specify a network location at which content for the networked information monitor is available.**" SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶68. To the extent that Patent Owner argues that a desktop component can be created with such controls, Dr. Schmidt explains that "the decision to include navigation controls in a desktop

component would ultimately be a design decision for a POSITA, and, in networks where data transfer rates are limited or controls are not desired, a POSITA would be motivated to construct desktop components without extraneous features, such as navigation controls, to improve data transfer times or streamline use." SAMSUNG-1003, ¶68.

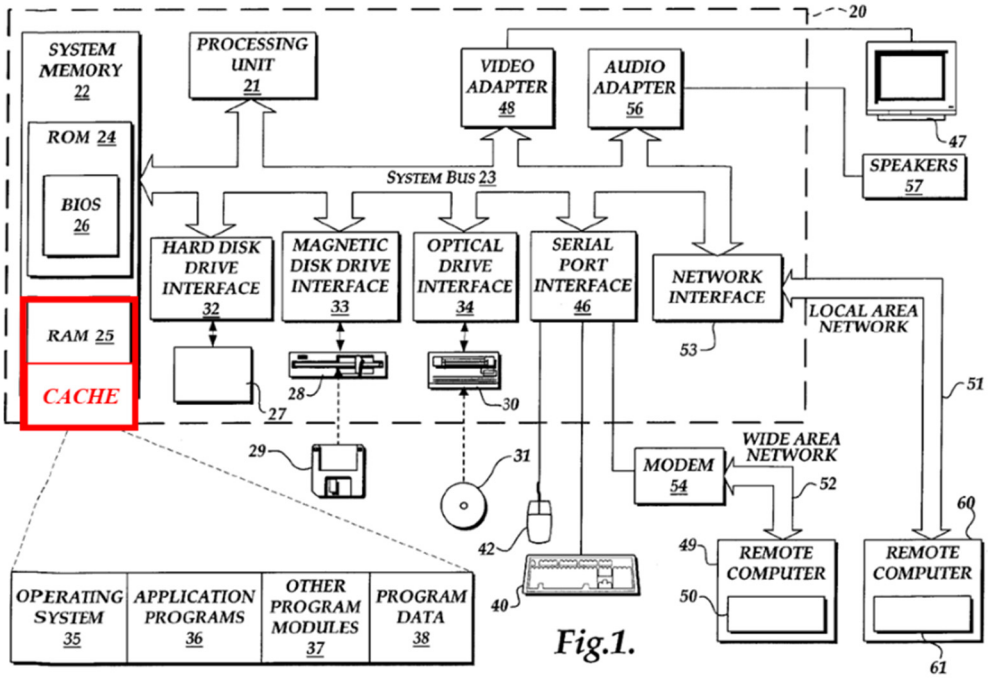
B. Ground 1B (Brown-Wecker)

Additionally, Wecker also discloses the electronic storage of templates. SAMSUNG-1006, 8:34-39, Claim 1, Claim 13. Wecker discloses a "cache memory" used for holding "script templates" and that these files are "stored by the computer." *Id*. Indeed, Wecker describes that "CDF files 201 as well as **script templates** and data files … [are] **provided to cache memory** 206." SAMSUNG-1006, 8:31-39, FIG. 6, FIG. 7; SAMSUNG-1003, ¶69. An annotated figure 7 is reproduced below that shows that script templates included in cache 206.

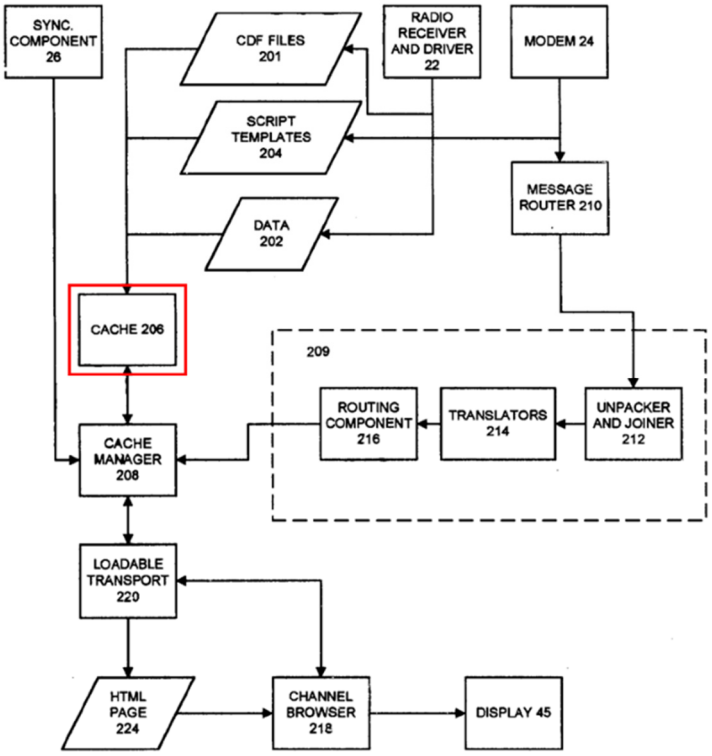


SAMSUNG-1006, FIG. 7 (annotated)

A POSITA would have recognized or found obvious from this disclosure that template files would be electronically stored (if this was not already rendered obvious by the disclosure of Brown). SAMSUNG-1003, ¶70. As Dr. Schmidt explains, a POSITA would have recognized or found obvious that the cache memory of Wecker is also a form of **"electronic storage,"** and that, in one example implementation of the Brown-Wecker combination, the "cache memory" of Wecker would be incorporated into the "system memory" of Brown to store templates associated with the desktop components. SAMSUNG-1003, ¶70. An example illustration of the combination is provided below.



SAMSUNG-1005, FIG. 1 (annotated)



SAMSUNG-1006, FIG. 6 (annotated)

Wecker also describes "**updat[ing] time-critical information**, such as stock market values during peak network hours" ("**time-varying content**"). SAMSUNG-1006, 10:48-51; SAMSUNG-1003, ¶71.

All other claim features are rendered obvious as discussed above. SAMSUNG-1003, ¶72, [1.1].A, *supra*.

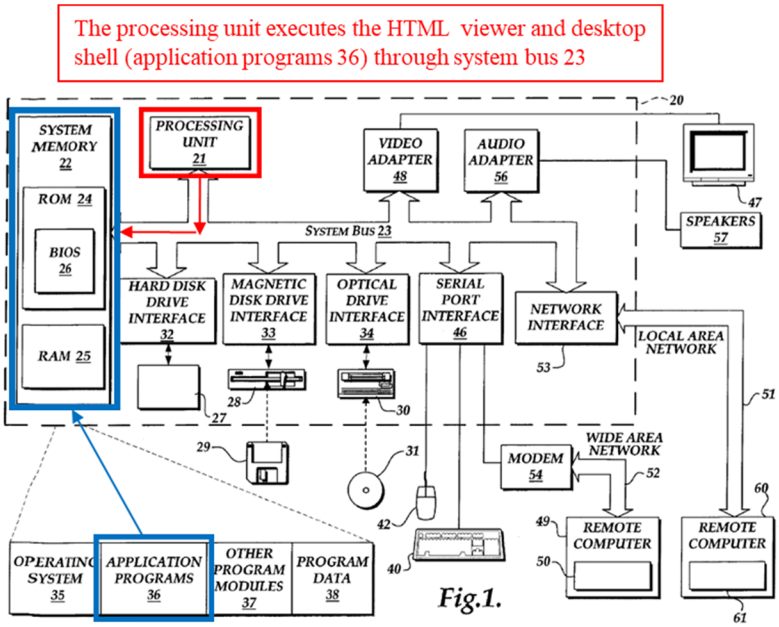
[1.2]

Brown discloses an "HTML viewer" and "composite desktop shell" ("**one or more program modules**") that access and execute the HTML instructions that define the desktop components. SAMSUNG-1005, 6:26-40; SAMSUNG-1003, ¶73. As Dr. Schmidt explains, for both Grounds 1A and 1B, a POSITA would have understood or found obvious that both the "HTML viewer" and "composite desktop shell" are "**executed**" by "**one or more processors**" because processors were known in the art to execute such programs. SAMSUNG-1003, ¶73. Indeed, Petty is one such reference that describes a system for "defin[ing] platform independent user interface panels" with a "computer system 100 [that] comprises a processor 110 connected to a main memory 120" and that "[p]rocessor 110 **executes program instructions stored in main memory** 120." SAMSUNG-1013, Abstract, 5:58-59, 7:58-59.

Brown discloses that the "HTML viewer 212 **reads** the desktop.htt file 210 ("**access the networked information monitor defined by the networked information monitor template**"), interprets the instructions, and generates a composite desktop display." SAMSUNG-1005, 6:39-41. Additionally, Brown also explains that "the composite desktop shell 206 adds, deletes and modifies registry 208 data pertaining to the composite desktop 204." SAMSUNG-1005, 6:30-32. Dr. Schmidt explains that, in order to perform these functions, the desktop shell would "**access**" the HTML instructions that define the desktop components. SAMSUNG-1003, ¶74.

Dr. Schmidt also explains that it was well known in the art that "**program modules**" would be "**configured**" to access style-based files ("**NIM" / "NIM template**"). SAMSUNG-1003, ¶75. Indeed, Beer is one such example that describes the use of a "Programmable Graphical User Interface" or "PGUI" that "[o]n launching an application on a client … retrieves ("**access**") the corresponding **user interface definition** from a storage device, preferably on a server." SAMSUNG-1007, Abstract, 14:1-22. Beer describes that the PGUI also "**retrieves** ("**access**") a **defined visual style object** (user defined or a default style), and renders the appearance of each part of the user interface in accordance with the defined visual style." *Id*. Presented below are annotated copies of Brown's Figure 1 and 2,

where the terms "active desktop" and "composite desktop" are used interchangeably.



SAMSUNG-1005, FIG. 1 (annotated)

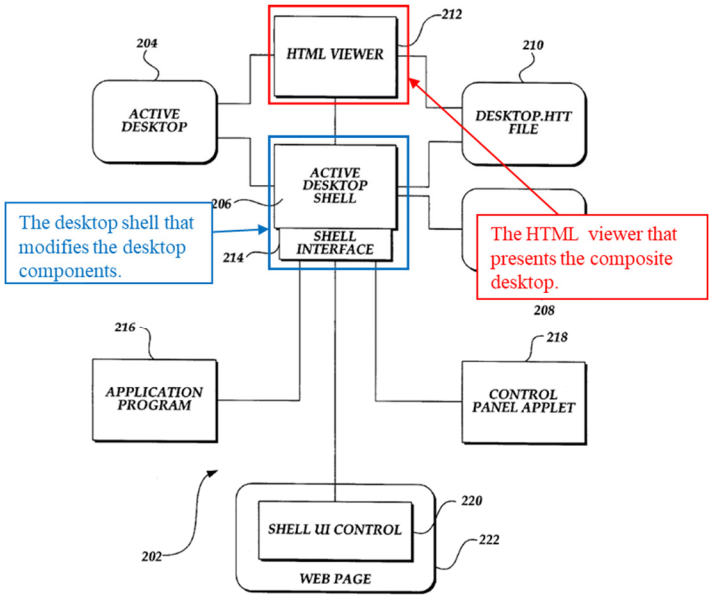


Fig.2.

SAMSUNG-1005, FIG. 2 (annotated)

[1.3]

A. Ground 1A (Brown)

Brown describes that its client device can download content from the Internet. SAMSUNG-1005, 2:4-12; SAMSUNG-1006, 3:8-16, 4:3-13. Indeed, Brown describes that "[a] 'client' computer connected to the Internet can **download** (**"transmission … of a content request"**) digital information from **'server' computers connected to the Internet ('web server[s]')**." SAMSUNG-1005, 2:4-8; SAMSUNG-1003, ¶76.

As Dr. Schmidt explains, a POSITA would have understood or found obvious that this transmission would occur "**over a network to a web server at a network location**" because Brown describes the use of "uniform resource locators" or "URLs" which are known to correspond to such network locations. SAMSUNG-1005, 3:24-33, 11:43-67, 12:1-43; SAMSUNG-1003, ¶77. For example, one of Brown's example desktop components includes "a URL corresponding to a CDF file." SAMSUNG-1005, 12:1-8, FIG. 3A. An annotated example of this desktop component is provided below.

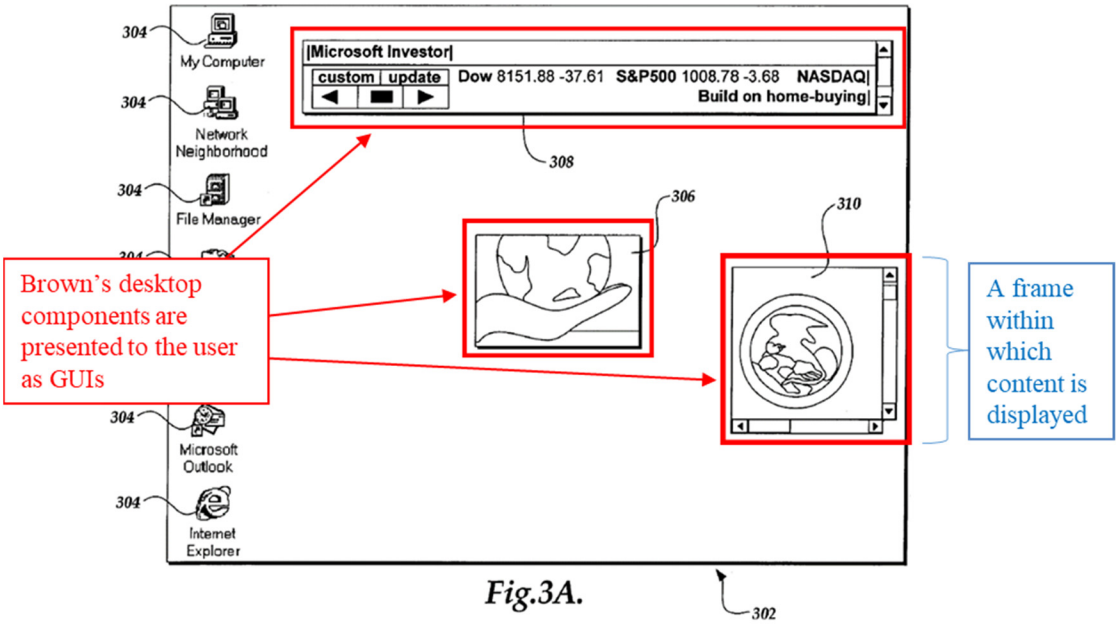
```
14.  <IFRAME  id=8  MARGINWIDTH=0
     MARGINHEIGHT=0  name="DeskMovrW"  src=
     "http://www.microsoft.com/ie/ie40/gallery/ticker.htm"
15. resizeable="XY"
16.  subscribed_url="http://www.microsoft.com/ie/ie40/
     gallery/cdf/g_stock.cdf"
17. frameborder=0 style="BACKGROUND: transparent;
    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

A URL corresponding to a CDF file.

SAMSUNG-1005, 12:1-8 (annotated)

As Dr. Schmidt explains, a POSITA would have understood or found obvious that a Uniform Resource Locator ("URL") to be a "**network location**" as this is the most common use of a URL. SAMSUNG-1003, ¶78.

Brown and Wecker both describe that requested content is displayed to the user ("**displayed within the frame of the viewer graphical user interface defined by the networked information monitor template**.") SAMSUNG-1005, Abstract, 4:13-21, 7:21-24. Brown describes that "desktop components … **[display] a single piece of Web-based content**." SAMSUNG-1005, 7:21-24; SAMSUNG-1003, ¶79. Example desktop components are provided below in the annotated figure.



SAMSUNG-1005, FIG. 3A (annotated)

B. Ground 1B (Brown-Wecker)

Wecker also describes that desktop computers can "**periodically retrieve or receive** new and updated script, data and CDF files" ("**transmission, over a network to a web server at a network location, of a content request**"). SAMSUNG-1006, 4:3-13. Like Brown, Wecker's portable subscriber units also display content to the user, and Wecker describes that received "script, data and CDF files" can be used to "**[render] the data**" ("**displayed within the frame of the viewer graphical user interface defined by the networked information monitor template**.") SAMSUNG-1006, 4:3-13; SAMSUNG-1003, ¶80.

All claim features are rendered obvious as discussed above. SAMSUNG-1003, ¶81, [1.3].A, *supra*.

[1.4]

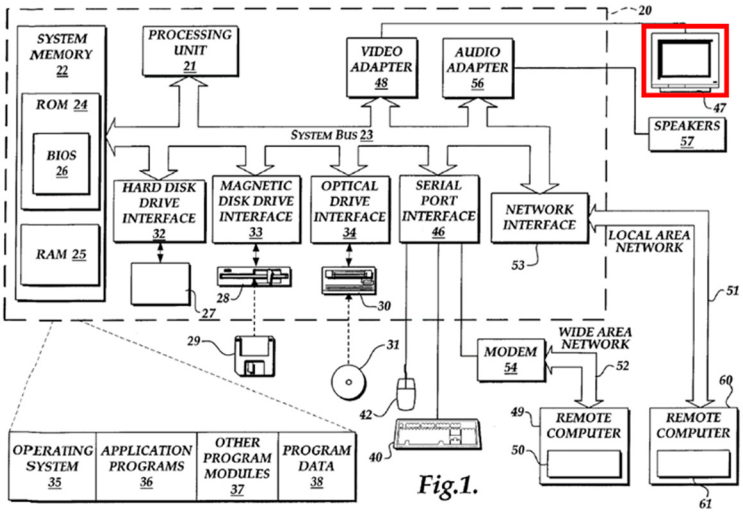
See [1.3] (incorporated here). For both Grounds 1A and 1B, as Dr. Schmidt explains, a POSITA would have understood or found obvious that, once requested from the web server ("**over the network from the web server at the network location**"), the client would receive the content included in the request ("**in response to the content request**"). SAMSUNG-1003, ¶82. Indeed, Brown describes that CDF subscriptions "are used to implement "subscriptions" in which information is regularly ("**time-varying**") retrieved ("**reception … of content transmitted from the web server**") and updated." SAMSUNG-1005, 12:1-8, 13:4-13.

Dr. Schmidt explains that requesting and reception of content, for example in "real-time," would have been obvious to a POSITA as this function was well known in the art. SAMSUNG-1003, ¶¶83-84. Indeed, Brown describes that "[client] application software executing on client computers typically accept commands from a user and **obtain[s] data and services by sending requests** to server applications running on server computers connected to the Internet." SAMSUNG-1005, 2:8-12. Brown further explains that "HTML documents can contain embedded software components containing program code that perform a wide variety of operations, such as … updating ('sending requests' and 'obtain[ing]') the displayed data ('**time-varying content**')." *Id.*, 2:36-41.

[1.5]

See [1.3] (incorporated here) regarding a "**viewer graphical user interface defined by the networked information monitor template**." SAMSUNG-1003, ¶85.

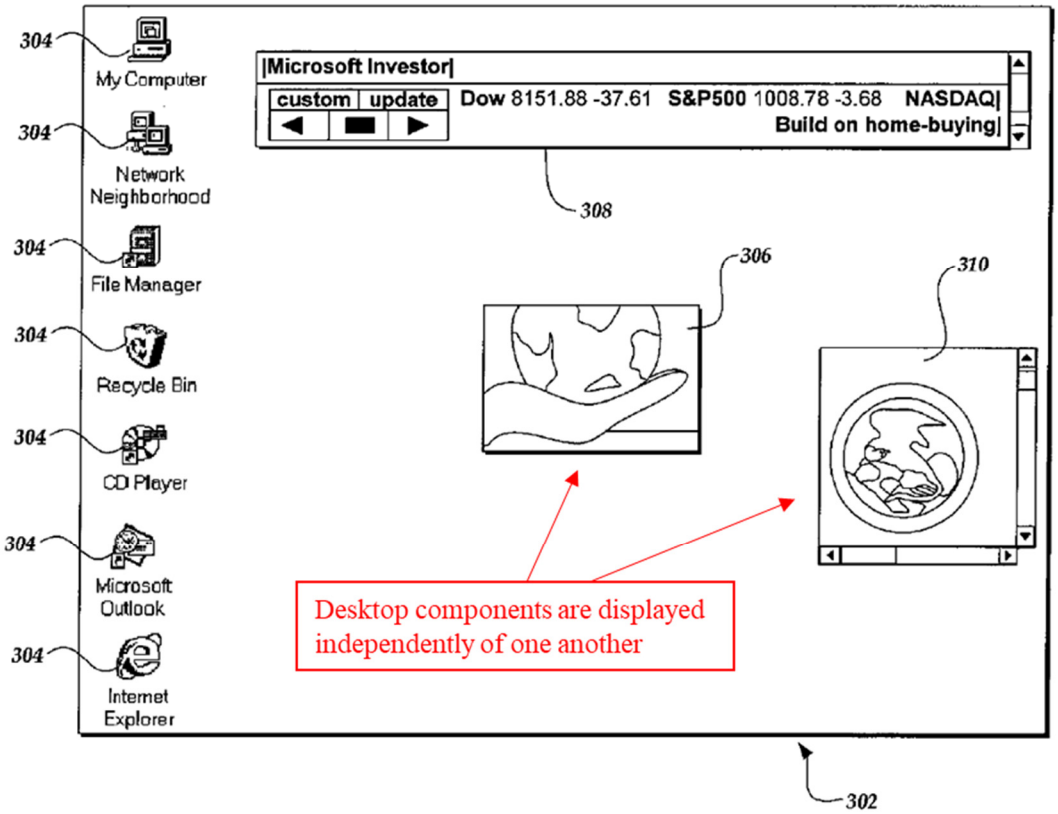
As annotated below in Figure 1, Brown's "computer-based system" includes an electronic "**display**", which Brown refers to as a "monitor." SAMSUNG-1005, 5:38-39. As Dr. Schmidt explains, for both Grounds 1A and 1B, a POSITA would have recognized or found obvious from this disclosure that a display would be used to present content to a viewer ("**presentation on a display**"). SAMSUNG-1003, ¶86.



SAMSUNG-1005, FIG. 1 (annotated)

As Dr. Schmidt explains, a POSITA would have recognized or found obvious in reviewing Brown's figures that the components are displayed "**outside of**

and separate from any graphical user interface of any other application." Indeed, as further illustrated below, Brown describes its "desktop components" as "**distinct** geometric region[s]" ("**outside of and separate**"). SAMSUNG-1005, 7:21-23, FIG. 3A; SAMSUNG-1003, ¶87.

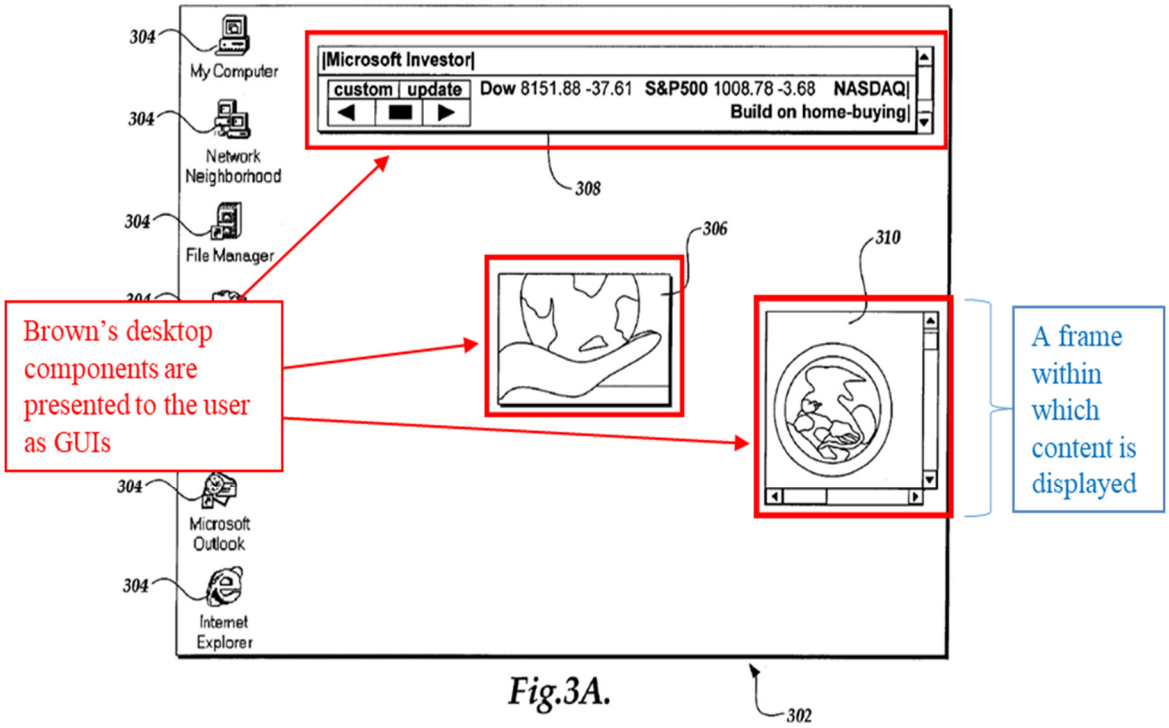


SAMSUNG-1005, FIG. 3A (annotated)

[1.6]

See [1.3] and [1.4] (incorporated here). For both Grounds 1A and 1B, as Dr. Schmidt explains, a POSITA would have recognized or found obvious from reviewing Brown's figures, for example, the annotated Figure 3A reproduced below, that Brown's "**time-varying content**" is "**[presented] on the display within the**

frame of the viewer graphical user interface defined by the networked information monitor." SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶88.



SAMSUNG-1005, FIG. 3A (annotated)

[2] [3]

[3] Petitioner notes that the preamble of claim 2 is directed to a method, while claim 1 from which it depends is directed to a device. Although this renders the claim indefinite as a mixed device and method claim, that is no bar to IPR and claim 2

A. Ground 1A (Brown)

See [1.1] (incorporated here). Brown describes the use of CDF, and that "CDF files are used to implement "subscriptions" in which information ('**time-varying content**') is regularly retrieved ('**reception of one or more elements**') and updated ('**modifying a feature**') within the active desktop component ('**viewer graphical user interface**')." SAMSUNG-1005, 13:1-13; SAMSUNG-1003, ¶89.

For example, Brown presents a desktop component directed to stock information, presented in the annotated figure below, where the stock value changes over time and is regularly updated in the GUI (**'modifying a feature of said viewer graphical user interface … in accordance with a modification corresponding to the received one or more elements'**). SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶90.

As Dr. Schmidt explains, a POSITA would have understood or found obvious that time-varying content would drive regular (e.g., continual) modification of the GUI presenting such content, as the timeliness of some information is critical.

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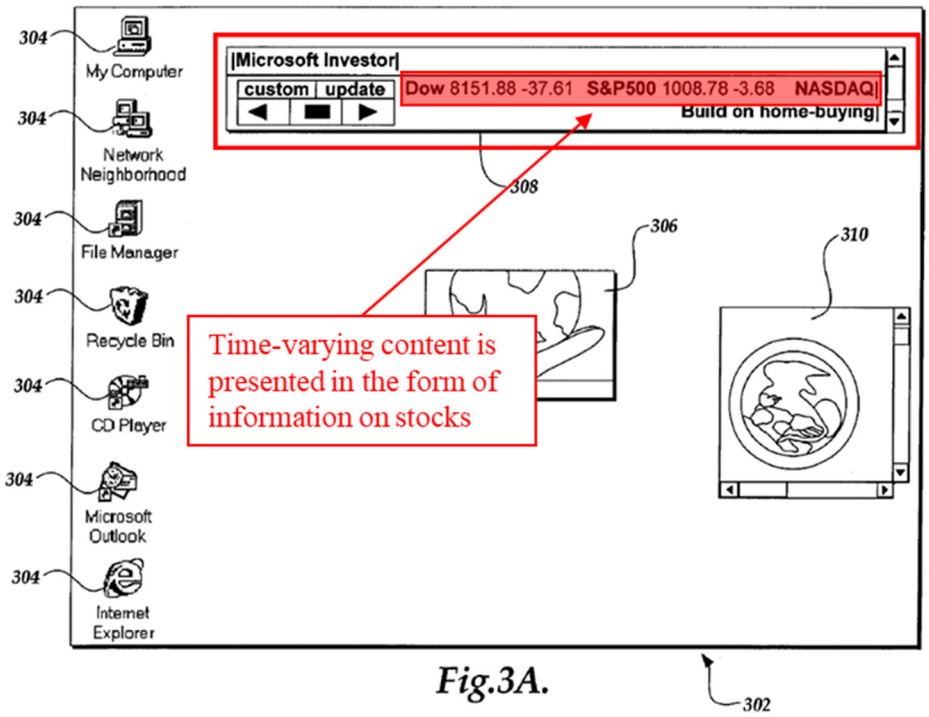
should be cancelled under 35 USC 103 because the prior art renders obvious the method step recited in claim 2. Samsung Electronics America, Inc. v. Prisua Engineering Corp., 948 F.3d 1342 Fed. Cir. 2020).

SAMSUNG-1003, ¶91. For example, Wecker provides support for and describes "**updat[ing] time-critical information**, such as stock market values during peak network hours." SAMSUNG-1006, 10:48-51. A POSITA would have understood or found obvious from this disclosure that "time-critical information" ("**one or more elements included in the received time-varying content**") would drive regular (e.g., continual) "**modification**" to the "**GUI**", in order to provide the viewer with the most current information. SAMSUNG-1003, ¶91.



SAMSUNG-1005, FIG. 3A (annotated)

In addition to the above, Dr. Schmidt explains that a POSITA would have recognized or found obvious that Brown obviates this limitation in multiple ways. SAMSUNG-1003, ¶92. For example, as described in Darnell, Dynamic HTML (or

dHTML, as it is referred to by the '407 Patent) can be used to "create and display more interactive Web pages **within the .htm or .html file itself**, avoiding the complexity of requiring **additional plug-in applications**, add-on controls, and multiple Web server requests." SAMSUNG-1001, 4:61-67, SAMSUNG-1011, 413-431. Darnell describes "events" embedded directly into HTML "tags" that fire on "[the] user's mouse and keyboard actions, **as well as the current state of the active Web page**." SAMSUNG-1011, 415. Brown describes the use of dHTML, and additionally references a Microsoft publication directed to "Dynamic HTML." SAMSUNG-1005, 13:8-13; SAMSUNG-1003, ¶92.

One example use of dHTML cited by Darnell includes a web page directed to a fictional baseball league, the web page including "**dynamic table interaction to sort current league standings** by team name, wins, losses, batting averages, and earned run averages." *Id*., 417. As Dr. Schmidt explains, a POSITA would have recognized or found obvious that "**reception of one or more elements included in the received time-varying content** ('current league standings')" would in some cases drive "events" that "**[modify] a feature of said viewer graphical user interface defined by the networked information monitor template** ('dynamic table interaction')." SAMSUNG-1003, ¶93. Dr. Schmidt further explains that this "dynamic … interaction" contemplated by Darnell can also be applied to

other GUI features, for instance, scroll bars, buttons, and other content and controls. SAMSUNG-1003, ¶¶93-94.

B. Ground 1B (Brown-Wecker)

Like Brown, Wecker similarly describes the use of CDF. SAMSUNG-1006, 3:1-16; SAMSUNG-1003, ¶95; Section III.A.2, *supra*.

All claim features are rendered obvious as discussed above. SAMSUNG-1003, ¶96; [2].A, *supra*.

[3]

A. Ground 1A (Brown)

See [2] (incorporated here). Brown describes that HTML documents ("**one or more elements included in the received time-varying content**") can contain "graphics … and video clips" (both forms of "**images**"). SAMSUNG-1005, 2:20-21. As Dr. Schmidt explains, a POSITA would have understood or found obvious that these images change over time as they are referenced by URL, which reference network locations describing time-varying content. SAMSUNG-1005, 11:51-59, 12:44-50, FIG. 3A; SAMSUNG-1003, ¶97.

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶98; *see* [2], *supra*.

B. Ground 1B (Brown-Wecker)

Wecker also describes that **images** can be contained within a CDF subscription. SAMSUNG-1006, 16:25-67; SAMSUNG-1003, ¶¶99-100. An annotated example of a "stocks" script file according to Wecker is provided below.

```
<ITEM  HREF="http://www.market.com/Stocks.mcs"
   ID="Stock_S"
   <USAGE VALUE="None"
</ITEM>
. . .
<CHANNEL ID = "Stock_C" >
   <TITLE VALUE="Market"/>
   <ITEM HREF="http://www.market.com/stocks.mcd"
   ID="Stock_D">
      <USAGE VALTE="MobileChannel"/>
      <ITEMSCRIPT VALUE="Stock_S"/>
      <ITEMFORMAT  VALUE="Title,Date, Picture=
        IMG;
          Name, Low, High, Close"/>
   </ITEM>
</CHANNEL>
```

The IMG tag is used to indicate data that represents an image

SAMSUNG-1006, 16:44-60 (annotated)

[4]

See [2] (incorporated here). For both Grounds 1A and 1B, as Dr. Schmidt explains, a POSITA would have understood or found obvious that, because the CDF subscription is contained within the HTML instructions, the "**modification**" and "**received one or more elements**" are "**defined by the network information monitor template**." SAMSUNG-1005, 6:34-36, 7:21-22, 11:1-67, 12:1-67, 13:1-54; SAMSUNG-1003, ¶101; [1.1], [2], *supra*. An annotated set of HTML instructions containing a CDF subscription is provided below.

```
14.  <IFRAME  id=8  MARGINWIDTH=0
     MARGINHEIGHT=0  name="DeskMovrW"  src=
     "http://www.microsoft.com/ie/ie40/gallery/ticker.htm"
15. resizeable="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"></IFRAM
```

A URL corresponding to a CDF file.

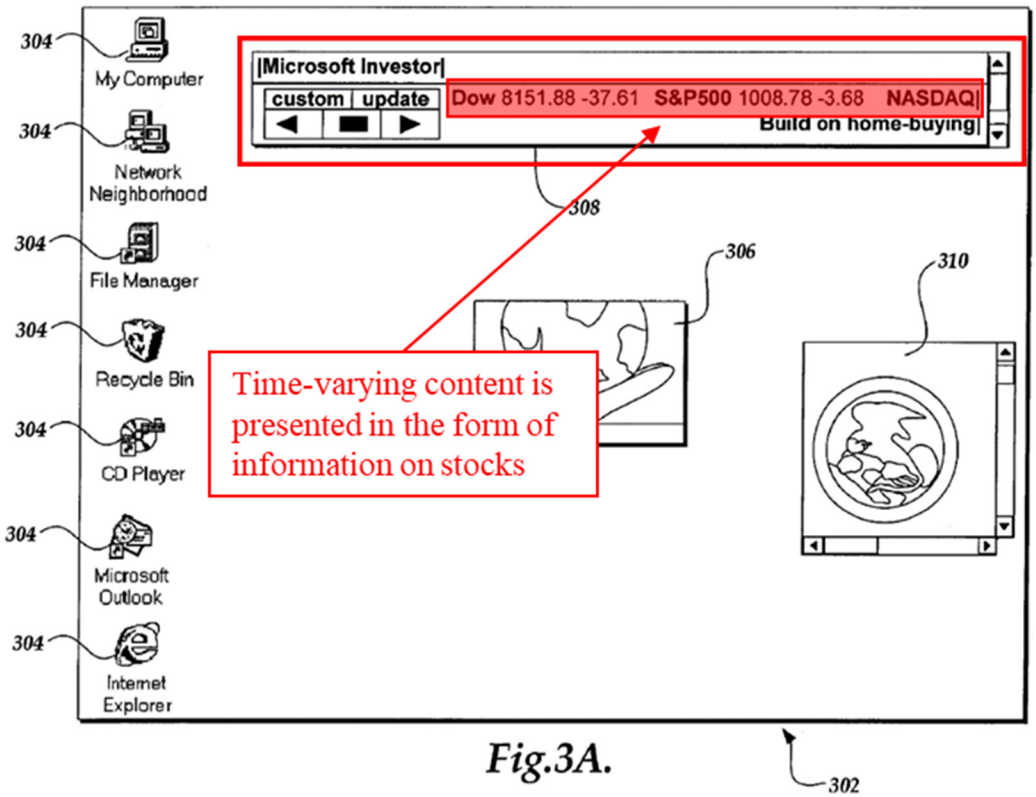
SAMSUNG-1005, 12:1-8 (annotated)

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶102; *see* [2], *supra*.

[7]

See [2] (incorporated here). As Dr. Schmidt explains, for both Grounds 1A and 1B, a POSITA would have recognized or found obvious that, as evident from the annotated figure below, the time-varying ("**modifying**") stock information in the desktop component ("**a feature of the graphical user interface**") is presented to the user as "**text**." SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶103.

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶103; *see* [2], *supra*.



SAMSUNG-1005, FIG. 3A (annotated)

[8]

See [1.1] (incorporated here). Brown describes "**HTML** instructions." SAMSUNG-1005, 6:34-36, 7:21-22, 11:1-67, 12:1-67, 13:1-54. As Dr. Schmidt explains, for both Grounds 1A and 1B, a POSITA would have understood, or found obvious, that HTML is a "markup language file." SAMSUNG-1003, ¶104; [1.1], *supra*.

[9]

See [1.2] and [1.3] (incorporated here). Brown and Wecker both describe accessing content over the "Internet." SAMSUNG-1005, 13:1-4; SAMSUNG-

1006, 3:1-7. As Dr. Schmidt explains, for both Grounds 1A and 1B, a POSITA would have understood, or found obvious, that accessing content over the Internet involves a "**TCP/IP protocol**." SAMSUNG-1003, ¶105; [1.3], *supra*. Indeed, Darnell discloses that "HTTP [hypertext transfer protocol] operates **over the Internet**, where communication occurs between computers **via TCP/IP**." SAMSUNG-1011, Page 88.

As discussed above, a POSITA would have understood or found obvious that this function would be executed by "**one or more computer program modules**." SAMSUNG-1005, 6:26-40; SAMSUNG-1013, Abstract, 5:58-59, 7:58-59; SAMSUNG-1003, ¶106; [1.2], *supr*a.

[10]

See [1.3] (incorporated here). Brown describes a desktop component (presented below) with "**a URL** corresponding to a CDF file." SAMSUNG-1006, 3:3-5, 12:1-8; [1.3], *supra*. As discussed above, for both Grounds 1A and 1B, a POSITA would have understood or found obvious that this URL corresponds to a "**network location**." SAMSUNG-1003, ¶107; [1.3], *supra*.

```
14.  <IFRAME  id=8  MARGINWIDTH=0
     MARGINHEIGHT=0  name="DeskMovrW"  src=
     "http://www.microsoft.com/ie/ie40/gallery/ticker.htm"
15. resizeable="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"></IFRAM
```

A URL corresponding to a CDF file.

SAMSUNG-1005, 12:1-8 (annotated)

[11]

See [1.2], [1.3], and [9] (incorporated here). As discussed above, for both Grounds 1A and 1B, a POSITA would have understood or found obvious that this function is executed by "**one or more computer program modules**." SAMSUNG-1005, 6:26-40; SAMSUNG-1013, Abstract, 5:58-59, 7:58-59; SAMSUNG-1003, ¶108; [1.2], *supra*. A POSITA also would have understood or found obvious that this content request is transmitted "**according to the TCP/IP protocol over the network**." SAMSUNG-1005, 13:1-4; SAMSUNG-1006, 3:1-7; SAMSUNG-1011, Page 88; SAMSUNG-1003, ¶108; [1.3], [9], *supra*.

[12.1]

See [1.2] and [1.3] (incorporated here). As discussed above, a POSITA would have understood or found obvious that transmitting requests to a server would be executed by the "**one or more computer program modules**" of Brown.

SAMSUNG-1005, 6:26-40; SAMSUNG-1007, Abstract, 14:1-22; SAMSUNG-1013, Abstract, 5:58-59, 7:58-59; SAMSUNG-1003, ¶109; [1.2], *supra*.

Wecker describes a channel as "a self describing web site that contains **all the information necessary for efficient download** of web content to mobile device" and that this information includes "a set of **script files** to render the channel." SAMSUNG-1006, 3:8-16. As discussed above, a POSITA would have recognized that script files are style-focused data structures that are similar in objective to Brown's HTML instructions, and that HTML files would be downloaded in a similar manner. SAMSUNG-1003, ¶110; Section III.A, *supra*.

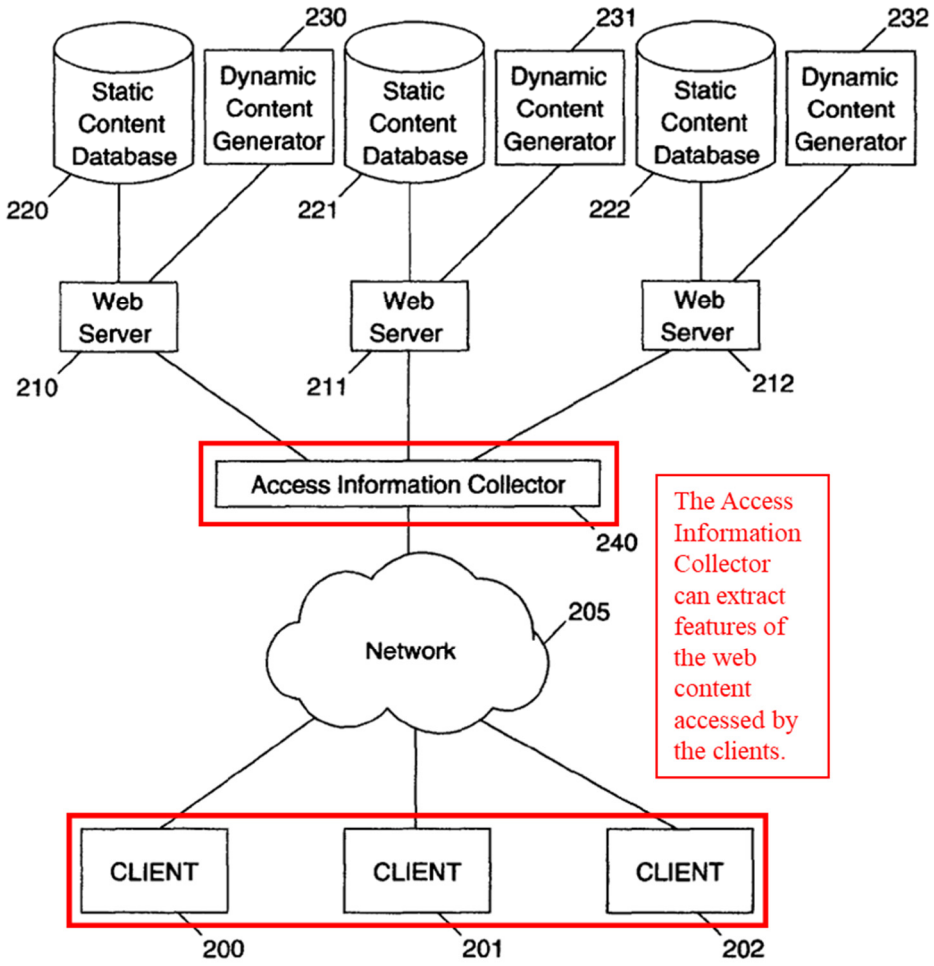
Indeed, both Wecker and Brown describe that HTML files are downloaded to a client. SAMSUNG-1005, 2:13-29; SAMSUNG-1006, 10:25-56. Dr. Schmidt explains that, in view of the above, a POSITA would have recognized or found obvious that HTML instructions are requested from a "**networked information monitor [NIM] server**" as both Brown and Wecker have been demonstrated to be capable of communicating "**over a network**" to a "**web server**." SAMSUNG-1003, ¶¶111-112; [1.3], *supra*.

While the specification of the '407 Patent describes other various exemplary functions the "**[NIM] server**" can execute, these functions are not incorporated into the language of the claim. SAMSUNG-1001, 38:31-38, 39:26-32, 40:17-26, 41:5-8. Further, the '407 Patent does not provide an explicit definition of the term

"**NIM server**." *Id*. As a result, "**NIM server**" should not be construed to claim any of these additional functions. SAMSUNG-1003, ¶113. Indeed, in patent law, "the name of the game is the claim," *In re Hiniker Co*., 150 F.3d 1362, 1369 (Fed. Cir. 1998), and "courts must not import limitations . . . from the specification . . . unless the patentee has demonstrated a clear intention to limit the claim scope using words or expressions of manifest execution or restriction," *Trading Techs. Int'l v. eSpeed, Inc*., 595 F.3d 1340, 1352 (Fed. Cir. 2010); *see also Renishaw P.L.C. v. Marposs Societa' Per Azioni*, 158 F.3d 1243, 1250 (Fed. Cir. 1998).

To the extent it may be argued that the "**NIM server**," as claimed, is entitled to the features of, for example, "track[ing] continuous, long-term NIM use information about each user" as described in the '407 Patent, Dr. Schmidt explains this feature was well known in the art as of the Critical Date. SAMSUNG-1001, 38:31-38; SAMSUNG-1003, ¶114. For example, Cuomo describes one such system for "collecting **profile information** about users accessing dynamically generated content from one or more servers." SAMSUNG-1022, Abstract. Cuomo describes an "Access Information Collector" that can be "embedded in the Web servers." *Id*., 4:13-20, FIG. 2. Cuomo explains that the Access Information Center can, in response to a user retrieving a document from a Web server, extract "the requested URI, the time of the request, the identity of the requesting client, and the

content of the retrieved document." SAMSUNG-1022, 6:1-10, FIG. 4. An annotated figure of Cuomo's system is provided below.



SAMSUNG-1022, FIG. 2 (annotated)

[12.2]

See [1.2], [1.4], and [12.2] (incorporated here). As discussed above, a POSITA would have understood or found obvious that this function is executed by "**one or more computer program modules**." SAMSUNG-1005, 6:26-40; SAMSUNG-1013, Abstract, 5:58-59, 7:58-59; SAMSUNG-1003, ¶115; [1.2], *supra*.

Dr. Schmidt explains that a POSITA also would have understood or found obvious that, once the request was transmitted, the client would "**receive**" the requested data as this was well known in the art. SAMSUNG-1003, ¶116.

[12.3]

See [1.1] and [1.2] (incorporated here). As discussed above, a POSITA would have understood or found obvious that this function is executed by "**one or more computer program modules**." SAMSUNG-1005, 6:26-40; SAMSUNG-1013, Abstract, 5:58-59, 7:58-59; SAMSUNG-1003, ¶117; [1.2], *supra*.

As Dr. Schmidt explains, a POSITA would have understood or found obvious that a template would be stored for the same reasons as discussed in [1.1]. SAMSUNG-1003, ¶118. A POSITA also would have understood or found obvious that, after being received over the network, a "template" would be capable of being stored in the storage of the Brown-Wecker device ("**store the networked information monitor template to the electronic storage**") because Wecker provides such features for storing a received template. SAMSUNG-1003, ¶118. Indeed, Wecker describes a "cache manager" that "receives the CDF files 201, script templates 204 and data files 202, and **provides them to cache memory 206**." SAMSUNG-1006, 8:47-49.

Wecker additionally provides motivation for a POSITA to store a requested template, and discloses that "scripting files typically need updating much less frequently than the data files, [which] provides the user with the ability to view the web content on the desktop (off-line)." A POSITA would have understood or found obvious that "[viewing] the web content … **off-line**" would require the "script" to be saved to the device. SAMSUNG-1006, 7:7-11; SAMSUNG-1003, ¶119.

[13.pre]-[23]

Grounds 1A and 1B render these claims obvious in the same manner as explained above for the corresponding claims listed in the following table. SAMSUNG-1003, ¶¶120-135.

Claim	Corresponding Claim
[13.pre]	[1.1], [1.2]
[13.1]	[1.1]
[13.2]	[1.2]
[13.3]	[1.3]
[13.4]	[1.4]
[13.5]	[1.5]
[13.6]	[1.6]
[14]	[2]
[15]	[3]

[16]	[4]
[19]	[7]
[20]	[1.1], [8], [12.4]
[21]	[9]
[22]	[10]
[23]	[11]

[24.1]

See [1.1], [12.4], and [13.1] (incorporated here) regarding "**storing the networked information monitor template to the electronic storage**." SAMSUNG-1003, ¶136. *See* [1.3], [12.2], and [13.3] (incorporated here) regarding "**transmitting, over the network … a request for the networked information monitor template**." SAMSUNG-1003, ¶136.

[24.2]

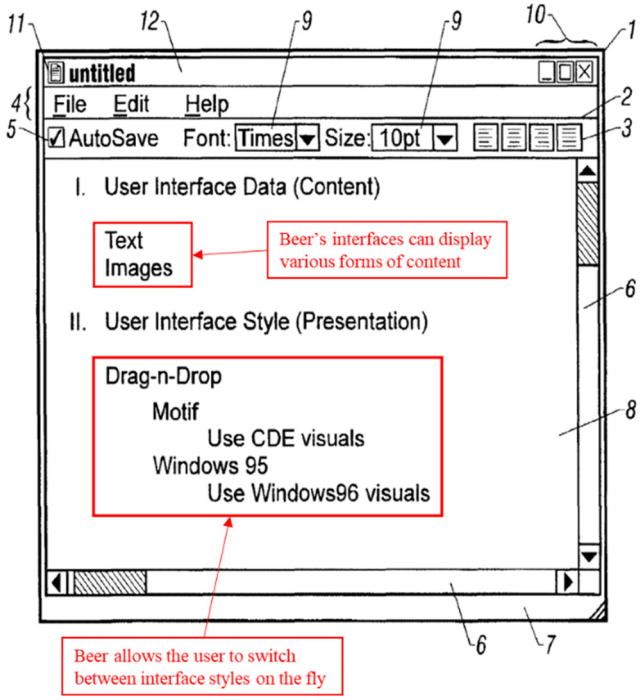
See [1.4], [12.3], and [13.4] (incorporated here). SAMSUNG-1003, ¶137.

B. [GROUND 1C] – Claims 5-6 and 17-18 are rendered obvious by Brown and Beer, and/or Brown and Wecker in view of Beer

1. Overview of Beer

Beer describes "[a] method and system for allowing a user to retrieve a user interface and a visual style from a local or remote storage unit, rapidly display the visual stylized user interface, and dynamically switch between visual styles."

SAMSUNG-1007, Abstract. Beer describes the use of a "Programmable Graphical User Interface" or "PGUI" that "renders the appearance of each part of the user interface in accordance with any newly selected visual style, and redisplays the changed user interface for response to events and for display of content." *Id.*, Abstract, 14:1-22; SAMSUNG-1003, ¶¶138-139. An annotated interface according to Beer is provided below.

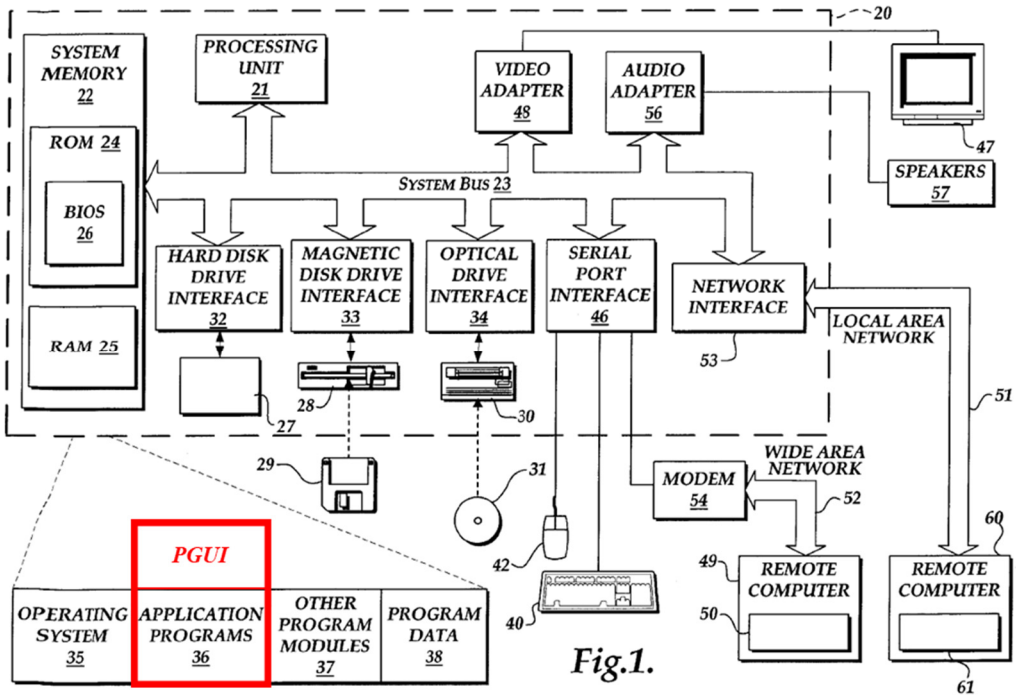


SAMSUNG-1007, FIG. 1 (annotated)

2. Combination of Brown and Beer

A POSITA would have found it obvious to combine Brown and Beer (collectively the "Brown-Beer combination"). SAMSUNG-1003, ¶140. Among other things, both Brown and Beer are generally directed to "accessing and viewing internet content." SAMSUNG-1005, Abstract; SAMSUNG-1007, Abstract, 3:50-55,

13:65-67, 14:1-22; SAMSUNG-1003, ¶140. Brown and Beer also describe that content can be displayed in a GUI defined by a style template (Brown, HTML instructions; Beer, User Interface Language). SAMSUNG-1005, 6:34-36, 7:21-22, 11:1-67, 12:1-67, 13:1-54; SAMSUNG-1007, 3:41-45. Annotated figures of the Brown-Beer combination are presented below.



SAMSUNG-1005, FIG. 1 (annotated)

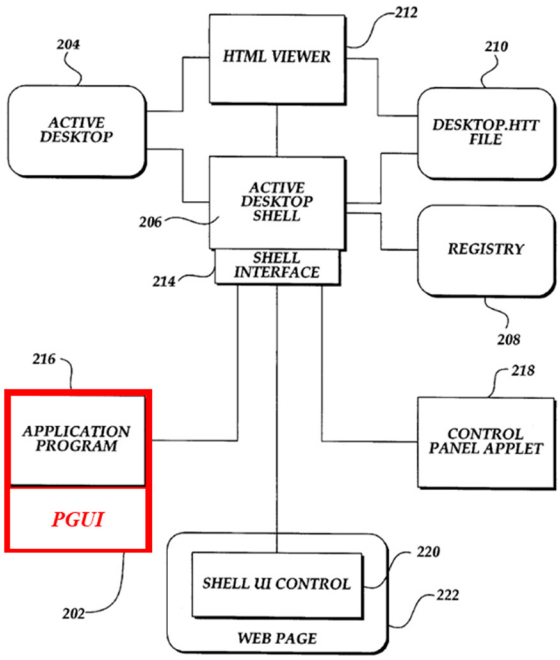


Fig.2.

SAMSUNG-1005, FIG. 2 (annotated)

As Dr. Schmidt explains, a POSITA would have been motivated to combine Brown and Beer for various reasons. SAMSUNG-1003, ¶141.

First, a POSITA would have recognized that Beer's "User Interface Language" also referred to as "UILs," are data structures corresponding to the "HTML templates" that define Brown's "desktop components," and as a result, the additional capability of Beer would be incorporated without substantially modifying Brown's system. SAMSUNG-1005, 12:61-62; SAMSUNG-1007, 3:41-45; SAMSUNG-1003, ¶142. Indeed, Beer describes that "UIL user interface description is preferably a text file, in a format similar to various text-markup languages, such as HTML." SAMSUNG-1007, 3:42-45.

Second, a POSITA would have understood or found obvious that the same content may be displayed in multiple styles across operating systems. SAMSUNG-1003, ¶143. Indeed, Brown describes that "those skilled in the art will appreciate that the invention may be practiced with **other computer system configurations**." SAMSUNG-1005, 4:44-49. Beer provides such an example of "other computer system configurations" and describes that operating systems can include "UNIX" and "Macintosh System 7," in addition to the "Windows 95" operating system already described by Brown and Wecker. SAMSUNG-1005, 6:26-32; SAMSUNG-1006, 8:15-21; SAMSUNG-1007, 3:28-33. Beer further states that its method "allows a user to select from a variety of different visual styles for a user interface" and that, as an example, a "user can have a Windows95 style for applications running under the UNIX operating system." SAMSUNG-1007, 3:16-33; SAMSUNG-1003, ¶143.

A POSITA would have been prompted to pursue this implementation because doing so is merely the application of known techniques (*e.g.*, Beer's PGUI parser) to a known structure (*e.g.*, Brown's client computer) to yield predictable results. *See also KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007).

As Dr. Schmidt explains, a POSITA would have been motivated to modify the Brown-Wecker combination in view of Beer for similar reasons, and the subsequent analysis for the Brown-Beer combination would be extended similarly to the combination of Brown-Wecker-Beer. SAMSUNG-1003, ¶144.

3. Analysis

[5]

See [2] (incorporated here). Beer describes that "[t]he PGUI displays the user interface rendered in the specified style for response to events ('**responsive to reception**') and for display of content ('**one or more elements included in the received time-varying content**')." SAMSUNG-1007, 14:3-22. Beer also describes that an example "response" to an "event" can be "**redraw[ing]** the user interface ('**adjusting a size of the frame**')." SAMSUNG-1007, 13:22-24; SAMSUNG-1003, ¶145.

To the extent that Patent Owner argues that the "events" in Beer are limited to user interaction, Dr. Schmidt explains that, in incorporating Beer into Brown, a POSITA would have recognized or found obvious that "events" would be present in the time-varying content of Brown's CDF subscriptions. SAMSUNG-1003, ¶146.

For example, Brown describes a CDF subscription displaying information related to stocks. SAMSUNG-1005, 12:1-8, FIG 3.A. Dr. Schmidt explains that a

POSITA would have recognized or found obvious that certain time-critical information would need to be accompanied by a notification to the user. SAMSUNG-1003, ¶147. Indeed, Shaffer is an example of such a system that describes "providing remote notification of a locally detected event [that] includes receiving data and analyzing the content of the data." SAMSUNG-1020, Abstract. Shaffer also describes an "event indicator" that can perform actions (e.g., presenting an "icon") in response to these "events." *Id*., 2:38-59.

As Dr. Schmidt explains, a POSITA would have recognized or found obvious that a common method for "alerting" a user to time-critical information would be to automatically resize the interface through which such information is presented (similar to the "icon" as described in Shaffer), and that the PGUI of Beer would implement such an effect. SAMSUNG-1003, ¶148.

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶149; Section III.A.4. [2], *supra*.

[6]

See [2] and [5] (incorporated here). Beer describes that "[t]he PGUI displays the user interface rendered in the specified style **for response to events** ('**responsive to reception**') and for display of content ('**one or more elements included in the received time-varying content**')." SAMSUNG-1007, 14:3-22. Beer also describes that "visual styles use different **colors** (shown as shades in the

figures), border widths, widget spacing, widget widths, text alignment, and shadowing or **bordering techniques ('color of a frame border')**." SAMSUNG-1007, 8:55-57. SAMSUNG-1003, ¶¶150-151.

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶152; Section III.A.4. [2], *supra*.

[17]

See [5] (incorporated here). SAMSUNG-1003, ¶153.

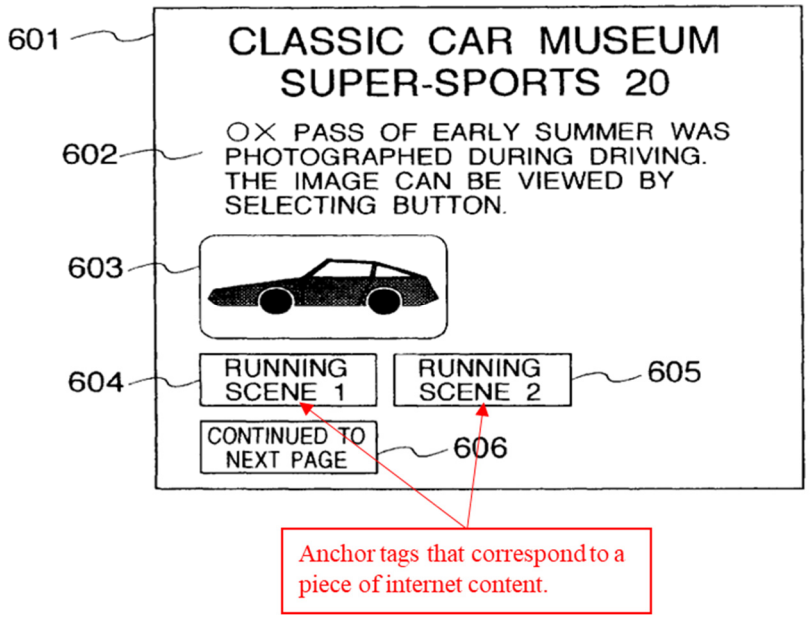
[18]

See [6] (incorporated here). SAMSUNG-1003, ¶154.

C. [GROUND 2] – Claims 1-24 are rendered obvious by Shimada and Buchholz

1. Overview of Shimada

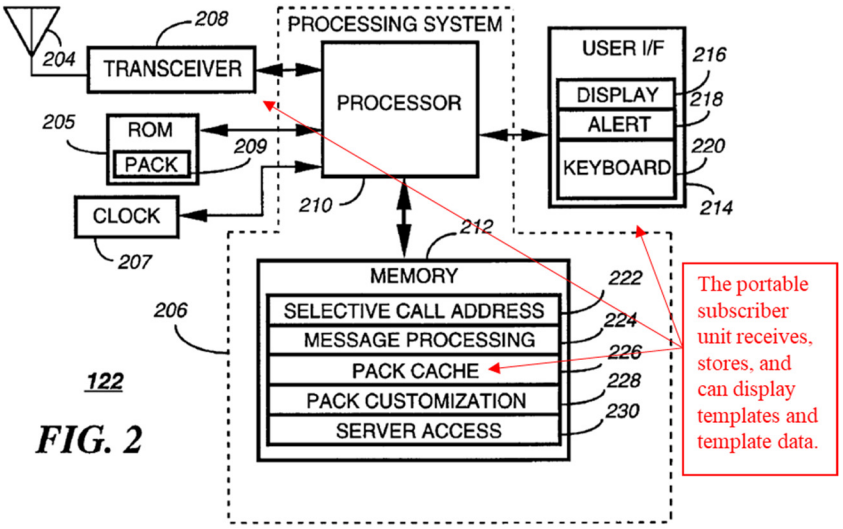
Shimada describes "a data conversion apparatus included an information input device" and "a convertor for executing the data in accordance with a predetermined rule." SAMSUNG-1008, Abstract. Shimada further describes that "when the kind of the data is screen configuration data describing configuration of the screen output of an information processing unit, the predetermined rule adds a display area of the screen configuration and converts it to a screen configuration data capable of displaying a plurality of screen configurations on the same screen." *Id*. Annotated figure 18 below provides an example of a screen according to Shimada. SAMSUNG-1003, ¶155.



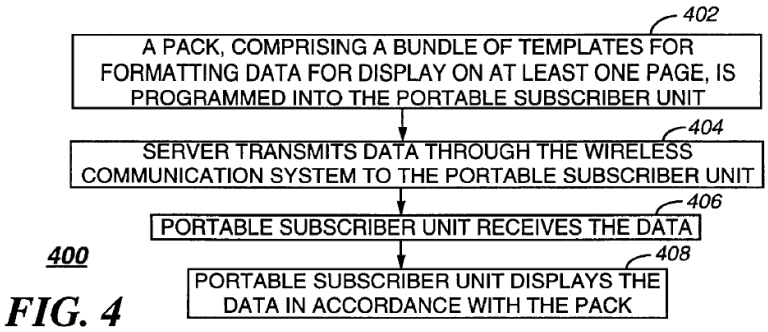
SAMSUNG-1008, FIG. 6 (annotated)

2. Overview of Buchholz

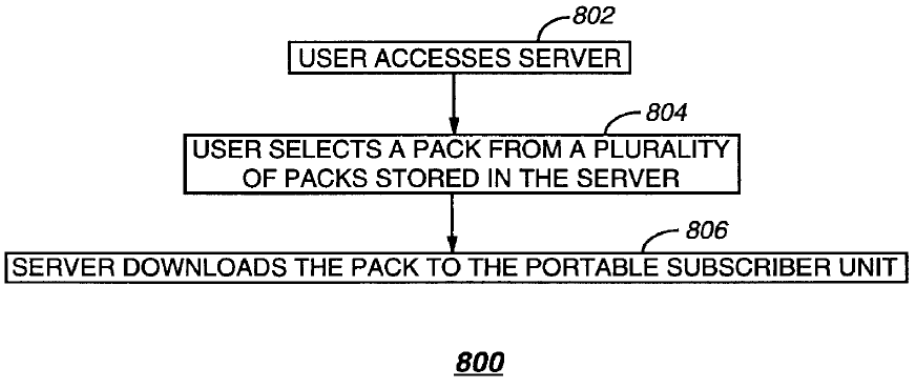
Buchholz describes "a method in a wireless communication system for controlling a display of template data by a portable subscriber unit." SAMSUNG-1009, 1:57-59. Buchholz further explains that this method "comprises the steps of programming a pack into the portable subscriber unit, the pack comprising a bundle of templates for formatting the template data for display on at least one page, and transmitting the template data from a server in the wireless communication system. The method further comprises the steps of receiving the template data by the portable subscriber unit, and displaying the template data in accordance with the pack." SAMSUNG-1009, 1:60-67. The annotated figures below illustrate the system and methods of Buchholz. SAMSUNG-1003, ¶156.



SAMSUNG-1009, FIG. 2 (annotated)



SAMSUNG-1009, FIG. 4



SAMSUNG-1009, FIG. 8

3. Combination of Shimada and Buchholz

A POSITA would have found it obvious to combine Shimada and Buchholz (collectively the "Shimada-Buchholz combination"). SAMSUNG-1003, ¶157. Among other things, both references are directed to "accessing and viewing internet content" and are further specifically directed to the desire to "reducing data transfer times." SAMSUNG-1008, Abstract, 1:34-55; SAMSUNG-1009, Abstract, 1:49-54; SAMSUNG-1003, ¶157.

As Dr. Schmidt explains, a POSITA would have combined Shimada and Buchholz for various reasons. SAMSUNG-1003, ¶158.

First, 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," as described by Shimada. SAMSUNG-1008, 1:40-44; SAMSUNG-1003, ¶159. Indeed, Buchholz also contemplates such networks, for example, "wireless communication systems" that can experience "excessive latency" when requesting and displaying web pages. SAMSUNG-1009, 1:26-37; SAMSUNG-1003, ¶159.

Second, a POSITA would have recognized that the "screen configuration data" of Shimada and the "templates" of Buchholz are both implemented in HTML. SAMSUNG-1008, 6:59-62; SAMSUNG-1009, 5:9-13; SAMSUNG-1003, ¶160. Thus, as Dr. Schmidt explains, a POSITA would have had a reasonable

chance of success in implementing the "screen configuration data" of Shimada into the "subscriber units" of Buchholz since this would require little to no modification of both systems and would merely involve the application of a known technique to yield predictable results. SAMSUNG-1003, ¶160.

Moreover, a POSITA would have been motivated to combine Shimada and Buchholz to improve data transfer times, increase usability, reduce client-side storage requirements, and/or other relevant business or technical reasons. SAMSUNG-1003, ¶161.

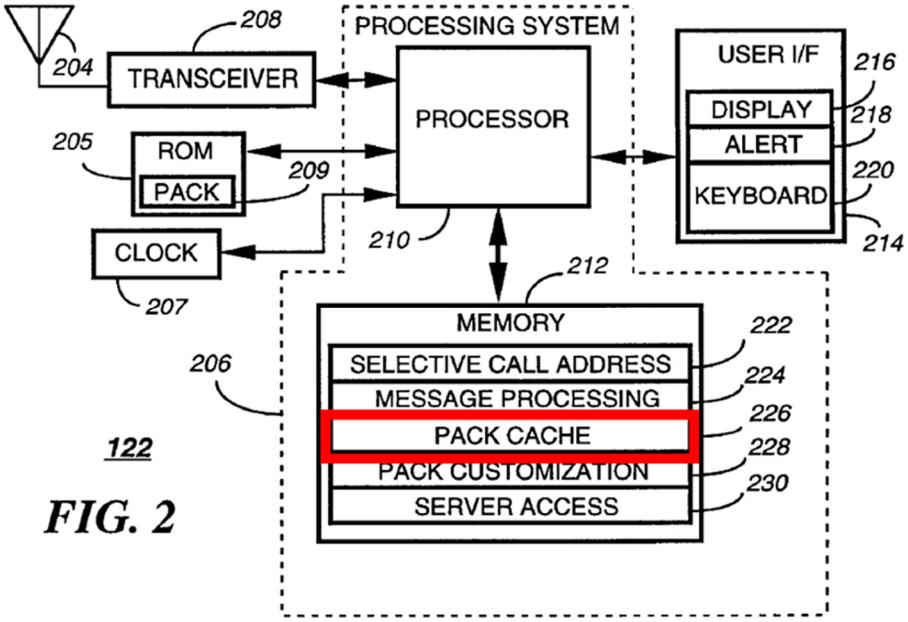
4. Analysis

[1.pre]

To the extent the preamble is limiting, the Shimada-Buchholz combination renders [1.pre] obvious. For example, Shimada describes "a system … [comprising] a server 101, networks 102 and 104, a screen configuration expanding device 103 and a client 105." SAMSUNG-1008, 5:48-51. A POSITA would have understood or found obvious that "a client" is a form of "**client device**" as the addition of "device" does not create any limitation. SAMSUNG-1003, ¶162. A POSITA also would have understood or found obvious that because Shimada describes "**world wide networks** and access to **world-wide information**" that the techniques of Shimada are used to "**access content over a network**." SAMSUNG-1008, 1:34-36; SAMSUNG-1003, ¶162.

[1.1]

Buchholz discloses a "memory 212" that comprises "a pack cache 226 for **storing a pack** utilized by the portable subscriber unit 122." SAMSUNG-1009, 4:23-25. Buchholz describes that a pack "comprises a **bundle of templates** for formatting template data for display on at least one page" and that a template is "a pattern utilized by the processing system 206 and the user interface 214 to lay out the presentation of information to the user." SAMSUNG-1009, 5:4-9. An example portable subscriber unit is provided below. SAMSUNG-1003, ¶163.

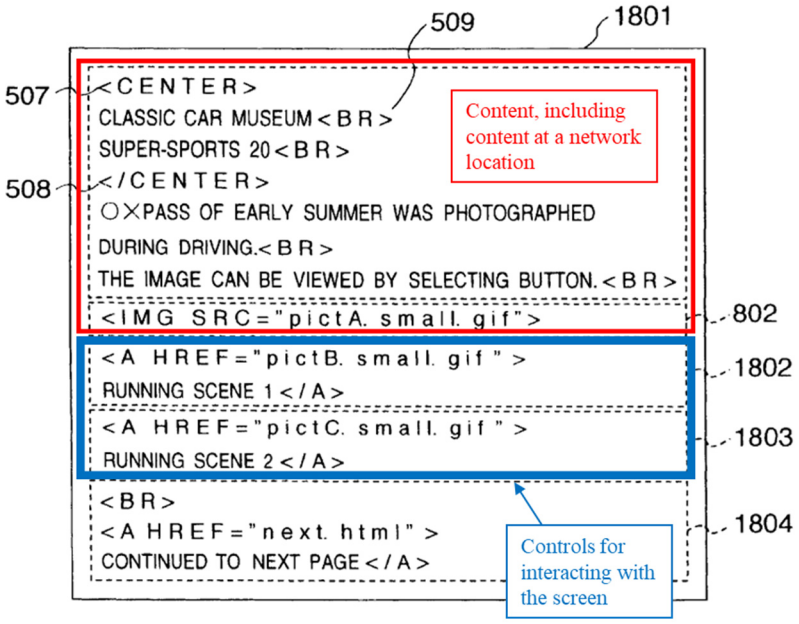


SAMSUNG-1009, FIG. 2 (annotated)

As Dr. Schmidt explains, a POSITA would have recognized or found obvious that the "pack cache" and "memory" of Buchholz's portable subscriber units to be a form of "**electronic storage configured to store [a] networked information**

monitor template" as the terms "memory" and "electronic storage" are used interchangeably in the art. SAMSUNG-1003, ¶164; Section III.A.4.[1.1], *supra*. As discussed above, a POSITA also would have recognized or found obvious that the screen configuration data of Shimada to be a "template," as this term is used by Buchholz, as screen configuration data is also an HTML data structure that defines the presentation of content. Section III.C.3, *supra*; SAMSUNG-1003, ¶164. Annotated figures depicting screen configuration data and the associated screen are provided below.

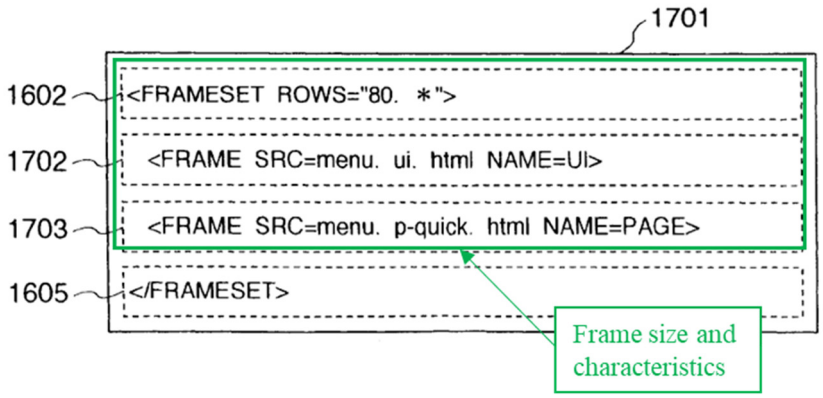
FIG. 17
EXAMPLE OF CONVERTED SCREEN CONFIGURATION DATA
(QUICK MODE)



SAMSUNG-1008, FIG. 17 (annotated)

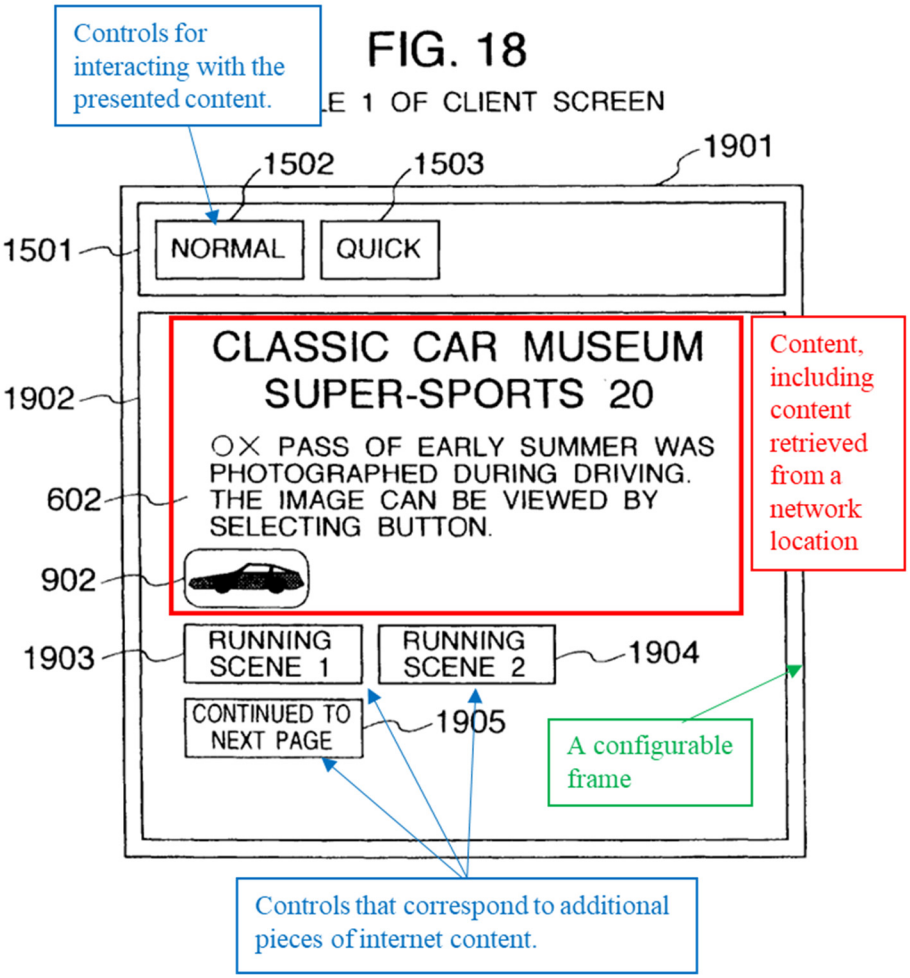
FIG. 16

EXAMPLE OF EXPANDED SCREEN CONFIGURATION DATA



SAMSUNG-1008, FIG. 16 (annotated)

FIG. 18



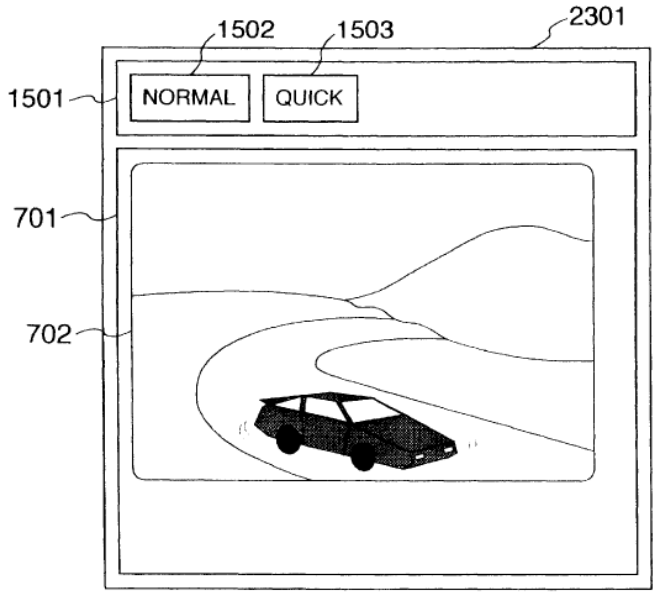
SAMSUNG-1008, FIG. 18 (annotated)

As Dr. Schmidt explains, a POSITA would have understood or found obvious that the "screens" of Shimada correspond to the claimed "networked information monitors" in view of their similar features. SAMSUNG-1003, ¶165. Indeed, networked information monitors are "a **fully configurable frame**, with one or more **controls**, through which **content** is presented to the user," and a POSITA would have recognized or found obvious that Shimada's screens possess all of these features. SAMSUNG-1001, 5:41-44; SAMSUNG-1003, ¶165; Section III.C.1, *supra*.

For example, Shimada's screens present multiple anchor tags that allow the user to download additional content, as well as controls that allow the user to interact with displayed content ("**one or more controls**"). SAMSUNG-1008, 6:39-51, 13:12-18, FIG. 18; SAMSUNG-1003, ¶166.

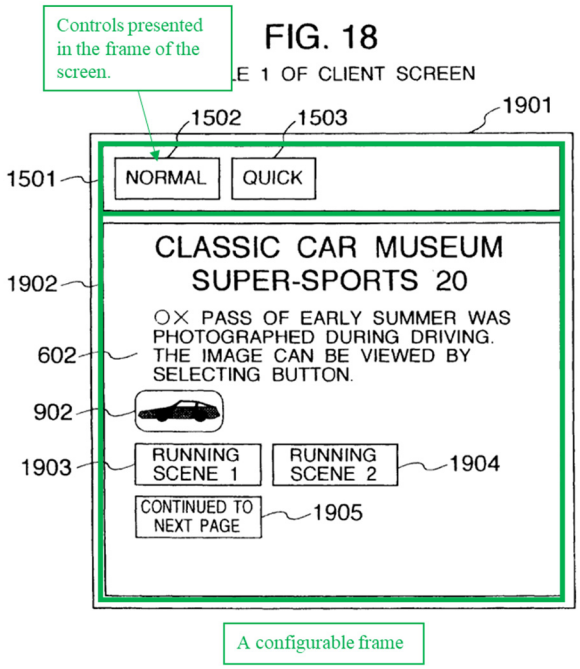
A POSITA also would have recognized or found obvious that the text and images (.gifs) presented to the user within the frame of the screen are "**content … presented to the user,**" as .gifs are a common form of image file. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶167.

FIG. 22
DISPLAY EXAMPLE 4 OF CLIENT SCREEN



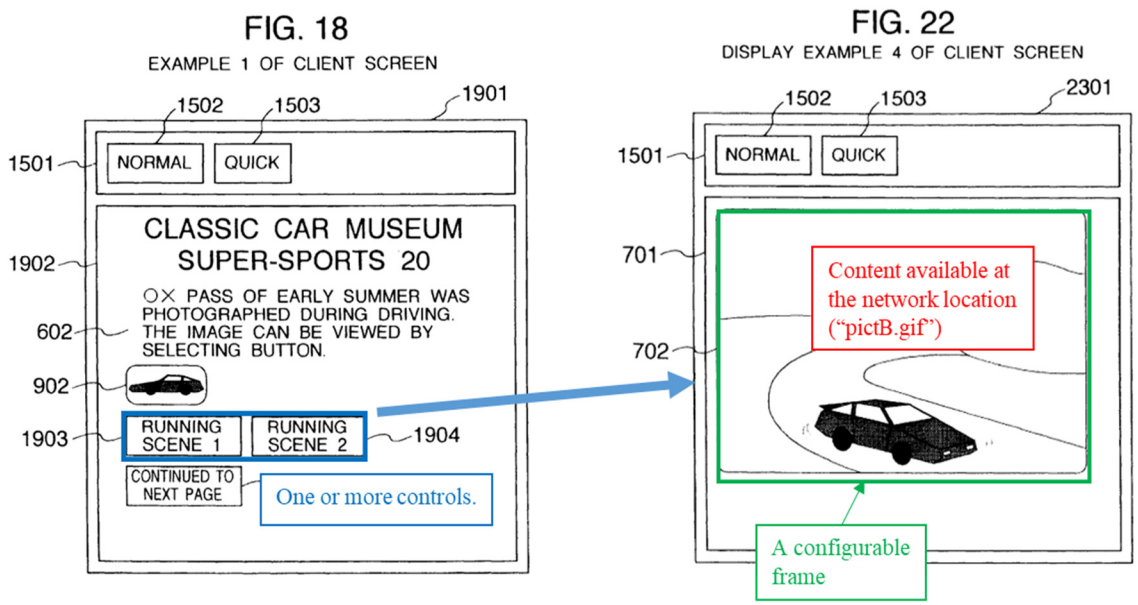
SAMSUNG-1008, FIG. 22

Finally, a POSITA would have recognized or found obvious that this content is presented to a user as a "**fully configurable frame**" from reviewing, at least, Figure 18 of Shimada which presents the content referenced by screen configuration data in a "**frame**" with controls. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶168. An annotated figure is presented below which shows the frame of Shimada's screen, along with the associated controls.



SAMSUNG-1008, FIG. 18 (annotated)

Alternatively, as Dr. Schmidt explains, a POSITA would have further recognized or found obvious that multiple features within Shimada's screen configuration data can also correspond to the NIMs as claimed. SAMSUNG-1003, ¶169. For example, Dr. Schmidt explains that Shimada's anchor tags, like Shimada's screens, also possess all of the features of a NIM ("a **fully configurable frame**, with one or more **controls**, through which **content** is presented to the user." *Id*.



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

Therefore both Shimada's screens and anchor tags correspond to "networked information monitors." SAMSUNG-1003, ¶170.

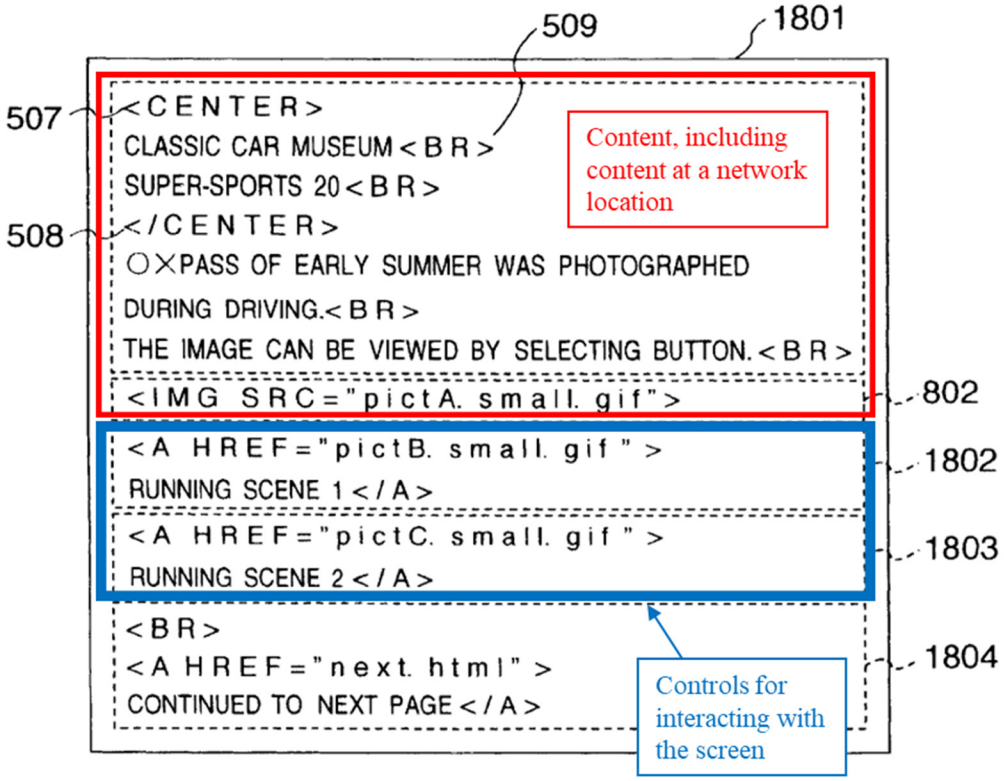
Additionally, a POSITA would have recognized or found obvious that the "screen configuration data" that defines Shimada's screens and anchor tags is a "networked information monitor template" because screen configuration data has similar features. SAMSUNG-1008, 6:7-51; SAMSUNG-1003, ¶171. An annotated example of screen configuration data is provided below. Indeed, because networked information monitor templates are "a data structure that defines the **characteristics of a NIM**, including the NIM **frame**, **view**, and **control characteristics**, [which] excludes executable **applications/compiled code**," a POSITA would have recognized or found obvious that a set of Shimada's screen configuration data

possesses all of these features. SAMSUNG-1001, 7:19-23, 8:53-57, 14:34-35; SAMSUNG-1003, ¶171; Section III.C.1, *supra*. As seen in the annotated Figure 17 below, Shimada's screen configuration data contains multiple pieces of content and buttons ("**defines the characteristics of a NIM, including the NIM frame, view, and control characteristics"** and ("**NIM frame [and] view"**). SAMSUNG-1008, FIG. 16, FIG. 17; SAMSUNG-1003, ¶171. Therefore, Shimada's screen configuration data corresponds to a "networked information monitor template." SAMSUNG-1003, ¶171.

Additionally, as it can be seen in the annotated instructions below, Shimada's HTML screen configuration data does not contain "**applications**" or "**compiled code**." SAMSUNG-1008, 6:59-62, FIG. 16, FIG. 17; SAMSUNG-1003, ¶172. Dr. Schmidt explains that a POSITA would have understood or found obvious to not include compiled code in the screen configuration data since HTML is known to be a markup language. *Id.*, 6:36-37; SAMSUNG-1003, ¶172; Section III.A.4.[1.1], *supra*.

FIG. 17

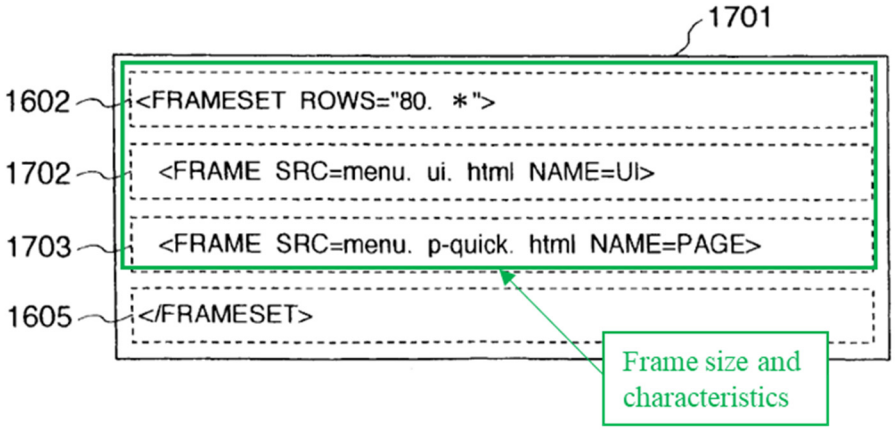
EXAMPLE OF CONVERTED SCREEN CONFIGURATION DATA (QUICK MODE)



SAMSUNG-1008, FIG. 17 (annotated)

FIG. 16

EXAMPLE OF EXPANDED SCREEN CONFIGURATION DATA



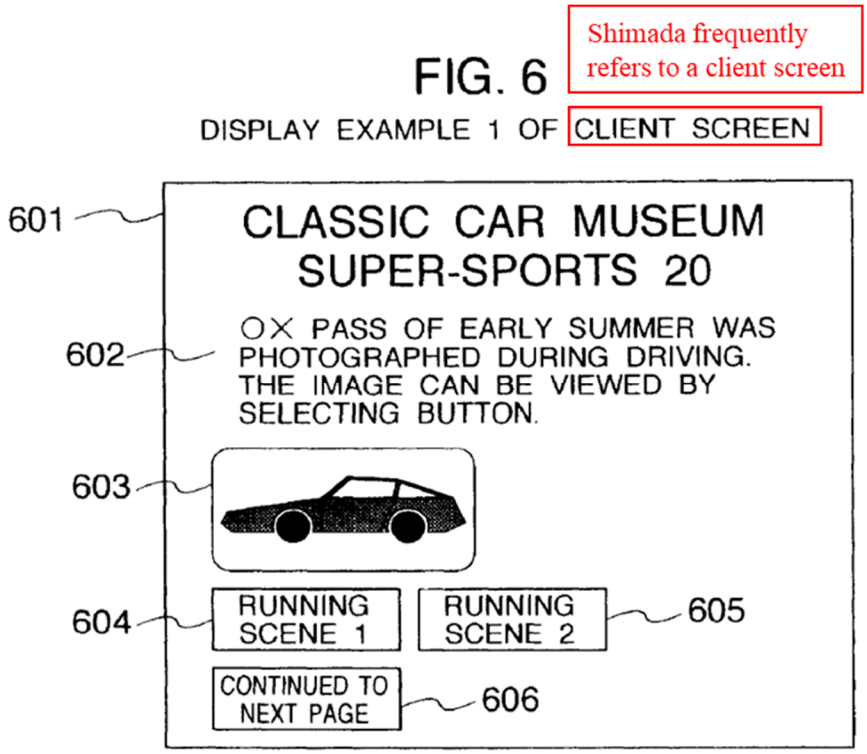
SAMSUNG-1008, FIG. 16 (annotated)

As Dr. Schmidt explains, a POSITA would have recognized that Shimada's screens are "**a definition of a graphical user interface**" or, "GUIs," as the screens both present content and allow user interaction. SAMSUNG-1003, ¶173.

Buchholz describes subscriptions for "[i]nformation services" with "**up-to-date information** on stocks, sports, news, and the like." SAMSUNG-1009, 1:13-19. A POSITA would have recognized or found obvious that, in order for information to be "up-to-date," it would need to be "**time-varying**." SAMSUNG-1003, ¶174. For example, taking Buchholz's example of "stocks," a POSITA would have understood or found obvious that the timeliness of this information would be critical. *Id.*; SAMSUNG-1006, 10:46-51; SAMSUNG-1020, 4:17-20.

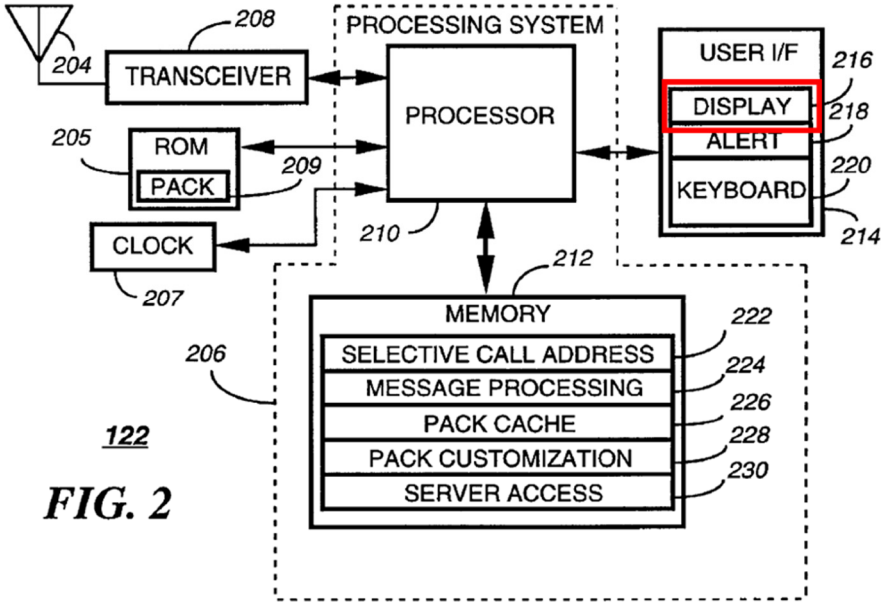
As Dr. Schmidt explains that a POSITA would have understood or found obvious that the Shimada-Buchholz combination would have been capable of displaying "**content in a web browser-readable language**" because both Shimada and Buchholz describe the use of HTML, with Shimada additionally describing the use of GIFs. SAMSUNG-1008, 6:56-62, FIG. 16, FIG. 17; SAMSUNG-1009, 5:9-13; SAMSUNG-1003, ¶175. Indeed, the '407 Patent describes both HTML, images, and GIFs as "standard web content" and "machine readable information." SAMSUNG-1001, 4:61-66, 17:1-5, 21:50-53.

Shimada frequently refers to a "client screen **display**," which a POSITA would have understood or found obvious to be "**a display associated with the client computing device**" in which content is "**presented**." SAMSUNG-1008, 6:4-9, FIG. 6, FIG. 7, FIG. 17, FIG. 18; SAMSUNG-1003, ¶176. An example of Shimada's client display is provided below.



SAMSUNG-1008, FIG. 6 (annotated)

Buchholz also describes such features, and discloses that portable subscriber devices include a "conventional display 216." SAMSUNG-1009, 4:1-2; SAMSUNG-1003, ¶177. An example portable subscriber device is provided below.

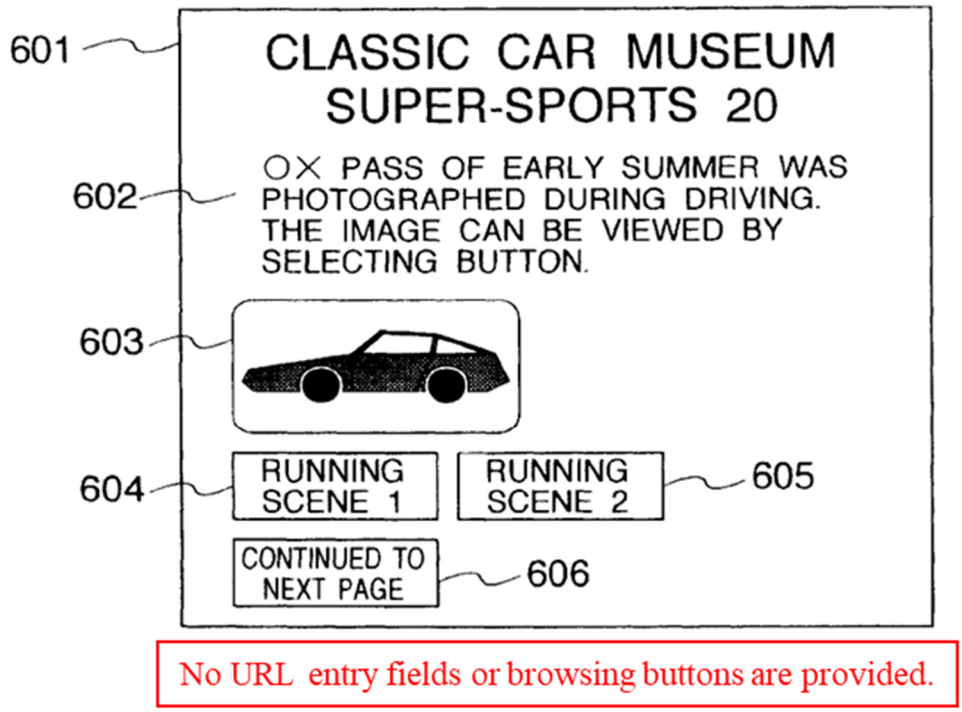


SAMSUNG-1009, FIG. 2 (annotated)

As indicated in FIG. 6, the "**frame of the viewer graphical user interface**" of Shimada's screen configuration data "**lacks controls for enabling a user to specify a network location at which content for the networked information monitor is available.**" SAMSUNG-1008, FIG. 6, FIG. 7, FIG. 17, FIG. 22; SAMSUNG-1003, ¶178; Section III.A.4.[1.1], *supra*.

FIG. 6

DISPLAY EXAMPLE 1 OF CLIENT SCREEN

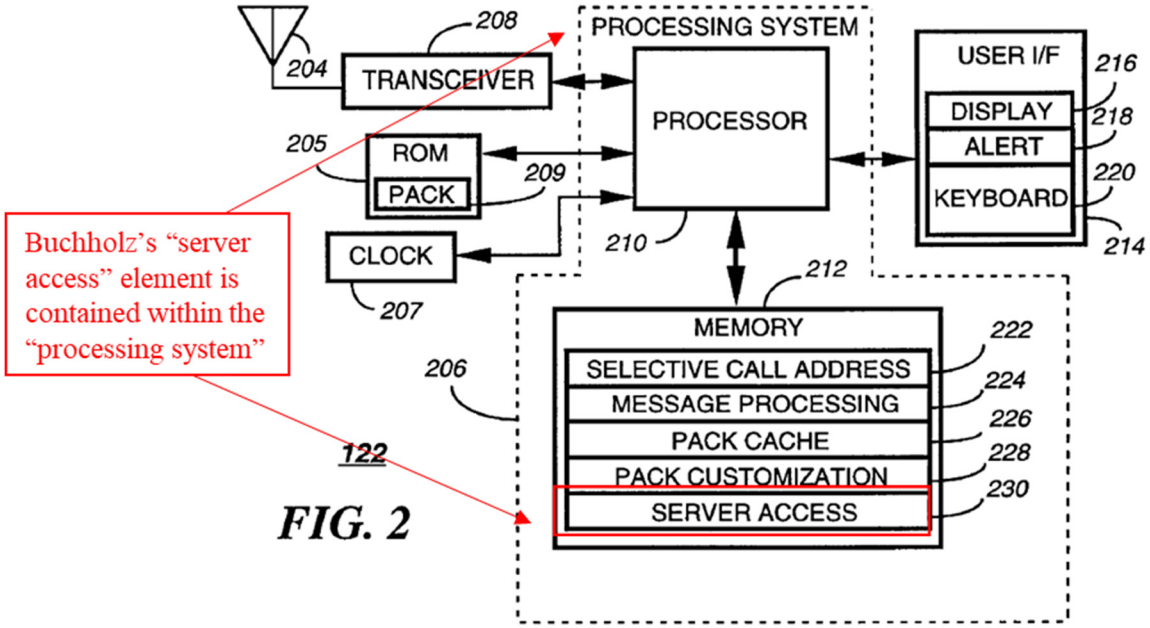


SAMSUNG-1008, FIG. 6 (annotated)

[1.2]

Shimada discloses that "processing" occurs on the client side of its system and states that the "information **processing** unit on the service requesting side is referred to as a 'client.'" SAMSUNG-1008, 1:26-28, FIG. 1, FIG. 4, FIG. 6, FIG. 7; SAMSUNG-1003, ¶179. As Dr. Schmidt explains, a POSITA would have understood or found obvious from this disclosure that a "processor" would execute the basic functions of the screen configuration data, to include "**accessing**" the screen configuration data, as these are basic functions that can be executed by a generic processor. SAMSUNG-1003, ¶179.

Consistent with this disclosure, Buchholz describes that its portable subscriber units contain a "processing system 206" ("**one or more processors**"). SAMSUNG-1009, 4:14-31, FIG. 2; SAMSUNG-1003, ¶180.

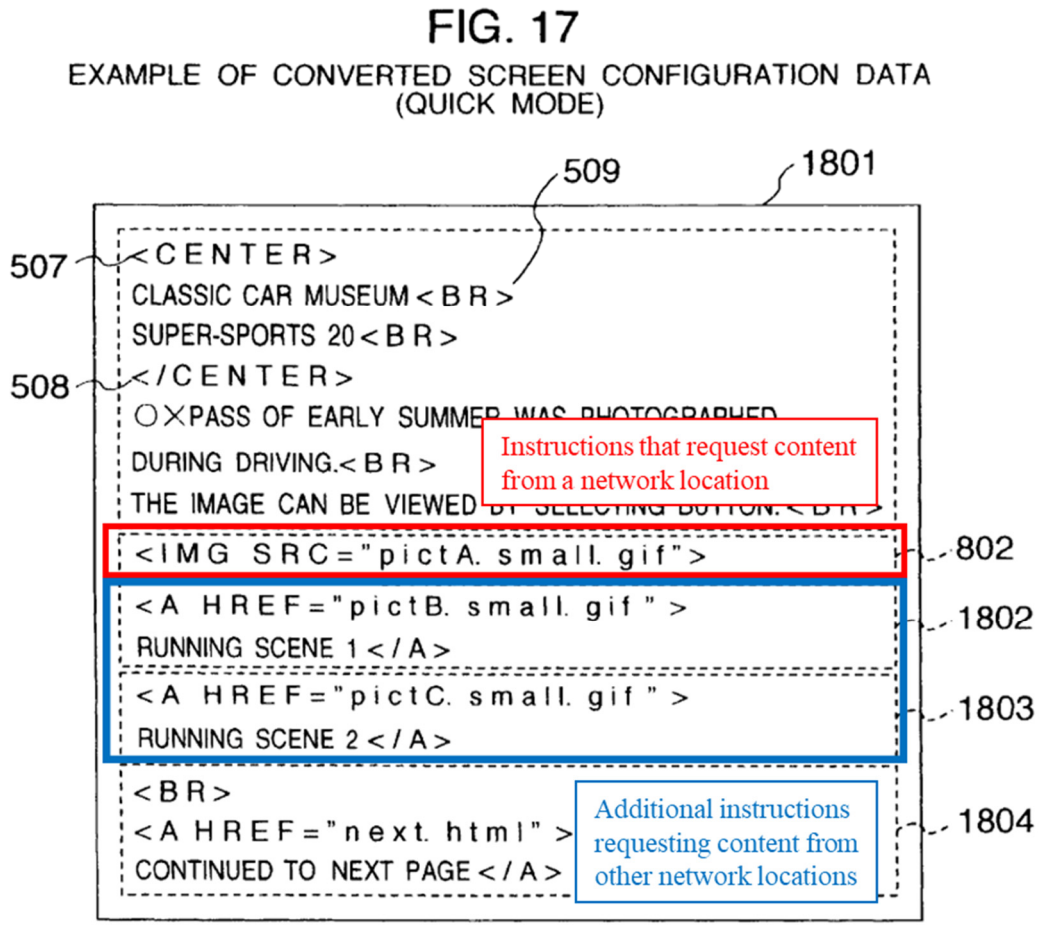


SAMSUNG-1009, FIG. 2 (annotated)

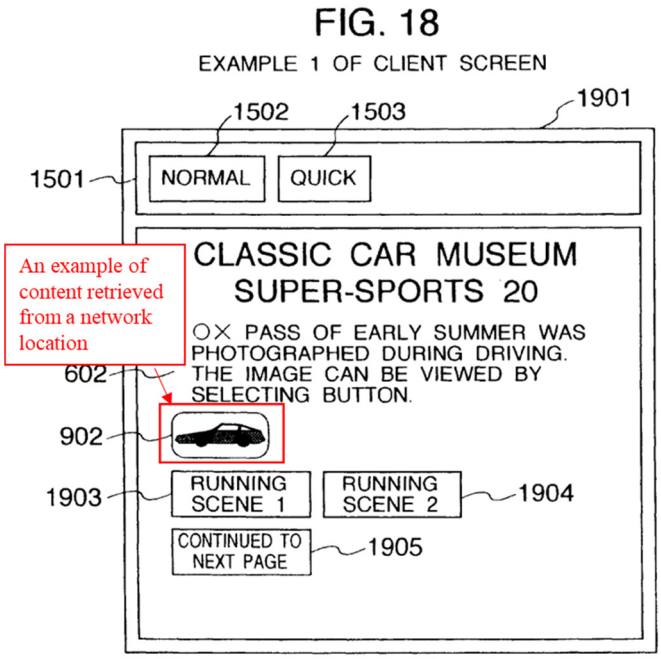
[1.3]

As Dr. Schmidt explains, a POSITA would have recognized or found obvious in implementing the Shimada-Buchholz combination that when the client accesses the screen configuration data it would result in the client requesting the data described by the screen configuration data. SAMSUNG-1003, ¶181. Indeed, Shimada describes that screen configuration data includes instructions in the form of a URL that requests content "**over a network to a web server at a network location.**" SAMSUNG-1008, 6:30-51, FIG. 6, FIG. 17, FIG. 18, FIG. 22.

As evident in the annotated Figure 18, the content is "**displayed within the frame of the viewer graphical user interface defined by the networked information monitor template.**" SAMSUNG-1008, FIG. 17, FIG. 18; SAMSUNG-1003, ¶182.

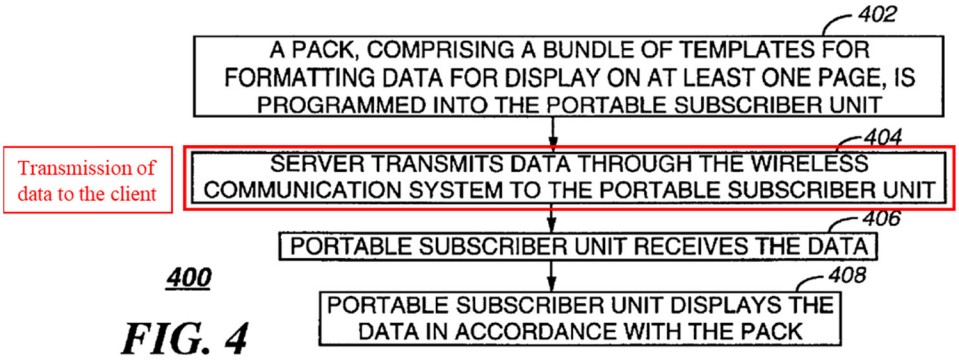


SAMSUNG-1008, FIG. 17 (annotated)



SAMSUNG-1008, FIG. 18 (annotated)

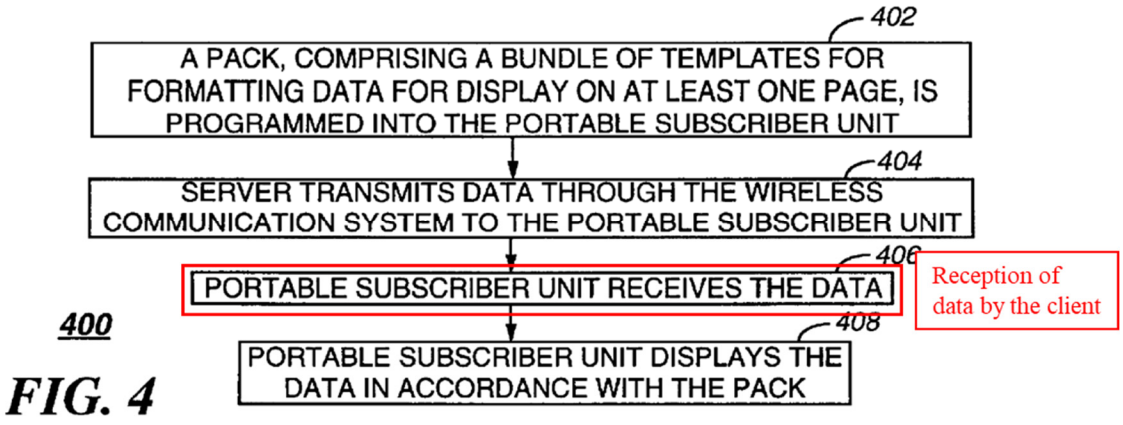
Buchholz similarly describes that once a template is programmed, "the server 124 **transmits 404 the template data** through the wireless communication system to the intended portable subscriber unit 122." SAMSUNG-1009, 5:29-35. The annotated figure 4 of Buchholz below describes a process in which template data is updated in a pack. SAMSUNG-1009, FIG. 4; SAMSUNG-1003, ¶183.



SAMSUNG-1009, FIG. 4 (annotated)

[1.4]

See [1.1] (regarding "**time-varying content**") and [1.3] (incorporated here). A POSITA would have understood or found obvious that, once requested from the web server ("**over the network from the web server at the network location**"), the client would receive the content included in the request ("**in response to the content request**"). SAMSUNG-1003, ¶184. Indeed, Buchholz describes that, once requested, "[t]he portable subscriber unit 122 **receives 406 the template data** and then displays 408 the template data in accordance with the templates of the pack." SAMSUNG-1009, 5:32-35, FIG. 4. The annotated figure 4 of Buchholz below describes a process in which template data is received by the client. SAMSUNG-1009, FIG. 4.



SAMSUNG-1009, FIG. 4 (annotated)

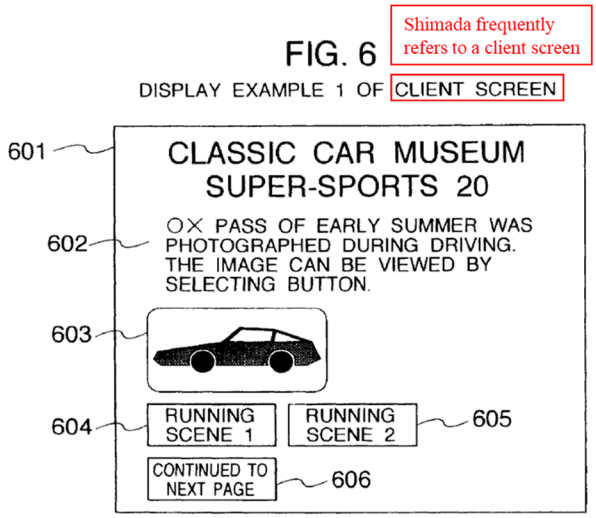
Dr. Schmidt explains requesting and reception of content, for example in "real-time," would be obvious to a POSITA as this function was well known in the

art. SAMSUNG-1003, ¶185. For example, Beer is one such reference that describes a well-known method for "retrieve[ing] a user interface and a visual style from a local or remote storage unit, [and] rapidly display[ing] the visual stylized user interface." SAMSUNG-1007, Abstract.

[1.5]

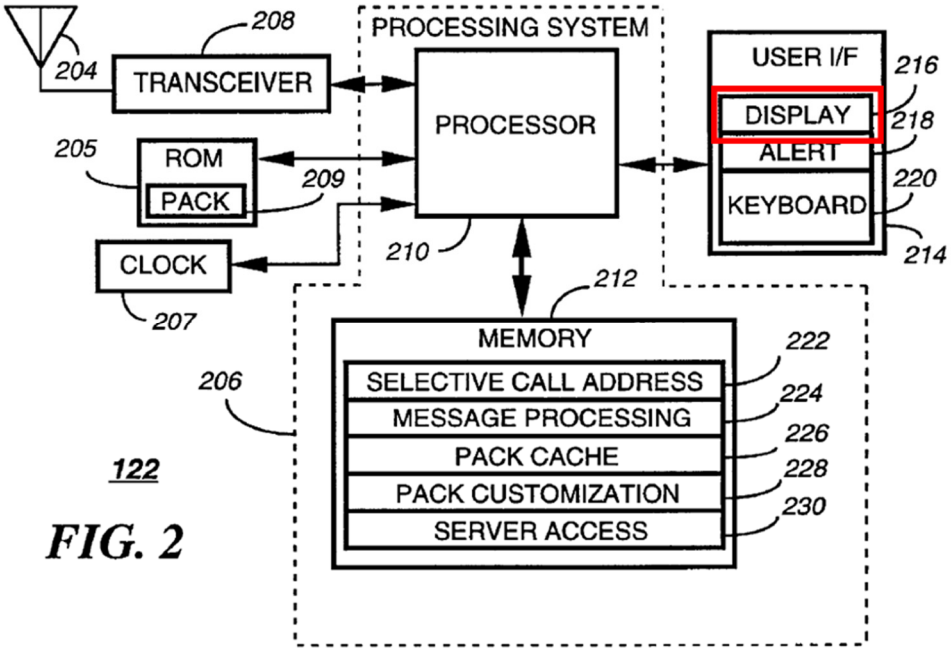
See [1.3] (incorporated here) regarding a "**viewer graphical user interface defined by the networked information monitor template**." SAMSUNG-1003, ¶186.

Shimada frequently refers to a "client screen **display**," which a POSITA would have understood or found obvious to be the "**display**" in which content is "**presented**." SAMSUNG-1008, *see at least* 6:4-9, FIG. 6, FIG. 7, FIG. 17, FIG. 18; SAMSUNG-1003, ¶187. Also, as evidenced in the figure below, Shimada's screen configuration data is presented "**outside of and separate from any graphical user interface of any other application**." *Id*. An example of Shimada's client display is provided below.



SAMSUNG-1008, FIG. 6 (annotated)

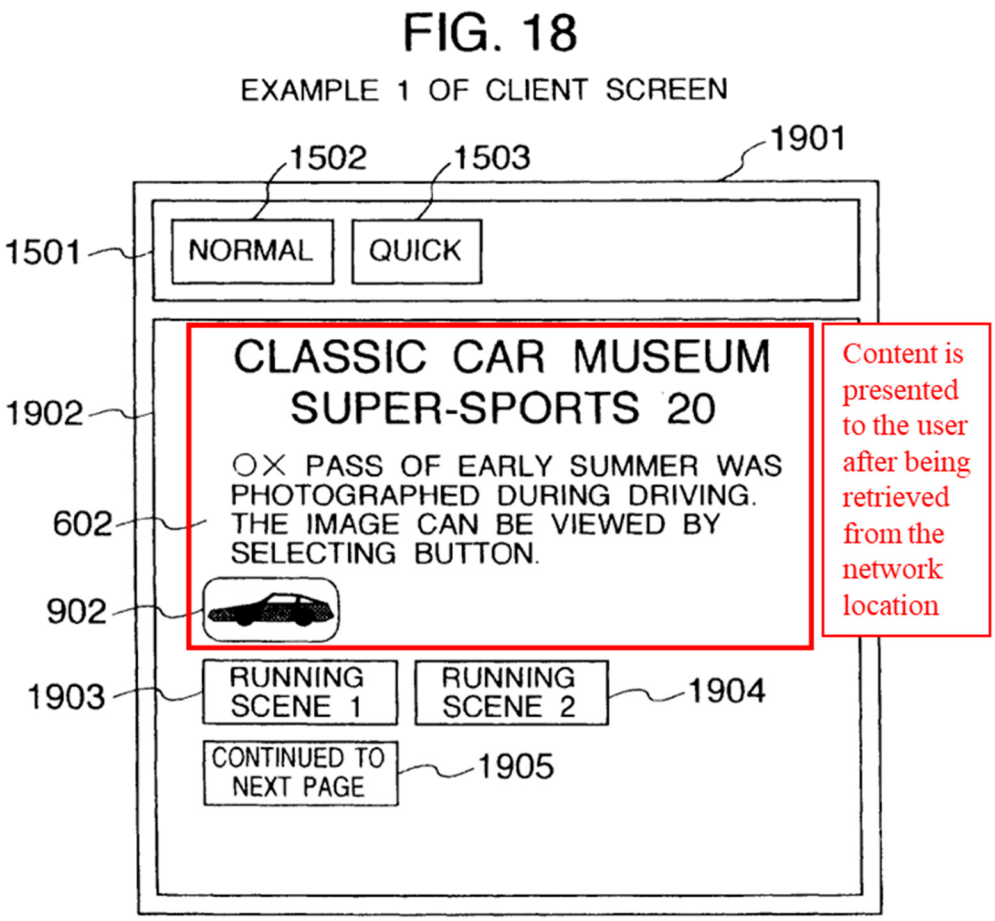
Buchholz also describes such features, and discloses that portable subscriber devices include a "conventional **display** 216." SAMSUNG-1009, 4:1-2; SAMSUNG-1003, ¶188. An example portable subscriber device is provided below.



SAMSUNG-1009, FIG. 2 (annotated)

[1.6]

See [1.3] and [1.4] (incorporated here). A POSITA would have recognized or found obvious from reviewing Shimada's figures, for example, the annotated Figure 18 reproduced below, that the **time-varying content**" of the Shimada-Buchholz's combination would be "**[presented] on the display within the frame of the viewer graphical user interface defined by the networked information monitor**." SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶189.



SAMSUNG-1008, FIG. 18 (annotated)

[2]

See [1.1] (incorporated here). Buchholz describes subscriptions for "[i]nformation services" with "up-to-date information on stocks, sports, news, and the like." SAMSUNG-1009, 1:13-19. Dr. Schmidt explains that a POSITA would have understood or found obvious in implementing the Shimada-Buchholz combination that, in order to display "up-to date information" ("**elements included in the received time-varying content**"), the contents of the frame ("**feature**") of the "**viewer graphical user interface**" would need to be regularly (e.g., continuously) updated ("**a modification corresponding to the received one or more elements**"). SAMSUNG-1003, ¶¶190-191.

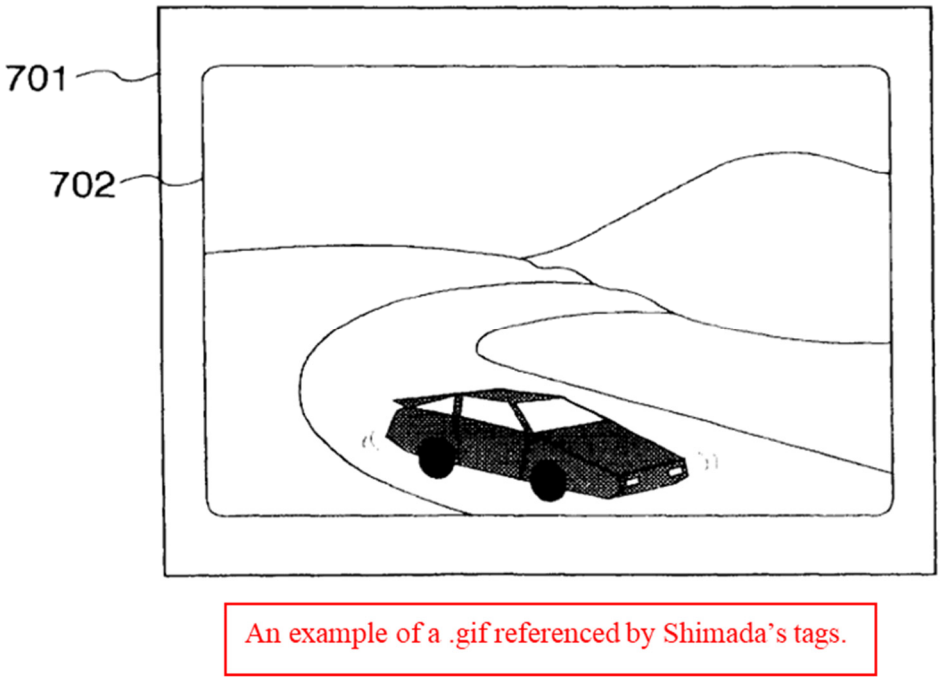
A POSITA would have also understood or found obvious that the frame of the "**viewer graphical user interface**" is "**defined by the networked information monitor template**." SAMSUNG-1003, ¶192; [1.1], [1.3] *supra*.

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶193; Section III.A.4. [2], *supra*.

[3]

See [2] (incorporated here). Shimada describes the use of .gif files, which a POSITA would have understood or found obvious to include "**image[s] defined by the networked information monitor template**" from reviewing, at least, the figures of Shimada. SAMSUNG-1008, FIG. 7 and FIG. 17; SAMSUNG-1003, ¶194.

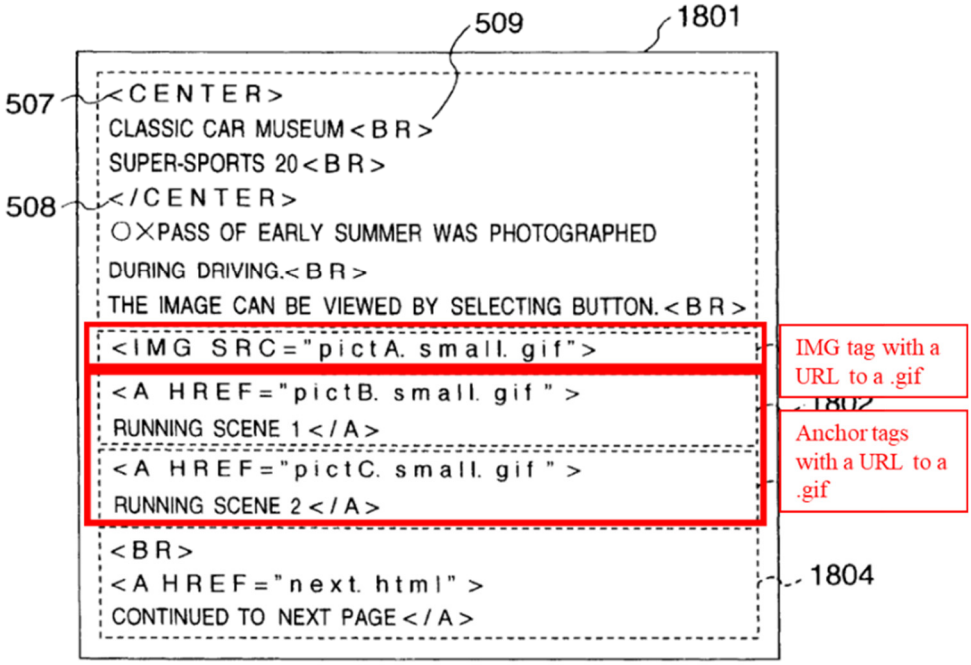
Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶195; Section III.A.4. [2], *supra*.



SAMSUNG-1008, FIG. 7 (annotated)

FIG. 17

EXAMPLE OF CONVERTED SCREEN CONFIGURATION DATA (QUICK MODE)



SAMSUNG-1008, FIG. 17 (annotated)

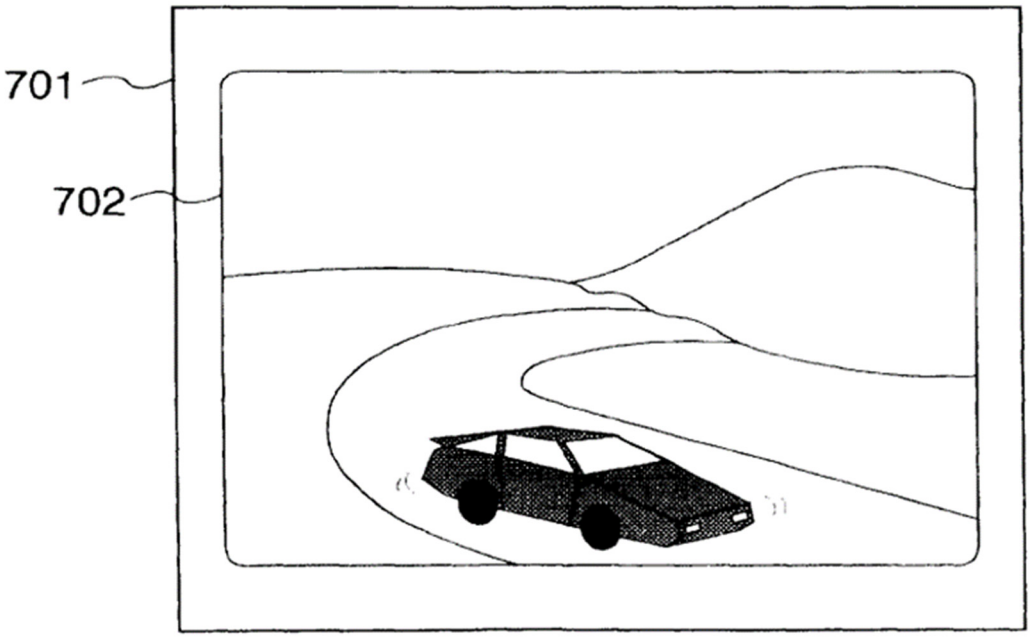
[4]

See [2] (incorporated here). As Dr. Schmidt explains, a POSITA would have understood or found obvious that, because the content reference is contained within the screen configuration data, the "**modification**" and "**received one or more elements**" are "**defined by the network information monitor template**." SAMSUNG-1008, 6:30-51, FIG.17; SAMSUNG-1003, ¶196; [1.1], [2], *supra*.

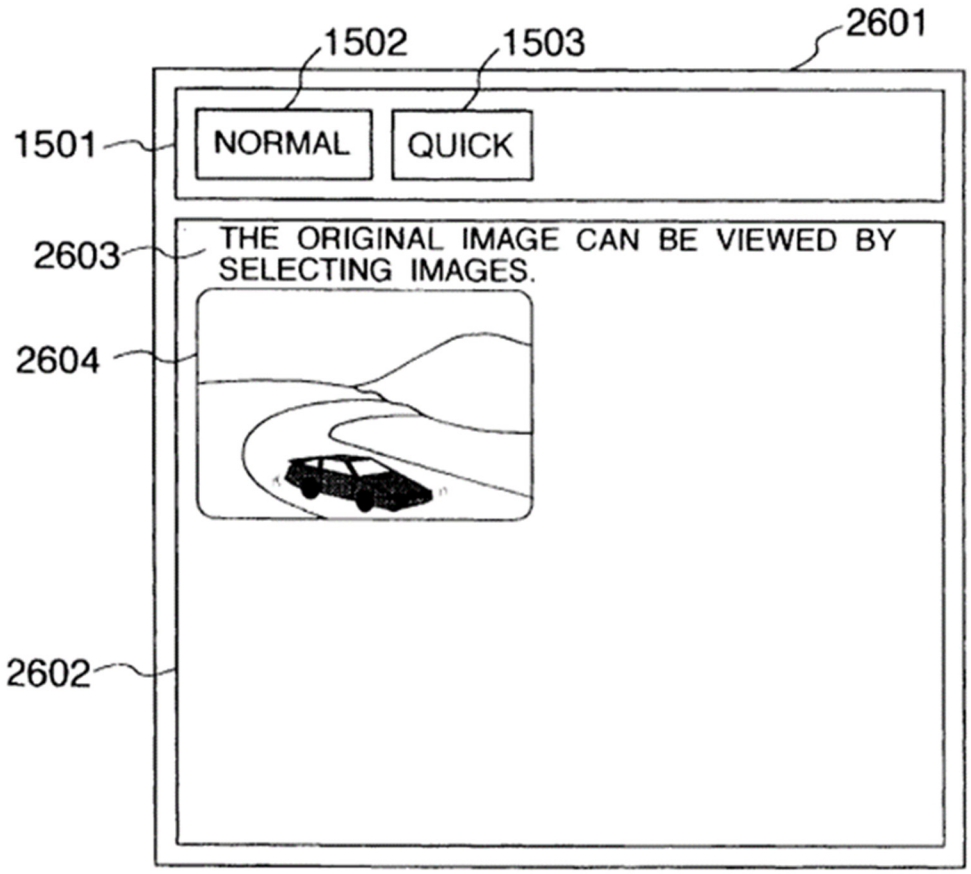
Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶197; Section III.A.4. [2], *supra*.

[5]

See [2] (incorporated here). As Dr. Schmidt explains, a POSITA would have understood or found obvious that frames would be automatically resized ("**adjusting a size of the frame**") because Shimada discloses frames of differing sizes. SAMSUNG-1008, FIG. 7, FIG. 10, FIG. 19, FIG. 22, FIG. 25; SAMSUNG-1003, ¶198. Examples of Shimada's screens are provided below, each one displaying the same piece of content.



SAMSUNG-1008, FIG. 7

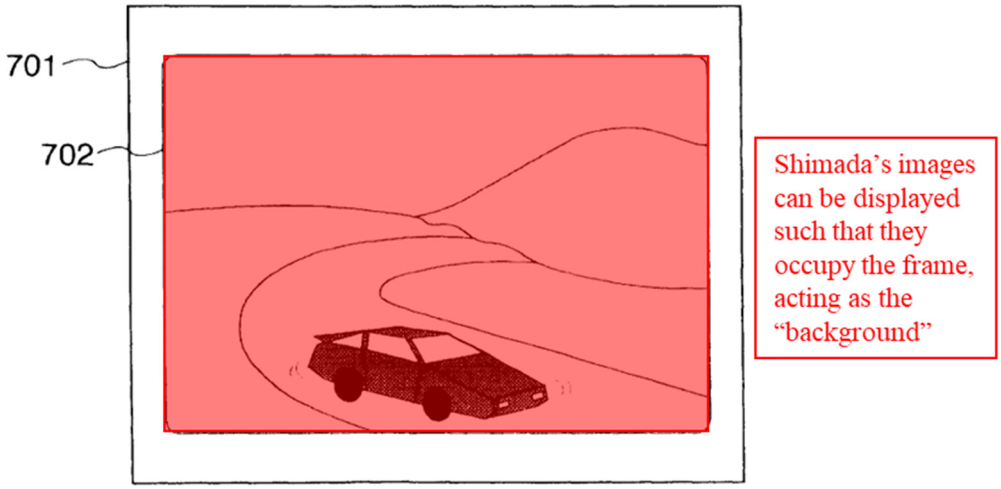


SAMSUNG-1008, FIG. 25

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶199; Section III.A.4. [2], *supra*.

[6]

See [2] and [3] (incorporated here). As Dr. Schmidt explains, a POSITA would have understood and found obvious that, because the content referenced by Shimada can occupy the entire frame, it would enable the control of the background color of the frame. SAMSUNG-1008, FIG. 7, SAMSUNG-1003, ¶200. An annotated figure of Shimada's content occupying a frame is presented below.



SAMSUNG-1008, FIG. 7 (annotated)

Additionally, as Dr. Schmidt explains, a POSITA would have recognized or found obvious that HTML provides the ability to set a background color for a file referenced in a tag, for example, files referenced by Shimada's tags. SAMSUNG-1003, ¶¶201-202. Darnell discusses that "the <BODY> tag is also used to set various display attributes for the document, including **background colors and images**." SAMSUNG-1011, 148-149. Dr. Schmidt also explains that other basic HTML elements and attributes would accomplish the same function. SAMSUNG-1003, ¶¶201-202.

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶203; Section III.A.4. [2], *supra*.

[7]

See [2] (incorporated here). A POSITA would have recognized or found obvious that text would accompany most forms of time-varying content. SAMSUNG-1003, ¶204. For example, in Shaffer's discussion of stock information above, the prices of the stock are communicated to the user in terms of a numeric value ("**text of the viewer graphical user interface**.") SAMSUNG-1009, 1:13-19; SAMSUNG-1020, 2:38-59; SAMSUNG-1003, ¶204; [2], *supra*.

Dr. Schmidt further explains that this feature is also within the capability of dHTML, as described above. SAMSUNG-1003, ¶205; Section III.A.4. [2], *supra*.

[8]

See [1.1] (incorporated here). Shimada and Buchholz both describe that screen configuration data and templates are implemented in "**HTML**." SAMSUNG-1008, 6:59-62; SAMSUNG-1009, 5:9-13; SAMSUNG-1003, ¶206. A POSITA would have understood, or found obvious, that HTML is a "markup language file." SAMSUNG-1003, ¶206; [1.1], *supra*.

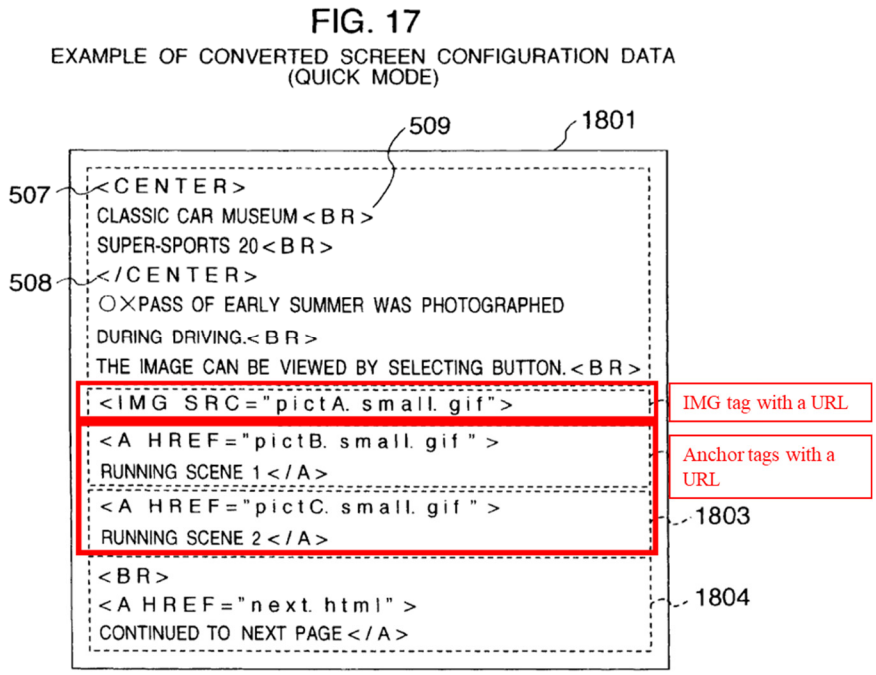
[9]

See [1.2] and [1.3] (incorporated here). Shimada discloses that screen configuration information is received from **a server** ("the addition of a new screen display area to the screen configuration information which is **received from the server 101**"). SAMSUNG-1008, 5:52-65. Shimada also discloses that the server is connected to the client via a "network." *Id*. As Dr. Schmidt explains, a POSITA

would have understood or found obvious that the network would be the internet, which is the most common example of a "**TCP/IP protocol.**" SAMSUNG-1003, ¶207. Indeed, Shimada states that "such a multimedia network system has spread in **world wide networks** and access to world-wide information can be acquired by making access to the **servers in the world ('web server')**." SAMSUNG-1008, 1:34-36; SAMSUNG-1003, ¶207.

[10]

See [1.3] (incorporated here). A POSITA would have recognized or found obvious that both Shimada's IMG and anchor tags include **URLs** ("**uniform resource locator[s]**") that correspond to "**network locations**" because Shimada describes these tags as including an "address representing a static image" which is obtained from a "server." SAMSUNG-1008, 6:30-51, FIG. 17; SAMSUNG-1003, ¶208. An example URL contained within Shimada's screen configuration data is provided below.



SAMSUNG-1008, FIG. 17 (annotated)

[11]

See [1.2], [1.3], and [9] (incorporated here). As discussed above, a POSITA would have understood or found obvious that this function is executed by "**one or more computer program modules**." SAMSUNG-1008, 1:26-28, FIG. 1, FIG. 4; SAMSUNG-1009, 4:14-31, FIG. 2; SAMSUNG-1003, ¶209; [1.2], *supra*. A POSITA also would have understood or found obvious that this content request is transmitted "**according to the TCP/IP protocol over the network.**" SAMSUNG-1008, 1:34-36; SAMSUNG-1011, Page 88; SAMSUNG-1003, ¶209; [1.3], [9], *supra*.

[12.1]-[12.3]

See [1.1], [1.2], [1.3], and [1.4] (incorporated here). As discussed above, a POSITA would have understood or found obvious that these functions are executed by "**one or more computer program modules**." SAMSUNG-1009, 4:14-31, FIG. 2; SAMSUNG-1013, Abstract, 5:58-59, 7:58-59; SAMSUNG-1003, ¶¶210-212; [1.2], *supra*.

[13.pre]-[23]

The Shimada-Buchholz combination renders these claims obvious in the same manner as explained above for the corresponding claims listed in the following table. SAMSUNG, ¶¶213-230.

Claim	Corresponding Claim
[13.pre]	[1.1], [1.2]
[13.1]	[1.1]
[13.2]	[1.2]
[13.3]	[1.3]
[13.4]	[1.4]
[13.5]	[1.5]
[13.6]	[1.6]
[14]	[2]
[15]	[3]
[16]	[4]

[17]	[5]
[18]	[6]
[19]	[7]
[20]	[1.1], [8], [12.4]
[21]	[9]
[22]	[10]
[23]	[11]

[24.1]

See [1.1], [12.4], and [13.1] (incorporated here) regarding "**storing the networked information monitor template to the electronic storage**." SAMSUNG-1003, ¶231. *See* [1.3], [12.2], and [13.3] (incorporated here) regarding "**transmitting, over the network … a request for the networked information monitor template.**" SAMSUNG-1003, ¶231.

[24.2]

See [1.4], [12.3], and [13.4] (incorporated here). SAMSUNG-1003, ¶232.

IV. PTAB DISCRETION SHOULD NOT PRECLUDE INSTITUTION

A. The *General Plastic* Factors Favor Institution

The '407 Patent was the subject of a previous IPR petition filed by Lenovo, which resulted in the challenged claims not being found to be unpatentable. *See* SAMSUNG-1012. The *General Plastic* factors weigh heavily against denial with

respect to the present Petition filed by Samsung. *See General Plastic v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017).

For example, the first *General Plastic* factor weighs against denial because Samsung has not filed any previous IPR petition challenging the '407 Patent.

The second factor also weighs against denial, because Samsung identified the prior art references relied on in the present Petition via a prior art search conducted after Patent Owner filed suit against Samsung. Patent Owner did not file suit against Samsung until over two years after the Lenovo IPR had concluded; Samsung had no reason to search for prior art applicable to the '407 Patent at the time of filing of the Lenovo IPR. IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017).

The third factor is at best neutral because Samsung does not profit from Lenovo's previous arguments, which were unsuccessful and based on a completely different set of prior art than those relied upon in the present petition.

The fourth factor weighs against denial because Petitioner continued to search and evaluate prior art to prepare the substantive arguments in the present Petition into March 2023. Petitioner has not delayed the filing of the present Petition, either intentionally or otherwise, and, in fact, would obtain no strategic advantage from such a delay because this is the only Samsung petition filed against claims of the '407 Patent and because the Lenovo IPR had been completed long ago, well before Petitioner decided to bring the present IPR challenge.

The fifth factor weighs against denial because any delay between Lenovo's IPR and the present Petition is due to Patent Owner's significant delay in filing suit against Samsung. Weighing this factor against a party situated as Samsung would reward patent owners for purposefully crafting a serial filing strategy for suits in district court designed to deny defendants an opportunity to file an IPR.

The sixth and seventh factors also weigh against denial as this is the first instance of Samsung seeking review of the '407 Patent and because the present Petition can be completed within a year of institution, consistent with the model schedule.

Furthermore, in *Shenzhen*, the Board weighed an additional factor: "the extent to which the petitioner and any prior petitioner(s) were similarly situated defendants or otherwise realized a similar-in-time hazard regarding the challenged patent." *Shenzhen Silver Star Intelligent Tech. v. iRobot,* IPR2018-00898, Paper 9 at 7 (PTAB Oct. 1, 2018). This factor weighs heavily against denial. In the present case, Samsung did not face "the same threat at the same time" as prior petitioner Lenovo. *Id.* Patent Owner filed suit against Lenovo alleging infringement of the '407 Patent on January 16, 2018. *See DoDots Licensing Solutions LLC v. Lenovo et al.*, Case 1-18-cv-00098 (D. Del. 2018). Patent Owner did not file its similar suit against Samsung until May 24, 2022 – over ***four years*** after it filed suit against Lenovo and over ***two years*** after the FWD in the Lenovo IPR.

B. The *Fintiv* Factors Favor Institution

The *Fintiv* factors do not provide a reason to discretionarily deny institution.

Factor 1 is neutral because neither party has requested a stay. *Fintiv*, Paper 15, 12 (PTAB May 13, 2020). Upon institution of this petition, Petitioner intends to file a motion to stay the parallel litigation.

Factor 2 weighs against discretionary denial. The projected statutory deadline for the PTAB's Final Written Decision (FWD) is September 2024. The trial date in the co-pending litigation is currently set for June 24, 2024. Thus, the FWD is expected less than three months after the currently scheduled trial date. Moreover, Interim *Fintiv* Guidance allows parties to present evidence regarding median time-to-trial for civil actions in the applicable district court and identifies the report providing those statistics. Here, the District Court's median time from filing to trial was recently calculated as 28.9[4] months, yielding an estimated trial date in October 2024, which falls after the expected FWD date of September 2024. The likelihood that the FWD will come before the trial date based on median time-to-trial statistics weighs in favor of institution. Samsung's Motion to Transfer Venue that was recently filed in W.D. Tex., if successful, will further ensure that the FWD far

[4] Obtained from https://www.uscourts.gov/statistics-reports/analysis-reports/federal-court-management-statistics

outpaces any trial date.

Factor 3 weighs against discretionary denial because co-pending litigation is in its early stages and investment in the case has been minimal. Moreover, the institution decision will likely issue before fact discovery, expert discovery, and expert reports are complete. If an IPR is instituted, subsequent investments in the district court proceeding can further be minimized (e.g., through a motion to stay pending IPR and Samsung's stipulation).

Factor 4 weighs against discretionary denial. If this Petition is instituted, Petitioner stipulates not to pursue primary references asserted in this Petition (*i.e.*, Brown and Shimada) in the co-pending litigation.

For Factor 5, Petitioner is a defendant in the co-pending litigation.

Factor 6 heavily weighs against discretionary denial due to the particularly strong and compelling merits of this Petition. As demonstrated in the Petition with reference to Dr. Schmidt's testimony and additional evidence, institution would result in a finding of unpatentability of the Challenged Claims, which are obvious based on prior art references that were not utilized by the Examiner during prosecution.

C. The *Advanced Bionics* Test Favors Institution

This Petition presents new prior art and arguments against the Challenged

Claims for which the file history contains no indication that the Office ever previously considered in connection with the '407 Patent. Indeed, none of Wecker, Shimada, Buchholz, and Beer—four of the five prior art references relied upon in this Petition—were previously cited or applied in a rejection during prosecution of the '407 Patent.

While Brown, which is used in Ground 1, is listed on the face of the '407 Patent, it is merely one of many references that were cited to the Examiner and, more critically, was not applied or discussed by the Examiner in any capacity during prosecution. *See generally* SAMSUNG-1002. Simply citing a reference on an information disclosure statement, with nothing more, does not favor denial of institution. *See Navistar, Inc. v. Fatigue Fracture Tech., LLC*, IPR2018-00853, Paper 13 at 16-17 (PTAB Sept. 12, 2018).

V. CONCLUSION AND FEES

The Challenged Claims are unpatentable. Petitioner authorizes charge of fees to Deposit Account 06-1050.

VI. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") are the real parties-in-interest.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

The '407 Patent is the subject of a civil action, *DoDots Licensing Solutions*

LLC v. Samsung Electronics Co., Ltd. et al., 6:22-cv-00535, W.D. Tex., filed May 24, 2022 (SAMSUNG-1019). This patent was also the subject of post grant proceeding no. IPR2019-01279 filed by Lenovo Holdings, et al. Petitioner is not aware of any other disclaimers, reexamination certificates, or IPR petitions addressing the '407 Patent. Petitioner previously challenged related U.S. Patent No. 8,020,083 in IPR2023-00621.

C. Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)

Petitioner provides the following designation of counsel.

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D. Service Information

Please address all correspondence and service to the address listed above. Petitioner consents to electronic service by email at IPR39843-0149IP1@fr.com (referencing No. 39843-0149IP1 and cc'ing PTABInbound@fr.com, axf-ptab@fr.com, jjm@fr.com, and in@fr.com).

Respectfully submitted,

Dated March 10, 2023

/Hyun Jin In/

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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 Petition for *Inter Partes* Review totals 13,909 words, which is less than the 14,000 allowed under 37 CFR § 42.24.

Dated March 10, 2023

/Hyun Jin In/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on March 10, 2023, a complete and entire copy of this Petition for *Inter Partes* Review and all supporting exhibits were provided by Federal Express, to the Patent Owner, by serving the correspondence address of record as follows:

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