

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. IPR2023-00938
U.S. Patent No. 8,020,083

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,020,083**

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I. INTRODUCTION

Petitioner Apple Inc. (“Petitioner”) requests *Inter Partes* Review (“IPR”) of Claims 1-16 (collectively, the “Challenged Claims”) of U.S. Patent No. 8,020,083 (the “’083 Patent”) (Ex. 1001).

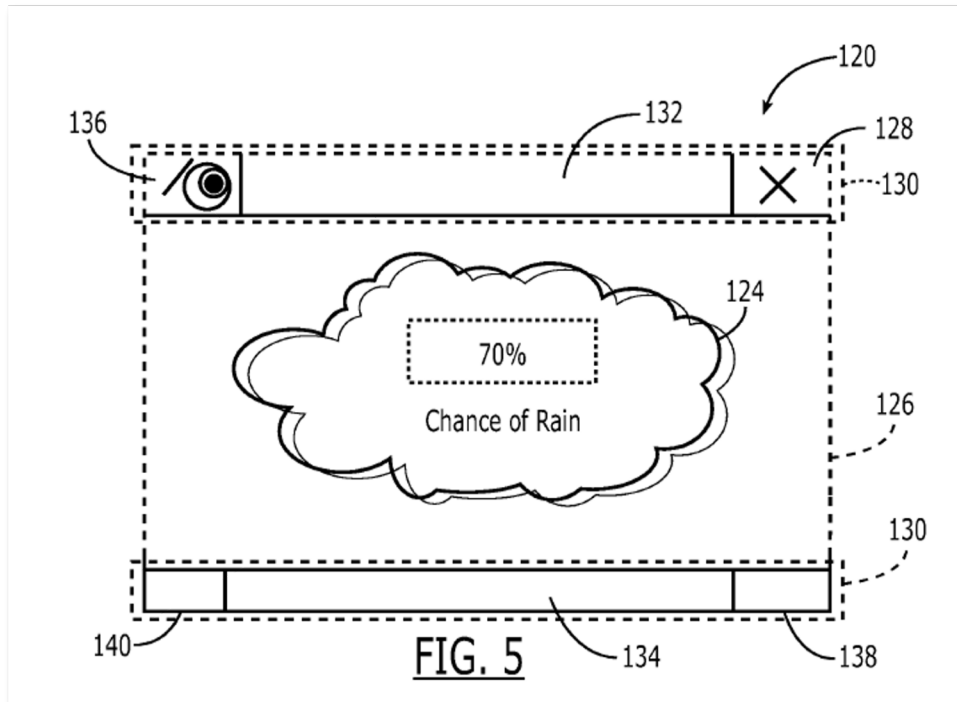
II. SUMMARY OF THE ’083 PATENT

A. Description of the ’083 Patent

The ’083 Patent is directed toward systems and methods by which Internet content may be conveyed from a network to a user. *’083 Patent* (Ex. 1001), 3:48-49, Abstract. The ’083 Patent teaches Application Media Packages, also called “Dots” or “NIMs,” which are computer software components that are ultimately processed by an Application Media Viewer to display a frame containing Internet content to the user. *’083 Patent*, 3:57-59, 5:40-44. The ’083 Patent contends that its NIMs present Internet content using “a unique frame, independent of a Web Browser application and window.” *’083 Patent*, 2:1-2.

A given NIM, or frame, is defined by a “NIM Template”—also referred to as a Dot Definition or an Application Media Package Template—that defines the frame characteristics, the viewer and control characteristics, and the web content to be displayed within the frame. *’083 Patent*, 7:19-23, 15:26-29, FIG. 3. The NIM Template “contains enough information that, when instantiated, the NIM may be rendered and filled with Internet content from a source.” *’083 Patent*, 15:22-25.

The Application Media Viewer is responsible for instantiating the template to create the NIM. '083 Patent, 17:66-18:5. FIG. 5 illustrates an example of a NIM, or Dot, that is instantiated from a template and presented to a user in accordance with the '083 Patent's teachings.



'083 Patent, FIG. 5.

B. The '083 Patent's Prosecution

The application that resulted in the '083 Patent was filed on October 31, 2007, and was issued on September 13, 2011. '083 Patent, (22), (45). The '083 Patent was a continuation of Application No. 09/558,922 which was filed on April 26, 2000, and further claims priority to several provisional applications, the earliest of which

was filed on April 26, 1999. '083 Patent, (63), 1:8-16. For this petition only, Petitioner applies April 26, 1999, as the priority date for the Challenged Claims.

During prosecution of the '083 Patent, the examiner issued a first non-final office action rejecting the original claims 1-3 as being anticipated by U.S. Patent No. 6,369,840 ("Barnett"). '083 FH (Ex.1002), 142-147. In response, Applicant amended the rejected claims and added claims 4-18 to include limitations regarding the graphical user interface (GUI). '083 FH, 127-138. More specifically, Applicant included a limitation that the GUI "lacks controls for manually navigating a network" to distinguish from a traditional web browser. '083 FH, 128-129.

After Applicant's first amendments and added claims, the examiner issued a Final Office Action rejecting all claims except 2 and 11 as obvious over U.S. Patent No. 6,006,252 ("Wolfe") in view of U.S. Patent No. 6,101,510 ("Stone"). '083 FH, 106-119. In response, Applicant incorporated dependent claims 2 and 11 into the independent claims, requiring NIM Templates that define "one or more a color, a size, or a position on the electronic display of the frame." '083 FH, 88-97. A Notice of Allowance then issued on May 13, 2011. '083 FH, 80.

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, none of the references asserted herein were cited during prosecution of the '083 Patent, so the examiner did not consider the same or substantially the same art presented herein. *See generally* '083 FH.

Further, none of the art presented herein was considered in any other proceeding before the USPTO with respect to the '083 Patent. *See generally* *Samsung '083 IPR* (Ex. 1010); *also* *Lenovo '083 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 '083 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 graduate education could substitute for professional experience or significant

¹ The Board has previously adopted a similar, though broader, definition of a POSITA in previous IPR proceedings for the '083 Patent. *Lenovo '083 Final Written Decision*, 8 (defining a POSITA as having "a bachelor's degree in Electrical or Computer Engineering, Computer Science, or a related field and have three years 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.

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 '083 Patent is available for IPR and Petitioner is not barred or estopped from requesting IPR challenging the claims of the '083 Patent. Petitioner is not the owner of the '083 Patent, has not filed a civil action challenging the validity of any claim of the '083 Patent, and this petition is filed less than one year after Petitioner was served with a complaint alleging infringement of the '083 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 '083 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).

Proposed Grounds of Unpatentability	
<u>Ground 1</u>	Claims 1-5, 9-13 are obvious under pre-AIA 35 U.S.C. § 103(a) over <i>Slivka</i> alone or in view of <i>Powell</i>
<u>Ground 2</u>	Claims 6-8, 14-16 are obvious under pre-AIA 35 U.S.C. § 103(a) over <i>Slivka</i> in view of <i>Powell</i> and <i>Anabuki</i>

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

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. Petitioner submits that all terms not expressly construed below be given their plain and ordinary meaning consistent with the *Phillips* standard. Petitioner does not waive any argument in any litigation that claim terms in the '083 Patent are indefinite or additional terms need construction.

In a previous IPR proceeding for the '083 Patent, the asserted prior art taught Java applets (small applications written in Java). Patent Owner argued that the claimed templates (“NIM templates”) of the '083 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 ’083 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 PO proffers two constructions of “frame.” Ex. 1016, 2. The proposed grounds herein satisfy these constructions as Petitioner understands them from PO’s briefing.

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

IV. PRIOR ART

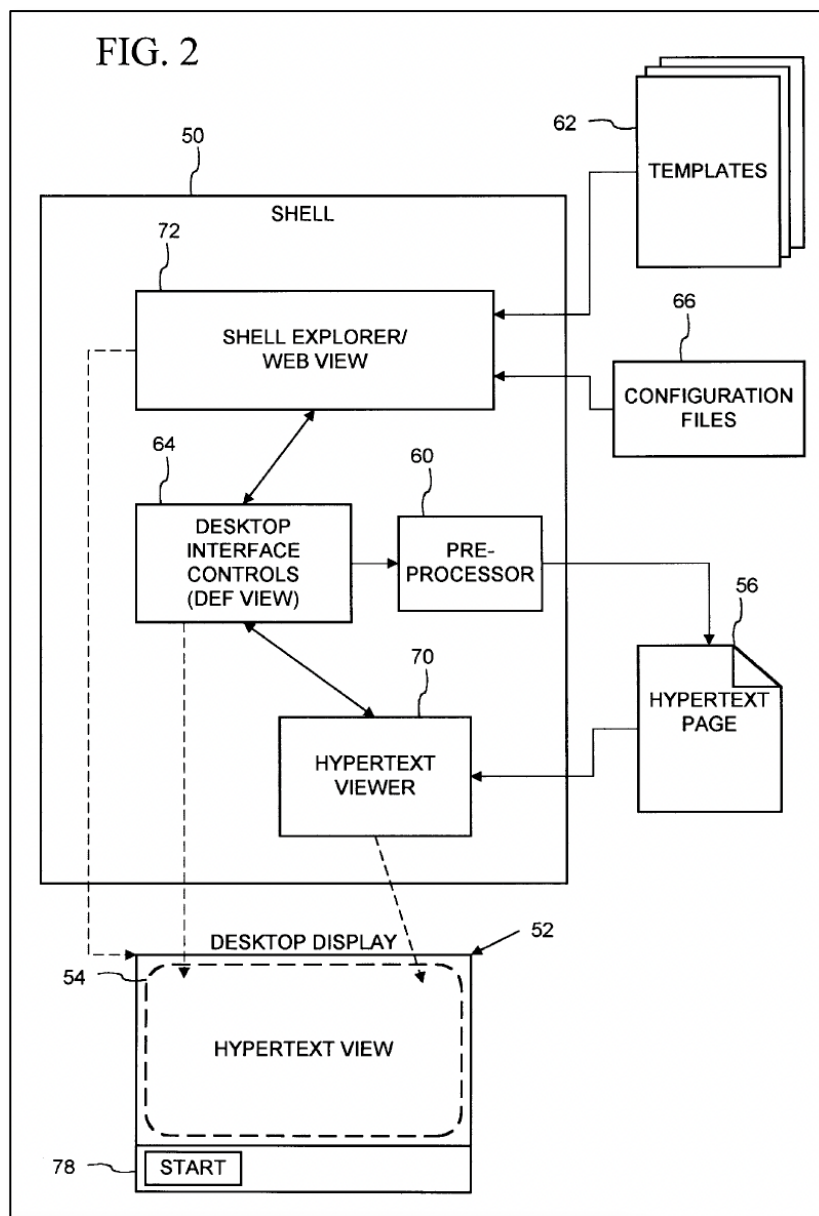
A. Overview of Slivka

U.S. Patent No. 6,061,695 to Slivka, et al. (“*Slivka*”) was neither cited nor considered during prosecution of the ’083 Patent. *See generally* ’083 *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 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 “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 graphical user interface includes a “desktop display 52 presented on a video screen

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

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.”
Slivka, 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." *Slivka*, 4:3-15, Abstract. Examples of said multi-media enhancements include "HTML frames, tables, fonts, hypertext links, embedded images, embedded sounds, embedded objects, and others." *Id.* at 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. *Id.* at FIG. 6, 18:49-19:6; *Slivka FH*, 69 (defining separate frames for "tickerframe," "icons," and "infopaneframe."). 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, 59-64. 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, 59-64. 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, 59-64. 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.

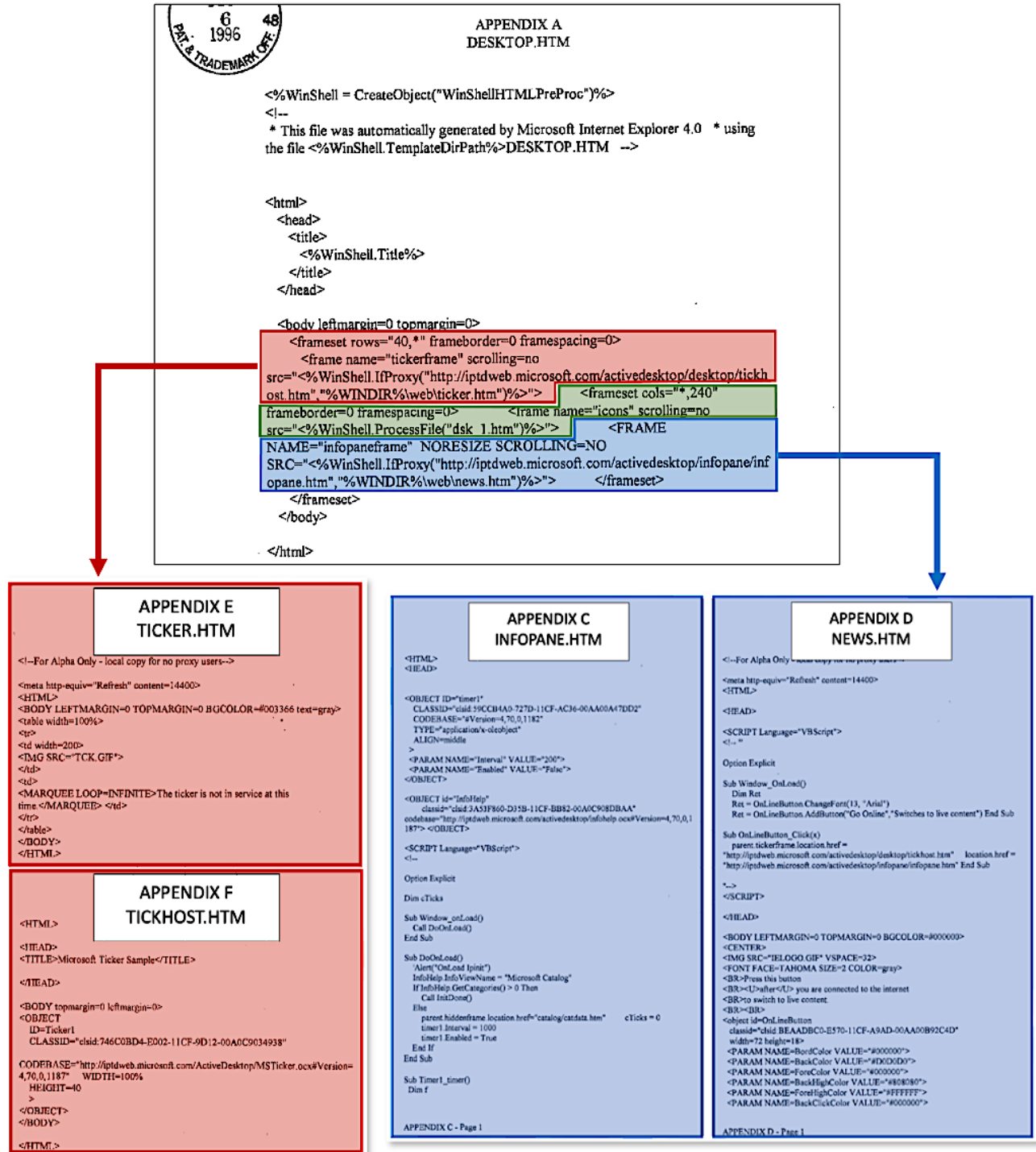
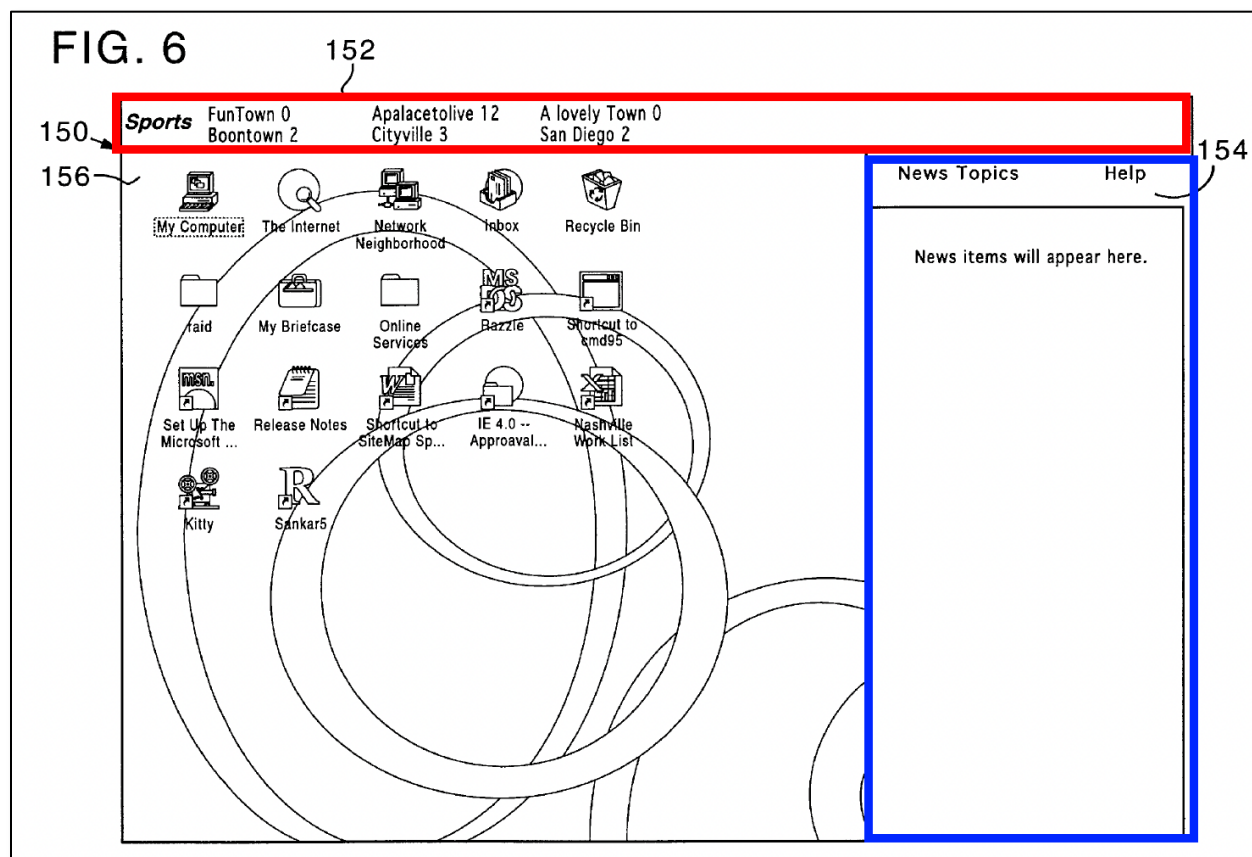


Figure A

Slivka FH, 69, 72-77 (excerpt, annotated); Dec., ¶¶45-48, 59-64.

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, 59-64. 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, 59-64. 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 '083 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 '083 Patent, Abstract, 3:48-49, 5:25-6:5. As such, *Slivka* is in the same field of endeavor as the '083 Patent. *Dec.*, ¶¶45-49.

Additionally, because *Slivka*, like the '083 Patent, is directed to the problem of enhancing a graphical user interface, *Slivka* is reasonably pertinent to a problem described by the '083 Patent. *Compare Slivka*, 3:14-16, 11:54-65, 18:49-19:17, FIG. 6, with '083 Patent, 5:25-6:5, 14:14-31; *Dec.*, ¶¶45-49.

Therefore, *Slivka* is analogous art to the '083 Patent.

B. Overview of Powell

HTML: The Complete Reference Guide by Powell ("*Powell*") was neither cited nor considered during prosecution of the '083 Patent. *See generally* '083 *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 '083 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* '083 *Patent*, Abstract, 3:48-49, 5:25-6:5. As such, *Powell* is in the same field of endeavor as the '083 Patent. *Dec.*, ¶50.

Further, both *Powell* and the '083 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 '083 Patent. *Compare Powell*, 174-184, 245-250, 255-256, 260-262, 267-268, 336, 361-362, 372-376, *with* '083 *Patent*, 5:25-6:5, 14:14-31; *Dec.*, ¶50.

Therefore, *Powell* is analogous art to the '083 Patent.

C. Overview of Anabuki

U.S. Patent No. 6,091,518 to Anabuki (“*Anabuki*”) was neither cited nor considered during prosecution of the ’083 Patent. *See generally* ’083 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. *Id.* at 9:65-67, 10:4-6. Both *Anabuki* and the ’083 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* ’083 Patent, 3:48-49. As such, *Anabuki* is in the same field of endeavor as the ’083 Patent. *Dec.*, ¶¶51-52.

Further, both *Anabuki* and the ’083 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 ’083 Patent. *Compare Anabuki*, 10:4-13, 11:54-12:24, 13:17-19, FIG. 4, *with* ’083 Patent, 5:25-6:5, 14:14-31; *Dec.*, ¶¶51-52.

Therefore, *Anabuki* is analogous art to the ’083 Patent.

V. GROUND 1: CLAIMS 1-5, AND 9-13 ARE OBVIOUS OVER *SLIVKA* ALONE OR IN VIEW OF *POWELL*

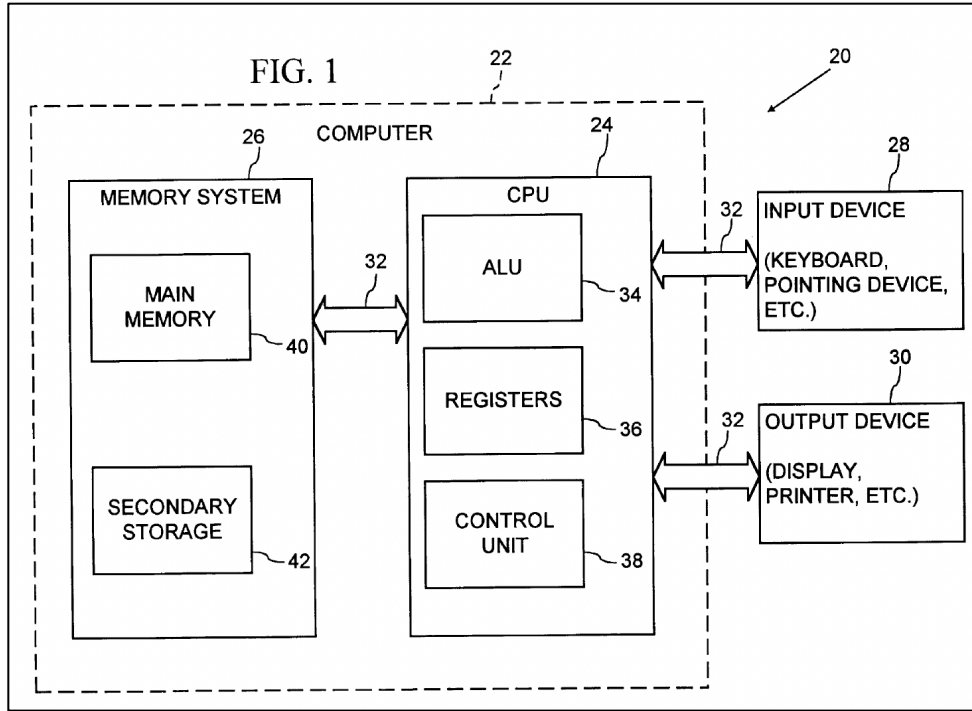
The Challenged Claims utilize data structure templates to generate unique frames – different than a browser – within which content is presented to users. *Slivka*

teaches precisely this concept through its sets of HTML instructions and corresponding HTML frames.

Although *Slivka* does not expressly describe one specific aspect of generating an HTML frame, the missing feature was well known and commonplace in the art. Namely, *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*.

A. Claim 1(Pre): A client device, the client device comprising:

To the extent the preamble is limiting, *Slivka* teaches a computer system 20 (“client device”) including a computer 22. *Slivka*, 4:63-5:2, *generally* 5:3-57. *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.” *Id.* at 5:29-31. *Slivka*’s FIG. 1 below depicts computer system 20, including computer 22, input device 28, and output device 30:



Slivka, FIG. 1.

Slivka further teaches computer system 20 includes hypertext markup language (HTML) frames that retrieve “HTML format information [] from the Internet[.]” *Slivka* 19:1-11. A POSITA would therefore have understood that *Slivka*’s computer system 20 is a client device, as claimed, including because said computer system retrieves content from at least one server over a network (i.e., Internet). *Dec.*, ¶¶53-55.

- B. Claim 1(a): electronic storage having stored thereon a plurality of networked information monitor templates defining a plurality of networked information monitors, the plurality of networked information monitor templates comprising a first networked information monitor template defining a first networked information monitor, wherein the first networked information monitor template comprises:**

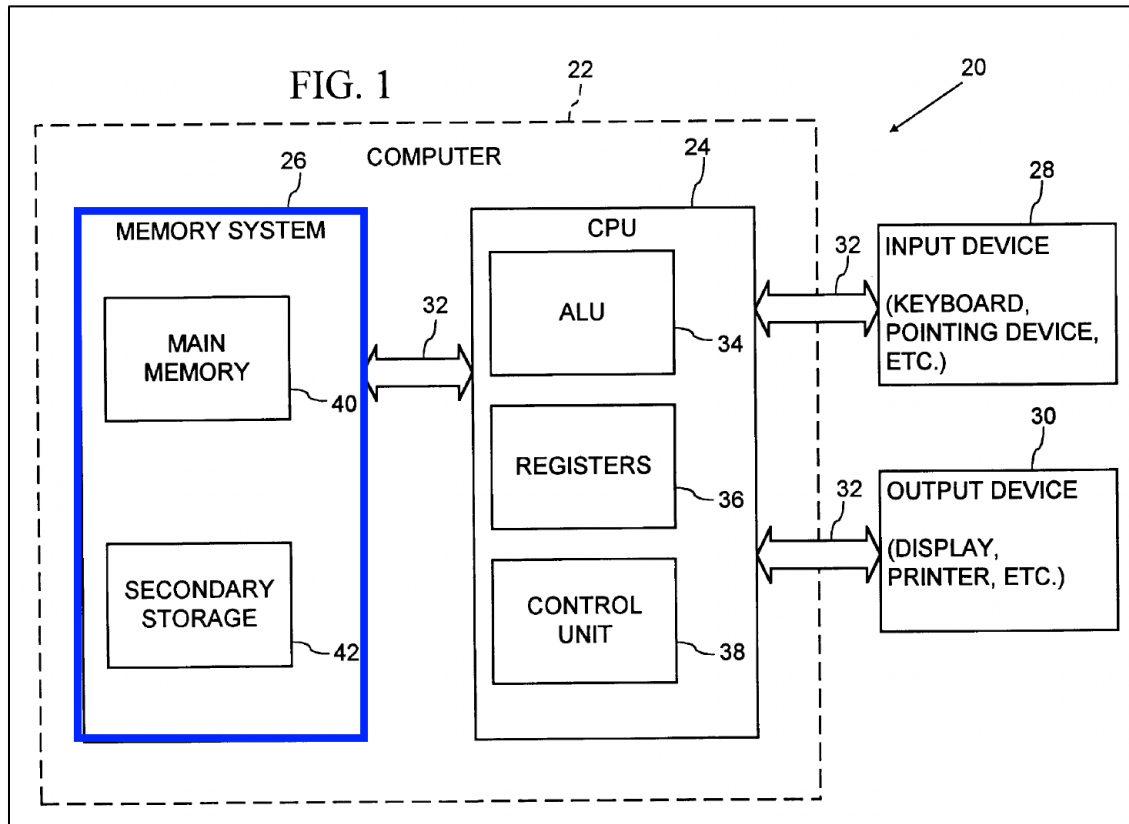
Slivka teaches Claim 1(a).

1. Electronic Storage

Slivka teaches that computer system 20 includes memory system 26 comprising main memory 40 and secondary storage 42. *Slivka*, 4:63-67 (“computer system 20 ... comprises at least one high speed processing unit (CPU) 24, in conjunction with a memory system 26[.]”), 5:12-24 (“memory system 26 generally includes high-speed main memory 40 in the form of a medium such as random access memory (RAM) and read only memory (ROM) semiconductor devices, and secondary storage 42 in the form of long term storage mediums such as floppy disks, hard disks, tape, CD-ROM, flash memory, etc. and other devices that store data using electrical, magnetic, optical or other recording media.”). *Slivka* further teaches that computer system 20 “includes an operating system and at least one application program” and that both “are resident in the illustrated memory system 26.” *Slivka*, 5:32-57 (teaching computer-executed operations). Thus, a POSITA would have understood that *Slivka* stores an operating system, application programs, and other

electronic information locally in memory system 26. Dec., ¶¶56-58. Annotated FIG.

1 below depicts memory system 26 (blue) of computer system 20:



Slivka, FIG. 1 (annotated). *Slivka*'s teachings regarding storing a plurality of the claimed NIMs and NIM templates in electronic storage are discussed in greater detail below in Section V.B.3.

2. A Plurality of NIMs and 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 all necessary information to create a corresponding frame (NIM) through which content is presented to a user. As discussed in greater 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; *also* Section IV.A (discussing how multiple sets of HTML instructions are synthesized into a hypertext page to be converted into the GUI). 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 further 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 various content are presented based on the information contained within the sets of HTML instructions. *Slivka*, 18:49-67; *Dec.*, ¶¶59-64. 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.*, ¶¶59-64. As such, for each frame, the corresponding set of HTML instructions constitutes a NIM template and the frame itself constitutes a NIM. *Dec.*, ¶¶59-64.

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 plurality of "NIM templates" (a set of HTML instructions for each HTML frame) that correspond to a plurality of "NIMs" (HTML frames). 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 Templates)*

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.*, ¶¶65-72 (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.*, ¶¶65-72. Thus, at least *Slivka's* set of HTML instructions for news pane 154 teaches the claimed “controls” and “control characteristics” with respect to the NIM templates.

To the extent it is argued that *Slivka's* set of HTML instructions for ticker 152 does not meet the claimed “NIM template” because ticker 152 lacks “control characteristics,” a POSITA would have been motivated and would have found it obvious to modify *Slivka's* ticker 152 to include control characteristics, such as an

“OnLineButton[,]” help button, pause button, or similar controls for a user to interact with and control said sports ticker. *Dec.*, ¶¶65-72. Indeed, *Slivka*’s news pane 154 includes both an “OnLineButton” and help button for interaction. *Slivka*, FIG. 6; *Slivka FH*, 72-75. A POSITA would have been motivated to modify *Slivka*’s set of HTML instructions for ticker 152 to advantageously include similar functionality to improve said ticker. *Dec.*, ¶¶65-72. Such a use of a known technique would have improved ticker 152 in the same way as news pane 154. *Dec.*, ¶¶65-72. Additionally, a POSITA would have been motivated and found it obvious to add controls such as a pause button, resize option, or other controls (e.g., selecting a particular sport or region) to further enhance ticker 152 and improve the user’s experience utilizing the ticker. *Dec.*, ¶¶65-72.

Further, the proposed modification would have had a reasonable expectation of success, requiring only minor modifications to *Slivka*’s set of HTML instructions. *Dec.*, ¶¶65-72. Indeed, *Slivka* already teaches such functionality in news pane 154, such that adding similar functionality to ticker 152 would have been straightforward and would not have required undue experimentation. *Dec.*, ¶¶65-72. Additionally, adding such controls was well known in the prior art and would have required only straightforward modifications to the set of HTML instructions. *Dec.*, ¶¶65-72.

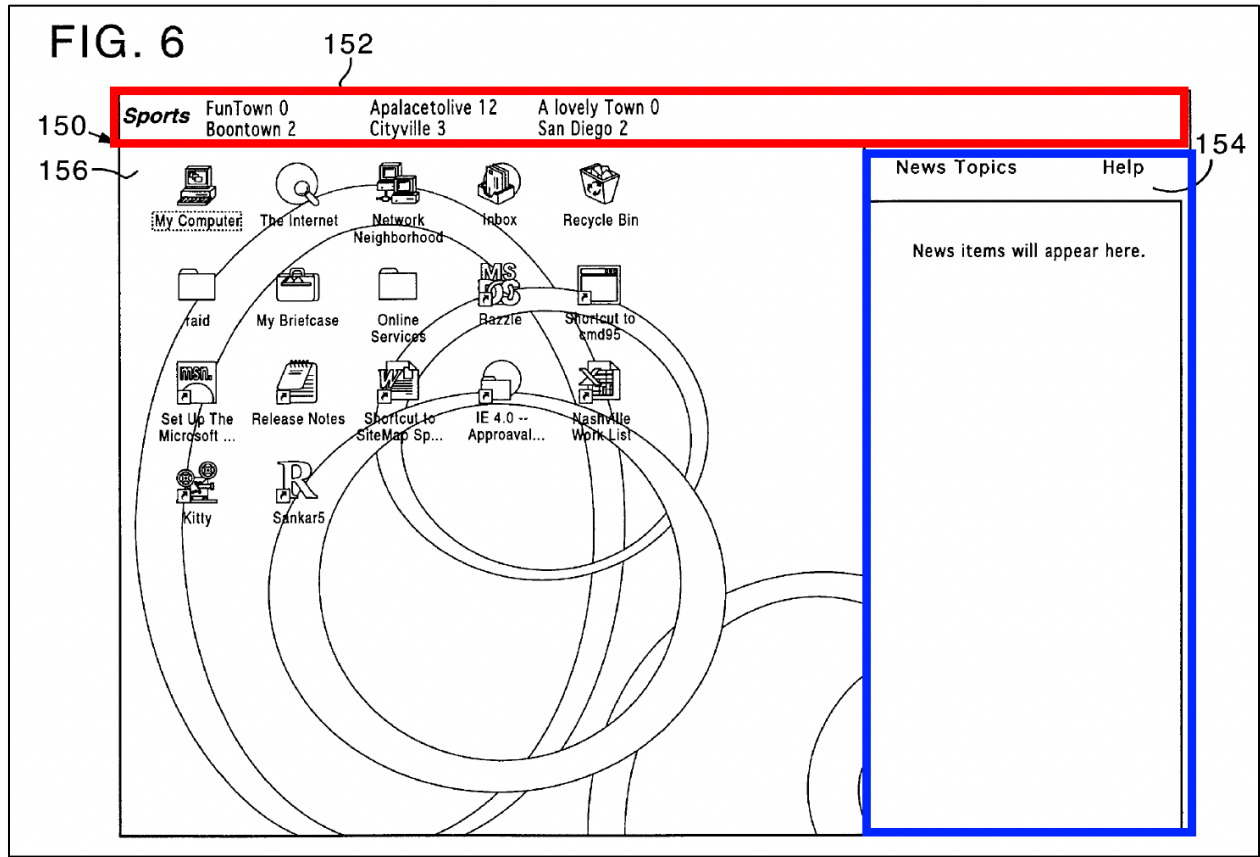
Regarding “exclud[ing] executable applications/compiled code[,]” *Slivka*’s sets of HTML instructions within its hypertext pages are in HTML format, and a

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.*, ¶¶30-35, 65-72. Of note, *Slivka's* HTML instructions include references to Active-X controls. While Active-X controls are compiled, the references themselves are not. *Id.*⁶ Thus, *Slivka's* HTML instructions—the mapped NIM templates—do not include “compiled code” or “executable application(s).” Additional details of *Slivka's* teachings regarding the claimed NIM templates are discussed below. *See* Claims 1(a)(i)-1(a)(iii), 1(c).

b) *Slivka's HTML Frames (NIMs)*

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:

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.*, ¶71.



Id. at FIG. 6 (annotated).

Slivka further teaches “ticker 152 presents scrolling HTML format information retrieved from the Internet, such as stock quotes and sports scores. 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. Thus, *Slivka*’s HTML frames (e.g., ticker 152 and news pane 154) meet the claimed “plurality of networked information monitors” because they are fully configurable frames through which content in a web browser-readable language (e.g., HTML) is displayed. *Dec.*, ¶¶73-75 (describing 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.*, ¶¶73-75. A POSITA would have therefore understood *Slivka*’s HTML frames to be fully configurable (e.g., specifying colors, size, position, embedded controls). *Dec.*, ¶¶73-75.

3. Electronic Storage Having Stored Thereon a Plurality of NIM Templates

When presenting the HTML frames to the user, *Slivka*’s shell 50 can either parse sets of HTML instructions directly from a stored hypertext page or process and synthesize a hypertext page from “templates” and other HTML format files. *Slivka*, 6:53-67. In either scenario, *Slivka* teaches “stor[ing] a plurality of networked information monitor templates defining a plurality of networked information monitors[.]”

As discussed above, *Slivka* teaches storing an operating system, at least one application program, and other information locally in memory system 26. See Section V.B.1; *Dec.*, ¶¶56-58. In one embodiment, *Slivka* teaches storing hypertext pages (plural) comprising sets of HTML instructions locally in memory. *Slivka*, 20:25-30 (“[T]he hypertext page for each display is stored and identified in the

configuration files 66.”). *Slivka* teaches that such configuration information is stored locally in the system registry:

The template (or alternatively stored hypertext page) associated with a folder (whether an actual file system directory or virtual folder) also can be identified by entries in a global configuration file, which in the illustrated shell 52 is the system registry. In the Microsoft® Windows® operating system, the system registry is a database which stores configuration information for the operating system[.]

Id. at 9:24-32, 10:7-9 (“The shell 50 determines the template (or stored hypertext page) to use in synthesizing the view of a particular folder from this information in the configuration files 66.”). A POSITA would have understood that configuration files, including system registry, would have been stored locally in memory system 26 of computer system 20. *Dec.*, ¶¶56-58, 76-79. Therefore, a POSITA would have understood that *Slivka*’s stored hypertext pages, containing sets of HTML instructions (NIM templates), were also stored in memory system 26 (“electronic storage”) of computer system 20 like the operating system and at least one application program. *Id.*

In another embodiment, *Slivka*’s system synthesizes a hypertext page (rather than using the stored hypertext pages) to display the corresponding HTML frames by synthesizing sets of HTML instructions comprising HTML elements from various sources. *Slivka*, 20:12-16 (“In the illustrated shell 50, the hypertext viewer

70 contains code to parse and display hypertext pages in the HTML format, including any of the HTML tags supported by the Microsoft® Internet Explorer 3.0 browser software.”), 3:55-67 (“[T]he shell also synthesizes hypertext multimedia documents for display as the folder views and other displays in the shell’s graphical user interface. The hypertext multimedia documents for the various displays are synthesized from templates which are identified in a configuration or ‘.ini’ file.”). A POSITA would have understood that parsing the synthesized hypertext document and sets of HTML instructions would have required storing such information at least temporarily in RAM. *Dec.*, ¶¶56-58, 76-79. Thus, whether storing HTML instructions temporarily in volatile memory (RAM) or long term in non-volatile memory (ROM, hard disk, flash memory, or other long-term storage), either would have met the claimed “electronic storage having stored thereon a plurality of [NIM] templates[.]” *Id.*

4. A First Networked Information Monitor Template Defining A First Networked Information Monitor

As discussed in detail above, *Slivka* teaches at least two exemplary sets of HTML instructions (NIM templates) and corresponding HTML frames (NIMs). First, *Slivka* teaches a set of HTML instructions and corresponding HTML frame for ticker 152. *Slivka*, 18:49-19:6; *Slivka FH*, 69, 75-77. Second, *Slivka* teaches a set of HTML instructions and corresponding HTML frame for news pane 154. *Slivka*, 18:49-19:6; *Slivka FH*, 69, 72-75. Both ticker 152 and news pane 154 meet the

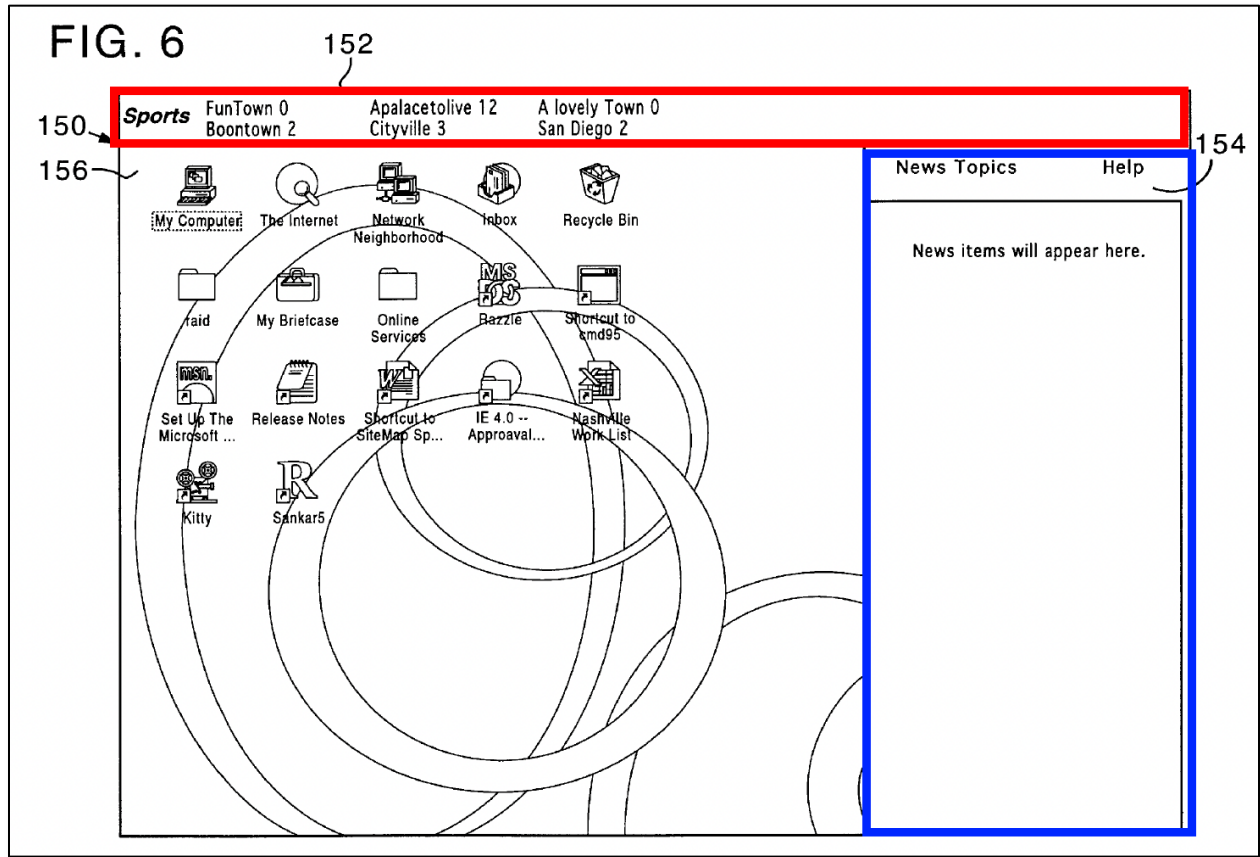
requirements for the claimed NIM templates and NIMs. Thus, each satisfies the claimed “first networked information monitor template defining a first networked information monitor[.]” For simplicity in subsequent claims, Petitioner maps *Slivka*’s set of HTML instructions for news pane 154 as a *first* NIM template and *Slivka*’s HTML frame news pane 154 as a *first* NIM defined by the first NIM template.

C. Claim 1(a)(i): (1) a content reference that comprises a network location at which content for the first networked information monitor is accessible via a TCP/IP protocol;

Slivka teaches sets of HTML instructions that a POSITA would understand to include a content reference that comprises a network location at which content for the NIM is accessible via a TCP/IP protocol. To the extent Patent Owner argues *Slivka* does not teach limitation 1(a)(i), as described below, a POSITA would have been motivated to modify *Slivka* in view of *Powell*’s teachings to implement a specific URL content reference in its set of HTML instructions.

1. Content Reference

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.*, ¶74 (explaining that 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 content reference that comprises a network location[.]" *Dec.*, ¶¶80-86. In other words, a POSITA would have understood that *Slivka*'s HTML instructions would have included one or more content references even though such content references are not expressly disclosed in *Slivka*'s exemplary HTML instructions themselves. *Dec.*, ¶¶80-81.

Indeed, *Slivka* teaches 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 content reference would have been present within the set of HTML instructions defining the Web content to present in the HTML frame. *Dec.*, ¶¶80-81.

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

a) *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 found it obvious to use a URL to reference content retrieved from the Web and presented to a user through an HTML frame. *Dec.*, ¶¶80-86.

b) 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.*, ¶¶35, 80-86. 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*.

Slivka already teaches using sets of HTML instructions, which a POSITA would have understood would have been straightforward to modify. *Dec.*, ¶¶80-86. 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.*, ¶¶80-86. 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*, 348; see also *supra* Claim 1(a) (explaining details of *Slivka's* HTML frames).

2. TCP/IP Protocol

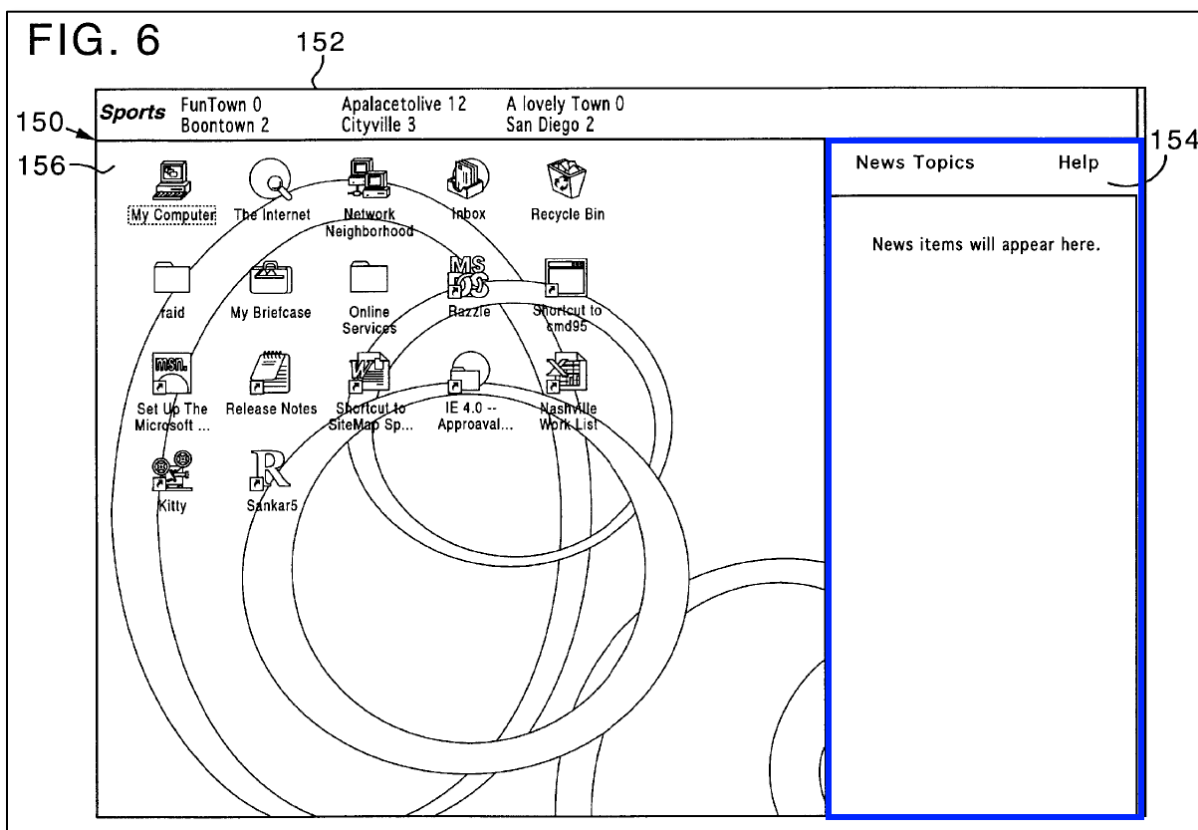
Slivka teaches accessing content over the Internet. *Slivka*, 18:49-19:11. As discussed above, *Slivka* further teaches computer system 20 includes network access. See Claim 1(Pre). A POSITA would have understood that TCP/IP was the protocol used for Internet access for *Slivka*'s content references, whether alone or as modified with a URL content reference in view of *Powell*. Dec., ¶86. *Powell* teaches the "Internet is the name given to the worldwide collection of data networks (an internetwork) that speak the TCP/IP network protocol[.]" *Powell*, 63. Additionally, *Powell* teaches "actual transmission of data" over the Internet "is handled by TCP/IP." *Powell*, 62. Further, a POSITA would have understood that *Slivka* would have used TCP/IP protocol because TCP/IP is a "reliable protocol" where any packets lost in transmission can be retransmitted. Dec., ¶¶26, 86. *Powell* teaches that "[b]ecause the Internet is a packet-switched network, data can arrive out of order, get lost, and so on. The TCP/IP network protocol deals with these problems." *Powell*, 62.

More specifically, with respect to the URL content references, *Powell* explains that within the context of a URL, "the discussion is handled by the HTTP protocol. The actual transmission of data is handled by TCP/IP." *Powell*, 62. Thus, because *Slivka* in view of *Powell* teaches a content reference via a URL, and because TCP/IP was used when accessing information using http protocols, a POSITA would

have understood that *Slivka* would have utilized the TCP/IP protocol for its connections over the Internet (e.g., accessing content). *Dec.*, ¶¶26, 86.

- D. Claim 1(a)(ii): (2) a definition of a graphical user interface of the first networked information monitor that lacks controls for manually navigating a network, and that includes a frame within which content received from the network location can be displayed, and frame characteristics defining one or more a color, a size, or a position on the electronic display of the frame; and**

As discussed below, *Slivka* teaches sets of HTML instructions (NIM templates) that produce separate HTML frames on a GUI of a user's electronic display. 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 content received from a network location is displayed. *Slivka*, 18:49-19:11. Such HTML frame includes displaying news information in news pane 154. *Id.* Annotated FIG. 6 below depicts news pane 154 that displays content received from a network location:



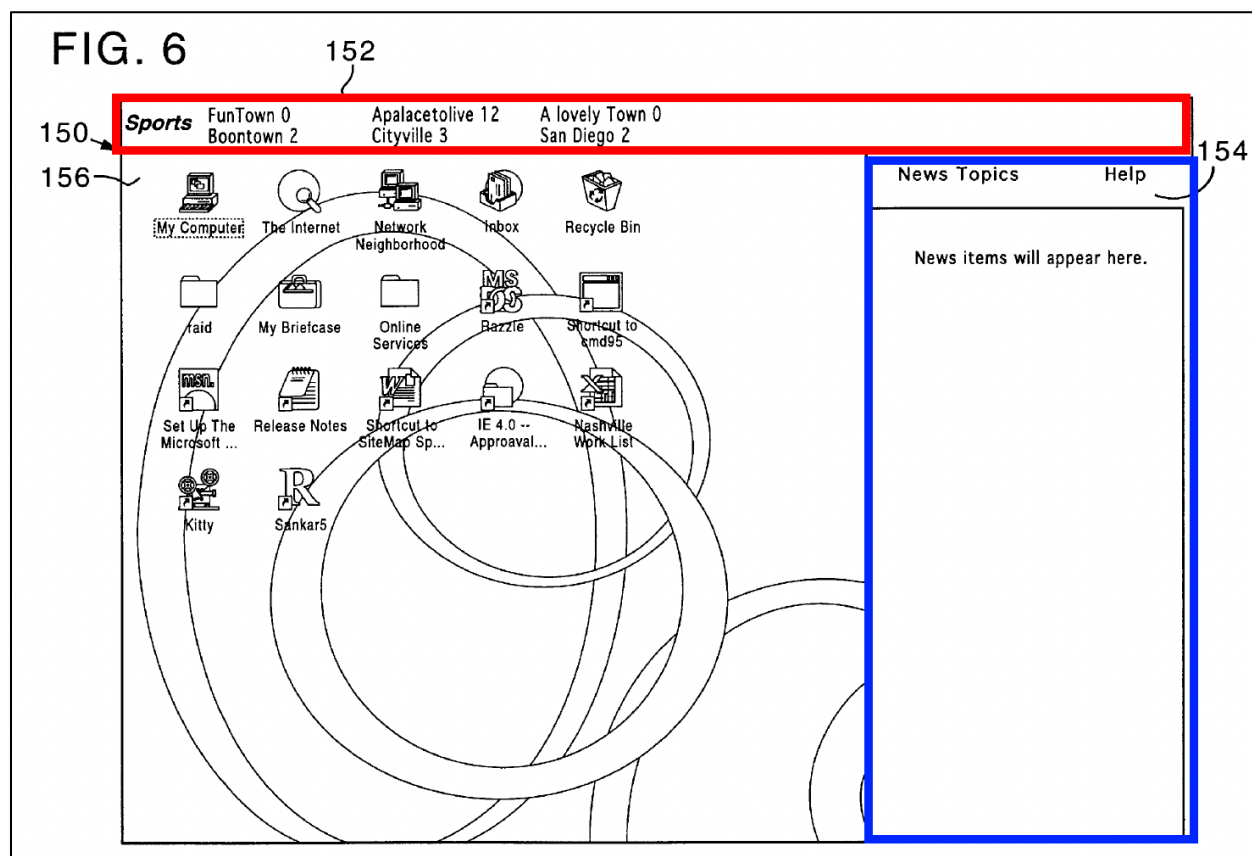
Slivka, FIG. 6 (annotated). As such, news pane 154 satisfies a “first networked information monitor” as claimed in which the corresponding set of HTML instructions comprises a definition of a GUI of such HTML frame that (1) lacks controls for manually navigating a network, (2) includes a frame within which content received from the network location can be displayed, and (3) includes frame characteristics defining one or more a color, a size, or a position on the electronic display of the frame. *Dec.*, ¶¶87-95.

1. Lacks Controls for Manually Navigating a Network

Slivka teaches a definition of a GUI of an HTML frame (“NIM”) that lacks controls for manually navigating a network.⁷ Here, not only does *Slivka*’s set of HTML instructions for news pane 154 exclude HTML elements for manual navigation controls to be presented in the HTML frame, but *Slivka*’s news pane 154 HTML frame demonstrates no ability for the user to manually navigate a network. A POSITA would have understood that if such instructions were present in the set of HTML instructions, manual navigation would be presented in the frame. *Dec.*, ¶¶87-90. However, here, since no manual navigation bar is shown, a POSITA would understand that no such controls exist in the set of HTML instructions. *Dec.*, ¶¶87-90. In fact, none of *Slivka*’s sets of HTML instructions encompass any sort of manual URL navigation or forward/backward navigation buttons or controls. *See generally*

⁷ While silence, in the sense of not being able to tell one way or the other whether a negative limitation is taught, is not by itself sufficient for a petitioner to meet its burden to prove a negative limitation, when a reference does not suggest the negative limitation, there is a basis for finding the reference does not teach the negative limitation. *Compare IBM Corp. v. Iancu*, 2018-1065, at *15 (slip op.) (Apr. 1, 2019) (nonprecedential) with *AC Techs. S.A. v. Amazon.com, Inc.*, 912 F.3d 1358, 1367 (Fed. Cir. 2019) (precedential) (“Contrary to AC’s suggestion, a reference need not state a feature’s absence in order to disclose a negative limitation.”) and *Sud-Chemie, Inc. v. Multisorb Techs., Inc.*, 554 F.2d 1001, 1004-05 (Fed. Cir. 2009) (precedential) (finding that although the claim construction required a film “uncoated with an adhesive,” because the reference taught adhering films and sheets together by heat sealing “with no indication that the process contemplates the use of adhesive coatings on the films,” the reference met the negative limitation.).

Slivka FH, 69-77. As shown in FIG. 6 below, neither of *Slivka*'s exemplary ticker 152 or news pane 154 HTML frames include a field for URL entry nor back or forward buttons (or other controls) for manually navigating a network:



Slivka, FIG. 6 (annotated); '083 *FH*, 136 (distinguishing from prior art which taught manual URL entry and backward and forward navigation buttons).

A POSITA would have understood that *Slivka*'s news pane 154 HTML frame retrieves content from the network location(s) referenced in its corresponding set of HTML instructions and not through manual navigation. *Dec.*, ¶¶87-90; *see* Claim 1(a)(i) (discussing the claimed content elements referencing network locations for

content to be presented in the NIM). Further, a POSITA would have understood that *Slivka*'s HTML frames do not function as a conventional Internet browser and lack controls for manually navigating a network. *Dec.*, ¶¶87-90 (discussing how *Slivka*'s operation does not rely on traditional browser software, nor does it disclose HTML frames that allow a user to manually navigate a network).

2. Frame Within Which Network Content Can Be Displayed

Slivka teaches a definition of a GUI of an HTML frame ("NIM") that "includes a frame within which content received from the network location can be displayed[.]" More specifically, *Slivka* teaches a set of HTML instructions, shown in Appendix A below, defining a frame within which news information from the web is presented (blue).

48
RX OFF.

APPENDIX A DESKTOP.HTM

```
<%WinShell = CreateObject("WinShellHTMLPreProc")%>
<!--
* This file was automatically generated by Microsoft Internet Explorer 4.0 * using
the file <%WinShell.TemplateDirPath%>DESKTOP.HTM -->

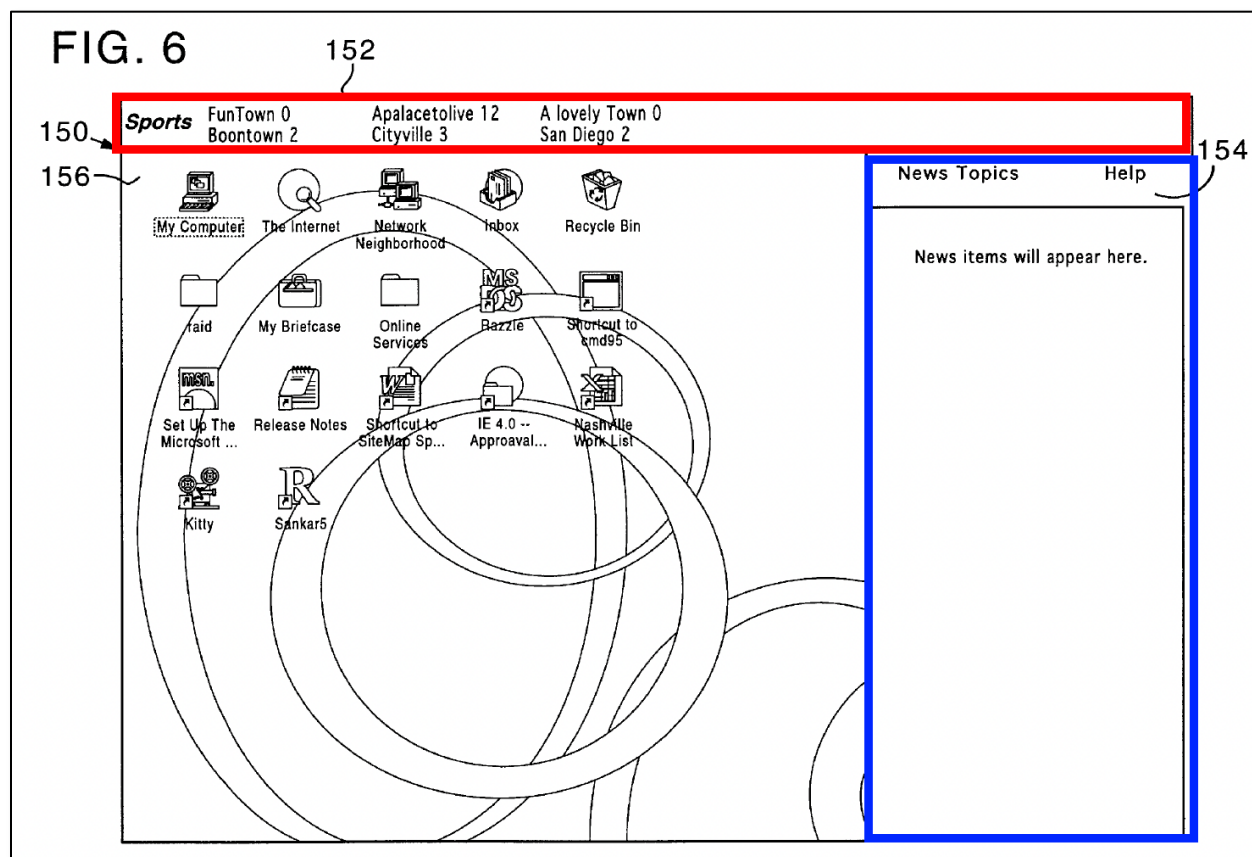
<html>
<head>
<title>
<%WinShell.Title%>
</title>
</head>

<body leftmargin=0 topmargin=0>
<frameset rows="40,*" frameborder=0 framespacing=0>
<frame name="tickerframe" scrolling=no
src="<%WinShell.IfProxy("http://iptdweb.microsoft.com/activedesktop/desktop/tickh
ost.htm", "%WINDIR%\web\ticker.htm")%>"> <frameset cols="*,240"
frameborder=0 framespacing=0> <frame name="icons" scrolling=no
src="<%WinShell.ProcessFile("dsk_1.htm")%>"> <FRAME
NAME="infopane" NORESIZE SCROLLING=NO
SRC="<%WinShell.IfProxy("http://iptdweb.microsoft.com/activedesktop/infopane/inf
opane.htm", "%WINDIR%\web\news.htm")%>"> </frameset>
</frameset>
</body>

</html>
```

Slivka FH, 69 (excerpt, annotated).

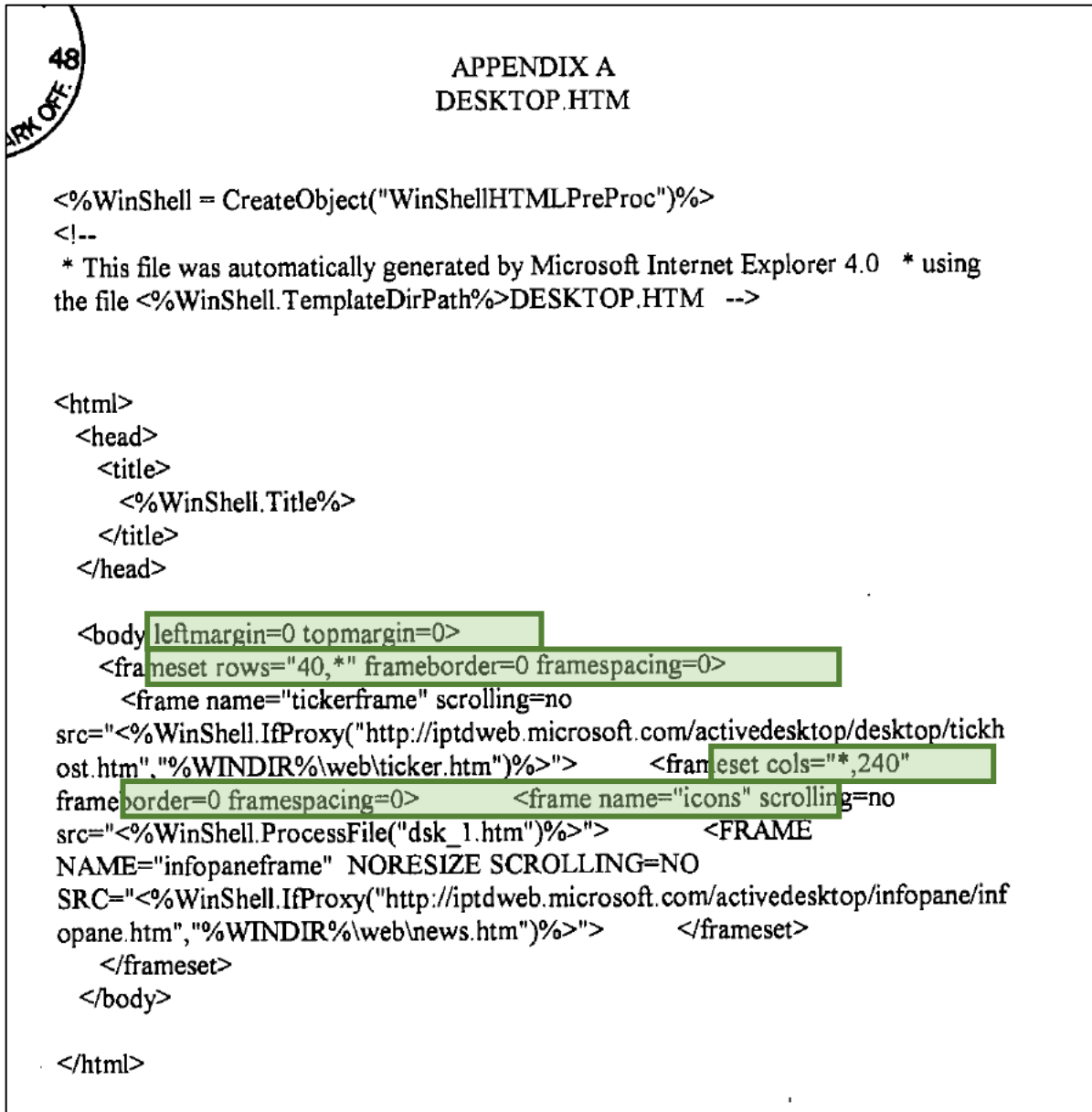
Slivka's sets of HTML instructions are designated in each frame. *Dec.*, ¶91. Annotated FIG. 6 below depicts news pane 154 (blue) defined by its corresponding set of HTML instructions that displays content retrieved from a network location:



Slivka, FIG. 6 (annotated).

3. Frame Characteristics

Slivka teaches a definition of a GUI of the first HTML frame (NIM) that includes frame characteristics “defining one or more a color, a size, or a position on the electronic display of the frame[,]” as claimed. *Slivka*’s set of HTML instructions for news pane 154 include, for example, frame size and position. *Slivka*’s Appendix A, below, includes exemplary HTML instructions defining the frame such as “<frameset rows = ... frameborder = ... framespacing =...> <frame name = ...”



Slivka FH, 69 (excerpt, annotated). A POSITA would have understood the HTML instructions to specify size (e.g., <frameset rows = “40”) would have been a “frame characteristic,” as claimed, because said HTML instructions would have altered the size “on the electronic display of the frame[.]” *Dec.*, ¶¶92-95. A POSITA would have further understood the set HTML instructions to specify position, such as

margins and alignment for news pane 154, would have been a “frame characteristic,” as claimed, because said set of HTML instructions would have altered the position “on the electronic display of the frame[.]” *Dec.*, ¶¶92-95.

Slivka’s news pane 154 HTML frame further includes, for example, background color selection. *Slivka*’s Appendix D, below, includes an exemplary set of HTML instructions for news.htm, including “BGCOLOR=#000000[.]” A POSITA would have understood that these HTML instructions would have been a “frame characteristic[.]” as claimed, because said HTML instructions would have altered the background color “on the electronic display of the frame[.]” *Dec.*, ¶96; *Powell*, 260 (explaining that “BGCOLOR defines the document’s background color.”).

```
<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">
```

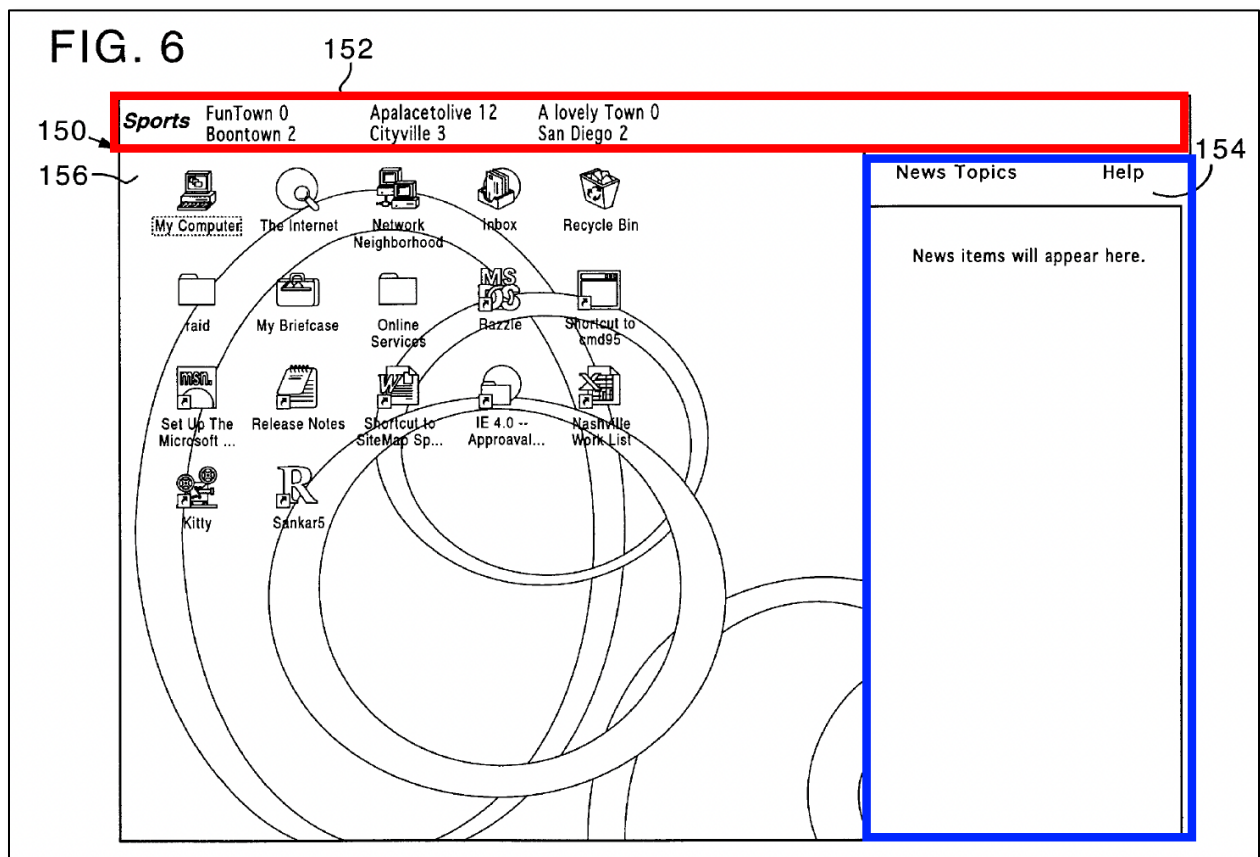
Slivka FH, 74 (excerpt, annotated).

Therefore, a POSITA would have understood that *Slivka* teaches a first NIM template including frame characteristics defining at least one of color and size, as claimed.

- E. Claim 1(a)(iii): (3) instructions configured (i) to cause the first networked information monitor to request content from the network location in the content reference via the TCP/IP protocol, and (ii) to cause the first networked information monitor to generate the graphical user interface of the first networked information monitor with the content received from the network location via the TCP/IP protocol within the frame;**

Slivka teaches sets of HTML instructions that include computer-executed instructions for performing operations. *Slivka*, 5:32-57; *Dec.*, ¶¶30-37, 97-98 (explaining HTML elements/tags and how such elements/tags are parsed into a GUI). As discussed above, *Slivka* alone or in view of *Powell* teaches sets of HTML instructions including a content reference that comprises a network location at which content for the first NIM is accessible via a TCP/IP protocol. *See* Claim 1(a)(i). A POSITA would have understood that such content references constitute instructions configured to cause the first NIM to request such content from the network location in the content reference via the TCP/IP protocol. *Dec.*, ¶¶80-86, 97-98. Indeed, such content references were known to be used within HTML as a way to retrieve content from the Internet. *Id.* (discussing *Powell*). *Slivka* alone or in view of *Powell* therefore renders obvious sets of HTML instructions that comprise instructions configured to cause the HTML frame to request content from the network location.

Further, *Slivka* teaches a set of HTML instructions to generate the HTML frames on the graphical user interface of a display device. As discussed in preceding sections, *Slivka*'s sets of HTML instructions encompass necessary information for shell 50 to generate HTML frames in a GUI on a user's display. See Claim 1(a)(i)-1(a)(ii) (discussing various components of the sets of HTML instructions that are parsed by shell 50 to generate the HTML frames news pane 154 and ticker 152.). For example, news pane 154 HTML frame (blue) including news.htm (which receives content from the network location via the TCP/IP protocol, as claimed) is depicted in annotated FIG. 6 below:

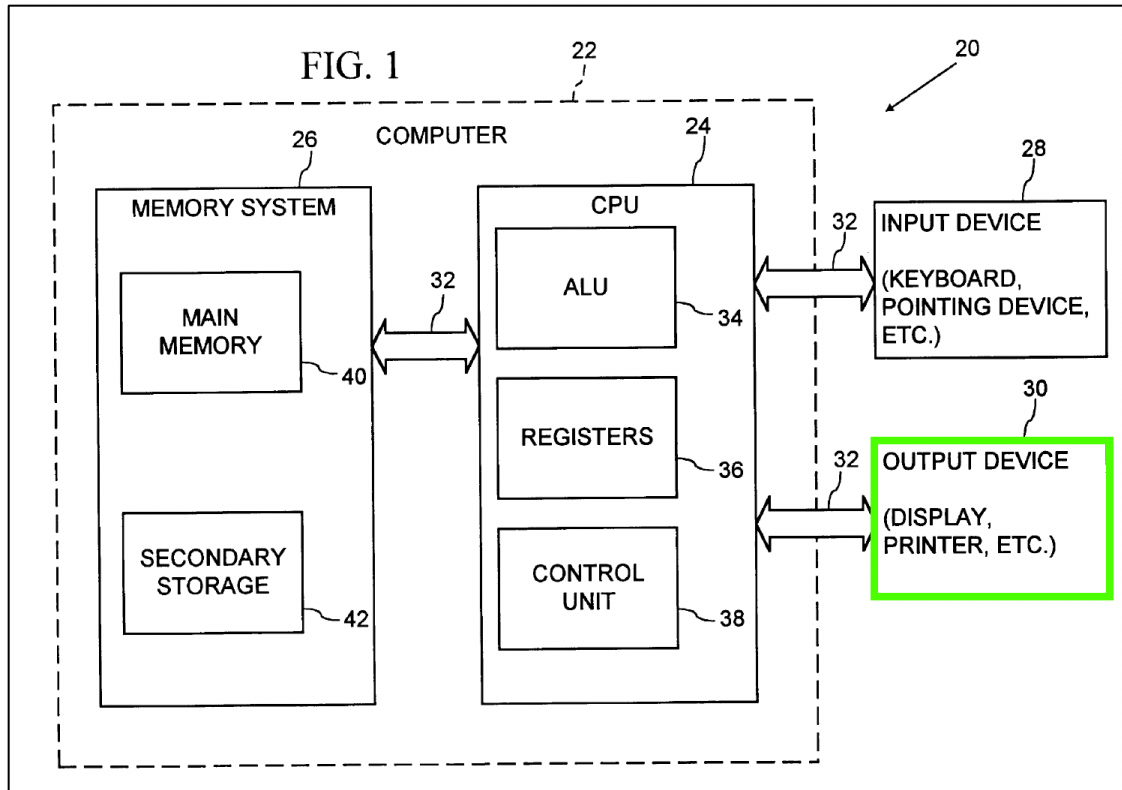


Slivka, FIG. 6 (annotated).

A POSITA would have understood that because *Slivka*'s sets of HTML instructions are parsed by shell 50 to generate such display, such instructions cause the HTML frames to generate a GUI of the HTML frame with content received from a network location via TCP/IP. *Dec.*, ¶¶97-98. Indeed, parsing *Slivka*'s set of HTML instructions for news pane 154 causes shell 50 to generate a GUI of news pane 154 HTML frame. *Slivka*, 18:50-67. Further, parsing *Slivka*'s set of HTML instructions for news pane 154 causes such news pane 154 HTML frame to be filled with content received from a network location via TCP/IP. *Slivka*, 19:1-11.

F. Claim 1(b): an electronic display; and

Slivka teaches an electronic display. More specifically, *Slivka* teaches an output device 30, which comprises a display. *Slivka*, 5:25-31, 5:59-66 (“The graphical user interface includes a desktop display 52 presented on a video screen of the computer’s output device 30 (FIG. 1).”), 11:54-57 (“The illustrated shell 50 also includes a hypertext viewer 70 and a shell explorer 72 which provide the desktop display 52 on the video screen of the computer’s output device 30 (FIG. 1).”). FIG. 1, below, depicts output device 30 (green):



Slivka, FIG. 1 (annotated); *Dec.*, ¶¶99-100.

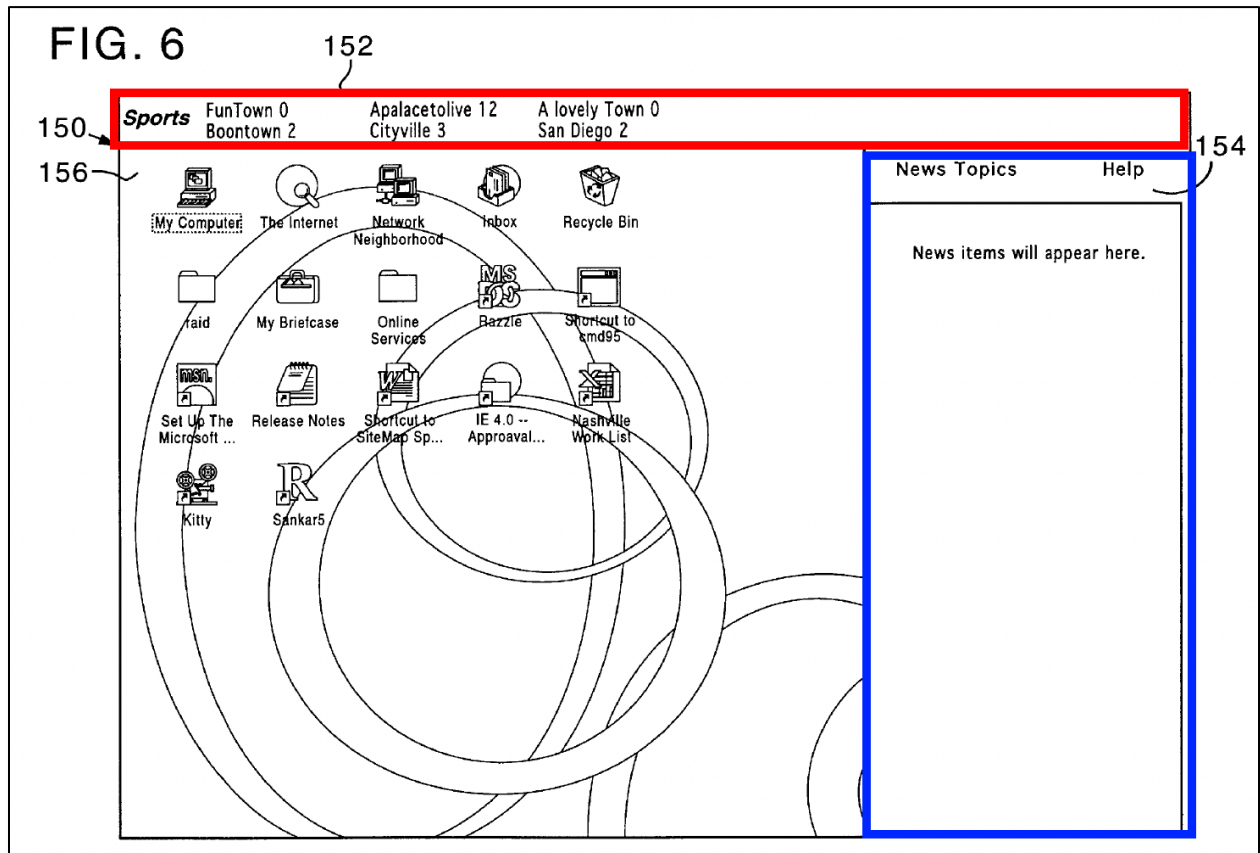
- G. Claim 1(c): one or more processors configured to access the first networked information monitor template, and to execute the first networked information monitor template such that the graphical user interface of the first networked information monitor is presented to a user on the electronic display having content received from the content reference therein.**

Slivka teaches a computer system 20 including CPU 24, where CPU 24 includes an ALU 34, registers 36, and control unit 38. *Slivka*, 4:63-5:11. *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 stored in memory system 26. *Id.* As discussed above, *Slivka* teaches storing

hypertext pages in memory system 26. *Slivka*, 20:25-34; *See* Section V.B.3. A POSITA would have understood that *Slivka*'s shell 50, which "provides a graphical user interface for a user of the computer to interact with the operating system" and which includes hypertext viewer 70, would have been controlled by CPU 24. *Slivka*, 5:59-66, 11:54-12:13, 16:23-52, 18:49-19:18, 20:8-34; *Dec.*, ¶¶101-102.

As discussed above, *Slivka* alone or in view of *Powell* teaches the claimed first NIM and first NIM template. *See* Claim 1(a). A POSITA would have understood that *Slivka*'s computer system includes one or more processors to access a first set of HTML instructions (i.e., first NIM template) and execute said HTML instructions to thus present the graphical user interface of the HTML frame (i.e., first NIM) including content received from the content reference therein to a user on the electronic display. *Dec.*, ¶¶101-102. Given the functionality of *Slivka*'s shell, a POSITA would have understood such shell 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.*, ¶¶45-49, 101-102; *see also* Section IV.A (describing the step-by-step processing performed by the shell, including obtaining and parsing sets of HTML instructions to produce and display HTML frames). *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*, 19:9-11; *see also* Section IV.A (explaining how *Slivka*'s

shell generates the HTML frames from the corresponding set of HTML instructions.). For example, annotated FIG. 6 below depicts displaying HTML frames on an electronic display to a user including referenced content retrieved from a network location:



Slivka, FIG. 6 (annotated); *Dec.*, ¶¶45-49, 101-102.

H. Claim 2: The client device of claim 1, wherein the first networked information monitor template further comprises control characteristics that define one or more controls that are usable by the user to interact with or control the first networked information monitor.

See supra Claim 1. In one embodiment, *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 such a “help” button would have been a control characteristic included in a first set of HTML instructions (“NIM template”). *Dec.*, ¶¶103-104. 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.*, ¶¶103-104. A POSITA would have understood from *Slivka*’s exemplary set of HTML instructions that said

“OnLineButton” would have included the claimed “control characteristics” that “define one or more controls that are usable by the user to interact with or control the first networked information monitor.” *Dec.*, ¶¶103-104.

I. Claim 3: The client device of claim 2, wherein the control characteristics define visual representations of the controls that are included in the graphical user interface of the first networked information monitor.

See Claim 2. As discussed above, *Slivka* teaches defining visual representations of controls that are included in the graphical user interface, including colors for the “OnLineButton.” See Claim 2. For example, *Slivka*’s exemplary set of HTML instructions for news pane 154’s “OnLineButton” include color values (e.g., “BordColor,” “BackColor”) and size characteristics (“width=72 height=18”).

```

</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.*, ¶¶103-105.

J. Claim 4(a): The client device of claim 1, wherein the plurality of networked information monitor templates further comprises a second networked information monitor template defining a second networked information monitor, wherein the second networked information monitor template comprises:

See Claim 1. As discussed above, *Slivka* teaches a hypertext page including sets of HTML instructions (“NIM templates”) including a “first” set of HTML instructions (“first NIM template”) defining a “first” HTML frame (“first NIM”), such as the news HTML frame. *See* Claim 1 (outlining *Slivka*’s set of HTML instructions and corresponding HTML frame for news pane 154 as a first NIM template and NIM). *Slivka* teaches a hypertext page including a set of HTML instructions defining news pane 154 (first NIM template) as well as a set of HTML instructions defining ticker 152. *Slivka* 18:49-19:19. Thus, a POSITA would have understood that *Slivka*’s hypertext page comprises a plurality of sets of HTML instructions (NIM templates) defining a plurality of HTML frames (NIMs). *Dec.*, ¶¶56-79, 106; *see also* Claim 1(a). As such, *Slivka* necessarily teaches a second set of HTML instructions (“second NIM template”) that defines a second HTML frame (“second NIM”) due to the plurality of requisite NIM templates and NIMs taught by *Slivka*. *Dec.*, ¶¶56-79, 106. More specifically, Petitioner maps *Slivka*’s set of HTML instructions and corresponding HTML frame for ticker 152 as a second NIM template and second NIM.

- K. Claim 4(a)(i): (1) a second content reference that comprises a second network location, which is different from the network location in the content reference of the first networked information monitor template, at which content for the second networked information monitor is accessible via the TCP/IP protocol; and**

Slivka teaches “ticker 152 presents scrolling HTML format **information retrieved from the Internet**, such as stock quotes and sports scores.” *Slivka*, 19:7-9 (emphasis added). A POSITA would have understood that the set of HTML instructions for ticker 152 references a different content reference than the set of HTML instructions for news pane 154. *Dec.*, ¶107. Further, a POSITA would have understood that *Slivka*’s ticker 152 retrieves different content from news pane 154 because ticker 152 retrieves content such as stock quotes and sports scores and news pane 154 retrieves content related to news events. *Slivka*, 19:7-11; *Dec.*, ¶107. A POSITA would have been motivated to modify *Slivka*’s set of HTML instructions for ticker 152 in the same way as news pane 154 with respect to a URL content reference. *See supra* Claim 1(a)(i); *Dec.*, ¶¶80-86, 107. As such, *Slivka*’s modified content reference would have also met the required TCP/IP protocol accessibility. *Id.*

- L. Claim 4(a)(ii): (2) a definition of a graphical user interface of the second networked information monitor that lacks controls for manually navigating a network, and that includes a second frame within which content received from the second network location can be displayed; and**

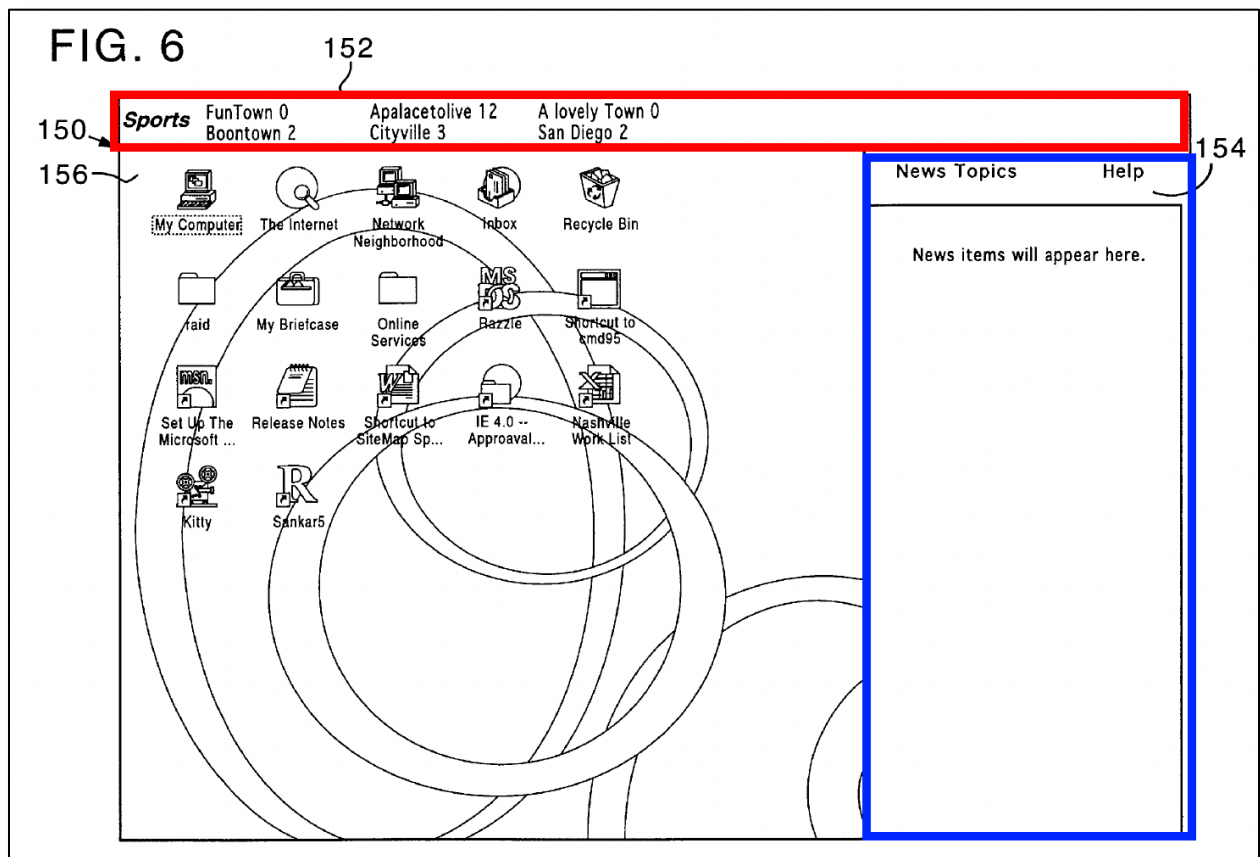
As discussed above, *Slivka* teaches sets of HTML instructions (“NIM templates”) that produce separate HTML frames on a GUI of a user’s electronic display. *See supra* Section IV.A. Indeed, *Slivka* teaches an exemplary set of HTML instructions for ticker 152 that includes a definition of a GUI of ticker 152 HTML frame. *Slivka*, 6:53-56, FIG. 6. As such, ticker 152 satisfies a “second networked information monitor[,]” as claimed in which the corresponding set of HTML instructions comprises a definition of a GUI of such HTML frame that (1) lacks controls for manually navigating a network, and (2) includes a second frame within which content received from the network location can be displayed. *Dec.*, ¶¶107-111.

1. Lacks Controls for Manually Navigating a Network

Slivka teaches a definition of a GUI of an HTML frame (“NIM”) that lacks controls for manually navigating a network.⁸ As with *Slivka*’s news pane 154, *Slivka*’s set of HTML instructions for ticker 152 exclude HTML elements for manual navigation controls to be presented in the HTML frame, and *Slivka*’s ticker 152 HTML frame demonstrates no ability for the user to manually navigate a network.

⁸ *See supra*, note 5, at 33.

A POSITA would have understood that if such instructions were present in the set of HTML instructions, manual navigation would be presented in the frame. *Dec.*, ¶¶108-111. However, here, since no manual navigation bar is shown, a POSITA would understand that no such controls exist in the set of HTML instructions. *Dec.*, ¶¶87-90, 108-111. As shown in FIG. 6 below, neither of *Slivka*'s exemplary ticker 152 or news pane 154 HTML frames include a field for URL entry nor back or forward buttons (or other controls) for manually navigating a network:

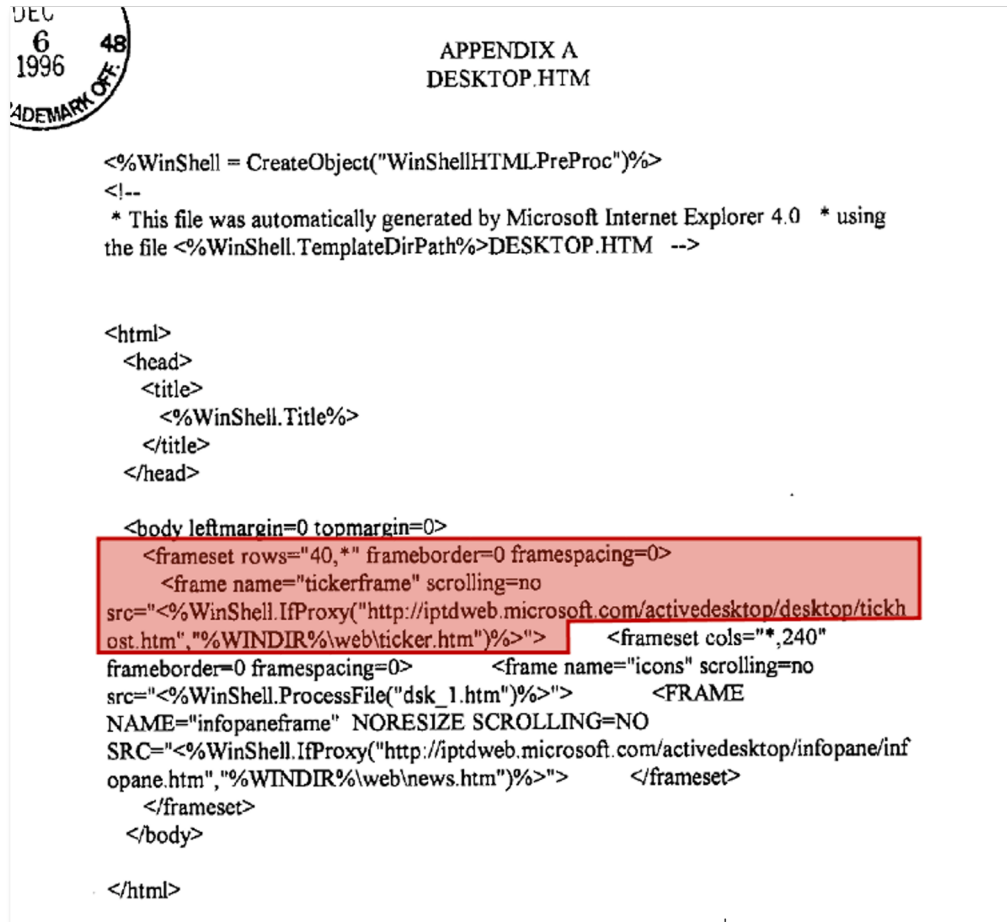


Slivka, FIG. 6 (annotated); '083 *FH*, 136 (distinguishing from prior art which taught manual URL entry and backward and forward navigation buttons).

A POSITA would have understood that *Slivka*'s ticker 152 HTML frame retrieves content from the network location(s) referenced in its corresponding set of HTML instructions and not through manual navigation. *Dec.*, ¶¶107-111; *see* Claim 4(a)(i) (discussing the claimed content elements referencing network locations for content to be presented in the NIM). Further, a POSITA would have understood that *Slivka*'s HTML frames do not function as a conventional Internet browser and lack controls for manually navigating a network. *Dec.*, ¶¶87-90, 107-111 (discussing how *Slivka*'s operation does not rely on traditional browser software, nor does it disclose HTML frames that allow a user to manually navigate a network.)

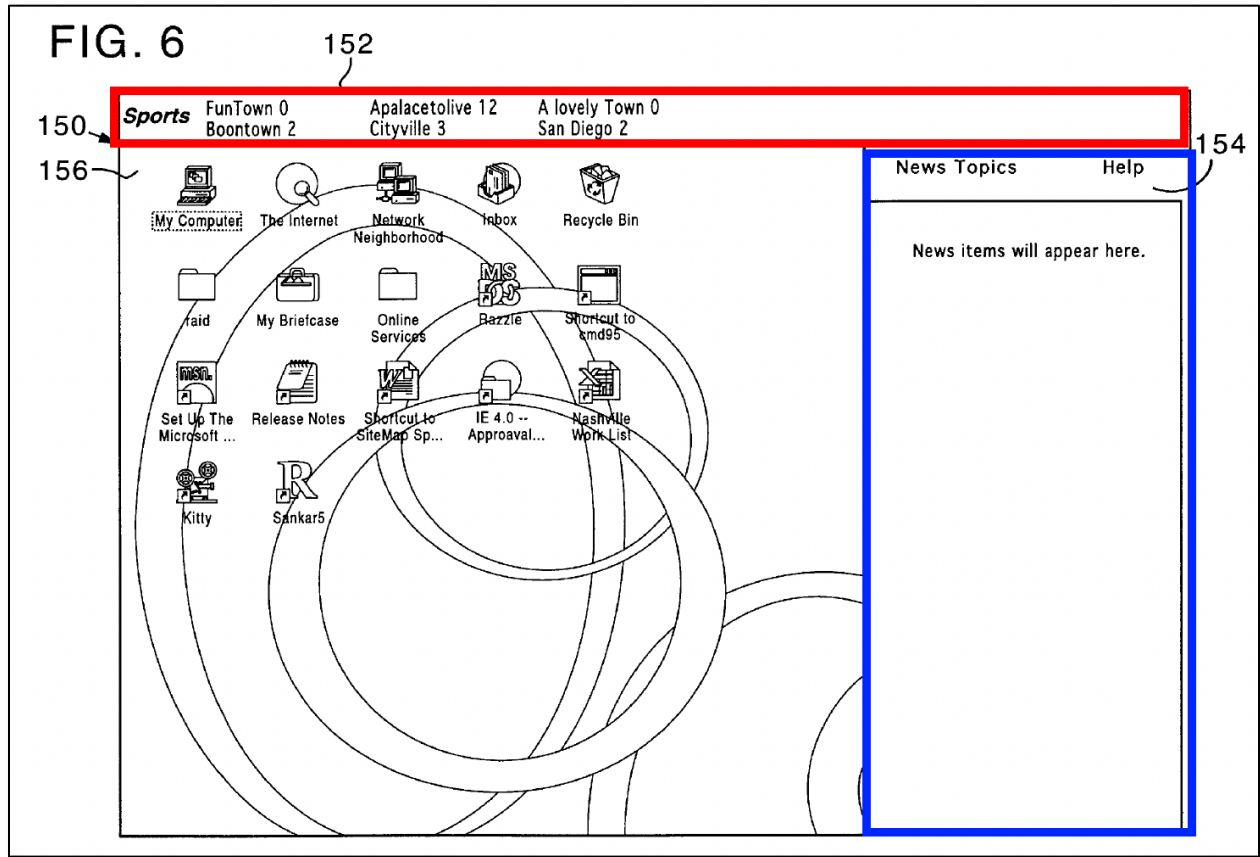
2. Frame Within Which Network Content Can Be Displayed

Slivka teaches a definition of a GUI of an HTML frame (“NIM”) that “includes a frame within which content received from the network location can be displayed.” More specifically, *Slivka* teaches a set of HTML instructions, shown in Appendix A below, defining a frame within which sports or stock information from the web is presented (red).



Slivka FH, 69 (excerpt, annotated).

Slivka’s sets of HTML instructions are designated in each frame. *Dec.*, ¶¶108-111. Annotated FIG. 6 below depicts ticker 152 (red) defined by its corresponding set of HTML instructions that displays content retrieved from a network location:



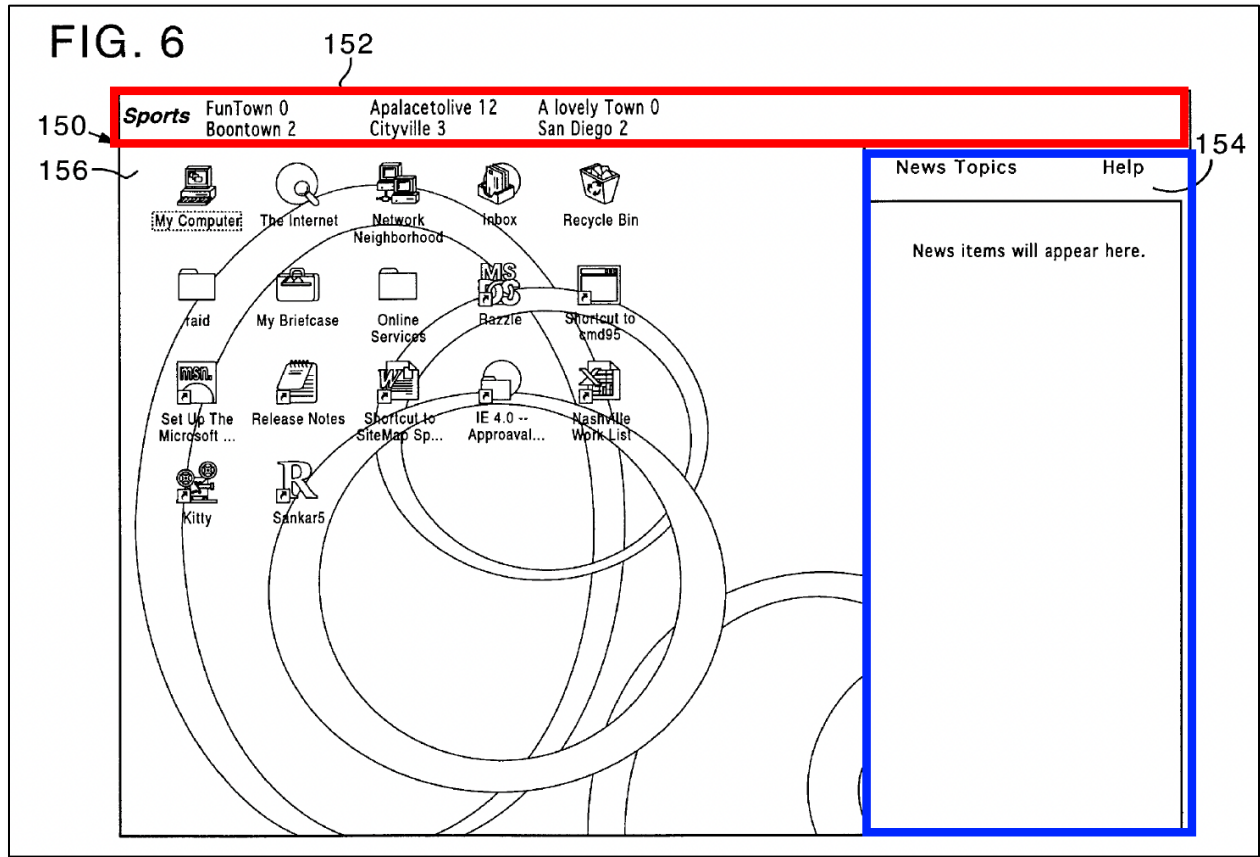
Slivka, FIG. 6 (annotated).

- M. Claim 4(a)(iii): (3) instructions configured (i) to cause the second networked information monitor to request content from the second network location in the second content reference via the TCP/IP protocol, and (ii) to cause the second networked information monitor to generate the graphical user interface of the second networked information monitor with the content received from the second network location via the TCP/IP protocol within the frame.**

A POSITA would have understood that Claim 4(a)(iii) captures the same limitations as Claim 1(a)(iii) but references the second NIM template and NIM rather than referencing the first NIM template and NIM. *Dec.*, ¶¶97-98, 112. As such, a POSITA would have understood *Slivka*'s teachings with respect to Claim 1(a)(iii) apply to Claim 4(a)(iii). *Dec.*, ¶¶97-98, 112. *See* Claim 1(a)(iii).

- N. Claim 5: The client device of claim 4, wherein the one or more processors are further configured to execute the second networked information monitor template such that the graphical user interface of the second networked information monitor is presented to the user on the electronic display separately and discretely from the user interface of the first networked information monitor, and having content therein received from the second content reference.**

See supra Claim 4. *Slivka* teaches one or more processors further configured to execute a second NIM template in the same manner such processor is configured to execute the first NIM template. *See* Claim 1(c); *Dec.*, ¶¶113-115. A POSITA would have understood that the graphical user interface of ticker 152 HTML frame (“second NIM”) is “presented to the user on the electronic display separately and discretely from the user interface of” news pane 154 (“first NIM”) and that ticker 152 has content received from the “second content reference.” *Dec.*, ¶¶113-115. For example, annotated FIG. 6 below depicts sports ticker 152 (“second NIM”) (red) is presented separately and discretely from the user interface of news pane 154 (“first NIM”) (blue):



Slivka, FIG. 6 (annotated); *Dec.*, ¶¶113-115.

- O. Claim 9(Pre): A computer-implemented method of presenting Internet content to a user, the method being implemented in a client device comprising a electronic storage, an electronic display, and one or more processors, the method comprising:**

As discussed above, *Slivka* teaches a client device (*see* Claim 1(Pre)) that comprises electronic storage (*see* Claim 1(a)), an electronic display (*see* Claim 1(b)), and one or more processors (*see* Claim 1(c)). A POSITA would have understood that *Slivka* teaches a computer-implemented method of presenting Internet content to a user. *Dec.*, ¶116; *see* Claim 1. For example, *Slivka* teaches presenting 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.

- P. Claim 9(a): storing to the electronic storage a plurality of networked information monitor templates defining a plurality of networked information monitors, the plurality of networked information monitor templates comprising a first networked information monitor template defining a first networked information monitor, wherein the first networked information monitor template comprises:**

See supra Claim 1(a).

- Q. Claim 9(a)(i): (1) a content reference that comprises a network location at which content for the first networked information monitor is accessible via a TCP/IP protocol; and**

See supra Claim 1(a)(i).

- R. Claim 9(a)(ii): (2) a definition of a graphical user interface of the first networked information monitor that lacks controls for manually navigating a network, and that includes a frame within which content received from the network location can be displayed, and frame characteristics defining one or more a color, a size, or a position on the electronic display of the frame; and**

See supra Claim 1(a)(ii).

- S. Claim 9(a)(iii): (3) instructions configured (i) to cause the first networked information monitor to request content from the network location in the content reference via the TCP/IP protocol, and (ii) to cause the first networked information monitor to generate the graphical user interface of the first networked information monitor with the content received from the network location via the TCP/IP protocol within the frame;**

See supra Claim 1(a)(iii).

- T. Claim 9(b): accessing the first networked information monitor template in the electronic storage; and**

See supra Claim 1(c).

- U. Claim 9(c): executing the first networked information monitor template on the one or more processors such that the graphical user interface of the first networked information monitor is presented to the user on the electronic display having therein content received from the content reference.**

See supra Claim 1(c).

- V. Claim 10: The method of claim 9, wherein the first networked information monitor template further comprises control characteristics that define one or more controls that are usable by the user to interact with or control the first networked information monitor.**

See supra Claims 2, 9.

- W. Claim 11: The method of claim 10, wherein the control characteristics define visual representations of the controls that are included in the graphical user interface of the first networked information monitor.**

See supra Claims 3, 10.

- X. Claim 12(a): The method of claim 9, wherein the plurality of networked information monitor templates further comprises a second networked information monitor template defining a second networked information monitor, wherein the second networked information monitor template comprises:**

See supra Claims 4(a), 9.

- Y. Claim 12(a)(i): (1) a second content reference that comprises a second network location, which is different from the network location in the content reference of the first networked information monitor template, at which content for the second networked information monitor is accessible via the TCP/IP protocol; and**

See supra Claims 4(a)(i), 9.

- Z. Claim 12(a)(ii): (2) a definition of a graphical user interface of the second networked information monitor that lacks controls for manually navigating a network, and that includes a second frame within which content received from the second network location can be displayed; and**

See supra Claims 4(a)(ii), 9.

- AA. Claim 12(a)(iii): (3) instructions configured (i) to cause the second networked information monitor to request content from the second network location in the second content reference via the TCP/IP protocol, and (ii) to cause the second networked information monitor to generate the graphical user interface of the second networked information monitor with the content received from the second network location via the TCP/IP protocol within the frame.**

See supra Claims 4(a)(iii), 9.

- BB. Claim 13: The method of claim 12, further comprising executing the second networked information monitor template on the one or more processors such that the graphical user interface of the second networked information monitor is presented to the user on the electronic display separately and discretely from the user interface of the first networked information monitor, and having content therein received from the second content reference.**

See supra Claims 5, 12.

VI. GROUND 2: CLAIMS 6-8, 14-16 ARE OBVIOUS OVER *SLIVKA*, (ALONE OR IN COMBINATION WITH *POWELL*) IN VIEW OF *ANABUKI*

While *Slivka* renders obvious the majority of the Challenged Claims, *Slivka* does not expressly teach the concept of obtaining further NIM templates from a server as required by some of the '083 Patent's claims. However, *Anabuki* teaches exactly such a process in a manner that aligns with the limitations for Claims 6-8 and 14-16 of the '083 Patent. 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 6: The client device of claim 1, wherein the one or more processors are further configured to transmit a request to a server for a further networked information monitor template responsive to reception of a user request for a further networked information monitor defined by the further networked information monitor template.**

See supra Claim 1. *Slivka* teaches one or more processors configured to perform computer processing functions. *See supra* Claim 5. While *Slivka* does teach the claimed NIM template, *Slivka* does not expressly teach transmitting a request to the server over the network for such NIM template. *Slivka*, however, does teach

obtaining HTML instructions (NIM template) from a variety of sources. *See supra* Section IV.A (discussing how a set of HTML instructions can come from local files or from the Internet) and *Anabuki* more specifically discloses requesting a set of HTML instructions from a server.

1. Anabuki's Teachings

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

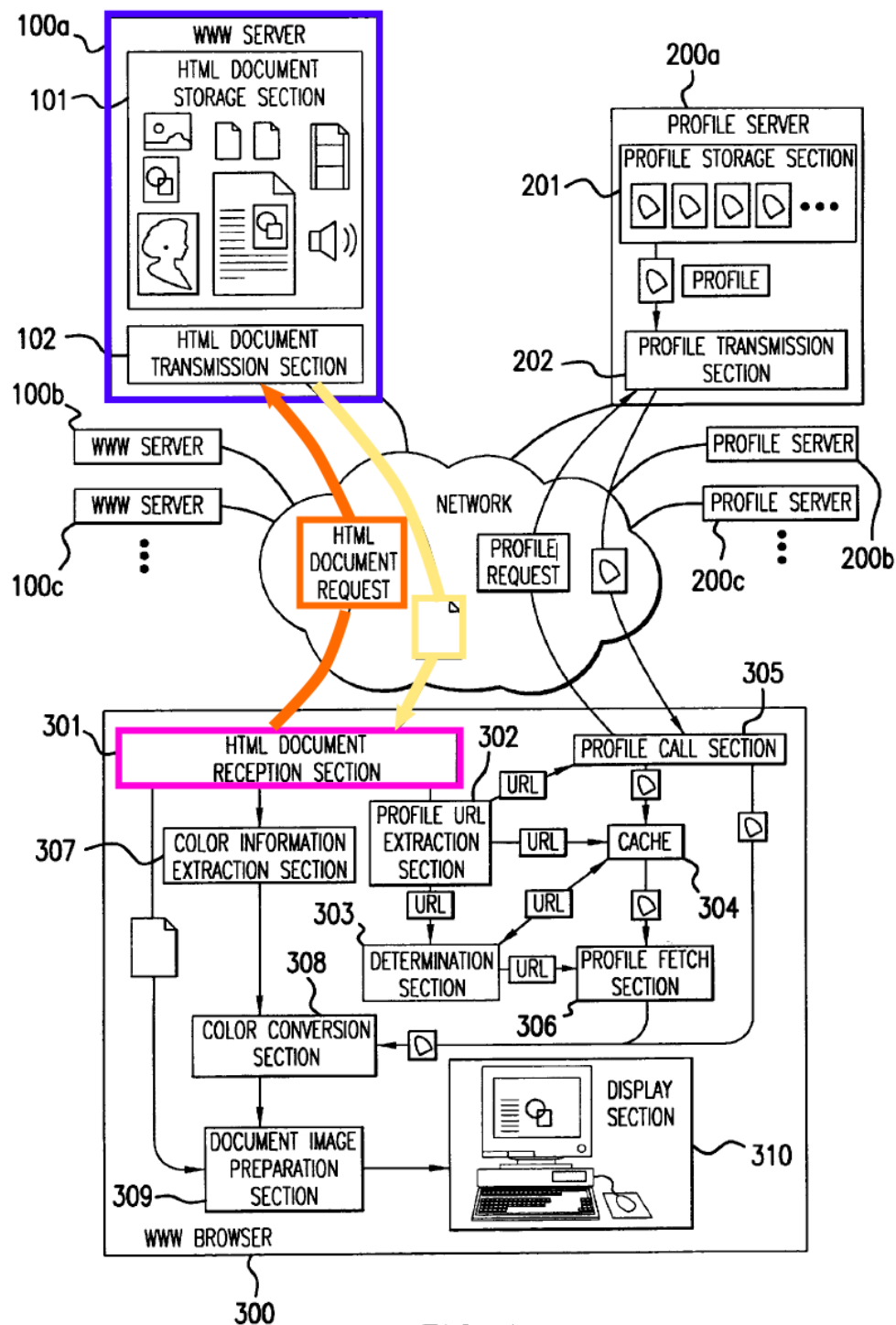


FIG. 4

Anabuki, FIG. 4 (annotated).

2. *Motivation to Modify Slivka*

A POSITA would have been motivated to modify *Slivka* to store sets of HTML instructions for generating HTML frames at a server to be downloaded upon request by a user. *Dec.*, ¶¶130-136. For example, a POSITA would have been motivated to modify a server from which *Slivka* already downloads content to store at least one set of HTML instructions for downloading in addition to said content. *Dec.*, ¶¶130-136. 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. While *Slivka* does not expressly teach a user requesting to download additional sets of HTML instructions, such would have been a straightforward modification in light of *Anabuki's* teachings. *Dec.*, ¶¶130-136. A POSITA would have understood that such a modification would not have required extensive additional memory or storage capacity because a set of HTML instructions would have required only a small amount of memory/storage capacity. *Dec.*, ¶¶130-136. Such a modification would have advantageously allowed a user to request and acquire a new set of HTML instructions to implement a new HTML frame as desired, 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.*, ¶¶130-136. Indeed, modifying *Slivka* according to *Anabuki's*

teachings would have merely been use of a known technique to improve *Slivka's* computer system (both local client and remote server) in the same way as *Anabuki's* system. *Dec.*, ¶¶130-136.

A POSITA also would have had a reasonable expectation of success when modifying *Slivka* according to *Anabuki's* techniques. *Dec.*, ¶¶130-136. For example, storing resources (such as sets of HTML instructions) at a server was already well known. *Dec.*, ¶¶130-136. Indeed, a POSITA would have understood that a primary function of a server is to provide content and resources to requesting client devices. *Dec.*, ¶¶130-136. *Slivka* already teaches at least one server that stores content for download (e.g., images and text). *Slivka*, 19:1-11; *Dec.*, ¶¶53-55, 130-136; *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.*, ¶¶130-136. 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.*, ¶¶130-136. Further, because *Slivka's* sets of HTML instructions would have required only a small amount of memory for storage at a server, modifications to *Slivka's* server (which already stores content) would have been minor; thus, a

POSITA would have appreciated a reasonable expectation of success when making such a modification. *Dec.*, ¶¶130-136. Further, the *Slivka-Anabuki* combination relates specifically to modifications to obtaining sets of HTML instructions from a server. A POSITA would have understood that any modifications to *Slivka* in light of *Anabuki*'s teachings would not have changed the proposed modifications to *Slivka* in light of *Powell* nor would the *Slivka-Powell* combination change the *Slivka-Anabuki* combination. *Dec.*, ¶¶130-136. As such, the proposed modifications described above apply equally to *Slivka* and *Slivka-Powell*.

B. Claim 7: The client device of claim 6, wherein the electronic storage is configured to electronically store the received further networked information monitor template, responsive to reception of the further networked information monitor template from the server.

See supra Claim 6. As discussed above, *Slivka* teaches storing sets of HTML instructions (“NIM templates”) locally in memory system 26. *See supra* Claim 1(a). A POSITA would have understood that in response to requesting and downloading a hypertext page or set of HTML instructions from a server, the modified *Slivka* would have stored such sets of HTML instructions locally in memory system 26 in the same way. *Dec.*, ¶137.

C. Claim 8: The client device of claim 7, wherein the one or more processors are further configured to execute the further networked information monitor template.

See supra Claim 7. As discussed above, *Slivka* teaches one or more processors for executing sets of HTML instructions (“NIM templates”). *See supra* Claim 5. A

POSITA would have understood that the modified *Slivka*'s one or more processors would likewise have executed the further sets of HTML instructions stored locally in memory system 26 in the same way. *Dec.*, ¶138.

- D. Claim 14: The method of claim 9, further comprising transmitting a request to a server for a further networked information monitor template responsive to reception of a user request for a further networked information monitor defined by the further networked information monitor template.**

See supra Claims 6, 9.

- E. Claim 15: The method of claim 14, further comprising, responsive to reception of the further networked information monitor template from the server, storing the received further networked information monitor template to the electronic storage.**

See supra Claims 7, 9.

- F. Claim 16: The method of claim 15, further comprising executing the further networked information monitor template on the one or more processors.**

See supra Claims 8, 9.

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”).⁹ 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 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*.¹⁰

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

⁹https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621.pdf.

¹⁰ 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 '083 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 '083 Patent:

- Samsung Electronics Co., Ltd. v. DoDots Licensing Solutions LLC, IPR2023-00621
- 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)

C. 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. 8,020,083 for Claims 1-16

Claim Designation	Claim Language
Claim 1(Pre)	A client device, the client device comprising:
Claim 1(a)	electronic storage having stored thereon a plurality of networked information monitor templates defining a plurality of networked information monitors, the plurality of networked information monitor templates comprising a first networked information monitor template defining a first networked information monitor, wherein the first networked information monitor template comprises:
Claim 1(a)(i)	(1) a content reference that comprises a network location at which content for the first networked information monitor is accessible via a TCP/IP protocol;
Claim 1(a)(ii)	(2) a definition of a graphical user interface of the first networked information monitor that lacks controls for manually navigating a network, and that includes a frame within which content received from the network location can be displayed, and frame characteristics defining one or more a color, a size, or a position on the electronic display of the frame; and
Claim 1(a)(iii)	(3) instructions configured (i) to cause the first networked information monitor to request content from the network location in the content reference via the TCP/IP protocol, and (ii) to cause the first networked information monitor to generate the graphical user interface of the first networked information monitor with the content received from the network location via the TCP/IP protocol within the frame;
Claim 1(b)	an electronic display; and
Claim 1(c)	one or more processors configured to access the first networked information monitor template, and to execute the first networked information monitor template such that the graphical user interface of the first networked information monitor is presented to a user on the electronic display having content received from the content reference therein.
Claim 2	The client device of claim 1, wherein the first networked information monitor template further comprises control

Claim Designation	Claim Language
	characteristics that define one or more controls that are usable by the user to interact with or control the first networked information monitor.
Claim 3	The client device of claim 2, wherein the control characteristics define visual representations of the controls that are included in the graphical user interface of the first networked information monitor.
Claim 4(a)	The client device of claim 1, wherein the plurality of networked information monitor templates further comprises a second networked information monitor template defining a second networked information monitor, wherein the second networked information monitor template comprises:
Claim 4(a)(i)	(1) a second content reference that comprises a second network location, which is different from the network location in the content reference of the first networked information monitor template, at which content for the second networked information monitor is accessible via the TCP/IP protocol; and
Claim 4(a)(ii)	(2) a definition of a graphical user interface of the second networked information monitor that lacks controls for manually navigating a network, and that includes a second frame within which content received from the second network location can be displayed; and
Claim 4(a)(iii)	(3) instructions configured (i) to cause the second networked information monitor to request content from the second network location in the second content reference via the TCP/IP protocol, and (ii) to cause the second networked information monitor to generate the graphical user interface of the second networked information monitor with the content received from the second network location via the TCP/IP protocol within the frame.
Claim 5	The client device of claim 4, wherein the one or more processors are further configured to execute the second networked information monitor template such that the graphical user interface of the second networked information monitor is presented to the user on the electronic display separately and discretely from the user interface of the first networked information monitor, and having content therein received from the second content reference.
Claim 6	The client device of claim 1, wherein the one or more processors are further configured to transmit a request to a server for a further networked information monitor template responsive to reception of

Claim Designation	Claim Language
	a user request for a further networked information monitor defined by the further networked information monitor template.
Claim 7	The client device of claim 6, wherein the electronic storage is configured to electronically store the received further networked information monitor template, responsive to reception of the further networked information monitor template from the server.
Claim 8	The client device of claim 7, wherein the one or more processors are further configured to execute the further networked information monitor template.
Claim 9(Pre)	A computer-implemented method of presenting Internet content to a user, the method being implemented in a client device comprising a electronic storage, an electronic display, and one or more processors, the method comprising:
Claim 9(a)	storing to the electronic storage a plurality of networked information monitor templates defining a plurality of networked information monitors, the plurality of networked information monitor templates comprising a first networked information monitor template defining a first networked information monitor, wherein the first networked information monitor template comprises:
Claim 9(a)(i)	(1) a content reference that comprises a network location at which content for the first networked information monitor is accessible via a TCP/IP protocol; and
Claim 9(a)(ii)	(2) a definition of a graphical user interface of the first networked information monitor that lacks controls for manually navigating a network, and that includes a frame within which content received from the network location can be displayed, and frame characteristics defining one or more a color, a size, or a position on the electronic display of the frame; and
Claim 9(a)(iii)	(3) instructions configured (i) to cause the first networked information monitor to request content from the network location in the content reference via the TCP/IP protocol, and (ii) to cause the first networked information monitor to generate the graphical user interface of the first networked information monitor with the content received from the network location via the TCP/IP protocol within the frame;

Claim Designation	Claim Language
Claim 9(b)	accessing the first networked information monitor template in the electronic storage; and
Claim 9(c)	executing the first networked information monitor template on the one or more processors such that the graphical user interface of the first networked information monitor is presented to the user on the electronic display having therein content received from the content reference.
Claim 10	The method of claim 9, wherein the first networked information monitor template further comprises control characteristics that define one or more controls that are usable by the user to interact with or control the first networked information monitor.
Claim 11	The method of claim 10, wherein the control characteristics define visual representations of the controls that are included in the graphical user interface of the first networked information monitor.
Claim 12(a)	The method of claim 9, wherein the plurality of networked information monitor templates further comprises a second networked information monitor template defining a second networked information monitor, wherein the second networked information monitor template comprises:
Claim 12(a)(i)	(1) a second content reference that comprises a second network location, which is different from the network location in the content reference of the first networked information monitor template, at which content for the second networked information monitor is accessible via the TCP/IP protocol; and
Claim 12(a)(ii)	(2) a definition of a graphical user interface of the second networked information monitor that lacks controls for manually navigating a network, and that includes a second frame within which content received from the second network location can be displayed; and
Claim 12(a)(iii)	(3) instructions configured (i) to cause the second networked information monitor to request content from the second network location in the second content reference via the TCP/IP protocol, and (ii) to cause the second networked information monitor to generate the graphical user interface of the second networked information monitor with the content received from the second network location via the TCP/IP protocol within the frame.
Claim 13	The method of claim 12, further comprising executing the second networked information monitor template on the one or more

Claim Designation	Claim Language
	processors such that the graphical user interface of the second networked information monitor is presented to the user on the electronic display separately and discretely from the user interface of the first networked information monitor, and having content therein received from the second content reference.
Claim 14	The method of claim 9, further comprising transmitting a request to a server for a further networked information monitor template responsive to reception of a user request for a further networked information monitor defined by the further networked information monitor template.
Claim 15	The method of claim 14, further comprising, responsive to reception of the further networked information monitor template from the server, storing the received further networked information monitor template to the electronic storage.
Claim 16	The method of claim 15, further comprising executing the further networked information monitor template on the one or more processors.

APPENDIX OF EXHIBITS

Exhibit 1001	U.S. Patent No. 8,020,083 (“’083 Patent”)
Exhibit 1002	Prosecution History for the ’083 Patent (“’083 FH”)
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 - IPR2019-01278 (“Lenovo ’083 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 – IPR2023-00621, Paper 2 (“Samsung IPR Petition”)
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. 6,031,989 (“Cordell”)
Exhibit 1015	<i>Intentionally Left Blank</i>
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 12,319 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 '083 Patent as listed on Patent Center:

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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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