UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DROPBOX, INC.,

Petitioner

v.

MOTION OFFENSE, LLC,

Patent Owner

IPR2024-00286
U.S. Patent No. 11,611,520

PATENT OWNER'S SUR-REPLY

Under 37 C.F.R. § 42.120

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Submitted Electronically via PTAB E2E

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TABLE OF EXHIBITS

Exhibit	Description
2001	Affidavit of Derek Dahlgren
2002	’520 Patent Prosecution History (excerpts)
2003	U.S. Patent Application No. 13/624,906
2004	U.S. Patent Application No. 13/626,635
2005	Petition for Inter Partes Review of U.S. Patent No. 10,303,353
2006	Petition for Inter Partes Review of U.S. Patent No. 10,613,737
2007	Petition for Inter Partes Review of U.S. Patent No. 11,044,215
2008	*Garcia* Assignment to SugarSync, Inc.
2009	*Garcia* Assignment to Dropbox, Inc.
2010	SugarSync April 2011 User Guide
2011	SugarSync October 2012 User Guide
2012	*Dropbox transforms teamwork with new products and business plans*
2013	*A revolutionary new way to access all your files*
2014	*Introducing Dropbox Smart Sync and new collaboration tools*
2015	*Inside Dropbox’s Identity Overhaul*
2016	Dropbox Company Presentation, February 2022
2017	*Testing sync at Dropbox*
2018	*Going deeper with Project Infinite*
2019	*Dropbox makes enterprise push with launch of Smart Sync, Paper*
2020	*Spend less time searching, more time getting work done with Smart Sync*
2021	*Secure Link Sharing App for Mobile Devices*
2022	*Rewriting the heart of our sync engine*

2023	Dropbox Smart Sync is finally available to all business users
2024	What is Dropbox Smart Sync and How to Use It?
2025	Dropbox's Smart Sync Makes the Service Even Better
2026	U.S. Provisional Pat. App. No. 61/233,787 (*Houston* II)
2027	*Egnyte vs Dropbox Business Cloud Storage Comparison*
2028	*Dropbox vs Egnyte*
2029	*Dropbox vs Box: The showdown of the file sharing apps*
2030	*Compare Dropbox Business vs Zoho WorkDrive*
2031	*Google Drive vs. Dropbox*
2032	*Sharing Data: the latest features for Box, DropBox and Google Drive*
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2044	*Dropbox Review*
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2046	*IDrive vs Dropbox Comparison*
2047	*The Beginner's Guide to Dropbox Smart Sync*

2048	Motion Offense v. Dropbox, Trial Transcript, Vol. 5 of 5 (annotated)
2049	Preliminary Infringement Contentions in MO-DB-3
2050	*Dropbox Security Whitepaper*
2051	Declaration of Michael Smith ("Smith Decl.")
2052	*Garcia* Figure 12
2053	Deposition Transcript of Dr. Mowry, dated March 11, 2025

I. INTRODUCTION

Petitioner has not met its burden. PO's construction of "a representation of the at least one folder" is correct and supported by the intrinsic record. Under the proper construction, neither *Houston* nor *Garcia* disclose elements 17[d]-17[g]. Because Petitioner does not rely on either *Manzano* or *Wu* for all of the missing claim limitations, each ground asserted by Petitioner fails. Additionally, a POSITA would not have been motivated to combine the references as proposed by Petitioner, nor had any reasonable expectation of success, which are additional bases for rejecting Petitioner's hindsight-driven arguments. Petitioner's asserted references instead teach away from the proposed combinations. Objective indicia of non-obviousness also support the patentability of the challenged claims.

Finally, Petitioner's new arguments, including its untimely claim constructions, are procedurally improper and should be given no weight.[1]

For these reasons, and as set forth in more detail below, Petitioner has not met its burden and the Board should uphold the patentability of claims 17-21.

II. CLAIM CONSTRUCTION

The parties dispute the meaning of the term "representation of the at least one folder" that appears in limitations 17[e]–[g].

[1] PO believes Petitioner violated 37 C.F.R. § 42.51(b)(1)(iii) by failing to provide routine discovery regarding information that is inconsistent with its positions in this IPR, including in Petitioner's Reply.

Term	PO's construction	Petitioner's Construction[2]
"representation of the at least one folder"	"a folder that can be displayed at the user's node, but whose file contents are stored remotely and are not communicated to the user till the user initiates the communication"	"some sign or symbol that stands in place of (i.e., represents) the 'at least one folder'" "a stand-in image or symbol that depicts, but that is not itself, a folder"

PO's construction is the plain and ordinary reading of claim 17 consistent with the surrounding claim language (including 17[d]), usage in other claims, and the intrinsic record, including the specification and original priority applications[3] that are incorporated by reference in the '520 patent and each intervening parent application. (*See* POR, 1-7, 26-38.) Petitioner does not address PO's cited support in the intrinsic record and thus it is unrebutted. (Reply, 1-6.) Instead, it raises a series of strawman arguments that do not even acknowledge PO's actual construction.

First, PO's construction is not "illogical." (Reply, 2.). PO is ***not*** equating the representation of a shared folder with "the 'folder' itself" as Petitioner asserts. (*Id.*) Instead, PO's construction recites that the claimed representation is a ***different*** "folder" containing objects whose contents are stored remotely until the user

[2] Reply, 2.
[3] POR at 2-3 fn. 1 (noting the terminology in the '635 application and '906 application for first and second nodes where the "first node" sends a request and the "second node" responds by sharing).

accesses them. That is *consistent* with the definition of "folder" Petitioner used when questioning Dr. Smith, and the plain meaning of representation. (Reply, 2 (citing EX1028, 29:04-30:07, 32:15-36:01, 40:08-41:17, 36:07-37:12.)) PO's construction simply makes clear that the representation of the folder is not a copy of the actual folder and its contents.

Second, PO's construction does not improperly insert language from other portions of the claim. Black letter law states that claim construction accounts for the surrounding claim language. *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc); POR, 26-32. PO's construction does just that and accounts for element 17[d]. (POR, 31-32.) Petitioner's arguments that 17[d] is unrelated are baseless. (Reply, 3.) Element 17[d] makes clear that any file contents are not stored at the second node until a user initiates communication of those contents. (*Id.*) That is, 17[d] refers to the storage at the second node. PO's construction is consistent with that claim language (and the rest of the intrinsic record). Similarly, Petitioner's assertion that this language is "permissive" misses the mark. (Reply, 3.)[4] What Petitioner and Dr. Mowry refer to as 'optional' is the purpose for not including an

[4] Petitioner's argument that Dr. Smith was unable to explain whether the construction was permissive mischaracterizes his testimony. (Reply, 4 fn. 2 (citing EX1028, 67:15-68:02).) As is clear from the quote in the Reply, Dr. Smith was uncertain of "the issue of the transfer being required or not." His testimony also makes clear that he agrees the construction is correct.

attachment in the email, which is ***required*** by the claim as Dr. Mowry acknowledged. (EX2053, 191:7-13).

Third, PO's construction does not "render language superfluous." (Reply, 4.) It construes the term consistently across all of the claims, which is black letter law in claim construction. *Phillips*, at 1314 ("[T]he usage of a term in one claim can often illuminate the meaning of the same term in other claims."); *Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1342 (Fed. Cir. 2001) (terms should be construed consistently throughout patent).

Fourth, Petitioner's assertion that the '635 application, ***which is incorporated by reference***, does not support PO's construction is wrong as a matter of law. (Reply, 5; *but see* EX1001, 1:57-62.) It is part of the intrinsic record and ***must*** be considered. *Id. See also Phillips*, at 1315. Petitioner's mischaracterization of PO's reliance on the '635 application is baseless; PO relied on it as intrinsic support, which includes its originally filed claims. (POR, 34-38.)

Likewise, Petitioner's assertion that PO's construction is not supported because the support allegedly does "not indicate what initiates the 'accessing' of the data object" nor "precludes communication of the data object separate from that accessing". is without merit. (Reply, 5.) The '635 application repeatedly refers to creating a representation of a data object that allows access to the remotely stored

data object. (*E.g.*, EX2004, ¶¶103-119, 123, 130, 135.)[5] A data object includes folders and files. (EX2004, ¶69). And using a representation to access the remotely stored data object is entirely consistent with and supports PO's construction. (POR, 36-38; EX2051, ¶¶86-88.)

It is also consistent with the disclosures the Board cited in its Institution Decision. (Paper 12, 42-43; EX2051, ¶88; POR, 36-37.) Contrary to Petitioner's assertions, (Reply, 5 fn.3), paragraphs 49-52 and 69 of the '635 application support PO. Paragraph 69 simply states that data objects include files and folders in a file system and that accessing a data object includes accessing data in the data object. (EX2004, ¶69.) Paragraph 49 discusses "visual representations"[6], and paragraphs 51-52 discuss representations of program entities, while paragraph 50 does not recite the term "representation." (EX2004, ¶¶49-52.) Tellingly, Petitioner's Reply relegates this argument to a footnote. (Reply, 5 fn.3.)

Petitioner's competing constructions are unavailing. (Reply, 2.) They are based on extrinsic evidence and lack support in the intrinsic record. (Reply, 2.) Specifically, Petitioner offers two apparent constructions: (i) "some sign or symbol that stands in place of (i.e., represents) 'the at least one folder,'" (Reply, 2 (citing

[5] The original claims of the '635 application also support PO's construction. (EX2004, claims 1, 8, 9, 10, 11, 19, 20; Figs. 2A (step 208, step 210) 2B (step 218); *see also id.,* Abstract; EX2003, Abstract ("The second message includes the data object identification response, wherein the second message does not include the data object."); claim 7, ¶¶109-110, 147-150.)
[6] *See also* EX2004, Fig. 2A (steps 208 and 210); Fig. 8A.

EX1034, ¶¶7-8)); and "a stand-in image or symbol that depicts, but that is not itself, a folder," (*id.*) Neither is correct, and Petitioner relies exclusively on its expert's Reply declaration and testimony from Dr. Smith regarding icons, flags representing countries, and an extrinsic dictionary definition for the term "folder." (Reply 2 (citing EX1028, 29:04-30:07, 32:15-36:01, 40:08-41:17, 36:07-37-12.)) Dr. Smith's testimony is entirely consistent with, and supports, PO's construction. (EX1028, 29:4-46:21.) Petitioner's "icon" construction is baseless and would eviscerate the claim language because folders with locally stored content are also depicted with icons.

Petitioner's constructions are also improper new argument. The Petition acknowledged that PO may advance a construction where the representation of the folder does not include the contents of the files when it is created. (Pet., 65; EX1002, ¶166.) There is no basis for Petitioner to raise new arguments and rely on new evidence under these circumstances and Petitioner's cited caselaw is inapposite for the same reasons. (Reply, 13 fn. 7.)[7] Trial Practice Guide 73 (Nov. 2019)

[7] PO sought authorization to submit evidence addressing Petitioner's construction and Petitioner's apparent failure to provide routine discovery as required, but its request was denied summarily without a conference call. That was improper. *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1384 (Fed. Cir. 2023) ("We are confident that in circumstances such as these, the Board will allow an appropriate opportunity for a patent owner to submit evidence with a sur-reply.").

(petitioner "may not submit new evidence or argument in reply that it could have presented earlier, e.g. to make out a prima facie case of unpatentability.").

III. PETITIONER HAS NOT MET ITS BURDEN FOR CLAIMS 17-21

Petitioner's Reply does not cure the deficiencies noted in the POR. Under the proper construction of "representation of the at least one folder," each of Petitioner's grounds fail. Neither *Houston* nor *Garcia* teach claim elements 17[d]-[g], and Petitioner does not rely on *Manzano* nor *Wu* to cure each of these deficiencies. Moreover, a POSITA would not have been motivated to combine the asserted references as proposed in Grounds 1-4 based on the teachings of at least *Houston* and *Garcia*, which teach away from Petitioner's proposed combinations.

A. Grounds 1-4: Houston Does not Disclose 17[d]-[g] And Teaches Away From Every Combination Because Locally Stored Files Are Fundamental To Its Teachings

As explained in the POR, *Houston* discloses that a shared folder is automatically downloaded along with its contents when an invitation to the shared folder is accepted. (POR, 41-45; EX2051, ¶¶97-103.) *Houston* states "[o]ther clients who will be sharing the synchronized folder register with the host system and obtain ***a current version of the synchronized folder and contents.***" (EX1003, Abst.) It goes on, stating "In this way, each client participating in the share has a current version of the folder and its contents." (*Id.*) This is consistent with Figure 2, which

states "when someone joins a shared folder, the folder appears inside their Dropbox and syncs to their computers automatically." (*Id.*, Fig. 2.)

Petitioner's assertion that *Houston* only discusses propagating changes to "already downloaded" folders lacks merit. (Reply, 9 (citing EX1003, 2:17-18).) In the "Summary" section, *Houston* states that a first client instantiates a folder to be shared and other clients "who will be sharing the synchronized folder register with the host system and obtain a current version of the synchronized folder and contents." (EX1003, 1:54-64.) Like the Abstract, the Summary notes "in this way, each client participating in the share has a current version of the folder and its contents." (*Id.*, 2:1-2.) Thus, the benefits of having locally stored, synchronized folders discussed in the Background are applicable to shared folders—period. (*Id.*, 1:20-49.)

Petitioner's argument that Figure 2 does not indicate how the user "joins a shared folder" and does not preclude user action to initiate the download is misplaced. (Reply, 10.) Contrary to Petitioner's assertions, *Houston* is not "agnostic regarding how and when a shared folder is *initially* downloaded." (Reply, 9 (emphasis in original).)[8] *Houston* is clear that ***any*** user that accepts an invitation to a shared folder downloads the folder and its contents automatically. For example, Figure 4 depicts an invitation to a shared folder and *Houston* discloses an "account identifier of the

[8] It is not clear what Petitioner means by "agnostic," but to the extent Petitioner is stating that Houston does not specify how and when shared folders are initially downloaded, it has failed to meet its burden to show invalidity based on Houston.

user(s) with whom the folder is to be shared" and when "the user accepts the invitation to share the folder" "[t]he invited user's client then obtains the latest version of the synchronized file according to the methods described above." (*Id.*, 7:38-58.) In fact, *Houston* discloses that this may occur even without the invited user accepting the invitation. (*Id.*, 5:47-51.)

Houston does not draw a distinction between *existing* shared folders and newly created folders as Petitioner argues. Any shared folder is downloaded. (Reply, 9.) Dr. Mowry appears to concede as much. (EX1002, ¶98 (citing EX1003, 7:49-58 (invited user obtains latest version of the synchronized folder)).) Regardless, Petitioner's argument is non-sensical as a folder must exist to be shared.

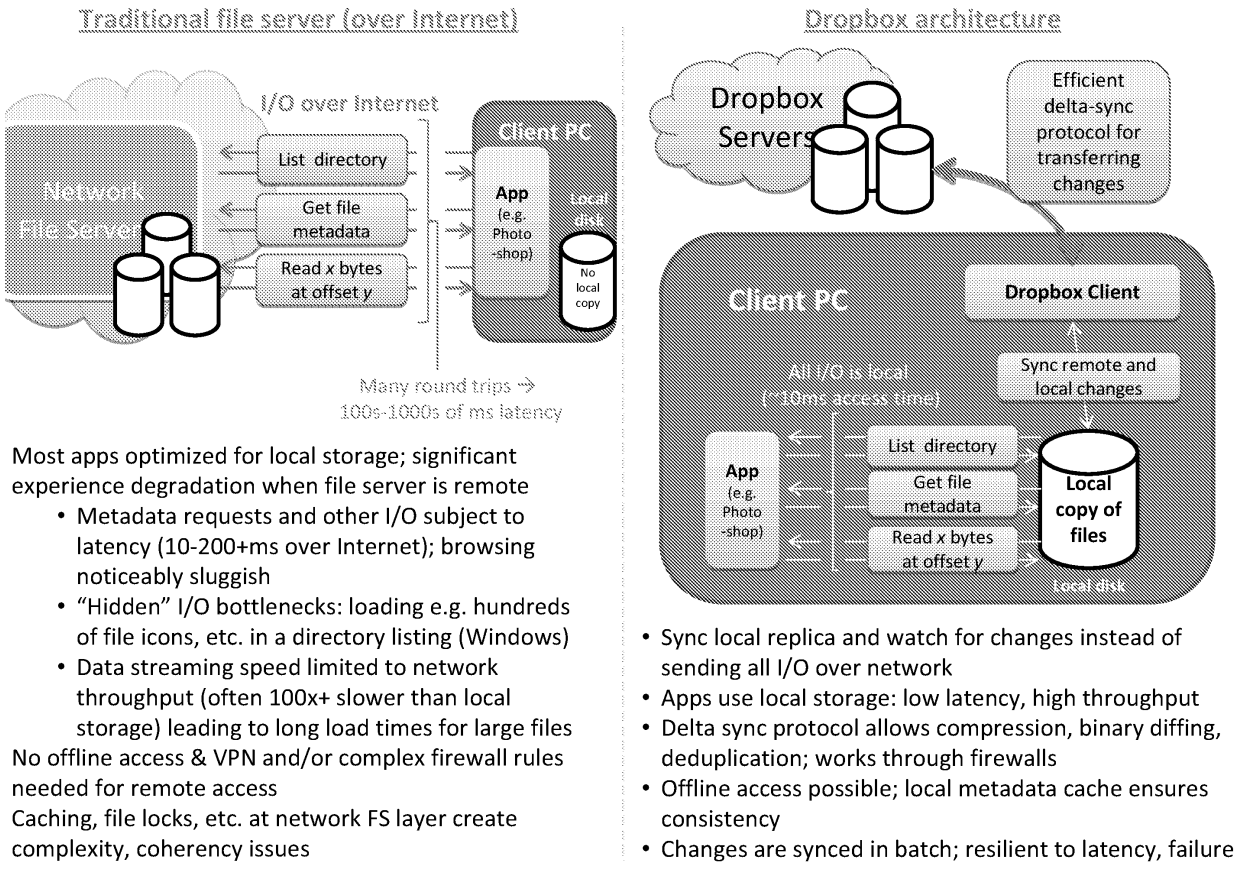
Similarly, Petitioner's argument that "*Houston* does not disclose any benefit to initially downloading a newly shared file" is baseless. (Reply, 9.) As noted above, ***all*** of *Houston's* discussion of the benefits of locally available folders are applicable to shared folders. *Houston's* provisional application, Serial No. 61/233,787 ("*Houston II*"), which is incorporated by reference[9], leaves no doubt that local storage is the heart of *Houston's* system and repeatedly criticizes systems that store documents remotely. (EX1003, 1:6-9; *Houston II*, ¶8 ("One problem associated with a traditional system is that a business is required to maintain its own server . . . "),

[9] *Houston II* is part of the record by virtue of its incorporation by reference. It is legal error not to consider it.

¶9 ("the innovative technology presented herein eliminates the need to have a person maintaining a central server for a business. The technology makes local copies of data . . . . The technology allows for a superior user experience, since multiple users may be offline or online and still use this technology."); ¶10 ("The technology provides local input/output speed (which equates to less speed time in comparison to traditional systems) because the files are local, and thus listing and accessing of the files appear much more quickly to users than if they had used traditional systems."); ¶12 ("Also, most applications of a traditional file server architecture are optimized for local storage, which means there may be a significant experience degradation when the file server is remote. Such degradation means that there may be hundreds to thousands of millisecond latency. There may be hidden input/output bottlenecks which may occur when loading data into a directory listing. Further, data streaming speed is oftentimes limited to local throughput which is much slower than local storage, leading to long load times for large files."); ¶13 ("In stark contrast, according to various embodiments, the applications in the Dropbox architecture use local storage with low latency and high throughput. Since all input/output is local, access time is approximately 10 milliseconds."); ¶14.) Figure 1 of *Houston II* reproduced below clearly distinguishes traditional systems from what *Houston*

discloses and reinforces the critical importance *Houston* places on having locally stored files:

Traditional File Server Architecture vs. Dropbox FIG. 1



(EX1003, 1:6-9 (*Houston II*, Fig. 1 (noting the Dropbox architecture has "local copies of files" and most apps are optimized for local storage and experience

degradation when file server is remote, and distinguishing traditional file server architectures with "no local copy"); *id*., claim 6; *see also* POR, 41-46.)[10]

These disclosures rebut Petitioner's assertion that *Houston* alone renders obvious element 17[g]. (Reply, 15 fn.9 (citing EX1034, ¶¶30-34).) Indeed, that argument is based on Petitioner's flawed "brief absence of checkmark overlays" theory. (EX1034, ¶¶30-34.) Notably, Dr. Mowry relies on an unrelated document regarding a ***different*** system, SugarSync, as alleged support but offers no evidence that a POSITA would have understood it to relate to *Houston*. (EX1034, ¶¶31-32 & fn. 7.) That should speak for itself. Dropbox has access to all relevant information concerning the icon overlays in *Houston*, yet ***it did not provide any Dropbox materials for support***. Instead, it appears to have ***withheld*** such information because it is inconsistent. A Dropbox guide from 2009 states that the checkmark overlay refers to syncing files to Dropbox but makes no reference to downloads. It indicates that Dropbox and SugarSync had different icon overlay functionality. (*Cf.* EX1002,

[10] Petitioner's damages report filed on March 17, 2025 in *Entangled Media LLC v. Dropbox, Inc.*, 5:23-cv-03264-PCP (ND Cal.), ECF 250-2, ¶¶17-21 discusses Mr. Houston's overarching focus on having locally stored versions available.

¶33.)[11] At a minimum, Dropbox's arguments should be subjected to close scrutiny given the information at its disposal.

For these reasons, *Houston* teaches away from Petitioner's proposed combinations. Modifying *Houston* from a system intended to download the file contents of shared folders automatically to one that functions as a remote "virtual drive" would have frustrated the heart of the teachings of *Houston.* (EX1003, 2:17–18; Fig. 2; 5:37–6:3; 7:49-58; EX2051 ¶98.) *Houston* specifically criticizes such systems and describes numerous benefits using synchronized, locally stored copies. EX1003, 1:6-9 (*Houston II*, ¶¶1, 12-13-14).) The proposed combination of *Houston* with *Garcia* and/or *Manzano* would result in the loss of the fundamental purpose of *Houston*, namely, making shared folders and their contents locally available to all of a user's devices. (EX2051 ¶105.) This demonstrates that there would not have been a motivation to combine the references, much less with any reasonable expectation of success. *AstraZeneca AB v. Mylan Pharms. Inc.,* 19 F.4th 1325, 1337 (Fed. Cir. 2021); *In re Urbanski*, 809 F.3d 1237, 1244 (Fed. Cir. 2016); *Samsung Elecs. Co. v.*

[11] PO informed Petitioner of this evidence after recently coming to question Dropbox's compliance with 37 C.F.R. § 42.5(b)(1)(iii). That is one reason that PO requested authorization to file additional evidence.

Mojo Mobility, Inc., No. IPR2023-01100, Paper 11, 2024 Pat. App. LEXIS 574, *14–15 (PTAB Feb. 12, 2024).

In sum, *Houston* does not disclose at least claim elements 17[d]–[g], (EX2051 ¶96), and would discourage anyone from modifying it in such a way, (*Id.*). Moreover, Petitioner's grounds combining *Houston* with *Garcia* and/or *Manzano* fail to address the deficiencies with respect to 17[d]-17[g] and *Houston* teaches away from all of Petitioner's proposed combinations. *AstraZeneca AB v. Mylan Pharms. Inc.,* 19 F.4th 1325, 1337 (Fed. Cir. 2021); *In re Urbanski*, 809 F.3d 1237, 1244 (Fed. Cir. 2016); *Samsung Elecs. Co. v. Mojo Mobility, Inc.*, No. IPR2023-01100, Paper 11, 2024 Pat. App. LEXIS 574, *14–15 (PTAB Feb. 12, 2024).

Petitioner's grounds 1-4 fail for these reasons alone.

B. Grounds 1-4: Garcia Does Not Disclose "Representation of the at Least One Folder" at the Node Where the Invitation Is Received and Also Teaches Away from Petitioner's Proposed Combinations

Houston in combination with *Garcia* does not disclose elements 17[d]-[g]. Indeed, Petitioner has admitted that *Garcia* discloses that sharing folders using links provides the content even when the recipient does not have an account. (Pet. 31 ("*Garcia* expressly disclosed a benefit of sending an email message with a link to a shared folder—'One benefit of sending links to folders or files to other users is it allows other users to access the folders or files without requiring the other user to create an account in the synchronization system.'")(quoting EX1004, 10:40–43);

EX1002, ¶92.) But without an account, they would not have a virtual drive. Therefore, this supports PO's argument that the links provide access to the shared folder and its content to any recipient. That is consistent with *Garcia's* other disclosures that "[w]hen the user clicks on the send link button 1220, a link to the folder 1115 is sent to the contact. When the contact clicks on the link to folder 1115, the contents of the folder are shared with the contact." (EX1004, 11:26-31; *see also* 11:16-19; Fig. 12.) It is also consistent with contemporaneous evidence that PO provided regarding SugarSync. (EX2051, ¶61; EX2011 at 75-76; EX2010 at 78; POR, 22-24.)[12]

Moreover, a link to a shared folder is not a "representation" of the folder created at the recipient's node. Dr. Mowry's conclusory testimony seeks to gap-fill by claiming a POSITA would have understood that a second user still needs to access the folder through the virtual interface. (EX1034, ¶38.) But *Garcia* does ***not*** state that; indeed, PO's position is that *Garcia* discloses that when the link is accessed the folder contents are downloaded locally at the device being used and at most the folder and contents would show up as remotely stored objects if the user accessed its virtual drive from a ***different device.*** Petitioner relies heavily on *Garcia*'s virtual

[12] Petitioner's statements during prosecution of applications claiming priority to *Garcia* support this understanding. Petitioner pointed to the specification's statement "When the contact clicks on the link to folder 1115, the contents of the folder are shared with the contact," as support for providing content upon user selection.

drive but it does not connect any disclosure in *Garcia* involving the receipt of the link sharing the folder and the creation of a "***representation***" of the shared folder at the device being used when the link is accessed.

In view of the above, Petitioner's argument that "[n]othing in *Garcia's* specification indicates clicking on the link causes downloading to occur" (Reply, 16), and "a POSITA would have known the second user still needs to access the folder by going through the virtual interface" (*id.*, 17) are demonstrably wrong. For the same reasons, Petitioner's assertion that PO's arguments are "contrary to the intent of *Garcia*" are baseless. (Reply, 18.) These statements also contradict Petitioner's reliance on *Garcia*'s disclosure that recipients ***without accounts*** receive the shared folder and its content by accessing the link. (Pet., 31; EX1002, ¶92; EX1004, 10:40-44.) If anything, it would be "contrary to the intent of *Garcia*" to eliminate one of the express benefits noted in the specification, which is the ability to share folders and content with people that do not have an account and virtual drive. (*Id.*)

Dr. Mowry's testimony should be given little to no weight. During his deposition, he refused to answer basic questions about operating systems and file systems and their relationship. (EX2053, 59:21-70:19). He would not discuss the difference between file systems and file explorer applications. (*Id.*, pages 80-89 generally.)

For these reasons, the proposed combination of *Houston* with *Garcia* and/or *Manzano* would result in the loss of a key benefit disclosed by *Garcia*, which Petitioner ***itself*** relies on in its Petition. This supports the patentability of the challenged claims. *AstraZeneca,* 19 F.4th at 1337; *In re Urbanski*, 809 F.3d at 1244; *Samsung*, No. IPR2023-01100, Paper 11.

Petitioner's grounds 1-4 fail for these additional reasons.

C. Ground 2, 4: Petitioner Has Failed to Show that *Houston* in view of *Garcia* and *Manzano* Renders the Challenged Claims Obvious Under 35 U.S.C. § 103

Petitioner relies on *Manzano* for only claim element 17[g].[13] (Pet. at 65.) As discussed above, a POSITA would not have been motivated nor had a reasonable expectation of success to combine *Houston*, *Garcia* with the teachings of remotely stored *files* of *Manzano*. (EX2051 ¶¶115-116.) Both *Houston* and *Garcia* disclose a person receiving a shared folder downloads the contents at the receiving device, and *Houston* further discloses automatic downloading at all the recipients devices. A POSITA would not have been motivated to modify the references as Peittioner suggests. Indeed, nothing in *Manzano* describes sharing entire folders with another user by email without attachments, nor creating representations of those shared

[13] Petitioner does not rely on *Manzano* for other elements, such as element 17[d]. Petitioner also relied on *Manzano* for 1[h] and 7[f], but Patent Owner has disclaimed those claims.

folders, nor downloading contents of those folders as recited in claim 17. (EX2051 ¶116.)

Moreover, Petitioner's Reply misstates PO's arguments. (Reply, 23-24.) As PO noted in its POR, *Manzano* fails to teach claim element 17[g] because it does not teach "causing, at the second node, receipt of code . . . for being utilized to cause creation of a second representation of the at least one folder, in a location among one or more folders, that is stored at the second node and that is displayable via the file explorer interface of the client-based file explorer application." (EX2051 ¶114; POR, 51-52.) *Manzano* relates to transferring ***files***, not folders, and its "ghosted icon" refers only to files. (*Id.*; EX1005, ¶50.). It also discloses that a client creates "an electronic file folder into which the transferred file will be place." (EX1005, ¶41.) It ***does not*** teach a representation of a shared folder, much less a representation of a shared folder being created in a location among one or more folders" "that is displayable via the file explorer interface of the client-based file explorer application" as recited in claim element 17[g]. (EX2051 ¶114.)

Grounds 2 and 4 fail for these additional reasons.

D. Grounds 1-4: Claim 18

For at least the reasons as claim 17, Petitioner has not met its burden for claim 18. (EX2051 ¶¶108-110.) Petitioner's citation to Dr. Smith's testimony is unavailing. (Reply, 19 (EX1028, 44:6-9.)) He was merely asked what a GUI is.

(*Id.*) As set forth in the POR, Petitioner has not shown the required separate interfaces of claim 18 based on *Garcia* and *Houston*. (POR, 49-51.) Indeed, the Sugarsync manual notes that "you can sync the folder to your computer." (POR, 50 (citing EX2011, 75-76).) *Garcia* and the manual are clear that this results in the ***downloading*** of the folder and its contents to the computer, not the creation of a representation. (*Id.*) *Garcia* does not disclose the two different interfaces for accessing the folder via representations as claimed.

E. Grounds 1-4: Claims 19–21

Claims 19–21 depend on claim 17 patentable over Grounds 1-4 for the same reasons.

IV. OBJECTIVE INDICIA OF NON-OBVIOUSNESS

Petitioner' reply attacks nexus. (Reply, 25-26.) Its arguments fail. First, PO provided a detailed claim chart demonstrating that Dropbox practices the challenged claims. (EX2049.) Petitioner responds with attorney argument and does not offer any substantive response. (Reply, 25-26.) PO's evidence is unrebutted. Moreover, Petitioner's arguments concerning the jury trial lack merit. At closing argument, counsel for Petitioner stated the following:

> Now, as you know, and as Mr. Devlin mentioned, we didn't go through every element of every claim during the course of this trial that Dropbox doesn't meet because one of the very first claim limitations of every asserted claim is not met. ***And as His Honor has told you, that's enough. One element's not met, you're done***. There's no infringement. And every single asserted claim in this case requires

> that certain interfaces be displayed using hypertext markup language-equipped code or HTML code.
> . . .
>
> ***Dropbox doesn't use that claim limitation. There is no infringement. That's the end of the story.***

(EX2048, 1375:16-1381:24 (emphasis added).) It is irrelevant that Dropbox moved for judgment as a matter of law with the Court on other purported grounds. It relies on the ***jury verdict*** and the ***jury*** heard ***one defense*** as Dropbox's closing argument makes abundantly clear.

V. CONCLUSION

For the foregoing reasons, the challenged claims of the '520 patent should be upheld.

Dated: March 20, 2025

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that there are 4,395words in this paper, excluding any table of contents, table of authorities, mandatory notices under 37 C.F.R. § 42.8, certificate of word count, certificate of service, or appendix of exhibits. This certification relies on the word count of the word-processing system used to prepare this paper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025, I caused a true and correct copy of the foregoing materials to be served via the Patent Office electronic filing system, and electronic service via email to the following attorneys of record pursuant to Petitioner's consent:

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