



Patent Owner's Oral Argument Presentation[†]

***Netflix, Inc. v. GoTV Streaming, LLC, Nos. IPR2023-00757 & IPR2023-00758
re U.S. Patent Nos. 8,989,715 and 8,478,245***

August 6, 2024

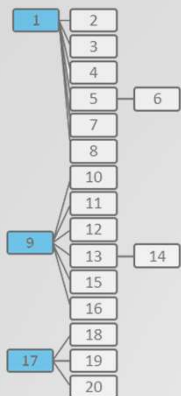
Before Richard M. Lebovitz, Brian J. McNamara, and Steven M. Amundson,
Administrative Patent Judges

Presented by Joshua Wyde,
Counsel for Patent Owner



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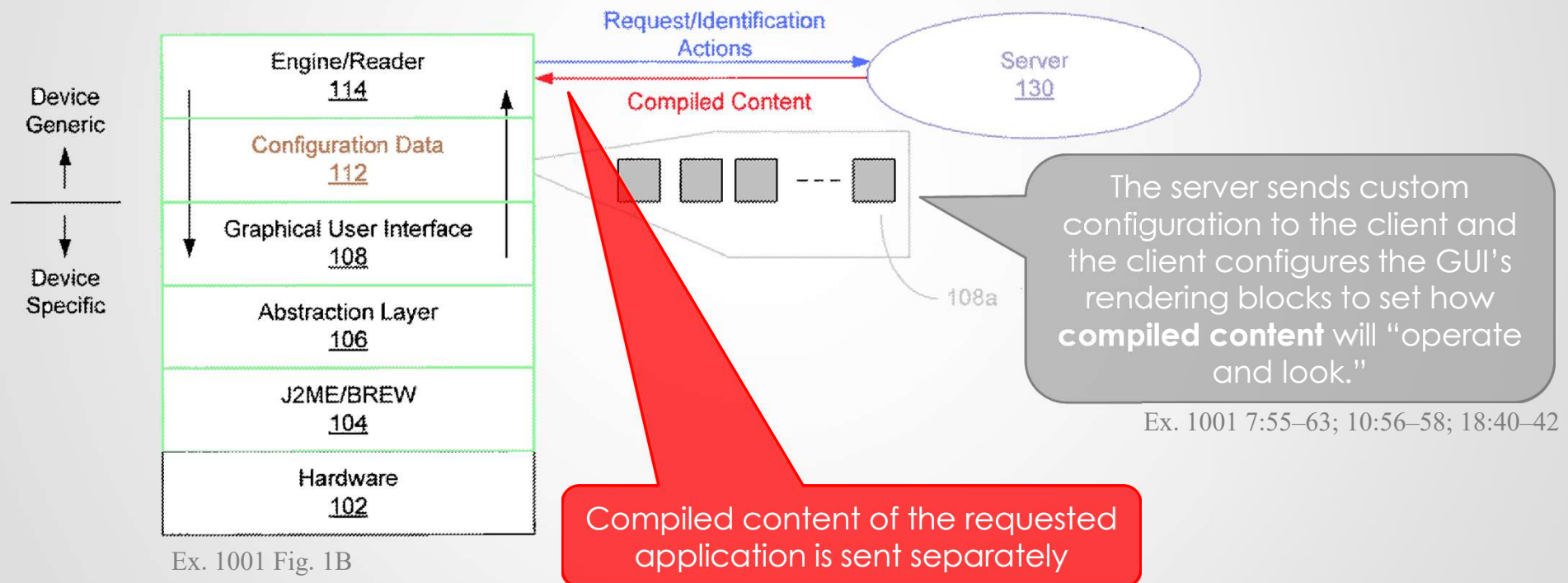
[1f/9f/17f] wherein said **custom configuration** is **applicable to** said first and second **compiled content**

Custom Configuration Is Not Applicable to Compiled Content

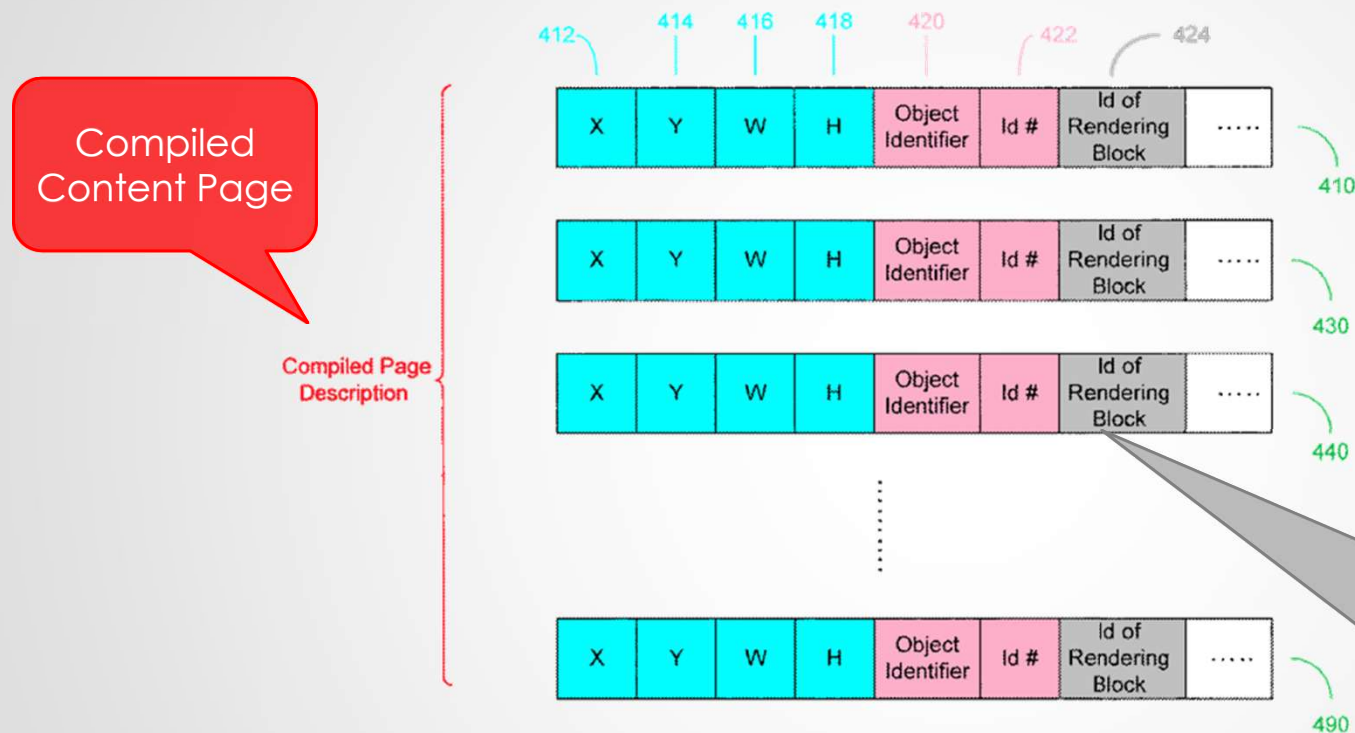
Custom Configuration Configures Compiled Content

certain graphical appearances of the requested application. In other words, the custom configuration provides the “look and feel” of the content of the requested application. The server

Ex. 1001 3:13–15



Content Reference Allows Configuration to be “Applicable”



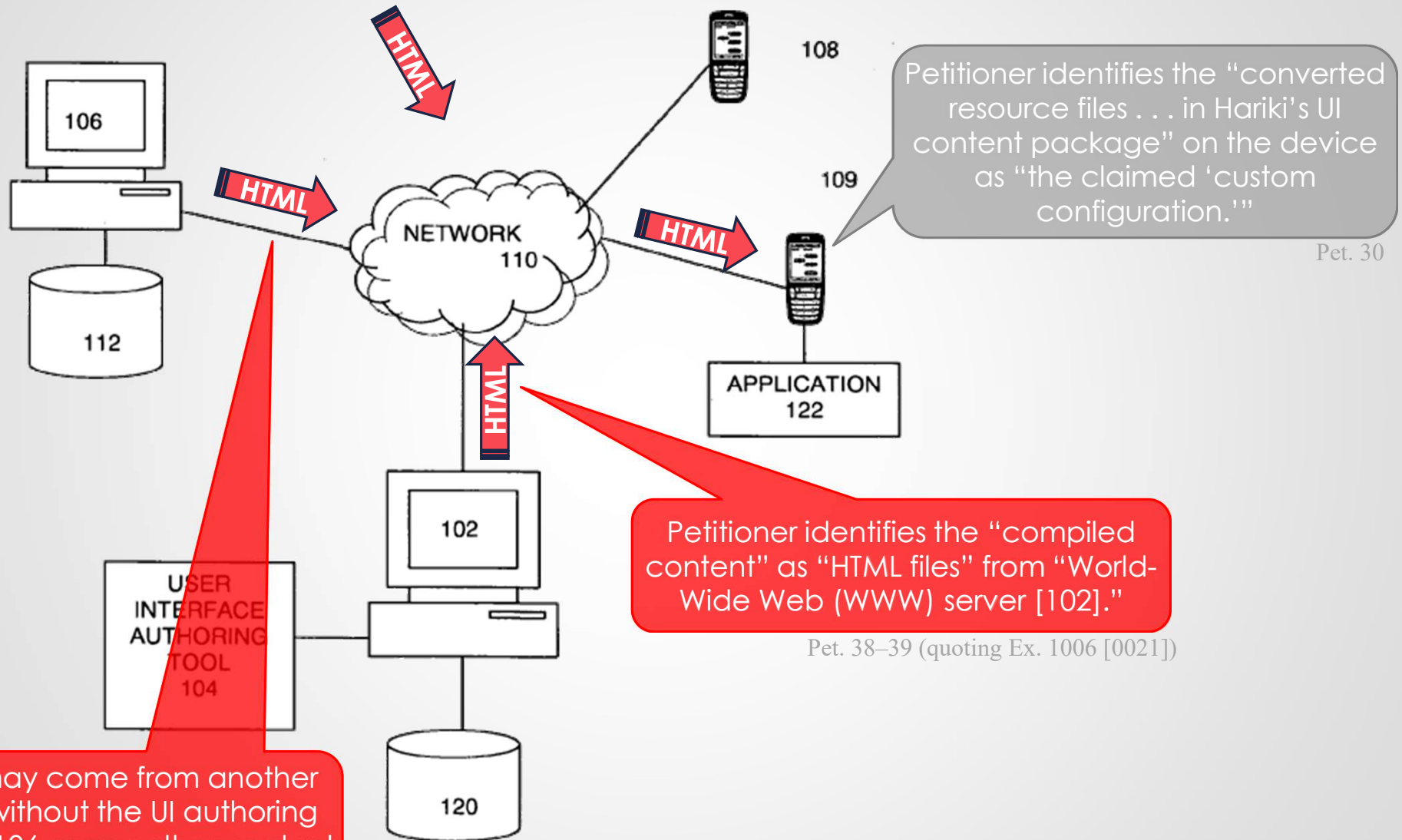
Ex. 1001 Fig. 4.

By referencing IDs of rendering blocks customized by the custom configuration the rendering blocks **are** “**applicable**” (i.e., **applied**) to the **compiled content**

POR 8

POR 8

Pet. IDs HTML/UI Skin as “Compiled Content”/“Cust. Config.”



Pet. 30

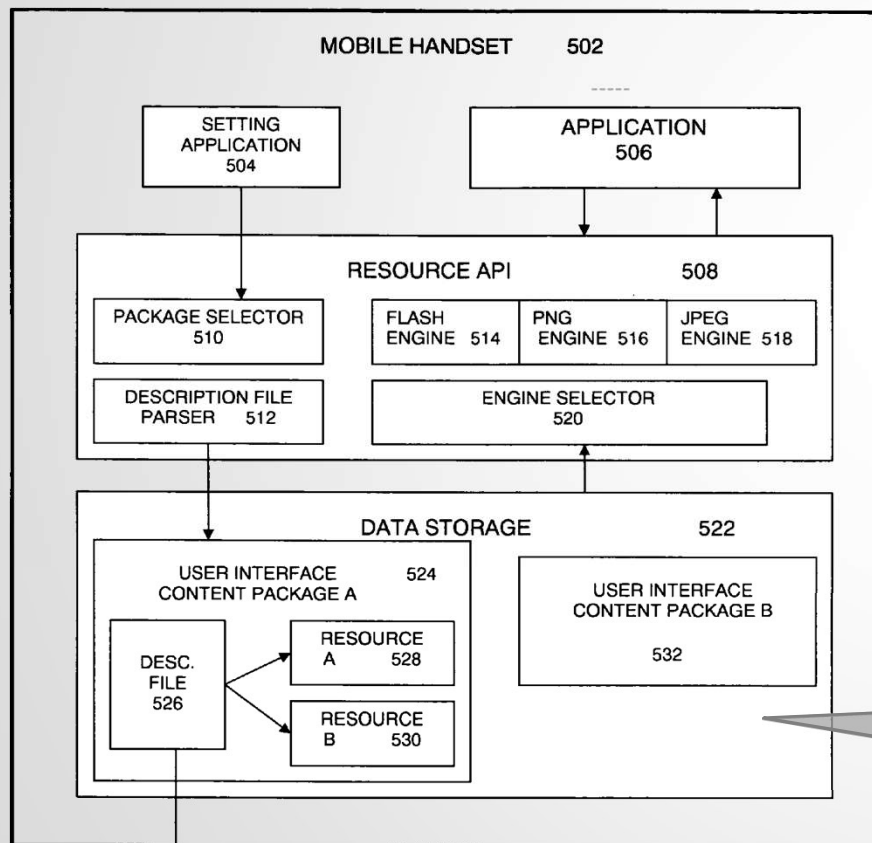
Pet. 38–39 (quoting Ex. 1006 [0021])

Ex. 1006 Fig. 1

Ex. 1006 [0021]

POR 51; Sur-Reply 18–19

UI Skin Operates on Background, Buttons, Alerts, Title Bars



From Ex. 1006 Fig. 5



UI Skin Converted Resources operates on “rendering blocks” such as the device’s “backgrounds, title bars, buttons, and alert sounds.”

Pet 47 (quoting Ex. 1006 [0022])

† Image of T-Mobile G1 from The Dream Has Come True: T-Mobile G1 with Google (Sept. 23, 2008), available at https://www.phonearena.com/news/The-dream-has-come-true-T-Mobile-G1-with-Google_id3181

Browser Application Is Not Identified HTML Compiled Content

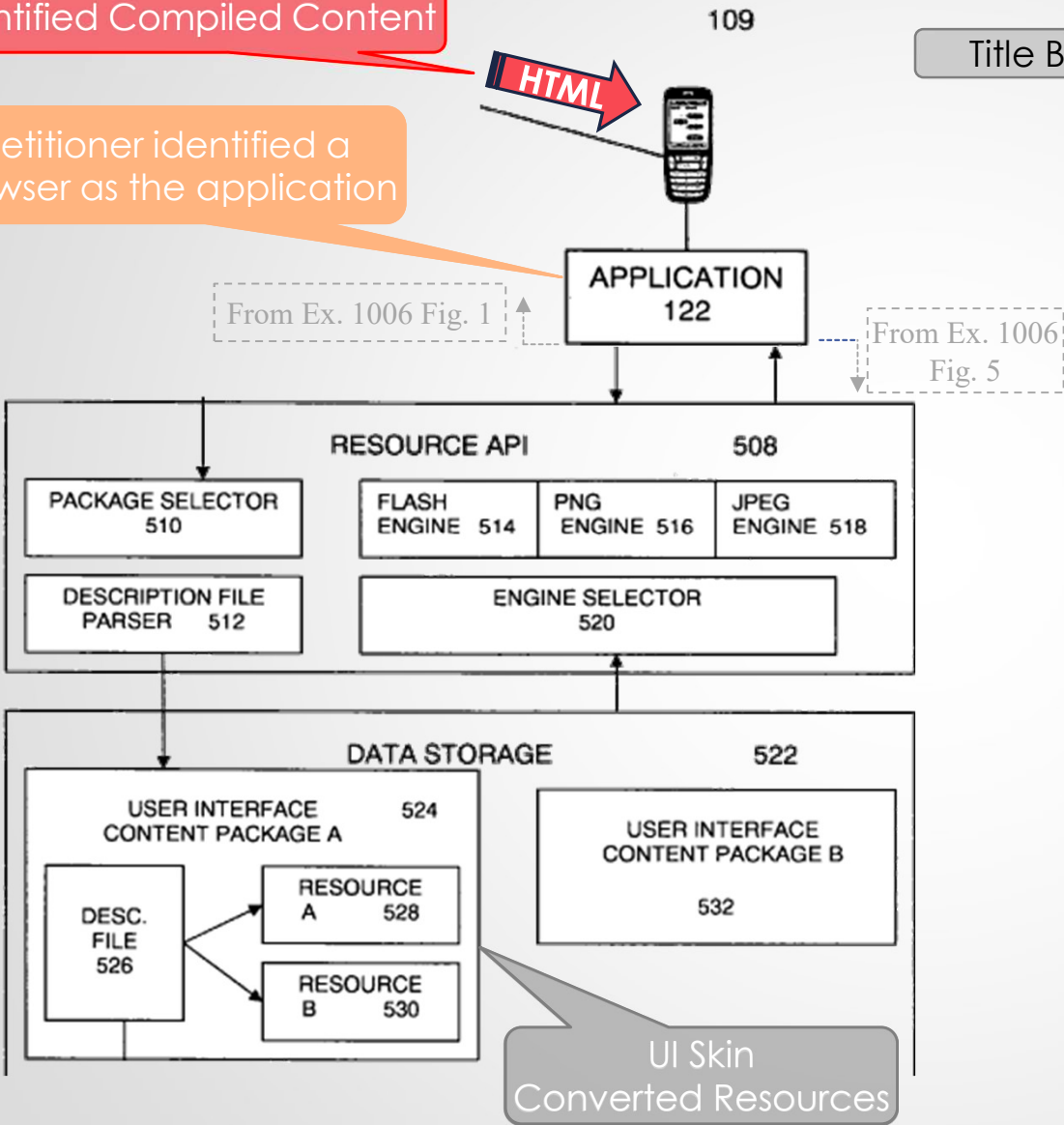
Identified Compiled Content

Petitioner identified a browser as the application

Title Bar

Petitioner identified HTML inside browser as compiled content

Pet. 38–39 (quoting Ex. 1006 [0021])



† Image of T-Mobile G1 from Repost of Larry's 2008 review of the first Android phone (first appeared in Mercury News on Oct. 16, 2008), available at <https://www.larrysworld.com/repost-of-larrys-sept-2008-look-at-the-first-android-phone/>

UI Skin is Not Applied to HTML Content



Mr. Lipoff, P.E.

- ❑ HTML sets how the page is displayed, not UI skin resources

Ex. 2022 ¶156; accord Pet. 11, 38

- ❑ HTML standard has no provision for interfacing with the UI skin accessed through Hariki-specific local API

Ex. 2022 ¶¶156–57

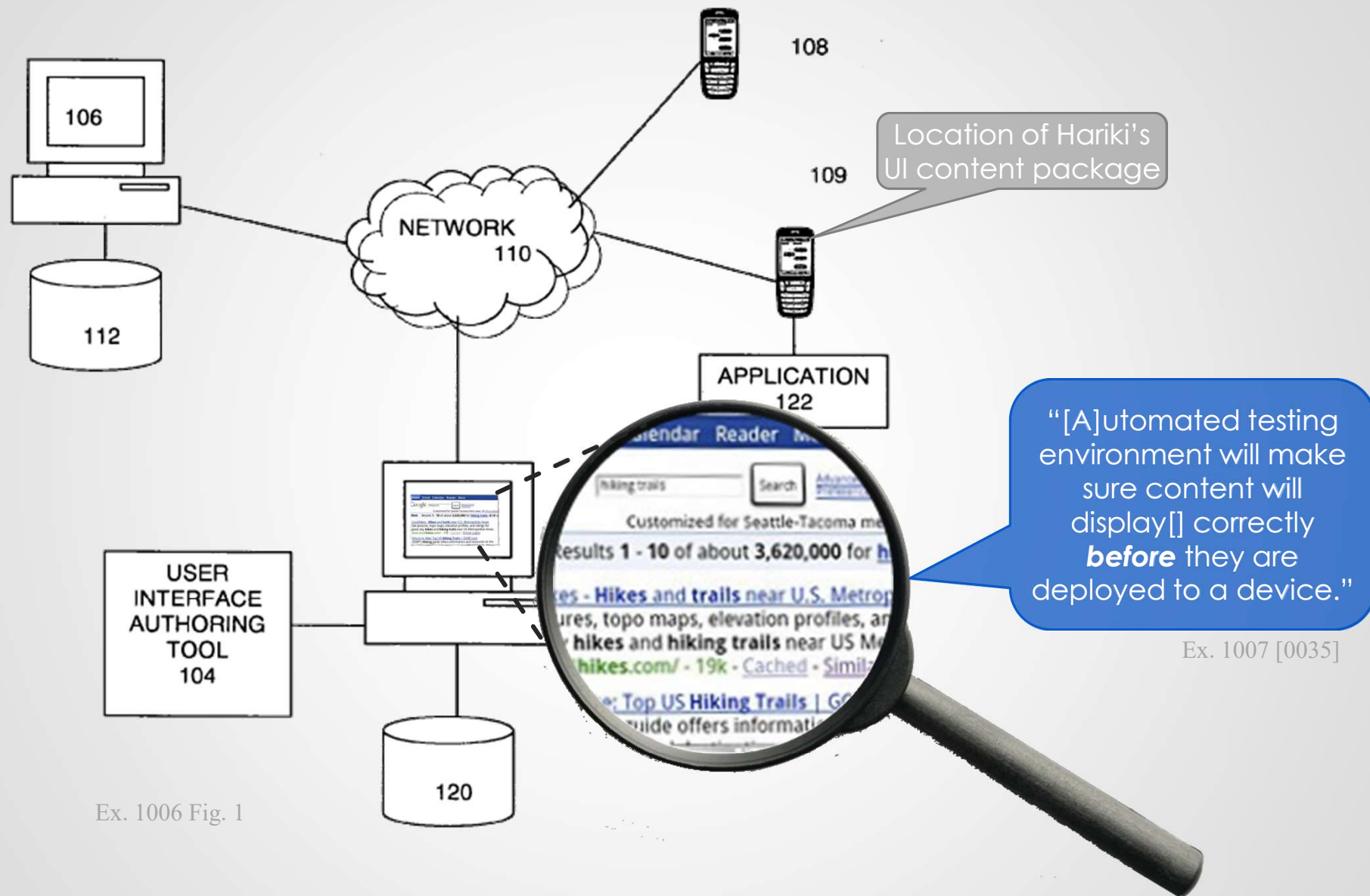
- ❑ Petitioner left these arguments unrebutted

Reply 21–22



[†] Image of T-Mobile G1 from Repost of Larry's 2008 review of the first Android phone (first appeared in Mercury News on Oct. 16, 2008), available at <https://www.larrysworld.com/repost-of-larrys-sept-2008-look-at-the-first-android-phone/> POR 52; Sur-Reply 19–20

Hariki-Harris HTML Displays Properly before Sent to Device



Ex. 1006 Fig. 1

□ Petitioner again left this argument unrebutted

Reply 21-22

POR 52-54; Sur-Reply 19-20

Petitioner Does Not Meet Inherency's High Bar

certain way. *Id.*, ¶¶19, 21, 24. This customization **requires** that the UI content package be applicable to the HTML files that are received from the web server and displayed in the web browser. *Id.*, ¶¶19, 41-42. POSITAs would have understood.

Reply 22

Does not mention HTML once; says UI Skin “allows” an application program to access the resource, not that it must or naturally does; configuration can be “backgrounds, title bars, buttons, alert sounds”

PAR Pharm., Inc. v. TWI Pharm., Inc.,
773 F.3d 1186, 1196 (Fed. Cir. 2014)

A party must “meet a high standard in order to rely on inherency to establish the existence of a claim limitation in the prior art in an obviousness analysis—the limitation at issue necessarily must be present, or the natural result of the combination of elements explicitly disclosed by the prior art.”

Sur-Reply 18–19

Dr. Bederson Parrots Argument without Further Explanation

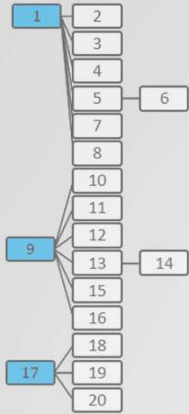
displayed in the web browser. *Id.*, ¶¶19, 41-42. POSITAs would have understood that customizing the application program environment using the UI content package would mean that the converted resources of the UI content package were applicable to all HTML files displayed in the application. *Bederson*, ¶148. Dr. Bederson also

Reply 22

148. A POSITA would have understood that customizing the application program environment or display and sound aspects of the device using the UI skin (e.g., UI package), would mean that the resources of the UI package (i.e., “custom configuration”) were applicable to all HTML files received from the web server and displayed in application.

Ex. 1002 ¶ 148

Sur-Reply 18-19

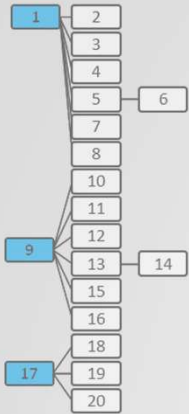


[1b/9b] wherein said custom configuration is associated with an application and configures said plurality of rendering blocks to render content in a manner **customized to said application**

[17b] . . . custom configuration that configures a plurality of rendering blocks of said wireless device to render content in a manner **customized to an application** . . .

Custom Configuration Does Not Configure Rendering Blocks “Customized To” Identified Applications

“Customized To” Means “Created For”



[1b/9b] wherein said custom configuration is associated with an application and configures said plurality of rendering blocks to render content in a manner **customized to said application**

[17b] . . . custom configuration that configures a plurality of rendering blocks of said wireless device to render content in a manner **customized to an application** . . .

Petitioner	Patent Owner
plain and ordinary meaning Pet. 19	“created for” POR 16–17
(“associated with” or “related to”) Reply 2–3	

“Customized to Said Application” = “Application-Specific”



Mr. Stuart Lipoff, P.E.

- When discussing software, “customized to said application” is the equivalent to “application-specific”



Dr. Benjamin B. Bederson

17 Q In this claim, it says "specific to
18 said application."
19 Is that the same thing as saying
20 application specific?
21 A I don't think I specifically analyzed
22 that distinction, but I'm not thinking of any
1 distinction at the moment|.

Ex. 2031 84:17-85:1

Application-Specific Means “Created For”



Mr. Stuart Lipoff, P.E.

- ❑ “Application-Specific” means “created or written for a specific application” (i.e., being built, fit, or altered according to individual application specifications)

Ex. 2022 ¶121 (citing dictionary Ex. 2026); *Id.* (citing Ex. 2027)



Dr. Benjamin B. Bederson

- HTML Harris produces is **customized** for a device because this “HTML is an example of files that are **tailored to** a particular mobile device”

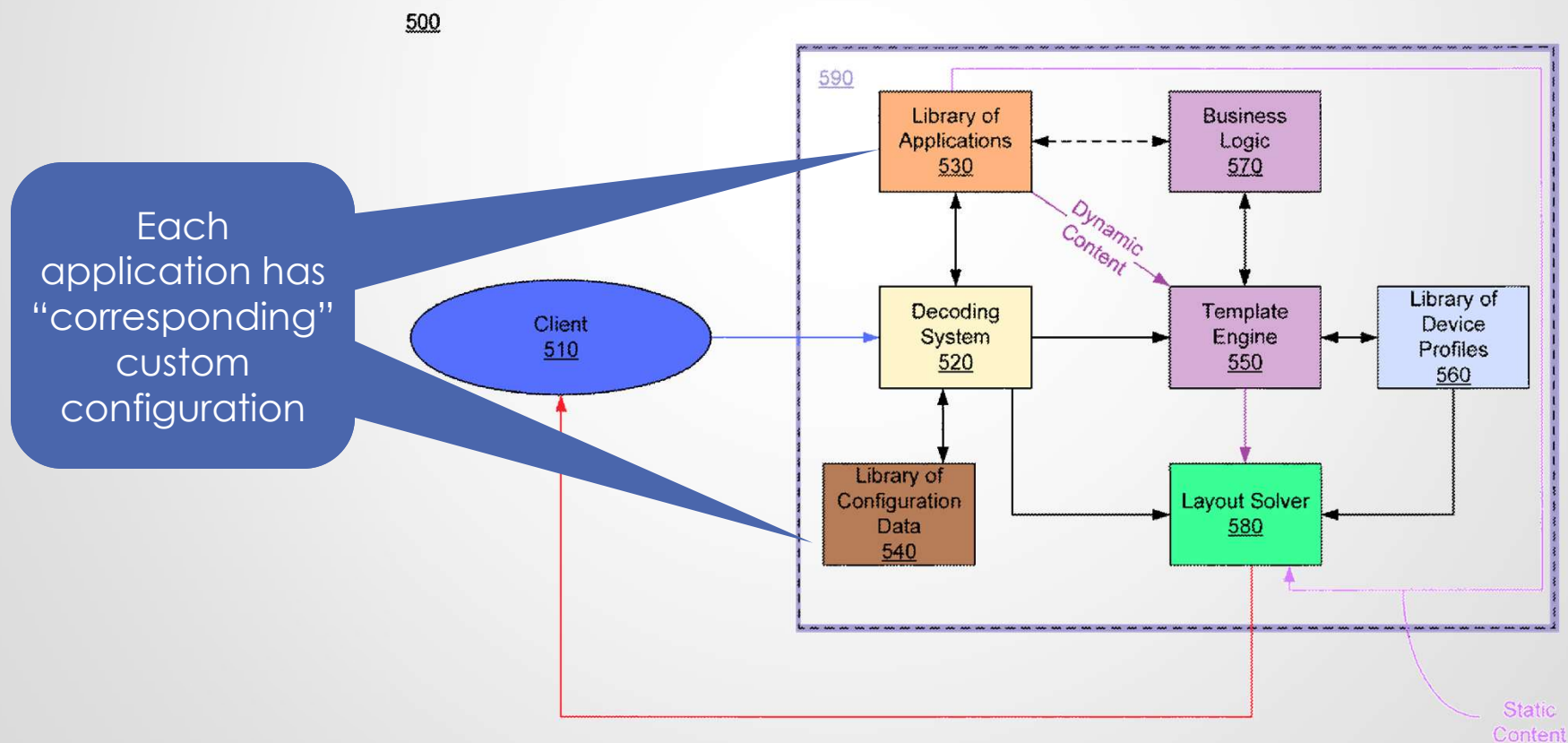
Ex. 2031 41:14–42:16 (emphasis added)



Specification: Each Application Has Corresponding Configuration

The decoding system 520 may also access a library of custom configuration data 540, where each application may have a corresponding custom configuration data to customize the appearance of the application. In response to the received

Ex. 1001 16:50–53; see also *id.* 19:25–29 (same)



Id. Fig. 5

POR 16–17

Fed. Cir. Approves Using Definition Not Found in *Hac Verba*



***Masimo Corp. v. Sotera Wireless, Inc.*,**

No. 2022-1415, 2023 WL 6307959, at *3 (Fed. Cir. Sept. 28, 2023)

Affirmed term as the definition of a claim limitation even though the “specification does not use the term” because “there is nothing inconsistent between the plain meaning [the PTAB] derived from the intrinsic evidence and the meaning it drew from the dictionary”

Petitioner Conflates Limitations

[i] wherein said custom configuration ***is associated with an application***

and

[ii] configures said plurality of rendering blocks to render content in a manner **customized to said application**

Limitation 1b/9b

Kyocera Senco Indus. Tools Inc. v. Int'l Trade Comm'n,
22 F.4th 1369, 1382 (Fed. Cir. 2022) (citation omitted)

There is “a presumption that [separately listed] components are distinct.”

Sur-Reply 1–2

Hariki's Objective Is Not Displaying HTML per UI Skin

Hariki's objective is to display content-provider-supplied HTML content on a mobile device per the mobile device's corresponding UI content package so that the

Reply 15

- ❑ Hariki only mentions “HTML” **once**:

Sur Reply 12–13

- ❑ WWW server serves **any** client computer

Id.

- ❑ Browsers access **any** web server

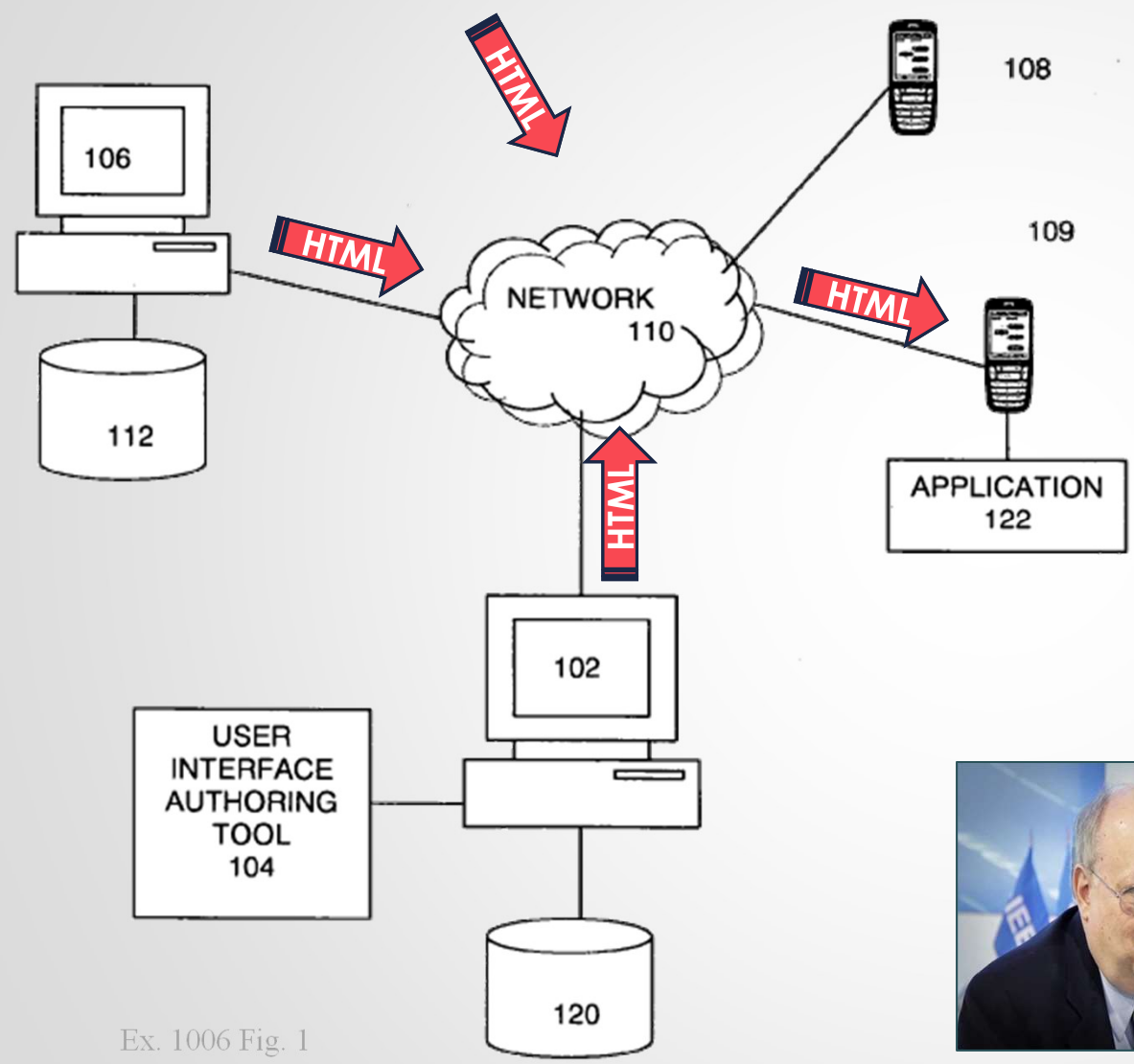
Id.

mobile device 108. The content provider computer can be a World-Wide Web (WWW) server that stores data in the form of web pages and transmits these pages as Hypertext Markup Language (HTML) files over the Internet 110 to the mobile devices 108 and 109, or other client computer on the network. For example, server 102 can execute a web server process to serve web pages over network 110. For this embodiment, one or more of the mobile devices runs a web browser program to access the web pages served by server computer 102 and any other available content provider or supplemental server, such as computer 106.

Ex. 1006 [0021]

Sur-Reply 12–13

Browser Does Not Processes HTML from 102 in Custom Manner

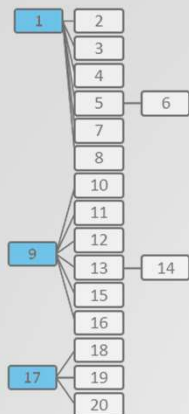


“There is no teaching that the UI skin is influenced in any way by a particular web server, or that web content from a particular web server is influenced by a UI skin, much less that a UI skin is specifically ‘customized to’ (read: designed for) any web server.”

Ex. 2022 ¶146
(cited by POR 36–37)



Ex. 1006 Fig. 1

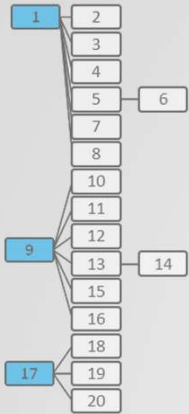


[1d/9d/17d] wherein said compiled content is generated in part from execution of said application [by said server]

[1c/9c/17c] [transmitting, to said wireless device, / . . . transmits compiled content to said wireless device, said] compiled content comprising (i) first compiled content specific to a first page of said application and (ii) second compiled content specific to a second page of said application

Compiled Content Is Not Generated from Application Execution or Transmitted to Wireless Device

Generated in Part from Execution Means Application Outputs



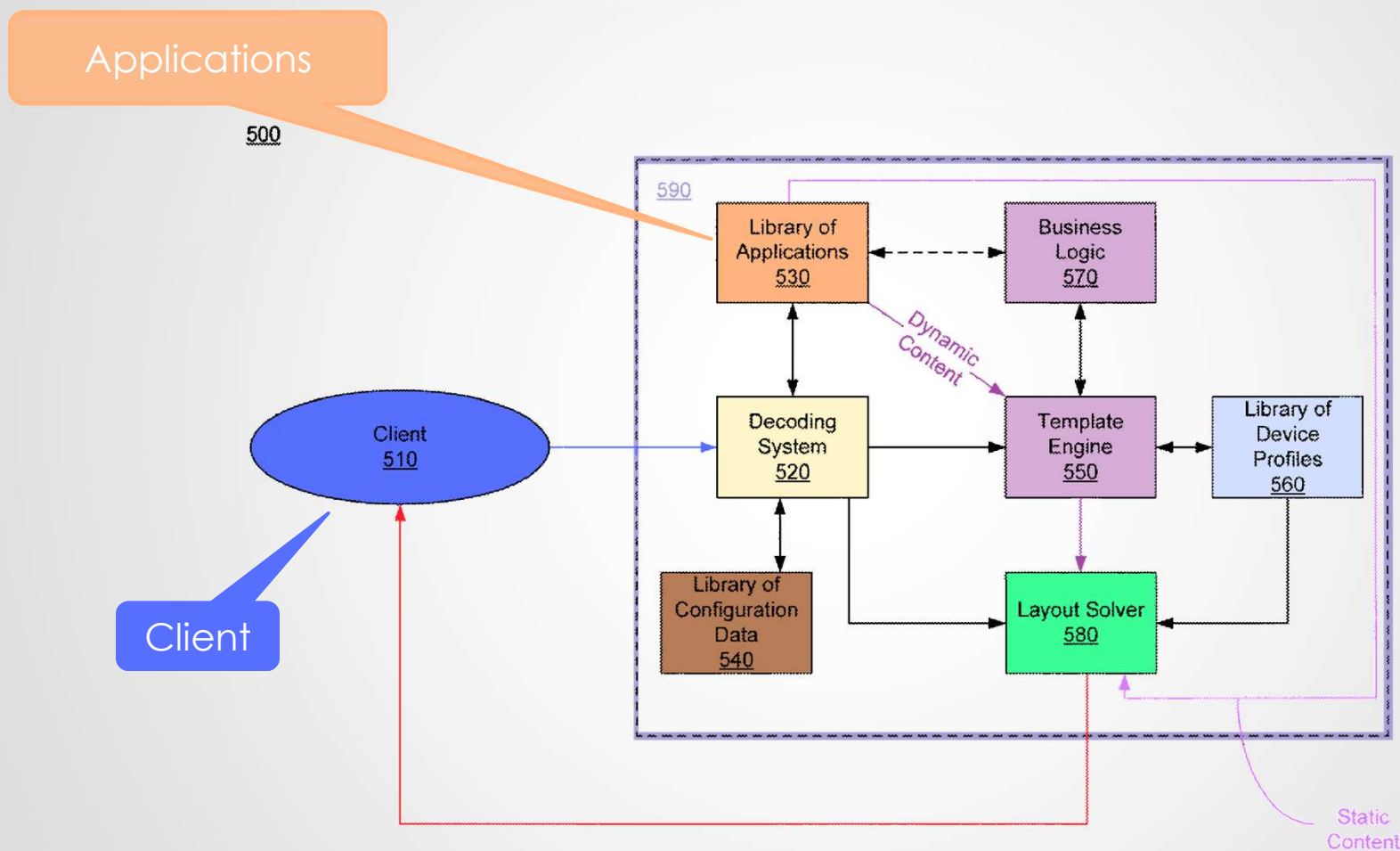
[1d/9d] wherein said compiled content is generated in part from execution of said application

[17d] wherein said compiled content is generated in part from execution of said application by said server

Petitioner	Patent Owner
plain and ordinary meaning Pet. 19 ("upon," i.e., application may be a "triggering event" causing another application to generate compiled content) Reply 11–14	"said application produces/outputs some part of the compiled content during its execution" POR 28–29; Sur-Reply 4–6

POR 28–29; Sur-Reply 4–6

Patent-at-Issue Differentiates “Application” from “Client”



Ex. 1001 Fig. 5

'715 Patent Teaches Application Execution Generates Content

At step 750, the server may execute the requested application. The server may then determine whether the executed application produces dynamic or static content. If the content

Ex. 1001 19:39–40

During the execution of an application, the server determines whether the executed application produces dynamic or static pages...

....

... Accordingly, the resultant output is a high level generic template or page description.

Id. 3:29–41

based on the wireless device attributes where the output is generated from a generic application. Furthermore, it is

Id. 2:25–26

During application execution, pages are generated for dis-

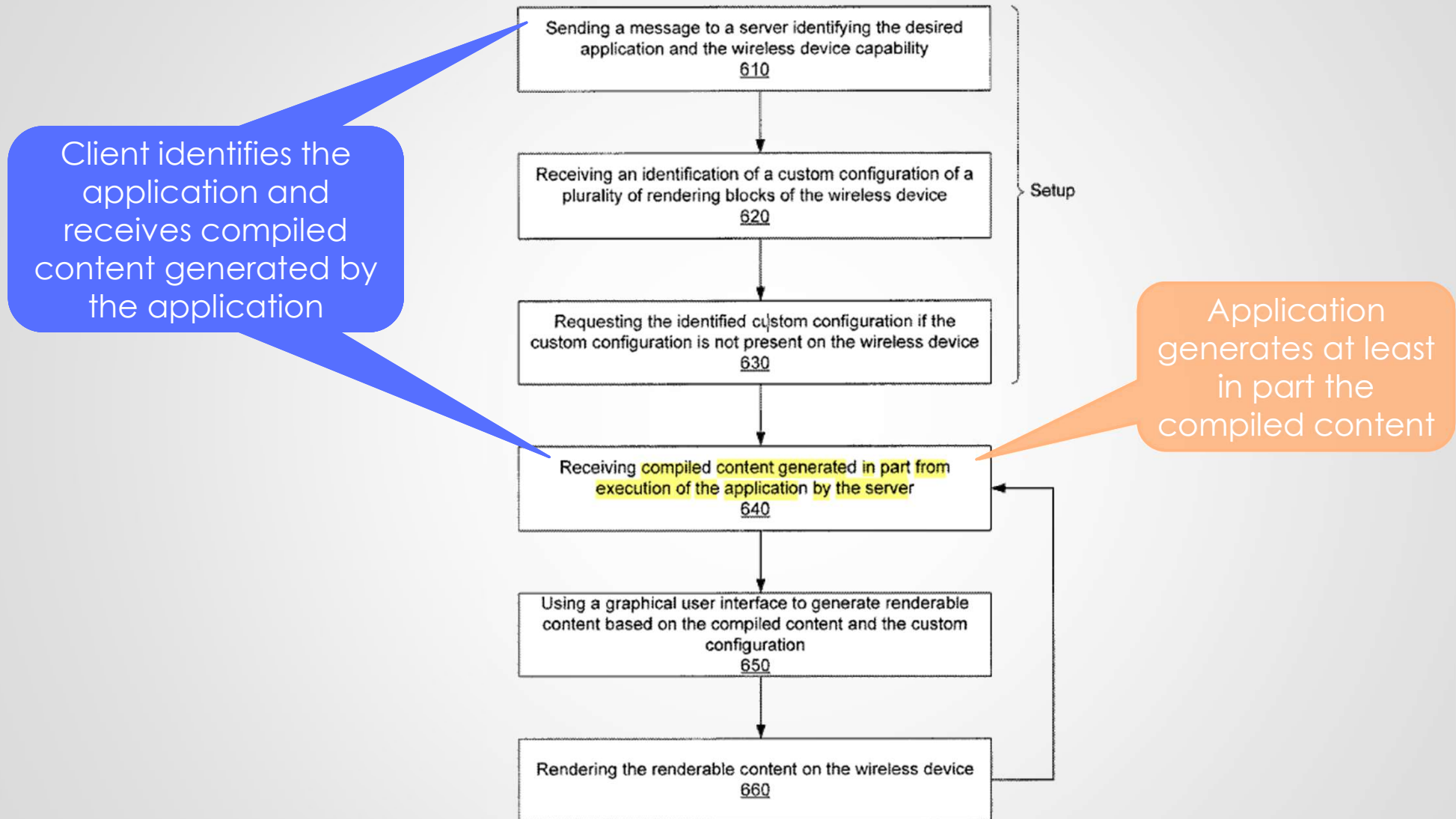
Id. 16:61–62

At step 750, the server may execute the requested application. The server may then determine whether the executed application produces dynamic or static content. If the content

Id. 19:38–40

POR 29–30; Reply 12; Sur-Reply 4–6

“Triggering” Client Does Not Generate Compiled Content



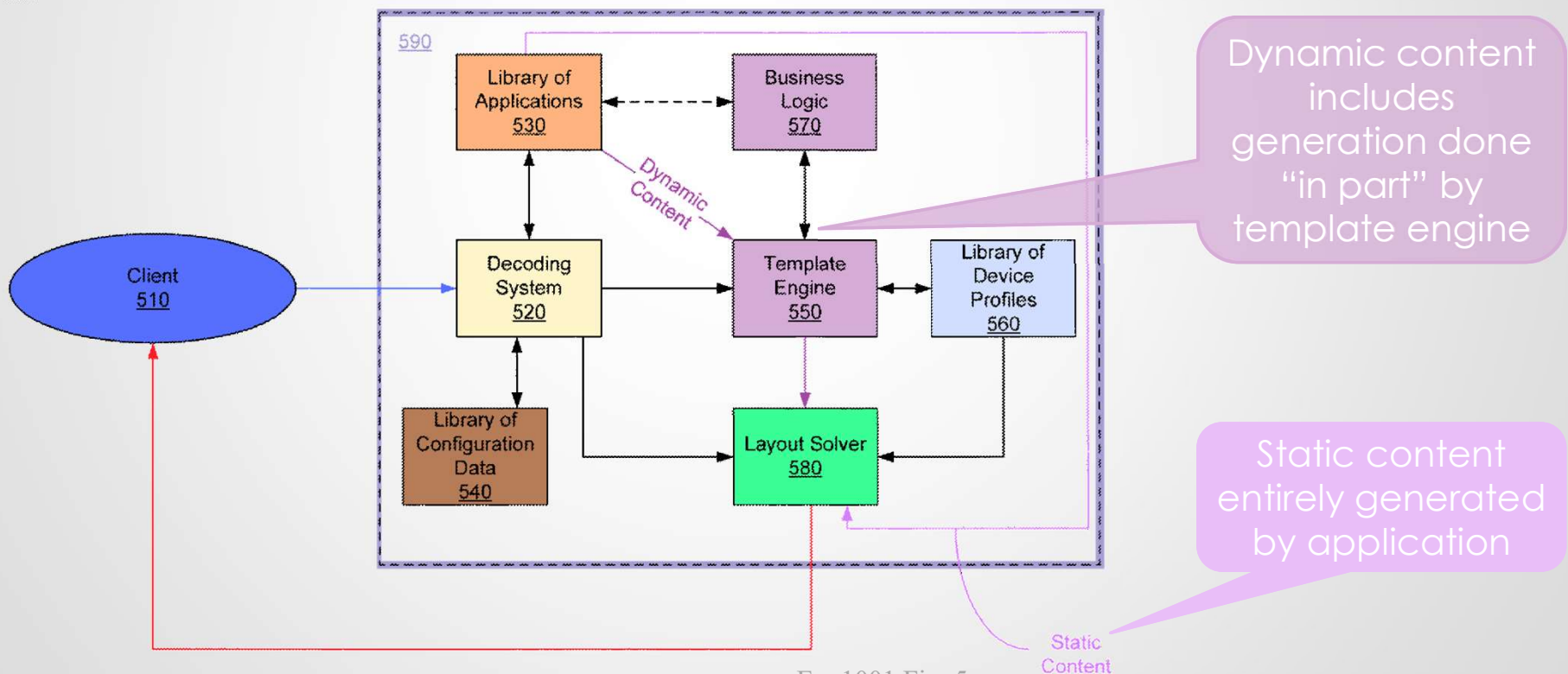
Ex. 1001 Fig. 6 ; *see also id.* 5:53–54 (teaching compiled content is the “output” of application), 2:25–26 (same), *id.* 6:9–11 (same)

'715 Patent Teaches Application May Generate "In Part"

During the execution of an application, the server determines whether the executed application produces dynamic or static pages. If dynamic data is produced, a template engine of the server merges dynamic data provided by a business logic unit and template screens of the requested application provided by executing the application on the server. Business

Ex. 1001 3:29-34

500



Ex. 1001 Fig. 5

Patent Owner Captures Plain Meaning in the Field



Mr. Stuart Lipoff, P.E.

- ❑ “Generated from execution” means that which is produced during execution according to an algorithm, program, or set of rules

Ex. 2022 ¶116 (citing Ex. 2023)

- ❑ With software, “generated” means “output”

Id. (citing Ex. 2024)

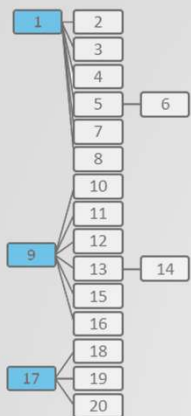
Lyft, Inc. v. Rideshare Displays, Inc.,
IPR2021-01602-7, at 21 (PTAB Apr. 11, 2022)

Construed “generated” in accordance with its plain and ordinary meaning of “originated or produced” (citing Merriam Webster)

“D” Limitations Recapitulation

- ❑ the limitation requires the application generate (i.e., be the “source of”) the compiled content;
- ❑ “from execution” means the running application is the source of the compiled content, not a “but for” cause or “triggering event”; and
- ❑ the “in part” refers to the generation.

Application Is Remote So Generated Content Can Be Transmitted



Application generates the compiled content

1[d]/9[d]/17[d] wherein said compiled content is generated in part from execution of said application [by said server]

1[c]/9[c]/17[c] [transmitting, to said wireless device, / . . . transmits compiled content to said wireless device, said] compiled content comprising (i) first compiled content specific to a first page of said application and (ii) second compiled content specific to a second page of said application

To transmit the application-generated content to the device the application must be remote

Petitioner	Patent Owner
plain and ordinary meaning Pet. 19 Petition: may be local District Ct: must be remote Reply: may be inconsistent Pet. 36 n.10; Exs. 2019–21; Ex. 2022 ¶¶106–07; Reply 5–11	application must be remote POR 18–27; Sur-Reply 6–10

POR 18–27; Sur-Reply 6–10

From the Outset Application Characterized as Remote

(57)

ABSTRACT

A method of rendering content on a wireless device. The wireless device sends a message to a server requesting an application and identifies itself with its rendering capabilities. The wireless receives an identification of a custom configuration of a plurality of rendering blocks of the wireless device associated with the application. The custom configuration configures the plurality of rendering blocks of the device. **The wireless device receives compiled content from the application executing on the server** that includes render commands expressed in a syntax that is device generic but has parameters specific to the rendering capabilities of the wireless device. A reader of the wireless device processes the compiled content and issues commands to individual rendering blocks of a graphical user interface based on the rendering commands of the compiled content and based on the custom configuration.

Ex. 1001, Abstract

SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.,
242 F.3d 1337, 1342 (Fed. Cir. 2001)

Restricting limitation in part in light of the abstract, because “from the outset the specification” characterized the limitation as having the restriction.

Patent Disparages a Contrary Reading

Description of the Prior Art

to limit upgrades and patches to existing titles. In general, a wireless device runs the application locally and renders the result. Thus, updating applications requires a patch/update to be specially developed for and provided to each wireless device individually. For example, updating/patching an appli-

Ex. 1001 2:3–14

vs.

'715 Patent Invention

Moreover, embodiments of the present invention execute the requested application on the server. Thus providing software updates and patches for a generic application can be done by patching/updating the generic application on the server, thereby eliminating the need to update/patch each application on each wireless device.

Id. 2:38–41; *see also* 4:21–25; 5:56–62; 6:34–42; 20:21–25

UltimatePointer, LLC v. Nintendo Co., Ltd.,
816 F.3d 816, 823–24 (Fed. Cir. 2016)

Extolling virtues of one feature, and criticism of its opposite, limits the claims to the feature, even if another construction was plausible if the claims were divorced from the specification

TF3 Ltd. v. Tre Milano, LLC,
894 F.3d 1366, 1372–73 (Fed. Cir. 2018)

“[I]t is not reasonable to read the claims more broadly than the description in the specification, thereby broadening the claims to read on the prior art over which the patentee asserts improvement.”

No § 112 Support for a Contrary Reading

- ❑ Patent-at-Issue **exclusively** notes the “application is executed on the server”

Ex. 1001 3:8–9; 5:54–56; 6:6–7; 6:29–31; 6:38–39; 13:11–13; 16:44–45; 18:56–58; 19:38–39.

- ❑ **All** relevant figures and flow charts show the application is executing on a server and transmitting compiled content pages to the remote client

Id. Figs. 1B, 2A–B, 5, & 6 (item 640)

Wang Labs., Inc. v. Am. Online, Inc.,
197 F.3d 1377, 1382–83 (Fed. Cir. 1999)

“[C]laims are not properly construed to have a meaning or scope that would lead to their invalidity for failure to satisfy the requirements of patentability.”

Ruckus Wireless, Inc. v. Innovative Wireless Sols., LLC,
824 F.3d 999, 1004 (Fed. Cir. 2016)

“[C]anon favoring constructions that preserve claim validity . . . counsels against”
“construing the instant claims to encompass . . . subject matter [that] would likely render the claims invalid for lack of written description.”

Petitioner's Claim Differentiation Argument Fails

1 c-d

compiled content is generated in part from execution of said application/transmitting, to said wireless device [said] compiled content . . .

3

wherein said compiled content is partially resultant from said application **operating on a remote server.**



☐ “Operating on a server” is narrower than “remote operation”

Ex. 2022 ¶¶ 101–03, 110

☐ Petitioner leaves argument unrebutted

Reply 7–8

Sinorgchem Co. v. Intern. Trade Com’n,
511 F.3d 1132, 1140 (Fed. Cir. 2007)

When a dependent claim is “narrower in scope, the claims are not rendered identical and present no claim differentiation problem”

§ 112 Support Trumps Claim Differentiation

Littelfuse, Inc. v. Mersen USA EP Corp.,
29 F.4th 1376, 1380 (Fed. Cir. 2022)

The “presumption of differentiation in claim scope is not a hard and fast rule,” so “any presumption created by the doctrine of claim differentiation will be overcome by a contrary construction dictated by the written description.”

Curtiss-Wright Flow Control Corp. v. Velan, Inc.,
438 F.3d 1374, 1382 (Fed. Cir. 2006).

A court may not “rely[] on the claim differentiation presumption” if the presumption leads to a construction “not consistent with the overall context of this invention and this field of art as described in the specification.”

Parties' Agree on Browser's Function and Location

Parties agree that a browser:

1. Merely “triggers” a **web server** to generate HTML during the **web server's** execution. See, e.g:

Pet., 40-43. In other words, execution of the web browser on a mobile device in the *Hariki/Harris* system triggers content generation at the server. *Id.* The Board agreed

Reply 21

2. Is **not** “remote.” See, e.g:



Q Is a web browser remote to the mobile device?

20 A If the browser is on the mobile -- if
21 it's running on the mobile device, then I think
22 it probably is not remote to the mobile device.

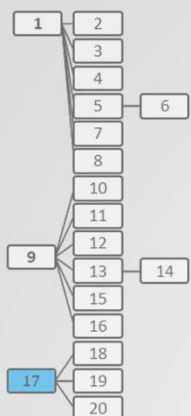
Ex. 2031 60:18-22

See also *Pet.* 36-37 (“To the extent PO contends that the ‘associated’ application must be remote to the mobile device . . . the server also provides content data such as HTML files through a web server process.”)

POR 46; Reply 21

'245 Patent Missing Same Independent Claim Limitations

	'715 Patent Limitation		'245 Patent Limitation
1f/ 9f/ 17f	wherein said custom configuration is applicable to said first and second compiled content	1g/ 12g/ 23h.3	wherein said custom configuration is applicable to both said first and second compiled content
1b/ 9b/ 17b	custom configuration [that] configures [a/said] plurality of rendering blocks [of said wireless device] to render content in a manner customized to [an/said] application	1b/ 12b/ 23f	custom configuration [configures/is operable to configure] said plurality of rendering blocks to render content in a manner customized to said application
1d/ 9d/ 17d	... compiled content is generated in part from execution of said application [by said server]	1c/ 12c/ 23b	... compiled content generated in part from execution of said application
1c/ 9c/ 17c	[transmitting, to said wireless device, / ... transmits compiled content to said wireless device, said] compiled content ...	1c/ 12c/ 23b	[receiving/said transceiver also operable to receive] compiled content ...



17[a] a library of applications;

17[b] a library of custom configuration data comprising a custom configuration that configures a plurality of rendering blocks of said wireless device to render content in a manner customized to an application from said library of applications requested by said wireless device

Identified Application Is Not in a Library of Applications
(’715 Unique)

Residing Together or Some Relation Does Not a Suite Make

HTML files through a web server process. *See* Section VIII.A.1.a. POSITAs would have recognized the user interface authoring tool and web server process were part of the same suite of programs because they reside on the server together and that the authoring tool generated the custom UI for mobile devices accessing the web server process. *Bederson*, ¶128. Thus, POSITAs would have understood that the

Pet 37

 suite

suite noun

2 : a group of things forming a unit or constituting a collection : SET: such as

e : a set of computer programs designed to work together and usually sold as a single unit

From Ex. 2004 (cited by Ex. 2022 ¶144)

Web Server Not Designed to Work with Authoring Tool

POR, 53. PO's arguments fail, however, because the web server has been shown to be the claimed application that works together with a UI authoring tool to render provider-supplied content in a specified manner on mobile devices (Section III.A1);

Reply 23

Hariki's objective is to display content-provider-supplied HTML content on a mobile device per the mobile device's corresponding UI content package so that the

Reply 15 (Section III.A1)

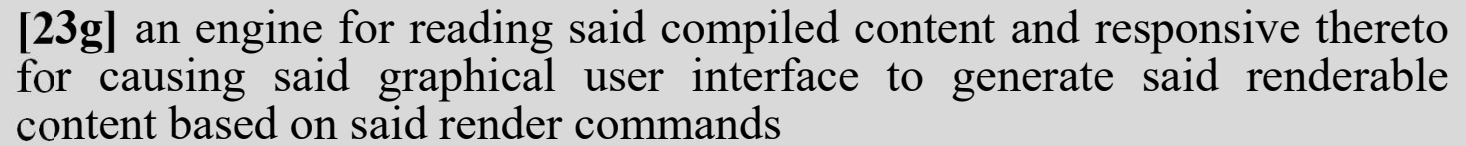
- ❑ Hariki only mentions "HTML" **once** and teaches the WWW server serves **any client computer**, including those without a UI Skin

Sur Reply 12-13

- ❑ Hariki's does not say its objective is for HTML from server 102 to work with a UI skin

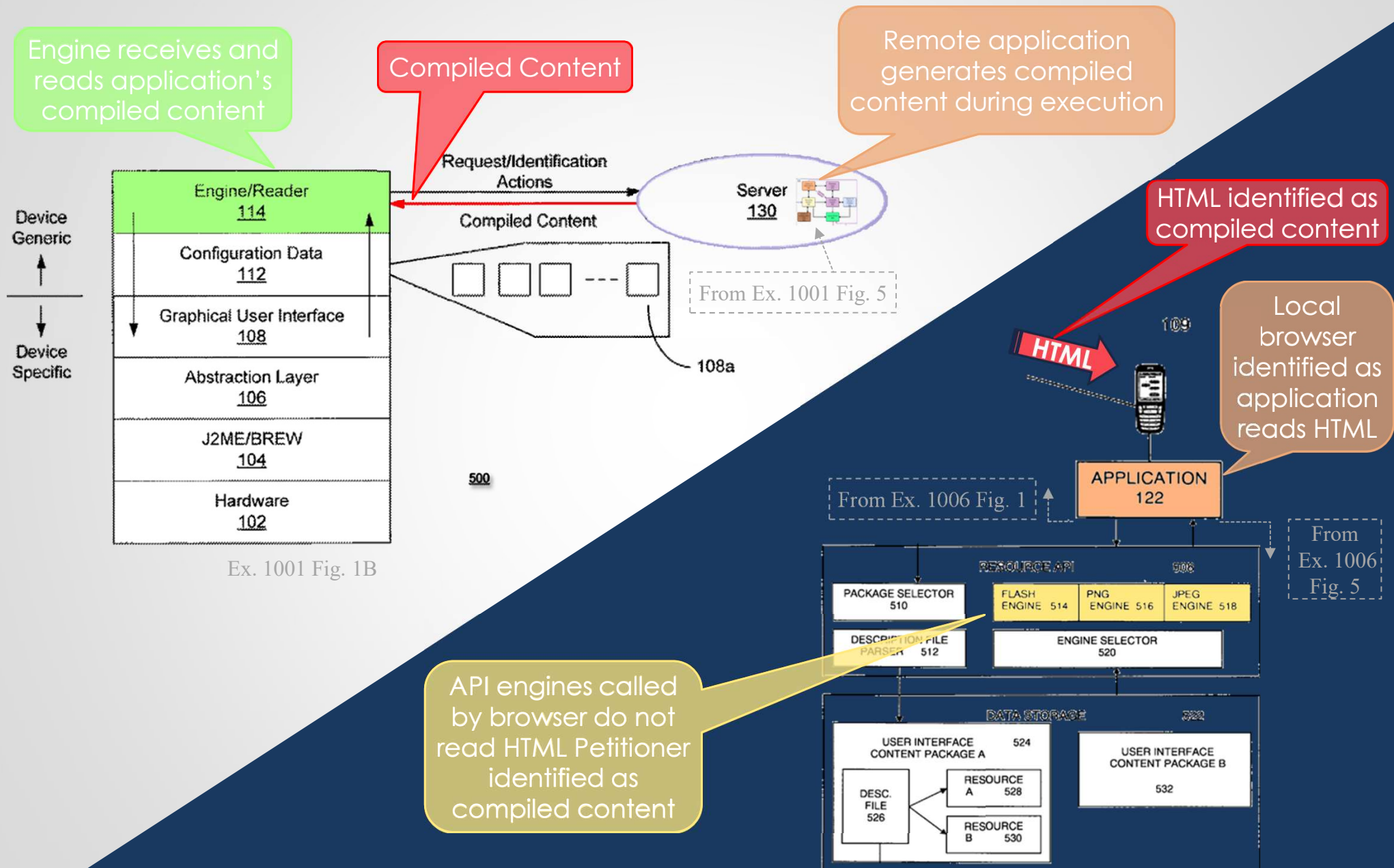
Ex. 2002 ¶¶144-46

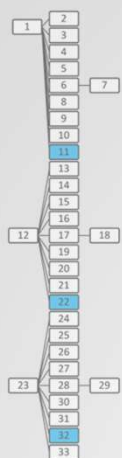
POR 12-13; Sur-Reply 20-21



POR 51–53; Sur-Reply 19

Hariki's Browser Identified as the Application Reads HTML





[11/22/32] . . . wherein said plurality of rendering blocks of said graphical user interface comprises: **a first block that controls the rendering of ticker information** across [a/said] display screen of said wireless device . . .

Identified Rendering Block Is Not a Ticker ('245 Unique)

No Indication Title Bars Scroll, So Not “Tickers”

Ticker is a rendering block to display a horizontally scrolling text. Configuration data may include:

Ex. 1001, 9:44–45

See also 8:35; 14:7–9; Ex. 2022 ¶¶143–146 (citing Ex. 2028; Ex. 2029, 82:3–11)



referred to as a “UI skin.” In general, UI skins allow a user to customize the “look and feel” or application program environment of a device by altering display and/or sound output aspects of the device, such as backgrounds, title bars, buttons, alert sounds, and so on. Some programs make

Ex. 1005 [0024]

† Image of T-Mobile G1 from Repost of Larry’s 2008 review of the first Android phone (first appeared in Mercury News on Oct. 16, 2008), available at <https://www.larrysworld.com/repost-of-larrys-sept-2008-look-at-the-first-android-phone/>

End of Presentation