

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DROPBOX, INC.,

Petitioner

v.

MOTION OFFENSE, LLC,

Patent Owner

IPR2024-00287
U.S. Patent No. 11,611,520

PATENT OWNER'S SUR-REPLY

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DROPBOX 1137
DROPBOX v. MOTION OFFENSE
IPR2024-00287

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UPDATED TABLE OF EXHIBITS

Exhibit	Description
2001	Affidavit of Mr. Derek Dahlgren In Support of Patent Owner's Motion for <i>Pro Hac Vice</i> Admission
2002	U.S. Patent Application No. 13/626,635
2003	U.S. Patent No. 10,713,966
2004	U.S. Patent Application No. 13/624,906
2005	Declaration of Dr. Michael Smith
2006	<i>Garcia</i> Figure 12
2007	'520 Patent Priority Chain
2008	<i>Garcia</i> Assignment to SugarSync, Inc.
2009	<i>Garcia</i> Assignment to Dropbox, Inc.
2010	Dropbox Litigation – D.I. 72 Motion Offense, LLC's Opposition to Dropbox, Inc.'s Motion for Partial Summary Judgment
2011	Dropbox Litigation – D.I. 72-3 Declaration of Michael Smith, Ph. D, in Support of Motion Offense, LLC's Opposition to Dropbox, Inc.'s Motion for Partial Summary Judgment
2012	Dropbox Litigation – Deposition of Michael John Sebastian Smith, Ph.D, Tuesday, February 9, 2021
2013	Dropbox Litigation – D.I. 115 Order Denying Plaintiff Dropbox, Inc.'s Motion for Partial Summary Judgment
2014	<i>Riepling</i> Notice of Abandonment
2015	March 11, 2025 Deposition Transcript of Dr. Mowry

I. INTRODUCTION

Petitioner’s arguments fail because it mischaracterizes the teachings of *Riepling* and uses the ’520 patent as a roadmap in arguing obviousness. *Riepling* does not teach or suggest the claimed “textbox” with a description of a file being requested. And critically, *Riepling* does not teach that either a file description or a “date or time” are communicated to the recipient of a data upload request. Petitioner’s expert’s shifting theories as to these elements undermine its arguments—in a crowded art Petitioner could not find anything better. Indeed, Petitioner filed multiple patent applications years later¹ directed to file request functionality, which only further demonstrates that its Petition and arguments are based on pure hindsight.

This is further underscored by its proposed combinations in the Petition grounds. *Meisels*, *Manzano*, and *Garcia* are even further removed from the challenged claims, at least because each of these references does not teach key features of the file request methods claimed by the challenged claims—specifically, particular interfaces or user interface elements in responding to a file request, and the receipt of uploaded files as “representations” instead of the files in their entirety.

¹ Petitioner has not served any information as routine discovery and PO submits that it is exceedingly unlikely that Petitioner has no inconsistent information with its positions in this proceeding.

Finally, for purposes of preserving its arguments for appeal, PO maintains that *Riepling* does not qualify as prior art in this proceeding and that the claims are entitled to at least a September 25, 2012 priority date.² While Petitioner’s expert seeks to challenge this priority date, his opinions are based entirely on a fictitious element—an “external messaging node”—he believes is required by each claim and, in any event, overlook key disclosures of the Original Applications cited by PO’s expert.

For at least these reasons, and those set forth in the POR, the challenged claims should be upheld.

II. CLAIM CONSTRUCTION

For the reasons set forth in the POR, PO’s construction of the term “representation,” in the context of “representation of the at least one file,” is consistent with the use of the term across all claims of the ’520 patent, and with the intrinsic evidence. (*See* POR at 15-24.)

III. PETITIONER HAS NOT MET ITS BURDEN FOR ANY CLAIM

Petitioner has not demonstrated that a POSITA would have found the challenged claims obvious on any ground. (EX2005, ¶82.)

² PO is maintaining its arguments that *Riepling* does not qualify as prior art to preserve them for appeal and understands the Board is bound by Federal Circuit precedent. For that reason, PO is also maintaining its arguments concerning priority and respectfully requests that the Board address the parties’ dispute.

A. Petitioner’s Priority Arguments Are Red Herrings³

Dr. Smith provided extensive testimony demonstrating that each of the challenged claims is entitled to the September 22, 2012 filing date of the ’635 application and/or the ’906 application (the “Original Applications”). (EX2005, ¶¶24-38, 83-85, Appendix 1). In response, Petitioner makes two substantive arguments, each of which fails.

1. Preclusion Does Not Apply

First, Petitioner is wrong that claim preclusion⁴ bars PO from arguing for a September 25, 2012 priority date. (Rep. at 6.) The parties have submitted post-trial briefing and no appeal has been taken yet unlike in *SimpleAir* where the patent owner had appealed and lost the prior litigation after the Federal Circuit remanded with instructions to enter judgment. 884 F.3d at 1163. While Petitioner does not address the factors for either test, issue preclusion does not apply here either.

Dropbox presented invalidity arguments that involved references prior to September 25, 2012, and were therefore independent of the challenge to the priority dates of the asserted claims in MO-DB-1. As such, the jury’s priority date

³ Petitioner’s assertion that PO attempted to mislead the Board regarding priority is incorrect. The Petition noted that at the outset. (Pet. 5, fn. 1.) PO has also filed motions for a new trial and for judgment as a matter of law and plans to appeal in the event of an adverse ruling, based on, among other things, Dropbox’s violation of Fed. R. Civ. P. 37.

⁴ Petitioner cites *SimpleAir, Inc. v. Google LLC*, 884 F.3d 1160, 1165 (Fed. Cir. 2018).

determination might not even be essential to any potential factual explanation for judgment (which would be improper to include anyway in a Rule 58 judgment). The jury's factual answers on priority date have no legally viable place in a final judgment and are therefore not "essential to a final judgment in the first action," as required under this factor. Moreover, Dr. Mowry's comparison of the specifications is irrelevant and ignores the specific claim limitations at issue both here and in the trial. (EX1127, ¶¶23-32.)

Because Petitioner has failed to analyze or even address the specific factors under either claim or issue preclusion, it has failed to demonstrate that either apply.

2. Dr. Mowry Mischaracterizes the Claims and Overlooks Key Disclosures in the Priority Applications

Second, Dr. Mowry's opinions in rebuttal to Dr. Smith's priority analysis rely entirely on the alleged lack of disclosure for an "external messaging node," which is not recited in any of the claims. (EX1127, ¶¶ 33-100.) Dr. Mowry purports to cite a single screenshot of Dropbox's file request feature in PO's infringement contentions for his "external messaging node" theory but does not expand on it further. (See EX1127, ¶¶34, 69 (citing EX1132 at 71-72, 100-101, 164-165); ¶¶31-32.) Besides the purported "external messaging node," Dr. Mowry does not offer any other criticisms of Dr. Smith's priority analysis. (EX1127, ¶¶33-100.) Moreover, during his deposition Dr. Mowry would not answer basic questions concerning the meaning of terms of art to compare his understanding versus the

understanding he applied in his discussion of written description support. For example, when asked what a person of skill in the art would understand a web service provider node to be, he responded “That’s too vague of a term for someone to know what that means without additional context.” (EX2015, 99:23-102:23.) He eventually conceded that “presumably, it provides a service.” (*Id.* 104:19-25; *see also* 106:15-107:6; 122:19-128:19.) He also would not answer questions about web servers, web service, proxy servers and like. (*See generally* EX2015, 86:3-94:22; 115:16-116:16; 214:6-228:22.) Accordingly, his opinions should be given no weight.

But even assuming, *arguendo*, this “external messaging node” theory, Dr. Smith identified numerous disclosures from the Original Applications showing such functionality. Specifically, the Original Applications describe the folder sharing and file request systems of the ’520 patent implemented over the web. (*E.g.*, EX2002, ¶¶5, 69, 102-116, 130, 143, 373, Fig.6A; EX2004, ¶¶101-102, 122-24, 141-144, 180-204; Fig.5.) Dr. Smith provided detailed testimony that the ’520 patent, going back to the Original Applications, provides §112 support for claims 9-12, 14-16 and 22-24.⁵ (EX2005, ¶¶24-38, 83-85, Appendix1.) This includes embodiments using a “web service provider node,” (EX2004, ¶124), interoperating with first and second

⁵ Claim 13 was statutorily disclaimed without any waiver with respect to any other claim.

nodes and functioning as the purported external messaging node that Petitioner and Dr. Mowry allege is lacking:

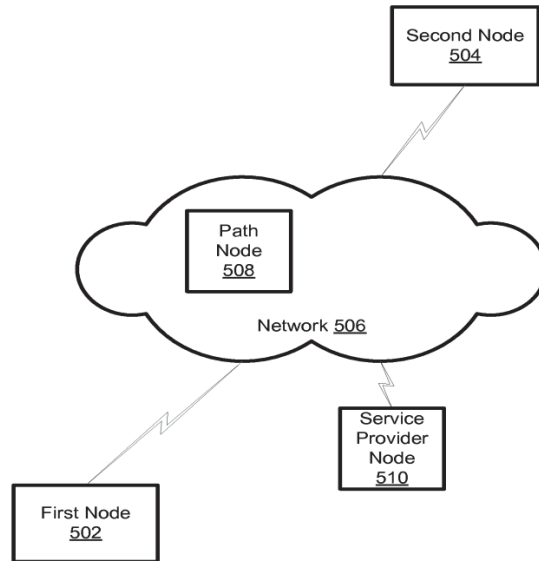


FIG. 5

(EX2005, ¶27 (citing EX2004, Fig. 5; EX2004, ¶¶123-124); EX1101, Fig. 5.) This includes file requests according to the methods of FIG. 2A and FIG.2B and the dataflow in Figure 7. (EX2004, ¶¶14-15, 27, 101-102, 122-124; *see also* ¶185.) Fig. 7 and Fig. 2A are reproduced below:

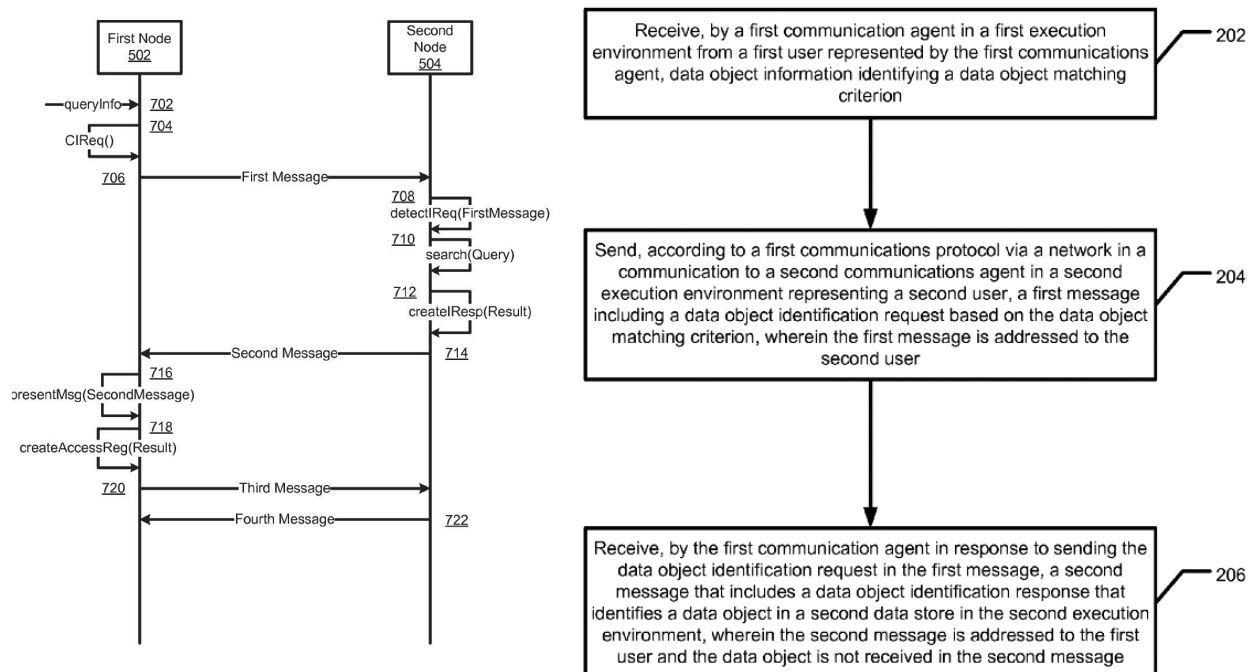


FIG. 7

(EX2005, ¶¶25-27; EX2004, Fig. 2A, Fig. 7, ¶¶122-24; *see also* EX1101, Fig. 7.)

Fig. 7 discusses the dataflow for file requests and response. (EX2004, ¶¶123, 128, 134, 138, 144, 149, 154, 158-160, 162, 171, 177 (noting messages 702, 704, 716, 718 may include interoperation with another node, 710 may be a message sent to a remote device, and messages 708 and 712 may include interoperation with another node).) Fig. 2A describes steps associated with embodiments of the file requests. (EX2004, Fig. 2A, *see also* Fig.2B; EX2005, ¶25.) The Original Applications specifically disclose that the data object information may be received from a browser by a web server and that “a data object identification request,” “a data object identification response, an access request, and a response to an access request” “may be generated, detected and/or otherwise processed according to a schema,”

(EX2004, ¶186), which Dr. Mowry stated included a date, (EX2015, 134:22-135:7), that is identified by a node on a network in communication with communications agents hosted on one more network nodes. (EX2004, ¶¶185-186, *see also id.* ¶¶101-102, 204.) A representation of the requested data object may be presented to the requester where a user input targeting the representation results in retrieval of the data object from a remote location. (EX2004, ¶¶201-204.) The Original Applications also disclose a series of user interfaces and user interface elements for implementing the various aspects of the invention. (*E.g.*, EX2005, Appendix 1.)

Dr. Mowry fails to consider these disclosures in the context of the specification as a whole. For example, when questioned about EX2004 Fig. 5, Dr. Mowry limited his answers to its description in the specification. (EX2015, 101:9-102:6, 105:8-106:4, 109:12-110:9; EX1127 ¶49, citing EX2004 [0124].) However, Dr. Mowry did not have any opinion as to whether other paragraphs of the specification, including, for example, '520 patent 22:21-31 (*i.e.*, EX2002 [0373] and EX2004 [0102]), disproved the presence of an external server. (EX2015, 116:17-117:15, 123:9-124:4.) Importantly, Dr. Mowry was unable to offer any actual evidence to support his opinion that the specification of the Original Applications does not describe the use of an external server or external “node” to send messages. Dr. Smith’s testimony—that the specification of the Original Applications as a

whole shows the presence of an external node to send messages—is therefore un rebutted. (EX2005, ¶¶24-38, 83-85, Appendix 1.)

B. *Riepling* Does Not Qualify As a Prior Art Patent Application Under 35 U.S.C. § 311(b), So All Grounds Fail

PO acknowledges the decision in *Lynk Labs Inc. v. Samsung Electronics Co.*, No. 2023-2346, 2025 WL 85559, at *8 (Fed. Cir. Jan. 14, 2025) and reiterates its arguments (POR, 31-36) to preserve the issue for appeal, understanding that the Board is bound by the Federal Circuit’s decision. To properly preserve the issue, PO respectfully requests that the Board render a decision on the issue of the claims’ entitlement to the September 25, 2012 filing date of the ’635 application. PO believes its position is warranted by its nonfrivolous arguments for reversal of existing law and notes that the issue is still pending in *VLSI Tech. LLC v. Patent Quality Assurance LLC*, No. 23-2298 (Fed. Cir.) although the Federal Circuit may need to issue an *en banc* decision given the prior panel decision.

C. Grounds 1 and 3: Petitioner Has Failed to Show that Claims 9, 10, 14, and 15 Are Obvious Over *Riepling* or *Riepling* and *Meisels*

Petitioner fails to address the core of PO’s arguments as to *Riepling*. Instead, throughout its Reply, it seeks to overcome fatal deficiencies in the disclosures of *Riepling* by substituting the say-so of its expert. However, its expert’s opinions are similarly unsupported by the actual teachings of the reference and should be disregarded. *See, e.g., Samsung Elec. v. Manufacturing Resources Int.*, IPR2023-

00221, Paper 54, 54 n.12 (PTAB Jun. 18, 2024) (“We are not persuaded by this rationale because it appears to be based on the *ipse dixit* of [the expert], who provides no supporting explanation or evidence.”).

As an initial matter, Petitioner overlooks the fact that *Riepling* is directed to a different and specific problem from that addressed by the challenged file request claims. *Riepling* repeatedly describes that it is directed to a method allowing an ***unregistered*** user of the content sharing service to upload a file to a registered user without registering a new account or obtaining the register user’s login credentials. (EX1007, Abstract, [0007].) *Riepling* explains that while registered users were previously able to share data with other registered users, the threat of unsolicited messages or malware prevented unregistered users from securely sharing data with registered users using conventional techniques. (*Id.*, [0004]-[0005].)

It is in ***this*** specific context that a requestor registered with the service may transmit to an unregistered user a digital invitation comprising a unique location identifier for uploading requested data, the unregistered user may then request to access the unique location identifier and upload a file via a file upload dialog associated with the registered user account, and the requestor may receive the uploaded file. (*See generally id.* Fig. 8; [0050]-[0055]; cl. 1.)

In contrast, the challenged file request claims are directed to receiving a description of a requested file from a requestor, along with an indication of a date or

time that the file request corresponds to, and conveying *all* of this information to a recipient of the file request. (POR at 5-6; EX2005 Appx. 1 at 34-40.) The file(s) uploaded by the recipient uploader are then made available to the requestor not in their entirety, but only as “representations” until the requestor chooses to download them at their computer. (POR at 15-24.)

As set forth in further detail below, *Riepling* does not teach or suggest that a file description or an indication of a date or time are conveyed to a recipient. Instead, the recipient is free to upload any file(s) of their choosing. It is up to the requestor to restrict the upload to particular types of files or data, or determine whether to revoke the recipient’s ability to upload files to the content sharing service.

Moreover, the combination of *Riepling* with any other secondary reference does not teach or suggest an ability to make uploaded files available only as “representations” and not in their entirety.

1. Petitioner Fails to Identify “a file description via the first user interface element that includes a textbox . . . describing the at least one file in connection with the file request” in *Riepling* (Element 9[b])

In its Reply, Petitioner continues to rely on “content field” 325 from Fig. 3 of *Riepling* as meeting element 9[b]. (Rep. at 9-11.) Notably, *Riepling* does not define it as a “field.” And Petitioner fails to address how this so-called “content field”⁶

⁶ Petitioner also mislabels field 325 in Fig. 3 as a “content field.” Box 325 is a field labeled “Set Content.”

includes a “textbox” and “describ[es] the at least one file in connection with the file request” as required by the claims.

First, Petitioner’s argument around field 325 being a “textbox” is speculative and unsupported. Petitioner asserts that “box 325—labeled ‘Set Content’ and containing the word ‘audio’—is *logically* understood to be a box that the requester can use to specify the content of the requested file,” (Rep. at 10), but offers no basis for this “logical” inference. Its expert similarly characterizes field 325 as a “text field,” without explaining why. (*Id.* at 10, citing EX1102 ¶ 70.) The Board in turn noted that “the fields of Figure 3 are generally described as *text fields*” (Paper 11 at 29.) However, none of these statements demonstrate that field 325 is a text *box* with text that can be entered by a file requester.

Instead, “Set Content” field 325 is used to set further restrictions on the type of data uploaded by the recipient (here, “Gerry_email@yahoo.com”) beyond file type checkboxes 320. Even though the requesting user may expect to receive a plurality of file types (such as JPEG and MP3 files), only a subset of such files (specifically, those containing “audio”) is permitted to be received from the recipient uploader. (EX1107 ¶ [0032].) The word “audio” in field 325 is therefore not a textual entry arbitrarily entered by the requester—in contrast to the textual description in the ’520 patent’s own example (“Please send whatever documents you have about your Uncle Joe.”) (EX1101, Fig. 6D)—but a predetermined (or

automatically generated) content type corresponding to file type checkboxes 320. Dr. Mowry agrees. (See EX1127, ¶ 102 (“*Riepling* explains that ‘[r]equester 111 may select from file format check boxes 320 any number of file extensions, thereby **generating** a file format limitation’”))

Neither Petitioner nor its expert identify any “text box,” or a textual field that can be filled in by the requester, corresponding to field 325. While Petitioner relies on a generalized mention of “text fields” in the Institution Decision to meet its burden, (Rep. at 10-11), it does not explain why a “text field” is a “textbox” as claimed. And whether or not a textbox and a dropdown list are “patentabl[y] distinct[]” is not the issue; Petitioner has failed to meet its burden to identify an explicit (or obvious) teaching of any field that permits the requester to input a textual description of a file being requested.⁷

Second, to the extent field 325 is a “textbox” (which PO disagrees with), it does not describe “the at least one file in connection with the file request.” Instead, Figure 3 shows an “upload parameter dialog for specifying upload parameters.” (EX1107, [0028].) *Riepling* explains that the requesting user may request a “data upload” from an unregistered user simply by providing the recipient with a “unique location identifier of the content sharing service.” (EX1107, Abstract, Fig. 8;

⁷ Neither Petitioner nor Dr. Mowry assert that a POSITA would have found it **obvious** to include such a text box in Figure 3. Nor do they provide any evidence of obviousness for this element.

[0050]-[0055].) At the time the request for data upload is sent to the recipient, the requester does not have any information about any specific file(s) that may be uploaded by the recipient. (Cf. EX1001, 2:1-10.) Any “upload parameters” in Figure 3 **cannot** “describe the at least one file in connection with the file request,” because no such “description” is known to the requester *a priori*. *Riepling* therefore protects the requester from the unintended consequences of receiving unknown files from unregistered users—namely, “unsolicited messages, malware, and other threats” (EX1107, [0004])—by allowing the requester to specify upload parameters to limit the type of data that may be uploaded to the requester’s account. (EX1107, [0029].)

2. Petitioner’s Shifting Theories Undercut Its Argument for Element 9[g]

In the Petition, Petitioner admitted that *Riepling* does not teach two limitations of claim element 9[g]. (Pet. at 30 (noting that *Riepling* “does not explicitly indicate” claim element 9[g]’s “date or the time” limitation, and “does not explicitly include” claim element 9[g]’s “file description” limitation).) Claim element 9[g] recites that its “first message” is “based on” those two missing limitations. However, *Riepling*’s “digital invitation 410”—the only evidence that Petitioner cites—does not include the “date or time on which the file request is based,” nor the “file description describing the at least one file in connection with the file request,” nor any other information collected by the interface shown in Figure 3’s file request (including the information in “Set Content” field 325). Therefore “digital invitation 410” cannot be the claimed “first message” of element 9[g].

Petitioner’s argument in the Petition—which the Board agreed with—and now on Reply, is limited to asserting that “it would have been an obvious design choice to include other restrictive parameters in the digital invitation, including content field 325 (e.g., ‘audio’) and invitation expiration field 323” (Paper 11 at 30; Rep. at 13-14.)

However, during his deposition, Dr. Mowry purported to pivot from Petitioner's "obvious design choice" theory to a *different* theory involving a "chopped off" image. Specifically, Dr. Mowry opined that Figure 4 of *Riepling* was incomplete and the allegedly missing portion of the digital invitation *would have contained* the claimed information PO noted was not taught:

Q. I think that Figure 4 of *Riepling*'s is a depiction of something that's sent to the party that the file be requested from.

A. Well, that figure is showing an example of something, and it appears to be chopped off.

You only see a portion of the email message at the top. The portion that includes just the link, but a person of ordinary skill in the art reading the patent would realize that it would be likely that the chopped off part would include that information in box with 325.

Q. So it is your position that a person of ordinary skill in the art, that it is inherent, that it would be present that's how a person would understand Figure 4?

...

A. Sorry. You said the word "inherent." I apologize, but again, I did not go to law school. So I'm not sure what the significance of that term is exactly.

As I stated, a person of ordinary skill in the art would realize that it would be obvious to include that information in the rest of the email message.

In Figure 4, if you look at it, it looks like it appears clearly to be chopped off. There's no signature or anything else. And it would be obvious to include those details in that email message.

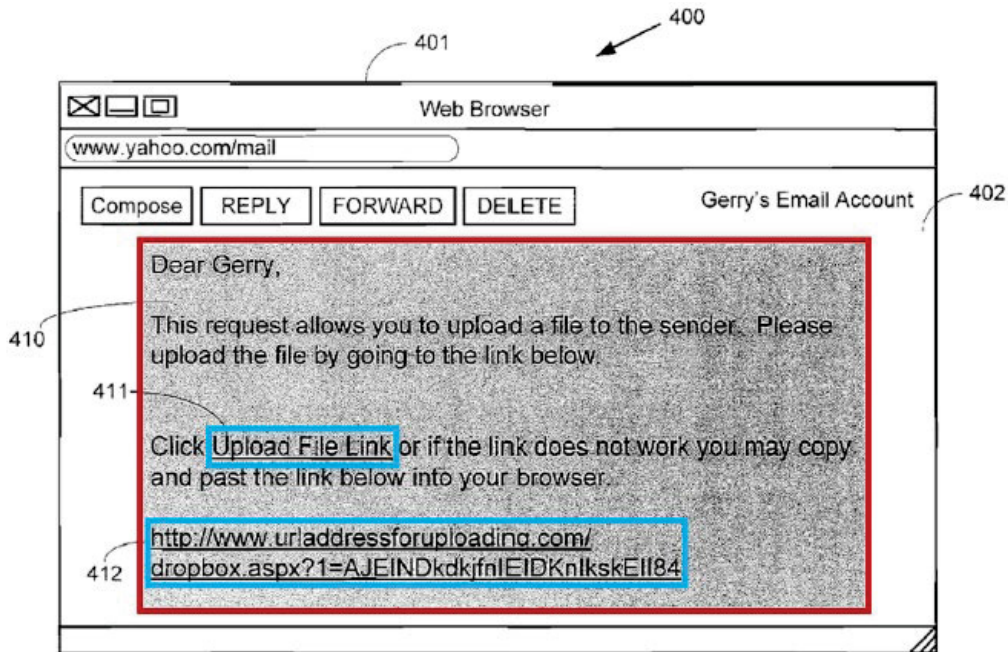
(EX2015, 239:21-241:10.)

Neither Petitioner nor Dr. Mowry provide any evidence that Figure 4 of *Riepling* is incomplete or “chopped off.” Rather, Figure 4 is consistent with the repeated disclosures of *Riepling* that a digital invitation contains a “unique location identifier of the content sharing service,” specifically, links 411/412. (EX1107, Abstract, Fig. 8, [0034], [0035], [0038], [0052], [0053]; cls. 1, 11.)

Dr. Mowry’s blurring of the lines between inherency and obviousness was exemplified by his response to the question: “Is there anything in *Riepling* that you can point to that you believe would provide some type of motivation or reason or any rationale for a person of ordinary skill in the art to modify *Riepling* in that way? [to include the information from box 325 in the invitation of Fig. 4]” There, Dr. Mowry stated that his theory was not based on “modifying *Riepling*. ***That’s what Riepling would do.***” (EX2015, 243:2-16.)

However, this latter statement is unsupported by any disclosures of *Riepling* itself. As set forth above, *Riepling* consistently describes that the digital invitation sent to an uploader recipient includes a “unique location identifier of the content sharing service.” (EX1107, Abstract, Fig. 8, [0034], [0035], [0038], [0052], [0053]; cls. 1, 11.) Nothing more. And in any event, this statement contradicts Petitioner’s (and Dr. Mowry’s own) assertions that including the claimed information would have required modifications to the digital invitation of *Riepling*, which are in any event unsupported by any factual evidence.

Indeed, *Riepling* describes that at least one type of information in the “upload parameters” interface of Figure 3, namely, the password, is conveyed to the recipient *separately* from the digital invitation, “in advance.” (EX1107, [0044].) It is just as likely that file types, expiration date, or other upload parameters are conveyed to the recipient separately from digital invitation 410, if at all. Neither Petitioner nor Dr. Mowry explain why they must be included in the digital invitation of Figure 4:



(EX1107, Fig. 4.)

Furthermore, the digital invitation could not have included any “file description” because, as demonstrated above, the description does not exist *a priori* at the request stage. At best, the requester would be able to restrict the types of files uploaded in response to the data upload request or set an expiration for the data upload. However, such restrictions are not conveyed to the recipient and serve only a gatekeeping function, not a request. Petitioner and its expert simply use the ’520 patent as a roadmap to support their argument, which is improper hindsight. (EX1001, 2:1-10.)

3. Claims 10, 14, 15

Claim 10 depends on claim 9. For at least the reasons set forth above with respect to claim 9, Petitioner has not put forward sufficient evidence that *Riepling* renders claim 10 obvious.

Similarly, for at least the same reasons that *Riepling* does not teach or suggest elements 9[b] and 9[g], *Riepling* does not render obvious elements 14[b] and 14[d]. Furthermore, claim 15 depends on claim 14. For at least the reasons set forth above, Petitioner has not put forward sufficient evidence that *Riepling* renders claim 15 obvious.

4. For Ground 3, *Meisels* Does Not Cure *Riepling*'s Deficiencies

Ground 3 relies on both *Riepling* and *Meisels* for claims 9, 10, 14 and 15. Petitioner does not dispute that *Meisels* does not teach generating the claimed second message “in response to” anything, let alone that of the claimed “user interface element[s].” (See POR at 53-55, Rep. at 22.) Petitioner also does not dispute that *Meisels* does not teach selection of one of its inserted links can “cause . . . display of at least one fourth interface with a reference to” one of its uploaded attachments “for allowing access” to that attachment. (Rep. at 22-23.)

Petitioner instead attempts to downplay the relevance of *Meisels* by limiting it to “the user interface element” of elements 9[l] and 14[j]. (Rep. at 22.) However, Petitioner does not offer any basis for cherry-picking a sub-element within elements

9[l] and 14[j] in this manner. Nor does Petitioner explain why importing the use of a “link” from *Meisels* would be consistent with any purported message generation taught by *Riepling*. The “user interface element” is an integral component of the message generated in elements 9[l] and 14[j]. In importing a “user interface element” from *Meisels*, without the corresponding message generation functionality recited by elements 9[l] and 14[j], Petitioner and its expert again use the ’520 patent as a roadmap to support their argument, which is improper hindsight.⁸

In any event, Petitioner further fails to show that *Meisels* cures *Riepling*’s deficiencies as to elements 9[b] and 9[g]. Therefore, for reasons set forth above, Ground 3 fails.

D. Grounds 2, 4, 5 and 6: Petitioner Has Failed to Show that Claims 11–13, 16, and 22–24 Are Obvious over any combination of *Riepling*, *Manzano*, *Meisels* and *Garcia* under 35 U.S.C. § 103

In Grounds 2, 4, 5, and 6, Petitioner continues to rely on *Riepling* alone for elements 9[b] and 9[g]. For the reasons set forth above and in the Patent Owner Response, Petitioner’s arguments as to those elements fall short. Therefore, Grounds 2, 4, 5, and 6 also fail.

⁸ Petitioner similarly does not dispute that element 9[o] is not taught by *Meisels*, and does not attempt to explain how its proposed use of a “link” from *Meisels* is consistent with the claimed “fourth interface.” Its argument about what a POSITA “would have understood” is not only unsupported, but also wrong. (Rep. at 23.) The “link” described by *Meisels* appears to be a hyperlink directly to the shared file, not to an intermediate “interface that displays and provides access to the uploaded file.” (See EX1108, Fig. 4 (“Link to Attachment”), [0043].)

1. Grounds 2, 4, 5 and 6 Also Fail Because No Reference Discloses the Creation of a Representation of the at Least One File at the First Node

a. A POSITA Would Not Have Been Motivated to Combine *Manzano* with *Riepling*

Manzano teaches a system that, among other things, allows a user to download files stored remotely. (EX1105 [0041], [0050]-[0051].) Specifically, *Manzano* is directed to allowing a user to transfer their own files, in their entirety, from a first computer to a second computer. (EX1005 ¶¶[0032]-[0035] (describing “mobile agents” and “mobile objects”) [0033]-[0043] (describing “proxy objects”), [0050] (describing “ghosted” icons).) Petitioner does not dispute these aspects of *Manzano*. (Rep., 25.)

Riepling, in contrast, is directed to offering improved security for registered users of a content sharing service when receiving data uploaded by unregistered users. (EX1007, Abstract, [0004]-[0005], [0007].) Petitioner fails to address how the problem solved by *Riepling* is compatible with a system directed to allowing a user to transfer their own files, in their entirety, from a first computer to a second computer, as taught by *Manzano*, or why a POSITA would have been motivated to modify *Riepling*, with its heightened concerns about security, to store anything automatically on the requestor’s local device. That is contrary to the overarching concerns underlying *Riepling*’s teachings.

b. *Garcia* Does Not Teach the Claimed Creation of a Representation

Contrary to Petitioner's statement, PO does dispute Petitioner's characterization of *Garcia* for the grounds in this proceeding. Petitioner has also contradicted itself in the co-pending -286 IPR. There, it admitted *Garcia* uses links to share folders that allow recipients to receive file contents without having an account (or virtual drive). (IPR2024-00286, Pet., 31; EX1002, ¶92.) That is consistent with PO's arguments in the POR and *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." (EX1104, 11:26-31; *see also* 11:16-19; Fig. 12.) It is also consistent with contemporaneous evidence that PO provided regarding SugarSync. (EX2---.)

Petitioner's statements during prosecution of continuation applications claiming priority to *Garcia* further support this understanding. Dropbox pointed to the statement "When the contact clicks on the link to folder 1115, the contents of the folder are shared with the contact" as support for claims that delivered content to the contact in response to the selecting the link. Dropbox did not serve this information despite taking inconsistent positions in this IPR.

Petitioner's only argument is that "*Garcia* explicitly discloses that, 'when a user double clicks on a file or item in a remote folder in the virtual drive, the server

downloads its copy of the file/item to the local synchronization software client (i.e., the client currently being used by the user).” (Rep., 26 (citing EX1104, 5:35-39; see also Pet., 10; EX1102, ¶¶61. EX1127, ¶¶117-118). But that *general* statement, where a user already has a file in their virtual drive, does not say anything about what occurs for it to get there in the first place. Nor does it show the creation of a representation of the uploaded file at the first node, as the claims all require.

Indeed, *Garcia* does not state that a recipient must navigate through a virtual drive, or that a recipient would be able to view a file in a virtual drive without accessing the link. *Garcia* discloses that when the link is accessed contents are downloaded locally at the device being used, and at most, 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 drive but it does not connect a disclosure in *Garcia* involving the receipt of the link to the content and the creation of a “representation” at the device being used when the link is accessed. Instead, *Garcia* indicates the contents are downloaded locally at the device used to access the link.

Therefore, Petitioner’s remaining Grounds fail for these additional reasons.

IV. CONCLUSION

For the foregoing reasons, the challenged claims should be upheld.

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that there are 5,108 words 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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