

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRANCH BANKING AND TRUST COMPANY
Petitioner

v.

EMG Technology, LLC
Patent Owner

U.S. Patent No. 7,441,196
Issue Date: October 21, 2008
Title: APPARATUS AND METHOD OF MANIPULATING A REGION ON A
WIRELESS DEVICE SCREEN FOR VIEWING, ZOOMING AND SCROLLING
INTERNET CONTENT

Covered Business Method Patent Review No. Unassigned

DECLARATION OF ROBERT J. SHERWOOD

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VI. AT LEAST CLAIMS 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-
60, 63, 66, 68, and 74 OF THE ‘196 PATENT ARE INVALID 40

A. The prior art discloses or suggests “[a] method of navigating the Internet”,
“[a] method”, and “[a] machine readable medium having instructions stored
therein, which when executed cause a machine to perform a set of operations” as
recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 40

B. The prior art discloses or suggests “displaying on-line content accessed via
the Internet, the on-line content reformatted from a webpage in a hypertext
markup language (HTML) format into an extensible markup language (XML)
format to generate a sister site,” and “displaying a first advertisement, the
displaying of the first advertisement being via an internet and through a simplified
navigation interface,” and “displaying a first content via the internet and through
the simplified navigation interface, the first content reformatted from a web page
in a hypertext markup language (HTML) format into an extensible markup
language (XML) format to generate a sister site to be displayed and navigable
through the simplified navigation interface,” as recited in claims 1, 9, 25, and/or
58 of the ‘196 Patent. 42

C. The prior art discloses or suggests “the sister site including a portion or a
whole of content of the web page reformatted to be displayed and navigable
through a/the simplified navigation interface on any one of a television, web
appliance, console device, handheld device, wireless device or cellular phone,” as
recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 46

D. The prior art discloses or suggests “the simplified navigation interface
displayed in a form of a two-dimensional layer of cells from a plurality of layers
and a plurality of cells,” “the simplified navigation interface presenting
advertisements and content through a plurality of layers and a plurality of cells,”
and “the simplified navigation interface presenting advertisements and content
through a plurality of layers and a plurality of cells, the simplified navigation
interface displayed in a form of a two-dimensional layer of cells from the plurality
of layers and the plurality of cells,” and “the first content displayed in one or more
of the plurality of cells,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.....48

E. The prior art discloses or suggests that “the two-dimensional layer in a
form of a navigation matrix,” as recited in claims 1, 9, 25, and/or 58 of the ‘196
Patent. 51

F. The prior art discloses or suggests that “each cell is a division of a screen
and exclusive to a separate single navigation option associated with a specific

unique input,” and “each cell in the navigation matrix associated with a specific unique input, each cell is a division of a screen and exclusive to a separate single navigation option,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 52

G. The prior art discloses or suggests that “the on-line content formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs,” and “the first advertisement formatted for display in one of the plurality of cells and formatted to be selected for navigation by one of the unique inputs,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 55

H. The prior art discloses or suggests that “navigation options to change between layers of the simplified navigation interface from general to more specific in each deeper layer” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 57

I. The prior art discloses or suggests that “displaying a hyperlink on the sister site to navigate to the web page, or displaying a hyperlink on the web page to navigate to the sister site” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 59

J. The prior art discloses or suggests that “receiving a user selection of one of the navigation options” and “receiving a first input, the first input received as the specific unique input that is uniquely coupled with an associated cell in the navigation matrix” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 65

K. The prior art discloses or suggests that “forwarding the selected navigation option across the internet to a server providing the simplified navigation interface” and “forwarding the first input across the internet to a server providing the simplified navigation interface,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 67

L. The prior art discloses or suggests that “receiving a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option” and “receiving a next deeper navigation layer of the simplified navigation interface in response to receiving the first input” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 69

M. The prior art discloses or suggests that “manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed on-line content” and “manipulating a selected region of the screen for viewing and zooming and/or scrolling of the displayed on-line content” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent. 71

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I. INTRODUCTION AND BACKGROUND

I, Robert J. Sherwood, hereby declare as follows.

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of Branch Banking And Trust Company for a Petition for covered business method patent review.

3. I am being compensated for my time in connection with this covered business method review at my standard consulting rate, which is \$450 per hour. I understand that the petition for covered business review involves U.S. Patent No. 7,441,196 (“the ’196 patent”, Ex. 1001), which resulted from U.S. Application No. 11/373,324 (“the ’324 application”), filed on March 13, 2006, naming Elliot A. Gottfurcht, Grant E. Gottfurcht, and Albert-Michael C. Long as the inventors. The ’196 patent issued on October 21, 2008, from the ’324 application. I further understand that, according to USPTO records, the ’196 patent is currently assigned to EMG Technology, LLC (“EMG” or “Patent Owner”).

4. I have been asked to provide my opinions on the following matters: (1) the field of art pertinent to the ’196 Patent; (2) the level of ordinary skill in that field of art as of approximately the filing date of the application that yielded the ’196 Patent; (3) how a person having such ordinary skill in the art of the ’196 Patent would understand certain terms that are used in the claims of that patent;

(4) how a person of ordinary skill in the art of the '196 Patent would understand the contents of various patents and other art that was publicly available prior to the priority date of the '196 Patent; and (5) whether any of those documents or prior art devices—alone or in combination with each other and/or the general knowledge of a person of ordinary skill in the art—disclose each and every element of any of Claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 Patent. I was also asked to consider whether the claims of the '196 Patent would be obvious to one of ordinary skill in the art in light of any combination of the references that I considered.

5. I reserve the right to supplement this Declaration.

6. My opinions expressed in this Declaration rely to a great extent on my own personal knowledge and recollection. However, to the extent I considered specific documents or data in formulating the opinions expressed in this Declaration, all such items are expressly referred to in this Declaration. This includes, but is not limited to, the '196 Patent and its prosecution history.

7. In preparing this Declaration, I have reviewed the '196 patent and considered each of the documents cited herein, in light of general knowledge in the art. In formulating my opinions, I have relied upon my experience in the relevant art. In formulating my opinions, I have also considered the viewpoint of a person of ordinary skill in the art prior to November 15, 1999, as defined below in Section

IV.B. I am familiar with the technology at issue as of the claimed priority date of the '196 patent, November 15, 1999 of the '196 patent. I am also familiar with the level of a person of ordinary skill in the art with respect to the technology at issue as of the filing date of the claimed priority date of November 15, 1999.

A. Educational Background

8. I earned an M.S. from the University of Kansas in 1966 and a M.B.A. in 1972 with a major in operations research from California State College, Hayward.

B. Career History

9. I am an expert in the field of Internet browser technology, and I have been an expert in this field since prior to 1999. Throughout the remainder of this declaration, I will refer to the field of Internet browser technology as the relevant field or the relevant art. In formulating my opinions, I have relied upon my training, knowledge, and experience in the relevant art. A copy of my current *curriculum vitae* is provided as Appendix A.

10. As an expert in the field of Internet browser technology since prior to 1999, I am qualified to provide an opinion as to what a person of ordinary skill in the art would have understood, known, or concluded as of 1999. Since 1970, I have accumulated significant training and experience in the computer industry. I have

extensive knowledge and experience relating to techniques and reasoning used in the field of Internet browser technology.

11. Currently, I am president of SmartText Corporation. SmartText develops software and provides consulting services to private and Fortune 500 public corporations, law firms, venture capital firms, and government institutions. I personally wrote HTML for more than 400 webpages of commercial websites prior to the period when templates were used for webpage development.

12. I have worked in the computer industry since 1970. I have been professionally involved with the Internet, modems, and file servers for more than 35 years. To my knowledge, I was the first professional to access a mainframe computer in Mountain View, CA from an office in London, England, with an acoustic coupler, a standard telephone line via transatlantic cable, and a standard telephone handset plugged into the back of a remote portable computer terminal to download computer files from computer file servers. Additionally, my experience includes electronic bulletin boards, dial-up adapters, 56K modems, HTML, XML, browsers, website development, ad placement, fat clients, thin clients, mainframe computers and laptops.

13. I also have extensive experience in regard to computer hardware. For example, I have purchased computer parts from around the world and have personally designed, assembled and sold more than 200 customized computer

systems to defense contractors, law firms and other commercial businesses in Silicon Valley. In the course of my career, I also have disassembled several computers and examined the details of random access memory, display technologies, operating systems, and file storage. Furthermore, I have been an early adopter, user and developer of computer hardware and software for Apple and Windows-based computers.

14. During the period 1967 to 1974, I was the 28th employee at Envirotech Corporation, a Silicon Valley company that grew to more than 5,000 employees in less than 5 years. One of my first assignments at Envirotech Corporation was to develop an on-line computer model that integrated complex engineering product designs from more than 30 different companies. I designed and directed the computer program development of more than 50 products into a single system that incorporated more than 2,700 computer-aided design variables using the Fortran programming language.

15. From 1975 to 1982, I was also president and co-founder of EDC, Inc., a company backed by Kleiner Perkins, a leading San Francisco Bay Area venture capital firm. The company licensed products from European countries, embedded computer technology in these products, and manufactured and sold them in North America. The company was highlighted in Business Week and Fortune Magazine and was selected as one of the ten most innovative companies in California. After

that company was acquired, I took a year sabbatical and learned additional software development skills.

16. In 1986, I co-founded RasterOps, a company that developed the hardware and software that enables display monitors to display 16.7 million colors. Because of the wide adoption of this technology, when people watch television, or view truecolor images on a computer screen, it is likely that the software and hardware used to do that is a derivative of the technology RasterOps developed. I was a certified Apple software developer and subject to extensive security checks for development projects.

17. Prior to the introduction of programs such as PayPal, I conceived, designed and developed electronic commerce systems for tracking software sales at multiple websites with secure servers for credit card acceptance and a confidential administrative Declarationing system for secure sales transaction Declarationing to individual electronic dealers. This included implementation of the complete financial transaction from card insertion, authentication, authorization, batching, clearing, chargebacks, and tests for fraudulent use. I also conceived and managed the development of extensive Java-scripted interactive Internet-based software sales commerce websites, including the development of proprietary video files with embedded video readers and decompression algorithms located on websites and downloaded for individual use.

18. From 1991 to 1997, I was president of The Center for Business Innovation, Inc. and president of a subsidiary, Capital for Entrepreneurs, Inc., a venture capital firm financed by the Ewing Marion Kauffman Foundation. I was a senior advisor or board member for approximately 20 technology firms. These firms were developing wireless telecommunications products, analytical medical devices, educational software training programs, and Internet-based networking services.

19. From 1994 to 2000 I was also Distinguished Lecturer and Professor at the University of Kansas and University of Missouri, where I taught various courses in Entrepreneurship and Strategic Management of Technology.

20. Between 1997 and 2000, I was engaged by the founders of Zap Video to purchase ads from AOL and other on-line portals on a cost per thousand basis, to purchase keywords that included click-throughs to publisher's websites, to use available analytics to analyze visitor traffic and also to assess the ability of the Internet to handle large video and graphic files from servers with low and high bandwidth capabilities. I was one of the early adopters of website commerce applications. In 1997, I purchased more than 30 million ad impressions for a video mail company based in Saratoga, California. Zap produced large-file-size videos that served as sales presentations or business cards to introduce users to new products or introduce customers to the services they could provide.

21. Between 2001 and 2003, I developed subject matter content for the American Management Association for a two-day seminar on Internet advertising and commerce and presented the seminar to more than 2,500 participants from more than 50 different companies. Advertising approaches such as, pay per click and impression based advertising methods were included in the seminar subject matter.

22. From 1997 to 1998, I designed and directed an 18-person programmer development team in the introduction of an on-line method to process large business document files that were manipulated by and eventually supplied to users. The software program was called Kiplinger Home Legal Advisor and was supplied with large video and sound files on a CD, as well as delivered to users by an online version over the Internet. The software program development dealt with the period challenges of delivering large files to users over the Internet at both low and high bandwidths.

23. In 1998, Kansas Governor William Graves appointed me chairman of a four member task force to examine the status of technology development of more than \$100-million of federally sponsored technology research at the University of Kansas, Kansas State University, Pittsburg State University and Wichita State University. As task force chairman and principal author of the final Declaration, I

presented the findings to the Governor's representatives and officials of the Kansas State Legislature.

24. Between 2002 and 2006, I was an active user of AdWords, purchasing keywords for ads to be displayed on third party web-publisher properties in the Google content network. Further, I was engaged by organizations such as Ingersol Rand Corporation, Construction Industry Manufacturer's Association, and the IBM Credit Union to provide consulting assistance with their Internet advertising programs. Between 2003 and 2007, I was an active user of Google AdSense for Content for several websites.

25. In 2009, I hosted approximately 40 one-hour radio programs focused on the Internet. The program was broadcast live over the Internet at www.1510.com and on radio at KCTE AM 1510.

26. I have been active in developing systems for integrating ads with websites for my own software development and deployment, as well as acting as a consultant to other firms. I have evaluated complex algorithms for the real-time selection and placement of ads for both impressions and pay-per-click ad placement on numerous websites.

27. In addition to gaining expertise via my academic training, professional experiences, and accomplishments described above, I have kept abreast of the field of Internet browser technology by reading technical literature, and attending and

presenting at seminars. I have reviewed manuscripts submitted by other browser experts relating to Internet browser technology.

28. Furthermore, I have collaborated with or have communicated with many of the industry professionals in the field of Internet browser technology. Additional contributions of mine to the field are set forth in my current *curriculum vitae*. See Appendix A. Accordingly, I am an expert in the field of Internet browser technology and I have been since prior to 1999.

C. Materials Considered

29. My opinions, as set forth in this Declaration, are based on information that was available to me as of the date of this Declaration. I have reviewed the '196 patent, including its specification and drawings. I also have reviewed the file history of the '196 patent, including the prior art documents identified therein. I further have reviewed each of the prior art references I discuss in this Declaration, the pleadings and court documents submitted by the Parties in the related litigation, deposition testimony, trial testimony, and other documents. I may, if appropriate, cite to these documents as additional support for any of my opinions beyond those expressly cited in this Declaration. I have reviewed at least the following materials in preparing this Declaration:

Exhibit 1001	U.S. Patent No. 7,441,196 ("the '196 patent")
Exhibit 1007	Original Prosecution History of the '196 patent
Exhibit 1008	Ex Parte Reexamination Prosecution History for the '196

	patent
Exhibit 1011	Wireless Application Protocol - Wireless Markup Language Specification Version 30, April 1998, produced by the WAP Forum (“WAP WML”)
Exhibit 1012	Wireless Application Protocol – Wireless Application Environment Overview Version 30, April 1998, produced by the WAP Forum (“WAP WAE”)
Exhibit 1013	Wireless Application Protocol Architecture Specification Version 30, April 1998, produced by the WAP Forum (“WAP Architecture”)
Exhibit 1014	U.S. Patent No. 5,602,596 to Claussen et al., filed on April 8, 1994, issued on February 11, 1997 (“Claussen”)
Exhibit 1015	Internet 1996 World Exposition – park.org (“Internet 96”)
Exhibit 1016	White House Website – www3.whitehouse.gov (“White House”)
Exhibit 1017	Jerry Teplitz Enterprises Website – www.teplitz.com (“Teplitz”)
Exhibit 1018	Sun Microsystems, Inc. Website – www.sun.com (“Sun”)
Exhibit 1019	Berliss, et. al, “Design of Accessible Web Pages”, copyright 1996 (dated May, 1996) by InfoUse (“InfoUse”)
Exhibit 1021	WIPO Publication No. WO 98/43381 to Leak
Exhibit 1022	Reformulating HTML in XML, published on December 5, 1998.
Exhibit 1023	W3C, A Little History of the World Wide Web, created circa 1995 by Robert Cailliau
Exhibit 1024	European Patent Application No. EP0822535 to Apte

II. TECHNICAL BACKGROUND AND STATE OF THE ART

30. The ‘196 patent is directed to e-commerce. ‘196 patent, 1:18-22. Using the World Wide Web to display advertisements and accept user inputs to navigate commercial web sites involved well-known components such as hyperlinks, mark-up languages, navigation interfaces, and selectable inputs. The World Wide Web was invented by Tim Berners-Lee who later went on to found the World Wide Web Consortium (W3C), an organization that develops and

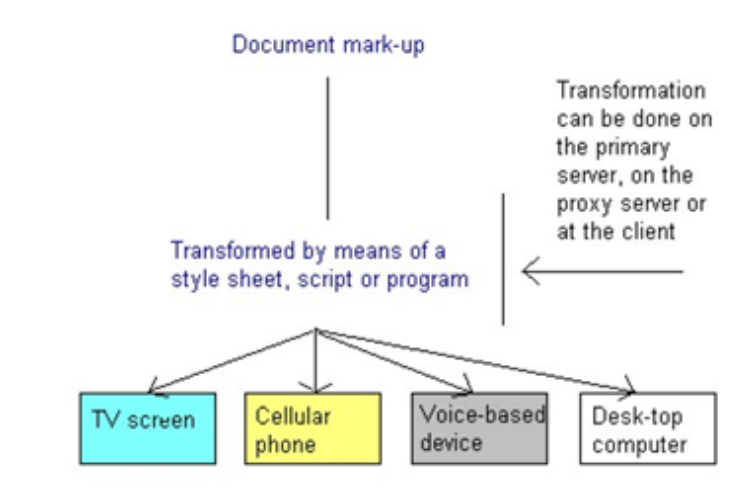
publishes standards for the World Wide Web. Ex. 1023, p. 1-2, 5. W3C has published many documents that provide useful background for understanding the state of technology prior to the alleged priority date of the '196 patent. Displaying hyperlinks that, when selected¹, navigated to other media was well-known *in the 1960s*, pre-dating the rise of the Internet by many decades. Id. Also, since its inception, the World Wide Web has allowed for content – commercial or otherwise – to be displayed and navigated on devices having a range of display and input capabilities.

31. The publication *Reformulating HTML in XML* by the W3C explains that Hypertext Markup Language (HTML), the markup language of the World Wide Web, was designed to be a common hypertext language into which documents could be reformatted if the client and server did not otherwise support the same format. HTML was derived in the early 1990s from the standardized generalized markup language (SGML) that had existed since the 1980s. Ex. 1023, 20.

¹ One such publication is *Reformulating HTML in XML*, published on December 5, 1998. See Ex. 1022. *Reformulating HTML in XML* by the W3C refers to the HTML 4.0 Specification published on April 24, 1998, the Extensible Markup Language (XML) 1.0 Specification published on February 10, 1998, and the CSS2 Specification published on May 12, 1998. Ex. 1023, 20.

32. By the time *Reformulating HTML in XML* was published in 1999, it was apparent that extensible markup language (XML) had practically supplanted SGML. Ex. 1022, 3-4. XML was regarded as having all the power and flexibility of SGML without its complexity. XML was observed to possess a simplified subset of SGML that retained SGML's most commonly used features without those that were complex and costly to implement. Ex. 1022, 4.

33. By 1999, the W3C and other standards organizations had already published documents and device profiles to facilitate the display of content on a range of popular consumer electronic and fast emerging communication devices:



(Ex. 1022, 8).

Figure 1. W3C diagram.

34. Specifically, *Reformulating HTML in XML* notes that there was activity to move HTML onto a range of devices, from mobile devices such as handheld computers, and portable phones to televisions such as digital TV and TV-based web browsers, and even to appliances (i.e., fixed function devices). Ex. 1022, 8.

35. Other devices of interest to both product developers and advertisers included a mélange of consumer electronic devices including voice-based devices, personal digital assistants, and even watches. As explained in *Reformulating HTML in XML*, XML was regarded as particularly well-suited for connecting such a heterogeneous mix of display- and input-limited devices to the Web. See Exhibit 1023, 3. This was a task well-defined by the publication date of W3C and reformatting web content from HTML to XML was well-known in the 1990s. In fact, by the late 1990s, XML would have been a preferred markup language for reformatting. Ex. 1022, p. 3-4.

36. All of this was occurring during the height of the dotcom boom in tandem with the expansion of “e-commerce” and web advertising throughout the mid-1990s. It was well-known prior to the alleged priority date of the '196 patent that the Web could be used as a channel for disseminating commercial information, including advertisements, as well as effectuating buying and selling on the Web.

(European Patent Application No. EP0822535 to Apte 1:35-54, attached as Ex. 1024) During this period, Internet capable devices came into focus.

37. One market focus was getting the World Wide Web onto cell phones. For example, the Wireless Markup Language (WML) is an XML markup language for mobile devices. *Wireless Application Protocol Wireless Markup Language Specification Version 1.1* explains that WML is XML made useful for specifying content and user interfaces for narrowband devices such as cellular phones, pagers, and handheld devices etc. WML was specifically designed with the constraints of mobile devices in mind. These well-recognized constraints included small displays and *limited user input facilities*. Ex. 1011, 5. It was a well-known problem that mobile devices, such as wireless telephones, typically had a keypad equipped with far fewer buttons than a keyboard on a conventional personal computer, which made data entry laborious. Ex. 1011, 9.

38. Regardless, interactive two-way communication devices such as two-way pagers, cell phones, palm-sized computing devices, personal digital assistant (PDA), and other such devices, were among *the fastest emerging communication devices* during the late 1990s. Companies such as Openwave Systems Inc. of Redwood, CA obtained multiple patents directed to solving such problems.

39. Yet another market focus was getting the World Wide Web onto the television screen.² In this endeavor, technology commercially known as WebTV™, developed by Web TV Networks Inc., allowed viewers to navigate the World Wide Web using an ordinary television set and a remote control. (WIPO Publication No. WO 98/43381 to Leak, p. 1, ll. 26-32, attached as Ex. 1021). WebTV™ was designed so that a person could use a remote control to navigate between hyper-text objects on the Web “with little effort or thought, so that a person feels more as if he is simply changing the channels on a television set.” Ex. 1021, p. 1, ll. 31-35. Yet the remote control had the same input limitations as the phone keypad and related design solutions were developed for mobile phone and TV navigation interfaces alike.

40. By the late 1990s, XML would have been a preferred mark-up language for reformatting. Ex. 1022, p. 3-4. For example, when diverse interests in the telecom industry assembled to develop a mark-up language for displaying web content on the fastest emerging interactive devices at the time (Internet capable mobile phones), the Wireless Application Protocol Forum chose XML. The result was adoption of the Wireless Markup Language (WML). Ex. 1011, 5.

41. WML was designed with the constraints of mobile devices in mind. These constraints included small displays and limited user input facilities. Ex.

² Patents originally assigned to WebTV date to at least the mid-1990s.

1011, 5. It was a well-defined and solvable problem that mobile phones, having keypads equipped with far fewer buttons than a keyboard on a PC, made data entry laborious. Ex. 1011, 9. This same well-defined and solvable problem faced developers of web-TV, focused on simplifying web navigation on TVs. Because the remote control had the same input limits as the typical cell phone keypad, a common solution could be used. One solution was to use a grid or matrix to partition the screen into individual regions that could be accessed with corresponding inputs. Ex. 1014, 1:54-58. Such a format could be adapted to reflect inputs available on a specific device. In the case of a cellular phone or TV remote control, those inputs were the standard 3-by-3 table of buttons available on any alpha-numeric keypad, as well as buttons for scrolling up or down to navigate between items on a menu or list. Ex. 1014, Fig. 2a.

42. Underlying such implementations was the mature server architecture that allowed the web to reach the devices that it did. Proxy server architecture and the role it played in transcoding content from one format to another was commonly implemented and well-understood long before the late 1990s. WebTV's server functioned as a proxy that provided Internet access for its client. Transcoding was a common way to modify pages written in HTML for display on various devices, whether TVs or phones. Ex. 1012, pp. 7-8, 11. Not only was it well-known that servers could be used to perform reformatting, but W3C actually encouraged

product developers to use proxy-based transformational software to reformat HTML to XML. Ex. 1022, p. 8, 17.

43. With the rise of Internet-enabled devices and the growing availability of content specifically adapted to the small or big screen, enabling linking between HTML and XML documents was a key concern of standards-setting organizations such as the W3C. To enable XML processors to recognize encoded hypertext links, the “a” tag was directly incorporated into the XML specification to be declared with the `xml:link` attribute. Ex. 1022, p. 12. XML Linking Language (XLink) syntax also created structures capable of describing both simple unidirectional hyperlinks in HTML as well as more sophisticated multi-ended and typed links in XML. Ex. 1022, p. 20-21. A significant objective of this synergy was to keep HTML content connected to its XML counterparts and vice versa. The W3C in the 1990s recognized that standards were needed to facilitate transforming HTML into XML and to make their links compatible. Ex. 1022, pp. 1, 5, 6, 9, 10, 13.

44. Giving the user the option to navigate between two versions of a web site – one version simplified for display on a device with limited capabilities and another version in the full, rich, or original format – was not new. Indeed, several prior art references cited in the Petition and in my declaration show examples of displaying hyperlinks to navigate from an original version of a web site to a simplified version. *See e.g.*, Ex. 1015, Ex. 1016, Ex. 1017, Ex. 1018, Ex. 1019.

III. SUMMARY OF OPINIONS

45. In my opinion, claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 Patent are invalid. In particular, I am of the opinion that claims of the '196 patent are invalid over one or more of WAP WML, WAP WAE, WAP Architecture (collectively, "WAP"), Claussen, Internet 96, White House, Teplitz, Sun, and/or InfoUse as shown below:

- Claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 Patent are Rendered Obvious By Wireless Application Protocol (WAP) (Ex. 1011-1013) and the knowledge of a person of ordinary skill in the art
- Claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 Patent are Rendered Obvious WAP, Claussen (Ex. 1014), and the knowledge of a person of ordinary skill in the art
- Claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent are Obvious Over WAP, White House (Ex. 1016), Sun (Ex. 1018) and the knowledge of a person of ordinary skill in the art
- Claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent are Obvious Over WAP, Claussen, White House, Sun, and the knowledge of a person of ordinary skill in the art

- Claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent are Obvious Over WAP, Internet 96 (Ex. 1015), Teplitz (Ex. 1017), InfoUse (Ex. 1019), and the knowledge of a person of ordinary skill in the art
- Claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent are Obvious Over WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art

IV. BACKGROUND

A. Explanation of the Claimed Subject Matter

46. I understand that this declaration is being submitted together with a petition for covered business method patent review of claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent. The '196 patent is not entitled to the earliest claimed priority date of November 15, 1999 because a person of ordinary skill in the art would have found that U.S. Application No. 09/440,214, to which it claims continuation-in-part priority benefit, does not contain an enabling disclosure or adequate written description to support at least the “displaying a hyperlink” limitation added during the prior reexamination in an attempt to distinguish over the prior art.

47. I have considered the disclosure of the '196 patent in light of the knowledge of a POSITA as of November 15, 1999.

48. The claims of the '196 patent are directed to e-commerce methods for displaying web pages reformatted from HTML into XML for display on a television, cell phone, or other device. The reformatted web pages provide “a simplified navigation interface” comprising a “two-dimensional layer of cells.” The prior art cited in the petition disclosed these limitations, and all others, at least before November 15, 1999.

49. At least before November 15, 1999, such technology was widely known and in use. Both the discussion in the specification of the '196 patent as well as the claimed subject matter were well-known in the art as of the claimed priority date of the '196 patent. This is evidenced by at least the prior art references that will be discussed in relation to the claims below. Given the widespread knowledge and implementation of Internet browser technology, the claims of the '196 patent are directed to nothing more than a well-known concept. This can be demonstrated by the references to be discussed as well as what is acknowledged in the background section of the '196 patent. Furthermore, by the claimed priority date of the '196 patent, a person of ordinary skill in the art would have had reason to combine and/or modify one or more of the references discussed below as will be described in detail.

50. The dependent claims of the '196 patent add nothing more than other well-known limitations, also identified in the prior art. All these limitations were common and well-known to a person of ordinary skill in the art, at least as of November 15, 1999, because the field of art was mature and well adapted to implement variations to known and commonplace Internet browser technology, as evidenced by the prior art.

51. The references teach or suggest every limitation of claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 as will be described in detail below.

52. All four independent claims of the '196 patent (1, 9, 25, and 58) recite the following limitations, provided by way of summary and not of construction.

53. Content reformatted from HTML to XML to generate a “sister site”:
the content reformatted from a webpage in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site

54. The “sister site” has a simplified user interface for navigation on a television, cell phone, or other device:

the sister site including a portion or a whole of content of the web page reformatted to be displayed and navigable by unique inputs through a simplified navigation interface on any one of a television, web appliance, console device, handheld device, wireless device or cellular phone

55. The interface is in the form of a “matrix” or “layer” of “cells”:

the simplified navigation interface further displayed in a form of a two-dimensional layer of cells from a plurality of layers and a plurality of cells, the two-dimensional layer in a form of a navigation matrix. Each cell is a division of a screen and exclusive to a separate single navigation option

56. The content (and/or advertisements) is displayed in the cells, and

navigation between “layers” is hierarchical:

[content/advertisement] formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs, navigation options to change between layers of the simplified navigation interface from general to more specific in each deeper layer

57. A “hyperlink” is displayed either on the sister site to navigate to the

web page, or vice versa:

displaying a hyperlink on the sister site to navigate to the web page, or displaying a hyperlink on the web page to navigate to the sister site

58. The user selects a “navigation option” to browse another “layer”

provided by a server:

receiving a user selection of one of the navigation options; forwarding the selected navigation option across the internet to a server providing the simplified navigation interface; receiving

a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option

59. “Layers” can be scrolled or zoomed:

manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed on-line content

B. Person of Ordinary Skill in the Art and Claim Construction

60. I understand that a person of ordinary skill in the art (“POSITA”) is one who is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and is a person of ordinary creativity. Considering these factors in the context of the claims of the ‘196 patent, I am of the opinion that a POSITA in the 1999 time frame would have had a bachelor’s degree in computer science or commensurate industry experience of at least two years of experience with HTML programming and general knowledge of Internet browser technology or a similar field.

61. I understand that in a covered business method review, claim terms are interpreted under a “broadest reasonable construction” standard. I also understand that “claim terms are presumed to take on their ordinary and customary meaning.” *See* Ex. 1005, 48699. In *EMG v. Apple, et al.*, the patent owner produced claim charts provided by its technical expert that provided the patent owner’s proposed construction for certain terms. *See* Ex. 1008, pp. 4657-64.

62. I am of the opinion that the broadest reasonable interpretation of “displaying on-line content via the Internet”, “the on-line content reformatted from a webpage in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site”, “HTML”, “XML”, “a simplified navigation interface”, “displayed in a form of a two-dimensional layer of cells”, “from a plurality of layers and a plurality of cells”, “being received”, “navigation matrix”, “the two-dimensional layer in a form of a navigation matrix, each cell is a division of a screen and exclusive to a separate single navigation option associated with a specific unique input”, “the online-content formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs”, “exclusive to a separate single navigation option”, “navigation options to change between layers of the simplified navigation interface from general to more specific in each deeper layer”, “receiving a user selection of one or the navigation options”, “specific unique input” is at least as broad as that patent owner’s proposed construction. *See* Ex. 1008, pp. 4658- 64.

63. I also understand that in prior litigations involving the ‘196 patent, the District Court in the Eastern District of Texas decided the construction of certain claim terms of the ‘196 patent. *See* Ex. 1009, 1010. I am of the opinion that the broadest reasonable interpretation is at least as broad as the Court’s Claim Construction Rulings. I am of the opinion that the broadest reasonable

interpretation for “purchasing interface”, “exclusive to a separate single navigation option”, “unique input”, “to navigate to the web page”, “to navigate to the sister site”, “to generate a sister site”, “the two-dimensional layer in a form of a navigation matrix”, “webpage”, “web page” in the ‘196 patent are at least as broad as the Court’s constructions. *See* Ex. 1009, p. 32; Ex. 1010, p. 19.

64. According to the specification, “[a]s used herein, ‘sister site’ is deemed to mean a site that provides for navigation of the site using a simplified navigation system, such as matrix navigation described in more detail below.” Ex. 1001, 2:49-53. Although the “sister site” is described using idiosyncratic terminology (e.g., “matrix navigation,” “matrix layers”) the specification explains that in the preferred embodiment, these “matrix layers” are simply XHTML web pages reformatted in one possible alternative with Cascading Style Sheets (CSS), displayable and navigable on a prior art browser. Ex. 1001, 3:23-37. The specification explains that such pages may exist on a web site or be generated on the fly. “Content partners may maintain a database of sister site web pages corresponding to the pages in the general use site. Alternatively, content partners may provide a facility for converting web pages on the fly to the sister site format.” Ex. 1001, 2:56-59. Therefore, I am of the opinion that a sister site is reasonably construed to mean “one or more web pages that provide for navigation of the web page(s) using a simplified navigation interface.”

65. The specification explains that cells are “navigation options.” Ex. 1001, 7:65-8:3. As would be expected for a browser, a mouse or other pointer device can be used to select “navigation options.” Ex. 1001, 8:14-15. Navigation also works like ordinary web page navigation — selecting a link or “navigation option” brings up a new XHTML “layer.” Ex. 1001, 8:39-41, FIGs. 10a-10b. As the descriptions show, the specification indicates that, as shown in Figures 3, 8, and 10A-G, the “matrix layers” are XHTML pages displayed in a browser, navigated by selecting links with a mouse or other input device. The specification notes, “[t]he additional cells represent navigation paths that have not reached their maximum depth. For example, by pressing a 3, one would get to a features (sic) of the Technics product content layer.” Ex. 1001, 9:11-16. As such, I am of the opinion that “navigation options” is reasonably construed to mean “a link a user may select to access a layer of content.”

66. The ‘196 specification states that “[p]rimary navigation options’ as used herein are those navigation options that necessarily change between successive matrix layers, changing from general to more specific with increases in depth in the matrix” and thus I am of the opinion that the broadest reasonable interpretation is at least as broad. Ex. 1001, 7:46-49.

C. The Specification

67. The claims of the '196 patent are directed to displaying web pages reformatted from HTML into XML for display on a television, cell phone, or other device. The reformatted web pages provide “a simplified navigation interface” comprising a “two-dimensional layer of cells.”

68. According to the specification, “[a]s used herein, ‘sister site’ is deemed to mean a site that provides for navigation of the site using a simplified navigation system, such as matrix navigation described in more detail below.” ('196 patent, 2:49-53). Although the “sister site” is described using idiosyncratic terminology including “matrix navigation” and “matrix layers,” the specification explains that in the preferred embodiment, these “matrix layers” are simply XHTML Web pages reformatted in one alternative with Cascading Style Sheets (CSS), displayable and navigable on a prior art browser:

A hypertext markup language (HTML) page 40 is transcoded by a transcoder 30 to yield, for example, an XML page 42 . . . The XML page is then reformatted using extensible style language (XSL) 34 to corresponding format data 32 . . . Thus, after formatting, the XML document is translated to an extensible hypertext markup language (XHTML) document for subsequent display by a client side browser on display 52. Alternatively, the XML page may have a cascading style sheet (CSS) applied to achieve the desired format. One advantage of the CSS is that it is supported by standard browsers.

After application of the CSS, the resulting formatted page can be displayed by the client browser on display 52.

Ex. 1001, 3:23-37.

69. The numeric references are to Figure 3, which the specification says “is a flow diagram of conversion of standard HTML pages to a sister site format in one embodiment of the invention.” As shown below, Figure 3 is a flow diagram of conversion of standard HTML pages to a sister site format. Ex. 1001, FIG. 3.

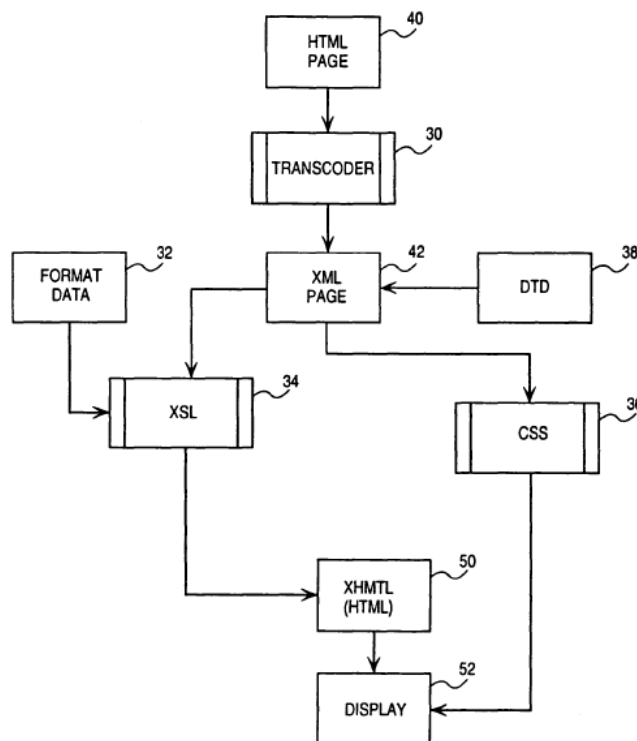


FIG. 3

70. Figure 8, captioned below, shows a “matrix” of “cells” that makes up the navigation interface. Ex. 1001, FIG. 8.

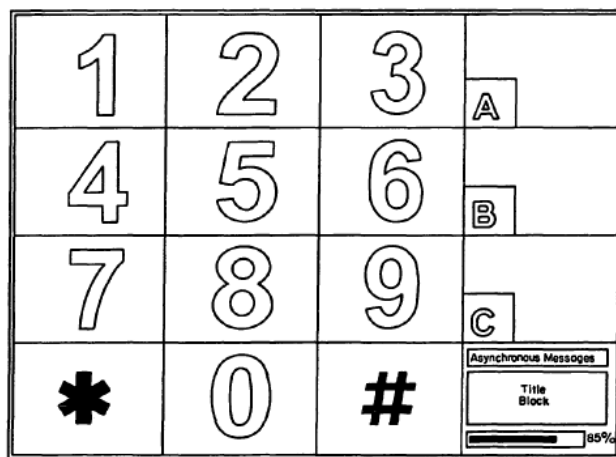


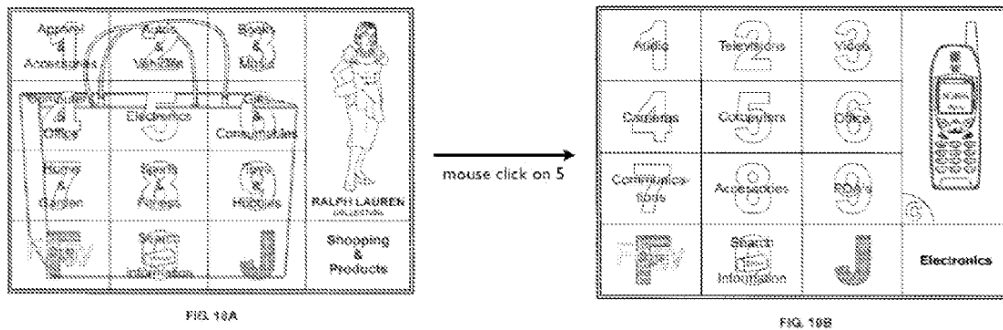
FIG. 8

“FIG. 8 is a diagram of the display of a graphical user interface of one embodiment of the invention. The screen is divided into a plurality of cells. In this embodiment, there are fifteen cells that represent navigation options and one messaging cell for displaying messages from the hub, the progress or status bar, and a title block.” Ex. 1001, 7:65-8:3.

71. As would be expected for a browser, the specification explains that a mouse or other pointer device can be used to select “navigation options”: “While the interface is designed to be fully accessible with minimal key strokes from a key pad, it is also within the scope and contemplation of the invention to permit selection with a mouse or other pointer device.” Ex. 1001, 8:14-15.

72. Navigation also works like ordinary web page navigation—selecting a link or “navigation option” brings up a new XHTML “layer”: “A selection of 5 on

the 10a matrix layer yields an Electronics matrix layer shown in FIG. 1-b.” Ex. 1001, 8:39-41; *see* annotated Figures 10a and 10b below.



73. As the foregoing descriptions show, the specification indicates that in the embodiment of Figures 3, 8, and 10a-g, the “matrix layers” are XHTML Web pages displayed in a browser, navigated by selecting links with a mouse.

D. Prosecution History

74. I understand that the following underlined sections of the independent claims were given by the Examiner as the reason for allowance during original prosecution:

A method of navigating the Internet, comprising: displaying on-line content accessed via the Internet, the on-line content reformatted from a webpage in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site, the sister site including a portion or a whole of content of the web page reformatted to be displayed and navigable through a simplified navigation interface on any one of a television, web appliance, console device, handheld device, wireless device or cellular phone,

the simplified navigation interface displayed in a form of a two-dimensional layer of cells from a plurality of layers and a plurality of cells, the two-dimensional layer in a form of a navigation matrix, each cell is a division of a screen and exclusive to a separate single navigation option associated with a specific unique input, the on-line content formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs, navigation options to change between layers of the simplified navigation interface from general to more specific in each deeper layer; receiving a user selection of one of the navigation options; forwarding the selected navigation option across the internet to a server providing the simplified navigation interface; receiving a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option; and manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed on-line content.

Ex. 1007, p. 132.

75. I understand that the Patent Owner had previously reached an agreement with the Examiner that the subject matter amended into the claims and underlined above was potentially allowable. Ex. 1007, p. 231.

E. The Reexamination

76. It is my understanding that all of the independent claims, 1, 9, 25, and 58, of the '196 patent were amended during reexamination. During reexamination, WAP WML, WAP WAE, WAP Architecture, and Clausen were found to qualify

as prior art under 35 U.S.C. § 102(a) and to raise a substantial new question of patentability. Ex. 1008, pp. 1399-1401, 1405.

77. As stated in the Right of Appeal Notice:

The prior art cited by the Requester teaches methods of converting HTML documents to XML type documents to allow non-standard devices (typically mobile devices) to more easily navigate web content. The prior art cited by the Requester further teaches simplified navigation interfaces such as two-dimensional navigation interfaces that are more easily used by a mobile device.

Ex. 1008, pp. 42-43.

78. The Examiner indicated as the sole reason for allowance during reexamination the following underlined section of the independent claims:

A method of navigating the Internet, comprising: displaying on-line content accessed via the Internet, the on-line content reformatted from a webpage in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site, the sister site including a portion or a whole of content of the web page reformatted to be displayed and navigable through a simplified navigation interface on any one of a television, web appliance, console device, handheld device, wireless device or cellular phone, the simplified navigation interface displayed in a form of a two-dimensional layer of cells from a plurality of layers and a plurality of cells, the two-dimensional layer in a form of a navigation matrix, each cell is a division of a screen and exclusive to a separate single navigation option associated with a specific unique input, the on-line

content formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs, navigation options to change between layers of the simplified navigation interface from general to more specific in each deeper layer; displaying a hyperlink on the sister site to navigate to the web page, or displaying a hyperlink on the web page to navigate to the sister site; receiving a user selection of one of the navigation options; forwarding the selected navigation option across the internet to a server providing the simplified navigation interface; receiving a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option; and manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed on-line content.

See Ex. 1008, pp. 42-43.

79. Thus, apparently the only reason for allowing the claims was the addition of a particular hyperlink to an HTML web page.

V. Summary of Prior Art Relied Upon

A. Wireless Application Protocol – Wireless Markup Specification Version 30, April 1998 (“WAP WML”); Wireless Application Protocol – Wireless Application Environment Overview Version 30, April 1998 (“WAP WAE”); Wireless Application Protocol Architecture Specification Version 30, April 1998 (“WAP Architecture”) (collectively, “WAP”)

80. The WAP publications were released together to define a system, method, and apparatus for presenting online content in a simplified interface to a device with small form factor such as a cell phone or PDA. The objective behind the release of WAP was to bring Internet content and advanced data services to digital cellular phones and other wireless terminals.³ I understand that only patents and printed publications may be relied upon in a CBM petition and thus am relying on the disclosure contained within each of these WAP-related publications when I refer to WAP.

81. WAP describes how a web server providing content via the World Wide Web (WWW), such as HTML content, could be filtered using an HTML filter to translate the HTML into WML, which is an XML document type, and displayed by client-side in-device software in a simplified interface to display content to the end user.⁴

³ WAP Architecture, 3.

⁴ WAP Architecture, 13-17.

82. Each WAP publication was published in April 1998, which is more than one year before the November 15, 1999 priority date of the '196 patent. Given these dates, I understand that each WAP is prior art under § 18(a)(1)(C).

B. U.S. Patent No. 5,602,596 to Claussen (“Claussen”)

83. Claussen discloses a method for navigating a complex interface that comprises a series of layers of cells.⁵ The cells are arranged in the form of a matrix.⁶ The navigational interface may be navigated by a user through a pointing device or touch sensitive display screen.⁷ Claussen additionally discloses a capability of the user interface to display advertisements.⁸

84. Claussen issued as a patent on February 11, 1997, which is more than one year before the November 15, 1999 priority date claimed by the '196 patent. Given these dates, I understand that Claussen is prior art under § 18(a)(1)(C).

⁵ Claussen at Figures 5, 6a, 6b, and Abstract.

⁶ Claussen, 8:51-52.

⁷ Claussen, 7:62-64.

⁸ Claussen, 6:4-12.

C. Internet 1996 World Exposition – park.org/bandwidth.cgi (November 3, 1996) (landing page); park.org/main.html (November 3, 1996) (high bandwidth version); www.park.org/main.text.html (November 3, 1996) (low bandwidth version) (collectively, “Internet 96”)

85. Internet 96 discloses the official website for the Internet 1996 World Exposition. The landing page for Internet 96 discloses a link with the title “high” to a sister site optimized for a user with a high bandwidth connection, and a link with the title “low” to a sister site optimized for a user with a low bandwidth connection. The low bandwidth version of Internet 96 discloses a link with the title “[High Speed]” to a sister site, the aforementioned high bandwidth version of Internet 96.

86. Internet 96 was published November 3, 1996, before the November 15, 1999 priority date claimed by the ’196 patent. Given these dates, I am of the opinion that Internet 96 is prior art under § 18(a)(1)(C).

D. White House Website – www3.whitehouse.gov (October 23, 1997) (graphic version); www3.whitehouse.gov/index-plain.html (October 23, 1997) (text-only version) (collectively, “White House”)

87. White House discloses the official website for the United States Presidential Administration. The graphic version of White House discloses a link with the title “[Text version]” to a sister site in which all information is displayed in a text-only, low bandwidth format. The text-only version of White House

discloses a link with the title “[Graphic version]” to a sister site, the aforementioned graphic version of White House.

88. White House was published October 23, 1997, before the November 15, 1999 priority date claimed by the ’196 patent. Given these dates, I understand that White House is prior art under § 18(a)(1)(C).

E. Jerry Teplitz Enterprises Website – www.teplitz.com/main.htm (June 26, 1998) (graphic version); www.teplitz.com/text/main.htm (June 26, 1998) (text-only version) (collectively, “Teplitz”)

89. Teplitz discloses the official website for entrepreneur Jerry Teplitz. The graphic version of Teplitz discloses a link with the title “TEXT-ONLY” to a sister site in which all information is displayed in a text-only, low bandwidth format. The text-only version of Teplitz discloses a link with the title “Click here to go to the full version” to a sister site, the aforementioned graphic version of Teplitz.

90. Teplitz was published June 26, 1998, before the November 15, 1999 priority date claimed by the ’196 patent. Given these dates, I understand that Teplitz is prior art under § 18(a)(1)(C).

F. Sun Microsystems, Inc. Website – www.sun.com (August 3, 1997) (graphic version); www.sun.com/index.textonly.html (August 3, 1997) (text-only version); www.sun.com/index.java.html (August 3, 1997) (Java version) (collectively, “Sun”)

91. Sun discloses the official website for Sun Microsystems. Inc. The graphic version of Sun discloses a link with the title “Java version” to a sister site in which information is displayed in a Java applet, and a link with the title “text-only version” to a sister site in which all information is displayed in a text-only, low bandwidth format. The text-only version of Sun discloses a link with the title “Java version” to a sister site in which information is displayed in a Java applet, and a link with the title “non-Java graphics” to a sister site in which all information is displayed in a graphic format. The Java version of Sun discloses a link with the title “non-Java version” to a sister site in which information is displayed in a graphic format, and a link with the title “text-only version” to a sister site in which all information is displayed in a text-only, low bandwidth format.

92. Sun was published August 3, 1997, before the November 15, 1999 priority date claimed by the ’196 patent. Given these dates, I understand that Sun is prior art under § 18(a)(1)(C).

G. Berliss, et. al, “Design of Accessible Web Pages”, copyright 1996 (dated May, 1996) by InfoUse (“InfoUse”)

93. InfoUse discloses the following: “At the top of all home pages, the first line should be a text link labeled something like, ‘Click here to go to a text-only version of site.’” InfoUse, at 4.

94. The “text-only version of site” is a sister site to an original site upon which the text-only hyperlink is to be placed.

95. InfoUse was published May 1996, before the November 15, 1999 priority date claimed by the ’96 patent. Given these dates, I understand that InfoUse is prior art under § 18(a)(1)(C).

VI. AT LEAST CLAIMS 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 OF THE ‘96 PATENT ARE INVALID

A. The prior art discloses or suggests “[a] method of navigating the Internet”, “[a] method”, and “[a] machine readable medium having instructions stored therein, which when executed cause a machine to perform a set of operations” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

96. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “[a] method of navigating the Internet”, “[a] method”, and “[a] machine readable medium having instructions stored therein, which when executed cause a machine to perform a set of operations.” *See*,

e.g., Ex. 1011, p. 5, 8-9, 16; Ex. 1012, pp. 10, 13, 14, 18; Ex. 1013, p. 3. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

97. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “[a] method of navigating the Internet”, “[a] method”, and “[a] machine readable medium having instructions stored therein, which when executed cause a machine to perform a set of operations.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 2:47-52, 3:46-50, 4:42-56, 4:64-66, 5:23-39, 5:50-52, 6:4-12, 6:45-52, Figures 1, 2B, 4,5, 6A, 6B. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

98. I am of the opinion that Claussen discloses or suggests a user device for displaying content in a navigation interface. Ex. 1014, 2:47-52, Figure 1. Claussen also discloses or suggests that the user device “includes a processor in electrical communication with a memory and a presentation device.” Ex. 1014, 2:47-51.

B. The prior art discloses or suggests “displaying on-line content accessed via the Internet, the on-line content reformatted from a webpage in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site,” and “displaying a first advertisement, the displaying of the first advertisement being via an internet and through a simplified navigation interface,” and “displaying a first content via the internet and through the simplified navigation interface, the first content reformatted from a web page in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site to be displayed and navigable through the simplified navigation interface,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

99. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “displaying on-line content accessed via the Internet, the on-line content reformatted from a webpage in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site,” and “displaying a first advertisement, the displaying of the first advertisement being via an internet and through a simplified navigation interface,” and “displaying a first content via the internet and through the simplified navigation interface, the first content reformatted from a web page in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site to be displayed and navigable through the simplified navigation interface.” *See, e.g.,* Ex. 1011, pp. 16, 27, 31, 40; Ex. 1012,

pp. 3, 13, 14, 16-18; Ex. 1013, p. 13. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

100. For example, I am of the opinion that WAP discloses or suggests displaying on-line content (e.g., content having a WML format) accessed via the Internet on a mobile device, such as a mobile phone or PDA. *See, e.g.*, Ex. 1013, p. 13; Ex. 1012, p. 14; Ex. 1008, pp. 810-11. I am also of the opinion that WAP discloses or suggests that the on-line content (e.g., content having a WML format) can be reformatted from a webpage in a hypertext markup language (HTML) format (e.g., WWW content such as an HTML webpage) into an extensible markup language (XML) format (e.g., WML, which is an XML document type) thereby generating a sister site for display on the mobile device. *See, e.g.*, Ex. 1013, p. 13; Ex. 1012, pp. 3, 16, 18; Ex. 1011, pp. 31, 40; Ex. 1008, pp. 810-11. I am further of the opinion that WAP thus discloses or suggests “the conversion of a standard web page into a mobile version of a web page tailored to the capabilities of a mobile device,” as the Office previously determined. Ex. 1008, pp. 810-11.

101. I understand that the Office previously determined, WAP discloses or suggests “a web page and then a distinct and separate sister site.” Ex. 1008, pp. 810-11. I agree with this determination.

102. I am also of the opinion that it would have been well-known for content and/or advertisements to be accessed via the Internet and displayed on a

device (such as a desktop computer, laptop, mobile phone, or PDA) in an interface that is simple for a user to view and navigate. I thus am of the opinion that it would have been obvious for content and/or advertisements to be accessed via the Internet and displayed on a mobile device in a simplified navigation interface. In my opinion, doing so could provide greater accessibility and/or convenience for a user of the mobile device. For example, a user could access the content and/or advertisements on a mobile device while travelling without having to use a desktop computer. In addition, displaying the content and/or advertisements on the mobile device in a simplified navigation interface could provide greater convenience for a user because the information could be formatted such that it was easily viewable, navigable, and accessible for the user.

103. It is my opinion that it would have been well-known to convert documents from one format into another format. For example, it would have been well-known for a webpage in an HTML format to be converted into an XML format.

104. It also my opinion that it would have been well-known that two or more versions of a website could be created. For example, it would have been well-known to have a basic version (e.g., a low bandwidth version, a text-only version, etc.) and an advanced version (e.g., a high bandwidth version, a graphics version, etc.) of a website.

105. I am further of the opinion that it would have been well-known known that a web page having a first format with a simplified navigation interface could be generated “on-the-fly” from a web page having a second format. For example, it would have been well-known that WAP content (such as WML) could be generated “on-the-fly” from WWW content (such as HTML). Ex. 1013, p. 13; Ex. 1012, p. 18. In my opinion, doing so could allow the web server to store WWW content without having to store WML content thereby saving space on the server. It is thus my opinion that it would have been obvious for content and/or advertisements to be accessed via the Internet and displayed in a simplified navigation interface and it would have been obvious for the content to be reformatted from an HTML webpage into an XML format to generate a sister site.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

106. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “displaying on-line content accessed via the Internet, the on-line content reformatted from a webpage in a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site,” and “displaying a first advertisement, the displaying of the first advertisement being via an internet and through a simplified navigation interface,” and “displaying a first content via the internet and through the simplified navigation interface, the first content reformatted from a web page in

a hypertext markup language (HTML) format into an extensible markup language (XML) format to generate a sister site to be displayed and navigable through the simplified navigation interface.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 2:47-52, 3:46-50, 4:42-56, 4:64-66, 5:23-39, 5:50-52, 6:4-12, 6:45-52, Figures 1, 2B, 4,5, 6A, 6B. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

C. The prior art discloses or suggests “the sister site including a portion or a whole of content of the web page reformatted to be displayed and navigable through a/the simplified navigation interface on any one of a television, web appliance, console device, handheld device, wireless device or cellular phone,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

107. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “the sister site including a portion or a whole of content of the web page reformatted to be displayed and navigable through a/the simplified navigation interface on any one of a television, web appliance, console device, handheld device, wireless device or cellular phone.” *See, e.g.*, Ex. 1012, pp. 3, 16-18; Ex. 1013, p. 13; Ex. 1011., pp. 16, 31, 40. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

108. I am of the opinion that it is implied and/or would have been obvious that all or a portion of an HTML web page that is reformatted into WML would include all or a portion of the content of the HTML web page.

109. I am also of the opinion that WAP discloses or suggests that the sister site is navigable through a simplified navigation interface on a wireless handheld device (e.g., a softkey or a scrolling input device on a PDA or cellphone). Ex. 1011, pp. 31, 40; Ex. 1012, p. 3.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

110. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “the sister site including a portion or a whole of content of the web page reformatted to be displayed and navigable through a/the simplified navigation interface on any one of a television, web appliance, console device, handheld device, wireless device or cellular phone.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 2:47-52, 3:46-50, 4:42-56, 4:64-66, 5:23-39, 5:50-52, 6:4-12, 6:45-52, Figures 1, 2B, 4,5, 6A, 6B. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

D. The prior art discloses or suggests “the simplified navigation interface displayed in a form of a two-dimensional layer of cells from a plurality of layers and a plurality of cells,” “the simplified navigation interface presenting advertisements and content through a plurality of layers and a plurality of cells,” and “the simplified navigation interface presenting advertisements and content through a plurality of layers and a plurality of cells, the simplified navigation interface displayed in a form of a two-dimensional layer of cells from the plurality of layers and the plurality of cells,” and “the first content displayed in one or more of the plurality of cells,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

111. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “the simplified navigation interface displayed in a form of a two-dimensional layer of cells from a plurality of layers and a plurality of cells,” “the simplified navigation interface presenting advertisements and content through a plurality of layers and a plurality of cells,” and “the simplified navigation interface presenting advertisements and content through a plurality of layers and a plurality of cells, the simplified navigation interface displayed in a form of a two-dimensional layer of cells from the plurality of layers and the plurality of cells,” and “the first content displayed in one or more of the plurality of cells.” *See, e.g.*, Ex. 1011., pp. 5, 10, 31, 33, 34; Ex. 1012, pp. 16, 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

112. I am of the opinion that WAP discloses or suggests that the simplified navigation interface can have a two-dimensional layer of cells (e.g., a list of URLs or options on a card). Ex. 1011, pp. 10, 14-18, 31, 33-34; Ex. 1012, p. 18. It is also my opinion that WAP discloses or suggests that the interface can have a plurality of layers, which can have cells (e.g., a series of cards in a deck). Ex. 1011, p. 5.

113. I understand that in *EMG v. Apple et al.*, the patent owner proposed that “displayed in a form of a two-dimensional layer of cells” be construed to mean “cells on a single virtual plane”, “displayed in a form of a two-dimensional layer of cells” be construed to mean “cells on a single virtual plane”, and “from a plurality of layers and a plurality of cells” be construed to mean “cells in any shape or arrangement on multiple virtual levels.” See Ex. 1008, p. 4660. Given patent owner’s own proposed construction, I am of the opinion that WAP discloses or it would have been obvious for the simplified navigation interface of WAP to be displayed in the form of a two-dimensional layer of cells from a plurality of layers and a plurality of cells and for content and/or advertisements to be displayed in one or more of the plurality of cells and/or one or more of the plurality of layers.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

114. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “the simplified navigation interface displayed in a form of a two-dimensional layer of cells from a plurality of

layers and a plurality of cells,” “the simplified navigation interface presenting advertisements and content through a plurality of layers and a plurality of cells,” and “the simplified navigation interface presenting advertisements and content through a plurality of layers and a plurality of cells, the simplified navigation interface displayed in a form of a two-dimensional layer of cells from the plurality of layers and the plurality of cells,” and “the first content displayed in one or more of the plurality of cells.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 2:47-52, 3:46-50, 4:42-56, 4:64-66, 5:23-39, 5:50-52, 6:4-12, 6:45-52, Figures 1, 2B, 4,5, 6A, 6B. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

115. I am of the opinion that Claussen discloses or suggests the user device may have a simplified navigation interface for displaying content and/or advertisements where the simplified navigation interface is displayed in a form of a two-dimensional layer of presentation cells from a plurality of layers and plurality of cells with the content and/or advertisements being displayed in one or more of the layers and/or cells. Ex. 1014, 2:47-52, 3:46-50, 5:23-28, 5:50-52, Figures 1, 2b, 4, 5, 6a, 6b. For example, it is my opinion that Claussen discloses or suggests displaying content and advertisements (e.g., special promotions 526) through a plurality of layers and a plurality of cells. Ex. 1014, 6:4-12; 5:50-52; Figure 5.

116. Moreover, it is my opinion that Claussen discloses or suggests a hierarchical navigational structure that has a plurality of layers (e.g., 410, 412, and

414-416). Ex. 1014, 4:64-66; 5:23-39; Figure 4. In my opinion, Claussen discloses or suggests that the two-dimensional layer with the plurality of cells, as illustrated by the nine presentation cells, is in a form of a matrix. Ex. 1014, 6:45-52, Figures 2b, 4, 7. As illustrated in Figure 2b, presentation cells can be associated with arrow indicators to help a user navigate, and thus Claussen discloses or suggests that the matrix is a navigational matrix. Ex. 1014, 4:42-56, Figure 2b.

E. The prior art discloses or suggests that “the two-dimensional layer in a form of a navigation matrix,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

117. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “the two-dimensional layer in a form of a navigation matrix.” *See, e.g.*, Ex. 1011., pp. 5, 10, 31, 32; Ex. 1012, pp. 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

118. In my opinion, WAP discloses or suggests that the two-dimensional layer is in the form of a navigation matrix (e.g., a list of input elements). Ex. 1011, pp. 31, 32. Moreover, I understand that in *EMG v. Apple et al.*, the patent owner proposed that “navigation matrix” be construed to mean “cells in any shape or arrangement on a single virtual level” *See* Ex. 1008, p. 4660. Given the patent owner’s own proposed construction, I am of the opinion that WAP discloses or it would have been obvious for the two-dimensional layer of WAP to have the form of a navigation matrix.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

119. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “the two-dimensional layer in a form of a navigation matrix.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 2:47-52, 3:46-50, 4:42-56, 4:64-66, 5:23-39, 5:50-52, 6:4-12, 6:45-52, Figures 1, 2B, 4, 5, 6A, 6B. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

120. In my opinion, Claussen discloses or suggests that the two-dimensional layer with the plurality of cells, as illustrated by the nine presentation cells, is in a form of a matrix. Ex. 1014, 6:45-52, Figures 2b, 4, 7. As illustrated in Figure 2b, presentation cells can be associated with arrow indicators to help a user navigate, and thus Claussen discloses or suggests that the matrix is a navigational matrix. Ex. 1014, 4:42-56, Figure 2b.

F. The prior art discloses or suggests that “each cell is a division of a screen and exclusive to a separate single navigation option associated with a specific unique input,” and “each cell in the navigation matrix associated with a specific unique input, each cell is a division of a screen and exclusive to a separate single navigation option,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

121. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “each cell is a division of a screen and exclusive to a separate single navigation option associated with a specific unique input,” and “each cell in the navigation matrix associated with a specific unique input, each cell is a division of a screen and exclusive to a separate single navigation option.” *See, e.g.*, Ex. 1011, pp. 33, 34, 9, 31. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

122. I am of the opinion that WAP discloses or suggests that each cell (e.g., each line demarcated with a
 element) is listed in a separate division of the screen because each cell comprises text in a separate area. Ex. 1011, pp. 33, 34, 40, 41.

123. I am also of the opinion that WAP discloses or suggests that each cell is exclusive to a navigation option (e.g., URL) via a specific input (e.g., pointer or a key). Ex. 1012, pp. 15, 16, 18, 31; Ex. 1011, pp. 9, 14-18. It is further my opinion that WAP discloses or suggests that each navigation option corresponds with a unique URL. Ex. 1012, pp. 15-16; Ex. 1011, pp. 14-18, 40, 41. Thus, in my opinion, it would have been obvious that navigating through a series of URLs may bring a user to specific desired information.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

124. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “each cell is a division of a screen and exclusive to a separate single navigation option associated with a specific unique input,” and “each cell in the navigation matrix associated with a specific unique input, each cell is a division of a screen and exclusive to a separate single navigation option.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22, 4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

125. I am of the opinion that Claussen discloses or suggests that each cell is a division of a screen that is exclusive to a single navigation option/input. Ex. 1014, 4:42-56, 5:26-28, 4:17-22, 5:29-32, 4:29-34, 5:44-53, Figures 2A, 2B. For example, it is my opinion that Claussen discloses or suggests that each presentation cell in the navigation matrix is associated with a separate single navigation option/specific unique input, or numbers one through nine on the remote control. Ex. 1014, 4:17-22; 5:26-28, Figures 2A , 2B. Claussen further discloses that “each cell represents a button a user may press” to select a navigation option/input on the remote control. Ex. 1014, 5:26-28; 4:17-22; 5:29-32; 5:44-53; Figures 2a and 2b. Additionally, as discussed above, I am of the opinion that WAP discloses or suggests that each navigation option/input can correspond with a unique URL. Ex.

1012, pp. 15-16; Ex. 1011, pp. 14-18, 40, 41. Further, it would have been obvious to a person of ordinary skill in the art that navigating through a series of URLs to bring a user to specific desired information.

G. The prior art discloses or suggests that “the on-line content formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs,” and “the first advertisement formatted for display in one of the plurality of cells and formatted to be selected for navigation by one of the unique inputs,” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

126. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “the on-line content formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs,” and “the first advertisement formatted for display in one of the plurality of cells and formatted to be selected for navigation by one of the unique inputs.” *See, e.g.*, support cited for claims 1, 9, 25, 58, Preamble and elements A-E for WAP. *See, e.g.*, Ex. 1011, pp. 9, 32, 33, 31, 40; Ex. 1012, p. 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

127. I am of the opinion that WAP discloses or suggests formatting content to be displayed in a plurality of cells (e.g., a list of multiple lines, each with input elements, in a displayed card). Ex. 1011, pp. 31, 32. It is also my opinion that the

content may also be formatted for selection using WML (e.g., the <BRI> element and the TAB element) via one or more unique inputs (e.g., a softkey, button, physical key, and/or button rendered on the screen) Ex. 1011, pp. 9, 40, 41; Ex. 1012, pp. 15, 16, 18.

128. It is my opinion that it would have been obvious for content and/or advertisements to be formatted for display in one of the plurality of cells and formatted to be selected for navigation by one of the unique inputs. In my opinion, doing so may provide a user with a simplified navigation interface that is easily viewable, navigable, and accessible to the user thereby providing convenience for the user. Moreover, in my opinion, providing content and/or advertisements in one or more of a plurality of cells that can be selected by a user may allow the user to access additional information for a particular piece of content and/or advertisement thereby providing easy navigation and greater accessibility to additional information about the piece of content and/or advertisement.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

129. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “the on-line content formatted to be displayed in one or more of the plurality of cells and formatted to be selected for navigation by one or more of the unique inputs,” and “the first advertisement formatted for display in one of the plurality of cells and formatted to be selected

for navigation by one of the unique inputs.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22, 4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

130. I am of the opinion that Claussen discloses or suggests that content and/or advertisements can be displayed in one or more of the presentation cells, such as one or more of the nine presentation cells shown in Figure 5. Ex. 1014, 2:47-52, 3:46-50, 5:23-28, 5:50-52, Figures 1, 2b, 4, 5, 6a, 6b. Moreover, it is my opinion that Claussen discloses or suggests each of the presentation cells has “navigational behavior,” as each of the nine buttons that a user may select on a remote control corresponds to a different presentation cell selection. Ex. 1014, 4:6-38, 5:44-53, Figure 2b.

H. The prior art discloses or suggests that “navigation options to change between layers of the simplified navigation interface from general to more specific in each deeper layer” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

131. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “navigation options to change between layers of the simplified navigation interface from general to more specific in each deeper layer.” *See, e.g.*, support cited for claims 1, 9, 25, 58, Preamble and

elements A-F for WAP. See, e.g., Ex. 1011, pp. 5, 27; Ex. 1012, p. 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99. *See, e.g.,* Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22, 4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

132. It is my opinion that WAP discloses or suggests navigation options (e.g., URLs) for changing from general to more specific layers in each deeper layer (e.g., navigating through a series of cards). Ex. 1011, pp. 14-18, 27; Ex. 1012, pp. 15, 16, 18. It is also my opinion that WAP discloses or suggests that a WAP-compliant telephone sends a GET request with a URL when requesting a next deeper navigation layer. Ex. 1012, pp. 15-16; Ex. 1011, pp. 14-18.

133. As discussed above, it is my opinion that “navigation options” means “a link a user may select to access a layer of content” under the broadest reasonable interpretation. Moreover, in my opinion, it was well-known that navigating through a series of URLs may bring a user to more specific and/or desired information. In my opinion, it was also well-known that a user navigating through layers may go from general to more specific layers.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

134. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “navigation options to change

between layers of the simplified navigation interface from general to more specific in each deeper layer.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22, 4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

135. It is my opinion that Claussen discloses or suggests that navigation options can change between layers of the simplified hierarchical navigation interface from general to more specific in each deeper layer. Ex. 1014, 1:46-48, 4:34-38, 4:64-66, 5:15-21, 5:54-60, Figures 4, 2b. For example, it is my opinion that Claussen discloses that when selecting a presentation cell, a second cell at a deeper layer will “often provide[] the user with more information regarding the item displayed in the selected presentation cell” thereby causing the cells at each deeper layer to display increasingly more specific information. Ex. 1014, 4:34-38, Figure 4.

I. The prior art discloses or suggests that “displaying a hyperlink on the sister site to navigate to the web page, or displaying a hyperlink on the web page to navigate to the sister site” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

136. As discussed above, I am of the opinion that WAP discloses or suggests URLs that can be selected by a user to access additional information. Ex.

1011, pp. 14-18, 27; Ex. 1012, pp. 15, 16, 18. Moreover, it is my opinion that displaying a hyperlink on a page of a website to navigate to another web page within the same website and/or displaying a hyperlink on a page of a website to navigate to another web page in a different website would have been well-known to a person of ordinary skill in the art. Further, in my opinion, displaying a hyperlink on a web page of a more advanced version of a website that would navigate to a less advanced version of a website, and/or vice versa, would have been well-known to a person of ordinary skill in the art. For example, it would have been well-known to have a hyperlink on a page in high bandwidth version of a website that could be selected to navigate to a page in a low bandwidth version of the website. It would have also been well-known to have a hyperlink on page of a graphics version of a website that would navigate to a text-only version of the website, or vice versa.

137. It is my opinion that it would have been obvious to a person of ordinary skill in the art at the time of the alleged invention of the '196 patent to display a hyperlink on a sister site that allowed a user to navigate to a web page. It is also my opinion that it would have been obvious to a person of ordinary skill in the art at the time of the alleged invention of the '196 patent to display a hyperlink on a web page that allowed a user to navigate to a sister site. In my opinion, doing so would have allowed the user to switch between the web page and the sister site,

and/or vice versa, thereby providing ease of access to the web page and/or the sister site and providing the user with the option of selecting a more or less advanced version of the website.

138. Therefore, I am of the opinion that it would have been obvious to display a hyperlink on the sister site of WAP to navigate to the web page and/or to display a hyperlink on the web page of WAP to navigate to the sister site.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

139. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest URLs that can be selected by a user to access additional information. Ex. 1011, pp. 14-18, 27; Ex. 1012, pp. 15, 16, 18. I am also of the opinion that Claussen discloses a user device on which content can be displayed. *See, e.g.*, Ex. 1014, 2:47-52, 3:46-50, 4:42-56, 4:64-66, 5:23-39, 5:50-52, 6:4-12, 6:45-52, Figures 1, 2B, 4,5, 6A, 6B. Moreover, I am of the opinion that displaying a hyperlink on a page of a website to navigate to another web page within the same website and/or displaying a hyperlink on a page of a website to navigate to another web page in a different website would have been well-known to a person of ordinary skill in the art. For example, any number of websites at the time had hyperlinks between webpages within a website and had hyperlinks to webpages in other websites. I am also of the opinion that displaying a hyperlink on a web page of a more advanced version of a website that would allow

navigation to a less advanced version of a website, and/or vice versa, would have been well-known to a person of ordinary skill in the art. For example, it would have been well-known to have a hyperlink on a page in high bandwidth version of a website that could be selected to navigate to a page in a low bandwidth version of the website. It would have also been well-known to have a hyperlink on page of a graphics version of a website that would navigate to a text-only version of the website, or vice versa.

140. I am further of the opinion that it would have been obvious to a person of ordinary skill in the art at the time of the alleged invention of the '196 patent to display a hyperlink on a sister site that allowed a user to navigate to a web page. I am also of the opinion that it would have been obvious to a person of ordinary skill in the art at the time of the alleged invention of the '196 patent to display a hyperlink on a web page that allowed a user to navigate to a sister site. Doing so would have allowed the user to switch between the web page and the sister site, and/or vice versa, thereby providing ease of access to the web page and/or the sister site and providing the user with the option of selecting a more or less advanced version of the website. Therefore, I am of the opinion that it would have been obvious to display a hyperlink on the sister site of WAP and Claussen to navigate to the web page and/or to display a hyperlink on the web page of WAP and Claussen to navigate to the sister site.

Internet 96

141. I am of the opinion that Internet 96 discloses or suggests a landing page that allows a user to select between a High Bandwidth Version and a Low Bandwidth Version of the website. Ex. 1015, p. 1. I am also of the opinion Internet 96 discloses or suggests that if the user selects the High Bandwidth Version of the website, then the user is navigated to a High Bandwidth Home Page that includes a hyperlink to the Low Bandwidth Version of the website. Ex. 1015, p. 2. Similarly, I am of the opinion that Internet 96 discloses or suggests that if the user selects the Low Bandwidth Version of the website, then the user is navigated to a Low Bandwidth Home Page that includes a hyperlink to the High Bandwidth Version of the website. Ex. 1015, p. 3.

White House

142. I am of the opinion that the White House's website discloses or suggests a Graphic Version of the White House website with a hyperlink to a Text Version of the White House website and a Text Version of the White House website with a hyperlink to a Graphical Version of the White House website. Ex. 1016, pp. 1-2, 5-6. I am also of the opinion that White House discloses or suggests that if the user selects the "White House documents" hyperlink on the Graphic Version of the White House website, then the user is navigated to a Graphic Version of the "Search Public Press Releases" web page, which also includes a

hyperlink to a Text Version of the web page. Ex. 1016, pp. 3-4. Similarly, I am of the opinion that White House discloses or suggests that if the user selects the “White House documents” hyperlink on the Text Version of the White House website, then the user is navigated to a Text Version of the “Search Public Releases” web page, which also includes a hyperlink to a Graphical Version of the web page. Ex. 1016, pp. 7-8.

Teplitz

143. I am of the opinion that Teplitz discloses a web page with links to both text-only versions and graphical versions of pages of websites. Ex. 1017, p. 12.

InfoUse

144. I am of the opinion that InfoUse discloses or suggests that a hyperlink to a text-only version of a website may be included in a home page of a more advanced version of the website to provide greater accessibility. *See* Ex. 1019, p. 4.

Sun

145. I am of the opinion that Sun discloses or suggests that the main page of the Graphical Version of its website has a hyperlink to a Java Version of the website as well as a hyperlink to a Text Version of the website. Ex. 1018, p. 1.

J. The prior art discloses or suggests that “receiving a user selection of one of the navigation options” and “receiving a first input, the first input received as the specific unique input that is uniquely coupled with an associated cell in the navigation matrix” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

146. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “receiving a user selection of one of the navigation options” and “receiving a first input, the first input received as the specific unique input that is uniquely coupled with an associated cell in the navigation matrix.” *See, e.g.,* Ex. 1011, pp. 5, 27; Ex. 1012, p. 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

147. I am of the opinion that WAP discloses or suggests receiving user input corresponding with a user selection of one of the navigation options (e.g., “a user navigates through a series of WML cards” using physical or soft keys). Ex. 1012, p. 18; Ex. 1011, p. 5. Moreover, in my opinion, it is implied and/or would have been obvious for the input to be received as the specific unique input that is uniquely coupled with an associated cell in the navigation matrix. It is my opinion that doing so would allow a user to navigate through a series of WML cards, URLs, etc.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

148. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “receiving a user selection of one of the navigation options” and “receiving a first input, the first input received as the specific unique input that is uniquely coupled with an associated cell in the navigation matrix.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22, 4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

149. I am of the opinion that Claussen further discloses or suggests receiving a user selection of a navigation option/input because “each cell represents a button a user may press.” Ex. 1014, 5:26-32; 4:17-22; 5:44-53; Figures 2a and 2b. I am of the opinion that when a user selects one of the navigation options/inputs, Claussen discloses or suggests that a second cell can be displayed that will provide additional information. Ex. 1014, 4:34-38, Figure 4. As discussed above, WAP discloses or suggests forwarding a selected navigation option/input (e.g., URL) across the internet to a server providing the simplified navigation interface (e.g., forwarding requests to the WAP proxy, which provides the simplified WML interface) so that additional information can be received and displayed. Ex. 1013, pp. 3, 11-13; Ex. 1012, pp. 15-16; Ex. 1011, pp. 14-18. It thus is my opinion that it would have been obvious for the user device of Claussen to

forward a selected navigation option/input across the internet to a server providing the simplified navigation interface. It is also my opinion that it would have been obvious for the user device of Claussen to receive the additional information (e.g., a next deeper navigation layer) from the server providing the simplified navigation interface in response to receiving a selection of a navigation option/input.

K. The prior art discloses or suggests that “forwarding the selected navigation option across the internet to a server providing the simplified navigation interface” and “forwarding the first input across the internet to a server providing the simplified navigation interface;” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

150. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “forwarding the selected navigation option across the internet to a server providing the simplified navigation interface” and “forwarding the first input across the internet to a server providing the simplified navigation interface.” *See, e.g.*, Ex. 1013, pp. 3, 11-13; Ex. 1011, pp. 5, 8, 9, 27; Ex. 1012, p. 13-15, 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

151. In my opinion, WAP discloses or suggests forwarding the selected navigation option/input (e.g., URL) across the internet to a server providing the simplified navigation interface (e.g., forwarding requests to the WAP proxy, which provides the simplified WML interface). Ex. 1013, pp. 3, 11-13; Ex. 1012, pp. 15-

16; Ex. 1011, pp. 14-18. It is also my opinion that WAP discloses or suggests that a WAP-compliant telephone sends a GET request with a URL when requesting a next deeper navigation layer. Ex. 1012, pp. 15-16; Ex. 1011, pp. 14-18.

152. In my opinion, WAP thus discloses or it would have been obvious to forward the selected navigation option/input across the internet to a server providing the simplified navigation interface. It is also my opinion that doing so could allow a user device to request additional information from a sever and allow the server to respond with the requested information.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

153. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “forwarding the selected navigation option across the internet to a server providing the simplified navigation interface” and “forwarding the first input across the internet to a server providing the simplified navigation interface.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22, 4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

L. The prior art discloses or suggests that “receiving a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option” and “receiving a next deeper navigation layer of the simplified navigation interface in response to receiving the first input” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

154. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “receiving a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option” and “receiving a next deeper navigation layer of the simplified navigation interface in response to receiving the first input.” *See, e.g.*, Ex. 1011, pp. 5, 16, 27; Ex. 1012, p. 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

155. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “receiving a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option” and “receiving a next deeper navigation layer of the simplified navigation interface in response to receiving the first input.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22,

4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

156. As discussed above, it is my opinion that WAP discloses or suggests that a WAP-compliant telephone sends a GET request with a URL when requesting a next deeper navigation layer. Ex. 1012, pp. 15-16; Ex. 1011, pp. 14-18. It is further my opinion that WAP discloses or suggests that a WAE user agent can receive a next deeper layer of the navigation interface as an “encoded response.” Ex. 1012, p. 14, Figure 2. In particular, it is my opinion that WAP discloses or suggests receiving a next deeper navigation layer (e.g., the next card in a deck) of the simplified navigation interface (e.g., a list of URLs or options on a card) corresponding to the selected navigation option (e.g., URL). Ex. 1011, pp. 5, 14-18, 27. It is also my opinion that it was well-known in the art that navigating through a series of URLs may bring a user to the specific desired information. Ex. 1020, § VI.L.

157. In my opinion, WAP thus discloses or it would have been obvious to receive a next deeper navigation layer of the simplified navigation interface corresponding to the selected navigation option and/or in response to receiving the first input. It is also my opinion that doing so could allow a user device to display deeper navigation layers to a user device without the deeper navigation layers initially having to be stored on the user device because it can request this

information from the server and thus the user device can save disk space while providing enhanced capabilities to a user.

M. The prior art discloses or suggests that “manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed on-line content” and “manipulating a selected region of the screen for viewing and zooming and/or scrolling of the displayed on-line content” as recited in claims 1, 9, 25, and/or 58 of the ‘196 Patent.

WAP and the Knowledge of a Person of Ordinary Skill in the Art

158. I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest “manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed on-line content” and “manipulating a selected region of the screen for viewing and zooming and/or scrolling of the displayed on-line content.” *See, e.g.*, Ex. 1013, p. 7; Ex. 1011, pp. 20, 31, 40; Ex. 1012, p. 18. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-47, 2737-99.

159. In my opinion, WAP discloses or suggests manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed online content (e.g., horizontal scrolling to view entire non-wrapped lines). Ex. 1011, p. 40. Moreover, it is my opinion that manipulating a region of a screen for viewing and zooming and/or scrolling content would have been well-known. For example, a person of skill in the art would have known of Pad++ which providing zooming

capabilities and web browsers and/or other applications that provided scrolling and/or zooming capabilities.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

160. I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest “manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed on-line content” and “manipulating a selected region of the screen for viewing and zooming and/or scrolling of the displayed on-line content.” *See, e.g.*, support cited for WAP. *See, e.g.*, Ex. 1014, 1:46-48, 2:47-52, 3:46-50, 4:17-22, 4:6-38, 4:42-56, 4:64-66, 5:15-21, 5:26-32, 5:44-6:3, 6:4-12, 7:34-41, Figures 1, 2A, 2B, 4, 5, 6, 8, 9. *See also* Ex. 1008, pp. 810-11, 843-46, 1630-97, 2737-3132.

N. Motivation to Combine

WAP and the Knowledge of a Person of Ordinary Skill in the Art

161. As discussed above, I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest each of the independent claims of the ‘196 patent and I am also of the opinion that it would have been obvious to combine WAP and the knowledge of a person of ordinary skill in the art.

162. For at least the reasons discussed herein, I am of the opinion that it would have been obvious to combine the teachings of WAP and the knowledge of a person of ordinary skill in the art and that such a combination discloses or suggests at least claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '169 patent.

WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art

163. As discussed above, I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest each of the independent claims of the '196 patent and I am also of the opinion that it would have been obvious to combine WAP, Claussen, and the knowledge of a person of ordinary skill in the art. Moreover, as discussed herein, I am of the opinion that WAP and knowledge of a person of ordinary skill in the art disclose or suggest claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent.

164. It is my opinion that it would have been obvious to apply the navigation interface disclosed in Claussen to the mobile communications system described in WAP. In my opinion, the nature of the problem to be solved in both WAP and Claussen – “processing and presenting information” – as well as the need to present information in a simplified environment on a cellular phone, would have led one of ordinary skill in the art to apply the Internet capabilities described

in WAP to the simplified navigation interface on the interactive user console disclosed in Claussen. Ex. 1014, 1:7-8; Ex. 1013, p. 3; Ex. 1011, p. 16.

165. It is my opinion that it would have been obvious to combine the simplified navigation interface displayed on the user device disclosed in Claussen with the wide area network, corporate local area network, or the Internet disclosed in WAP in order to improve the amount and type of information that may be displayed on the machine. Furthermore, a memory disclosed could be located in a different geographic location than the simplified navigation interface itself, and thus it is my opinion that it would have been obvious to connect the user device displaying the navigation interface to the memory disclosed in Claussen via the Internet capabilities disclosed in WAP.

166. It is also my opinion that it would have also been obvious to display content (e.g., content having a WML format) accessed via the Internet that was reformatted from a webpage in an HTML format (e.g., WWW content such as an HTML webpage) into an XML format (e.g., WML, which is an XML document type) thereby generating a sister site as disclosed or suggested by WAP on the user device of Claussen. *See, e.g.*, Ex. 1013, p. 13; Ex. 1012, pp. 3, 16, 18; Ex. 1011, pp. 31, 40; Ex. 1008, pp. 810-11. In my opinion, doing so could allow the web server to store WWW content without having to store WML content thereby saving space on the server. It is also my opinion that doing so could also save

space on the user device because the user device can request and receive the information it needs from the server. Further, I am of the opinion that displaying the reformatted content may allow for display of content in a manner that is easily viewable, navigable, and accessible for the user.

167. As discussed above, it is my opinion that WAP discloses or suggests manipulating a region of the screen for viewing and zooming and/or scrolling of the displayed content (e.g., horizontal scrolling to view entire non-wrapped lines). Ex. 1011, p. 40. I am further of the opinion that it would have been obvious for the user device of Claussen to allow the manipulation of a region of a screen for viewing and zooming and/or scrolling content at least because it would have been well-known. In my opinion, doing so could allow all of the information to be viewed instead of only a portion of the information. It is my opinion that it could also allow the information to be viewed in greater detail on the user device thereby providing convenience and ease of use to a user.

168. For at least the foregoing reasons, I am of the opinion that independent claims 1, 9, 25, and 58 would have been obvious to a person of ordinary skill in the art in view of the disclosure of WAP, Claussen and the knowledge of a person of ordinary skill in the art. Moreover, for at least the reasons discussed herein, I am of the opinion that it would have been obvious to combine the teachings of WAP, Claussen, and the knowledge of a person of

ordinary skill in the art and that such a combination discloses or suggests at least claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '169 patent.

(1) WAP, White House, Sun, and the Knowledge of a Person of Ordinary Skill in the Art; and/or (2) WAP, Claussen, White House, Sun, and the Knowledge of a Person of Ordinary Skill in the Art

169. As discussed above, I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest each of the independent claims of the '196 patent and I am also of the opinion that it would have been obvious to combine WAP and the knowledge of a person of ordinary skill in the art. Moreover, as discussed above, I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest each of the independent claims of the '196 patent and I am also of the opinion that it would have been obvious to combine WAP, Claussen, and the knowledge of a person of ordinary skill in the art.

170. I am of the opinion that White House and Sun disclose or suggest that websites existed prior to the time of the alleged invention of the '196 patent that displayed a hyperlink on a sister site that allowed a user to navigate to a web page and/or displayed a hyperlink on the web page to navigate to a sister site. For example, I am of the opinion that the White House's website discloses or suggests a Graphic Version of the White House website with a hyperlink to a Text Version

of the White House website and a Text Version of the White House website with a hyperlink to a Graphical Version of the White House website. Ex. 1016, pp. 1-2, 5-6. I am further of the opinion that if the user selects the “White House documents” hyperlink on the Graphic Version of the White House website, then the user is navigated to a Graphic Version of the “Search Public Press Releases” web page, which also includes a hyperlink to a Text Version of the web page. Ex. 1016, pp. 3-4. Similarly, I am of the opinion that if the user selects the “White House documents” hyperlink on the Text Version of the White House website, then the user is navigated to a Text Version of the “Search Public Releases” web page, which also includes a hyperlink to a Graphical Version of the web page. Ex. 1016, pp. 7-8.

171. Moreover, I am of the opinion that Sun discloses or suggests that the main page of the Graphical Version of its website has a hyperlink to a Java Version of the website as well as a hyperlink to a Text Version of the website. Ex. 1018, p. 1.

172. I am of the opinion that it thus would have been obvious to display a hyperlink on the sister site to navigate to the web page or to display a hyperlink on the web page to navigate to the sister site. I am of the opinion that doing so could allow the user to switch between the web page and the sister site, and/or vice versa, thereby providing ease of access to the web page and/or the sister site and

providing the user with the option of selecting a graphical version or a text version of the website. I am further of the opinion that doing so could also allow a user to select a website that was more compatible with a device the user was using. For example, I am of the opinion that a user using a mobile device may select a text-only version of the website that could be more easily viewed on the mobile device because of its format. In addition, I am of the opinion that a text-only version of the website may be retrieved more quickly from the Internet than a graphical version of the website thereby providing faster access for a user and/or providing cost savings for cellular data consumption.

173. For at least the reasons discussed herein, I am of the opinion that it would have been obvious to combine the teachings of WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art and that such a combination discloses or suggests to have the claimed “sister site,” “web page,” and to “display[] a hyperlink on the sister site to navigate to the web page, or display[] a hyperlink on the web page to navigate to the sister site” as recited in the claims of the ‘196 patent. Therefore, for at least the reasons discussed herein, I am of the opinion that WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art disclose or suggest at least claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the ‘169 patent.

174. Moreover, for at least the reasons discussed herein, I am of the

opinion that it would have been obvious to combine the teachings of WAP, Claussen, White House, Sun, and the knowledge of a person of ordinary skill in the art and that such a combination discloses or suggests to have the claimed “sister site,” “web page,” and to “display[] a hyperlink on the sister site to navigate to the web page, or display[] a hyperlink on the web page to navigate to the sister site” as recited in the claims of the ‘196 patent. Therefore, for at least the reasons discussed herein, I am of the opinion that WAP, Claussen, White House, Sun, and the knowledge of a person of ordinary skill in the art disclose or suggest at least claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the ‘169 patent.

(1) WAP, Internet 96, Teplitz, InfoUse, and the Knowledge of a Person of Ordinary Skill in the Art; and/or (2) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the Knowledge of a Person of Ordinary Skill in the Art

175. As discussed above, I am of the opinion that WAP and the knowledge of a person of ordinary skill in the art disclose or suggest each of the independent claims of the ‘196 patent and I am also of the opinion that it would have been obvious to combine WAP and the knowledge of a person of ordinary skill in the art. Moreover, as discussed above, I am of the opinion that WAP, Claussen, and the knowledge of a person of ordinary skill in the art disclose or suggest each of the independent claims of the ‘196 patent and I am also of the opinion that it would

have been obvious to combine WAP, Claussen, and the knowledge of a person of ordinary skill in the art.

176. I am further of the opinion that Internet 96 discloses or suggests a landing page that allows a user to select between a High Bandwidth Version and a Low Bandwidth Version of the website, as discussed above. Ex. 1015, p. 1. I am also of the opinion that if the user selects the High Bandwidth Version of the website, then the user is navigated to a High Bandwidth Home Page that includes a hyperlink to the Low Bandwidth Version of the website. Ex. 1015, p. 2. Similarly, I am of the opinion that if the user selects the Low Bandwidth Version of the website, then the user is navigated to a Low Bandwidth Home Page that includes a hyperlink to the High Bandwidth Version of the website. Ex. 1015, p. 3.

177. I am of the opinion that Teplitz discloses or suggests a web page with links to both text-only versions and graphical versions of pages of websites, as discussed above. Ex. 1017, p. 12.

178. I am further of the opinion that InfoUse discloses or suggests that a hyperlink to a text-only version of a website may be included in a home page of a more advanced version of the website to provide greater accessibility. *See* Ex. 1019, p. 4.

179. I am of the opinion that it would have been obvious to a person of ordinary skill in the art to display a hyperlink on the sister site to navigate to the

web page or to display a hyperlink on the web page to navigate to the sister site. I am of the opinion that doing so could allow the user to switch between the web page and the sister site, and/or vice versa, thereby providing ease of access to the web page and/or the sister site and providing the user with the option of selecting a more advanced or a less advanced version of the website. I am also of the opinion that doing so could also allow a user to select a website that was more compatible with a device the user was using. For example, a user using a mobile device may select a low bandwidth version of the website that could be more easily viewed on the mobile device because of its format. In addition, a low bandwidth version of the website may be retrieved more quickly from the Internet than a high bandwidth version of the website thereby providing faster access for a user and/or providing cost savings for cellular data consumption.

180. For at least the reasons discussed herein, I am of the opinion that it would have been obvious to combine the teachings of WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art and that such a combination discloses or suggests to have the claimed “sister site,” “web page,” and to “display[] a hyperlink on the sister site to navigate to the web page, or display[] a hyperlink on the web page to navigate to the sister site” as recited in the claims of the ‘196 patent. Therefore, for at least the reasons discussed herein, I am of the opinion that WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a

person of ordinary skill in the art disclose or suggest at least claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '169 patent.

181. Moreover, for at least the reasons discussed herein, I am of the opinion that it would have been obvious to combine the teachings of WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art and that such a combination discloses or suggests to have the claimed “sister site,” “web page,” and to “display[] a hyperlink on the sister site to navigate to the web page, or display[] a hyperlink on the web page to navigate to the sister site” as recited in the claims of the '196 patent. Therefore, for at least the reasons discussed herein, I am of the opinion that WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest at least claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '169 patent.

O. Dependent Claims 2, 12, 14, 24, 28, 30, 39, 43, 59, and 68

182. As discussed above, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art; and (3) WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art (4) WAP, Claussen, and the knowledge of a person of ordinary skill in the art; (5)

WAP, Claussen, White House, Sun, and the Knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest the independent claims of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references. For at least the same reasons discussed above, I am of the opinion that it would have been obvious to combine these references and the combinations listed above disclose or suggest dependent claims 2, 12, 14, 24, 28, 30, 39, 43, 59, and 68 of the '196 patent.

(1) WAP and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

183. As discussed above, I am of the opinion that displaying content and/or advertisements accessed via the Internet on a screen of a user device was well-known. In my opinion, it also was well-known that text and/or images could be linked to other content using a hyperlink and, when the hyperlink was selected by a user, that the other content could be retrieved via the Internet and may be related to the text and/or image having the hyperlink. As discussed above, it is my opinion that it was well-known that a document could be converted from one format into another format so that it could be easily viewable, navigable, and accessible. In my opinion, it thus would have been obvious to display one or more hyperlinked

advertisements on a screen and, when a user selected the advertisement, displaying additional content accessed via the Internet that is associated with the selected advertisement and that is formatted for navigation with the unique inputs.

184. I am of the opinion that displaying content at the same time as one or more advertisements, such as on a web page, was well-known. Thus, in my opinion, it would have been obvious to display the content (e.g., content having a WML format) at the same time as one or more advertisements on a mobile device of WAP, which can access on-line content via the Internet. Ex. 1013, p. 13; Ex. 1012, p. 14; Ex. 1008, pp. 810-11. It is my opinion that doing so may allow a content provider and/or the owner of the server providing the web pages to users to generate revenue. In my opinion, having one or more advertisements displayed at the same time as the content may allow a user to access content for free or at a discounted rate thereby providing greater accessibility to users.

185. It is my opinion that it was well-known that particular content could be displayed inline with other content, displayed outside of other content (e.g., outside of a table), and/or displayed as an overlay over other content. It thus, in my opinion, would have been obvious for a second advertisement to be displayed outside of a cell (e.g., a list of URLs or options on a card). Ex. 1011, pp. 10, 14-18, 31, 33-34; Ex. 1012, p. 18. It would have also been obvious for the simplified navigation interface to be displayed as an overlay over an advertisement, in my

opinion. It is my opinion that doing so could provide greater flexibility regarding where advertisements are displayed and may allow advertisements to be displayed in a location convenient for a user and/or a developer of a website. Moreover, it is my opinion that it would have been obvious to display an advertisement embedded within the on-line content with the advertisement corresponding to a navigation option. In my opinion, doing so may allow a user to select the navigation option corresponding to the advertisement to access additional information about a product being advertised.

186. In addition, I am of the opinion that it was well-known that content accessed via the Internet could include text, audio, and/or video. Thus, it is my opinion that it would have been obvious for the content on a mobile device of WAP to include audio and/or video from the web page. In my opinion, doing so may provide additional functionality and an enhanced viewing and/or listening experience for a user.

187. For at least the reasons discussed herein, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 2, 12, 14, 24, 28, 30, 39, 43, 59, and 68 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

(1) WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

188. It is my opinion that dependent claims 2, 12, 14, 24, 28, 30, 39, 43, 59, and 68 of the '196 patent are obvious over (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse for at least the same reasons discussed above with respect to (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse.

189. I am of the opinion that WAP and Claussen disclose or suggest displaying one or more advertisements (e.g., special promotion) on a screen and “receiving a signal indicating [a] user selection of a presentation cell” such as the special promotion. Ex. 1014, 6:4-12; 5:50-52, 7:34-41; Figure 5, 8, 9. It is also my opinion that Claussen further discloses or suggests displaying the second content such as a menu allowing the user to access more information about the advertisement (i.e., special promotion) and that is associated with the selected advertisement. Ex. 1014, 6:17-21, Figure 5. For example, it is my opinion that Claussen discloses or suggests that when selecting a presentation cell, a second cell at a deeper layer may “provide[] the user with more information regarding the item displayed in the selected presentation cell.” Ex. 1014, 4:34-38, Figure 4.

190. I am also of the opinion that WAP and Claussen disclose or it would have been obvious for the second content to be formatted for navigation with the unique inputs. Ex. 1012, pp. 15-16; Ex. 1011, pp. 14-18, 40, 41; Ex. 1014, 4:17-22, 4:42-56, 5:26-32, 4:29-34, 5:44-53, Figures 2A, 2B. In addition, in my opinion, WAP and Claussen disclose or it would have been obvious for the second information to be accessed via the Internet. It is my opinion that doing so was well-known at the time.

191. It is my opinion that WAP and Claussen disclose or it would have been obvious for the content and one or more advertisements to be displayed at the same time. Ex. 1013, p. 13; Ex. 1012, p. 14; Ex. 1008, pp. 810-11; Ex. 1014, 6:4-12, 5:50-52, Figure 5. It is also my opinion that doing so was well-known at the time. Moreover, it is my opinion that Figure 5 of Claussen provides an example of a “Special Promotions” advertisement being displayed at the same time as content. Ex. 1014, Figure 5.

192. I am of the opinion that WAP and Claussen also disclose or suggest a window overlaid over the matrix and not within a cell or the matrix. Ex. 1014, 4:57-63, Figure 3. In my opinion, Claussen further discloses or suggests that the window can convey textual information to a user and it would have been obvious that this textual information could be a second advertisement, especially given that Claussen relates to presenting advertising information. Ex. 1014, 1:13-18, 2:30-34,

4:57-63. Moreover, I am of the opinion that it was well-known that particular content could be displayed as an overlay over other content. Thus, in my opinion, it would have been obvious for the simplified navigation interface of Claussen and WAP to be displayed as an overlay over an advertisement. It is also my opinion that doing so could provide greater flexibility regarding where advertisements are displayed and may allow advertisements to be displayed in a location convenient for a user and/or a developer of a website.

193. In my opinion, WAP and Claussen disclose or suggest an advertisement (e.g., Claussen, Figure 7, #710, camera) that “provid[es] information allowing the user to identify and examine the associated product.” Ex. 1014, 6:47-52, Figure 7. I am further of the opinion that WAP and Claussen disclose or suggest at least one other advertisement (e.g., Claussen, Figure 7, #712, #714, #716, #718, and/or #720). Ex. 1014, Figure 7. It is also my opinion that WAP and Claussen disclose or suggest that each cell can represent a button that a user can press. Ex. 1014, 5:26-28, 4:17-22, 5:29-32, 5:44-53, Figures 2a, 2b. Thus, I am of the opinion that it would have been obvious to display an advertisement embedded within the on-line content with the advertisement corresponding to a navigation option. It is also my opinion that doing so may allow a user to select the navigation option corresponding to the advertisement to access additional information about a product being advertised.

194. I am of the opinion that WAP and Claussen disclose or suggest a simplified navigation interface that provides audio content and/or video content. Ex. 1014, 2:35-38, 3:30-31, 3:61-64, Figures 4, 5. Thus, in my opinion, it would have been obvious that the audio content and/or video content as disclosed or suggested by Claussen may be provided from a web page converted HTML into WML as disclosed or suggested by WAP. Ex. 1013, pp. 3, 13. Moreover, I am of the opinion that WAP and Claussen disclose or suggest that an entire deck of cards, which could include one or more sister site webpages by a content partner, may be stored on a web server in a 'static' state such as in a database. Thus, in my opinion, WAP and Claussen disclose or it would have been obvious to maintain a database of sister site websites by a content partner.

195. For at least the reasons discussed herein, I am of the opinion that (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 2, 12, 14, 24, 28, 30, 39, 43, 59, and 68 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

P. Dependent Claims 3 and 60

196. As discussed above, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, White House, Sun,

and the knowledge of a person of ordinary skill in the art; and (3) WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art (4) WAP, Claussen, and the knowledge of a person of ordinary skill in the art; (5) WAP, Claussen, White House, Sun, and the Knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest the independent claims of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references. For at least the same reasons discussed above, I am of the opinion that it would have been obvious to combine these references and the combinations listed above disclose or suggest dependent claims 3 and 60 of the '196 patent.

(1) WAP and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

197. It is my opinion that WAP discloses or it would have been obvious that the online content can be selected based at least in part on a navigation path of a user (e.g., content received based on URLs that the user selects and stored in a history that the user may navigate back to). Ex. 1011, pp. 5, 14-18, 27; Ex. 1012, p. 18.

198. For at least the reasons discussed herein, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in

combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 3 and 60 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

(1) WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

199. It is my opinion that dependent claims 3 and 60 of the '196 patent are obvious over (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse for at least the same reasons discussed above with respect to (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse.

200. I am of the opinion that WAP and Claussen disclose or suggest that the online content can be selected based on a navigation path of a user. Ex. 1011, pp. 5, 14-18, 27, 33-34; Ex. 1012, p. 18; Ex. 1014, 2:52-62; 5:29-32; 5:44-53; 4:16-38; 5:26-28; Figures 2a, 2b, 4, 6a, 6b. In my opinion, WAP and Claussen also disclose or suggest that the display of a simplified navigation interface can be customized based on the user's navigation path. Ex. 1011, p. 27; Ex. 1012, p. 18; Ex. 1014, 2:16-38, Figures 2a, 2b, 4.

201. I am also of the opinion that Claussen discloses that the content may be selected by a user via a SELECT button on a remote control according to the hierarchy illustrated in Figure 4. Ex. 1014, 2:16-38; Figures 2a, 2b, 4. In my opinion, Claussen further discloses or suggests that a user may make selections based on a navigation path in order to get to more specific content; for example, a user may select the “Men's Clothing” presentation cell in Figure 5 to arrive at the navigation interface in Figure 6a, select the “Coats” presentation cell in Figure 6a to arrive at the navigation interface in Figure 6b, and so forth, following a specific navigation path. Ex. 1014, Figures 5, 6a, 6b.

202. For at least the reasons discussed herein, I am of the opinion that (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 3 and 60 of the ‘196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the ‘196 patent to combine these references.

Q. Dependent Claims 6, 50, 54, and 63

203. As discussed above, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art; and (3) WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art (4)

WAP, Claussen, and the knowledge of a person of ordinary skill in the art; (5) WAP, Claussen, White House, Sun, and the Knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest the independent claims of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references. For at least the same reasons discussed above, I am of the opinion that it would have been obvious to combine these references and the combinations listed above disclose or suggest dependent claims 6, 50, 54, and 63 of the '196 patent.

(1) WAP and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

204. I am of the opinion that WAP discloses or suggests that the screen can have individual regions that are adapted to be brought into focus (e.g., the user agent chooses which information will be in focus on the display) and that the content within a selected region can be manipulated (e.g., fields manipulated on a display that may be selected by a user). Ex. 1012, p. 18; Ex. 1011, pp. 5, 31. Moreover, in my opinion, doing so was well-known.

205. For at least the reasons discussed herein, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in

combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 6, 50, 54, and 63 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

(1) WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

206. It is my opinion that dependent claims 6, 50, 54, and 63 of the '196 patent are obvious over (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse for at least the same reasons discussed above with respect to (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse.

207. I am of the opinion that WAP and Claussen disclose or suggest receiving a selection of navigation options/inputs from a remote control, a pointer device, a keypad, and/or a keyboard. Ex. 1014, 4:6-38; Ex. 1011, pp. 9, 19, 21; Ex. 1012, pp. 18, 31.

208. I am also of the opinion that Claussen further discloses or suggests tabbing to focus on a region by using the remote control to position the cursor within a single presentation cell. Ex. 1014, 4:6-38, Figures 2A, 2B. Moreover, it is

my opinion that it would have been obvious to bring individual regions, such as one or more presentation cells, displayed on the user device of Claussen into focus such that the content within a selected region could be manipulated as disclosed or suggested by WAP. Ex. 1012, p. 18; Ex. 1011, pp. 5, 31. Further, I am of the opinion that it would have been obvious for a focused region in Claussen to be adapted to be zoomed and/or scrolled independently of other regions as disclosed or suggested by WAP. Ex. 1011, pp. 40-41. It is my opinion that doing so could allow a user to view the content within the selected region more clearly and allow the user to interact with the selected region thereby providing greater ease of use and convenience for the user and would have been well-known.

209. For at least the reasons discussed herein, I am of the opinion that (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 6, 50, 54, and 63 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

R. Dependent Claims 10 and 26

210. As discussed above, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art; and (3) WAP, Internet

96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art (4) WAP, Claussen, and the knowledge of a person of ordinary skill in the art; (5) WAP, Claussen, White House, Sun, and the Knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest the independent claims of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references. For at least the same reasons discussed above, I am of the opinion that it would have been obvious to combine these references and the combinations listed above disclose or suggest dependent claims 10 and 26 of the '196 patent.

(1) WAP and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

211. I am of the opinion that WAP discloses or suggests customizing the display based on a navigation path of the user (e.g., content received based on URLs that the user selects and stored in a history that the user may navigate back to). Ex. 1011, p. 27; Ex. 1012, p. 18. Moreover, it is my opinion that it was well-known that navigating through a series of URLs may bring a user to specific desired information and that this information could be presented in a variety of customized interfaces. In my opinion, it thus would have been obvious to

customize the display of the simplified navigation interface based on a user's navigation path.

212. For at least the reasons discussed herein, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 10 and 26 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

(1) WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

213. It is my opinion that dependent claims 10 and 26 of the '196 patent are obvious over (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse for at least the same reasons discussed above with respect to (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse.

214. I am of the opinion that WAP and Claussen disclose or suggest that the online content can be selected based on a navigation path of a user. Ex. 1011,

pp. 5, 14-18, 27, 33-34; Ex. 1012, p. 18; Ex. 1014, 2:52-62; 5:29-32; 5:44-53; 4:16-38; 5:26-28; Figures 2a, 2b, 4, 6a, 6b. In my opinion, WAP and Claussen also disclose or suggest that the display of a simplified navigation interface can be customized based on the user's navigation path. Ex. 1011, p. 27; Ex. 1012, p. 18; Ex. 1014, 2:16-38, Figures 2a, 2b, 4.

215. I am also of the opinion that Claussen discloses that the content may be selected by a user via a SELECT button on a remote control according to the hierarchy illustrated in Figure 4. Ex. 1014, 2:16-38; Figures 2a, 2b, 4. In my opinion, Claussen further discloses or suggests that a user may make selections based on a navigation path in order to get to more specific content; for example, a user may select the "Men's Clothing" presentation cell in Figure 5 to arrive at the navigation interface in Figure 6a, select the "Coats" presentation cell in Figure 6a to arrive at the navigation interface in Figure 6b, and so forth, following a specific navigation path. Ex. 1014, Figures 5, 6a, 6b.

216. For at least the reasons discussed herein, I am of the opinion that (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 10 and 26 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

S. Dependent Claims 11, 27, 40, and 66

217. As discussed above, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art; and (3) WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art (4) WAP, Claussen, and the knowledge of a person of ordinary skill in the art; (5) WAP, Claussen, White House, Sun, and the Knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest the independent claims of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references. For at least the same reasons discussed above, I am of the opinion that it would have been obvious to combine these references and the combinations listed above disclose or suggest dependent claims 11, 27, 40, and 66 of the '196 patent.

(1) WAP and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

218. I am of the opinion that WAP discloses or suggests navigation options, such as URLs, that can change between successive matrix layers from general to more specific with increases in the depth of the matrix. Ex. 1011, pp. 5,

14-18, 27, 33-34. Moreover, it is my opinion that it was well-known that a website could be designed in a hierarchical manner such that URLs located in the same location within web pages of the website could change successively from general to more specific URLs with increases in the depth of the hierarchy. Thus, in my opinion, it would have been obvious to have navigation options that necessarily change between successive layers, changing from general to more specific with increases in depth in the matrix. It is further my opinion that doing so may provide consistency for a website thereby making navigation easier for a user and providing additional convenience while allowing a user to more quickly reach particular specific content.

219. For at least the reasons discussed herein, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 11, 27, 40, and 66 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

(1) WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

220. It is my opinion that dependent claims 11, 27, 40, and 66 of the '196 patent are obvious over (1) WAP, Claussen, and the knowledge of a person of

ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse for at least the same reasons discussed above with respect to (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse.

221. I am of the opinion that WAP and Claussen disclose or suggest that the online content can be selected based on a navigation path of a user. Ex. 1011, pp. 5, 14-18, 27, 33-34; Ex. 1012, p. 18; Ex. 1014, 2:52-62; 5:29-32; 5:44-53; 4:16-38; 5:26-28; Figures 2a, 2b, 4, 6a, 6b. In my opinion, WAP and Claussen also disclose or suggest that the display of a simplified navigation interface can be customized based on the user's navigation path. Ex. 1011, p. 27; Ex. 1012, p. 18; Ex. 1014, 2:16-38, Figures 2a, 2b, 4.

222. I am also of the opinion that Claussen discloses that the content may be selected by a user via a SELECT button on a remote control according to the hierarchy illustrated in Figure 4. Ex. 1014, 2:16-38; Figures 2a, 2b, 4. In my opinion, Claussen further discloses or suggests that a user may make selections based on a navigation path in order to get to more specific content; for example, a user may select the "Men's Clothing" presentation cell in Figure 5 to arrive at the navigation interface in Figure 6a, select the "Coats" presentation cell in Figure 6a

to arrive at the navigation interface in Figure 6b, and so forth, following a specific navigation path. Ex. 1014, Figures 5, 6a, 6b.

223. Moreover, it is my opinion that it would have been implied and/or obvious for one or more of the presentation cells of Claussen to correspond with navigation options that necessarily change between successive layers, changing from general to more specific with increases in depth in the matrix. Ex. 1014, 4:34-38, 1:46-48, 4:64-66, 5:15-21, 5:54-60, Figures 4, 2b. It is further my opinion that doing so may provide consistency for a website thereby making navigation easier for a user and providing additional convenience while allowing a user to more quickly reach particular specific content.

224. For at least the reasons discussed herein, I am of the opinion that (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 11, 27, 40, and 66 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

T. Dependent Claims 18 and 42

225. As discussed above, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, White House, Sun,

and the knowledge of a person of ordinary skill in the art; and (3) WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art (4) WAP, Claussen, and the knowledge of a person of ordinary skill in the art; (5) WAP, Claussen, White House, Sun, and the Knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest the independent claims of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references. For at least the same reasons discussed above, I am of the opinion that it would have been obvious to combine these references and the combinations listed above disclose or suggest dependent claims 18 and 42 of the '196 patent.

(1) WAP and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

226. In my opinion, WAP discloses or suggests that an entire deck of cards, which could include one or more sister site webpages by a content partner, may be stored on a web server in a 'static' state such as in a database. Ex. 1012, p. 14, 16, 18, 46; Ex. 1011, p. 46; Ex. 1013, p. 13. Thus, it is my opinion that WAP discloses or it would have been obvious to maintain a database of sister site websites by a content partner. Moreover, I am of the opinion that databases for storing content, such as web pages, and content partners were well-known at the time.

227. For at least the reasons discussed herein, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 18 and 42 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

(1) WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

228. It is my opinion that dependent claims 18 and 42 of the '196 patent are obvious over (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse for at least the same reasons discussed above with respect to (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse.

229. I am of the opinion that WAP and Claussen disclose or suggest a simplified navigation interface that provides audio content and/or video content. Ex. 1014, 2:35-38, 3:30-31, 3:61-64, Figures 4, 5. It is further my opinion that it would have been obvious that audio content and/or video content as disclosed or

suggested by Claussen may be provided from a web page converted HTML into WML as disclosed or suggested by WAP. Ex. 1013, pp. 3, 13.

230. Moreover, in my opinion, WAP and Claussen disclose or suggest that an entire deck of cards, which could include one or more sister site webpages by a content partner, may be stored on a web server in a 'static' state such as in a database. It thus is my opinion that WAP and Claussen disclose or it would have been obvious to maintain a database of sister site websites by a content partner. Further, I am of the opinion that databases for storing content, such as web pages, and content partners were well-known at the time.

231. For at least the reasons discussed herein, I am of the opinion that (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 18 and 42 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

U. Dependent Claims 23, 35, 36, 37, 38, 49, 73, and 74

232. As discussed above, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art; and (3) WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art (4)

WAP, Claussen, and the knowledge of a person of ordinary skill in the art; (5) WAP, Claussen, White House, Sun, and the Knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art disclose or suggest the independent claims of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references. For at least the same reasons discussed above, I am of the opinion that it would have been obvious to combine these references and the combinations listed above disclose or suggest dependent claims 23, 35, 36, 37, 38, 49, 73, and 74 of the '196 patent.

(1) WAP and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

233. It is my opinion that WAP discloses or suggests that a simplified navigation interface can have a search form (e.g., a form with a field used for a search engine) and/or an email form (e.g., a short form for emails with To:, subject and message fields). Ex. 1011, pp. 8, 31. Moreover, in my opinion, search forms, email forms, and purchasing interfaces to assist customers with making purchases was well-known. It thus is my opinion that it would have been obvious to display a purchasing interface in response to receiving a first navigation option, such as selecting "Buy" for a product. Moreover, in my opinion, WAP discloses or

suggests textual and/or voice micro-browsers that are non-standard. Ex. 1011, p. 8; Ex. 1013, p. 15. When using such a browser, I am of the opinion that it would have been implied and/or obvious for the simplified navigation interface to not be presented through a standard web browser.

234. For at least the reasons discussed herein, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 23, 35, 36, 37, 38, 49, 73, and 74 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

(1) WAP, Claussen, and the Knowledge of a Person of Ordinary Skill in the Art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse

235. It is my opinion that dependent claims 23, 35, 36, 37, 38, 49, 73, and 74 of the '196 patent are obvious over (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse for at least the same reasons discussed above with respect to (1) WAP and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse.

236. In my opinion, WAP and Claussen disclose or suggest that a simplified navigation interface can have a search form (e.g., a form with a field used for a search engine) and/or an email form (e.g., a short form for emails with To:, subject and message fields). Moreover, in my opinion, search forms, email forms, and purchasing interfaces to assist customers with making purchases was well-known. It is also my opinion that WAP and Claussen disclose or suggest displaying a purchase interface, such as a purchase form, in response to receiving the first input which was also well-known. Ex. 1014, 7:16-26, Figure 7. Further, I am of the opinion that WAP and Claussen disclose or suggest textual and/or voice micro-browsers that are non-standard and, when using such a browser, it would have been implied and/or obvious for the simplified navigation interface to not be presented through a standard web browser. Ex. 1011, p. 8; Ex. 1013, p. 15.

237. For at least the reasons discussed herein, I am of the opinion that (1) WAP, Claussen, and the knowledge of a person of ordinary skill in the art, alone or in combination with (2) White House and Sun and/or (3) Internet 96, Teplitz, and InfoUse disclose or suggest claims 23, 35, 36, 37, 38, 49, 73, and 74 of the '196 patent and that it would have been obvious to a person of ordinary skill in the art at the time of the '196 patent to combine these references.

VII. CONCLUSION

238. In view of the foregoing, I am of the opinion that WAP, Claussen, White House, Teplitz, InfoUse, and/or Sun invalidate at least claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent. Moreover, I am of the opinion that (1) WAP and the knowledge of a person of ordinary skill in the art; (2) WAP, Claussen; and the knowledge of a person of ordinary skill in the art; (3) WAP, White House, Sun, and the knowledge of a person of ordinary skill in the art; (4) WAP, Claussen, White House, Sun, and the knowledge of a person of ordinary skill in the art; (5) WAP, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art; and (6) WAP, Claussen, Internet 96, Teplitz, InfoUse, and the knowledge of a person of ordinary skill in the art invalidate claims 1-3, 6, 9-12, 14, 18, 23-28, 30, 38-40, 42-43, 49, 50, 54, 58-60, 63, 66, 68, and 74 of the '196 patent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert J. Sherwood", written over a horizontal line.

Date: March 14, 2014

Robert J. Sherwood

Appendix A

To the Declaration of Robert J. Sherwood

Technology Experience

Mr. Sherwood is a consultant and expert witness to the legal community on matters relating to computing devices, software applications and Internet advertising.

Mr. Sherwood has testified, and is qualified by education, training, experience or occupation, as an expert, on the following matters: IP address server analysis and extraction, search engine ranking methods, HTML and XML code analysis, robot analysis, subscription based user and affiliate systems, subscription based systems for social networking, CPM advertising, venture capital portfolio analysis, click thru rates, key word selection techniques, co-branding, merchant selection and analysis for mobile and desktop devices, database development and population, Google Local or Places, SEM campaigns, exclusivity content sharing agreements, mobile device applications, click thru conversion rates, affiliate agreements, revenue sharing and tracking analytics, application software with any text to speech or speech to text software, unauthorized use of names, false advertising, unfair competition, business valuation, intellectual property, term sheets and patent value, trade secret misappropriation, breach of employment contracts, Internet advertising, lead generation, affiliate tracking, website development and deployment, software developer kit license interpretation, software development best practices, software deployment methods, runtime analysis, derivative product issues, intellectual property valuation based on patents, Website analysis, valuation of custom designed software, custom and practice issues associated with intellectual property licensing fees, source code and object code license agreements, investment letters of intent, secondary considerations for establishing patent validity, software best practices for enterprise software development, methods of measuring license use, measurement data, verification of software use, functionality and conformance with contract development specifications, derivative product rights, best practices with respect to derivative products, conformance to license agreement specifications for software development, use and distribution.

Employment History

July 1996 to Present: SmartText Corporation, President.

The company provides litigation support to the legal community. The company also develops and licenses specialized software applications.

October 1991 to July 1997: The Center for Business Innovation (CBI), President.

CBI was a minority shareholder in 53 emerging growth companies including computer, communications and software businesses. President of a CBI subsidiary, Capital for Entrepreneurs, Inc. a venture capital fund financed by the Ewing Marion Kauffman Foundation.

September 1994 to 2000: Distinguished Lecturer, University of Kansas.

Taught multi-campus courses in Entrepreneurship & Strategic Management of Technology.

December 1986 to October 1989: RasterOps, Inc. Vice President.

Company was engaged in the development, manufacture and sales of software for personal computer display devices.

January 1983 to December 1986:

Personal sabbatical and as a sole proprietor provided consulting services to technology firms.

February 1975 to December 1982: EDC, Inc. President.

Co-Founder of a Kleiner & Perkins venture capital backed company engaged in combining computer software technology with environmental improvement devices.

February 1967 to May 1974: Envirotech, Inc. Director Europe.

A start-up company that grew to \$500 million in sales and 5,000 employees in 6 years. Managed patent portfolio and computer engineering design modeling.

February 1966 to February 1967: Dorr Oliver, Inc.

A product development position.

Education

University of Kansas BS Civil Engineering 1960-1964

University of Kansas MS Environmental Engineering 1964-1966

California State College Hayward MBA 1968-1972

Graduate Fellowship Research Award Grant

University of Connecticut Business School graduate courses
Berlitz French Immersion School Graduate
Babson College 10th Symposium for Entrepreneurship Educators
Center for Creative Leadership Graduate University of North Carolina
Web Developers Boot Camp-Java Scripting and HTML
Association of Information Technology Professionals

Arent Fox

Tre Milano, LLC vs. Amazon.com., Inc., Case No.: BC 460511, Superior Court of the State of California County of Los Angeles, Central District. Engaged by Amazon to opine on issues surrounding the impact of customer reviews on retail and on-line sales of a consumer product.

Girard Gibbs LLP

Engaged as a consultant on an invasion of privacy class action matter. Yahoo!, Inc. was the defendant. Examined terms of service, wiretapping issues, user profiling related patents, targeted advertising methods, user interest mathematical modeling techniques and email delivery technologies.

Sterne, Kessler, Goldstein and Fox P.L.L.C.

A Google Petition for a Covered Business Method proceeding before the United States Patent and Trademark Office involving U.S. Patent No. 7,003,792 owned by Rovi, Inc.. Engaged to provide a declaration and deposition in support of Google's Petition.

Cooley LLP

B.E.Technology, LLC v. Facebook, Inc. Patent No. 6,628,314 Computer Interface Method and Apparatus with Targeted Advertising. Engaged to provide declaration in support of Facebook, Inc. Petition for IPR, invalidity report and non-infringement report.

Sterne, Kessler, Goldstein and Fox P.L.L.C.

A Google Petition for a Covered Business Method proceeding before the United States Patent and Trademark Office involving U.S. Patent No. 7,441,196

owned by EMG Technologies. Engaged to provide a declaration and deposition in support of Google's Petition.

Foley & Lardner LLP

Robocast, Inc. v. Apple, Inc. (1:11-cv-00235; USDC DE); Robocast, Inc. v. Microsoft, Corporation (1:10-cv-01055; USDC - DE). Engaged by Robocast to provide expert report on advertising methods and measurement analytics, deposition and trial testimony.

Keker & Van Nest, LLP

Suffolk Technologies, Inc. v. AOL Inc. and Google, Inc. patent #6,081,835, An Internet Server and a Method of Controlling an Internet Server, issued June 27, 2000. Case No. 1:12-CV-625-TSE-IDD, In the United States District Court for the Eastern District of Virginia Alexandria Division. Engaged to provide infringement rebuttal report, deposition and trial.

Wilson Sonsini Goodrich & Rosati, P.C.

General Electric Company vs. Kontera Technologies, Inc. Case No. 1:12-cv-00525-LPS. Patent No. 6,902,074 and Patent No. 6,581,065, Dynamic Insertion and Updating of Hypertext Links for Internet Servers. Engaged to provide declaration in support of Kontera Technologies, Inc. Petition for IPR, invalidity report and non-infringement report.

Heller Ehrman White & McAuliffe

Overture Services, Inc. (Yahoo!) v. FindWhat.com. Case No. SACV 03-00685 (CJC) (EX). The lawsuit charged FindWhat.com with infringement of Yahoo! U.S. Patent No. 6,269,361, System and Method for Influencing a Position on a Search Result List Generated by a Computer Network Search Engine (the '361 Patent). The '361 Patent covers various advertising methods relating to bid-for-placement product and pay-per-click performance technologies. Engaged by Yahoo!, Inc. to provide expert report on Secondary Considerations, deposition and trial testimony.

Vinson & Elkins, McDermott Will & Emery, Fulbright and Jaworski

Orion IP, LLC v. Staples et al (Harley Davidson, Toyota, and Home Depot) Civil Action NO. 2:04-CV-297 (LED). Orion IP asserted U.S. Patent No. 5,367,627 Computer Assisted Parts Sales Method (the '627 Patent) and U.S. Patent No. 5,615,342, Electronic Proposal Preparation System.

Engaged to examine intellectual property valuation based on two patents, alternative cost issues surrounding the implementation of non-infringing substitute computer-based methods for the '342 and '627 patent, estimating non-infringing substitutes, estimate hypothetical negotiation licensee fees, examine patent invalidity based on prior art, Website analysis, valuation of custom designed software and custom and practice issues associated with intellectual property licensing fees. Engaged by Defendants to provide expert report and deposition.

Shughart Thomson & Kilroy

Emergis Technologies, Inc., f/k/a BCE Emergis Technologies, Inc. v. Kansas City Power & Light CO., In the United States District Court for the Western District of Missouri Kansas City Division, Civil Action No. 06-0201-CV-W-REL.

Emergis filed suit against KCP&L alleging infringement of a patent, entitled "Electronic Invoicing and Payment System" No. 6,044,362 ("the '362 Patent") and seeking unspecified monetary damages and injunctive relief. This patent relates to automated electronic bill presentment and payment systems, particularly those involving Internet billing and collection. Engaged to estimate a non-infringing substitute, establish a license fee based on hypothetical negotiation, examine license agreement for conformance to specifications and software distribution rights. Engaged by defendant. Prepared expert report.

Arnold & Porter LLP and Norris Keplinger & Logan LLP

CSU, Inc. v. Xerox, Inc. In 1994, CSU filed suit against Xerox, alleging that Xerox violated the Sherman Antitrust Act by monopolizing the market for high speed copiers. The central issue was whether a unilateral refusal to license or sell intellectual property protected by patent or copyright is absolutely immune from a claim of monopolization and attempted monopolization under Section 2 of the Sherman Antitrust Act. Xerox counter claimed for patent and copyright infringement.

Engaged to analyze the CSU \$20 million business and determine if CSU would have grown to \$100 million, but for Xerox's refusal to sell CSU a patented product. Examined all documents such as financials, bank loans, management, business plans, capital formation documents and board decisions. Expert report, trial preparation and deposition for defendant.

Durie Tangri LLP

Mobile Commerce Framework, Inc. v. Yelp! Inc. Case No, 11CV2589MMAMDD United States District Court Southern District of California.

MCF claims that Yelp! infringed on MCF patent #7,693,752 an invention entitled "Mobile Commerce Framework." Engaged to provide expert report, deposition and trial.

Allen Dell, P.A.

Accusoft Corporation f/k/a Pegasus Imaging Corporation v. John P. Reinhart, Jeffrey D. Amrein, Allscripts-Misys Healthcare Solutions, Inc. f/k/a Allscripts Healthcare Solutions, Inc. and AllscriptsMisys, LLC f/k/a Misys Healthcare Systems, LLC and successor by merger to Allscripts, LLC. In the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida Complex Business Litigation Division, Case No. 10-CA-018238 Division L. Engaged to provide expert report, deposition and trial.

Farella Braun + Martel LLP

Brandgenuity LLC Plaintiff v. Zynga Inc., f/k/a Zynga Game Network, Inc. In the Superior Court of the State of California in and for the County of San Francisco, Case No. CGC-12-520738 Engaged on behalf of Zynga. Plaintiff claims they supplied services to Zynga, for which Zynga refuses to pay Plaintiff a \$18 million commission for a licensing agreement for the use of Zynga brand names, such as Farmville. Provided analysis and examination on custom and practices in the brand licensing industry including agency fee schedules, royalty rates, license agreements, integration clauses and agency agreements. Engaged to provide expert report, deposition and trial.

Law Office of Mick Lerner, PA and Stinson, Mag & Fizzell

4th Trimester v. Reed Publishing, et al. Determine the value of a technology business. Expert report, deposition and testify at Arbitration for defendant.

Thelen Reid & Priest LLP

DJ&J Software Corporation dba Egghead Software and Elecom Corporation v. Casahl Technology, Inc. Examine sales of software from a reseller, but for developer's refusal to supply current versions, ability of distributor to manage software through normal sales channels, value of software and quantity that would have been sold, but for software developer's actions. Expert report and deposition for plaintiff.

Ascano & Campo LLP

Silicon Valley IPO Network et al. v. Kevin Von Poppen et al. Determine business value of video compression software had venture capital firm invested in startup and provided initial funding. Expert report for plaintiff.

Morrison & Hecker LLP

Universal Business Computing Company, Inc. and Ken Garen v. Global Enterprise Solutions, Inc. and Brian Unger. Determine value of founders equity share in the business had the founders had an agreement in writing for equity ownership, determine share price and actual total share ownership under premature departure of one of the cofounders. Expert report, deposition and testify at Arbitration for defendant.

Steeffel Levitt & Weiss

Examine license agreement and software for conformance to contract specifications for functionality and use. Expert report and deposition.

Grey Cary Friedenrich

Examine license agreement for computer hardware and software for conformance to contract specifications for functionality and use. Consultant for plaintiff.

Cooley Godward LLP

Examine license agreement and software for conformance to contract specifications for functionality and use. Consultant.

Michael Best & Friedrich

Examine websites for duplication of code and ownership of various software website commerce and affiliate development components. Expert report for defendant.

Cotton & Gundzik LLP

Digital Insight v. HNC Software. Examine co-branding, OEM relationship, software customization, licensing of website and business loss due to inappropriate distribution of website software. Examine license agreement for conformance to specifications and software distribution rights. Expert report for plaintiff.

Crosby Heafey Roach & Smith

Raytheon Company vs. Webgear, Inc. & Ted Cooper, Case No. V-020232-9 Superior Court of California County of Alameda. Examine license agreement for conformance to specifications, verification of computer hardware and software documentation instructions, verification of software and wireless computer product use and determine value of software. Expert report for plaintiff.

Howrey Simon Arnold & White LLP

Business Management Systems Corporation v. Cable & Wireless USA, Inc. Civil Action No. 00-B-1069 United States District Court. Examine software best practices of enterprise software developer and methods of measuring license requirements, measurement data, and verification of software use, functionality and conformance with contract purchase development specifications. Examine license agreement for conformance to specifications and software distribution rights. Expert report, deposition and testified at trial for defendant.

Mannatt Phelps & Phillips LLC

Verity, Inc. v. Broadvision, Inc. Case No. C01-20501 RMW (PVT) ADR United States District Court for the Northern District of California San Jose Division, Examine license agreement and software for conformance to specifications, analyze customer software purchase levels for various levels of product upgrades, determine the number of customers that would have upgraded, but for the licensee's inappropriate software distribution. Expert report, deposition and testified at Arbitration for plaintiff.

Schlagel Damore & Gordon

Determine value of enterprise software to licensor where licensee had developed a derivative product, examine business history, development and reproduction costs. Expert report and deposition for plaintiff. Examine license agreement for conformance to specifications and software distribution rights.

Crosby Heafey Roach & Smith

Examine license agreement for conformance to specifications and software distribution rights. Expert report for defendant.

America On-Line Corporate Counsel

Investigate the methods that might be used to establish comparative market values for email addresses and to indicate possible economic benchmarks. Civil suit regarding stolen email addresses and damages resulting from spamming. Consultant to AOL.

Boies, Schiller & Flexner LLP

The SCO Group Inc. vs. International Business Machines Corporation United States District Court, District of Utah, Case No. 03-CV-0294. Examine license agreements for derivative product rights, best practices with respect to derivative products, conformance to license agreement specifications for software development, use and distribution. Expert report for plaintiff.

Law Offices of Jeffery P. Widman

SunLan Corporation vs. Zenith Infotech, Inc. Case No. 04CC02648 Superior Court of California, County of Orange Examine issues relating to sale of goods, distributor revenue sharing and pricing with respect to industry practices for computer hardware and software, OEM licensing and distribution agreements. Examine license agreement for conformance to specifications and software copy distribution rights. Expert report and deposition for defendant.

Chan Law Group

Perfumbay.Com, Inc. vs. EBAY, Inc., Case No.: CV04-1358 WDK (SSx) United States District Court for the Central District of California, Examine issue surrounding the use of trade names in a domain name including search return listings. Expert report for plaintiff.

Latham & Watkins LLP

Itech Group, Inc. v. National Semiconductor Corporation. Case No. CV 810872 Superior Court of the State of California County of Santa Clara, Examine source code and object code license agreements and investment letters of intent surrounding a software licensing dispute. Expert report, deposition and testified at jury trial for defendant.

Latham & Watkins LLP

GR Match LLC v. Market Range LLC, et al. AAA Case Number 75-181-Y-00067-06 Examine issues relating to Website tracking methodologies for sponsored

ads, natural search returns, advertising, customer life time value and affiliate tracking. Expert report and deposition for plaintiff.

CAPOBIANCO AND BRAM, LLP

Dovebid, Inc. v. eBay Inc., United States District Court for the Central District of California. Consultant for plaintiff.

Orrick, Herrington & Sutcliffe LLP

Viewsonic Corporation vs. AmTran Technology Co., Ltd. United States District Court, Central District of California Case No. CV 05-5864 GAF (RZx). Expert report for defendant.

Mayer, Brown, Rowe & Maw LLP

Positive Ions, Inc. v. ION Media Networks, Inc. United States District Court Central District of California Case No. CV 06-4296 ABC (FFMx). Expert reports for defendant and counter claimant.

Needham, Davis, Kepner & Young, LLP

Ecompare v. Priceline.com. Engaged as a consultant for plaintiff in trade secret matter.

Farella Braun + Martel LLP

Securities and Exchange Commission v. Mark Leslie, United States District Court Northern District of California San Jose Division, Civil Action No. Action No. C 07-3444 JF. Engaged as expert witness for defendant. Expert report and deposition.

Allen Dell, P.A.

Pegasus Imaging Corporation v. Northrop Grumman Corporation et al., In the United States District Court, Middle District of Florida, Tampa Division Case No. 8:07-cv-01937. Engaged by Plaintiff. Examine license agreement for conformance to specifications and software copy distribution rights. Provided Expert report, deposition, trial assistance. The matter concerned a software developer kit license interpretation, software development best practices, software deployment methods, runtime analysis, and derivative product issues.

Nelson& Weinkauf

Trancos, Inc. dba Coregmedia vs. Brain Harley, Tallac Ventures, Inc., dba Tallacmedia.com and dba Leadshot, Superior Court of California, County of San Mateo-Case No. CIV-492361. Engaged by Plaintiff. Provided expert analysis and deposition assistance. The matter concerned trade secret misappropriation, breach of employment contract, Internet advertising, lead generation, affiliate tracking, and website development and deployment.

Nixon Peabody LLP

Serena Software, Inc. v. Con-Way Inc. Case No. CIV 491585. Engaged by Defendant. Expert report. Examine license agreement for conformance to specifications and software copy distribution rights. Plaintiff contends that defendant breached a license agreement. Further that because of this breach, Plaintiff also contends that Defendant should be compelled to pay additional license fees for the total capacity of all the CPUs in the network.

The Law Office of Ilona Antonyan, APC.

Avalon RF, Inc. vs, WIFI, Pacifitek Systems, Inc. et al. Case No. 868507 Superior Court of the State of California for the County of San Diego.

Evolution Software, Inc.

Evolution vs. SunTrust Bank, Case No. 01-2409-JWL, United States District Court For The District of Kansas. Provided an expert report on the valuation of Data Base Management Software programs used in the Premium Finance Industry.

Dempsey & Johnson P.C.

Connie Chein M.D. v. Michele Hakakha et al., Case No. SC112820, Superior Court for the State of California for the County of Los Angeles., Complaint for unauthorized use of Plaintiff's name, false advertising, unfair competition. Engaged as consultant to examine Google Places, mobile device merchant selection, Website development techniques, traffic redirect from competitive Websites.

Equal Employment Opportunity Commission

EEOC v. Dolgencorp, LLC, Case No. 1:11-CV-0755-SEB-DKL, in the United States District Court for the Southern District of Indiana Indianapolis Division. Engaged by EEOC to determine the compatibility of Defendant's hardware, operating systems and application software with any text to speech or speech to text software including providing an expert report, deposition and trial testimony.

Shaub & Williams LLP

Pricegrabber.com, Inc. v. Unister GMBH, United States District Court Central District of California Case No. CV 10-09580 SJO(MANx). Engaged by Unister to provide expert report, deposition and trial testimony. Dispute involves items such as, CPM for advertising, merchant analysis, click thru rates, key word selection techniques, co-branding, SEM campaigns, exclusivity content agreements, click thru conversion rates, affiliate agreements with Amazon, Overture and ShopZilla, Google AdWords, revenue sharing and tracking analytics.

Testimony 2009 – 2014.

The following is a list of my expert witness engagements in the last five years for which I have testified at trial or by deposition:

1. 2009: Civil Action No. C 07-3444 JF, SEC vs. Mark Leslie et al., United States District Court Northern District of California, San Jose Division.
2. 2010: Case No. 8:07-cv-01937, Pegasus Imaging Corporation v. Northrop Grumman Corporation et al., United States District Court, Middle District of Florida, Tampa Division.
3. 2012: Civil Action No. 1:11-cv-0755-SEB-DKL, Equal Employment Opportunity Commission vs. Dolgencorp, LLC, d/b/a Dollar General Store, United States District Court for the Southern District of Indiana, Indianapolis Division.
4. 2012: Case No. 1:12-CV-625-TSE-IDD Suffolk Technologies, Inc. v. AOL Inc. and Google, Inc. patent #6,081,835, In the United States District Court for the Eastern District of Virginia Alexandria Division.
5. 2013, October 2: Robocast, Inc. v. Apple, Inc. Case No.: 1:11-cv-00235;USDC DE.
6. 2013, October 3: Robocast, Inc. v. Microsoft Corporation Case No.:1:10-cv-01055;USDC DE.
7. 2013, November 26: Pegasus Imaging Corporation v. Allscripts Healthcare Solutions, Inc. et. al Case No. 10-CA-018238; Division L.

Publications

Non-Fiction - Digital Format only.

A Basic Guide to Finances
A Basic Guide to Investing in Private Companies
A Basic Guide to Management
A Basic Guide to Legal Issues
A Basic Guide to Public Speaking
A Basic Guide to Key Business Terms
A Basic Guide to Job Hunting
A Basic Guide to Marketing Strategies
A Basic Guide to Employee Policies
A Basic Guide to Making Money on Your Idea

Non-Fiction - Print and Digital Format

Success Keys From Silicon Valley - 59 Must Know Terms for Entrepreneurs, Silverbear Graphics, Stahlstown, PA 15687, 2010.
Personal and Business Forms for Most Every Important Situation, Silverbear Graphics, Stahlstown, PA 15687, 2011.
Editor: *Entrepreneurs: You Can't Afford the School of Hard Knocks*, Center for Business Innovation, 1995.
Contributing author: *Growing New Ventures, Creating New Jobs, Entrepreneurship: Principles and Practices*, Quorum Books, Westport, Connecticut-London, 1995.

Fiction - Print and Digital Format - Novels inspired by expert witness engagements.

In My Opinion: The PM Note, Silverbear Graphics, Stahlstown, PA 15687, 2010.
The Brain Brokers, Silverbear Graphics, Stahlstown, PA 15687, 2011.
Pandora's Prisoner, Silverbear Graphics, Stahlstown, PA 15687, 2011.