

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner

Inter Partes Review Case No. IPR2023-00937
U.S. Patent No. 9,369,545

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 9,369,545**

TABLE OF CONTENTS

I.	INTRODUCTION	2
II.	SUMMARY OF THE '545 PATENT	2
	A. DESCRIPTION OF THE '545 PATENT.....	2
	B. THE '545 PATENT'S PROSECUTION.....	4
	C. THE <i>ADVANCED BIONICS</i> FRAMEWORK FAVORS INSTITUTION	4
	D. A PERSON OF ORDINARY SKILL IN THE ART	5
III.	REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104	6
	A. GROUNDS FOR STANDING UNDER 37 C.F.R. § 42.104(A).....	6
	B. IDENTIFICATION OF CHALLENGES UNDER 37 C.F.R. § 42.104(B) AND RELIEF REQUESTED	6
	C. CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.104(B)(3)	7
IV.	PRIOR ART	9
	A. OVERVIEW OF SLIVKA.....	9
	B. OVERVIEW OF ANABUKI.....	16
	C. OVERVIEW OF POWELL.....	17
	D. OVERVIEW OF MELBIN	17
V.	GROUND 1: Claims 1-4 and 6-21 are Obvious Over <i>Slivka</i> in View of <i>Anabuki</i> and <i>Powell</i>	18
	A. CLAIM 1(PRE): A COMPUTER-IMPLEMENTED METHOD OF OBTAINING CONTENT OVER A NETWORK AND DISPLAYING THE CONTENT TO A USER, THE METHOD BEING IMPLEMENTED IN A CLIENT COMPUTING DEVICE IN OPERATIVE COMMUNICATION WITH A SERVER OVER A NETWORK, THE CLIENT COMPUTING DEVICE INCLUDING ELECTRONIC STORAGE, A DISPLAY, AND ONE OR MORE PROCESSORS CONFIGURED TO EXECUTE ONE OR MORE COMPUTER PROGRAM MODULES, THE METHOD COMPRISING:	20
	A. CLAIM 1(A): TRANSMITTING A REQUEST TO THE SERVER OVER THE NETWORK, THE REQUEST REQUESTING NETWORKED INFORMATION MONITOR TEMPLATE;.....	23
	1. <i>NIM Template and Associated NIM</i>	23
	2. <i>Transmitting Request for NIM Template</i>	28

B.	CLAIM 1(B): RECEIVING THE REQUESTED NETWORKED INFORMATION MONITOR TEMPLATE FROM THE SERVER OVER THE INTERNET, THE REQUESTED NETWORKED INFORMATION MONITOR TEMPLATE HAVING BEEN TRANSMITTED FROM THE SERVER OVER THE NETWORK RESPONSIVE TO THE TRANSMITTED REQUEST, THE NETWORKED INFORMATION MONITOR TEMPLATE COMPRISING:	32
C.	CLAIM 1(B)(I): A DEFINITION OF A VIEWER GRAPHICAL USER INTERFACE WITHIN WHICH CONTENT IN A WEB BROWSER-READABLE LANGUAGE MAY BE PRESENTED ON THE DISPLAY OF THE CLIENT COMPUTING DEVICE; AND	33
D.	CLAIM 1(B)(II): A DEFINITION OF A FIRST CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR TEMPLATE, THE DEFINITION OF THE FIRST CONTENT ELEMENT REFERENCING A FIRST NETWORK LOCATION FROM WHICH THE FIRST CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR TEMPLATE IS SERVED OVER THE NETWORK;	35
	1. <i>Powell's Teachings</i>	36
	2. <i>Motivation to Modify Slivka</i>	37
E.	CLAIM 1(C): RESPONSIVE TO INSTRUCTIONS INCLUDED IN THE REQUESTED NETWORKED INFORMATION MONITOR TEMPLATE, PRESENTING THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR ON THE DISPLAY OF THE CLIENT COMPUTING DEVICE SEPARATE FROM AND OUTSIDE OF ANY OTHER GRAPHICAL USER INTERFACE THAT INCLUDES USER CONTROLS FOR SPECIFYING THE FIRST NETWORK LOCATION FROM WHICH THE FIRST CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR IS SERVED OVER THE NETWORK;	38
F.	CLAIM 1(D): RESPONSIVE TO INSTRUCTIONS INCLUDED IN THE REQUESTED NETWORKED INFORMATION MONITOR TEMPLATE, TRANSMITTING OVER THE NETWORK A FIRST CONTENT REQUEST TO THE FIRST NETWORK LOCATION REFERENCED BY THE DEFINITION OF THE FIRST CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR TEMPLATE;	40
G.	CLAIM 1(E): RECEIVING, OVER THE NETWORK, THE FIRST CONTENT ELEMENT TRANSMITTED RESPONSIVE TO THE FIRST CONTENT REQUEST;	42
H.	CLAIM 1(F): PRESENTING THE RECEIVED THE FIRST CONTENT ELEMENT IN THE VIEWER GRAPHICAL USER INTERFACE DEFINED	

	BY THE NETWORKED INFORMATION MONITOR TEMPLATE, WHEREIN THE DEFINITION OF THE VIEWER GRAPHICAL USER INTERFACE AND/OR THE FIRST CONTENT ELEMENT DEFINE ALL CONTROLS FOR ENABLING A USER TO INTERACT WITH THE FIRST CONTENT ELEMENT THROUGH THE VIEWER GRAPHICAL USER INTERFACE.....	42
I.	CLAIM 2: THE METHOD OF CLAIM 1, WHEREIN THE DEFINITION OF THE VIEWER GRAPHICAL USER INTERFACE INCLUDES A DEFINITION OF AT LEAST ONE CONTROL EFFECTIVE FOR CONTROLLING AN ASPECT OF THE VIEWER GRAPHICAL INTERFACE, AND WHEREIN PRESENTING THE VIEWER GRAPHICAL USER INTERFACE COMPRISES PRESENTING THE AT LEAST ONE CONTROL.	44
	1. <i>Wherein the Aspect is the Location</i>	46
	2. <i>Wherein the Aspect is the Size</i>	48
J.	CLAIM 3: THE METHOD OF CLAIM 2, WHEREIN THE ASPECT IS THE LOCATION AT WHICH THE USER INTERFACE IS RENDERED ON A DISPLAY DEVICE.	50
K.	CLAIM 4: THE METHOD OF CLAIM 2, WHEREIN THE ASPECT IS THE SIZE OF THE USER INTERFACE WHEN PRESENTED ON THE DISPLAY OF THE CLIENT COMPUTING DEVICE.	50
L.	CLAIM 6: THE METHOD OF CLAIM 1, WHEREIN THE DEFINITION OF THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE COMPRISES AN IMAGE, AND WHEREIN PRESENTING THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE ON THE DISPLAY OF THE CLIENT COMPUTING DEVICE COMPRISES PRESENTING THE IMAGE INCLUDED IN THE DEFINITION AS PART OF THE VIEWER GRAPHICAL USER INTERFACE.....	50
M.	CLAIM 7: THE METHOD OF CLAIM 6, WHEREIN PRESENTING THE RECEIVED THE FIRST CONTENT ELEMENT IN THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE COMPRISES PRESENTING THE RECEIVED THE FIRST CONTENT ELEMENT IN ASSOCIATION WITH THE IMAGE.....	52
N.	CLAIM 8: THE METHOD OF CLAIM 6 WHEREIN PRESENTING THE RECEIVED THE FIRST CONTENT ELEMENT IN THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED	

	INFORMATION MONITOR TEMPLATE COMPRISES PRESENTING THE FIRST CONTENT ELEMENT AT LEAST IN PART WITHIN THE IMAGE.....	52
O.	CLAIM 9: THE METHOD OF CLAIM 1, WHEREIN THE DEFINITION OF THE VIEWER GRAPHICAL USER INTERFACE DEFINES AT LEAST ONE CONTROL PERMITTING THE MODIFICATION OF THE APPEARANCE OF THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE, AND WHEREIN PRESENTING THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE ON THE DISPLAY OF THE CLIENT COMPUTING DEVICE COMPRISES PRESENTING THE AT LEAST ONE CONTROL.	55
P.	CLAIM 10: THE METHOD OF CLAIM 1, WHEREIN THE FIRST CONTENT ELEMENT INCLUDES AUDIO CONTENT, VIDEO CONTENT, GRAPHICS CONTENT, STILL IMAGE CONTENT, TEXTUAL CONTENT AND/OR INTERACTIVE CONTENT.	56
Q.	CLAIM 11: THE METHOD OF CLAIM 1, FURTHER COMPRISING: EXECUTING A CLIENT PARSER APPLICATION THAT IS SEPARATE FROM THE NETWORKED INFORMATION MONITOR TEMPLATE, THE CLIENT PARSER APPLICATION BEING CONFIGURED TO PRESENT THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE ON THE CLIENT COMPUTING DEVICE, TO GENERATE THE REQUEST FOR THE CONTENT THAT IS TRANSMITTED TO THE FIRST NETWORK LOCATION REFERENCED BY THE DEFINITION OF THE FIRST CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR TEMPLATE, AND TO PRESENT THE FIRST CONTENT ELEMENT RECEIVED FROM THE FIRST NETWORK LOCATION WITHIN THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE.	57
R.	CLAIM 12: THE METHOD OF CLAIM 1, FURTHER COMPRISING CAUSING THE NETWORKED INFORMATION MONITOR TO COMMUNICATE WITH ANOTHER NETWORKED INFORMATION MONITOR.	59
S.	CLAIM 13: THE METHOD OF CLAIM 1, WHEREIN THE NETWORKED INFORMATION MONITOR IS CONFIGURED TO CAUSE THE CLIENT COMPUTING DEVICE TO PERIODICALLY REQUEST THE FIRST CONTENT ELEMENT FROM THE FIRST NETWORK LOCATION REFERENCED BY THE DEFINITION THE FIRST CONTENT ELEMENT	

	FOR THE NETWORKED INFORMATION MONITOR TEMPLATE AND TO PRESENT THE RECEIVED FIRST CONTENT ELEMENT WITHIN THE VIEWER GRAPHICAL USER INTERFACE IN AN ONGOING MANNER.....	63
T.	CLAIM 14: THE METHOD OF CLAIM 1, WHEREIN THE NETWORK IS THE INTERNET.....	64
U.	CLAIM 15(PRE): THE METHOD OF CLAIM 1, WHEREIN THE NETWORKED INFORMATION TEMPLATE FURTHER COMPRISING A DEFINITION OF A SECOND CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR TEMPLATE, THE DEFINITION OF THE SECOND CONTENT ELEMENT REFERENCING A SECOND CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR TEMPLATE IS SERVED OVER THE NETWORK, AND WHEREIN THE METHOD FURTHER COMPRISES:	64
	1. <i>Anabuki's Teachings</i>	64
	2. <i>Motivation to Modify Slivka</i>	66
V.	CLAIM 15(A): RESPONSIVE TO INSTRUCTIONS INCLUDED IN THE REQUESTED NETWORKED INFORMATION MONITOR TEMPLATE, TRANSMITTING OVER THE NETWORK A SECOND CONTENT REQUEST TO THE SECOND NETWORK LOCATION REFERENCED BY THE DEFINITION OF THE SECOND CONTENT ELEMENT FOR THE NETWORKED INFORMATION MONITOR TEMPLATE.	68
W.	CLAIM 15(B): RECEIVING, OVER THE NETWORK, THE SECOND CONTENT ELEMENT TRANSMITTED RESPONSIVE TO THE SECOND CONTENT REQUEST; AND	68
X.	CLAIM 15(C): PRESENTING THE RECEIVED SECOND CONTENT ELEMENT IN THE VIEWER GRAPHICAL USER INTERFACE DEFINED BY THE NETWORKED INFORMATION MONITOR TEMPLATE, WHEREIN THE DEFINITION OF THE VIEWER GRAPHICAL USER INTERFACE AND/OR THE SECOND CONTENT ELEMENT DEFINE ALL CONTROLS FOR ENABLING A USER TO INTERACT WITH THE SECOND CONTENT ELEMENT THROUGH THE VIEWER GRAPHICAL USER INTERFACE.....	68
Y.	CLAIM 16	68
Z.	CLAIM 17: THE METHOD OF CLAIM 16, WHEREIN EXECUTION OF THE CLIENT PARSER FURTHER RESULTS IN THE CLIENT COMPUTING DEVICE DETERMINING THAT THE FIRST ELEMENT CONTENT MODIFIES THE NETWORKED INFORMATION MONITOR TEMPLATE	

AND RESPONSIVE TO SUCH DETERMINATION, MODIFYING THE NETWORKED INFORMATION MONITOR TEMPLATE PRIOR TO THE STEP OF PRESENTING THE GRAPHICAL USER INTERFACE.	69
AA. CLAIM 18: THE METHOD OF CLAIM 16, FURTHER COMPRISING PRESENTING AN ICON REPRESENTING NETWORKED INFORMATION MONITOR ASSOCIATED WITH THE NETWORKED INFORMATION MONITOR TEMPLATE ON THE DISPLAY OF THE CLIENT COMPUTING DEVICE, AND WHEREIN EXECUTION OF THE CLIENT PARSER TO PERFORM ONE OR MORE OF THE TRANSMITTING OPERATION, THE PRESENTING THE VIEWER GRAPHICAL USER INTERFACE OPERATION, OR PRESENTING THE FIRST CONTENT ELEMENT OPERATION IS RESPONSIVE TO RECEPTION OF SELECTION BY A USER OF THE ICON.....	71
BB. CLAIM 19: THE METHOD OF CLAIM 16, FURTHER COMPRISING INVOKING THE CLIENT PARSER AN INITIATING ONE OR MORE OF THE TRANSMITTING OPERATION, THE PRESENTING THE VIEWER GRAPHICAL USER INTERFACE OPERATION, OR PRESENTING THE FIRST CONTENT ELEMENT OPERATION AUTOMTICALLY DURING A START-UP PROCESS OF THE CLIENT COMPUTING DEVICE.....	73
CC. CLAIM 20	73
DD. CLAIM 21: THE METHOD OF CLAIM 16, WHEREIN THE NETWORK IS THE INTERNET.....	74
VI. Ground 2: Claim 5 is Obvious in View of <i>Slivka, Anabuki, Powell, and Melbin</i>	74
A. CLAIM 5: THE METHOD OF CLAIM 1, WHEREIN THE NETWORKED INFORMATION MONITOR TEMPLATE INCLUDES INSTRUCTIONS IN EXTENSIBLE MARKUP LANGUAGE (XML) FORMAT, AND FURTHER WHEREIN THE METHOD FURTHER COMPRISES PARSING THE DEFINITION OF THE VIEWER GRAPHICAL USER INTERFACE.....	74
1. <i>Melbin’s Teachings</i>	75
2. <i>Motivation to Modify Slivka</i>	75
VII. THE BOARD’S DISCRETION UNDER 35 U.S.C. § 314(a)	76
VIII. CONCLUSION	78
IX. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)	79
A. REAL PARTY-IN-INTEREST	79
B. RELATED MATTERS.....	79

X.	Lead and Back-Up Counsel.....	80
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TABLE OF AUTHORITIES

Cases:

<i>Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH</i> , IPR2019-01469, Paper 6 (Feb. 13, 2020)	4
<i>Becton, Dickinson & Co. v. B. Braun Melsungen AG</i> , IPR2017-01586, Paper 8 (Dec. 15, 2017)	4
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (en banc)	6
<i>Western Digital Corporation v. Spex Technologies, Inc.</i> , IPR2018-00084, Paper 14 (PTAB Apr. 25, 2018)	7
<i>General Electric v. Vestas</i> , IPR2018-00928, Paper 9 (PTAB Nov. 5, 2018)	8
<i>Sun Studs, Inc. v. ATA Equip. Leasing, Inc.</i> , 872 F.2d 978 (Fed. Cir. 1989)	8
<i>NHK Spring Co., Ltd., v. Intri-Plex Technologies, Inc.</i> , IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential)	75
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential)	75, 76

Statutes:

35 U.S.C. § 102(e)(pre-AIA)	8, 15, 17
35 U.S.C. § 103(pre-AIA)	6
35 U.S.C. § 314(a)	75, 76
35 U.S.C. § 325(d)	3

Regulations:

37 C.F.R. § 42.104	5
37 C.F.R. § 42.104(a)	5
37 C.F.R. § 42.104(b)	5, 6
37 C.F.R. § 42.100(b)	6
83 Fed. Reg. 197 (Oct. 11, 2018)	6
37 C.F.R. § 42.8(a)(1)	78
37 C.F.R. § 42.8(b)	78, 79
37 C.F.R. § 42.105	88

Manual Patent Examining Procedure:

MPEP § 2136.02	8
MPEP § 2120.01	8

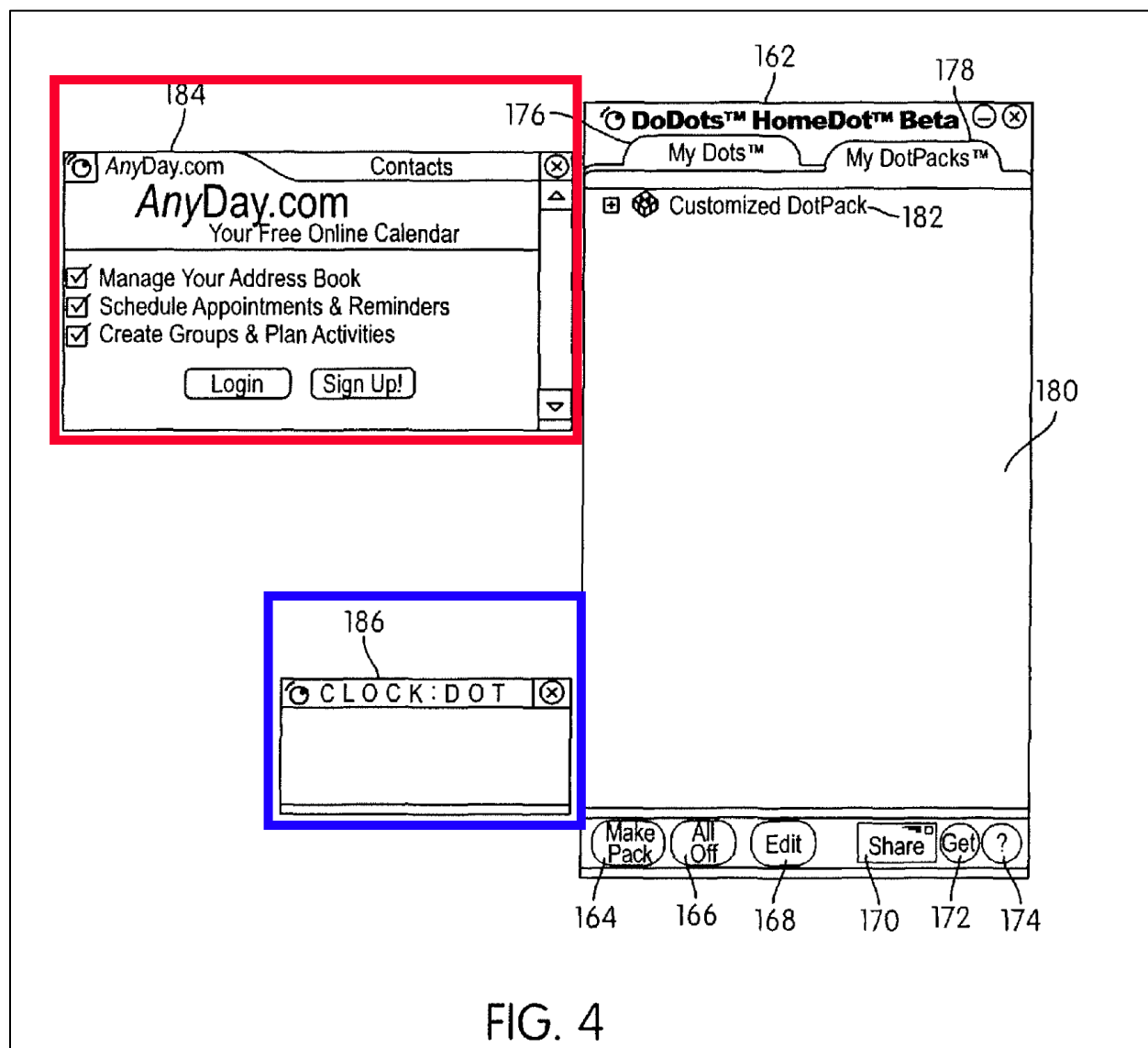
I. INTRODUCTION

Petitioner Apple Inc. (“Petitioner”) requests *Inter Partes* Review (“IPR”) of Claims 1-21 (collectively, the “Challenged Claims”) of U.S. Patent No. 9,369,545 (the “’545 Patent”) (Ex. 1001).

II. SUMMARY OF THE ’545 PATENT

A. Description of the ’545 Patent

The ’545 Patent is directed toward a device and method of presenting distributable computer readable media, including network content, in a graphical user interface outside of and separate from another application. ’545 Patent (Ex. 1001), 4:29-30, Abstract. The ’545 Patent teaches that Internet content is presented to a user through a Networked Information Monitor (NIM). ’545 Patent, 4:56-59. The ’545 Patent further defines a NIM as “a fully configurable frame with one or more controls[,]” and explains that the NIM is different from a conventional browser. ’545 Patent, 4:59-63. FIG. 4, below, shows exemplary NIM 186 (blue) for date and time and NIM 184 (red) for managing one’s calendar. ’545 Patent, FIG. 4, 14:18-26.



'545 Patent, FIG. 4 (annotated).

The '545 Patent describes a method in which a NIM template, or NIM definition, is used to create a NIM, or frame, in which the user can view Internet content. '545 Patent, 2:28-34, 25:56-58, 25:65-67. The NIM template also indicates where to pull Internet content to fill in the NIM. '545 Patent, 20:32-35. Ultimately,

a client parser processes the information within the NIM template and generates the corresponding NIM. *Id.*

B. The '545 Patent's Prosecution

The application that resulted in the '545 Patent was filed August 23, 2013, and issued June 14, 2016. '545 Patent, (22), (45). The '545 Patent was a continuation of Application No. 09/558,925 which was filed April 26, 2000, and further claims priority to several provisional applications the earliest of which was filed April 26, 1999. '545 Patent, (63), (60), 1:7-20. For this petition only, Petitioner applies April 26, 1999, as the priority date for the Challenged Claims.

During prosecution of the '545 Patent, the examiner issued a non-final office action rejecting all original claims based on non-statutory double patenting in view of claims 1-20 of US Patent No. 8,521,833 to Kembel. '545 FH (Ex. 1002), 176-180. In response, Applicant filed a terminal disclaimer, along with a few typographical amendments. '545 FH, 146-151. A Notice of Allowance was issued on January 25, 2016. '545 FH, 137.

C. The *Advanced Bionics* Framework Favors Institution

Under the two-part *Advanced Bionics* framework applying the *Becton, Dickinson* factors, the Board should not exercise its discretion to deny institution under 35 U.S.C. § 325(d). Part one considers whether the same or substantially the same prior art or arguments were previously presented to the office. *Advanced*

Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH, IPR2019-01469, Paper 6 (Feb. 13, 2020); *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8, 17-18 (Dec. 15, 2017). Here, although *Slivka* was cited in an IDS – along with over 150 other references – during prosecution of the ’545 Patent, the examiner did not substantively discuss *Slivka* when evaluating the Challenged Claims. *See generally* ’545 FH, 402. Further, none of the secondary references used herein were cited during prosecution of the ’545 Patent so the examiner did not consider the same or substantially the same art that Petitioner presents herein. *See generally* ’545 FH.

Further, none of the art presented herein was considered in any other proceeding before the USPTO with respect to the ’545 Patent. *See generally* *Samsung* ’545 IPR (Ex. 1010); *also* *Lenovo* ’545 Final Written Decision (Ex. 1008).

D. A Person of Ordinary Skill in the Art

A person of ordinary skill in the art (“POSITA”) at the time of the ’545 Patent would have had at least a bachelor’s degree in computer science, computer engineering, or a related field, and at least two years of experience related to the design or development of Internet technologies, or the equivalent.¹ Additional

¹ The Board has previously adopted a similar, though broader, definition of a POSITA in previous IPR proceedings for the ’545 Patent. *Lenovo* ’545 Final Written Decision, 8 (defining a POSITA as having at least “a bachelor’s degree in Electrical or Computer Engineering, Computer Science, or a related field and have three years

graduate education could substitute for professional experience, or significant experience in the field could substitute for formal education. *Dec.*² (Ex. 1003), ¶¶21-23.

III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Petitioner certifies the '545 Patent is available for IPR and Petitioner is not barred or estopped from requesting IPR challenging the claims of the '545 Patent. Petitioner is not the owner of the '545 Patent, has not filed a civil action challenging the validity of any claim of the '545 Patent, and this petition is filed less than one year after Petitioner was served with a complaint alleging infringement of the '545 Patent.

B. Identification of Challenges Under 37 C.F.R. § 42.104(b) and Relief Requested

In view of the prior art and evidence presented, the Challenged Claims of the '545 Patent are unpatentable and should be cancelled. 37 C.F.R. § 42.104(b)(1). Based on the prior art identified below, IPR of the Challenged Claims should be granted. 37 C.F.R. § 42.104(b)(2).

of corresponding industry work experience.”). Petitioner’s proposed definition of a POSITA herein is consistent with what was previously determined by the Board and adds further context for the definition of a POSITA.

² All citations to “Dec.” are to paragraph numbers in Ex. 1003, Declaration of Dr. Loren Terveen.

Proposed Grounds of Unpatentability	
<u>Ground 1</u>	Claims 1-4 and 6-21 are obvious under pre-AIA 35 U.S.C. § 103(a) over <i>Slivka</i> in view of <i>Anabuki</i> and <i>Powell</i>
<u>Ground 2</u>	Claim 5 is obvious under 35 U.S.C. pre-AIA § 103(a) over <i>Slivka</i> in view of <i>Anabuki</i> , <i>Powell</i> , and <i>Melbin</i> .

Sections V-VI identify where each element of the Challenged Claims is found in the prior art. 37 C.F.R. § 42.104(b)(4). The exhibit numbers of the supporting evidence relied upon to support the challenges are provided above, and the relevance of the evidence to the challenges raised are provided in Sections V-VI. 37 C.F.R. § 42.104(b)(5). Exhibits 1001–1016 are also attached.

C. Claim Construction Under 37 C.F.R. § 42.104(b)(3)

In this proceeding, claims are interpreted under the same standard applied by Article III courts (*i.e.*, the *Phillips* standard). *See* 37 C.F.R. § 42.100(b); *see also* 83 Fed. Reg. 197 (Oct. 11, 2018); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (*en banc*). Under this standard, words in a claim are given their plain and ordinary meaning as understood by a POSITA in view of the patent and file history. *Phillips*, 415 F.3d at 1312-13.

In a previous IPR proceeding for the '545 Patent, the asserted prior art taught Java applets (small applications written in Java). Patent Owner argued that the claimed templates (“NIM templates”) of the '545 Patent exclude compiled code or executable applications, such as those contemplated by Java applets. Ultimately the

PTAB, later affirmed by the Federal Circuit, agreed with Patent Owner, and determined the following constructions:

“NIM” – “a fully configurable frame, with one or more controls, through which content is presented to the user[.]”

“NIM template” – “data structure which defines the characteristics of a NIM, including the NIM frame, view and control characteristics, and which excludes executable applications/compiled code.”

Lenovo ’545 Final Written Decision, (Ex. 1008), 9-10; *Federal Circuit Claim Construction*, (Ex. 1009), 4-5, 9.

For purposes of the present petition, Petitioner submits the above constructions – consistent with previous determinations by the Board and the Federal Circuit – to aid in interpreting the terms “NIM” and “NIM template” as used in the Challenged Claims. Further, Petitioner asserts prior art that aligns with the aforementioned constructions.

In parallel litigation, other than the above constructions, PO largely advocates that the claim terms should be given their plain and ordinary meanings.³ Ex. 1016 (Dkt. 98, *Joint Claim Construction Statement*), 3-4. For the purposes of this proceeding only, Petitioner proposes the Board adopt PO’s proposal. *See Western Digital Corporation v. Spex Technologies, Inc.*, IPR2018-00084, Paper 14, *11

³ The Parties advance similar proposed constructions of “web browser readable language” with Petitioner’s proposal including examples. The art below satisfies at least PO’s broader interpretation.

(PTAB Apr. 25, 2018); *see also General Electric v. Vestas*, IPR2018-00928, Paper 9, *16-17 (PTAB Nov. 5, 2018).⁴

IV. PRIOR ART

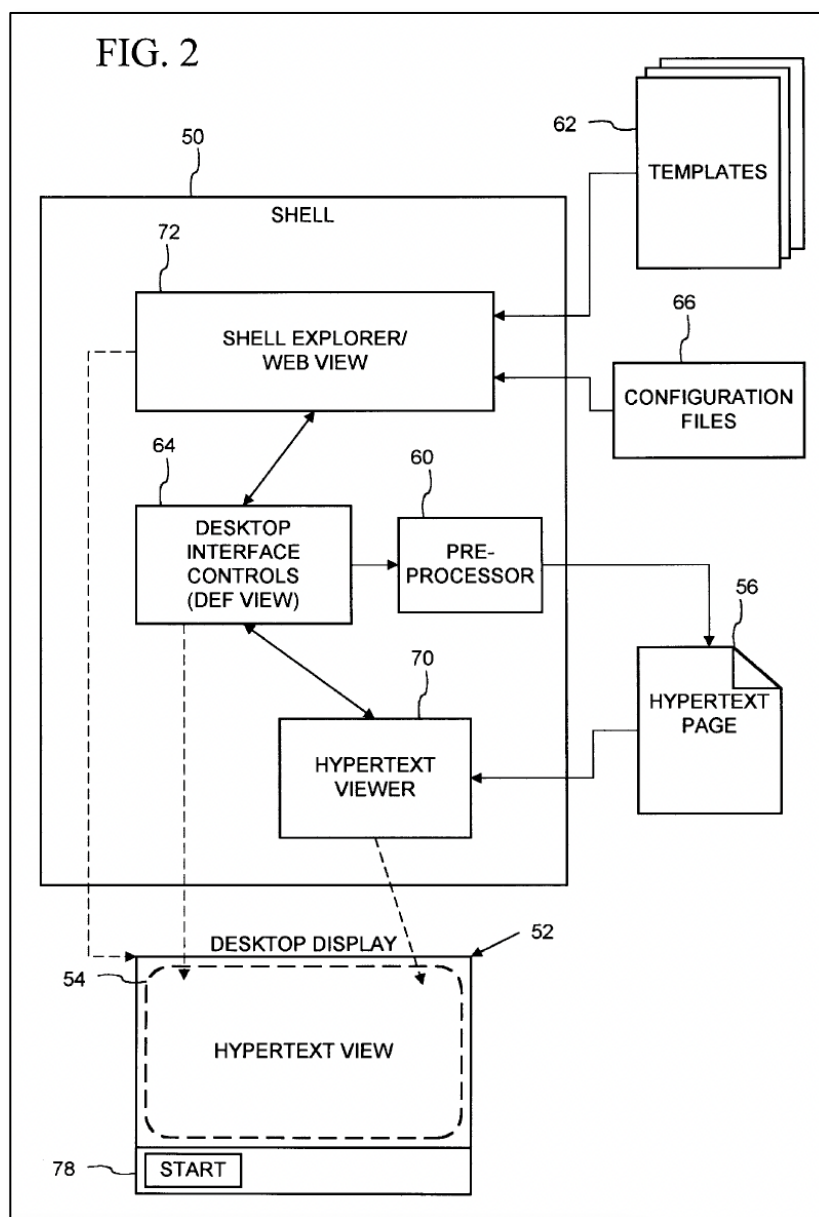
A. Overview of Slivka

U.S. Patent No. 6,061,695 to Slivka, et al. (“*Slivka*”) was cited but not substantively considered during prosecution of the ’545 Patent. *See generally* ’545 *FH. Slivka* was filed December 6, 1996, and issued May 9, 2000, qualifying as prior art at least under 35 U.S.C. § 102(e) (pre-AIA). *Slivka* (Ex. 1004), (22), (45). *Slivka*’s specification incorporates several appendices stamped with the filing date, December 6, 1996. *Slivka FH* (Ex. 1005), 69-245. Consistent with MPEP § 2136.02 and 35 U.S.C. § 102(e) (pre-AIA), “**the entire disclosure** of a U.S. patent...can be relied on to reject the claims.” *Sun Studs, Inc. v. ATA Equip. Leasing, Inc.*, 872 F.2d 978, 983, 10 USPQ2d 1338, 1342 (Fed. Cir. 1989) (emphasis added). *See also* MPEP § 2120.01. As such, *Slivka*’s appendices qualify as prior art at least under 35 U.S.C. § 102(e) (pre-AIA).

In general, *Slivka* teaches computer system 20 has a “shell 50 for an operating system of the computer 20” that “provides a graphical user interface for a user of the computer to interact with the operating system.” *Slivka*, 5:59-62. *Slivka* teaches the

⁴ Petitioner reserves the right in other proceedings to construe the Challenged Claims and to argue they are indefinite.

graphical user interface includes a “desktop display 52 presented on a video screen of the computer’s output device 30 ... The desktop display 52 preferably is presented by the shell in a windowing environment as a full-screen background display.” *Id.* at 5:63-66, 6:4-38, 6:54-67, 10:7-39. FIG. 2 below depicts *Slivka’s* shell 50 and desktop display 52:



Slivka, FIG. 2.

More specifically, *Slivka*'s shell 50 "synthesizes the hypertext pages...which can be edited to incorporate a variety of multi-media enhancements with the user interface elements in the graphical user interface." *Id.* at 4:3-15, Abstract. Examples of multi-media enhancements include "HTML frames, tables, fonts, hypertext links, embedded images, embedded sounds, embedded objects, and others." *Slivka*, 20:16-21. Further, shell 50 also "displays and navigates between other hypertext documents, such as those available from the Internet." *Slivka*, 4:27-33.

Slivka teaches an example of a hypertext page for an entire desktop. *Slivka*, 3:14-19. The hypertext page contains sets of HTML instructions such that when a single hypertext page is processed, the resulting display contains several HTML frames that collectively fill the entire user desktop on the display device. *Id.*, 3:26-30. Within the display, independent frames of content are presented. *Slivka*, FIG. 6, 18:49-19:6; *Slivka FH*, 69 (defining separate frames for "tickerframe," "icons," and "infopane frame."). Each frame is defined by a set of HTML instructions within the larger synthesized hypertext page. *Slivka FH*, 69-77; *Dec.*, ¶¶45-48 (explaining the structure of the exemplary hypertext page). In other words, each set of HTML instructions contains necessary information to generate the corresponding frame and content for said frame. *Id.* The sets of HTML instructions comprise various sources

of HTML elements including “templates” and “HTML format files.” *Slivka*, 3:31-34, 18:52-67; *Dec.*, ¶¶45-48.⁵

For example, *Slivka*’s exemplary synthesized hypertext page that is parsed into a final display incorporates HTML elements from “a ‘Desktop.htm’ template,..., a ‘Dsk_1.htm’ template which are listed in the attached Appendices A and B, respectively[,] and “additionally incorporates data from the HTML format files ‘Infopane.htm,’ ‘news.htm,’ ‘ticker.htm,’ and ‘tickhost.htm’ which are listed in the attached Appendices C through F, respectively.” *Slivka*, 18:52-65; *Dec.*, ¶¶45-48, 62-67. More specifically, in *Slivka*’s exemplary hypertext page, a set of HTML instructions that defines a ticker frame includes HTML elements from ticker.htm and tickhost.htm. *Slivka FH*, 69, 76-77; *Dec.* ¶¶45-48, 62-67. Similarly, a set of HTML instructions that defines a news pane frame includes HTML elements from news.htm and infopane.htm. *Slivka FH*, 69, 72-75; *Dec.* ¶¶45-48, 62-67. Figure A, below, illustrates the incorporation of HTML elements for each set of HTML instructions within the larger synthesized hypertext page.

⁵ A POSITA would have understood that *Slivka*, 18:49 which recites “FIG. 5” is a typographical error and should read “FIG. 6.” *Dec.*, ¶47.

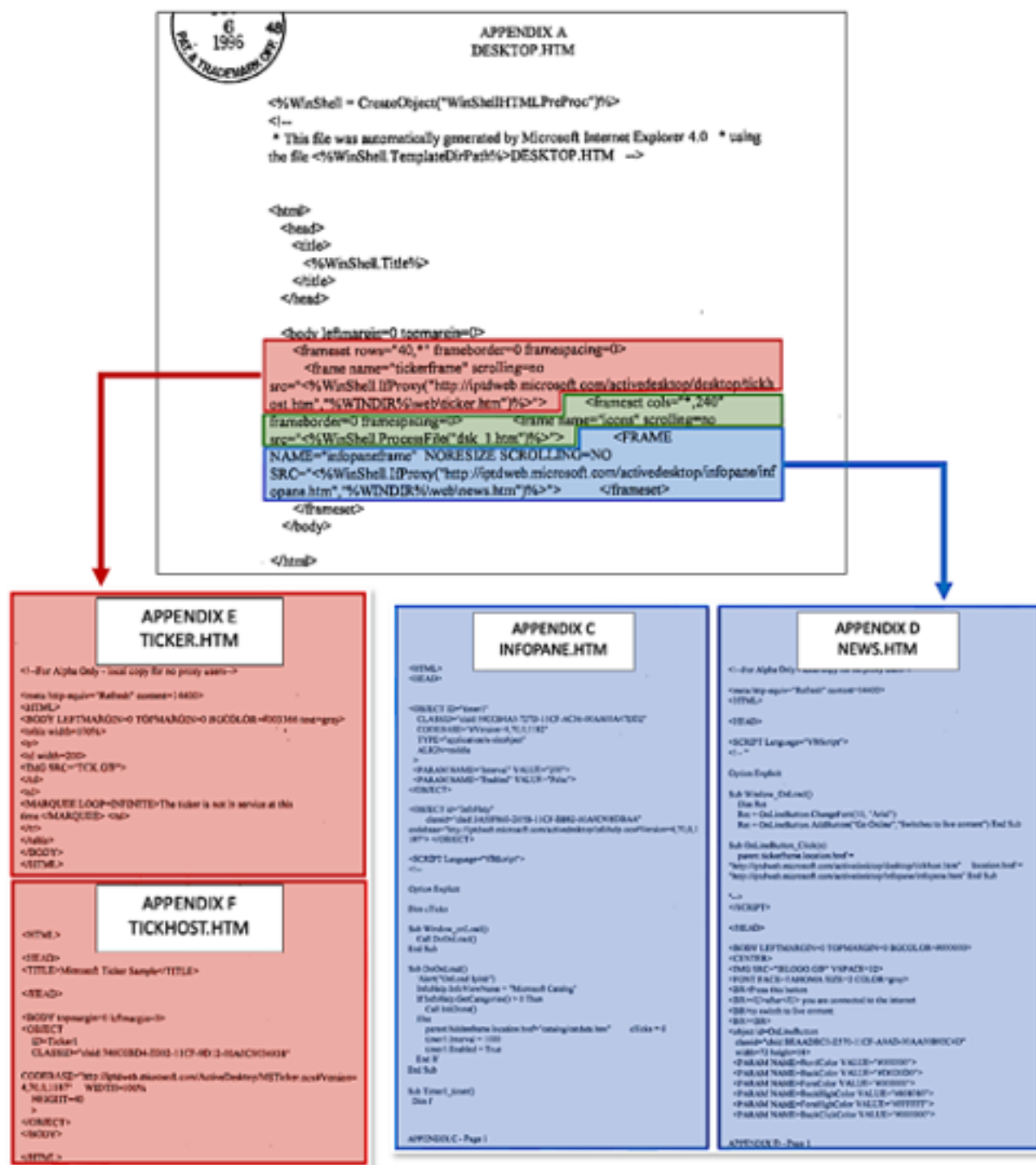
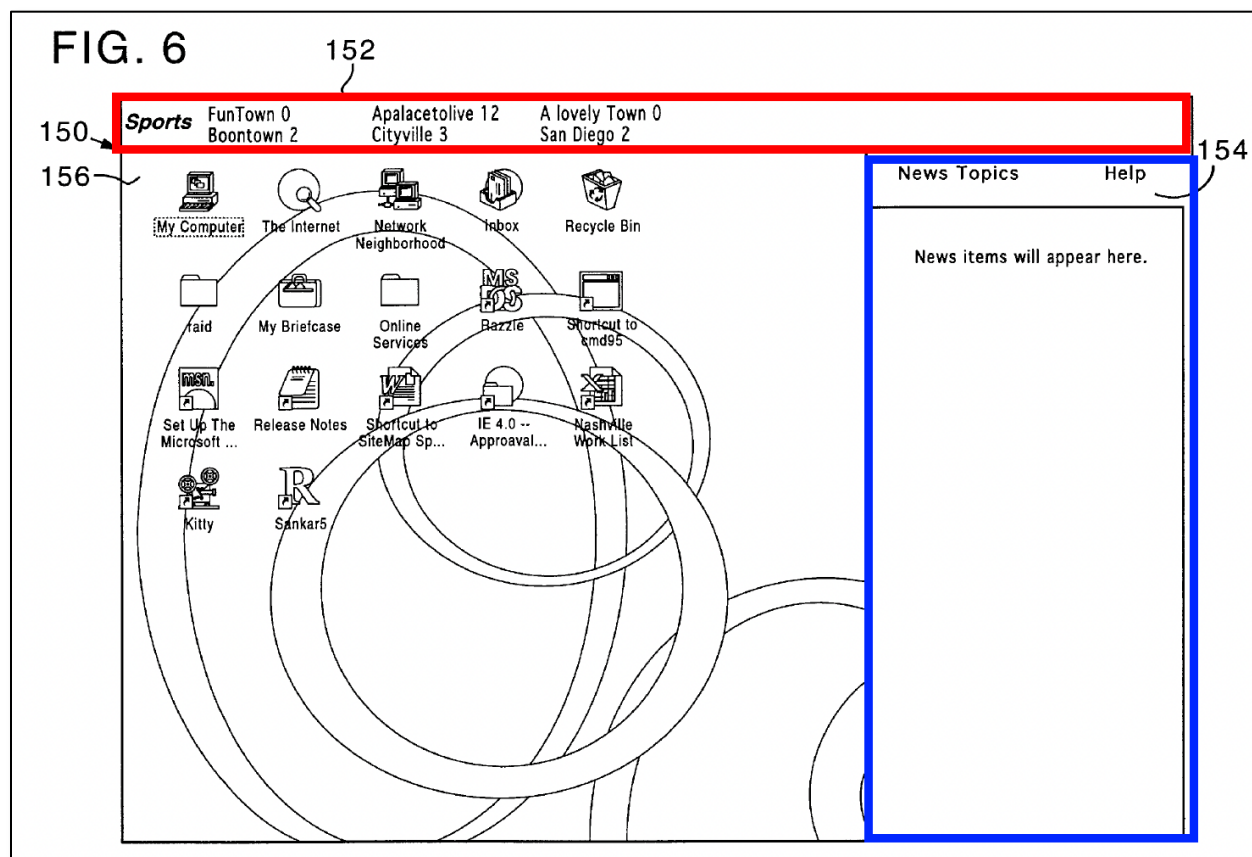


Figure A

Slivka FH, 69, 72-77 (excerpt, annotated); *Dec.*, ¶¶45-48, 62-67.

More specifically, the set of HTML instructions incorporating HTML elements from Appendices C and D for the news pane frame is shown in blue, and

the set of HTML instructions incorporating HTML elements from Appendices E and F for the ticker frame is shown in red. The HTML elements from Appendices C-D, and Appendices E-F contribute to a full set of HTML instructions for the news pane frame and the ticker frame, respectively, outlining parameters for each frame in the hypertext page display. *Slivka*, 18:49-67; *Slivka FH*, 69; *Dec.*, ¶¶45-48, 62-67. Shell 50, upon processing the synthesized hypertext page, parses each set of HTML instructions to generate a frame within which content is presented to the user. *Slivka*, 18:65-67; *Dec.*, ¶¶45-48, 62-67. FIG. 6, below, illustrates the final display, with ticker 152 HTML frame (red) corresponding to the set of HTML instructions in red from Figure A and news pane 154 HTML frame (blue) corresponding to the set of HTML instructions in blue from Figure A:



Slivka, FIG. 6 (annotated).

Both *Slivka* and the '545 Patent are directed to systems and methods for presenting Internet content to a user. *Compare Slivka*, Abstract, 11:54-65, 18:49-19:18, FIG. 6, *with '545 Patent*, Abstract, 4:29-40. As such, *Slivka* is in the same field of endeavor as the '545 Patent. *Dec.*, ¶¶45-49.

Additionally, because *Slivka*, like the '545 Patent, is directed to the problem of enhancing a graphical user interface, *Slivka* is reasonably pertinent to a problem described by the '545 Patent. *Compare Slivka*, 3:14-16, 11:54-65, 18:49-19:17, FIG. 6, *with '545 Patent*, Abstract, 4:29-40; *Dec.*, ¶¶45-49.

Therefore, *Slivka* is analogous art to the '545 Patent.

B. Overview of Anabuki

U.S. Patent No. 6,091,518 to Anabuki ("*Anabuki*") was neither cited nor considered during prosecution of the '545 Patent. *See generally* '545 FH. *Anabuki* was filed June 25, 1997, qualifying as prior art under at least 35 U.S.C. § 102(e) (pre-AIA). *Anabuki* (Ex. 1006), (22).

Anabuki teaches a cache storage technique for HTML documents received from a server. *Anabuki*, 9:65-67, 10:4-6. Both *Anabuki* and the '545 Patent are directed to systems and methods for presenting Internet content to a user. *Compare Anabuki*, 10:4-13, 11:54-12:24, 13:17-19, FIG. 4 *with* '545 Patent, 4:29-40, Abstract. As such, *Anabuki* is in the same field of endeavor as the '545 Patent. *Dec.*, ¶¶50-51.

Further, both *Anabuki* and the '545 Patent recognize the challenges with displaying Internet content to users and enhancing a graphical user interface, and therefore, *Anabuki* is reasonably pertinent to a problem described by the '545 Patent. *Compare Anabuki*, 10:4-13, 11:54-12:24, 13:17-19, FIG. 4, *with* '545 Patent, 4:29-40, Abstract; *Dec.*, ¶¶50-51.

Therefore, *Anabuki* is analogous art to the '545 Patent.

C. Overview of Powell

HTML: The Complete Reference Guide by Powell (“*Powell*”) was neither cited nor considered during prosecution of the ’545 Patent. *See generally* ’545 FH. *Powell* lists a copyright date of 1998. *Powell* (Ex. 1013), 3. *Powell* is a true and correct copy and was publicly available no later than September 17, 1998. *Munford Dec.* (Ex. 1007), ¶¶1-11. *Powell* qualifies as prior art under at least 35 U.S.C. § 102(a) (pre-AIA).

Both *Powell* and the ’545 Patent are directed to systems and methods for presenting Internet content to a user. *Compare Powell*, 58, 62, 152-156, 164-167, 174-178 with ’545 Patent, 4:29-40, Abstract. As such, *Powell* is in the same field of endeavor as the ’545 Patent. *Dec.*, ¶¶52-53.

Further, both *Powell* and the ’545 Patent recognize the challenges with utilizing markup language to specify frame characteristics, such as color, size, and position on a display; therefore, *Powell* is reasonably pertinent to a problem described by the ’545 Patent. *Compare Powell*, 174-184, 245-250, 255-256, 260-262, 267-268, 336, 361-362, 372-376 with ’545 Patent, 23:55-60; *Dec.*, ¶¶52-53.

Therefore, *Powell* is analogous art to the ’545 Patent.

D. Overview of Melbin

U.S. Patent No. 6,397,217 to Melbin (“*Melbin*”) was neither cited nor considered during prosecution of the ’545 Patent. *See generally* ’545 FH. *Melbin*

was filed March 4, 1999. *Melbin* (Ex. 1014), (22). *Melbin* qualifies as prior art under at least 35 U.S.C. § 102(e) (pre-AIA).

Melbin teaches a distributed publishing system including a content server that “acts as a highly scalable page generation and content management system.” *Melbin*, 2:11-13. Both *Melbin* and the ’545 Patent are directed to systems and methods for presenting Internet content to a user. *Compare Melbin*, 2:32-50, 6:10-44, Abstract, *with ’545 Patent*, 4:29-40, Abstract. As such, *Melbin* is in the same field of endeavor as the ’545 Patent. *Dec.*, ¶54.

Further, both *Melbin* and the ’545 Patent recognize the challenges with utilizing markup language to specify content to be retrieved from a server for presentation on a display; therefore, *Melbin* is reasonably pertinent to a problem described by the ’545 Patent. *Compare Melbin*, 2:32-50, 6:10-44, Abstract *with ’545 Patent*, 23:54-60; *Dec.*, ¶54.

Therefore, *Melbin* is analogous art to the ’545 Patent.

VI. GROUND 1: CLAIMS 1-4 AND 6-21 ARE OBVIOUS OVER *SLIVKA* IN VIEW OF *ANABUKI* AND *POWELL*

The Challenged Claims utilize data structure templates to generate unique frames – different than a browser – within which content is presented to users. *Slivka* teaches precisely this concept through its sets of HTML instructions and corresponding HTML frames.

Although *Slivka* does not expressly describe a few specific aspects of generating an HTML frame, the missing features were well known and commonplace in the art. In particular, *Slivka* teaches that its frames are populated with content pulled from the web, but does not expressly describe including a content reference in its sets of HTML instructions. *Powell* establishes that HTML instructions commonly used URLs as content references – the implementation detail missing from *Slivka*. As described in detail below, a POSITA would have been motivated to implement *Slivka* with content references pursuant to *Powell*. Further, *Slivka* teaches various visual characteristics but fails to teach a few very specific types of characteristics required by the some of the Challenged Claims. However, such characteristics (e.g., controls for the size or location of a frame) were well-known in HTML as taught by *Powell*. As described in detail below, a POSITA would have been motivated to implement *Slivka* with such HTML improvements pursuant to *Powell*.

Slivka also does not expressly teach the concept of obtaining further NIM templates from a server as required by some of the Challenged Claims. However, *Anabuki* teaches exactly such a process. As described in detail below, a POSITA would have been motivated to modify *Slivka* to incorporate the teachings of *Anabuki* to retrieve sets of HTML instructions from a server.

A. Claim 1(Pre): A computer-implemented method of obtaining content over a network and displaying the content to a user, the method being implemented in a client computing device in operative communication with a server over a network, the client computing device including electronic storage, a display, and one or more processors configured to execute one or more computer program modules, the method comprising:

To the extent the preamble is limiting, *Slivka* teaches a computer implemented method of obtaining content over a network and displaying the content to a user. For example, *Slivka* teaches presenting hypertext markup language (HTML) frames to a user in which certain of such frames present HTML format information retrieved from the Internet such as stock quotes, sports, and news information. *Slivka*, 19:1-11. *Slivka* further teaches such method implemented in computer system 20 (“client computing device”) which includes HTML frames that retrieve and display “HTML format information [] from the Internet[.]” *Slivka*, 4:63-5:2, 19:1-11. *Slivka* teaches that computer system 20 includes input device 28 and output device 30, where “devices, such as a **network interface or a modem**, can be used as input and/or output devices.” *Slivka*, 5:29-31 (emphasis added).

In particular regarding the claimed client computing device in operative communication with a server over a network, *Slivka* teaches its computer system 20 presents an HTML frame, such as news pane 154, that “presents HTML format information retrieved from the web, such as images and text relating to news events.” *Slivka*, 19:1-11, 6:21-38 (teaching “the Internet is a global network of cooperatively

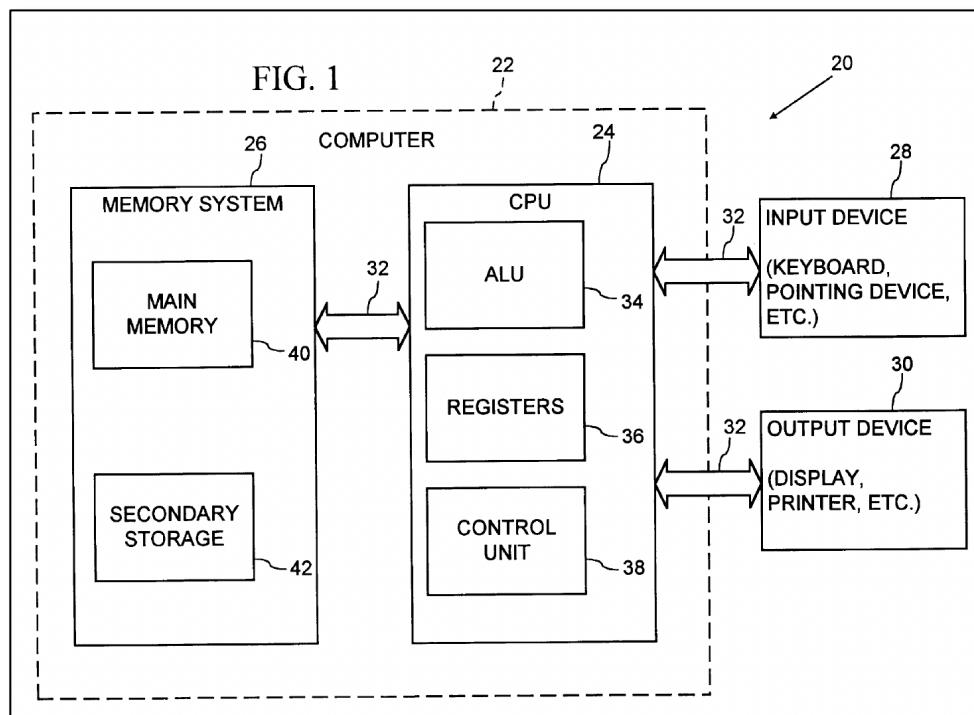
interconnected computer networks, consisting of millions of individual computers” and that “sites” “make multi-media documents in HTML format generally available for downloading or retrieval by individuals having a computer with Internet access.”), 3:4-7, 4:25-30, 17:14-19; *Dec.*, ¶¶25-26, 45-49, 55-61 (explaining client-server interactions over the Internet). Thus, a POSITA would have understood that *Slivka*’s computer system is a client computing device in operative communication with a server over a network, as claimed, in which a computer-implemented method of obtaining content (e.g., images, text) over a network (e.g., the Internet) and displaying the content to a user is implemented. *Dec.*, ¶¶45-49, 55-61 (explaining that *Slivka*’s client computing device, which retrieves content (e.g., images, text) from the web, would have retrieved said content from a server and thus would have been in operative communication with a server over a network).

Slivka further teaches computer system 20 includes memory system 26 (i.e., electronic storage), comprising main memory 40 and secondary storage 42. *Slivka*, 4:63-67, 5:12-24. *Slivka*’s computer system also includes an output device 30, which comprises a display. *Slivka*, 5:25-31, 5:59-66, 11:54-57. As such, *Slivka*’s computer system includes both electronic storage and a display, as claimed.

Slivka’s computer system 20 also includes CPU 24 (“one or more processors”), where CPU 24 includes an ALU 34, registers 36, and control unit 38. *Slivka*, 4:63-5:11, *generally* 5:3-57. *Slivka* teaches numerous exemplary processors

for CPU 24. *Id.* *Slivka* teaches computer-executed acts and operations of the system are controlled by CPU 24. *Slivka*, 5:32-57. *Slivka* also teaches an operating system and at least one application program (“computer program modules”) stored in memory system 26. *Id.* Thus, *Slivka*’s computer system includes one or more processors configured to execute one or more computer program modules, as claimed.

Slivka’s FIG. 1 below depicts computer system 20, including computer 22 (which further includes memory system 26 and CPU 24), input device 28, and output device 30:



Slivka, FIG. 1.

A. Claim 1(a): transmitting a request to the server over the network, the request requesting networked information monitor template;

Slivka in view of *Anabuki* renders obvious Claim 1(a). As discussed in greater detail below, *Slivka* teaches sets of HTML instructions and corresponding HTML frames which satisfy the claimed networked information monitor (“NIM”) template and associated NIM, respectively. Although *Slivka* does not expressly teach transmitting a request for such NIM template to the server over the network, *Anabuki* teaches requesting and receiving sets of HTML instructions (NIM templates) from a server over a network. As described in detail below, a POSITA would have been motivated and found it obvious to modify *Slivka*, consistent with *Anabuki*, to transmit a request for a NIM template to the server over the network, such that *Slivka* in view of *Anabuki* renders Claim 1(a) obvious.

1. NIM Template and Associated NIM

Slivka teaches sets of HTML instructions (i.e., “NIM templates”). As discussed above, networked information monitor (“NIM”) template was construed as a “data structure which defines the characteristics of a NIM, including the NIM frame, view and control characteristics, and which excludes executable applications/compiled code.” *See supra* Section III.C. Further, a NIM was construed as “a fully configurable frame, with one or more controls, through which content is presented to the user[.]” *Id.* In other words, the claimed NIM templates are data structures that provide necessary information to create a corresponding frame (NIM)

through which content is presented to a user. As discussed in detail below, *Slivka* teaches multiple sets of HTML instructions that are data structures which provide necessary information to create corresponding HTML frames through which content is provided to a user. As such, Petitioner maps *Slivka*'s sets of HTML instructions as the claimed NIM templates and *Slivka*'s HTML frames as the claimed NIMs.

As discussed above in Section IV.A, *Slivka* teaches synthesized hypertext pages comprising sets of HTML instructions that are parsed into different HTML frames presented in a graphical user interface (GUI) to a user. *Slivka*, 3:16-19, Abstract; *see also Slivka FH*, 69-77. The sets of HTML instructions in *Slivka*'s hypertext documents include “multi-media enhancements, such as text, graphics, sounds, animations, video, hypertext links, etc.” which allow customization of the appearance of the desktop. *Slivka*, 3:19-26. More specifically, and as discussed in detail in subsequent sections, *Slivka*'s sets of HTML instructions within its hypertext pages include all necessary parameters to generate HTML frames presented to the user through a GUI.

Slivka teaches that shell 50 parses the sets of HTML instructions in the hypertext pages and displays the corresponding frames in a GUI. *Slivka*, 3:26-30, 18:65-67. Different HTML frames (NIMs) displaying different content are presented based on the information contained within the sets of HTML instructions. *Slivka*, 18:49-67; *Dec.*, ¶¶62-67. Each set of HTML instructions corresponds to and contains

necessary information to generate an HTML frame within which content is presented to a user. *Slivka*, 18:49-19:18; *Dec.*, ¶¶62-67. As such, for each frame, the corresponding set of HTML instructions constitutes a NIM template and the frame itself constitutes a NIM. *Dec.*, ¶¶62-67.

Slivka's exemplary hypertext page and corresponding display contains several sets of HTML instructions that represent a plurality of different frames within the display. *Slivka*, 18:49-19:18, FIG. 6; *see also supra* Section IV.A. More specifically, *Slivka*'s exemplary hypertext page includes one set of HTML instructions for each of a plurality of such HTML frames ("NIMs"): (1) news pane 154, and (2) ticker 152, each of which present information retrieved from the Internet in independent frames. *Slivka*, 19:4-11. Thus, *Slivka* teaches a "NIM template" (a set of HTML instructions for an HTML frame) that correspond to a "NIM" (HTML frame). Additional details about *Slivka*'s sets of HTML instructions and HTML frames are discussed in subsequent sections.

a) *Slivka's Sets of HTML Instructions (NIM Template)*

Slivka's sets of HTML instructions within its hypertext pages are "data structure[s] which define[] the characteristics of a NIM, including the NIM frame, view and control characteristics, and which excludes executable applications/compiled code." *See supra* Section III.C (describing the claim construction for "NIM template"). More specifically, *Slivka*'s sets of HTML

instructions are data structure(s) that define the characteristics of *Slivka*'s HTML frames ("NIMs") including view characteristics. *Slivka*, 20:16-21; *Dec.*, ¶¶68-75 (discussing data structures).

Further regarding "controls" and "control characteristics," *Slivka* teaches the set of HTML instructions for HTML frame news pane 154 includes controls such as a help button and "OnLineButton" for switching to live content as well as characteristics of said controls (e.g., color, size, position in the HTML frame). *Slivka*, FIG. 6; *Slivka FH*, 72-75; *Dec.*, ¶¶68-75. Thus, *Slivka*'s set of HTML instructions for news pane 154 teaches the claimed "controls" and "control characteristics" with respect to the NIM templates.

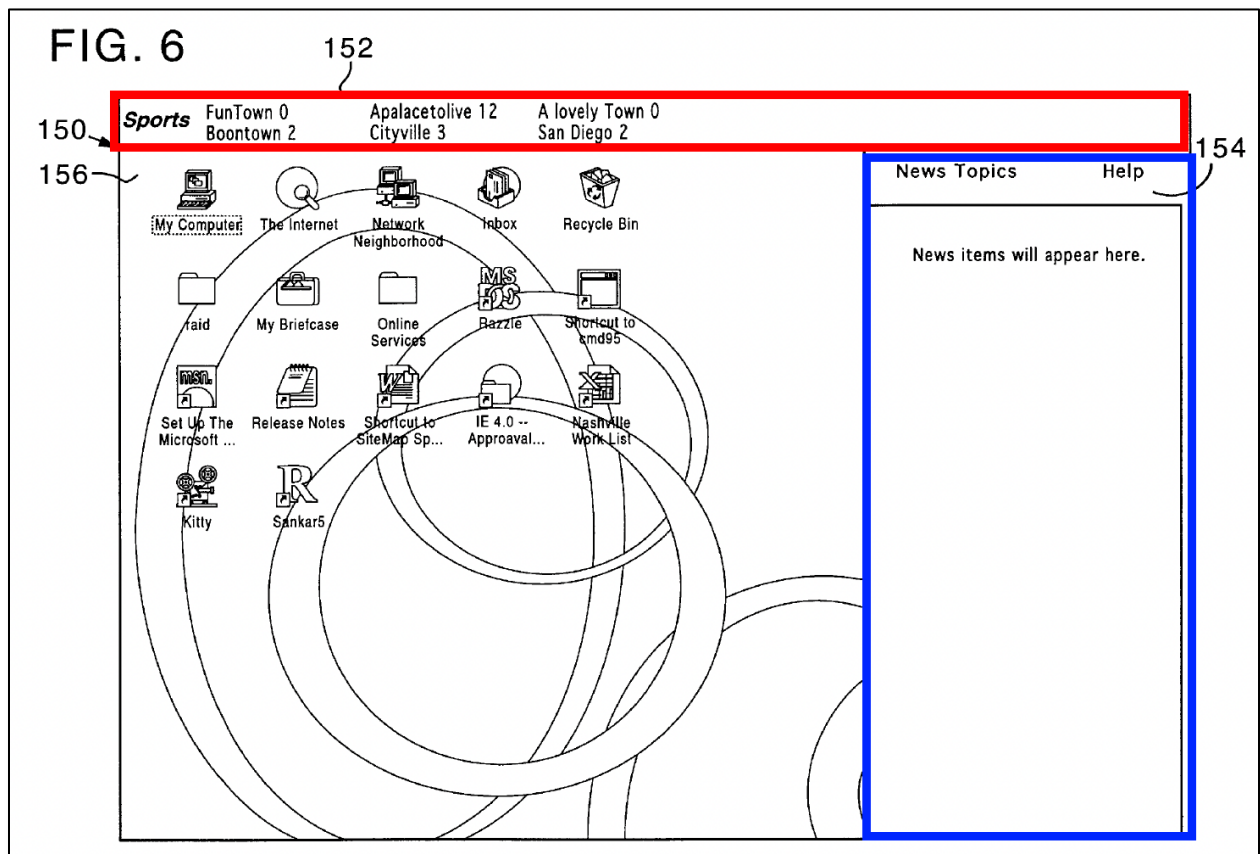
Regarding "exclud[ing] executable applications/compiled code[,]" *Slivka*'s sets of HTML instructions within its hypertext page is in HTML format, and a POSITA would have understood that HTML format instructions exclude executable applications/compiled code because HTML is a markup language and not compiled code/executable applications. *Dec.*, ¶¶68-75. Of note, *Slivka*'s HTML instructions include references to Active-X controls. While Active-X controls are compiled, the references themselves are not. *Dec.*, ¶¶68-75.⁶ Thus, *Slivka*'s HTML instructions—

⁶ *Slivka*'s HTML instructions also include VBScript, but VBScript is neither compiled code nor an executable application. *Slivka FH*, 72-75 (Appendices C and D); *Dec.*, ¶74.

the mapped NIM templates—do not include “compiled code” or “executable application(s).”

b) *Slivka’s HTML Frame (NIM)*

Slivka’s HTML frames are “fully configurable frame[s] with one or more controls, the frame[s] through which content is presented to the user.” For example, *Slivka’s* exemplary “hypertext desktop view 150 has separate HTML frames (i.e., areas on an HTML page) for a ticker 152, a news pane 154, and desktop icons frame 156.” *Slivka*, 19:1-7. Said ticker 152 (red) and news pane 154 (blue) are depicted in FIG. 6 below:



Slivka, FIG. 6 (annotated).

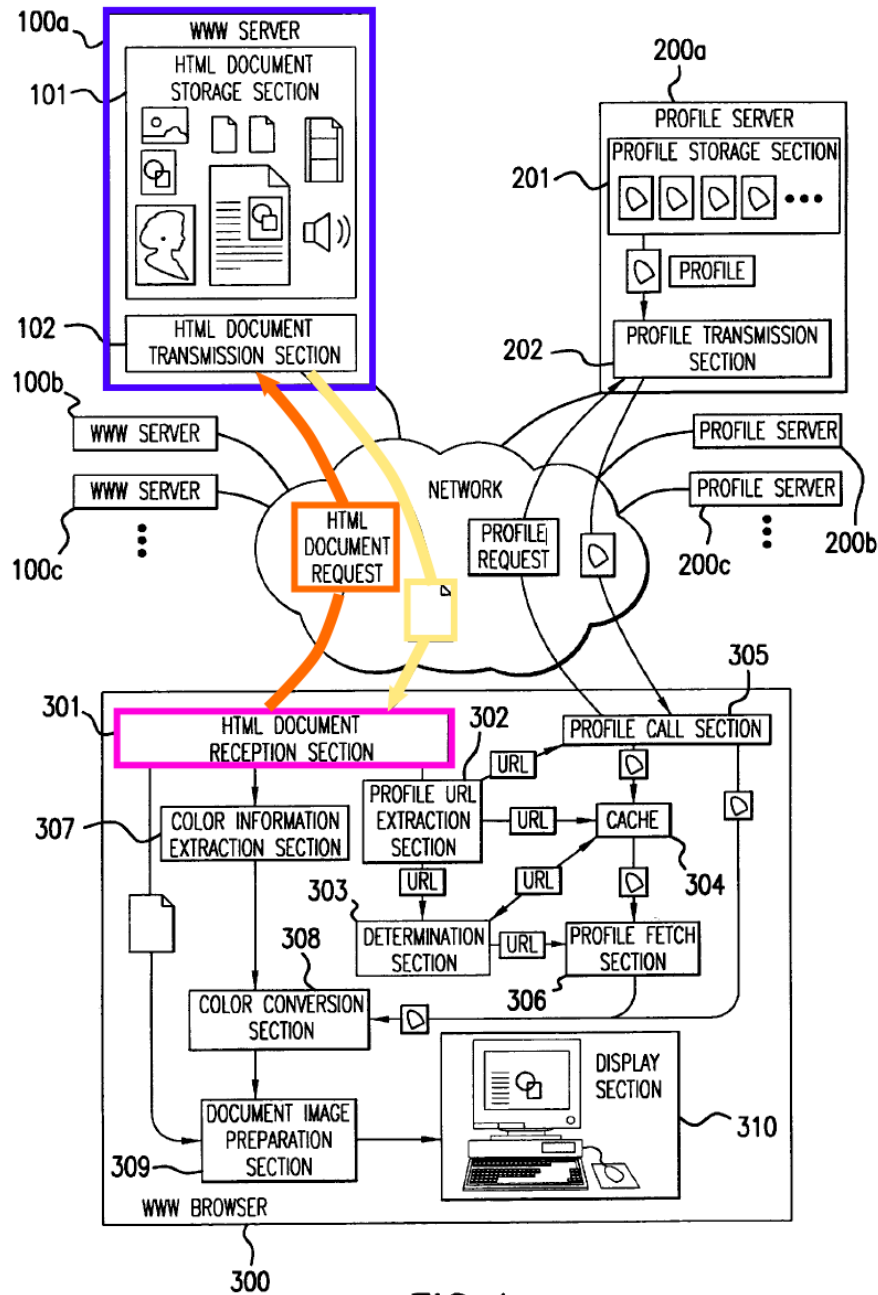
Slivka further teaches that “[n]ews pane 154 also presents HTML format information retrieved from the web, such as images and text relating to news events.” *Slivka*, 19:7-11. A POSITA would have understood that *Slivka*’s news pane 154 HTML frame meets the claimed “networked information monitor” because it is a fully configurable frame with one or more controls through which content in a web browser-readable language (e.g., HTML) is displayed. *Dec.*, ¶¶30-35, 76-78 (explaining that HTML is a web browser-readable language). In particular, *Slivka*’s HTML frames are built from HTML elements within the corresponding set of HTML instructions. *Slivka*, 18:49-19:11, 20:35-37, 11:54-65, 12:36-40, 6:20-26. *Slivka* explains that its HTML instructions “can be edited to incorporate a variety of multi-media enhancements with the user interface elements in the graphical user interface.” *Slivka*, 4:4-15, Abstract. *Dec.*, ¶¶76-78. A POSITA would have therefore understood *Slivka*’s news pane 154 HTML frame to be fully configurable (e.g., specifying colors, size, position, embedded controls). *Dec.*, ¶¶76-78.

2. Transmitting Request for NIM Template

While *Slivka* teaches NIM templates, *Slivka* does not expressly teach requesting them from a server. *Slivka*, however, does teach obtaining HTML instructions (NIM template) from a variety of sources. *See* Section IV.A (discussing how a set of HTML instructions can come from local files or from the Internet).

Anabuki more specifically discloses requesting a set of HTML instructions from a server.

In response to a user request for an HTML document stored at an “HTML document storage section 101” of a remote server, *Anabuki*’s “HTML document transmission section 102” of the remote server transmits the requested HTML document. *Anabuki*, 10:4-13, 11:54-12:24, 13:17-19.



Anabuki, FIG. 4 (annotated).

A POSITA would have been motivated to modify *Slivka* pursuant to *Anabuki* to store sets of HTML instructions for generating HTML frames at a server to be downloaded upon request. *Dec.*, ¶¶79-83. This would have been a straightforward

modification in light of *Anabuki*'s teachings. Indeed, downloading resources such as sets of HTML instructions from a server was commonplace, with *Slivka* already teaching retrieving content (e.g., sports and news information) from a server over the Internet. *Slivka*, 19:7-9. Such a modification would have benefitted *Slivka*'s system in the same way this feature benefits *Anabuki*'s similar system, advantageously allowed requesting and acquiring a set of HTML instructions to implement an HTML frame, for example to update an existing HTML frame to a newer version or to implement a new HTML frame (e.g., featuring stock market information, weather conditions, or some other information the user desires). *Dec.*, ¶¶79-83.

A POSITA also would have had a reasonable expectation of success. *Dec.*, ¶¶79-83. For example, storing resources (such as sets of HTML instructions) at a server was already well known. *Dec.*, ¶¶79-83. Indeed, a POSITA would have understood that a primary function of a server is to provide content and resources to requesting client devices. *Dec.*, ¶¶79-83. *Slivka* already teaches at least one server that stores content for download (e.g., images and text). *Slivka*, 19:1-11; *Dec.*, ¶¶79-83; *see also supra* Claim 1(Pre). Further, requesting a resource (e.g., sets of HTML instructions) from a server and downloading said resource was a typical, well-known client-server interaction, with *Anabuki* teaching one example. *Dec.*, ¶¶79-83. Thus, a POSITA would have understood that modifying *Slivka*'s server to store at least one

set of HTML instructions and modifying *Slivka*'s computer system to request and download a set of HTML instructions from a server would thus have been straightforward modifications and would not have required undue experimentation. *Dec.*, ¶¶79-83. Finally, because HTML instructions require only a small amount of memory, modifications to *Slivka*'s server (which already stores content) would have been minor. Accordingly, a POSITA would have appreciated a reasonable expectation of success when making such a modification. *Dec.*, ¶¶79-83.

B. Claim 1(b): receiving the requested networked information monitor template from the server over the internet, the requested networked information monitor template having been transmitted from the server over the network responsive to the transmitted request, the networked information monitor template comprising:

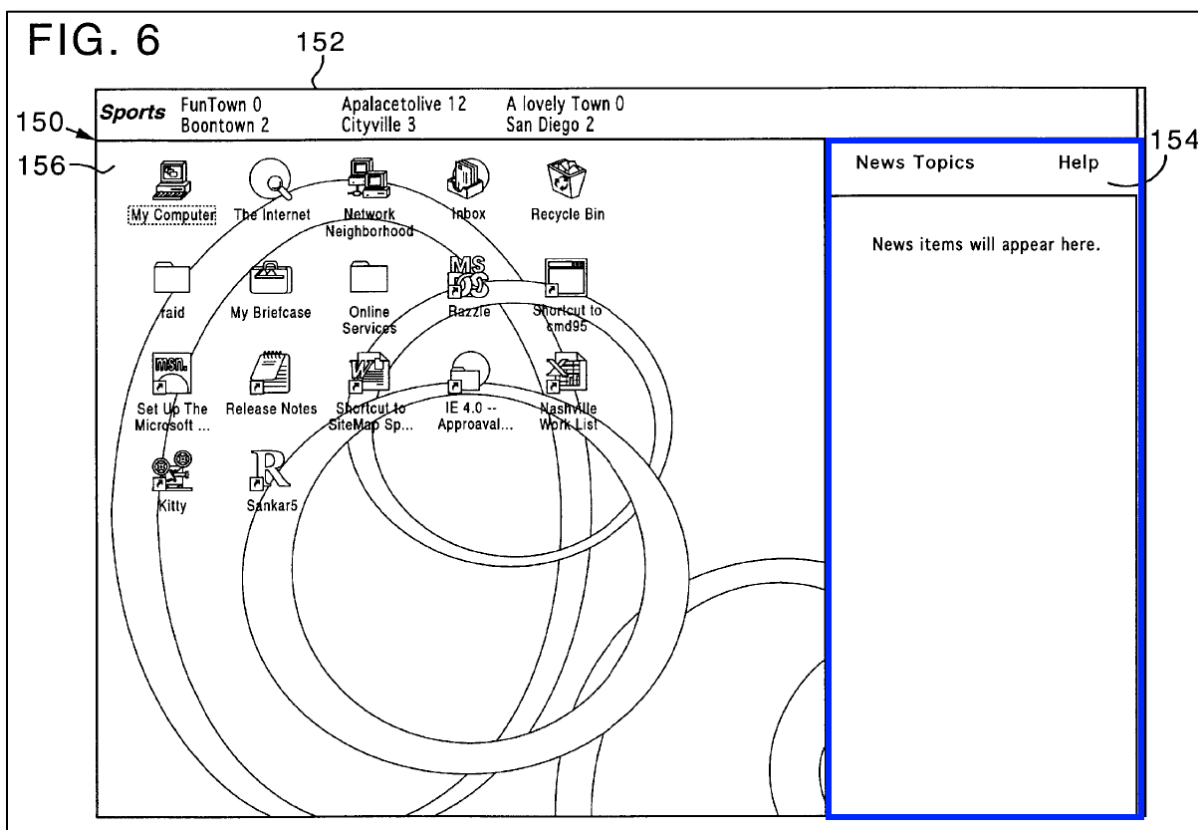
Slivka in view of *Anabuki* renders obvious Claim 1(b). As discussed above, *Slivka-Anabuki* renders obvious transmitting a request for the NIM template to the server over the network. *See supra* Claim 1(a). *Slivka-Anabuki* further teaches that in response to such request, a set of HTML instructions is received from the server over the Internet. More specifically, *Anabuki* teaches that “HTML document transmission section 102 [of its remote server] transmits the requested document and data [(set of HTML instructions)] to the requester.” *Anabuki*, 10:4-13, 11:54-12:24, 13:17-19. A POSITA would have understood that in response to requesting and downloading a set of HTML instructions from a server, such set of HTML

instructions would have been received consistent with *Anabuki's* teachings. *Dec.*, ¶84.

C. Claim 1(b)(i): a definition of a viewer graphical user interface within which content in a web browser-readable language may be presented on the display of the client computing device; and

As discussed above, *Slivka* teaches sets of HTML instructions (NIM templates) that define separate HTML frames on a GUI of a user's electronic display. *See supra* Claim 1(a). Indeed, *Slivka* teaches an exemplary set of HTML instructions for news pane 154 that comprises a definition of a GUI of news pane 154 HTML frame ("NIM"). *Slivka*, 6:53-56, FIG. 6.

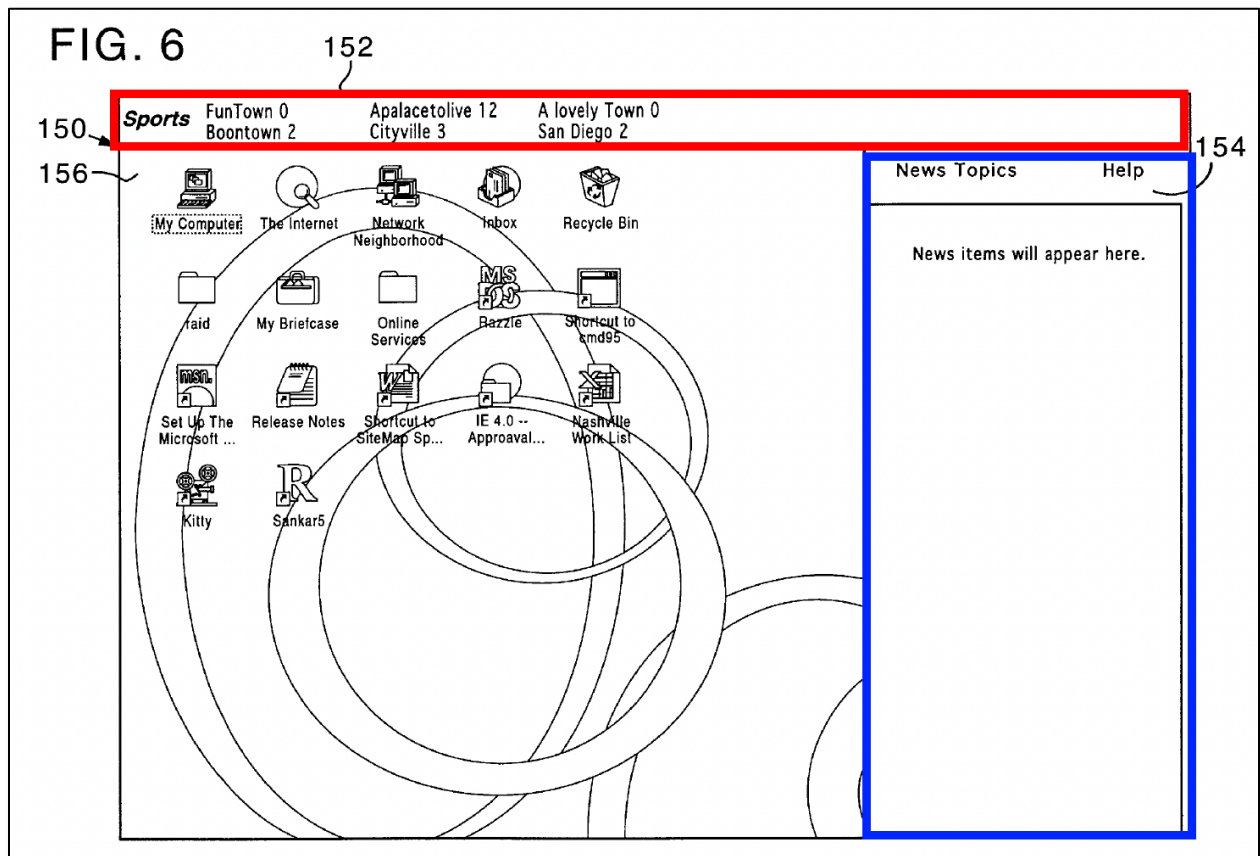
For example, *Slivka* teaches an HTML frame through which news content received from a network location is displayed. *Slivka*, 18:49-19:11. Annotated FIG. 6 below depicts news pane 154 (blue) that displays content received from a network location:



Slivka, FIG. 6 (annotated). A POSITA would have understood that such a set of HTML instructions that defines the HTML frame contains “a definition of a GUI” within which content in a web browser-readable language (i.e., HTML) may be presented on the display of *Slivka*’s client computing device. *Dec.*, ¶¶85-86; *See supra* Claim 1(a) (explaining how the set of HTML instructions for news pane 154 provides necessary information for generating the corresponding HTML frame).

D. Claim 1(b)(ii): a definition of a first content element for the networked information monitor template, the definition of the first content element referencing a first network location from which the first content element for the networked information monitor template is served over the network;

Slivka's news pane 154 “presents HTML format information **retrieved from the web**, such as images and text relating to news events.” *Slivka*, 19:9-11 (emphasis added). Annotated FIG. 6 below depicts exemplary HTML frame news pane 154 (blue) that display content retrieved from a network location.



Slivka, FIG. 6 (annotated); *Dec.*, ¶102 (explaining a POSITA would have understood that *Slivka*'s news pane would display actual news information and that the “News items will appear here” is merely an illustrative placeholder.). A POSITA would

have understood that to retrieve such content from the web, the corresponding set of HTML instructions would include “[a] definition of [a] first content element referencing first network location[.]” *Dec.*, ¶¶87-88. In other words, a POSITA would have understood that *Slivka*’s HTML instructions would have included one or more definitions of content elements even though such definitions are not expressly discussed. *Dec.*, ¶¶87-88.

Indeed, *Slivka* makes clear that (1) the set of HTML instructions defines corresponding HTML frames, and (2) its HTML frames present information retrieved from the Web. *Slivka*, 19:9-11; *see also supra* Claim 1(a). As such, a POSITA would have understood that a definition of a content element would have been present within the set of HTML instructions defining the Web content to present in the HTML frame. *Dec.*, ¶¶87-88.

To the extent Patent Owner argues *Slivka* does not teach the claimed definition of a first content element, a POSITA would have been motivated to implement such a definition—in the form of a uniform resource locator (URL)—in *Slivka*’s set of HTML instructions, consistent with the teachings of *Powell*.

1. Powell’s Teachings

Powell teaches that within an HTML frame (e.g., *Slivka*’s news pane 154), an SRC attribute is used to indicate the **URL of the frame content**. *Powell*, 368 (further showing “SRC=URL of frame contents” in an exemplary frame HTML) (emphasis

added). *Powell* explains that URLs are “standard” ways to refer to objects and services on the Internet. *Powell*, 155. More specifically, *Powell* explains that “[a] URL is the address of an object; it specifies where and how to retrieve or activate that object.” *Powell*, 58. Thus, a POSITA would have been motivated and found it obvious to use a URL to reference content retrieved from the Web and presented to a user through an HTML frame. *Dec.*, ¶¶89-92.

2. Motivation to Modify *Slivka*

As discussed above, *Slivka* expressly teaches retrieving and presenting information from the Web to a user through an HTML frame. In light of *Powell*’s teachings about using URLs to define frame content, a POSITA would have been motivated to implement at least one URL to retrieve or activate *Slivka*’s news pane 154 content from the Web because such was a well-known and standard technique for HTML instructions. *Dec.*, ¶¶89-92. Such a use of a known technique of using a URL to reference or retrieve content from a network location (e.g., Internet) would have improved *Slivka*’s similar HTML instructions in the same way as *Powell*’s. *Id.*

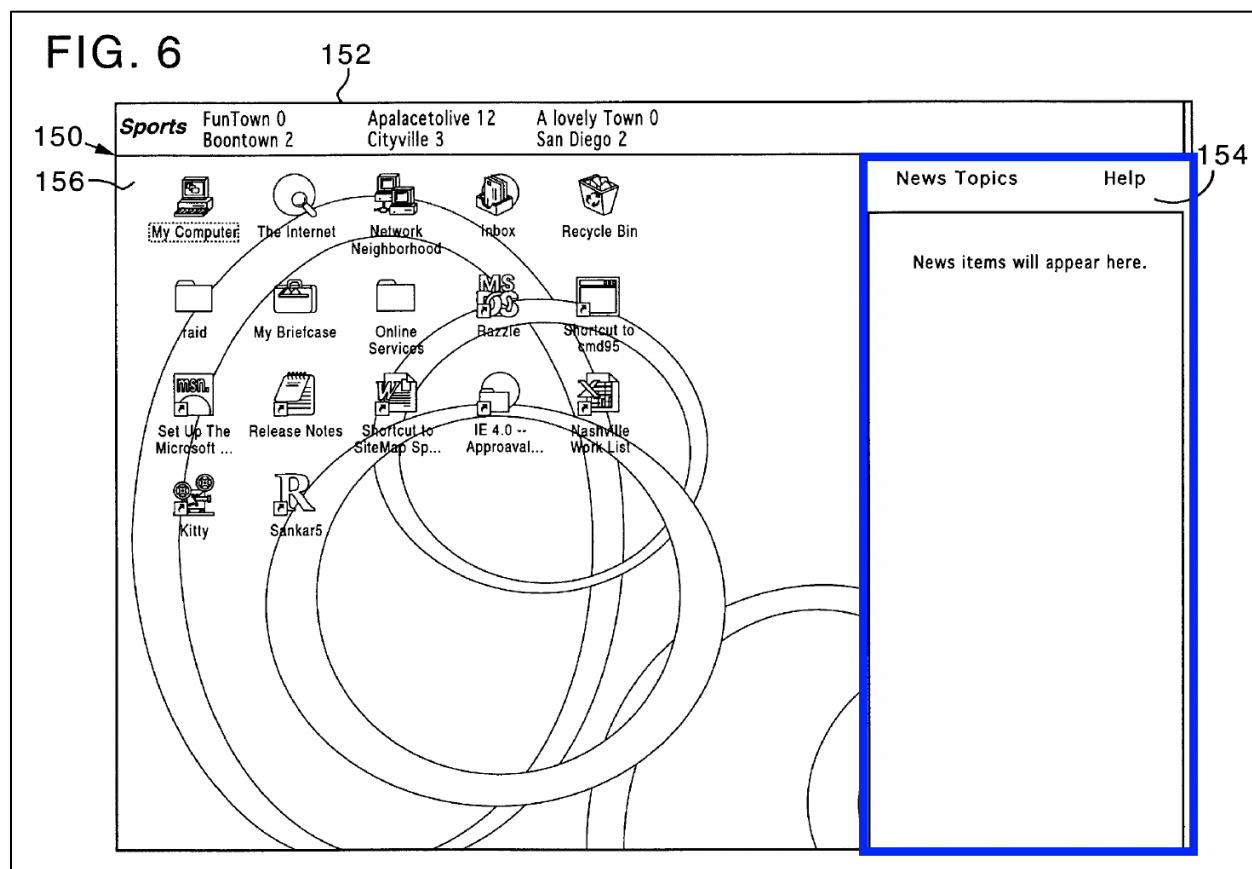
Slivka already teaches using sets of HTML instructions, which a POSITA would have understood would have been straightforward to modify. *Dec.*, ¶¶89-92. In particular, such modifications to *Slivka*’s sets of HTML instructions would not have required hardware changes or complex system changes and would have required only minor modifications to HTML instructions, which was a well-known

and well-understood process. *Dec.*, ¶¶89-92. Therefore, a POSITA would have had a reasonable expectation of success when making such a modification. *Id.* Further, *Powell* teaches implementing such URL for the precise purpose of defining the content of an HTML frame, like *Slivka*'s news pane 154. *Powell*, 365; *see also supra* Claim 1(a) (explaining details of *Slivka*'s HTML frames). Modifying *Slivka*'s sets of HTML instructions consistent with *Powell*'s teachings would have further been compatible with *Anabuki* which teaches retrieving sets of HTML instructions from a server. *See supra* Claim 1(a); *Dec.*, ¶¶89-93. Indeed, *Slivka*, *Anabuki*, and *Powell* are all directed to systems and methods for displaying Internet content to a user and are thus compatible in the same ways. *See supra* Section IV; *Dec.* ¶¶45-53, 89-93.

E. Claim 1(c): responsive to instructions included in the requested networked information monitor template, presenting the viewer graphical user interface defined by the networked information monitor on the display of the client computing device separate from and outside of any other graphical user interface that includes user controls for specifying the first network location from which the first content element for the networked information monitor is served over the network;

Slivka teaches shell 50, including hypertext viewer 70, which parses sets of HTML instructions to generate HTML frames presented in a GUI. *See supra* Section IV.A. In other words, *Slivka*'s shell, in response to the HTML instructions, presents the GUI defined by the HTML frames on the display of the client computing device. *Dec.*, ¶¶30-35, 45-49, 62-69 (explaining how HTML elements are processed).

Slivka teaches an HTML frame (“NIM”) presented separate and outside of any other graphical user interface that includes user controls for specifying the first network location. *Slivka*’s news pane 154 HTML frame lacks user controls for enabling a user to specify a network location from which the first content element is served over the network. For example, *Slivka*’s news pane 154 HTML frame does not include user controls for specifying a first network location, such as a location for manual URL entry. *Slivka*, FIG. 6; *Dec.*, ¶¶94-96. Further, *Slivka*’s news pane 154 HTML frame is presented separate and outside of any GUI that does include such controls. *Dec.*, ¶¶94-96. As depicted in annotated FIG. 6 below, *Slivka*’s news pane 154 HTML frame does not include a field for URL entry or other user controls for specifying a network location at which content for the news pane 154 is available, nor do *Slivka*’s other frames:



Slivka, FIG. 6 (annotated).

F. Claim 1(d): responsive to instructions included in the requested networked information monitor template, transmitting over the network a first content request to the first network location referenced by the definition of the first content element for the networked information monitor template;

As discussed above, *Slivka* alone or in view of *Powell* teaches the definition of the first content element for the NIM template which references a first network location from which the first content element is served over the network. *See supra* Claim 1(b)(ii). A POSITA would have understood that processing such definition, contained within *Slivka*'s set of HTML instructions (NIM template) would have

resulted in transmitting a first content request to the first network location referenced by the definition. *Dec.*, ¶¶97-98. More specifically, in the case of *Slivka-Powell* in which the definition consists of a URL reference, a POSITA would have understood that processing a URL contained within *Slivka*'s set of HTML instructions would have resulted in transmitting a first content request to the first network location referenced by the URL. *Id.* Indeed, such content references were known to be used within HTML as a way to retrieve content from the Internet. *Id.*; *see also supra* Claim 1(b)(ii) (discussing how URLs are used to define how and where to access Internet content).

A POSITA would have further understood that transmitting such a content request would have been in responsive to instructions included in the requested NIM template. *Dec.*, ¶¶97-98. Indeed, *Slivka* teaches sets of HTML instructions that include computer-executed instructions for performing operations. *Slivka*, 5:32-57; *Dec.*, ¶¶30-35, 45-49, 62-69, 97-98 (explaining HTML elements/tags and how such elements/tags are parsed into a GUI). *Slivka* teaches shell 50, including hypertext viewer 70, which parses sets of HTML instructions, including the definition of a content reference, to generate HTML frames presented in a GUI. *See supra* Section IV.A.

G. Claim 1(e): receiving, over the network, the first content element transmitted responsive to the first content request;

As discussed above, *Slivka*, alone or in view of *Powell* teaches transmitting a first content request for a first content element requested from a web server at a first network location, wherein said requested content is to be displayed in the HTML frame. *See supra* Claims 1(b)(ii) and 1(d). *Slivka* further renders obvious that news pane 154 subsequently receives content transmitted from a web server in response to such content request. More specifically, *Slivka* discloses news content such as images and text “retrieved from the web[.]” *Slivka*, 18:49-19:17, FIG. 6. A POSITA would have understood that part of presenting and retrieving such content would include receiving, over the network, such content based on the content request. *Dec.*, ¶¶99.

H. Claim 1(f): presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the first content element define all controls for enabling a user to interact with the first content element through the viewer graphical user interface.

As discussed above, *Slivka* teaches a first content element (e.g., news content retrieved from the Internet). *See supra* Claim 1(b)(ii). *Slivka* teaches presenting such news content (first content element) in an HTML frame (viewer graphical user interface) defined by a set of HTML instructions (NIM template). *See supra* Claims 1(a), 1(b)(ii), and 1(d). *Slivka* further teaches that the set of HTML instructions for

news pane 154 defines “all controls for enabling a user to interact with the first content element through” its HTML frame (viewer graphical user interface).

More specifically, *Slivka* teaches news pane 154 HTML frame includes a “help” button that is usable by a user to interact with or control the news HTML frame. *Slivka*, FIG. 6. A POSITA would have understood that such a “help” button would have been a control characteristic included in a first set of HTML instructions (“NIM template”). *Dec.*, ¶¶100-105. Indeed, it was well known to embed controls in HTML instructions. *Powell*, 272-273, 308.

Slivka also teaches an exemplary set of HTML instructions for news pane 154 HTML frame that implements an “online button” that the user may press to “switch to live content” after an internet connection is made. *Slivka*’s exemplary set of HTML instructions are depicted below:

```
</HEAD>

<BODY LEFTMARGIN=0 TOPMARGIN=0 BGCOLOR=#000000>
<CENTER>
<IMG SRC="IELOGO.GIF" VSPACE=32>
<FONT FACE=TAHOMA SIZE=2 COLOR=gray>
<BR>Press this button
<BR><U>after</U> you are connected to the internet
<BR>to switch to live content.
<BR><BR>
<object id=OnLineButton
  classid="clsid:BEAADBC0-E570-11CF-A9AD-00AA00B92C4D"
  width=72 height=18>
  <PARAM NAME=BordColor VALUE="#000000">
  <PARAM NAME=BackColor VALUE="#D0D0D0">
  <PARAM NAME=ForeColor VALUE="#000000">
  <PARAM NAME=BackHighColor VALUE="#808080">
  <PARAM NAME=ForeHighColor VALUE="#FFFFFF">
  <PARAM NAME=BackClickColor VALUE="#000000">
```

Slivka FH, 74 (excerpt, annotated); *Dec.*, ¶¶100-105. A POSITA would have understood that said “OnLineButton” along with the help button discussed above thus would have met the claimed “all controls for enabling a user to interact with the first content element through the viewer GUI.” *Dec.*, ¶¶100-105.

I. Claim 2: The method of claim 1, wherein the definition of the viewer graphical user interface includes a definition of at least one control effective for controlling an aspect of the viewer graphical interface, and wherein presenting the viewer graphical user interface comprises presenting the at least one control.

See supra Claim 1. As discussed above, *Slivka* teaches defining at least one control effective for controlling an aspect of the viewer graphical user interface, including the “OnLineButton” and help button for the news HTML frame. *See supra*

Claim 1(f). *Slivka* further teaches presenting the “OnLineButton” and help button in presenting the viewer graphical user interface. *Id.*

To the extent Patent Owner argues *Slivka*’s “OnLineButton” and help button are not effective for controlling an aspect of the HTML frame, *Powell* teaches a definition of at least one control effective for controlling aspects of the viewer graphical interface, such as location at which the user interface is rendered on a display device (*see infra* Claim 3) and the size of the user interface when presented on the display (*see infra* Claim 4). As discussed below, a POSITA would have been motivated and found it obvious to modify *Slivka* in light of *Powell*’s teachings to control an aspect of the viewer graphical user interface including the aforementioned location at which the user interface is rendered and size of the user interface. *Dec.*, ¶¶106-113. Specifically, a POSITA would have been motivated and found it obvious to modify *Slivka* to utilize HTML instructions to specify the location at which the user interface is rendered on the display of the client computing device in view of *Powell*’s teachings. *Dec.*, ¶¶106-113. Indeed, *Powell* teaches numerous aspects of HTML instructions, including teaching HTML elements, fonts, colors, and style guides. Indeed, *Powell* teaches providing HTML instructions to generate HTML frames and utilizing HTML to specify various characteristics of HTML frames on a display device. *Dec.*, ¶¶106-113.

A POSITA would have been motivated to modify *Slivka* to include *Powell*'s HTML instruction teachings to customize and improve the on-screen layout and frame characteristics of *Slivka*'s HTML frames. *Dec.*, ¶¶106-113. For example, such a modification would have advantageously modified *Slivka*'s HTML frame size to accommodate graphics, images, other content. *Dec.*, ¶¶106-113. In another example, such a modification would have modified color characteristics of *Slivka*'s HTML frames to provide more eye-catching or otherwise customized frame colors. *Dec.*, ¶¶106-113. Likewise, modifying *Slivka*'s sets of HTML instructions to specify a location at which a user interface is rendered on a display device would have allowed for customized content to better interact with other elements on the user's display device. *Dec.*, ¶¶106-113. A POSITA would have understood that all such aforementioned examples would have been use of a known technique of utilizing sets of HTML instructions to advantageously improve *Slivka*'s HTML frames (and hypertext pages) and user interface in the same way as *Powell*'s HTML frames and user interface. *Dec.*, ¶¶106-113; *See also* Claim 1(b)(ii) (further discussing the reasonable expectation of success and implementation of well-known techniques when modifying *Slivka* in view of *Powell*).

1. *Wherein the Aspect is the Location*

Powell teaches sets of HTML instructions for modifying a user interface by specifying a location at which the user interface is rendered on *Slivka*'s electronic

display device. For example, *Powell* teaches setting margins. “There are two <BODY> attributes that affect margins: LEFTMARGIN and TOPMARGIN. Each is set with a number value. For example, LEFTMARGIN=‘25’ will create a margin of 25 pixels between the left edge of the browser window and its content; TOPMARGIN=‘15’ will create a 15-pixel margin between the top of the browser window and its content, as well as at the bottom if the content extends that far.” *Powell*, 266-267.

In another example, *Powell* teaches specifying location by utilizing alignment. For example, “the <CENTER> element is common on the Web, and it has been included in the HTML 4.0 standard.” *Powell*, 311. *Powell* also teaches using the ALIGN attribute set to LEFT, CENTER, RIGHT, or JUSTIFY to specify position on the electronic display. *Id.* Further, using the element, the ALIGN attribute may be specified as TOP, BOTTOM, or MIDDLE to specify the position of images on the display. *Powell*, 313-315.

In yet another example, *Powell* teaches specifying the location of a background image using an absolute distance, a percentage along the horizontal and vertical dimensions, and third by using keywords to describe horizontal (left, center, right) and vertical (top, center, bottom) dimensions. *Powell*, 417. *Powell* teaches that such position is specified relative to the document as a whole if the property is set for the <BODY> element. *Id.*

A POSITA would have understood that utilizing a set of HTML instructions in a hypertext page to specify location, such as margins and alignment, would have altered the location at which the user interface is rendered on a display device, as claimed. *Dec.*, ¶¶106-113.

2. *Wherein the Aspect is the Size*

Powell teaches HTML instructions for modifying a user interface by specifying sizes. For example, *Powell* teaches specifying row and column size of a user interface (e.g., frame) whether in “pixels, percentage, or a wildcard value.” *Powell*, 362. To set a pixel value, “<FRAMESET COLS=‘200,400’>” “would define a column 200 pixels wide followed by a column 400 pixels wide.” *Powell*, 361. To set a percentage value, “<FRAMESET COLS=‘20%, 80%’>” results in two columns where the first takes up 20% of the screen and the second takes up 80% of the screen. *Id.* Similarly, HTML instructions specifying “<FRAMESET ROWS=‘10%, 80%, 10%’>” would result in “three rows across the screen.” *Id.* Third, using a wildcard value would “simply take up the rest of the screen with whatever is left over after” a set number of pixels. *Powell*, 362. Exemplary HTML instructions for setting a wildcard value are “<FRAMESET COLS=‘175, 100,*’>[.]” *Id.*

Powell also teaches HTML instructions for specifying the height and width of images displayed in a frame, tables, and for a WebTV browser, for example.

“HEIGHT” is specified as a number of pixels or a percentage and “[s]ets the height of an image.” *Powell*, 256, 245-250, 268, 336 (“The HEIGHT attribute indicates the height of the table in pixels, or as a percentage value of the browser window.”), 336 (“The WIDTH attribute sets the width of the table, either in absolute pixels or as a percentage of the screen. Setting the value of the table width to an absolute pixel is useful when creating precise screen layouts.”), 372-376 (including discussing floating frames “IFRAME” and HEIGHT and WIDTH attributes).

In another example, *Powell* teaches an HTML instruction to allow a user to resize a user interface (e.g., frame). “The NORESIZE attribute indicates that a frame may not be resized.” *Powell*, 370. *Powell* teaches that not allowing resizing via this HTML instruction is not recommended. *Id.* Additionally, *Powell* teaches that “[i]f this attribute does not occur, the default action is to allow the user to resize the frame.” *Id.*

A POSITA would have understood that *Slivka* in view *Powell* teaches utilizing HTML instructions in a hypertext page to specify the size of a user interface when presented on the display of the client computing device as claimed, because said HTML instructions would have altered the size of the user interface (e.g., height, width, resize) when presented on the display of the client computer device. *Dec.*, ¶¶106-113.

J. Claim 3: The method of claim 2, wherein the aspect is the location at which the user interface is rendered on a display device.

See supra Claim 2.

K. Claim 4: The method of claim 2, wherein the aspect is the size of the user interface when presented on the display of the client computing device.

See supra Claim 2.

L. Claim 6: The method of claim 1, wherein the definition of the viewer graphical user interface defined by the networked information monitor template comprises an image, and wherein presenting the viewer graphical user interface defined by the networked information monitor template on the display of the client computing device comprises presenting the image included in the definition as part of the viewer graphical user interface.

See supra Claim 1. As discussed above, *Slivka* teaches news pane 154 receives and “presents HTML format information retrieved from the web, such as **images** and text relating to news events.” *Slivka*, 19:9-11 (emphasis added), FIG. 6; *Dec.*, ¶116. A POSITA would have understood that such images relating to news events would have been defined by the set of HTML instructions (NIM template) that forms the news HTML frame as part of *Slivka*’s viewer GUI. *Dec.*, ¶116. Further, *Slivka*’s exemplary set of HTML instructions for news pane 154 includes an HTML element for an image designated by <IMG SRC=“IELOGO.GIF” as shown in Appendix D, below:

APPENDIX D
NEWS.HTM

```
<!--For Alpha Only - local copy for no proxy users-->

<meta http-equiv="Refresh" content=14400>
<HTML>

<HEAD>

<SCRIPT Language="VBScript">
<!-- ""

Option Explicit

Sub Window_OnLoad()
  Dim Ret
  Ret = OnLineButton.ChangeFont(13, "Arial")
  Ret = OnLineButton.AddButton("Go Online","Switches to live content") End Sub

Sub OnLineButton_Click(x)
  parent.tickerframe.location.href =
"http://iptdweb.microsoft.com/activedesktop/desktop/tickhost.htm"  location.href =
"http://iptdweb.microsoft.com/activedesktop/infopane/infopane.htm" End Sub

"-->
</SCRIPT>

</HEAD>

<BODY LEFTMARGIN=0 TOPMARGIN=0 BGCOLOR=#000000>
<CENTER>
<IMG SRC="IELOGO.GIF" VSPACE=32>
<FONT FACE=TAHOMA SIZE=2 COLOR=gray>
<BR>Press this button
<BR><U>after</U> you are connected to the internet
<BR>to switch to live content.
<BR><BR>
<object id=OnLineButton
```

Slivka FH, 74 (excerpt, annotated).

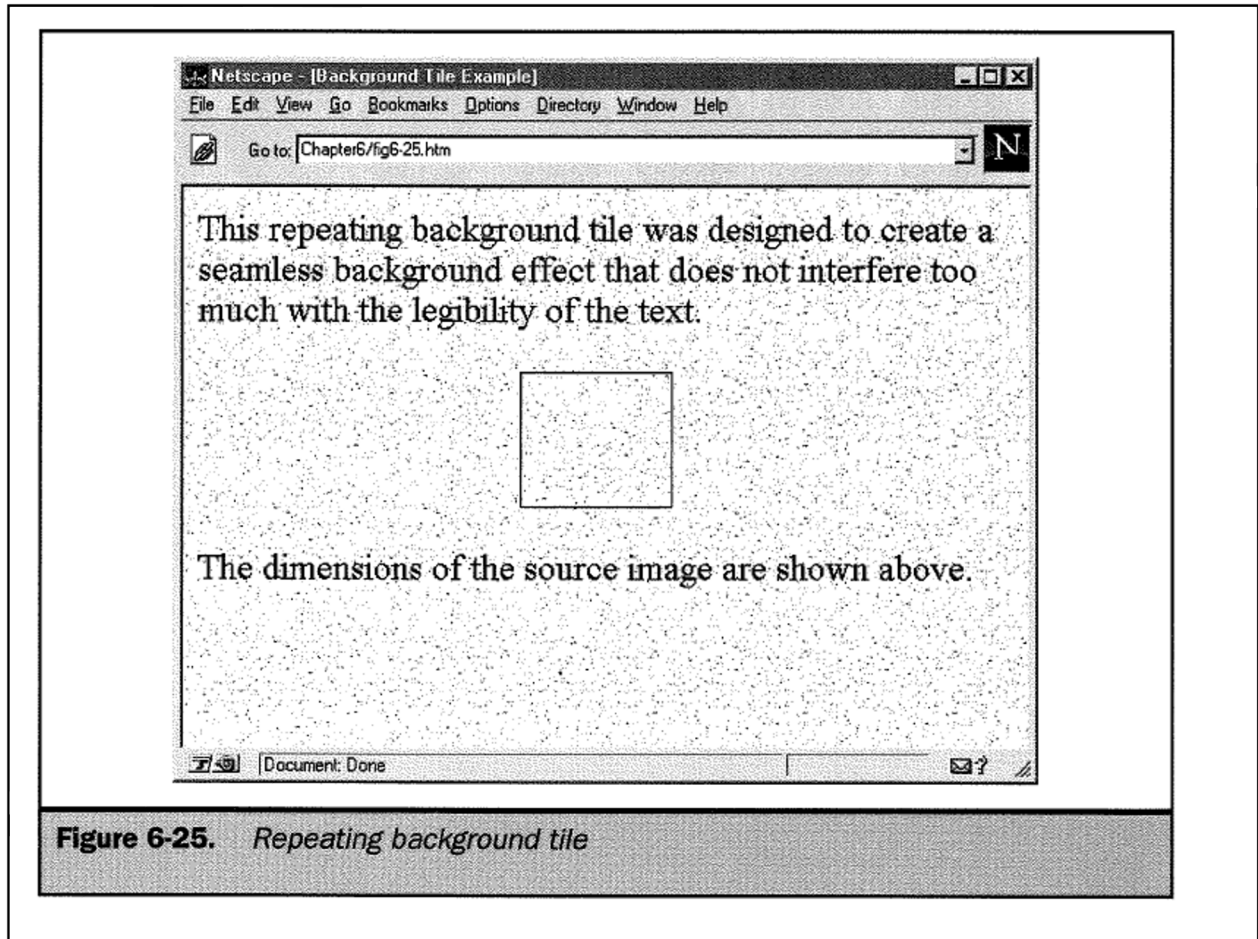
M. Claim 7: The method of claim 6, wherein presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template comprises presenting the received the first content element in association with the image.

See supra Claim 6. As discussed above, *Slivka* teaches presenting an image in its news pane 154 HTML frame. *Slivka FH*, 74. In addition to the logo image included in *Slivka*'s set of HTML instructions for news pane 154, *Slivka* teaches presenting images from the web in its news pane 154 HTML frame. *Slivka*, 19:9-11 (“The news pane 154 also presents HTML format information retrieved from the web, such as **images** and text relating to news events.”) (emphasis added). *Slivka* teaches that such image is received as “HTML format information retrieved from the web” *Slivka* 19:9-11. In other words, *Slivka* both teaches presenting an image with the first content element and as part of the received the first content element. *Id.* As such, a POSITA would have understood that in either instance, *Slivka* teaches presenting the received first content element in association with the image. *Dec.* ¶117.

N. Claim 8: The method of claim 6 wherein presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template comprises presenting the first content element at least in part within the image.

See supra Claim 6. *Powell* teaches presenting content (e.g., text) at least in part within an image (e.g., a background image). For example, *Powell* teaches “you can also change the appearance of a Web page by setting a background image using

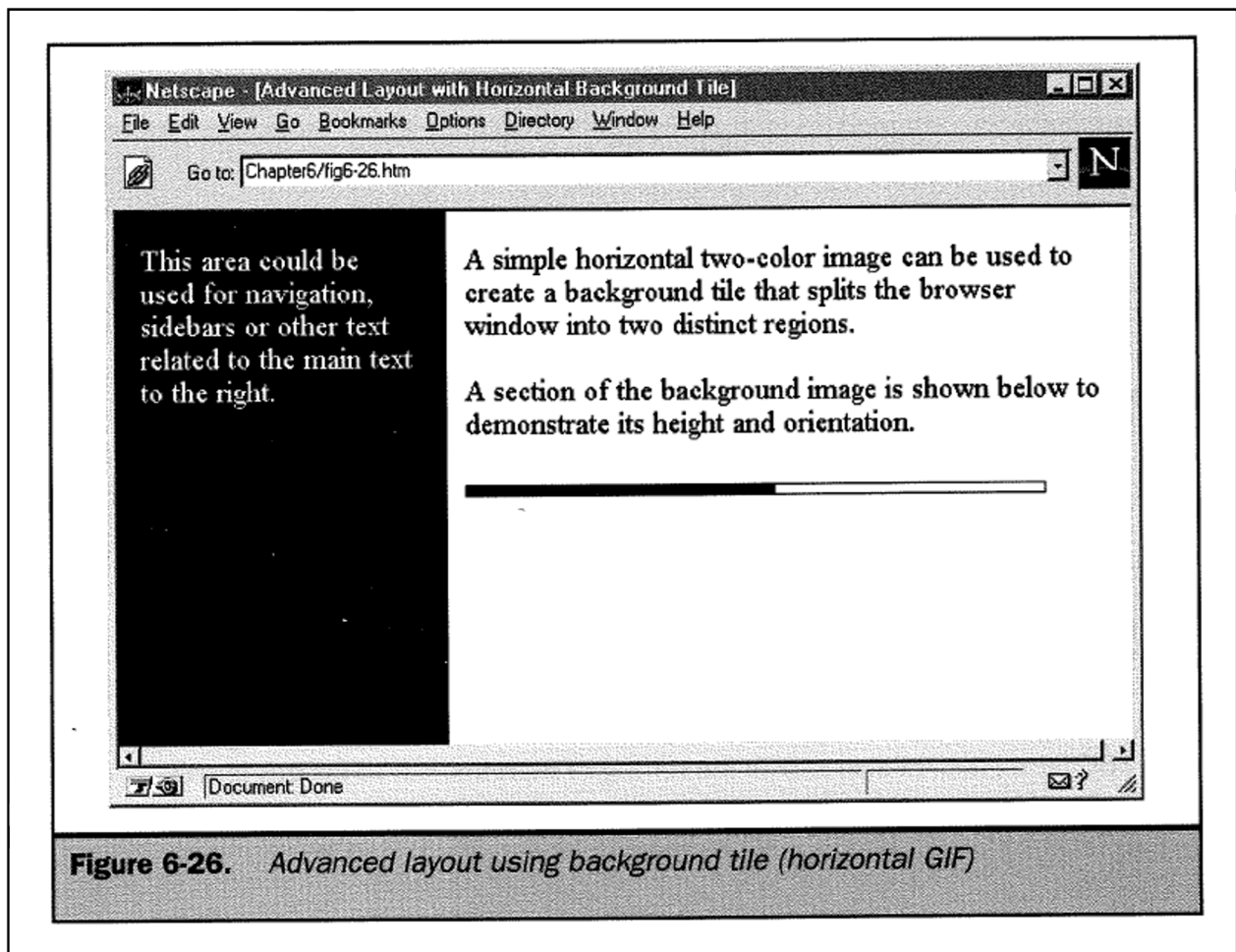
the BACKGROUND attribute. The value of BACKGROUND is the URL for a GIF or JPEG file[.]” *Powell*, 263.



Powell, 264 (“Figure 6-25”).

Additionally, *Powell* teaches “[b]ackground images, or tiles, can also be used to create other effects. A single GIF 5 pixels high and 1,200 pixels wide could be used to create a useful page layout. The first 200 horizontal pixels of the GIF could be black, while the rest could be white.” *Powell*, 264. *Powell* further teaches that “[a]ssuming 1,200 pixels as the maximum width of a browser, this tile would only

repeat vertically, thus creating the illusion of a two-tone background. This has become a very common concept on the Web. Many sites use the left-hand color for navigation buttons, while the remaining area is used for text, as shown in Figure 6-26.” *Powell*, 264-265. *Powell’s* Figure 6-26 teaches the dark portion of the background image includes “sidebars or other text related to the main text to the right” and the light portion of the background image includes other text, as depicted below:



Powell, 265 (“Figure 6-26”), 266 (“Figure 6-27”).

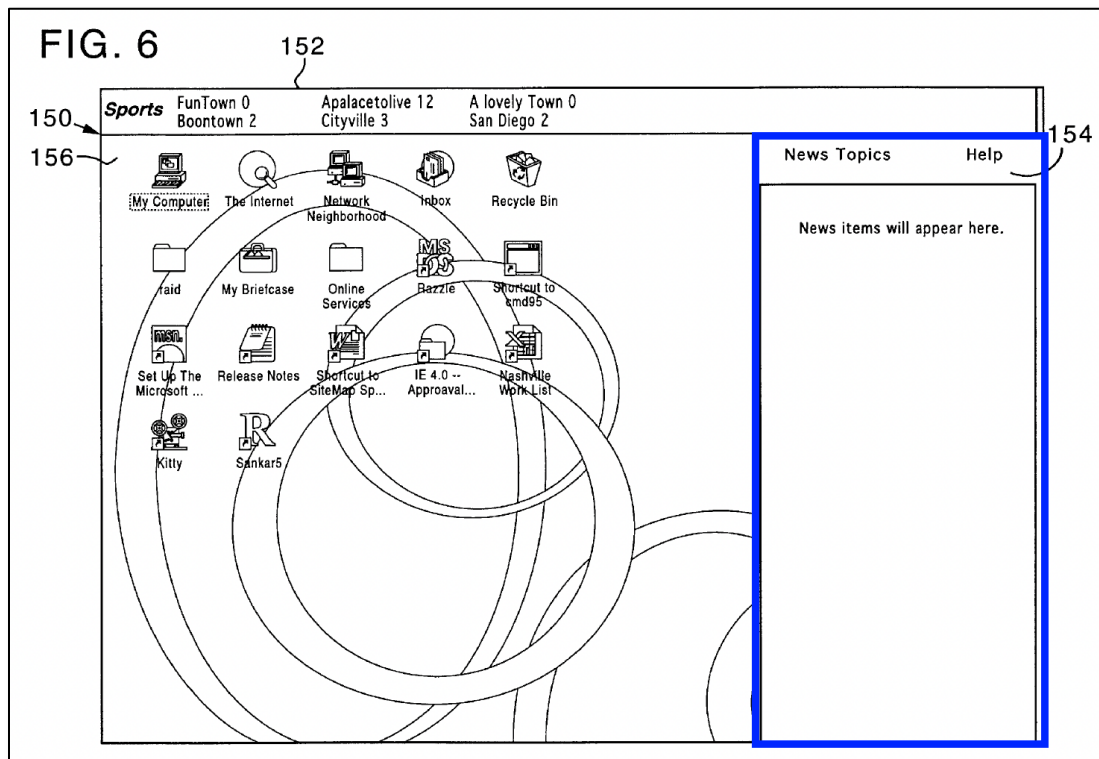
A POSITA would have been motivated and found it obvious to modify *Slivka*'s set of HTML instructions consistent with *Powell*'s teachings in order to present a first content element in the viewer graphical user interface defined by the NIM template at least in part within an image. *Dec.*, ¶¶118-121. *Powell* teaches that presenting content for a viewer graphical user interface in such a manner was “very common” and was advantageously “used to create a useful page layout.” *Powell*, 264-265. A POSITA would have understood that such a use of a known technique of using HTML instructions in this manner would have advantageously improved *Slivka*'s set of HTML instructions, which already includes images, in the same way as *Powell*. *Dec.*, ¶¶118-121. Additionally, a POSITA would have understood that such a modification would have had a reasonable expectation of success, especially because *Powell* provides exemplary HTML instructions to create said layout and because such was “very common[.]” *Dec.*, ¶¶118-121; *Powell*, 264-265.

O. Claim 9: The method of claim 1, wherein the definition of the viewer graphical user interface defines at least one control permitting the modification of the appearance of the viewer graphical user interface defined by the networked information monitor template, and wherein presenting the viewer graphical user interface defined by the networked information monitor template on the display of the client computing device comprises presenting the at least one control.

See supra Claims 1, 2, 3, 4; *Dec.*, ¶122.

P. Claim 10: The method of claim 1, wherein the first content element includes audio content, video content, graphics content, still image content, textual content and/or interactive content.

See *supra* Claim 1. *Slivka* teaches news pane 154 which presents “HTML format information retrieved from the web, such as **images and text** relating to news events.” *Slivka*, 19:9-11 (emphasis added); see also Claim 6 (discussing news pane 154’s inclusion of an image). FIG. 6, below, shows exemplary news pane 154 (blue) in which news items such as images and text are displayed:



Slivka, FIG. 6 (annotated); *Dec.*, ¶123.

Q. Claim 11: The method of claim 1, further comprising: executing a client parser application that is separate from the networked information monitor template, the client parser application being configured to present the viewer graphical user interface defined by the networked information monitor template on the client computing device, to generate the request for the content that is transmitted to the first network location referenced by the definition of the first content element for the networked information monitor template, and to present the first content element received from the first network location within the viewer graphical user interface defined by the networked information monitor template.

See supra Claim 1. *Slivka* further teaches a client parser application separate from the NIM template which is configured to present the viewer GUI defined by the NIM template on the client computing device. *Slivka* teaches shell 50 “is a piece of software...that provides direct communication between the user and the operating system.” *Slivka*, 1:16-19. *Slivka*’s sets of HTML instructions (NIM templates) are HTML format information about the corresponding HTML frames. *See supra* Claim 1(a). As such, a POSITA would have understood *Slivka*’s shell to be a “client parser application that is separate from the [NIM] template[.]” *Dec.*, ¶124.

As discussed in Section IV.A, *Slivka* teaches shell 50 “provides a graphical user interface for a user of the computer[.]” *Slivka*, 5:59-62. In providing a GUI for a user, a POSITA would have understood that *Slivka*’s shell 50 (client parser) is configured to (1) present the viewer GUI defined by the NIM template, (2) generate the request for the content that is transmitted to the first network location, and (3) present the first content element received from the first network location within the GUI defined by the NIM template.

Specifically, *Slivka*'s shell 50 "synthesizes the hypertext pages...which can be edited to incorporate a variety of multi-media enhancements with the user interface elements in the graphical user interface." *Slivka*, Abstract, 3:14-30. Shell 50 "displays and navigates between other hypertext documents, such as those available from the internet." *Slivka*, 4:27-33. The sets of HTML instructions within a larger hypertext page are parsed by shell 50 to generate the GUI. *Slivka*, 18:65-67.

Further, given the functionality of *Slivka*'s shell and the content reference, a POSITA would have understood shell 50 to generate the request for the content that is transmitted to the first network location referenced by the definition of the first content element for the NIM template. *Dec.*, ¶124; *see supra* Claims 1(b)(ii), 1(d), and 1(e); *also* Section IV.A (describing the step-by-step processing performed by the shell). More specifically, *Slivka*'s shell parses the set of HTML instructions, which include a content reference (e.g., a URL reference as taught by *Powell*) indicating where and how to retrieve Internet content. *See supra* Claim 1(b)(ii). Consequently shell 50 parses the content reference instruction contained within the set of HTML instructions which generates the request for the content as claimed. *Dec.*, ¶124.

Slivka teaches that shell 50 is further configured to present the first content element received from the first network location within the viewer GUI defined by the NIM template. *Slivka*, 18:50-19:11 (explaining that HTML news frame 154

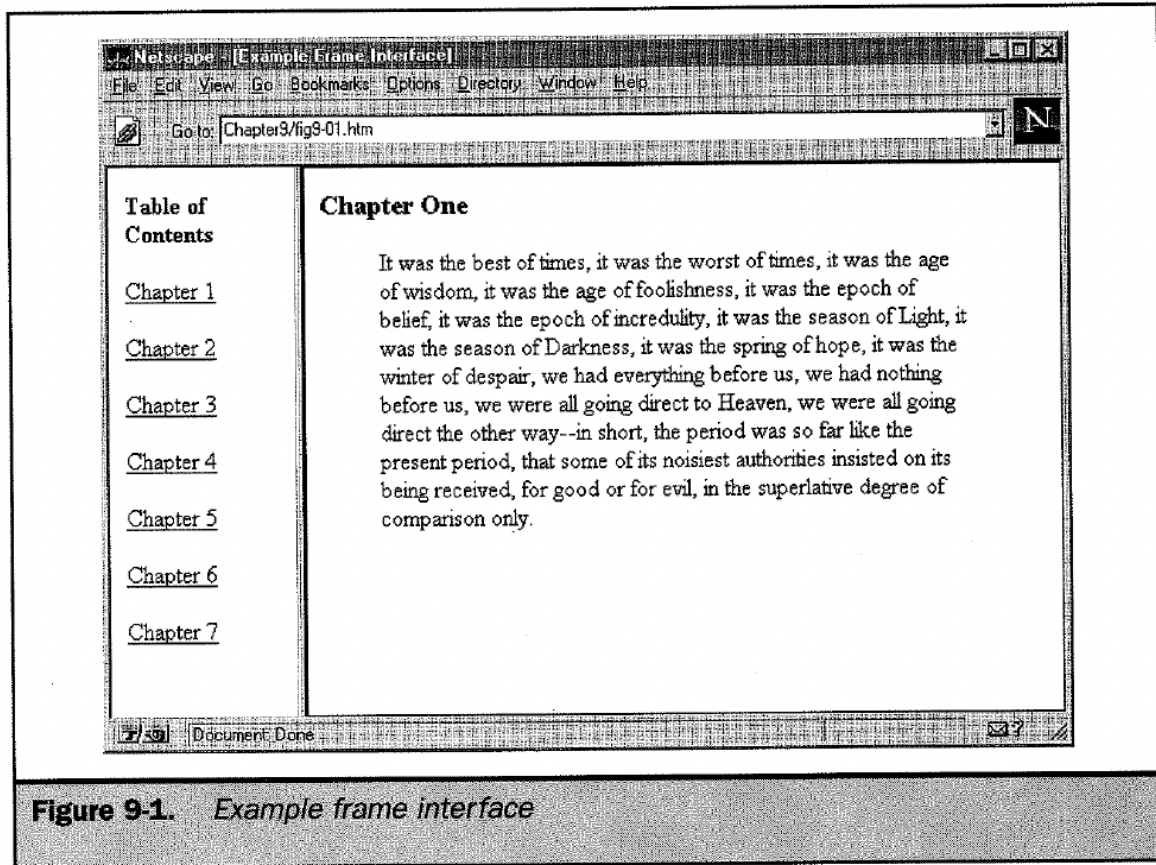
presents information retrieved from the web); *also* Section IV.A (explaining how *Slivka*'s shell generates the HTML news frame from the set of HTML instructions.). Consequently, *Slivka* teaches a client parser application separate from the NIM template that is configured to execute the required functions.

R. Claim 12: The method of claim 1, further comprising causing the networked information monitor to communicate with another networked information monitor.

See supra Claim 1. The '545 Patent describes such communication as “opening another NIM, or changing the content of another NIM that is already open.” '545 Patent, 22:65-23:2. As discussed below, *Slivka-Anabuki-Powell* teaches or renders such obvious.

Powell teaches framing a document that “divides a browser window into multiple panes, or smaller window frames. Each frame may contain a different document.” *Powell*, 359. *Powell* teaches that a user thus “can view information in one frame while keeping another frame open for reference[.]” *Id.* Additionally, *Powell* teaches the “contents of one frame can be manipulated, or linked to the contents of another. This allows designers to build sophisticated interfaces. For example, one frame can contain links that produce a result in another frame. An example of such an interface is shown in Figure 9-1.” *Id.* Thus, a POSITA would have understood that *Powell* teaches an HTML frame that changes the content of

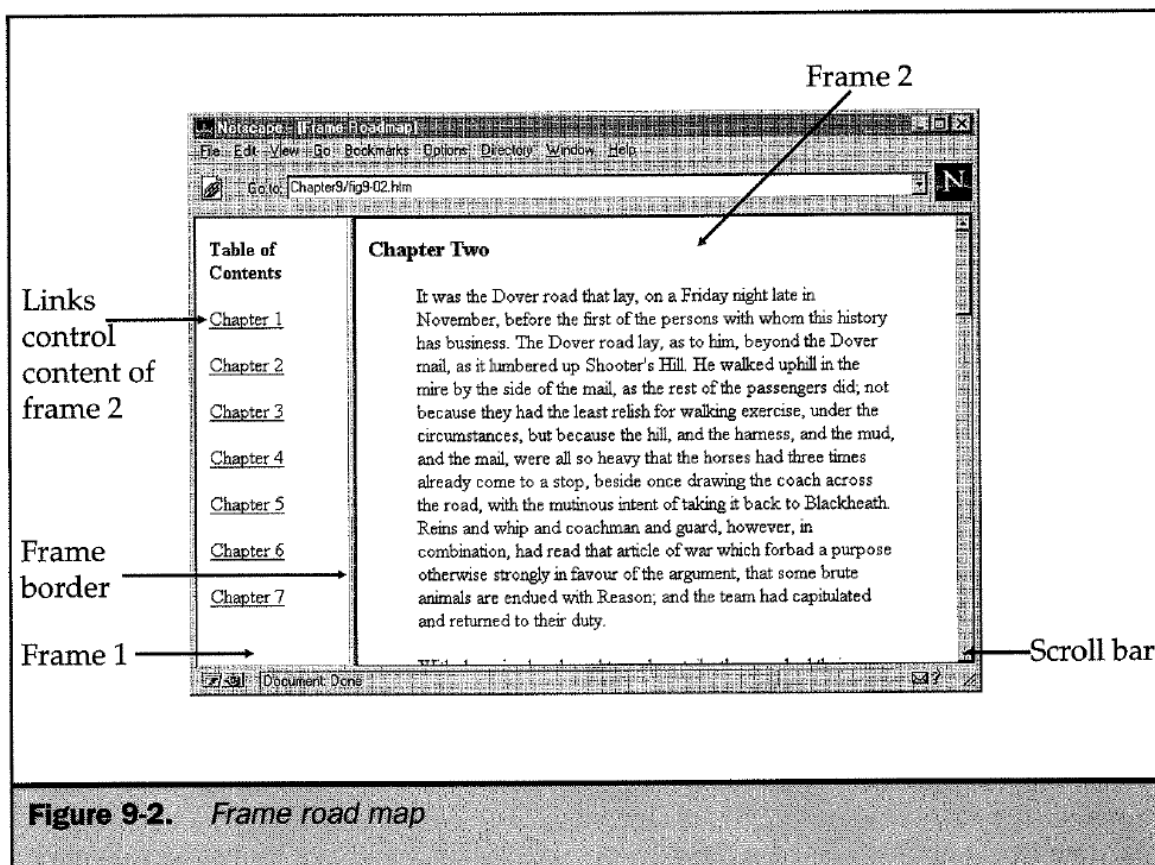
another HTML frame that is already open. *Dec.*, ¶¶125-128. *Powell's* Figure 9-1 is depicted below:



Powell, 359 (“Figure 9-1”).

Further, *Powell* teaches that each “frame may contain a different document indicated by a unique URL” and that “the individual frames are usually named so that they may be referenced through links or scripting, allowing the contents of one frame to affect the contents of another.” *Powell*, 360, 362, 363 (“When using frames, you may often find it desirable to make the links in one frame target another frame. This way, when a user presses a button or activates a link in one framed document,

the requested page loads in another frame.”). For example, *Powell* teaches multiple frames (i.e., Frame 1, Frame 2) where Frame 1 has controls to update the content of Frame 2, as depicted in Figure 9-2 below:



Powell, 361 (“Figure 9-2”), *see also id.*, 362 (“Figure 9-3”), 364 (“Figure 9-5”). Thus, a POSITA would have understood that *Powell* teaches an HTML frame that changes the content of another HTML frame that is already open, which is an express example of a NIM communicating with another NIM as described in the ’545 Patent. ’545 Patent, 22:65-23:2; Dec., ¶¶125-128.

A POSITA would have been motivated and found it obvious to modify *Slivka* according to *Powell*'s teachings to utilize frames so that *Slivka*'s HTML frames (e.g., ticker 152, news pane 154) would have generated additional HTML frames ("NIMs") with which to communicate or would have changed the content of another HTML frame already open. *Powell*, 359-364; '545 *Patent*, 22:65-23:2. A POSITA would have understood that such a modification would have advantageously allowed a user to click on a sports score of ticker 152, for example, to generate more information in another HTML frame or in an already open news pane 154. *Dec.*, ¶¶125-128. Thus, such a use of a known technique of utilizing frames would have advantageously provided information displayed in an additional HTML frame ("NIM") in *Slivka-Anabuki-Powell* in the same way as taught by *Powell*. *Dec.*, ¶¶125-128. Such a modification would have advantageously provided more information to a user in a streamlined fashion using a well-known technique. *Id.* Indeed, *Powell* expressly teaches that utilizing frames is advantageous. *Powell*, 359 ("Each frame may contain a different document. The benefits of this approach are obvious."), 359 ("The contents of one frame can be manipulated, or linked to the contents of another. This allows designers to build sophisticated interfaces."), 360 ("frames are an important tool in the Web designer's toolbox"); *Dec.*, ¶¶125-128.

A POSITA would have appreciated a reasonable expectation of success from such a modification because frames were well known and understood and even

included in an HTML standard, as taught by *Powell*. *Powell*, 359-364; *Dec.*, ¶¶125-128. Indeed, frames were known to be “an important tool in the Web designer’s toolbox. No longer considered proprietary browser extensions, frames are included in the HTML 4.0 standard.” *Powell*, 360. Further, utilizing frames would have required minor modifications to HTML instructions, with examples taught by *Powell*. *Dec.*, ¶¶125-128. Therefore, such a modification also would not have required undue experimentation and would have had a reasonable expectation of success. *Dec.*, ¶¶125-128.

S. Claim 13: The method of claim 1, wherein the networked information monitor is configured to cause the client computing device to periodically request the first content element from the first network location referenced by the definition the first content element for the networked information monitor template and to present the received first content element within the viewer graphical user interface in an ongoing manner.

See supra Claim 1. *Slivka* teaches “news pane 154 also presents HTML format information retrieved from the web, such as images and text relating to news events.” *Slivka*, 19:7-11. A POSITA would have understood that *Slivka*’s computer system periodically requests the first content element because *Slivka*’s exemplary HTML instructions for the news pane (Appendix D) include a “‘Refresh’ content” instruction:

```
<meta http-equiv="Refresh" content=14400>  
<HTML>
```

Slivka FH, 74 (excerpt). Indeed, a POSITA would have understood that *Slivka*'s news content would have refreshed periodically to provide current news content (e.g., text, images). *Dec.*, ¶129.

T. Claim 14: The method of claim 1, wherein the network is the internet.

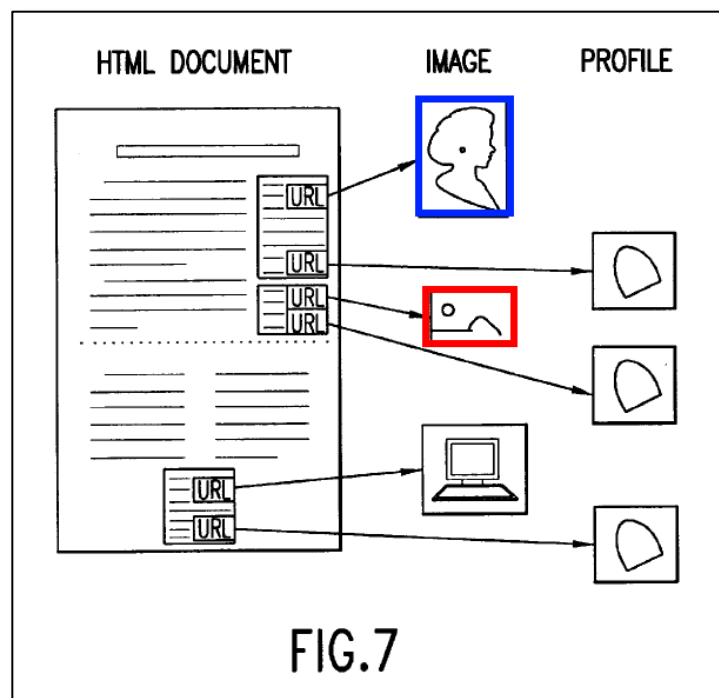
See supra Claim 1. *Slivka* teaches retrieving and presenting Internet content to a user. *Id.*; *Dec.*, ¶130.

U. Claim 15(Pre): The method of claim 1, wherein the networked information template further comprising a definition of a second content element for the networked information monitor template, the definition of the second content element referencing a second content element for the networked information monitor template is served over the network, and wherein the method further comprises:

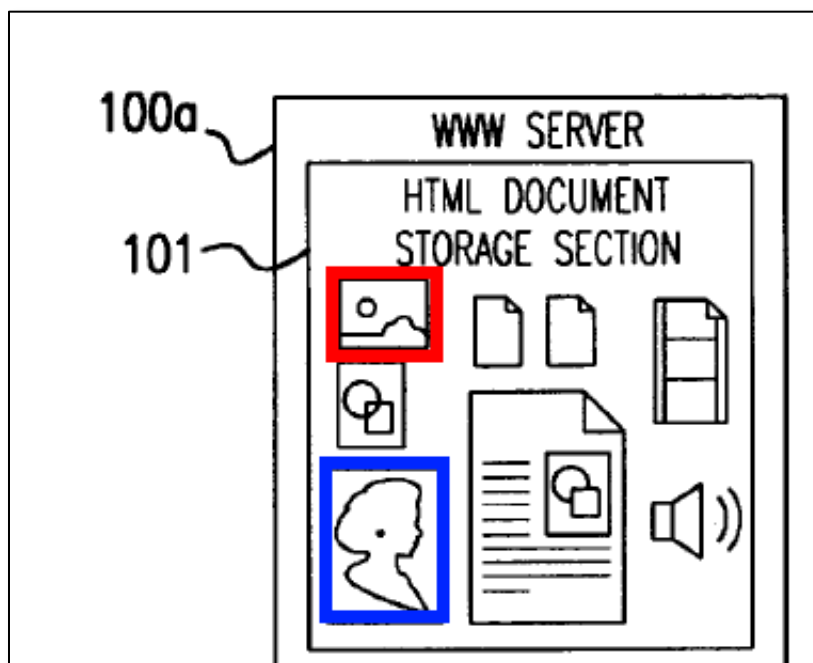
See supra Claim 1. *Slivka* does not expressly teach a second content element for the NIM template, as claimed. *Anabuki*, however, teaches multiple content references including from multiple different URLs for different images within a single HTML document. *Anabuki*, 10:4-10, 10:61-11:10, 12:11-15, 13:17-19 (“Thus, an HTML document and images and objects embedded in the document can be distributed over the network for display[.]”), 7:55-8:27.

1. *Anabuki*'s Teachings

Specifically, *Anabuki* teaches a single HTML document with multiple URLs to indicate a plurality of images, with a first image (blue) and second image (red) annotated below:



Anabuki, FIG. 7 (annotated), 11:5-13 (“[A]s shown in FIG. 7, the URLs indicating images, color space types, and the URLs specifying profiles are embedded in a document.”). *Anabuki* teaches said images are stored in an HTML document storage section 101 of WWW server 100a. *Anabuki*, 10:4-10 (“In the WWW server 100a shown in FIG. 4, an HTML document storage section 101 stores HTML documents and data embedded in the documents. Such data includes images, moving pictures, voice, objects ... All locations of the documents and data stored in the HTML document storage section 101 can be specified uniquely by URLs.”). An annotated excerpt of FIG. 4 is depicted below, which depicts the first (blue) and second (red) images discussed above:



Anabuki, FIG. 4 (excerpt, annotated).

2. *Motivation to Modify Slivka*

A POSITA would have been motivated to modify *Slivka* according to *Anabuki*'s teachings to include content from multiple sources for *Slivka*'s HTML frames. *Dec.*, ¶¶131-133. For example, doing so would have modified *Slivka*'s news pane 154 to present news text and images from multiple sources (e.g., different news websites), multiple regions (e.g., local, national, international), and/or multiple categories (e.g., finance, business, weather). *Dec.*, ¶¶131-133. Such a modification would have merely utilized a definition of a second content element to reference a second content element at a second network server location in the same manner as utilizing a definition of a first content element to reference a first content element at a first network server location. *Dec.*, ¶¶131-133. Indeed, a POSITA would have

understood that such a modification would have merely been using the known technique of utilizing a second reference for second content in the same way as using a first reference for first content, which *Slivka* already teaches. *See supra* Claim 1(b)(ii); *Dec.*, ¶¶131-133. *Anabuki* teaches well-known HTML techniques, such as including a second URL to present second content in the same frame as first content. *Dec.*, ¶¶131-133. Thus, modifying *Slivka* according to *Anabuki*'s well-known technique would merely have been use of a known technique to improve *Slivka*'s HTML frame in the same way. *Dec.*, ¶¶131-133.

A POSITA would have had a reasonable expectation of success when making such a modification. *Dec.*, ¶¶131-133. Indeed, *Anabuki* teaches well-known HTML techniques and provides instructions on writing HTML instructions. *Dec.*, ¶¶131-133. Further, such a modification would have been straightforward, requiring only minor modifications to *Slivka*'s HTML instructions. *Dec.*, ¶¶131-133. Therefore, a POSITA would have understood that modifying *Slivka* according to *Anabuki*'s teachings would not have required undue experimentation. *Dec.*, ¶¶131-133. Here, the *Slivka-Anabuki* combination relates to modifications to *Slivka*'s sets of HTML instructions based on well-known HTML techniques. A POSITA would have understood that any modifications to *Slivka* in light of *Anabuki*'s teachings with respect to a second content reference would have been consistent with the same motivations regarding modifications to *Slivka*'s sets of HTML instructions based on

Powell's teachings. *Id.* Indeed, all references relate to methods and systems for presenting Internet content to a user and similarly aim to improve such methods and systems and as such, the teachings and motivations in the combinations are aligned.

See Section IV.

V. Claim 15(a): responsive to instructions included in the requested networked information monitor template, transmitting over the network a second content request to the second network location referenced by the definition of the second content element for the networked information monitor template.

See supra Claims 15(Pre), 1(d).

W. Claim 15(b): receiving, over the network, the second content element transmitted responsive to the second content request; and

See supra Claims 15(Pre), 1(e).

X. Claim 15(c): presenting the received second content element in the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the second content element define all controls for enabling a user to interact with the second content element through the viewer graphical user interface.

See supra Claims 15(Pre), 1(f).

Y. Claim 16

Slivka-Anabuki-Powell renders obvious Claim 16 in the same manner as explained above for the corresponding claims listed below:

Claim	Corresponding Claim
16(Pre)	1(Pre)

16(a)	11
16(a)(i)	1(d), 11
16(a)(ii)	1(e)
16(a)(iii)	1(c)
16(a)(iv)	1(f)

Z. Claim 17: The method of claim 16, wherein execution of the client parser further results in the client computing device determining that the first element content modifies the networked information monitor template and responsive to such determination, modifying the networked information monitor template prior to the step of presenting the graphical user interface.

See supra Claim 16. As discussed previously, *Slivka* teaches shell 50 (“client parser”) that controls and presents HTML frames based on sets of HTML instructions. *See supra* Claim 11. *Slivka* also teaches that such HTML frames contain Internet content that modifies the NIM template. *See supra* Claims 1(b)(ii) and 1(d). For example, *Slivka* teaches “news pane 154 also presents HTML format information retrieved from the web, such as images and text relating to news events.” *Slivka*, 19:7-11. *Slivka* also teaches a “refresh” content HTML instruction. *See* Claim 13. A POSITA would have understood that such news pane 154 contains time-varying content that would modify the set of HTML instructions as the content changes. *Dec.*, ¶¶143-144.

Further, *Slivka* teaches the set of HTML instructions for news pane 154 implements an “OnLineButton” that the user may press to “switch to live content” after an Internet connection is made. *Slivka FH*, 72-75. A POSITA would have understood that *Slivka*’s news content would have therefore modified the corresponding set of HTML instructions. *Dec.* ¶¶143-144. A POSITA would have further understood that *Slivka*’s shell 50, in obtaining and processing the set of HTML instructions (NIM template) for news pane 154, further results in the computer system (client computing device) “determining that the first element content modifies the networked information monitor template[.]” *Dec.*, ¶¶143-144. Indeed, executing shell 50 includes processing the set of HTML instructions, including the first content element, before presenting the HTML frame on the display. *Slivka*, 18:52-67. A POSITA would have understood that as part of such process, the computer system determines that the first content element modifies the NIM template and subsequently modifies the template before presenting the frame to the user. *Dec.*, ¶¶143-144.

AA. Claim 18: The method of claim 16, further comprising presenting an icon representing networked information monitor associated with the networked information monitor template on the display of the client computing device, and wherein execution of the client parser to perform one or more of the transmitting operation, the presenting the viewer graphical user interface operation, or presenting the first content element operation is responsive to reception of selection by a user of the icon.

See supra Claim 16. Although *Slivka* does not expressly teach presenting an icon representing the claimed NIM associated with the *claimed* NIM template, *Slivka* incorporates analogous teachings with respect to similar HTML frames within its display. Specifically, *Slivka* teaches that “[a]t start-up, the shell synthesizes the desktop view...[f]rom this view, the user can navigate to other views...by activating icons or hyperlinks on the desktop display[.]” *Slivka*, 10:42-47. *Slivka* teaches “the user can navigate to the my computer view by mouse clicking on the My Computer icon on the desktop view.” *Slivka*, 10:49-51. As a result of clicking on the icon, shell 50 (client parser) synthesizes and displays the My Computer view in the same way that the synthesized hypertext page disclosed in Section IV.A and Claim 1. *Slivka*, 10:51-53; *see supra* Section IV.A; *also supra* Claim 1 (discussing the relationship between the set of HTML instructions and HTML frame displayed).

Although *Slivka* does not expressly disclose utilizing an icon for news pane 154 HTML frame, *Slivka* teaches such for similar HTML frames (e.g. the “My Computer” view). More specifically, the HTML frames represented by icons are generated from a set of HTML instructions in the same way as the news HTML

frame. *Slivka*, 6:4-19. A POSITA would have been motivated and found it obvious to implement *Slivka*'s teachings of using an icon to represent the My Computer HTML frame in the same way to represent news pane 154 HTML frame. *Dec.*, ¶145. A POSITA would have understood that accessing different HTML frames through an icon would allow for better accessibility from a user perspective. *Id.* Although *Slivka* teaches news pane 154 is automatically generated on startup, a POSITA would have been motivated and found it obvious to modify *Slivka* to instead implement news pane 154 as an HTML frame represented by an icon to allow the user to control when the information is presented. *Id.* For example, such a modification would have advantageously reduced processing resources and network connectivity required to execute the news pane HTML frame and to retrieve and display news content (including images and text) when a user is not interested in receiving such content. *Id.* Thus, such a use of a known technique of selecting an icon before initializing an HTML frame would have advantageously improved *Slivka*'s computer system. *Id.*

A POSITA also would have appreciated a reasonable expectation of success when making such a modification. Indeed, *Slivka* already teaches using icons for some of its HTML frames. *Dec.*, ¶145. Further, it was well-known at the time to represent HTML frames as an icon, as is taught in *Slivka* with respect to other HTML frames and sets of HTML instructions, such that said modification would not have

required undue experimentation. *Id.* Thus, *Slivka's* modified client parser would have performed its operations only after a user selects an icon. *Id.*

BB. Claim 19: The method of claim 16, further comprising invoking the client parser an initiating one or more of the transmitting operation, the presenting the viewer graphical user interface operation, or presenting the first content element operation automatically during a start-up process of the client computing device.

See supra Claim 16. *Slivka* teaches at start-up of the computer system (client computing device), “the shell synthesizes the desktop view[.]” *Slivka*, 10:32-44; *see also* Claim 1(Pre) (discussing details of *Slivka's* computer system as a “client computing device”). *Slivka's* exemplary desktop view includes previously discussed news pane 154 HTML frame, and its respective set of HTML instructions. *Slivka*, 19:1-18. In other words, at startup, shell 50 (“client parser”) processes the set of HTML instructions to produce corresponding HTML frames (NIMs), including for news pane 154. *See* Claim 1; *Dec.*, ¶146. A POSITA would have therefore understood that *Slivka's* shell 50 (client parser) is invoked and initiates one of the claimed processes during start-up of the computer system (client computing device). *Id.*

CC. Claim 20

Slivka-Anabuki-Powell renders obvious Claim 20 in the same manner as explained above for the corresponding claims listed below:

Claim	Corresponding Claim
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20(Pre)	11, 19
20(a)	15(a), 1(d)
20(b)	15(b), 1(e)
20(c)	15(c)
20(d)	15(c), 1(f)
20(e)	19

DD. Claim 21: The method of claim 16, wherein the network is the internet.

See supra Claims 14, 16.

VI. GROUND 2: CLAIM 5 IS OBVIOUS IN VIEW OF *SLIVKA*, *ANABUKI*, *POWELL*, AND *MELBIN*

A. Claim 5: The method of claim 1, wherein the networked information monitor template includes instructions in extensible markup language (XML) format, and further wherein the method further comprises parsing the definition of the viewer graphical user interface.

See supra Claim 1. *Slivka* teaches utilizing HTML for its hypertext pages. A POSITA would have understood that XML (extensible markup language) was also utilized with HTML in documents to specify, for example, templates with instructions for how a “content server should process certain contents of the page.” *Melbin*, 2:32-50, 6:10-44.

1. *Melbin's Teachings*

Melbin teaches elements for both layout and logic, where “[l]ayout elements describe where components are placed on a page, and logic elements describe the actual content or how to locate content.” *Id.* *Melbin* teaches that elements contain both HTML and XML: “Elements can contain both standard HTML or special tags such as XML tags. The XML tags, which may be a form of server side markup language, can be used to retrieve data from a content catalog according to instructions specified by the elements.” *Id.* Specifically, *Melbin* teaches the set of instructions for a template “may be a combination of HTML ... XML, Server Side Markup Language, or other instructions.” *Melbin*, 6:10-44, *id.* (“Elements 42 can contain both standard HTML and special tags called XML tags.”).

2. *Motivation to Modify Slivka*

A POSITA would have been motivated and found it obvious to modify *Slivka* to also include instructions in XML in addition to HTML according to *Melbin's* teachings. *Dec.* ¶¶154-155. A POSITA would have understood that such a use of a known technique would have advantageously improved *Slivka* in the same way as *Melbin*. *Id.* For example, a POSITA would have understood that combining XML and HTML would be advantageous because it would have allowed separation of the representation content from the presentation content. *Id.*

A POSITA would have also understood that such a modification to *Slivka* would have had a reasonable expectation of success. *Id.* Indeed, such a modification would have required only minor changes to *Slivka* to include XML instructions in addition to HTML instructions. *Id.*

VII. THE BOARD’S DISCRETION UNDER 35 U.S.C. § 314(a)

Under the “*Fintiv* factors,” the Board may consider parallel litigation, including an early trial date, in determining whether to institute under 35 U.S.C. § 314(a). *NHK Spring Co., Ltd., v. Intri-Plex Technologies, Inc.*, IPR2018-00752, Paper 8, at 19–20 (PTAB Sept. 12, 2018) (precedential); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, at 2–3, 6 (PTAB Mar. 20, 2020) (precedential). Director Vidal recently issued a memorandum setting forth Interim *Fintiv* Guidance (“*Fintiv Memo*”).⁷ One component of this interim guidance clarifies that “the PTAB will not discretionarily deny institution of an IPR or PGR in view of parallel district court litigation where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition.” *Fintiv Memo*, 7. Referred to as a *Sotera* stipulation, “[t]his clarification avoids inconsistent outcomes between the PTAB and the district court and allows the PTAB to review grounds that the parallel district

⁷https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621.pdf.

court litigation will not resolve.” *Id.* at 7–8. Consistent with this new guidance, Petitioner stipulates that, if the instant IPR is instituted, it will not pursue in the parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition. Accordingly, the Board should not discretionarily deny institution under *Fintiv*.⁸

The *Fintiv Memo* is “binding agency guidance” to the Board. *Fintiv Memo*, 3.

⁸ The Board recently confirmed that, pursuant to the *Fintiv Memo*, the remaining *Fintiv* factors need not be assessed where a petitioner agrees to a *Sotera* stipulation. IPR2022-00286, Paper 12 at 8-9 (“Because our analysis of Petitioner’s stipulation alone requires us to not exercise our discretion to deny institution under § 314(a), we need not address the parties’ remaining arguments as to application of the *Fintiv* factors to the facts in this case.”).

VIII. CONCLUSION

For the forgoing reasons, Petitioner respectfully requests *inter partes* review of the Challenged Claims of the '545 Patent.

Respectfully submitted,

BY: /s/ Paul R. Hart

COUNSEL FOR PETITIONER

IX. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)

A. Real Party-In-Interest

Apple Inc. is the real party-in-interest. 37 C.F.R. § 42.8(b)(1).

B. Related Matters

Pursuant to 37 C.F.R. § 42.8(b)(2), Apple identifies the following matters related to the '545 Patent:

- Samsung Electronics Co., Ltd. v. DoDots Licensing Solutions LLC, IPR2023-00756
- DoDots Licensing Solutions LLC v. Apple Inc. et al, 6:22-cv-00533, (W.D.Tex. May 24, 2022)
- DoDots Licensing Solutions LLC v. Samsung Electronics Co., Ltd. et al, 6:22-cv-00535, (W.D.Tex. May 24, 2022)

X. LEAD AND BACK-UP COUNSEL

Petitioner provides the following designation and service information for lead and back-up counsel. 37 C.F.R. § 42.8(b)(3) and (b)(4).

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CLAIMS LISTING APPENDIX

U.S. Patent No. 9,369,545 for Claims 1-21

Claim Designation	Claim Language
Claim 1(Pre)	A computer-implemented method of obtaining content over a network and displaying the content to a user, the method being implemented in a client computing device in operative communication with a server over a network, the client computing device including electronic storage, a display, and one or more processors configured to execute one or more computer program modules, the method comprising:
Claim 1(a)	transmitting a request to the server over the network, the request requesting networked information monitor template;
Claim 1(b)	receiving the requested networked information monitor template from the server over the internet, the requested networked information monitor template having been transmitted from the server over the network responsive to the transmitted request, the networked information monitor template comprising:
Claim 1(b)(i)	a definition of a viewer graphical user interface within which content in a web browser-readable language may be presented on the display of the client computing device; and
Claim 1(b)(ii)	a definition of a first content element for the networked information monitor template, the definition of the first content element referencing a first network location from which the first content element for the networked information monitor template is served over the network;
Claim 1(c)	responsive to instructions included in the requested networked information monitor template, presenting the viewer graphical user interface defined by the networked information monitor on the display of the client computing device separate from and outside of any other graphical user interface that includes user controls for specifying the first network location from which the first content element for the networked information monitor is served over the network;
Claim 1(d)	responsive to instructions included in the requested networked information monitor template, transmitting over the network a first content request to the first network location referenced by the

Claim Designation	Claim Language
	definition of the first content element for the networked information monitor template;
Claim 1(e)	receiving, over the network, the first content element transmitted responsive to the first content request;
Claim 1(f)	presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the first content element define all controls for enabling a user to interact with the first content element through the viewer graphical user interface.
Claim 2	The method of claim 1, wherein the definition of the viewer graphical user interface includes a definition of at least one control effective for controlling an aspect of the viewer graphical user interface, and wherein presenting the viewer graphical user interface comprises presenting the at least one control.
Claim 3	The method of claim 2, wherein the aspect is the location at which the user interface is rendered on a display device.
Claim 4	The method of claim 2, wherein the aspect is the size of the user interface when presented on the display of the client computing device.
Claim 5	The method of claim 1, wherein the networked information monitor template includes instructions in extensible markup language (XML) format, and further wherein the method further comprises parsing the definition of the viewer graphical user interface.
Claim 6	The method of claim 1, wherein the definition of the viewer graphical user interface defined by the networked information monitor template comprises an image, and wherein presenting the viewer graphical user interface defined by the networked information monitor template on the display of the client computing device comprises presenting the image included in the definition as part of the viewer graphical user interface.
Claim 7	The method claim 6, wherein presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template comprises presenting the received the first content element in association with the image.

Claim Designation	Claim Language
Claim 8	The method of claim 6, wherein presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template comprises presenting the received the first content element at least in part within the image.
Claim 9	The method of claim 1, wherein the definition of the viewer graphical user interface defines at least one control permitting the modification of the appearance of the viewer graphical user interface defined by the networked information monitor template, and wherein presenting the viewer graphical user interface defined by the networked information monitor template on the display of the client computing device comprises presenting the at least one control.
Claim 10	The method of claim 1, wherein the first content element includes audio content, video content, graphics content, still image content, textual content and/or interactive content.
Claim 11	The method of claim 1, further comprising: executing a client parser application that is separate from the networked information monitor template, the client parser application being configured to present the viewer graphical user interface defined by the networked information monitor template on the client computing device, to generate the request for the content that is transmitted to the first network location referenced by the definition of the first content element for the networked information monitor template, and to present the first content element received from the first network location within the viewer graphical user interface defined by the networked information monitor template.
Claim 12	The method of claim 1, further comprising causing the networked information monitor to communicate with another networked information monitor.
Claim 13	The method of claim 1, wherein the networked information monitor is configured to cause the client computing device to periodically request the first content element from the first network location referenced by the definition the first content element for the networked information monitor template and to present the

Claim Designation	Claim Language
	received first content element within the viewer graphical user interface in an ongoing manner.
Claim 14	The method of claim 1, wherein the network is the internet
Claim 15(P)	The method of claim 1, wherein the networked information template further comprising a definition of a second content element for the networked information monitor template, the definition of the second content element referencing a second network location from which the second content element for the networked information monitor template is served over the network, and wherein the method further comprises:
Claim 15(a)	responsive to instructions included in the requested networked information monitor template, transmitting over the network a second content request to the second network location referenced by the definition of the second content element for the networked information monitor template;
Claim 15(b)	receiving, over the network, the second content element transmitted responsive to the second content request; and
Claim 15(c)	presenting the received second content element in the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the second content element define all controls for enabling a user to interact with the second content element through the viewer graphical user interface.
Claim 16(P)	A computer-implemented method of obtaining and displaying content obtained over a network to a user on a client computing device, the method being implemented in the client computing device, the client computing device including electronic storage, a display, and one or more processors configured to execute one or more computer program modules, the method comprising:
Claim 16(a)	executing on the client computing device client parser, wherein the execution of the client parser results in the client computing device:
Claim 16(a)(i)	transmitting over the network a first content request to a first network location referenced by a definition of a first content element in a networked information monitor template that is readable by the client parser;

Claim Designation	Claim Language
Claim 16(a)(ii)	receiving, over the network, the first content element transmitted responsive to the first content request;
Claim 16(a)(iii)	presenting a viewer graphical user interface defined by the networked information monitor template on the display of the client computing device and wherein the viewer graphical user interface defined by the networked information monitor template is presented separate from and outside of any other graphical user interface that includes user controls for specifying the first network location from which the first content element for the networked information monitor is served over the network; and
Claim 16(a)(iv)	presenting the received content element within the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/ or the first content element define all controls for enabling a user to interact with the first content element through the viewer graphical user interface.
Claim 17	The method of claim 16, wherein execution of the client parser further results in the client computing device determining that the first element content modifies the networked information monitor template and responsive to such determination, modifying the networked information monitor template prior to the step of presenting the graphical user interface.
Claim 18	The method of claim 16, further comprising presenting an icon representing networked information monitor associated with the networked information monitor template on the display of the client computing device, and wherein execution of the client parser to perform one or more of the transmitting operation, the presenting the viewer graphical user interface operation, or presenting the first content element operation is responsive to reception of selection by a user of the icon.
Claim 19	The method of claim 16, further comprising invoking the client parser an initiating one or more of the transmitting operation, the presenting the viewer graphical user interface operation, or presenting the first content element operation automatically during a start-up process of the client computing device.

Claim Designation	Claim Language
Claim 20(Pre)	The method of claim 19, wherein execution on the client computing device of the client parser further results in the client computing device:
Claim 20(a)	transmitting over the network a second content request to a second network location referenced by a definition of a second content element in a second networked information monitor template that is readable by the client parser;
Claim 20(b)	receiving the second content element transmitted responsive to the second content request;
Claim 20(c)	presenting a second viewer graphical user interface defined by the second networked information monitor template on the display of the client computing device, wherein the second viewer graphical user interface lacks user controls, wherein the definition of the second viewer graphical user interface and/or the second content element define all controls for enabling a user to interact with the second content element through the second viewer graphical user interface; and
Claim 20(d)	presenting the second content element within the viewer second graphical user interface,
Claim 20(e)	wherein execution of the client parser to perform the transmitting the second content request, the presenting the second viewer graphical user interface operation, and the presenting the second content element is responsive to reception of a selection to initiate a second networked information monitor associated with the second networked information monitor template.
Claim 21	The method of claim 16, wherein the network is the internet.

APPENDIX OF EXHIBITS

Exhibit 1001	U.S. Patent No. 9,369,545 (“’545 Patent”)
Exhibit 1002	Prosecution History for the ’545 Patent (“’545 File History”)
Exhibit 1003	Declaration of Loren Terveen (“Dec.”)
Exhibit 1004	U.S. Patent No. 6,061,695 to Slivka et al. (“Slivka”)
Exhibit 1005	File History of U.S. Patent No. 6,061,695 (“Slivka FH”)
Exhibit 1006	U.S. Patent No. 6,091,518 to Anabuki (“Anabuki”)
Exhibit 1007	Declaration of June Munford (“Munford Dec.”)
Exhibit 1008	PTAB - IPR2019-00988 (“Lenovo ’545 FWD”)
Exhibit 1009	<i>Lenovo Holding Company, Inc. v. DoDots Licensing Solutions LLC</i> , 21-1521, No. 16 (Fed. Cir. Dec. 8, 2021) (“Federal Circuit Claim Construction”)
Exhibit 1010	PTAB – IPR2023-00756, Paper 2 (“Samsung ’545 IPR”)
Exhibit 1011	<i>Intentionally Left Blank</i>
Exhibit 1012	<i>Intentionally Left Blank</i>
Exhibit 1013	<i>HTML: The Complete Reference</i> , Osborne/McGraw-Hill, by Thomas A. Powell 1998 (“Powell”)
Exhibit 1014	U.S. Patent No. 6,397,217 to Melbin (“Melbin”)
Exhibit 1015	U.S. Patent No. 6,031,989 to Cordell (“Cordell”)
Exhibit 1016	Dkt. 98, <i>Joint Claim Construction Statement</i>

CERTIFICATION OF WORD COUNT

The undersigned certifies pursuant to 37 C.F.R. § 42.24 that the foregoing Petition for *Inter Partes* Review, excluding any table of contents, mandatory notices under 37 C.F.R. § 42.8, certificates of service or word count, or appendix of exhibits, contains 13,763 words according to the word-processing program used to prepare this document (Microsoft Word).

Dated: May 23, 2023

BY: /s/ Paul R. Hart
Paul R. Hart, Reg. No. 59,646

COUNSEL FOR PETITIONER

**CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.105**

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned certifies that on May 23, 2023, a complete and entire copy of this Petition for *Inter Partes* Review including exhibits was provided via Federal Express to the Patent Owner by serving the correspondence address of record for the '545 Patent as listed on Patent Center:

PK Patent Law
213 S Payne St.
Alexandria, VA 22314

Further, a courtesy copy of this Petition for *Inter Partes* Review was sent via email to Patent Owner's litigation counsel:

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