

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Twitch Interactive, Inc.,  
Petitioner,

v.

Razdog Holdings LLC,  
Patent Owner.

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Case No. IPR2025-00307  
U.S. Patent No. 9,729,658

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**PATENT OWNER'S SUR-REPLY**

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## **EXHIBIT LIST**

| <b>Exhibit No.</b> | <b>Description</b>                                                                                                                                                                                                                   |
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| <b>2001</b>        | <i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Amended Pretrial Order No. 1: Case Schedule dated September 27, 2024 (D.I. 39) (“Amended Pretrial Order”)                                     |
| <b>2002</b>        | <i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Docket Notification Order Reassigning Case dated February 24, 2025 (D.I. 46) (“Order Reassigning Case”)                                       |
| <b>2003</b>        | <i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), The Parties’ Second Joint Case Management Statement dated March 17, 2025 (D.I. 50) (“Second Joint Case Management Statement”)                 |
| <b>2004</b>        | <i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Defendant’s Invalidity Contentions dated January 13, 2025 (“Invalidity Contentions”)                                                          |
| <b>2005</b>        | <i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), dated March 14, 2025 (D.I. 59), The Parties’ Amended Joint Claim Construction and Prehearing Statement (“Joint Claim Construction Statement”) |
| <b>2006</b>        | <i>Reserved</i>                                                                                                                                                                                                                      |
| <b>2007</b>        | <i>Reserved</i>                                                                                                                                                                                                                      |
| <b>2008</b>        | <i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv03638-JSC (NDCA), CIVIL DOCKET FOR CASE #: 4:24-cv03638-HSG dated May 9, 2025                                                                                    |
| <b>2009</b>        | Reexamination Control No. 90/019,860, Notice of Intent to Issue <i>Ex Parte</i> Reexamination Certificate (“’860 Reexam NIIRC”)                                                                                                      |
| <b>2010</b>        | Declaration of George Edwards, Ph.D.                                                                                                                                                                                                 |
| <b>2011</b>        | Curriculum Vitae of George Edwards, Ph.D.                                                                                                                                                                                            |
| <b>2012</b>        | Deposition Transcript of Paul Martin, dated October 10, 2025                                                                                                                                                                         |

## I. INTRODUCTION

Patent Owner has consistently explained—from its Preliminary Response through its Preliminary Sur-Reply and its Patent Owner Response—that the independent claims of the ‘658 Patent require content to be “streamed” (claims 1, 7), “scroll[ed] or pag[ed] through” (claim 1), or “navigate[d]” through (claim 12) *in real time on a master webpage*. Petitioner’s Reply tries to recast that history as a “moving target,” but the record shows the opposite. Petitioner created this dispute in the Petition by redefining “real time” as content “sent to the server,” and has spent the rest of this proceeding attempting to obscure that fundamental flaw by urging a reading that divorces “in real time” from “on a master web-page” and ignores the intrinsic record.

At institution, the Board majority adopted Petitioner’s interpretation of “real time,” but that determination was made when Petitioner’s expert was unrebutted and was explicitly “preliminary” and “subject to change upon development and consideration of a complete evidentiary record.” That complete record is now before the Board, including Patent Owner’s expert analysis of the claim language, specification, and file history and his conclusion that the “real time” claim term relates to user-visible streaming, scrolling/paging, or navigation, not upstream transmission solely to a server as Petitioner contends.

Under that proper construction of “real time,” Petitioner’s invalidity grounds cannot withstand scrutiny. Darnell discloses a retrieve-merge-store workflow and then transmitting an ordered list “in response to a request,” with further items fetched when the user attempts to scroll beyond the end of the displayed list. Pointing to a feed tracker that retrieves items as content feeds are updated speaks only to content received at the server, not content streamed, scrolled/paged through, or navigated through in real time on a master webpage.

Dasgupta fares no better. Apparently recognizing the reference’s deficiencies, Petitioner attempts to introduce a brand-new obviousness theory regarding the “master web-page” in its Reply that was never disclosed in its Petition. Petitioner’s eleventh-hour attempt to pivot to a new theory serves as a tacit admission that the Petition’s Dasgupta-based grounds fail. But even setting that aside, Dasgupta’s channel icons and advertisements are not content streamed, scrolled/paged through, or navigated through in real time on a master webpage.

On the full record, Petitioner has not shown by a preponderance of the evidence that any challenged claim of the ‘658 Patent is unpatentable. Therefore, Patent Owner respectfully requests that the Board reject Petitioner’s “sent to the server” framing of “real time,” apply the claim language in view of the intrinsic evidence, and confirm the patentability of the claims.

## II. PETITIONER’S CLAIM CONSTRUCTION SHOULD BE REJECTED

### A. “real time”

Despite Petitioner’s characterizations otherwise, Patent Owner’s (“PO”) position regarding the proper interpretation of “real time” has never changed—PO has consistently maintained that content streamed, scrolled/paged through, or navigated through must be *in real time on a master webpage*, not simply “sent to the server” as Petitioner contends. PO’s Preliminary Response (“POPR”) argued the claims require “content data or applications from content data sources or service providers are made available to a user ‘in real time’ *on a master webpage*.” Paper 12 at 15-16.<sup>1</sup> PO’s Preliminary Sur-Reply explained that “[t]he independent claims of the ‘658 Patent each explicitly require content to be ‘streamed’ (claims 1, 7), ‘scroll[ed] or pag[ed] through’ (claim 1), or ‘navigate[d]’ through (claim 12) in real time *on a master webpage*.” Paper 20 at 1. And PO’s Patent Owner Response (“POR”) once again contended the claims require “‘content data and content applications’ are ‘streamed to the master server simultaneously in real time from their respective servers *on a master web-page*.’” Paper 26 at 18-19. From its first filing, PO’s position has been straightforward and clear—the claims require

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<sup>1</sup> All emphasis added unless otherwise noted.

streaming (scrolling/paging, navigating) content “in real time” on a master web-page, not simply sending content to the server.

Rather than address “real time” head on, Petitioner’s Reply attempts to recast the record by accusing PO of changing positions, characterizing PO’s interpretation as a “moving target,” and alleging PO imposes “additional requirements” in the claims. Paper 32 at 1, 2, 10. None are true—not only has PO’s position remained consistent throughout this IPR, PO’s interpretation derives from the claims themselves, adds no additional “requirements” beyond the explicit claim language, and is consistent with the intrinsic record. Paper 26 at 17-21. Contrary to Petitioner’s reimagining of the record, it was Petitioner who created this dispute by defining “real time” as content “sent to the server” in the Petition and it is Petitioner who attempts to rewrite the claims by urging a construction that divorces “on a master web-page” from “real time” and the rest of the “streamed” limitation. *See* Paper 1 at 27 n.9; Paper 26 at 16-17. The Board should look past Petitioner’s rhetoric and interpret “real time” in light of the claim language and intrinsic evidence, as *Phillips* requires. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc).

# **1. The Board Should Adopt PO’s Interpretation of “Real Time”**

As the POR explained, the ‘658 Patent’s claim language, specification, and prosecution history all point to the same place—the claims require content

streamed not only to the master server in real time, but content streamed to the master server *in real time on a master web-page*. Paper 26 at 16-21. Petitioner’s Reply does not justify a different result. Despite Petitioner’s assertions that PO “twist[s] the intrinsic record and mischaracterize[s] Dr. Martin’s opinions” (Paper 32 at 3), its efforts to brush aside the intrinsic evidence and its own expert’s testimony fall far short.

Petitioner first disputes PO’s interpretation of the claim language, but its conclusory arguments fail. According to Petitioner, PO’s assertion—that “on a master web-page” cannot refer to “organizing content and content applications”—misunderstands the claim because “the phrase *and are viewable* refers to the *content data and content applications organiz[ed] on a master web-page by the master application.*” *Id.* At best, this simply restates the argument Petitioner made in the Preliminary Reply (Paper 19 at 3), which leads to internal inconsistency and ambiguity in the claim. Paper 26 at 16-17. Seemingly, Petitioner attempts to re-parse claim 1 yet again, but regardless this new reading is nonsensical. Read this way, the limitation states “organizing content data and content applications . . . on a master web-page and are viewable from the remote computer devices through the master server,” which leads to the same internal inconsistency and ambiguity as its previous interpretation. *See id.* Plainly, PO’s reading—that claim 1 recites a “master application” with “software coded for organizing content data and content

applications” such that the next three limitations (“from multiple content sources...,” “streamed...,” and “are viewable...”) directly tie to the content itself—makes more sense in context and flows naturally from the claim language. *See id.* at 17-18.<sup>2</sup>

Next, Petitioner asserts that “on a master web-page” does not modify the “streamed” phrase because “claimed flow of content data/applications is already captured in the majority’s preliminary construction.” Paper 32 at 3-4. But Petitioner cannot overcome PO’s record evidence of how a POSA would understand the claim’s continuous streaming process with attorney argument alone. *See Ex.2010, ¶¶71-72; In re Geisler*, 116 F.3d 1465, 1471 (Fed. Cir. 1997) (attorney arguments and conclusory statements that are unsupported by factual evidence are entitled to little probative value). In any event, Petitioner cannot simply read out “on a master web-page” from the claims because it does not fit its argument. *See Hamilton Beach Brands, Inc. v. freal Foods, LLC*, 908 F.3d 1328,

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<sup>2</sup> Petitioner also cites to original claim 1, but that supports PO’s interpretation. Paper 32 at 3 (citing Ex.1003, 14-15). In original claim 1, “from multiple content sources...” and “viewable...” were clearly requirements of the content, just as in the issued claims “from multiple content sources...,” “streamed...,” and “are viewable...” are requirements of the content. Paper 26 at 17-18.

1340 (Fed. Cir. 2018) (“Claims must be interpreted with an eye toward giving effect to all terms in the claim”) (citation omitted).

Petitioner’s contention that PO “ignores key claim language that links *real time* to a specific claim element” fares no better. Paper 32 at 4. PO did not “omit” claim language—it provided the “real time” limitations of claims 1, 7, and 12 verbatim. Paper 26 at 16-19. Nor does Petitioner make clear how including additional surrounding claim language would change the analysis. Petitioner further argues that PO “conflates *scrolling or paging through the content data...in real time* [] with ‘displayed on the master web-page in real time,’ a phrase that does not appear in the claims.” Paper 32 at 4. But even if “displayed” is not in the claims, a POSA would recognize that in order to “scroll[] or pag[e] through the content data...in real time from the master web-page,” the content would need to appear (*i.e.*, be displayed) on the master web-page. *See, e.g.*, Ex.2010, ¶81; Ex.2012, 193:2-9.

Petitioner’s final claim language argument—that its construction is not inconsistent with claim 12 because the “preamble expressly recites *a cloud-based master server*”—demonstrates the weakness of its position. Paper 32 at 4-5. Petitioner does not explain how the mere mention of a “master server” in the preamble is somehow relevant to the claim’s “real time” limitation, which expressly states that “a user navigates through [content] *through master web-page*

*in real time*” and never mentions the master server. Ex.1001, cl.12. Petitioner’s construction of “real time”—requiring simply that content be “streamed to a master server...in real time”—is therefore inapplicable to claim 12. Paper 26 at 19-20, 50.

Petitioner next addresses the specification and file history, but like its claim-language arguments, its assertions here likewise fail. Petitioner first contends that PO’s citations to the specification do not support its argument. Paper 32 at 5. But Petitioner’s claim that several citations do not mention a “web-page” or “display” ignores that they explicitly mention a “user interface” (*e.g.*, Ex.1001, 1:57-62, 2:27-29), *i.e.*, the “master web-page” (*e.g.*, *id.* at 2:40-42). And citations related to “scroll[ing] or pag[ing]” or “migrat[ing] through” content in real time support PO’s argument because, as explained above, a POSA would appreciate that these actions necessarily require content to be displayed on the master web-page. *E.g.*, Ex.2010, ¶81; Ex.2012, 193:2-9.

As to the file history, Petitioner points to the Notice of Allowance and contends that “[t]he patent’s alleged novelty [] derives from a limitation PO does not even address in the POR.” Paper 32 at 6. This is wrong for several reasons. First, the Examiner’s reasons for allowance expressly stated that “the main reasons for allowance” included the remote tool box feature “*in conjunction with all the other limitation [sic]*.” Ex.1003, 430-31. Second, Petitioner does not identify anything that suggests PO conceded the prior art cited during prosecution taught

any claim limitations or that the Examiner's reasons for allowance identified the patent's "novelty." Third, Petitioner does not rely on the same art that was cited during prosecution, so the fact the Examiner determined a limitation was taught by a reference during prosecution says nothing about what the references ***now cited by Petitioner in this proceeding*** disclose. Thus, Petitioner's "novelty" argument is wholly irrelevant.

Petitioner also takes issue with PO's assertion that "[t]he file history repeatedly emphasizes that content is streamed in real time simultaneously to a user interface (i.e., a master webpage)." Paper 32 at 6 (citing Paper 26 at 21-22). Petitioner evidently ignores the other portions of the file history cited by PO and Dr. Edwards, which likewise discuss streaming in real time to a user interface/master web-page. *See* Paper 26 at 21-22 (citing Paper 26, §II.B and Ex.2010, ¶82).

Finally, Petitioner's attempts to soften its expert's admissions miss the mark. Paper 32 at 6-8. According to Petitioner, PO "mischaracterizes" Dr. Martin's testimony and faults him "for what he does not say." *Id.* But that is precisely the point—Dr. Martin's statements say nothing about "real time," the "master server," or the "master web-page," undermining any argument that they somehow support his (and Petitioner's) construction of "real time." Paper 26 at 23. Further, contrary to Petitioner's assertions, Dr. Martin's statements that the master application

retrieves content “promptly to ensure users experience minimal delay when viewing updated data” and that “simultaneously” and “real time” describe a “system where content from multiple sources is updated and displayed as soon as it becomes available” support PO’s interpretation. Ex.1002, ¶¶181-82; Paper 26 at 23-24. Indeed, to ensure users experience minimal delay when viewing updated data, the patent describes streaming content *on the master web-page in real time*. Paper 26 at 23 (citing Ex.2010, ¶¶87-88). Thus, Dr. Martin’s testimony supports PO’s interpretation of the claims, not Petitioner’s erroneous construction.

## **2. PO’s Interpretation Does Not “Narrow” the Claims**

Petitioner’s contentions that PO and its expert “add numerous requirements to the claims” and that PO’s interpretation “has become a moving target” are simply false. Paper 32 at 8-10. As explained above, PO’s interpretation of “real time” has not changed throughout this proceeding—from the POPR, to the Preliminary Sur-Reply, to the POR, to this Sur-Reply, PO has consistently maintained that the “real time” limitations require streaming (scrolling/paging, navigating) content “in real time” *on a master web-page*; not simply sending content to the server as Petitioner contends. *See supra*, §II.A; Paper 12 at 15-16; Paper 20 at 1; Paper 26 at 18-19.

The table in Petitioner’s Reply is a red herring. Paper 32 at 8-10. The purported “Additional Requirements” identified by Petitioner are merely instances

in which PO and Dr. Edwards attempted to explain the claim language and prior art. For example, Petitioner apparently contends PO and Dr. Edwards attempted to add “streamed or displayed incrementally” to the claims. *Id.* (No. 1). Not so. That statement does not appear in the POR—instead, PO asserted that “Darnell does not provide content items to a user’s feed reader user interface (116) in real time.”

Paper 26 at 27. Similarly, Dr. Edwards opines that “Darnell does not provide streamed content to a user’s feed reader user interface in real time” and further explains that in Darnell’s system “the user sees only stored, itemized entries that are delivered periodically or on demand, not content that is streamed or displayed incrementally in real time on a master web-page.” Ex.2010, ¶96. Not only was this Dr. Edwards explaining his reasoning, he also detailed elsewhere in his declaration that “streaming involves incremental delivery of data that is used contemporaneously by the user on the master webpage,” thus providing the bridge between his explanation of Darnell and the explicit requirements of the claim. *Id.*, ¶70. Petitioner’s attempt to treat these as anything more than additional explanations of the claim language and prior art misinterprets PO’s arguments and Dr. Edwards’ opinions.

Petitioner’s remaining contentions are likewise baseless. PO is not narrowing the claims “to fit a live-streaming paradigm.” Paper 32 at 10. While the claims could encompass “live” content, PO has never argued the claims are limited

to “live” content and the portions of the POR cited by Petitioner do not indicate otherwise. Paper 26 at 13-14 (quoting the file history discussing “live-streamed content data,” *i.e.*, not referring to “live content”), 38 (“real time” means “the user perceives a live, uninterrupted flow” of “data segments,” *i.e.*, not referring to “live” content), 41 (Darnell’s system “presents a snapshot, not a live stream on a master web-page,” *i.e.*, referring to “live” stream not “live” content), 48 (referring to “live streams” (*i.e.*, real-time streams) not “live” content (*e.g.*, a “live” sporting event)). Finally, Petitioner asserts that “PO never explains how its proposed requirements could apply to those other types of content (*e.g.*, emails, social media posts) or to content applications.” Paper 32 at 10.<sup>3</sup> But there is nothing about PO’s interpretation (*i.e.*, streaming content in real time on a master web-page) that would preclude emails, social media posts, or content applications, and Petitioner offers no explanation why those types of content data or applications ***do not*** fit within PO’s interpretation.

In sum, PO’s interpretation of “real time” is derived from the explicit language of the claims, adds no additional requirements, and aligns with the

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<sup>3</sup> Contrary to Petitioner’s argument, the patent does not mention “emails” or “social media posts,” but instead refers to social media or email accounts/web-sites. *E.g.*, Ex.1001, cls. 2-3.

intrinsic record. Petitioner’s construction, by contrast, finds no support in the claims, specification, or file history, and Petitioner’s attempts to sidestep the intrinsic evidence fail. On the full record of this proceeding, the Board should reject Petitioner’s construction of “real time” and adopt PO’s interpretation, which is true to the intrinsic evidence and the requirements of *Phillips*.

**B. “master web-page”**

Petitioner’s Reply asserts that “PO is incorrect that ‘Petitioner...concede[s] that the ‘master web-page’ must be dynamic” because the claims “impose no such requirement.” Paper 32 at 1 n.2. Yet both Petitioner and its expert purportedly applied the definition of “master web-page” from the patent, which states “[a] *dynamic* user web-page or master web-page is a webpage viewable remotely from a remote computing device via log-in server or master server and which displays a slide tool that scrolls or pages through content data and/or content application from multiple content data sources and/or service providers in real time.” Ex.1001, 4:21-26; Paper 1 at 8; Ex.1002, ¶154; Ex.2012, 127:4-128:7. Petitioner fails to explain how it could have simultaneously applied that definition but also contend that the “master webpage” need not be dynamic. Petitioner’s inconsistency is telling—either the Petition is wrong and failed to accurately provide the claim constructions relied upon by Petitioner, or Petitioner is attempting to fix another fundamental flaw in its Petition by belatedly changing its position. Either way, any

interpretation of “real time” should take into account the specification’s description of the invention, including the definition of “master web-page” applied by Petitioner and its expert

### **III. PETITIONER’S INVALIDITY GROUNDS FAIL**

#### **A. PO Did Not Mischaracterize Darnell and Dasgupta**

Petitioner’s attempt to distinguish Darnell and Dasgupta from the prior art “aggregators” and “navigators” described during prosecution of the ‘658 Patent ignores the references’ disclosures and the file history. Paper 32 at 11. During prosecution, the applicant explained “[i]n an *aggregator* information is gathered from various web sources or content providers and is organized into a new web source or web page using one or more algorithms based on, for example, search terms” and “[a] *navigator* is an interface and/or program that allows a user to switch, migrate or select web sources or access particular content providers” typically “through a user interface that includes icons or point and click icons.” Ex.1003, 134. Darnell’s system is an “aggregator”—it aggregates content feeds. Paper 26 at 26; Ex.2010, ¶94. Dasgupta is a “navigator”—it is a GUI with icons that allows users to access interactive portals associated with content providers. Paper 26 at 30; Ex.2010, ¶99. PO did not mischaracterize Darnell and Dasgupta—rather, Petitioner’s cursory attempt to distinguish the references because, for

example, they are not “search engines,” ignores the descriptions provided during prosecution and mischaracterizes the art.

**B. Petitioner’s Darnell-Based Grounds 1A-1B Do Not Invalidate the Challenged Claims**

**1. Claim 1**

**Element 1[b2]**. Under the properly construed claim language and intrinsic record, “*streamed* to the master server...*in real time...on a master web-page*” requires streaming content in real time on the master web-page. *See supra*, §II.A. Darnell discloses a different model in which the server retrieves a currently published set of content items, merges the retrieved content items into a previously stored set, stores the merged items, and then transmits an ordered list in response to a request or fetches an additional set for display when the user attempts to scroll beyond the end of the displayed list. Paper 26 at 29; Ex.1004 at [0106], [0108-09], [0112]; Ex.2010, ¶¶114-16. That is a retrieve-merge-store workflow followed by on-request delivery, not content streamed “in real time ... on a master web-page.” Ex.2010, ¶¶114-16.

Petitioner’s criticism of PO’s use of the terms “asynchronous” and “atomic” to describe Darnell’s system is semantics. Paper 32 at 12-13. Notably, Petitioner does not dispute PO’s summary of Darnell—including that “Darnell’s system...is not streaming to the user in real time, it is delivering discreet snapshots.” *Id.* Further, as PO and its expert explained, “Darnell’s aggregation system is, by

definition, asynchronous because the retrieval of data, its storage, and its presentation occur at different times” and “Darnell’s ‘content items’ are atomic units [because] each item is fully retrieved, merged, and stored before any of it is displayed to the user.” Paper 26 at 38; Ex.2010, ¶¶ 117, 121. Thus, PO and its expert described exactly how and why Darnell’s system is “asynchronous” and “atomic” and, more importantly, why a system with those features does not meet claim 1’s “streamed to the master server...in real time...on a master web-page” limitation. Paper 26 at 35-43. Petitioner also faults PO for purportedly relying “exclusively” on Dr. Edwards’ testimony and excerpts from Dr. Martin’s testimony. Paper 32 at 13. This is not only inaccurate given PO’s citations (*e.g.*, numerous citations to Darnell itself), but it is also unclear why PO’s reliance on its expert is improper, especially given that Petitioner did not challenge Dr. Edwards’ qualifications here.

The Reply next disputes PO’s arguments regarding Darnell’s “fetch” requirement. Paper 32 at 13-14. According to Petitioner, PO improperly added a “without user involvement” requirement to the claim. *Id.* Not so. PO is not adding a claim limitation; instead, PO explained that the intrinsic record supports the view that “real time” streaming takes place without user involvement. Paper 26 at 41-42; Ex.1001, 1:47-62 (distinguishing conventional systems that required multiple log-in procedures); Ex.1003, 179 (discussing use of a single user interface, *i.e.*, the

master web-page, rather than “open[ing] up multiple web-sites”). Petitioner also asserts that Darnell’s “feed tracker module” “retrieves content items ‘as content feeds are updated,’” not only in response to a user request. Paper 32 at 14. But the Reply acknowledges that Darnell’s “feed tracker module” is part of the alleged “master server.” *Id.* Thus, even if Darnell’s feed tracker module (the alleged “master server”) retrieves content without user involvement, that does not meet the “*streamed to the master server...in real time...on a master web-page*” limitation of claim 1 because it discloses nothing about real time streaming “on a master web-page.” Paper 26 at 41, 42-43.

**Element 1[b3]**. The claim further requires “*scrolling or paging through the content data or the content applications... simultaneously and through the master server in real time from the master web-page.*” In Darnell, the scrollbar navigates lists that were compiled from the server’s database, and when the list ends, the client sends a fetch to obtain another batch. Paper 26 at 44; Ex.1004 at [54], [0112]. That is not “scrolling or paging” through content in real time from the master web-page. Ex.2010, ¶¶130-31.

Petitioner’s arguments to the contrary do not hold water. Paper 32 at 15-16. Petitioner first asserts that PO “improperly rewrites the claims” to add limitations. Like Petitioner’s “without user involvement” argument discussed above, PO is not adding claim requirements but rather simply sought to explain Darnell’s system

and why it does not meet the “scrolling or paging” limitation. Paper 26 at 44. Petitioner’s “master server”/“feed tracker module” argument likewise fails for the reasons discussed above regarding Element 1[b2].

Further, Petitioner’s assertion that Darnell’s scrollbar is a “slide-tool program” because embedded scripts “program” the client does not close the gap. Paper 32 at 15-16. Whatever “programming” occurs, Darnell’s own description shows that additional content is delivered only when requested and only after prior merge/store. Paper 26 at 29; Ex.1004 at [0106], [0108-09], [0112]; Ex.2010, ¶¶114-16. It is not streamed in real time on the master web-page and scrolled/paged “in real time from the master web-page” as the claim requires.

Lastly, Petitioner contends that PO misinterprets 1[b3] because the claim language “addresses use of the slide-tool, not the characteristics of the content data or content applications.” Paper 32 at 16. While not entirely clear, Petitioner appears to believe that the literal act of scrolling itself meets this limitation. As explained in the POR, it does not, and beyond arguing claim interpretation, Petitioner offers no other arguments to the contrary. Paper 26 at 45.

## **2. Claim 7**

Petitioner’s conclusory response to PO’s claim 7 arguments do not pass muster. Beyond repeating its deficient claim 1 arguments, Petitioner’s only response regarding claim 7 is that “[t]he passage PO cites for support...does not

mention ‘stream content’ or ‘real time,’ nor does claim 7 tie *an account belonging to the user* to real-time streaming of content to *the master web-page*.” Paper 32 at 17. In other words, Petitioner asserts that because the cited passage and claim 7 do not use those specific terms, PO must be wrong. But beyond attorney argument, Petitioner offers no analysis of the cited portion of the patent and no evidence in response to the testimony of PO’s expert. This is clearly insufficient.

### **3. Claim 12**

Claim 12 requires, among other things, that “a user *navigates...through master web-page in real time*.” As explained above, Petitioner’s reliance on the preamble’s mention of a “master server” does not relocate the “real time” requirement away from the master web-page expressly recited in the body of the claim. *See supra*, §II.A. Thus, the interpretation of “real time” urged by Petitioner and preliminarily adopted by the Board does not apply to claim 12, and Petitioner has not shown (or even attempted to show) that Darnell meets this limitation under the proper interpretation. Paper 26 at 50-51.

### **4. Dependent Claims 2, 3, 10, and 11.**

Petitioner’s responses on dependent claims 2, 3, 10, and 11 do not remedy the missing limitations from their respective independent claims. Moreover, Petitioner’s contentions regarding these claims center on terms and phrases that allegedly do not appear in the claims, but regardless Petitioner misses the point.

Paper 32 at 19. Claims 2, 3, and 11, for example, require the content sources or services providers to be “personal content account,” “social media account,” “an e-mail account,” or “an e-mail web-site.” Ex.1001, cls. 2, 3, 11. Petitioner, however, points only to disclosures in Kim related to aggregating publicly available, syndicated feeds or emails, not that the content sources or services providers are “accounts” or “web-sites” as required by the claims. Paper 26 at 52-53. Similarly, Petitioner argues PO’s claim 10 contentions rely on language that is “absent from the claim.” Paper 32 at 19. But there is nothing improper about relying on the specification to interpret claim terms. Paper 26 at 53-54. All told, Petitioner’s cursory, conclusory arguments on these claims should be rejected.

**C. Petitioner’s Dasgupta-Based Grounds 2A-2B Do Not Invalidate the Challenged Claims**

Petitioner’s attempts to salvage the Dasgupta-based Grounds 2A-2B likewise fall short. Not only does Dasgupta fail to disclose the “real time” on a master web-page limitations, Petitioner’s eleventh-hour attempt to change its invalidity theory with respect to the “master web-page” limitation serves as a tacit admission that the Petition’s Dasgupta grounds are fatally deficient.

**Content data/applications.** As an initial matter, Petitioner’s attempt to remedy its shifting-sands approach to “content data and content applications” does not cure the deficiencies in the Petition. Paper 32 at 19-20. According to Petitioner, “Dasgupta’s channel icons, advertisements, and the associated media content are

thus interrelated and collectively or individually correspond to content data and content applications.” *Id.* But the Petition disclosed, at best, channel icons and advertisements. Paper 1 at 64-65. And even if channel icons, advertisements, and associated media content were properly disclosed in the Petition, Petitioner still cannot change what it refers to as “content data and content applications” from one claim limitation to another whenever self-servingly convenient. For example, the Petition refers broadly to “media content,” “media content channels” including streams or frequency bands, and “channels” when discussing the “streamed to the master server” limitation, but refers only to “channel icons” when discussing the “remote tool box” limitation. Paper 26 at 56. Petitioner’s Reply does not, and cannot, show that the Petition relied on any of the channel icons, advertisements, or associated media content for each “content data and content applications” claim element. This flaw dooms all Petitioner’s Dasgupta grounds.

### **1. Claim 1**

**“Master Web-Page”**. Petitioner disputes PO’s argument that Dasgupta does not disclose a “master web-page,” but Petitioner’s arguments are unavailing and demonstrate the weakness of the Petition. In response to PO’s contention that Dasgupta’s mere mention of HTTP does not mean Dasgupta discloses a web-page, Petitioner attempts to rewrite its Petition. According to Petitioner, the Petition allegedly “explains that it would have been obvious to use a web-page as

Dasgupta's channel guide because it is transferred using HTTP." Paper 32 at 21. But the Petition *never mentions obviousness* for the "master web-page" limitation. Paper 1 at 67-69. Instead, the Petition concludes "POSITAs would have understood [Dasgupta's] subsystem 202 sends webpages to subsystem 204 using the HTTP (on a master web-page)." *Id.* at 69; *see also id.* at 69 ("As explained above, POSITAs would have understood Dasgupta *discloses* transmitting the channel guide as a webpage from subsystem 202 to subsystem 204 using HTTP."). Petitioner cannot simply change its argument to obviousness now. *E.g., Intelligent Bio-Systems, Inc. v. Illumina Cambridge, Ltd.*, 821 F.3d 1359, 1370 (Fed. Cir. 2016) (Board did not abuse its discretion in refusing to consider "new theory" in reply brief under 37 C.F.R. § 42.23(b)). Petitioner's attempt to do so here concedes that the Petition is deficient, that Dasgupta does not disclose this limitation, and that its Dasgupta grounds fail for this reason alone.<sup>4</sup>

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<sup>4</sup> Even if Petitioner could pivot to obviousness for this limitation, Petitioner's argument still fails. Beyond arguing HTTP was "well-known," Petitioner offers no explanation as to why a POSA would have been motivated to use a web-page as Dasgupta's channel guide or had a reasonable expectation of success in doing so. *See* Paper 32 at 21-22.

**Element 1[b2]**. Petitioner contends that PO “adds requirements” by referring to a “real time view” or “dynamically updated content,” and that “content data” is broad enough to include static imagery and advertisements/promotions. Paper 32 at 22-23, 24. The claim language, however, requires that “content data and content applications” be “streamed...in real time...on a master web-page.” In Dasgupta, the icons and advertisements are not the streamed content “on” the guide, but instead are interface elements that accompany the guide and, in the case of icons, trigger entry into a provider’s interactive portal for the actual media content. Paper 26 at 58-61; Ex.2010, ¶¶169-72; Ex.1006, 13:5-51. That is fundamentally different from the ’658 Patent claims, which require content streamed “in real time...on a master web-page” and not in a separate provider environment. Paper 26 at 58-61; Ex.2010, ¶¶169-72

Further, Petitioner disputes PO’s argument that Dasgupta’s channel icons require a user to “click” to access content and thus cannot be content “streamed to the master server . . . in real time . . . on a master web-page.” Paper 32 at 23. The intrinsic record, however, makes clear that “the user does not need to open up web sites to view multiple web sources simultaneously from a single user interface.” Ex.1003, 134-35, 179. And Petitioner’s assertion that Dasgupta’s “interface does not ‘open up web sites’ as a user scrolls through channel guide 1602” fails for multiple reasons: (1) Petitioner has not alleged that “channel guide 1602” serves as

“content data” or “content applications”; (2) channel icons and advertisements are not content streamed “in real time...on a master web-page” (*see* Paper 26 at 58-61); (3) channel icons “function as a launching point for an interactive portal associated with the corresponding media content channel” (Ex.1006, 13:24-30) (in other words, accessing content streamed “in real time” requires clicking away from the purported master web-page); and (4) this position appears to be inconsistent with Petitioner’s argument that Dasgupta discloses (or its new argument that Dasgupta renders obvious) providing the channel guide as a web-page.<sup>5</sup>

Finally, Petitioner asserts that content is transmitted to Dasgupta’s delivery subsystem 202 (the alleged “master server”) and, therefore, is available the channel guide (the alleged “master webpage”). Paper 32 at 25. That repeats the same claim-construction error that plagues all of Petitioner’s invalidity grounds and should be rejected for the same reasons. *See* Paper 26 at 62-63 (citing Ex.2010, ¶171). At bottom, Dasgupta’s channel guide is simply a list of icons and advertisements with content behind interactive portals. *See id.* at 58-61. Petitioner

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<sup>5</sup> Petitioner also contends that PO’s position is inconsistent with its argument regarding the “icon-based master web-page” element of claim 10. Paper 32 at 23. But the fact the master web-page *can* include icons does not eliminate the streaming content “in real time...on a master web-page” requirement of claim 1.

has not, because it cannot, show that Dasgupta discloses content streamed “in real time...on a master web-page,” as the claim requires.

**Element 1[b3]**. Petitioner asserts that PO’s argument regarding this element—that “[b]ecause Dasgupta fails to disclose streaming content in real time on a master web-page, it necessarily lacks any slide tool program for scrolling or paging through such content in real time from the master web-page”—is wrong for the reasons discussed as to “master web-page” and element 1[b2]. Paper 32 at 26. But Petitioner has not shown Dasgupta meets those limitations and thus, its arguments regarding element 1[b3] likewise fail.

#### **IV. CONCLUSION**

The Petition fails to establish by a preponderance of the evidence that the Challenged Claims are unpatentable. Accordingly, the Board should find claims 1-18 of the ‘658 Patent patentable.

Dated: March 18, 2026

Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE**

The undersigned certifies that Patent Owner's Sur-Reply complies with the type-volume limitations of 37 C.F.R. §42.24 because it contains 5,561 words (as determined by the Microsoft Word word-processing system used to prepare the Petition), excluding the parts exempted by 37 C.F.R. §42.24.

Dated: March 18, 2026

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing **PATENT OWNER'S SUR-  
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