

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner.

Case IPR2023-00756
Patent 9,369,545

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

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EXHIBIT LIST

- 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”)

SAMSUNG-1023 Board’s email of August 14, 2023, authorizing Petitioner’s reply

SAMSUNG-1024 Joint Claim Construction Statement, 6:22-cv-00535, W.D. Tex., filed May 15, 2023.

SAMSUNG-1025 IPR2019-00988, Paper 40 (CAFC Decision)

SAMSUNG-1026 Email from Board dated November 15, 2023 authorizing Petitioner to file a Motion to Submit Supplemental Information

SAMSUNG-1027 Declaration of Michael Ballanco in Support of Pro Hac Vice Admission

SAMSUNG-1028 U.S. Patent No. 6,216,141 (“Straub”)

SAMSUNG-1029 Declaration and Curriculum Vitae of Dr. Philip Greenspun

SAMSUNG-1030 Transcript of the deposition of Dr. Ted Selker

SAMSUNG-1031 Transcript of the deposition of John Kembel

SAMSUNG-1032 Transcript of the deposition of George Kembel

SAMSUNG-1033 Official Version PDF, “The Honorable Dr. Douglas C. Schmidt Director, Operational Test and Evaluation Office of the Secretary of Defense,”
https://www.dote.osd.mil/Portals/97/docs/bios/Schmidt_DOTE_BIO20240416.pdf?ver=gulFoMGyakgLeDTya8Wklw%3d%3d, last accessed May 25, 2024

SAMSUNG-1034 Microsoft’s Computer Dictionary, 4th Edition

SAMSUNG-1035 *Inside Dynamic HTML*

SAMSUNG-1036 U.S. Patent No. 6,539,387 (“Oren”)

SAMSUNG-1037 U.S. Patent No. 6,243,700 (“Zellweger”)

SAMSUNG-1038 U.S. Patent No. 6,144,962 (“Weinberg”)

SAMSUNG-1039 XHTML™ 1.0: The Extensible HyperText Markup Language,
<https://www.w3.org/TR/1999/PR-xhtml1-19991210/>

SAMSUNG-1040 U.S. Patent No. 9,438,467 (“The ’467 Patent”)

SAMSUNG-1041 U.S. Patent No. 8,510,406 (“The ’406 Patent”)

SAMSUNG-1042 U.S. Patent No. 8,020,083 to Kembel, et al. (“the ’083 Patent”)

SAMSUNG-1043 Hypertext Markup Language - 2.0,
<https://datatracker.ietf.org/doc/html/rfc1866>

SAMSUNG-1044 Declaration of Rakesh Ramde (in-house counsel of DoDots)
submitted in IPR2019-01278

SAMSUNG-1045 Transcript of Deposition of Rakesh Ramde (in-house counsel
of DoDots) conducted in IPR2019-01278

I. INTRODUCTION

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

II. A POSITA WOULD HAVE COMBINED BROWN AND WECKER

Brown-Wecker is a straightforward combination of two Microsoft patents that are both directed to improving delivery of Internet content to user devices. As Drs. Schmidt and Greenspun explain, a POSITA would have considered their disclosures together and turn to Wecker for implementation techniques that would have been beneficial to Brown’s system.¹ SAMSUNG-1003, ¶¶35-42; SAMSUNG-1029, ¶46.

In fact, because Brown’s disclosure is so similar to the ’545 patent, the combination relies on just two basic and well-known techniques: (1) storing a template in memory and (2) requesting a template from a remote computer. Wecker clearly discloses these concepts and, when Brown’s disclosure is viewed in the context of Wecker, it would have been obvious to implement Brown’s

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

templates using these two basic techniques. SAMSUNG-1003, ¶¶35-42;

SAMSUNG-1029, ¶46.

Brown uses templates to build “a composite desktop...from Web content retrieved from one or more Web sites,” and Wecker uses templates to produce “a mobile channel” that is “a self describing web site that contains all the information necessary for efficient download of web content.” Petition, 9-13. Brown’s templates are similar to Wecker’s because they each define the visual appearance of data on a screen. Petition, 10-12; SAMSUNG-1006, 2:8-36, 3:17-20.

Understanding these similarities, a POSITA would have been motivated to apply Wecker’s techniques of downloading template files stored on remote devices (e.g., as part of a channel) to Brown’s templates and would have used the downloaded templates as part of Brown’s composite desktop. Petition, 13-16. In this way, a user of Brown’s composite desktop would achieve the benefits of using remotely stored HTML templates via a model similar to Wecker’s mobile channel subscription model. Petition, 13-16; SAMSUNG-1003, ¶¶35-42; SAMSUNG-1029, ¶46. Benefits of remotely managing templates and making them available for download were well-known and would have led a POSITA to implement these techniques in Brown, particularly because Brown already suggests local storage and remote download of its templates. Petition, 14; SAMSUNG-1005, 4:16-21, 4:49-52, 5:45-47. Indeed, the benefits described by Wecker for managing its

templates remotely and separately from Internet content would have motivated a POSITA to apply these techniques to Brown's templates. Petition, 16; SAMSUNG-1006, 4:53-62, 10:41-56. And a POSITA would have understood that these techniques could be applied to various types of templates, including Brown's, and would not have needed to change Brown's templates simply to have them available for download. SAMSUNG-1029, ¶¶46-47.

DoDots attacks a strawman, wrongly describing the complexity of the combination and assuming bodily incorporation of Wecker's specific templates and content delivery process. But that is not the law, and a POSITA would have been able to apply the well-known techniques of template storage and remote template management to Brown. *Allied Erecting & Dismantling Co. v. Genesis Attachments, LLC*, 825 F.3d 1373, 1381 (Fed. Cir. 2016); *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012); *In re Etter*, 756 F.2d 852, 859 (Fed. Cir. 1985) (*en banc*). As detailed in the Petition and further explained below, a POSITA would have been motivated to make the Brown-Wecker combination. *Id.*; SAMSUNG-1003, ¶¶35-42.

Specifically, DoDots exaggerates the complexity of the combination of Brown and Wecker by alleging that the combination recites additional modifications, namely "us[ing] Wecker's more complex method [of script templates] with Brown's personal computers." POR, 18. But the Petition never

alleged that Brown’s HTML desktop components must be transformed into script templates. Petition, 11-14. Rather, the required modification to Brown’s HTML desktop components is that these components would have been downloaded and stored—something that Selker admits is “absolutely” possible. Petition, 11-14; SAMSUNG-1030,² 92:4-6; SAMSUNG-1003, ¶¶35-42; SAMSUNG-1029, ¶48.

Additionally, DoDots alleges that “style templates” are exclusive to HTML. POR, 19. That is, DoDots argues “style templates” (or “style sheets”) were not a term of art commonly used to describe both HTML and XML templates before the critical date. *Id.* This is simply not true, as evidenced by (1) multiple corroborating references in the Petition and (2) Selker, when questioned about the phrase “style template,” readily confirmed its relationship to HTML. Petition, 26, 50-51, 97; SAMSUNG-1011, 202-220, 412; SAMSUNG-1030, 58:22-59:35; SAMSUNG-1035, 16-20; SAMSUNG-1039; SAMSUNG-1003, ¶¶63, 109-110, 114; SAMSUNG-1029, ¶49.

Finally, DoDots alleges that the differing preferred operating systems (OS) of Brown and Wecker mean that they are “incompatible technology.” POR, 18-19.

² Deposition testimony of Selker is equally applicable to the ’083/’407/’545

Patents unless otherwise noted. SAMSUNG-1030, 67:18-22, 69:24-70:15, 134:10-21.

This argument is deficient for multiple reasons. *Id.* First, a POSITA would naturally implement the combination in the most capable OS available (e.g., Windows 98), making DoDots’ arguments against a particular OS moot. SAMSUNG-1029, ¶50. Indeed, Petitioner has never alleged that a particular OS is required. Petition, 11. Second, “both Brown and Wecker describe the Windows 95 OS as a suitable OS that can implement their techniques,” and Wecker further discloses that a “user typically runs the same types of applications on both the desktop computer and on the mobile device.” Petition, 12-13; SAMSUNG-1005, 6:26-32; SAMSUNG-1006, 1:39-44, 8:15-21; SAMSUNG-1003, ¶39; SAMSUNG-1029, ¶50. Because Wecker uses its techniques for a desktop computer, DoDots arguments that a POSITA would not have considered Wecker for non-mobile implementations falls flat. Petition, 13-14; SAMSUNG-1006, 3:58-4:13, 6:45-7:26. Finally, Microsoft—before the critical date—had already implemented “channels,” as described by Wecker, on a Windows 95 OS. SAMSUNG-1028, 11:60-12:6, FIG. 9; SAMSUNG-1006, 9:38-48; SAMSUNG-1029, ¶¶50-52.

III. BROWN AND BROWN-WECKER RENDER THE CLAIMS OBVIOUS

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

1. Brown's HTML instructions include control characteristics

DoDots alleges that “a control characteristic is a characteristic of a control itself,” “located ‘in a [] control space’ within a frame,” and that these characteristics must be completely defined within the NIM template. POR, 25-29. However, there is no clear disavowal or redefinition of the plain and ordinary meaning of the term “characteristic” in the ’545 patent that would support such a narrow interpretation. POR, 25-29. Rather, a POSITA would have understood that “control characteristics” would include any data in the NIM template that dictates the existence/nature/functionality/appearance of a control. SAMSUNG-1029, ¶53.

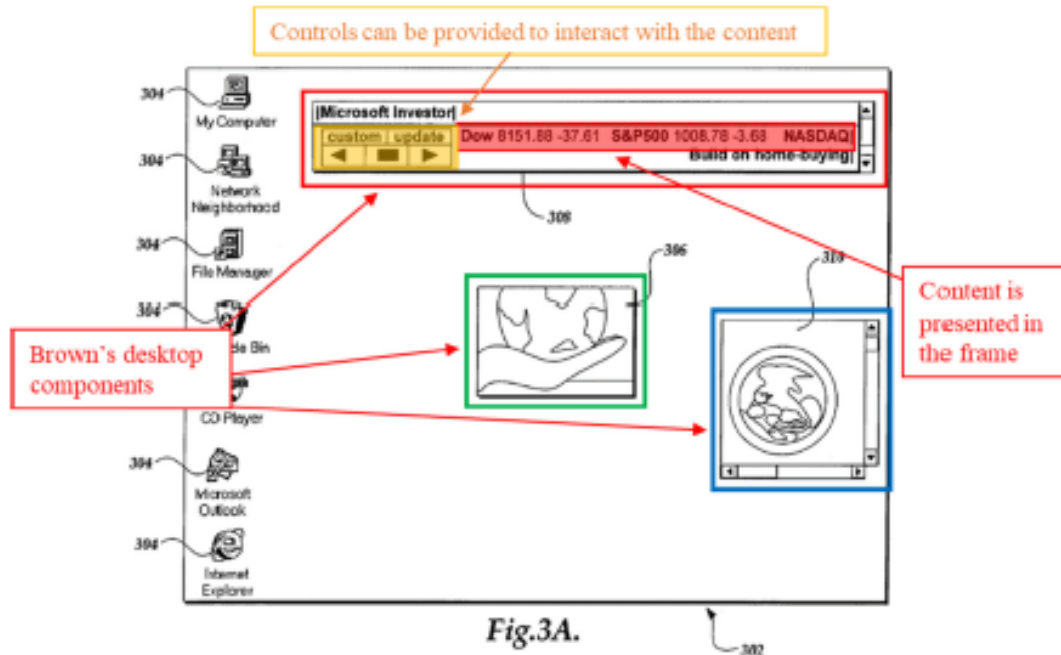
The construction of “NIM template” does not limit the feature of a “control” with its use of the word “characteristic”—it broadens it by simply requiring definition of “control characteristics” of the NIM. Petition, 4-5; SAMSUNG-1003, ¶¶28-29. Additionally, the ’545 patent makes clear that NIM templates can include “control calls” (the invoking of control functionality defined outside of the template). SAMSUNG-1001, 29:28-30. From this disclosure, a POSITA would understand that a control need not be fully defined within the NIM template as DoDots suggests. SAMSUNG-1029, ¶54.

Under its narrow interpretation, DoDots alleges that Brown’s “resizable” characteristic is a “frame characteristic,” not a “control characteristic.” POR, 25-27. DoDots attempts to support its flawed argument by referring to a *different* DoDots patent (DODOTS-2015, 36:12-15, FIG. 28B)³ while ignoring conflicting disclosure within the ’545 patent, which clearly describes “resize” as a control. SAMSUNG-1001, 17:46-48 (“a control button...to resize”), Claim 4 (“the aspect is the size of the user interface”). Because Brown’s “resizable” characteristic defines a resize control, it aligns precisely with the ’545 patent’s description of control characteristics. SAMSUNG-1029, ¶55. In contrast, the ’545 patent does not describe “resizable” as being “a frame characteristic.” SAMSUNG-1001, 6:46-47, 17:46-48; FIG. 28B. Thus, a POSITA would have understood Brown’s “resizable” characteristic to be a “control characteristic” of its desktop components. SAMSUNG-1029, ¶55.

Various other examples of controls defined within Brown’s HTML instructions are also control characteristics. Petition, 22-24, 37-42; SAMSUNG-

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

1005, 2:41-43, 4:20-24, 10:34-39, 13:22-29, 13:33-34, FIG. 3A; SAMSUNG-1003, ¶¶59, 85-91. For example, the '545 patent describes “imbedded ActiveX...applications.” SAMSUNG-1001, 4:31-34, 17:11-14, 23:61-65. Brown describes the use of Active-X controls in the same manner as the '545 Patent, which describes a nearly identical example to what is depicted in Brown. SAMSUNG-1001, 24:3-5, 26:50-54; SAMSUNG-1005, 2:41-43, 4:20-24, 10:34-39, 13:22-29, 13:33-34, FIG. 3A; Petition, 22-24, 37-42. Indeed, the '545 patent describes a “Web Conduit” control which is the rendering portion of the frame. SAMSUNG-1001, 35:33-35, 36:28. Brown’s HTML instructions clearly define the rendering portion of the frame and Brown’s rendering of Active-X controls aligns directly with the '545 patent’s use of its Web Conduit to render the same. SAMSUNG-1029, ¶56.



SAMSUNG-1005, FIG. 3A (annotated).

Finally, characteristics of the scroll bar controls in Brown's desktop components are defined by Brown's HTML instructions. Petition, 39-40; SAMSUNG-1005, 7:49-65, 9:13-27, 11:43-12:43, 13:22-44; SAMSUNG-1003, ¶¶86-89. As Dr. Greenspun explains, whether these controls are present and the size of the scroll element are defined by the frame size specified in Brown's HTML instructions. SAMSUNG-1029, ¶57. Although the characteristics of these controls are indirectly defined by the frame size, the '545 patent does not exclude that type of indirect definition. SAMSUNG-1001, 22:48-50. In fact, the '545 patent explicitly includes it, explaining that the title bar control has "a fixed height and width *that is a function of the NIM's width.*" SAMSUNG-1001, 22:48-50. Because characteristics of Brown's scroll bars are functions of a frame's width and

height, Brown's definition of the frame size in its HTML instructions defines

control characteristics in a manner similar to the '545 patent. SAMSUNG-1029,

¶57.

2. Brown's HTML instructions are data structures

DoDots alleges that a data structure is “way of organizing and storing data in a computer so that it can be accessed and used efficiently,” and further that HTML is not a data structure. POR, 33-36. This position cannot be reconciled with the '545 patent, which (1) depicts HTML as an example NIM format, and (2) offers no disavowal or redefinition of the term “data structure.” SAMSUNG-1001, 5:56-64, 21:42-54, FIG. 29A; SAMSUNG-1029, ¶58.

The screenshot shows the DoDots Administrative Tools interface. On the left is a sidebar with the DoDots logo and a list of navigation links: Dots Administration, Category Management, User Management, Provider Management, Admin Home, DoDots Home, and Log Out. The main content area is titled 'Administrative Tools' and contains four buttons: 'Review List', 'Search for Dots', 'Create a Dot (HTML)' (highlighted with a red box), and 'Create a Dot(Raw)'. Below these buttons is a section titled 'Search for Dots' with the text 'You may search for Dots by Dot title, developer, developer contact name, or status.' This section includes a search form with a 'Search' input field and a 'by' dropdown menu currently set to 'Dot Name'. A bracket labeled '552' points to the 'Dot Name' dropdown. Below the search form are three radio buttons for filtering: 'All' (selected), 'Development', and 'Public'. A bracket labeled '554' groups these three radio buttons. To the right of these radio buttons is a 'Search' button.

FIG. 29A

SAMSUNG-1001, FIG. 29A (annotated).

Additionally, DoDots' own exhibits corroborate that HTML is an acceptable data structure for a NIM. DODOTS-2017, 5, 11, 13, 17; DODOTS-2025, 2; DODOTS-2033, 42. Finally, a POSITA would have understood that HTML is an example of a data structure as HTML documents are structured and include data.⁴ SAMSUNG-1029, ¶59.

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

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

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

DODOTS-2025, 2 (annotated).

Brown's HTML instructions are "data structures," at least because (1) DoDots has availed themselves of HTML as a suitable NIM template format, and (2) a POSITA would understand that "data structure" is a genus term that encompasses many different types of data formats, to include the HTML Document Object Model—a hierarchical structure. Petition, 26; SAMSUNG-

⁴ DoDots' own exhibit frequently mentions "HTML data," and repeatedly uses the word "structure" in relation to this HTML data. DODOTS- 2017, 5, 11, 13, 17.

1001, FIG. 29A; SAMSUNG-1030, 84:19-85:18; DODOTS-2025, 2; DODOTS-2033, 42; SAMSUNG-1003, ¶¶54, 63, 113; SAMSUNG-1029, ¶¶60-61; SAMSUNG-1034; SAMSUNG-1035, 3, 82-92; SAMSUNG-1036, Cover, 1:15-40, 3:54-4:6; SAMSUNG-1037, Cover, 2:47-56, 3:14-28, 4:32-41; SAMSUNG-1038, Cover, 2:27-48, 6:52-65, 12:17-39.

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

DoDots alleges that none of the desktop components of Brown include “a fully configurable frame” because the “frame shape and content [cannot] be wholly defined by the Dot developer.” POR, 36-40; SAMSUNG-1029, ¶62.

In support of this argument, DoDots cites to several areas of the ’083 Patent (not the ’545 Patent). *See* POR, 37 (citing to entirely unrelated DODOTS-2054). But none of these citations specify that a NIM frame *must* include a configurable control defined by a “developer.” SAMSUNG-1042, 10:55-57, 11:11-15, 65-67; 12:20-45; 16:61-65. At best, these passages suggest that NIMs “may” include controls that are designed by a developer, but that such a feature is not a requirement. SAMSUNG-1042, 10:56, 11:11-15, 12:24-25, 16:61-62. Additionally, none of these passages are directly tied to what it means to be a “fully configurable frame,” much less offer a definition of “fully configurable frame” or disavow coverage of NIMs where the frame shape and content is not wholly defined by the Dot developer. *Id.* In fact, DoDots’ exhibits provide

numerous examples of NIMs that do not include a configurable control added by a developer. SAMSUNG-1001, Appendix A, 3 (depicting “zero or more <CONTROL> tags”); DODOTS-2021, 15, citing DODOTS-2028, Technical Overview at 1; SAMSUNG-1029, ¶63.

<MENU>

Contains zero or more <ITEM> tags.

<ITEM>

TITLE= "string"

TOOLTIP="string"

ICON="URL"

ID=" string"

Must be unique.

<ACTION>

RECIPIENT="address"

MESSAGE="string"

<CONTROL_LAYOUT>

Contains zero or more <CONTROL> tags.

WIDTH= "integer"

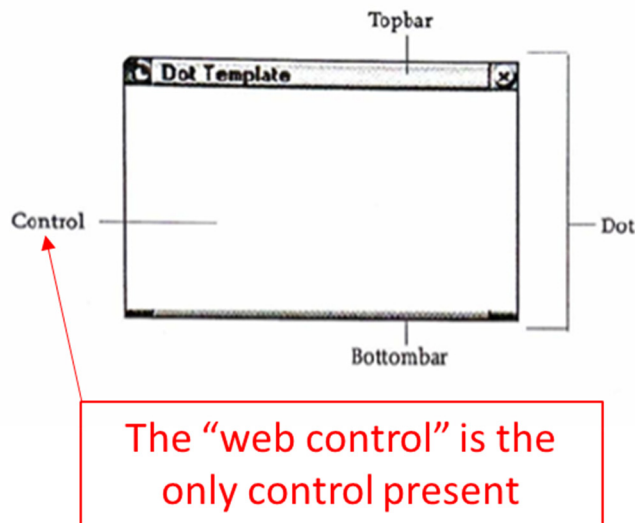
Divides control space into this many evenly spaced columns. Default is 1.

SAMSUNG-1001, Appendix A, 3.

DoDots Technical Overview

THE DOT™ DEFINES THE PACKAGE FOR CONTENT AND APPLICATIONS

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



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

DoDots construction of NIM merely requires “a fully configurable frame, with one or more controls.” Petition, 3-4. As explained in the Petition, Brown places no restriction on the frames of its desktop components and, thus, Brown discloses fully configurable frames. Petition, 20-21; SAMSUNG-1003, ¶¶50-53. Moreover, Brown does not place any restrictions on the HTML included in its desktop components and, without restrictions, a POSITA would have understood that standard controls defined by HTML are available for addition in Brown’s

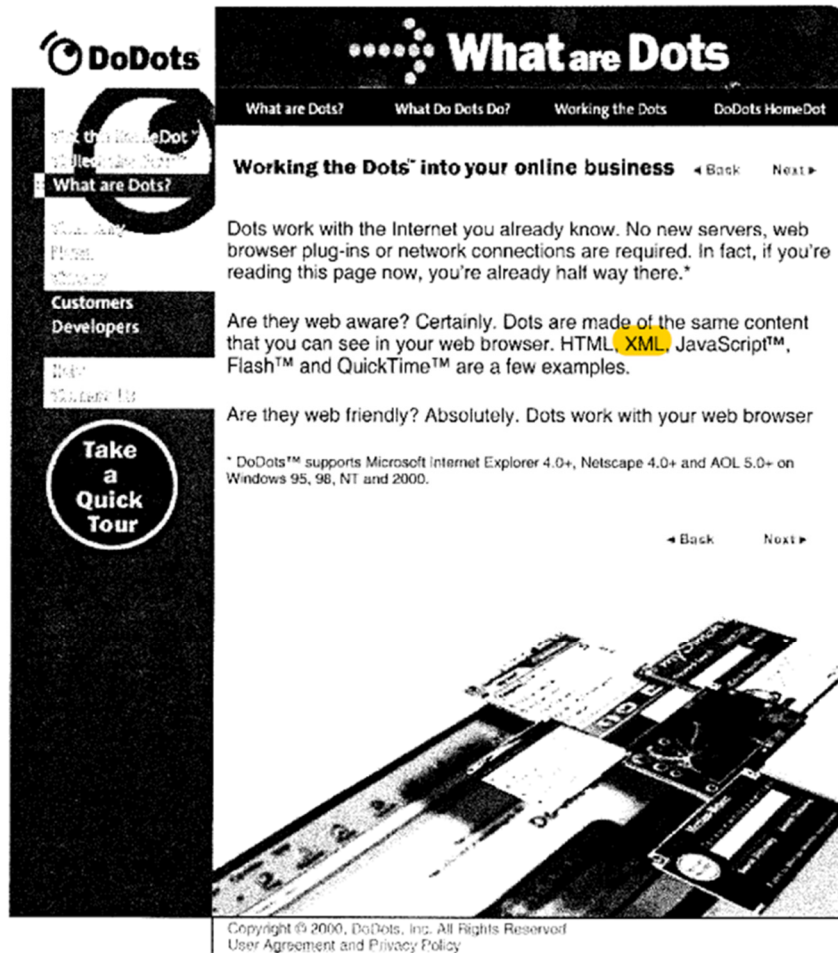
desktop components. SAMSUNG-1005, 7:9-47; 8:10-16; 10:9-15; 12:44-13:21; SAMSUNG-1029, ¶64.

C. Each of Brown’s desktop components include “internet content”

DoDots alleges that Brown’s “CDF subscription” is not “content,” and therefore, not “a network location of content,” and that the URL of the CDF subscription is not “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....” POR, 40-42. This argument is deficient. SAMSUNG-1029, ¶65.

1. DoDots admits that XML is internet content, and CDF files are coded in XML

Selker’s testimony confirms that XML is “internet content.” SAMSUNG-1030, 108:19-25. Moreover, DoDots’ own exhibits corroborate that XML was understood to be internet “content” around the time of the critical date. DODOTS-2033, 12; SAMSUNG-1029, ¶66.



DODOTS-2033, 12.

CDF is based on XML, as corroborated by Wecker. SAMSUNG-1006, 10:57-60. Accordingly, the URL depicted in the cited portion of the Petition would lead to an XML file. Petition, 25. DoDots does not explain why an XML file, in the context of Brown's CDF, is *not* internet content. POR, 40-42. The claim simply requires "a content request for content to be displayed within the frame of the viewer graphical user interface" and "reception...of content transmitted from the web server in response to the content request." *Id.* Brown's

CDF file is certainly for Brown's desktop component GUI and, as discussed above, is content. DoDots' assertion that CDF files themselves cannot be internet content is at odds with their own evidence. POR, 40-42; SAMSUNG-1030, 108:19-25, 111:21-112:23 (Selker admitting he was not aware CDF files were written in XML); SAMSUNG-1006, 10:57-60; Petition, 25. DoDots' argument about Brown's content being "time-varying" are entirely based upon the faulty assumption that XML CDF files are not "content." POR, 42; SAMSUNG-1029, ¶67.

```
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.

Petition, 33 (annotated).

2. Patent Owner ignores other examples of content references in Brown

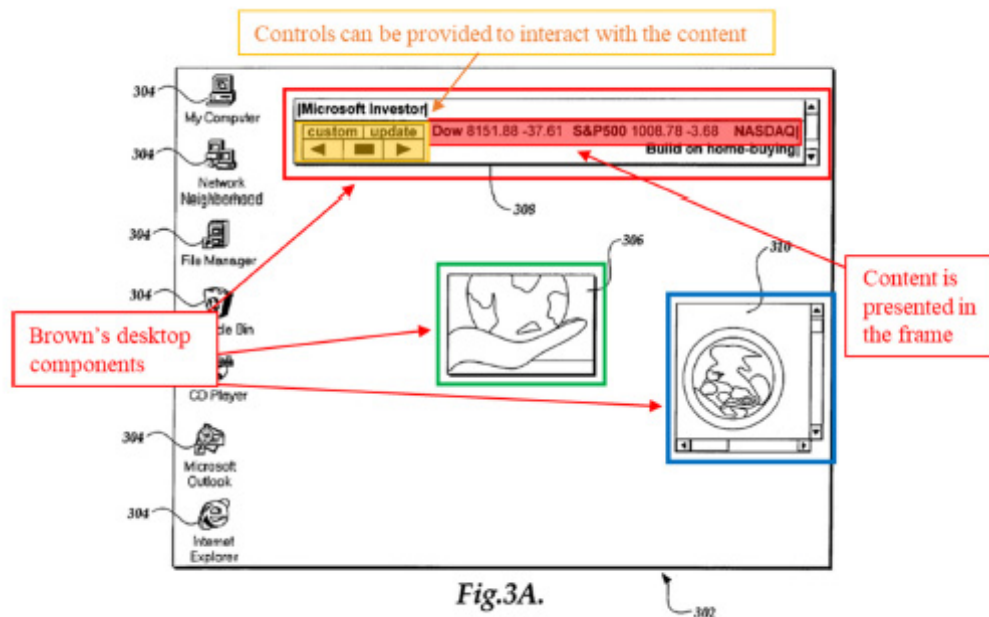
Although Brown's CDF subscription was relied upon in the Petition as an illustrative example, the Petition clearly articulates that: (1) according to Dr. Schmidt, "a POSITA would have understood that a Uniform Resource Locator ('URL') [is a] 'network location,'" and that content is available at these network

locations, and (2) Brown depicts multiple desktop components, each with its own content reference. Petition, 27, 31-32, 34; SAMSUNG-1003, ¶¶66, 75-77.

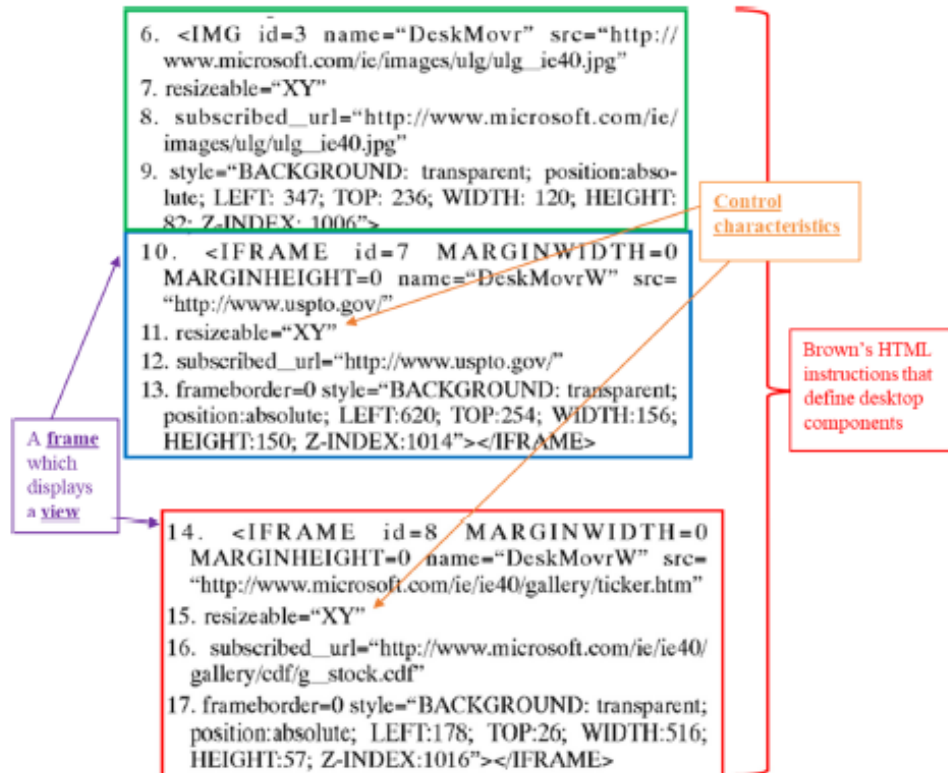
DoDots offers no explanation of why the other desktop components of Brown, as presented in the Petition, do not also include content references (e.g.,

<http://www.uspto.gov/>). POR, 40-42. Indeed, even Selker recognizes that

Brown's FIG. 3A displays "three kinds of active desktop items" where "content is retrieved from a URL." SAMSUNG-1030, 127:5-128:19, 131:17-21; SAMSUNG-1029, ¶69.



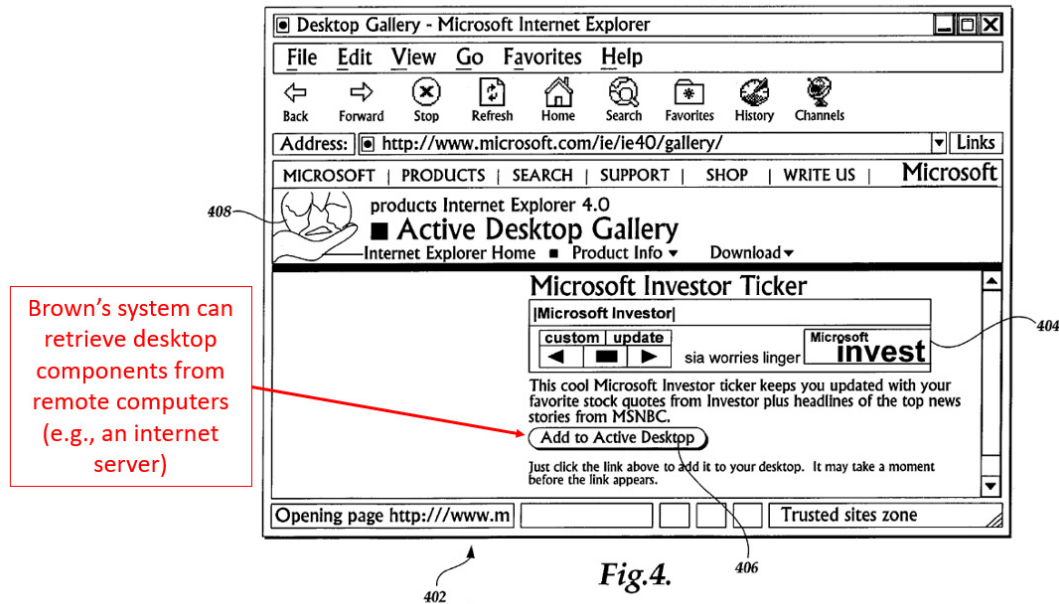
Petition, 25.



Petition, 29.

D. Brown-Wecker renders obvious “transmitting a request to the server over the network, the request requesting networked information monitor template”

DoDots argues that Brown fails to disclose these features because “Brown fails to provide any details of what is transmitted to a client computer running Brown’s composite desktop when the shell user interface control is selected.” POR, 42-47. Brown makes clear in its disclosure, as cited in the Petition, that its desktop components can be retrieved from “remote computers,” which, as noted in the Petition, supports its combination with Wecker. Petition, 12-13; SAMSUNG-1005, FIG. 4; SAMSUNG-1027, ¶70.



SAMSUNG-1005, FIG. 4.

Second, DoDots argues that “Wecker does not resolve” the alleged deficiencies of Brown because (1) “the Petition points to no evidence that Wecker’s scripts/templates, are transmitted in response to a user request,” (2) “Wecker’s scripts/templates are not NIM templates as construed nor has the Petitioner alleged that they are,” and (3) “Wecker provides no details regarding what would be contained in any scripts/templates that are transmitted from a server and whether what is transmitted and stored is a NIM template as construed.” POR, 44-45; SAMSUNG-1029, ¶71.

With respect to (2) and (3), the Petition never alleges that Wecker’s “scripts” are NIM templates and makes clear that HTML instructions for Brown’s desktop

components are the claimed NIM template. POR, 44-45; Petition, 20-26;

SAMSUNG-1029, ¶72.

With respect to (1), the Petition makes clear that “the users of desktop 16 can preferably subscribe to channels”—sending a “user request” for a template that defines the channel’s content (via a “subscription”). Petition, 12 (emphasis added). As explained in the Petition (and above), a POSITA would have viewed the disclosure of Wecker in the context of Brown and found it obvious to maintain HTML instructions for Brown’s desktop components on a server and download them upon user request based on Wecker’s description of server-based templates and channel subscriptions, as well as the well-known benefits of using server-based templates that would have been part of a POSITA’s general knowledge. Petition, 11-14, 25-26; SAMSUNG-1029, ¶73.

E. The combination of Brown, Wecker, and Beer renders Claims 5, 11-12, and 16-21 obvious

DoDots’ arguments for these claims are entirely based on the combination of Brown, Wecker, and Beer. POR, 45-47. DoDots first argues that “there would be no motivation to combine” because “Beer is concerned with obtaining user interface templates, which is not the same as internet content.” POR, 45-47; SAMSUNG-1029, ¶74.

First, it assumes that references must have the exact same purpose to be combined. POR, 45-47. This is not what is required for obviousness. Petition, 51-

54; *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007). DoDots fails to explain what is not “predictable” about the combination. POR, 45-47; Petition, 51-54; SAMSUNG-1029, ¶75.

Second, contrary to DoDots’ argument (which is improper), Beer describes that its PGUI “displays the user interface rendered in the specified style for response to events and for display of content.” SAMSUNG-1007, 2:33-35, 14:11-22; Petition, 50-51. Accordingly, even if DoDots’ misguided requirement for obviousness was applied, the references would still be combinable. POR, 45-47; SAMSUNG-1029, ¶76.

DoDots then argues that “Beer’s UIL is a custom language related to a user interface, while HTML is markup language” which are “fundamentally different.” POR, 46. However, Beer discloses that “[t]he UIL user interface description is preferably a text file in a format similar to various text-markup languages, such as HTML.” SAMSUNG-1007, 3:42-44 (emphasis added). DoDots provides no explanation of why a format that is similar to HTML is “fundamentally different” than HTML itself. POR, 47; SAMSUNG-1029, ¶77; *see also infra* §IV.B.

Finally, DoDots argues “Brown’s passing mention that the invention could be ‘practiced with other computer system configurations’ does not eliminate the fact that it is tied to a computer desktop” and “there would be no reason to implement Beer, because there were no issues arising from appearance [*sic*]

created by different operative [*sic*] systems.” POR, 46-47. DoDots appears to be alleging that Beer’s disclosure that different OS “present a problem for employers who may have widely disparate types of computer systems” would dissuade a POSITA from implementing Beer’s techniques on a personal computer, and that a user would have no need to display multiple OS styles. *Id.* This argument overlooks that (1) Beer specifically mentions its techniques can be practiced on “personal computers,” and (2) Beer does not describe multiple OS operating on the same computer, but rather implementing a style of an OS on a computer not running that OS. SAMSUNG-1007, 1:15-40, 3:16-33; SAMSUNG-1029, ¶78.

IV. A POSITA WOULD HAVE COMBINED SHIMADA AND BUCHHOLZ

The Petition explained how the combination of Shimada and Buchholz would involve “implementing the ‘screen configuration data’ of Shimada into the ‘subscriber units’ of Buchholz.” Petition, 66-68. As detailed in the Petition and explained below, a POSITA would have been motivated to make such a combination. *Id.*; SAMSUNG-1003, ¶¶143-147; SAMSUNG-1029, ¶79.

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

DoDots presents multiple arguments that Buchholz does not have an expanding device positioned between the server and client. POR, 55-62; SAMSUNG-1029, ¶80.

DoDots appears to reverse the roles of the two references. POR, 55-62. It appears DoDots argues that Petitioner relies on the structure of Shimada to implement the techniques of Buchholz, when in fact, it is the opposite. Petition, 66-68; SAMSUNG-1003, ¶¶143-147. Shimada’s techniques (“screen configuration data”) are implemented in the structure of Buchholz’s system (“subscriber units”). *Id.* Shimada’s “expanding device” is not part of the combination. *Id.* Indeed, as described in the Petition, Buchholz’s subscriber units are already configured to store, parse, and display collections of HTML-like templates. Petition, 68-72; SAMSUNG-1029, ¶81.

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

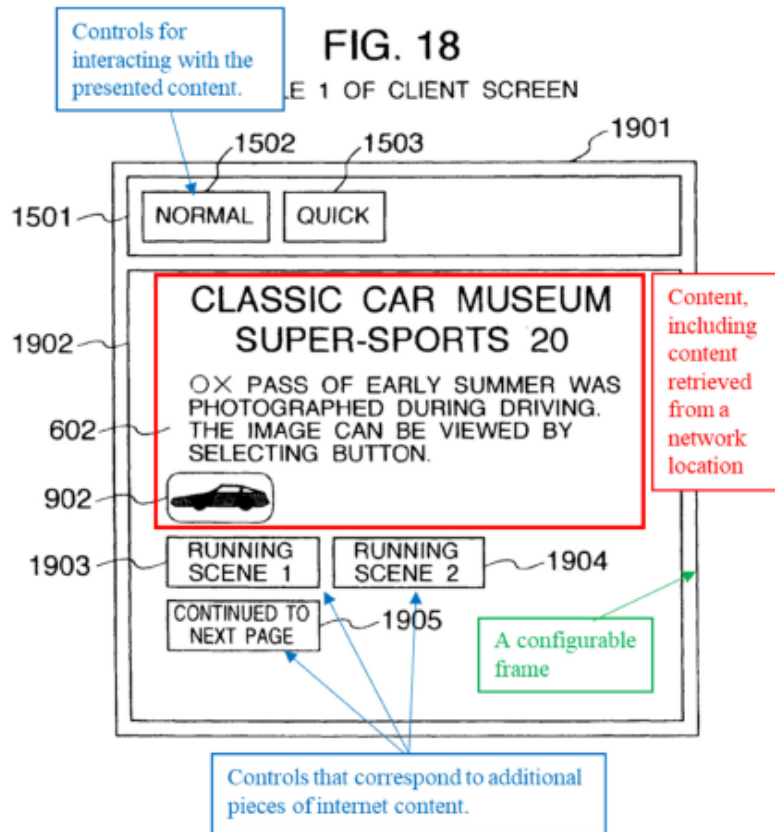
DoDots alleges that Buchholz, when discussing something “similar” to HTML, proposes “some custom variant of HTML for a mobile device” that would be incompatible with HTML techniques. POR, 57. The POR does not elaborate on what this “custom variant” could be, and neither does Selker’s testimony. POR, 57; DODOTS-2010, ¶224. As DoDots admits, “Buchholz is completely silent regarding any details of its templates.” POR, 59. DoDots’ conclusion that Buchholz is using “some custom variant of HTML” is unfounded. POR, 57; DODOTS-2010, ¶224; SAMSUNG-1029, ¶82.

V. SHIMADA-BUCHHOLZ RENDERS THE CLAIMS OBVIOUS

A. Shimada-Buchholz renders obvious a NIM template

1. Shimada's screen configuration data includes view characteristics

DoDots argues that “[t]he Petition provides no discussion of what a view characteristic means to a POSITA.” POR, 62. However, as can be seen from Shimada's figures, the frame of screen configuration data bounds a “view.” Petition, 75, 79-81. DoDots appears to be arguing that “view characteristics” takes on special meaning in the '545 patent. POR, 62-63. However, details of “view characteristics” do not appear in the '545 patent, which simply describes that the content of a NIM may be “view[ed]” in a “viewer.” SAMSUNG-1001, 11:61-65, 17:7-10, 20:41-44. Accordingly, Shimada-Buchholz satisfies this feature simply because its content can be observed (“viewed”) based on the characteristics defined in its templates. *Id.*; Petition, 75, 79-81; SAMSUNG-1003, ¶¶156, 163; SAMSUNG-1029, ¶83.



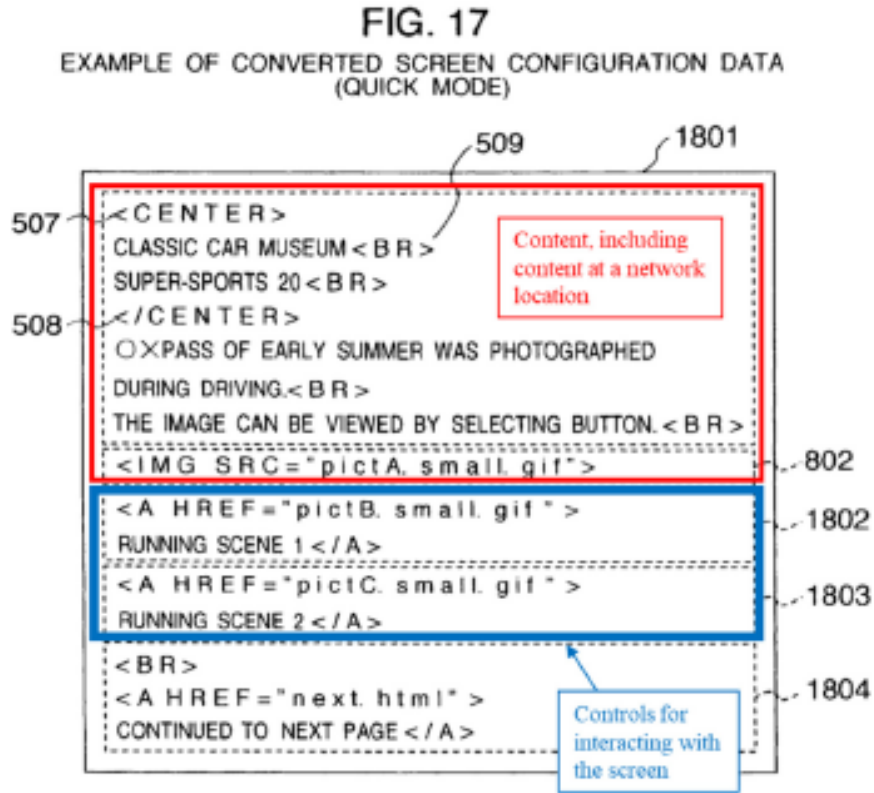
SAMSUNG-1008, FIGS. 18 (annotated).

2. Shimada's screen configuration data includes control characteristics

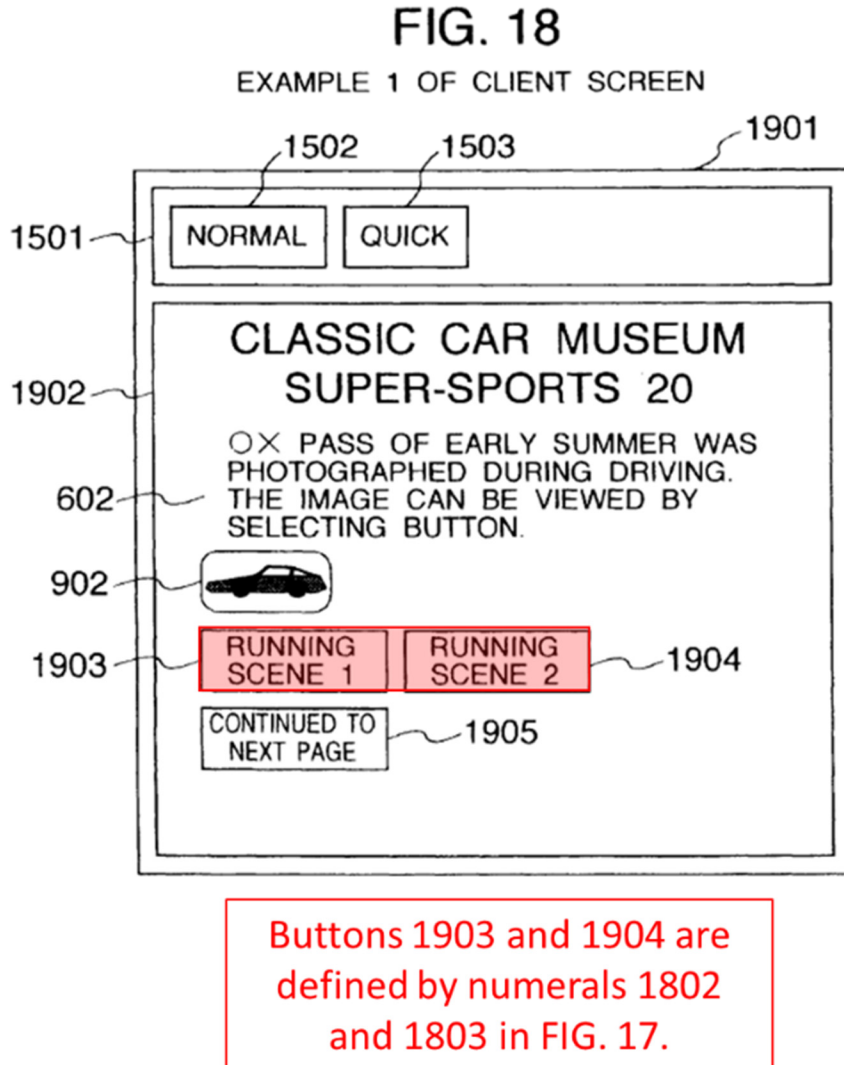
DoDots alleges that "[t]he Petition does not identify anything in the Shimada/Buchholz specifications/figures as being a 'control' characteristic," yet the POR cites the controls the Petition identified. POR, 63-65. DoDots appears to argue that the Petition allegedly does not identify the "characteristic" of these controls. POR, 64. The distinction DoDots makes is insignificant and does not change the fact that Shimada's screen configuration data includes controls that are

presented to a user (manifesting “characteristics”). POR, 63-65; Petition, 76-81;

SAMSUNG-1003, ¶¶158, 164, 177-180; SAMSUNG-1029, ¶84.



SAMSUNG-1008, FIG. 17 (annotated).



SAMSUNG-1008, FIG. 18 (annotated).

3. Shimada's HTML is a "data structure," for the same reasons described above for Brown

DoDots alleges that "HTML (and certainly fragments of HTML) are not data structures for the reasons set forth above with regard to Brown." POR, 65-67.

This argument is deficient for the same reasons discussed above. *See supra*, §III.A.2; SAMSUNG-1029, ¶85.

4. Shimada's URLs reference content elements

DoDots argues that “Shimada does not disclose any URLs in the screen configuration data,” but rather “file names.” POR, 67-69; SAMSUNG-1029, ¶86.

This argument in the POR simply repackages DoDots unsuccessful pre-institution argument. As noted by the Board, the tags of Shimada “include a URL to permit communicating with a server.” Institution Decision, 67; Petition, 68, 83, 93; SAMSUNG-1003 ¶¶148, 171, 187; SAMSUNG-1029, ¶87. Contrary to what DoDots alleges, a POSITA would not need to “abandon the express teaching of Shimada.” *Id.*

B. Shimada-Buchholz renders obvious a NIM

DoDots argues that Shimada's screen configuration data is not “fully configurable” because “Shimada's screens all have a similar and specific layout” and that this “indicat[es] that they are not fully configurable frames.” POR, 69-71. This is a circular argument with no supporting analysis, and Selker's testimony simply parrots the POR. POR, 69-71; DODOTS-2010, ¶265-266. Also, as discussed above, DoDots' implicit construction of this feature requiring that a developer “wholly define” the frame should be rejected. SAMSUNG-1029, ¶88; *See supra*, §III.B.

C. Shimada-Buchholz-Darnell renders claims 5, 8, and 12 obvious

DoDots' arguments for these claims are entirely based on the combination of Shimada, Buchholz, and Darnell. POR, 71-72. DoDots argues that Darnell is

“directed solely towards HTML” while “Buchholz explicitly states that it does not use HTML, and Shimada’s disclosures [are not] a valid HTML document.” *Id.* As discussed above, DoDots has failed to prove any alleged disparity between the HTML teachings of Darnell and the teachings of Buchholz. *See supra*, §IV.B; POR, 71-72. DoDots then argues that the arguments in the petition for claim 5 are “actually from...Petty.” POR, 72. This is simply not correct, and as mentioned in the petition, Darnell devotes an entire chapter to the use of XML. Petition, 96-98. Petition, 96-98; SAMSUNG-1011, 783; SAMSUNG-1003, ¶¶192-201; SAMSUNG-1029, ¶89.

D. Shimada-Buchholz-Krishna renders claims 11 and 16-21 obvious

DoDots’ arguments for these claims are entirely based on the combination of Shimada, Buchholz, and Darnell. POR, 72-73. DoDots argues that “Krishna is concerned with the conversion of more complex webpages into HTML” and “[t]his is not what Shimada and Buchholz are directed towards.” *Id.* This argument is flawed because assumes that references must have the exact same purpose to be combined. POR, 45-47. This is not what is required for obviousness, and DoDots fails to explain what is not “predictable” about the combination. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007); Petition, 99-101; POR, 72-73; SAMSUNG-1003, ¶¶201-204; SAMSUNG-1029, ¶90.

E. Shimada-Buchholz renders obvious the dependent claims of the '545 Patent

DoDots arguments for the dependent claims depend entirely on their arguments for the independent claims and fail with them. POR. 73-74; SAMSUNG-1029, ¶91; *see supra* §§V.A-B.

VI. THERE ARE NO SECONDARY CONSIDERATIONS THAT SUPPORT PATENTABILITY

DoDots' attempt to put forward secondary considerations evidence to salvage the claims of the '545 patent fails because DoDots does not establish a nexus between any of the purported secondary considerations evidence and the claims. *Ormco Cor v. Align Techs.*, 463 F.3d 1299, 1311–12 (Fed. Cir. 2006). DoDots does not even attempt to tie its secondary considerations evidence to the claims of the '545 patent and, instead, relies on a presumption of nexus.

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

A. DoDots Fails to Establish Nexus

DoDots' analysis on nexus is essentially limited to a single conclusory sentence in its POR: "Because each claim element is present in the commercialized Dots, there is a concrete nexus to all the patent claims." POR, 78. Selker provided

a similar conclusory analysis in reiterating that he believes nexus exists because “all of the claim elements for the [challenged patent] are found in the DoDots technology.” SAMSUNG-1030, 134:4-21. Having all claimed features in a product, however, is insufficient to establish a presumption of nexus. The law requires coextensiveness.

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

In fact, John and George Kembel, the co-founders/inventors of DoDots, testified about various unclaimed features of DoDots technology that were critical to its alleged success. For example, John Kembel attributed the alleged success of DoDots to the “Dot infrastructure,” where such infrastructure included critical, unclaimed elements called “Home Dot,” “Dot sharing,” and “DevDot,” to name a few examples. SAMSUNG-1031, 20:6-21:5, 29:16-33:11, 50:12-52:18. As he repeatedly acknowledged, a “Home Dot” was “*needed*” to “Dot-enable” a computer prior to practicing the alleged invention. *Id.*, 29:16-33:11. He further testified that the DevDot supported “a whole developer ecosystem,” which was a key to DoDots’ alleged success. *Id.*, 59:2-17. None of these features of the DoDots product appear in any of the claims of the ’545 patent. Rather, these

allegedly critical elements of DoDots are at best claimed in *other* patents assigned to DoDots, including U.S. 9,438,467 (SAMSUNG-1040) and U.S. 8,510,306 (SAMSUNG-1041). SAMSUNG-1037, Claim 1; SAMSUNG-1038, Claim 16. Selker confirmed he did not review these or any other DoDots patents in his analysis, despite confirming that such an analysis would have been necessary to establish coextensiveness. DODOTS-2010, 292-293; SAMSUNG-1030, 135:13-18.

George Kembel, during his deposition, pointed to the “visual design of the Dots” as “one ingredient of many ingredients of why [DoDots] was successful.” SAMSUNG-1032; 40:12-41:25. He further acknowledged that the DoDots technology was encompassed by various patents beyond the three asserted in the instant IPR proceedings, thus further casting doubt on any alleged nexus between the DoDots product and the invention claimed in the ’545 patent. *Id.*, 45:16-46:20.

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

In its POR, DoDots entire case for secondary considerations relies on the testimony and cherry-picked exhibits provided by two interested witnesses— co-founders/inventors John and George Kembel. POR, 80-88; DODOTS-2021; DODOTS-2030.

DoDot’s sole “independent” expert Selker based his entire secondary considerations analysis on declarations provided by the co-founder/inventor duo.

DODOTS-2010, 292; SAMSUNG-1030, 135:13-18. But when pressed during deposition for related testimony based on his own personal knowledge, Selker painted a very different picture of the actual circumstances surrounding DoDots.

For instance, regarding long-felt need and praise, Selker praised Microsoft, not DoDots, acknowledging that “[t]here was something very special about” the browser eliminating technology described by Brown and pursued by Microsoft, whose “goal was to kill browsers.” SAMSUNG-1030, 117:17-118:7. With regard to praise and commercial success, Selker acknowledged during deposition that he had never even heard of DoDots before starting work on this case. *See* SAMSUNG-1030, 63:19-25.

Beyond Selker’s admissions, the evidence does not support DoDots’ contentions of secondary considerations. As to long-felt need, DoDots cites just three articles. DODOTS-2022-2024. But each of these articles was published in 2000—after the Critical Date—and each discusses DoDots. Evidence that comes *after* the Critical Date and references the alleged invention does not demonstrate a *long-felt* need for the invention and failure by others. In fact, DoDots’ evidence suggests prior/contemporaneous recognition of the same problem by other companies (including Microsoft) that solved the problem at least as well as DoDots. DODOTS-2023, 1-5 (“Amaze Ltd.,” “Xerox,” “Inxight Software,” “Microsoft’s 3-D effort, TaskGallery,” “Unext.com,” “The-Brain,” “ZigZag”);

DODOTS-2024, 1 (“Several start-ups - DoDots, iWare, NetSanity, Snippets.com and Winfire among them”). That supports obviousness. And the fact that Apple and Samsung “received hordes of [apps and app store] patents” suggests that Apple and Samsung invented apps, not DoDots. POR, 85 (citing DODOTS-2048-2053). There was no long-felt need for anything invented by DoDots.

As to industry praise, DoDots leads with evidence from a “Stanford” professor that served on the Kembel’s “board of advisors,” as well as praise offered by Softbank *after* Softbank agreed to fund DoDots. DODOTS-2031, 1; DODOTS-2032, 1. It is hardly surprising that DoDots would be praised by its own “board of advisors” and its investor. This is not industry praise; it is praise by DoDots itself. DoDots also ignores the criticism of DoDots offered by others. DODOTS-2023, 5; DODOTS-2024, 3; DODOTS-2026, 2.

As to commercial success, DoDots “must be armed with evidence of market share, growth in market share, and replacement of prior sales by others.” *Brand Mgmt, Inc. v. Menard, Inc.*, No. 97-1329, 1998 WL 15241 at *11 (Fed. Cir. 1998). But DoDots offers no evidence of market share, much less any sales. This is not surprising, as DoDots attempted to demonstrate commercial success in a prior IPR and was soundly rebutted. As established in that proceeding, DoDots had “no revenue,” but was instead operating with monthly net losses of over \$1.1 million.

SAMSUNG-1045, 50:17-52:16; 53:20-54:5; 56:13-57:6; DODOTS-2043, 3;

SAMSUNG-1044, Exhibit C (below).

DoDots, Inc

**Income statement
Month of March 2000**

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

In contrast to its large expenditures, DoDots “product” was offered to customers in beta-form “free of charge.” SAMSUNG-1045, 24:13-25; 25:7-22. Although DoDots alleges that it raised \$18.5M (\$17M completely uncorroborated and supported only by interested investor testimony), there is no evidence of any revenue and only evidence of that funding being quickly depleted with failed attempts to enhance it. DODOTS-2030, 33-43. A limited amount of funding with a series of alleged investment offers that all ultimately failed is not commercial success, it is failure. Indeed, the evidence shows the opposite of commercial success: massive expenditures and no revenue whatsoever. Tellingly, when asked during deposition whether DoDots was ever profitable, George Kembel—the **CEO**

and co-founder of DoDots—refused to provide an answer. SAMSUNG-1032, 51:5-54:9.

DoDots has failed to carry its burden to prove secondary considerations tied to the '545 patent claims outweigh Petitioner's strong evidence of obviousness. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007).

VII. CONCLUSION

The Challenged Claims are unpatentable.

Respectfully submitted,

Dated: July 3, 2024

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CERTIFICATION UNDER 37 CFR § 42.24

Under the provisions of 37 CFR § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Corrected Petitioner's Reply to Patent Owner's Response totals 5,589 words, which is less than the 5,600 allowed under 37 CFR § 42.24(c)(1).

Dated: July 3, 2024

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CERTIFICATE OF SERVICE

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

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