

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATFIX INC.,
Petitioner,

v.

WALKME LTD.,
Patent Owner.

Patent No. 11,258,732

Inter Partes Review No. IPR2023-01379

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S ORAL HEARING
DEMONSTRATIVES**

Petitioner Whatfix Inc. (“Petitioner” or “Whatfix”) hereby objects to Patent Owner’s Demonstratives (Paper 33) submitted by Patent Owner in the above-captioned proceeding. In accordance with the Board’s Order Setting Oral Argument (Paper 29), this objection is being timely filed and served no later than the time of the Board’s Hearing on December 18, 2024. Petitioner has met and conferred with Patent Owner, but the parties were unable to resolve the objections below.

Pursuant to Paper No. 29, the objections “must identify with particularity which portions of the demonstratives are subject to objection (and should include a copy of the objected-to portions) and include a one (1) sentence statement of the reason for each objection. No argument or further explanation is permitted.” The following is an inclusion of the objected-to demonstratives, as well as an identification of the portions being objected to and a statement of the reason for each objection:

- Patent Owner’s Demonstratives **Slides 13, 32, and 33** contain new arguments: Patent Owner first offered “natural language interface “as a term for claim construction in its Demonstratives. (*See* Patent Owner Response (Paper 17), 23-32; Patent Owner Sur-reply (Paper 30), 2-11.)

Claim Construction and related disputes

“Computer Program” (‘664/’732)

“a displayed user interface of a computer program”/“the displayed user interface of the computer program” (‘664/’732)

“defining an automation process”/“defining a conversation” (‘732)

Order of steps [a], [b], [d] (‘732)

“At least one of” A “and” B (‘732, claim 3)

“Natural language interface” (‘664, ‘732, ‘317)

“Third-party web-based target system” (‘317)

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

PODX - 13

“Natural language interface” (‘664, ‘732, ‘317)

PO/Zatkovich

- “[T]he claimed “natural language interface” must rely on natural language processing to understand, process, and generate a response to human natural language input.”

Ex2001, ‘732 Zatkovich Decl. ¶ 169
Ex2003, Beigi 6/25/2024 Depo. 63:15-64:17
Both cited in IPR2023-01379, Paper 17, POR at 46

Petitioner

Natural Language Processing (NLP).”) In contrast, a “*natural language interface* is an interface that *allows you to do natural language communication* with the software.” (EX2003, 63:15-64:17; EX1001, 5:6-8 (“The chat bot may implement a *natural language interface* such as a text-based *conversation*, an oral *conversation*, or the like.”), 16:10-12.) Mr. Zatkovich does not dispute. (EX2001, ¶158 (citing EX2003, 63:15-64:17); EX1042, ¶¶51-55.)

IPR2023-01379, Paper 25, Pet. Reply, pg. 8-9 (citing Ex2003, 63:15-64:17)

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

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Dr. Beigi's on Natural Language Interface requiring NLP

Ex2003, Dr. Beigi Deposition taken June 25, 2024, 63:15-64:17

Q. Okay. So when you talk to other people about natural language processing, what is it that you understand it to mean, in your own words, not the expert reports? I just want to know how would you understand that as someone that is a technical person at Recognition Technology talking to other people who you're working on with on natural language processing?

A [Dr. Beigi]: Exactly what you just did. You spoke with me and I processed that language, which is a natural language, and I responded to it using again natural language. What natural language processing in the computer science sense is to mimic that kind of processing using machinery or a software.

Q: And what would be a natural language interface to the same group of people?

A [Dr. Beigi]: I'm not defining this. I'm just explaining what a natural language interface to -- to us means. A natural language interface is an interface that will allow you to do natural language communication with the software.

Ex2020, Dr. Beigi Deposition taken November 11, 2024, 82:21-84:12

Q. And if the PTAB were to adopt your claim construction, do you think that what Mr. Zatkovich programmed in that exhibit meets claim 1 of the '664 patent?

MS. NGUYEN:- Objection, form.

A [Dr. Beigi]: I don't believe it will.

Q: And why not?

A [Dr. Beigi]: Because Mr. Zatkovich, as we required, did not use natural language processing, and in this context, we are talking about the context of this patent, we are talking about a chatbot. And we are requiring natural language processing, which you just stated, and since Mr. Zatkovich does not use natural language processing, it does not qualify.

Q. Okay. But my question wasn't that it required that. I said if we adopt your claim construction. So my question was, and if the PTAB were to adopt your claim construction, do you think what Mr. Zatkovich programmed in that exhibit meets claim 1 of the '664 patent? So I want to know under your claim construction.

MS. NGUYEN:- Objection, form.

A [Dr. Beigi]: In light of the specifications, no. Because the claims come in light of the specifications. The specifications multiple times speak about a chatbot, and in -- in a chatbot, and they do talk about natural language processing. So even reading that portion of it, the way I was just constructing it, that's just one portion of the claim. You have to look at the claims as a whole. You have to look at the claims in light of the specifications. And, again, under that construct, with the -- in light of the specifications and the rest of the claims, it does not qualify.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

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Dated: December 16, 2024

Respectfully submitted,

By /s/ Jean Nguyen

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Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER’S OBJECTIONS TO
PATENT OWNER’S ORAL HEARING DEMONSTRATIVES was served as of
the below date via email (by agreement) to the following counsel of record for the
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Dated: December 16, 2024

/s/ Jean Nguyen
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