

March 1, 2023

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Re: Arkose Labs, Inc. Patents

Christian E. Mammen
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Dear Mr. Smith,

We have reviewed your January 11, 2023, letter. We find your invalidity arguments unavailing and have provided more details regarding DataDome's CAPTCHA service as it relates to Arkose's patents.

U.S. Patent No. 9,146,917 (the '917 Patent), which issued in 2015 (after *Alice* and *CyberSource*), covers a specific, new and novel way of validating that a user is a human using a computerized question-answer system that is dynamically updated and improved. The claimed invention specifically relates to authenticating users of computer devices and systems, for example to ensure that they are humans and not bots or other malicious code. Thus, your "performance in the human mind or by a human with a pen and paper" analogy is misplaced. If it was not, the entire class of technologies of computerized verification of human interaction would be swallowed up. Further, EP1139233 does not disclose the limitation of "generating a user question in natural language format, to provide missing information, based on said first question," the said first question being a question that is received into a question-answer system. The Examiner was well aware of natural language capabilities and still allowed the '917 Patent to issue. See U.S. Pat. No. 7,841,940 ("A question posed at step 10 may exercise any combination of image recognition, natural language processing, spoken speech, and common sense reasoning capabilities.") (cited on the face of the '917 Patent as being cited by the Examiner). Additionally, EP1139233 is not directed to determining whether a user is a human; it is directed to providing a substitute for call center transactions and thus, not even combinable with the '917 Patent's claimed methods. Accordingly, we are unpersuaded by your assertion that EP1139233 with some other unspecified prior art of record "would most likely" invalidate the claims of the '917 Patent as obvious.

Your letter also requests additional detail concerning a limitation-by-limitation comparison of DataDome's product with claims of the identified patents. Below are several claim charts that are provided for exemplary and discussion purposes only, based on the limited public information presently available to us.

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Arkose Labs Holdings, Inc., IPR2025-00694

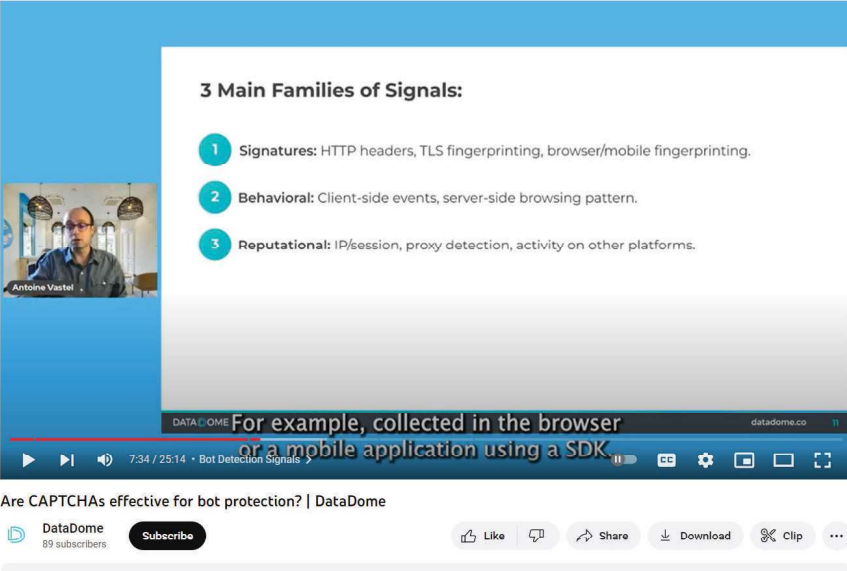
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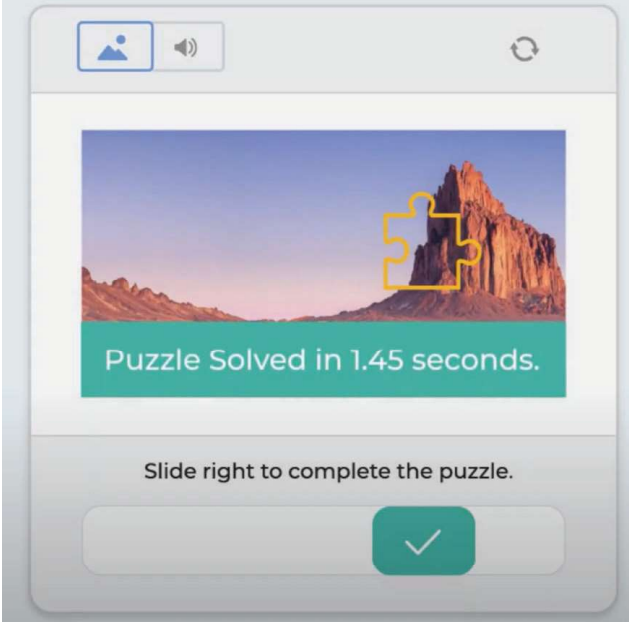


Claim Language	DataDome CAPTCHA Product
1. A method of determining that a user is a human, said method comprising:	<p>DataDome's CAPTCHA product is a method of determining that a user is human.</p> <p>E.g., https://www.youtube.com/watch?v=5TBksZBIZFc (CAPTCHA system should be "easy for humans" and "hard for bots").</p>
receiving a first question into a question-answer system;	<p>DataDome analyzes a variety of data inputs in order to assess whether a user is a human or is a bot. This includes signature signals, behavioral signals, and reputational signals. E.g., https://www.youtube.com/watch?v=5TBksZBIZFc</p> <div data-bbox="578 1073 1422 1640"> </div>

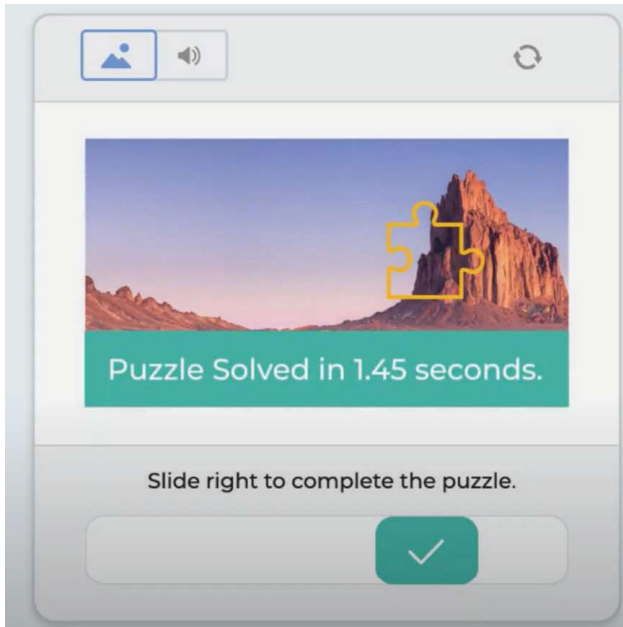


Claim Language	DataDome CAPTCHA Product
	
generating candidate answers to said first question and confidence scores associated with said candidate answers, said confidence scores comprising a measure of the likelihood a candidate answer is correct;	<p>Candidate answers to said first question include various permutations of these various data sources. E.g., https://www.youtube.com/watch?v=5TBksZBIZFc (“...we collect a lot of fingerprinting signals, a lot of behavioral signals, and we leverage a lot of reputational signals about the session ...”)</p> <p>Confidence scores associated with said candidate answers comprise a measure of the likelihood that a candidate answer is correct.</p>
identifying missing information that improves a confidence score for at least one of said candidate answers to said first question;	<p>In some instances, it is not possible to achieve a satisfactory confidence score without presenting a puzzle to a user. In that sense, certain behavioral information is missing, and the addition of that behavioral information will tend to improve the confidence score.</p>
generating a user question in natural language format, to provide said missing	<p>The user question in natural language format in the example below is “Slide right to complete the puzzle.”</p>



Claim Language	DataDome CAPTCHA Product
information, based on said first question;	 <p>Additionally, or in the alternative, DataDome provides audio CAPTCHA user questions by announcing numbers in several languages and asking users to type in the numbers that have been announced.</p>
outputting said user question to a user;	<p>The user question is outputted, or displayed, to a user.</p> <p>Additionally, or in the alternative, DataDome provides audio CAPTCHA user questions by announcing numbers in several languages and asking users to type in the numbers that have been announced.</p>
receiving a user response to said user question from said user; and	<p>The user response is to follow the directions given, for example, to slide right in order to complete the puzzle.</p> <p>Additionally, or in the alternative, DataDome provides audio CAPTCHA user questions by announcing numbers in several languages and asking users to type in the numbers that have been announced.</p>
validating said user response as having been provided by a human based on	<p>The user's response is validated as having been provided by a human based on whether the correct answer was provided as well as behavioral signals associated with the user's response.</p>

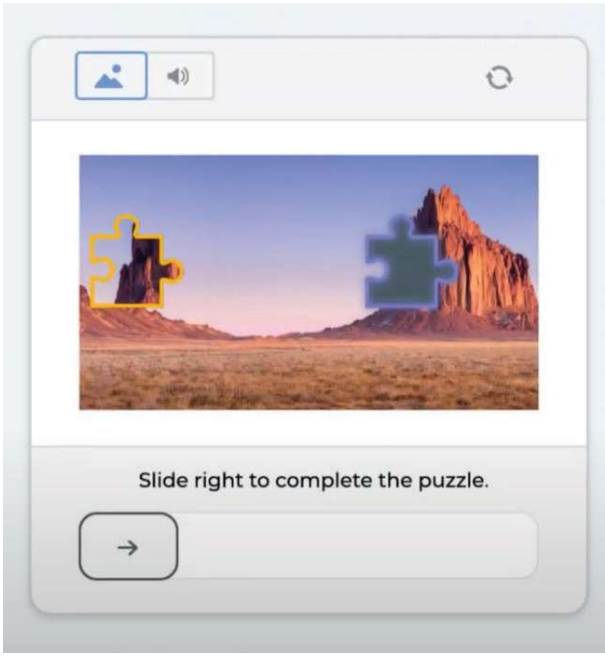


Claim Language	DataDome CAPTCHA Product
characteristics of said user response.	 <p>Additionally, or in the alternative, DataDome provides audio CAPTCHA user questions by announcing numbers in several languages and asking users to type in the numbers that have been announced.</p>

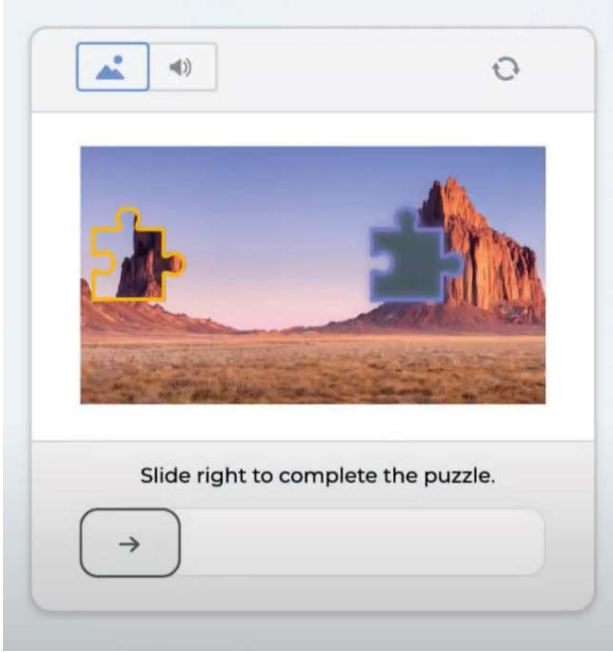
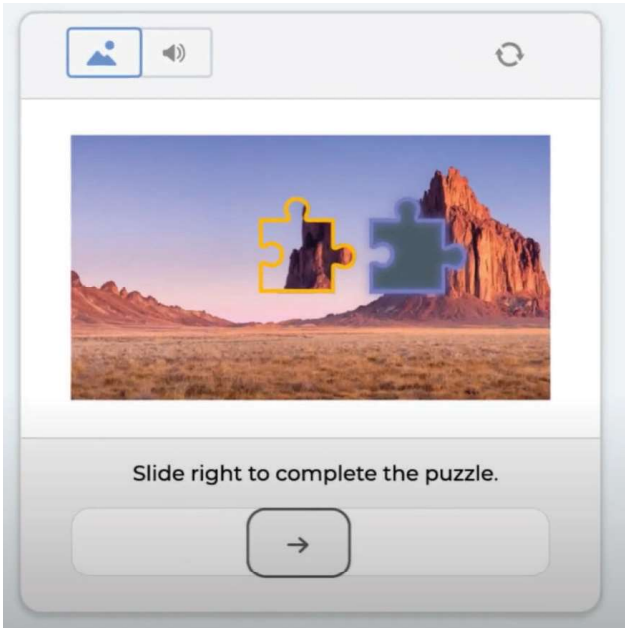
Additionally, as you note, my October 6, 2022, letter identified several other Arkose patents as well. For your benefit, attached is a claim chart for claim 1 of US Patent No. 9,558,340.

Claim Language	DataDome CAPTCHA Product
1. A system for preventing robots from browsing a Web site beyond a welcome page, comprising:	DataDome offers a system for preventing robots from browsing a website beyond a welcome page.
a computer having at least one processor and a memory, the computer comprising program code that when executed by the at	DataDome's system includes a computer having at least one processor and a memory, the computer comprising program code that when executed by the at least one processor causes the computer to perform the steps below.

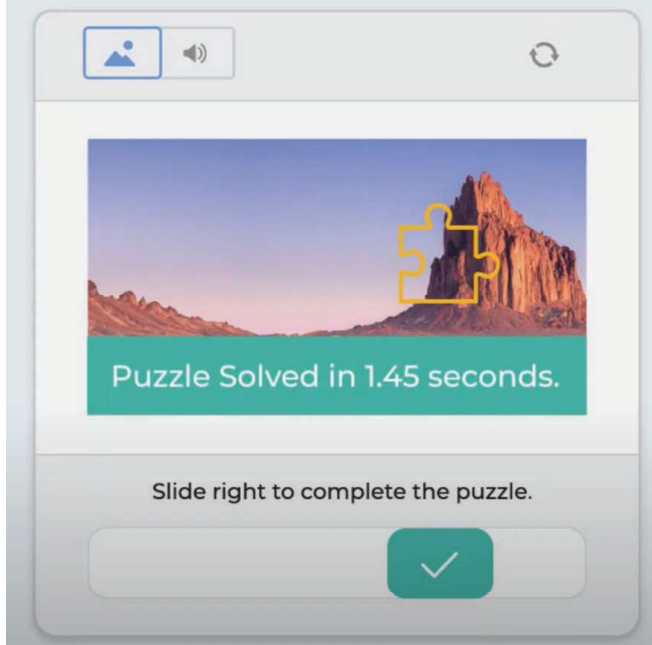


Claim Language	DataDome CAPTCHA Product
least one processor causes the computer to:	
receive an initial request, directed to the Web site, from an undefined originator;	When a user attempts to access a website DataDome receives an initial request directed to the website from an undefined originator.
respond to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and	<p>DataDome responds to the initial request with a challenge that prompts a response to the challenge from the undefined originator.</p> 
receive the response to the challenge from the undefined originator, wherein	DataDome receives a response to the challenge from the undefined user. The challenge includes a plurality of graphical forms, and an accompanying textual expression describing one of the plurality of graphical forms.



Claim Language	DataDome CAPTCHA Product
<p>the challenge includes:</p> <p>a plurality of graphical forms, and</p> <p>an accompanying textual expression describing one of the plurality of graphical forms, and</p>	
<p>the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.</p>	<p>As shown below, the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.</p> 



Claim Language	DataDome CAPTCHA Product
	

Finally, US Patent No. 9,148,427 includes method claims that are highly similar to the system claims of the '340 Patent, and we commend it to your attention as well.

We believe that the foregoing discussion more than suffices to address the concerns expressed in your January 11 letter. We look forward to a continued discussion with you.

Best regards,

Womble Bond Dickinson (US) LLP

Christian E. Mammen
Partner