

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

PETITIONER'S REPLY TO PATENT OWNER RESPONSE

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Petitioner respectfully submits that the Board should cancel every challenged claim. Nothing in the Patent Owner Response (“POR”) compels a different conclusion.

I. CLAIM CONSTRUCTION

For this proceeding, the parties agree that the claim terms in the challenged claims of the ’317 patent should be given their ordinary and customary meaning. (POR, 23-24.)

II. GROUND 1: THE CHALLENGED CLAIMS ARE UNPATENTABLE OVER SYMONS-WILLIAMS

A. “a natural language interface” (Elements 1[a]/9[a]/16[a])

1. Symons teaches a “natural language interface”

Patent Owner (PO) agrees that Symons discloses a chatbot, but argues that it is not a “natural language interface.” (POR, 31-32.) Wrong. The Symons Article explicitly discloses a “natural language interface”: “[c]hatbots enable . . . a more intuitive *natural way to interact* with their customers” and “the chatbot collects all the necessary information in a *friendly, interactive manner*.” (EX1004, 2; EX1009, 2.) Baetens confirmed: “the team . . . implemented the chatbot as *an interface for a natural language conversation* with the user.” (EX1010, ¶8; EX1042, ¶¶7-11.)

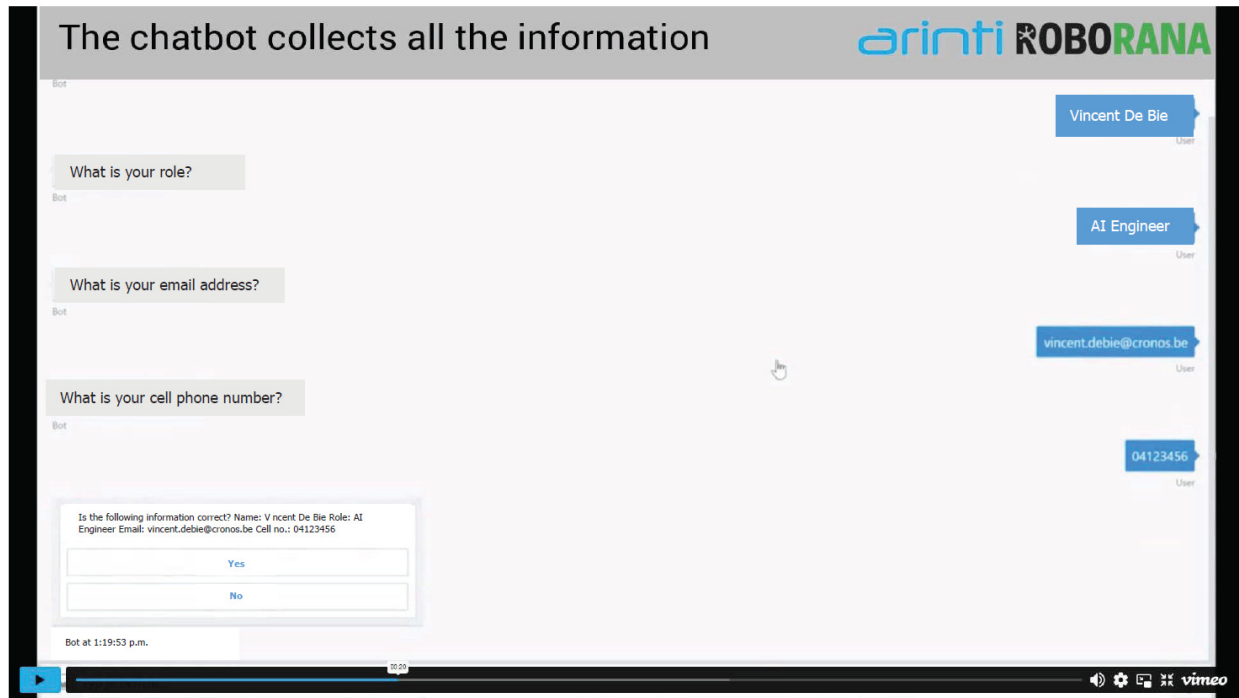
2. The claims do not require natural language processing (NLP)

PO argues that “Ground 1 does not establish ... whether [Symons] actually used a ‘natural language interface’ relying upon *NLP technology* to generate a ‘natural language conversation’.” (POR, 29, 31-32.) Nowhere do the claims recite “natural language processing.”

The two terms—“natural language interface” (claimed) and “natural language processing” (not claimed)—also have different meanings. As Dr. Beigi testified, “natural language processing” means “[y]ou spoke with me and I processed that [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.” (EX2003, 63:15-64:17; EX1001, 13:38-43 (“*processing* of the user’s interaction with the chat bot, such as using *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, 8:6-8 (“The chat bot may implement a *natural language interface* such as a text-based *conversation*, an oral *conversation*, or the like.”), 19:10-12.) Mr. Zatkovich does not. (EX2002, ¶122 (citing EX2003, 63:15-64:17); EX1042, ¶¶12-17.)

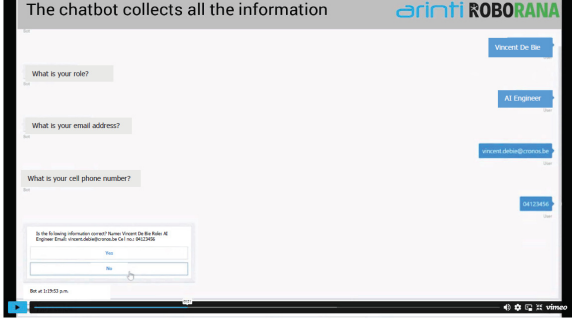
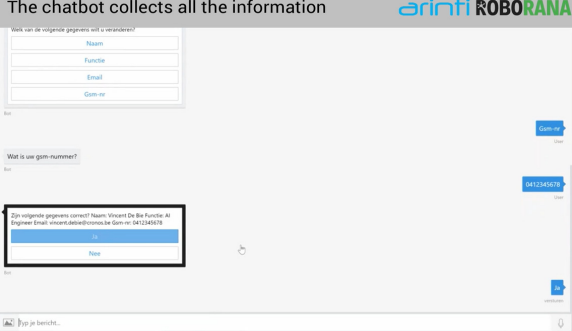
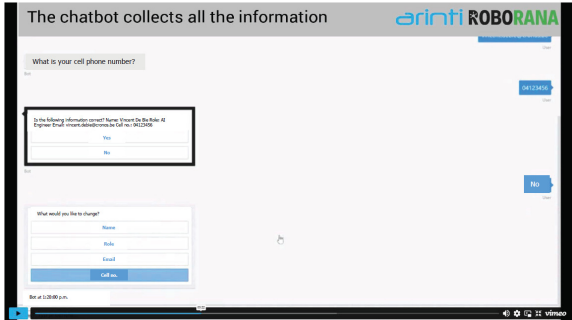
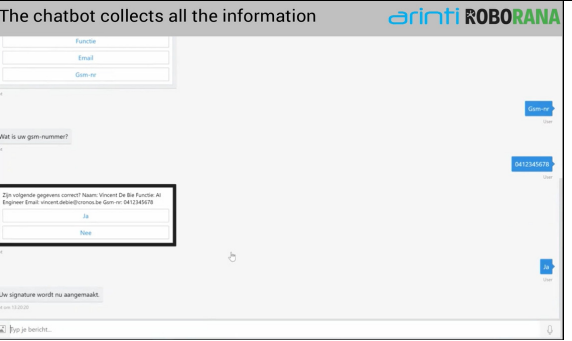
3. Symons teaches NLP if required by the claims

Nevertheless, after Symons' chatbot collects the user's information, it asks: "[i]s the following information correct?" (below).



(EX1006, 6.)

It then presents two different scenarios: the user's input is (1) "Nee" (No) (left column below); or (2) "Ja" (Yes) (right column below). The chatbot's actions that follow differ between the different scenarios, corresponding to understanding—*i.e., processing*—the user's input. (EX1042, ¶¶18-21.)

Input: “No”	Input: “Yes”
The chatbot collects all the information arinti ROBORANA  (EX1006, 7 (chatbot receives “No” input))	The chatbot collects all the information arinti ROBORANA  (EX1033, 00:28 (chatbot receives “Yes” input))
The chatbot collects all the information arinti ROBORANA  (EX1006, 8 (chatbot understands that the information is <u>not</u> correct, and asks the user “What would you like to change?”))	The chatbot collects all the information arinti ROBORANA  (EX1003, 00:31 (chatbot understands that the information is correct, and states “Uw signature wordt nu aangemaakt”))
The chatbot collects all the information arinti ROBORANA 	

(EX1033, 0:27 (chatbot receives “Gsm-nr” input; understands the input, and asks “Wat is uw gsm-nummer?”))	
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Furthermore, none of PO’s evidence of the definition of “chatbot” is associated with Symons/Baetens. (POR, 33.) EX2007 is a post-dated article about a “bot[] [where] only buttons are used”—that is not Symons. (EX2007, 1; *see also* EX1040, 1 (“[t]here are two main approaches to natural language processing: *rule[]-based NLP* and machine-learning-based NLP.”); EX1042, ¶9.)

And EX2008 supports Petitioner’s position. Consistent with the ’317 specification, EX2008 describes older chatbots that “worked well for specific questions and answers on which they had been trained.” (POR, 33-34; EX2008, 2-3.) A POSITA would have expected a chatbot that handles specific questions to use NLP as it would respond with appropriate answers. (EX1042, ¶¶10-11.)

B. “determin[ing] to implement an automation process . . . in response to the user instruction” (Elements 1[b]/9[b]/16[b])

PO’s arguments for elements 1[b]/9[b]/16[b] fails because it mischaracterizes the claim, the art, and the Petition.

1. The claims do not require multiple automation processes by a single chatbot-RPA that handles multiple requests at once and a single conversation thread

PO tries to save its claims by arguing that the claims require: (1) multiple automation processes; (2) a single chatbot-RPA; (3) handling multiple requests at once; *and* (4) a single conversation thread. (POR, 5, 27, 29, 34.) There are no such requirements in the claim language.

To the contrary, the specification supports the claims as encompassing:

- a single automation process. (EX1001, 10:5-7 (“*one* or more automation processes”), 19:44-46 (“a specific (*single*) automation process), *also* 14:18-20);
- multiple chatbot-RPAs (17:36-38 (“*HR Bot* may be assigned several conversations that are different from those of a *CRM Bot*”));
- non-simultaneous handling of requests (17:29-32 (“automation processes may be performed *sequentially* (either immediately one after the other, or with immediate questions therebetween”), 19:46-48); and
- multiple conversation threads (17:36-38, 11:66-67 (“define several different conversation[s] for a single chat bot (e.g., HR Bot”), 10:4-5). (EX1042, ¶¶25-26.)

Finally, “determin[ing]” includes determining whether to use/invoke a single automation process, *e.g.*, the determination may be invoked by the chat bot receiving responses from the user. (EX1001, 11:59-62 (“a conversation flow [in] which [the] automation process is invoked thereby and which parameters are passed thereto”); EX1042, ¶22.)

2. Symons-Williams teaches multiple automation processes, a single chatbot-RPA that handles multiple requests, and a single conversation thread

Even under PO’s reading of the claim language, Williams discloses “[t]hese chatbots can engage in natural language dialog with the caller [*(single conversation thread)*] and discern, through a series of interactions, the nature of the call [*(multiple requests)*] and then capture information further required to handle the request. The chatbot will then trigger a robot [*(single chatbot-RPA)*].” (Petition, 17-18 (quoting EX1011, 3)¹; EX1011, 3, 4 (describing multiple requests (“obtaining travel and expense and payment status, updating our backend systems, and closing the inquiry”), and multiple automation processes (RPA operations, “robots,” “robotic work dispatching,” “assignment of tasks to robots for execution.”)); EX1042, ¶¶27-31.)

¹ Contrary to PO’s assertions, Williams provided more than definitions. (POR, 29; EX1042, ¶29.)

3. Symons points a POSITA to Williams

Finally, PO is wrong that Symons’ chatbot was only programmed to implement a single conversation thread. (POR, 27.) The fact that Symons’ chatbot uses NLP confirms that it is not “merely [a] hardwir[ed] conversation,” as Mr. Zatkovich argues. (EX2002, ¶145.) A creative POSITA (*KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007)) would not have understood Symons’ teachings according to Mr. Zatkovich’s “single purpose . . . chat-RPA bot” with “no need to determine the automation process.” (EX2002, ¶155.) Symons teaches a chatbot-RPA and its welcome message (“*at this moment* you can only use me to create a new Cronos signature” (EX1006, 2)) suggests combining with teachings of multiple automation processes (Williams). (EX1042, ¶31.)

C. “third-party web-based target system” (Elements 1[e]/9[e]/16[e])

PO argues that Williams’ web-based system is not a third-party system, and improperly conflates Williams’ disclosures to suggest they describe an internal system. (POR, 37.) But PO’s cited passages refer to *different* layers for communicating data. As Dr. Beigi explains, “work through system’s graphical interfaces, including web browsers” in Williams refers to the presentation layer (third-party system), and “manipulation of a call center’s internal databases” in Williams refers to the data layer (internal system). Contrary to PO’s arguments, a POSITA would have understood that internal systems do not communicate using

the presentation layer (such as a GUI) because it would be unnecessary and there are disadvantages with doing so including added time and costs needed for data formatting and passing through the different layers. Thus, Williams’ “work through system’s graphical interfaces, including web browsers” means “a third-party web-based target system.” (EX1042, ¶¶32-34.)

And the PO’s argument that Symons *alone* does not disclose a “third-party web-based target system” should be rejected. (POR, 6, 30.) The Petition’s theory relies on the combination of Symons and Williams for this teaching. (Petition, 21.)

D. “text input field in the GUI of the web-based target system” (Elements 1[g]/9[g]/16[g]) And A “widget in the GUI” (Elements 1[h]/9[h]/16[h])

PO does not dispute that Symons teaches both a text input field and a widget, but argues that they are in two different GUIs of two different target systems. (POR, 7, 30, 38.) But the Petition pointed to one GUI (screens shown in EX1006) and one target system (Symons’ RPA software). (Petition, 22; EX1042, ¶¶35-37.) PO should not be allowed to rewrite the Petition. Further, the Petition relies on Williams, not Symons, for its teachings of a “web-based” target system. (POR, 40.) PO’s rebuttal fails.

E. The Board Should Reject PO's Mischaracterization Of The '317 Claims And Symons/Baetens

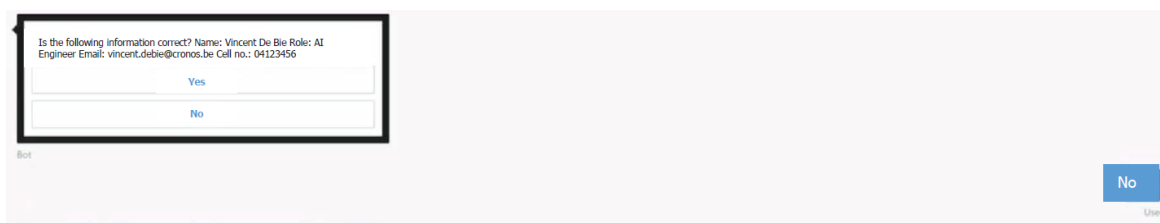
First, PO attempts to discredit the Symons Video by arguing that the “internals” are not known. (POR, 31.) But the Symons Article and Baetens Article provide the level of details need to show that Symons teaches the claims. As PO acknowledges, the claims broadly require “receiving a user instruction from a user using a natural language interface,” “collecting information to be used as part of the automation process,” “determining to implement an automation process on a web-based target system in response to the user instruction,” and “implementing the automation pshrocess [sic] by interacting with a Graphical User Interface (GUI) of the web-based target system and simulating user input to the GUI f the web-based target system.” (POR, 1.) The *type* of RPA and chatbot tools, *how* Symons built the automation, *how* the chatbot triggers the RPA bot, and *differences* between Symons' RPA and a simple program are not details required by the claims, and are in fact, details missing from the '317 specification. (POR, 2, 18; EX1042, ¶¶38-44.)

Second, Baetens' “we can't share much about the results of our joint effort (yet)” does not mean the chatbot-RPA had not been developed or that Baetens was intentionally hiding it for that reason. (POR, 5, 27.) Companies do not share low-level details of a developed product for many reasons, including to delay competition even in developed technologies, as Mr. Zatkovich explains. (EX1036,

24:22-26:4.) PO had the opportunity to depose Baetens (and Symons) to understand his comment but failed to do so. (EX1036, 94:17-95:7.) And the same hold for Mr. Zatkovich’s unsupported contentions (the Symons Video was put together very quickly, the Arinti chatbot was not publicly available, etc.). (EX2002, ¶133; EX1042, ¶¶38-44.)

Third, Mr. Zatkovich’s attempt to prove that the Symons Video was hardcoded fails. Mr. Zatkovich provides no evidence that his computer program “gathered all the same information in the same manner” as the Symons Video. (EX2002, ¶135.) He admits that he himself does not know the “internals” such that he does not know whether his computer program operates the as Symons, and a side-by-side comparison shows that there is “match” between them. (EX2002, ¶134; EX1042, ¶¶45-53.)

Symons



Mr. Zatkovich’s Program



- F. “implement[ing] the automation process by a client device” (Claim 2) (*also* “said implementing is performed by a client device” (Claim 10)) And “implement[ing] the automation process by a browser that is executed by the client device” (Claim 3) (*also* “said implementing is performed by a browser that is executed by the client device” (Claims 11/17))**

For claims 2/3, PO’s sole rebuttal involves mischaracterizing the claim language. Claim 1 requires “receiv[ing] a user instruction from a user” for the chat-bot program product. Unlike claims 2/3, claim 1 does not recite a “client device.” As a result, claims 1 and 2/3 do not require that the chat-bot program product and automation process be run on the same “client device,” as PO argues. (POR, 41; EX1042, ¶54.)

- G. “vocal interface” (Claims 4/12/18)**

PO’s argument that there is no motivation to use a vocal interface because of poor performance and inconvenience is wrong. (POR, 42.) PO is wrong. The performance of vocal interfaces at the time of the ’317 alleged invention were comparable to human transcribers. (EX1041, 2 (announcing a voice-based service that achieved the human parity word error rate.) And in some instances (*e.g.*, no convenient access to a keyboard, user not proficient with typing), the benefits of a voice-based service outweigh the small costs. (EX1042, ¶¶55-56.)

H. “online form compris[ing] the text input field, wherein the widget is configured to invoke submission of the online form” (Claims 5/13/19)

PO next argues that Symons’ widget merely allows copying and does invoke submission of the online form. (POR, 43.) PO is wrong. As explained in the Petition, after interacting with the widget (invoking), the RPA bot copies the signature to a Word file and automatically emails the Word file to the requester. (Petition, 27-28.) These actions demonstrate the submission of the online form. (EX1042, ¶¶57-58.)

And PO’s repeat argument regarding the “text input field” and “widget” being in the same GUI should be rejected for the same reasons as before. (Section II.D.)

I. “wherein the information comprises information of the user, whereby personalizing the automation process” (Claims 6/14)

PO’s argument for claim 6 rests on a misreading of the claim language. (POR, 44.) Claim 6 does not require different automation processes for different users. Claim 1 just requires that claim 6’s “information of the user” be “collect[ed] information [] used as part of the automation process.” (EX1001, Claim 1, 6.) In other words, the “personalizing the automation process” occurs when the collected information is “information of the user.” And when the information of the user is used in the automation process, then the steps of the automation process vary. PO

does not dispute that the collected information in Symons is information of the user. (EX1042, ¶¶59-60.)

J. “chat-bot program product is configured to utilize the credentials of the user, whereby the chat-bot is privy to user-specific information” (Claim 7)

For claim 7, PO’s only argument is that “Employee ID,” “First Name,” and “Last Name” of the ’317 specification disclosures are not “credentials of the user.” (POR, 44-45.) PO points to 20:10-16 of the ’317 specification and argues that it makes a distinction between parameters (associated with the chatbot’s questions) and information like credentials. But, as 20:13-15 states, the parameters are associated with the user credentials, thereby not distinguishing the two. (EX1001, 20:13-15 (“[a]dditionally, or alternatively, the user may associate *parameters* available to the chat bot, such as based on the *user credentials*.”); EX1042, ¶¶61.)

K. “automatically identifying the widget in the GUI” And “automatically identifying the text input field in the GUI” (Claims 8/15/20)

With no viable rebuttal, PO resorts to accusing Petitioner of not providing support for claims 8/15/20. (POR, 45.) But the Petition pointed to the Symons Video showing “[t]he RPA bot automatically open[ing] browser and enter[ing] details” and “automatically cop[y]ing the signature to a Word file.” (Petition, 30.) In order for the RPA bot to automatically enter the details and copy the signature, it must have identified the text input field and the widget. (EX1042, ¶¶62-63.)

III. GROUND 2: THE CHALLENGED CLAIMS ARE UNPATENTABLE OVER ALLEN

A. “natural language interface” (Elements 1[a]/9[a]/16[a])

PO’s sole rebuttal depends on a flawed understanding of Allen’s Figure 6. (POR, 52-53.) The question in Figure 6 (“What is the name of the book you are looking for?”) is different from the question (“What is the title of the book?”) of the 12:62-13:1 conversation. PO agreed in the ’664 IPR. (POR of IPR2023-001368, 55-56 (“FIG. 6 . . . is separate from the conversation used to obtain the input of ‘I would like to buy a book,’ and occurs in a different interface”).) Further, the Petition did not rely on Figure 6 because it relates to training, not executing the automation process. (EX1014, 10:25-30 (“observing the user’s actions in *teaching* the step”).) And PO’s assertions that Dr. Beigi stated that Figure 6 is not a “natural language interface” is false. (POR, 52-53 (citing EX2003, 257:20-24).) The questions that PO asked were regarding “a form where you fill in name, address, telephone number” and “an example of how the system asked it using the word ‘name’ instead of ‘title’”—these are not questions about Figure 6. (EX1042, ¶¶64-70.)

B. “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” (Elements 1[d]/9[d]/16[d])

PO is wrong that Allen’s automation process is not displayed when executed. (POR, 8, 53-54.) Allen discloses a “method for learning and *executing*

executable tasks using language . . . comprising: . . . providing software running on said computational device and supported **GUI-based interaction with said user**; . . . wherein said software includes a **natural dialog-based interface** whereby said user can communicate with said software using natural dialog-based language.”

(EX1014, 18:38-49.) And several other disclosures support the same. (EX1014, Abstract (“system . . . perform[s] . . . tasks that the user usually would **perform using the device’s graphical user interface (GUI)**.”); *also* 1:50-52 (describing invention as using “any computational device employing a graphical user interface (‘GUI’)”), 15:24-40 (describing system and user working together, where “the user can readily **observe the [system’s] mistake** and take action to correct it.”).) PO has no real response. (EX1042, ¶¶71-72, 75.)

PO’s arguments that Allen’s system relies on HTML code and “not merely on the visuals” is flawed. (POR, 54.) As Allen explains, “[t]he web browser takes the **HTML code**—which may be thought of as a series of instructions—**and uses it to create the display of the web page on the client computer’s monitor.**”

(EX1014, 2:12-16; *also* 3:31-34 (“HTML code will cause the display of words that are visible on the client-user’s monitor.”).) “The open nature of **HTML** and comparable code **allows a user to ‘see’** many of the functions a particular website presents.” (EX1014, 2:43-45.) In other words, Allen’s system uses HTML code to create visuals presented on the GUI. (EX1042, ¶¶73-74.)

C. “wherein the information comprises information of the user, whereby personalizing the automation process” (Claims 6/14)

Like Ground 1, PO’s argument for claims 6/14 and Ground 2 again requires a misreading of the claim language and should be rejected accordingly. (POR, 60; EX1042, ¶¶76-77; Section II.I.)

D. “chat-bot program product is configured to utilize the credentials of the user, whereby the chat-bot is privy to user-specific information” (Claim 7)

PO’s arguments for claim 7 involves a repeat misreading the ’317 specification support for the claim language. (POR, 61-62.) PO’s arguments should be rejected again. (EX1042, ¶78; Section II.J.)

E. “automatically identifying the widget in the GUI” And “automatically identifying the text input field in the GUI” (Claims 8/15/20)

For claims 8/15/20, PO argues that even though PLOW learns by observing the user identify GUI elements, that does not mean it automatically identifies the GUI elements. (POR, 62-63.) In other words, according to PO, PLOW does not necessarily execute what it is taught. PO’s argument is at odds with Allen’s disclosures. As the Petition explained, the system observes the user’s demonstrated actions, and then it “automatically execute[s] the task.” (Petition, 50 (citing EX1014, Abstract, 6:5-6, 6:61-65).) The task includes actions such as 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).) In order for PLOW to automatically execute the task, it must identify a text input field (*e.g.*, for typing into an input field) and a widget (*e.g.*, for moving a mouse cursor, for pulling down a drop-down box). (EX1042, ¶¶79-81.)

F. PO Does Not Dispute That Allen Teaches Claims 2-5, 10-13, And 17-19

Because PO’s arguments for the independent claims fail, the Board should cancel these claims.

IV. GROUND 3: THE CHALLENGED CLAIMS ARE UNPATENTABLE OVER KRISHNAN-RADHAKRISHNAN

A. Radhakrishnan Is Analogous Art

Radhakrishnan and the ’664 are directed to the same field of endeavor (same function and structure). As PO acknowledges, the ’317 relates to executing an automation process comprising a sequence of interactions with a displayed UI. (POR, 11, 63, 65.) Similarly, Radhakrishnan relates to “interactions of a *robotic process automation module* with a user interface of an application to *simulate user operations with [a] user device*.” (EX1018, Abstract.) PO’s attempt to narrow Radhakrishnan’s field of endeavor to one specific example is improper. *In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986) (finding that the “field of endeavor” inquiry focuses on the broad scope of the field and not the specific problem being solved.); EX1042, ¶82.)

Both the '664 and Radhakrishnan problems pertain to an automation process performing user tasks to improve the user experience. (EX1001, 8:4-6 (“simplif[ying] the end-user experience by collecting data from him and executing a predefined automation flow.”); EX1018, 1:7-9 (“computer systems are relied upon to complete various tasks and increase user and/or process efficiency.”); EX1042, ¶100; EX1042, ¶¶83-84.)

B. “implementing the automation process by interacting with a Graphical User Interface (GUI)” (Elements 1[d]/9[d]/16[d])

PO is wrong that Krishnan uses only a backend system and suggests not interacting with a GUI. (POR, 68-69.) Krishnan a 2:33-35 (cited by PO) states “one or more backend databases *or other information processing systems*.” The phrase “other information processing systems” encompasses non-backend databases. Additionally, in Krishnan, the “chat bot may respond to customer input by retrieving *[(backend database)]* and providing the requested information, requesting additional input or information from the user *[(chat bot)]*, or performing an action *[(automation process)]* and providing the user with status updates about the progress of the action.” (EX1016, 2:40-44.) It would have been obvious for the automation process to use a displayed UI. (Petition, 70-71.) Thus, PO is wrong that a backend database and a displayed UI cannot be used together. (EX1042, ¶¶85-94.)

PO does not dispute that Radhakrishnan utilizes a GUI, but instead argues that it is only for operations of the user, not the RPA. PO's reason—that Radhakrishnan's "within a virtual environment" is not displayed—is wrong. (POR, 72.) A "virtual environment" refers to whether the interactions are computer simulated, not whether they are displayed. And Radhakrishnan states that "the RPA module interacts directly with *a presentation layer [(displayed UI)]* of the application *within a virtual environment*." (EX1018, 11:41-47; *also* 5:49-50 ("bots" are "trained to mimic user activity *directly with a UI*"), 5:10-12, 6:29-34; EX1042, ¶¶95-96.)

And PO's emphasis that Radhakrishnan *alone* does not teach information obtained by a chatbot shows that PO is ignoring the Petition's obviousness theory. (POR, 73.) As the Petition explained, the combination combines Krishnan's teachings of a chatbot and automation process (which uses information obtained by the chatbot) and Radhakrishnan's teachings of an automation process that interacts with a GUI. (Petition, 63-64.) PO's attempt to improperly isolate the two references should be rejected. (EX1042, ¶¶99.)

C. "the automation process is performed with respect to third-party web-based target system" (Elements 1[e]/9[e]/16[e])

PO's lone rebuttal for elements 1[e]/9[e]/16[e] is that a user *can* book a flight by purchasing the ticket from the same website. (POR, 69-71.) But this does not respond to Petitioner's argument that it would have been obvious for the

airline company to be a different party than an online merchant. As Dr. Beigi explains, a POSITA would not have expected that “making purchases” (also “purchasing items”) as being the same as “book[ing] a flight.” (EX1016, 2:20-24, 4:47-49.) And Krishnan discloses interacting with other parties, such as a credit card company. (EX1016, 3:1-2 (“credit card information”), 3:46-50 (“account transfers, . . . processing payments”), 4:46-49 (“providing the user account balance information, performing transfer requests”); EX1042, ¶100.)

D. A POSITA Would Have Been Motivated To Combine Krishnan And Radhakrishnan

As the Petition and Dr. Beigi explained, a POSITA would have been motivated to combine Krishnan’s teachings of a chat bot and automation process with Radhakrishnan’s teachings of an automation process that utilizes a GUI. (Petition, 62-66; EX1003, ¶¶253-259.) PO’s rebuttal—that Krishnan’s use of a backend database makes the combination more costly and less efficient—fails to address the Petition’s obviousness theory. (POR, 75.) The obviousness combination does not replace Krishnan’s database or access it with a GUI. (EX2002, ¶263.) It is the automation process that is tied to the GUI, and Radhakrishnan teaches the motivation to using RPA and interacting with a GUI.²

² PO is incorrect that motivation must appear in the prior art reference (Krishnan) itself. (POR, 74); *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1276 (Fed. Cir. 2004).

(EX1018, 6:21-25 (“reduces the amount of computing resources”), 6:38-42 (“[t]he bot application however interacts with the application at the user interface level *[(presentation layer)]* and has the ability to input information or data into another application, whereas a typical application would be waiting for an input”), 6:25-29; EX1042, ¶¶103-106.)

- E. “wherein the chat-bot program product is configured to implement the automation process by a client device” of Claim 2 (also “said implementing is performed by a client device” of Claim 10) and “wherein the chat-bot program product is configured to implement the automation process by a browser that is executed by the client device” of Claim 3 (also “said implementing is performed by a browser that is executed by the client device” of Claims 11/17)**

For claims 2/10 and 3/11/17, PO lone rebuttal attacks the Petition for mapping the “client device” to Krishnan’s “bot-builder interface.” (POR, 75-76.) But PO misunderstands the Petition and Dr. Beigi’s declaration. As Dr. Beigi explained, “[a] computing device is a client device used by the user.” (EX1003, ¶268.) Krishnan provides multiple example computing devices, one is a “bot-builder interface,” but another is a chatbot. (EX1016, 1:66 (“[a] chat bot executing on a computing device.”).) And Krishnan’s “chatbot . . . perform[s] actions to fulfill user requests” (“implements the automation process”). (EX1016, 3:46-50, *also* 2:10-11 (discussing a browser executed by the client device); EX1042, ¶107.)

F. “personalizing the automation process” (Claims 6/14)

Like Grounds 1 and 2, PO’s argument for claims 6/14 and Ground 3 again requires a misreading of the claim language, and should be rejected accordingly. (POR, 73-74; Section II.I.) Additionally, as Dr. Beigi explains, PO’s hypothetical involve different automation processes, and thus would meet the claims. (POR, 77; EX1042, ¶¶108-109.)

G. PO Does Not Dispute That Krishnan-Radhakrishnan Teaches Claims 4, 7, 12, And 18

PO does not dispute Petitioner’s showing that Krishnan-Radhakrishnan teaches claims 4, 7, 12, and 18. Because PO fails to refute Petitioner’s showing for the independent claims, the Board should cancel these claims.

V. LEVEL OF ORDINARY SKILL IN THE ART

A. Petitioner’s Level For A POSITA Is Proper

Petitioner’s proposed POSITA level (“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”) is supported by the evidence. (Petition, 6.) Importantly, the record shows that the key aspects of the art—chatbots, RPAs and their combinations—were well known by 2017 and thereby point to a higher level of skill in the art. For example, Arya describes chatbots in 1994/1995 that used NLP, and Ferscht describes RPAs in 2012. (EX1032, 3;

EX1028, 4.) Similarly, Allen and LeClair showed the combination in 2007 and 2015, respectively. (EX1014; EX1031, 4, 12-13; EX1042, ¶¶110-111.)

Rather than address the evidence, PO resorts to mischaracterizing the art. PO's cited statements (POR, 21-22) from Symons and Baetens refer to the RoboRana-Arinti *collaboration*, not the chatbot-RPA combination, as being new. (EX1004, 1 (“*[w]e decided to join forces with Arinti, specialized in chatbot and AI technologies within the Cronos Group, to explore the possibilities to combine RPA bots with chatbots.*”); EX1009, 2 (“*[a]s soon as we’ve heard about our new colleagues at RoboRana, we’ve been figuring out how to combine these technologies in a customer case.*”).) And Symons’ “evolving rapidly” statement refers to the general “technology landscape” (both “[n]ew technologies” and “older technologies”)—not the chatbot-RPA combination. (EX1004, 1; EX1042, ¶¶113-114.)

As for Symons’ experience, instead of taking the opportunity to find out from Symons himself, PO improperly assumes that Symons’ experience before his job at RoboRana does not count. (POR, 22.) Even PO’s own expert testified that he counted time before his first job (while in school) as “experience.” (EX1036, 16:7-25; EX1042, ¶115.)

B. The Board Should Reject PO's Proposed POSITA level

The evidence does not support PO's proposed POSITA level ("a worker who had some education, formal or informal, in computer science and 1-2 years' work experience with chatbots using NLP and/or automation processes") (as discussed above), and it is unclear what "some education, formal or informal" and "some" work experience mean. (POR, 22; EX2002, ¶¶44; EX1042, ¶116.)

In any event, the parties do not dispute that the outcome would be the same regardless of which POSITA level the Board adopts. (POR, 23; EX1042, ¶117.)

VI. THE BOARD SHOULD GIVE LITTLE/NO WEIGHT TO MR. ZATKOVICH'S OPINIONS

The Board should give little-to-no weight to Mr. Zatkovich's testimony.

First, PO relies on Mr. Zatkovich's opinions to support its narrowing of the claims in view of the meanings of "natural language interface" and "computer program." But Mr. Zatkovich did not consider any dictionary definitions despite admitting that he knew of such a claim construction requirement. (EX1036, 15:9-13.)

Second, Mr. Zatkovich frequently contradicts his own testimony. For example, Mr. Zatkovich criticizes Symons for its chatbot and automation process allegedly being executed on different devices, but then identifies that there was no such requirement for claim 1 of the '317 patent. (EX2002, ¶107; EX1036, 59:9-60:2.) And in yet another example, Mr. Zatkovich testified that his computer code

is a match to the Symons Video and transmits information collected by the chatbot to an RPA server using the POST a URL method. (EX2006, 6.) But when asked during his deposition, he testified that “[i]t’s not clear” whether the chatbot transmits information to an RPA server and “[n]either I nor Dr. Beigi could make that determination as to how or if that information is transmitted.” (EX1036, 120:13-21.)

Third, Mr. Zatkovich also draws unsupported conclusions. For example, Mr. Zatkovich alleges that the Symons “video was put together very quickly (less than 17 days after Mr. Symons began working at RoboRana as a ‘showcase’)” and that “the Arinti chatbot . . . was not publicly available at the time.” (EX2002, ¶133.) But Mr. Zatkovich did not point to any evidence that supported his assumptions, and when asked, admitted that “it’s possible” that other assumptions could have been made. (EX1036, 125:7-16.)

VII. CONCLUSION

Petitioner respectfully requests cancellation of the challenged claims of the ’317 patent.

IPR2024-00065

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Respectfully submitted,

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

I hereby certify that this PETITIONER’S REPLY TO PATENT OWNER RESPONSE has 5,007 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, a listing of facts which are admitted, denied, or cannot be admitted or denied, a certificate of service or word count, or appendix of exhibits.”

Dated: October 17, 2024

By /s/ Jean Nguyen

Jean Nguyen

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

I hereby certify that the attached PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE was served on the below date on the Patent Owner via e-mail (by consent) to the following counsel of record for the Patent Owner:

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