

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
U.S. Patent No. 8,103,865

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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EXHIBIT LIST

No.	Description
1001	U.S. Patent No. 8,103,865 (“’865 <i>Patent</i> ”)
1002	Expert Declaration of Ben Bederson (“ <i>Bederson</i> ”)
1003	Curriculum Vitae of Benjamin B. Bederson, Ph.D.
1004	File History of U.S. Patent No. 8,103,865 (“’865 <i>FH</i> ”)
1005	U.S. Patent Application Publication No. 2007/0150617 (“ <i>Hariki</i> ”)
1006	U.S. Patent Application Publication No. 2003/0023755 (“ <i>Harris</i> ”)
1007	U.S. Patent Application Publication No. 2003/0137539 (“ <i>Dees</i> ”)
1008	RESERVED
1009	U.S. Patent No. 7,447,486 (“ <i>Tamura</i> ”)
1010	U.S. Patent No. 6,996,627 (“ <i>Carden</i> ”)
1011	U.S. Patent No. 6,669,564 (“ <i>Young</i> ”)
1012	U.S. Patent No. 6,732,183 (“ <i>Graham</i> ”)
1013	U.S. Patent No. 6,507,727 (“ <i>Henrick</i> ”)
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/
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1020	U.S. Patent Application Publication No. 2013/0124961 (“ <i>Linburn</i> ”)
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1022	Docket Control Order, <i>GovTV Streaming, LLC v. Netflix, Inc.</i> , No. 2:22-cv-07556-RGK-SHK, Dkt. 61 (C.D. Cal. Feb. 13, 2023)
1023	Complaint in <i>GovTV Streaming, LLC v. Netflix, Inc.</i> , No. 2:22-cv-07556-RGK-SHK (C.D. Cal. October 17, 2022)
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2011	Application-Specific, Wiktionary, <i>available at</i> https://en.wiktionary.org/wiki/application-specific (last visited Dec. 15, 2023)
2012	Eliminate, The American Heritage Dictionary of the English Language, <i>available at</i> 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) (“ <i>Bederson Dep.</i> ”).
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2016	Second Declaration of Joshua S. Wyde regarding authentication of exhibits (Jan. 26, 2024)

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LISTING OF CHALLENGED CLAIMS

Claim 1	
[1pre]	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;
[1c]	sending a custom configuration to the wireless device, said custom configuration being specific to said application program;
[1d]	generating a page description based on said wireless device generic template and a capability of the wireless device,
[1e]	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
[1f]	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.
Claim 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.

Claim 3	
[3]	The method of claim 1, wherein said wireless device generic template is substantially compliant with extensible markup language (XML) syntax.
Claim 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.
Claim 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.
Claim 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.
Claim 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.
Claim 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.

Claim 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.
Claim 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.
Claim 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.
Claim 12	
[12pre]	A non-transitory processor-readable medium storing code representing instructions to cause a processor to:
[12a]	receive a request for an application program from a wireless device, said request including an indication of a type of the wireless device;
[12b]	execute said application program to generate a wireless device generic template including a plurality of content items;
[12c]	request, using said indication of said type of the wireless device, a device profile from a library of device profiles,
[12d]	said device profile providing an indication of a rendering capability of the wireless device;

[12e]	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,
[12f]	said at least one content item being unsupported by the wireless device;
[12g]	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
[12h]	send said page description to the wireless device.
Claim 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.
Claim 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.
Claim 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.

Claim 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.
Claim 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.
Claim 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.
Claim 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.
Claim 20	
[20a]	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, the wireless device is operable to configure a plurality of rendering blocks of graphical user interface based on said custom configuration.

[20b]	the wireless device is operable to configure a plurality of rendering blocks of graphical user interface based on said custom configuration.
Claim 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.
Claim 34	
[34a]	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,
[34b]	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

Petitioner submits this Reply to Patent Owner's ("PO") Response, Paper 18 ("POR") concerning Claims 1-20, 31, 34 ("challenged claims") of U.S. Patent No. 8,103,865. PO's arguments should be rejected and the challenged claims found unpatentable and cancelled for at least the reasons set forth in the IPR Petition, Paper 2 ("Petition" or "Pet.") and accompanying exhibits, the Board's decision granting institution of the IPR, Paper 9 ("Decision" or "Inst. Dec."), the cross-examination testimony of PO's expert, Stuart Lipoff, and the additional reasons below.

As explained below, PO's arguments with respect to the challenged claims should be rejected at least because they hinge on claim constructions in the POR that improperly read exemplary embodiments into the claims and because the prior art cited in the Petition reads on the challenged claims.

II. CLAIM CONSTRUCTION

PO introduces claim construction for two terms in the POR in an attempt to narrow the claims even when there is insufficient support for these constructions. These terms need no construction, and Petitioner has ascribed their plain and ordinary meaning.

A. “Said Custom Configuration Being Specific to Said Application Program” Should Be Given Its Plain and Ordinary Meaning

1[c] (and similarly 34[a]) sending a custom configuration to the wireless device, said custom configuration being specific to said application program

PO highlights that the term “specific to” is generally discussed in the patent as being related to the display and audio capabilities of a wireless device type (POR, 24, 25), yet proposes a construction (in alternative form) that fails to capture its own argument and evidence. On the one hand, PO offers “created for,” which implies a one-to-one relationship with an individual wireless device, but offers no support for such a narrow construction. On the other hand, PO offers “tailored to,” which is little different from “specific to” when taken in isolation, and fails to reflect the remainder of the claim. The custom configuration should support rendering of the claimed page description on the wireless device, and this is expressed best in the inventors’ own terms as “said custom configuration being specific to said application program,” especially when read in the larger context of the claim. Accordingly, no construction, let alone a narrowing or vague alternative construction, is needed.

The ’865 *Patent* describes an embodiment of the server-client interaction in Fig. 2A, where a server transmits both a custom configuration and content to the client. ’865 *Patent*, 12:17-43. The transmitted “custom configuration is specific to the display and audio capabilities of the wireless device and is also specific to the

wireless device.” *Id.*, 3:22-25. Said plainly, the custom configuration is “specific to” the application by supporting the rendering operations on a wireless device called for by the application on the server.

The claims further inform this understanding. In Claim 1, limitation 1[a], a wireless device includes its device type (indicative of its capabilities) in a request for an application program. ’865 *Patent*, 20:42-64. In response, the server provides a custom configuration (limitation 1[c]) and a page description that, at least in part, accounts for the device capabilities (limitations 1[d] and 1[e]). *Id.* Claim 1, limitation 1[f] requires that the custom configuration and the page description are used in concert to present at least one content item according to the capability of the device. *Id.* Accordingly, it follows that the custom configuration must be specific to the server application in that it supports rendering of the page description based on the wireless device capabilities. This is evident to from the claim language as written. In his deposition, Petitioner’s expert confirmed that the term “specific to” needs no construction. *Bederson Dep.*, 84:1-4.

While the custom configuration must work in concert with the application, PO’s narrow construction of “created for or tailored to” goes farther by implying a one-on-one relationship between the custom configuration and the application, such that there is only one custom configuration allowed that could provide the appropriate rendering support for one application. As demonstrated, the intrinsic

record is not so limiting. Even PO's expert stated in deposition that "it's possible that two different applications might have the same custom configuration." *Lipoff Dep.*, 13:19-21.

Furthermore, none of PO's citations justify limiting "specific to" the application to "created for or tailored to" the application. The Federal Circuit has rejected narrow claim construction of a term when the PO failed to sufficiently set out the narrower meaning in the specification. In *Los Angeles Biomedical v. Eli Lilly & Co.*, the patent owner in the case argued two constructions, "constant level" and "steady state," for "continuous long-term regimen." 849 F.3d 1049, 1062 (Fed. Cir. 2017). The Court rejected the "steady state" construction because it was not in the patent and rejected "constant level" because that applicant had not "demonstrated a clear intention to limit the claim scope" by "set[ting] out [a] different meaning in the specification in a manner sufficient to give one of ordinary skill in the art notice of the change from ordinary meaning." *Id.* Here, the phrase "created for" is not used in the '865 *Patent* specification, and there is no evidence of a clear intent to limit the claim term to "tailored to," particularly as PO applies that proposed construction. Therefore, as in *Los Angeles Biomedical*, PO's narrow proposed construction should be rejected in favor of plain and ordinary meaning.

Based on the claims and specification of the '865 *Patent*, a claim construction is not necessary here because the scope of “specific to” is clear from the words of the claim, and those words should not be improperly or unnecessarily limited.

B. “Eliminate” Should Be Given Its Plain and Ordinary Meaning

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, said at least one content item being unsupported by the wireless device

PO undercuts its own argument for the need to construe “eliminate” by pointing out that both parties’ experts readily understand the proper scope of the claim term. If POSITAs can understand the term as it appears in the claim, and there is apparently no dispute over its meaning, then the term need not be construed. *ActiveVideo Networks, Inc. v. Verizon Commc’ns, Inc.*, 694 F.3d 1312, 1326 (Fed. Cir. 2012) (holding that when the plain and ordinary meaning is undisputed, a court may properly decline to construe such a claim). However, what PO later reveals in its argument regarding limitation 12[e] is that it seeks to carve out replacement from elimination. *POR*, 42-44. In so doing, PO requests an unnecessary construction and then fails to accurately apply that construction. PO cannot have it both ways; PO should not be allowed to achieve through attorney argument what it cannot establish through proper claim construction.

PO's shadow construction of "eliminate" as removal – with no replacement – finds no support. Nothing in PO's claim construction argument even addresses the notion that replacement after elimination is barred by the intrinsic record. *POR*, 27-28. Indeed, the Board rejected a narrow construction of "eliminate" in the Decision when it disagreed with the PO's interpretation that a first content is not eliminated when it is replaced by a second content. *Inst. Dec.*, 39. The Board stated that the "Patent Owner does not explain how the content would remain the same [and not be eliminated] when the term 'welcome' has been replaced [by 'Bonjour']." *Id.* In other words, the Board stated that replacing a first content with a second content leads to the elimination of the first content. *Id.*

In the '865 *Patent*, content is eliminated from a template based on client capability. '865 *Patent*, 17:38-41. The patent, however, does not limit "eliminate" to any particular method of removal such that another, suitable content cannot be added in place of the eliminated content. In his deposition, Dr. Bederson states that there is insufficient evidence in the '865 *Patent* to reach a conclusion on whether "eliminate" means a certain type of removal. *Bederson Dep.*, 99:17-22. Ultimately, "the concept of elimination as it exists in the patent is that something that the device is incapable of -- that a content item that the device is incapable of rendering is no longer being sent to the device." *Lipoff Dep.*, 65:15-20. The claim language similarly

states that unsupported content is eliminated from a template based on a device profile.

In sum, a claim construction is not necessary here because the scope of “eliminate” is clear from the specification and the words of the claims, and the term should not be improperly or unnecessarily limited.

III. *HARIKI* IN COMBINATION WITH *HARRIS* RENDERS OBVIOUS CLAIMS 1-20, 31, 34

A. The *Hariki/Harris* System’s UI Content Packages Are Specific to a Web Server, and the UI Content Packages and Web Server Work in Concert to Properly Display Content on a Wireless Device

1[c] (and similarly 34[a]) sending a custom configuration to the wireless device, said custom configuration being specific to said application program

PO applies its flawed construction of “specific to” and ignores the common objectives of the ’865 *Patent* and the prior art to assert that *Hariki*’s UI content packages (“custom configuration”) are not “created for or tailored to” a web server (“application program”). *POR*, 29-34. However, PO’s arguments fail because *Hariki*’s objective is to display provider-supplied HTML content on a wireless device per the wireless device’s corresponding UI content package – according to the wireless device’s capabilities – so that the content has a certain look and feel upon presentation. *Hariki*, ¶¶21, 24; *Bederson*, ¶¶145-148. Although Petitioner does

not agree to PO's narrow claim constructions, this claim limitation is obvious in view of *Hariki* and *Harris* even under PO's constructions.

The *Hariki/Harris* system discloses this claim limitation. Consistent with the Petition, the *Hariki/Harris* web server process that serves content to wireless devices is considered the "application program"; the converted resource of the UI content package is the "custom configuration"; and the HTML pages or files are the "page descriptions."

Hariki explains that many aspects of a wireless device, such as format and display elements, can be customized through UI packages to properly present a provider's content on the device. *Hariki*, ¶26. This provider content can be stored on a server, and a web server serves the content. *Id.*, ¶21. As explained in the Petition, when content is served by the web server, the UI content package configures the configurable aspects of the UI by, for example, changing a display image or color. *Pet.*, 31. In other words, the UI packages are specific to the content that is served by the web server and do not just happen to reside on a common server. A content provider supplies both the content and the corresponding UI content packages for different wireless devices. *Hariki*, ¶¶21, 24. This pairing between the UI packages

and the application content is a shared objective of the '865 *Patent* and *Hariki*.¹ PO's expert confirms a similar objective and arrangement in the '865 *Patent*, stating that "in order to practice the claim as it's written, the custom configuration needs to be there before the application starts sending content to the rendering blocks." *Lipoff Dep.*, 23:12-16. In other words, the UI content packages are tailored to (i.e., PO's construction of "specific to") the web server content to align with the content provider's objective in *Hariki*. Therefore, as explained in the Petition, POSITAs 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, for example, changing a display image or color. *Pet.*, 31; *see also Bederson Dep.*, 63:12-16 ("[Content provider] would understand [] that the UI skin would be sent to

¹ Compare *Hariki*'s disclosure that "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" (*Hariki*, ¶¶8, 9) with the '865 *Patent*'s disclosure that "a need has arisen to enable software vendors to provide generic applications regardless of the wireless device type, thereby relieving software vendors from having to tailor their applications for each given wireless device type" ('865 *Patent*, 2:21-24).

a client along with content such as HTML content from a server, and those things together would support the customization of that HTML content.”).

It is also a matter of common sense that the UI packages would have to be specific to the application content because only then can the content be displayed in a certain way on a wireless device, as intended by *Hariki. B/E Aerospace, Inc. v. C&D Zodiac, Inc.*, 962 F.3d 1373, 1379-1380 (Fed. Cir. 2020) (affirming the Board's conclusion that “the challenged claims would have been obvious because ‘it would have been a matter of common sense’ to incorporate a second recess [not expressly disclosed] in the Admitted Prior Art” to achieve the prior art’s objective of maximizing airplane space). This is confirmed by Dr. Bederson’s explanation that *Hariki*’s content providers – who create UI content packages embodying UI skins – would know that the UI skins would be used in combination with the server-produced HTML content to customize the HTML for rendering on a client. *Bederson Dep.*, 62:6-21. Therefore, the UI content package is specific to the web server application and renders content that is related to the application and the server is not “merely sending a custom configuration that is not affected by the sending application” as incorrectly argued by PO. *POR*, 32.

Importantly, PO’s arguments ignore the actual claim limitation that requires only that a UI package specific to the web server be transmitted to a wireless device based on the device’s capability. Dr. Bederson explains how *Hariki* reads on this

limitation. He explains that, in *Hariki*, the UI content package “includes customizations that are delivered with the HTML files from the server and that those two things together can configure the configurable aspects of the user interface, for example, by changing a display image or color.” *Bederson Dep.*, 87:5-17. Accordingly, the *Hariki/Harris* system discloses this limitation.

B. The *Hariki/Harris* System Discloses Eliminating Content From a WAX Stylesheet Based on a Receiving Wireless Device’s Capability

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
--

PO uses a non-relied-upon provisional application and disregards the claims and written description of the ’865 *Patent* to argue that *Harris* cannot satisfy this limitation. *POR*, 41-46. PO’s arguments fail, however, because the claims and specification of the ’865 *Patent* do not preclude the *Hariki/Harris* content elimination system.

Petitioner does not agree that any claim construction of “eliminate” is necessary, as explained in Section II.B. The ’865 *Patent* mentions that audio or image content is eliminated from a device’s template when it does not have sufficient audio capability or memory. ’865 *Patent*, 17:38-48. Nothing in the disclosure or claim precludes any method by which the undesired content is eliminated from a

template. Ultimately, the claims of the '865 *Patent* are directed only to “what's being eliminated is something that's been determined as no longer compatible with the device capabilities.” *Lipoff Dep.*, 66:17-20. *Harris* shares this objective with the '865 *Patent*; *Harris* adjusts WAX stylesheets to display content based on a device's capability such as its screen size. *Harris* ¶30; *Pet.*, 61-62.

The POR speculates² on how the *Harris* system might disclose an alteration as opposed to elimination but *Harris* discloses that displayed text or images are selectively eliminated or included in a WAX template to make it specific to a device's capability. *Harris*, ¶30. This is particularly important because the claim limitation requires only that a content item be eliminated from a generic template to make the template specific to a device's capability. Even assuming that the *Harris* non-relied-upon provisional application has a different method of converting tags and filtering content from the '865 *Patent*, the end result is the same – content is included or eliminated from a template based on a device's capability. *Harris* discloses that content can be added and removed from the WAX stylesheet. *Bederson Dep.*, 93:7-15, 94:8-14; *Harris*, ¶30. In fact, *Harris* emphasizes that content is selected for inclusion in a specific WAX stylesheet based on a device's capability. *Harris* discloses that “[t]he framework uses the registries to decide what

² *Harris* does not include the figures shown on page 44 of the POR.

is the best content to deliver to a device at any given time. The process of dynamically deciding what content to deliver is known as ‘Dynamic Item Selection’, and is used for both image and text selection.” *Harris*, ¶32. *Harris* explains the reason for including or eliminating content succinctly: “[s]ome screens are large and some are small. For example, it may be best to limit the size of a restaurant review to one sentence when communicating with a mobile phone, but one paragraph may be more appropriate when communicating with a PDA with much larger screen.” *Id.* Accordingly, portions of the content are eliminated to account for the smaller screen size of a wireless device. As an example, *Harris* discloses “[t]he id ‘welcome’ may be replaced by ‘Bonjour’ for users who specify French as their preferred language or possibly ‘Welcome to our site, please take a look around’ for wireless devices, having a larger display.” *Id.*, ¶30. More specifically, *Harris* is eliminating a WAX stylesheet placeholder content and adding in an appropriate text content (i.e., “Bonjour,” “Welcome to Our Site, please take a look around!”) based on device capability. *Bederson Dep.*, 93:7-15, 94:8-14; *Harris*, ¶30. Ultimately, content is eliminated based on device capability. The Board agreed with this interpretation in the Decision. *Inst. Dec.*, 38-39.

Furthermore, neither the claim limitation at issue, nor the ‘865 *Patent* specification discloses where the content comes from, whether text directly incorporated into the WAX stylesheets or obtained through a link to an external

resource. *Harris* discloses that, based on device capability such as a screen size, portions of content are eliminated so that reduced content that properly fits the smaller screen is displayed. *Harris*, ¶30. For the larger screen, the entirety of the content is displayed. *Id.* All that is required by the claim is selective elimination of content from a stylesheet based on device capability.

PO inexplicably delves into the intricacies of how content is eliminated or modified in *Harris* by pointing to a non-relied upon application. At the same time, PO ignores that the '865 *Patent* provides limited details on the content elimination process or even what qualifies as content – whether a template placeholder for audio is content or if the specific audio file that goes into the placeholder is the content; whether a link to an audio file or the audio file itself is the content; or whether a template's content placeholder remains and only the content is removed when content is “eliminated” – beyond just identifying exemplary types of content such as images and audio that can be eliminated from a template based on a device's capability. '865 *Patent* 17:28-48. The '865 *Patent*'s claims and specification do not preclude eliminating a placeholder in a WAX stylesheet and replacing it with new content as described in *Harris* ¶30. Dr. Bederson confirmed this in his deposition:

[T]he text in paragraph 30 that explains Example 3 says the ID welcome may be translated to bonjour, so that implies that is the actual text in the XML that is the content. On the other hand, it is part of a property called ID, which a person of skill in the art would often think is a reference to some external resource. So I think it's clear that between all of these

examples that Harris discloses both, including content inside the XML and referencing content that is outside this particular XML.

Bederson Dep., 107:11-22.

Accordingly, the *Hariki/Harris* system discloses this limitation.

C. The *Hariki/Harris* System Eliminates Content That Is Unsupported by a Wireless Device

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

PO argues that *Harris* does not disclose removing unsupported elements and instead teaches generation of supported items. This argument fails because, based on *Harris*' disclosure, it would be obvious that content can be reduced for display on a smaller screen. *POR*, 47-49.

It is obvious under *Hariki* and *Harris* that content can be removed from WAX stylesheets based on device capability. *Harris*, ¶30; *Pet.*, 63. POSITAs would have understood that content values on WAX stylesheets (i.e., "Welcome to our site, please take a look around") can be replaced with less content (i.e., "Welcome"), when a small screen size is not capable of displaying the entire content. *Id.* In other words, based on a device's smaller screen size, a larger content value is eliminated from the WAX stylesheet meant for that device and a smaller content value added. While this demonstrates replacement with a text content suitable for the screen size,

it does not change that *Harris* discloses removal of the placeholder content and discarding the unsupported element from the potential replacement options.

PO's argument regarding generation of supported items is little more than a repackaging of its misplaced view that subsequent replacement of a content item negates a preceding elimination, whether of unsupported placeholder content or candidate replacement options.

D. *Harris*' WAX Stylesheets Include "Relative Screen Location" That Is Independent of a Particular Wireless Device's Screen Dimensions

2 (and similarly 13) said wireless device generic template includes relative screen location and display object size information and is independent of screen dimensions of the wireless device

Consistent with the rest of the POR, PO mostly ignores the '865 *Patent*'s claims and specification to improperly argue that *Harris*' screen location is screen dependent and, therefore, does not meet the claim limitation. *POR*, 50-52. PO's argument fails because *Harris*' WAX stylesheets dictate content presentation through alignment commands (i.e., not some static process) with an objective to optimally present content on a wide range of screen dimensions. *Harris*, ¶¶9, 22, 29.

The '865 *Patent*'s only material disclosure regarding this limitation states that "[t]he generic template supplied from [a library of applications] and the dynamic template supplied from [a template engine] do not contain any specific or actual

screen dimensions but rather only contain relative screen locations.” ’865 *Patent*, 17:49-52. The *Hariki/Harris* system discloses this kind of relative location.

First, *Harris* teaches that WAX stylesheets dictate content presentation through alignment commands (*Harris*, ¶¶22, 29) with an objective to optimally present content on device screens of various dimensions (*id.*, ¶9). For example, one alignment command specifies screen location for presenting content on a PDA and another alignment command specifies screen location for presenting information on a particular type of mobile phone. *Id.*, ¶18. *Harris* even discloses an example of such a command. A “center” command in *Harris* places content in the center of a particular device’s screen relative to the edges of the screen. *Id.*, ¶29.

Second, the Petition explains that because alignment commands are provided with an objective to optimally display content on device screens of various dimensions, POSITAs would have understood that all alignment commands are not tied to a single device’s screen dimension but are varied based on the type of device screen. *Bederson*, ¶¶178-79; *Pet.*, 43-44. Therefore, they are independent of, or agnostic to, any one device’s screen dimensions and can optimally display the content on a variety of devices. Furthermore, in the interest of optimal presentation, the *Harris* system “ensures the best type and length of text [i.e., display object size] is used... and that the content is well suited and customized for the device attributes.” *Harris*, ¶7. *Harris* also discloses that a “device stylesheets component [] tailors the

presentation of the content to the requesting device based on the attributes possessed by the requesting device.” *Id.*, ¶22. In other words, the tailoring occurs on the generic stylesheets.

E. The *Hariki/Harris* System Discloses a Page Description That Includes an Audio Rendering Command

8 (and similarly 19) said page description includes at least one display rendering command and at least one audio rendering command

PO ignores the obviousness standard under which *Hariki/Harris* discloses this limitation. This limitation is disclosed by *Hariki* in view of *Harris* and, together, the prior art makes this limitation obvious. In the *Hariki/Harris* system, UI content packages and HTML files work in concert to customize and render various content on a wireless device. *Hariki*, ¶¶21, 24; Section II.A (*relevant portions*). *Hariki*’s UI package includes sound files to customize audio content on a wireless device. *Id.*, ¶31. POSITAs would have understood that the HTML files would include embedded audio rendering commands – similar to the display rendering commands disclosed by *Harris*, ¶30 – that in conjunction with the UI content package audio files render audio content on the wireless device. *Hariki*, ¶¶21, 24; *Bederson*, ¶199; *Pet.*, 50-51.

IV. PO RAISES NO INDEPENDENT ARGUMENTS AS TO CLAIMS 3-7, 9-11, 14-18, 20, AND 31

PO did not make any arguments about the remaining challenged claims apart from those addressed above. Thus, Petitioner submits that they have carried their burden with respect to those claims.

V. *HARIKI* IN VIEW OF HARRIS AND FURTHER IN VIEW OF DEES DISCLOSE ALL LIMITATIONS

Hariki in view of *Harris*, or alternately, *Hariki* in view of *Harris* and further in view of *Dees* discloses all the challenged claims.

VI. CONCLUSION

The Board should find the challenged claims unpatentable and cancel them.

Respectfully submitted,

Dated: April 23, 2024

Aliza George Carrano
Lead Counsel for Petitioner

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing Petitioner's Reply to Patent Owner's Response contains 4,261 words, excluding those portions identified in 37 C.F.R. §42.24(c), as measured by the word-processing system used to prepare this paper.

Aliza George Carrano
Lead Counsel for Petitioner

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CERTIFICATE OF SERVICE

I certify that on April 23, 2024, I caused a true and correct copy of the foregoing Petitioner's Reply to Patent Owner's Response to be served on the Patent Owner via electronic mail to Patent Owner's counsel of record below:

Joshua S. Wyde
jwyde@atriallaw.com

Steven T. Jogle
sjogle@atriallaw.com

IPR2023-00759@atriallaw.com

Aliza George Carrano
Lead Counsel for Petitioner