

Patent No. 11,558,317
Petition For *Inter Partes* Review

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATFIX INC.
Petitioner,

v.

WALKME LTD.
Patent Owner.

Patent No. 11,558,317

Inter Partes Review No. IPR2024-00065

PETITION FOR *INTER PARTES* REVIEW

UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.*

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Petitioner Whatfix Inc. (“Petitioner”) respectfully petition for *inter partes* review of claims 1-20 (“challenged claims”) of U.S. Patent No. 11,558,317 (“the ’317 patent” (EX1001)) in accordance with 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 *et seq.*

I. INTRODUCTION

The ’317 patent claims are directed to a method and apparatus that receives a user instruction in a natural language interface (chatbot), and then implements an automation process on a web-based target system that simulates user input to a graphical user interface (GUI). The automation process comprises automatically filling in a text input field and interacting with a widget in the GUI. (EX1001, Claim 1.) For example, the ’317’s chatbot collects information from the user for buying stocks, and automatically fills out the online stock purchase form using the collected information. (*Id.*, 8:22-28.)

Collecting information using a chatbot and implementing an automation process on a web-based system was well known before the ’317 patent’s 2017 alleged priority date. Discussed in more detail below, Symons discloses a chatbot that collects the user’s name, job role, email address, etc., automatically fills out an email signature form, and interacts with a widget to generate the email signature. Allen likewise discloses teaching (by a non-programmer user) and executing a bot that collects book information from the user, and then automatically buys the book

online. Similarly, Krishnan discloses a chatbot that collects information from the user using a web-based target system, and Radhakrishnan discloses a robotic process automation (RPA) bot that implements an automation process. Like the '317 patent, the automation processes in Symons, Allen, and Radhakrishnan are without relying on an application programming interface (API) exposed by the web-based target system.

Petitioner submits that the challenged claims are unpatentable for the reasons set forth in this Petition, as supported by Dr. Homayoon Beigi (EX1003).

II. BACKGROUND OF NATURAL LANGUAGE PROCESSING AND PROCESS AUTOMATION

Natural language processing (NLP) refers to the interaction between a computer and a human using human “natural” language, where human users are able to converse with the chatbots using every day, natural language (instead of using programming code). (EX1003, ¶17.) For example, some businesses have replaced customer service agents with chatbots. (EX1026, 2; EX1027; EX1003, ¶17.)

Process automation refers to automation of certain tasks. (EX1003, ¶18.) For example, transactional, repetitive tasks may be automated using RPA bots. (*Id.*) RPA bots are being used to process insurance claims, conduct credit checks, etc. (EX1026, 2; EX1003, ¶19.)

Both NLP and process automation offer lower operational costs, high volume processing, and faster turnaround time. (EX1003, ¶20.) In 2017, a chatbot could have an intelligent conversation with a human, but may only have been able to provide, *e.g.*, answers from a search engine, while an RPA bot may have been able to automatically perform more complex tasks that require, *e.g.*, analysis or executing actions. (*Id.*) Combining the two not only exploited the benefits that both had to offer, but also expanded the capabilities that each may not have had alone. (*Id.*)

The idea of combining NLP and process automation and the associated benefits were known by at least November 5, 2017 (earliest priority date for the '317 patent). (EX1030, 6-7; EX1031, 4; EX1003, ¶21.) “[T]his harmonious alliance [of a chatbot-RPA bot combination] is revolutionizing business operations, enhancing customer experiences, and driving efficiency gains.” (EX1026, 1.) “[E]ndless possibilities [] arise when chatbots and RPA come together.” (*Id.*, 1-2.)

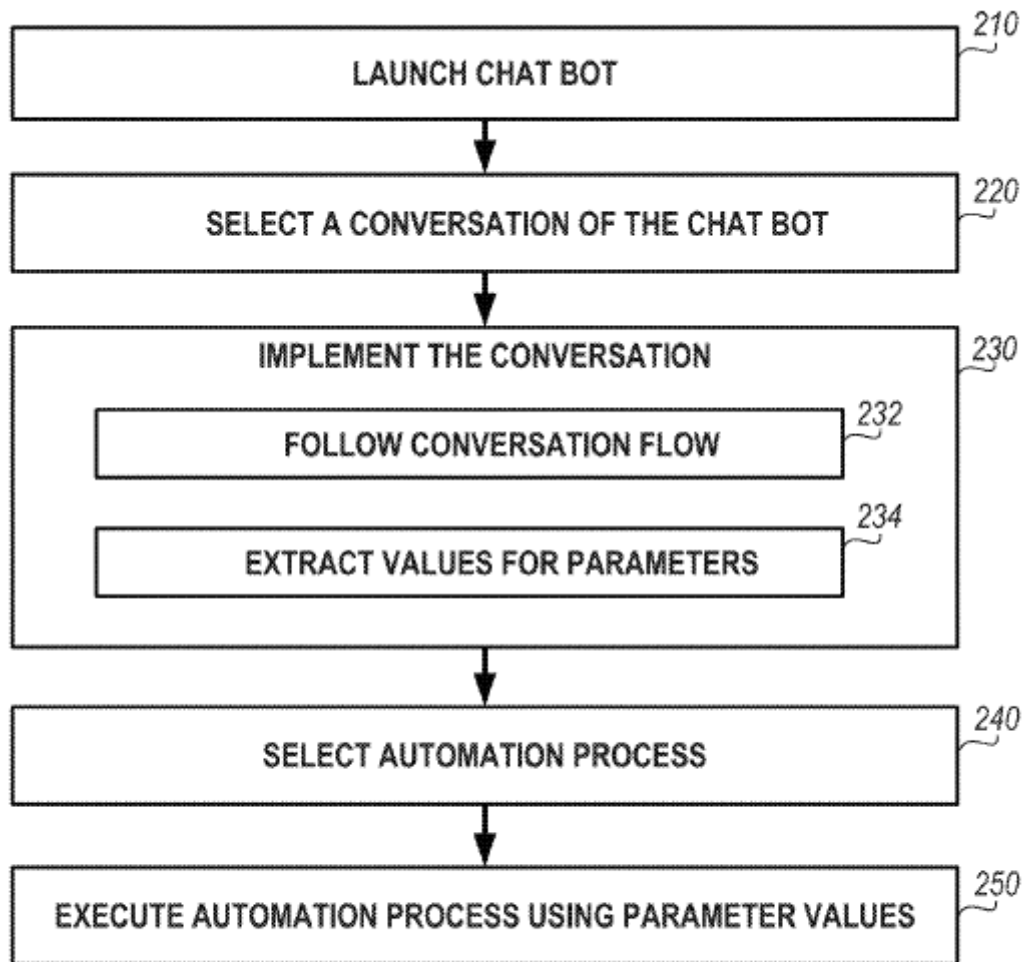
III. SUMMARY OF THE '317 PATENT

The '317 patent discloses “[a] method, apparatus and product for chat-based application interface for automation.” (EX1001, Abstract.) The chatbot is an allegedly user-friendly way to converse with a user for, *e.g.*, collecting information. (*Id.*, 7:67-8:1, 9:51-54; EX1003, ¶23.) An automation process is implemented, based on receiving a user instruction, including simulating user input

to a GUI (*e.g.*, filling out an online form using the collected information).

(EX1001, 7:67-8:1, 9:51-54, 10:15-17, 14:21-25.)

Fig. 2A (below) shows the chatbot is launched (step 210), and a conversation between the chatbot (natural language interface) and user is selected and implemented (steps 220, 230). (*Id.*, 1:28-30, 13:32-66; EX1003, ¶24.) An automation process is selected and implemented (steps 240, 250) based on the user's interactions with the chatbot. (EX1001, 13:66-14:25.)

**FIG. 2A****A. Effective Filing Date**

The '317 patent was filed on January 18, 2022, issued on January 17, 2023, and claims priority to a provisional application filed on November 5, 2017. For purposes of this Petition only, Petitioner relies on November 5, 2017 as the earliest effective filing date. (EX1003, ¶22.)

B. Prosecution History

During prosecution, the Examiner issued an Office Action that rejected claims 1-20 based on obvious type double patenting over the parent U.S. Patent No. 10,819,664 (the '664 patent), to which the Applicant filed a terminal disclaimer in response. (EX1002, 111-117, 164-166.) Without stating the reasons for the allowance, the Examiner issued a Notice of Allowance. (*Id.*, 167-173.)

C. Level of Ordinary Skill in the Art

A person of ordinary skill in the art (“POSITA”) in the field of the '317 patent would have a bachelor’s degree in engineering or computer science and two years of experience working on NLP and automation processes. Alternatively, a POSITA would have five to six years of experience working on NLP and automation processes. (EX1003, ¶¶43-45.)

IV. CLAIM CONSTRUCTION

For purposes of this Petition only, Petitioner does not believe any terms require a formal construction. Each of the terms carries its “ordinary and customary meaning” (“the meaning that the term would have to a person of ordinary skill in the art in question” at the time of the invention). *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007) (citation omitted); (EX1003, ¶¶46-47).

V. PRECISE REASONS FOR RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.104(b), Petitioner requests cancellation of the challenged claims based on the following references (EX1003, ¶¶25-31, ¶¶48-54):

Prior Art Reference	Abbreviation (Exhibit No.)
S. Symons, “When Chatbots meet RPA bots,” Medium, (2017)	“Symons Article” (EX1004)
English Translation of Screenshots of S. Symons, “RPA meets chatbot: Automatically generate e-mail signature,” Vimeo, (2017)	“Symons Video” (EX1006)
D. Williams et al., “Using artificial intelligence to optimize the value of robotic process automation,” IBM White paper, (2017)	“Williams” (EX1011)
U.S. Patent No. 7,983,997	“Allen” (EX1014)
U.S. Patent No. 10,839,798	“Krishnan” (EX1016)
U.S. Patent No. 10,503,627	“Radhakrishnan” (EX1018)

The statutory grounds for the challenge of each claim are set forth below.

All of the statutory citations are AIA.

Ground	35 U.S.C. §	Claim(s)	Prior Art Reference(s)
1	103	1-20	Symons (Article and Video), Williams
2	103	1-20	Allen
3	103	1-4, 6, 7, 9-12, 14, 16-18	Krishnan, Radhakrishnan

Below, Petitioner discusses why the challenged claims are unpatentable under the statutory grounds raised, including how and where the prior art satisfies each element of each challenged claim, as required by 37 C.F.R. § 42.104(b)(4). Petitioner's showing establishes a reasonable likelihood that it will prevail on each ground of unpatentability to each challenged claim.

A. Ground 1 – Symons and Williams Render Obvious Claims 1-20

1. Summary of Symons

The Symons Article and the Symons Video (collectively “Symons”) were publicly available on Medium and Vimeo by at least October 19, 2017. (EX1008.) The Medium page indicates that the Symons Article was posted on October 19, 2017. (EX1004.) The text of the Symons Article accords with the contents of the Symons Video. (EX1004; EX1006; EX1008; EX1003, ¶¶55-57.)

The Symons Article indicates that it was posted by Senne Symons, an employee of RoboRana, who verified the authenticity of the Symons Article and the Symons Video. (EX1008.) Mr. Symons also verified that the Symons Article

and the Symons Video were made publicly available by at least October 19, 2017.

(*Id.*) Mr. Symons was one of the names appearing in the Symons Video.

(EX1006, 17.)

The Baetens Article includes a link to the Symons Article and Symons Video. (EX1009.) The Baetens Article was publicly available on Medium by at least October 20, 2017. (*Id.*) The Medium page indicates that the Baetens Article was posted on October 20, 2017. (*Id.*) The text of the Baetens Article accords with the contents of the Symons Article and the Symons Video. (EX1009; EX1006; EX1010; EX1003, ¶58.)

The Baetens Article indicates that it was posted by Wouter Baetens, a previous employee of Arinti, who verified the authenticity of the Baetens Article and Symons Video, and their public availabilities by at least October 20, 2017. (EX1010.) Mr. Symons and Mr. Baetens verified that they worked together on the development of the chatbot-RPA bot system discussed in the Symons Article, Symons Video, and Baetens Article. (EX1008; EX1010.)

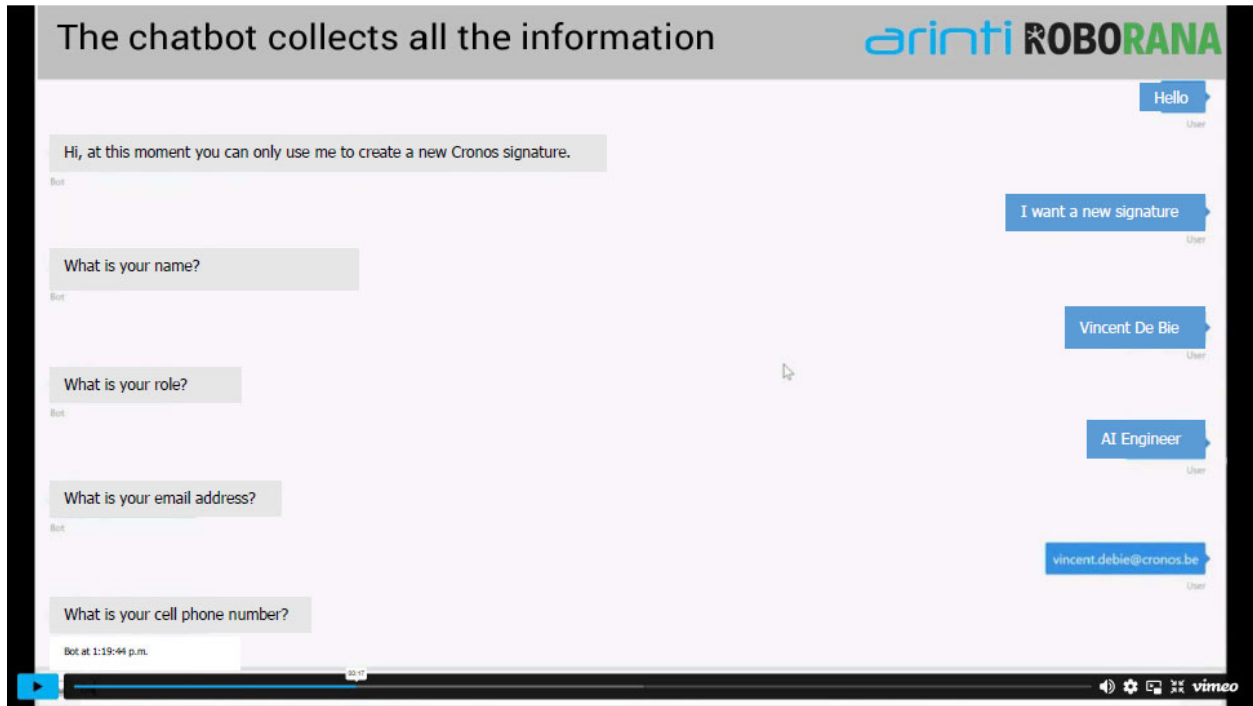
Medium and Vimeo are mainstream Internet-based platforms that companies like RoboRana and Arinti use to disseminate information about products to interested members of the public, including POSITAs. (EX1003, ¶55.) These platforms were well-known, public (*e.g.*, no access restrictions), searchable, and intended to reach a wide audience. *Hulu, LLC v. Sound View Innovations, LLC*,

IPR2018-01039, Paper 29 at 18 (PTAB Dec. 20, 2019) (precedential); (EX1003, ¶55). Given that Medium and Vimeo are known in the industry for spreading ideas and discussing technologies of interest, a POSITA would have readily located information that RoboRana and Arinti posted on these platforms with reasonable diligence. (*Id.*) Moreover, videos can constitute printed publications in IPR proceedings under § 311. *London Luxury LLC v. E&E Co., Ltd.*, PGR20201-00083, Paper 10 at *18-19 (PTAB Nov. 15, 2021).

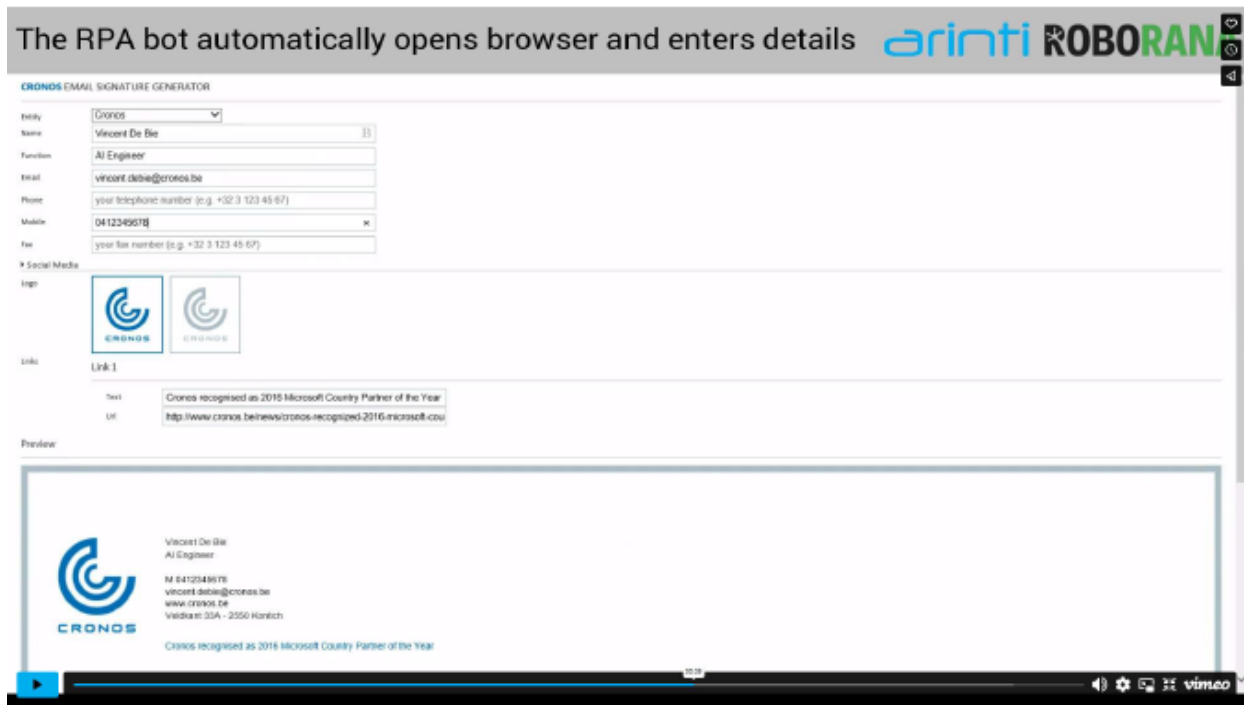
Based on this evidence taken as a whole, Symons was publicly available by at least October 20, 2017, and is prior art to the '317 patent at least under § 102(a)(1) as a printed publication or as being otherwise available to the public. The Examiner never found, and Applicant never cited, Symons during prosecution.

Symons discloses a computer system and computer program that “automate[s] the process of creating an email signature.” (EX1004, 2; EX1003, ¶59.) “First, the chatbot collects all the information in a friendly, interactive manner. This information gets passed on to the RPA robot, which will then automatically generate the signature, save it, and email it back to the requester.” (EX1004, 2; EX1006, 2-6.) The “RPA bot can mimic the users’ actions and thus enables organizations to automate repetitive tasks.” (*Id.*)

The user instructs the chatbot to generate a new signature (“I want a new signature”), and the chatbot asks questions to collect information. (EX1006, 2-6; EX1003, ¶59.)



The chatbot then triggers the RPA bot, which automatically inputs the collected information in text input fields to generate the email signature, and clicks on UI buttons to email the signature to the user. (EX1006, 10-17; EX1003, ¶¶60-61.)



2. Summary of Williams

Williams is a white paper that was publicly available on IBM's website by at least September 2017. (EX1012.) The September 2017 date time stamps on the first and last pages of the document means that it was freely available to the public no later than that date. (EX1003, ¶63.) One of the authors is Ira Allen, an employee of IBM during that time, who verified the authenticity of Williams and its publicly availability on IBM's website by at least September 16, 2017. (EX1012.)

White papers are often made available on a company's website to disseminate information to interested members of the public, including POSITAs. (EX1003, ¶62.) IBM's website was well-known, public (e.g., no access restrictions), searchable, and intended to reach a wide audience. *Hulu, LLC v.*

Sound View Innovations, LLC, IPR2018-01039, Paper 29 at 18 (PTAB Dec. 20, 2019) (precedential); (EX1003, ¶62). IBM is a known trailblazer in the field and publishes white papers to disseminate, promote, or highlight information to POSITAs about its products. A POSITA would have readily located Williams on IBM's website with reasonable diligence. (*Id.*)

Williams was also publicly available on IT World Canada's website by at least September 16, 2017, as indicated by the post. (EX1012; EX1013.) Ira Allen verified the authenticity of the post and verified that it was publicly available by at least September 16, 2017. (EX1012.)

IT World Canada is an online website that was known, public (*e.g.*, no access restrictions), searchable, and intended to reach a wide audience. *Hulu, LLC v. Sound View Innovations, LLC*, IPR2018-01039, Paper 29 at 18 (PTAB Dec. 20, 2019) (precedential); (EX1003, ¶64). Companies like IBM use IT World Canada to disseminate information to interested members of the public, including POSITAs. (*Id.*) Accordingly, a POSITA would have readily located Williams on this website with reasonable diligence. (*Id.*)

Based on this evidence taken as a whole, Williams was publicly available by at least September 16, 2017, and is prior art to the '317 patent at least under § 102(a)(1) as a printed publication or as being otherwise available to the public.

(EX1011.) The Examiner never found, and Applicant never cited, Williams during prosecution.

Williams discloses a system and method that combines artificial intelligence and RPA. (EX1011, 1; EX1003, ¶66.) RPA offers a significant reduction in operational costs, but can have deployment challenges, so Williams proposes using cognitive computing to address these challenges. (EX1011, 2; EX1003, ¶66.)

Williams' intelligent automation system comprises chatbots that engage in natural language dialog with a user to determine the user's intent and collects information from the user. (EX1011, 3; EX1003, ¶67.) The chatbot then triggers an RPA bot, passes the collected information to the RPA bot, and the RPA bot completes the request. (EX1011, 3; EX1003, ¶68.)

Fig. 1 (below) shows Williams' intelligent automation continuum. A robot is taught to drive applications like a human does through a GUI. (EX1011, Fig. 1; EX1003, ¶69.) The robot conducts complex calculations, performs actions, and triggers downstream activities and/or interacts with humans using, *e.g.*, NLP. (*Id.*)

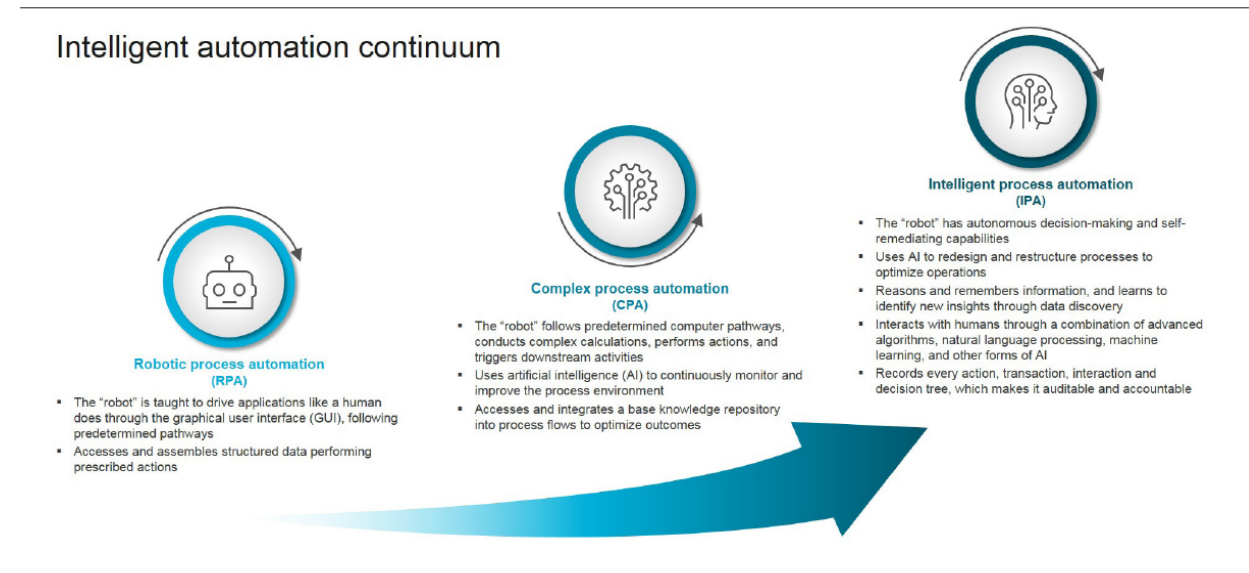


Figure 1. This diagram shows IBM's intelligent automation continuum.

3. Claim 1

- a. **Preamble: "A chat-bot program product, wherein the chat-bot program product comprises non-transitory computer readable medium retaining program instructions, which program instructions when read by a processor, cause the processor to:"**

To the extent that the preamble is limiting (which Petitioner does not concede), Symons discloses the preamble.

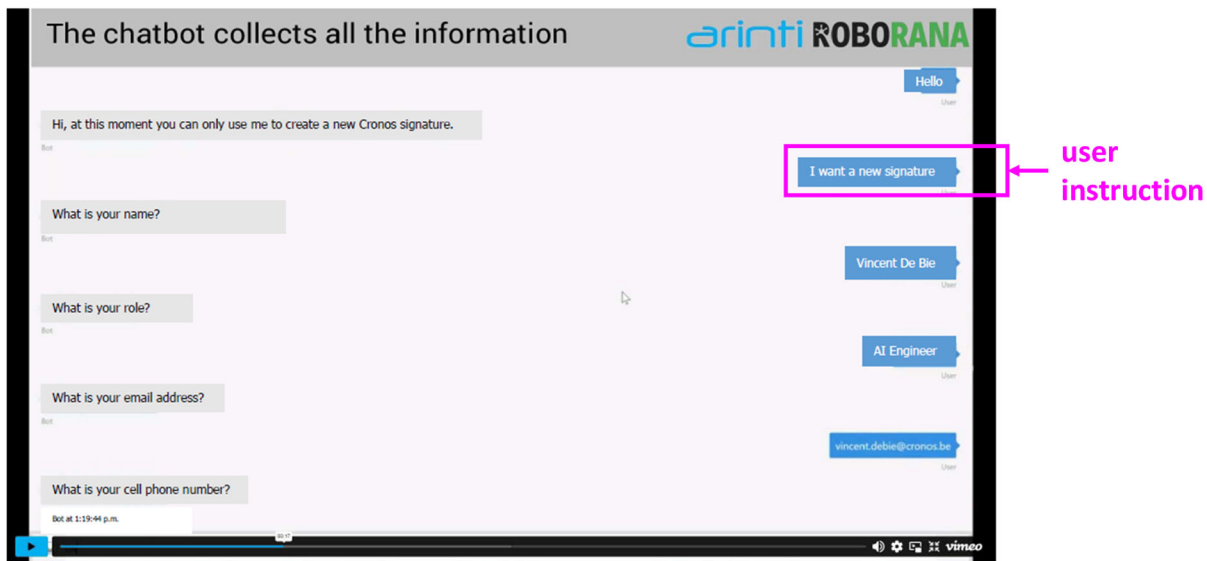
Symons discloses a computer program, operated by a computer system, comprising a "chatbot [that] collects all the information" and "automate[s] the process of creating an email signature." (EX1004, 2.) A computer system comprises a non-transitory computer readable medium retaining program instructions and a processor. (EX1003, ¶70.) When read by the processor, it

performs steps according to the program instructions when read by the processor.

(*Id.*)

b. 1[a]: “receive a user instruction from a user using a natural language interface;”

Symons discloses using chatbots as “a more intuitive, natural way to interact with [] customers.” (EX1004, 2.) “First, the chatbot collects all the information in a *friendly, interactive manner*.” (*Id.* (emphasis added).) The chatbot uses a natural language interface (below) to receive an input from the user in the form of a user instruction: “I want a new signature.” (EX1006, 3; EX1003, ¶¶71-74.)



c. 1[b]: “determine to implement an automation process on a web-based target system in response to the user instruction;”

In Symons, the user instruction comprises the request “I want a new signature.” (See element 1[b]; EX1003, ¶¶75-76.) In response to the request (user instruction), Symons *determines* whether to implement an automation process that

“*automate[s] the process* of creating an email signature.” (EX1004, 2 (emphasis added); EX1003, ¶¶75, 77.)

It would have been obvious for Symons to determine to implement an automation process based on waiting for the user to provide the user instruction, or based on receiving collected information from the chatbot. (EX1004, 2; EX1003, ¶¶76-77.) “The chatbot triggers the RPA bot.” (EX1006, 10.)

To the extent that Symons does not determine to implement an automation process, it would have been obvious in view of Williams. (EX1003, ¶78.)

Williams discloses a method comprising “chatbots [that] engage[s] in natural language dialog with the caller and *discern, through a series of interactions, the nature of the call and then capture information required to further handle the request*. The chatbot will then trigger a robot, passing the required information to the robot to complete the request.” (EX1011, 3 (emphasis added).)

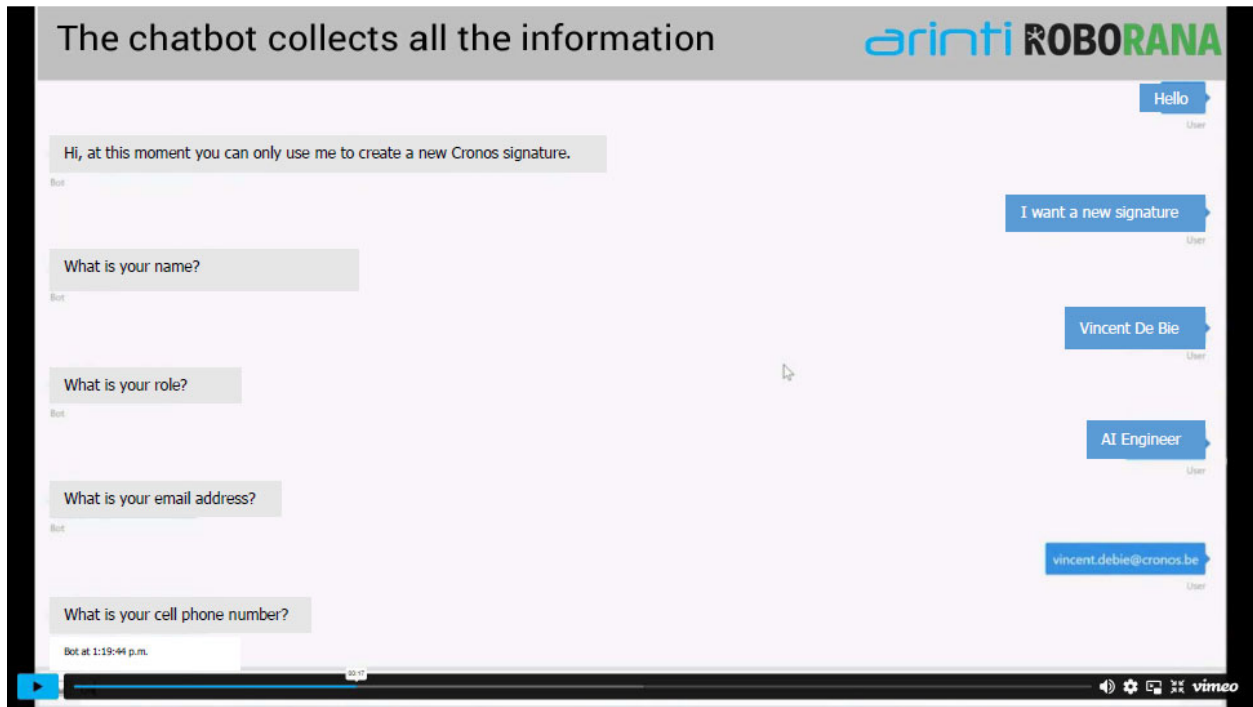
A POSITA would have been motivated to have a chatbot that discerns the user’s intent (the nature of the call) so that the RPA can handle multiple requests, improving the costs, time, and capabilities. (EX1003, ¶¶79-82.) RPA robots are designed to execute multiple different types of automation processes, so combining Symons and Williams, both which disclose chatbots-RPA bot systems, is a natural extension of exploiting the full capabilities of RPA. (*Id.*, ¶¶79-81.) The Symons-Williams combination results in a chatbot-RPA bot system capable of

handling a user request for automated email signature generation along with other requests, such as automated generation of an electronic letterhead or an electronic invoice. (*Id.*, ¶81.) The ability to handle multiple requests would expand the capabilities and flexibilities of the chatbot-RPA bot without requiring much effort and with a reasonable expectation of success. (*Id.*, ¶82.)

Williams discloses a web-based target system (“these platforms are equally able to work through systems’ graphical interfaces, including web browsers”), so the Symons-Williams combination implements an automation process on a web-based target system. (EX1011, 2; EX1003, ¶83.)

d. 1[c]: “collect information to be used as part of the automation process; and”

Symons discloses using chatbots as “a more intuitive, natural way to interact with [] customers.” (EX1004, 2.) “First, the chatbot collects all the information in a *friendly, interactive manner*,” as shown below. (EX1004, 2 (emphasis added); EX1006, 5; EX1003, ¶84.)

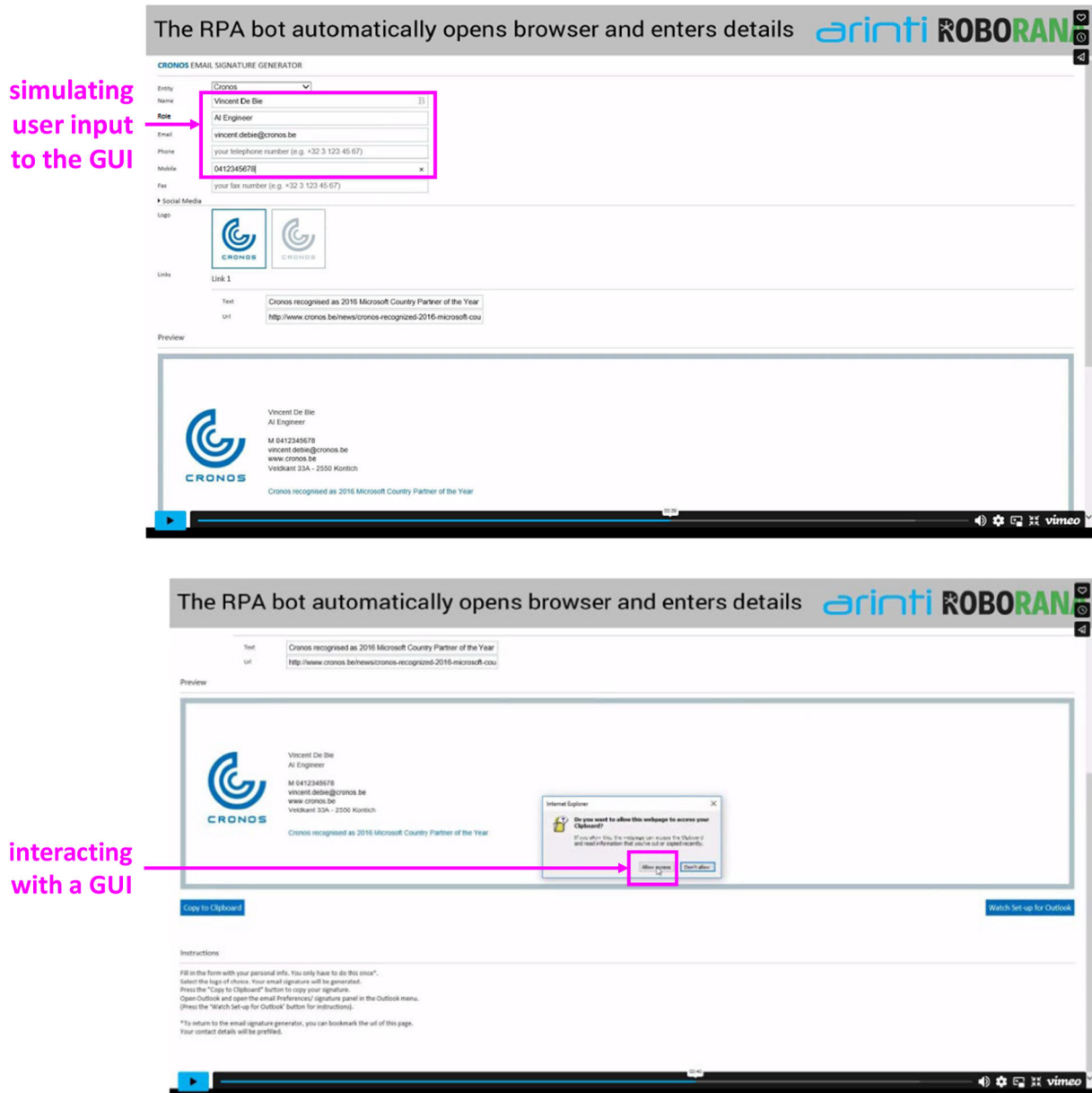


The chatbot receives user input in response to questions (asking the user for a name (“What is your name?”), job role (“What is your role?”), email address (“What is your email address?”), etc. (screen above)), and the collected information is used as part of the automation process of generating an email signature. (EX1006, 5; EX1003, ¶¶85-86.)

- e. **1[d]: “implement the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”**

Symons implements an “automat[ion] process of creating an email signature.” (EX1004, 2; EX1003, ¶87.) “The RPA bot automatically opens browser and enters details,” “mimic[ing] the users actions.” (EX1004, 2; EX1003, ¶87.) The RPA simulates the user inputs of the name, job role, email address, and

mobile number into text input fields of the GUI (screen below) and simulates clicking on GUI buttons. (EX1006, 10, 12; EX1003, ¶¶88-89.)



As discussed above, it would have been obvious to combine Symons and Williams, the combination renders obvious implementing the automation process on a web-based target system. (See element 1[b]; EX1003, ¶¶90.)

- f. **1[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

It would have been obvious to combine Symons and Williams. (*See* element 1[b].) Symons’ automation process “automate[s] the process of creating an email signature.” (EX1004.) Williams discloses RPA bots that “work through systems’ graphical interfaces, including *web browsers* and Citrix terminal sessions.” (EX1011, 2 (emphasis added); EX1003, ¶91.)

- g. **1[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

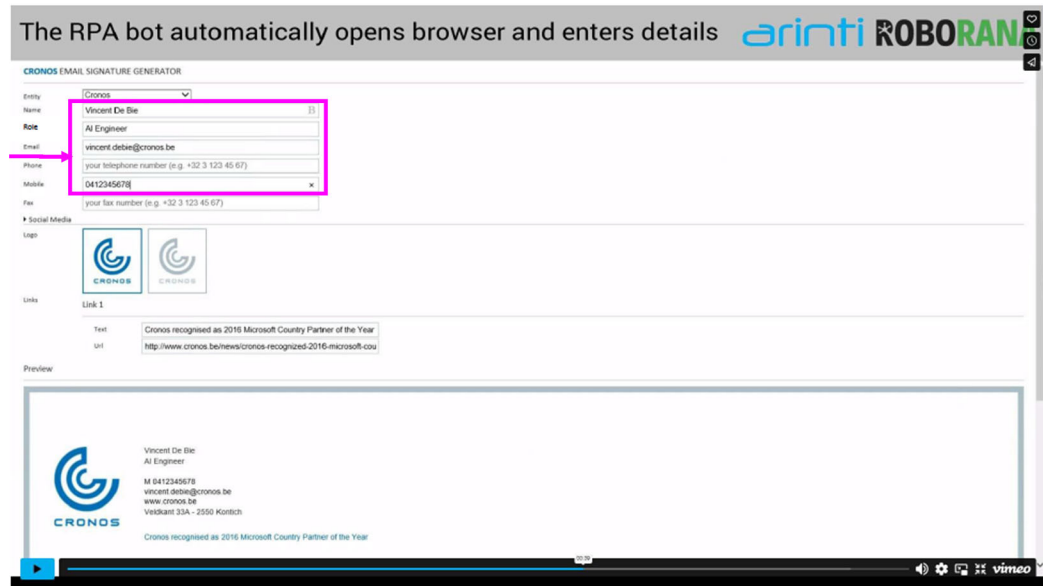
Symons implements its automation process without relying on an API. (EX1003, ¶93.) To the extent that Symons does not disclose implementing its automation process without relying on an API, Williams discloses “RPA enlists software robots . . . that cut across multiple applications and *interact with these systems without the need to build complex and rigid system-to-system interfaces. Although robots can be configured to interface directly with applications through pre-existing application programming interfaces (APIs), these platforms are equally able to work through systems’ graphical interfaces, including web browsers and Citrix terminal sessions.*” (EX1011, 2 (emphasis added).) Williams recommends implementing an automation process without relying on an API because it is “an attractive way to drive operational cost reduction.” (*Id.*; EX1003,

¶95.) Without relying on an API, “robotic automation can be deployed in a relatively short period of time measured in days and weeks, instead of more heavy, traditional IT programming efforts that can take months and require a much larger upfront investment.” (*Id.*) Symons-Williams further renders obvious implementing the automation process on a web-based target system, so the automation process is implemented without relying on an API exposed by the web-based target system. (*See* element 1[b]; EX1003, ¶¶96-97.)

- h. 1[g]: “wherein the implementation of the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

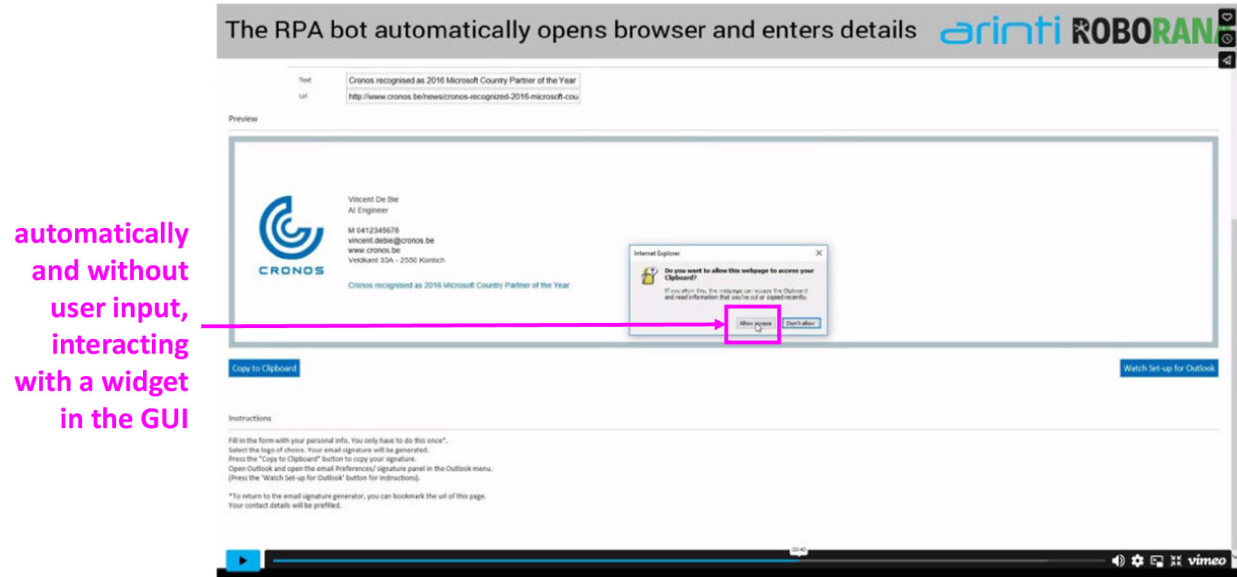
Symons’ “RPA bot automatically opens browser and enters details,” without user input. (EX1006, 11.) The interaction of the RPA bot comprises filling in a text input field in the GUI target system (annotated below): filling in “Vincent De Bie,” “AI Engineer,” “vincent.debie@cronos.be,” and “0412345678” in the name, job role, email, and phone text input fields. (EX1006, 12; EX1003, ¶98.) In combination with Williams, the GUI is of the web-based target system. (*See* element 1[b]; EX1003, ¶99.)

automatically
and without
user input,
filling in text
input fields in
the GUI



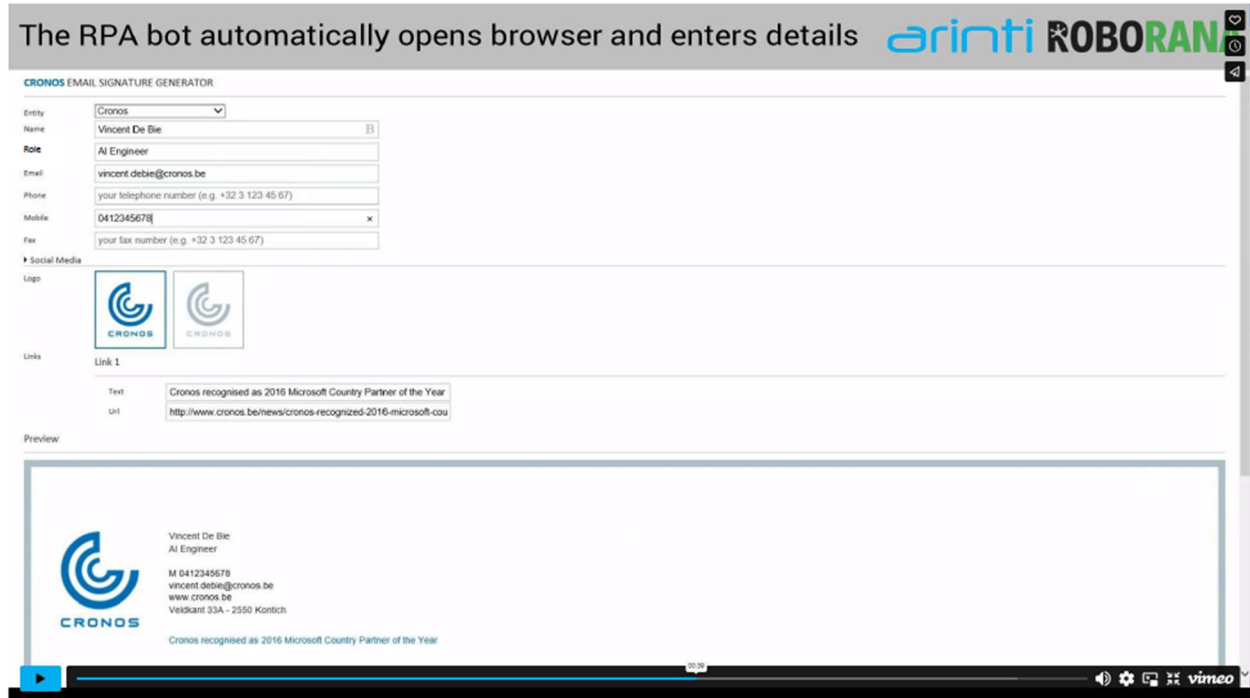
- i. **1[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

Symons’ RPA bot interacts with a widget in the GUI automatically and without user input. The interactions with the widget is via GUI button clicks (annotated below) that performs a predefined functionality: simulated interaction via GUI button clicks that cause copying of the email signature onto the clipboard, for example. (EX1006, 13; EX1003, ¶¶100-101.)



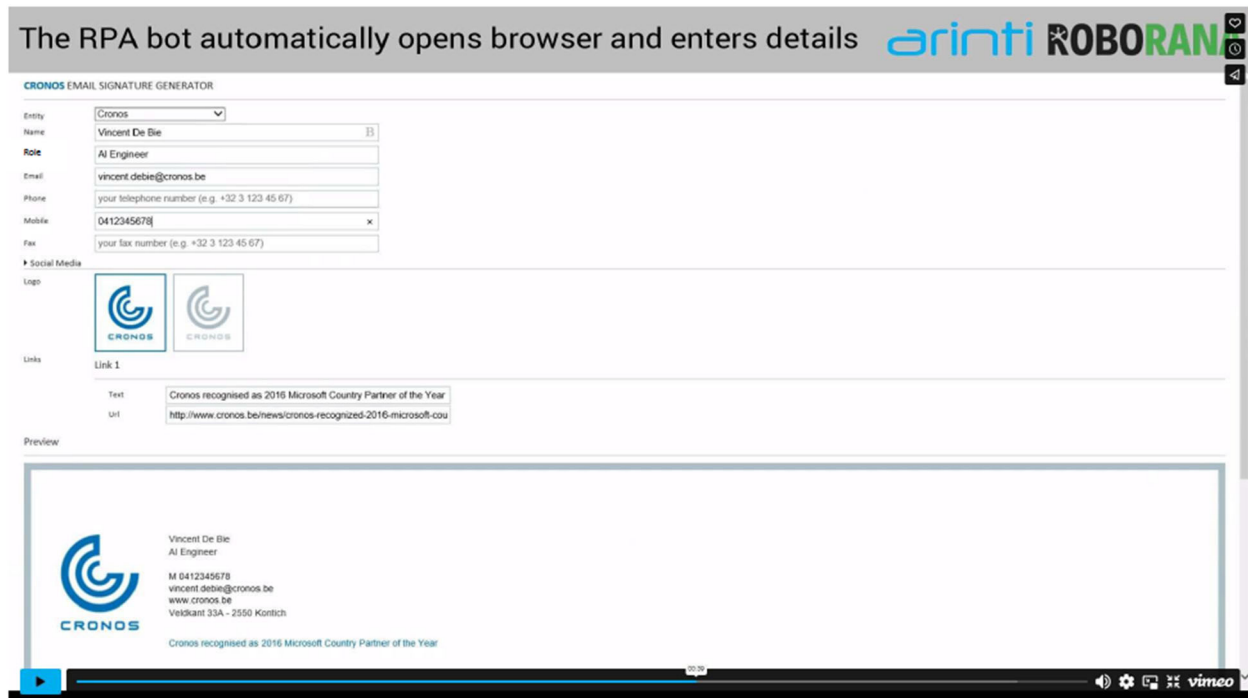
4. **Claim 2: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to implement the automation process by a client device used by the user.”**

Symons’ RPA bot executes the automated process of creating an email signature on a personal computer (below): “RPA bot automatically opens browser and enters details.” (EX1006, 11.) A personal computer is a client device used by the user. (EX1003, ¶102.)



5. Claim 3: “The chat-bot program product of claim 2, wherein the chat-bot program product is configured to implement the automation process by a browser that is executed by the client device.”

Symons’ chatbot-RPA bot implements an automation process by a browser executed by the client device (below): “RPA bot automatically opens browser and enters details.” (EX1006, 11; EX1003, ¶103.)



6. Claim 4: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to converse with the user in natural language using a vocal interface.”

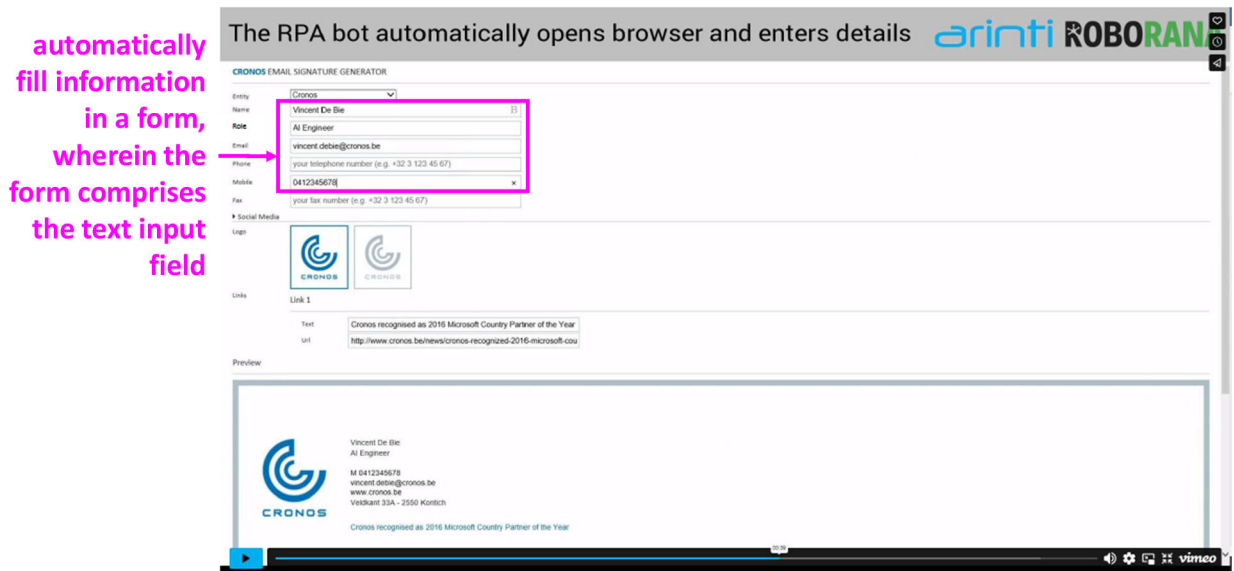
Symons’ system is executed on a personal computer. (*See* claim 12; EX1003, ¶¶104-106.) In 2017, personal computers had microphones and received vocal commands. (EX1003, ¶107.) It would have been obvious to receive the user’s inputs using vocal commands, as Williams teaches (EX1011, 3), because it is a convenient way for the user to converse with the natural language interface. (*Id.*)

7. Claim 5

- a. 5[a]: “The chat-bot program product of claim 1, wherein the automation process is configured to automatically fill information in an online form,**

wherein the online form comprises the text input field,”

Symons discloses an automation process of a chatbot-RPA bot that automatically fills in a text input field in a GUI (below). (See element 1[g]; EX1003, ¶108.) Because it would have been obvious for the GUI to be of a web-based target system and a form of a GUI of a web-based target system is an online form, Symons-Williams renders obvious element 5[a]. (EX1003, ¶109.)

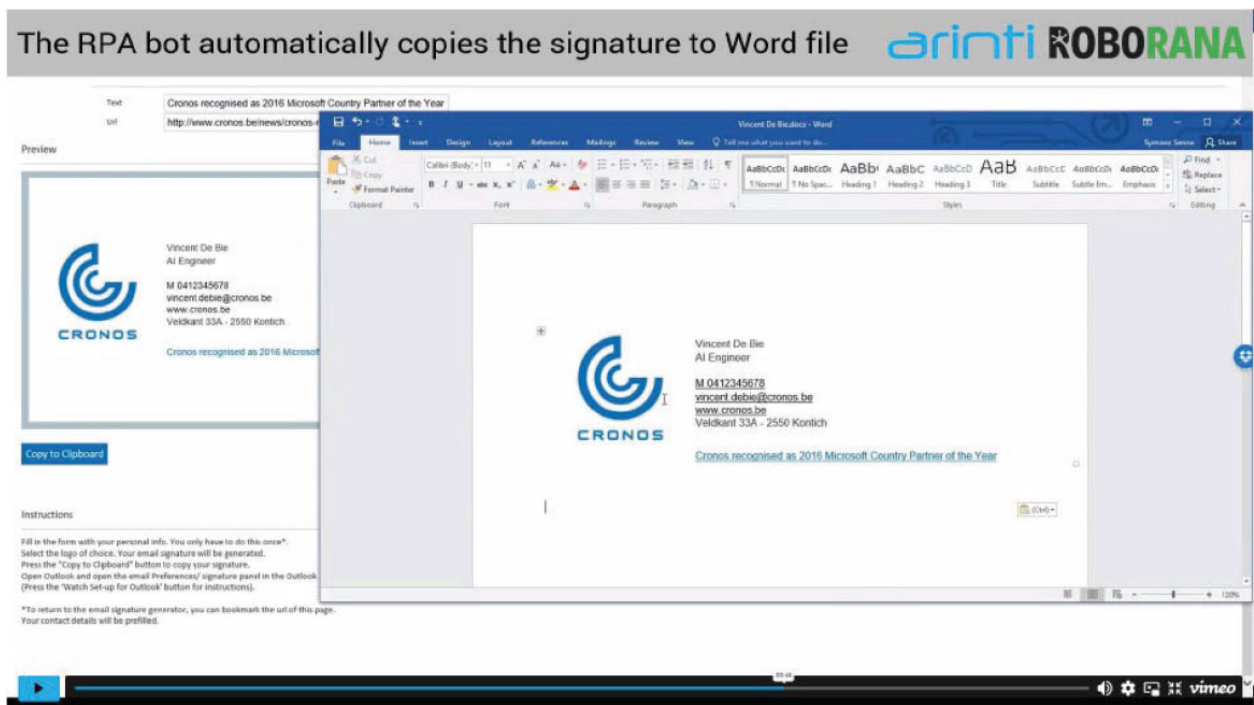
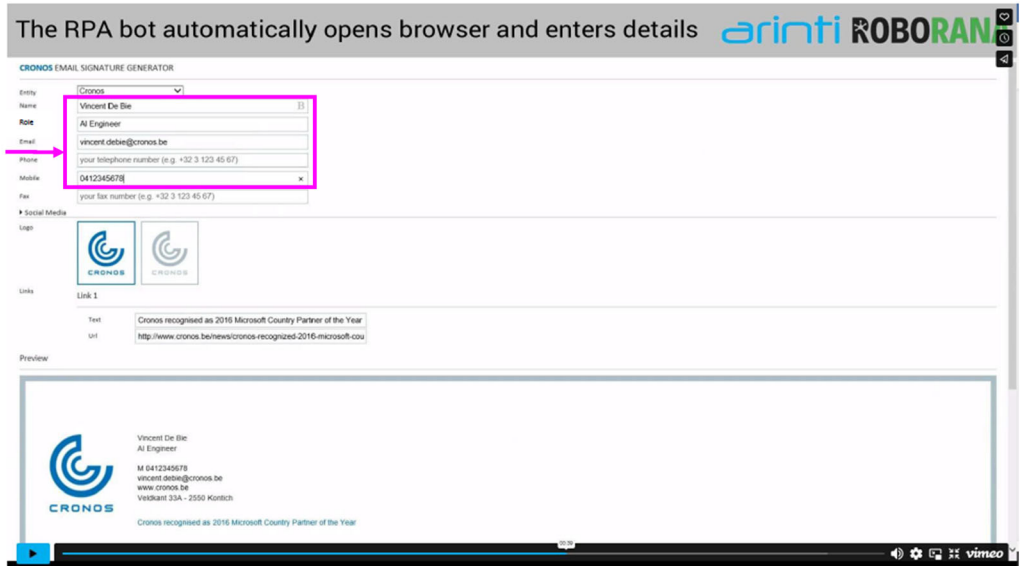


b. 5[b]: “wherein the widget is configured to invoke submission of the online form,”

Symons interacts with widgets such as a GUI button that copies the email signature onto the clipboard. (See element 1[h]; EX1006, 13; EX1003, ¶110.) After interacting with the widget to copy the signature, the “RPA bot automatically copies the signature to a Word file” and “automatically emails the Word file to the requester” (screens (below)). (EX1006, 15, 16; EX1003, ¶¶111-112.) The widget

invokes submission of the form; otherwise, the email signature would not have been generated. (*Id.*, ¶113.)

automatically
fill information
in a form,
wherein the
form comprises
the text input
field



- c. 5[c]: “wherein the chat-bot program product is configured to request user validation from the user before submitting the online form.”

It would have been obvious for Symons' form to be an online form. (*See* element 5[a]; EX1003, ¶116.) Before submitting the form, Symons' chatbot requests user validation from the user via questions such as "Is the following information correct?" (EX1003, ¶¶114-115.)

8. Claim 6: "The chat-bot program product of claim 1, wherein the information comprises information of the user, whereby personalizing the automation process."

Symons' chatbot asks the user for information specific to the user, such as "What is your full name?" (EX1006, 3-7; EX1003, ¶117.) The collected information of the user is used to personalize the automation process, here, generating a personalized email signature. (EX10003, ¶118.)

9. Claim 7: "The chat-bot program product of claim 1, wherein the chat-bot program product is configured to utilize credentials of the user, whereby the chat-bot is privy to user-specific information."

Symons' chat bot asks for information specific to the user, such as the user's full name, role, email address, and mobile phone number. (EX1006, 3-7, 11-13; EX1003, ¶119.) The information specific to the user are credentials of the user, and the chat bot is privy to the user-specific information. (EX1003, ¶¶120-121.)

- 10. Claim 8: “The chat-bot program product of claim 1, wherein implementation of the automation process is performed by automatically identifying the widget in the GUI and by automatically identifying the text input field in the GUI.”**

Symons’ system automatically interacts with a widget in the GUI, including identifying the GUI button (widget) in the GUI. (EX1006, 10-16; EX1033; EX1003, ¶¶122-123.) The system also identifies text input fields such as a name text input field in the GUI. (EX1006, 11, 12; EX1033; EX1003, ¶123.)

11. Claim 9

a. Preamble: “A method comprising:”

To the extent that the preamble is limiting (which Petitioner does not concede), Symons discloses the preamble.

Symons discloses “automat[ing] the process of creating an email signature.” (EX1004, 2; EX1003, ¶124.)

b. 9[a]: “receiving a user instruction from a user using a natural language interface of a chat-bot;”

Element 9[a] recites limitations similar to element 1[a], but requires the natural language interface be “of a chat-bot.” (EX1003, ¶125.) Symons’ system comprises a chat-bot. (*See* claim 1, EX1003, ¶126.)

c. 9[b]: “determining to implement an automation process on a web-based target system in response to the user instruction;”

Element 9[b] mirrors element 1[b], which Symons-Williams renders obvious. (EX1003, ¶127.)

- d. **9[c]: “collecting information to be used as part of the automation process; and”**

Element 9[c] mirrors element 1[c], which Symons discloses. (EX1003, ¶128.)

- e. **9[d]: “implementing the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”**

Element 9[d] mirrors elements 1[d], which Symons-Williams renders obvious. (EX1003, ¶129.)

- f. **9[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

Element 9[e] mirrors element 1[e], which Symons-Williams renders obvious. (EX1003, ¶130.)

- g. **9[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Element 9[f] mirrors element 1[f], which Symons-Williams renders obvious. (EX1003, ¶131.)

- h. **9[g]: “wherein said implementing the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

Element 9[g] mirrors element 1[g], which Symons-Williams renders obvious. (EX1003, ¶132.)

- i. **9[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

Element 9[h] mirrors elements 1[h], which Symons-Williams renders obvious. (EX1003, ¶133.)

12. **Claim 10: “The method of claim 9, wherein said implementing is performed by a client device used by the user.”**

Claim 10 recites a subset of claim 2, which Symons discloses. (EX1003, ¶134.)

13. **Claim 11: “The method of claim 10, wherein said implementing is performed by a browser that is executed by the client device.”**

Claim 11 recites a subset of claim 3, which Symons discloses. (EX1003, ¶135.)

14. **Claim 12: “The method of claim 9, wherein the chat-bot is configured to converse with the user in natural language using a vocal interface.”**

Claim 12 recites limitations similar to claim 4 (which Symons discloses alone or in combination with Williams), but requires a “chat-bot” instead of a “chat-bot program product.” (EX1003, ¶136.) A chat-bot program product is a chat-bot. (*Id.*)

15. Claim 13

- a. 13[a]: “The method of claim 9, wherein the automation process is configured to automatically fill information in an online form in the GUI, wherein the online form comprises the text input field,”**

Element 13[a] recites limitations similar to element 5[a], but requires filling information in an online form “in the GUI.” Symons-Williams renders obvious an online form in a GUI. (EX1003, ¶137.)

- b. 13[b]: “wherein the widget is configured to invoke submission of the online form,”**

Element 13[b] mirrors element 5[b], which Symons discloses. (EX1003, ¶138.)

- c. 13[c]: “wherein the method further comprises requesting user validation from the user before submitting the online form.”**

Element 13[c] mirrors element 5[c], which Symons renders obvious. (EX1003, ¶139.)

16. Claim 14: “The method of claim 9, wherein the information comprises information of the user, whereby personalizing the automation process.”

Claim 14 mirrors claim 6, which Symons discloses. (EX1003, ¶140.)

17. Claim 15: “The method of claim 9, wherein said implementing the automation process comprises: automatically identifying the widget in the GUI; and automatically identifying the text input field in the GUI.”

Claim 15 mirrors claim 8, which Symons discloses. (EX1003, ¶141.)

18. Claim 16

- a. Preamble: “A computerized apparatus comprising a processor and coupled memory, the processor being adapted to perform:”**

To the extent that the preamble is limiting (which Petitioner does not concede), Symons discloses the preamble.

Symons’ discloses a chatbot-RPA system, which is a computer system, that runs the chatbot-RPA program, Microsoft Word, and Microsoft Outlook.

(EX1006, 15, 19-21.) A computerized apparatus comprising a processor and coupled memory. (EX1003, ¶142.)

- b. 16[a]: “receiving a user instruction from a user using a natural language interface of a chat-bot;”**

Element 16[a] is similar to element 1[a], but requires the natural language interface be “of a chat-bot.” (EX1003, ¶143.) Symons discloses a chat-bot. (*See* claim 1; EX1003, ¶144.)

- c. 16[b]: “determining to implement an automation process on a web-based target system in response to the user instruction;”**

Element 16[b] mirrors element 1[b], which Symons-Williams renders obvious. (EX1003, ¶145.)

- d. 16[c]: “collecting information to be used as part of the automation process; and”**

Element 16[c] mirrors element 1[c], which Symons discloses. (EX1003, ¶146.)

- e. **16[d]: “implementing the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”**

Element 16[d] mirrors element 1[d], which Symons-Williams renders obvious. (EX1003, ¶147.)

- f. **16[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

Element 16[e] mirrors element 1[e], which Symons-Williams renders obvious. (EX1003, ¶148.)

- g. **16[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Element 16[f] mirrors element 1[f], which Symons-Williams renders obvious. (EX1003, ¶149.)

- h. **16[g]: “wherein said implementing the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

Element 16[g] mirrors element 1[g], which Symons-Williams renders obvious. (EX1003, ¶150.)

- i. **16[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

Element 16[h] mirrors element 1[h], which Symons-Williams renders obvious. (EX1003, ¶151.)

- 19. Claim 17: “The computerized apparatus of claim 16, wherein the computerized apparatus is a client device used by the user, wherein said implementing is performed by a browser that is executed by the client device.”**

Claim 17 recites limitations similar to claims 2 and 3, but requires a “computerized apparatus” be a client device and be configured to implement the automation process. (EX1003, ¶152.) Symons’ chat-bot program product is a computerized apparatus. (*Id.*, ¶153.)

- 20. Claim 18: “The computerized apparatus of claim 16, wherein the chat-bot is configured to converse with the user in natural language using a vocal interface.”**

Claim 18 recites limitations similar to claim 4 (which Symons discloses alone or in combination with Williams), but requires a “chat-bot” instead of a “chat-bot program product.” (EX1003, ¶154.) A chat-bot program product is a chat-bot. (*Id.*)

- 21. Claim 19**

- a. 19[a]: “The computerized apparatus of claim 16, wherein the automation process is configured to automatically fill information in an online form in the GUI, wherein the online form comprises the text input field,”**

Element 19[a] recites limitations similar to element 5[a], but requires filling information in an online form “in the GUI.” (EX1003, ¶155.) Symons-Williams renders obvious an online form in a GUI. (*See* claim 5; EX1003, ¶155.)

b. 19[b]: “wherein the widget is configured to invoke submission of the online form,”

Element 19[b] mirrors element 5[b], which Symons discloses. (EX1003, ¶156.)

c. 19[c]: “wherein the method further comprises requesting user validation from the user before submitting the online form.”

Element 19[c] recites a subset of element 5[c], which Symons renders obvious. (EX1003, ¶157.)

22. Claim 20: “The computerized apparatus of claim 16, wherein said implementing the automation process comprises: automatically identifying the widget in the GUI; and automatically identifying the text input field in the GUI.”

Claim 20 mirrors claim 8, which Symons discloses. (EX1003, ¶158.)

B. Ground 2 – Allen Renders Obvious Claims 1-20

1. Summary of Allen

Allen published on July 19, 2011, qualifying as prior art to the ’317 patent at least under § 102(a)(1). (EX1014.) The Examiner never found, and Applicant never cited, Allen during prosecution.

Allen discloses a system that allows a user to teach it how to perform complex, repetitive tasks that a user would perform using a GUI. (EX1014, Abstract; EX1003, ¶159.) The user teaches the system the task steps by inputting natural language (displayed in speech interface display 20) and demonstrating actions with the browser display 12 and movable cursor of the GUI 10 (Fig. 1 (annotated below)). (EX1014, Abstract; EX1003, ¶¶159-161.) After the task has been taught, the user instructs the system to perform the task, and the system automatically executes it. (*Id.*)

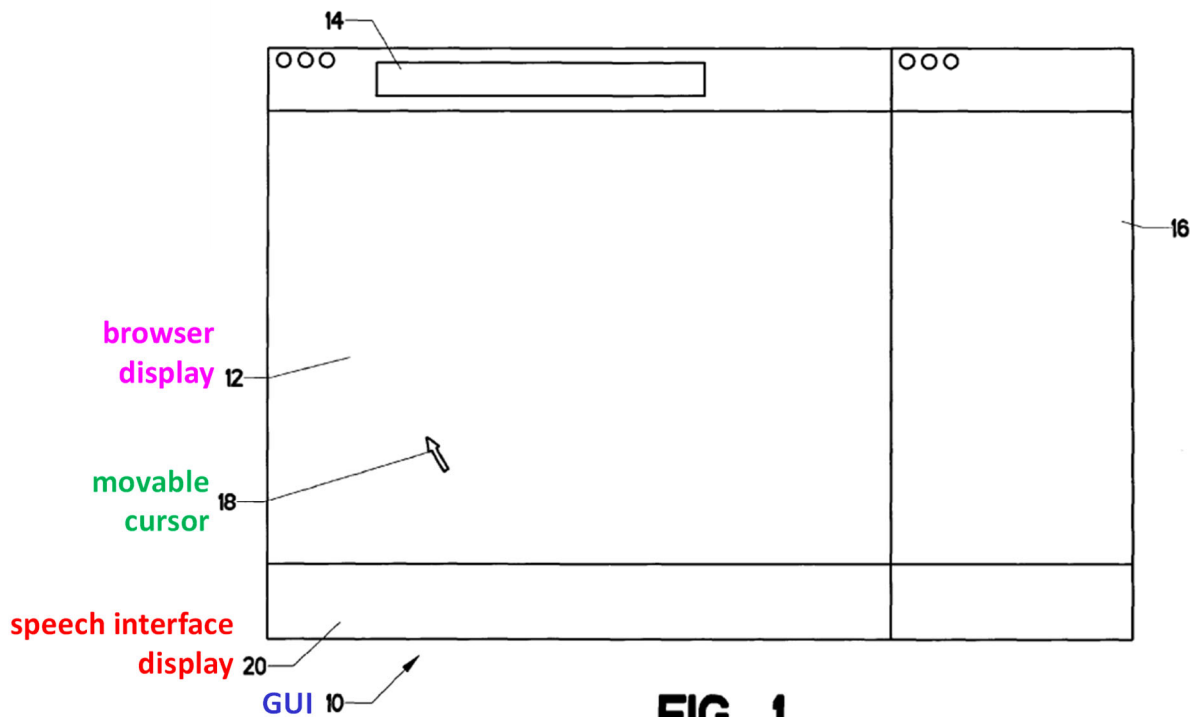


FIG. 1

2. Claim 1

- a. **Preamble: “A chat-bot program product, wherein the chat-bot program product comprises non-transitory computer readable medium retaining program**

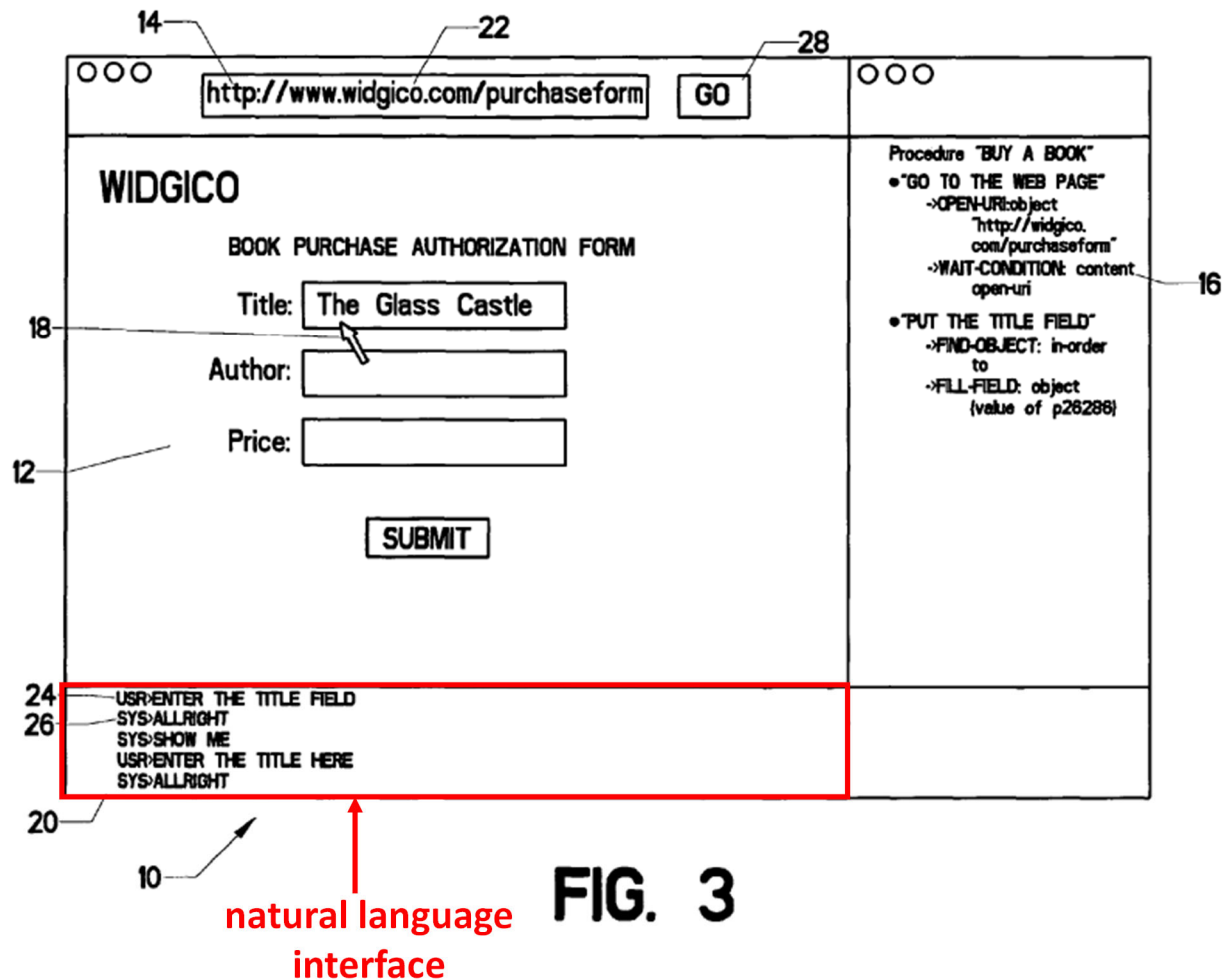
instructions, which program instructions when read by a processor, cause the processor to:

To the extent that the preamble is limiting (which Petitioner does not concede), Allen discloses the preamble.

Allen discloses a computer system having software which “includes a natural dialog-based interface whereby said user can communicate with said software using natural dialog-based language.” (EX1014, Claim 1.) A computer system comprises a non-transitory computer readable medium retaining program instructions (of the computer program). (EX1003, ¶¶162-165.)

b. 1[a]: “receive a user instruction from a user using a natural language interface;”

Allen’s “software includes a *natural dialog-based interface* whereby said *user can communicate with said software* using natural dialog-based language.” (EX1014, Claim 1 (emphases added); EX1003, ¶166.) Fig. 3 (annotated below) shows the user’s speech 24 and the system’s speech 26 (shown in the speech interface display 20 (natural language interface)). (EX1003, ¶166.)

**FIG. 3**

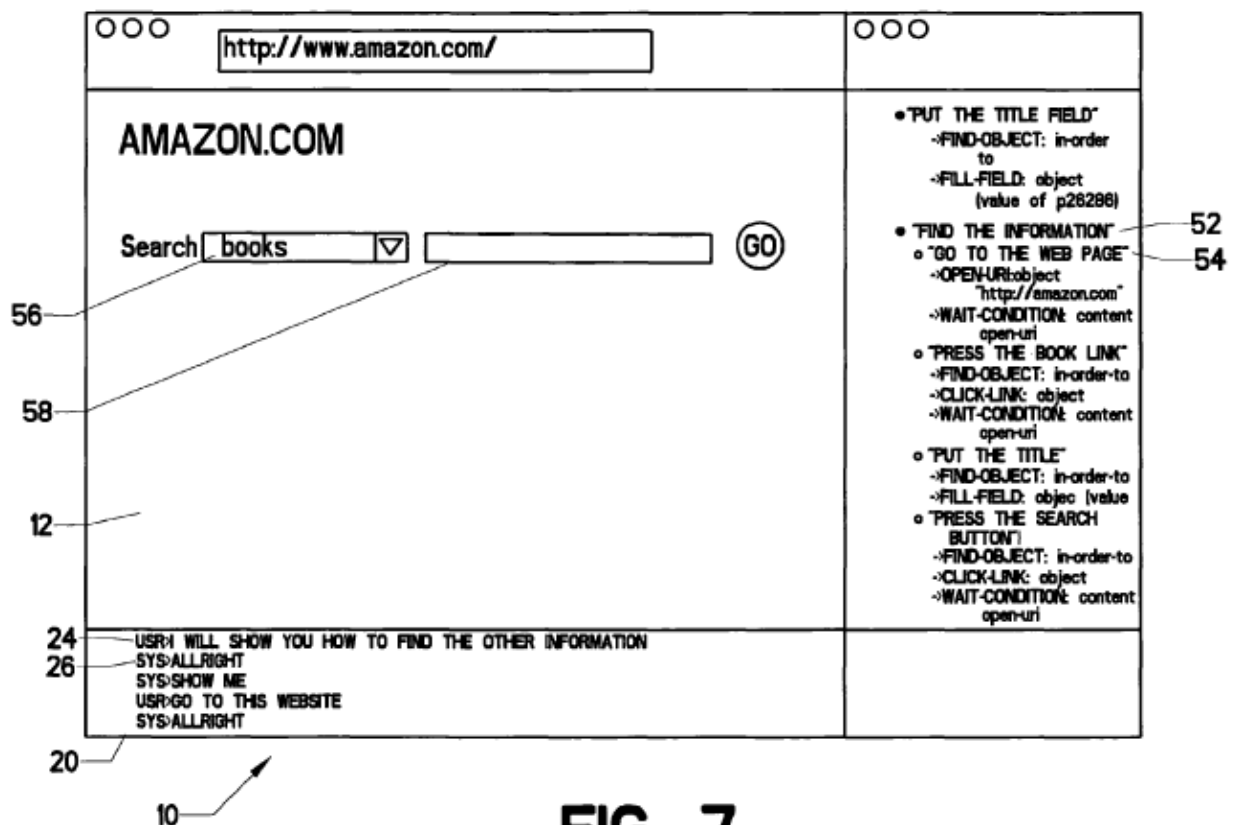
Allen's system executes the steps it previously learned, based on a user instruction from a user, such as "I want to buy a book." (EX1014, 3:44-46, 12:64-65; EX1003, ¶¶167-168.)

- c. **1[b]: "determine to implement an automation process on a web-based target system in response to the user instruction;"**

Allen discloses different user instructions, where the system determines to implement an automation process on a web-based target system in response. (EX1003, ¶169.) An example user instruction is "I want to buy a book." (See

element 1[a]; EX1014, 12:64-65; EX1003, ¶169.) The system would then ask, ‘What is the title of the book?’ Once information is provided, [the system] PLOW would then perform the steps it was previously taught and complete the transaction.” (EX1014, 12:66-13:1; EX1003, ¶169.)

Allen discloses, for example, “FIG. 7 [(below)] shows the process continued. Browser display 12 shows the ‘AMAZON.COM’ website (For purposes of visual clarity it is shown in simplified form). . . . The task log also shows the identification of a new sub-task of going to a new website (shown as sub-task label 540).” (EX1014, 12:31-37; EX1003, ¶170.)



Another example is when the user instruction is for the system to search for hotels (a different automation process). (EX1003, ¶171.) A “user conducts a search on the website known as ‘MAPQUEST.COM.’ Specifically, the user searches for hotels which are near the address ‘1018 E. De Soto St. Pensacola, Fla. 32501-3362.’” (EX1014, 16:33-40; EX1003, ¶171.) “The system will then execute the steps it previously learned.” (EX1014, 3:44-46; EX1003, ¶171.)

d. 1[c]: “collect information to be used as part of the automation process; and”

Allen’s system collects information to be used as part of the automation process. For example, the system asks “What is the title of the book?” and collects the title of a book from the user. (EX1014, 12:65-66.) The title (collected information) is used for buying the book. (EX1003, ¶¶172-173.)

e. 1[d]: “implement the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”

In Allen, the system observes the user’s actions and “then perform[s] the steps it was previously taught and complete[s] the transaction.” (EX1014, 6:61-65, 12:66-13:1; EX1003, ¶174.) The “user [] instructed the system to ‘Enter the title here’ (referring to a book title to be entered in title entry box 30).” (EX1014, 12:12-14.) The “system will utilize the processes previously described to search

the HTML code and identify the text object corresponding to the book's title. . . .

The system then submits the title as entered by the user.” (*Id.*, 12:19-25.)

Fig. 3 (below) illustrates the user input to the GUI of a web-based target system (www.widgico.com) for a book buying task (automation process). The system observes user input to the GUI, such as the user inputting the title in the title entry box 30, navigating to an online vendor site, pulling down and selecting the “Books” category, picking and inputting data in the text entry box 58, actuating the “GO” button, opening a specific book page, identifying the book price, and entering the book price on the purchase form. (EX1014, 12:11-61; EX1003, ¶¶175-176.) The system then performs the steps it was previously taught, so it simulates user input to GUI. (*Id.*, ¶¶176-177.)

To the extent that Allen does not disclose performing an automation of a sequence of interactions with a displayed UI and simulating user interactions with the displayed UI, it would have been obvious. (EX1003, ¶178.) Allen discloses “graphical user interface (‘GUI’) is preferably provided so that the *user can easily monitor [the system’s] actions.*” (EX1014, 4:66-5:1 (emphasis added).) It would have been obvious that in order for the user to easily monitor the system’s actions, the system’s actions would have to be displayed and involve interaction with a GUI. (EX1003, ¶¶178-179.)

- f. 1[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

In Allen, an automation process “involv[ing] web-based operations... can be configured to run within a web browser.” (EX1014, 4:61-63; EX1003, ¶180.)

Allen discusses example web-based target systems that are third-party web-based target systems: www.widgico.com, www.amazon.com, www.mapquest.com.

(EX1014, 6:6-10, 6:14 16, 6:24-26, 11:44-50, 12:31-33, 16:35-38, Fig. 3, Fig. 7, Fig. 12; EX1003, ¶181.)

- g. 1[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Allen’s system “function[s] in a *web-based environment* in which *information is transferred using HTML, XHTML, CSS, and/or scripts.*”

(EX1014, 3:26-31 (emphasis added); EX1003, ¶182.) The “user ‘teaches’ task steps by inputting natural language and demonstrating actions with the GUI.”

(EX1014, Abstract; EX1003, ¶182.) This means the automation process is defined to perform any functionality that a non-programmer user can perform in the GUI.

Thus, the executing is performed without utilizing an API of the computer program and without requiring the user provide any line of code. (*Id.*)

- h. 1[g]: “wherein the implementation of the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

Allen’s system is taught how to execute actions with a GUI, including typing into an input field. (EX1014, 7:43-45; EX1003, ¶183.) Each interaction comprises filling in a text input field of the GUI automatically and without user input. (*Id.*)

- i. **1[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined-functionality.”**

Allen’s system is taught how to execute actions with a GUI, including clicking a GUI button using a mouse, moving a mouse cursor, pulling down a drop-down box, typing into an input field, and waiting for a web page to load. (EX1014, Abstract, 6:5-7, 6:10-11, 6:20-22, 7:43-45, 12:38-41, 12:45-46; EX1003, ¶186.) Each interaction comprises interacting with a GUI element (widget) automatically and without user input. (EX1003, ¶¶187-188.)

3. **Claim 2: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to implement the automation process by a client device used by the user.”**

Allen’s chat-bot program product executes the automated process of buying a book or searching for a hotel (below): “via software running on a computational device . . . The system then learns to automatically execute steps by observing user’s actions and analyzing the verbal instructions the user provides.” (EX1014, 6:59-65.) The software may run “on a user’s computer.” (*Id.*, 4:63-64.) A user’s computer is a client device of the user. (EX1003, ¶189.)

4. **Claim 3: “The chat-bot program product of claim 2, wherein the chat-bot program product is configured to implement the automation process by a browser that is executed by the client device.”**

Allen’s system implements an automation process in a browser executed by the client device (below). (EX1014, 4:63-64, Fig. 1; EX1003, ¶190.)

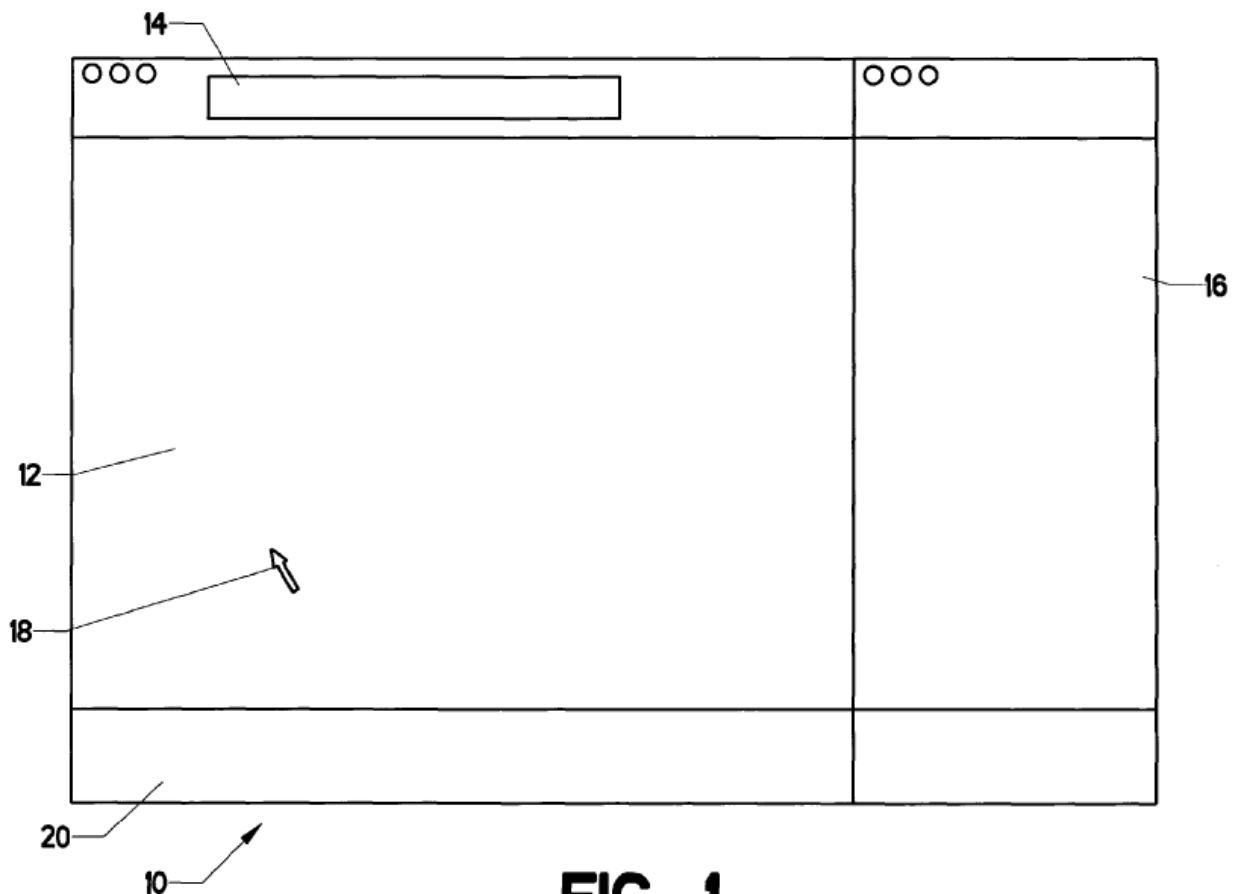


FIG. 1

5. **Claim 4: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to converse with the user in natural language using a vocal interface.”**

Allen discloses the “user’s computer is equipped with a *microphone to receive the user’s speech*. PLOW uses a language recognition software module to

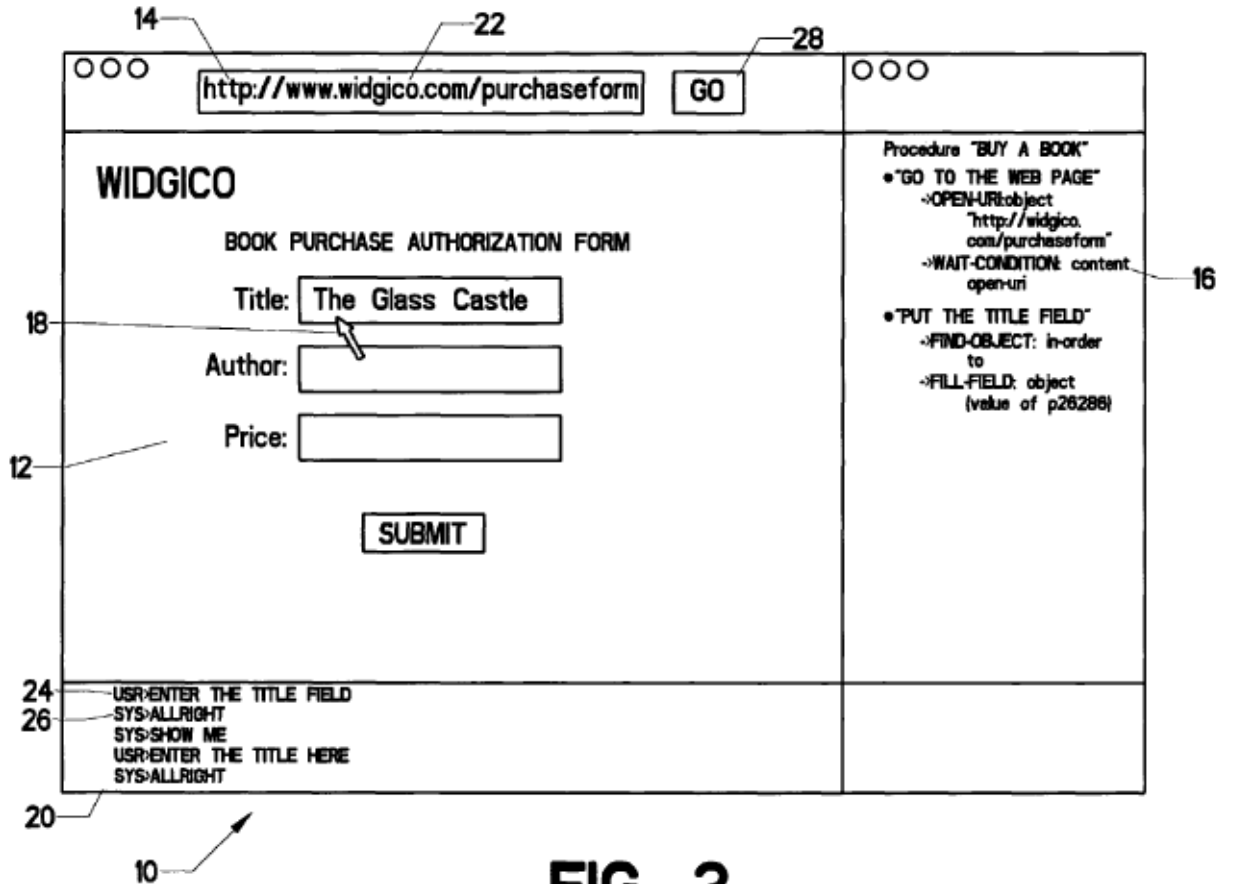
decipher the sounds created by the user and transform them into text”

(EX1014, 5:24-31 (emphasis added).) The user utters statements, such as “[e]nter the title field.” (*Id.*, 6:29-30; EX1003, ¶191.)

6. Claim 5

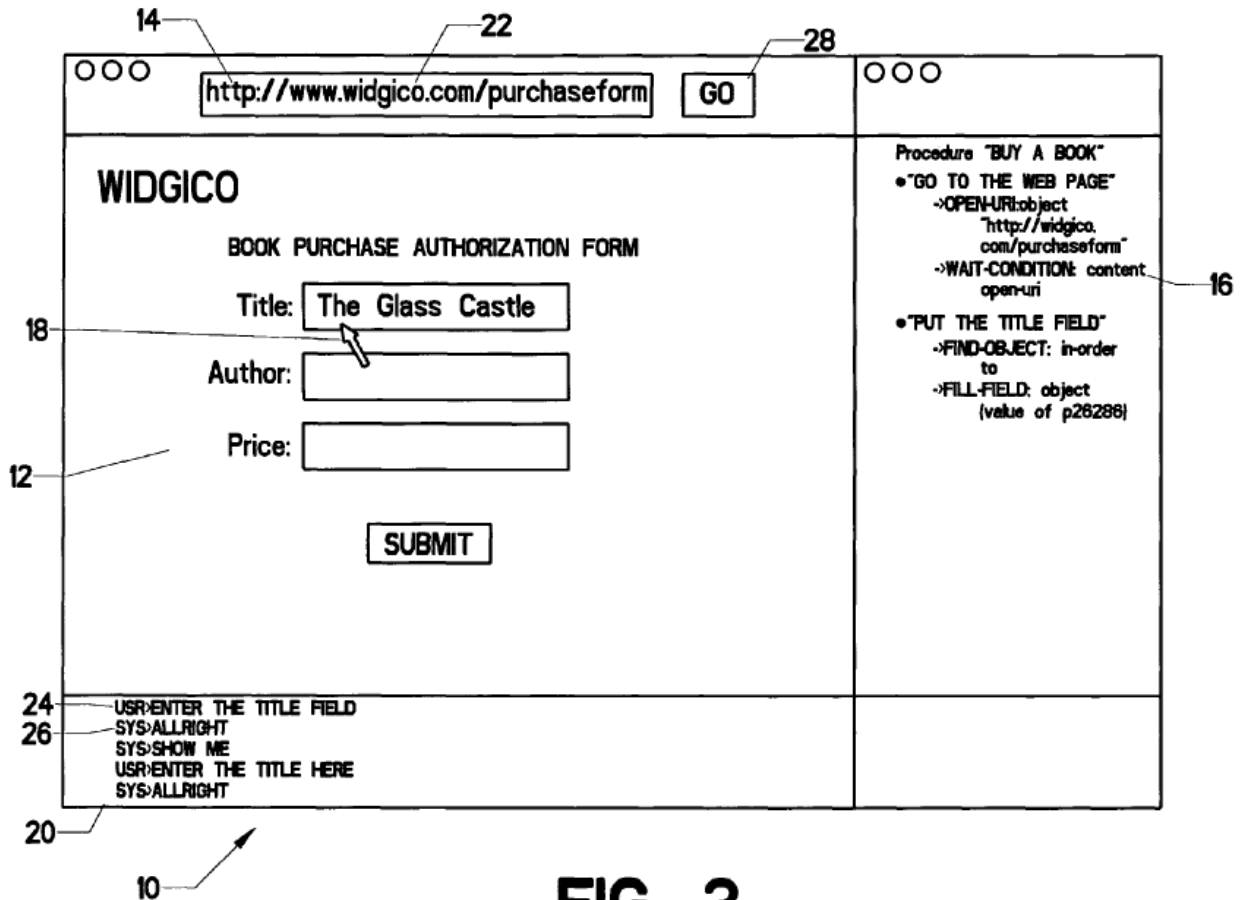
- a. 5[a]: “The chat-bot program product of claim 1, wherein the automation process is configured to automatically fill information in an online form, wherein the online form comprises the text input field,”**

Allen discloses an interface display 20 including an online “book purchase form” comprising text input fields (below). (EX1014, 6:27, FIG. 3; EX1003, ¶¶192-193.) The system of Allen “automatically execute[s] the task” of filling out information in the online form. (EX1014, Abstract; EX1003, ¶193.)

**FIG. 3**

- b. 5[b]: “wherein the widget is configured to invoke submission of the online form,”

Allen’s system interacts with widgets, such as a “Submit” button on an interface display 20. (EX1014, FIG. 3; EX1003, ¶194). Interacting (*e.g.*, clicking) on the “Submit” button submits a book purchase authorization form, which is an online form (below). (*Id.*)

**FIG. 3**

- c. 5[c]: “wherein the chat-bot program product is configured to request user validation from the user before submitting the online form.”

The system of Allen asks whether the user wishes to complete the transaction, which means that the chat-bot program product is configured to request user validation from the user. (EX1003, ¶195.) It would be obvious that the system asks for user validation before completing the transaction (submitting the online form) because the user’s response determines the system’s next step (whether to submit the online form and buy the book, or not). (*Id.*)

7. **Claim 6: “The chat-bot program product of claim 1, wherein the information comprises information of the user, whereby personalizing the automation process.”**

Allen’s system asks the user for information specific to the user and the user’s request, such as the title of a book that the user wants to buy, an address of the user, or an address of the user’s vacation. (EX1014, 12:65-66, 16:35-38; EX1003, ¶¶196-198.) This personalizes the automation process. (*Id.*, ¶¶196-198.)

8. **Claim 7: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to utilize credentials of the user, whereby the chat-bot is privy to user-specific information.”**

For implementing the book buying task, Allen’s system asks the user for user-specific information, such as the user’s delivery address. (EX1014, 12:65-13:5; EX1003, ¶¶199-201.) A POSITA would understand that the user’s address is a user credential provided to the user, and the system is privy to the user-specific information. (*Id.*, ¶201.)

9. **Claim 8: “The chat-bot program product of claim 1, wherein implementation of the automation process is performed by automatically identifying the widget in the GUI and by automatically identifying the text input field in the GUI.”**

Allen’s system automatically interacts with a widget in the GUI. (*See* element 1[h]; EX1003, ¶202.) The user demonstrates actions, and the system observes and then “automatically execute[s] the task.” (EX1014, Abstract, 6:5-6, 6:61-65; EX1003, ¶202.) Since the system observes the user identifying a widget

in the GUI and identifying a text input field in a GUI, then the system implements the automation process by doing the same: automatically identifying the widget in the GUI and automatically identifying the text input field in the GUI. (*Id.*, ¶203.)

10. Claim 9

a. Preamble: “A method comprising:”

To the extent that the preamble is limiting (which Petitioner does not concede), Allen discloses the preamble.

Allen discloses an “interactive method for learning and executing executable tasks using [natural] language and demonstration inputs from a user.” (EX1014, Claim 1; EX1003, ¶204.)

b. 9[a]: “receiving a user instruction from a user using a natural language interface of a chat-bot;”

Element 9[a] recites limitations similar to element 1[a], but requires the natural language interface be “of a chat-bot.” (EX1003, ¶205.) Allen’s system comprises a chat-bot. (*See* claim 1, EX1003, ¶206.)

c. 9[b]: “determining to implement an automation process on a web-based target system in response to the user instruction;”

Element 9[b] mirrors element 1[b], which Allen discloses. (EX1003, ¶207.)

d. 9[c]: “collecting information to be used as part of the automation process; and”

Element 9[c] mirrors element 1[c], which Allen discloses. (EX1003, ¶208.)

- e. **9[d]: “implementing the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”**

Element 9[d] mirrors elements 1[d], which Allen renders obvious. (EX1003, ¶209.)

- f. **9[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

Element 9[e] mirrors element 1[e], which Allen discloses. (EX1003, ¶210.)

- g. **9[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Element 9[f] mirrors element 1[f], which Allen discloses. (EX1003, ¶211.)

- h. **9[g]: “wherein said implementing the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

Element 9[g] mirrors element 1[g], which Allen discloses. (EX1003, ¶212.)

- i. **9[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

Element 9[h] mirrors elements 1[h], which Allen discloses. (EX1003, ¶213.)

- 11. Claim 10: “The method of claim 9, wherein said implementing is performed by a client device used by the user.”**

Claim 10 recites a subset of claim 2, which Allen discloses. (EX1003, ¶214.)

- 12. Claim 11: “The method of claim 10, wherein said implementing is performed by a browser that is executed by the client device.”**

Claim 11 recites a subset of claim 3, which Allen discloses. (EX1003, ¶215.)

- 13. Claim 12: “The method of claim 9, wherein the chat-bot is configured to converse with the user in natural language using a vocal interface.”**

Claim 12 recites limitations similar to claim 4 (which Allen discloses), but requires a “chat-bot” instead of a “chat-bot program product.” (EX1003, ¶216.) A chat-bot program product is a chat-bot. (*Id.*)

14. Claim 13

- a. 13[a]: “The method of claim 9, wherein the automation process is configured to automatically fill information in an online form in the GUI, wherein the online form comprises the text input field,”**

Element 13[a] recites limitations similar to element 5[a], but requires filling information in an online form “in the GUI.” Allen’s online form is in a GUI. (EX1003, ¶217)

- b. 13[b]: “wherein the widget is configured to invoke submission of the online form,”**

Element 13[b] mirrors element 5[b], which Allen discloses. (EX1003, ¶218.)

- c. **13[c]: “wherein the method further comprises requesting user validation from the user before submitting the online form.”**

Element 13[c] mirrors element 5[c], which Allen renders obvious. (EX1003, ¶219.)

- 15. **Claim 14: “The method of claim 9, wherein the information comprises information of the user, whereby personalizing the automation process.”**

Claim 14 mirrors claim 6, which Allen discloses. (EX1003, ¶220.)

- 16. **Claim 15: “The method of claim 9, wherein said implementing the automation process comprises: automatically identifying the widget in the GUI; and automatically identifying the text input field in the GUI.”**

Claim 15 mirrors claim 8, which Allen discloses. (EX1003, ¶221.)

- 17. **Claim 16**

- a. **Preamble: “A computerized apparatus comprising a processor and coupled memory, the processor being adapted to perform:”**

To the extent that the preamble is limiting (which Petitioner does not concede), Allen discloses the preamble.

Allen discloses a system that “includes software running on a user’s computational device.” (EX1014, Abstract.) A computational device is a

computerized apparatus comprising a processor and coupled memory. (EX1003, ¶222.)

- b. 16[a]: “receiving a user instruction from a user using a natural language interface of a chat-bot;”**

Element 16[a] is similar to element 1[a], but requires the natural language interface be “of a chat-bot.” (EX1003, ¶223.) Allen discloses a chat-bot. (*See* claim 1; EX1003, ¶224.)

- c. 16[b]: “determining to implement an automation process on a web-based target system in response to the user instruction;”**

Element 16[b] mirrors element 1[b], which Allen discloses. (EX1003, ¶225.)

- d. 16[c]: “collecting information to be used as part of the automation process; and”**

Element 16[c] mirrors element 1[c], which Allen discloses. (EX1003, ¶226.)

- e. 16[d]: “implementing the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”**

Element 16[d] mirrors element 1[d], which Allen renders obvious. (EX1003, ¶227.)

- f. 16[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

Element 16[e] mirrors element 1[e], which Allen discloses. (EX1003, ¶228.)

- g. 16[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Element 16[f] mirrors element 1[f], which Allen discloses. (EX1003, ¶229.)

- h. 16[g]: “wherein said implementing the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

Element 16[g] mirrors element 1[g], which Allen discloses. (EX1003, ¶230.)

- i. 16[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

Element 16[h] mirrors element 1[h], which Allen discloses. (EX1003, ¶231.)

- 18. Claim 17: “The computerized apparatus of claim 16, wherein the computerized apparatus is a client device used by the user, wherein said implementing is performed by a browser that is executed by the client device.”**

Claim 17 recites limitations similar to claims 2 and 3, but requires a “computerized apparatus” be a client device and be configured to implement the automation process. (EX1003, ¶232.) Allen’s chat-bot program product is a computerized apparatus. (*Id.*, ¶233.)

19. Claim 18: “The computerized apparatus of claim 16, wherein the chat-bot is configured to converse with the user in natural language using a vocal interface.”

Claim 18 recites limitations similar to claim 4 (which Allen discloses), but requires a “chat-bot” instead of a “chat-bot program product.” (EX1003, ¶234.) A chat-bot program product is a chat-bot. (*Id.*)

20. Claim 19

a. 19[a]: “The computerized apparatus of claim 16, wherein the automation process is configured to automatically fill information in an online form in the GUI, wherein the online form comprises the text input field,”

Element 19[a] recites limitations similar to element 5[a], but requires filling information in an online form “in the GUI.” (EX1003, ¶235.) Allen’s online form is in a GUI. (*See* claim 5; EX1003, ¶235.)

b. 19[b]: “wherein the widget is configured to invoke submission of the online form,”

Element 19[b] mirrors element 5[b], which Allen discloses. (EX1003, ¶236.)

c. 19[c]: “wherein the method further comprises requesting user validation from the user before submitting the online form.”

Element 19[c] recites a subset of element 5[c], which Allen renders obvious. (EX1003, ¶237.)

- 21. Claim 20: “The computerized apparatus of claim 16, wherein said implementing the automation process comprises: automatically identifying the widget in the GUI; and automatically identifying the text input field in the GUI.”**

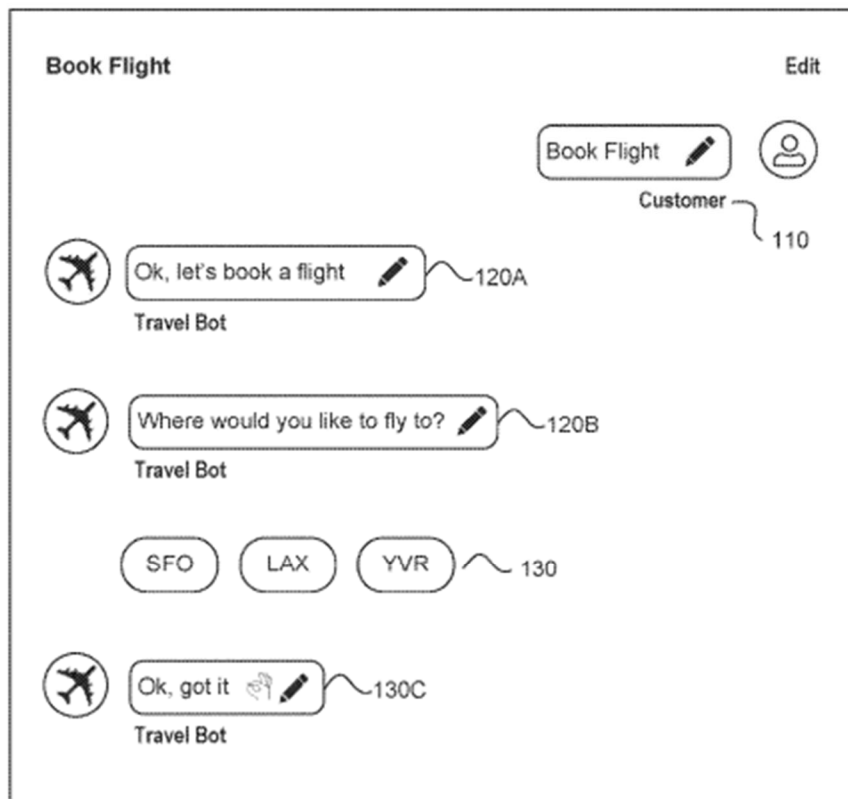
Claim 20 mirrors claim 8, which Allen discloses. (EX1003, ¶238.)

C. Ground 3 – Krishnan and Radhakrishnan Render Obvious Claims 1-4, 6, 7, 9-12, 14, and 16-18

1. Summary of Krishnan

Krishnan was filed on January 30, 2018, claims priority to a provisional application filed on November 3, 2017, and published on May 9, 2019. (EX1016; EX1003, ¶239.) The provisional application provides support for at least claim 1 of the Krishnan patent. (EX1017, [0001]-[0004], [0008]-[0015], [0019], [0020], [0021], [0024], [0028]-[0030], [0032], [0045]-[0048], Figs. 2, 3, 6, 7; EX1003, ¶239, Table 1.) The specific subject matter relied upon as prior art is also supported by the provisional application. (EX1017, [0001]-[0004], [0006], [0009]-[0011], [0012], [0014]-[0015], [0018]-[0019], [0021], [0024]-[0025], [0030], [0032], [0045]-[0046], [0048]-[0049], [0053]-[0054], [0057], Figs. 1, 9; EX1003, ¶239, Table 2.) Thus, Krishnan qualifies as prior art to the '317 patent at least under § 102(a)(2). (*Id.*); *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1382-83 (Fed. Cir. 2015). The Examiner cited, but never characterized or discussed Krishnan during prosecution.

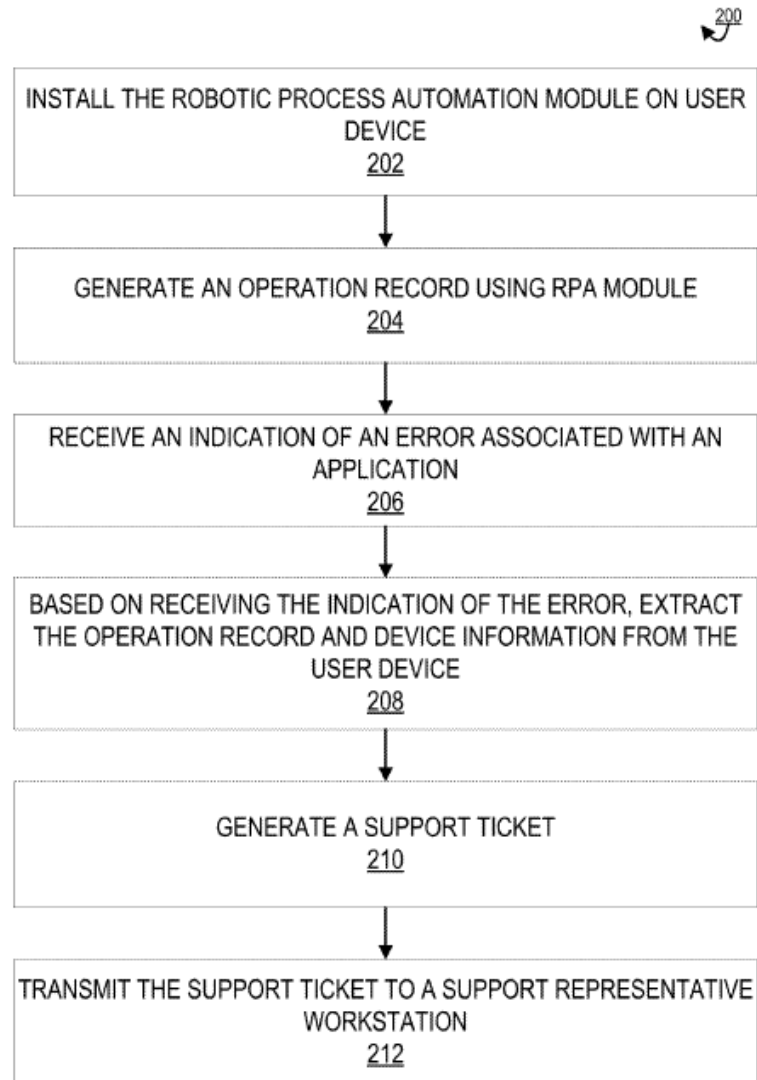
Krishnan discloses a visual chatbot builder and corresponding chatbot. (EX1016, Abstract; EX1003, ¶240.) The chatbot interfaces with customers via a conversation where the chatbot responds by retrieving and providing the requested information, requesting additional input or information from the customer, or performing an action and providing the user with status updates about the progress of the action. (EX1016, 2:40-44; EX1003, ¶240.) Fig. 1 (below) shows an example interface and conversation between the chatbot and a customer. (*Id.*)

**FIG. 1**

2. Summary of Radhakrishnan

Radhakrishnan was filed on October 30, 2017, and published on May 2, 2019, qualifying as prior art to the '317 patent at least under § 102(a)(2). (EX1018; EX1003, ¶241.) The Examiner never found, and Applicant never cited, Radhakrishnan during prosecution.

Radhakrishnan discloses an RPA module that simulates user operations with a GUI for generating and transmitting an operation record when a computer software-related error occurs (e.g., program crash, file corruption, etc.) (Fig. 2 (below)). (EX1018, Abstract; EX1003, ¶241.) The operation record is used for reproducing, diagnosing, and rectifying the error. (EX1018, 1:7-19; EX1003, ¶241.)

**FIG. 2**

3. Claim 1

- a. **Preamble: “A chat-bot program product, wherein the chat-bot program product comprises non-transitory computer readable medium retaining program instructions, which program instructions when read by a processor, cause the processor to:”**

To the extent that the preamble is limiting (which Petitioner does not concede), Krishnan-Radhakrishnan render obvious the preamble.

Krishnan discloses “a chat bot [] be configured to interact and interface with customers or consumers who are looking for answers to frequently asked questions.” (EX1016, 2:27-29; EX1003, ¶242.) Krishnan also discloses a “non-transitory computer usable or readable medium having control logic (software) stored thereon... Such control logic, when executed by one or more data processing devices... operate as described herein.” (EX1016, 12:43-45; EX1003, ¶242.) Radhakrishnan similarly discloses a non-transitory computer readable medium. (EX1008, 13:44-64; EX1003, ¶243.)

b. 1[a]: “receive a user instruction from a user using a natural language interface;”

Krishnan discloses a “chat bot [that] interact[s] and interface[s] with customers or consumers who are looking for answers to frequently asked questions. Some of these questions may include ‘how do I get a refund?’ ‘what is my order status?’ ‘how do I cancel my order?’ ‘What is your return policy?’ ‘What is the cheapest flight to Europe?’” (EX1016, 2:27-33; EX1003, ¶¶244-245.)

The chatbot receives input from a user. (EX1003, ¶¶246-247.) For example, the chatbot greets the user with a welcome dialog, and then the user provides a user instruction “Book Flight” 110 (Fig. 1 (annotated below)). The questions from the chatbot and input (including user instruction) from the user resemble language spoken by a human, received by the system using a natural language interface. (EX1003, ¶247.)

natural language
conversation

100

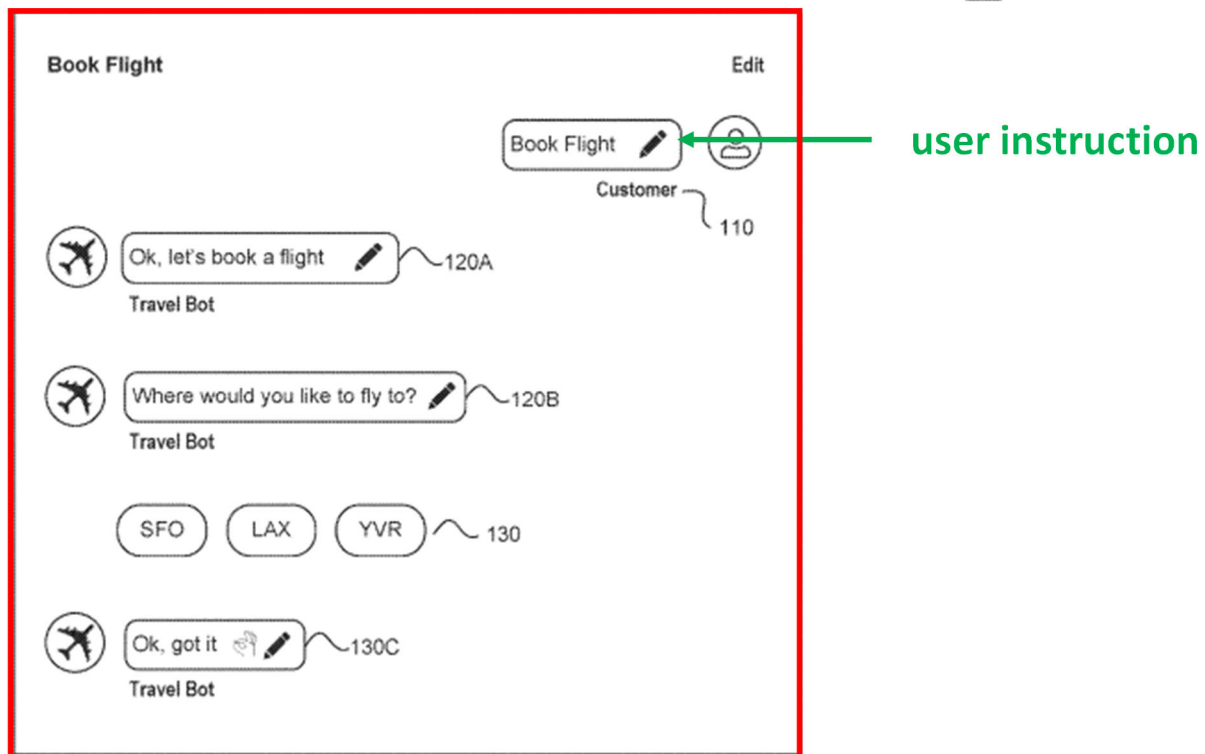


FIG. 1

natural language
interface

- c. 1[b]: “determine to implement an automation process on a web-based target system in response to the user instruction;”

In Krishnan’s flight booking task, the system receives the user instruction “Book Flight” 110. (See element 1[a]; EX1003, ¶248.) “Through executing dialogs, a chatbot can provide the user with information retrieved from another system, request information from the user, and perform actions to fulfill user

requests (such as account transfers, refunds, processing payments, booking tickets, etc.).” (EX1016, 3:46-50; EX1003, ¶249.) In response to the user instruction, the system determines to implement the automation process (booking a flight) on a web-based target system, such as a website on which a user may “have customer service requests fulfilled by a chat bot.” (EX1016, 2:10-12; EX1003, ¶250.)

d. 1[c]: “collect information to be used as part of the automation process; and”

In Krishnan’s flight booking task, the chat bot prompts the user by “requesting additional information 120B.” (EX1016, 2:65-66, Fig. 1; EX1003, ¶251.) The collected information is “necessary to book the flight.” (EX1016, 2:66-3:3; EX1003, ¶251.) The collected information is used to “process[] the request to book the flight.” (EX1016, 3:2-3; EX1003, ¶¶251-252.)

e. 1[d]: “implement the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”

Krishnan discloses implementing the automation process: “[t]hrough executing dialogs, a chatbot can provide the user with information retrieved from another system, request information from the user, and perform actions to fulfill user requests (such as account transfers, refunds, processing payments, booking tickets, etc.).” (EX1016, 3:46-50; EX1003, ¶253.) Krishnan also discloses a GUI of a web-based target system. “[A] *user may visit or log into a website* and have

customer service requests fulfilled by a chat bot.” (EX1016, 2:10-12 (emphasis added); EX1003, ¶254.) Krishnan is silent regarding whether or not its automation process interacts with and simulates user input to the GUI. (EX1003, ¶255.)

Radhakrishnan discloses “leverag[ing] the unique interactions of a robotic process automation module with a user interface of an application to *simulate user operations with the user device* to generate an operation record for automatically generating and transmitting a diagnosis and correction request to a workstation.” (EX1018, Abstract (emphasis added); EX1003, ¶256.) The RPA modules are “trained to *mimic user activity directly with a UI*” of the device. (EX1018, 5:49-50; EX1003, ¶256.) “[T]he simulated operations generated by the RPA module may act as a *mirror of the actual user operations* and be used as an accurate, complete operation record which details the user operations in their entirety.” (EX1018, 11:32-36 (emphasis added); EX1003, ¶256.) Mirroring user operations with a displayed UI means the automation process simulates user interactions with the displayed UI. (*Id.*)

It would have been obvious to combine Krishnan and Radhakrishnan. (EX1003, ¶257.) Krishnan discloses using a chatbot to “provide customer service to users.” (EX1016, 2:5-11; EX1003, ¶257.) Radhakrishnan discloses an RPA bot that helps diagnose computer software-related errors, such as “program crashes, file corruption, and operating errors” that are typical when using “computer

systems . . . to complete various tasks and increase user and/or process efficiency.” (EX1018, 1:7-12; EX1003, ¶257.) Both aim for better user convenience, lower operational costs, and increased user and/or process efficiency. (EX1016, 2:5-11; EX1018, 6:21-34; EX1003, ¶257.) Krishnan teaches achieving these objectives by using a chatbot as an interface between the user and, e.g., a back-end system. (EX1016, 2:33-35; EX1003, ¶258.) Radhakrishnan teaches using an RPA bot to automatically execute processes, such as a back-end process, at the presentation layer of the computing system (without an API). (EX1018, 5:21-23, 5:49-52; EX1003, ¶258.)

Krishnan provides one example for its chatbot: “a user may visit or log into a website and have customer service requests fulfilled by a chat bot.” (EX1016, 2:10-12; EX1003, ¶259.) A POSITA would have been motivated to fulfill these customer service requests by an RPA bot, particularly when the customer service request involves more complicated tasks. (EX1018, 5:32-35; EX1003, ¶259.)

Diagnosing and rectifying computer software-related errors is a complicated task, requiring a dedicated and specialized IT support staff. (EX1018, 1:9-18; EX1003, ¶259.) The RPA bot automatically and efficiently diagnoses and rectifies program crashes, file corruption, and operating errors, thereby lowering operational costs, and increasing user and/or process efficiency. (EX1018, 1:9-18; EX1003, ¶259.)

- f. 1[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

Krishnan discloses a chat bot that “provide[s] customer service to users via the Internet or a mobile application... For example, a user may visit or log into a website and have customer service requests fulfilled by a chat bot.” (EX1016, 2:5-11; EX1003, ¶260.) It would have been obvious that a website for customer service requests is a third-party web-based target system. (EX1003, ¶261.)

- g. 1[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Radhakrishnan discloses “[t]he RPA module may typically *interact[] with a presentation layer of the computer system (i.e., the UI)* and avoids more demanding interaction with any underlying data layers or logic of the underlying system in order to instruct operation of the user device, computer system, application, or the like.” (EX1018, 5:10-15 (emphasis added); EX1003, ¶262.) Radhakrishnan explains how its without-API RPA module “avoid[s] the costly and time consuming process of building a new and complicated API-based system[] from ground up.” (EX1018, 6:25-29; EX1003, ¶262.) “By leveraging robotic process automation technology, the present invention reduces the amount of computing resources required to execute tasks when compared with executing the same tasks using a traditional application programming interface (API).”

(EX1018, 6:21-25; EX1003, ¶262.) Thus, the automation process is implemented without relying on an API. (*Id.*)

Krishnan discloses implementing the automation process on a web-based target system, and it would have been obvious to combine Krishnan and Radhakrishnan. (*See* claim 1; EX1003, ¶263.)

- h. 1[g]: “wherein the implementation of the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

In Radhakrishnan, the user’s operations in a GUI include “operations such as selecting options (e.g., a check box, drop-down menu), *completing a field . . .*” (EX1018, 11:17-19 (emphasis added); EX1003, ¶264.) Since the RPA module mirrors the user’s operations in the GUI, the RPA module’s interactions comprise automatically and without user input, filling in a text input field in the GUI. (EX1018, 7:12-17; EX1003, ¶264.)

Krishnan discloses implementing the automation process on a web-based target system, and it would have been obvious to combine Krishnan and Radhakrishnan. (*See* claim 1; EX1003, ¶265.)

- i. 1[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

In Radhakrishnan, the user’s operations include “selecting options (e.g., a check box, drop-down menu), completing a field” (EX1018, 11:17-19 (emphasis added); EX1003, ¶266.) “[T]he simulated operations generated by the RPA module may act as a mirror of the actual user” (EX1018, 11:29-36; EX1003, ¶266.) Since the user’s operations comprise completing a field (inputting data to the displayed UI) and selecting GUI elements (executing a functionality of the displayed UI), and the RPA module mirrors the user’s operations, then the RPA module’s interactions comprise inputting data to the displayed UI and executing a functionality of the displayed UI. (EX1018, 7:12-17; EX1003, ¶266.)

Krishnan discloses implementing the automation process on a web-based target system, and it would have been obvious to combine Krishnan and Radhakrishnan. (EX1003, ¶267.)

4. Claim 2: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to implement the automation process by a client device used by the user.”

Krishnan’s “bot-builder interface, described herein, may be a computing device,” which, is a client device used by the user. (EX1016, 3:23-24; EX1003, ¶268.)

5. **Claim 3: “The chat-bot program product of claim 2, wherein the chat-bot program product is configured to implement the automation process by a browser that is executed by the client device.”**

Krishnan discloses implementing an automation process by a client device. (See claims 1 and 2; EX1003, ¶269.) Krishnan discloses “[a]n example use of a chat bot may be to provide customer service to users via the Internet or a mobile application. . . . For example, a user may visit or log into a website and have customer service requests fulfilled by a chat bot.” (EX1016, 2:5-11; EX1003, ¶270.) To access the Internet, the computing device (client device) of Krishnan uses a browser. (*Id.*)

6. **Claim 4: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to converse with the user in natural language using a vocal interface.”**

Krishnan discloses a chat bot “configured to simulate a conversation a user may otherwise have with a human user via text or auditory methods.” (EX1016, 2:1-4; EX1003, ¶271.) The chat bot uses a vocal interface to converse with the user in natural language (*e.g.*, “Book Flight”) via auditory methods. (*Id.*)

7. **Claim 6: “The chat-bot program product of claim 1, wherein the information comprises information of the user, whereby personalizing the automation process.”**

Krishnan discloses asking the user “for particular information... by which the system or bot can verify the user’s identity and/or retrieve information about the user’s account.” (EX1016, 4:41-46; EX1003, ¶272.) For an automation

process involving user-specific information, such as providing a user account balance information, Krishnan discloses collecting information of the user and personalizing the automation process based on the user-specific information.

(EX1016, 4:46-49; EX1003, ¶272.)

8. Claim 7: “The chat-bot program product of claim 1, wherein the chat-bot program product is configured to utilize credentials of the user, whereby the chat-bot is privy to user-specific information.”

Krishnan discloses using “particular information... [such as] email address, password, username, address” to verify the user’s identity. (EX1016, 4:41-46; EX1003, ¶275.) This information includes credentials of the user that are provided to the chat bot, and the chat bot is thereby privy to user-specific information. (*Id.*)

9. Claim 9

a. Preamble: “A method comprising:”

To the extent that the preamble is limiting (which Petitioner does not concede), Krishnan discloses the preamble.

Krishnan discloses a method of “conduct[ing] a conversation with a user” to “simulate a human conversational pattern.” (EX1016, 1:17-19; EX1003, ¶276.)

b. 9[a]: “receiving a user instruction from a user using a natural language interface of a chat-bot;”

Element 9[a] recites limitations similar to element 1[a], but requires the natural language interface be “of a chat-bot.” (EX1003, ¶277.) Krishnan’s system comprises a chat-bot. (*See* claim 1, EX1003, ¶278.)

- c. **9[b]: “determining to implement an automation process on a web-based target system in response to the user instruction;”**

Element 9[b] mirrors element 1[b], which Krishnan discloses. (EX1003, ¶279.)

- d. **9[c]: “collecting information to be used as part of the automation process; and”**

Element 9[c] mirrors element 1[c], which Krishnan discloses. (EX1003, ¶280.)

- e. **9[d]: “implementing the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”**

Element 9[d] mirrors elements 1[d], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶281.)

- f. **9[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

Element 9[e] mirrors element 1[e], which Krishnan renders obvious. (EX1003, ¶282.)

- g. **9[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Element 9[f] mirrors element 1[f], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶283.)

- h. 9[g]: “wherein said implementing the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

Element 9[g] mirrors element 1[g], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶284.)

- i. 9[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

Element 9[h] mirrors elements 1[h], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶285.)

- 10. Claim 10: “The method of claim 9, wherein said implementing is performed by a client device used by the user.”**

Claim 10 recites a subset of claim 2, which Krishnan discloses. (EX1003, ¶286.)

- 11. Claim 11: “The method of claim 10, wherein said implementing is performed by a browser that is executed by the client device.”**

Claim 11 recites a subset of claim 3, which Krishnan discloses. (EX1003, ¶287.)

12. Claim 12: “The method of claim 9, wherein the chat-bot is configured to converse with the user in natural language using a vocal interface.”

Claim 12 recites limitations similar to claim 4 (which Krishnan discloses), but requires a “chat-bot” instead of a “chat-bot program product.” (EX1003, ¶288.) A chat-bot program product is a chat-bot. (*Id.*)

13. Claim 14: “The method of claim 9, wherein the information comprises information of the user, whereby personalizing the automation process.”

Claim 14 mirrors claim 6, which Krishnan discloses. (EX1003, ¶289.)

14. Claim 16

a. Preamble: “A computerized apparatus comprising a processor and coupled memory, the processor being adapted to perform:”

To the extent that the preamble is limiting (which Petitioner does not concede), Krishnan and Radhakrishnan disclose the preamble.

Krishnan discloses a computer system that includes one or more processors and “a main or primary memory.” (EX1016, 11:13-15, 11:29-33; EX1003, ¶290.)

The computer system including both processor and memory means that the processor and memory are coupled (coupled memory). (*Id.*) Radhakrishnan discloses “any device that employs a processor and memory and can perform computing functions.” (EX1018, 3:36-43; EX1003, ¶291.) It would have been obvious to combine Krishnan and Radhakrishnan. (*See* claim 1; EX1003, ¶291.)

- b. 16[a]: “receiving a user instruction from a user using a natural language interface of a chat-bot;”**

Element 16[a] is similar to element 1[a], but requires the natural language interface be “of a chat-bot.” (EX1003, ¶293.) Krishnan discloses a chat-bot. (*See* claim 1; EX1003, ¶294.)

- c. 16[b]: “determining to implement an automation process on a web-based target system in response to the user instruction;”**

Element 16[b] mirrors element 1[b], which Krishnan discloses. (EX1003, ¶295.)

- d. 16[c]: “collecting information to be used as part of the automation process; and”**

Element 16[c] mirrors element 1[c], which Krishnan discloses. (EX1003, ¶296.)

- e. 16[d]: “implementing the automation process by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI of the web-based target system,”**

Element 16[d] mirrors element 1[d], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶297.)

- f. 16[e]: “wherein the automation process is performed with respect to third-party web-based target system and”**

Element 16[e] mirrors element 1[e], which Krishnan renders obvious. (EX1003, ¶298.)

- g. 16[f]: “without relying on an Application Programming Interface (API) exposed by the web-based target system,”**

Element 16[f] mirrors element 1[f], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶299.)

- h. 16[g]: “wherein said implementing the automatic process comprises: automatically and without user input, filling in a text input field in the GUI of the web-based target system; and”**

Element 16[g] mirrors element 1[g], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶300.)

- i. 16[h]: “automatically and without user input, interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality.”**

Element 16[h] mirrors element 1[h], which Krishnan-Radhakrishnan renders obvious. (EX1003, ¶301.)

- 15. Claim 17: “The computerized apparatus of claim 16, wherein the computerized apparatus is a client device used by the user, wherein said implementing is performed by a browser that is executed by the client device.”**

Claim 17 recites limitations similar to claims 2 and 3, but requires a “computerized apparatus” be a client device and be configured to implement the automation process. (EX1003, ¶302.) Krishnan’s chat-bot program product is a computerized apparatus. (EX1003, ¶303.)

16. Claim 18: “The computerized apparatus of claim 16, wherein the chat-bot is configured to converse with the user in natural language using a vocal interface.”

Claim 18 recites limitations similar to claim 4 (which Krishnan discloses), but requires a “chat-bot” instead of a “chat-bot program product.” (EX1003, ¶304.) A chat-bot program product is a chat-bot. (*Id.*)

VI. THE BOARD SHOULD NOT DENY INSTITUTION UNDER *FINTIV*

A. A Final Written Decision Will Issue Before Any Trial

A schedule has not yet been issued, and no trial date has been set, in the corresponding district court litigation. A Final Written Decision will issue in April 2025, whereas the trial date for the district court case (which has not been set) will likely be after.

B. Merits of the Petition Support Institution

As discussed above, the prior art teaches every element of the challenged claims, and are unpatentable. Thus, the merits of the petition weigh strongly in favor of institution. *See* USPTO Interim Procedure for Discretionary Denials, 2 (“the PTAB will not rely on the *Fintiv* factors to discretionarily deny institution. . . where a petition presents compelling evidence of unpatentability.”).

C. Stipulation Not to Rely on the Petition’s Grounds in District Court

Petitioner agrees to stipulate that, if this IPR is instituted, Petitioner will not advance the grounds in this Petition in the district court litigation. *Sand Revolution II, LLC v. Cont’l Intermodal Grp. – Trucking LLC*, IPR2019-01393, Paper 24 at 12

(PTAB June 16, 2020) (“Petitioner’s stipulation, however, mitigates to some degree the concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions.”).

In sum, the *Fintiv* factors in the aggregate weigh against the Board exercising its discretion to deny institution.

VII. THE BOARD SHOULD NOT DENY INSTITUTION UNDER 35 U.S.C. § 325(D)

The Petition does not raise the same or substantially the same art previously presented to the Office, nor does the Petition raise the same or substantially the same arguments previously presented to the Office in the examination of the ’317 patent. *Advanced Bionics, LLC v. MED-EL Elektromedizinische Gerate GmbH*, IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020). The Examiner did not characterize any prior art references during prosecution. Thus, none of Petition’s prior art was characterized or discussed during prosecution. (EX1003, ¶¶32-34.) Thus, the Board should not deny institution under 325(d).

VIII. CONCLUSION

Whatfix requests the Board initiate *inter partes* review of the challenged claims.

IX. NOTICES AND STATEMENTS

Pursuant to 37 C.F.R. § 42.8(b)(1), Whatfix Inc. and Whatfix Private Limited are the real parties-in-interest for Petitioner.

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

WalkMe Ltd., v. Whatfix Inc., No. 1:23-cv-00227-MN (D. Del.);

Whatfix Inc. v. WalkMe Ltd., IPR2023-01368 (PTAB Aug. 30, 2023);

Whatfix Inc. v. WalkMe Ltd., IPR2023-01379 (PTAB Sept. 20, 2023);

Whatfix Inc. v. WalkMe Ltd., IPR2023-01443 (PTAB Sept. 22, 2023).

Pursuant to 37 C.F.R. § 42.8(b)(3), Whatfix Inc. identifies the following counsel (and a power of attorney accompanies this Petition).

Lead Counsel	First Backup Counsel
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Pursuant to 37 C.F.R. § 42.8(b)(4), service information for lead and back-up counsel is provided above. Petitioner consents to electronic service by email to Whatfix-Walkme-IPR@mofo.com.

Pursuant to 37 C.F.R. § 42.104(a), Petitioner certify that the '317 patent is available for *inter partes* review and that Petitioner are not barred or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition.

The USPTO is authorized to charge any required fees, including the fee as set forth in 37 C.F.R. § 42.15(a) and any excess claim fees, to Deposit Account No. **03-1952** referencing Docket No. **28135-00000.08**.

Dated: October 19, 2023

Respectfully submitted,

By /s/ Alex S. Yap

Alex S. Yap

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Certification of Word Count (37 C.F.R. § 42.24)

I hereby certify that this Petition for *Inter Partes* Review has 12,394 words (as counted by the “Word Count” feature of the Microsoft Word™ word-processing system), exclusive of “a table of contents, a table of authorities, mandatory notices under § 42.8, a certificate of service or word count, or appendix of exhibits or claim listing.”

Dated: October 19, 2023

By /s/ Alex S. Yap
Alex S. Yap

Certificate of Service (37 C.F.R. § 42.6(e)(4) and 42.205(a))

I hereby certify that the attached Petition for Inter Partes Review and supporting materials were served as of the below date by UPS, which is a means at least as fast and reliable as U.S. Express Mail, on the Patent Owner at the correspondence address indicated for U.S. Patent No. 11,558,317:

Mark Koffsky
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New York, NY 10018

Dated: October 19, 2023

/s/ Alex S. Yap
Alex S. Yap