

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: John Albert Kembel, et al.
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PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES

PATENT NO. 9,369,545 PURSUANT TO 35 U.S.C. §§ 311–319,

37 C.F.R. § 42

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EXHIBITS

SAMSUNG-1001 U.S. Patent No. 9,369,545 to Kembel, et al. (“the ’545 Patent”)

SAMSUNG-1002 Excerpts from the Prosecution History of the ’545 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 IPR2019-00988 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 Complaint, *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 U.S. Patent No. 6,055,522 (“Krishna”)

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

LISTING OF CHALLENGED CLAIMS

Claim 1	
[1pre]	A computer-implemented method of obtaining content over a network and displaying the content to a user, the method being implemented in a client computing device in operative communication with a server over a network, the client computing device including electronic storage, a display, and one or more processors configured to execute one or more computer program modules, the method comprising:
[1.1]	transmitting a request to the server over the network, the request requesting networked information monitor template;
[1.2]	receiving the requested networked information monitor template from the server over the internet, the requested networked information monitor template having been transmitted from the server over the network responsive to the transmitted request, the networked information monitor template comprising:
[1.3]	a definition of a viewer graphical user interface within which content in a web browser-readable language may be presented on the display of the client computing device; and
[1.4]	a definition of a first content element for the networked information monitor template, the definition of the first content element referencing a first network location from which the first content element for the networked information monitor template is served over the network;
[1.5]	responsive to instructions included in the requested networked information monitor template, presenting the viewer graphical user interface defined by the networked information monitor on the display of the client computing device separate from and outside of any other graphical user interface that includes user controls for specifying the first network location from which the first content element for the networked information monitor is served over the network;

[1.6]	responsive to instructions included in the requested networked information monitor template, transmitting over the network a first content request to the first network location referenced by the definition of the first content element for the networked information monitor template;
[1.7]	receiving, over the network, the first content element transmitted responsive to the first content request;
[1.8]	presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the first content element define all controls for enabling a user to interact with the first content element through the viewer graphical user interface.
Claim 2	
[2]	The method of claim 1, wherein the definition of the viewer graphical user interface includes a definition of at least one control effective for controlling an aspect of the viewer graphical user interface, and wherein presenting the viewer graphical user interface comprises presenting the at least one control.
Claim 3	
[3]	The method of claim 2, wherein the aspect is the location at which the user interface is rendered on a display device.
Claim 4	
[4]	The method of claim 2, wherein the aspect is the size of the user interface when presented on the display of the client computing device.
Claim 5	
[5]	The method of claim 1, wherein the networked information monitor template includes instructions in extensible markup language (XML) format, and further wherein the method further comprises parsing the definition of the viewer graphical user interface.

Claim 6	
[6]	The method of claim 1, wherein the definition of the viewer graphical user interface defined by the networked information monitor template comprises an image, and wherein presenting the viewer graphical user interface defined by the networked information monitor template on the display of the client computing device comprises presenting the image included in the definition as part of the viewer graphical user interface.
Claim 7	
[7]	The method claim 6, wherein presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template comprises presenting the received the first content element in association with the image.
Claim 8	
[8]	The method of claim 6, wherein presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template comprises presenting the received the first content element at least in part within the image.
Claim 9	
[9]	The method of claim 1, wherein the definition of the viewer graphical user interface defines at least one control permitting the modification of the appearance of the viewer graphical user interface defined by the networked information monitor template, and wherein presenting the viewer graphical user interface defined by the networked information monitor template on the display of the client computing device comprises presenting the at least one control.
Claim 10	
[10]	The method of claim 1, wherein the first content element includes audio content, video content, graphics content, still image content, textual content and/or interactive content.

Claim 11	
[11]	The method of claim 1, further comprising: executing a client parser application that is separate from the networked information monitor template, the client parser application being configured to present the viewer graphical user interface defined by the networked information monitor template on the client computing device, to generate the request for the content that is transmitted to the first network location referenced by the definition of the first content element for the networked information monitor template, and to present the first content element received from the first network location within the viewer graphical user interface defined by the networked information monitor template.
Claim 12	
[12]	The method of claim 1, further comprising causing the networked information monitor to communicate with another networked information monitor.
Claim 13	
[13]	The method of claim 1, wherein the networked information monitor is configured to cause the client computing device to periodically request the first content element from the first network location referenced by the definition the first content element for the networked information monitor template and to present the received first content element within the viewer graphical user interface in an ongoing manner.
Claim 14	
[14]	The method of claim 1, wherein the network is the internet.
Claim 15	
[15.1]	The method of claim 1, wherein the networked information template further comprising a definition of a second content element for the networked information monitor template, the definition of the second content element referencing a second network location from which the second content element for the networked information monitor

	template is served over the network, and wherein the method further comprises:
[15.2]	responsive to instructions included in the requested networked information monitor template, transmitting over the network a second content request to the second network location referenced by the definition of the second content element for the networked information monitor template;
[15.3]	receiving, over the network, the second content element transmitted responsive to the second content request; and
[15.4]	presenting the received second content element in the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the second content element define all controls for enabling a user to interact with the second content element through the viewer graphical user interface.
Claim 16	
[16pre]	A computer-implemented method of obtaining and displaying content obtained over a network to a user on a client computing device, the method being implemented in the client computing device, the client computing device including electronic storage, a display, and one or more processors configured to execute one or more computer program modules, the method comprising:
[16.1]	executing on the client computing device client parser, wherein the execution of the client parser results in the client computing device:
[16.2]	transmitting over the network a first content request to a first network location referenced by a definition of a first content element in a networked information monitor template that is readable by the client parser;
[16.3]	receiving, over the network, the first content element transmitted responsive to the first content request;
[16.4]	presenting a viewer graphical user interface defined by the networked information monitor template on the display of the client computing device and wherein the viewer graphical user interface

	defined by the networked information monitor template is presented separate from and outside of any other graphical user interface that includes user controls for specifying the first network location from which the first content element for the networked information monitor is served over the network; and
[16.5]	presenting the received content element within the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the first content element define all controls for enabling a user to interact with the first content element through the viewer graphical user interface.
Claim 17	
[17]	The method of claim 16, wherein execution of the client parser further results in the client computing device determining that the first element content modifies the networked information monitor template and responsive to such determination, modifying the networked information monitor template prior to the step of presenting the graphical user interface.
Claim 18	
[18]	The method of claim 16, further comprising presenting an icon representing networked information monitor associated with the networked information monitor template on the display of the client computing device, and wherein execution of the client parser to perform one or more of the transmitting operation, the presenting the viewer graphical user interface operation, or presenting the first content element operation is responsive to reception of selection by a user of the icon.
Claim 19	
[19]	The method of claim 16, further comprising invoking the client parser an initiating one or more of the transmitting operation, the presenting the viewer graphical user interface operation, or presenting the first content element operation automatically during a start-up process of the client computing device.

Claim 20	
[20.1]	The method of claim 19, wherein execution on the client computing device of the client parser further results in the client computing device: transmitting over the network a second content request to a second network location referenced by a definition of a second content element in a second networked information monitor template that is readable by the client parser;
[20.2]	receiving the second content element transmitted responsive to the second content request;
[20.3]	presenting a second viewer graphical user interface defined by the second networked information monitor template on the display of the client computing device, wherein the second viewer graphical user interface lacks user controls, wherein the definition of the second viewer graphical user interface and/or the second content element define all controls for enabling a user to interact with the second content element through the second viewer graphical user interface; and
[20.4]	presenting the second content element within the viewer second graphical user interface,
[20.5]	wherein execution of the client parser to perform the transmitting the second content request, the presenting the second viewer graphical user interface operation, and the presenting the second content element is responsive to reception of a selection to initiate a second networked information monitor associated with the second networked information monitor template.
Claim 21	
[21]	The method of claim 16, wherein the network is the internet.

Samsung Electronics Co., Ltd. (“Petitioner” or “Samsung”) petitions for *In-ter Partes* Review (“IPR”) of claims 1-21 (“the Challenged Claims”) of U.S. Patent No. 9,369,545 (“the ’545 Patent”).

I. REQUIREMENTS FOR IPR

A. Grounds for Standing

Samsung certifies that the ’545 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, ¶¶1-223.

Ground	Claim(s)	§103 Basis
1A	1-4, 6-10, 13-15	Obvious over Brown, Wecker
1B	5, 11-12, 16-21	Obvious over Brown, Wecker, Beer
2A	1-4, 6-7, 9-10, 13-15	Obvious over Shimada, Buchholz
2B	5, 8, 12	Obvious over Shimada, Buchholz, Darnell
2C	11, 16-21	Obvious over Shimada, Buchholz, Krishna

The ’545 Patent claims priority to a U.S. patent 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 earliest alleged effective filing date (“Critical Date”). The references relied on in the above grounds qualify as prior art to the ’545 Patent at least under Pre-AIA §102(e) as indicated in the table below.

Reference	Publication Date	Filing Date
Brown	08/21/2001	02/17/1998
Wecker	09/10/2002	06/30/1998
Beer	08/11/1998	11/14/1996
Shimada	09/07/2004	06/18/1997
Buchholz	07/11/2000	06/23/1998
Darnell	1997	-
Krishna	04/25/2000	06/19/1997

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 SAMSUNG-1003, ¶¶26-27.

1. “networked information monitor” (“NIM”)

For purposes of the present proceeding, this term, which appears in claims 1, 12-13, 16, 18, and 20, should be construed to mean “a fully configurable frame, with one or more controls, through which content is presented to the user.” This definition is consistent with the use of the term in the specification of the ’545 patent, as well as the definition adopted by Patent Owner in prior proceedings. SAMSUNG-1001, 4:56-63; SAMSUNG-1012, Page 10; SAMSUNG-1014, *3-4. Thus, for purposes of this IPR, Petitioner adopts Patent Owner’s construction of

¹ Petitioner does not concede that challenged claims meet 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.

networked information monitor, which was adopted in IPR2019-00988. SAMSUNG-1012, Page 10; SAMSUNG-1014, *3-4; SAMSUNG-1003, ¶28.

2. “networked information monitor template”

For purposes of the present proceeding, this term, which appears in claims 1, 5-9, 11, 13, 15-18, and 20, should be construed to mean “a data structure which defines the **characteristics of a NIM**, including the NIM **frame, view, and control characteristics**, and which excludes **executable applications/compiled code**.”

This definition is consistent with the use of the term in the specification of the ’545 Patent. *See, e.g.*, SAMSUNG-1001, 6:34-37 (“Each NIM template defines the characteristics of a specific NIM, including fully configurable frame characteristics, viewer and control characteristics, and NIM content references.”); *see also id.* Additionally, the ’545 Patent states, “NIMs allow a developer to provide an application feel without developing custom client applications.” *Id.*, 26:33-35. The ’545 Patent further states that a NIM definition “is content, rather than compiled code.” *Id.*, 21:59-60. According to Patent Owner in IPR2019-00988, a networked information monitor template “is a data structure that defines the NIM; it is not the NIM and it is not an executable program (i.e., compiled code).” SAMSUNG-1012, Page 11. Thus, for purposes of this IPR, Petitioner adopts Patent Owner’s construction of networked information monitor template, which was adopted in

IPR2019-00988. SAMSUNG-1012, Pages 12-19; SAMSUNG-1014, *3-4; SAMSUNG-1003, ¶29.

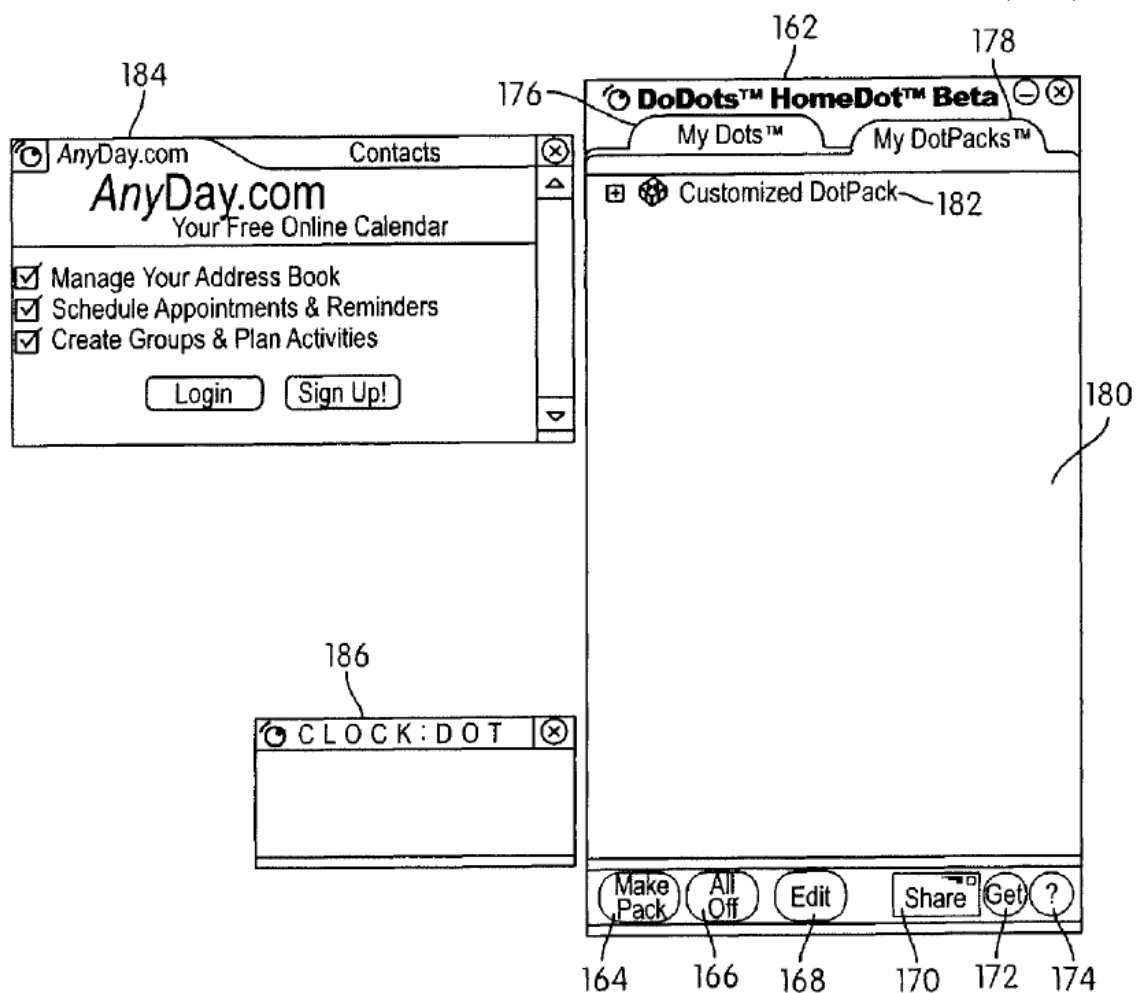
D. Level of Ordinary Skill in the Art

A person of ordinary skill (“POSITA”) relating to the subject matter of the ’545 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 IPR2019-00988. SAMSUNG-1012, Page 9.

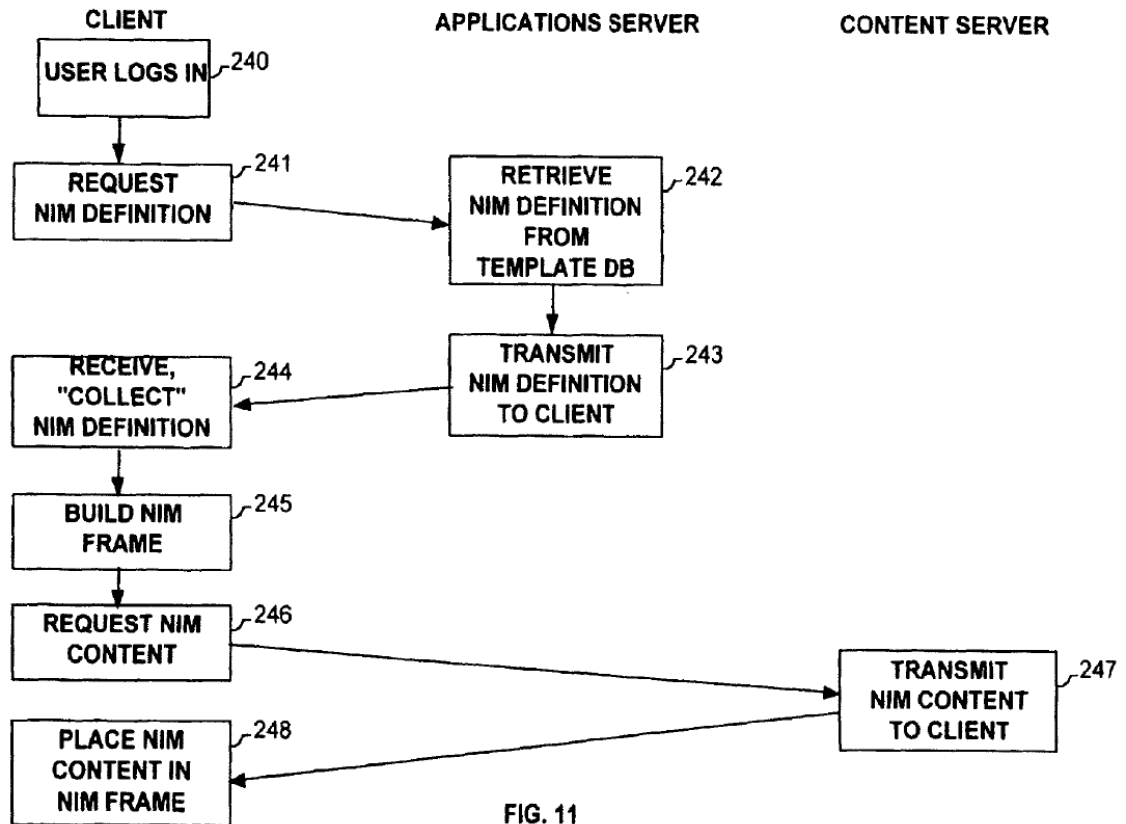
II. THE ’545 PATENT

A. Brief Description

The ’545 Patent is directed to “accessing and viewing internet content” through a plurality of software “networked information monitors” or “NIMs” SAMSUNG-1001, Abstract, 4:56-63. The ’545 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 ’545 Patent. Figure 11 provides an example process of downloading and generating a NIM according to the ’545 Patent.



SAMSUNG-1001, FIG. 4



SAMSUNG-1001, FIG. 11

B. Prosecution History

The '545 patent was allowed after one Office Action, which presented only a double-patenting rejection. SAMSUNG-1002, 176-180. During prosecution, the examiner did not consider any of Brown, Wecker, Beer, Shimada, Buchholz, Darnell, and Krishna. These references render the Challenged Claims obvious, as discussed below.

III. THE CHALLENGED CLAIMS ARE UNPATENTABLE

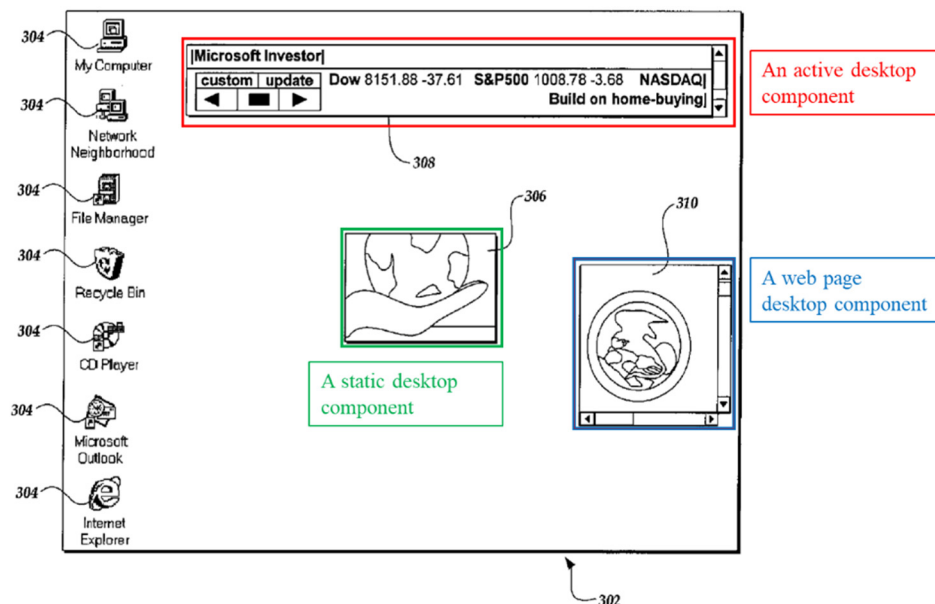
A. [GROUND 1A] – Claims 1-4, 6-10, and 13-15 are rendered obvious by Brown and Wecker

1. Overview of Brown²

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.*; SAMSUNG-1003,

¶30.



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.

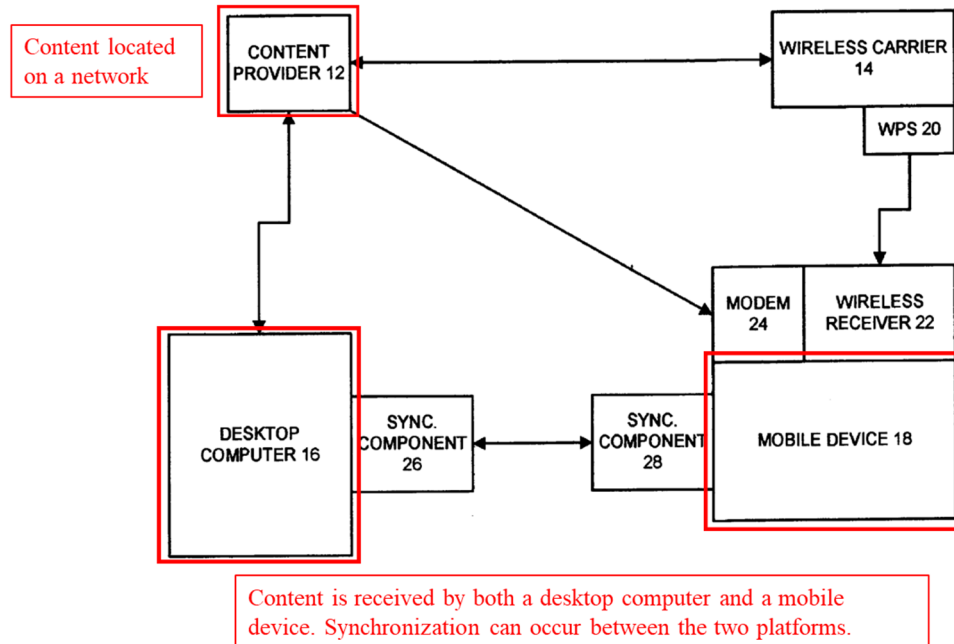
SAMSUNG-1005, FIG. 3A (annotated)

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

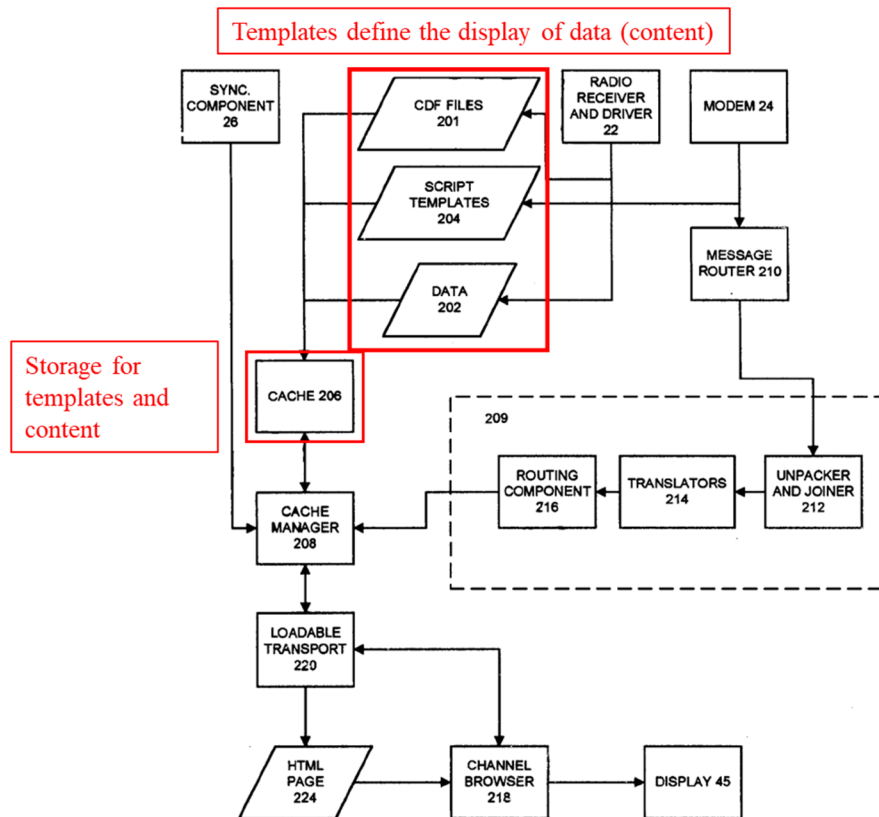
Brown also describes desktop component instructions, which "include a URL specifying an Internet location where additional HTML code corresponding to the active desktop component 308 resides." *Id.*, 13:1-4; SAMSUNG-1003, ¶32.

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. 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-1003, ¶33.



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 (“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. Given the similarity of the disclosures, and spurred by Brown’s directive, a POSITA would have found it obvious to consider Wecker’s disclosure of “mobile channels” in the context of Brown’s system and would have found it obvious to implement Brown’s desktop components as mobile channels, such that a user could 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 corresponding to the "HTML instructions" that define Brown's "desktop components." SAMSUNG-1005, 12:61-62; SAMSUNG-1006, 3:17-20; SAMSUNG-1003, ¶¶37-38. 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. A POSITA would have recognized that the "desktop," as contemplated by Wecker, would have provided a way to suitably implement the "composite desktop" of Brown. SAMSUNG-1003, ¶37.

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. A POSITA would have recognized or found obvious from this disclosure that an interface similar to the "composite desktop" taught by Brown would have been implemented 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.

A POSITA would have been prompted to pursue these implementations 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, 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 templates into the disclosure of Brown. SAMSUNG-1003, ¶40.

The publications thus detail various aspects of the Brown-Wecker combination and provide an explicit motivation to combine. *Cimline, Inc. v. Crafcro, 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 Brown and Wecker to improve data transfer times, increase usability, standardize interfaces across different devices, reduce client-side storage requirements, and/or other relevant business or technical reasons. 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]

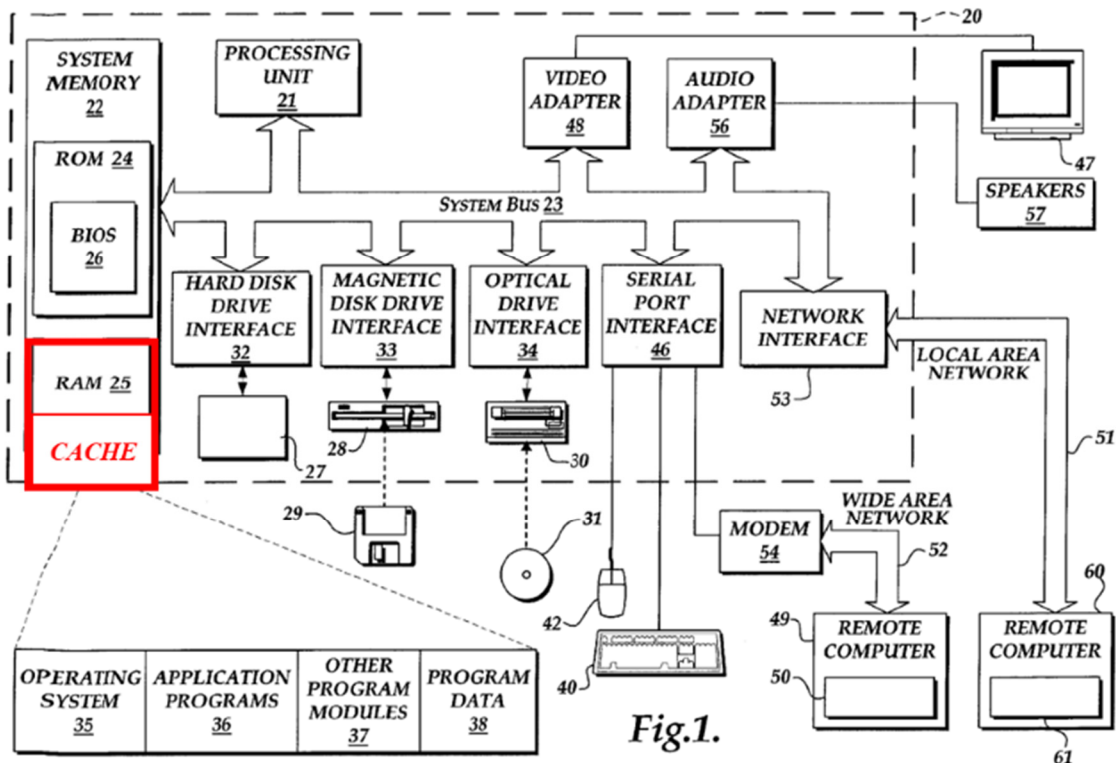
To the extent the preamble is limiting, the Brown-Wecker combination renders [1.pre] obvious. For example, Brown describes “a computer-based system for controlling the display of elements on a desktop,” a “**computer-based method** (“**computer-implemented method**”) of creating a composite desktop built from Web content,” and 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. A POSITA would have understood or found

obvious that “a computer-based system” and “personal computer” includes a “**client computing device**,” as a computer is frequently referred to as a “client.” *Id.*; SAMSUNG-1003, ¶43.

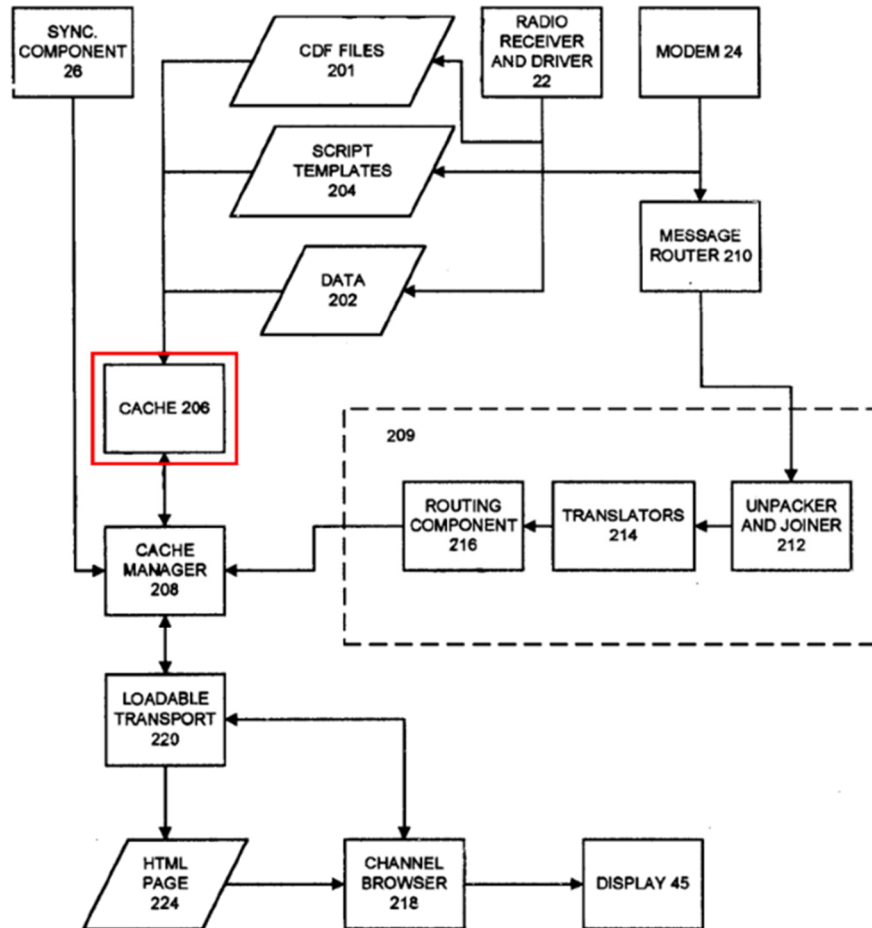
Both Brown and Wecker describe that their client devices can download content from the Internet. SAMSUNG-1005, 2:4-12; SAMSUNG-1006, 3:8-16, 4:3-13. Indeed, Brown describes that “[a] ‘client’ computer connected to the Internet can **download** (“**in operative communication with**”) digital information from ‘**server**’ computers connected to the Internet (“**a server over a network**”).” SAMSUNG-1005, 2:4-8. Wecker also describes that desktop computers can “**periodically retrieve or receive** new and updated script, data and CDF files.” SAMSUNG-1006, 4:3-13; SAMSUNG-1003, ¶44.

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 a system memory is a form of “**electronic storage**” because a POSITA would have understood that memory is an example of electronic storage. SAMSUNG-1003, ¶45. Indeed, the ’545 Patent frequently refers to “memory 30” within “computer 20.” SAMSUNG 1001, 5:13-15, 5:23-25. A POSITA also would have understood or found obvious that this storage would be capable of storing files, like “templates” because it was well known

as of the critical date that HTML files were stored in a form of “electronic storage.” SAMSUNG-1003, ¶45. Indeed, Wecker discloses a “cache memory” used for holding “script templates.” SAMSUNG-1006, 8:34-39. As one example, the Brown-Wecker combination would incorporate similar features, as illustrated below. SAMSUNG-1003, ¶45.

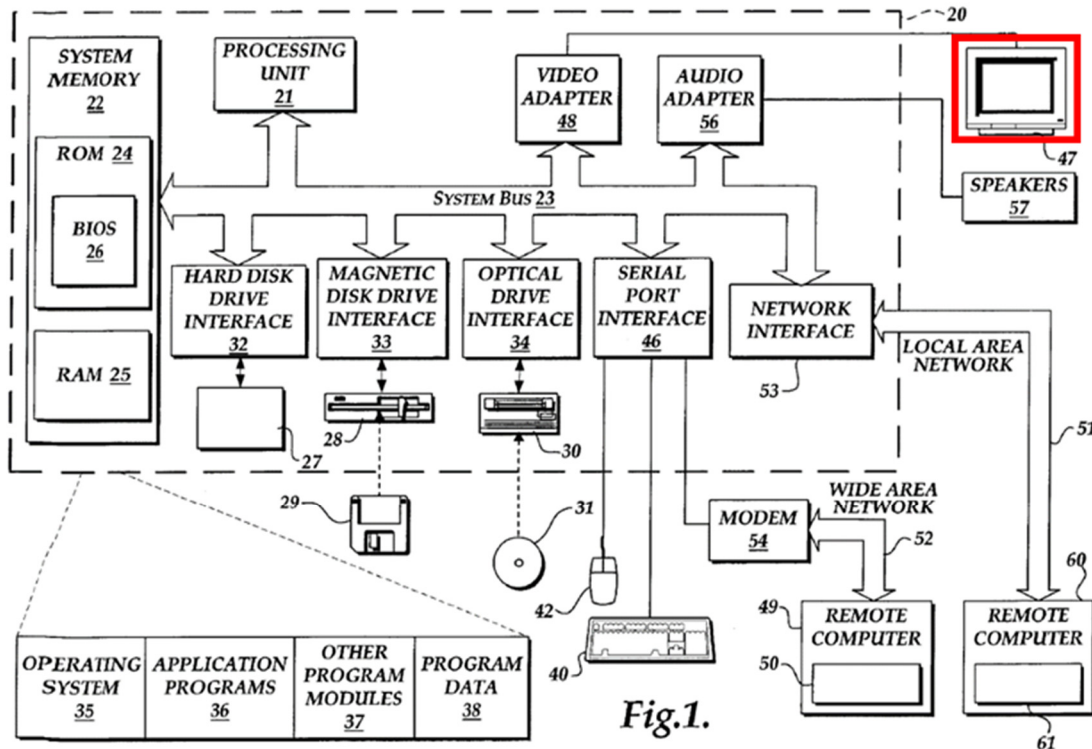


SAMSUNG-1005, FIG. 1 (annotated)



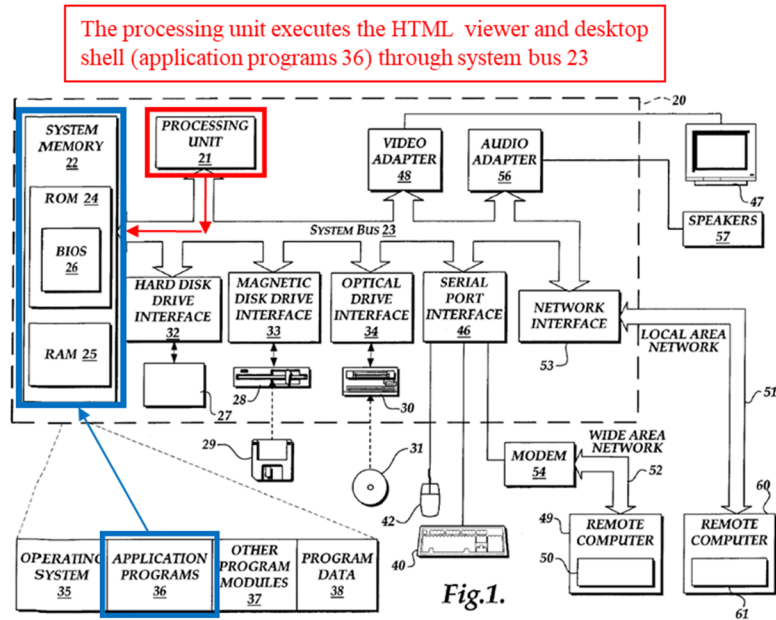
SAMSUNG-1006, FIG. 6 (annotated)

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. 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, ¶46.

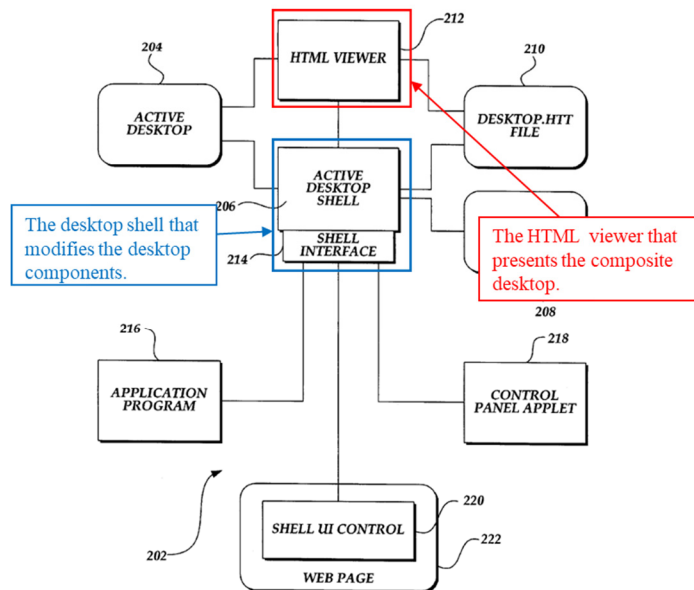


SAMSUNG-1005, FIG. 1 (annotated)

Brown also 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, ¶47. Presented below is Brown’s Figure 1 and 2 showing these program modules.



SAMSUNG-1005, FIG. 1 (annotated)



SAMSUNG-1005, FIG. 2 (annotated)

As Dr. Schmidt explains, 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, ¶48.

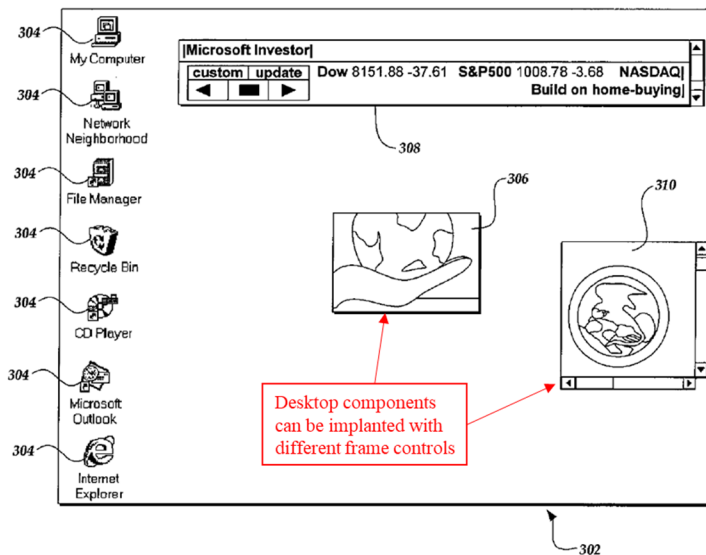
[1.1]

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 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 include “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.

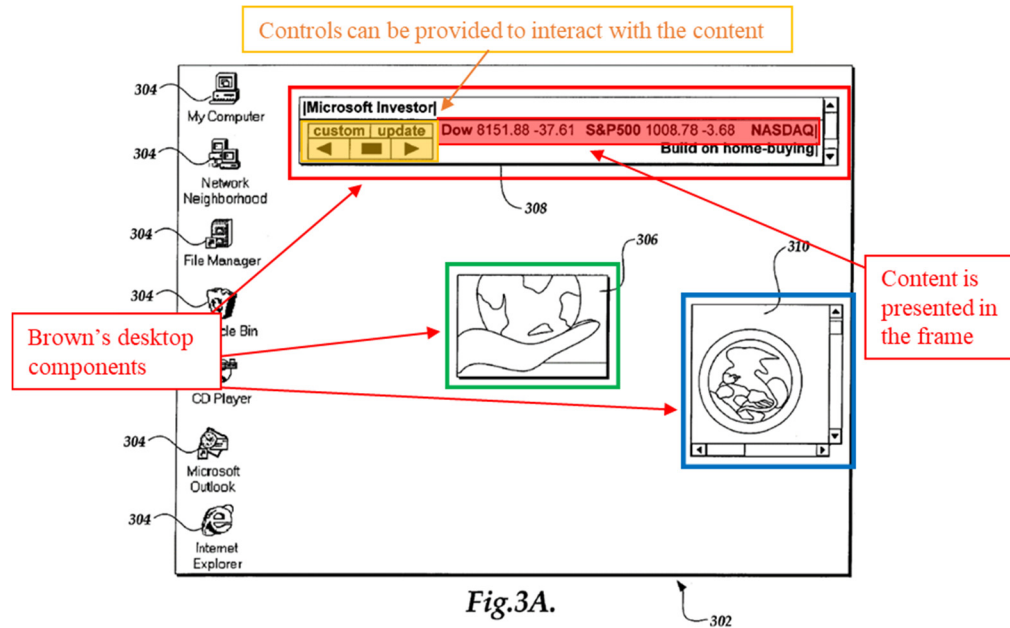
Brown presents examples of desktop components with different frame “**controls**”, as annotated in Figure 3A below. SAMSUNG-1005, FIG. 3A. The above disclosures render Brown’s desktop component frames “**fully configurable**” as this term is used by the ’545 Patent. SAMSUNG-1001, 30:34-36; SAMSUNG-1003, ¶51.



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, ¶52.

Therefore, Brown’s desktop components are “networked information monitors,” as properly construed. SAMSUNG-1003, ¶53.



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, ¶54. 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, ¶54; 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, ¶55.

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, ¶56.

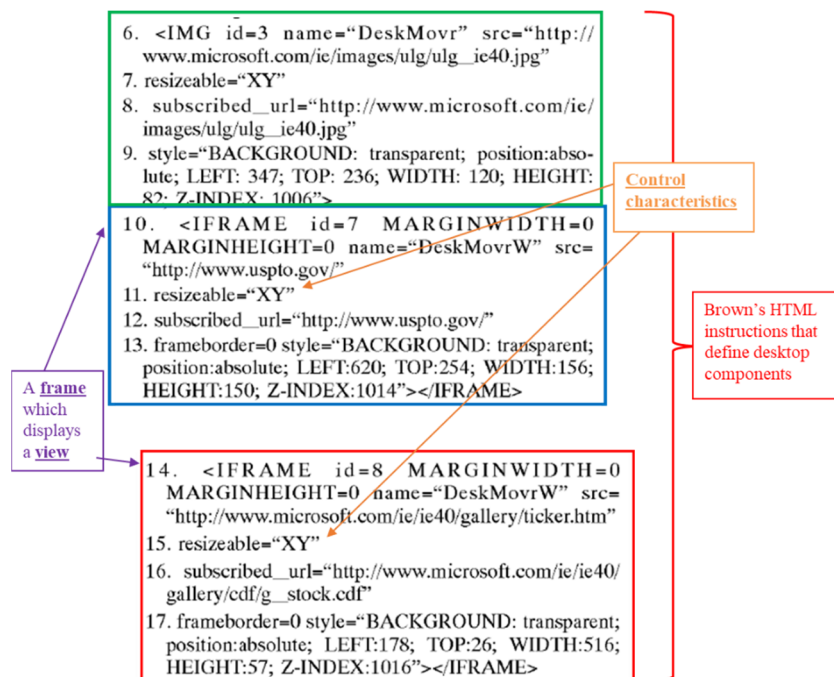
It can also be seen from the annotated figure that visual features of the desktop component (“**the view**”) are defined by the HTML instructions. SAMSUNG-1005, 11:56-67, 12:1-10; SAMSUNG-1003, ¶57. For example, the HTML instructions include a “frameborder” tag, as well as a “BACKGROUND” tag, that both define visual features of the desktop component. *Id.*

Additionally, Brown’s HTML instructions provide the ability to designate a desktop component as “resizable” (“**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, ¶58.

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, ¶59. Indeed, Brown describes its HTML instructions are stored in “an HTML file, referred to as the desktop.htm 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-1003, ¶59.

Therefore, with the above disclosures, Brown’s HTML instructions correspond to a “networked information monitor template.” SAMSUNG-1003, ¶60.



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

Brown describes that its client device can download content. 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** (“**transmitting ... a request**”) digital information from ‘**server**’ **computers** connected to the Internet (“**over the network**”).” SAMSUNG-1005, 2:4-8; SAMSUNG-1003, ¶61.

As Dr. Schmidt explains, a POSITA would have understood or found obvious that this transmission would occur “**to a server over [a] network**” because Brown describes the use of “uniform resource locators” or “URLs.” SAMSUNG-1005, 3:24-33, 11:43-67, 12:1-43; SAMSUNG-1003, ¶23, 62. For example, one of Brown’s example desktop components includes “a URL corresponding to a CDF file.” SAMSUNG-1005, 12:1-8, FIG. 3A.

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

A URL corresponding to a CDF file.

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

Additionally, 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 could be downloaded in a similar manner. SAMSUNG-1003, ¶63; Section III.A, *supra*.

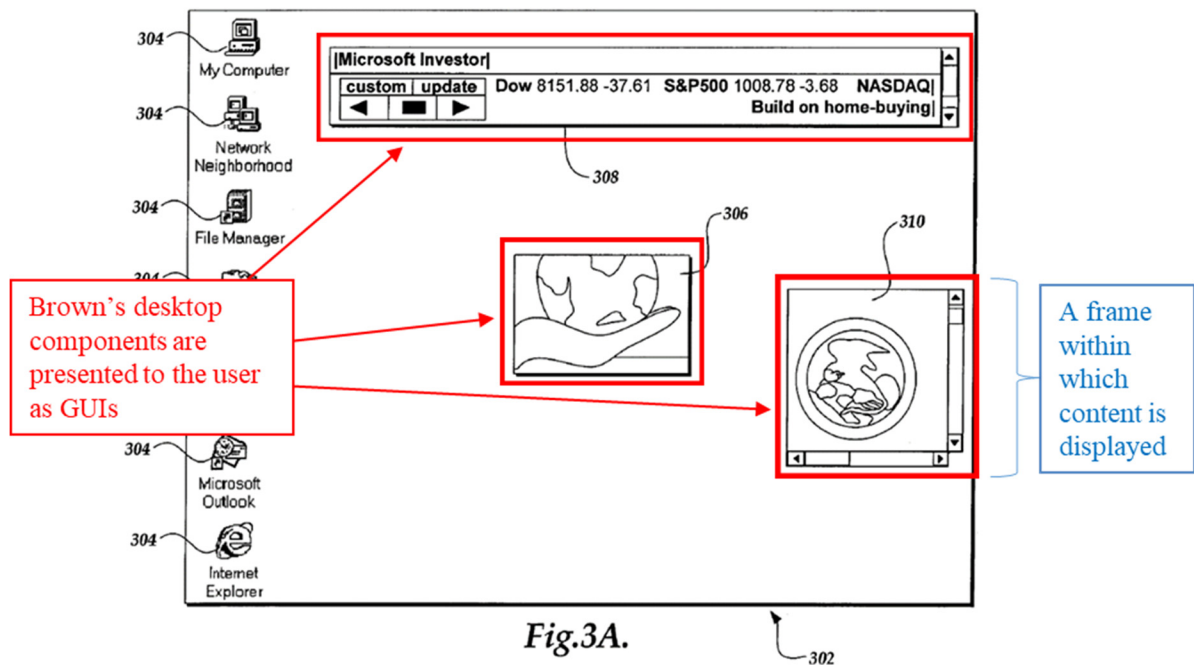
Indeed, both Wecker and Brown describe that HTML files could be downloaded to a client. SAMSUNG-1005, 2:13-29; SAMSUNG-1006, *see at least* 10:25-56. Dr. Schmidt explains that, in view of the above, a POSITA would have recognized or found obvious that HTML instructions (“**[a] networked information monitor template**”) could be requested from a “**server**” as both Brown and Wecker clients are capable of communicating “**over a network**” to a “**server.**” SAMSUNG-1003, ¶64.

[1.2]

See [1.1] (incorporated here). A POSITA would have understood or found obvious that, once requested from the web server, the client would receive the content included in the request (“**receiving the requested networked information monitor template from the server over the internet ... responsive to the transmitted request**”). SAMSUNG-1003, ¶65. Indeed, Wecker describes a “loadable transport” that can “periodically retrieve or receive new and updated script.” SAMSUNG-1006, 3:63-67, 4:1-6.

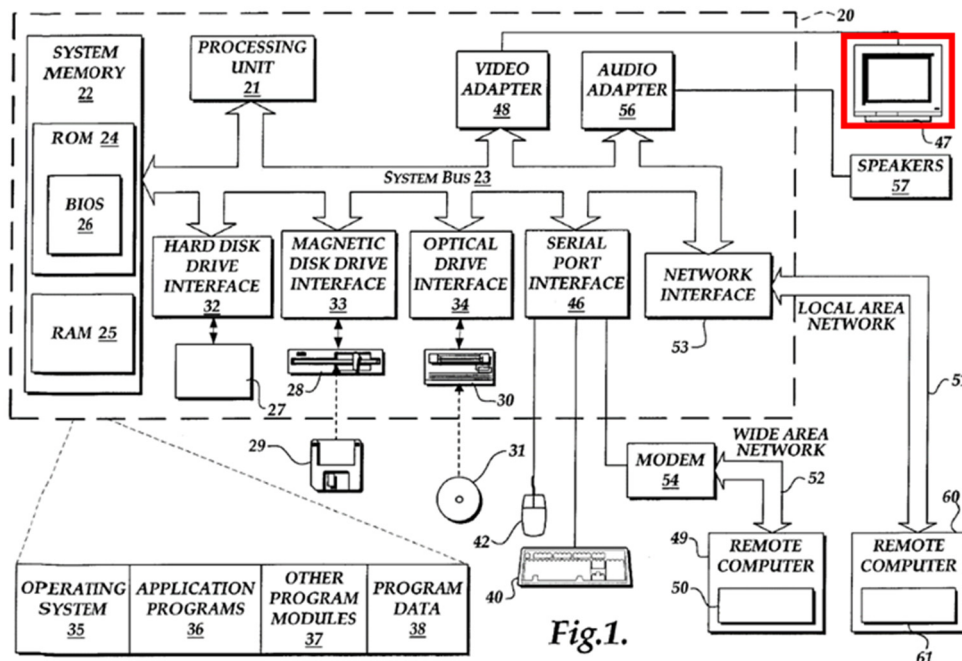
[1.3]

As Dr. Schmidt explains, a POSITA would have recognized that Brown's desktop components are presented 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, ¶66. Example desktop components are presented below. Indeed, Brown refers to its composite desktop (and all Windows-based desktops) as a "GUI desktop." SAMSUNG-1005, 1:35-38, FIG. 3A. Because Brown's HTML instructions define the desktop component, a POSITA would have recognized or found obvious that 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” that bound the content of the component (“**within which content ... is presented**”). SAMSUNG-1005, 12:61-64. 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 on the display of the client computing device.” SAMSUNG-1003, ¶67.



SAMSUNG-1005, FIG. 1 (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, ¶24, 68. Indeed, Darnell describes an HTML “standard” for web-browsers. SAMSUNG-1011, Page 112.

In view of the above disclosures, a POSITA would have understood or found obvious that Brown’s content is “**content in a web browser-readable language**.” Indeed, the ’545 Patent frequently refers to HTML as “standard web content” or “a NIM’s content.” SAMSUNG-1001, 4:29-34, 21:55-64, 37:5-7; SAMSUNG-1003, ¶69.

[1.4]

As Dr. Schmidt explains, a POSITA would have recognized the CDF subscription to be “**a first content element ... referencing a first network location**” because CDF subscriptions reference a URL, at which, content is available. SAMSUNG-1003, ¶25, 70. For example, one of Brown’s example desktop components includes “a URL corresponding to a CDF file.” SAMSUNG-1005, 13:4-5. Wecker also describes that “**web content** is also preferably described in a content structure file also known commonly as a channel definition format (CDF) file.” SAMSUNG-1006, 3:3-5.

Brown explains that “CDF files are used to implement ‘subscriptions’ in which **information is regularly retrieved and updated** (“served over the network”) within the active desktop component.” SAMSUNG-1005, 13:4-7; SAMSUNG-1003, ¶71. An annotated example of Brown’s “HTML instructions” and “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. resizable="XY"
16. subscribed_url="http://www.microsoft.com/ie/ie40/
    gallery/cdf/g_stock.cdf"
17. frameborder=0 style="BACKGROUND: transparent;
    position:absolute; LEFT:178; TOP:26; WIDTH:516;
    HEIGHT:57; Z-INDEX:1016"></IFRAME
```

A URL corresponding
to a CDF file.

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

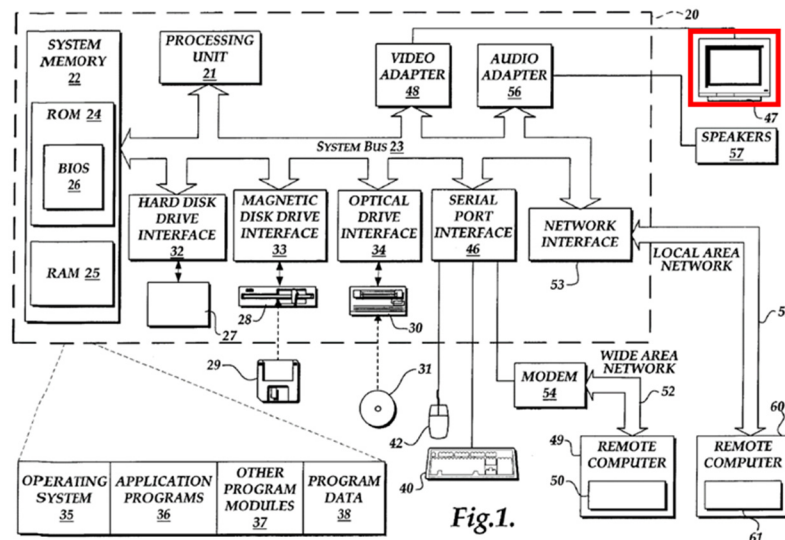
As Dr. Schmidt explains, a POSITA would have understood or found obvious that a Uniform Resource Locator (“URL”) to be a “network location” as this is the most common use of a URL. SAMSUNG-1003, ¶23, 72. Indeed, Darnell provides support and explains that “uniform ... resource identifiers are strings of characters that **identify the location** of a resource available on the World Wide Web” and that “the most common use of a uniform resource identifier these days is to locate a Web page using a **URL**. URLs are commonly thought of as pointers to a

filename in a directory **on a Web server.**” SAMSUNG-1011, 103.

[1.5]

See [1.3] (incorporated here) regarding a **“viewer graphical user interface defined by the networked information monitor.”** SAMSUNG-1003, ¶73.

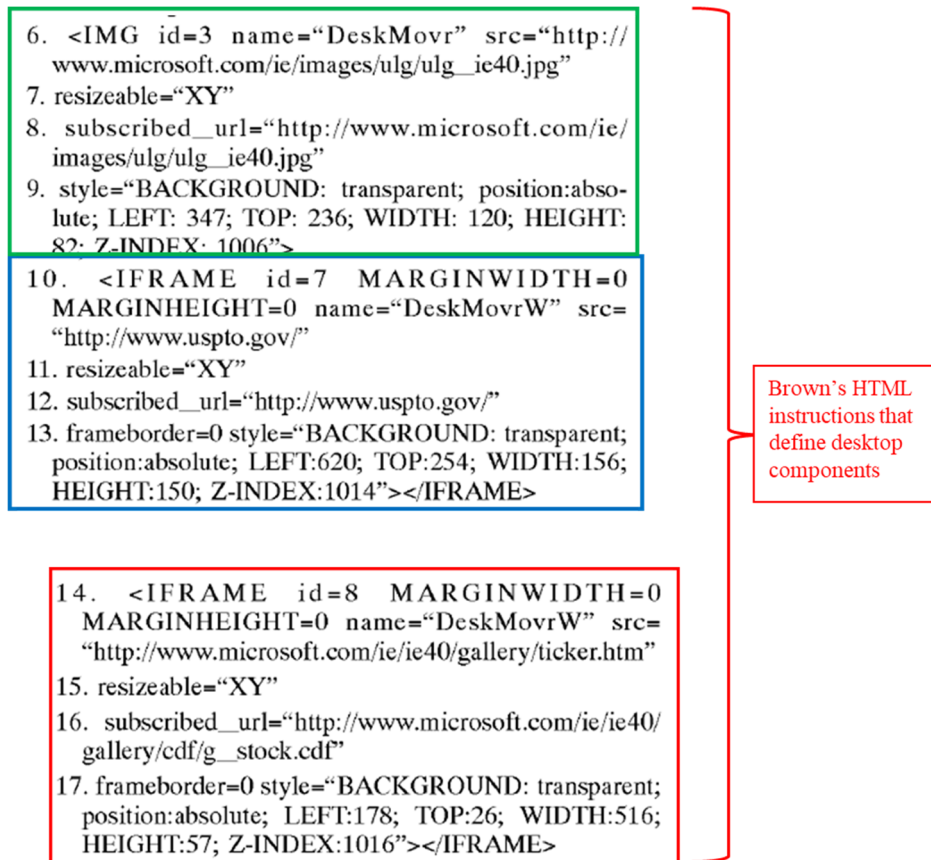
As annotated below in Figure 1, Brown’s “computer-based system” includes an electronic **“display”**, which Brown refers to as a “monitor.” SAMSUNG-1005, 5:38-39. As Dr. Schmidt explains, a POSITA would have recognized or found obvious from this disclosure that a display would be used to present content to a viewer (**“presenting ... on the display of the client computing device”**). SAMSUNG-1003, ¶74.



SAMSUNG-1005, FIG. 1 (annotated)

As Dr. Schmidt explains, a POSITA would have recognized or found obvious that the **“presenting”** of the **“viewer graphical user interface”** is performed

“responsive to instructions included in the requested networked information monitor template” as Brown’s HTML instructions are used to render the desktop component. SAMSUNG-1005, 11:56-67, 12:1-10; SAMSUNG-1003, ¶75. Indeed, as evident from the figure below, HTML instructions include “instructions” for “presenting” the desktop component. SAMSUNG-1005, 11:56-67, 12:1-10.

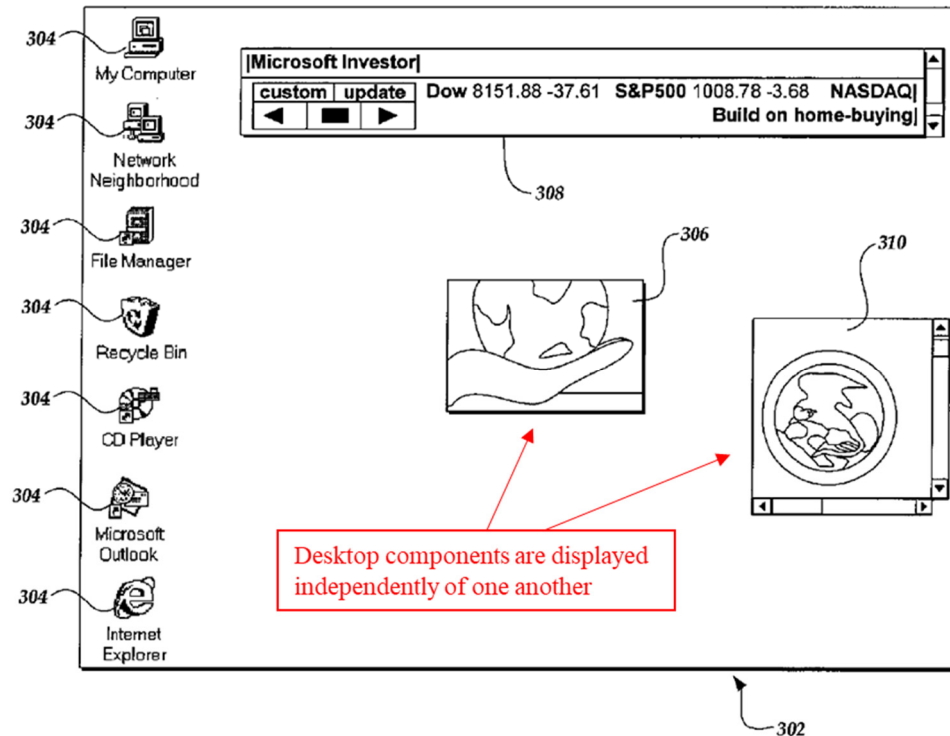


SAMSUNG-1005, 11:56-67, 12:1-10 (annotated)

As Dr. Schmidt explains, a POSITA would have recognized or found obvious in reviewing Brown’s figures that the components are displayed “**separate from and outside of any other graphical user interface.**” Indeed, as further illustrated below, Brown describes its “desktop components” as “**distinct** geometric

region[s]” (“**separate from and outside**”). SAMSUNG-1005, 7:21-23, FIG. 3A; SAMSUNG-1003, ¶76.

Referencing Brown’s FIG. 3A above, it can be seen that desktop components lack “**user controls for specifying the first network location from which the first content element for the networked information monitor is served over the network.**” SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶77. 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, ¶77.



SAMSUNG-1005, FIG. 3A (annotated)

[1.6]

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** (“**transmitting ... a first content request**”) digital information from ‘server’ computers connected to the Internet.” SAMSUNG-1005, 2:4-8; SAMSUNG-1003, ¶78.

As Dr. Schmidt explains, a POSITA would have understood or found obvious that this transmission would include a reference to “**a first network location**

referenced by the definition of the first content element” 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, ¶79. 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. resizable="XY"
16. subscribed_url="http://www.microsoft.com/ie/ie40/
    gallery/cdf/g_stock.cdf"
17. frameborder=0 style="BACKGROUND: transparent;
    position:absolute; LEFT:178; TOP:26; WIDTH:516;
    HEIGHT:57; Z-INDEX:1016"></IFRAME
```

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, ¶80. Indeed, Darnell provides support and explains that “uniform (or sometimes *universal*) resource identifiers are strings of characters that **identify the location** of a resource available on the World Wide Web” and that “the most common use of a uniform resource identifier these days is to locate a Web page using a **URL**. URLs are commonly

thought of as pointers to a **filename in a directory on a Web server.**” SAM-SUNG-1011, 103.

Wecker also describes that desktop computers can “**periodically retrieve or receive** new and updated script, data and CDF files” (“**transmitting over the network a first content request to the first network location referenced by the definition of the first content element**”). SAMSUNG-1006, 4:3-13; SAMSUNG-1003, ¶81.

[1.7]

See [1.3] (incorporated here). As Dr. Schmidt explains, a POSITA would have understood or found obvious that, once requested from the web server (“**over the network**”), the client would receive the content included in the request (“**in response to the first content request**”). SAMSUNG-1003, ¶82. Indeed, Brown describes that CDF subscriptions “are used to implement “subscriptions” in which information is regularly retrieved (“**receiving ... the first content element**”) and updated.” SAMSUNG-1005, 12:1-8, 13:4-13.

Dr. Schmidt explains that requesting and reception of content would have been obvious to a POSITA as this function was well known in the art. SAM-SUNG-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.” *Id.*, 2:36-41.

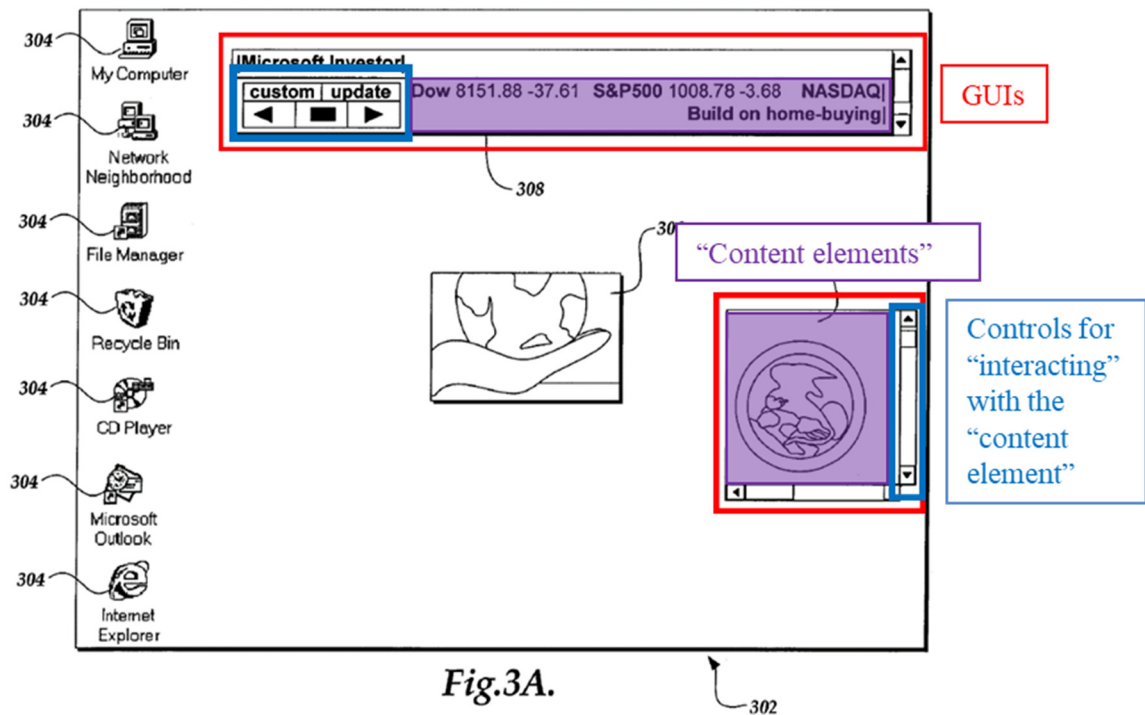
[1.8]

See [1.4] and [1.5] (incorporated here). Dr. Schmidt explains that a POSITA would have recognized or found obvious that Brown’s **“content element[s]”** are **“[presented] ... in the viewer graphical user interface defined by the networked information monitor template.”** SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶85.

Dr. Schmidt also explains that a POSITA would have recognized or found obvious that a **“viewer graphical user interface and/or ... content element”** would define **“all controls for enabling a user to interact with [the] content element.”** SAMSUNG-1003, ¶85. As shown below, Brown’s desktop components define **“all controls for enabling a user to interact with the first content element,”** as all controls presented in the GUI are within the frame. SAMSUNG-1005, FIG. 3A. Additionally, Brown does not disclose any controls used for content interaction not bounded by the frame of the desktop component. SAMSUNG-1005, 11:43-67, 12:1-43, FIG. 3A. This implementation is consistent with the ’545

Patent, which describes that “[t]he space **within the frame** is the **control space** or viewer; visible controls are **distributed within the control space** or viewer.”

SAMSUNG-1001, 22:34-38.



SAMSUNG-1005, FIG. 3A (annotated)

[2]

As Dr. Schmidt explains, a POSITA would have recognized or found obvious that desktop components contain multiple features that “[include] a definition of at least one control effective for controlling an aspect of the viewer graphical user interface.” SAMSUNG-1003, ¶86. Further, a POSITA would have understood or found obvious that “presenting the viewer graphical user interface” would include “presenting the at least one control” because these controls are

defined by the same set of HTML instructions. SAMSUNG-1005, 11:56-67, 12:1-10; SAMSUNG-1003, ¶86.

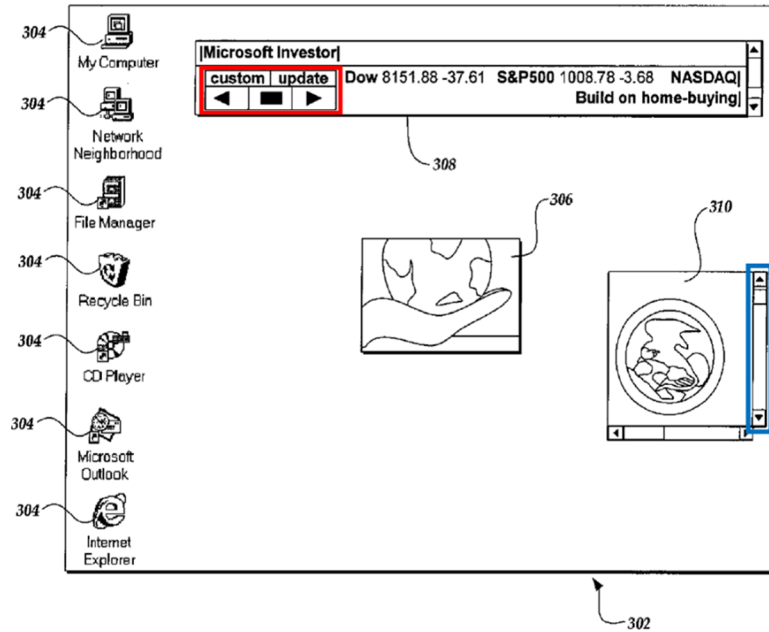
First, Brown discloses a “windowed component manipulation control 326 and a windowless component manipulation control 328,” which allow the user to “move and resize desktop components. SAMSUNG-1005, 7:59-61; SAMSUNG-1003, ¶87. An example of a resizable desktop component is presented below in the annotated set of HTML instructions.

```
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"></IFRAME>
```

Control characteristics within
the HTML instructions

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

Second, Brown’s Figure 3A depicts multiple forms of controls within desktop components. SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶88. As noted in the annotated figure, Brown’s desktop components can be outfitted with scroll bars. SAMSUNG-1005, 9:13-27.



SAMSUNG-1005, FIG. 3A (annotated)

```
typedef struct_tagCOMPONENT
{
    DWORD dwSize;    //Size of this structure
    DWORD dwID;      //Reserved: Set it always to zero.
    int iComponentType; //One of COMP_TYPB_*
    BOOL fChecked;    // Is this component enabled?
    BOOL fDirty;      // Had the component been modified and
not yet saved to disk?
    BOOL fNoScroll;   // Is the component scrollable?
    COMPOS cpPos;     // Width, height etc.,
    WCHAR wszFriendlyName[MAX_PATH]; // Friendly
name of component.
    WCHAR wszSource[INTERNET_MAX_URL_
LENGTH]; //URL of the component.
    WCHAR wszSubscribedURL[INTERNET_MAX_URL_
LENGTH]; //Subscribed URL
}
```

Scroll bars can
be implemented
for desktop
components.

SAMSUNG-1005, 9:13-27 (annotated)

Third, Brown additionally directs the reader to “Jones,” a co-pending application directed to “managing position and size for a desktop component.” SAMSUNG-1005, 13:39-44; SAMSUNG-1010, Cover. As Dr. Schmidt explains, a POSITA would have recognized or found obvious that Jones’ techniques of resizing and repositioning desktop components would have been part of a POSITA’s general knowledge and applicable to Brown, which refers the reader to Jones. SAMSUNG-1003, ¶89.

[3]

See [2] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized or found obvious from reviewing the controls discussed in [2] that the “**aspect**” could be “**the location at which the user interface is rendered on a display device.**” SAMSUNG-1003, ¶90. For example, Brown discusses allowing the user to “move and resize desktop components. SAMSUNG-1005, 7:59-61. This disclosure within Brown is consistent with Jones (“such as for moving the desktop component on the desktop”). SAMSUNG-1010, 5:8-14.

[4]

See [2] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized or found obvious from reviewing the controls discussed in [2] that the “**aspect**” could be “**the size of the user interface when presented on the display of the client computing device.**” SAMSUNG-1003, ¶91. For example,

Brown discusses allowing the user to “move and resize desktop components.

SAMSUNG-1005, 7:59-61. This disclosure within Brown is consistent with Jones.

SAMSUNG-1010, 5:1-7.

[6]

Brown describes that HTML documents can contain “graphics ... and video clips” (both examples of an “**image**”). SAMSUNG-1005, 2:20-21. As Dr.

Schmidt explains, a POSITA would have understood or found obvious that these images are part of the “**definition of the viewer graphical user interface defined by the networked information monitor template**” and that “**presenting the viewer graphical user interface**” would include “**presenting the image included in the definition as part of the viewer graphical user interface**” as these images are within Brown’s HTML instructions. SAMSUNG-1005, 11:51-59, 12:44-50, FIG. 3A; SAMSUNG-1003, ¶92. Presented below are figures that demonstrate images in Brown’s HTML instructions and desktop components.

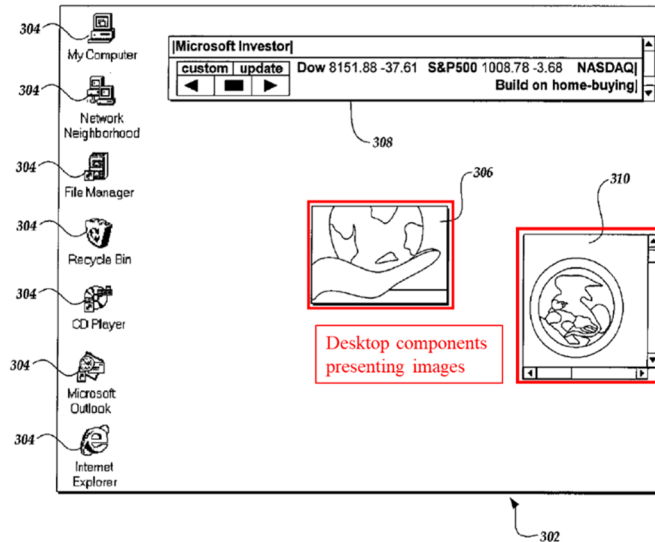
```
6. <IMG id=3 name="DeskMovr" src="http://  
www.microsoft.com/ie/images/ulg/ulg_ie40.jpg"  
7. resizable="XY"  
8. subscribed_url="http://www.microsoft.com/ie/  
images/ulg/ulg_ie40.jpg"  
9. style="BACKGROUND: transparent; position: absolute; LEFT: 347; TOP: 236; WIDTH: 120; HEIGHT:  
82; Z-INDEX: 1006">
```

A URL corresponding
to an image file.

SAMSUNG-1005, 11:51-59 (annotated)

Additionally, Brown describes the use of “webpage desktop components” which

“[function] similarly to the corresponding Web page viewed in a browser window.” SAMSUNG-1005, 11:21-28, 11:59-67, 13:14-21, FIG. 3A. An example webpage desktop component (310) is illustrated below, which includes an image within the GUI.



SAMSUNG-1005, FIG. 3A (annotated)

Wecker also describes that **images** can be contained within a CDF subscription. SAMSUNG-1006, 16:25-67. Wecker describes that “IMG indicates the field that represents an **image**, such as JPG or GIF.” SAMSUNG-1006, 16:64-65; SAMSUNG-1003, ¶93. 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,
    IMG;
    Name, Low, High, Close"/>
  </ITEM>
</CHANNEL>
```

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

Picture=

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

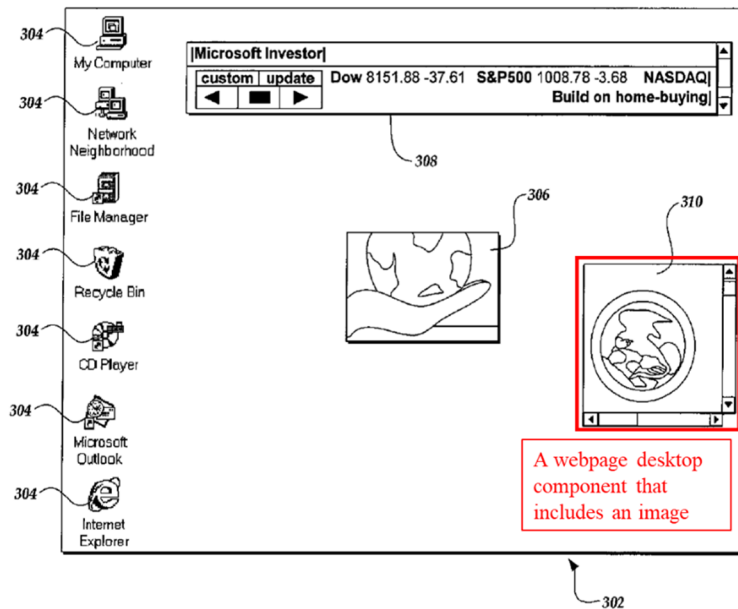
[7]

See [6] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized or found obvious that a “Web page,” presented in a webpage desktop component, would include a combination of “**content element[s]**” and “**images**,” such that at least “**the first content element [is presented] in association with the image.**” SAMSUNG-1005, FIG. 3A; SAMSUNG-1003, ¶94; [6], *supra*. Indeed, the URL referenced by Brown’s webpage desktop component includes an image, and as Dr. Schmidt explains, a POSITA would have recognized or found obvious that this URL would include additional non-image content as it was a website known to host such content. *Id.*

```
10. <IFRAME id=7 MARGINWIDTH=0  
    MARGINHEIGHT=0 name="DeskMovrW" src=  
    "http://www.uspto.gov/"  
11. resizable="XY"  
12. subscribed_url="http://www.uspto.gov/"  
13. frameborder=0 style="BACKGROUND: transparent;  
    position:absolute; LEFT:620; TOP:254; WIDTH:156;  
    HEIGHT:150; Z-INDEX:1014"></IFRAME>
```

A URL corresponding
to a web page

SAMSUNG-1005, 11:59-67 (annotated)



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, ¶195. For example, a POSITA would have recognized or found obvious that HTML could create a “background” using an “**image**” presented be-

hind at least “**the first content element**,” such that both are presented “**in association with**” each other. SAMSUNG-1003, ¶¶95-96.

[8]

See [7] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized or found obvious that the use of a “background” would result in “**presenting the received the first content element at least in part within the image**” as the image of a background is displayed behind any content. SAMSUNG-1003, ¶97.

[9]

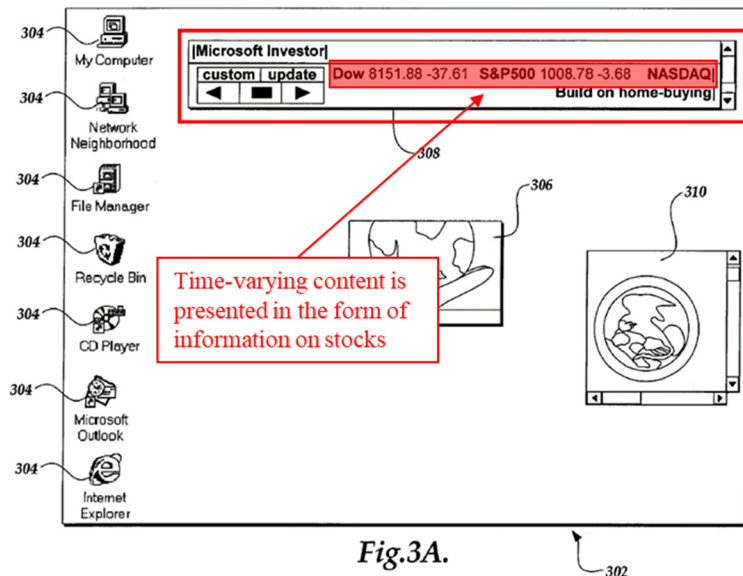
See [1.1], [2], [3], and [4] (incorporated here). As Dr. Schmidt explains, a POSITA would have understood or found obvious that modifying an “**aspect**” of the GUI would also modify the “**appearance**.” SAMSUNG-1003, ¶98.

[10]

Brown describes that “[an] HTML document can contain text (“**textual content**”), graphics (“**graphics content**” and “**still image content**”), audio clips (“**audio content**”), and video clips (“**video content**”), as well as metadata or commands providing formatting information.” SAMSUNG-1005, 2:20-23. As Dr. Schmidt explains, a POSITA would have recognized or found obvious that any of the above content could be “**interactive content**,” as they are displayed in a GUI with controls. SAMSUNG-1003, ¶99; [2], *supra*.

[13]

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; SAMSUNG-1003, ¶100. As an example of content that can change over time, Brown presents a desktop component directed to stock information.



SAMSUNG-1005, FIG. 3A (annotated)

In view of the above disclosures, a POSITA would have understood or found obvious that Brown’s content is “**periodically [requested] ... from the first network location referenced by the definition the first content element for the networked information monitor template**” and “**[presented] ... within the viewer graphical user interface in an ongoing manner.**” SAMSUNG-1003, ¶101; [1.6]-[1.8], *supra*. Further, because this content is referenced by a URL in the HTML instructions that define the desktop component, the desktop component

is “**configured**” to perform these operations. *Id.*

Dr. Schmidt also explains that a POSITA would have 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, ¶102; [7], *supra*.

[14]

Both Brown and Wecker describe operating over the “internet.” SAMSUNG-1005, 13:1-4; SAMSUNG-1006, 3:1-7; SAMSUNG-1003, ¶103.

Further, Brown describes “HyperText Transfer Protocol (HTTP),” which a POSITA would have recognized or found obvious to be a form of TCP/IP that operates over the internet. SAMSUNG-1005, 2:29-33; SAMSUNG-1003, ¶22, 104. Indeed, Darnell discloses that “HTTP [hypertext transfer protocol] operates **over the Internet**, where communication occurs between computers via TCP/IP.” SAMSUNG-1011, Page 88.

[15.1]

See [1.4] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized from reviewing Brown’s HTML instructions and figures that multiple (e.g., at least a “**second**”) “**content elements**” each referencing different “**network locations**” could be presented with desktop components (“**a definition of**

the second content element for the networked information template ... referencing a second network location”). SAMSUNG-1005, 12:1-8, FIG. 3A; SAMSUNG-1003, ¶105, *see In re Harza*, 274 F.2d 669, 671 (CCPA 1960).

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

URLs corresponding to
different content
locations.

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

[15.2]

See [1.6] (incorporated here). Brown-Wecker renders obvious multiple content requests and network locations because Brown discloses multiple URLs, each referencing a network location. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶106; *see In re Harza*, 274 F.2d at 671. A POSITA also would have understood or found obvious that, in order to retrieve content distinct from the first content, a second content request is transmitted. SAMSUNG-1003, ¶106.

[15.3]

See [1.7] (incorporated here). 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 “**content element**” as this was well known in the art. SAMSUNG-1003, ¶107; *see In re Harza*, 274 F.2d at 671.

[15.4]

See [1.5] (incorporated here) regarding “**presenting the received the second content element in the viewer graphical user interface defined by the networked information monitor template.**” *See* [1.8] (incorporated here) regarding “**the definition of the viewer graphical user interface ... [defining] all controls for enabling a user to interact with the second content element through the viewer graphical user interface.**” SAMSUNG-1003, ¶108; *see In re Harza*, 274 F.2d at 671.

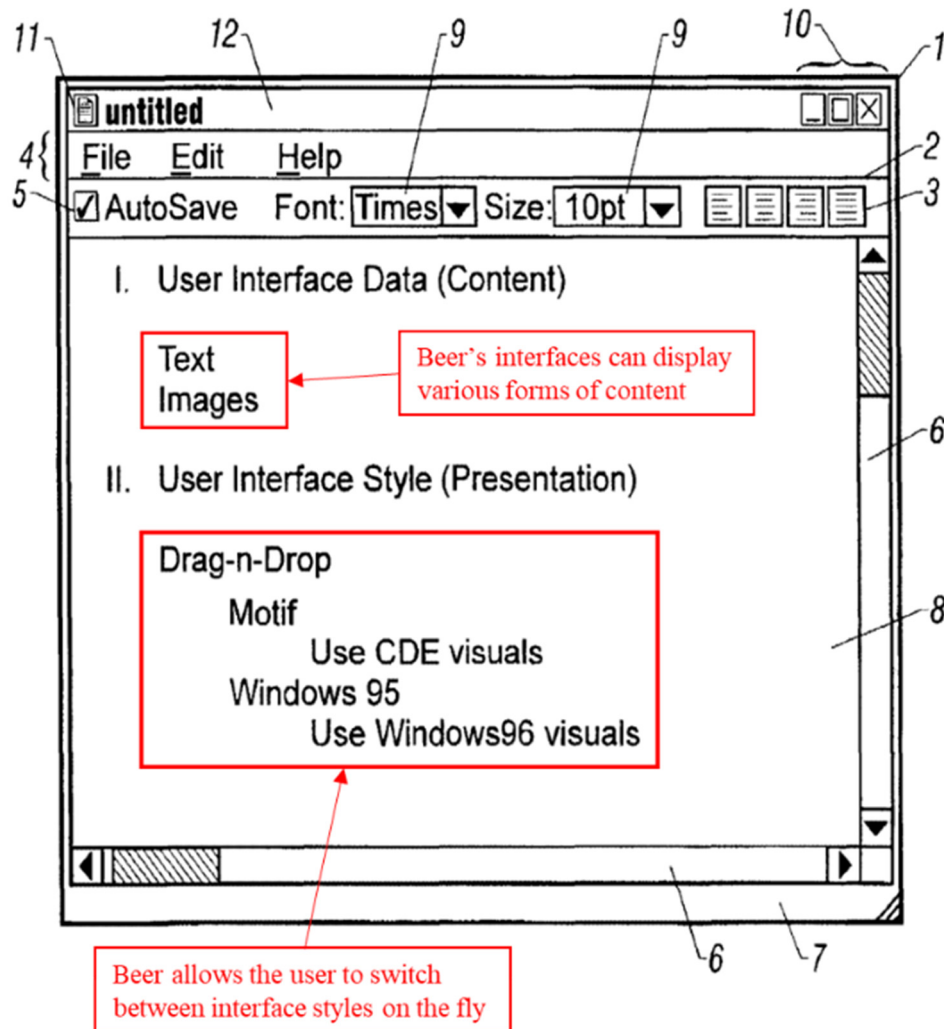
B. [GROUND 1B] – Claims 5, 11-12, and 16-21 are rendered obvious by Brown and Wecker in view of Beer

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 redisplay the

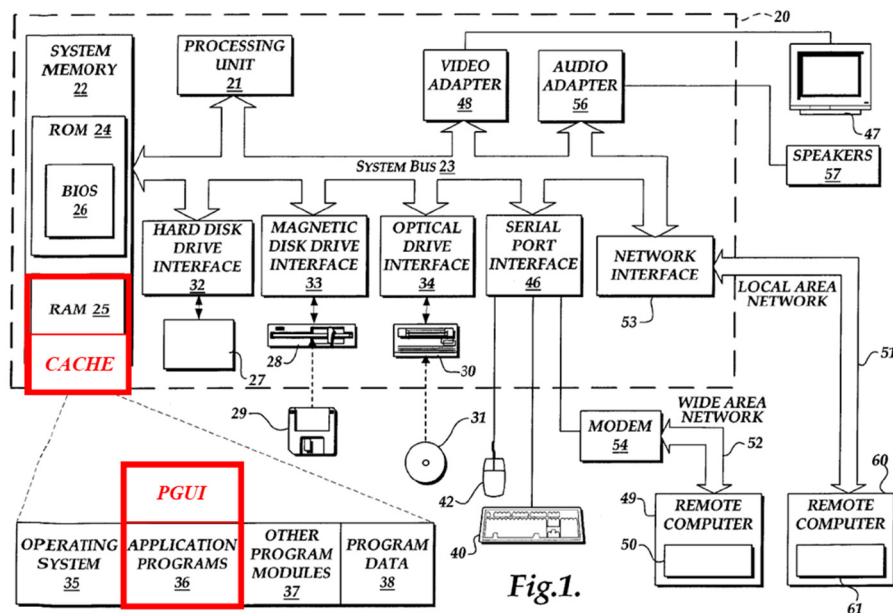
changed user interface for response to events and for display of content.” *Id.*, Abstract, 14:1-22; SAMSUNG-1003, ¶¶109-110. An annotated interface according to Beer is provided below.



SAMSUNG-1007, FIG. 1 (annotated)

2. Combination of Brown, Wecker, and Beer

A POSITA would have found it obvious to combine Brown, Wecker, and Beer (“Brown-Wecker-Beer combination”). SAMSUNG-1003, ¶111. Among other things, Brown, Wecker, and Beer are generally directed to “accessing and



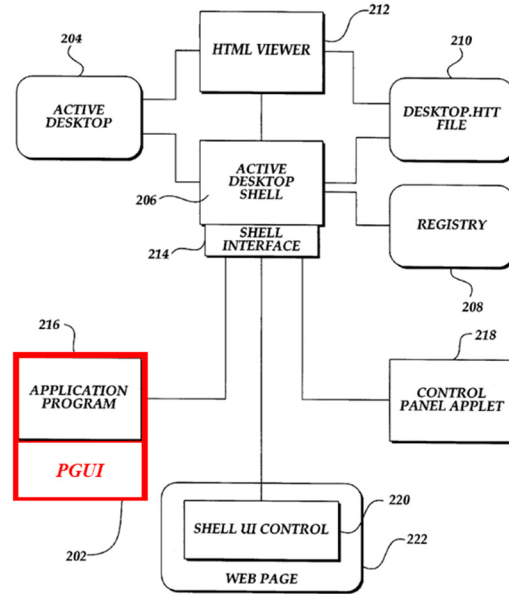


Fig.2.

SAMSUNG-1005, FIG. 2 (annotated)

As Dr. Schmidt explains, a POSITA would have been motivated to combine Brown, Wecker, and Beer for various reasons. SAMSUNG-1003, ¶112.

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 could be incorporated without substantially modifying Brown’s system. SAMSUNG-1005, 12:61-62; SAMSUNG-1007, 3:41-45; SAMSUNG-1003, ¶113.

Second, a POSITA would have understood or found obvious that the same content may be displayed in multiple styles across operating systems. SAMSUNG-1003, ¶114. 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. As Dr. Schmidt explains, a POSITA would have recognized or found obvious that there would be business advantages in allowing a user to specify a style in such a way, given that there were many competing products on the market at the time of the Critical Date. SAMSUNG-1003, ¶118.

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, and/or Wecker’s portable subscriber unit) to yield predictable results. SAMSUNG-1003, ¶115; *see KSR*, 550 U.S. at 417.

3. Analysis

[5]

Wecker describes that CDF is “based on the **Extensible Markup Language (XML)**.” SAMSUNG-1006, 10:57-62. As Dr. Schmidt explains, a POSITA would have recognized that, since the CDF subscription is contained within Brown’s HTML instructions, these instructions “**[include] instructions in extensible markup language (XML) format.**” SAMSUNG-1003, ¶116. Figures presenting HTML instructions and an XML CDF file are provided below.

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

15. resizable="XY"

16. subscribed_url="http://www.microsoft.com/ie/ie40/
gallery/cdf/g_stock.cdf"

17. frameborder=0 style="BACKGROUND: transparent;
position: absolute; LEFT: 178; TOP: 26; WIDTH: 516;
HEIGHT: 57; Z-INDEX: 1016"></IFRAME

A URL corresponding
to a CDF file.

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

TABLE 1

```
— <!-- Declare item scripts -->
<ITEM HREF="http://www.microsoft.com/test/script1.mcs", ID="IS1">
  <USAGE VALUE="None"/>
K </ITEM>
<ITEM HREF="http://www.microsoft.com/test/script2.mcs", ID="IS2">
  <USAGE VALUE="None"/>
</ITEM>
— <!-- Declare channel scripts -->
<ITEM HREF="http://www.microsoft.com/test/script3.mcs" ID="CS1">
  <USAGE VALUE="None"/>
J </ITEM>
<ITEM HREF="http://www.microsoft.com/test/script4.mcs" ID="CS2">
  <USAGE VALUE="None"/>
— </ITEM>
A <CHANNEL HREF="mcp://www.microsoft.com/test/test.cdf", ID="test"
C BASE="http://www.microsoft.com/test/
B SELF="http://www.microsoft.com/test.cdf/>
  <TITLE VALUE="Test Channel"/>
  <!-- IS1 is the general item script to use within the channel -->
  <ITEMSCRIPT VALUE="IS1"/>
  <!-- CS1 is the general channel script to use within the channel -->
  <CHANSRIPT VALUE="CS1"/>
E <ITEM HREF="http://www.microsoft.com/test/AD1.mad" ID="AD1">
  <USAGE VALUE="MobileAd"/>
  </ITEM>
  <ITEM HREF="http://www.microsoft.com/test/AD2.mad" ID="AD2">
  <USAGE VALUE="MobileAd"/>
  </ITEM>
G <CHANNEL ID="C1" DEFAULTPREF="ON">
  <TITLE VALUE="Test Subchannel 1"/>
  <!-- This subchannel is also rendered by the general channel script
  CS1 -->
  <ITEM HREF="http://www.microsoft.com/test/item-a.mad" ID="ITA">
  <!-- This item is rendered by the item-specific IS2 script -->
  <ITEMSCRIPT VALUE="IS2"/>
  <USAGE VALUE="MOBILECHANNEL"/>
  </ITEM>
  <!-- . . . . .
  </CHANNEL>
H <CHANNEL ID="C2" DEFAULTPREF="OFF">
  <TITLE VALUE="Test Subchannel 2"/>
  <!-- This subchannel is rendered by the channel-specific script CS2
  -->
  <CHANSRIPT VALUE="CS2"/>
  <ITEM HREF="http://www.microsoft.com/test/item-b.mad"
  ID="ITB">
  <!-- This item is also rendered by the general IS1 item
  script -->
  <USAGE VALUE="MOBILECHANNEL"/>
  </ITEM>
</CHANNEL>
</CHANNEL>
```

An example set of
XML instructions in a
CDF file.

SAMSUNG-1006, Col 11 (annotated)

Additionally, as Dr. Schmidt explains, a POSITA would have understood or found obvious that the use of XML would involve “**parsing the definition of the viewer graphical user interface**” as the use of XML typically involved the use of a compatible parser. SAMSUNG-1003, ¶¶117-118. Beer provides an example of one such parser, the PGUI. SAMSUNG-1007, Abstract, 14:1-22; Section III.B.3, *supra*; [11], *infra*.

[11]

As an initial matter, Dr. Schmidt explains that a POSITA would have recognized or found obvious that a “parser,” or equivalent program module, was known to perform various functions with a template. For instance, Brown’s “HTML viewer” and “desktop shell” perform operations for “**present[ing] the viewer graphical user interface,**” “**generat[ing] the request for the content that is transmitted to the first network location referenced by the definition of the first content element,**” and “**present[ing] the first content element within the viewer graphical user interface.**” SAMSUNG-1005, 6:9-48, 14:8-12; SAMSUNG-1003, ¶119. Likewise, a POSITA would have recognized or found obvious that Wecker’s “loadable transport” and “script interpreter” also perform similar functions. SAMSUNG-1006, 3:58-67, 4:1-13, 4:43-52; SAMSUNG-1003, ¶119.

Additionally, a POSITA would have recognized that each of these program modules could be implemented as an “**application,**” as this is a common type of

program module. SAMSUNG-1003, ¶121. Additionally, a POSITA would have recognized or found obvious that Beer’s “PGUI resident” is an example of such an **“application.”** SAMSUNG-1007, 14:3-5; SAMSUNG-1003, ¶120.

To the extent that Patent Owner argues that the “parser application” must be a single program module, Dr. Schmidt explains that a POSITA would have also recognized or found obvious that a single program module could effectuate these functions. SAMSUNG-1003, ¶121. For example, Beer discusses the use of a “PGUI” that “retrieves [a] corresponding **user interface definition** from a storage device ... **parses the user interface definition** and creates each part of the application **user interface** ... retrieves a defined visual style object ... renders the appearance of **each part of the user interface** in accordance with the defined visual style ... [and] displays the user interface rendered in the specified style for **response to events and for display of content**” (all collectively “**present[ing] the viewer graphical user interface [and at least a] first content element**” and “**generat[ing] the request for the content**”). SAMSUNG-1007, 14:3-23. Dr. Schmidt also explains that, based on the same disclosure in Beer, a POSITA would have recognized or found obvious that the PGUI is “**separate from the networked information monitor template.**” SAMSUNG-1003, ¶121.[12]

Beer describes that, in displaying a User Interface Language, “a UIL user interface description file can use the **request feature** to load user interface components **which are described with a different UIL.**” SAMSUNG-1007, 14:25-36. Dr. Schmidt explains that, in order for this “request” process to occur, one UIL would need to “**communicate**” with the other, and that a POSITA would have recognized or found obvious that communications between user interfaces would be possible (“**networked information monitor[s]**,” and the associated GUIs). *Id.*, SAMSUNG-1003, ¶122.

[16pre]

To the extent the preamble is limiting, Brown-Wecker-Beer renders [16pre] obvious. SAMSUNG-1003, ¶123. As Dr. Schmidt explains, a POSITA would have recognized that the Brown-Wecker-Beer combination (and the Brown-Wecker combination) is also a “**computer-implemented method of obtaining and displaying content obtained over a network to a user on a client computing device**” because Brown describes “a computer-based method of displaying information on a graphical user interface composite desktop displayed on a computer monitor,” the information being “Web content retrieved from one or more Web sites.” SAMSUNG-1005, Abstract, Claim 19; SAMSUNG-1003, ¶123. A POSITA would have recognized that a “computer” and “desktop” are examples of a “**client computing device**” as these terms are used interchangeably in the art.

As discussed above, Brown’s “computer” includes “**electronic storage, a display, and one or more processors configured to execute one or more computer program modules**”). *See* [1.pre], *supra*; SAMSUNG-1003, ¶124.

[16.1]-[16.5]

The Brown-Wecker-Beer combination renders these claims obvious in the same manner as explained above for the corresponding claims listed in the following table. SAMSUNG-1003, ¶¶125-129.

Claim	Corresponding Claim
[16.1]	[11]
[16.2]	[1.6], [11]
[16.3]	[1.7], [11]
[16.4]	[1.5], [11]
[16.5]	[1.8], [11]

[17]

See [11] (incorporated here). Beer describes that “[t]he PGUI displays the user interface rendered in the specified style for response to events (“**determining that the first element content modifies the networked information monitor template**”) and for display of content.” SAMSUNG-1007, 14:3-22. Beer also describes that an example “response” to an “event” can be “**redraw[ing]** the user interface (“**modifying the networked information monitor template prior to the**

step of presenting the graphical user interface”).” SAMSUNG-1007, 13:22-24; SAMSUNG-1003, ¶130.

Additionally, Dr. Schmidt explains that a POSITA would have understood or found obvious that time-varying content would drive regular (e.g., continual) modification to the GUI. SAMSUNG-1003, ¶131.

[18]

As Dr. Schmidt explains, the use of icons was well known in the art as of the Critical Date, and a POSITA would have recognized or found obvious that selection of an icon would effectuate certain functions of a parser or similar computer program module. SAMSUNG-1003, ¶132. Indeed, Brown describes that an “icon corresponds to a program file, a program, or a resource **that is invoked** when a user selects and activates the icon (**“transmitting operation”** and/or **“presenting ... operation”**).

” SAMSUNG-1005, 7:18-20. A POSITA would have recognized or found obvious that these “program files” could be HTML instructions associated with desktop components (**“an icon representing networked information monitor associated with the networked information monitor template”**), or other similar templates, as Brown describes these templates as **“a file** corresponding to the composite desktop.” SAMSUNG-1005, 3:4; SAMSUNG-1003, ¶133. Additionally, a POSITA would have recognized that any of the previously discussed

computer program modules could perform the actions recited by the claim. *See* [11], *supra*; SAMSUNG-1003, ¶132.

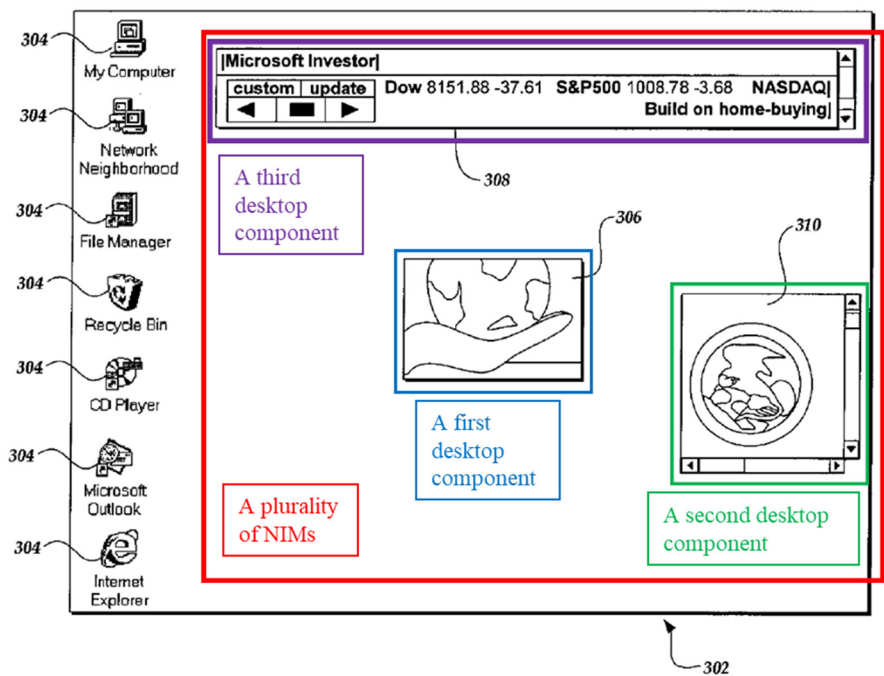
[19]

See [11] (incorporated here) with respect to “**the transmitting operation**” and “**the presenting the viewer graphical user interface operation.**” SAMSUNG-1003, ¶133.

[20.1]

See [1.1], [1.6], and [11] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized from reviewing the figures of Brown that the “composite desktop” is comprised of “one **or more** components,” which includes additional sets of “HTML instructions” that define the desktop “components.” SAMSUNG-1005, 4:13-19, FIG. 3A; SAMSUNG-1003, ¶134, *see In re Harza*, 274 F.2d at 671.

Brown renders obvious multiple content requests because Brown discloses multiple desktop components and content elements, each with an associated network location. FIG. 3A; SAMSUNG-1003, ¶135. As discussed above, a POSITA would have recognized or found obvious that the parser application could “**transmit**” a “**content request.**” *See* [11], *supra*; SAMSUNG-1003, ¶135.



SAMSUNG-1005, FIG. 3A (annotated)

[20.2]-[20.5]

The Brown-Wecker-Beer combination renders these claims obvious in the same manner as explained above for the corresponding claims listed in the follow-ing table. SAMSUNG-1003, ¶¶136-139; see *In re Harza*, 274 F.2d at 671.

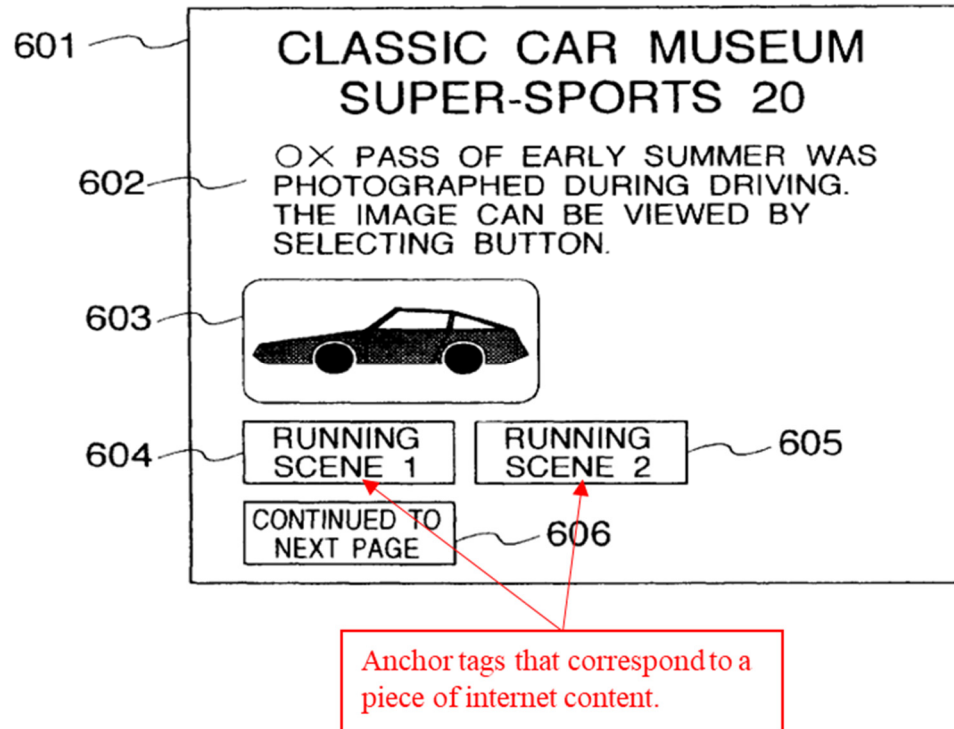
Claim	Corresponding Claim
[20.2]	[1.7], [11]
[20.3]	[1.5], [11]
[20.4]	[1.8], [11]
[20.5]	[11], [18]

See [14] (incorporated here). SAMSUNG-1003, ¶140.

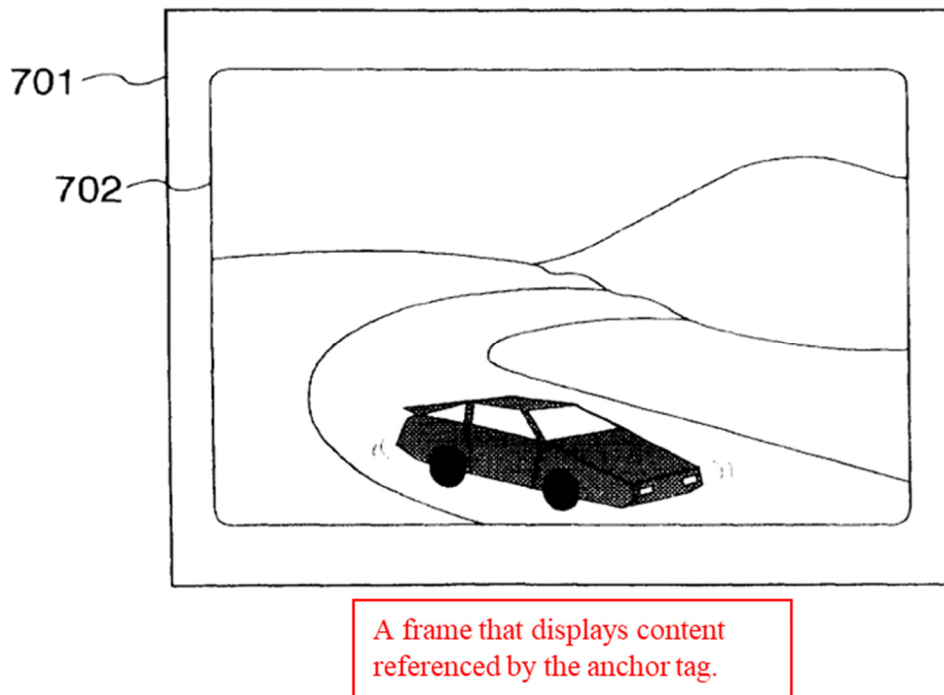
C. [GROUND 2A] – Claims 1-4, 6-7, 9-10, and 13-15 are rendered obvious by Shimada and Buchholz

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 figures 6 and 7 below provide examples of anchor tags that generate the display areas according to Shimada. SAMSUNG-1003, ¶141.



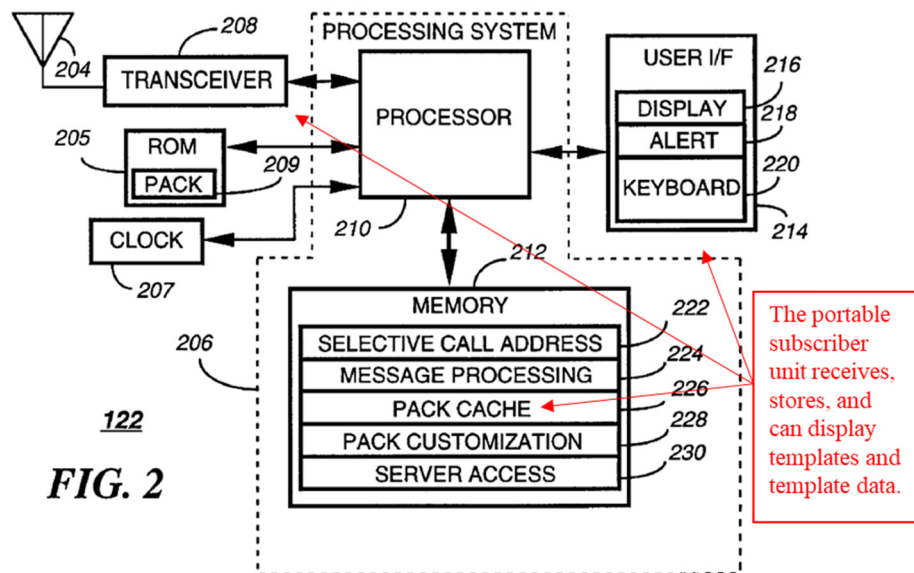
SAMSUNG-1008, FIG. 6 (annotated)



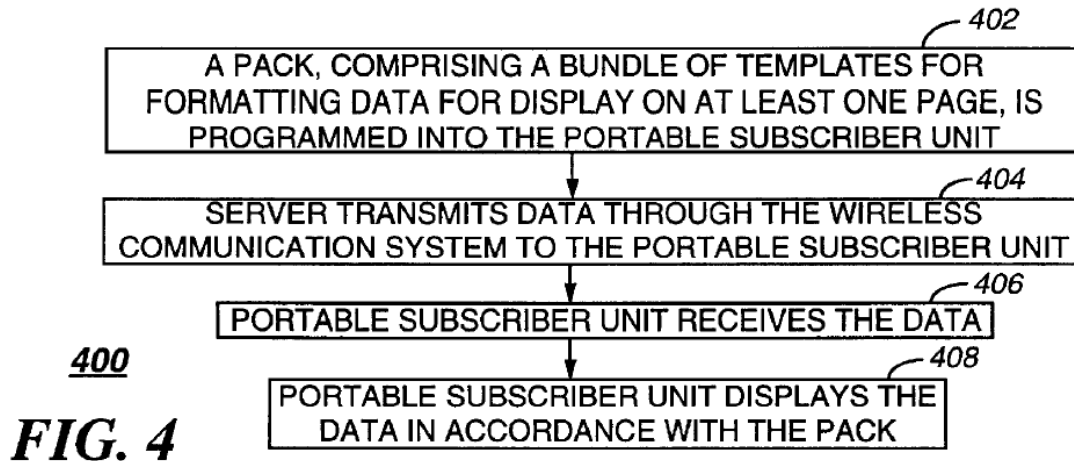
SAMSUNG-1008, FIG. 7 (annotated)

2. Overview of Buchholz

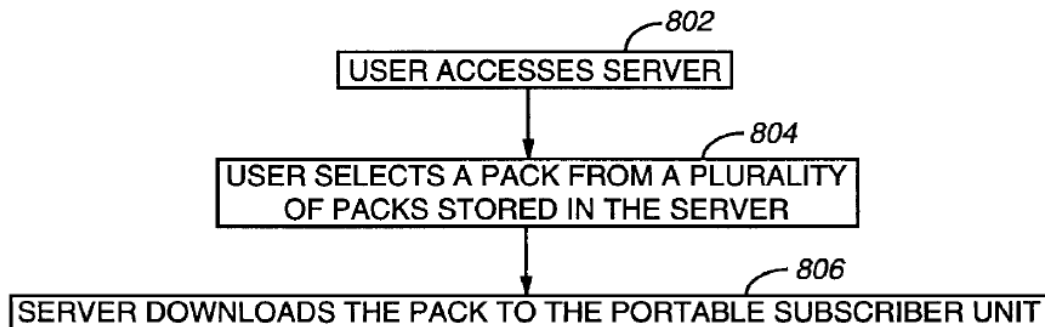
Buchholz describes “a method in a wireless communication system for controlling a display of template data by a portable subscriber unit.” SAMSUNG-1009, 1:57-59. Annotated figure 2 provides an example of a portable subscriber unit according to Buchholz. Figure 4 outlines a process for transmitting data to a portable subscriber unit and displaying the data in accordance with a pack. Figure 8 outlines transmitting a pack to a portable subscriber unit. SAMSUNG-1003, ¶142.



SAMSUNG-1009, FIG. 2 (annotated)



SAMSUNG-1009, FIG. 4



800
FIG. 8

SAMSUNG-1009, FIG. 8

3. Combination of Shimada and Buchholz

A POSITA would have found it obvious to combine Shimada and Buchholz (“Shimada-Buchholz combination”). SAMSUNG-1003, ¶143. 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.

As Dr. Schmidt explains, a POSITA would have combined Shimada and Buchholz for various reasons. SAMSUNG-1003, ¶144.

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, ¶145. 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.

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, ¶146.

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. SAM-

SUNG-1003, ¶147. With these motivations, a POSITA would have found it obvious to consider the disclosures of Shimada and Buchholz together. SAMSUNG-1003, ¶147.

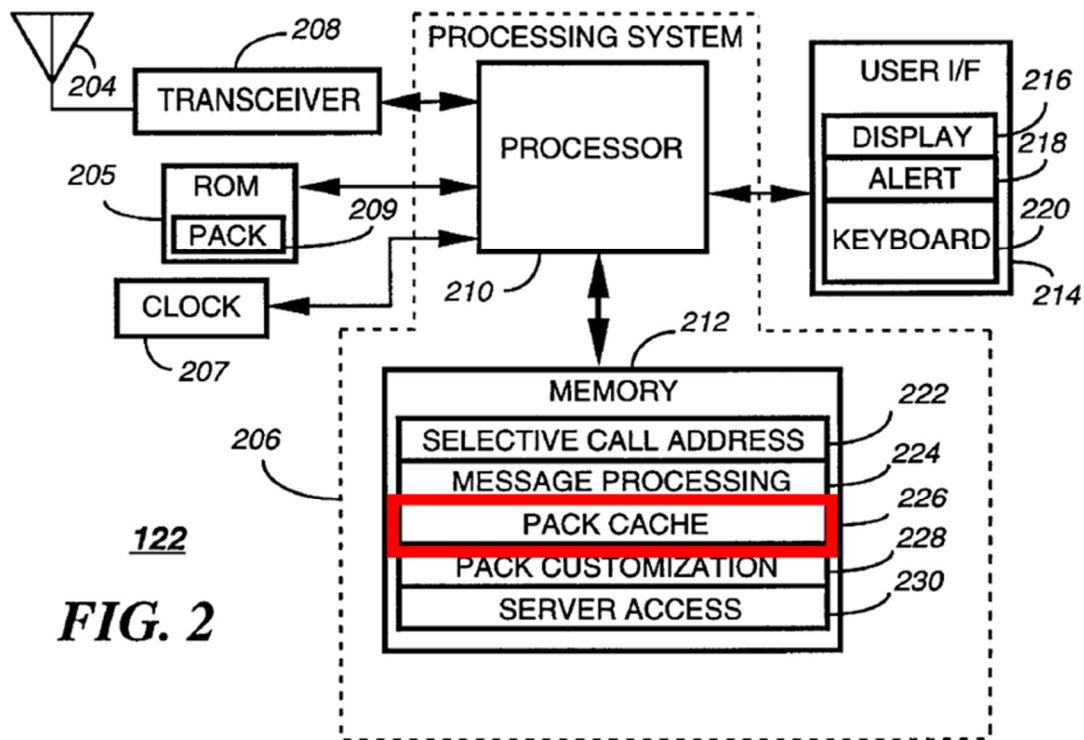
4. Analysis

[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 computing device**” as the addition of “computing device” does not create any limitation. SAMSUNG-1003, ¶148. 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 could be used to “[**obtain**] **content over a network and [display] the content to a user.**” SAMSUNG-1008, 1:34-36; SAMSUNG-1003, ¶148. A POSITA also would have understood based on the same disclosure that Shimada’s client is “**in operative communication with a server over a network.**” *Id.*, 5:48-51.

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; SAMSUNG-1003, ¶149. An example portable subscriber unit is provided below.

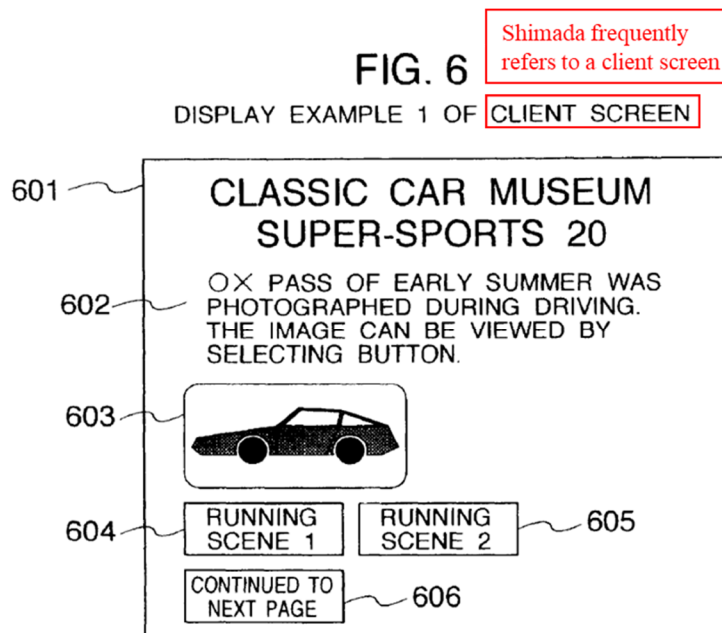


SAMSUNG-1009, FIG. 2 (annotated)

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**” because a POSITA would have understood that memory is an example of electronic storage. SAMSUNG-1003, ¶150. Indeed, the

'545 Patent frequently refers to “memory 30” within “computer 20.” SAMSUNG 1001, 5:13-27.

Shimada frequently refers to a “client screen display,” which a POSITA would have understood or found obvious to be “**a display.**” SAMSUNG-1008, 6:4-9, FIG. 6, FIG. 7, FIG. 17, FIG. 18; SAMSUNG-1003, ¶151. 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, ¶152. An example portable subscriber device is provided below.

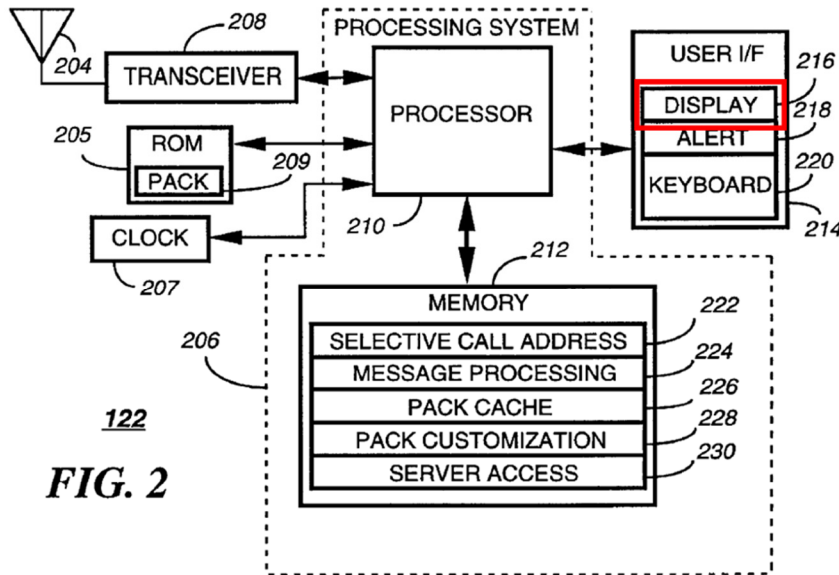
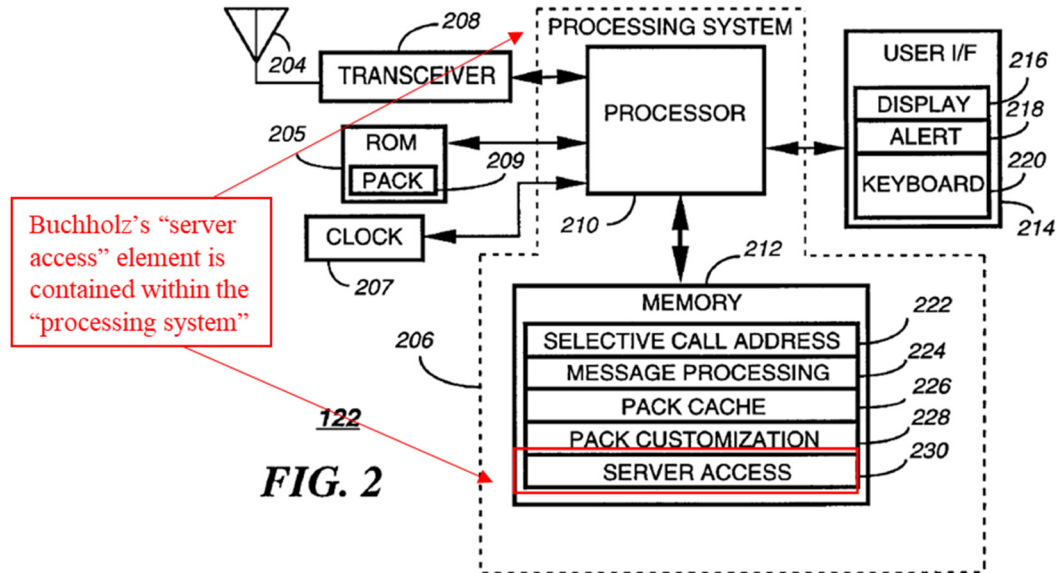


FIG. 2

SAMSUNG-1009, FIG. 2 (annotated)

Shimada also discloses that “processing” occurs on the client 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. As Dr. Schmidt explains, a POSITA would have understood or found obvious from this disclosure that a “processor” would execute the screen configuration data. SAMSUNG-1003, ¶153.

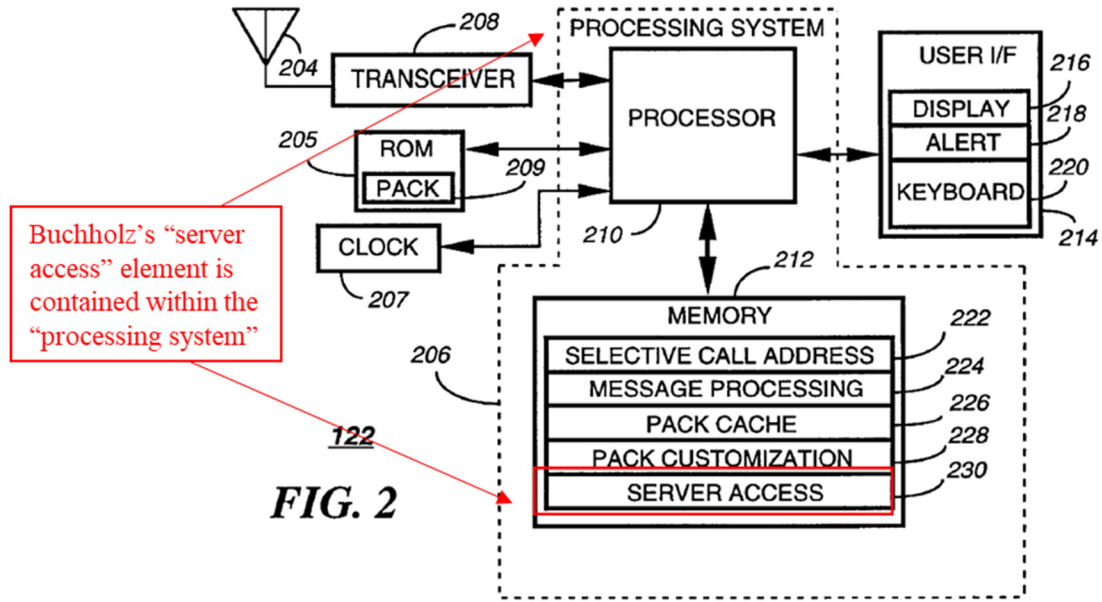
Consistent with this disclosure, Buchholz describes that its portable subscriber units contain a “processing system 206” (“**one or more processors**”) which comprises a “conventional processor 210 and a conventional memory 212,” where the memory 212 further comprises “**a server access element 230 (“configured to execute one or more computer program modules”).**” SAMSUNG-1009, 4:14-31, FIG. 2; SAMSUNG-1003, ¶154.



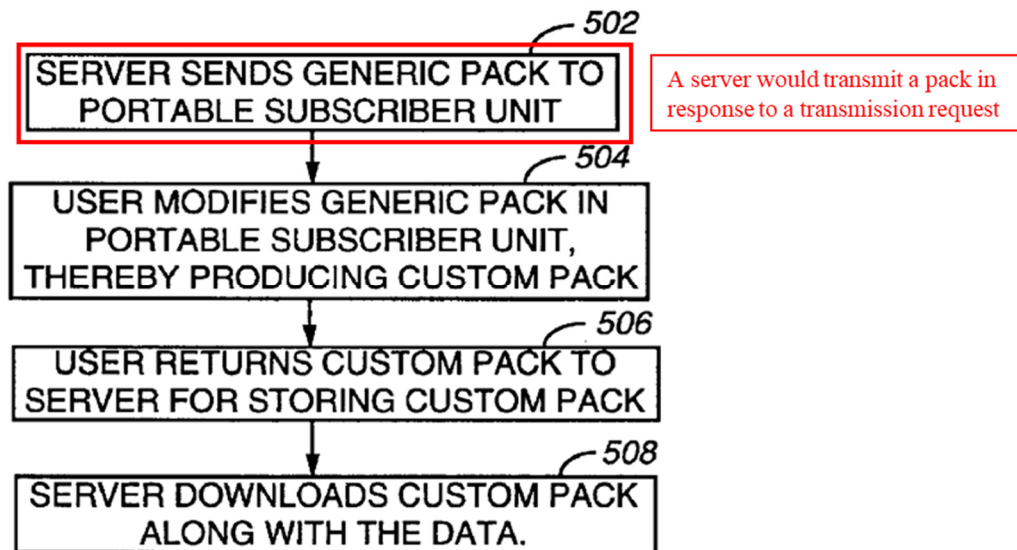
SAMSUNG-1009, FIG. 2 (annotated)

[1.1]

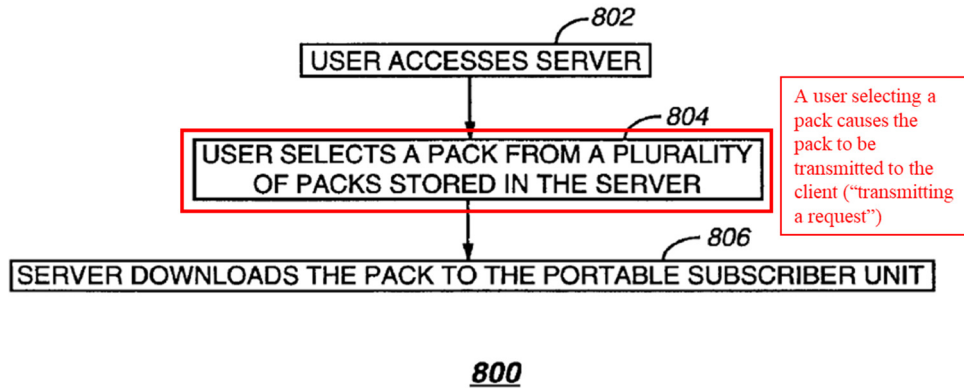
See [1.pre] (incorporated here). Buchholz describes “a server access element 230 for programming the processing system 206 to allow a user to access the server 124 (“transmitting a request to the server over the network”) for creating, modifying, and downloading a pack (“the request requesting networked information monitor template”).” SAMSUNG-1009, 4:14-31, FIG. 2, FIG. 5, FIG. 8; SAMSUNG-1003, ¶155. An annotated figures of Buchholz are presented below.



SAMSUNG-1009, FIG. 2 (annotated)



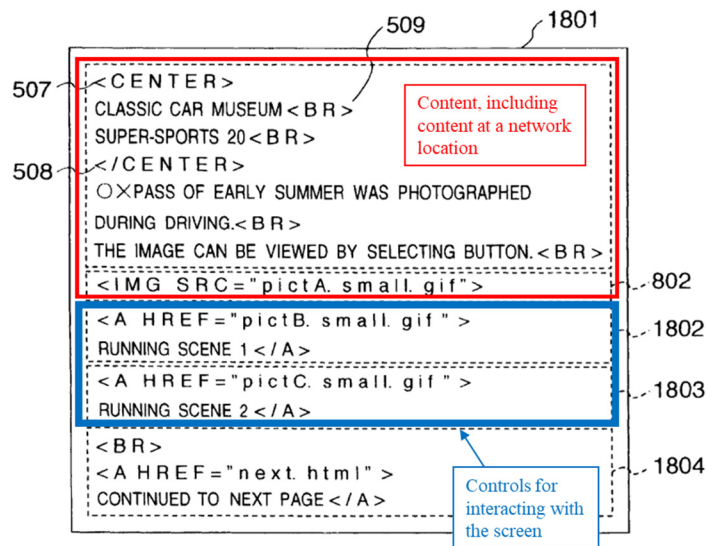
SAMSUNG-1009, FIG. 5 (annotated)



SAMSUNG-1009, FIG. 8 (annotated)

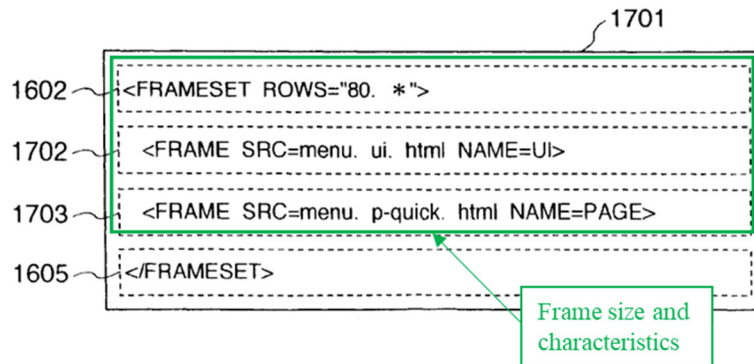
A POSITA would have recognized or found obvious that screen configuration data is a "template," as screen configuration data is also an HTML data structure that defines the presentation of content. *See* Section III.B.3, *supra*; SAMSUNG-1003, ¶156. Annotated figures depicting screen configuration data and the associated screen are provided below.

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

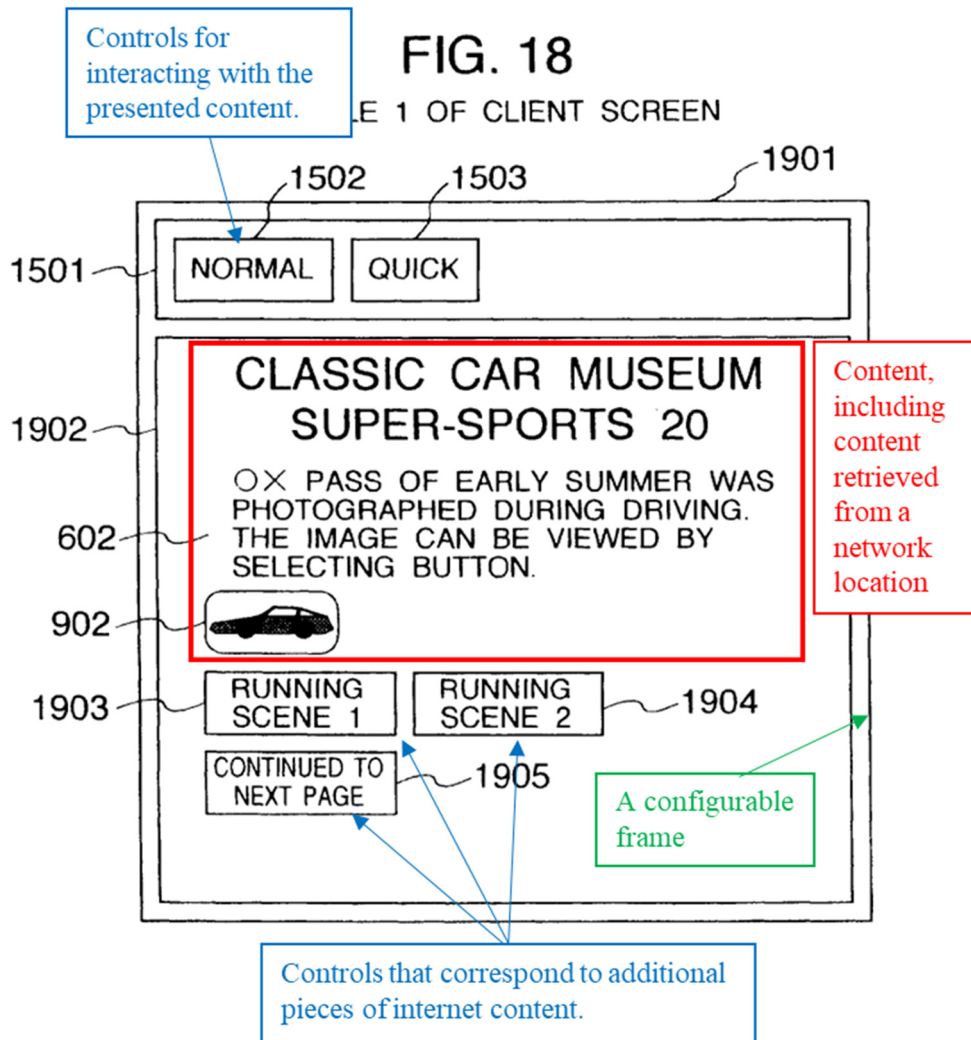


SAMSUNG-1008, FIG. 17 (annotated)

FIG. 16
EXAMPLE OF EXPANDED SCREEN CONFIGURATION DATA



SAMSUNG-1008, FIG. 16 (annotated)



SAMSUNG-1008, FIG. 18 (annotated)

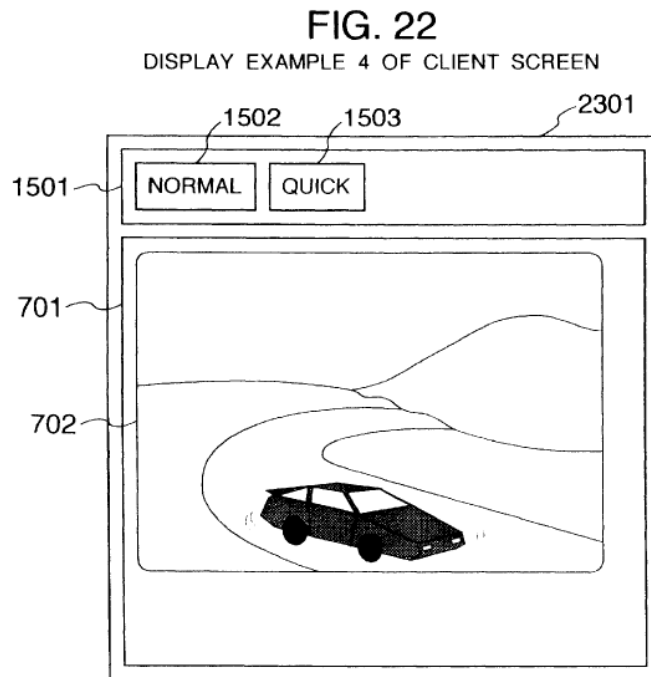
As Dr. Schmidt explains, a POSITA would have understood or found obvious that the “screens” of Shimada correspond to “networked information monitors” in view of their similar features. SAMSUNG-1003, ¶157. Indeed, networked information monitors are “a **fully configurable frame**, with one or more **controls**, 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, ¶157; Section I.C.1, *supra*.

For example, Shimada’s screens present 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, FIG. 18. Shimada describes “[]0 and [] in the description 504 are referred to as ‘anchor tags,’ and the portion encompassed by these tags becomes a **button on the screen** of the client 105. When the user clicks this button, the client 105 transmits the transfer request of the data designated by [HREF=“ ”] in the anchor tag to the server.” *Id.* Shimada also describes that “**control can be made** so that when the client 105 first gains access to the data or when the **user selects the QUICK button**, all the static images transferred to the client 105 are reduced, and when the **user selects the NORMAL button**, the static image data are not reduced in the same way.” *Id.*, 13:12-18. A POSITA would have recognized

or found obvious that these buttons are “**one or more controls**” as describing a feature as a button implies user control. SAMSUNG-1003, ¶158.

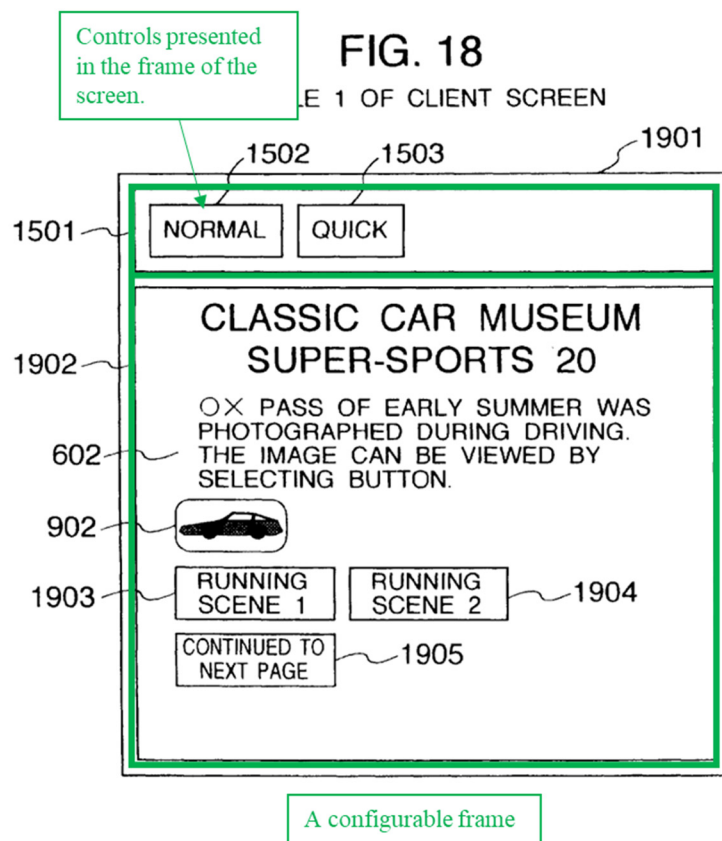
A POSITA also would have recognized or found obvious that the text and images (.gifs) presented to the user are “**content ... presented to the user,**” as .gifs are a common image file. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶159. Additionally, a POSITA would have recognized or found obvious that the content locations referenced by the anchor tags correspond to additional content locations, as the addresses of these network locations also correspond to .gif files.

Id. An example of this additional content is provided below.



SAMSUNG-1008, FIG. 22

Finally, a POSITA would have recognized or found obvious that this content is presented in a “**fully configurable frame**” from reviewing, at least, Figure 18 of Shimada that includes a “**frame.**” SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶160. Additionally, the size of this frame can be defined and controls can be specified to control the frame. SAMSUNG-1008, 7:21-22, 8:65-67, FIG. 15, FIG. 16, FIG. 18. The above disclosures render Shimada’s screens “**fully configurable**” as this term is used by the ’545 Patent. SAMSUNG-1001, 1:60-67. The annotated figure shows the frame of Shimada’s screen, along with the associated controls.



SAMSUNG-1008, FIG. 18 (annotated)

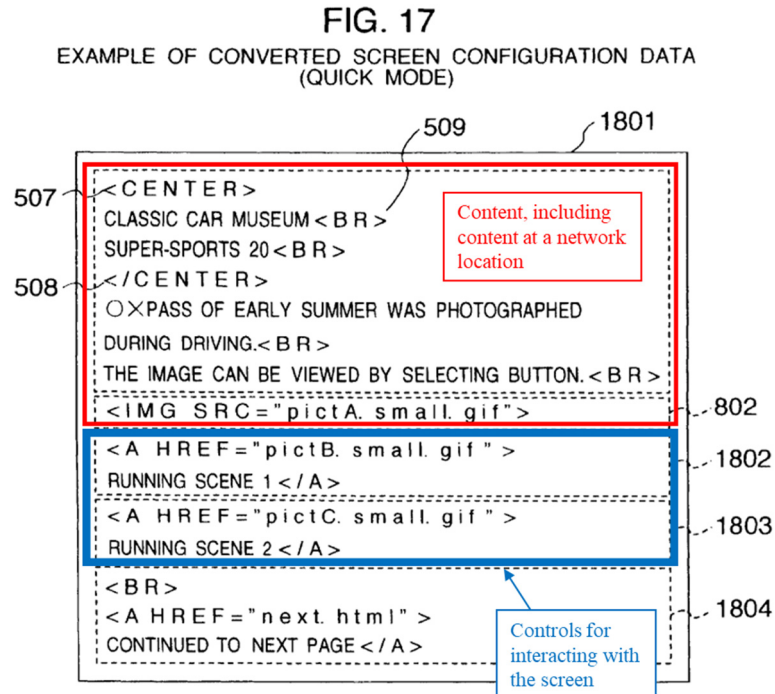
Alternatively, as Dr. Schmidt explains, a POSITA would have further recognized or found obvious that multiple features within Shimada's screen configuration data can also correspond to the NIMs as claimed. SAMSUNG-1003, ¶161. For example, Dr. Schmidt explains that Shimada's anchor tags also possess all of the features of a NIM. SAMSUNG-1003, ¶161.

Therefore, Shimada's screens and anchor tags correspond to "networked information monitors." SAMSUNG-1003, ¶162.

A POSITA would have recognized or found obvious that the "screen configuration data" is a "**networked information monitor template**" because screen configuration data has similar features. SAMSUNG-1008, 6:7-51; SAMSUNG-1003, ¶163. 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, ¶163; Section I.C.2, *supra*. As seen 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**"). SAMSUNG-1008, FIG. 17. Additionally, as can

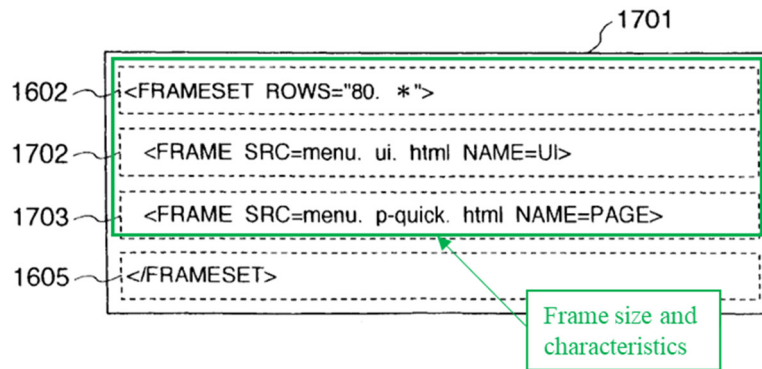
be seen from the annotated Figures 16 and 17 below, screen configuration data also specifies the content frame (“**NIM frame [and] view**”). SAMSUNG-1008, FIG. 16, FIG. 17. Therefore, Shimada’s screen configuration data corresponds to a “networked information monitor template.” SAMSUNG-1003, ¶163.

Additionally, as it can be seen below, Shimada’s HTML screen configuration data does not contain “**applications**” or “**compiled code.**” SAMSUNG-1008, 6:59-62, FIG. 16, FIG. 17. 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, ¶164.



SAMSUNG-1008, FIG. 17 (annotated)

FIG. 16
EXAMPLE OF EXPANDED SCREEN CONFIGURATION DATA



SAMSUNG-1008, FIG. 16 (annotated)

[1.2]

See [1.1] (incorporated here). A POSITA would have understood or found obvious that, once requested, the client would receive the content included in the request (“**receiving the requested networked information monitor template from the server over the internet ... responsive to the transmitted request**”). SAMSUNG-1003, ¶165. Indeed, Buchholz describes that, once requested, “[the] server 124 then downloads 806 the pack **to the portable subscriber unit 122.**” SAMSUNG-1009, 6:50-52, FIG. 8.

[1.3]

See [1.1] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized that Shimada’s screens are “**a definition of a viewer graphical user interface**” or, “GUI,” as the screens both present content (“**content in a web**

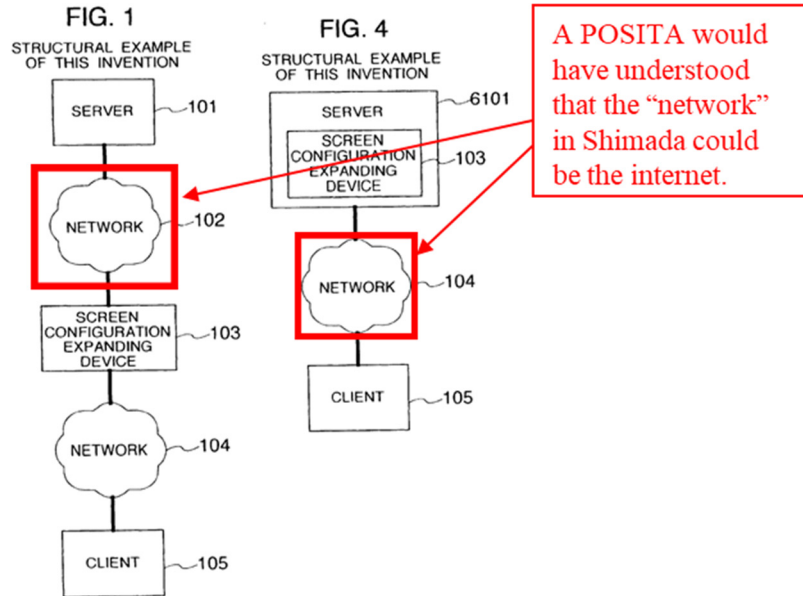
browser-readable language ... presented on the display of the client computing device”) and allow user interaction. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶¶166-167.

As Dr. Schmidt explains that a POSITA would have understood or found obvious that the Shimada-Buchholz combination would be 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, ¶168.

[1.4]

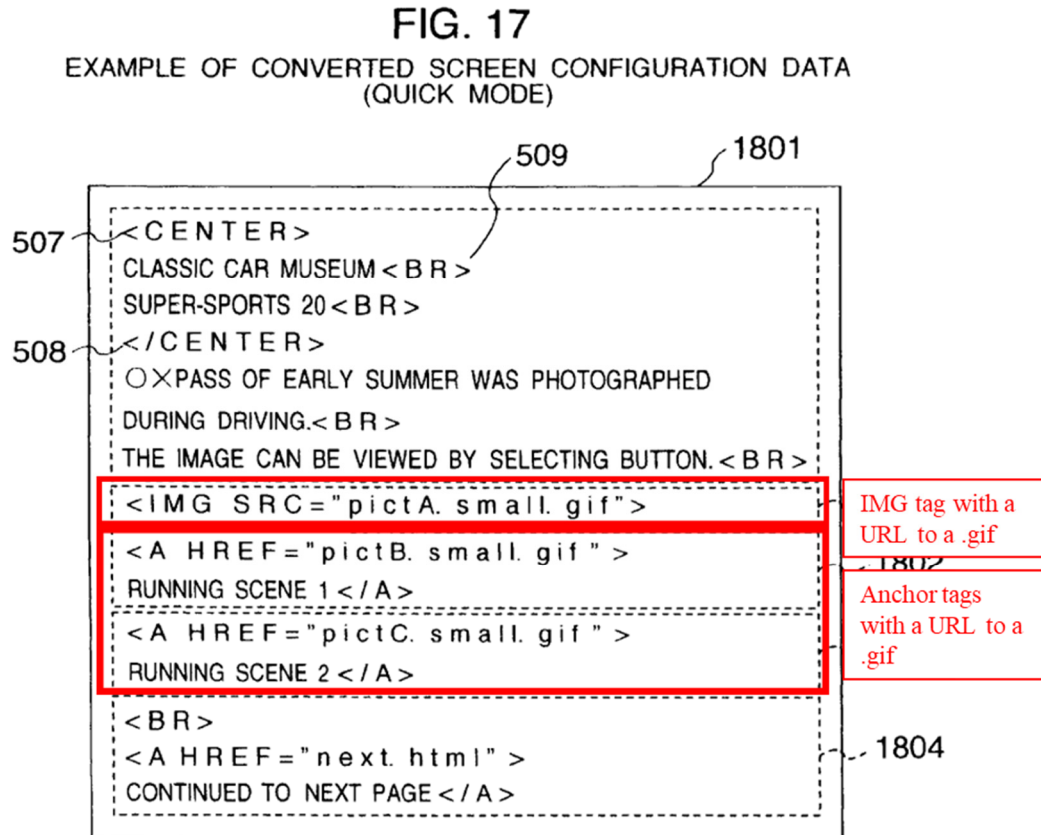
Shimada discloses that screen configuration information (**“a first content element”**) is received from a server (**“served over the network”**), and describes that **“the addition of a new screen display area to the screen configuration information which is received from the server 101 and contains data to be displayed and information on the configuration of the screen for displaying this data.”** SAMSUNG-1008, 5:52-65; SAMSUNG-1003, ¶169. 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 could be the internet, which is the most common example of a **“TCP/IP protocol”**. SAMSUNG-1003, ¶170.



SAMSUNG-1008, FIG. 1 and FIG. 4 (annotated)

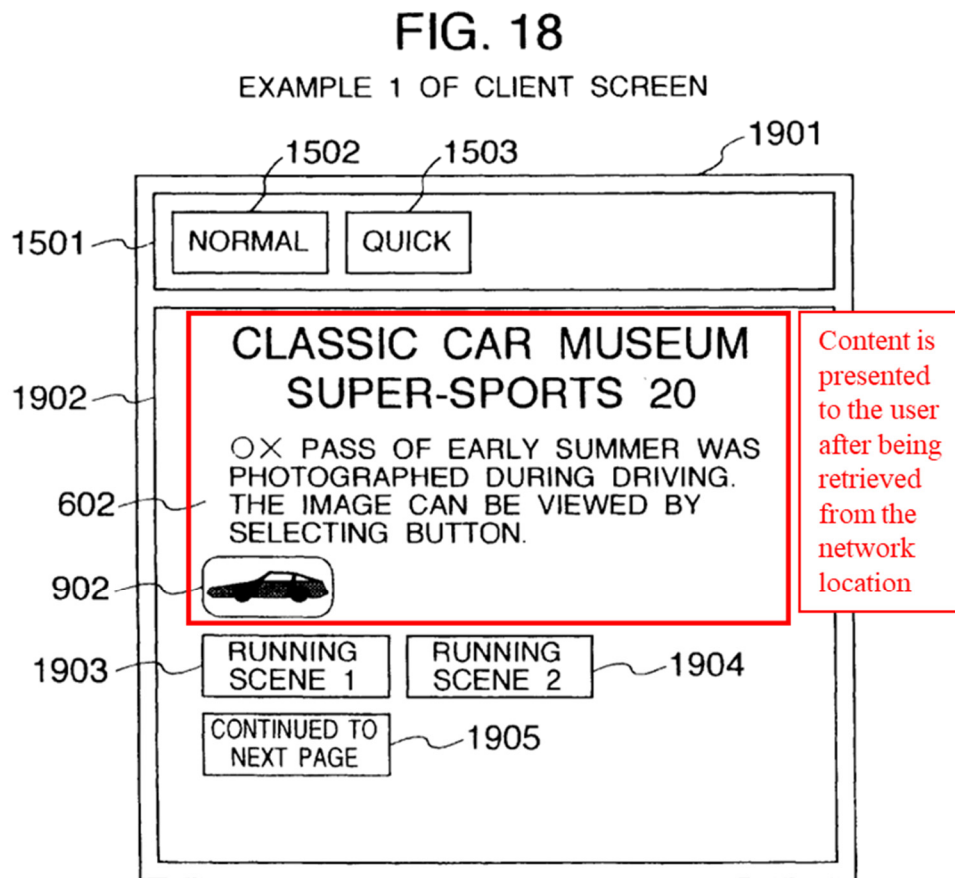
Additionally, a POSITA would have recognized or found obvious that both Shimada's IMG and anchor tags include a **URL** that "comprises a **network location** at which content ... is accessible" ("**a first network location**") because Shimada describes these tags as including an "address representing a static image" which is obtained from a "server." SAMSUNG-1008, 6:30-51; SAMSUNG-1003, ¶171. Presented below is an annotated figure of URLs in screen configuration data.



SAMSUNG-1008, FIG. 17 (annotated)

[1.5]

As Dr. Schmidt explains, a POSITA would have understood or found obvious that the “instructions” for requesting the content in Shimada also cause the client to “[present] the viewer graphical user interface defined by the networked information monitor on the display of the client computing device” because the tags that request content also define the presentation of the content on the screen. SAMSUNG-1003, ¶172. The annotated figure below illustrates the presentation of content.



SAMSUNG-1008, FIG. 18 (annotated)

Alternatively, a POSITA also would have understood or found obvious that Shimada's anchor tags serve as **"instructions"** to both **"request content from the network location"** and **"generate the graphical user interface of the first networked information monitor"** as selecting the anchor tag results in the execution of both of these tasks. SAMSUNG-1008, 6:39-51, FIG. 22; SAMSUNG-1003, ¶173.

As indicated in FIG. 18, Shimada's screen configuration data is presented **"separate from and outside of any other graphical user interface that includes**

user controls for specifying the first network location from which the first content element for the networked information monitor is served.” SAMSUNG-1008, FIG. 6, FIG. 7, FIG. 17, FIG. 18, FIG. 22; Section III.A.4.[1.5], *supra*; SAMSUNG-1003, ¶174.

[1.6]

See [1.4] (incorporated here). As Dr. Schmidt explains, a POSITA would have understood or found obvious that URLs are “**instructions**” for “**transmitting over the network a first content request to the first network location referenced by the definition of the first content element**” as URLs were known in the art to reference content over a network. SAMSUNG-1003, ¶175; [1.4] *supra*.

[1.7]

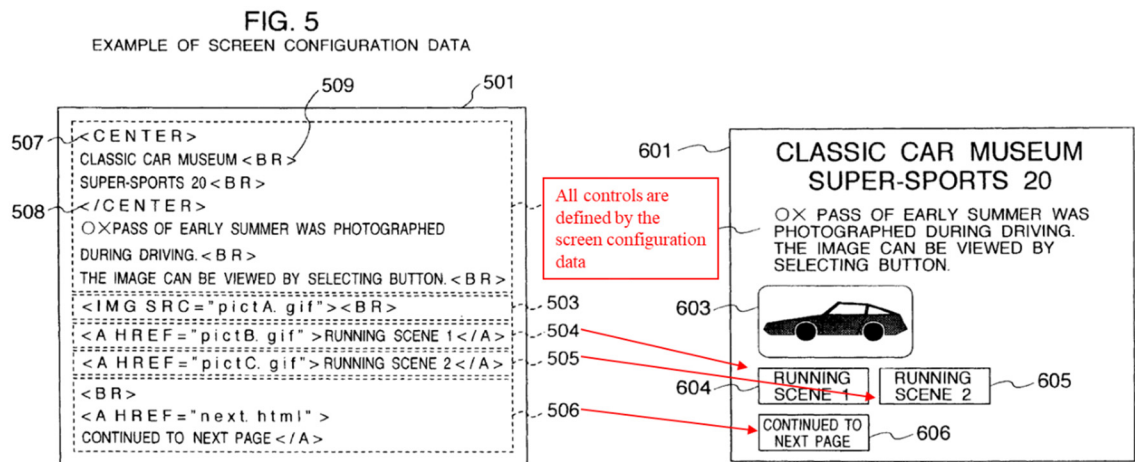
Dr. Schmidt explains that a POSITA also would have understood or found obvious that, once the request was transmitted, the client would “**receive**” the requested “**content element**” as this was well known in the art. SAMSUNG-1003, ¶176.

[1.8]

See [1.5] (incorporated here) regarding “**presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template.**” SAMSUNG-1003, ¶177.

Dr. Schmidt also explains that a POSITA would have recognized or found obvious that a “**viewer graphical user interface and/or ... content element**”

would define “**all controls for enabling a user to interact with [the] content element.**” SAMSUNG-1003, ¶177. As illustrated below, the “**viewer graphical user interface**” defines “**all controls for enabling a user to interact with the first content element.**” *Id.*; SAMSUNG-1008, FIG. 18. Additionally, Shimada does not disclose any controls used for content interaction not bounded by the frame of the desktop component. SAMSUNG-1008, 6:39-51, FIG. 17. This implementation is consistent with the ’545 Patent, which describes that “[t]he space **within the frame** is the **control space** or viewer; visible controls are **distributed within the control space** or viewer.” SAMSUNG-1001, 22:34-38.



SAMSUNG-1008, FIG. 5 and 6 (annotated)

[2]

See [1.1] (incorporated here) regarding “**a definition of at least one control effective for controlling an aspect of the viewer graphical user interface.**” As Dr. Schmidt explains, a POSITA would have understood or found obvious that

“**presenting the viewer graphical user interface**” would include “**presenting the at least one control**” as the appearance of the controls is defined by the screen configuration data. SAMSUNG-1003, ¶178.

[3]

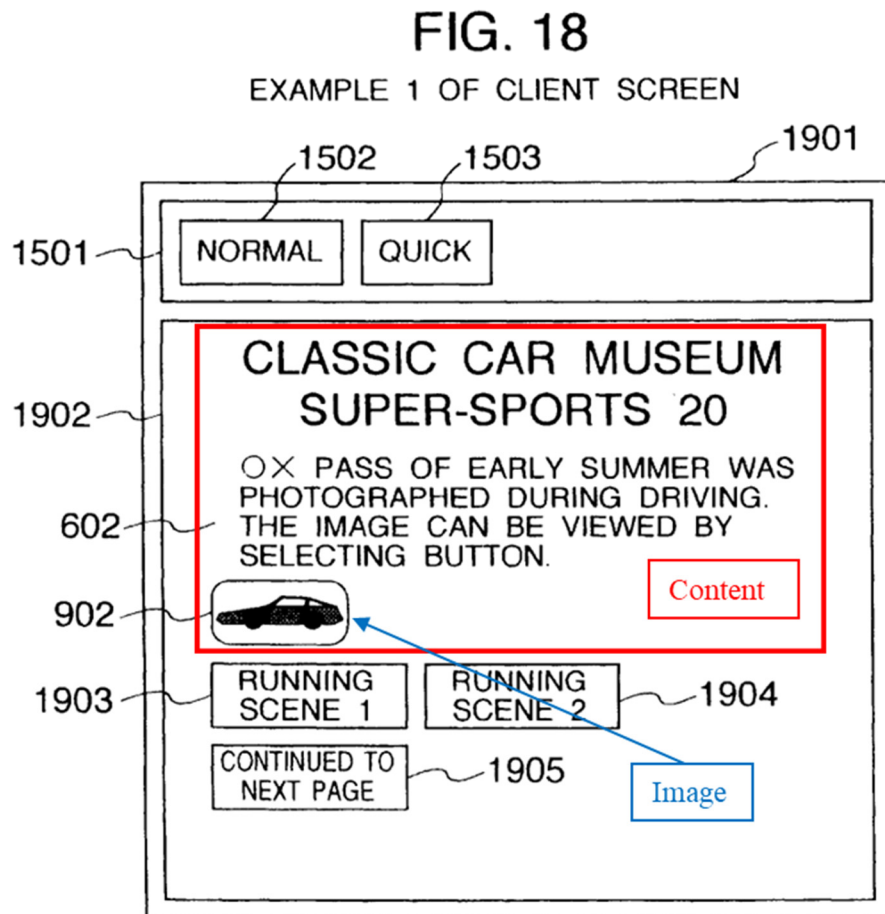
Buchholz describes that “[a] template can, for example, define **where**, and in what size and color, the corresponding template data is to be displayed.” SAMSUNG-1009, 5:11-13. As Dr. Schmidt explains, a POSITA would have understood or found obvious that templates could be created to enable the user to specify their location (“**location at which the user interface is rendered on a display device**”) as this feature was well known in the art. SAMSUNG-1003, ¶179. Indeed, Brown describes prior art solutions where “Windows” in a GUI can “typically be resized, **moved around the display**, and stacked so as to overlay each other.” SAMSUNG-1005, 1:66-67.

[4]

Buchholz describes that “[a] template can, for example, define where, and in what **size** and color, the corresponding template data is to be displayed.” SAMSUNG-1009, 5:11-13. As Dr. Schmidt explains, a POSITA would have understood or found obvious that templates could specify their size (“**size of the user interface when presented on the display**”) as this was well known in the art. SAMSUNG-1003, ¶180.

[6]

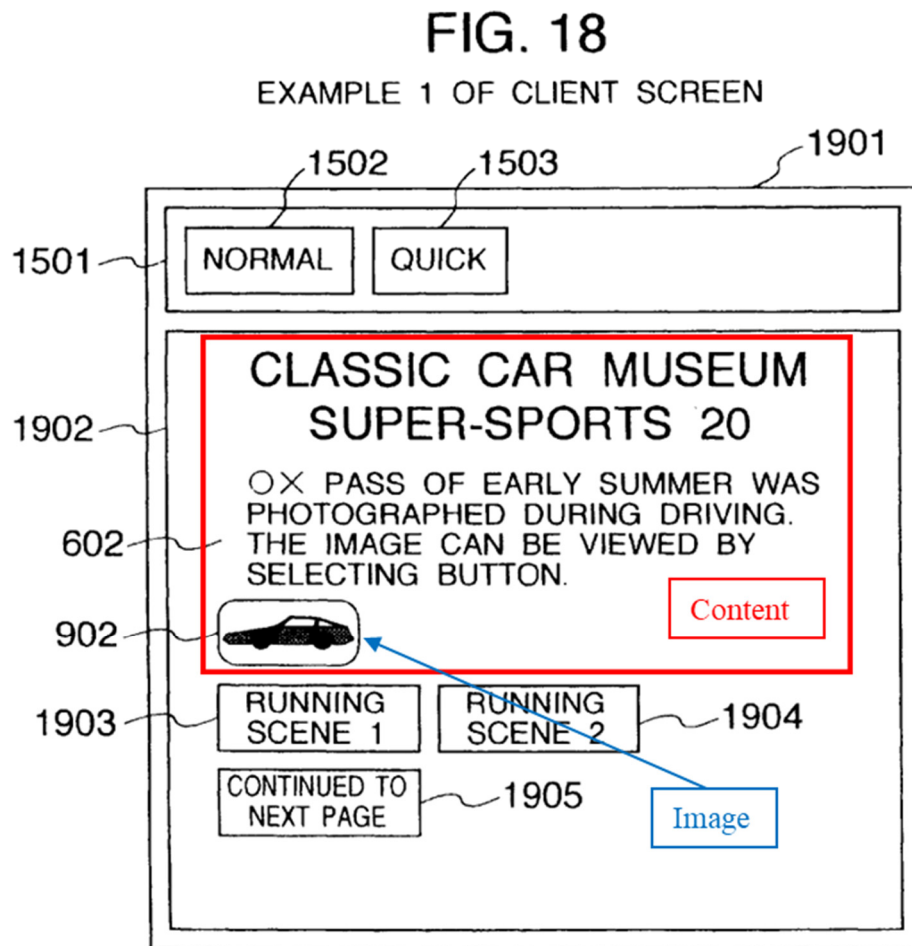
Shimada describes the use of .gif files, which a POSITA would have understood or found obvious to be “**image[s]**” associated with “**the definition of the viewer graphical user interface.**” SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶181. A POSITA also would have recognized or found obvious that these images are presented with the GUI (“**presenting the image included in the definition as part of the viewer graphical user interface**”). *Id.*



SAMSUNG-1008, FIG. 18 (annotated)

[7]

See [6] (incorporated here). As Dr. Schmidt explains, a POSITA would have recognized or found obvious from reviewing the figures of Shimada that content could be presented “in association with” an image. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶182.



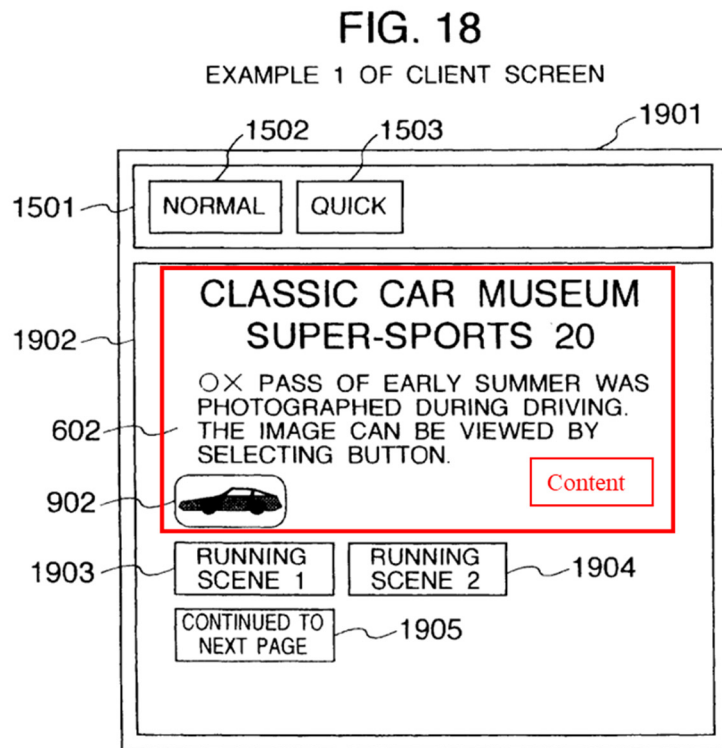
SAMSUNG-1008, FIG. 18 (annotated)

[9]

See [1.1], [2], [3], and [4] (incorporated here). As Dr. Schmidt explains, a POSITA would have understood or found obvious that modifying an “**aspect**” of the GUI would also modify the “**appearance.**” SAMSUNG-1003, ¶183.

[10]

Shimada discusses various forms of content, and describes “transmission media” including “image (“**graphics content, still image content**”), speech data (“**audio content**”), sound-attached moving-picture data (“**audio content, video content, graphics content**”)” in addition to the text (“**textual content**”) evident from the figures. SAMSUNG-1008, 1:19-20, FIG. 18. As Dr. Schmidt explains, a POSITA would have understood or found obvious that Shimada’s content is “**interactive content**” as the user can interact with the content through the GUI. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶184.



SAMSUNG-1008, FIG. 18 (annotated)

Buchholz also discusses various forms of content and describes “up-to-date information on stocks, sports, news, and the like.” SAMSUNG-1009, 1:15-16. As Dr. Schmidt explains, a POSITA would have recognized or found obvious that the content described in the claim would be present in the media contemplated by Buchholz. SAMSUNG-1003, ¶185.

[13]

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 “**periodically [requested] ... from the first network location referenced by the first content element**” and “[**presented] ... in an ongoing manner.**” SAMSUNG-1003, ¶186.

[14]

See [1.4] (incorporated here). Shimada describes “**world wide networks** and access to world-wide information ... acquired by making access to the **servers in the world.**” SAMSUNG-1008, 1:34-36. As Dr. Schmidt explains, a POSITA would have recognized or found obvious that “world wide networks” could include the internet, as the internet is the most common “world wide network.” SAMSUNG-1003, ¶187.

[15.1]

See [1.4] (incorporated here). Shimada-Buchholz renders obvious multiple content elements because Shimada discloses multiple tags, each with a content reference and associated network location. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶188. Indeed, Buchholz discloses that the template “pack” comprises “**a bundle of templates** for formatting the template data for display on at least one page.” SAMSUNG-1009, 2:26-27; *see In re Harza*, 274 F.2d at 671.

[15.2]

See [1.6] (incorporated here). Shimada-Buchholz renders obvious multiple (e.g., first and second) content requests and network locations because Shimada

discloses multiple tags, each with a content reference and associated network location. SAMSUNG-1008, FIG. 18; SAMSUNG-1003, ¶189; *see In re Harza*, 274 F.2d at 671. A POSITA also would have understood or found obvious that, in order to retrieve content distinct from the first content, a second content request must be transmitted. SAMSUNG-1003, ¶189.

[15.3]

See [1.7] (incorporated here). 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 “**content element**” as this was well known in the art. SAMSUNG-1003, ¶190; *see In re Harza*, 274 F.2d at 671.

[15.4]

See [1.5] (incorporated here) regarding “**presenting the received the second content element in the viewer graphical user interface defined by the networked information monitor template.**” *See* [1.8] (incorporated here) regarding “**the definition of the viewer graphical user interface ... [defining] all controls for enabling a user to interact with the second content element through the viewer graphical user interface.**” SAMSUNG-1003, ¶191; *see In re Harza*, 274 F.2d at 671.

D. [GROUND 2B] – Claims 5, 8, and 12 are rendered obvious by Shimada, Buchholz, and Darnell

1. Overview of Darnell

Darnell is an academic reference directed to HTML and the creation of webpages. SAMSUNG-1011, *see at least* Cover, Introduction, xxxiii-xxxvii; SAMSUNG-1003, ¶192. Darnell teaches “an introduction into the basics of HTML, including basic page structure and all of the tags needed to build the page.” *Id.*, xxxvii. Darnell describes “a comprehensive resource for HTML 3.2” and also “tables, frames, [and] design.” *Id.*



SAMSUNG-1011, Cover

2. Combination of Darnell and Shimada-Buchholz

A POSITA would have found it obvious to combine the teachings of Darnell with the Shimada-Buchholz combination. SAMSUNG-1003, ¶193. Among other things, all three references are directed to “accessing and viewing internet content.”

SAMSUNG-1008, Abstract, 1:34-55; SAMSUNG-1009, Abstract, 1:49-54; SAMSUNG-1011, Introduction.

A POSITA would have recognized or found obvious that Darnell includes both basic and advanced methods for utilizing HTML, and that these methods could be used to improve the HTML screen configuration data described in Shimada. Thus, as Dr. Schmidt explains, a POSITA would have recognized that the techniques of these references were complementary, and each would enhance the abilities of the other. SAMSUNG-1003, ¶194.

Moreover, a POSITA would have been motivated to combine Darnell with the Shimada-Buchholz combination to increase usability, improve GUI visual aesthetics, implement additional HTML functionality, and/or other relevant business or technical reasons. SAMSUNG-1003, ¶195.

3. Analysis

[5]

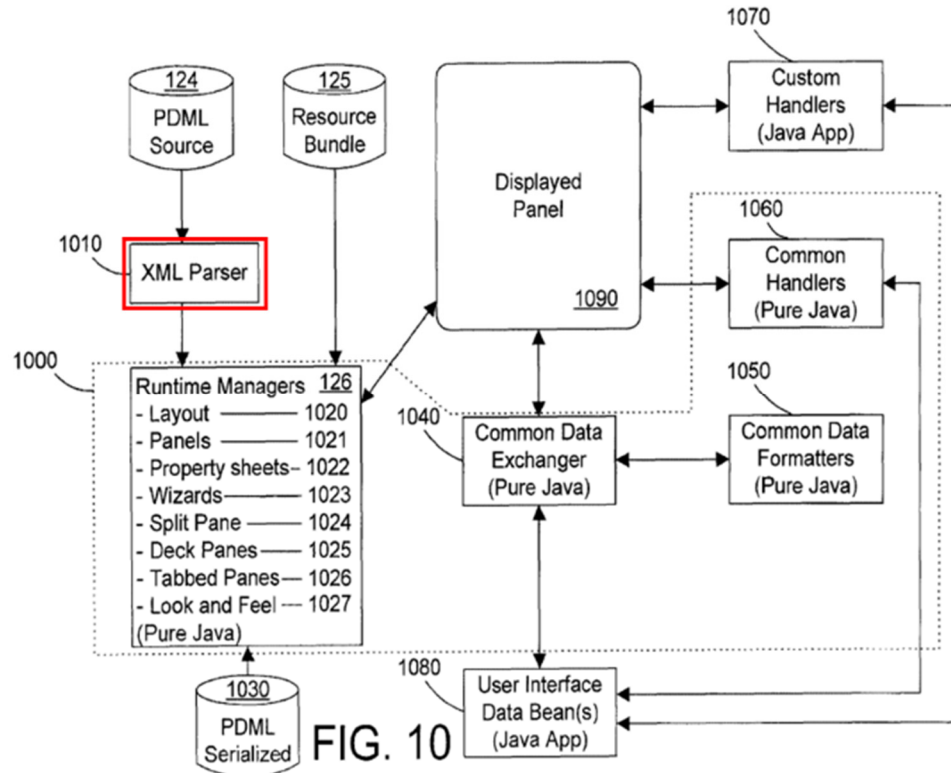
Darnell discusses the benefits of XML, and describes:

“XML (eXtensible Markup Language) is a simple and compact subset of SGML designed specifically for use on the Internet in the way that HTML is currently used.” SAMSUNG-1011, 782; SAMSUNG-1003, ¶196.

“By attaching the [document data type] with the document sent over the network, you can ensure that the **XML software reading the document can parse it correctly**” SAMSUNG-1011, 783; SAMSUNG-1003, ¶196.

As Dr. Schmidt explains, a POSITA would have recognized or found obvious that XML could be used to create style templates, and would be “**parsed**,” as both of these features were well known in the art. SAMSUNG-1003, ¶197.

Petty provides an additional example of style templates (“PDML”) built from XML and describes an “XML definition 123 of a panel definition markup language (PDML).” SAMSUNG-1013, 6:3-4; SAMSUNG-1003, ¶198. Petty, like Darnell, also describes parsing XML documents with an “XML parser,” as annotated in the figure below. *Id.*, see at least FIG. 10.



SAMSUNG-1013, FIG. 10 (annotated)

[8]

As Dr. Schmidt explains, a POSITA would have recognized or found obvious that a common way of presenting a content element “**at least in part within [an] image**” would be through the use of a background. SAMSUNG-1003, ¶199. Indeed, Darnell discusses the use of the HTML “BODY” tag and describes that “[the] **image** is placed in the **background of the Web page**, similar to hanging wallpaper in a bedroom. If the image is smaller than the space occupied by the browser window, it's tiled to fill the entire background.” SAMSUNG-1011, 242-243.

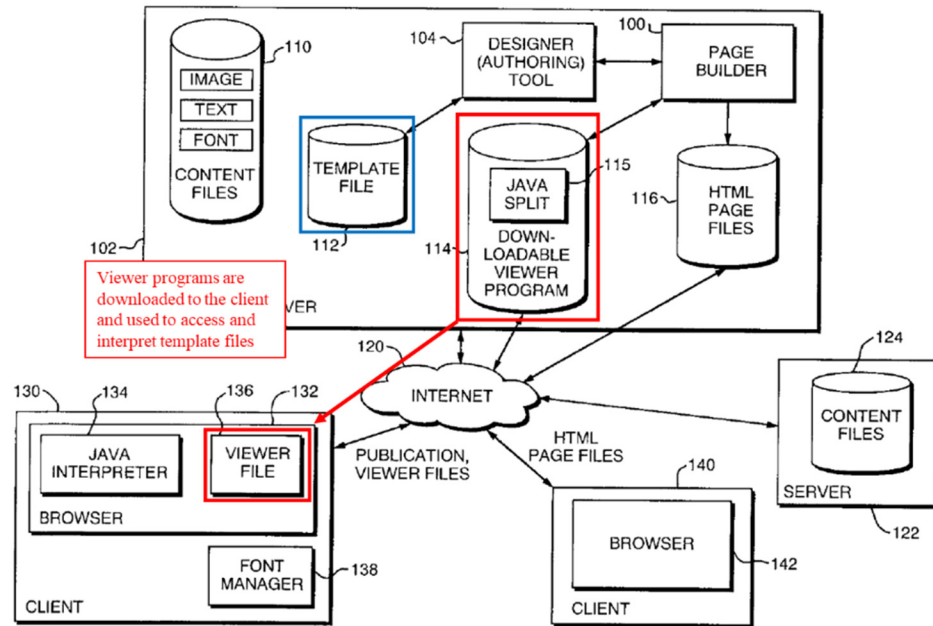
[12]

As Dr. Schmidt explains, a POSITA would have recognized or found obvious that actions in one “NIM” could affect another. SAMSUNG-1003, ¶200. Indeed, Darnell describes “frames” for presenting content and that “[it’s] also possible to have the user’s actions in one frame affect the content of other frames.” SAMSUNG-1011, 338. As Dr. Schmidt explains, a POSITA would have recognized or found obvious from the above that “**communication**” would need to occur between the frames. SAMSUNG-1003, ¶201.

E. [GROUND 2C] – Claims 11 and 16-21 are rendered obvious by Shimada, Buchholz, and Krishna

1. Overview of Krishna

Krishna is directed to “[a] Page Builder software program that operates in connection with a dynamic content publishing program.” SAMSUNG-1021, Abstract; SAMSUNG-1003, ¶201. Krishna refers to these software programs as “Viewer programs” and describes that Viewer programs can be “activated to locate and interpret the object content and actions contained in [a] template file.” *Id.*, Abstract, 2:9-21. Krishna’s system is illustrated below.



SAMSUNG-1021, FIG. 1 (annotated)

2. Combination of Krishna and Shimada-Buchholz

A POSITA would have found it obvious to combine the teachings of Krishna with the Shimada-Buchholz combination. SAMSUNG-1003, ¶202. Among other things, all three references are directed to “accessing and viewing internet content.” SAMSUNG-1008, Abstract, 1:34-55; SAMSUNG-1009, Abstract, 1:49-54; SAMSUNG-1021, Abstract, 1:20-32.

A POSITA would have recognized or found obvious that Krishna’s methods of “producing dynamic content publications” could be implemented in the Shimada-Buchholz combination as all three references describe the use of HTML. SAMSUNG-1008, 6:59-62; SAMSUNG-1009, 5:9-13; SAMSUNG-1021, Abstract; SAMSUNG-1003, ¶203.

Moreover, a POSITA would have been motivated to combine Krishna with the Shimada-Buchholz combination to increase usability, eliminate the need to download specialized applications, reduce client-side storage requirements, and/or other relevant business or technical reasons. SAMSUNG-1003, ¶204.

3. Analysis

[11]

Krishna describes a “FutureTense™ viewer program” that can “use URLs contained within the template file 112 to **obtain the content and action information** (“**generate the request for the content**”) from servers 102 and/or 122. The content and action to information in the template file 112 are then used to **change the Visual display of the page** in response to the user inputs (“**present the viewer graphical user interface**” and “**present the first content element**”).” SAMSUNG-1021, 4:40-52, 5:16-31. As Dr. Schmidt explains, based on the above disclosure, a POSITA would have recognized or found obvious that the viewer program is “**separate from the networked information monitor template.**” SAMSUNG-1003, ¶205.

Additionally, a POSITA would have recognized that “viewer program” modules could be implemented as an “**application,**” as this is a common type of program module. SAMSUNG-1003, ¶206; Section III.B.3.[11], *supra*.

[16.pre]-[16.5]

The Shimada-Buchholz-Krishna combination renders these claims obvious in the same manner as explained above for the corresponding claims listed in the following table. SAMSUNG-1003, ¶¶207-212.

Claim	Corresponding Claim
[16.pre]	[1.pre], [11]
[16.1]	[11]
[16.2]	[1.6], [11]
[16.3]	[1.7], [11]
[16.4]	[1.5], [11]
[16.5]	[1.8], [11]

[17]

See [11] (incorporated here). Dr. Schmidt explains that a POSITA would have understood or found obvious that time-varying content would drive regular (e.g., continual) modification to the GUI. SAMSUNG-1003, ¶213. For example, 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,” the GUI would need to be “[**modified**] ... **prior to the step of**

presenting the graphical user interface” by the viewer program or computer program module. SAMSUNG-1003, ¶213.

[18]

As Dr. Schmidt explains, the use of icons was well known in the art as of the Critical Date, and a POSITA would have recognized or found obvious that selection of an icon would effectuate certain functions of a parser or similar computer program module. Section III.B.3.[18], *supra*; SAMSUNG-1003, ¶214.

[19]

See [11] (incorporated here) with respect to **“the transmitting operation”** and **“the presenting the viewer graphical user interface operation.”** SAMSUNG-1003, ¶215.[20]

The Shimada-Buchholz-Krishna combination renders these claims obvious in the same manner as explained above for the corresponding claims listed in the following table. SAMSUNG-1003, ¶¶216-220; *see In re Harza*, 274 F.2d at 671.

Claim	Corresponding Claim
[20.1]	[1.1], [1.6], [11]
[20.2]	[1.7], [11]
[20.3]	[1.5], [11]
[20.4]	[1.8], [11]
[20.5]	[11], [18]

[21]

See [14] (incorporated here). SAMSUNG-1003, ¶221.

IV. PTAB DISCRETION SHOULD NOT PRECLUDE INSTITUTION

A. The *General Plastic* Factors Favor Institution

The '545 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 of this 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 '545 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 '545 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 well 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 '545 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 '545 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 ’545 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 likewise 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 filing 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 October 2024. The trial date in the co-pending litigation is currently set for June 24, 2024. Thus, the FWD is expected a few 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 29.5 months, yielding an estimated trial date in November 2024, which falls after the expected FWD date of October 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 filed in W.D. Tex., if successful, will further ensure that the FWD far outpaces any actual 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 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 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. The strength of the merits alone outweigh any inefficiencies born of parallel litigation.

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 '545 Patent. Indeed, none of Wecker, Beer, Shimada, Buchholz, Darnell, and Krishna—six of the seven prior art references relied upon in this Petition—were previously cited or applied in a rejection during prosecution of the '545 Patent.

While Brown, which is used in Ground 1, is listed on the face of the '545 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) (“[T]he fact that [references] were of record, but not applied in any rejection by the Examiner . . . provides little impetus for us to exercise our discretion to deny institution under §325(d).”).

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. (“Samsung”) are the real parties-in-interest.

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

The ’545 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. IPR2019-00988 filed by Lenovo Holdings, et al. Petitioner is not aware of any other disclaimers, reexamination certificates, or IPR petitions addressing the ’545 Patent.

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 IPR39843-0150IP1@fr.com

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Respectfully submitted,

Dated March 28, 2023

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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 13,991 words, which is less than the 14,000 allowed under 37 CFR § 42.24.

Dated March 28, 2023

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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 28, 2023, a complete and entire copy of this Petition for *In-ter Partes* Review and all supporting exhibits were provided via Federal Express, to the Patent Owner, by serving the correspondence address of record as follows:

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