

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
PETITIONER,

v.

GOTV STREAMING, LLC,
PATENT OWNER.

CASE IPR2023-00759
PATENT 8,103,865

PATENT OWNER'S RESPONSE
37 C.F.R. § 42.120

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CURRENT EXHIBIT LIST¹

No.	Brief Description
1001	U.S. Patent No. 8,103,865
1002	Expert Declaration of Ben Bederson (“Bederson”)
1003	Curriculum Vitae of Benjamin B. Bederson, Ph.D.
1004	File History of U.S. Patent No. 8,103,865
1005	U.S. Patent Application Publication No. 2007/0150617 (“Hariki”)
1006	U.S. Patent Application Publication No. 2003/0023755 (“Harris”)
1007	U.S. Patent Application Publication No. 2003/0137539 (“Dees”)
1008	Reserved
1009	U.S. Patent No. 7,447,486 (“Tamura”)
1010	U.S. Patent No. 6,996,627 (“Carden”)
1011	U.S. Patent No. 6,669,564 (“Young”)
1012	U.S. Patent No. 6,732,183 (“Graham”)
1013	U.S. Patent No. 6,507,727 (“Henrick”)
1014	Webpage excerpt from Computer History Museum at https://www.computerhistory.org/tdih/april/6/ (last accessed March 29, 2023)
1015	https://www.webdesignerdepot.com/2009/05/the-evolution-of-cell-phone-design-between-1983-2009/
1016	Excerpts from Dan R. Olsen, Jr., Developing user interfaces (1998)
1017	Alok Sinha, Client-server computing, in Communications of the ACM, 35, 7 (1992)
1018	Tim Berners-Lee, Robert Cailliau, Ari Luotonen, Henrik Frystyk Nielsen, and Arthur Secret, The World-Wide Web. Communications of the ACM 37, 8 76-82 (August 1994), available at http://dx.doi.org/10.1145/179606.179671
1019	Eric Kasten, HTML: A Gentle Introduction, Linux Journal (July 1995),

¹ Relevant portions of exhibits may be highlighted to help the Panel locate cited sections.

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1020	U.S. Patent Application Publication No. 2013/0124961 (“Linburn”)
1021	U.S. Patent No. 8,111,326 (“Talwar”)
1022	Order re Scheduling Conference, <i>GoTV Streaming, LLC v. Netflix, Inc.</i> , 2:22-cv-07556 (C.D. Cal. issued Feb. 13, 2023) (Doc. 61)
1023	Complaint in <i>GoTV Streaming, LLC v. Netflix, Inc.</i> , No. 2:22-cv-07556-RGK-SHK (C.D. Cal. October 17, 2022)
1024	https://web.archive.org/web/20070406171650/http://www.zenzui.com/products.html
1025	Bert Boss, <i>A brief history of CSS until 2016</i> , W3 Blog (Dec. 17, 2016), https://www.w3.org/Style/CSS20/history.html
1026	Eric A. Meyer, <i>Cascading Style Sheets – The Definitive Guide</i> (O’Reilly, 2d ed. 2004)
1027	JavaScript, Wikipedia (Aug. 12, 2004), https://web.archive.org/web/20040812085853/http://en.wikipedia.org/wiki/JavaScript
1028	Document Object Model (DOM) Level 1 Specification Version 1.0, W3C Recommendation (Oct. 1, 1998), https://www.w3.org/TR/1998/REC-DOM-Level-1-19981001/DOM.pdf
1029	ECMAScript: A general purpose, cross-platform programming language, Standard ECMA-262 (June, 1997), https://www.ecma-international.org/wp-content/uploads/ECMA-262_1st_edition_june_1997.pdf
1030	Peter-Paul Koch, <i>The Document Object Model: an Introduction</i> , Digital Web Magazine (May 14, 2001), https://www.digital-web.com/articles/the_document_object_model/
2001	CAMPBELL-KELLY ET AL., <i>Mainframes to Smartphones: A History of the International Computer Industry</i> , Ch. 11 (Harvard Univ. Press 2015)

No.	Brief Description
2002	GALAZZO, Timeline from 1G to 5G: A Brief History on Cell Phones (Sept. 21, 2020), <i>available at</i> https://www.cengn.ca/information-centre/innovation/timeline-from-1g-to-5g-a-brief-history-on-cell-phones/
2003	Cingular MEdia Mall Games and Motorola Page (March 23, 2016), <i>available at</i> https://web.archive.org/web/20060323054853/http://www-xl.cingularextras.com/fuel/enduser/portal/endUserHTMLDir?c1=3&dc=0 and https://web.archive.org/web/20060323054841/http://www-xl.cingularextras.com/fuel/enduser/portal/endUserHTMLSelectPhone?makeName=motorola&dc=0
2004	Declaration of Joshua S. Wyde regarding authentication of exhibits (Aug. 17, 2023)
2005	Declaration of Mr. Stuart Lipoff
2006	Order on Motions for Summary Judgment, <i>GoTV Streaming, LLC v. Netflix, Inc.</i> , 2:22-cv-07556 (C.D. Cal. issued Sept. 11, 2023) (Doc. 249)
2007	Tailored, Cambridge Dictionary, <i>available at</i> https://dictionary.cambridge.org/dictionary/english/tailored?q=tailored_1 (last visited Dec. 18, 2023).
2008	Discrete, Merriam-Webster.com Dictionary, <i>available at</i> https://www.merriam-webster.com/dictionary/discrete (last visited Dec. 13, 2023)
2009	Discrete, American Heritage Dictionary, <i>available at</i> https://www.ahdictionary.com/word/search.html?q=discrete (last visited Dec. 13, 2023)
2010	Discrete, Merriam-Webster's Collegiate Dictionary (1998)
2011	Application-Specific, Wiktionary, <i>available at</i> https://en.wiktionary.org/wiki/application-specific (last visited Dec. 15, 2023)

No.	Brief Description
2012	Eliminate, The American Heritage Dictionary of the English Language, available at https://www.ahdictionary.com/word/search.html?q=eliminate (last visited Dec. 19, 2023)
2013	U.S. Patent Application No. 60/256,589 (“Harris Provisional”)
2014	Deposition of Dr. Benjamin Bederson (Jan. 10, 2024) ²
2015	Petition, Netflix, Inc. v. GoTV Streaming, LLC, IPR2023-00757 (PTAB filed Apr. 7, 2023) (Paper 2) (“’757 Petition”)
2016	Second Declaration of Joshua S. Wyde regarding authentication of exhibits (Jan. 26, 2024)

² Per Party agreement, Dr. Bederson conducted a consolidated deposition regarding U.S. Patent Number 8,989,715 in IPR No. IPR2023-00757; Patent No. 8,478,245 in IPR No. IPR2023-00758; and U.S. Patent No. 8,103,865 in IPR No. IPR2023-00759. *See* Ex. 2014, 5:21–6:11.

CLAIM LISTING³

	Limitation
1[pre]	1. A server implemented method for processing data for a wireless device, comprising:
1[a]	receiving from the wireless device a request for an application program, said request including an indication of a type of the wireless device;
1[b]	executing, in response to receiving said request, said application program to generate a wireless device generic template including a plurality of content items;
1[c]	sending a custom configuration to the wireless device, said custom configuration being specific to said application program;
1[d]	generating a page description based on said wireless device generic template and a capability of the wireless device,
1[e]	said page description having at least one discrete low level rendering command that is within said rendering capability of said wireless device but that is of a syntax that is wireless device generic; and
1[f]	sending said page description to the wireless device such that the wireless device is capable of presenting at least one content item from said plurality of content items using both said page description and said custom configuration.
2	2. The method of claim 1, wherein said wireless device generic template includes relative screen location and display object size information and is independent of screen dimensions of the wireless device.
3	3. The method of claim 1, wherein said wireless device generic template is substantially compliant with extensible markup language (XML) syntax.
4	4. The method of claim 1, wherein said at least one discrete low level rendering command of said page description is operable to be executed by a plurality of rendering blocks of a graphical user interface of the wireless device.
5	5. The method of claim 4, wherein said at least one discrete low level rendering command includes a physical screen position of a display element of said at least one content item.
6	6. The method of claim 4, wherein said at least one discrete low level rendering command includes: a specification of a location and a size of a screen area; and an identification of a rendering block from said plurality of rendering blocks of said graphical user interface to operate within said screen area.

³ Patent Owner uses Petitioner's numbering designation for consistency.

	Limitation
7	7. The method of claim 6 , wherein said at least one discrete low level rendering command includes parameters associated with said rendering block from said plurality of rendering blocks.
8	8. The method of claim 1 , wherein said page description includes at least one display rendering command and at least one audio rendering command.
9	9. The method of claim 1 , wherein said application program is wireless device generic and said wireless device generic template is a wireless device generic page description template.
10	10. The method of claim 1 , wherein the wireless device is operable to configure a plurality of rendering blocks of a graphical user interface based on said custom configuration.
11	11. The method of claim 1 , wherein said server stores a plurality of device profiles, said method further comprises: identifying a device profile from said plurality of device profiles associated with the wireless device based on said type of said wireless device.
12[pre]	12. A non-transitory processor-readable medium storing code representing instructions to cause a processor to:
12[a]	receive a request for an application program from a wireless device, said request including an indication of a type of the wireless device;
12[b]	execute said application program to generate a wireless device generic template including a plurality of content items;
12[c]	request, using said indication of said type of the wireless device, a device profile from a library of device profiles,
12[d]	said device profile providing an indication of a rendering capability of the wireless device;
12[e]	eliminate, using said device profile, at least one content item from said plurality of content items from said wireless device generic template to define a device specific template associated with the wireless device,
12[f]	said at least one content item being unsupported by the wireless device;
12[g]	translate said device specific template into a page description having at least one discrete low level rendering command that is within said rendering capability of the wireless device but that is of a syntax that is wireless device generic; and
12[h]	send said page description to the wireless device.
13	13. The non-transitory processor-readable medium of claim 12 , wherein said wireless device generic template contains relative screen location and display object size information independent of screen dimensions of the wireless device.

	Limitation
14	14. The non-transitory processor-readable medium of claim 12 , wherein said wireless device generic template is substantially compliant with extensible markup language (XML) syntax.
15	15. The non-transitory processor-readable medium of claim 12 , wherein said at least one discrete low level rendering command of said page description is operable to be executed by a plurality of rendering blocks of a graphical user interface of the wireless device.
16	16. The non-transitory processor-readable medium of claim 15 , wherein said at least one discrete low level rendering command includes a physical screen position of a display element of a content item from the plurality of content items.
17	17. The non-transitory processor-readable medium of claim 15 , wherein said at least one discrete low level rendering command includes: a specification of a location and a size of a screen area; and an identification of a rendering block from said plurality of rendering blocks of said graphical user interface.
18	18. The non-transitory processor-readable medium of claim 17 , wherein said at least one discrete low level rendering command includes at least one parameter associated with said rendering block from said plurality of rendering blocks.
19	19. The non-transitory processor-readable medium of claim 12 , wherein said page description includes at least one display rendering command and at least one audio rendering command.
20[a]	20. The non-transitory processor-readable medium of claim 12 , further comprising code representing instructions to cause said processor to: send, in response to said request, a custom configuration to said wireless device,
20[b]	the wireless device is operable to configure a plurality of rendering blocks of graphical user interface based on said custom configuration.
31	31. The method of claim 1 , wherein the sending the custom configuration to the wireless device is in response to receiving an indication from the wireless device that the custom configuration is not stored at the wireless device.
34[a]	34. The non-transitory processor-readable medium of claim 12 , further comprising code representing instructions to cause the processor to: send a custom configuration to the wireless device, said custom configuration being specific to said application program,
34[b]	the wireless device operable to present a content item from said plurality of content items using said page description and said custom configuration.

I. INTRODUCTION

The '865 Patent invention concerns rendering a remotely running application on a wireless device. To that end, the '865 Patent teaches that a “custom configuration” should be sent to the wireless device to preconfigure rendering blocks to determine the look and feel of the application. That is, the “custom configuration” is designed specifically for a particular application.

This custom configuration of an application aspect of the invention is captured by independent claim 1 with the following limitation: “said custom configuration being *specific to* said application program.” Indeed, the '865 Patent claims, the '865 Patent specification, and the ordinary meaning of “specific to” to a person of ordinary skill in the art (“POSITA”), all counsel that this limitation requires that the custom configuration be “tailored to”—i.e., “made for,” “created for,” etc.—the application program.

Petitioner identifies Hariki’s user interface (“UI”) “content package” (also known as a “UI skin”) as the claimed “custom configuration” and a “web server” as the claimed “application program,” but *the UI skin is not “specific to” a web server*. Hariki teaches that the UI skin is specifically created to change the appearance of a mobile device, not a web server. Hariki explains that, during creation, the UI skin references “resource profiles” from the manufacturers of the wireless devices, not web servers, that specify the UI elements displayed on the mobile devices, not a web

server. And Hariki describes how, once a UI skin is packaged using a device “resource profile,” the UI skin is downloaded to a mobile device where local applications, not remotely running web servers, may interact with and use the UI skin through a resource application programming interface.

The best Petitioner and its expert can say regarding this limitation is that the UI skin might be generated and sent when a web server was executing, or that the UI content package might change a color or image on a wireless device when the web server was accessed. These assertions should not be credited, as they range from speculative and not grounded by any prior art teaching to being contradicted by the prior art references. But assuming they were true *arguendo*, generation of a UI skin for a wireless device, sending a UI skin to a wireless device, and applying a UI skin locally on a wireless device, even if these events occur when accessing a server running a web browser, does not transform the UI skin, designed for a mobile device, into one “specific to” (i.e., “made for”) a web server.

Therefore, Petitioner has not shown independent claim 1 is unpatentable by a preponderance of the evidence. The challenged dependent claims 2–11 and 31 are not unpatentable for at least the same reason.

Another aspect of the ’865 Patent invention is that an application running on a server can produce a “generic template.” This is called a “generic” template because its content items describe a page of an application without regard to any

particular wireless device. A Template Engine can then transform this “generic” template into a “device specific” template by using a “device profile” containing information about a wireless device’s capabilities to eliminate the content items that are not supported by the wireless device.

This elimination of not-supported content embodiment is captured with the limitations found in claim 12 (and the corresponding dependent claims): “eliminate, using said device profile, at least one content item from said plurality of content items from said wireless device generic template to define a device specific template associated with the wireless device; said at least one content item being unsupported by the wireless device.”

Petitioner identifies Harris’ Wireless Abstract XML (“WAX”) Stylesheet as the “generic template” and its elements, such as text and image placeholders, as the “content items”; however, Harris does not meet this claim limitation, because *the prior art does not teach eliminating any unsupported elements from the WAX Stylesheet*. To the contrary, Harris teaches that the WAX elements, Petitioner-identified “content items,” are generated, filtered, and translated to make sure the elements *are supported*—indeed, to make them the *most suitable* for the requesting device. The elements are not eliminated, but they are sent to the wireless device where Harris teaches they will be displayed correctly.

For this reason, Petitioner also has not shown claim 12 and its dependent

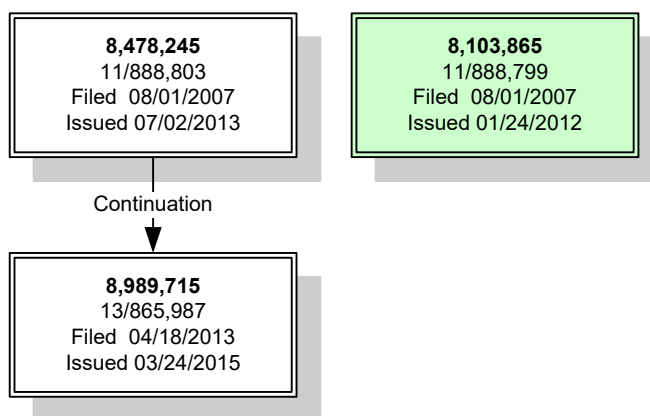
claims, 13–20 and 34, are unpatentable by a preponderance of the evidence.

Patent Owner also addresses why Petitioner has not shown the additional limitations of dependent claims 2, 8, 13, 19, and 34 are rendered obvious herein.

II. OVERVIEW OF THE PATENT-AT-ISSUE

A. Family and Priority

The Patent-at-Issue is part of a group of related patents shown as follows.



All three patents share substantially the same specification.

As seen, the Patent-at-Issue was filed on August 1, 2007 and does not claim priority to an earlier application. Ex. 1001 at (22). As such, the effective priority date is the filing date, and the Patent-at-Issue’s patentability should be judged under the pre-AIA statutes.

B. Historical Context

By 2005, people were beginning to “web surf” on their smartphones; however, the Internet capabilities of existing devices were primitive because phones’ internet interfaces were designed for low-bandwidth networks. Ex. 2001, 13–14. For

instance, “3G,” launched in Japan by NTT DoCoMo in 2001, only had 2 Mbps data transferring capabilities on average, which allowed “the ability to surf the internet (basic HTML pages at the time).” Ex. 2002, at 2. 3G gave rise to new smartphone form factors, such as the Blackberry (launched in 2002) shown below.



Image of the BlackBerry 5810, *Id.*

Petitioner’s “state of the art” references—Carden, Tamura, Young, Graham, and Henrick, *see* Pet. 3–4 & n.3—confirm the situation. While Petitioner cites Carden for the proposition that “well before 2003” users could “experience content with a large amount of data, such as video and music, on their cellular phones,” Pet. 3–4 (citing Ex. 1010, 1:17–20), the citation does not support such a contention. Indeed, Patent Owner can find no discussion in Carden of cellular technology or users experiencing video and music over such a connection. The closest Carden comes to such a discussion is its contemplation of non-persistent connections such as connections via “dial up telephone lines.” *Id.* 5:65–67.

Tamura is consistent with Carden, saying that while techniques had been

developed to allow a user to download moving images or music, “radio base stations d[id] not have enough line or channel capacity for delivering such rich contents to users’ cellular phones.” Ex. 1009 1:21–24. Therefore, Tamura proposed that multiple mobile terminals could simultaneously receive the same content via a shared channel to share bandwidth. *Id.* 16:56–67.

Likewise, Henrick notes that wireless devices are “unsuitable for transferring quality media.” Ex. 1013, 1:49–52. Therefore, Henrick proposes allowing a user to search for content on a wireless device, but sending the content to a “second device . . . a personal computer owned by the user that is connected to the Internet via an always-on connection, such as a cable modem.” *Id.* 2:12–19.

Young and Graham are primarily concerned with non-mobile computers. Young is discussing delivery of software, such as the game “Myst,” Ex. 1011, 1:16–24, that would run on “personal computers,” *id.* 9:12–16, and Graham discusses broadcasting audio/video to a “client 112 [that] represents a computer, such as a PC compatible computer, running a browser application 102 . . . [such as] Netscape Navigator,” Ex. 1012, 7:57–60.

“The smartphone market changed radically with the arrival of Apple’s iPhone in June 2007.” Ex. 2001, 12. The iPhone, shown below, was touted as “revolutionary” in that it was not just a phone and a music player, but an “Internet communicator” where the entire user interface of the iPhone was a touchscreen. *Id.*



Ex. 2002, at 2–3.

It was around this time, in August of 2007, that the Patent-in-Suit was filed. At the time, the wireless device marketplace offered many different mobile devices with very different hardware-specific attributes. The Panel can view the variety by perusing the pictures in the first 74 pages of Petitioner’s Exhibit 1015. Therefore, game manufacturers would provide different versions of games based upon phone maker, model, and phone capabilities as seen in the Cingular Games page circa 2006:



Ex. 2003 at 5,7.

While wireless devices were becoming more powerful, such that each device could run its own applications, interactions with servers were still very limited due to the primitive browser interfaces that were a legacy of the wireless networks' low bandwidths as described above.

Apple would not unveil its software development kit for the iPhone until March 2008 or launch its App Store until July of that same year. Ex. 2001, at 14. It was not until November 2007, that Google, T-Mobile, HTC, Qualcomm, and Motorola announced the formation of the Open Handset Alliance for the development of the Android operating system, and Google's own app store, Android

Market, was not announced until August 2008. *Id.* 15. 4G wireless networks that had a minimum of 12.5 Mbps bandwidth were not commercially introduced until 2009. Ex. 2002, at 3.

C. Subject Matter

Circa August 1, 2007, wireless devices generally ran “application[s] locally.” Ex. 1001 2:6–8. And there were multiple types of portable wireless devices, multiple manufacturers of each type of device, multiple models from each manufacturer, and multiple versions of each model. *Id.* 1:30–34. Each particular combination of type, manufacturer, model, and version of a device potentially had unique “device attributes” (i.e., rendering capability, display resolution, color capability, display size, etc.). *Id.* 1:34–38; 11:22–33; 11:45–58.

Therefore, developers that wished to write an application to run on multiple devices and “fully utilize” each device’s attributes had to tailor versions of the application per device, building each one “from the ground up.” *Id.* 1:40–46; 54–57. Given that providers had to pay to develop, debug, and qualify every version of an application, *id.* 1:47–50, many software developers simply chose to limit their titles to a few platforms, *id.* 1:65–2:3.

Additionally, maintenance of an application (i.e., upgrades, updates, and patches to the code) across target platforms similarly required a costly per-device effort. *Id.* 2:4–10. And even if the application developer did provide updates, many

users failed to install the update to the locally running applications because it was a “laborious process” of “navigating through multiple pages in order to determine whether an update [was] ready” and “actively initiat[ing] the update process.” *Id.* 2:10–17.

In light of the state of application development at the time, the Patent-at-Issue contemplates a method and system for rendering centrally running remote applications on a wireless device where: (1) the application “output . . . is device specific based on the wireless device attributes,” *id.* 2:27–28, with its own “look and feel,” *id.* 7:59–8:1; 10:58–60; 18:41–43; yet (2) the developers can still write a “generic application” being less concerned with “tailoring their applications for a given device type,” *id.* 2:28–29. Additionally, the claimed solution allows for developers to maintain applications centrally, “eliminating the need to update/patch each application on each wireless device.” *Id.* 2:40–45.

D. Invention as Illustrated through Embodiments

The following discussion recapitulates key concepts from the Patent-at-Issue using concrete examples.

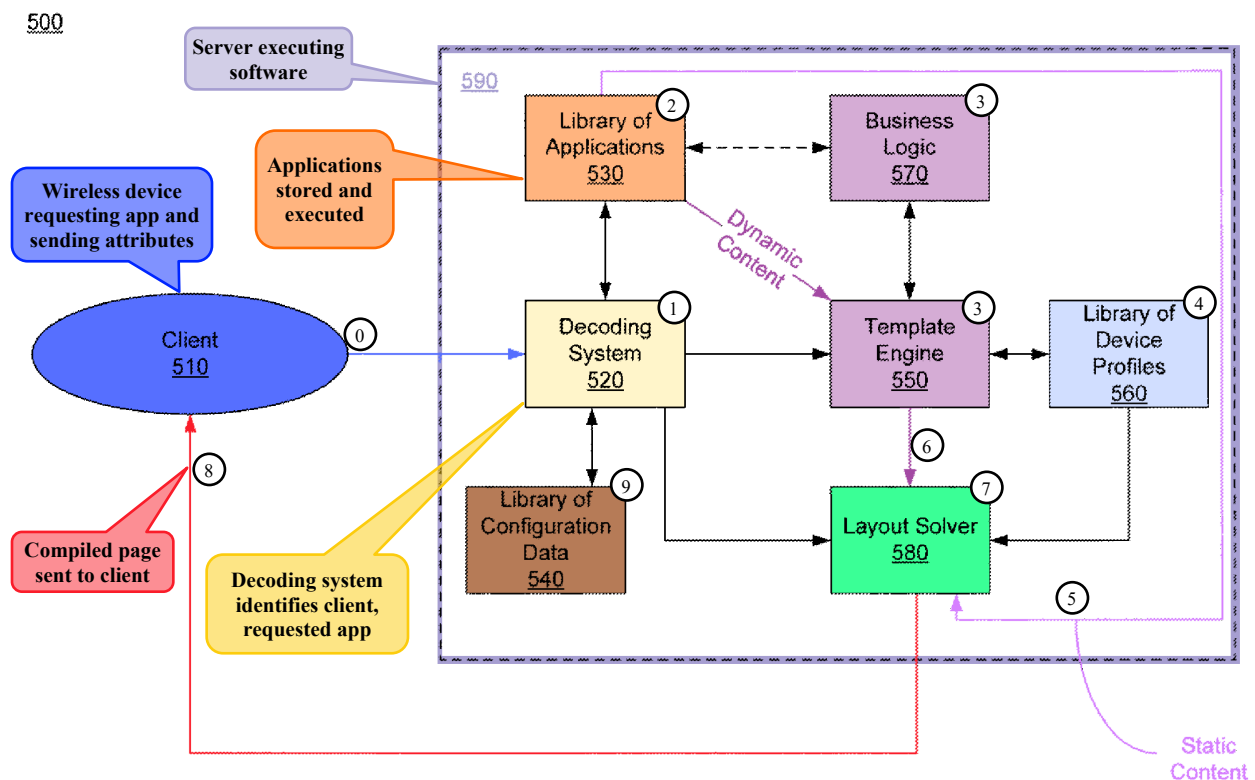
1. Applications

In the Patent-at-Issue context, an application can be “defined by an application description file and a set of static resources, e.g., images, sounds, URLs, etc. The application description file describes all the screens of the application and the custom

configuration of the application.” *Id.* 16:46–50. For example, an “application” may be all the screens, resources, and custom configurations to implement the Texas Hold’em Poker application. *Id.* 16:40–43.

The Patent-at-Issue’s applications are “stored” and “executed” “on the remote server,” *id.* 2:40–41; 2:66–67; 3:11–12; 5:58–60; 6:10–11; 16:45–46, in contrast to traditional applications that were downloaded and locally run on wireless devices.

The applications may be stored in a library of applications 530 and are executed on a remote server 590 to generate compiled content.



Ex. 1001 Fig. 5.⁴ At ① a client “request[s] an application [and] identif[ies] the client’s 510 type and its capabilities.” *Id.* 16:35–38. In response, at ①, the “decoding system” on the server “locate[s] and execute[s] the requested application.” *Id.* 16:40–43.

Upon execution, at ②, the application generates the pages “for display on the wireless device.” *Id.* 16:62–63. This page can contain only static content, such as “pictures or . . . pure text.” *Id.* 16:65–67. Or this page may be a “generic template describing the screen.” *Id.* 17:6–7.

In the case of the generic template page, at ③, a “template engine,” also executing on the server, may first “merge[] screens of [the] application and dynamic data provided by the business logic” to “provide[] a high level template (e.g., extensible markup language (XML) format),” *id.* 17:9–27, and then consult the “library of device profiles,” at ④, to “eliminate content from its dynamic template output that is not supported by the client,” *id.* 17:28–40. For example, the template engine “may eliminate audio component[s] from the generic template output” when “the client 510 does not have audio capability,” or “eliminate big images” “when the client 510 is short in memory.” *Id.* 17:40–45.

Whether the page is static (i.e., a “generic template supplied from 530,” at ⑤)

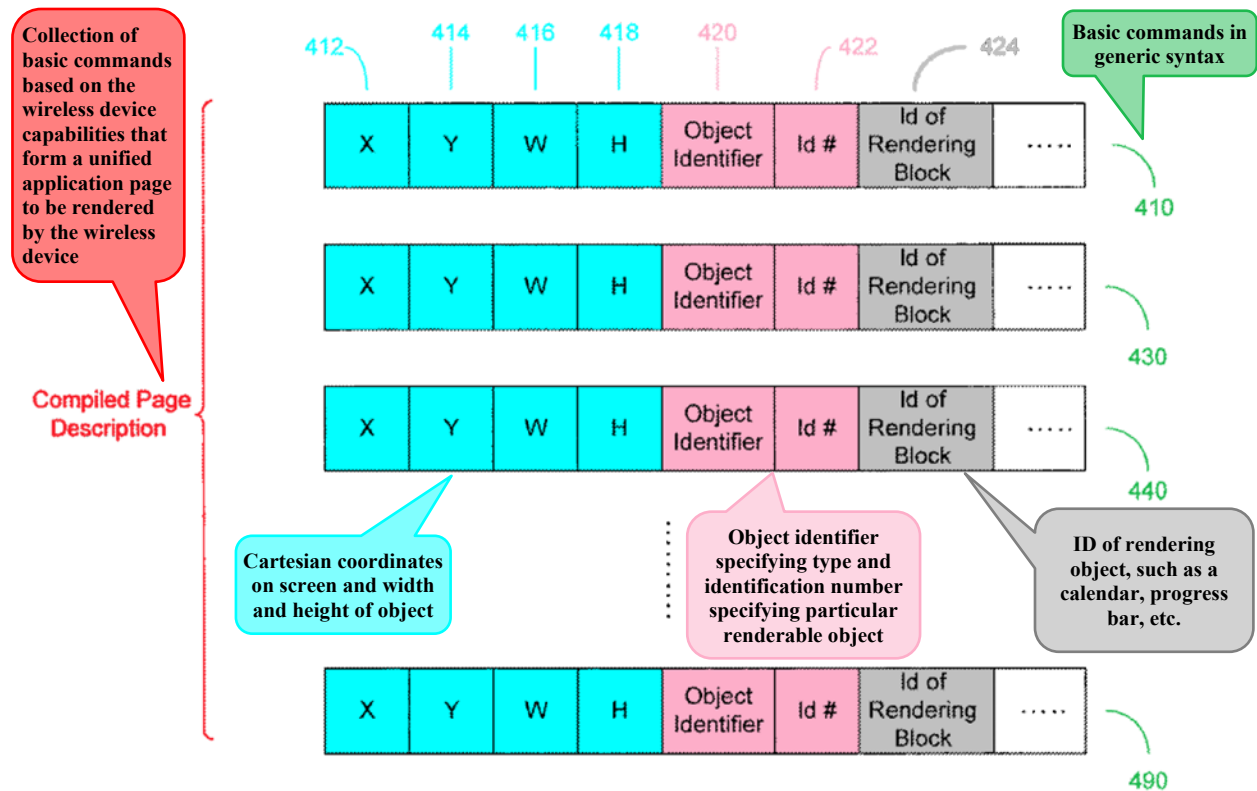
⁴ All color, balloon text, circle numbering, and annotations in figures are Patent Owner’s additions unless otherwise noted.

or dynamic (i.e., a “template supplied from 550,” at ⑥), the generic application pages at this point “do not contain any specific or actual screen dimensions but rather only contain relative screen locations.” *Id.* 17:49–53. In this sense, they are “wireless device generic.” *Id.*

2. Compiled Content and Rendering Blocks

The Patent-at-Issue teaches that an application’s generic pages can be fed into a “layout solver,” at ⑦, that actually “translates the received information into a series of basic commands based on the client’s capabilities,” *id.* 17:54–60; 18:2–7, to create a “compiled page” that is sent to the wireless client device at ⑧, *id.* 18:12–15. Note that while the compiled page’s basic commands and their parameters are tailored to, and based on, the wireless device capabilities, the syntax of these commands is still “device generic.” *Id.* 18:8–12.

The Patent-at-Issue illustrates what a compiled page for an application may look like:



Ex. 1001 Fig. 4. The compiled page contains a series of basic commands, including 410 to 490. Note that the compiled pages may now specify actual “Cartesian coordinates 412 and 414 of a screen region” as well as “the width 416 and the height 418 of the screen region.” *Id.* 16:4–9.

The basic commands include an “object identifier” that specifies the type of “renderable component” to be displayed (e.g., a designator for “text, image, video, audio, and the like”) and an “identification number” that specifies the particular renderable component of the designated type to be rendered. *Id.* 13:26–34; 15:62–64; 16:17–23.

The render commands found in the exemplary device specific page description also include the identifications of the “rendering blocks.” Rendering

blocks are conceptually part of the wireless device's graphical user interface ("GUI") that are "preconfigured to operate and store data" and "perform discrete rendering operations." *Id.* 2:53–54; 4:9–12; 7:21–25. Examples of a GUI's rendering blocks include text; a text box; an image; a pop-up, drop-down or tabbed menu; audio/video controls; a scrolling ticker; check box/radio buttons; a rating panel; poll results; a drawing canvas; a hierarchical tree; scroll bars; a progress bar; a table; a calendar; and the like. *Id.* 8:27–45. By referencing the rendering blocks that were customized by the custom configuration the rendering blocks are "applicable" to the compiled content.

The specification also notes that not all components of a basic command are shown in Figure 4, and "that basic commands may further include other field components for additional information[,] e.g., immediate data, such as text." *Id.* 16:27–29.

In sum, a "collection of basic commands . . . forms a single unified page to be rendered by the wireless device." *Id.* 15:65–67.

3. Custom Configuration

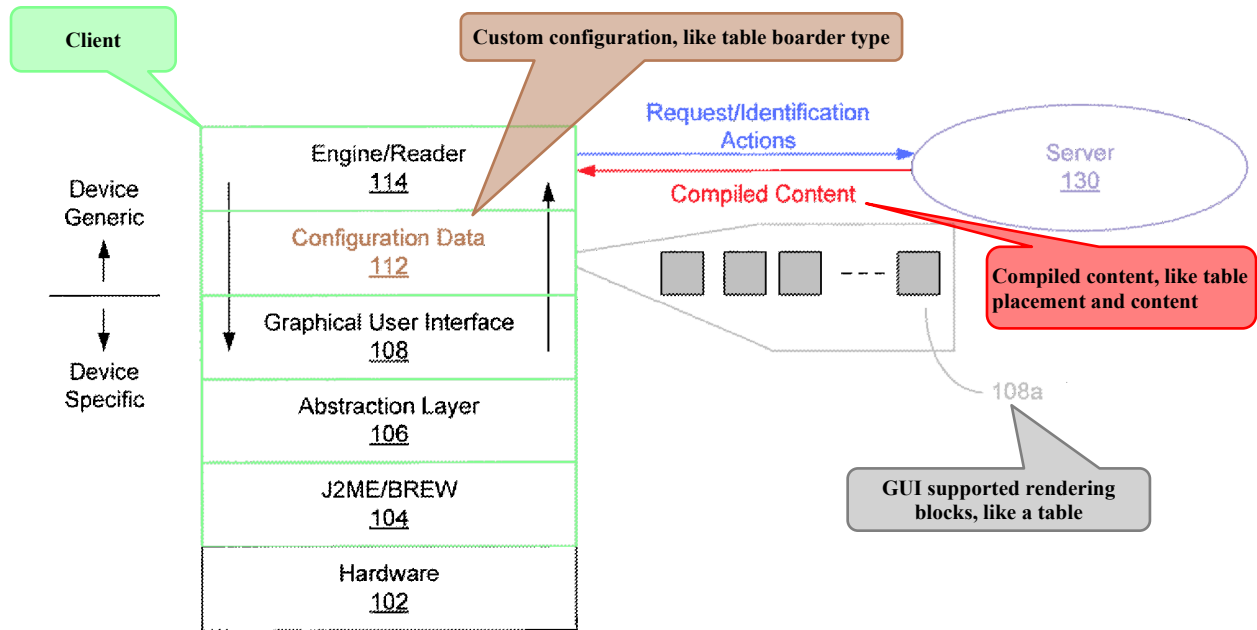
As taught by the Patent-at-Issue, if the client requests to run an application, the decoding system can also "access a library of custom configuration data 540," shown as ⑨ above, "to customize the appearance of the application" and "send the identified custom configuration to the client." *Id.* 16:51–61.

The client can use the custom configuration to configure the GUI's rendering blocks to set how they "operate and look." *Id.* 7:59–66; 10:58–60; 18:41–43. For example, custom configuration data may configure the GUI rendering blocks' fonts, colors, border thickness, images, background images, icon type/image, menu styles, sound, video, etc., *id.* 8:52–10:57, such as "customiz[ing] a 'submit' icon to look like an airplane flying away when pressed," *id.* 7:63–65.

The custom configuration may be globally applicable to pages of an application. Stated otherwise, new application compiled content can be rendered using the GUI's rendering blocks that were previously configured without the application sending new, or resending the previous, custom configuration data. *See, e.g., id.* 14:30–33 & Fig. 2B.

4. Client

The Patent-at-Issue refers to the software on the wireless devices that interacts with the application on the server, displays application content, and detects user interaction with the application as the "client." *Id.* 6:20–24. The client generally comprises the "software stack" conceptualized as residing at a higher level than the wireless device hardware as shown in "Blocks 104 through 114" below. *Id.* 6:61–63.



Ex. 1001 Fig. 1B. It is the client that “draw[s] the screen according to the description as specified by the received discrete low level basic commands and in accordance with the identified custom configuration.” *Id.* 13:34–37. Specifically, the client can configure rendering blocks with the configuration data, and then an engine/reader can process the compiled content to ultimately render the remotely running application’s pages. *Id.* 7:29–34; 18:63–19:4.

III. OVERVIEW OF THE CITED REFERENCES

A. Hariki

Hariki concerns “a mobile device UI configuration system that allows a UI skin package content provider to easily generate a new UI resource file for new or different mobile devices, and make these UI skin packages available for download and installation on user mobile devices.” Ex. 1005 [0008]. With these “UI skins,”

Hariki “provide[s] user interface (UI) customization capabilities that allow users to personalize their phones or mobile devices with custom ringtones, background displays (wallpaper), menu configurations, and the like,” *id.* [0005], to replace the “default user interface for each model of device,” *id.* [0007].

Specifically, Hariki contemplates a “user interface authoring tool” that “maintains a common database of resources for each mobile device model” “defined by device manufacturers.” *Id.* [0019]. The “resources comprise files, links to files, and/or data or program objects associated with the configurable aspect of the user interface for each mobile device.” *Id.* [0019]. “Thus, as shown in FIG. 2, a resource profile is provided for device A, and a resource profile is provided for device B. With reference to FIG. 1, these can correspond to resource profiles for mobile devices 108 and 109, respectively.” *Id.* [0031].

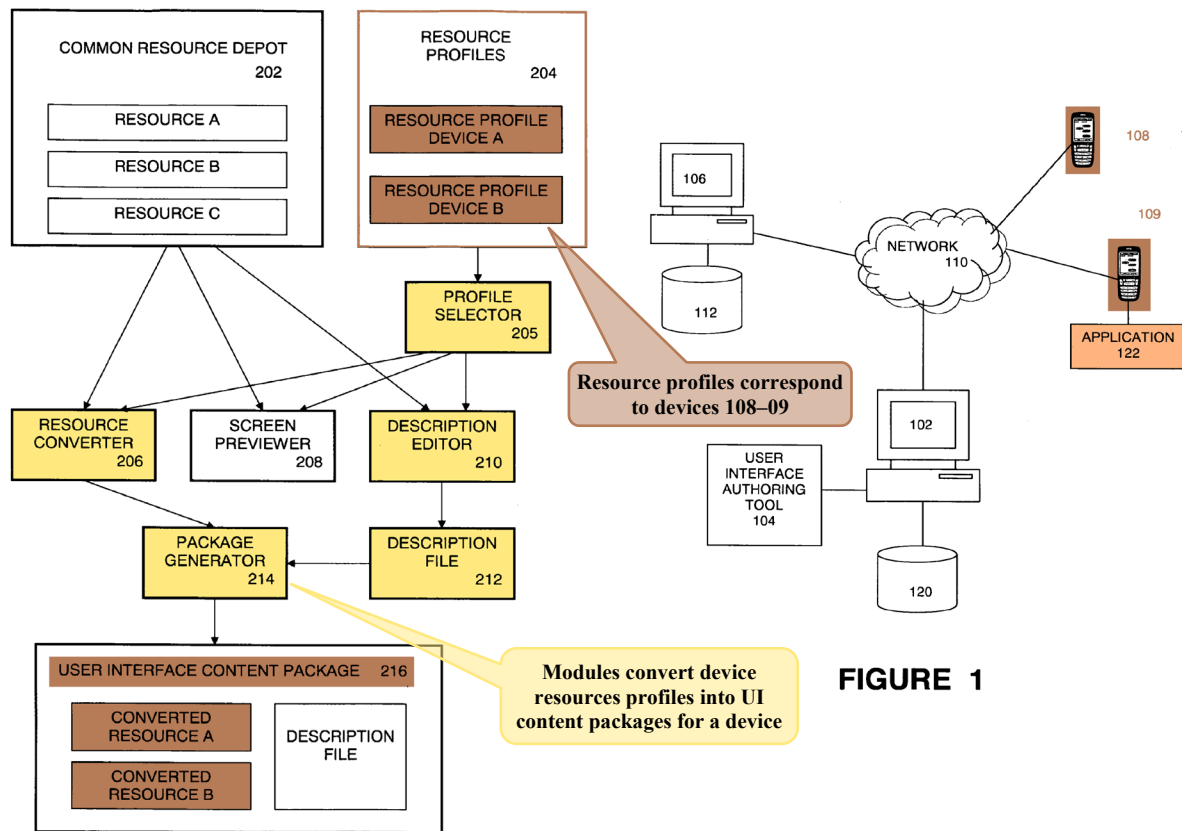


FIGURE 1

FIGURE 2

Ex. 1005 Figs. 1–2.

Hariki explains various “modules” (205–12) use the resource profiles for the devices to create a UI content package 216 for a device. Specifically, “[t]he profile selector 205 selects a resource profile 204 depending upon the device model selected by the content provider. The corresponding resource 202 for that model is then converted by resource converter 206.” *Id.* [0032]. “A description editor component 210 produces description files 212 ... [and t]he description file 212 and the converted resource output from resource converter 206 are processed by a package generator component 214 ... [that] takes the resource and description and creates a

UI content package 216.” *Id.* [0033].

Once created, “[t]he actual UI content package to be downloaded is generally selected by the user of the mobile device.” *Id.* [0044]. And “the user can change the UI content by changing the [device’s settings through the] setting application 504.” *Id.* With the skin in place, “one or more application programs 122 or software modules . . . access the resources provided by the UI content package.” *Id.* [0040]. That is, any application or program “can playback or perceive the image, video, sound files, etc. of the resources provided by the UI content package.” *Id.* In this way, “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.” *Id.* [0024].

B. Harris

Harris concerns “delivery of the same content to multiple mobile devices using different device protocols.” Ex. 1006 [0002]. To do this, Harris envisions a mobile content framework (“MCF”) that uses “a generic markup language, referred to as Wireless Abstract XML (hereafter WAX).” *Id.* [0007]. A designer may author pages “created in WAX originally,” or “content [may be] first translated in to WAX from the original language of the content provider.” *Id.* The content may be stored at any “content location” interfaced with the WAX server. *Id.* [0008].

Whatever the source and wherever the content resides, the MCF may translate

the “WAX language . . . to a requesting device’s native language . . . [or] from WAX to languages like WML, HDML and HTML.” *Id.* [0018]. For example, WAX element “<wax:button>” may be sent “as a ‘soft-key’ for WAP devices, but as a ‘link’ for devices which understand only HTML.” *Id.* [0030].

However, Harris also notes that “even when two devices employ the same language, there is no guarantee that they each interpret and render content the same way. Therefore, “not only [does Harris] translate[] [WAX] into a specific language appropriate for the device, but . . . [the translation] is tailored based upon the attributes of the requesting device.” *Id.* [0018]. That is, the MCF may handle “the idiosyncrasies of each device,” such as considering the fact that Nokia’s WAP browser “does not display lists in the same fashion as the [WAP] browsers on phones from other manufacturers.” *Id.* [0017].

Harris also teaches that, in one embodiment, an automated testing environment can make sure the content will be displayed correctly *before* the translated device-specific files are deployed to a device. *Id.* [0035].

Ultimately, only the device-specific “customized content is . . . returned to the requesting device.” *Id.* [0024] & Fig. 3.

C. Dees

Petitioner relies on Dees as allegedly disclosing the limitations added by dependent claims 5–7 and 16–18. Pet. 66–77. This Response shows that Petitioner

has not shown these dependent claims are unpatentable, because the claims depend from independent claims Petitioner has not shown are unpatentable. Because Patent Owner’s arguments do not address the limitations added by these dependent claims, Patent Owner does not provide an overview of Dees.

IV. LEVEL OF ORDINARY SKILL IN THE ART

Patent Owner generally concurs with Petitioner that a person of ordinary skill in the art (“POSITA”) would have an electrical/computer engineering degree or a degree in a closely related field. Pet. 9–10. And Patent Owner’s view is that the POSITA would have a couple of years’ experience in the “field of wireless communication systems” and “[m]ore particularly, . . . method[s] and system[s] for rendering applications on a wireless device.” Ex. 1001 1:13–16. More education may substitute for less experience, and *vice versa*. To the extent that there is a difference between “Petitioner’s and Patent Owner’s descriptions of an ordinary skilled worker,” see Inst. Dec. 8, Patent Owner does not believe such differences impact the patentability analysis.

V. CLAIM CONSTRUCTION

A. District Court Constructions

The District Court has construed the following terms, Ex. 2006, p. 10:

Term	Construction
rendering command	A description for rendering a page component, such as the width or the height of the component.

Term	Construction
discrete low level rendering command	Indefinite
custom configuration	A configuration that determines the look and feel of the application
rendering blocks	Blocks that perform discrete rendering operations

Patent Owner does not believe the Board needs to address any of these terms for this proceeding because they are not “necessary to resolve the controversy.” *See Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). Nonetheless, Patent Owner disagrees with the District Court’s construction of “discrete low level rendering command,” and has construed this term as a POSITA would understand the plain and ordinary meaning at the effective filing date in light of the specification: a “discrete rendering command that is tailored based on wireless device capability.” Ex. 2005 ¶¶90–100 (explaining the meaning to a POSITA in light of the district court constructions, the specification teachings, the ’865 Patent examples, Petitioner’s expert testimony, dictionary definitions, and Petitioner’s identification of this limitation in the prior art).

B. “Said Custom Configuration Being Specific to Said Application Program” Means the Custom Configuration Is “Created For” or “Tailored To” the Application Program

The limitation “said custom configuration being specific to said application program” is found in limitation 1[c] and 34[a]. The specification does not explicitly define the phrase; however, the ’865 Patent does contrast “specific to” with

“generic,” teaching that a remote server executing a generic application “is generic in that it is not *specific to* any device or any set of device capabilities.” Ex. 1001 6:10–13 (emphasis added); *see also* Ex. 2005 ¶101 . Likewise, limitation 12[e] shows that a “wireless device *generic* template” “***defines***” “a device *specific* template” after the template is modified to consider a “device profile” that “includes information about the specific wireless device capabilities.” Ex. 1001 3:29–30. Therefore, “specific to” is seen in these examples to refer to the application/template being created with a particular device in mind, for example, crafting the application/template so that it is in accord with a particular device’s capabilities. Ex. 2005 ¶102. “Because claim terms are normally used consistently throughout the patent,” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005) (en banc), absent some reason not to—and there is no reason here, Ex. 2005 ¶103—“specific to” when used with a custom configuration specific to an application should be defined in the same manner, “made for.”

The ’865 Patent also teaches that the “server will eventually translate the output of the [generic] application to a device *specific* set of commands,” Ex. 1001 6:13–14 (emphasis added), and “the server *tailors* the output of a generic application based on the wireless device capability,” *id.* 5:57–58 (emphasis added). By looking at the parallel descriptions, both describing the generic application’s output, the Board can see the Patent-at-Issue is using “specific to” and “tailored to”

interchangeably. Ex. 2005 ¶104. And Mr. Lipoff explains that the examples of customization in the specification also show that the custom configuration is purpose driven, and that the configuration for one type of application, such as Texas Hold'em, makes no sense for another type of application, like a calendar. *Id.* ¶105. And “tailored to” is generally understood to mean “made or changed especially to be suitable for a particular situation or purpose” (i.e., an implicit analogy of bespoke clothes from a tailor). *Id.* ¶104 (citing Ex. 2007). This is another instance where “specific to” means “tailored to” or “customized for” a particular device, for instance, by considering the device’s capabilities.

The plain and ordinary meaning of “specific to said application” to a POSITA in the relevant field confirms that the ’865 Patent uses the term in a typical manner. As Patent Owner’s expert explains, “specific to said application” is the same thing as “application-specific.” Ex. 2005 ¶106; *see also* Ex. 2014 84:17–85:1 (“Q: In this claim, it says ‘specific to said application.’ Is that the same thing as saying application specific? A: I don’t think I specifically analyzed that distinction, but I’m not thinking of any distinction at the moment.”). And application-specific is generally understood when discussing hardware or software to mean “created or written for a specific application.” Ex. 2005 ¶106 (citing Ex. 2011). Therefore, the common understanding of “specific to,” in the software application context, comports with how the ’865 Patent uses the term, and generally means “created for,”

“written for,” “tailored to,” etc.

Indeed, while Petitioner has not proffered an explicit definition for this term, Pet. 10, in the parallel proceeding, IPR2023-00757, dealing with the related Patent No. 8,989,715 having the same specification as the '865 Patent, Petitioner argued that the same compiled content identified here “is *specific to* the rendering capabilities of said wireless device” because Harris “*tailor[s]* content to specific requesting devices” and “Hariki-Harris system *tailors* the HTML pages to the specific attributes.” Ex. 2015 55–56. And Dr. Bederson explained that the Harris-*specific* content he identified (HTML files the MCF produces) are such because “HTML is an example of files that are *tailored to* a particular mobile device,” Ex. 2014 42:1–16 (emphasis added), explained that “the UI content package is *specific to* many different things, and so it can be *designed for* a number of different kinds of customizations,” *id.* 88:21–89:2 (emphasis added), and described that when Hariki says the UI content package is “specific to” an operating system this is so in part because “one of the ways that Hariki works is that a UI skin can be *designed to* be specific to an operating system,” *id.* 89:8–11 (emphasis added). So, Petitioner and its expert illustrate “specific to” as synonymous with “tailored to” and “designed for” through their explanations.

In sum, “said custom configuration being specific to said application program” as used in the '865 Patent, and as a POSITA generally understands the

term when discussing an item being “specific to” an “application,” means “said custom configuration being *created for or tailored to* said application program.”

Ex. 2005 ¶107.

C. “Eliminate” Means “Remove”

“Eliminate” is found in limitation 12[e] in the larger phrase “*eliminate*, using said device profile, at least one content item from said plurality of content items from said wireless device generic template.” In the claim context, a natural definition of “eliminate” is “remove.” *Id.* ¶108.

The specification uses “eliminate” in one paragraph:

Additionally, the template engine communicates with a device profile of the wireless device and may *eliminate* content of the requested application that is not supported by the wireless device based on the capabilities of the wireless device. For example, if the server determines that the wireless device has no audio capability, the content related to audio may be *eliminated* from the template.

Ex. 1001 3:44–50 (emphasis added). As seen, and consistent with the ’865 Patent’s desire to “tailor[] [the application] in accordance with the wireless device attributes,” *id.* 1:41–42, and “avoid wasting bandwidth,” *id.* 13:53–57, 12:44–49, the specification teaches that when a device has no audio capability the server should remove sound information from the template before sending

the template to the wireless device. Both experts identified the same. Ex. 2014 101:4–16 (explaining that by not sending audio the ’759 Patent avoids “wast[ing] resources”); Ex. 2005 ¶¶109–10 (same). Therefore, the usage in the specification is in line with the claims, and “eliminate” is again used to mean “remove.”

Finally, a POSITA understands that the ordinary meaning of “eliminate” is “to get rid of; remove,” and there is no indication that the ’865 Patent uses the term differently. *Id.* ¶111 (citing Ex. 2012). Indeed, Petitioner and its expert argue that the “eliminate” limitation in 12[e] is met because “content on WAX stylesheets can be **removed**,” Pet. 61–62 (emphasis added); Ex. 1002 ¶224 (same), indicating that they too view “eliminate” generally equates to “removal” (though Patent Owner disagrees that the identified content is removed). *See also* Ex. 2014 94:18–22 (“I am saying that these disclosures of the **removal** of content from WAX and the translation to HTML as disclosed in Harris is a disclosure of claim limitation 12.”) (emphasis added); *see also* Ex. 2005 ¶112.

Given the claims, specification, the ordinary meaning to a POSITA, and both Parties and IPR experts all point towards the same conclusion, “eliminate” should be defined as “remove.” *Id.* ¶113.

VI. STATUTORY GROUNDS

While Petitioner says it puts forth two bases of unpatentability for *all* of the

Patent-at-Issue’s claims, one for obviousness under 35 U.S.C. § 103 based on Hariki in view of Harris and one for obviousness under the same statute based on Hariki in view of Harris and Dees, Pet. 2, Petitioner does not use Dees and relies solely upon “Ground 1” for claims 1–4, 8–15, 19–20, 31, and 34, *id.* 66–77. Accordingly, Petitioner’s grounds are in reality as follows:

Claims Challenged	35 U.S.C. §	Basis
1–20, 31, 34	103	Hariki in view of Harris
5–7, 16–18	103	Hariki in view of Harris and Dees

VII. HARIKI IN VIEW OF HARRIS FAILS TO RENDER ANY CLAIM OBVIOUS

A. Hariki in View of Harris Fails to Disclose Limitation 1[c]/34[a] Requiring the Custom Configuration Be “Specific to” the Application Program

1[c]/34[a] [sending/The non-transitory processor-readable medium of claim 12, further comprising code representing instructions to cause the processor to: send] a custom configuration to the wireless device, said custom configuration being specific to said application program;

Petitioner identifies the “converted resource files . . . in Hariki’s UI content package” (also known as the “UI skin”) sent to and used on the wireless device as the claimed “custom configuration.” Pet. 30. And Petitioner identifies the “web server” running on remote computer 102 as the “application program.”⁵ *Id.* 29. As discussed in the claim construction section, “specific to” in this limitation means

⁵ Petitioner exclusively relies upon its argument for limitation 1[c] for limitation 34[a]. Pet. 66.

created for, written for, tailored to, etc. *See* Section V.B beginning on page 23. So, assuming, *arguendo*, that the UI Skin of Hariki is analogous to the claimed “custom configuration” and the web server of Hariki is analogous to the claimed “application program” (which Patent Owner does not concede), the limitation requires the UI skin be ***tailored to*** the web server. Ex. 2005 ¶124.

However, the converted resource files in Hariki’s UI skin are not used by the web server, much less tailored to or written for (i.e., “specific to”) the web server. *Id.* ¶125. Indeed, the process of creating a UI content package starts with the selection and retrieval of a “resource profile.” *See* Ex. 1005 Fig. 4 (item 401). Hariki teaches that “[r]esource profiles are defined by device manufacturers *for each model of mobile device*. The resource profiles specify the composition, format, and appearance of one or more user interface elements *displayed or executed by the mobile device.*” *Id.* [0019] (emphasis added). That is, the “resource files [are] *for the different mobile devices,*” *id.* [0025] (emphasis added), and that it is “an application program *executed on the mobile handset . . . [that] access[es] the resources,*” *id.*[0019] (emphasis added). Therefore, the UI skin ultimately does not take in to account any web server, Ex. 2005 ¶126, and—if anything—are written and created for applications running on mobile devices, not a web server. *See also* Ex. 1002 ¶130 (“It is my opinion that . . . Hariki . . . discloses sending content **specific to a mobile device.**”) (different emphasis).

The web server is not executing on the mobile devices where UI content packages are located and used. Hariki describes and shows the web server “executing” on server 102 that communicates with the wireless device “to serve web pages over network 110.” Ex. 1005 [0021] & Fig. 1 (item 120). The UI content package is not available to, or functional with, the web server, never mind “tailored to” the web server. Ex. 2005 ¶127.

Attempting to tie the remotely running web server to the local UI skin on the wireless device, Petitioner first says that when a mobile device accesses a “server to receive HTML files, the *Hariki-Harris* system would have sent the customized UI.” Pet. 31 (citing Ex. 1002 ¶147). This argument is without merit for at least three reasons.

First, this argument is internally contradictory. A wireless device that requests HTML files expects to receive *HTML files*. UI skin packages are not HTML files. Ex. 2005 ¶128. Hariki’s one exemplary UI content package is shown as using a custom format with non-HTML “item” field. *See, e.g.*, Ex. 1001 Fig. 6; Ex. 2005 ¶128; *see also* Ex. 2014 79:2–7 (“I’m not familiar with [‘]item[’] being a standard HTML tag.”). There is no reason to expect that a browser “accessing a WWW server to receive HTML files,” Pet. 31, would not receive HTML files, or that the requesting device expecting HTML files would properly handle unexpectedly returned UI skin content packages. Ex. 2005 ¶128.

Second, assuming for argument's sake it was true that “accessing a WWW server to receive HTML files, the *Hariki-Harris* system would have sent the customized UI when executing the web server process,” Pet. 31, Petitioner does not explain why merely sending a custom configuration that is not affected by the sending application, and will not be used by the sending application, makes the custom configuration “specific to” the sender. It does not. As noted above, the UI content package is based upon wireless device characteristics—i.e., created for a wireless device—without regard to the server that provides the UI skin to the wireless device. Ex. 2005 ¶129.

Third, Petitioner only relies upon Petitioner's expert, Pet. 31 (citing Ex. 1002 ¶147), who merely parrots that “[b]ecause the converted resources in the UI content package are generated and sent when the mobile device access [sic] the web server process, it is my opinion that *Hariki* discloses ‘said custom configuration being specific to said application program.’” Ex. 1002 ¶147. This conclusory statement is generally entitled to little or no weight. 37 C.F.R. § 42.65(a).

But the Board should discount Dr. Bederson's belief completely because his opinion is at odds with *Hariki*'s teachings. Ex. 2005 ¶130. *Hariki* explains that it is the content provider using a UI authoring tool that generates UI skins, not that UI skins are generated when a mobile device accesses the web server. Ex. 1005 [0019], [0024], [0028], [0032]. And *Hariki* instructs that a custom configuration, if not pre-

installed, is sent when it is selected by a user of the mobile device from content servers like that shown in Fig. 5, or even the authoring tool or content servers co-resident with a web server, not sent when the mobile device requests HTML from a web server. *Id.* [0025], [0044] & Fig. 5 (item 540).

Third, the claim limitation is not met from a server’s “generation” of a custom configuration for a mobile device, or a server’s “sending” of a custom configuration to be used by a mobile device. In order to meet the claim limitation the custom configuration must be “specific to” (i.e., made for, tailored to, etc.) the identified application, *see* Section V.B, and the UI skin—wherever generated and wherever sent from—is not *written for* (i.e., “specific to”) the Petitioner-identified application, an HTML web server. Ex. 2005 ¶131.

Petitioner also says that a POSITA would have “understood that, *when the web server process is accessed*, the converted resources in the UI content package configure the configurable aspects of the UI, by e.g., changing a display image or color.” Pet. 31 (citing Ex. 1002 ¶147) (emphasis added). This is made of whole cloth. Ex. 2005 ¶132. Petitioner has not cited any disclosure in Hariki that the resources in the UI skin “chang[e] a display image or color” when any server is accessed, because there is no such disclosure. Indeed, the *only* evidence that Petitioner relies upon, again Petitioner’s expert, does not say that this is true. Instead, Petitioner’s expert merely states the unremarkable observation that

“converted resources in the UI content package configure the configurable aspects of the UI, by for example, changing a display image or color,” not that they do so “when the web server process is accessed.” Ex. 1002 ¶147.

Regardless, assuming for argument’s sake that Petitioner is correct, that a mobile device displays an image or color from the UI skin upon accessing a web server, Petitioner does not explain the relationship between the image/color and a web server, much less that “applying” a UI skin on a wireless device means the UI content package was tailored to a particular web server. Ex. 2005 ¶133.

In sum, Hariki does not disclose this limitation. And Petitioner has not identified any Harris teaching that discloses what is missing from Hariki. Therefore, Petitioner fails to show that Hariki alone, or in combination with Harris, teaches “said custom configuration [Petitioner-identified UI skin resources] being specific to said application program [Petitioner-identified web server].” For this reason, Petitioner has not shown claims 1 and 34, and claim 1 challenged dependent claims, claims 2–11 and 31, unpatentable by a preponderance of the evidence.

B. Hariki in View of Harris Fails to Disclose Limitation 12e

12[e] eliminate, using said device profile, at least one content item from said plurality of content items from said wireless device generic template to define a device specific template associated with the wireless device

Petitioner appears to make two arguments with respect to this limitation, one tacit contention regarding “tags” that can be removed “from the WAX language,”

and a second explicit assertion regarding the alteration of WAX elements identified with tags during the process towards translation to HTML. Pet. 61–62. This Response first discusses the limitation requirements, then what Petitioner identifies as the “generic template” and “content items,” and finally addresses why Petitioner’s two arguments have no merit.

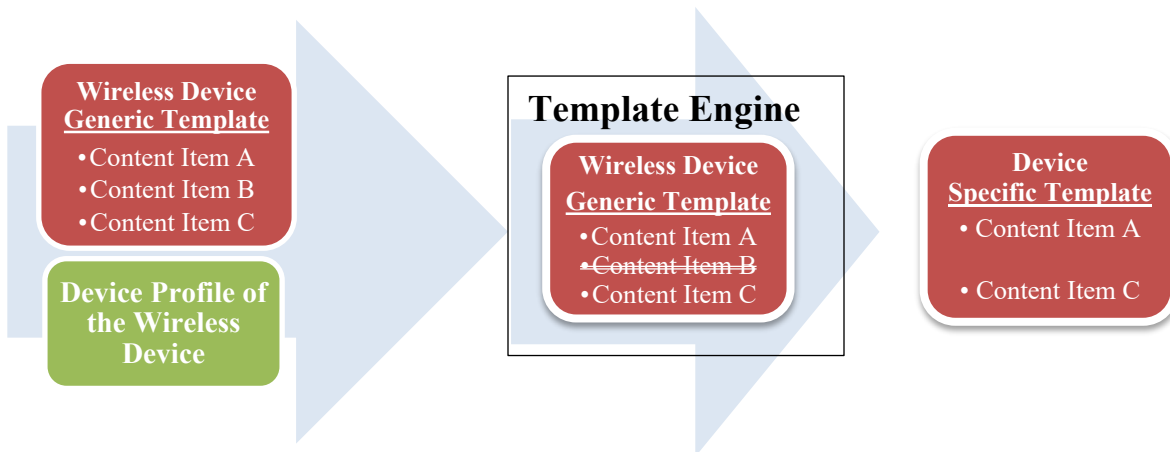
1. Limitation Requirements

This limitation requires eliminating at least one “content item” from the previously generated “said wireless device generic template.” *See* limitation 12[b] (“[E]xecute said application program to generate a wireless device generic template including a plurality of content items.”). As set forth in the Claim Construction section, “eliminate” means “remove.” *See* Section V.C beginning on 27; *see also* Ex. 2005 ¶134.

Moreover, the one or more content items, must be removed “using [the] device profile.” *Id.* A device profile “includes information about the specific wireless device capabilities.” Ex. 1006, 17:28–31.

The limitation then notes that the act of removing the content item(s) using the device profile “defines” a “device specific template.” Ex. 2005 ¶134.

This claim limitation process is illustrated as follows:



In this example, the Template Engine analyzed the Wireless Device Generic Template, using the Device Profile of the Wireless Device, and determined that “Content Item B” should be eliminated because Content Item B is not supported by the wireless device. The Template Engine therefore removed “Content Item B” from the Wireless Device Generic Template to define the resulting Device Specific Template. Ex. 2005 ¶135.

2. Petitioner’s Identified “Wireless Device Generic Template”

For limitation 1[b]—that Petitioner also relies upon for limitation 12[b], Pet. 60—Petitioner identified the “said wireless device generic template” as “WAX stylesheets.”⁶ Pet. 28. It is apparent from Petitioner’s limitation 12[e]

⁶ The word “Stylesheet” may be a mistake. See Ex. 2014 103:5–12 (“I should probably say, since you pointed me to that sentence in paragraph 224, I think that I probably could have written that sentence more clearly. So when it says, ‘It is my

argument and citation to Harris' paragraph 30 that Petitioner is identifying the "sample" WAX shown in Harris' paragraph 29 as a "WAX Stylesheet." Pet. 62 ("Harris further discloses in the context of translating WAX content to HTML that a "welcome" may be translated to 'Bonjour.'") (citing Ex. 1006 [0030]); Ex. 2005 ¶136.

The "WAX Stylesheet" referred to by the Petition is reproduced here:

```
<?xml version=" 1. 0" encoding="utf-8"?>
<wax:wax xmlns:wax="http://www.kargo.com/wax" version="O.9">
  <wax:doc version="1.0">
    <wax:title>NY Nightlife</wax:title>
    <wax:block id="splash">
      <!--EXAMPLE 1 -->
      <wax : button href="index?a=rmain"
      keytype="accept" type="go" labelid="enter" />
      <wax:p align="center">
        <!--EXAMPLE 2 -->
        <wax: img srcid="logo" alt="My Nightlife"
        border="O" />
        <wax:br/>
        <!--EXAMPLE 3 -->
        <wax: text id="welcome" />
        <!--EXAMPLE 4 -->
        <% if ((String)session.getAttribute("lang") = =
        null)
        out .println ("<wax:a
        href=\ "index?a=chlang\ ">Choose
        Language</wax:a>");
        %>
        <wax:br/>
        <wax:br/>
      </wax:p>
    </wax:block>
```

opinion that that content on WAX [style]sheets 10 can be removed' and then going on further and continues, it's really talking about the content from WAX."). Nonetheless, Patent Owner will continue to refer to this as the identified "WAX Stylesheet" so that this Response and Petition use consistent language.

Ex. 1006 [0030].

3. Petitioner's Identified Content Item

For limitation 1[b]—that Petitioner relies upon for limitation 12b, Pet. 60—Petitioner argued that “WAX stylesheets component 42 dictates the presentation of the WAX *content*,” “WAX is designed to enable the content developer to describe *content*,” and, therefore, the “WAX stylesheets. . . include content (i.e., ‘plurality of content items’)” that will be “tailored by the device stylesheets.” Pet. 28 (emphasis added and removed).

For limitation 12[e], Petitioner discusses Example 3 in the WAX sample above and reproduced as follows, arguing that because when “translating WAX content to HTML” “welcome” may be translated to a different string “POSITAs would have thus understood that content on WAX stylesheets can be removed.” Pet. 62 (citing Ex. 1006 [0030]).

```
<!--EXAMPLE 3 -->
<wax: text id="welcome" />
```

That is, Petitioner identified Example 3 that specifies the “text” element with identification label “welcome,” as a “content item.” Ex. 2005 ¶136. And Petitioner’s expert said that it was not clear to him as to whether in Example 3 the “content” was the actual text shown between the angle brackets, “welcome,” or whether the content was an “external resource” that is referenced with the “property called ID, which a person of skill in the art would often think is a reference to some

external resource.” Ex. 2014 107:2–18. Mr. Lipoff identifies this tag as referring to external content. Ex. 2005 ¶138.

4. Removal of “Tags” “from the WAX Language” Does Not Meet This Claim Limitation

Petitioner initially implies that this limitation is met because Harris teaches that WAX tags can be “added or removed from the WAX *language*.”⁷ Pet. 61 (citing Ex. 1006 [0028]) (different emphasis); Ex. 2005 ¶148. Removal of tags from the WAX language does not meet this limitation. First, Harris is discussing changing the supported “tag” definitions within the WAX language as a whole—adding or removing tags shown in the WAX sample above, such as “<wax:title>,” “<wax:block>,” “<wax:button>,” “<wax:img>,” and “<wax:text>.” Ex. 2005 ¶148. A definitional change to remove a previously supported tag from the WAX language does not meet the limitation for at least two reasons. First, this limitation requires elimination from the specific generic template generated in limitation 12[b],

⁷ However, Petitioner’s expert whose analysis parallel’s the Petition, *compare* Pet. 61–62 *with* Ex. 1002 ¶¶224–25, said that he was not advocating this removal met the claim limitation. Ex. 2014 93:16–22 (“Q: . . . where you discuss tags being removed from WAX language, you’re not saying that that elimination from the WAX language meets limitation 12E? That’s just context . . . A: I think that’s right.”). Out of an abundance of caution, Patent Owner nonetheless addresses the potential argument.

and Harris only discusses that the WAX tags may generally change, without instructing that a particular content item used in a Petitioner-identified generated template be eliminated. Ex. 1006 [0028]; *see also* Ex. 2005 ¶149. Indeed, Harris does not explain what effect removing a tag “from the WAX language” would have on existing WAX stylesheets previously referencing the removed tag, if at all. Ex. 1006 [0028]. Harris only gives examples of adding tags to prospectively support “new types of devices.” *Id.* Petitioner likewise does provide any such explanation.

Second, the limitation requires elimination, “using said device profile . . . to define a device specific template associated with the wireless device.” Ex. 2014 109:10–12 (“[T]he device profile has to be used in the process of this elimination”); 110:5–9 (agreeing that communication with a device profile is an example of “use”). But the removal of tags in Harris is untethered from any device profile. Specifically, Harris and Petitioner do not teach that the removal of tags “from the WAX language” would be based upon the Petitioner-identified “device profile”—i.e., Harris’ “XML registry of devices.” Pet. 61. Nor does the Petitioner explain why removal of a tag “from the WAX language” would convert a particular WAX Stylesheet into a “device specific template associated with the wireless device.” It would not, because such a global change to the WAX language is not based upon any one device profile, and such a large-scale change would not turn any previously generated “generic” WAX stylesheet into a device specific stylesheet associated with a wireless device.

Ex. 2005 ¶150.

5. Harris’s Processing of WAX to HTML for a Particular Device Does Not “Eliminate” a Content Item

Petitioner’s second explicit argument concerns “the context of translating WAX content to HTML.” Pet. 62. Specifically, Petitioner points to Harris’ teachings regarding the translation of a text tag, like Example 3, `<wax: text id=“welcome” />`, shown above. *Id.* (citing Ex. 1006 [0030]). Petitioner correctly notes that Harris may alter this logical WAX tag to a device-specific WAX tag and then subsequently translate the WAX elements to HTML with the HTML XSL Stylesheet.⁸ *Id.* For instance, Harris teaches that the MCF may alter the “welcome” element in Example 3 to “Bonjour” for French speakers or “Welcome to our site, please take a look around” for wireless devices with a larger display.” Ex. 1006 [0030].

And the Board noted, see Inst. Dec. 39, that Harris teaches a similar translation procedure for Example 2, showing the WAX image tag with source id

⁸ Harris teaches that “XSL stylesheets,” written in the “Extensible Stylesheet Language (XSL),” comprise a set of “rules that translate WAX to device-specific languages.” Ex. 1006 [0023], [0025].

“logo”:⁹

```
<!--EXAMPLE 2 -->
<wax: img srcid="logo" alt="My Nightlife"
border="0" />
```

Specifically, Harris says:

In Example [2] the text “logo” is placed into the srcid attribute instead of the URL to the actual image. The text “logo” is used to index into a set of rules to determine the best image to display for the specific device. For example, the framework may determine that “logo.gif” is the best image for the given device or possibly that “logo-nok7100.wbmp” is the best image.

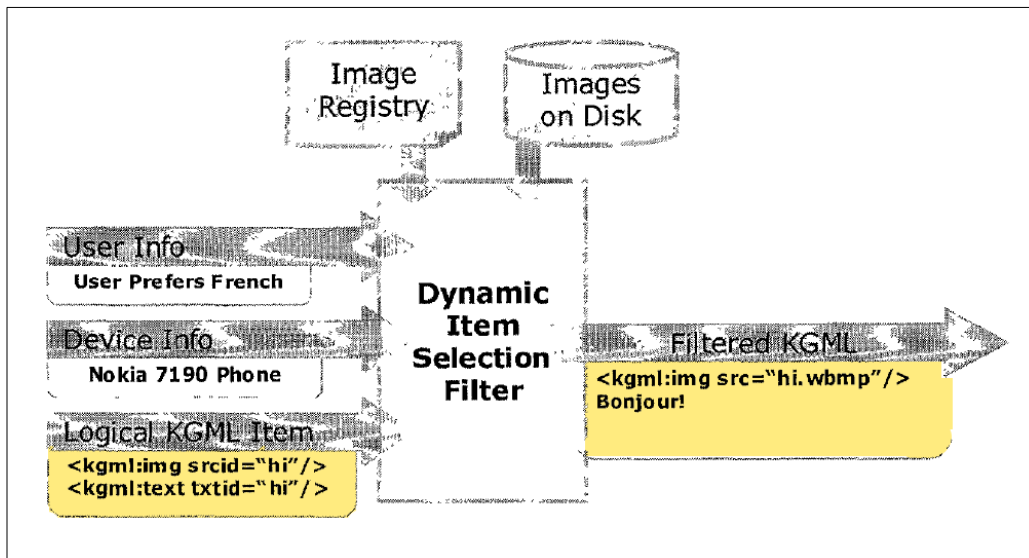
Ex. 1006 [0030].

Unlike the text element, Petitioner’s expert was certain that the content of the “img” element was not the text itself, but what the element was referencing. Ex. 2014 106:19–107:1 (“Other times [Harris] clearly includes content that references other resources, such as the image example, where clearly the text LOGO

⁹ From Harris’ Provisional, see Ex. 1006 item (60), it can be seen that border=“O” should be border=“0,” *see* Ex. 2013 at 17, meaning a border of 0 pixels (i.e., do not use a border). Ex. 2005 ¶139 n.4. Patent Owner only cites to the prior art priority reference to understand the one applied reference. *See LG Elecs. Inc. v. Immervision, Inc.*, 39 F.4th 1364 (Fed. Cir. 2022) (noting Board may look to priority reference to understand relied upon material was a mistake).

is not the image itself. That clearly is a reference to an image from example 2.”).

Figure 6 from Harris’ Provisional below gives an example of what such MCF processing would look like after “the stream of WAX enters into a set of filters that alter many of the ‘logical’ tags into ‘physical’ tags.”¹⁰ See Ex. 1006 [0034].

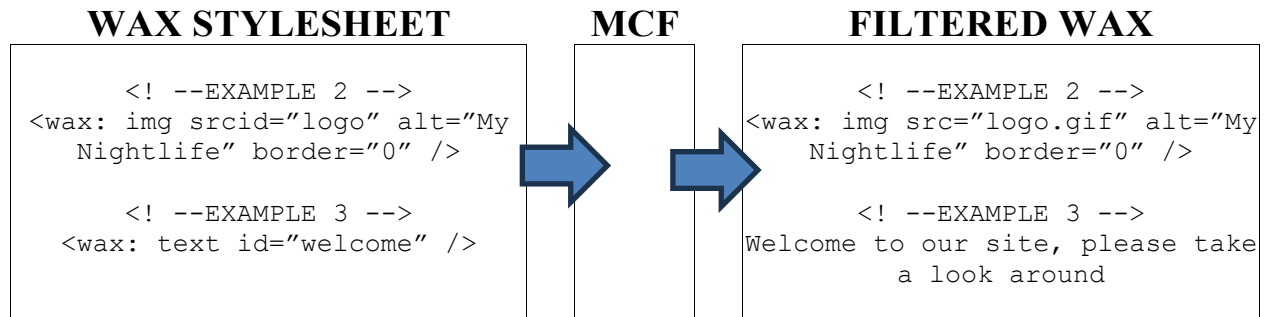


Ex. 2013, at 17 (highlighting added).¹¹ As seen, like one example in the Harris patent, the text tag is translated to “Bonjour!” Ex. 1006 [0030]. The image tag is filtered to use “hi.wbmp” similar to how Harris teaches “logo.gif” could be filtered to “logo-nok7100.wbmp.” *Id.* Neither element is removed or eliminated, and there is a persistent corresponding modified element after filtering.

¹⁰ Again, Patent Owner is only looking the non-relied-upon provisional to understand the actually relied upon corresponding publication.

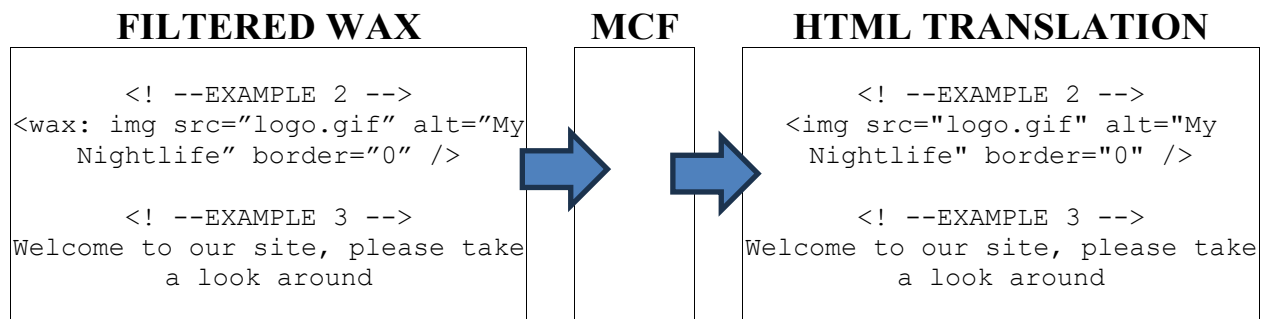
¹¹ Note that the tags show “kgml” rather than “wax” as “WAX is referred to as KGML in [the] related provisional.” Ex. 1006 [0007].

Applying this demonstration, Example 2 and Example 3 from Harris might look as so before and after being filtered, Ex. 2005 ¶¶139–41:



At this point the filtered WAX has not yet been sent to the device as it still requires further processing, but, again, no content item has been eliminated. *Id.* ¶141.

The filtered WAX is then translated to HTML, in this case, and “[t]he customized content is then returned to [the] requesting device.” Ex. 1006 [0024]. The translation from filtered wax to HTML may look as follows, Ex. 2005 ¶142:



However, *neither the filtered WAX nor the HTML meet the claim limitation*, because the identified “content items” are not “eliminated” from the WAX

Stylesheet.¹² Ex. 2005 ¶144. Indeed, Netflix’s expert said, “I think it is likely that there is some content from the original WAX that would—at least would end up in the device-specific language” and, when discussing a WAX “center” command, that the corresponding “generated HTML would include a comparable alignment command.” Ex. 2014 12:20–13:1; 114:14–18. For instance, the WAX “logo content item” becomes the WAX filtered “logo content item” that then becomes the HTML “logo content item.” The “logo content item” is not removed. Similarly, the WAX “welcome content item” becomes the WAX filtered “welcome content item” that then becomes the HTML “welcome content item.” The “welcome content item” is not removed.

Moreover, Harris teaches that, like the text, the image will “display[] correctly on each device,” Ex. 1006 [0022], so the identified “content items” were not removed and are sent to, and rendered on, the wireless device. Ex. 2005 ¶145.

Petitioner alternatively suggests that by translating “welcome” to French, the MCF has theoretically “eliminated” another translation by creating one reality and foreclosing a different modification that might have occurred (for example an

¹² The HTML additionally cannot be the “generic template” or the “device specific template,” because Petitioner identifies the HTML as the generated “page description” from the template for limitations 12[g]–[h]. Ex. 2005 ¶143; *see also* Pet. 63 (relying upon limitations 1[d]–[f]).

alternate timeline where the logical “welcome” tag is altered to an English physical tag). *See* Pet. 62 (“POSITAs would have thus understood that content on WAX stylesheets can be . . . not converted to a language.”). In like manner, Petitioner argues that when the MCF filters the WAX to change the logical “welcome” tag to “Bonjour” the MCF has “reduced in length to eliminate portions of the content,” because the MCF produced one output rather than another longer output, “Welcome to our site, please take a look around,” that would be sent to devices with larger screens. *Id.*; Ex. 2005 ¶146.

However, choosing to alter a content item one way instead of another is not “elimination” of the generated content item as claimed. Elimination means “removal” of something that exists. It does not mean *not* creating something that never existed but was one theoretical possible content item that could exist. The filtered WAX or HTML that was *not* produced was never “*generated*” per limitation 12[b], so cannot, for limitation 12[e], be “eliminated.” Ex. 2005 ¶147.

* * * * *

Under either of Petitioner’s theories, Hariki-Harris does not meet limitation 12[e], that requires eliminating, using said device profile, at least one content item from said plurality of content items from said wireless device generic template to define a device specific template associated with the wireless device. Therefore, Petitioner has not shown claim 12, and its challenged dependent claims,

claims 13–20 and 34, unpatentable by a preponderance of the evidence.

C. Hariki in View of Harris Fails to Disclose Limitation 12f

12[f] said at least one content item being unsupported by the wireless device

Limitation 12[f] is related to limitation 12[e], requiring that the content items that were eliminated using the device profile be “unsupported by the wireless device.” Hariki-Harris does not meet this limitation, because Harris only adds/modifies content—as explained in limitation 12[e]—*that is supported by the wireless device*. Indeed, at a high level, Harris discloses that “content is generated specifically for each device,” and “MCF ensures the best type and length of text is used, the best type and size of image is used, and that *the content is well suited and customized for the device attributes*.” Ex. 1006 [0007] (emphasis added). That is, Harris teaches “choos[ing] *appropriate content* for the requesting device,” *not* removing inappropriate content. *Id.*; Ex. 2005 ¶151.

Petitioner argues that “Harris discloses removing, not converting, or reducing in length content items in WAX stylesheets based on a specific mobile device’s capability such as small display size stored in registry of devices,” and gives only a single example of allegedly removing an “unsupported” content item, saying “POSITAs would have understood that content on WAX stylesheets can be removed (i.e., eliminate all other terms except ‘welcome’), when a small screen size is not capable of displaying the entire text (i.e., ‘please take a look around’).” Pet. 63

(citing Ex. 1002, ¶226); Ex. 2005 ¶152.

However, as explained for limitation 12[e], Harris does not disclose removing any identified “content item,” and does not disclose eliminating the “please take a look around” text or shortening this text to “welcome.” Harris discloses that the MCF could *modify* the element with the logical “welcome” tag to become a physical tag with the “please take a look around” phrase for devices with larger screens. Ex. 1006 [0030]. And Harris demonstrates that the MCF could *modify* the element with the logical “welcome” tag to become a physical tag with “Bonjour” for French users. *Id.* But Harris contemplates the “welcome” content element *persists* and is customized in a manner best for the wireless device. *Id.* This content is not removed. Ex. 2005 ¶154.

And more importantly for this limitation, from start to finish, Harris always contemplates the *generation of supported* items, not removing unsupported items. Ex. 2005 ¶155. Harris teaches that when a wireless device contacts the MCF, “[t]he content dispatcher 18 queries web technology tools . . . to generate a form of WAX *most suitable for the requesting device.*” Ex. 1006 [0020] (emphasis added). Harris teaches that the MCF also chooses “a *suitable* XSL stylesheet to use for later device-specific translation.” *Id.* [0024] (emphasis added). Harris explains that “the WAX stream is examined in order to substitute the *most appropriate image with regards to the device.*” *Id.* (emphasis added). Harris shows an example where “[t]he

text ‘logo’ is used to index into a set of rules to determine the *best image to display for the specific device.*” *Id.* [0030]. Harris says that there is another example that “illustrates the same principal” (picking the best content for the device) “but with text.” *Id.*; *see also id.* [0007] (“[T]he MCF ensures *the best type and length of text* is used.”) (emphasis added). Harris teaches that the WAX “stream can then be filtered through another level of processing in order *to accommodate device requirements* such as character encoding.” *Id.* [0034] (emphasis added). Harris concludes that “[t]he customized content is then returned to requesting device[s],” *id.* [0024], where it will be “*displayed correctly* on each device,” *id.* [0022] (emphasis added). In short, the Petitioner-identified “generic template,” the WAX Stylesheet, and processing of the Petitioner-identified “content items” inside the WAX Stylesheet, the WAX elements, are generated specifically *because they are supported on the target device.*

Again, looking at the example from the Harris provisional reproduced on page 43, the Panel can see that the MCF generates “Bonjour!,” because the MCF determined that device supports this text. Ex. 2005 ¶140. Similarly, the MCF generates the physical wax tax with “src” equal to “hi.wbmp,” because the device supports wireless application protocol bitmap formatted (“wbmp”) files. *Id.* This generation of supported content is the opposite of removing content unsupported by the wireless device.

Petitioner does not show Hariki-Harris meets limitation 12[f], that requires the previously eliminated content items—using said device profile—“being unsupported by the wireless device.” Therefore, for this additional reason, Petitioner has not shown claim 12, and its challenged dependent claims, claims 13–20 and 34, unpatentable by a preponderance of the evidence.

VIII. HARIKI IN VIEW OF HARRIS FAILS TO RENDER DEPENDENT CLAIMS OBVIOUS FOR ADDITIONAL REASONS

In addition to the reasons that Harris-Hariki does not render all challenged independent claims unpatentable, and, hence, all challenged claims unpatentable, as the dependent claims incorporate all limitations from the independent claims, Patent Owner now also demonstrates why Petitioner has failed to show further limitations in the following dependent claims obvious.

A. Hariki in View of Harris Fails to Disclose a Generic Template with Relative Screen Location and Display Object Size Information Independent of Screen Dimensions of the Wireless Device

[2/13]. [The method of claim 1/The non-transitory processor-readable medium of claim 12], wherein said wireless device generic template [contains/includes] relative screen location and display object size information [and is] independent of screen dimensions of the wireless device.

Petitioner fails to show the WAX Stylesheet (Petitioner identified “wireless device generic template”) contains/includes relative screen location and display object size information and is independent of screen dimensions of the wireless device. Ex. 2005 ¶156. Petitioner relies upon the same two arguments for claim 2

and 13. Pet. 64. Petitioner’s arguments fail for at least two reasons.

First, Petitioner points to Harris’s teachings that content will be chosen that is “well suited and customized for the device attributes” when the “WAX language [is] dynamically translated.” Pet. 43. However, the fact that the content is “customized for the device attributes” is the *opposite* of providing location and object size “*independent* of screen dimensions of the wireless device” as the claim requires. Harris explicitly says the very example that Petitioner uses regarding the “date chooser” *is a function of “screen dimensions,”* the reverse of “independent of screen dimensions.” Ex. 1006 [0018] (“For example, a WAX ‘Date-Chooser’ renders one way *on the limited screen sizes of mobile phones.*”) (emphasis added); *see also id.* [0004] (“Moreover, resolution and legibility vary differently *from display size.*”) (emphasis added); *see also id.* [0021] (“Once the type of device is identified, attributes such as *screen size . . .* and translation rules become known.”) (emphasis added), *id.* [0024] (same). Therefore, Petitioner’s reliance upon “translation rules” fails to meet the claim limitation because the rules are screen-size *dependent.* Ex. 2005 ¶157.

Additionally, Petitioner previously identified the “wireless device generic template” as the WAX stylesheet *prior to translation*, Pet. 28–29, and the separately recited “device specific template” as the *filtered* WAX stylesheet as the “device specific template,” *id.* 62. So, for claim 13, Petitioner’s reliance upon the *filtered*

WAX is not discussing the referenced “said wireless device generic template” limitation in claim 12, the *pre*-filtered WAX. *See e.g.*, Pet. 43–44 (discussing Harris’s paragraph [0018] and devices’ “special translation rules”). As such, Petitioner’s first argument is doubly deficient with respect to claim 13. Ex. 2005 ¶158.

Second, Petitioner says this limitation is met because Harris discloses the WAX paragraph tag element shown below specifying “center,” because center “is a physical location relative to the edges of the containing window.” Pet. 43–44.

<pre> <! --EXAMPLE 1 --> . . . <wax:p align="center"> </pre>
--

However, assuming this is true for the sake of argument, the limitation not only requires “relative screen location,” but the claim also requires including “display object size information . . . independent of screen dimensions of the wireless device.” There is no such teaching in the pre-translated WAX Stylesheet, and Petitioner points to none, only referencing post translation screen-size *dependent* information discussed above. So, “center” alone does not meet the full claim limitation. Ex. 2005 ¶¶159–60.

For these additional reasons Petitioner has not shown Hariki-Harris renders dependent claims 2 and 13 unpatentable.

B. Hariki in View of Harris Fails to Disclose a Page Description Includes an Audio Rendering Command

[8/19]. [The method of claim 1/The non-transitory processor-readable medium of claim 12], wherein said page description includes at least one display rendering command and at least one audio rendering command.

This limitation requires Petitioner identified *page description*, the HTML files, include an audio rendering command; however, Petitioner only points to an audio related configuration in the UI skin that petitioner identifies as the *custom configuration, not the “page description.”* Ex. 2005 ¶161.

For claims 8 and 19—claim 19 only relies upon claim 8, Pet. 65—Petitioner identifies Harris’ “HTML files” the MCF generates from WAX as the “page description.” Pet. 50. And while Petitioner identifies a “display rendering command” in an HTML file as the translation of the <wax:button> element to a “link” for HTML devices, *id.*, *Petitioner fails to identify any audio rendering command in the HTML files.*

Instead, Petitioner says that the “UI content package” that Petitioner identified as corresponding to the “custom configuration,” *Id.* 30, may alter “sound output aspects of the device,” *id.* 50. However, the UI content package is not the HTML files, and there is no teaching that the HTML files have an audio rendering command. Ex. 2005 ¶162. Indeed, Petitioner does not argue the HTML files have such an audio rendering command, simply saying “POSITAs would have understood that to render audio content, an audio rendering command is required,” not that there

is such a command in the HTML files, or that such a command would be directed towards the UI content package. Pet. 51.

Therefore, Petitioner has additionally not shown Hariki-Harris renders dependent claims 8 and 19 unpatentable.

IX. HARIKI IN VIEW OF HARRIS IN FURTHER VIEW OF DEES FAILS TO RENDER ANY CLAIM OBVIOUS

The Petitioner only relies upon Dees for the added limitations of dependent claims 5–7 and 16–18. Pet. 66–77. Petitioner wholly relies upon Hariki and Harris for claim 1, from which claims 5–7 ultimately depend, and 12, from which claims 16–18 ultimately depend. *Id.* Patent Owner has already shown why Hariki and Harris do not render claims 1 and 12 unpatentable. *See* Section VII beginning on page 29. Therefore, Dees does not disclose that which Hariki and Harris lack, and Petitioner has failed to show claims 5–7 and 16–18 are unpatentable by the preponderance of the evidence for at least the same reasons.

X. CONCLUSION

As set forth herein, the Petitioner’s prior art, Hariki in view of Harris, or Hariki in view of Harris in further view of Dees, is missing limitations from every claim. For claims 1 and 34, and challenged dependent claims 2–11 and 31, Petitioner does not show the UI skin on a mobile device for local applications is “specific to” (i.e., “made for” or “tailored to”) a remotely running web server providing HTML to a device’s browser.

For claim 12 and its challenged dependent claims 13–20 and 34, Petitioner has not shown “eliminating” a content item unsupported by the wireless device from the WAX style sheet.

Petitioner has also failed to show dependent claims 2 and 3 are obvious, because Petitioner did not show the WAX stylesheet contains/includes relative screen location and display object size information independent of screen dimensions of the wireless device.

Finally, Petitioner also failed to show dependent claims 8 and 19 are obvious, because Petitioner did not show Hariki in view of Harris discloses an HTML page including an audio rendering command.

Therefore, Patent Owner submits that the Board should find that Petitioner has not shown any challenged claim unpatentable by a preponderance of the evidence.

Dated: January 30, 2024

Respectfully submitted,

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Per § 42.24(a)–(b) the undersigned certifies that the number of words in the paper, PATENT OWNER’S RESPONSE, is:

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Dated: January 30, 2024

/Joshua S. Wyde/
Joshua S. Wyde (Reg. No. 57,698)

CERTIFICATE OF SERVICE

The undersigned certifies that on the thirtieth day of January, 2024, a complete and entire copy of the foregoing “PATENT OWNER’S RESPONSE,” including exhibits, if any, was served on the date below on the following counsel of record shown below via email per Petitioner’s consent to electronic service, see Paper 2 at 88:

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