

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner.

IPR2024-00144
Patent 9,369,545 B2

Before HUBERT C. LORIN, GRACE KARAFFA OBERMANN, and
SHARON FENICK, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

A. *Background and Summary*

On November 13, 2023, Apple Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) seeking *inter partes* review of claims 1–21 (“the Challenged Claims”) of U.S. Patent No. 9,369,545 B2 (Ex. 1001, “the ’545 Patent”). With the Petition, Petitioner filed a Motion for Joinder (Paper 3, “Motion” or “Mot.”), conditionally seeking to join as a party to *Samsung Electronics Co. Ltd. v. DoDots Licensing Solutions LLC*, IPR2023-00756 (“the Samsung IPR”). On February 16, 2024, DoDots Licensing Solutions LLC (“Patent Owner”) filed a preliminary response to the Petition (Paper 7, “PO Prelim. Resp.”). On April 11, 2024, Patent Owner notified the Board through email that Patent Owner “does not oppose Apple’s conditional motion for joinder.” Exhibit 3001, 1.

The Board has authority to determine whether to institute an *inter partes* review. See 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a) (2020). Under 35 U.S.C. § 314(a), an *inter partes* review may not be authorized unless the information in the Petition and any preliminary response “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons that follow, we institute an *inter partes* review as to the challenged claims of the ’545 patent on all grounds of unpatentability presented. We also grant Petitioner’s Motion for Joinder.

B. *Real Parties In Interest*

Petitioner identifies only itself as a real party in interest. Pet. 115. Patent Owner identifies only itself as a real party in interest. Paper 4 (Patent Owner’s Mandatory Notices), 1.

C. Related Matters

In addition to the Samsung IPR, the parties collectively identify *DoDots Licensing Solutions LLC v. Apple Inc. et al.*, CA No. 6:22-cv-00533 (WDTX May 24, 2022), and *DoDots Licensing Solutions LLC v. Samsung Electronics Co., Ltd. et al.*, CA No. 6:22-cv-00535 (WDTX May 24, 2022), as related to the '545 Patent. Pet. 115; Paper 4, 1–2.

Petitioner additionally identifies that the '545 patent is related to *Samsung Electronics Co., Ltd. v. DoDots Licensing Solutions LLC*, IPR2023-00621. Pet. 115.

Patent Owner additionally identifies that the '545 patent is the subject of *Apple Inc. v. DoDots Licensing Solutions LLC*, IPR2023-00937 and *In re DoDots Licensing Solutions LLC*, Case No. 24-100 (Fed. Cir.). Paper 4, 2.

D. The '545 Patent (Ex. 1001)

1. Disclosure

The title of the '545 patent is “Accessing and Displaying Network Content.” Ex. 1001, code (54). The '545 patent discloses, among other things, a method for accessing and displaying network content in a graphic user interface (“GUI”). *Id.* at Abstr.

According to the '545 patent, conventional web browsers are limited in the “aggregation” and “presentation” of content. Ex. 1001, 1:48–51. As to the aggregation of content, the '545 patent states that a user may use conventional web pages to view content sources in a single web page, such as stock, weather and sports information (*id.* at 1:27–38), and because the user is not in a position to separately aggregate the content at a client computer, the user is constrained to view the content that has been delivered in the manner provided by the server computer hosting the web page (*id.* at 1:45–48). As to the presentation of content, the '545 patent states that

conventional content was divided into regions on a single web page. *Id.* at 1:27–38. The ’545 patent identified a purported problem, noting that when disparate content was aggregated, it was “reassembled into a full web page and . . . served through a full-screen browser.” *Id.*

The ’545 patent discloses a method for accessing and displaying network content in a GUI. Ex. 1001, Abstr. It is capable of processing distributable computer readable media. *Id.* at 4:29–30. Distributable computer readable media includes, but is not limited to, standard web content, such as HTML, dHTML, images, imbedded ActiveX and Java applications, JavaScript, CSS, Pen scripts, Streaming Media, and/or Flash. *Id.* at 4:31–34.

According to the ’545 patent, a user logs into a server by providing a login identifier, which is used to obtain the user’s profile. Ex. 1001, 4:44–47. The user profile includes references to networked information monitors (NIMs). *Id.* at 4:54–56. In the ’545 patent, the term “networked information monitor” refers to a fully configurable frame with one or more controls, which stands in contrast to conventional web browsers, which have limited means to alter the browser controls. *Id.* at 4:56–63. A “NIM template” defines the characteristics of a specific NIM, including fully configurable frame characteristics, viewer and control characteristics, and NIM content references. *Id.* at 6:34–37; *see id.* at 2:30–32 (“a definition of a Networked Information Monitor (NIM)” which defines a “NIM frame”). After the user accesses the user profile and the NIM template defines the characteristics of the NIM frame, the content is placed in a NIM viewer defined by the frame. *Id.* at 2:30–34.

2. *Illustrative Claim*

Claims 1 and 16 are the only independent claims among the challenged claims. Claim 1 is reproduced below with Petitioner's limitation designations added in brackets for ease of reference. *See* Pet. iv-v.

1. [1pre] A computer-implemented method of obtaining content over a network and displaying the content to a user, the method being implemented in a client computing device in operative communication with a server over a network, the client computing device including electronic storage, a display, and one or more processors configured to execute one or more computer program modules, the method comprising:

[1.1] transmitting a request to the server over the network, the request requesting networked information monitor template;

[1.2] receiving the requested networked information monitor template from the server over the internet, the requested networked information monitor template having been transmitted from the server over the network responsive to the transmitted request, the networked information monitor template comprising:

[1.3] a definition of a viewer graphical user interface within which content in a web browser-readable language may be presented on the display of the client computing device; and

[1.4] a definition of a first content element for the networked information monitor template, the definition of the first content element referencing a first network location from which the first content element for the networked information monitor template is served over the network;

[1.5] responsive to instructions included in the requested networked information monitor template, presenting the viewer graphical user interface defined by the networked information monitor on the display of the client computing

device separate from and outside of any other graphical user interface that includes user controls for specifying the first network location from which the first content element for the networked information monitor is served over the network;

[1.6] responsive to instructions included in the requested networked information monitor template, transmitting over the network a first content request to the first network location referenced by the definition of the first content element for the networked information monitor template;

[1.7] receiving, over the network, the first content element transmitted responsive to the first content request;

[1.8] presenting the received the first content element in the viewer graphical user interface defined by the networked information monitor template, wherein the definition of the viewer graphical user interface and/or the first content element define all controls for enabling a user to interact with the first content element through the viewer graphical user interface.

Ex. 1001, 42:22–43:4.

E. Evidence

Petitioner relies on the following evidence.

Name	Reference	Ex. No.
Brown	U.S. Patent No. 6,278,448 B1, issued Aug. 21, 2001	1005
Wecker	U.S. Patent No. 6,449,638 B1, issued Sep. 10, 2002	1006
Beer	U.S. Patent No. 5,793,368, issued Aug. 11, 1998	1007
Shimada	U.S. Patent No. 6,789,263 B1, issued Sep. 7, 2004	1008
Buchholz	U.S. Patent No. 6,088,340, issued Jul. 11, 2000	1009
Darnell	“HTML 4 Unleashed,” 1997 ¹	1011
Krishna	U.S. Patent No. 6,055,522, issued Apr. 25, 2000	1021

Pet. 2.

Petitioner also relies on a Declaration of Dr. Douglas C. Schmidt (Ex. 1003).

F. Prior Art and Asserted Grounds

Petitioner asserts that claims 1–21 would have been unpatentable on the following grounds:

Ground	Claim (s) Challenged	35 U.S.C. §	Reference(s)/Basis
1A	1–4, 6–10, 13–15	103 ²	Brown, Wecker
1B	5, 11–12, 16–21	103	Brown, Wecker, Beer
2A	1–4, 6–7, 9–10, 13–15	103	Shimada, Buchholz

¹ In a table provided by Petitioner, “Darnell” is indicated as having a “Publication Date” of “1997.” Pet. 2; see also Ex. 1018 (Declaration of June Ann Mumford), 4. On the present record, this date is not disputed.

² The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. §§ 102 and 103. Because the challenged claims of the ’545 patent claim an effective filing date before the effective date of the applicable AIA amendments (see Ex. 1002, 73–75), we refer to the pre-AIA versions of 35 U.S.C. § 103 throughout this Decision.

Ground	Claim (s) Challenged	35 U.S.C. §	Reference(s)/Basis
2B	5, 8, 12	103	Shimada, Buchholz, Darnell
2C	11, 16–21	103	Shimada, Buchholz, Krishna

Pet. 1.

II. ANALYSIS

A. *Institution of Inter Partes Review*

We instituted an *inter partes* review in the Samsung IPR on all challenged claims and all asserted grounds of unpatentability. Samsung IPR, Paper 9; *see also* Samsung IPR, Paper 2 (the “Samsung Petition”). Petitioner here challenges the same claims and asserts the same grounds of unpatentability as those on which we instituted the Samsung IPR. *Compare* Pet. 1, *with* Samsung Petition, 2. Petitioner also relies on an identical declaration from the same declarant as relied upon by the petitioner in the Samsung IPR. Mot. 6 & n.2; Ex. 1003.

Because the grounds of unpatentability in the instant Petition are identical to those in the Samsung IPR, for the same reasons stated in our Decision to Institute in the Samsung IPR we institute *inter partes* review in this proceeding on the grounds presented in the Petition. *See* Samsung IPR, Paper 9, 41-71 (analyzing challenges in the Samsung Petition).

B. *Motion for Joinder*

Joinder in an *inter partes* review is subject to the provisions of 35 U.S.C. § 315(c):

(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his or her discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the

time for filing such a response, determines warrants the institution of an inter partes review under section 314.

To join Petitioner to the instituted Samsung IPR, the Board first determines whether the Petition “warrants” institution under § 314, which we determined above. *See Facebook, Inc. v. Windy City Innovations, LLC*, 973 F.3d 1321, 1332 (Fed. Cir. 2020). The Board next determines whether to exercise “discretion to decide whether to ‘join as a party’ the joinder applicant,” who is the Petitioner in this proceeding. *Id.*

Petitioner timely filed its Motion for Joinder on November 13, 2023. *See* Mot. Petitioner’s Motion was conditional and requested that the Board grant joinder if, and only if, the Board had previously denied IPR2023-00937. Mot. 2. Conversely, if the Board instituted review in IPR2023-00937, Petitioner would withdraw the motion. *Id.* The Board denied institution of review in IPR2023-00937. IPR2023-00937, Paper 12 (PTAB Dec. 15, 2024). Director Review of the decision denying institution was requested by Petitioner but denied by the Director. IPR2023-00937, Paper 13 (Petitioner’s Request for Rehearing by Director, filed Jan. 16, 2024); IPR2023-00937, Paper 14 (PTAB Mar. 27, 2024) (denying Director Review request); *see* IPR2023-00937, Ex. 3100; IPR2023-00937, Ex. 3101.

As the moving party, Petitioner bears the burden of proving that it is entitled to the requested relief. 37 C.F.R. § 42.20(c). A motion for joinder should (1) set forth the reasons joinder is appropriate; (2) identify any new grounds of unpatentability asserted in the petition; and (3) explain what impact (if any) joinder would have on the trial schedule for the existing review. *See Kyocera Corp. v. SoftView LLC*, IPR2013-00004, Paper 15 at 4 (PTAB Apr. 24, 2013).

We determine that Petitioner has met its burden of showing that joinder is appropriate because, as set forth above, the Petition (1) is materially the same as the Samsung Petition, (2) contains the same grounds based on the same evidence, and (3) would promote efficiency. *See* Mot. 3, 6. Petitioner represents that joinder will not unduly burden Patent Owner or negatively impact the Samsung trial schedule. *Id.* at 7.

Petitioner also represents that it will join “in an understudy role” and will not assume an active role unless the current petitioner in the Samsung IPR ceases to participate in the Samsung IPR. Mot. 6. Petitioner represents that in its understudy role, it agrees that the following conditions will apply:

a) all filings by Apple in the Samsung [IPR] shall be consolidated with the filings of the current petitioner, unless a filing concerns issues solely involving Apple;

b) Apple shall not be permitted to raise any new grounds not instituted by the Board in the Samsung [IPR], or introduce any argument or discovery not introduced by the current petitioner;

c) Apple shall be bound by any agreement between Patent Owner and the current petitioner concerning discovery and/or depositions; and

d) Apple at deposition shall not receive any direct, cross-examination or redirect time beyond that permitted under either 37 C.F.R. § 42.53 or any agreement between Patent Owner and the current petitioner.

Id. at 9–10.

Patent Owner did not timely file an opposition to the motion. *See* 37 C.F.R. § 42.23 (setting default filing times). In its Preliminary Response, Patent Owner presented certain arguments “to bring to the Board’s attention and make of record [Patent Owner]’s objections to the conduct of this and related proceedings” and to argue that Petitioner should

only be able to pursue one *inter partes* proceeding against the '083 patent. PO Prelim. Resp. 1, 6. Patent Owner communicated with the Board via email on April 11, 2023, stating that it was writing “to inform the Board that [Patent Owner] does not oppose Apple’s conditional motion for joinder” here. Exhibit 3001, 1

We determine above that the Petition warrants the institution of an *inter partes* review. Under these circumstances, we agree with Petitioner that joinder is appropriate and will not unduly impact the ongoing proceedings of the Samsung IPR. We limit Petitioner’s participation in the Samsung IPR as follows: (1) the current petitioner is responsible for all petitioner filings in the proceeding until such time that it is no longer an entity in the proceeding; and (2) Petitioner is bound by all filings by the current petitioner in the proceeding, except for (a) filings regarding termination or settlement, and (b) filings where Petitioner receives permission to file an independent paper. Petitioner must obtain prior Board authorization to file any paper or take any action on its own in the proceeding, so long as the current petitioner remains as a non-terminated petitioner in the proceeding. In the event the Board terminates Samsung as a party in the Samsung IPR, Petitioner shall take on the role of lead petitioner in the Samsung IPR.

This arrangement promotes the just and efficient administration of the ongoing trial in the Samsung IPR, and protects the interests of Samsung as the original petitioner in that proceeding and of Patent Owner.

III. CONCLUSION

For the foregoing reasons, we institute *inter partes* review of the challenged claims of the '083 patent based on the grounds of unpatentability

set forth in the Petition. We grant the Petitioner's Motion for Joinder and join Petitioner to IPR2023-00756, with the limitations set forth herein.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is hereby instituted as to claims 1–21 of the '545 patent on all the grounds set forth in the Petition;

FUTHER ORDERED that, pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122, Petitioner's Motion for Joinder is granted, and Petitioner is joined as a petitioner in IPR2023-00756, subject to the above-described limitations in Petitioner's participation in that proceeding;

FUTHER ORDERED that the asserted grounds of unpatentability on which the Board instituted *inter partes* review in IPR2023-00756 are unchanged and remain the only instituted grounds;

FURTHER ORDERED that the schedule order in IPR2023-00756, and any modifications thereto, shall govern the schedule of the proceeding;

FURTHER ORDERED that all further filings are to be made in IPR2023-00621;

FURTHER ORDERED that the case caption in IPR2023-00756 for all further submissions shall be modified to add Apple Inc., as a named Petitioner via footnote indicating the joinder of Petitioner as a party to that proceeding, as indicated in the attached sample case caption; and

FURTHER ORDERED that a copy of this decision shall be entered into the record in IPR2023-00756.

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Sample Case Caption

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,¹
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DODOTS LICENSING SOLUTIONS LLC,
Patent Owner.

IPR2023-00756
Patent 9,369,545 B2

¹ The Board joined Apple Inc. as a party (Petitioner) to this proceeding.