



Patent Owner's Oral Argument Presentation[†]

Netflix, Inc. v. GoTV Streaming, LLC, No. IPR2023-00759
re U.S. Patent No. 8,103,865

August 6, 2024

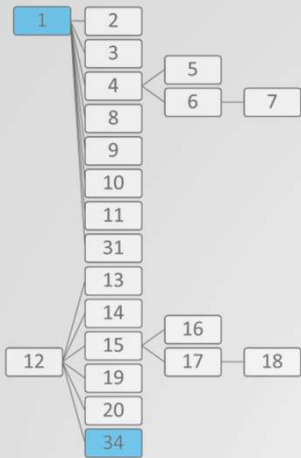
Before Richard M. Lebovitz, Brian J. McNamara, and Steven M. Amundson,
Administrative Patent Judges

Presented by Joshua Wyde,
Counsel for Patent Owner



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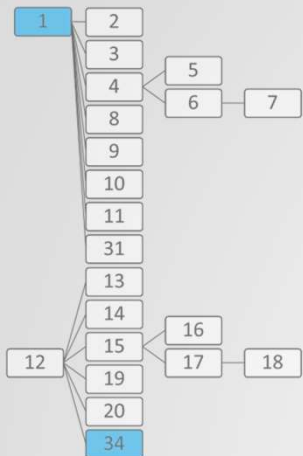
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[1c/34a] [sending/The non-transitory processor-readable medium of claim 12, further comprising code representing instructions to cause the processor to: send] a custom configuration to the wireless device, **said custom configuration being specific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

No Custom Configuration “Specific To” an Application

“Specific To” Means “Created For”/“Tailored To”



[1c] sending a custom configuration to the wireless device, said **custom configuration being specific to said application program**

[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**

Petitioner

Plain and ordinary
meaning

Pet. 10

(“supports rendering of
the page description
based on the wireless
device capabilities”)

Reply 2–3

Patent Owner

“Created For”
/
“Tailored To”

Por 27

Specification Supports Patent Owner's Position

A device profile “includes information about the specific wireless device capabilities”

Ex. 1001 17:28–31

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 . . .

The device **specific** template is defined as being **created for** a particular wireless device

“The server . . . translate[s] **the output of the application to a device specific set** of commands . . .”

Ex. 1001 6:13–14

“[T]he server **tailors the output of a . . . application** based on the wireless device capability.”

Id. 5:57–58

Specification uses “specific” and “tailor” in parallel language regarding the output of an application

Phillips v. AWH Corp.,

415 F.3d 1303, 1314 (Fed. Cir. 2005) (en banc)

“[C]laim terms are normally used consistently throughout the patent.”

Patent Owner's Definition Is Normal Meaning in the Field



Mr. Stuart Lipoff, P.E.

- ❑ “[S]pecific to said application program” is another way of saying “application-specific” that means “created or written for a specific application.” Ex. 2005 ¶106 (citing Ex. 2011)



Dr. Benjamin B. Bederson

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

Ex. 2014 84:17–85:1

- ❑ No opinion about limits or whether “specific to” means “customized for” or “tailored to.” Ex. 2014 84:2–4; 84:9–18.

Petitioner Argued “Specific” means “Tailored” in Related IPR

US 8,989,715 B2

21

4. A method as described in claim 1 wherein said compiled content is **specific to** the rendering capabilities of said wireless device.

'715 Patent Claim 4

Accordingly, the *Hariki-Harris* system **tailors the** HTML pages to the specific attributes (corresponding to the claimed “rendering capabilities”) of the mobile device. *Bederson*, ¶164.

Ex. 2015 55–56

Pet.'s Expert: Hariki's Skin Is OS "Specific" as it was "Designed" for OS



17 Do you understand why Hariki is saying
18 the UI content package -- and let's just take a
19 single example -- is specific to an operating
20 system here, as in paragraph 28?

8 speaks for -- stands on its own. I think that
9 says that one of the ways that Hariki works is
10 that a UI skin can be designed to be specific to
11 an operating system.

Ex. 2014 88:17-89:11

Petitioner's Proposal Changes Meaning of the Limitation

[1c] . . . said custom configuration ~~being specific to~~ said application program

supports rendering of

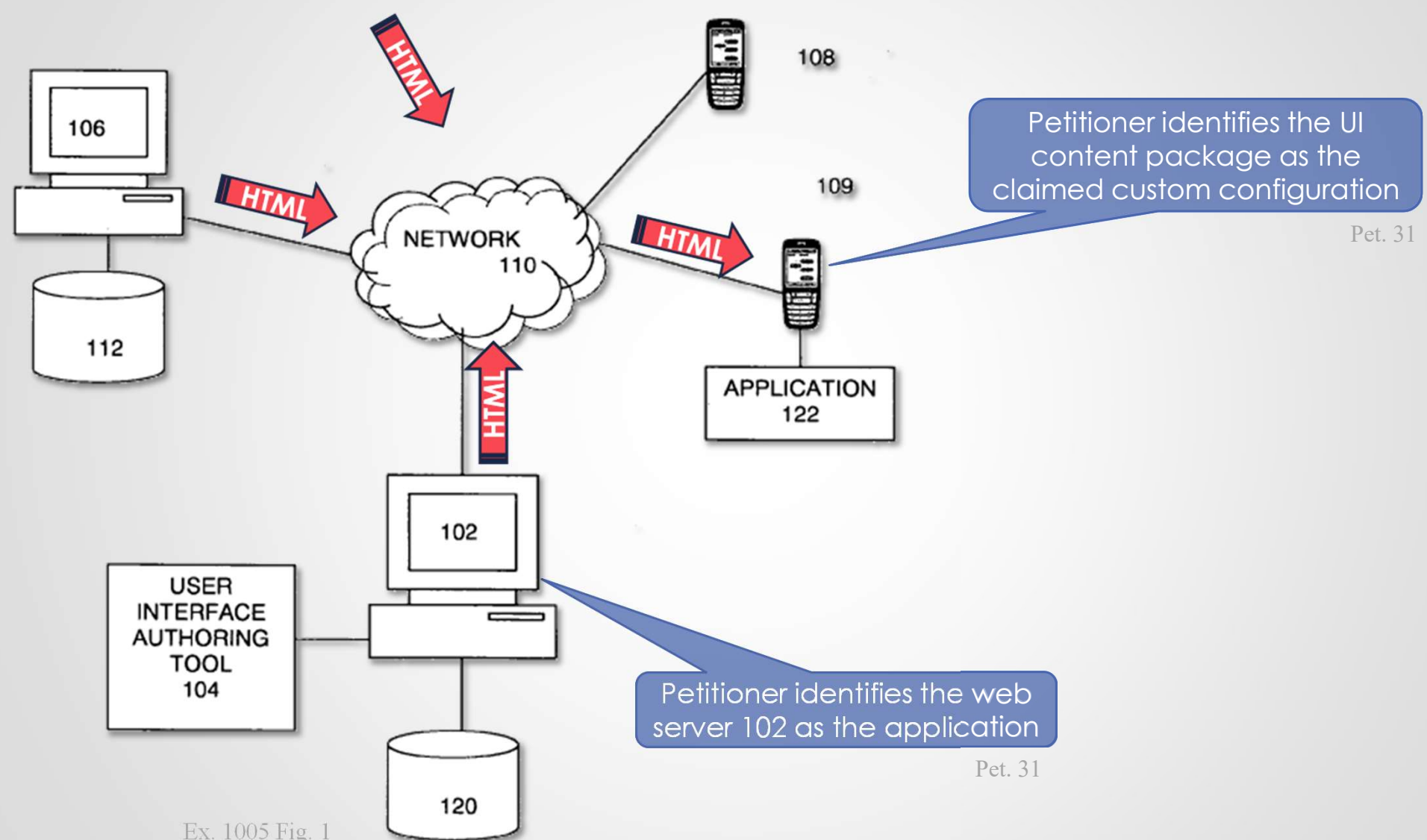
based on the wireless device capabilities

Reply 2–3

- ❑ Originally defines a relationship between custom configuration and application program (the former is “specific to” the latter)
- ❑ After rewrite:
 - Broadens by merely stating a function of a “custom configuration” (supporting rendering)
 - Makes custom configuration related to wireless device capabilities, but it is the “page description” that is “based on . . . a capability of the wireless device,” per limitations 1d–e, not custom configuration

Sur-Reply 2–4,6

Pet. IDs Skin and Web Server as Cust. Conf. and Application



Ex. 1005 Fig. 1

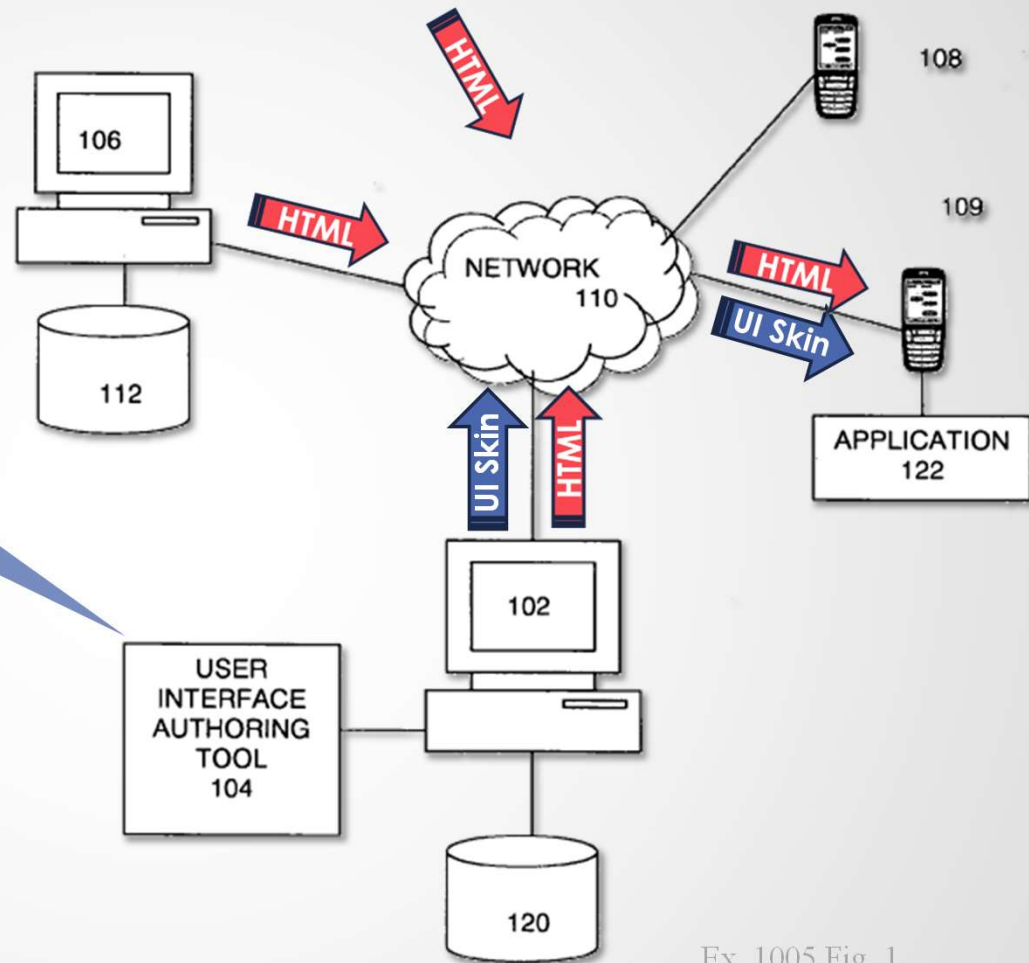
Co-Resident Authoring Tool Generation/Sending Insufficient

Authoring tool may generate or send of a custom configuration upon user request from the same computer with web server.

Por 32-33

- ❑ UI authoring tool co-residency with web server does not make the UI skin specific to HTML served by web server

POR 32-33



Ex. 1005 Fig. 1

UI Skin Is For Device's Use, Not Web Server's



From Ex. 1006 Fig. 1

- “[R]esource files [are] for the different **mobile devices**”

Ex. 1005 [0025]

- “[A]n application program **executed on the mobile handset** . . . [that] access[es] the resources.” *Id.* [0019]

“The UI skin does not take into account any web server during its construction and ultimately is not used or usable by a web server as it is written and created for applications running on mobile devices.”

Ex. 2005 ¶126 (cited by POR 30)



Mr. Lipoff, P.E.

Hariki's Objective Is Not Displaying HTML per UI Skin

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

Reply 7

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

Reply 8

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

Sur Reply 11–12

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

Id.

- ❑ Browsers access **any** web server

Id. From

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

Ex. 1005 [0021]

Sur-Reply 8

Petitioner Parleys Hariki's Objective into Inherency Argument

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.*

Reply 10

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

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

Sur-Reply 11

No Explanation How UI Differentiates Servers

- ❑ When asked to explain if a UI skin customizes any web server other than computer 102's HTML:

"I don't recall Hariki giving a lot of detail about the specific server configurations"

Ex. 2014 63:17-22

"I think there's a content server and a web server, and they might be separate."

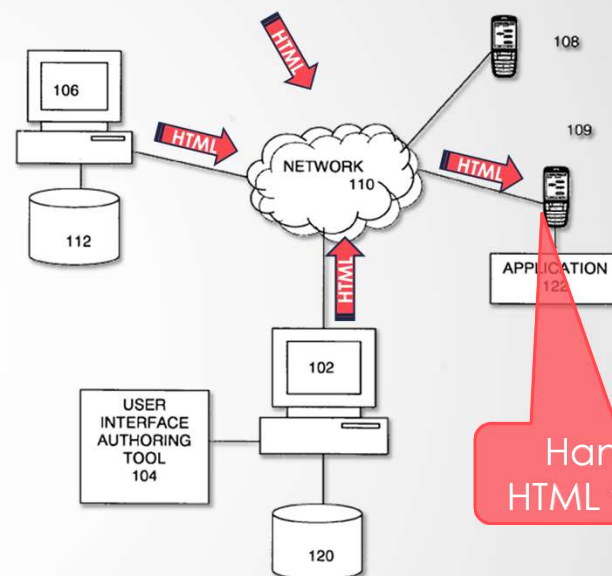
Id. 64:1-2



Dr. Bederson

"If a person using a mobile device visits some other server that is not part of the system . . . Then they're just using a browser and a server."

Id. 65:1-5



Ex. 1006 Fig. 1

Reply 12

Limitation Doesn't Require a UI Skin Based on Device Capability

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

Reply 10–11

- ❑ There is no valid reason to change “specific to” to “supports rendering of” or conflate a UI Skin “being specific to the identified application” with being “based on the device’s capability”

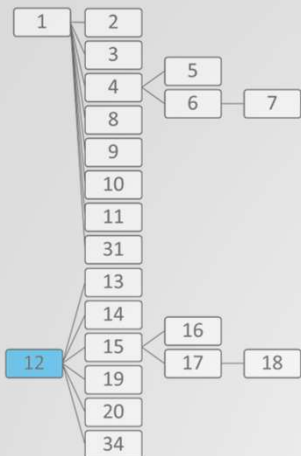
[1c] . . . said custom configuration being specific to said application program

supports rendering of

based on the wireless device capabilities

Reply 2–3

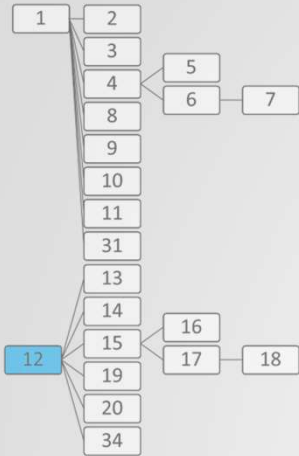
Sur-Reply 12–13



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

No Elimination of Generated Content Item

“Eliminate” Means “Remove”



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 . . .**

. . . .

. . . 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	Patent Owner
Plain and ordinary meaning Pet. 10 (encompasses “not creating an item”) Pet. 62; Reply 13–14	“Remove” POR 27–28

'865 Patent Audio Example

Executing application program generates a wireless device generic template

Limitation 1b

Wireless Device Generic Template

- Content Item A
- Content Item B
- Content Item C

Device Profile of the Wireless Device

A device profile "includes information about the specific wireless device capabilities."

Ex. 1001, 17:28–31

Template Engine

Wireless Device Generic Template

- Content Item A
- ~~Content Item B~~
- Content Item C

Unsupported content item is removed

Device Specific Template

- Content Item A
- Content Item C

"[T]he original content might have included the audio" but it is removed before "it's sent to a device without audio capability."

Ex. 2014 99:1–13



Dr. Bederson

POR 35–36; Sur-Reply 13–16

Pet. Identifies Text Element or ID of a Tag As a Content Item

```
<?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=rnain"
      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>
```

Petitioner identified Wireless Abstract XML ("WAX") as generic template

Pet. 28

Board identified image element as content item

Inst. Dec. 39

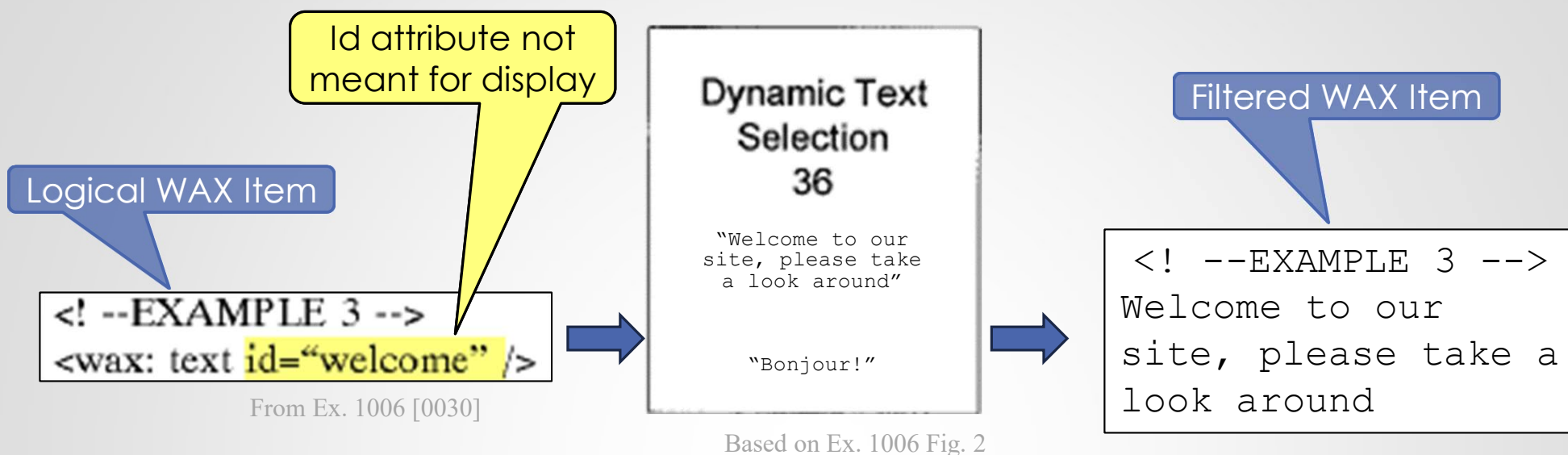
Petitioner identified text element as content item or id "welcome"

Pet. 62 (citing Ex. 1006 [0030]);
Reply 13

Ex. 1006 [0030]

POR 36-37

Text Filtering Shows No Content Item Has Been Eliminated



“‘Welcome’ is the label of an identification that references external content . . . ‘id’ is well known in coding such as HTML to reference an object by label, and the content of the label is not used itself for display.”

Ex. 2005 ¶138



Mr. Lipoff, P.E.

Image Filtering Shows No Content Item Has Been Eliminated

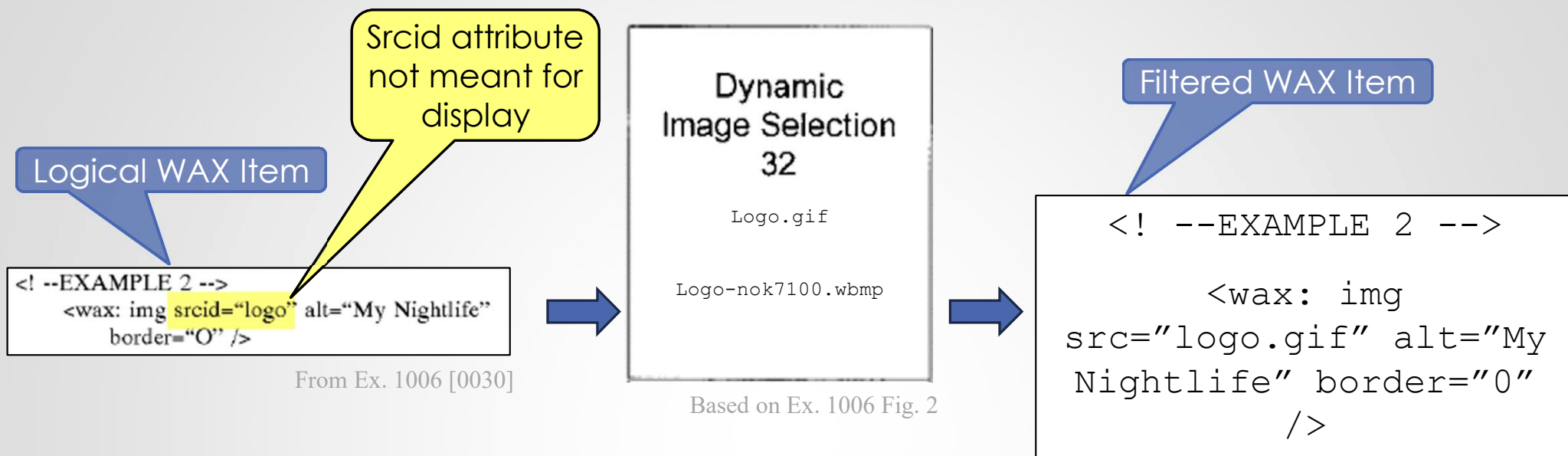


image. The text “logo” is used to index into a set of rules to determine the best image to display for the specific device. For example, the framework may determine that “logo.gif” is the best image for the given device or possibly that “logo-nok7100.wbmp” is the best image. WAX itself does

Ex. 1006 [0030]

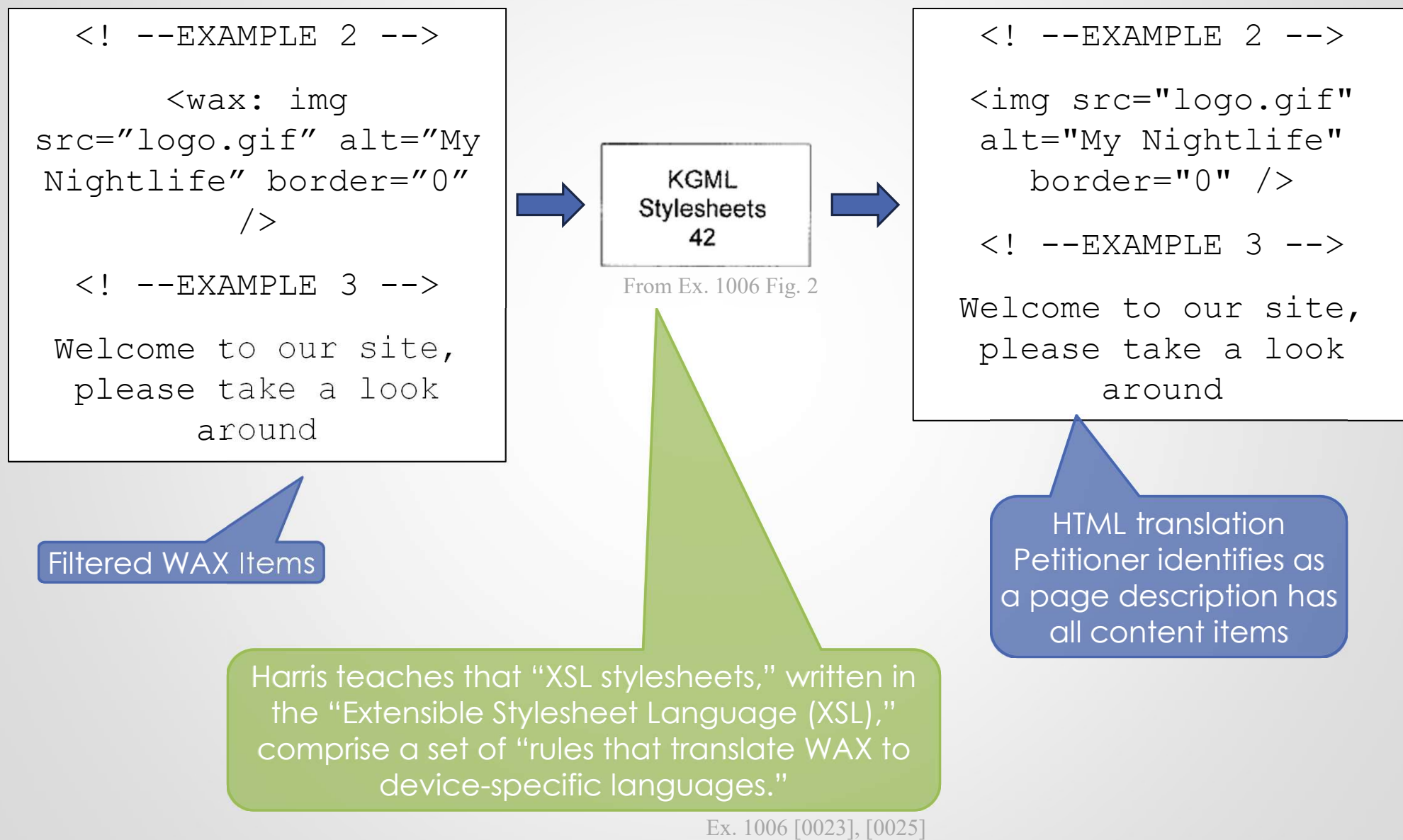
“[Harris] clearly includes content that references other resources, such as the image example, where clearly the text LOGO is not the image itself. That clearly is a reference to an image from example 2.”

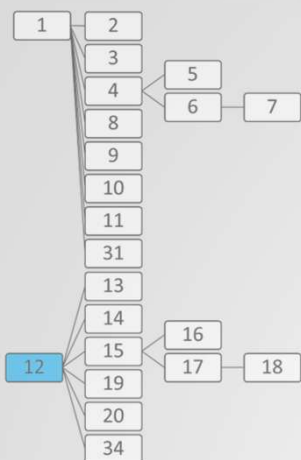
Ex. 2014 106:19–107:1



Dr. Bederson

All Content Items Remain and Are in HTML Sent to Device





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

No Content Item Is Eliminated as Unsupported

Harris Only Adds/Modifies Content That Is Supported by Device

registry 24. The content dispatcher 18 queries web technology tools such as PHP, Cold Fusion, Perl CGI, Vignette, Microsoft Active Server Pages, and Java Server Pages to generate a form of WAX most suitable for the requesting device. The MCF 8 also includes a session management

Ex. 1006 [0020]

The WAX stream is examined in order to substitute the most appropriate image with regards to the device, and user

Id. [0024]

this transformation process, the 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. The customization process uses device attribute records stored in databases to choose appropriate content for the requesting device.

Id. [0007]

perform the translation. The customized content is then returned to requesting device (step 76).

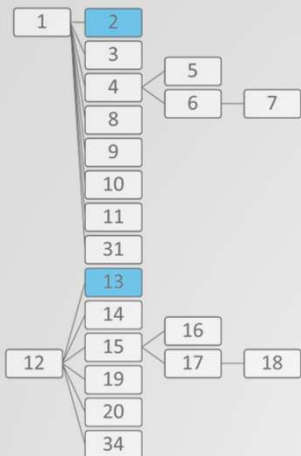
Id. [0024]

MCF generates
"suitable" WAX

Translation picks "most
appropriate" and
"best" images and text

Content is returned
where it will be
"displayed correctly on
each device"

id. [0022]



[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

No Generic Template with Screen Independent Relative Size Information

Text, Date-Chooser, & Other Content Are Screen Size Dependent

language... For example, a WAX 'Date-Chooser' renders one way on the limited screen sizes of mobile phones (possibly through a series of WML decks and another way on a PDA (all on one Screen).” *Harris*, ¶18.

Screen size
dependent

Pet. 43–44

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.”

Reply 17

but with text. The id “welcome” may be translated to “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.

Also, screen size
dependent

Ex. 1006 [0030]

Sur-Reply 17–18

“Tailored” Item Is Not In Identified “Generic Template”

[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

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.

Reply 17–18

WAX

```
<!--EXAMPLE 2 -->
<wax: img srcid="logo"
  alt="My Nightlife"
  border="0" />
<!--EXAMPLE 3 -->
<wax: text id="welcome"
  />
```

Identified as
“generic
template”

Rules translate WAX to device- specific languages

KGML
Stylesheets
42

From Ex. 1006 Fig. 2

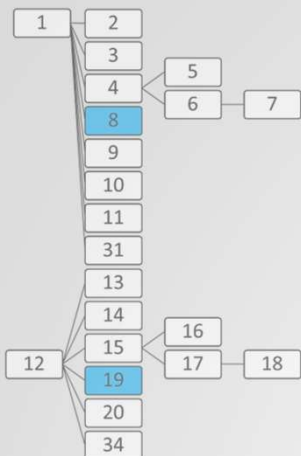
HTML

```
<!--EXAMPLE 2 -->

<!--EXAMPLE 3 -->
Welcome to our site,
please take a look
around
```

Identified
“information” is in
identified
“compiled
content”

POR 50–52; Sur-Reply 17–18



[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**

No Page Description with Audio Rendering Command

Petitioner Points to Item in Custom Configuration, Not Page Description

[8/19] . . . wherein said **page description includes** at least one display rendering command and at least one audio rendering command

Furthermore, *Hariki*'s **UI content package** "allows 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." *Hariki*, ¶24. The resource files in the **UI content package** "can contain various types of data objects relating to the user interface elements of the mobile devices, such as ...sound files, ... movies." *Id.*, 31. Accordingly, *Hariki* discloses renderable content comprises audio content.

Identified as "custom configuration" not "page description" Petitioner identified as "HTML files"

Pet. 50

POR 53–54

End of Presentation