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Paper 33
Date: January 22, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATFIX INC.
Petitioner,

v.

WALKME LTD.
Patent Owner

IPR2023-01368 (Patent No. 10,819,664 B2)
IPR2023-01379 (Patent No. 11,258,732 B2)
IPR2024-00065 (Patent No. 11,558,317 B2)

Held: December 18, 2024

BEFORE: CHARLES J. BOUDREAU, KARA L. SZPONDOWSKI, and MICHAEL T. CYGAN, Administrative Patent Judges.

APPEARANCES:

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The above-entitled matter came on for hearing on December 18, 2024, commencing at 1:00 p.m., via video teleconference.

P R O C E E D I N G S

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JUDGE SZPONDOWSKI: Good afternoon or morning, depending on where you're located. We have our final hearing today in IPR2023-01368, 2023-01379, and 2024-00065. This is a combined hearing for all three IPRs. I'm Judge Szpondowski and joining me are Judge Boudreau and Judge Cygan.

So, let's get started with the parties' appearances. Who do we have here for Petitioner?

MR. YAP: Your Honor, this is Alex Yap with Morrison & Foerster and with me here today is Jean Nguyen, also with Morrison & Foerster.

JUDGE SZPONDOWSKI: Okay. Thank you, Mr. Yap. And for Patent Owner?

MR. MACEDO: This is Charles Macedo for the Patent Owner. I have with me other people in the room, but I will be the only person speaking. Darren Haber will be running my demonstratives and he's sitting in the room next to me, as well as Adam Kravitz. And I also have Ziv Glazberg, who is co-counsel from a different firm.

JUDGE SZPONDOWSKI: Okay. Thank you and welcome, everyone. Obviously, our hearing today is over video. Given that, I want to start by clarifying a few items. First, if you encounter any technical difficulties that you feel fundamentally undermines your ability to adequately represent your client, please let us know immediately. Second,

when you aren't speaking, please mute yourself. Third, please identify yourself each time you speak in order to help the court reporter prepare an accurate transcript. Fourth, we have the entire record, including all of the demonstratives. So, we can refer to our own papers or you are free to share your screen as well, whatever you prefer. In any case, please refer to the demonstratives, papers, and exhibits clearly and explicitly by slide or page number. This will help the preparation of an accurate transcript of the hearing.

Finally, there is a public line, so please be aware that members of the public may be listening.

We set forth the procedure for today's hearing in our November 19th, 2024 Order. And since then, we've had a couple of additional things come up. On December 3rd, Petitioner requested to have Exhibits 2014 to 2018 expunged from the record. Our understanding is that the parties agreed to expunge Exhibit 2018, but did not reach an agreement on the other exhibits. For the record, Exhibit 2014 is Patent Owner's supplemental expert declaration, and Exhibits 2015 to 2017 are three comments from the Symons article. As was stated in the December 6th email from the Board, we request that the parties briefly address this issue today during your time.

Additionally, Petitioner filed objections to Patent Owner's demonstrative slide numbers 13, 32, and 33 as containing new argument. If the parties want to address these objections during your time, feel free to do so. As our hearing Order stated, each party will have a total of one hour and 45 minutes total time to present arguments. Petitioner has the burden of proof as to whether the challenged claims are unpatentable and will go first.

Patent Owner will then present opposition arguments. And then to the extent Petitioner has reserved time, Petitioner will present rebuttal. And then to the extent Patent Owner has reserved time, Patent Owner will present sur-rebuttal. We remind the parties not to interrupt the other party while the other party is presenting its arguments and demonstratives. If a party believes that a demonstrative or argument presented by the other party is objectionable, you should raise that objection or any arguments relating to that objection during your own time, as I mentioned previously.

I would also add that we have a lot to cover today with three proceedings and multiple grounds. So, please keep that in mind when you are managing your time. And we'll plan to take a break or two as well as needed. Does counsel for Petitioner have any questions before we get started?

MR. YAP: Yes, Your Honor. From my understanding of what you mentioned, if we are going to be addressing the objections and the expungement issue, it will be counted towards our time. Is that correct?

JUDGE SZPONDOWSKI: We can give you an extra few minutes to address those issues if it's needed. I don't expect you will need to devote that much time to either of those issues.

MR. YAP: Would it be okay for us to finish our presentation and address those issues towards the end?

JUDGE SZPONDOWSKI: Yes, that's fine.

MR. YAP: Perfect, thank you.

JUDGE SZPONDOWSKI: Thank you. And does counsel for Patent Owner have any questions? I think you're on mute.

MR. MACEDO: I assume that what sauce for the goose is sauce for the gander and you don't care when we address it?

JUDGE SZPONDOWSKI: Yes, that's right. Whenever you want to address it, you can address it.

MR. MACEDO: Okay, thank you.

JUDGE SZPONDOWSKI: Okay. I think we're ready to begin. Would Petitioner like to reserve time for rebuttal?

MR. YAP: Yes, we would like to reserve 30 minutes, Your Honor.

JUDGE SZPONDOWSKI: Okay. So you have an hour and 15 minutes for opening and you may begin whenever you're ready.

MR. YAP: Sure. Okay. May it please the Board. Good morning and good afternoon, Your Honors. My name is Alex Yap of Morrison & Foerster representing Petitioner Whatfix. Petitioner respectfully submits that the challenged claims of the '664, '732 and '317 patents are unpatentable.

Please turn to slide 2. We have prepared a number of slides for today's hearing. As you can see here, our presentation is divided into five modules. I'll be covering the first module and portions of the claim construction module, while my colleague, Jean Nguyen, will discuss the rest of the claim construction terms and the instituted grounds in the last three modules.

We can skip slide 3. Let's turn to slide 4. The three patents at issue share the same specification, so we will describe the patents with specific reference to the '664 patent as shown on this slide. The '664 patent is directed to a natural language interface that collects information from the user to be used as part of an automation process. The automation process is

executed using the collected information. This automation process involves simulating user interactions with the displayed user interface of a computer program, such as the automation process simulating a user filling in an input to an element of interest by having the automation process interact with the element of interest.

Please turn to slide 5, please. Now, slide 5 shows Claim 1 of the '664 patent. Now, as I mentioned in the last slide, the automation process performs a sequence of interactions with a displayed user interface of the computer program to simulate user actions with the displayed user interface of the computer program. Now for this patent, Patent Owner has raised one claim construction issue and that is the computer program term underlined in red on this slide.

Please turn to slide 6 please. Now, slide 6 shows the '317 patent and just like the '664 claims, the '317 claims are directed to receiving an input from a user using a natural language interface like a chatbot determining an automation process and executing the automation process where the automation process performs a sequence of interactions with a GUI. Now, in the '317 patent the GUI is a third-party web-based system. For the '317 patent, Patent Owner has not raised any claim construction issues.

Please turn to slide 7. This shows Claim 1 of the '732 patent, which is also similar to the claims of the '664 and '317 patents. The '732 claims are directed to defining the automation process and defining the conversation encompassed by the '664 and '317 claims. All three patents are directed to systems and methods that include two things, a natural language

1 interface that collects information from the user, and an automation process
2 that uses the collected information and interacts with the GUI in a manner
3 that simulates the user's actions.
4 Please turn to slide 8. I'm going to start on claim construction
5 here. We can skip slide 8, actually. Let's do slide 9. The first term at issue
6 is computer program. And as I had mentioned earlier, this relates to the '664
7 patent and the '732 patent. Slide 10, please. The term computer program is
8 included in elements 1[c] and 1[f] of the '664 patent, which recites
9 automation of a sequence of interactions with a displayed user interface of a
10 computer program and utilizing the displayed user interface of the computer
11 program to perform the sequence of interactions. Can we turn to slide 11?
12 And slide 11 shows the computer program here appears in element 1[c] of
13 the '732 patent, which recites automation process is configured to utilize a
14 displayed user interface of a computer program and execute a functionality
15 of the computer program.
16 Please turn to slide 12. Slide 12 shows the parties' proposed
17 construction for a computer program. Petitioner agrees that the ordinary and
18 customary meaning of computer program should apply, and that is
19 instructions carried out by computer. And as I will show in the next few
20 slides, the specification also provides the ordinary and customary meaning,
21 thereby confirming Petitioner's construction. Nevertheless, our Patent
22 Owner, in order to differentiate the prior art, argues that computer program
23 has the same meaning as target system. And on top of that, Patent Owner
24 asked the Board to add an additional requirement, which is "a functionality
25 that is invoked through its displayed user interface."

1 Now, according to Patent Owner, inventors act as their own
2 lexicographer, but as I will show, there is no clear intent to redefine or
3 restrict the meaning of the term, and Patent Owner's construction is
4 inconsistent with the plain and ordinary meaning of the term and the
5 intrinsic record and the extrinsic record.
6 Please turn to slide 13. The specification identifies the plain and
7 ordinary meaning of computer program, as you can see on this slide,
8 instructions for causing a processor to carry out aspect of the present
9 invention. The '664 patent specification also provides examples of a
10 computer program shown in the bottom passage of this slide, as including a
11 web-based application, a native mobile application, and a desktop program.
12 Now, Patent Owner argues that the top passage does not define computer
13 program because it refers to computer program product, and computer
14 program product does not have the same meaning as computer program.
15 Your Honors, we never argued that computer program product and computer
16 program have the same meaning.
17 Instead, the computer program product is a product, and as both
18 parties' experts called a package, which would include a computer program.
19 So, and this is what exactly what the top passage of this slide says. You
20 parse the sentence, it says the computer program product may include
21 computer readable storage medium. Now, that's the product aspect. And
22 then it goes on to say that the instructions thereon for causing a processor to
23 carry out aspect of the present invention. Now, that's the computer program.
24 Please turn to slide 14. And the dictionary definitions support
25 Petitioner's construction. As shown here in the Cambridge dictionary, it

1 says that a computer program is a set of instructions that make a computer
2 do a certain thing. Same thing for slide 15, if we can turn to that. The
3 Collins dictionary states that it provides a computer program is a set of
4 instructions for a computer to perform some tasks.
5 Let's turn to slide 16, please. Now, this slide shows a passage from
6 Patent Owner's expert's deposition where he testified that he did not review
7 any dictionary definitions, and therefore he did not and could not provide an
8 opinion regarding the ordinary and customary meaning of the term computer
9 program. And Patent Owner's response to this is that he didn't need to
10 because the inventors acted as their own lexicographer for this term. But as
11 I will explain in the next few slides, Patent Owner failed to show why Your
12 Honors should go against an intrinsic record by redefining this term.
13 JUDGE BOUDREAU: Mr. Yap, this is Judge Boudreau. I have a
14 question about that. In the '664 patent and the '732 patent, we have the term
15 computer system and -- computer program -- I'm sorry. Whereas in the
16 claims of the '317 patent, we actually have target system recited. Now, we
17 understand that Patent Owner has proposed that computer program should
18 be construed to be equated with the target system. Is it Petitioner's view that
19 the target system that's recited in the claims in the '317 patent should also be
20 construed the same as the computer program that's recited in the '664 and
21 '732 patents?
22 MR. YAP: That's actually a good question, Your Honor. So, the
23 way I look at it is, and I'm going to get to this in the next slide. The spec
24 says that a target system can generally be referred to as a computer program.
25 So, and I think that's all you need. So, meaning target system can

1 encompass computer program, or it could be more. So, target system is
2 broader than computer program, Your Honor, in this aspect for the '317.
3 JUDGE BOUDREAU: Does a target system require anything in
4 addition to a computer program?
5 MR. YAP: That's a -- sorry, Your Honor. Can you please repeat
6 that?
7 JUDGE BOUDREAU: I was asking whether a target system, in
8 Petitioner's view, requires anything more than a computer program.
9 MR. YAP: The term is certainly broader, but I'm not -- in the
10 context of the '317 patent and looking at the specs, but I'm not sure it's
11 necessary to reach that conclusion in order to adjudicate this, and the parties
12 certainly generally briefed this.
13 JUDGE BOUDREAU: I recognize that neither party briefed the
14 construction of target system, but how does Petitioner interpret that term?
15 MR. YAP: Our view is that a target system can include a
16 computer program, but it is definitely broader in that context than computer
17 program.
18 JUDGE BOUDREAU: And it's broader in what sense?
19 MR. YAP: Broader than our computer program in that context.
20 JUDGE BOUDREAU: What would it additionally include besides
21 a computer program?
22 MR. YAP: I would have to take a look, but our experts testified
23 that a target system is a system that is targeted. So, the difference between
24 computer program and target system, there is that word, target, right? So, if
25 we are going to give it some weight to that, it has to be a system that is

1 targeted.

2 JUDGE BOUDREAU: So, is it essentially the object of the

3 chatbot? The chatbot is sending some information to the target system. Is

4 that how you understand that term?

5 MR. YAP: The chatbot is sending some information to the target

6 system.

7 JUDGE BOUDREAU: I'm just trying to understand what the

8 word target is referring to.

9 MR. YAP: Yeah, for our understanding is that the target system is

10 tied to the automation process, and that's what's been referred to in the

11 claims. So, and just looking at our claims, we would -- I guess it may not be

12 quite understanding your question, Judge Boudreau, or maybe I'm --

13 JUDGE BOUDREAU: We can move on from this. It might make

14 more sense in the context of the asserted prior art, so I'll let you continue.

15 MR. YAP: Okay, okay. Okay. So, please turn to slide 17. So,

16 this slide shows the passage in the specification that the Patent Owner

17 alleges provides a special definition for computer program. And as you can

18 see here, the Patent Owner cited passage at best provides a definition, at

19 best, for target system. Not computer program. And the statement at the

20 top, target system, generally referred to as computer program, does not mean

21 that the two terms are synonymous. And instead, the passage says a target

22 system is generally referred to as a computer program. It doesn't say that the

23 computer program should be referred to as a target system.

24 Now, lexicography requires clear expression of intent, Your

25 Honor. And to meet this exacting standard, we -- the Patent Owner hasn't

1 shown or hasn't met this high bar required by lexicography.

2 If you can turn to slide 18, please, Your Honor. So, this shows two
3 passages. The top passage discusses a computer program as being a desktop
4 agent. And the bottom passage discusses this agent can be accessed -- can
5 access other applications, including their UI. This means that computer
6 program may access other applications and UI elements, or in other words,
7 may invoke the functionality of other applications through user interfaces
8 outside of a target system. Now, Patent Owner's rebuttal to this, only
9 rebuttal to this, is that the bottom passage uses the word agent and not
10 computer program. But as is clear from the top passage, it says an agent is a
11 type of computer program.

12 Let's turn to slide 19. Now, this is, here we are trying to show
13 what Patent Owner is trying to do here. They are not satisfied with
14 freighting two limitations into computer program. They here, they try to
15 even freight in an even narrower construction. It's a submarine construction,
16 Your Honor, in its arguments.

17 So, if you look at pages 1 to 2 of the '664 Patent Owner's response,
18 reproduced here on the right, and the Patent Owner states that the claims
19 require a separate computer program, with its own user interface. And then
20 at pages 5 to 6 of the '664 POR, Patent Owner tries to distinguish over the
21 prior art by way of its alleged disclosure of different computing devices. So,
22 in other words, the Patent Owner is asking the Board to further narrow the
23 term computer program, not only to a target system, but also one that is
24 separate from the natural language interface, has its own user interface, and
25 is executed on the same device as the natural language user interface.

1 And what is the support that the Patent Owner has set forth for this
2 particular construction? Well, I see it here, the Patent Owner cited to the
3 specification. Actually, that cite is to the first sentence of the specification
4 reproduced here on the left, and then to its expert's testimony. Even
5 assuming that the Patent Owner is right that target system is computer
6 program, if you look at the second sentence, not cited by the Patent Owner,
7 it says target system may have a user interface. And that is a may. And
8 certainly reading the first sentence, it doesn't require a separate computer
9 program having its own user interface to be executed on different devices.
10 So, with that Your Honor, unless you have any further questions, I will pass
11 on to my colleague to discuss the other terms and the instituted grounds.
12 Can give us a minute while we switch? Thank you.
13 MS. NGUYEN: Good morning and good afternoon, Your Honors.
14 Can you hear me? May it please the Board. My name is Jean Nguyen of
15 Morrison & Foerster. Thank you, Your Honors, for taking the time to hear
16 my presentation.
17 As my colleague just mentioned, I will now discuss the remaining
18 claim construction terms starting with defining. If you could please turn to
19 slide 21, the term defining is recited in the preamble of Claim 1 of the '732
20 patent. And this preamble states defining an automation process. Now,
21 defining is also recited in element 1[a] of the '732 patent, which states
22 defining a conversation.
23 Please turn to slide 22. This shows the parties' proposed
24 constructions of defining. Petitioner agrees with the ordinary and customary
25 meaning of defining, which is configuring, and that is supported by the

1 specification, which I will show in the next few slides. And Patent Owner,
2 trying to differentiate the prior art again, comes up with this complicated
3 construction that narrows a simple one word to generating by a non-
4 programmer user via a user interface or a software operating on the user of
5 device in a manner practicable by novices and non-programmers without
6 needing to use dedicated APIs, programming languages, or the like. So, in
7 other words, Patent Owner is effectively trying to ask the Board to
8 improperly import several limitations into the claim. Non-programming
9 user via a user interface or software operating on the user device in a manner
10 practicable by novices and non-programmers without needing to use
11 dedicated APIs, programming languages, or the like. Your Honors, that's at
12 least four limitations being imported into a single word.
13 And one thing to note, Your Honors, and I will talk about this later
14 today during the presentation, is that whether Your Honors agree with Patent
15 Owner's very narrow and complicated construction or whether you agree
16 with Petitioner's construction, the result will be the same. At least the prior
17 art references Williams, Allen, and Krishnan teach defining under Patent
18 Owner's construction.
19 So, if we could please turn to slide 23. This slide shows passages
20 from the specification. The top passage describes defining the automation
21 process by stating that the execution module 140 may be configured to
22 execute the automation process. And the bottom passage describes defining
23 the conversation by stating that the chatbot front-end module 130 may be
24 configured to enable a user 190 to interact with the chatbot. That is, these
25 two passages shown here show that defining has a broad meaning of

1 configuring. And further, pages 11 and 12 of the '732 reply provide
2 additional passages in the specification that support Petitioner's construction.
3 Now, if we may please turn to slide 24. Another reason why Your
4 Honors should reject Patent Owner's construction is not only because Patent
5 Owner attempts to freight in seven lines and limitations into a single word,
6 but also because Patent Owner's construction requires, without needing to
7 use dedicated APIs, programming languages, or the like. And Dependent
8 Claim 9, shown on the slide, narrows the scope of Independent Claim 1,
9 including its recitations of defining. Because of claim differentiation, the
10 meaning of the term defining is not limited to what's shown in yellow
11 without relying on a dedicated API of the computer program.
12 Let me pause there and see if Your Honors have any questions
13 regarding the construction of defining. If not, I'd like to move on to
14 construction of the order of elements.
15 Okay. Please turn to slide 26. This slide shows Claim 1 of the
16 '732 patent. Now, Patent Owner argues for Claim 1 of the '732 patent that
17 there is a specific order required between element 1[a], which recites
18 defining a conversation shown in blue, element 1[b], reciting associating the
19 conversation with the automation process shown in green, and publishing the
20 conversation from element 1[d] shown in purple.
21 Please turn to slide 27. This slide provides Your Honors the
22 parties' proposed constructions. Petitioner believes the order of elements
23 should be given the ordinary and customary meaning. Patent Owner on the
24 other hand insists that the claim requires that element 1[a], defining a
25 conversation be first, followed by element 1[b] associating the conversation

1 with the automation process. And then finally element 1[d] publishing the
2 conversation should be last.
3 Now, Patent Owner provides two reasons why it believes the claim
4 requires this specific order. The first reason is because of antecedent basis.
5 However, Your Honors, antecedent basis, as you may know, is used to
6 introduce, and refer to the same recitation in the claim. It is not used to
7 impose an order. And, if I may note, Patent Owner has not shown any case
8 law that says antecedent basis imposes an order. Now, if we could please --
9 JUDGE BOUDREAU: Ms. Nguyen, this is Judge Boudreau again.
10 What is the ordinary -- the plain and ordinary meaning, if it isn't -- that
11 there's an order here from steps 1[a] to step 1[b] to step 1[d]? I guess what
12 I'm trying to understand is, how can you associate a conversation with an
13 automation process if you haven't yet defined the conversation?
14 MS. NGUYEN: Yes, Your Honor.
15 JUDGE BOUDREAU: And similarly, how can you publish a
16 conversation without first defining the conversation?
17 MS. NGUYEN: So, going to your first question, how can you
18 associate a conversation with the automation process? One thing to note is
19 in element 1[a] defining a conversation, what that conversation as shown if
20 you can look at slide 26, in the claim language it's configured to obtain from
21 the user one or more values to one or more parameters. And then if you take
22 a look at element 1[b], which is for the association element 1[b] links the
23 automation process shown on the end of the to the one or more parameters.
24 So, all you need to do is link the parameters between the conversation and
25 the automation process. Because of that, it does not matter whether the

1 defining occurs before or after the associating.

2 And let me just give you an example. Let's say we were booking a
3 plane ticket. When you're booking the plane ticket, the parameters for
4 booking your plane ticket would be your destination city. It would be your
5 arrival city, and it would also be the date of departure. Let's say, for
6 example, you're booking a one way ticket. Those are the parameters that
7 you would need to know before you define -- or I'm sorry, those are the
8 parameters you would need to know for defining the conversation and
9 associating the conversation. Now, what you don't need to know, and this is
10 why the order does not matter, is what the exact date is, what the exact
11 departure city is and what the exact arrival is. And the exact departure and
12 arrival and date, those would be the values as claimed in the '732.

13 JUDGE BOUDREAU: How does that example relate to defining
14 and associating? I'm not quite following that.

15 MS. NGUYEN: Yeah. So, the example that I mentioned is the
16 parameters, right? The city, the departure -- the departure city, the arrival
17 city, and the dates. As our expert testified, and I'm happy to provide you
18 with the cites, all you need to know before that -- actually, let me give you
19 the exact cite, and it's Exhibit 2021, page 359, lines 20 to 22.

20 Dr. Beigi testifies, you have to define the conversation in a way
21 that it is aware of the parameters of the automation process, right? So, in
22 other words, you need to know that you're booking a flight and that there are
23 certain parameters, the city where you're flying, the city where you're
24 arriving and then the date. Those are the parameters you need to know.
25 Now, when you start to define the conversation, the specific details, right?

1 Let's say you're flying to Washington D.C. on December 29th, arriving, or
2 sorry, same date. Those are the values as claimed in 1[a] of the '732 patent.
3 And those values, i.e., defining the conversation is not necessary to know in
4 order to associate whether associate happens before or after.
5 JUDGE CYGAN: Counsel, this is Judge Cygan.
6 MS. NGUYEN: Yes.
7 JUDGE CYGAN: Building on your hypo, once you've defined
8 your -- the conversation you need with the passenger to figure out what
9 information you need. In step 1[b], don't you still need to, once you've
10 defined that conversation, associate it with the chatbot? Don't you have to
11 define what the question it's going to be asking first before you associate
12 those questions with the chatbot?
13 MS. NGUYEN: Your Honor, what you need to have linked
14 between the two are that the chatbot will be obtaining the parameters, right?
15 And that, again, that would be the departure city, arrival city, and date,
16 right? The actual values -- oh, go ahead.
17 JUDGE CYGAN: I understand you don't need to know the actual
18 responses of the person, but you do need to know the questions you're going
19 to ask the person, right?
20 MS. NGUYEN: Correct.
21 JUDGE CYGAN: And that's the conversation. And once you've
22 determined the questions in 1[a], in 1[b], you're telling the chatbot, these are
23 the questions you're going to ask for this person in this situation. So, you
24 need to know the questions before you can associate those questions with the
25 chatbot, right?

MS. NGUYEN: Well, Your Honors, we respectfully disagree. You need to know the parameters, right? The question, the specific questions themselves don't necessarily need to be known before the association. And Your Honors, if I may, however Your Honors decide in terms of the construction, I will say the result again is the same. The prior art teaches the order, as more specifically Symons teaches the order that Patent Owner is proposing with their construction.

JUDGE CYGAN: Thank you.

MS. NGUYEN: Okay. So, if Your Honors, one other thing I just wanted to note on slide 29 is that the specification, this description of Figure 3, which is the reason, the second reason why Patent Owner believed its construction should be supported, the specification passages on slide 29, note that the functions in the blocks that's referring to Figure 3 may occur out of order noted in the figures. And Petitioner's expert testified that the claims do not require a specific order. So, to the extent that, you know, Patent Owner requests that the Board narrow the scope of the claims, the specification itself supports a different understanding.

So if I may, let's please turn to the last claim construction term, at least one of a message element and a condition element. Please turn to slide 31. This shows Claim 3 of the '732 patent. Claim 3 recites the conversation elements comprise at least one of a message element and a condition element.

Now, turning to slide 32, this shows the parties construction for the term. So again, Petitioner believes the term should be given its ordinary and customary meaning. And Patent Owner argues that the term means at least

1 one message element and at least one condition element. And similar to
2 defining whether Your Honors agree with Patent Owner's or Petitioner's
3 proposed construction, the result is the same. Symons, Williams, Allen, and
4 Krishnan all teach Patent Owner's construction. But if I may quickly talk
5 about the reasons for Patent Owner's construction, it's really because of
6 *SuperGuide*, which Your Honors are probably familiar with. It's a Federal
7 Circuit case where the Court found that at least one of followed by a list
8 means at least one of each item in the list.
9 So, if we could please go to slide 33. This passage shows a
10 passage from the *Fujifilm v. Motorola* case. And the Court in *Fujifilm*
11 explained that *SuperGuide* did not erect this universal rule of construction
12 for all uses of at least one of in all patents. And *Fujifilm* then continues to
13 explain that numerous courts have declined to follow *SuperGuide*'s
14 construction where the facts call for a different understanding of the term.
15 Please turn to slide 34. Slide 34 shows the '732 specification
16 where you will see that the '732 patent calls for a different understanding of
17 the disputed term than *SuperGuide*. The slide shows figure 5B of the '732
18 on the left. Figure 5B is a conversation editor. And the conversation editor
19 allows the user to add steps to the conversation using four separate buttons
20 shown within the green box. And these four buttons include an add
21 message, buttons shown on the left, and an add condition button shown in
22 the middle.
23 Shown on the right is testimony from Patent Owner's expert. And
24 as Patent Owner's expert conceded, these four separate buttons in the green
25 box allow the user to independently add a message, question, condition, or

1 action to the conversation. Thus, the '732 patent encompasses a
2 conversation element comprising a message element only, which would be
3 added by clicking on the add message button on the left. The '732 patent
4 also encompasses a conversation element comprising a condition element
5 only, which would be added by clicking on the add condition button.
6 So, in other words, Your Honors, unlike *SuperGuide*, the '732
7 specification discloses an embodiment that does not require at least one of
8 each item in the list of the claim. So, let me pause there and see if Your
9 Honors have any questions about claim construction. If not, I'd like to move
10 on to the instituted grounds. Okay.
11 Please turn to slide 36. For the '664, the Board instituted inter
12 parties review based on four grounds, Symons, Allen, and Krishnan are the
13 primary references. Williams, Radhakrishnan, and Dayanandan are the
14 secondary references. And one thing I wanted to note, you'll see here on this
15 table reproduced from the petition, we've added this red star next to Ground
16 3, or in other words, Allen, Dayanandan. And these red stars are located
17 throughout Petitioner's demonstratives. And the red star means that
18 Petitioner in its reply has responded to the arguments made in Patent
19 Owner's response. But Patent Owner's sur-reply does not provide a rebuttal
20 and merely repeats its arguments from its Patent Owner response. So, given
21 the number of issues and in the interest of time, unless Your Honors have
22 any questions about any of the red starred issues, I do not plan to discuss
23 these issues during today's presentation.
24 Turning to slide 37, this slide shows the Instituted Grounds for the
25 '317 patent. And then slide 38 shows the Instituted Grounds for the '732

1 patent. So, unless Your Honors have a preference on which ground or
2 combinations to cover first, I will start by discussing Symons-Williams.
3 Then turn to Allen, and then finish up with Krishnan-Radhakrishnan.
4 Please turn to slide 40 and Symons. So, Symons teaches a chatbot
5 RPA system that automatically generates an email signature. RPA stands
6 for robotic process automation. The chatbot RPA system involves two
7 companies, RoboRana, which developed the RPA, and Arinti, which
8 developed the chatbot.
9 Turning to slide 41, the Symons system comprises a chatbot that
10 collects all the information from the user. This slide shows Symons's natural
11 language interface that publishes a natural language conversation between
12 the chatbot and the user. The user provides instructions, such as, I want a
13 new signature, and then the chatbot asks questions, such as, what is your
14 name? What is your role? What is your email address? And what is your
15 cell phone number? The user then provides natural language inputs in
16 response. Now, if you could please turn to slide 42, the information
17 collected from the user gets passed onto the RPA bot, and the chatbot
18 triggers the RPA bot. This passing of information from the chatbot to the
19 RPA bot, and the chatbot triggering the RPA bot shows that the chatbot is
20 associated with the RPA bot.
21 JUDGE BOUDREAU: Ms. Nguyen, this is Judge Boudreau. I
22 just wanted to follow up on the question that I had asked to Mr. Yap before
23 about the distinction, if there is any, between the computer program and the
24 target system that's recited in the '317 patent. So, in the context of Symons,
25 would the chatbot correspond to the computer program, and the RPA bot

1 correspond to the target system?

2 MS. NGUYEN: So, if I may have you go to slide 43, the computer
3 program refers -- it's in the claims, the computer program is tied to the
4 automation process. So, what you see on slide 43 is the entirety of a
5 displayed user interface of Symons's computer program, right? And the
6 parties do not dispute because Symons's computer program is a desktop
7 application, right? So, this is what you're seeing from Symons's laptop and
8 there is testimony from Symons where he says I videoed this from my
9 laptop.

10 The target system, if I may have you go to -- sorry, give me a
11 second here. Slide 74. The target system is the, in Symons, is the third-
12 party web-based target system, which is a -- is the chrono signature
13 generator on the internet. And if you'll see -- oh, go ahead.

14 JUDGE BOUDREAU: I was just going to ask, is that an example
15 of an RPA bot then?

16 MS. NGUYEN: Well, the chrono signature generator is not the
17 RPA bot, Your Honor. The RPA bot is the robot performing actions on the
18 chrono email signature generator.

19 JUDGE BOUDREAU: So, would that still be part of the computer
20 program then?

21 MS. NGUYEN: The RPA bot, yes, Your Honor.

22 JUDGE BOUDREAU: Okay, thank you.

23 JUDGE SZPONDOWSKI: I have a question as well. Can you --
24 what's the difference between a chatbot and an RPA bot?

25 MS. NGUYEN: Yeah, so in -- Your Honors, are you asking

specifically with respect to Symons or just more generally?

JUDGE SZPONDOWSKI: Generally.

MS. NGUYEN: Yeah, so the chatbot is the one, if you can turn to slide 41, the chatbot is the computer, shall I say, that is interacting with the user obtaining information from the user, right? So, for example, the chatbot says, what is your name? And the user responds Vincent De Bie. Now, the RPA bot is the next computer system, and they are not necessarily different, but that is triggered by the chatbot. And the RPA bot is the one, and you'll see this if you take a look at the Symons video, the one that starts interacting with the user interface to fill in the information such as the name of Vincent De Bie obtained during the chatbot session. And that's on slide 43, Your Honors, that I'm referring to.

JUDGE CYGAN: So, the RPA bot interacts with a user interface that's different than the interface from the chatbot, or the same interface that's being used by a chatbot?

MS. NGUYEN: It is the same user interface of the computer program. But what you see on slide 41 is the visual of the displayed user interface looks different. Right. So, the visuals of the displayed user interface on slide 41 looks like a back and forth dialogue. It's a conversation. And then on slide 43, the RPA bot, there is no user input at that point. It's the RPA bot is automatically, and you can think of it as a robot that's moving your mouse, for example, or typing in into your keyboard, that that RPA bot is automatically filling in this information on the user's behalf.

JUDGE CYGAN: On the slide, it says it's generating the signature

of saving it and emailing it back to the requester.

MS. NGUYEN: Correct.

JUDGE CYGAN: And your explanation is that it generates the signature on a user interface, which is the same user interface as we saw previously, the chatbot interface, or separate interface from the chatbot interface?

MS. NGUYEN: It would be the same. This is the same user interface from Symons's laptop. The difference here is the email signature generator, and just like when you are on your laptop and you're opening up your web browser, right, the email signature generator is on the internet. And so, you on your laptop, opening up your web browser, that's similar to what you would see here.

JUDGE CYGAN: Are there any particular, following up on Judge Szpondowski's question, are there any particular characteristics of an RPA bot in general outside of the Symons context? So we can understand the RPA robot?

MS. NGUYEN: Yeah. So, RPA bot has been known since the time of the invention of the three patents. It's basically a robot that automatically performs tasks. There's a lot of description in Radhakrishnan, and I'm happy to get to that towards the end about what the benefits of RPA bot is. But, and, you know, Baetens and Symons also provide those benefits, but the RPA bot can interact with the user interface. So you, Your Honor, you can sit back at your laptop computer and watch the RPA bot perform the actions that you would have otherwise performed.

JUDGE CYGAN: Is it a characteristic of it that it always does it in

1 view of the user, or does it sometimes do it hidden in the background?
2 MS. NGUYEN: I think there are options to do both, but most of
3 the prior art describes RPA bot as being shown to the user.
4 JUDGE CYGAN: Thank you, Counsel.
5 MS. NGUYEN: Okay. So, if I could please move on to slide 43,
6 we talked about this, right, that the RPA bot is the one automatically
7 generating the email signature. This again shows that the RPA bot is
8 associated with a chatbot because the RPA bot is using the information from
9 the chatbot to automatically generate the signature. And then after that, the
10 RPA bot copies the email signature generated to the clipboard and word, and
11 this is shown on pages 13 to 15 of Exhibit 1006, saves it, and then emails it
12 back to the requester.
13 So, quickly going to slide 48, I wanted to provide a brief
14 discussion of Williams. Williams is like Symons. Williams discloses a
15 system that combines a chatbot with an automation process. And as
16 described on the slide, slide 48 in the passage, Williams's system comprises
17 a chatbot that engages in a natural language dialogue with the user to capture
18 information to handle the user's request. The chatbot then triggers a robot
19 and passes the information to the robot, which means that the chatbot is
20 associated with the robot. The robot then completes the user's request.
21 Please turn to slide 49. This slide shows Figure 1 of Williams.
22 Shown in the green highlighted text on the left, Williams teaches the RPA
23 through a GUI. That is Williams teaches defining an automation process via
24 a user interface. And as shown in the purple highlighted text on the right,
25 Williams also teaches an automation process that interacts with humans such

1 as by using a natural language interface and performing natural language
2 processing.
3 Please turn to slide 50. This slide shows all of the disputed
4 recitations between the parties for the independent claims of all three
5 patents. Now, for simplicity purposes only, the slide notes Independent
6 Claim 1 of the three patents. But, Your Honors, you'll note that in the papers
7 we do provide the other independent claims of the patents that include
8 recitations similar to the ones shown on this slide. And I will go through
9 and discuss the disputed recitations. But the one thing I wanted to note is,
10 and this is the key takeaway for Symons-Williams, is that the combination of
11 Symons-Williams teaches each one of these recitations, including under
12 Patent Owner's constructions of the claim terms.
13 So, if I may let's start with the first distributed recitation, natural
14 language interface and slides 51, 52, 53 we've provided these for Your
15 Honors to be able to quickly identify where natural language interface is in
16 the three patents.
17 Turning to slide 54. To start I wanted to note that the independent
18 claims recite natural language interface. They do not recite natural language
19 processing. And the specification as shown in the passages on this slide
20 makes clear that natural language processing and natural language interface
21 have different meanings. As a result, natural language interface as recited in
22 the claims do not require natural language processing as Patent Owner
23 argues. Now, shown in the top passage of the slide, the specification
24 describes natural language processing as processing of the user's interaction
25 with the chatbot. Now, contrast this to the bottom passage of the slide where

1 the specification describes a natural language interface as a text-based
2 conversation, an oral conversation, or the like.
3 Turning to slide 55, this is Petitioner's expert providing testimony
4 that is consistent with the specification. When asked during his deposition,
5 shown on the left, what natural language processing means, Dr. Beigi
6 answered that it means processed that language, which is a natural language.
7 And then when asked about the meaning of natural language interface,
8 shown on the right, he answered that it is an interface that allows you to do
9 natural language communication with the software.
10 JUDGE SZPONDOWSKI: Counsel, I have a question. Do we
11 need to construe natural language interface?
12 MS. NGUYEN: Oh, sorry, Your Honor, I didn't hear that. Sorry,
13 Your Honor.
14 JUDGE BOUDREAU: I think Judge Szpondowski seems to be
15 having some audio issues, but I heard her question. She asked whether
16 natural language interface needs to be construed.
17 MS. NGUYEN: So, Your Honors, the parties never offered
18 natural language interface as a construction. In our opinion, it does not,
19 especially since if you'll notice on, I believe it's slide 32 of Patent Owner's
20 demonstratives, Patent Owner has never offered a construction for natural
21 language interface, or even made any statements as to what it is. So, in our
22 opinion, and this relates to the objections that we submitted, in our opinion,
23 it would be improper to have the parties or to consider natural language
24 interface a term that's up for construction because of the lack of briefing in
25 the papers. I hope that answers your question, Your Honor.

Okay.

JUDGE BOUDREAU: This is Judge Boudreau again. I have a follow-up question. In the 1379 IPR, and this is Exhibit 2001, paragraph 169, Mr. Zatkovich, Patent Owner's expert, testified that a person of ordinary skill in the art, as of November 5th, 2017, would understand that an interface, when presenting questions in what would otherwise be natural language, would not be a natural language interface, as understood by those of skill in the art, unless the interface can also understand the input, process it, and generate a response based on that input. Does Petitioner disagree with that?

MS. NGUYEN: Yes, Your Honor, we do disagree with that. If we take the word natural language interface, and if you think of the three-word term kind of, you know, as ordinary and customary meaning, an interface just refers to basically the computer screen between the user and the chatbot. Right. Simple as that. It doesn't -- there's no processing required in the word interface. Now, natural language, that is known as being human language, so not any sort of computer code. This dialogue that you and I are having right now, that is natural language. So, in our view, natural language interface does not require natural language processing. And this is supported by the specification passages shown on slide 54, which makes a distinction, and then also shown here on slide 55, where our expert has provided an understanding of both terms.

JUDGE CYGAN: Counsel, this is Judge Cygan. (INDISCERNIBLE - TECHNICAL DIFFICULTY) would that require the system to understand the input?

MS. NGUYEN: Your Honors, we believe that would be natural language processing. If the system has to process the input, yes. But the interface, which, you know, as again, just giving an example, the screen that you see, that would be an interface.

JUDGE CYGAN: Okay, thank you.

MS. NGUYEN: Okay. And in the interest of time, I will go through some of these slides pretty quickly, but slide 56 shows that Symons teaches natural language processing. And then to the, you know, even if Your Honors do not believe that Symons teaches natural language processing, then on slide 49, Williams does, and this is described explicitly in the purple box shown on the right.

Now, turning to the next disputed limitation, determining an automation process shown on slide 58. Slide 59 shows that this recitation appears in element 1[c] of the '664 patent. And for determining an automation process, Patent Owner believes that determining requires a selection among a plurality of automation processes, but Petitioner respectfully disagrees. This is shown on slide 60 where Claim 8 narrows the meaning of determining to selecting the automation process. And then if you go to slide 61, these -- slide 61 provides passages from the specification that show that the claims encompass a single, or in other words, one automation process.

Slide 62 shows the chatbot determining an automation process where the chatbot triggers the RPA bot to execute the corresponding automation process. And then slide 63 shows that Williams also teaches determining an automation process, and that is by this passage shown here in

1 yellow where the chatbot discerns through a series of interactions, the nature
2 of the call, a person of ordinary skill in the art. If Your Honors believe that
3 determining requires multiple automation processes, then this passage right
4 here would be understood as multiple automation processes.
5 Okay. Moving on to the next disputed limitation, displayed user
6 interface of a computer program. And again, we've provided slides 65, 66,
7 and 67 for Your Honors to refer to these recitations. One thing to note,
8 there's a slight variation in the '317 patent. It recites graphical user interface
9 of the web-based target system.
10 And then turning to slide 68, what you see here are two
11 screenshots from the Symons video, and this is of the same displayed user
12 interface from Symons's desktop application. But the only difference
13 between the two are the timestamps. The one on the left is earlier in the
14 video. The one on the right is later in the video, but this is the same laptop
15 computer, the same user interface, the same computer application, desktop
16 application.
17 Now turning to automatically and without user input interacting
18 with the widget in the GUI, slide 70 shows that this recitation is from the
19 '317 patent element 1[h]. And then we've provided slide 71, and you can see
20 this more clearly in the video because the video has more -- has movement.
21 But slide 71 shows that Symons's RPA bot automatically and without user
22 input interacts with the allow access button shown in the middle of the
23 screen.
24 Now, turning to slide 72, one of the other recitations that the party
25 disputes is third-party web-based target system. Slide 73 shows that this

1 term appears in the '317 patent, as Your Honors are well aware. And then
2 slide 74, you'll see that Symons teaches a third-party web-based target
3 system. So for slide 74, we've blown up, and this is from the RPA bot, right,
4 we've blown up part of the email signature generator on the bottom left to
5 make it easier to see what it says. And one of the issues in dispute here is
6 Patent Owner argues this is not a web-based target system. If you look at
7 the second to last line in the blown up passage, it says to return to the email
8 signature generator you can bookmark the URL of this page. So, Your
9 Honors, you may be aware URL stands for uniform resource locator. This is
10 a common term used to describe the internet. This means that the email
11 signature generator is a web-based target system. And one thing I wanted to
12 note is Patent Owner agrees implicitly that this is a web-based target system
13 with its identification of Internet Explorer on pages 6 to 7 of its '317 Patent
14 Owner response. And it's also on slide 74 of its demonstratives.
15 Now, the other part, which would be third party, as I mentioned
16 earlier, the RPA bot was developed by a company called RoboRana. And
17 the third party -- the other party, sorry, is a Arinti who developed the
18 chatbot. Those two are not the same companies, so they are third parties to
19 each other. And if you may turn to slide 75, the reason why the email, this
20 provides the passages from Baetens, who is with Arinti, declaration on the
21 top, and Symons, who is with RoboRana's declaration, the passage shown on
22 the bottom, and they both talk about how they independently developed the
23 chatbot and the RPA bot. They're different groups with -- and they describe
24 each other as new colleagues and as the collaboration as being a joint effort,
25 which shows that the two are third parties with respect to each other. Not

1 only does Symons teach a third party web-based target system on slide 76,
2 you'll see this shows Williams teaching of a third party web-based target
3 system. So, whether it's Symons or whether it's Williams, both teach a third
4 party web-based target system.
5 Now, if I may turn to slide 77 and the defining an automation
6 process recitation of the '732. Slide 78 shows this recitation in the preamble
7 of Claim 1 and Patent Owner's only dispute with respect to this -- sorry let
8 me back up, Patent Owner argued that Symons does not show defining an
9 automation process, but on slide 43 that I discussed earlier, Symons teaches
10 an automation process. The parties do not dispute that. But also as
11 explained on page 14 of the '732 petition, Symons's automation process has
12 been defined because otherwise the automation process would not have
13 existed.
14 Now, in response to this and after, you know, providing arguments
15 from Petitioner or Patent Owner, then if you slide 79, argues that Symons
16 does not teach defining an automation process without an API. In other
17 words, Symons does not teach this limitation under Patent Owner's
18 construction. But on slide 79, you'll see this is a paragraph from Symons's
19 declaration, and he explicitly says his job was to implement the RPA bot, or
20 in other words, define the automation process. And he does this without
21 using an API. So, Patent Owner's new argument at pages 12 to 13 of the
22 '732 sur-reply that, "Symons does not necessarily define the automation
23 process without the use of APIs", is incorrect.
24 Please turn to slide 80. But even so, Your Honors, Williams
25 teaches defining an automation process. The passage on the left shows

1 Williams describing how the user teaches the RPA bot, and then also the
2 passage on the right shows in yellow that Williams discusses the problem
3 with programming certain rules, followed by the solution in green of
4 drafting trading rules using normal conversation text. And using normal
5 conversation text means this is via a user interface. In other words, Williams
6 teaches Patent Owner's construction of defining an automation process.
7 Finally, moving on to defining a conversation, and that's recited in
8 element 1[a], the '732 patent shown on slide 82. Slide 83 shows Symons's
9 chat bot having a conversation with the user. And as explained on pages 16
10 to 18 of the '732 petition, a POSITA would have understood that the
11 conversation shown on the slide has been defined, otherwise the
12 conversation would not have existed. And the fact that the questions asked
13 by the chatbot in the conversation correspond to input fields of the email
14 signature generator, this further shows that the conversation has been
15 defined. For example, the first chatbot question is what is your name. And
16 the first input field in the email signature generator is name. The second
17 chatbot question is what is your role. And the second input field in the email
18 signature generator is role. So, it would have been obvious that Symons
19 teaches defining a conversation.
20 Now, let me pause there and see if Your Honors have any
21 questions about Symons-Williams and the independent claims.
22 Turning to slide 84, this slide shows the dependent claims for
23 Symons-Williams. As you'll note, each one of these has a red star. As I
24 mentioned earlier, any red starred item is an argument that Patent Owner's
25 sur-reply merely repeats its Patent Owner response and does not provide a

1 rebuttal. So, given that I'm starting to run out of time, I will move on to
2 Allen unless Your Honors have any questions.
3 So, Allen is shown on slide 94, and Allen teaches a system that
4 allows the user to teach the device how to perform complex repetitive tasks
5 that the user usually would perform using the devices GUI. After the system
6 is taught how to perform the task it automatically executes the task in lieu of
7 the user executing the task. And this is similar to what I mentioned earlier,
8 Your Honors, where you could just sit back, look at your laptop screen and
9 have the robot do your work for you. It sounds like a great deal.
10 Slide 95 shows Figure 3 of Allen and an example of a GUI. It
11 includes different sections, including a speech interface display 20 shown in
12 the red box. And then on top of that is the web browser display 12. And the
13 example in Figure 3 is of the user teaching the system how to buy a book.
14 After the user teaches the system how to buy a book, as Allen discloses in its
15 abstract, the system then performs the task for the user.
16 JUDGE SZPONDOWSKI: I have a question.
17 MS. NGUYEN: Yes.
18 JUDGE SZPONDOWSKI: Can you hear me?
19 MS. NGUYEN: Yes.
20 JUDGE SZPONDOWSKI: That's good news. So, I have a
21 question. Are you --
22 MS. NGUYEN: Oh, sorry, Your Honor. It keeps cutting out.
23 JUDGE SZPONDOWSKI: Okay. Still cutting out?
24 MS. NGUYEN: Not yet. Oh, I'm sorry, Your Honor.
25 MR. SLAY: Judge, it looks like you're on mute, and if you go up

to -- the easiest way would be to go to audio and video at the very top, click on settings, and then under audio microphone, just cycle through your microphone, and we'll tell you when we can hear you. And you're still on mute.

JUDGE SZPONDOWSKI: Let's try that. Does that work?

MR. SLAY: I just heard you.

JUDGE SZPONDOWSKI: Okay.

MR. SLAY: Okay. Can you say something again just to confirm?

JUDGE SZPONDOWSKI: Yes. Yes, something.

MR. SLAY: Okay. We can hear you now. Thank you.

MS. NGUYEN: Sorry, Your Honors if you're speaking, I still cannot hear you. I apologize.

JUDGE SZPONDOWSKI: Yeah, it's telling me I'm muted, but I'm not. So I'm not sure what --

MS. NGUYEN: I can hear you now.

JUDGE BOUDREAU: It's fine now. Lost you again.

MR. SLAY: Hello, Your Honor. If you go to the very top audio interface again. Go to settings. I think what might be happening is there's a button if you look under the settings under volume. Unmute temporarily by holding spacebar. Make sure that's unchecked. It could be muting you.

JUDGE SZPONDOWSKI: Unchecked. You can hear me briefly and then it breaks up.

MR. SLAY: Okay. I can hear you now. And if you keep speaking just to make sure it didn't mute you.

COURT REPORTER: Should I go off record, Judges?

JUDGE SZPONDOWSKI: Yes, we should go off record.

COURT REPORTER: Thank you. We're going off record and the time is 1:13 p.m. Eastern Standard.

(Whereupon, the above-entitled matter went off the record at 1:13 p.m. and resumed at 1:14 p.m.)

COURT REPORTER: We're going back on record and the time is 1:14 p.m. Eastern Standard.

MS. NGUYEN: Your Honors if you're speaking I cannot hear you again. I still can't hear.

MR. SLAY: Well, can you rejoin? I'll be standing by to log you back in.

JUDGE SZPONDOWSKI: Go back off the record.

COURT REPORTER: Okay. We're going back -- going off record and the time is 1:14 p.m. Eastern Standard.

(Whereupon, the above-entitled matter went off the record at 1:14 p.m. and resumed at 1:20 p.m.)

COURT REPORTER: We're going back on record and the time is 1:20 p.m. Eastern Standard.

JUDGE SZPONDOWSKI: Okay. Thank you. Apologies. I think my microphone problems are resolved. So, we lost about 10 minutes of Petitioner's argument time. So, you will get an extra 10 minutes, which should take us to, I believe 1:31. Does that seem correct?

MS. NGUYEN: Your Honor, by 1:31, do you mean I've been speaking for an hour and 31 minutes?

JUDGE SZPONDOWSKI: You have been speaking for -- you

1 asked for an hour and 15 minutes of opening. So, which would have taken
2 us to 1:21 p.m. for your opening without your rebuttal time. So, you would
3 have until 1:31. You know, obviously you can run into your rebuttal time if
4 you'd like.
5 MS. NGUYEN: Okay. Understood.
6 JUDGE SZPONDOWSKI: Okay. So, I had a question about the
7 Allen reference because there are citations to Figure 1, Figure 2, and Figure
8 3, which appear to teach the training functionality in Allen.
9 MS. NGUYEN: Yes.
10 JUDGE SZPONDOWSKI: And so, are you relying on the training
11 functionality or are you relying on the execution of the functionality, which
12 is described, I think, at the bottom of column 12 of Allen?
13 MS. NGUYEN: Yeah, that's a great question, Your Honor. We're
14 actually relying on both. And let me explain why. So, if we take a look at
15 Claim 1, actually, let me have you look at the slide 97. So, as you'll notice
16 in the patents, the limitations are tied to either, depending on which patent,
17 tied to either the training or the executing. For the '664 and the '317 patents,
18 the limitations are tied to the executing. And that's because the claim
19 language will talk about interfacing with the user interface during execution
20 of the automation process. The training part comes into play from Allen
21 with respect to defining as recited in the '732 patent. So, training the system
22 would define an automation process. It would also define the conversation.
23 JUDGE SZPONDOWSKI: But I think the training figures seem to
24 be relied on also in the '664 patent, aren't they, for some of the limitations?
25 MS. NGUYEN: Correct. So, the same user interface is used for

1 training and executing in Allen. The -- oh, go ahead, please. Sorry about
2 that.
3 JUDGE SZPONDOWSKI: Do any of the figures in Allen actually
4 show what the execution looks like?
5 MS. NGUYEN: Yes, Your Honor. So, if you take a look at Figure
6 10, and I'm trying to see if I have it on the slides. But Figure 10 is an
7 example, and perhaps I don't have it on the slides, but I have it on page,
8 sorry, slide 115. It shows the passages from the specification. It talks about
9 the system providing an enhanced GUI displaying iterative operations. So,
10 that there's the displaying word and then you'll see Figure 10 is also
11 highlighted to show that Figure 10 provides a simplified depiction of what
12 that user interface may look like. And how you know, and there's several
13 passages, but how you know that the displayed user interface is displayed
14 during execution is that it says on the bottom passage, on some occasions,
15 the system will make mistakes. And that's in this iterative operation, the
16 system and user are working together. And when the system does make
17 mistakes, the user can readily observe the mistake. And so, a person of
18 ordinary skill in the art would understand that in order for the user to readily
19 observe the mistake, the mistake has to be displayed.
20 And then if you take a look at slide 110, here's another example in
21 Allen where its disclosures support displaying during execution. Its Claim 1
22 talks about an interactive method. Again, that's the user and the system
23 working together, executing executable tasks. And then this method
24 comprises providing a computational device, including a graphical user
25 interface. So, in other words, executing executable tasks would use this

1 graphical user interface. Otherwise, there's no other reason to have it other
2 than for the executing and the learning.
3 JUDGE SZPONDOWSKI: Okay, thank you.
4 MS. NGUYEN: Yes.
5 JUDGE BOUDREAU: Counsel, just to clarify, in the '664 patent,
6 the determining step of Claim 1, is that a -- is that a training step or is that an
7 execution step?
8 MS. NGUYEN: That is an execution step, Your Honor. So, for
9 the --
10 JUDGE CYGAN: So, what does it mean to, in that determining
11 step, to simulate user interactions?
12 MS. NGUYEN: Yes. So, what that means is, and I'll give you an
13 example. What that means is the robot would move the mouse or would
14 type in using, you know, a keyboard, or it would be like a keyboard,
15 whatever is on the displayed user interface. So, if you go to slide, give me a
16 second here, please, 95, which shows Figure 3.
17 Do you see in the middle of the web browser display this arrow
18 close to the title box? So, the -- what happens is in Allen, the robot moves
19 the cursor to the title box and then types in the words 'the glass title' for the
20 title. After finishing typing in the words, what would happen is then the
21 robot would move down to author and type in the author. So, that would be
22 part of -- that's all of claim, I'm sorry, that is the '664 patent claims. And,
23 Your Honors, I just wanted to note the parties don't dispute that the '664
24 determining relates to execution, and the parties don't dispute that the '732
25 claims, the recitation with respect to defining an automation process and

1 defining a conversation, that relates to training.
2 JUDGE CYGAN: Does Figure 3 in Allen refer to training or
3 executions?
4 MS. NGUYEN: Figure 3's description is specific to training, but
5 one of ordinary skill in the art, if you look at the passages that we've
6 provided in the papers and also in the demonstratives, would understand for
7 example from slide 103, also from, sorry, slide 109, slide 110. All of these
8 passages support that the user interface is displayed during execution.
9 JUDGE CYGAN: But certainly you need more than just the
10 display of the user interface because the claim limitation is determining the
11 process itself in the '664 patent.
12 MS. NGUYEN: Correct, Your Honor. That is correct. And
13 there's --
14 JUDGE CYGAN: The determining isn't determining the response.
15 The instant response is determining the process that's going to be configured
16 to perform the automation. So, it doesn't really seem like it's an active, you
17 know, interaction more than it is a training interaction, which is what you
18 seem to point to in Allen anyway, was the training interaction.
19 MS. NGUYEN: Let me have you turn to slide 102, Your Honor.
20 So, if you look at this slide, this is the conversation from Allen between the
21 system and the user, right? So, if you can see in the third line on slide 102,
22 the sentence says, the user would only need to say something like, I want to
23 buy a book. And what you'll see after that is then the system asks a lot of
24 questions about the book. So, in other words, the system has figured out the
25 user wants to buy the book. Once that information is provided, PLOW

1 would then perform the steps it was previously taught and completes the
2 transaction. So, the highlight, the sentence that says once that information is
3 provided, that's the chatbot providing the information to the automation
4 process. And then PLOW performing the steps that's determining to -- that's
5 determining the automation process because the next step that follows is
6 performing the automation process. So this and this --
7 JUDGE CYGAN: Why isn't -- sorry, Counsel. Why isn't
8 determining the automation process the very first phrase in that paragraph
9 once the complete task is learned. Isn't learning the complete task, the
10 determining the automation process?
11 MS. NGUYEN: It could be, Your Honor, but the part with the
12 '664 patent is that it says determining based on the natural language inputs.
13 So, that suggests that the termination is during execution. The natural
14 language inputs as recited in the '664 claims are the inputs retrieved from the
15 conversation with the user.
16 JUDGE CYGAN: So, in other words it isn't until the user says, I
17 want to buy a book --
18 MS. NGUYEN: Correct.
19 JUDGE CYGAN: -- that the automation process is determined?
20 MS. NGUYEN: Right. If the user said something like I want to
21 rent a movie, then a different automation process would be determined, one
22 related to renting a movie.
23 JUDGE CYGAN: Thank you, Counsel.
24 MS. NGUYEN: Yes.
25 JUDGE SZPONDOWSKI: Counsel you have about a minute left

in your hour and 15 minutes.

MS. NGUYEN: Okay. Thank you, Your Honor. So, if I may just turn Your Honors to slide 105, this, and Your Honors you hit it right on the head, the main dispute between the parties was this displayed user interface of the computer program during execution of Allen. Unless Your Honors have any other questions and given how much time is left, I will skip to Krishnan-Radhakrishnan.

Okay. So, give me one second, please, to find the right slide. Okay. And Your Honors, before I actually talk a little bit about Radhakrishnan, Krishnan-Radhakrishnan, one thing I wanted to note is that you'll see on my screen, this is a screenshot from pages 19 and 20 of the '664 Patent Owner's sur-reply. As shown in the green highlighted text, Patent Owner, and Patent Owner has done this a few times in the papers, alleges that Petitioner missed cites and modifies Allen's abstract, something we had just finished talking about. And then Patent Owner provides in yellow highlighted text what it claims to be a complete and unmodified citation of the first sentence of Allen's abstract.

Now, if Your Honors, if you put Patent Owner's citation shown in the yellow highlighted text here side by side with Allen's abstract, you'll note that there are a few important words missing from Patent Owner's citation. Without these words, the meaning of the yellow highlighted text completely changes from the system performing the task, that would be Allen's abstract, to the user performing the task, that's Patent Owner's citations. So, Your Honors I would invite you to carefully scrutinize Patent Owner's citations in the briefs, including the abstract and the brief here shown on the slide.

Now, if I may have you go to slide 137. Let's briefly discuss Krishnan. Krishnan teaches a system comprising a chatbot. The chatbot engages in a natural language conversation as shown on the left in Figure 1. The chatbot provides information from the user, sorry, will provide information to the user and then request information from the user. The chatbot also performs actions to fulfill the user's requests, and these actions are akin to executing an automation process.

Now, turning to Radhakrishnan, Radhakrishnan teaches RPA bots, and I believe Your Honors had a question about that earlier. Radhakrishnan provides very good disclosures about what an RPA bot is and the benefits to them. It describes that RPA bots are trained to mimic user activity directly with a user interface. The bot simulates mouse and keyboard inputs. That was the discussion I talked about earlier, where the bot will move the mouse or type in key or type in words, as if there were a keyboard for the bot to type into. And that is to execute commands and perform automated tasks.

Now, given the interest of time, you'll see here on slide 140, the disputed issues between the parties. The issues are really not, they're far and few, compared to the other two grounds. Really, the parties dispute, and I will skip over these, sorry about that, recitation, unless Your Honors have any questions. Really, the parties' dispute goes towards motivation to combine.

So, let me stop there and see, or pause there and see if Your Honors have any questions about these recitations. Otherwise, I'd like to briefly talk about motivation to combine.

Okay. So, with respect to motivation to combine, turning to slide

1 158, Patent Owner only makes two arguments. So, Patent Owner's first
2 argument is that Petitioner did not explain that the automation process is tied
3 to a displayed user interface. But as I described earlier and as described on
4 pages 65 to 71, that's six pages of the '664 petition, Krishnan teaches a
5 system that involves a chatbot and executing an automation process.
6 Radhakrishnan teaches an automation process that is tied to the displayed
7 user interface. And there are multiple reasons for combining Krishnan and
8 Radhakrishnan, including for better user convenience, and this is shown on
9 the passage on the slide, lower operational costs and increased user and/or
10 process efficiency.
11 Now, Patent Owner's second argument is that Krishnan does not
12 use a GUI to book a flight. And Your Honors have probably seen this as a
13 common theme throughout Petitioner's briefing, Patent Owner keeps trying
14 to separate Krishnan from Radhakrishnan and argue that one does not teach
15 a certain recitation. But as I just want to note that Petitioner relies on
16 Radhakrishnan for its teachings of executing an automation process using a
17 GUI.
18 Now, slide 159 provides passages from Radhakrishnan where it
19 describes the benefits of using RPA bots. In other words, Radhakrishnan
20 provides explicit motivation to combine. One slide --
21 JUDGE SZPONDOWSKI: Counsel?
22 MS. NGUYEN: Yes.
23 JUDGE SZPONDOWSKI: Yes, I have a question. So, is the
24 combination then using an RPA bot in Krishnan to fulfill the customer
25 service requests from Krishnan on a UI?

MS. NGUYEN: That's exactly right, Your Honor.

JUDGE SZPONDOWSKI: Okay, thanks.

MS. NGUYEN: And then slide 160 provides the explicit motivation to combine, specifically to why a POSITA would want to use the displayed user interface and apply it to Krishnan's teachings.

Okay. Unless Your Honors have any questions, slide 61 we've provided just for your convenience to understand the issues between the parties. Again, red stars for all of the dependent claims argued between the parties. Let me see if Your Honors have any questions. Otherwise, this concludes the first part of my presentation.

JUDGE SZPONDOWSKI: Okay, thank you, Counsel. You'll have 24 minutes left for rebuttal. Why don't we take five minutes before we turn to Patent Owner? It's 1:38 now. So, why don't we plan to reconvene at 1:43 p.m. and we can go off the record.

COURT REPORTER: Okay. We're going off record and the time is 1:38 p.m. Eastern Standard.

(Whereupon, the above-entitled matter went off the record at 1:38 p.m. and resumed at 1:46 p.m.)

COURT REPORTER: All right. We're back on record and the time is 1:46 p.m. Eastern Standard.

JUDGE SZPONDOWSKI: Okay. We are ready for Patent Owner's argument. Would you like to reserve any time for sur-rebuttal?

MR. MACEDO: Yes, I'd like to reserve 20 minutes. As I understand it Petitioner you said still has 24 minutes. Is that correct?

JUDGE SZPONDOWSKI: That's correct.

MR. MACEDO: Yes, 20 minutes will be fine.

JUDGE SZPONDOWSKI: Okay. You may begin whenever you're ready.

MR. MACEDO: Okay. And what time would that take me to, Your Honor, on your clock?

JUDGE SZPONDOWSKI: That will be -- hold on, I'm just looking at my clock here.

MR. MACEDO: I just want to make sure we're on the same --

JUDGE SZPONDOWSKI: Yeah.

MR. MACEDO: I'd like to know where my target is.

JUDGE SZPONDOWSKI: Yeah.

MR. MACEDO: A bad pun in the context of today's argument.

JUDGE SZPONDOWSKI: I think that takes you to 3:12.

MR. MACEDO: Okay, sounds good. Thank you, Your Honors. We can go on the record whenever you're ready.

JUDGE SZPONDOWSKI: We're on the record, so whenever you're ready, you may begin.

MR. MACEDO: Great. Thank you, Your Honor. So, my name is Charles Macedo, and I am representing Patent Owner, and we obviously are talking about the same three consolidated IPRs that we've been speaking to, and I'm showing you our demonstrative Exhibit number 1. I will also be using not only our Exhibits possibly out of order, and less of them than we submitted, but some of plaintiffs -- Petitioner's demonstrative exhibits, and some of the underlying documents that are being relied on.

If we could go to Exhibit 2, I'd like to briefly address the motion to

1 expunge because I think it is relevant. What happened is, in this case, as
2 Your Honors are aware, Petitioner relied upon a Symons article or blog,
3 which was a blog post that he made and wrote in 2017 with an
4 accompanying blog video, and that was marked as Exhibit 1004. However,
5 the blog post was missing the comments that were posted on that blog in the
6 version that was submitted, and we submitted that as Exhibit 2005.
7 Petitioner objected to our evidence, and when they objected to the evidence,
8 we responded with a supplemental declaration of Mr. Zatkovich, which was
9 unique for each IPR, and marked as Exhibit 2014. There's three different
10 versions of them, so you're aware. And then the actual supporting evidence
11 is to those comments, which are 2015, 16, and 17.
12 Those comments are not arbitrary and irrelevant comments. Those
13 comments are comments by third parties saying what they did not
14 understand from seeing the blog or the video. We submitted a proof of
15 response to the objections with copies of the documents, not offering them
16 as evidence, but just to show what was done. Petitioner requested us to
17 expunge before the reply was submitted. When we requested of them
18 whether they intended to move to strike the previously objected to
19 documents that these provide support for, Petitioner said -- did not confirm
20 or deny what their intention was, and said that our question was unrelated,
21 and it was premature for them to decide that.
22 Thereafter, the Petitioner submitted Dr. Beigi's reply declarations,
23 where he specifically relied on Exhibit 2014, 15, 16, and 17, and we give
24 you the cites in Petitioner's demonstrative Exhibit 2 as to where he does that.
25 He also confirmed in his deposition, and we give you the cites to his

1 deposition, Exhibit 2020, page 134, line 15, to 135, line 19, for 2014, 112,
2 18 through 113, 4 for 2015, and 113, 19 through 115, 5 for 2016 and 2017.
3 Petitioner then dropped the challenge to Exhibit 2005, but kept to Dr. Beigi's
4 reply declaration relying on those Exhibits. We don't think expungement is
5 appropriate when Dr. Beigi relied on the Exhibits, and it's part of the record.
6 Our understanding is that whatever is being referred to by the record should
7 be kept in the record, and that's the reason why we oppose it.
8 With respect to Exhibit 2018, since they dropped the original
9 objection and are not otherwise relying on it, we have no objection, and we
10 withdrew to that being withdrawn or expunged from the record. I hope that
11 answers your questions, Your Honor.
12 JUDGE SZPONDOWSKI: I have a question. Aren't Exhibits
13 2015, 2016, and 2017 already in the record under Exhibit 2005?
14 MR. MACEDO: So, 2005, well, we actually can go to the next
15 page. So, this is what they put in, which doesn't have it, as you can see, and
16 then 2005, go on the next slide. So, 2005 is the comments, and then next
17 slide. 2015 and 16 is the details of when the comments were posted, who
18 posted them, and everything. Whether they're there or not, the issue is you
19 have a declaration which is referring to them. And my understanding is that
20 the policy of the Patent Office and the PTAB is for the public to be able to
21 understand what's being referred to. In the end, the substance of 15 and 16
22 and 17 are in 2005. You're absolutely correct, Your Honor. But and it's just
23 a question of whether the public record should be complete or not.
24 JUDGE SZPONDOWSKI: So, do you -- I mean, under 37 CFR §
25 42.64(b)(2) to respond to the objection of evidence, I mean, do you dispute

1 that you weren't supposed to file those documents to respond to that
2 objection?
3 MR. MACEDO: So, what I would say is we didn't file them as
4 evidence to respond to the objection. The rules actually don't say that don't
5 authorize you to file it, but they don't prohibit you from filing it. I do
6 understand that there are some non-precedential decisions of the Board,
7 which we learned about later, that said that. I will admit to you that the
8 common practice in many of our Federal Courts is when you serve a
9 document, you file proof of service, which is what we were doing. And I do
10 apologize if it was a mea culpa that we filed it at the PTAB if that is not your
11 ordinary practice. However, we were not offering it as evidence. It is only
12 when they offered it in Mr. -- in Dr. Beigi's declaration that we said it needs
13 to remain in the record.
14 In the end, you're right, Your Honor, I don't think it makes a huge
15 amount of difference because as long as 2005 is in the record and it is no
16 longer objected to, we can all rely on that. I just would hate to deprive the
17 public of a full record of the omissions of the key piece of prior art that we
18 spent about 45 minutes discussing already today. And thus, if there's
19 anything else, I'd like to move on.
20 JUDGE SZPONDOWSKI: Yes, please. Thank you.
21 MR. MACEDO: Okay. Next slide. So, this chart we put together
22 for the Court's convenience to sort of outline all the issues that have been
23 presented in terms of the grounds and the different IPRs. As Your Honors
24 have recognized, there are three primary grounds that are being advanced in
25 each of the IPRs, all of which, by the way, are obviousness arguments. Not

1 a single one of these, including the ground that was instituted by Allen, was
2 presented as an anticipation argument, or instituted as an anticipation
3 argument. Yet, I would remind the PTAB and the Petitioner that
4 obviousness requires that you explain the difference between the prior art
5 and the claimed invention and how you fill those gaps. It is not enough to
6 merely point to the existence of one element in one piece of prior art and
7 another element in another piece of prior art without saying how you would
8 modify the prior art and why you would modify the prior art and why it
9 would make sense. When you go through and analyze the different grounds,
10 you'll see that Petitioner failed to do that across the board in most of the
11 instances.
12 With respect to the first ground, it involves the Symons blog,
13 which is Exhibit 1004 that we were just talking about, that doesn't really
14 give you very much information other than one paragraph. The Symons
15 video, which the Petitioner instead of relying on the original Exhibit 1033,
16 which is the video, relies upon their excerpts of screenshots and a translation
17 of the screenshots 1006 and Williams without explaining any reason why the
18 teachings of Williams would be applicable to the Symons blog or Symons
19 video in its combination.
20 The second reference that was relied on, which is the basis of the
21 institution with respect to Claim 1 of each of the patents, is the Allen
22 reference, Exhibit 1014, which is where I will have my initial discussion
23 with Your Honors.
24 And then the third reference, as we heard at the end of Petitioner's
25 presentation, is Krishnan, which is Exhibit 1017, except that is not prior art.

1 It is only that which is in Exhibit 1017 that relates back to Exhibit 1016, the
2 priority document, which constitutes prior art. A showing which Petitioner
3 never made, they made an irrelevant and different showing in their petition
4 about how the claims in Krishnan were supported rather than how the text in
5 Krishnan is supported. And they did not really meet their burden to
6 establish what was prior art and what was not prior art in Krishnan. And its
7 combination with Radhakrishnan, which we think is a disparage -- which we
8 think is not relevant to the pertinent or pertinent to the problems, and the
9 combination doesn't make sense, as we will discuss.
10 Now, I'm going to move on to the claims, Your Honors. We're
11 looking at plaintiff's Exhibit, demonstrative Exhibit 5, and here we put the
12 full context of the claims. And I'm going to spend a little time discussing the
13 claims because I think, unfortunately, what the question's evidence was that
14 maybe there's confusion as to what the invention is, what the claims are
15 covering, and how they relate to the prior art. And I hope that this
16 explanation will help here.
17 I think the first thing that is important to keep in mind is that these
18 claims are directed to different applications of a broader concept of defining
19 a conversation used to invoke an automation process from a natural language
20 interface. And what the problems that were being addressed was how the
21 conversation should be defined in a user-friendly way, how it should be
22 implemented when you're dealing with some unrelated third-party system
23 which you don't have access to an API or backend system for, and how it
24 could be done by a user who isn't a programming user that has no abilities
25 and to do it without lines of code. And that's why you see in Figures 4 and 5

1 different, you know, cool little user interfaces where you can push buttons
2 and build out a conversation or a process.
3 So, to start off with we talk about a natural language interface. So,
4 a natural language interface is in all three patents. It's in claim element [a]
5 of the '664, it's in claim elements [a] and [d] of the '732 patent, and it's in
6 claim element [a] of the '317 patent. The natural language interface in the
7 '664 patent includes a first natural language input, a natural language
8 feedback on the first natural language input, and a second natural language
9 input of the user. Those details were put in to the claim to help make it clear
10 that the natural language interface was in fact a natural language interface
11 which involved natural language and involved natural language processing.
12 One of the questions that you were asking is was natural language interface
13 something that was requested to be construed. It wasn't because after Dr.
14 Beigi's deposition, Dr. Beigi and Dr. -- and Mr. Zatkovich all agreed that a
15 natural language interface used natural language processing.
16 They also agreed what a natural language interface wasn't. It
17 wasn't a form. It wasn't the use of buttons. The natural language interface
18 had to use natural language processing. Well, why does that matter? Well,
19 Symons and Krishnan are relying on buttons which are not a natural
20 language interface as the basis of the read by Petitioner. Allen uses a form
21 for the critical question, which is also not a natural language interface. In
22 fact, when Your Honors ask, does Allen teach at any place where they show
23 the execution? Yeah, they do in Figure 6. In Figure 6, they show the
24 alternative of when the system intuits that it needs to look for a title instead
25 of the name and how it was presented. And Dr. Beigi recognized and agreed

1 that in the conversation that Your Honor pointed to at the bottom of column
2 12, when it asked what is the name, it would do it like Figure 6 except say,
3 what is the name and what is the title? That is not a natural language
4 interface. That's what everyone agreed until the reply came around. Also,
5 Symons says it uses a chatbot, but there's lots of forms of chatbots.
6 Now, what is a chatbot? A chatbot is like when you call up that
7 person on the telephone and say I would like help, and then the chatbot says
8 what would you like help with, and you go back and forth. Chatbots can
9 come in many different forms and back in 2017 there were rule-based
10 chatbots and there were natural language processing based chatbots. At that
11 time, a chatbot did not necessarily involve natural language processing, and
12 in fact the passage that Petitioner put up on the passage from the spec said
13 that the chatbot may use a natural language interface, not that it had to
14 because it could just use a pre-programmed one. In fact, we gave an
15 example of that. Mr. Zatkovich prepared as Exhibit 2006 exactly such a
16 chatbot that did not use natural language processing. And what did Dr.
17 Beigi say about Exhibit 2006? That's not a natural language interface
18 because he says the claim and he specifically referred to the '664 that was
19 referring to the natural language interface required natural language
20 processing and Mr. Zatkovich didn't use natural language processing. So,
21 that's the reason why the term wasn't put up as a claim construction term
22 because everyone agreed until the reply.
23 With respect to --
24 JUDGE CYGAN: Counsel?
25 MR. MACEDO: Yes, absolutely.

JUDGE CYGAN: Can you clarify something for me on natural language itself?

MR. MACEDO: Sure.

JUDGE CYGAN: Just to be clear, we're not confusing the idea of natural language with the idea of a pre-programming which seems like it may be different issues whether something is natural language form, whether something is pre-programmed. Dr. Beigi in his Exhibit 1003 in his declaration, he had an interesting statement I'd like to get your take on it.

MR. MACEDO: Sure.

JUDGE CYGAN: He said that by using natural language processing in LP human users are able to converse with the chatbots using everyday natural language instead of using computer or programming code, which is not a natural form of communicating. I know there's been a number of statements that he's had about natural language throughout this proceeding. But would you agree or disagree, based upon the record that natural language is something which is distinct from computer or programming code? Or is there a different way on the record that you would define natural language itself, apart from forms and preprogrammed, but just natural language itself?

MR. MACEDO: So, I think it's a great question, except I think it's incomplete, because it's not natural language. It's a natural language interface. It's a natural language conversation. It's a natural language input. And I am answering your question, but I'm going to go a little roundabout, so forgive me.

When the Board adopted what a POSITA was, a person of ordinary

1 skill in the art, they required them to have one of two skill sets at Petitioner
2 and Dr. Beigi's urging. And what were the two skill sets? One was that they
3 understood natural language processing, the other is that they understood
4 automated processes. These claims are all about marrying a natural
5 language conversation in a natural language interface with an automated
6 process against a target system. Whether it's called a computer program or
7 whether it's called a third-party web-based target system, the whole point of
8 this invention was to be able to gather information in a conversation using a
9 natural language interface, which we contend means that it uses natural
10 language processing to be able to gather information that is necessary that
11 could then be used to run an automated process against the displayed
12 graphical user interface of a computer program or target system and fill it
13 out.
14 So, yes, a natural language conversation can be one like you and I
15 are having, but when you and I have a conversation, you are responding to
16 what I say after you process it, and I respond to what you say after I process
17 it. In fact, Dr. Beigi drew the analogy to the court reporter being the
18 interface and that the court reporter was doing the processing of what the
19 response would be, which would end up in typing stuff, right?
20 So, natural language conversation requires the to and fro where
21 they understand and intuit each other, and the natural language interface is
22 an interface that enables the parties to communicate back and forth. In this
23 case, it would be the interface and the user in a natural language, as you put
24 it, which is not a computer program, but, you know, English, French,
25 Hebrew, whatever it may be. But where you're getting the input, feedback,

1 and second input, they're all responding to each other because there's natural
2 language processing going on. That's why a POSITA need to have an
3 understanding of natural language processing. That's why Dr. Beigi in his
4 deck spent as much time talking about natural language processing as he did
5 the patent itself. Does that respond, Your Honor, or do you need any further
6 clarification?
7 JUDGE CYGAN: I think I understand you to be saying that
8 natural language is any sort of sentence structure or statement which is
9 phrased in sort of colloquial language and not a sort of computer
10 programming or a mathematical type of language.
11 MR. MACEDO: I would go a little beyond that. I think natural
12 language also requires the intuit of the response from the previous statement.
13 In other words, one of the examples that we gave in Exhibit 2006, which Dr.
14 Beigi agreed wasn't natural language, is it says, I am a bot. I only generate
15 an email signature. And the person responds, I want ice cream. And then it
16 says, what is your name? And the person responds, I want tomatoes. And
17 he says, what is your name? The person says, I want an invoice. And it
18 says, what is your name? The next question is irrespective of what the
19 response before that was. And so, that would not be natural language, even
20 though it may sound like English. So, that's why I'm going a little beyond
21 your example. It's not just the distinction between English and basic
22 programming language, or C++ programming language, it's the distinction
23 between a conversation and interaction, and just a rote heuristic
24 programming of these are the questions we ask in this order irrespective of
25 what the answers are.

JUDGE CYGAN: Thank you.

JUDGE SZPONDOWSKI: I actually have a question as well. Is there any support in any of the specifications of these three challenged patents that the natural language interface requires natural language processing?

MR. MACEDO: Well, actually, in the institution decisions, you cite to that. As part of the institution decision, there's a sentence where you're referring to the language where they use the natural language processing. And just to be clear, nobody disputed this until the reply. During Dr. Beigi's original deposition, he recognized it. And even in the second deposition, he recognized that the natural language interface in the '664 patent requires natural language processing. He may dispute any other two patents, but he recognized it. And that's the reason why he said Exhibit 2006 didn't meet the claim.

JUDGE SZPONDOWSKI: Let's assume that we disagree with you that there was no dispute about this until the reply. Can you identify any support in the specification of any of these patents that requires the natural language interface or that, I guess, that states that the natural language interface requires natural language processing? Because none of these three independent claims that you're showing in slide 5 recite natural language processing.

MR. MACEDO: Well, I would dispute that the conversation in the '664 patent doesn't require. It may not use the word natural language processing. But when it says the conversation comprises a first natural language input from a user, a natural language feedback from the natural

language input from the natural language interface, and a second natural language input from the user in response to the natural language interface, that's what we're talking about is natural language processing. The first statement has a feedback that is in response to that. And then the second question is in response to the first. That's the natural language conversation. That was put in during the prosecution to clarify what a natural language conversation of a natural language interface is.

JUDGE SZPONDOWSKI: Okay, thank you.

MR. MACEDO: Okay. So, when you were talking earlier about the natural language interface, as I was explaining, Symons and Krishnan read relies on buttons. And buttons, nobody says is a natural language interface. Allen uses a form of the critical question using a form, which is Figure 6, which again, both experts agree is not a natural language interface.

Now, I will accept Your Honor that there is a dispute as to whether Symons use or not use of natural language processing constitutes whether or not the chatbot in Symons is a natural language interface. But I do think that the fact that Dr. Beigi agreed with us should be sufficient to handle that.

So the next big concept that we need to have is an automation process.

JUDGE CYGAN: All right. Sorry, Counsel. Just to be clear that the flaw that you're asserting in the references, especially with the buttons is not that the buttons do not use natural language in the interface. It's that they do not process the responses afterwards, use some sort of intelligent processor. Is that correct?

MR. MACEDO: I think it's more than that. I mean, I think that

Dr. Beigi was pretty offended when I tried to suggest that a form or a button could be anything other than a natural language interface. He says, no, no, no, no. That's a form. That's not a natural language interface. It doesn't matter what the form is asking or what the button is saying, whether it says yes or no. It isn't a conversation. It isn't something which is using natural language. Just because the button says yes or no, and those are English words, that doesn't turn it into a natural language interface or a natural language conversation. And I do believe that there's no evidence in the record to say otherwise on that. And so, and it doesn't turn on what the button is for.

JUDGE CYGAN: So, if there was a system that showed a button to a user, and asked a question in a human language. The human gave a response, and then the system puts up a second button in response to it with another question that follows up on the human's response. It's not the form of the button that's the problem, right? In this case, it would be doing everything that you're suggesting. It just wouldn't be giving you a line of text. It would be popping up a button. The same thing as if it popped up a form, a person responds to it, it pops up a form and responds to it. I'm having a little -- I'm trying to narrow it down to where the problem is here. I think it's in the processing is what your concern is with the art, not so much of the fact that there's natural language, which is simply something which is not a programming language.

MR. MACEDO: So, definitely the processing is one of the issues. I think natural language can be a separate issue. If you look at the Krishnan buttons, it says where would you like to travel to, and then it pops up three

1 buttons. That's not presenting a conversation where someone can in natural
2 language say, I want to go to Timbuktu, and then have the computer say, oh,
3 we only fly to France. We don't go to Timbuktu. That would be a natural
4 language conversation, not what Krishnan is doing. And the point is that it
5 could still be a chatbot, like you described it, Your Honor, but I don't think
6 that that would be a natural language interface, regardless of whether the
7 words are yes, no, or a color red or blue, right?
8 JUDGE CYGAN: So, what you would consider to be a natural
9 language interface would be instead of a question that pops up and says,
10 where would you like to go, A, B -- or A, button A, button B, button C, it
11 would be, where would you like to go, A or B or C?
12 MR. MACEDO: No, I think that if -- so, have you used chat GPT,
13 Your Honor?
14 JUDGE CYGAN: (CROSSTALK) --
15 MR. MACEDO: Most people have, whether they want to admit it
16 or not. But when you do a conversation in chat GPT, it comes across like a
17 natural language conversation. You would say, you know, where are the
18 five best places to go on vacation, right? And then chat GPT would come
19 back and say, users have found that Aruba, blah, blah, blah, are the best
20 places. And if you ask a question that it can't handle, it will say, hey, I can't
21 handle that. But it pursues a conversation in the form of a chatbot. And a
22 chatbot can be a natural language interface. It just doesn't have to be. And
23 it's one which does have the natural language processing because it needs to
24 have that intuit into it, which is why Petitioners and Dr. Beigi, and frankly,
25 Your Honors all agree that a POSITA would understand natural language

1 processing as part of the skill set necessary to interpret and understand these
2 patents. And there is a passage, Your Honors, which I can find for you or
3 my colleagues will find for me, and I'll give it to you on the reply, where you
4 do talk about natural language processing.
5 And I think it actually was in Petitioner's Exhibit where they did
6 that. And, you know, when you look at what Petitioner's Exhibit said,
7 they're saying that they're treating them differently. They didn't say that
8 those passages didn't treat them differently. They just explained that natural
9 language processing can be used in chatbots. They didn't say it has to be,
10 but they said it can be. And we're talking about a particular type of chatbot.
11 It's a chatbot that uses natural language processing because it has a natural
12 language interface. That's the point.
13 But that's only part of the invention. Look, we're not claiming that
14 our client invented chatbots, and we're not claiming that our client invented
15 automated processes. What our client came up with is a very particular
16 application of how you can gather information using chatbots to invoke
17 automated processes. And they had a very specific problem that they were
18 facing. The problem that they were facing is they were writing chatbots to
19 invoke processes and websites, which they didn't have back-end access to,
20 like Krishnan did. Krishnan had access to the back-end systems and to the
21 back-end processes. So, they didn't need to go through the displayed user
22 interface. So, what they said is we're going to go through the displayed user
23 interface of the computer program, which is the system whose functionality
24 is being executed by filling in the information that was collected in the
25 chatbot. That computer program is the target system.

1 When Petitioner is trying to read on Allen and they want to read on
2 the target system, they say it's Widgico. And that's what they do with the
3 '317 patent. But what they say for the computer program is that it's not
4 Widgico. They're saying that it is PLOW. PLOW is the system that's being
5 used to train, not the execution, not the target system. I mean, the read just
6 doesn't make any sense. We were actually flabbergasted when Dr. Beigi
7 first told us that's what the read was, because we didn't understand that until
8 we sat in the room with Dr. Beigi and deposed him and were told that. I
9 mean, that has nothing to do with this invention. That has nothing to do
10 with what we're talking about. What we're talking about is we have a natural
11 language interface, like a chatbot using NLP, which gathers information in a
12 conversation. It determines, based on the information that it gets in that
13 conversation in element [c], an automation process. Which automation
14 process does it implement? The one it determines. It's making a choice
15 between automation processes, just like you were saying, Your Honor, it's
16 when they said, what book do you want to buy? Oh, let's do the book
17 buying process. What movie do you want to see? Let's do the movie
18 process. Symons doesn't do that determination. Symons is a single purpose
19 thing. All it wants to do is demonstrate how you can gather information by
20 asking questions and then use it in an RPA, which actually involved
21 implementing multiple different giveaways from multiple different systems.
22 They require that the interface -- that the automation process,
23 what's referred to as the RPAs in some of the literature that you've been
24 looking at, is interacting with the displayed user interface of the computer
25 program. And then it says, and to simulate user interactions with the

1 displayed user interface of the computer program. It has to be the same user
2 interface of the same computer program, wherein the user interface of the
3 computer program is configured to be displayed on the screen. It has to be
4 shown, not just accessing it with URL commands, wherein each interaction
5 of the sequence of interaction comprises specific types of interactions that
6 are with the displayed user interface. And when they do the read, they read
7 on different displayed user interfaces of different programs in Symons to say
8 that they're meeting step [e] in the '664 patent.
9 And then they have to execute the automation process by
10 executing, where the executing comprises utilizing that user interface of that
11 computer program to perform those sequence of interactions. That's the
12 (CROSSTALK) dispute.
13 JUDGE CYGAN: Counsel, I -- sorry for interrupting. I have a
14 question about a certain disclosure in the patent about using the third-party
15 services.
16 MR. MACEDO: Sure. Do you want me put the patent up and we
17 can go straight to it?
18 JUDGE CYGAN: It's in the '664 patent at column 7, line 64.
19 MR. MACEDO: Sure. Just give Darren one second and he'll get
20 there, '664. Column 7, line 64?
21 JUDGE CYGAN: Right.
22 MR. MACEDO: Okay. And we'll put that on the screen for you,
23 and we'll blow that up. Right. The technical problem. Right. Go ahead.
24 JUDGE CYGAN: I'm sorry. Okay. This is '664. So, when you're
25 using, if you look at the last bit on there at 64, it talks about using

1 automation systems, using third-party services. And then if we go up to the
2 top of the next column, it talks about the Facebook Messenger as being a
3 system.
4 MR. MACEDO: Right.
5 JUDGE CYGAN: So, how does that -- how does that mesh with
6 the claims? And I'm particularly looking at here the concept of your target
7 system. Because it seems like in this example, Facebook Messenger is the
8 chatbot itself. It's the interface with the user.
9 MR. MACEDO: Right.
10 JUDGE CYGAN: But the automation process is being done on, is
11 it being done on a separate system or is it being done on Facebook
12 Messenger, which you seem to indicate that you don't have access to these
13 third-party systems like, I'm assuming, Facebook Messenger?
14 MR. MACEDO: Right.
15 JUDGE CYGAN: Can you explain how that goes with the claim?
16 MR. MACEDO: Yeah, there's two different third-party issues in
17 the patent, only one in the litigation. The third-party messenger is someone
18 else's messenger instead of using your own messenger because you may not
19 want pay for your own messenger. You know, Symons, they use their own
20 messenger. They went to their sister company. Arinti is not some stranger.
21 They're the sister company. They're both owned by Chronos. That's why it
22 was called a Chronos email generator. That's why they went to them. That's
23 why they work together. And they use their own messenger on that. This
24 passage is saying that you can use your own chatbot or you can use some
25 third-party chatbot like Facebook or WeChat or whatever on that. The

1 chatbot is only the system that gathers the information.
2 Now, there are embodiments of the invention where you have a
3 website, a target system, Amazon, right? We don't own Amazon. We don't
4 have any control with Amazon. There's some third-party system. We can't
5 access their API, so we say, okay, we're going to order a book on Amazon.
6 We're going to have to gather information that is necessary to order the
7 book. We can use our own messenger service, like we had done in Symons,
8 or you could use Facebook Messenger service to gather the information.
9 And then once you're done, you then have to -- you have to tie that
10 conversation to some automation process, which is going to say, order a
11 book on Amazon, and that automation process where you're ordering the
12 book on Amazon is the target system that's going to, that's the computer
13 program. It's interacting with Amazon's pages.
14 JUDGE CYGAN: In your claim, in '664 in Claim 1 --
15 MR. MACEDO: Sure.
16 JUDGE CYGAN: -- the automation process is configured to
17 perform an automation of a sequence of interactions with a displayed user
18 interface of a computer program.
19 MR. MACEDO: Right.
20 JUDGE CYGAN: And you're construing a computer program
21 there to be the target system.
22 MR. MACEDO: Correct.
23 JUDGE CYGAN: So, and here is the target system, would that be
24 the Facebook Messenger?
25 MR. MACEDO: No. It would be Amazon.

JUDGE CYGAN: Right. So, that would be the --

MR. MACEDO: The way you want to buy the book.

JUDGE CYGAN: Okay.

MR. MACEDO: That seemed to be a little bit of a confusion that was going on earlier. Right? And that's the reason why, you know, I know that -- so, if we could go to POD 14, it's slide 19. If you look at, I'm sorry, PODX - 15, that's where we actually have the language that we're relying on from column 5. There you go. Can you see the slide, Your Honor?

JUDGE CYGAN: Yes.

MR. MACEDO: So, the language is the target system generally referred to as a computer program. So, my question to you is, you guys are sophisticated patent lawyers, you're patent Judges. What is generally referred to mean? They're equating the target system and the computer program. There's nowhere else in the specification where they define a computer program. None of the examples that they give are defining a computer program. They're talking about computer program products. Now, they tell you the computer program or target system, right, maybe a website. It may be a web-based native system, et cetera. The same list of items that if we go to the next page for a second, that Petitioner pointed in isolation as an optional choice, right? Because that's from the summary of the invention. In the specific embodiment, which is referring to the computer program, they're talking about the displayed user interface of the computer program, which people are interacting with the target system, right?

And then they give examples which match the examples of what

1 type of computer programs the target system could have, right? It doesn't
2 mean that a computer program is only a website, a web-based system, or a
3 native application. It means those are examples of things that the target
4 system could be. It goes on to say that the target system may have a user
5 interface, such as a graphical user interface, and that the user may utilize in
6 order to activate the functionalities of the target system. Yes, optional
7 language, but that's the same language as in the claim. The claim requires
8 that you have a displayed user interface of the computer system, and that
9 you have a graphical user interface of the web-based target system. It's the
10 same thing. And Dr. Beigi agreed, yes, a target system is an example of a
11 computer system as put forth in the '664 and '732 patent. He just stuck to the
12 mantra that was developed after the petition that the target system -- that a
13 computer program doesn't have to be the target system. I mean, there is no
14 evidence otherwise.
15 If you go to the next slide for a second. I'm beyond that, I'm sorry.
16 When they're looking here, they talk to a computer program, but it's not a
17 computer program. It's a computer program product. And what is the point
18 of this computer program product? It is to enable the execution of the
19 automation process for target programs. That computer program product is
20 not the target programs, not the target systems. It's what interacts with the
21 target systems.
22 Now, I'm going to Claim 18. Oh, yeah, go to 18. Yeah, in 18, they
23 have those same program instructions that they were saying was the
24 computer program. But those program instructions cause the processor to
25 perform the claimed invention. And guess what? The claimed invention is

not being performed by the computer program. It's being performed on the computer program. Why is it being performed on the computer program? Because it's the target system. That's the reason why. The whole concept that the computer program is something different is not the target system, makes no sense in the specification, makes no sense in the disclosure, and makes no sense in the context of the claims. It's only by using bizarre readings.

I mean if you go back two slides, yeah, no, I'm sorry, one slide. Right here, they say, oh, it says the agent may access other applications. Well, what does that mean? That has nothing to do with computer program. It has to do with agents. Enterprises may use different software tools for different purposes. Enterprises, that doesn't say computer program. The computer readable program instructions. Those are the instructions in Claim 18, not the computer program. None of those examples are construing or providing meaning to computer program. The only two places we see it are is where they say that the target systems refer to as a computer program. And where they give examples of computer programs that are referred to earlier in the claim as the claimed computer program with the displayed user interface, which is interacting -- which is being interacted with in the claim. So, I mean, I hope that clarifies it a little bit better. Did you guys have any questions? I wanted -- sure. Go on.

JUDGE SZPONDOWSKI: I actually do have a question. Yeah, I mean, if computer program and target system are the same thing, then why do we have to rewrite the claim language?

MR. MACEDO: Because we act as a lexicographer and we told

1 you what it meant. Remember, these patents came out in order. The first
2 patent was the '664, the second was '732, and the third one was the '317.
3 Right? When they processed the first patent, they were asked to amplify on
4 what a natural user interface is and that's why the first input and the
5 feedback and the second input were added in during the prosecution history.
6 So, why do you have to do it? I don't know, patent lawyers do things all the
7 time that unfortunately require you to do construction to match what the
8 spec says. And this is an example of it. And by the way, the '317 patent
9 isn't just a target system. It's a third-party web-based target system. And
10 what's fascinating about that one, if you want to go back to the '317, their
11 interpretation is third-party means related people, not unrelated people. And
12 we gave you a case law that shows that it means unrelated, and that a web-
13 based target system is a system that doesn't require the web.
14 So, remember that picture which she showed you from Symons
15 where she blew up that little portion on the bottom that said it uses a URL so
16 therefore it must be on the internet? That's not true. On a desktop, I can
17 type in C colon blah, blah, blah, and access something internally with my
18 browser and it's not using the internet. A browser doesn't require you to use
19 the internet. A web-based target system is a system that uses the internet.
20 That's what the word web means. And a third-party means that they're
21 unrelated. And in the context of the patent, if you go to the problem solution
22 slides, there were several problems that were addressed. And the first one is
23 the one that you were pointing to before Judge Cygan, where we have this
24 user-friendly manner of defining functionality of the chatbots because they
25 won't make it easy for anyone including you and me to be able to program

1 these things that we don't need to have a computer science background to do
2 this. And that means that it's not only that you don't use a dedicated API, but
3 you don't use programming languages or the like. And yes, I know it's a
4 mouthful, and I apologize. I didn't write it. I just inherited it as the patent
5 under his counsel. But I have to deal with what I inherited. And what I
6 inherited is a patent that explains where that's the problem. And the reason
7 why that is really important is because integration of a new system causes a
8 challenge that requires us to have to train new systems and new things. And
9 so, we want to build up these bots to make it easy to do that. And if you go
10 to the next page.
11 So, Dr. Beigi spends a lot of time talking about how it was a non-
12 trivial task to address the problem of defining the automation process. But
13 what he ignored was what's the solution, right? The solution, which is the
14 next paragraph, is let's manipulate the GUI of the target system. Right,
15 which they told you the target system is also referred to as a computer
16 program. And by manipulating the GUI of the target system, they don't need
17 to use an API, they don't need to use any coding, and they tell you, let's use a
18 point and click editor or other user interface that can be used by any non-
19 programmer users, okay?
20 Symons, we don't know anything about the internals. I'm sure
21 you've heard that quote way too many times, right? Symons says, here's a
22 demo. Baetens tells us, we can't tell you too much yet, so they intentionally
23 are vague. Third parties that look at it say, what's the RPA tool? How do
24 you trigger it? What's the chatbot you're using? How do you build these
25 things? Because it doesn't tell us. In fact, they knew that Symons's

1 disclosure was so deficient, they got Symons to submit a declaration to say,
2 and we didn't use an API. What does that tell you in a IPR? It means that
3 you don't know that it doesn't use an API from the disclosure. You can't rely
4 upon whether it actually did or didn't use an API, because that's a public use,
5 which is not a basis of an IPR. So, what they're telling you is the disclosure
6 is deficient. It doesn't meet that limitation, and so it fails. So they say, oh,
7 don't worry. We don't rely upon Symons by itself. Look at all the things
8 Williams teaches, but what they don't tell you is, how do we modify
9 Symons, right?
10 Your Honor had to ask that question, but it's not in the petition. It's
11 too late for them to tell you how to modify it. They should have told you
12 that when they filed the petition. Did they tell you what they're doing to
13 modify Symons, why it makes sense? Symons has a single purpose. They
14 want to show you how to generate this software. They tell you they use an
15 Arinti chatbot, but we don't know what that is. We can't find it. We all
16 looked. Dr. Beigi looked. Mr. Zatkovich looked. We looked. Petitioner,
17 no doubt, looked. Nobody put in anything what the Arinti chatbot is. Why?
18 Who knows? Maybe it doesn't really exist, and maybe it was programmed
19 like Exhibit 2006. It isn't inherent that that chatbot did anything different
20 than Exhibit 2006, and Dr. Beigi recognizes what 2006 did is not enough to
21 establish a natural user interface. It isn't inherent that they use the same user
22 interface of the same computer program, because in fact they don't. They
23 use the Chronos email generator to fill it in, and then they point to a box.
24 Can you go to the slide where we have the box and everything?
25 The slide where they put that box and click on the button, there's a

1 couple of interesting things about that. One thing that's interesting about
2 that button is that that button is in the Windows modally thing. You see on
3 the bottom, go two more slides where we have that one, no, that one there.
4 So, the blue box is from Chronos email generator and the orange box is from
5 Internet Explorer. And if you blow up that box, it says Internet Explorer on
6 it. It's not the same GUI, it's a different GUI. And it's a different computer
7 software. So, if you agree that antecedent basis means antecedent basis and
8 it has to be the same as the Federal Circuit side and if you want, I could give
9 you cases from the PTAB too agreeing with the Federal Circuit, then this
10 fails. And they don't give you an obviousness combination of why you
11 would meet the widget using IBM, that fails. So, without that the whole
12 Symons argument fails.
13 When you go to Allen, can you go to Figures 1, 3, and 7. Your
14 Honor was directly -- was 100 percent correct. Figures 1, 3, and 7 are about
15 training. You went past it, it's under Allen. Yeah, 13, there we go. So
16 Figure 1, you see how they point to it? They say browser display 12,
17 movable cursor. And then they say speech interface 20 and GUI 10. They
18 say that the displayed user interface is GUI 10, the whole thing, and that the
19 computer program is PLOW, not Widgico and they were very crystal clear
20 that it wasn't Widgico. Figure 1 is not the target system. Figure 1 is the
21 computer system being used to train, and it says blind GUI of the learning
22 system, not the execution system.
23 Then they point to Figure 3. How a user would teach the system
24 how to buy a bug. Again, they're trying to buy a book on Widgico, and
25 they're teaching the system. And that GUI with the speech synthesizer is the

one that's basically confirming. Remember where she was talking about we do it to confirm whether they made a mistake? That's for the training, not for the execution. The execution doesn't need to confirm whether you made a mistake. It's too late if that happens.

And then the third one, Figure 7, is saying, okay, here's another place where we can buy a book at Amazon.com, and we're training them too. Okay. None of that is the execution. Next slide.

Figure 10 isn't talking about the execution. It's talking about what happened when they trained in the search they got. Next slide. This is the entire conversation they have. Once the complete task is learned, the user can employ Plow's task database the next time he or she wishes to order a book. The user would say something like, I want to buy a book. The system would then ask, what is the title of the book? So, how does the system ask that? Does it say? Do you know? There's nothing inherent about how it asks that. Once the information is provided, PLOW would then perform the steps it was previously taught and complete the transaction. Well, there's a lot of teaching in there about how they figure out that there's codes that they get from the GUI and that they link it to the codes. Mr. Zatkovich explains how you can implement those tasks that were performed without using the displayed user interface. There's not a sentence anywhere in here that says, use the displayed user interface. There's nothing inherent about that. And they don't argue obviousness on that. Okay.

Of course, the user can build in an authorization step. That means it doesn't automatically do something. That means that the user has to click a button. Okay. As an example, the user can teach the system to obtain

1 price and delivery date information. That's not from the chatbot. That's
2 retrieving it from Amazon.com. So, that's not relevant. Then provide the
3 information back to the user and ask whether the user wishes to complete the
4 transaction. That isn't automatically performing the transaction. That's the
5 opposite of automatically performing the transaction as required in several
6 of the claims.
7 If you go to the next slide, what we have Mr. Zatkovich explaining
8 is while the passage indicates that if the user would say, I want to buy a
9 book, the system would ask, what is the title of the book, which when
10 provided enables PLOW to quote, perform the steps it was previously taught
11 and complete the transaction. Allen does not disclose that PLOW ask what
12 the title of the book using the speech interface display 20. And we're
13 looking at the demonstrative 99.
14 If you go to the next one. What we actually know and Dr. Beigi
15 confirmed, is that Figure 6 is the only example of execution. And in Figure
16 6, they give the example of what is the name of the book that you are
17 looking for. And Figure 6 is showing an example of what happens if the
18 website changes title to name. This is how we would display the question.
19 We'd say, what is the name of the book? Dr. Beigi confirmed in the
20 question, what is the title of the book would be asked in the form like Figure
21 6? Figure 6 is an example of how the system asked about the information
22 for buying the book -- for the book buying task using the word name instead
23 of title. And then Dr. Beigi also confirmed that a form where you fill in the
24 name, address, telephone number would be -- would that be human natural
25 language? No. That's not the natural language interface. It's a form.

Okay. Next slide. So, what do -- what is Petitioner's witty retort on this? They say Petitioner and (INDISCERNIBLE) do not rely on Figure 6. Yeah, they don't rely on Figure 6, but Figure 6 is what Allen teaches. They don't rely on anything behind -- besides the conversation saying they're going to ask the title. That's what we're looking at Petitioner's, Exhibit 104.

Next slide. They point to the claim. The claim -- the claim steps they're pointing to are talking about where in the user performs the task using the GUI. Why is the user performing the task? They're training. The software includes a natural language dialog interface whereby the user can communicate said software using natural language dialog. Of course it does, but it's doing that for training, not for executing. This claim is utterly worthless in supporting an anticipation or obviousness argument based upon Allen. And what they pointed to doesn't change that.

Next slide.

JUDGE CYGAN: Counsel, I have a question, which you may be about to answer right here.

MR. MACEDO: Okay.

JUDGE CYGAN: One of the points of contention was, that I was asking about earlier, was the third party system as being the target system, such as Facebook Messenger? In the steps where you're training the system --

MR. MACEDO: Facebook Messenger isn't the target system. Facebook Messenger is a natural language interface. The target system would be Amazon.com. It's the book buying system.

JUDGE CYGAN: And in one embodiment Facebook Messenger

1 is the interface that you're using. And Amazon is the target system is what
2 you're saying. Now, in the training steps of the claim, you're training the
3 system to be able to interface with a different system, with the Amazon
4 system. But you're not actually interfacing with the Amazon system. You're
5 working within the chatbot editor in your patent.
6 MR. MACEDO: You're talking about Allen or us?
7 JUDGE CYGAN: I'm talking about your patent. Your patent,
8 when it's training, it's using the chatbot editor to determine the conversation.
9 That's when the user defines the conversation.
10 MR. MACEDO: We're not training in any of these patents, the
11 automation process, other than generally. If you go to the '732 for a second.
12 Just keep going, you'll get it in a second there. So, the '664 and '317 are
13 execution patents. You have the chatbot, they have a conversation, they
14 collect information. They use the information to interact with a displayed
15 user interface of the computer program or the display or the GUI of the
16 third-party web-based target system, Amazon, okay, in that example.
17 The '732 is talking about defining an automation process, and
18 defining a conversation to be implemented by the natural language interface
19 where the conversation is configured to obtain information. There are
20 parameters associated with the automation process. And down later you'll
21 see they say that the automation process is a parameterized automation
22 process. After the conversation is defined and after the automation process
23 is defined then they associate the conversation which has already been
24 defined with the automation process that's already been defined, so that
25 when the -- so that wherein the automation process is configured to do that

interaction with the displayed user interface of the computer program so that way you can then later execute it, and once you have the automation process, you have the conversation to implement, the conversation defined, and you associate that conversation in that automation process. You then publish the conversation to the natural language interface where the natural language interface will then gather the information and then use it to perform the automated process.

So, when we're talking about the RPAs we're talking about the automation process. When we're talking about the chatbots we're talking about whether or not it's the right -- those are the natural language conversations with the natural language interface a chatbot maybe or may not be. Chatbot can be an example of it but it doesn't have to be. But those are -- that's where the chatbots come in. And the publication is going to the messenger service which is either a first party messenger service, Allen uses the first party one, or a third party messenger service, Facebook. But when we're talking about the third-party web-based target system, that's really addressing the problem that we don't have access to the backend system like Krishnan does, and that we need to figure out how we can have an RPA or an automated process interact with a system that we have no control over. That's why a third-party is unrelated, because that's the problem that they're facing is how do we deal with an unrelated system, and access it, and cause it to do automation. Does that make sense, Your Honor?

JUDGE CYGAN: Yes. Thank you, Counsel.

MR. MACEDO: Okay.

JUDGE BOUDREAU: This is Judge Boudreau. I do have a

1 question. Outside of the context of the '317 patent, are you taking the
2 position that the computer program in the claims of the '664 patent and the
3 '732 patent must be not only a target system, but a target system that's run by
4 a third party?
5 MR. MACEDO: No, it doesn't have to be a third party. I mean,
6 look, is that what the patent was developed for? Of course. Does the patent
7 include a limitation requiring that it be run by a third party? No, not in the
8 independent claims.
9 JUDGE BOUDREAU: So, I'm just trying to understand if for the
10 sake of argument we were to agree with you that that the computer program
11 must be a target system, --
12 MR. MACEDO: Right.
13 JUDGE BOUDREAU: -- how does that provide us any additional
14 clarity?
15 MR. MACEDO: Okay. Well, for Symons, it's not merely that --
16 well, so the target system issue is to eliminate Allen, because they don't read
17 the '664 or '732 patent on a computer program that's a target system. They
18 read it on PLOW. They don't read it on Widgico. So, you can get rid of all
19 of Allen's grounds for those two patents by construing computer program is
20 requiring a target system.
21 The second issue is whether the displayed user interface of the
22 computer program needs to be the same displayed user interface of the same
23 computer program throughout the '732 Claim 1 and the '664 Claim 1. If that
24 is the case, then they also fail in Symons, because Symons is using different
25 computer programs and GUIs of different computer programs to do the read,

1 and they don't offer an obviousness combination using Williams to fix that.
2 So, you can get rid of Symons for the '732 and the '664 patent across the
3 board. Then all you're left with is Krishnan, and with respect to Krishnan,
4 Krishnan has what they purport to be a conversation, but it's not a natural
5 language conversation. Can you go to the Krishnan slide for a minute with
6 the picture? What the conversation -- I want the second one where they box
7 what the conversation is. In Krishnan, the conversation they're relying upon
8 is ordering a plane ticket. And when they order the plane ticket, they, yeah,
9 you can go back there, yeah. So, when they order the plane ticket, they say
10 that the second natural language input is pushing a button, clicking on a
11 button. Clicking a button can't be a natural language input. And if that's the
12 case, then there's no natural language interface that they're relying on in
13 Krishnan, and they don't have a natural language interface being offered by
14 Radhakrishnan.
15 So, Radhakrishnan, I mean Radhakrishnan, sorry. A lot of
16 Krishnans. So, for Radhakrishnan, what they're doing is, can you go to the
17 Radhakrishnan slide? Radhakrishnan is a system where they're trying to
18 detect an error, okay? So, what do they do? They basically track what
19 you're doing on the website and they make a log of everything you're doing
20 on the website. And then, they mirror that log in a virtual environment and
21 they see, oh, you made a mistake. You had a bad line of code. And what's
22 the output of that? A report. Do you end up buying a ticket? No, you don't
23 end up buying a ticket. All you get is, this is what is wrong. So, the
24 combination of Krishnan and Radhakrishnan would not be, as counsel
25 suggested, that you would replace the back-end system with some RPA.

1 Instead, you would just be tracking how someone is filling out the bot on
2 Krishnan and then realize that you made mistakes and how you implemented
3 it and you get a report.
4 Now, even if you were to think that somehow someone could draw
5 the extraordinary conclusion that you should modify Krishnan in the way
6 they said, why would you do that? Go to the motivation slide. They're
7 saying you would save, yeah, they say that you would lower costs to the
8 organization. That's nonsense. An RPA uses a lot more resources and costs
9 than does a back-end connection. There's no dispute on that. The alleged
10 motivation makes no sense and would not make sense in the context of the
11 combination of Krishnan and Radhakrishnan. And the undisputed testimony
12 is, it wouldn't do it. So, the combination fails.
13 And then finally, if you go to the analogous art, I don't normally
14 argue not analogous art, but these are really disparate purposes. The point of
15 Radhakrishnan is to enable file diagnosis and correction, error diagnosis and
16 error correction. Nothing to do with the '664. Nothing to do with the '732.
17 Nothing to do with the '317. It's just not relevant. And it's not something
18 someone would turn to. It's not a pertinent problem and it's not analogous
19 art. It's not in the same field as patent the claims.
20 We also have presented arguments with respect to the dependent
21 claims. And we want to go to Ben-Itzhak for a second. By the way, despite
22 the fact that they put the little stars in there, that doesn't mean we conceded.
23 It's because their responses were worthless. They didn't respond to what we
24 said. We responded. We responded by saying you haven't answered what
25 we said. But that's a he said, she said, and I really don't want to waste your

1 time on that. I mean, you can read the briefs and see it.
2 Ben-Itzhak, what is Ben-Itzhak? Ben-Itzhak, right, go to the claim.
3 So, the whole point of the claim, this is where your third party messaging --
4 no, go to the claim. Yeah, so go to the claim, Claim 6. Claim 6, there you
5 go. This is where you're talking about the third party messaging service,
6 Your Honor. This is where Facebook comes in, right? So, the idea is
7 instead of like Symons using their own messaging service, they use
8 Facebook Messenger. In that context, what the claim is saying, that is if
9 you're going to use the third party service, then you can provide a link, and
10 then that link will label you to click, to institute the RPA, the automated
11 process. So, what does Ben-Itzhak tell you? Does Ben-Itzhak tell you how
12 to implement on a third party messaging service, an automated process with
13 a link? No, it says, hey, would you like to get a recommendation of what
14 video you should watch? Okay, we'll generate a recommendation and you
15 can click a link. Nothing to do with the problem here. Nothing to do with
16 chatbots and automation processes. It's not pertinent, it's not relevant. The
17 combination makes no sense. And when we asked him, Dr. Beigi, okay, so
18 what's the result? The result is you would give a content recommendation.
19 So what? Why would you give a content recommendation and how does
20 that solve this problem? How does it have anything to do with what we're
21 talking about? It's a worthless combination that makes no sense. So, at a
22 minimum, we think this claim should survive because Ben-Itzhak doesn't fill
23 any gaps that is worthwhile on it.
24 Dayanandan, I mean, that is a really amazing piece of prior art
25 where what they're talking about is the wrong solution. In Dayanandan then

1 they're trying to say, what happens if we change our webpage, right? And
2 so, what we have to do is we have to figure out and map what the new
3 webpage would look like to the old webpage. And we then have to figure
4 out a similarity score of how similar is this page to that page. That's not
5 what the claim is directed at. The claim is directed not at a similarity score
6 of one webpage to another. It's talking about a similarity score with respect
7 to a specific web element in a specific page. So, the combination doesn't
8 work because it's not offering the claim solution. So, I mean, those claims
9 also fail because again, the result isn't right.
10 There's a passage that we put in if you go to the end where we have
11 the credibility. I tried to get Dr. Beigi, let me look and go down one more. I
12 tried to get Dr. Beigi to explain to me, okay, I just want to understand your
13 obviousness argument with respect to Symons and the '317 patent. And I
14 really encourage you to read this transcript. It's Exhibit 2020, starting at
15 179, line 21 through 180, line 9, going on to 197, 3 through 202, 19. He
16 couldn't explain whether he was saying Symons was there, Williams was
17 there, how you would change Symons. If you would change Symons, why
18 you would change Symons, he couldn't explain any of the necessary things
19 that you need to do to establish obviousness. This is consistent throughout
20 the petition and Dr. Beigi's declarations, as well as his obviousness
21 combinations.
22 As Your Honors recognize in the Institution Decisions, these are
23 all 103 cases. It is their burden to say this is what's missing from the prior
24 art, this is where it's otherwise in the prior art, and this is why when you
25 combine it, you'll conclude that the prior art meets it. That hasn't been done.

1 And across the board, all three of these separate grounds fail because none
2 of them are doing what the claimed invention is about. They're all, you
3 know, these random scatter shots of this little piece here, that little piece
4 there. I mean, just the whole Williams slide. That Williams slide just says
5 that IBM realized that chatbots exist and that they could use them for their
6 purposes and that they had RPAs and that there were all sorts of RPAs. It
7 doesn't say that that would be useful or valuable in the context of an email
8 generating system. They don't say that the Chronos generator makes any
9 sense to change because there's only one thing the email Chronos generator
10 did, it generated emails. Let's say you took the proposition that was
11 unsupported that maybe we want to generate invoices to. Why would we
12 have to change the questions asked? All the information that was gathered
13 in Symons could be used to generate a letterhead, like Dr. Beigi said,
14 without changing the conversation, without selecting anything, all it has to
15 do is pass on the information in the identical way it does and then have the
16 email generator have some new functionality added onto it.
17 When you look at all the claim differentiation arguments that they
18 were making, the claim differentiation arguments are not claim
19 differentiation arguments. The fact that they have a dependent claim that
20 says a new functionality can be defined doesn't mean the automation process
21 is defined by selecting. The new functionality is defined by selecting. That
22 doesn't mean defining means selecting. If you go back to the Claim 1, the
23 natural language interface claim, the where we have natural language
24 interface at the beginning. They go out of their way to say, I'm sorry,
25 defining, sorry, '732, the defining claim. They go out of their way to say

1 defining means configuring, okay? But what does the claim say? The claim
2 says a method of defining an automation process wherein the automation
3 process is configured, defining a conversation to be implemented wherein
4 the conversation is configured, okay? They use configured in the same
5 claim that they use defining. If defining meant configured, they wouldn't
6 use the same word, right? They wouldn't use two different words. They
7 didn't need to. They would just say configuring a conversation because
8 they're already using the word configured. So, defining can't mean
9 configured. It must mean something else. That's the presumption. And they
10 haven't overcome that. So what does it mean? Well, shouldn't it mean what
11 the patent is talking about? Shouldn't it mean getting the solution the patent
12 is talking about? That's all we're advocating.
13 And by the way, for a computer program, do we need to look at a
14 dictionary? Not if we're right that the patentee was its own lexicographer.
15 Why would you look at a dictionary? Dictionary is irrelevant, right? So, I
16 mean, none of those weapons are -- none of the things they're pointing to
17 really mean very much.
18 Is there other areas which I could help you with? Otherwise, I
19 could also reserve my time for the rebuttal.
20 JUDGE CYGAN: Counsel, one question. For a target system, that
21 which is your proposed construction of computer program, is that a single
22 system? Could it comprise more than one system? Is it that one particular
23 program or is there a particular set of programs?
24 MR. MACEDO: So, a target system could have a thousand
25 programs, obviously, but the displayed user interface of the computer

1 program has to be the same displayed user interface of the same computer
2 program. Now, could the same computer program call other ones? Maybe,
3 I don't know. But the reason why this is significant is in the context of
4 Symons, where they're using different GUIs of different software. Right.
5 They're relying upon the Chronos email generator, and its GUI, and they're
6 relying upon the Windows operating system, and its GUI. So, that would
7 not meet, whether it's a target system or not, it wouldn't meet the displayed
8 user interface of the computer program, that being the same displayed user
9 interface and the same computer program throughout the claim. That's more
10 of an antecedent basis than it is the target system issue. That's where that
11 issue comes up, and that doesn't mean that you can't read on something
12 which uses other things, but those other things aren't what is being read on in
13 the claim, right? The claim says comprising, so you could have 500 other
14 things that are going on, but you have to have at least A, B, C, D, and E
15 happening, and those things are happening in the same GUI of the same
16 computer program.
17 JUDGE CYGAN: So, is your argument against the Symons
18 Ground, not so much that you couldn't have the two sort of subsystems, the
19 information-gathering user interface and the signature portion as being a
20 target system generally, but the problem is that it's only the user interface
21 that gathers the information, it's not the user interface that's being, I guess,
22 having the signature added on to. Is that your issue?
23 MR. MACEDO: Yes, close. I mean, basically, in order to meet
24 the claims they point to, the GUI in the email generator as the GUI that's
25 being filled in, and they point to the GUI of Windows operating system to

1 have a button or widget which is being clicked, and they needed both of
2 those GUIs in order to meet the elements, but both of those GUIs need to be
3 in the same displayed user interface of the same computer program, whether
4 a computer program is a target system or not. That fails in Symons,
5 irrespective of how you construe computer program, as long as you
6 recognize that the displayed user interface of the computer program needs to
7 be the same displayed user interface of the same computer program and not
8 two different programs.
9 The target system issue impacts Symons because PLOW is not a
10 target system, and that doesn't turn on how many pieces of software are
11 involved. Does that make sense?
12 JUDGE CYGAN: Did you say this, the PLOW of Symons?
13 MR. MACEDO: PLOW is in Allen.
14 JUDGE CYGAN: Okay. Just clarifying that.
15 MR. MACEDO: I'm sorry. PLOW is in Allen and the issue of
16 whether it's a target system impacts Plow. The issue of antecedent basis
17 impacts Symons.
18 JUDGE CYGAN: Thank you, counsel.
19 MR. MACEDO: Okay. Any other questions I can answer? Well,
20 at this point, what I would like to do is save the remainder of my time, which
21 I think now gets me up to 35 minutes for rebuttal. And I promise if I don't
22 need it, I won't use it just like I didn't right now. But to the extent there's
23 anything else I can answer, I would be happy to do so. We did give you all
24 of our slides and in our slides, we do walk you through every claim and
25 every limitation. So, to the extent you want to understand the dependent

claims, there is a good roadmap there for you on that. Okay? Thank you very much, Your Honors.

JUDGE SZPONDOWSKI: Okay. Thank you, counsel. It's 3:05. So I count that as 27 minutes remaining for your rebuttal.

MR. MACEDO: That's fine with me. Thank you.

JUDGE SZPONDOWSKI: Okay. Thank you. Why don't we take a 10-minute break before we start rebuttal? Is that okay with everyone?

MR. MACEDO: Perfect here.

JUDGE SZPONDOWSKI: Okay. So, it's 3:06. So, we'll plan to come back at 3:16.

COURT REPORTER: Okay. We're going off record, and the time is 3:06 p.m. Eastern Standard.

JUDGE SZPONDOWSKI: Looks like everyone is here. We can go back on the record.

COURT REPORTER: Okay. We're going back on record, and the time is 3:17 p.m. Eastern Standard.

JUDGE SZPONDOWSKI: Okay. We'll turn to Petitioner's rebuttal. I have 24 minutes, and you may begin whenever you're ready. I believe you are muted.

MS. NGUYEN: Okay. Thank you, Your Honor. Can you hear me? Great. So, as you heard, Patent Owner make several arguments today, a lot of them which I respectfully submit are mischaracterizations of Petitioner's arguments and the record. I will like to address a few of those today and then also address some of the arguments they made.

So, starting with computer program, if I could have you look at

1 slide 18 of Petitioner's demonstratives shown on the slide. Regarding target
2 system and computer program, Your Honor, I believe you asked if we
3 replaced computer program in the '664 and '732 claims with target system.
4 Why would we rewrite the claims? But I just wanted to point out to Your
5 Honors that Patent Owner's construction is more than just target system. It
6 is, as shown here, target system, which has a functionality that is invoked
7 through its displayed user interface. So, that would require taking the
8 entirety of computer program, two words, and then freighting in all of these
9 words for the '664 and '732 patents.
10 Now, turning to slide 12 -- sorry. According to slide 18, apologies
11 for that, Patent Owner also pointed to passages that talk about an agent, and
12 Patent Owner argued that agent has nothing to do with computer program.
13 But, Your Honors, as you can see here, the top passage shown on slide 18, it
14 says computer program, such as a, sorry, computer program product on the
15 client device, such as a desktop agent. So, Patent Owner is incorrect by
16 stating that the agent has nothing to do with the computer program.
17 Now, turning to the next disputed issue defining on slide 21. So,
18 with respect to defining as shown here on slide 21 in the claims of the '732
19 patent, one thing I wanted to note and recall Petitioner's construction for
20 defining is configuring, is that the specification and the claims show
21 interchangeability between defining and configuring. So, starting with the
22 preamble shown in green, it says defining an automation process. And then
23 it says, wherein the automation process is configured, followed by specifics
24 about the definition of the automation process. And similarly for the for
25 element 1[a] defining a conversation shown in purple, followed by a wherein

1 clause wherein the conversation is configured. Also showing specifics and
2 showing there are interchangeability between the definition of the
3 conversation and the configuration of the conversation.
4 Now, if there's any doubt with respect to that, Your Honor is
5 welcome to replace defining with configured in the claims and you'll see the
6 meaning of the claim does not change. And further if I could provide some
7 passages in the specification, column 15 starting at line 52, it begins by
8 stating a conversation flow may be defined by a user and then that same
9 exact paragraph continues to discuss using the word configuring the
10 conversation flow, and that's by adding a message button, adding a question
11 button, et cetera. So, not only is it the claim shown on the slide here but also
12 the specification passage supports Petitioner's construction.
13 So, if we could go to the order of elements on slide 26. I know
14 there is a bit of confusion earlier about the order of elements. One thing I
15 wanted to note is if you take a look at both element 1[a] and 1[b], and we
16 had talked a bit about this earlier, right, what is common between defining
17 the conversation and associating the conversation is the term parameters,
18 right? So, in element 1[a], it talks about the conversation being configured
19 to obtain from the user one or more values to one or more parameters. And
20 then in 1[b] that the parameters also show up there. So, for the associating
21 element 1[b], it does not care about what the questions are or how they are
22 defined in the conversation. The associating limitation 1[b] doesn't even
23 make reference to the one or more values recited in 1[a].
24 And if Your Honors would like, I can try to provide another
25 example, and that's we'll use Symons as an example with the email signature

1 generator. In Symons, the parameters are the email, the role, and the cell
2 phone number. The values, which would be defining the conversation,
3 would be the questions specifically what is your name, what is your email
4 address, what is your role?
5 Let me pause there, Your Honors, to see if you have any questions
6 about claim construction.
7 JUDGE BOUDREAU: So, in that example that you just gave,
8 what would be the computer program?
9 MS. NGUYEN: Oh, I'm sorry.
10 JUDGE BOUDREAU: In Symons, what would be the computer
11 program in that mapping in which you were just saying that the parameters
12 would include the name of the address and the email address?
13 MS. NGUYEN: In Symons, the computer program is the software,
14 the desktop application running the entirety of the system.
15 JUDGE BOUDREAU: So it's the same software that's carrying
16 out the entire method -- the defining step, the associating step, and the
17 publishing step?
18 MS. NGUYEN: Correct, Your Honor.
19 JUDGE BOUDREAU: That's all carried out by the computer
20 program? Is that your position?
21 MS. NGUYEN: Correct. And that would be consistent with
22 Claim 19 that Patent Owner was talking about earlier.
23 JUDGE BOUDREAU: Well, as I understand the Patent Owner's
24 argument, the computer program needs to be -- whether you call it the target
25 system or something else -- it needs to be something other than the system

1 that's carrying out the method of the claim. Can you address that point?
2 MS. NGUYEN: So, sorry, can you repeat that? I'm having a hard
3 time hearing you.
4 JUDGE BOUDREAU: So, I understand Patent Owner's argument
5 to be that the computer program that's referenced in Claim 1 needs to be
6 something other than whatever system is carrying out the method of Claim
7 1. In other words, something other than what's doing the defining of the
8 conversation, what's doing the associating of the conversation with these
9 automation process, and what's publishing the conversation. That needs to
10 be something separate from the computer program.
11 MS. NGUYEN: Yeah, Your Honors, we disagree with that
12 position because there's nothing in the claims that requires the computer
13 program be separate.
14 JUDGE BOUDREAU: Is there any embodiment that you can
15 point to in the specification where the computer program is not separate?
16 MS. NGUYEN: No, Your Honors. I don't -- I'm happy to take a
17 look while Patent Owner is arguing. Let's see if I can find something for
18 you. Okay.
19 So, turning to the POSITA argument that Patent Owner made that
20 POSITA level requires natural language processing. The POSITA level
21 requires natural language processing, Your Honor, because in Petitioner's
22 view, and as supported by a lot of case law, a POSITA needs to understand
23 the specification of the patents at issue. And the specification here for all
24 three patents uses the term natural language processing and discusses
25 chatbots. So, a POSITA would have to understand what these specification

1 passages mean. It does not mean that the claims require natural language
2 processing. And if we could go to slide 54 you'll see here Your Honors
3 asked an earlier question if there was anything in the specification that talks
4 about natural language processing require natural language interface. The
5 answer is no. The two passages from the specification here, though, if you
6 look at it, the specification talks about natural language processing as having
7 a different meaning than natural language interface.
8 And if I may also address another argument Patent Owner made
9 with reference to the decision on institution talking about natural language
10 processing, the DI states, for example, the '664 DI at page 4, that the user
11 may interact with the chatbot using natural language processing. The DI did
12 not say that the user must or suggest the claims require natural language
13 processing. Your Honors, this is just another example of Patent Owner's
14 misstatements.
15 And staying on the same topic of natural language interface for
16 Symons-Williams, I just wanted to address some of the misstatements Patent
17 Owner made. For example, Dr. Beigi did not agree that natural language
18 interface requires natural language processing. There is discussion about
19 this if I may refer you to his '664 declaration, Exhibit 1042. He talks about
20 this in paragraph 19 as one example.
21 And then with respect to the term natural language feedback, that's
22 in the '664 claims, that merely requires a response, not natural language
23 processing. Petitioners address this argument on page 5 of the '664 reply.
24 And then also, Patent Owner mentioned this concept of a natural language
25 processing intelligence. Another thing I wanted to note, not only do the

1 claims not recite natural language processing, they also do not recite natural
2 language processing intelligence. And this is, Your Honor, the first time
3 we've ever heard this argument.
4 Now, regarding Dr. Beigi's testimony about forms and buttons, I
5 wanted to clarify if that Dr. Beigi's testimony regarding a form is about a
6 chatbot that only uses buttons. Sorry, it's about a bot that only uses buttons.
7 And if you recall looking at Symons's interface, there's more than just
8 buttons. So, in other words, the testimony is not about Symons. It's actually
9 about a Chronos article that Patent Owner put in front of him during his
10 deposition.
11 If you look on slide 41, the chatbot receives user input via text, not
12 just buttons. So, looking at slide -- at this slide, you'll also see that the
13 chatbots, I'm sorry, you'll also see in the earlier slides when we put a green
14 box around the chatbots questions, these are also not just yes or no
15 questions. In the pink box, when the user answers no, the chatbot then says,
16 what would you like to change, provided by four selections. So, it's not just
17 a yes or no. Dr. Beigi's testimony that Patent Owner keeps citing to is not in
18 regards to Symons. And also, as described, if for whatever reason Your
19 Honors find that the claims require natural language processing, and then
20 take the next step and find that Symons does not disclose natural language
21 processing. As I described earlier for slide 49, Williams teaches natural
22 language processing. And I note that the parties do not dispute Williams
23 teachings of natural language processing.
24 Now, turning to the third party web-based target system issue on
25 slide 75. Patent owner makes these arguments about Arinti being its sister

1 company under Chronos. This is a new argument, and Patent Owner has
2 not, or sorry, Petitioner has not had a chance to, you know, respond to this
3 argument since it is a new argument. Patent Owner argues that the parties in
4 a third party are unrelated. As you can see on the slide here, slide 75,
5 Baetens describes in the top passage from his declaration that he and his
6 group at Arinti were the ones who developed and manage the chatbot. And
7 then in the bottom passage Symons describes that he and RoboRana were
8 the ones that manage and implemented the email signature generator and the
9 RPA bot. And if you look at Exhibit 1009, this is Baetens' article, he
10 describes this collaboration as joint efforts. So, Baetens' use of the word
11 joint means that there is a third party. But regardless, Your Honors, at the
12 end of the day, it's improper for Patent Owner to ask you to freight in via the
13 word third party this -- all these corporate third party ownership issues.
14 Now, turning to Allen and displayed user interface. Figure 6 in
15 Allen is not for executing. And Your Honors we made this argument on
16 page 17 of the '664 reply. Patent Owner in response chose not to rebut this.
17 Regarding Figure 6 as Patent Owner admitted, nowhere has Petitioner or its
18 expert relied on Figure 6. What Patent Owner is trying to do is effectively
19 trying to rewrite the petition. And Your Honors, we respectfully disagree.
20 Figure 6 is not the only example of this alleged execution. Figures 9 and 10
21 of Allen shows execution. Dr. Beigi explained all of this in paragraphs 78 to
22 89, sorry, 78 to 83 of his reply declaration for the '664 patent, Exhibit 1042.
23 Now, turning to the last prior art, Krishnan-Radhakrishnan, Patent
24 Owner argues that Petitioner did not show that the text in Krishnan is
25 supported by the provisional applications. Your Honors, if you turn to

1 paragraph 243 of Dr. Beigi's original declaration, Exhibit 1003, he provides
2 two tables. So, the first table shows the claim in Krishnan and its support in
3 the provisional application. And then the second table, he takes it one step
4 further and he then shows that the text in Krishnan is supported by the
5 provisional. So, Patent Owner's argument that Petitioner did not show that
6 the text in Krishnan is unsupported is incorrect.
7 And then regarding the destination 130 button in Krishnan not
8 being a natural language interface, Petitioner respectfully disagrees. But
9 regardless in response, Petitioner pointed to passages in Krishnan, and that's
10 on page 23 of the '664 reply where Krishnan discloses the destination 130
11 can be provided via typed words. And the parties do not dispute that typed
12 words is a form of natural language interface.
13 And then if I may just talk about the Radhakrishnan analogous art,
14 again just like the red starred items in Petitioner's demonstratives this is a
15 repeat argument from the Patent Owner response. Petitioner replied on
16 pages 223 of the '664 reply and explained that Krishnan is analogous
17 because just like all three patents Krishnan relates, Radhakrishnan relates to
18 interactions of an RPA module with the user interface to simulate user
19 operations with the user device. Patent Owner provides no rebuttal just
20 merely repeats its arguments. You can see for example page 26 of the '664
21 sur-reply. Those same arguments are from the Patent Owner response.
22 Similarly, the Ben-Itzhak and Dayanandan analogous art
23 arguments, those are arguments again repeated from the Patent Owner
24 response. So, let me see if Your Honors have any questions otherwise I plan
25 to briefly touch upon the expungement issue.

JUDGE BOUDREAU: This is Judge Boudreau. I do have a follow-up question about if you go back to slide 56 of your demonstratives. I just wanted to clarify something there. The heading there says Symons Teaches Natural Language Processing. And the difficulty that I'm having with this is that the slide shots -- the screenshots that are on this slide don't appear to be accepting natural language input at all, let alone using any kind of natural language processing. I just wanted to get some clarification as to what you intended.

MS. NGUYEN: Excuse me, Your Honors, we believe that these screenshots do show the system receiving natural language inputs, right? So, a user's input of a yes or user input of a no, they're both inputs, right? And the yes or the no, because it's human natural language, that would be natural language. So, in other words, the yes or no buttons or selections are natural language inputs.

JUDGE BOUDREAU: The buttons have text on them so the user can identify which is which, but I don't see that there's any textual input or any kind of processing of that input. I assume that after the user makes a selection of one of the buttons in the box that you have outlined in pink there that says, "what would you like to change?," and it gives you the options of name, role, email, cell number, then the user at that point might have the opportunity to enter some text. Bbut these green and pink boxes here -- I don't see that those are accepting any natural language input.

MS. NGUYEN: Yeah, Your Honor, we do think that's accepting a natural language input. Again, because it is an input and please let me know, Your Honor, if you disagree, but we do believe that is an input, and

1 because the text is human language, right? Yes, no, that that's human
2 language as I'm speaking to you right now, that would be natural language
3 input. We understand Petition or Patent Owner's argument that buttons are
4 not natural language input, but we respectfully disagree with that position.
5 JUDGE BOUDREAU: Okay. Thanks.
6 MS. NGUYEN: Okay. So, moving to the expungement issue, one
7 thing I wanted to note is that earlier on Patent Owner's slides, Patent Owner
8 made a comment that when Petitioner asked Patent Owner to expunge the
9 Exhibits, Patent Owner responded asking whether Petitioner would be filing
10 a motion to exclude the Exhibits. Notably, that was the correspondence
11 there was more than a month before the motion to exclude due date. As a
12 result, Petitioner's response that it was too early or premature is because it
13 was more than a month before the motion to exclude the
14 (INDISCERNIBLE). And Petitioner, Your Honors, we wanted to come to
15 agreement between the parties so that we would avoid having to reach out to
16 the Board. So, the parties met and conferred multiple times over several
17 weeks. When Patent Owner finally stated and quote, if Petitioner decides
18 not to file a motion exclude, then the Exhibits are not necessary and can be
19 removed. So, Petitioner did not file a motion exclude, as Your Honors are
20 aware. But then Patent Owner decided to pull back its original statement
21 that the Exhibits can be expunged and refused to expunge them.
22 Regarding Dr. Beigi's reliance on the Exhibits, he does not rely at
23 them at length at all. At most it's one sentence, and it's a rebuttal where he
24 merely says he just does not agree with Patent Owner's expert. And Your
25 Honors hit it on the head earlier. These Exhibits -- these Exhibits are exactly

1 Exhibit 2005. Nevertheless, Your Honors, if Your Honors decide to accept
2 this expungement or accept these Exhibits, Petitioner disagrees with it
3 because it really creates this loophole. Patent Owner says they've submitted
4 these Exhibits in order to show proof of the Exhibits, but that, you know, as
5 you know the 37 CFR § 42.64(b)(2), the parties responding to an objection
6 should not be filing supplemental evidence. So, we hope Your Honors will
7 grant Petitioner's request for the expungement.
8 JUDGE BOUDREAU: Would there be any prejudice to Petitioner
9 if we didn't expunge them, given that the content is already in the record?
10 This is Exhibit 2005.
11 MS. NGUYEN: Yeah, Your Honor, we just disagree because it
12 creates this loophole where, you know, Patent Owners or parties would be
13 able to file supplemental evidence and now we're basically eliminating that
14 37 CFR rule.
15 JUDGE BOUDREAU: Okay. Thank you.
16 MS. NGUYEN: If there are no other questions, Your Honors.
17 Thank you very much.
18 JUDGE SZPONDOWSKI: Okay. Thank you very much. All
19 right. We will turn to Patent Owner's sur-rebuttal. You have 27 minutes and
20 you may start whenever you're ready.
21 MR. MACEDO: Thank you, Your Honor. I want to start with the
22 question that I didn't answer last time from you, and that is where does the
23 spec talk about natural language processing? And I'm going to begin with
24 the institution decision on the '732, which you should be able to see now.
25 Your Honors actually specifically called out where it talks about it. You say

1 after the chatbot is launched the user may interact with the chatbot using
2 natural language processing techniques, and appropriate conversations may
3 be selected. And then you cite to the '732 patent, column 10, lines 32
4 through 42. If we go to column 10, please. And here we're talking about
5 step 220, the conversation of the chatbot is selected. The conversation may
6 be selected based upon explicit selection by the user, blah, blah, blah. Based
7 on processing of the user's interaction with the chatbot, such as using natural
8 language processing and LP techniques, it may be determined that the
9 conversation is most likely conversation, and such a conversation may be
10 suggested to the users for the confirmation. What that's showing is that the
11 user's interaction with the chatbot using natural language processing
12 techniques. It is an example. It is not exhaustive. We do not claim it to be.
13 But as we saw, even Petitioner said in her last argument that they felt that we
14 had to talk about natural language processing as a positive because the
15 patent talks about it, and in fact the institution decision talked about it
16 because it is pertinent. And that is the evidence that we would point you to,
17 Your Honor, with respect to your question. Is there anything else you have
18 on that question?
19 JUDGE CYGAN: Counsel, I believe your --
20 JUDGE SZPONDOWSKI: Yeah --
21 MR. MACEDO: I'm sorry.
22 JUDGE CYGAN: All right, Judge, go ahead.
23 JUDGE SZPONDOWSKI: I mean, isn't this just describing
24 exemplary embodiments in Figure 2A?
25 MR. MACEDO: I don't disagree. That is an example. It's not

exhaustive, which is what I just said. I agree with you.

JUDGE SZPONDOWSKI: So, if it's just an example and not exhaustive, then why should we require natural language processing for a natural language interface?

MR. MACEDO: Because this talks about chatbots and it talks about natural language interface. The chatbot doesn't have to use natural language processing techniques. Natural language interface would. That's when it becomes a natural language interface. The natural language processing techniques is being used by a chatbot because the chatbot has a natural language interface. Now, is it as crystal clear as you and I would like? No, but that's my interpretation and that's consistent with what the experts said.

MR. MACEDO: So --

JUDGE SZPONDOWSKI: Okay. Thank you.

MR. MACEDO: You're welcome. I'd like to go to slide 38, please. It'll take my guy a second. Yeah, our slide 38. I just want to let you know, we didn't make up the concept that third-party means unrelated. District Courts have recognized that that's what those claim terms mean. This is from our sur-reply on the 0065 IPR, and you can see that we're citing *Reshare Commerce v. State Farm Mutual Auto Insurance*, Civ. Action Number 112617 (ADM-JJG), DI-137 at 15-17, District of Minnesota from 2012, recognizing unrelated, best captures the meaning of third-party as used in the claims in the spec, construing unrelated as unrelated to the supplier.

I also would like to now turn to the actual Symons article. And right in the front, as you can see, at RoboRana, part of the IBIS cluster

1 within the Chronos Group, we focus on delivering RPA techniques to a wide
2 spectrum of different sectors. Keep going down. We decided to join forces
3 with Arinti, specialized in chat pod AEI technology within the Chronos
4 Group. This isn't some random third party unrelated. This is their sister
5 company. They went to their sister company because they could interact and
6 join forces. And the reason why they're joining forces, which is different
7 than the invention, is because they could interact with each other. The
8 invention is talking about places where there are third party target systems
9 where you don't have control, you don't have access to the API. And so, the
10 related and unrelated is much more pertinent than counsel for Petitioner
11 gives us credit for.
12 If we could also go to now slide 22. I'm sorry, slide 21 first. In
13 slide 21, she said that defining was equated to configuring because they're
14 both in the claim. Well, I think the Federal Circuit would say that the
15 opposite is true. The unrebutted presumption remains that the use of
16 different terms in the claim connotes different meanings. And that's *CAE*
17 *Screenplates Inc. v. Heinrich Fiedler*, 224 F.3d. 1308, 1371 (Fed. Cir. 2000).
18 And this is on slide 21. So, I think that it shows the opposite of what she's
19 saying.
20 If we go to slide 33, please. So, what we see is Dr. Beigi before
21 and after he did the reply deck. Before Dr. Beigi did the reply deck in his
22 June 24th deposition in page 63, line 15 through 64, line 17, when I asked
23 him what his understanding of natural language processing was, he says
24 exactly what you just did. He spoke to me, and I processed the language,
25 which is natural language. And I responded to it using, again, natural

1 language. What natural language processing in computer sense is, is to
2 mimic the kind of processing using machinery or software. It's that
3 processing of the natural language. It doesn't just mean that you spit out
4 phrases, but you respond and you interact. And if natural language feedback
5 meant feedback, it wouldn't say natural language feedback. It says natural
6 language feedback in the claim. So, Beigi goes on to say, I'm not defining it,
7 I'm just explaining to you what natural language interface means to us. In
8 other words, his colleagues that do natural language processing. A natural
9 language interfaces is an interface that will allow you to do natural language
10 communication with the software. It wants you to communicate.
11 Communicate doesn't just mean that random words are spit out, it meant
12 back and forth. That's what communication is about.
13 So then, even after the reply deck and the clause that counsel so
14 helpfully pointed to, I asked Dr. Beigi about that on November 11th. So, I
15 said, and if the PTAB were to adopt your claim construction, do you think
16 what Mr. Zatkovich programmed in the Exhibit, and that's Exhibit 2006,
17 meets Claim 1 of the '664 patent? Ms. Nguyen objected to form, and Dr.
18 Beigi says, I don't believe it will. And I said, and why not? And he
19 responded because Mr. Zatkovich, as we required, did not use natural
20 language processing. And in this context, we're talking about the context of
21 this patent, which was the '664 patent. We are talking about a chatbot, and
22 we are requiring natural language processing, which you just stated and Mr.
23 Zatkovich did not use natural language processing, it does not qualify. I go,
24 okay, but my question wasn't that it required that. I said, if we adopt your
25 claim construction. So, my question was, and if the PTAB were to adopt

1 your claim construction, do you think that Mr. Zatkovich programmed in
2 that Exhibit, meets Claim 1 of the '664? So, I want to know your claim
3 construction. Again, Petitioner's counsel objected to form, and Dr. Beigi
4 responded. In light of the specifications, no, because the claims come in
5 light of the specification. The specification multiple times speaks about a
6 chatbot and in a chatbot, and they do not speak about natural language
7 processing. So, even reading that portion amid the way it was just
8 constructed, it's just that one portion of the claim, okay? He's saying that
9 what Mr. Zatkovich did that mirrors exactly what Symons did as a chatbot
10 would not meet the natural language interface requirements because it did
11 not use natural language processing. There's no ambiguity there. That's
12 what he's saying. That's their expert saying it, after putting in all the
13 declarations, after seeing all the evidence, that's his conclusion.
14 I'd like to look at slide 34 please, the next slide. So, on his first
15 deposition at page 200, lines 11 through 12, I said, but you can use a rule-
16 based bot which asks in text form a question in natural language without
17 using natural language processing, right? Dr. Beigi, that's a form. Have you
18 filled out forms online? They ask you questions in English and you click
19 yes or no, or you select something and then you say, next to me you're
20 asking my opinion. Yeah, not his opinion of course. He said it already in
21 my opinion this is just a form and that's why I said it's a very loaded
22 question. And then when I asked him about buttons he said, okay, it's
23 possible as late as 2019 to have a chatbot which is a rule-based chatbot that
24 does not use NLP. Is that correct? Dr. Beigi, that's more like a form. That
25 is a form. I would call that a form. Does it have to be a form in order to be

1 rule-based? If it's the way he's defined it, which is often these bots use
2 buttons, then I would say it's a form. He's telling us that buttons and forms
3 are not a natural language processing in the context of his discussion of a
4 natural language interface.
5 So, I respectfully submit that whatever they're relying on as forms
6 and buttons is not sufficient. And to the extent that counsel wants to point to
7 something beyond what's in its petition to say that the button is something
8 more, if it isn't in the petition, it isn't the grounds for this trial.
9 I also would like to go back to the first slide with the claims.
10 When you're looking at the '664 patent, and we're talking about the
11 definition of computer program, can you pull up the [e] element on the first
12 column? Wherein each interaction of the sequence of interactions comprises
13 an action selected from a group consisting of inputting data to the displayed
14 user interface and executing a functionality of the displayed user interface,
15 and then [f] goes on executing the automation process where said executing
16 comprises utilizing the display user interface of the computer performance
17 program to perform the sequence of interactions. That's why we say it has to
18 execute a functionality of the program, because the claim says that. We
19 weren't importing that from the spec. We were just interpreting the claim.
20 I think that we pretty much addressed everything, but if there's any
21 open items, I'm certainly happy to address them now. Thank you very
22 much, Your Honors. We appreciate your time and effort on this case.
23 Obviously, it's important to both of our clients who are very significant
24 players in the space.
25 JUDGE SZPONDOWSKI: Thank you. Thank you. Okay. And

thank you to both of the parties. I believe during Petitioner's rebuttal, Judge Boudreau had asked for a citation. So, if Petitioner has a citation, we can take that.

MS. NGUYEN: Your Honor, we did take a look at these specifications, and it looks like if you read the patents as a whole, the patents do not explicitly define an embodiment where the computer program is the same for all the steps, but the specifications almost also do not exclude such an embodiment. So, a person of ordinary skill in the art reviewing these specifications would understand the claims to cover both instances.

JUDGE BOUDREAU: Okay. Thank you for that.

MS. NGUYEN: Thank you.

JUDGE SZPONDOWSKI: Okay. Any further questions? Thank you to the parties. We appreciate your time today. This concludes our hearing in IPR2023-01368, IPR2023-01379, and IPR2024-00065.

COURT REPORTER: Okay. We're going off record, and the time is 3:56 p.m. Eastern Standard.

(Whereupon the above-entitled matter went off the record at 3:56 p.m.)

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