

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

DIALECT, LLC,
Patent Owner.

IPR2024-00747
Patent 7,502,738 B2

Before KRISTEN L. DROESCH, HYUN J. JUNG, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background and Summary

Google LLC (“Petitioner”) filed a Petition requesting *inter partes* review (“IPR”) of claims 1–11, 16–18, 20–23, 25, 26, and 30–39 of U.S. Patent No. 7,502,738 B2 (Ex. 1001, “’738 Patent”). Paper 2 (“Pet.”). Petitioner filed a Declaration of Christopher M. Schmandt to support the Petition. Ex. 1002. Dialect, LLC (“Patent Owner”) timely filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

We have authority to determine whether to institute review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). An *inter partes* review may not be instituted unless it is determined that “the information presented in the petition filed under section 311 and any response filed under section 313 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.” 35 U.S.C. § 314(a).

For the reasons provided below, we determine, based on the record before us, there is not a reasonable likelihood Petitioner would prevail in showing at least one of the challenged claims is unpatentable.

B. Real Parties in Interest

Petitioner indicates that Google LLC is the real party-in-interest. *See* Pet. 10, 10 n.1. Patent Owner indicates that “Dialect, LLC is the real party-in-interest.” Paper 5, 1.

C. Related Matters

The parties indicate that the ’738 is currently involved in *Dialect, LLC v. Google LLC f/k/a Google Inc. et al.*, CA No.: 1:23-cv-378 (D. Del.). *See* Pet. 10; Paper 5, 1. Petitioner indicates that “[t]he ’738 patent was also the

subject of *Dialect, LLC v. Samsung Electronics, Co.*, Case No. 2:23-cv-00061-JRG (E.D. Tex.), which was terminated on September 11, 2023.”
Pet. 10.

Petitioner identifies the following petitions for *inter partes* review filed against patents involved in the aforementioned pending district court proceedings: IPR2024-00746 (U.S. Patent No. 7,398,209 B2); IPR2024-00748 (U.S. Patent No. 8,015,006 B2); IPR2024-00749 (U.S. Patent No. 7,693,720 B2); IPR2024-00750 (U.S. Patent No. 9,031,845 B2); IPR2024-00751 (U.S. Patent No. 8,447,607 B2); IPR2024-00752 (U.S. Patent No. 8,849,652 B2); and IPR2024-00753 (U.S. Patent No. 7,640,160 B2). *See* Pet. 10–11.

D. The '738 Patent

The '738 Patent is directed to “[s]ystems and methods for receiving natural language queries and/or commands and execut[ing] the queries and/or commands.” Ex. 1001, code (57). The system comprises “a speech unit interface device that receives spoken natural language queries, commands and/or other utterances from a user” and “a computer device or system that receives input from the speech unit and processes the input (e.g., retrieves information responsive to the query, takes action consistent with the command and performs other functions . . .).” *Id.* at 2:10–17. “The system may further generate a natural language speech response . . . to the user.” *Id.* at 2:17–18.

Figure 1 of the '738 Patent is reproduced below.

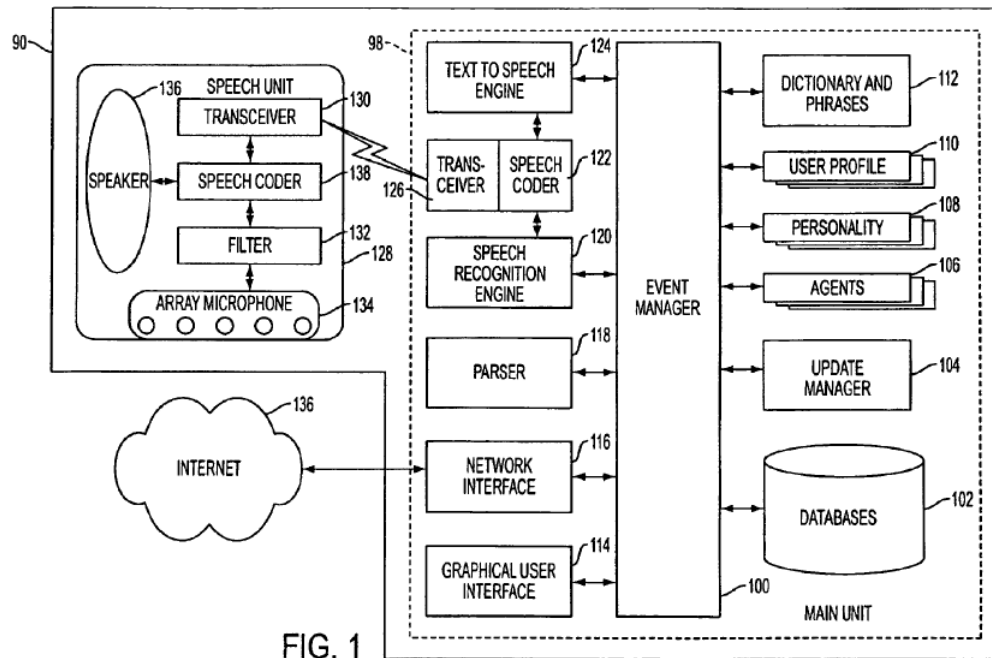


Figure 1 depicts system 90 that includes main unit 98 and speech unit 128. *See* Ex. 1001, 1:49–50, 10:3–4. The main user interface for system 90 is through one or more speech units 128. *See id.* at 10:27–29. Speech unit 128 includes array microphone 134, filter 132, speech coder 138, transceiver 130, and speaker 136. *See id.* at 10:29–38. Main unit 98 includes a plurality of agents 106 and event manager 100 to mediate interactions between other components of main unit 98. *See id.* at 10:6–7, 10:12–13. The '738 Patent describes the agents as follows:

Agents 106 contain packages of both generic and domain specific behavior for the system 98. Agents 106 may use nonvolatile storage for data, parameters, history information, and locally stored content provided in the system databases 102 or other local sources. User specific data, parameters, and session and history information that may determine the behavior of agents 106 are stored in one or more user profiles 110. Data determining system personality characteristics for agents are stored in the one or more personality module 108.

Id. at 10:13–22. System 90 may comprise different types of agents, including system agents and domain agents. *See* Ex. 1001, 11:27.

Figure 2 of the '738 Patent is reproduced below.

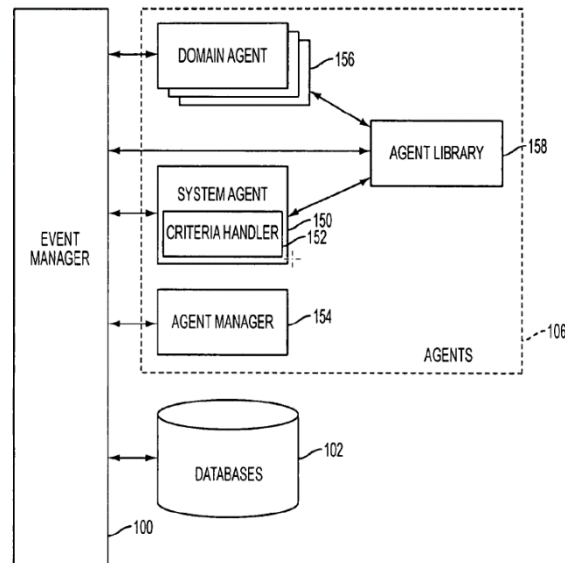


Figure 2 depicts a schematic diagram of the agent architecture. *See* Ex. 1001, 8:51–52, 11:48–50. Generic and domain specific behavior and information may be organized into domain agents 156. *See id.* at 11:28–30. Domain agents 156 provide complete, convenient and re-distributable packages or modules for each application area and include everything needed to extend or modify the functionality of system 90 in a current or new domain. *See id.* at 11:31–36. System agent 150 provides default functionality and basic services. *See id.* at 11:30–31. Both system agents 150 and domain agents 156 receive questions and commands from parser 118, shown in Figure 1. *See id.* at 11:52–53. Based on key words in the questions and commands and the structures of the questions and commands, the parser invokes the required agents. *See id.* at 11:53–56. System agent 150 and domain agents 156 use the services of the agent

library 158, which contains utilities for commonly used functions. *See id.* at 12:3–5.

Speech received by the array microphone 134 and passed through the filter 132 is sent to the speech digitizer or coder 138, for compression and transmission of the coded speech to the speech recognition engine 120. *See id.* at 16:4–9. Speech recognition engine 120 recognizes words and phrases, using information in the dictionary and phrase tables 112, and passes these to parser 118 for interpretation. *See id.* at 16:56–59. Once the words and phrases have been recognized by speech recognition engine 120, tokens and user identification are passed to parser 118. *See id.* at 17:44–46. Parser 118 determines a context for an utterance by applying prior probabilities or fuzzy probabilities to keyword matching, user profile 110, and dialog history. *See id.* at 17:46–50. The context of a question or command determines the domain and thereby, the domain agent 156 to be evoked. *See id.* at 17:50–52.

Figure 4A of the '738 Patent is reproduced below.

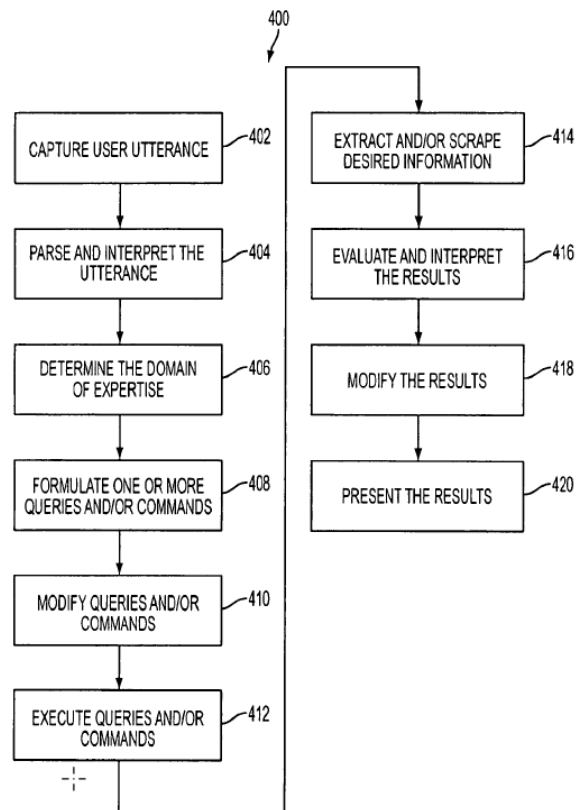


Figure 4A depicts process 400 for receiving natural language speech-based queries and/or commands and generating a response using system 90. *See* Ex. 1001, 8:56–58, 22:38–40. Process 400 begins when a user’s utterance (i.e. query and/or command) is captured through speech recognition at step 402. *See id.* at 22:41–44. The captured utterance is parsed and interpreted to determine the query and/or command that is contained in the utterance and to determine the meaning at step 404. *See id.* at 22:44–46, 24:10–12. At step 406, the query and/or command is reviewed, the domain of the expertise and the context of the query is determined, and the proper resources, including agents, are invoked. *See id.* at 22:47–50. At step 408, one or more queries are formulated and sent to one or more local and/or network data sources and/or appropriate commands are sent to local or remote devices or the system itself. *See id.* at 22:65–23:1. The queries are

then sent to the designated agents, and the agents may, in turn, generate their own queries and/or commands to be sent to local or remote information sources to retrieve needed data. *See id.* at 23:1–5. In step 410, the agent generated queries and/or commands are formatted according to requirements of the target sources to yield results from the available sources. *See id.* at 23:5–10. In step 412, the queries are executed, and the results returned by the domain agents and/or sources. *See id.* at 23:10–13. System 90 may extract or scrape the desired information from the results in step 414, evaluate and interpret the results to determine the best result at step 416. *See id.* at 23:14–16, 23:19–24. At step 418, formatting and transformations are performed to modify the results, and, at step 420, the results are presented to text to speech engine 124 and to the user. *See id.* at 23:23–28.

E. Illustrative Claim

Claim 1 is independent, and claims 2–11, 16–18, 20–23, 25, 26, and 30–39 ultimately depend therefrom. *See Ex. 1001, 25:51–28:58.*

Claim 1 is illustrative and reproduced below:

1. A system responsive to a user generated natural language speech utterance, comprising:
 - an agent architecture that includes a plurality of domain agents, each of the plurality of domain agents being an autonomous executable configured to receive, process, and respond to requests associated with a respective context;
 - a parser configured to determine a context for one or more keywords contained in the utterance and to determine a meaning of the utterance based on the determined context, wherein the parser selects at least one of the plurality of domain agents based on the determined meaning, wherein the selected domain agent is configured to receive, process, and respond to requests associated with the determined context;

an event manager configured to coordinate interaction between the parser and the agent architecture; and

an update manager that enables the user to purchase one or more domain agents from a third party on a one-time or subscription basis.

Id. at 25:51–26:3.

F. Asserted Patentability Challenges and Asserted Prior Art

Petitioner asserts that claims 1–11, 16–18, 20–23, 25, 26, and 30–39 would have been unpatentable on the following unpatentability grounds and prior art (Pet. 13):

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–11, 18, 20–23, 26, 31–37, 39	103(a) ¹	Coffman, ² Kanevsky, ³ Ronning ⁴
16, 17, 25, 30, 38	103(a)	Coffman, Kanevsky, Ronning, Zadrozny ⁵

II. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner asserts that a person of ordinary skill in the art would have possessed a bachelor’s degree in electrical engineering or computer science, and two years of work experience in the field of speech- and natural language-

¹ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011), amended 35 U.S.C. § 103 effective March 16, 2013. Because the ’738 Patent claims an effective filing date prior to the effective date of the applicable AIA amendment, we refer to the pre-AIA version of § 103.

² WIPO Application Publication No. WO 00/20962, published April 13, 2000 (Ex. 1003).

³ US 5,897,616, issued Apr. 27, 1999 (Ex. 1004).

⁴ US 9,817,650 B2, issued Nov. 14, 2017 (Ex. 1010).

⁵ Wlodek Zadrozny et al., “Natural Language Understanding with a Grammar of Constructions,” Proc. 15th Int’l Conf. on Computational Linguistics (Vol. 2) (1994) (Ex. 1006).

interfaces for interacting with and directing computer systems and software, including speech recognition and processing (and more experience could substitute for less formal education, and vice versa).

Pet. 14 (citing Ex 1002 ¶¶ 11–15).

Patent Owner does not dispute Petitioner’s proposed definition of a person of ordinary skill in the art. *See generally* Prelim. Resp.

For the purpose of institution, we adopt Petitioner’s definition of a person of ordinary skill in the art because it is consistent with the level of skill reflected by the ’738 Patent Specification and the asserted prior art.

B. Claim Construction

In an *inter partes* review proceeding, the Board applies the same claim construction standard as that applied in federal courts in a civil action under 35 U.S.C. § 282(b), which is generally referred to as the *Phillips* standard. *See* 37 C.F.R. § 42.100(b); *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). Under the *Phillips* standard, “words of a claim ‘are generally given their ordinary and customary meaning.’” *Phillips* at 1312.

According to Petitioner, “[e]xpress claim construction is unnecessary because the prior art renders the challenged claims obvious under any reasonable construction.” Pet. 16. Patent Owner “submits that the Board need not engage in any pre-institution claim construction.” Prelim. Resp. 13. However, Patent Owner provides a table of claim constructions issued by the United States District Court for the Eastern District of Virginia and ostensibly relevant to claim construction of the ’738 Patent. *See id.* at 10–13 (citing Ex. 2007).

As demonstrated in the analysis below, we need not construe any claim terms and phrases to resolve the controversy before us. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

C. Principles of Law

A claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) if in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).⁶

D. Challenge to Claims 1–11, 18, 20–23, 26, 31–37, and 39 over Coffman, Kanevsky, and Ronning

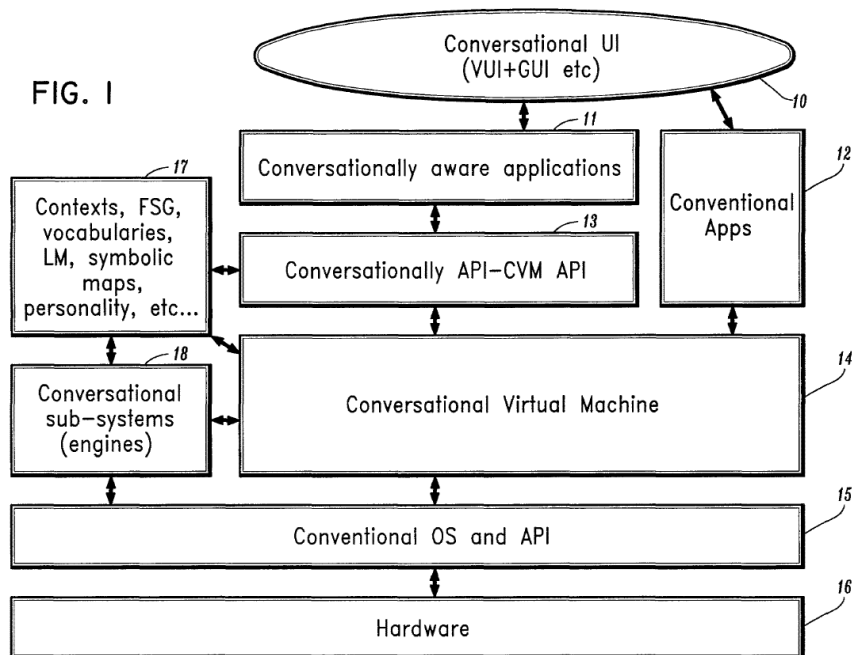
1. Overview of Coffman (Ex. 1003)

Coffman “relates generally to systems and methods for conversational computing” and, more particularly, “to a CVM (conversational virtual machine) that may be implemented as either a stand-alone OS (operating system) or as a platform or kernel that runs on top of a conventional OS or

⁶ The parties do not present evidence or arguments related to secondary considerations.

RTOS (real-time operating system) possibly providing backward compatibility for conventional platforms and applications.” Ex. 1003, 1:7–12. Coffman describes a “conversational computing paradigm” that “prescribes that systems dialog with a user to complete, disambiguate, summarize or correct queries and the result of their executions.” *Id.* at 4:6–8. The paradigms “abstract and handle queries, contexts, and manipulated information based on contexts, applications, history and user preferences and biometrics.” *Id.* at 4:8–9.

Figure 1 of Coffman is reproduced below and “illustrates a conversational computing system (or CVM system),” “implemented on a client device or a server.” Ex. 1003, 12:5–7.



Coffman discloses:

In general, the CVM provides a universal coordinated multi-modal conversational user interface (CUI) 10. The “multi-modality” aspect of the CUI implies that various I/O resources such as voice, keyboard, pen, and pointing device (mouse), keypads, touch screens, etc can be used in conjunction with the CVM platform. The “universality” aspect of the CUI 10

implies that the CVM system provides the same UI to a user whether the CVM is implemented in connection with a desktop computer, a PDA with limited display capabilities, or with a phone where no display is provided. In other words, universality implies that the CVM system can appropriately handle the UI of devices with capabilities ranging from speech only to speech to multi-modal, i.e., speech + GUI, to purely GUI. Therefore, the universal CUI provides the same UI for all user interactions, regardless of the access modality.

Id. at 12:7–17.

The CVM system “comprises a plurality of applications including conversationally aware applications 11 (i.e., applications that ‘speak’ conversational protocols) and conventional applications 12.” Ex. 1003, 12:26–28. Conversationally aware applications 11 are specifically programmed for operating with a CVM core layer (or kernel) 14 via conversational application APIs 13. *See id.* at 12:28–30.

Figure 4 of Coffman is reproduced below and “illustrates a detailed architecture of a conversational system and the core functional modules of the conversational kernel of the CVM system.” Ex. 1003, 28:10–11.

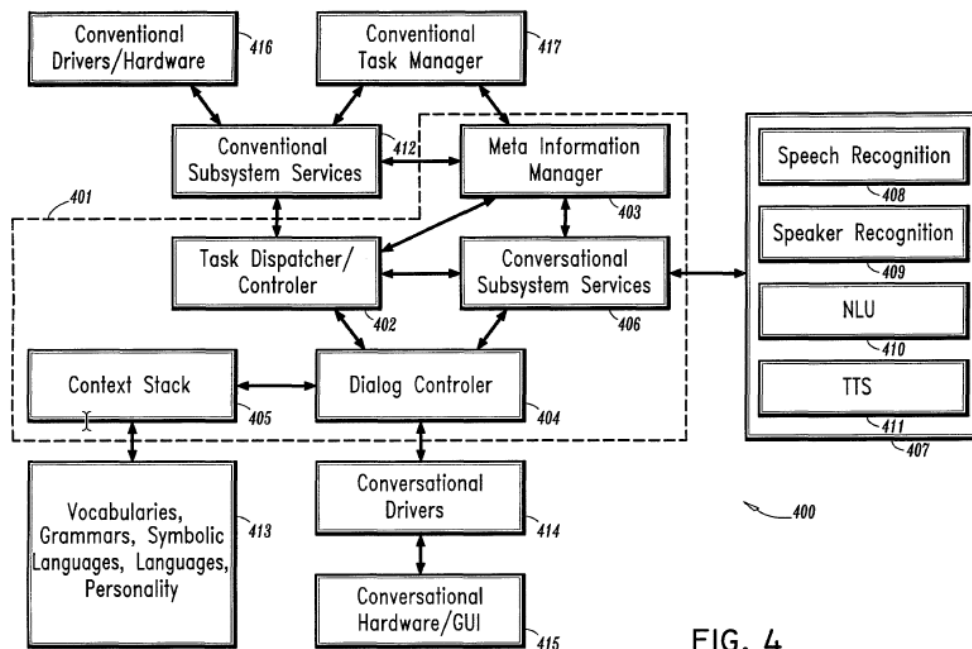


FIG. 4

Conversational system 400 includes CVM 401 that includes task dispatcher/controller 402, meta information manager 403, dialog controller 404, context stack 405, and conversational subsystem services 406. *See* Ex. 1003, 28:22–27. The core of CVM 401 is context stack 405 which operates and is managed under the control of dialog controller 404. *See id.* at 29:18–20. Dialog controller 404 manages the context stack 405 by creating a new stack entry in the context stack 405 for each new task/process/thread that is spawned either locally or remotely from a networked device with task management being controlled by the task dispatcher/controller 402. *See id.* at 30:13–16, 30:26–28. Conversational system 400 also includes conversational resource subsystems 407 that include a speech recognition system 408, speaker recognition system 409, natural language understanding and natural language parsing system (NLU) 410, and text-to-speech synthesis system 411. *See id.* at 29:1–4.

2. Overview of Kanevsky (Ex. 1004)

Kanevsky is incorporated by reference in Coffman. *See* Ex. 1003, 37:10–13. Kanevsky “relates to methods and apparatus for providing security with respect to user access of services and/or facilities and, more particularly, to methods and apparatus for providing same employing automatic speech recognition, text-independent speaker identification, natural language understanding techniques and additional dynamic and static features.” Ex. 1004, 1:15–21. Kanevsky “employs a unique combination of random questions, automatic speech recognition (ASR) and text-independent speaker recognition to provide a significant improvement in secure access to services and/or facilities [. . .] requiring security measures.” *Id.* at 5:35–39. Kanevsky further discloses that “a natural language understanding

module . . . relies on a combination of classical parsing capabilities with key word spotting and speech recognition.” *Id.* at 14:1–7.

3. Analysis of Claim 1

Petitioner asserts that the combined teachings of Coffman, Kanevsky, and Ronning render obvious the subject matter of claim 1 of the ’738 Patent. *See* Pet. 16–42. We provide below an overview of several of Petitioner’s undisputed assertions addressing related limitations of claim 1 to provide background information, followed by a discussion and analysis of one of the specific disputed limitations of claim 1.

A system responsive to a user generated natural language speech utterance, comprising:

Petitioner asserts that Coffman discloses the preamble recitation on the basis of Coffman’s disclosure of a conversational computing system that performs processing in response to receiving natural language utterances from a person. *See* Pet. 18–20 (reproducing Ex. 1003, Fig. 6 (Petitioner’s annotations added); citing Ex. 1002 ¶¶ 64–66; Ex. 1003, 5:1–4, 6:6–8, 6:32–7:3, 13:8–11, 36:29–31, 37:14–22, 37:29–32, 41:2–5, 48:1–3, 53:8–10, 53:22–26, 56:25–57:2). Patent Owner does not address the preamble recitation. *See generally* Prelim. Resp.

a) 1[a] an agent architecture that includes a plurality of domain agents, each of the plurality of domain agents being an autonomous executable configured to receive, process, and respond to requests associated with a respective context;

Petitioner asserts that Coffman discloses this limitation on the basis of Coffman’s disclosure of conversational virtual machine (CVM) conversational subsystems (such as a speech recognition engine), and a plurality of conversationally aware applications. *See* Pet. 21–22

(reproducing Ex. 1003, Fig. 7 (with Petitioner’s annotations); citing Ex. 1002 ¶ 67; Ex. 1003, 12:26–28). Petitioner explicitly asserts that “[t]he ‘**plurality of domain agents**’ corresponds to the plurality of conversationally aware applications in Coffman’s system.” Pet. 22; *see also id.* at 22–25 (addressing Coffman’s conversationally aware applications as autonomous executable software, citations omitted). Petitioner further contends that “Coffman explains that its conversational system associates an application and a user request with a ‘context’ to determine the application and formulate the associated query/command that should be carried out in response to a user’s request.” Pet. 25–26 (citing Ex. 1002 ¶ 73; Ex. 1003, 29:18–30:10, 42:1–5).

Although Patent Owner disputes that Coffman discloses domain agents (*see* Prelim. Resp. 14–15, 26–27, 40), we need not address this dispute because we address in the following section the dispositive disputed limitation “the parser selects at least one of the plurality of domain agents based on the determined meaning.”

b) 1[b] a parser configured to determine a context for one or more keywords contained in the utterance and to determine a meaning of the utterance based on the determined context, wherein the parser selects at least one of the plurality of domain agents based on the determined meaning, wherein the selected domain agent is configured to receive, process, and respond to requests associated with the determined context;

Petitioner asserts that the combination of Coffman and Kanevsky discloses this limitation. Pet. 26–33. More specifically, Petitioner contends that Coffman’s natural language understanding and natural language parsing system (NLU) 410 discloses a parser. *See* Pet. 26 (reproducing a portion of Ex. 1003, Fig. 4 (with Petitioner’s annotations added); citing Ex. 1003,

29:1–4, 40:12–15, 51:12–14). Petitioner asserts that a person of ordinary skill in the art “would have further understood and found it obvious that Coffman’s parser is ‘**configured to determine a context for one or more keywords contained in the utterance,**’” and “that matching recognized words in the user’s utterance to a context would involve ‘**keywords contained in the utterance.**’” Pet. 26–28 (citing Ex. 1002 ¶¶ 75, 77–78; Ex. 1003, 6:32–7:3, 29:18–30:10, 30:20–22, 37:10–13, 37:20–26, 41:2–5, 42:1–5, 51:12–14; Ex. 1004, 14:1–7); *see also* Pet. 28–31 (addressing reasons to combine Coffman with Kanevsky’s teachings of key word spotting).

Petitioner further asserts that a person of ordinary skill in the art “would have also understood and found it obvious for Coffman’s ‘natural language understanding and natural language parsing system’ (i.e., ‘parser’) to be ‘**configured...to determine a meaning of the utterance based on the determined context.**’” Pet. 31 (citing Ex. 1002 ¶ 84). Petitioner contends that Coffman uses NLU as part of the process to determine a context for a user’s request in order to properly carry out the request. *See* Pet. 26 (citing Ex. 1002 ¶¶ 75, 77; Ex. 1003, 30:8–10, 37:20–26, 41:2–5, 42:1–5, 51:12–14), 31. Petitioner further provides the following example for explanation:

using NLU, Coffman’s system determines that the meaning of the user utterance “I would like to open this” is a request to perform the “open” command with a particular application, which is determined by matching the recognized words and phrases to an “open” command in the application’s symbolic language associated with a context.

Pet. 31 (citing Ex. 1002 ¶ 84; Ex. 1003, 6:32–7:3).

Patent Owner does not dispute Petitioner’s arguments that the combination of Coffman and Kanevsky teaches or suggests the parser is configured to determine a context for one or more keywords contained in the utterance and to determine a meaning of the utterance based on the determined context. *See generally* Prelim. Resp.

Petitioner contends that “Coffman’s NLU system (**‘parser’**) **‘selects at least one of the plurality of’** conversationally aware application[s] (**‘domain agent’**) **‘based on the determined meaning’** because it activates an application for processing the user’s query in accordance with the determined symbolic mapping and call/query to perform for the application.” Pet. 31–32 (citing Ex. 1002 ¶ 85). In support, Petitioner reproduces page 37, lines 2 through 4 and page 41, lines 1 through 7 of Coffman. *See* Pet. 32. Petitioner also asserts that Coffman “explains how ‘the first task to have its dialog completed by producing a non-ambiguous query is executed’ . . . , making clear that an application is automatically selected and carries out a request as a result of processing by the conversational system.” Pet. 24–25 (citing Ex. 1002 ¶ 85; Ex. 1003, 37:2–4, 42:1–7). Petitioner further provides the following example for explanation: “based on the NLU system’s determination that the user utterance ‘I would like to open this’ means that the user is requesting to perform ‘open’ command with a particular application, that application is **‘selected’** to perform the command.” *Id.* (citing Ex. 1002 ¶ 85; Ex. 1003 6:32–7:3).

Patent Owner contends that Coffman does not disclose a parser that selects any conversationally aware application based on a meaning of an utterance based on the determined context. *See* Prelim. Resp. 15, 28, 29, 32. According to Patent Owner, Petitioner’s argument is “unsupported by Coffman or any other evidence.” *Id.* at 29 (citing Pet. 31–32).

Patent Owner reproduces page 41, lines 1 through 7 of Coffman, and asserts that Petitioner's argument "appears to be founded on Petitioner's unsupported conflation of the 'process' described with respect to Coffman's context stack with the conversationally-aware applications disclosed in Coffman." *Id.* at 29–30. Patent Owner contends that the disclosed process and a conversationally aware application are different elements, and "Coffman does not support Petitioner's characterization of a conversationally-aware application as being the same as a process." *Id.* at 30. Patent Owner further asserts that Coffman does not disclose that the process in the cited passage occurs at a conversationally-aware application, and does not disclose that activating a process is the same as selecting a conversationally-aware application. *See id.* Patent Owner further asserts that Petitioner's citation to Coffman's disclosure at page 37 lines 2 through 4 does not support Petitioner's assertion that Coffman's parser selects a conversationally-aware application. *See id.* at 32 (citing Pet. 24, 32; Ex. 1002 ¶ 71). According to Patent Owner, "[n]othing in the Petition or [Mr.] Schmandt's testimony] explains why or how Coffman's disclosure at 37:2-4 'makes clear' that an 'application is automatically selected and carries out a request as a result of processing by the conversational system.'" *Id.* at 33 (citing Ex. 1002 ¶ 71). Patent Owner also contends that Petitioner's citation to page 6, line 32 through page 7, lines 3 does not support attributing an application selection operation to Coffman's NLU (i.e. parser). *See id.* at 39.

We have reviewed Coffman's disclosure and Mr. Schmandt's testimony cited by Petitioner in support of its arguments in light of the Preliminary Response arguments, and agree with Patent Owner that Coffman does not disclose the NLU (i.e. parser) selects a conversationally-

aware application based on the determined meaning of the utterance based on the determined context. Petitioner's citations to page 6, line 32 through page 7, line 3, page 37, lines 2 through 4 and page 41, lines 1 through 7 of Coffman fail to provide adequate support for Petitioner's arguments. We agree with Patent Owner that page 6, line 32 through page 7, line 3 of Coffman discloses mouse clicks and stylus pointing by a user. *See* Prelim. Resp. 39; Ex. 1003, 6:32–7:3. We further agree with Patent Owner that page 37, lines 2 through 4 is directed to queries, not selecting applications. *See* Prelim. Resp. 32–33; Ex. 1003, 37:2–4. Finally, we agree with Patent Owner that page 42, lines 1 through 7 associates a process with tasks and threads performed at the conversational virtual machine. *See* Prelim. Resp. 30; Ex. 1003, 42:1–7, 42:16–17, Fig. 4. Mr. Schmandt's cited testimony is nearly identical to the arguments presented in the Petition. *See* Ex. 1002 ¶¶ 71, 85. Mr. Schmandt's testimony is conclusory and fails to provide a sufficient underlying factual basis for the testimony because it relies on the same citations to Coffman's deficient disclosure. *See* Ex. 1002 ¶¶ 71, 85.

Petitioner does not rely on the teachings of Kanevsky and Ronning in combination with Coffman for teaching “the parser selects at least one of the plurality of domain agents based on the determined meaning.” *See* Pet. 24–25, 25–26, 31–32.

c) Summary

Based on the record before us, Petitioner does not set forth sufficient argument and evidence to demonstrate that the combination of Coffman, Kanevsky, and Ronning teaches or suggests “the parser selects at least one of the plurality of domain agents based on the determined meaning,” as

recited in claim 1. Accordingly, there is not a reasonable likelihood that Petitioner would prevail in showing that the subject matter of claim 1 would have been obvious over Coffman, Kanevsky, and Ronning.

4. Dependent Claims 2–11, 18, 20–23, 26, 31–37, and 39

Due to the dependency of claims 2–11, 18, 20–23, 26, 31–37, and 39 from claim 1, and for the same reasons as those explained above addressing claim 1, based on the record before us Petitioner does not set forth sufficient argument and evidence to demonstrate that the combination of Coffman, Kanevsky, and Ronning teaches or suggests the limitations of claims 2–11, 18, 20–23, 26, 31–37, and 39. Accordingly, there is not a reasonable likelihood that Petitioner would prevail in showing that the subject matter of dependent claims 2–11, 18, 20–23, 26, 31–37, and 39 would have been obvious over Coffman, Kanevsky, and Ronning.

*E. Challenge to Claims 16, 17, 25, 30, and 38 over
Coffman, Kanevsky, Ronning, and Zadrozny*

Petitioner does not rely on the teachings of Zadrozny to remedy the deficiencies of the teachings of Coffman. *See* Pet. 76–83. Due to the dependency of claims 16, 17, 25, 30, and 38 from claim 1, and for the same reasons as those explained above addressing claim 1, based on the record before us Petitioner does not set forth sufficient argument and evidence to demonstrate that the combination of Coffman, Kanevsky, Ronning, and Zadrozny teaches or suggests the limitations of claims 16, 17, 25, 30, and 38. Accordingly, there is not a reasonable likelihood that Petitioner would prevail in showing that the subject matter of dependent claims 16, 17, 25, 30, and 38 would have been obvious over Coffman, Kanevsky, Ronning, and Zadrozny.

III. CONCLUSION

For the foregoing reasons, we determine there is not a reasonable likelihood that Petitioner would prevail in showing at least one of claims 1–11, 16–18, 20–23, 25, 26, and 30–39 of the '738 Patent is unpatentable.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), the Petition is denied, and no *inter partes* review is instituted.

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