

# Presentation of Petitioner Microsoft Corp.

**IPR 2013-00292**

**IPR 2013-00293**

**IPR 2013-00294**

**IPR 2013-00295**

**U.S. Patent No. 6,724,403**

# **Presentation of Petitioner Microsoft Corp.**

- I. Patentability of Claims 1-52**
- II. Conditional Motion to Amend**

## **Principal Prior Art at Issue**

- Duhault II (Ex. 1014) is prior art under § 102(e)
- Chen (Ex. 1015) is prior art under § 102(b) & (e)
- MSIE Kit (Ex. 1007) is prior art under § 102(b)
- Duperrouzel (Ex. 1011) is prior art under § 102(e)

## Grounds in This Trial

1. **Duhault II:** Anticipates claims 1-13, 17-28, 30-33,35-37, 39-43 and 46-50.
2. **Chen:** Anticipates claims 1, 9-11, 22, 41-43, 46 and 48-50.
3. **Chen and MSIE Kit:** Render claim 29 obvious.
4. **MSIE Kit:** Anticipates claims 1-3, 5-8, 11, 12, 14-16, 19, 21, 22, 27, 30, 32, 34, 37-40, 43-47 and 50-52.
5. **MSIE Kit and Brown:** Render claims 17, 20, 25 and 28 obvious.
6. **Duperrouzel:** Anticipates claims 1-3, 5-8, 12-14, 19, 21, 22, 27, 30, 32, 34, 37-40, 46 and 47.
7. **Duperrouzel and Brown:** Render claims 17, 20, 25 and 28 obvious.



# The '403 Patent, Figure 1

## (12) United States Patent Santoro et al.



US06724403B1

(10) Patent No.: US 6,724,403  
(45) Date of Patent: 11/16/2005

### (54) SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY OF MULTIPLE INFORMATION SOURCES

(75) Inventors: Ovid Santoro, London (GB); Klaus Lagermann, Copenhagen (DK)

(73) Assignee: Surfcast, Inc., Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 259 days.

(21) Appl. No.: 09/702,325

(22) Filed: Oct. 30, 2000

### Related U.S. Application Data

(60) Provisional application No. 60/107,522, filed on Oct. 29, 1999.

(51) Int. Cl.<sup>7</sup> ..... G06F 15/00

(52) U.S. CL. .... 345/765; 345/790

(58) Field of Search ..... 345/765, 766, 345/764, 729, 781, 788, 716, 717, 792, 790

### References Cited

#### U.S. PATENT DOCUMENTS

4,655,775 A 11/1985 Pike  
4,653,020 A 3/1987 Cheswold et al.  
4,712,191 A 12/1987 Penna  
4,831,556 A \* 5/1989 Oono ..... 345/786  
5,157,384 A 10/1992 Gromas et al.  
5,294,521 A 2/1994 Handerson, Jr. et al.  
5,479,602 A 12/1995 Ruecker et al.  
5,550,968 A \* 8/1996 Miller et al. .... 345/741  
5,740,430 A 4/1998 Rosenburg et al.  
5,740,549 A 4/1998 Reilly et al.  
5,757,371 A \* 5/1998 Oono et al. .... 345/779  
5,778,181 A 7/1998 Hiday et al.  
5,793,368 A 8/1998 Beer  
5,796,383 A 8/1998 Henschaw et al.  
5,796,401 A 8/1998 Winer ..... 345/433  
5,812,125 A \* 9/1998 Rowe et al. .... 726/43  
5,813,007 A 9/1998 Nielsen

Martin S. Matthews and Erik B. Ponsen, The Complete Reference, May 1, 1995 Osborne Media, Chapter 19, pp. 1-12.\*  
John Ross, ABCs of Internet Explore 4, Sybex, Chapter 13, pp. 1-3.\*  
Paul McFadden, The Complete Idiot's Guide Mac, 1997, 2nd Edition, pp. 3-7, 97, 101

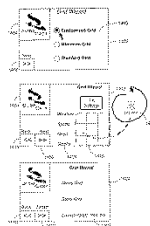
### OTHER PUBLICATIONS

Primary Examiner—Cao (Kevin) Nguyen  
(74) Attorney, Agent, or Firm—Pennic &

### ABSTRACT

A computerized method of presenting in variety of sources on a display device. The present invention describes a graphical organizing the simultaneous display of a multitude of information sources. In part, the invention comprises a graphical user interface content from a variety of information grid of files, each of which can refresh its content from the others. The grid functions refresh rates of the multiple information present invention is intended to operate in a pending manner.

52 Claims, 27 Drawing Sheets



Symbol	BT	Last
CPQ		26 11/16
IBM		136 3/16
DELL	D	43 1/16
MSFT	D	93 7/16
ORCL	D	38 3/4
AAPL	D	54 3/8
TX		65 3/8

### stories

IBM exits chip venture - July 6, 1999

### sites

Technology stock data

eb

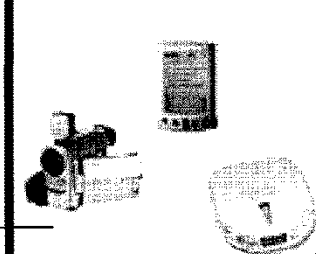
### categories

Antiques 20x  
Books, Movies, Music  
20x20  
Coins & Stamps 20x20  
Collectibles 20x20  
Computers 20x20  
Dolls, Figurines 20x20  
Jewelry, Collectibles 20x20

### Outlook Express

- Inbox
- Outbox
- Sent Items
- Deleted Items
- Drafts
- Clients
- Surfcast

### Top-Selling Electronics



DAGEN I DAG  
DANSKTOPPEN  
DET KGL. TEATER  
DR-BUTIKKEN  
DR MULTIMEDIE  
DR: TELEFONER  
DR 2: SATELLIT  
DR: UNDERVISNING  
MISTEN

### News

deals  
companies  
technology  
tech stocks  
tech index  
red herring  
world business  
small business

### My Computer

- 3 1/2 Floppy (A:)
- Bambam (C:)
- Fatbelly (D:)
- Bigboss (E:)
- Hulk (F:)
- Books (G:)
- (H:)

403 Patent (Ex. 1001) at Fig. 1, cited in IPR2013-00292, Paper 19 (Institution Decision) at 4.

# The '403 Patent, Claim 1

(12) **United States Patent**  
Santoro et al.

(10) Patent No.: US  
(45) Date of Patent:

(54) **SYSTEM AND METHOD FOR  
SIMULTANEOUS DISPLAY OF MULTIPLE  
INFORMATION SOURCES**

(75) Inventors: **Ovid Santoro**, London (GB); **Klaus  
Lagermann**, Copenhagen (DK)

(73) Assignee: **Surfcast, Inc.**, Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 259 days.

(21) Appl. No.: **09/702,325**

(22) Filed: **Oct. 30, 2000**

**Related U.S. Application Data**

(60) Provisional application No. 60/167,522, filed on Oct. 29,  
1999.

(51) Int. Cl.<sup>7</sup> ..... **G06F 15/00**

(52) U.S. Cl. .... **345/765; 345/790**

(58) Field of Search ..... **345/765, 766,  
345/764, 729, 781, 788, 716, 717, 792,  
790**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,655,775 A 11/1985 Pike  
4,653,020 A 3/1987 Chesella et al.  
4,712,191 A 12/1987 Perna  
4,831,556 A \* 5/1989 Oono ..... 345/786  
5,157,384 A 10/1992 Gronlund et al.  
5,294,521 A 2/1994 Handerson, Jr. et al.  
5,479,602 A 12/1995 Ruecker et al.  
5,550,968 A \* 8/1996 Miller et al. .... 345/741  
5,740,430 A 4/1998 Rosenburg et al.  
5,740,549 A 4/1998 Reilly et al.  
5,757,371 A \* 5/1998 Oono et al. .... 345/739  
5,778,181 A 7/1998 Hiday et al.  
5,793,368 A 8/1998 Beer  
5,796,383 A 8/1998 Henshaw et al.  
5,796,401 A 8/1998 Winer ..... 345/433  
5,812,125 A \* 9/1998 Rowe et al. .... 725/43  
5,813,007 A 9/1998 Nielsen

5,831,664 A \* 11/1998 Wharton  
5,838,326 A \* 11/1998 Carl et al.  
5,841,418 A 11/1998 Bell et al.  
5,848,352 A 12/1998 Dougherty  
5,905,492 A 5/1999 Straub et al.  
5,918,237 A 6/1999 Montalvo  
5,929,834 A \* 7/1999 Ross .....  
6,010,041 A 12/1999 Wugofski  
6,011,537 A 1/2000 Slotnick  
6,025,837 A 2/2000 Matthews  
6,038,602 A 2/2000 Weidenle  
6,160,553 A \* 12/2000 Robertson  
6,166,738 A \* 12/2000 Robertson  
6,188,405 B1 \* 2/2001 Czerwinski  
6,411,275 B1 \* 6/2002 Hedberg

**OTHER PUBLICATIONS**

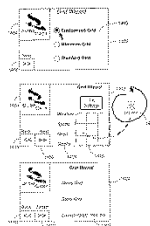
Martin S. Matthews and Erik B. Poth:  
The Complete Reference, May 1,  
Osborne Media, Chapter 19, pp. 1-12  
John Ross, ABCs of Internet Explorer  
Sybex, Chapter 13, pp. 1-3.  
Paul McFedries, The Complete Idiot's  
Mar. 1997, 2nd Edition, pp. 3-7, 97,  
(List continued on next

**Primary Examiner—Cao (Kevin) Ngu**  
(74) Attorney, Agent, or Firm—Penni

(57) **ABSTRACT**

A computerized method of presenting  
variety of sources on a display des-  
cribes an invention that presents a graphical  
organizing the simultaneous display of  
multiple of information sources. In  
invention comprises a graphical user  
interface content from a variety of infor-  
mation sources, each of which can refresh  
independently of the others. The grid funnel  
refresh rates of the multiple infor-  
mation sources is intended to operate  
independently.

**52 Claims, 27 Drawing**



1. A method executed by a device under the control of a program, said device including a memory for storing said program, said method comprising:

selecting a plurality of information sources;

partitioning a visual display of the device into an array of tiles, wherein each tile in said array of tiles is associated with an information source in said plurality of information sources;


assigning a first refresh rate to a first tile of said array of tiles and a second refresh rate to a second tile of said array of tiles;

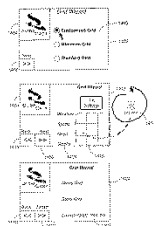
updating information from a first information source in said plurality of information sources presented to said first tile in accordance with said first refresh rate; and simultaneously

updating information from a second information source in said plurality of information sources presented to said second tile in accordance with said second refresh rate.

403 Patent (Ex. 1001) at 24:14-33, cited in IPR2013-00292, Paper 19 (Institution Decision) at 4.

# The '403 Patent, Claim 22

 US006724403B1	
(12) <b>United States Patent</b> <b>Santoro et al.</b>	(10) <b>Patent No.:</b> <b>US 6,724,403</b> (45) <b>Date of Patent:</b> <b>Oct. 30, 2000</b>
<b>(54) SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY OF MULTIPLE INFORMATION SOURCES</b>	
<b>(75) Inventors:</b> <b>Ovid Santoro, London (GB); Klaus Lagermann, Copenhagen (DK)</b>	
<b>(73) Assignee:</b> <b>Surfcast, Inc., Palo Alto, CA (US)</b>	
<b>(*) Notice:</b> Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 259 days.	
<b>(21) Appl. No.:</b> <b>09/702,325</b>	
<b>(22) Filed:</b> <b>Oct. 30, 2000</b>	
<b>Related U.S. Application Data</b> <b>(60) Provisional application No. 60/167,522, filed on Oct. 29, 1999.</b>	
<b>(51) Int. Cl.:</b> <b>G06F 15/00</b>	
<b>(52) U.S. Cl.:</b> <b>345/765; 345/790</b>	
<b>(58) Field of Search:</b> <b>345/765, 766, 790, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000</b>	
<b>References Cited</b> <b>U.S. PATENT DOCUMENTS</b>	
4,555,775 A 11/1985 Pike 4,653,020 A 3/1987 Chevella et al. 4,712,191 A 12/1987 Perna 4,831,556 A 5/1989 Oono 345/786 5,157,384 A 10/1992 Gromas et al. 5,294,521 A 2/1994 Handerson, Jr. et al. 5,479,602 A 12/1995 Ruecker et al. 5,550,968 A 8/1996 Miller et al. 345/741 5,740,430 A 4/1998 Rosenburg et al. 5,740,549 A 4/1998 Reilly et al. 5,757,371 A 5/1998 Oono et al. 345/739 5,778,181 A 7/1998 Hiday et al. 5,793,368 A 8/1998 Beer 5,796,383 A 8/1998 Henschaw et al. 5,796,401 A 8/1998 Winer 345/433 5,812,125 A 9/1998 Rowe et al. 726/43 5,813,007 A 9/1998 Nielsen	
<b>OTHER PUBLICATIONS</b> Martin S. Matthews and Erik B. Ponsen, The Complete Reference, May 1, 1998, Osborne Media, Chapter 19, pp. 1-12. John Ross, ABCs of Internet Explore 4, Sybex, Chapter 13, pp. 1-3. Paul McFadden, The Complete Idiot's Guide Mac, 1997, 2nd Edition, pp. 3-7, 97, 101. (List continued on next page)	
<b>Primary Examiner—Cao (Kevin) Nguyen</b> <b>(74) Attorney, Agent, or Firm—Pennic &amp; Associates, P.C.</b>	
<b>(57) ABSTRACT</b> A computerized method of presenting in a variety of sources on a display device. The present invention describes a graphical organizing the simultaneous display of information from a plurality of information sources. In part, the invention comprises a graphical user interface content from a variety of information sources, each of which can refresh its content at a different rate. The grid functions to refresh rates of the multiple information sources. The present invention is intended to operate in a pending manner.	
<b>52 Claims, 27 Drawing Sheets</b>	



**22.** An electronic readable memory to direct an electronic device to function in a specified manner, comprising:

- a first set of instructions to control simultaneous communication with a plurality of information sources;
- a second set of instructions to arrange a display into an array of tiles;
- a third set of instructions to associate a first information source of said plurality of information sources to a first tile of said array of tiles and a second information source of said plurality of information sources to a second tile of said array of tiles;
- a fourth set of instructions to retrieve information from said first information source in accordance with a first retrieval rate and retrieve information from said second information source in accordance with a second retrieval rate; and
- a fifth set of instructions to present information to said first tile in accordance with said first retrieval rate and present information to said second tile in accordance with said second retrieval rate.

403 Patent (Ex. 1001) at 25:24-42, cited in IPR2013-00292, Paper 19 (Institution Decision) at 4.

# The '403 Patent, Claim 46

## (12) United States Patent Santoro et al.



US006724403B1

(10) Patent No.: US 6,724,403 B1  
(45) Date of Patent: Apr. 20, 2004

### (54) SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY OF MULTIPLE INFORMATION SOURCES

(75) Inventors: Ovid Santoro, London (GB); Klaus  
Lagermann, Copenhagen (DK)

(73) Assignee: Surfcast, Inc., Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 259 days.

(21) Appl. No.: 09/702,325

(22) Filed: Oct. 30, 2000

### Related U.S. Application Data

(60) Provisional application No. 60/107,522, filed on Oct. 29,  
1999.

(51) Int. Cl.<sup>7</sup> ..... G06F 15/00

(52) U.S. Cl. .... 345/765; 345/790

(58) Field of Search ..... 345/765, 766,  
345/764, 729, 781, 788, 716, 717, 792,  
790

### (56) References Cited

#### U.S. PATENT DOCUMENTS

4,555,775 A 11/1985 Pike  
4,653,020 A 3/1987 Chevella et al.  
4,712,191 A 12/1987 Penna  
4,831,556 A \* 5/1989 Oono ..... 345/786  
5,157,384 A 10/1992 Gromas et al.  
5,294,521 A 2/1993 Handerson, Jr. et al.  
5,479,602 A 12/1995 Baecker et al.  
5,550,968 A \* 8/1996 Miller et al. .... 345/741  
5,740,430 A 4/1998 Rosenburg et al.  
5,740,549 A 4/1998 Reilly et al. .... 345/739  
5,757,371 A \* 5/1998 Oono et al. .... 345/739  
5,778,181 A 7/1998 Hiday et al.  
5,793,368 A 8/1998 Beer  
5,796,383 A 8/1998 Henshaw et al.  
5,796,401 A 8/1998 Winer ..... 345/433  
5,812,125 A \* 9/1998 Rowe et al. .... 725/443  
5,813,007 A 9/1998 Nielsen

5,831,664 A \* 11/1998 Wharton et al. .... 725/81  
5,838,326 A \* 11/1998 Carl et al. .... 345/775  
5,841,418 A 11/1998 Bell et al. .... 345/3  
5,848,352 A 12/1998 Dougherty et al.  
5,905,492 A 5/1999 Smith et al.  
5,918,237 A 6/1999 Montalbano  
5,929,834 A \* 7/1999 Ross ..... 345/783  
6,013,041 A 12/1999 Wugofski  
6,011,537 A 1/2000 Slotnick  
6,025,837 A 2/2000 Matthews, III et al.  
6,038,602 A 2/2000 Weidenlefer et al.  
6,160,553 A \* 12/2000 Robertson et al. .... 345/767  
6,166,738 A \* 12/2000 Robertson et al. .... 345/839  
6,188,405 B1 \* 2/2001 Czerwinski et al. .... 345/764  
6,411,275 B1 \* 6/2002 Hedberg ..... 345/156

#### OTHER PUBLICATIONS

Martin S. Matthews and Erik B. Ponsen, FrontPage 2000:  
The Complete Reference, May 1, 1999, McGraw-Hill  
Osborne Media, Chapter 19, pp. 1-12.\*

John Ross, ABCs of Internet Explore 4, Copyright 1997,  
Sybex, Chapter 13, pp. 1-3.\*

Paul McFedries, The Complete Idiot's Guide to Windows 95,  
Mar. 1997, 2nd Edition, pp. 3-7, 97, 101, 105-107, 379.\*

(List continued on next page.)

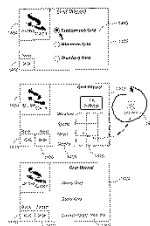
Primary Examiner—Cao (Kevin) Nguyen

(74) Attorney, Agent, or Firm—Pennie & Edmonds LLP

#### (57) ABSTRACT

A computerized method of presenting information from a  
variety of sources on a display device. Specifically the  
present invention describes a graphical user interface for  
organizing the simultaneous display of information from a  
multitude of information sources. In particular, the present  
invention comprises a graphical user interface which orga-  
nizes content from a variety of information sources into a  
grid of tiles, each of which can refresh its content inde-  
pendently of the others. The grid functionality manages the  
refresh rates of the multiple information sources. The  
present invention is intended to operate in a platform inde-  
pendent manner.

52 Claims, 27 Drawing Sheets



46. A system for facilitating the organization and man-  
agement of multiple data sources, comprising:

a device that includes a processor configured to execute  
instructions, a memory connected to said processor to  
store at least one program that includes a graphical user  
interface, and an input device, wherein said processor  
executes instructions to:

control simultaneous communication with a plurality of  
information sources;

arrange a display into an array of tiles;

associate a first information source of said plurality of  
information sources to a first tile of said array of tiles  
and a second information source of said plurality of  
information sources to a second tile of said array of  
tiles;

retrieve information from said first information source  
in accordance with a first retrieval rate and retrieve  
information from said second information source in  
accordance with a second retrieval rate; and

present information to said first tile in accordance with  
said first retrieval rate and present information to  
said second tile in accordance with said second  
retrieval rate.

403 Patent (Ex. 1001) at 26:49-27:4, cited in IPR2013-  
00292, Paper 19 (Institution Decision) at 4.

# The '403 Patent: Selecting a Tile

(12) United States Patent



When a tile is selected,

(75) Inventors: **Ovid Samfara**, London (GB); **Klaus Lagermann**, Copenhagen (DK)  
 (73) Assignee: **Surfcast, Inc.**, Palo Alto, CA (US)  
 (\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 259 days.  
 (21) Appl. No.: **09/702,325**  
 (22) Filed: **Oct. 30, 2000**

Related U.S. Application Data  
 (60) Provisional application No. 60/167,522, filed on Oct. 29, 1999.  
 (51) Int. Cl.<sup>7</sup> **G06F 15/00**  
 (52) U.S. Cl. **345/765; 345/790**

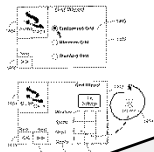
OTHER PUBLICATIONS  
 Martin S. Matthews and Erik B. Ponsen, FrontPage 2000: The Complete Reference, May 1, 1999, McGraw-Hill Osborne Media, Chapter 19, pp. 1-12.\*  
 John Ross, ABCs of Internet Explorer, 3rd ed., Sybex, Chapter 13, pp. 1-3.  
 Paul M. Kohn, Windows 95,

refresh its contents.

5,791,221 A 2/1995 HERNIMON, J. C. B.  
 5,479,602 A 12/1995 Ruecker et al.  
 5,550,968 A 8/1996 Miller et al. 345/741  
 5,740,430 A 4/1998 Rosenburg et al.  
 5,740,549 A 4/1998 Reilly et al.  
 5,757,371 A 5/1998 Oren et al. 345/739  
 5,778,181 A 7/1998 Hadary et al.  
 5,793,368 A 8/1998 Beer  
 5,796,383 A 8/1998 Henshaw et al.  
 5,796,401 A 8/1998 Wiener 345/433  
 5,812,123 A 9/1998 Rowe et al. 726/43  
 5,813,007 A 9/1998 Nielsen

multitude of information sources. In particular, the present invention comprises a graphical user interface which organizes content from a variety of information sources into a grid of tiles, each of which can refresh its content independently of the others. The grid functionality manages the refresh rates of the multiple information sources. The present invention is intended to operate in a platform independent manner.

52 Claims, 27 Drawing Sheets



expanded to fit the whole display

Tiles are selectable and live. When a tile is selected, whether by mouse click or otherwise, the tile instantly provides the user with access to the underlying information, whether that data be a hierarchical menuing system leading the user to a different level or tiles, a word processing file stored on a local area network, a spreadsheet stored locally on a user's computer, HTML file on the Internet, or a television signal. The tiles are live in that each contains real-time or near real-time information.

In a preferred embodiment a selection operation is associated with a tile. For example, clicking on a tile will cause it to immediately refresh its contents. Selecting tile 402 causes the most recent frame of the video stream to be displayed by the tile, or, if the picture were obtained from a static graphic file, causes the most recent version of the file to be displayed by the tile. Selecting tile 404 or tile 412 causes the most recent version of the document to be displayed.

In a preferred embodiment, double-clicking a tile causes that tile to occupy a substantial fraction of the whole display area. In this embodiment, double clicking tile 402 or 412 causes the image to be expanded to fit the whole display area. In an alternate embodiment, selecting a tile causes it to occupy an area in the middle of the display that is larger in area than a single tile but does not occupy the full display. If tile 404 were double-clicked, as much of the document as could be displayed in the enlarged tile in regular font size becomes visible. Double-clicking tile 408 causes the mail-

403 Patent (Ex. 1001) at 9:25-52, cited in Petition at 8, 9, 15, 16 and Reply Br. at 17.



# The '403 Patent

## (12) United States Patent Santoro et al.

(10) Patent No.: **US 6,724,403 B1**  
(45) Date of Patent: **Apr. 20, 2004**

### (54) SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY OF MULTIPLE INFORMATION SOURCES

(75) Inventors: **Ovid Santoro**, London (GB); **Klaus Lagermann**, Copenhagen (DK)

(73) Assignee: **Surfcast, Inc.**, Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 259 days.

(21) Appl. No.: **09/702,325**

(22) Filed: **Oct. 30, 2000**

#### Related U.S. Application Data

(60) Provisional application No. 60/107,522, filed on Oct. 29, 1999.

(51) Int. Cl.<sup>7</sup> ..... **G06F 15/00**

(52) U.S. Cl. .... **345/765; 345/790**

(58) Field of Search ..... **345/765, 766, 345/764, 729, 781, 788, 716, 717, 792, 790**

#### (56) References Cited

##### U.S. PATENT DOCUMENTS

4,655,775 A 11/1985 Pike  
4,653,020 A 3/1987 Chavella et al.  
4,712,191 A 12/1987 Perna  
4,831,556 A \* 5/1989 Oono ..... 345/786  
5,157,384 A 10/1992 Gromas et al.  
5,394,521 A 2/1995 Handerson, Jr. et al.  
5,479,602 A 12/1995 Baecker et al.  
5,550,968 A \* 8/1996 Miller et al. .... 345/743  
5,740,430 A 4/1998 Rosenberg et al.  
5,740,549 A 4/1998 Reilly et al.  
5,757,371 A \* 5/1998 Oren et al. .... 345/739  
5,778,181 A 7/1998 Hadary et al.  
5,793,368 A 8/1998 Beer  
5,796,383 A 8/1998 Henshaw et al.  
5,796,401 A 8/1998 Winer ..... 345/433  
5,812,125 A \* 9/1998 Rowe et al. .... 726/443  
5,833,007 A 9/1998 Nielsen

5,831,664 A \* 11/1998 Wharton et al. .... 725/81  
5,838,326 A \* 11/1998 Carl et al. .... 345/775  
5,841,418 A 11/1998 Bell et al. .... 345/9  
5,848,352 A 12/1998 Dougherty et al.  
5,905,492 A 5/1999 Smith et al.  
5,918,237 A 6/1999 Montalbano  
5,929,834 A \* 7/1999 Ross ..... 345/783  
6,013,041 A 12/1999 Wugofski  
6,011,537 A 12/2000 Slotnick  
6,025,837 A 2/2000 Matthews, III et al.  
6,038,602 A 2/2000 Weidenlefer et al.  
6,160,553 A \* 12/2000 Robertson et al. .... 345/767  
6,166,738 A \* 12/2000 Robertson et al. .... 345/839  
6,188,405 B1 \* 2/2001 Czerwinski et al. .... 345/764  
6,411,275 B1 \* 6/2002 Hedberg ..... 345/156

#### OTHER PUBLICATIONS

Martin S. Matthews and Erik B. Ponsen, FrontPage 2000: The Complete Reference, May 1, 1999, McGraw-Hill Osborne Media, Chapter 19, pp. 1-12.\*

John Ross, ABCs of Internet Explore 4, Copyright 1997, Sybex, Chapter 13, pp. 1-3.\*

Paul McFadries, The Complete Idiot's Guide to Windows 95, Mar. 1997, 2nd Edition, pp. 3-7, 97, 101, 105-107, 379.\*

(List continued on next page.)

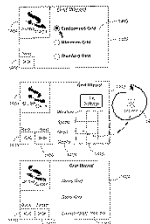
Primary Examiner—Cao (Kevin) Nguyen

(74) Attorney, Agent, or Firm—Pennie & Edmonds LLP

#### (57) ABSTRACT

A computerized method of presenting information from a variety of sources on a display device. Specifically the present invention describes a graphical user interface for organizing the simultaneous display of information from a multitude of information sources. In particular, the present invention comprises a graphical user interface which organizes content from a variety of information sources into a grid of files, each of which can refresh its content independently of the others. The grid functionality manages the refresh rates of the multiple information sources. The present invention is intended to operate in a platform independent manner.

52 Claims, 27 Drawing Sheets



```
<HTML>
<HEAD>
<TITLE>Surfcast Grid Example</TITLE>
<META NAME="Resource Manager" CONTENT="RESMGR.EXE">
<META NAME="Author" CONTENT="Surfcast, Inc.">
</HEAD>
...
<BODY BACKGROUND="surfback.gif">
<TABLE>
<TR>
<TD><A HREF="http://www.somewhere.com/sometarget.html"
TARGET="new"
ONMOUSEOVER=action1(arg1)
ONMOUSEOUT=action2(arg2)
REFRESH=timeout(200)

SOURCE="http://www.surfcast.com/tilelibrary/tile2.til">
</TD>

<TD><A
HREF="http://www.somewhereelse.com/someothertarget.html"
TARGET="new"
ONMOUSEOVER=action3(arg3)
ONMOUSEOUT=action4(arg4)
REFRESH=timeout(500)

SOURCE="http://www.camelot.castle/swords/excalibur.til">
</TD>

<TD><A HREF="local/document.htm"
TARGET="new"
ONMOUSEOVER=action1(arg3)
ONMOUSEOUT=action2(arg4)
REFRESH=timeout(0)
SOURCE="local/documents/somedocument.til">
</TD>
</TR>
</TABLE>
</BODY>
</HTML>
```

Fig. 13

403 Patent (Ex. 1001) at FIG. 13, cited in Reply Br. at 5.

# The '403 Patent

(12) **United States Patent**  
Santoro et al.

(10) Patent No.: **US 6,724,403 B1**  
(45) Date of Patent: **Apr. 20, 2004**

```
<TD><A HREF="tile2_target.htm"
  TARGET="new"
  ONMOUSEOVER=action1(arg3)
  ONMOUSEOUT=action2(arg4)
  REFRESH=timeout(500)
  SOURCE=http://www.camelot.castle/swords/excalibur.til
  CLICKMAP= { 0, 0,50,50, clickfunction1( clickargument1),
              51, 0,50,50, clickfunction2( clickargument2),
              0,51,50,10, clickfunction3( clickargument3) }
  TOOLBAR={"local/toolbars/radio.tool" PLACEMENT="bottom" }
  ALARM="alarms/condition_rain=TRUE, condition_weekend=FALSE,
        alarmaction=blow_the_horn">

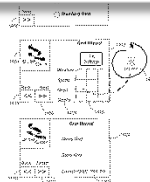
</TD>
```

Fig. 6

403 Patent (Ex. 1001) at FIG. 6, cited in Karger Reply (Ex. 1110) at ¶ 133, cited in Reply Br. at 15.

In one embodiment of the present invention, the tile is itself a document created in a markup language such as HTML or XML as shown in FIG. 6 and is suitable for display in a web-browser. In this embodiment, a tile occupies a position in a table defined with elements of mark-up language which will be familiar to one skilled in the art. Tile-specific attributes are introduced which control the way in which a web-browser displays the tile. In the example in FIG. 6, the tile has a clickable map, i.e., separate areas of the tile produce separate results when clicked. Also, this tile has a toolbar, which in one embodiment may appear if the mouse is right-clicked when the cursor is over the tile.

403 Patent (Ex. 1001) at 10:23-34, cited in Karger Reply (Ex. 1110) at ¶ 133, cited in Reply Br. at 15.



# The '403 Patent

(12) **United States Patent**  
**Santoro et al.**

(54) **SYSTEM AND METHOD FOR  
SIMULTANEOUS DISPLAY OF MULTIPLE  
INFORMATION SOURCES**

(75) Inventors: **Ovid Santoro**, London (GB)  
**Lagermann**, Copenhagen (DK)

(73) Assignee: **Surfcast, Inc.**, Palo Alto, CA

(\*) Notice: Subject to any disclaimer, the  
patent is extended or adjusted  
U.S.C. 154(b) by 259 days.

(21) Appl. No.: **09/702,325**

(22) Filed: **Oct. 30, 2000**

Related U.S. Application Data  
(60) Provisional application No. 60/167,522, filed  
1999.

(51) Int. Cl.<sup>7</sup> ..... **G06F 3/04**

(52) U.S. Cl. .... **345/79**

(58) Field of Search ..... **345/764, 729, 781, 788, 716**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,555,775	A	11/1985	Pike
4,653,020	A	3/1987	Chevalier et al.
4,712,191	A	12/1987	Penna
4,831,556	A	5/1989	Oono
5,157,384	A	10/1992	Gronlax et al.
5,294,521	A	2/1993	Henderson, Jr. et al.
5,479,602	A	12/1995	Buecker et al.
5,550,968	A	8/1996	Miller et al.
5,740,430	A	4/1998	Rosenberg et al.
5,740,549	A	4/1998	Reilly et al.
5,757,371	A	5/1998	Otan et al.
5,778,181	A	7/1998	Hidary et al.
5,793,368	A	8/1998	Beer
5,796,383	A	8/1998	Hendshaw et al.
5,796,401	A	8/1998	Winer
5,812,125	A	9/1998	Rowe et al.
5,813,007	A	9/1998	Nichols



US006724403B1

FIG. 17 shows the architecture of components of the computer program in a preferred embodiment of the present invention.

\* \* \*

The **metabase 1506**, FIG. 17, is a local store for platform-specific implementations of the descriptions of tiles, grids and other objects. Tiles, grids and content are created, saved and restored via the metabase. The metabase contains tile type and content type registries such as tile registry **1732**, and a local database of grids and content such as content store **1734** and grid store **1736**. Unknown tile and content

\* \* \*

**Items in the metabase are “persistent”,** that is they are not saved explicitly but are preserved from session to session.

**403 Patent (Ex. 1001) at 6:7-9 & 15:52-64, cited in PO Response at 7 and Reply Br. at 1-2; also cited in Karger Reply (Ex. 1110) at ¶ 168, cited in Opp. to Motion to Amend, Paper 46, at 7**



## Grounds in This Trial

1. **Duhault II:** Anticipates claims 1-13, 17-28, 30-33, 35-37, 39-43 and 46-50.
2. **Chen:** Anticipates claims 1, 9-11, 22, 41-43, 46 and 48-50.
3. **Chen and MSIE Kit:** Render claim 29 obvious.
4. **MSIE Kit:** Anticipates claims 1-3, 5-8, 11, 12, 14-16, 19, 21, 22, 27, 30, 32, 34, 37-40, 43-47 and 50-52.
5. **MSIE Kit and Brown:** Render claims 17, 20, 25 and 28 obvious.
6. **Duperrouzel:** Anticipates claims 1-3, 5-8, 12-14, 19, 21, 22, 27, 30, 32, 34, 37-40, 46 and 47.
7. **Duperrouzel and Brown:** Render claims 17, 20, 25 and 28 obvious.

# Ground 1: Anticipation by Duhault II (Ex. 1014)

At step 411, a first portion of the plurality of video images is periodically refreshed using a first tuner. Referring to FIG. 1, all or none of the video images 141–149, can be represented within the first portion of the plurality of video images as recited in step 411. For example, video images 142 through 149 can be selected to be within the first portion of the plurality of video images. These eight video images will then be periodically updated using a first tuner in accordance with step 411. By periodically updating the images using a first tuner, it is possible to monitor a plurality of channels simultaneously. Likewise, the first portion of step 411 can represent a different portion of the images of window 130 can be selected.

At step 412, a second portion of the plurality of video images are identified, and periodically refreshed using a second tuner. In the example discussed with reference to step 411, where video images 142 through 149 represent a first portion, the video image 141 can represent a second portion of a plurality of video images. In this situation, the video image 141 will be periodically refreshed at a full-motion-video rate. Full-motion-video refers to the rate at which video appears to be continuous to the viewer, or at least the rate at which a viewer can watch video without distracting unnatural motions occurring.

Duhault II (Ex. 1014) at 3:10-33, cited in Karger Decl. (Ex. 1003) at ¶ 684, cited in 292 Petition at 26.

WINDOW HEADER		
<u>141</u>	<u>142</u>	<u>143</u>
<u>144</u>	<u>145</u>	<u>146</u>
<u>147</u>	<u>148</u>	<u>149</u>

Duhault II (Ex. 1014) at Fig. 1, cited in 292 Petition at 26.

# Ground 1: Anticipation by Duhault II (Ex. 1014)

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner,

v.

SURFCAST, INC.  
Patent Owner.

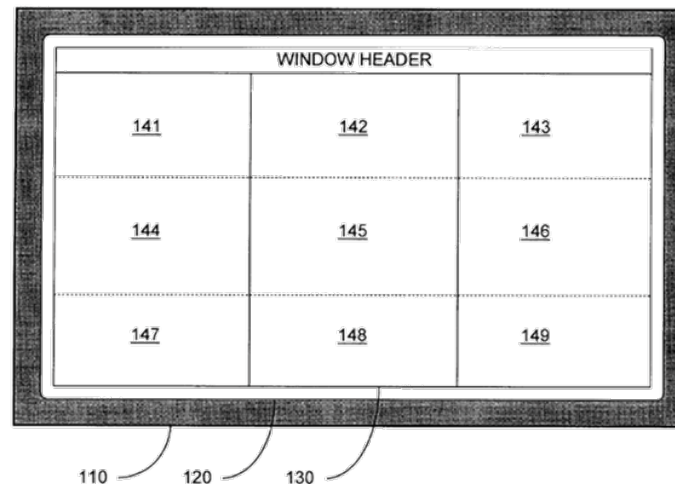
Cases IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295  
Patent 6,724,403

Before MICHAEL P. TIERNEY, JONI Y. CHANG, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

network, the internet, or other on-demand video device. *Id.* at 3:1-9. One tuner provides a full-motion video to a first image, which is generally a larger image residing within the entire window. *Id.* at 2:1-3. A second tuner provides periodic refreshing to the other generally smaller windows. *Id.* at 2:3-5. Selection of the smaller windows allows for periodic full-motion video, individual full-motion video, switching of location, audio feed, and other desirable manipulation of video images. *Id.* at 2:5-8. Figure 1 of Duhault II is reproduced below to depict Duhault II's display device having a plurality of video images:



IPR2013-00292, Paper 19 (Institution Decision) at 24.

# Patent Owner Assertion

Filed on beha  
By: Richard  
VLP L  
555 Br  
Palo Al  
Tel. (6  
FAX (

IN TH

E

## (a) Validity Based on the Board's Construction

The Board concluded that the video images in Duhault II are “tiles” within the meaning of the '403 patent's claims. Patent Owner respectfully disagrees.

The video images of Duhault II are not “tiles” within the meaning of the '403 patent's claims at least because they are not assigned individual refresh rates.

PO Resp. at 36.

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCast, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

# Ground 1: Anticipation by Duhault II (Ex. 1014)

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

UNITED  
BEFORE

SurfCast also contends that Duhault II's video images are not "tiles" because (1) they are not assigned individual refresh rates and (2) they are not persistent. Prelim. Resp. 44-45. SurfCast's arguments are based on a narrow interpretation of "tile," which we decline to adopt (*see* above). We have interpreted "tile" to mean

IPR2013-00292, Paper 19 (Institution Decision) at 25.

v.

SURFCast, INC.  
Patent Owner.

Before MICHAEL  
MATTHEW R. CL

CLEMENTS, Adm

On this record, we determine that the broadest reasonable interpretation for "tile" in the context of the specification of the '403 patent is "*a graphical user interface element whose content may be refreshed and that, when selected, provides access to an information source.*"

IPR2013-00292, Paper 19 (Institution Decision) at 9.

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP

Moreover, the video images of Duhault II are not tiles as construed by the Board because they are not selectable to provide access to an information source.

PO Resp. at 37.

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

# Ground 1: Anticipation by Duhault II (Ex. 1014)

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

SurfCast contends that MSIE Kit's Active Desktop items are not the recited "tiles" because they are not "selectable to provide access to the underlying information." 295 Prelim. Resp. 41. SurfCast's arguments are based on a narrow interpretation of "tile," which we decline to adopt (*see above*). We have

**IPR2013-00292, Paper 19 (Institution Decision) at 32.**

On this record, we determine that the broadest reasonable interpretation for "tile" in the context of the specification of the '403 patent is "*a graphical user interface element whose content may be refreshed and that, when selected, provides access to an information source.*"

**IPR2013-00292, Paper 19 (Institution Decision) at 9.**

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))

VLP Law Group LLP

555 Bryant Street, Suite 820

Dallas, Texas 75201

Moreover, the video images of Duhault II are not **persistent** and therefore lack another attribute of tiles as construed by the Patent Owner. One of ordinary

PO Resp. at 38.

v.

SURFCAST, INC.  
Patent Owner

---

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

---

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

---

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.



# Ground 1: Anticipation by Duhault II (Ex. 1014)

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADE

BEFORE THE PATENT TRIAL AND APPEALS

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Paper No.

SurfCast also contends that Duhault II's video images are not "tiles" because (1) they are not assigned individual refresh rates and (2) **they are not persistent**. Prelim. Resp. 44-45. SurfCast's arguments are based on a narrow interpretation of "tile," which **we decline to adopt** (*see* above). We have interpreted "tile" to mean

**IPR2013-00292, Paper 19 (Institution Decision) at 25.**

On this record, we determine that the broadest reasonable interpretation for **"tile"** in the context of the specification of the '403 patent is "*a graphical user interface element whose content may be refreshed and that, when selected, provides access to an information source.*"

**IPR2013-00292, Paper 19 (Institution Decision) at 9.**

# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))

VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.101

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 consolidated with the instant proceeding.

However, that change upon selection does

not provide access to the underlying information source because the information from the underlying information source was already being displayed before the image was even selected.

PO Resp. at 37.

Q I'm trying to get to what you mean by the word access in the context of the '403 patent, and so my question is: Before clicking on it in that context, do I have access to the underlying information, in your view?

A Well, yes. I mean it depends what one means by access, but sure. You have a view of it. That's potentially access.

Ex. 1103, Santoro Tr. at 46:12-19, cited in Reply Br. at 10.

# Ground 1: Anticipation by Duhault II (Ex. 1014)

than slow motion video), which satisfies the claims. Ex. 1110 at ¶¶ 68-78. Finally, Patent Owner asserts dependent claims 4, 10, 31, 42 and 49 are not anticipated, but cites **no evidence** to support its arguments and **its expert does not contest** Dr. Karger's analysis of those claims. *See* Resp. at 39; Ex. 1004 at ¶¶ 90-100. The Board can ignore this unsupported lawyer argument.

**Reply Br. at 11.**

Reply Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

Petitioner Microsoft – Ex. 1110

# IPR2013-00292-95

## Grounds in This Trial

1. **Duhault II:** Anticipates claims 1-13, 17-28, 30-33, 35-37, 39-43 and 46-50.
2. **Chen:** Anticipates claims 1, 9-11, 22, 41-43, 46 and 48-50.
3. **Chen and MSIE Kit:** Render claim 29 obvious.
4. **MSIE Kit:** Anticipates claims 1-3, 5-8, 11, 12, 14-16, 19, 21, 22, 27, 30, 32, 34, 37-40, 43-47 and 50-52.
5. **MSIE Kit and Brown:** Render claims 17, 20, 25 and 28 obvious.
6. **Duperrouzel:** Anticipates claims 1-3, 5-8, 12-14, 19, 21, 22, 27, 30, 32, 34, 37-40, 46 and 47.
7. **Duperrouzel and Brown:** Render claims 17, 20, 25 and 28 obvious.

# Ground 2: Anticipation by Chen (Ex. 1015)

## United States Patent [19]

Chen et al.

Patent Number: 5,432,932

Date of Patent: Jul. 11, 1995

[54] SYSTEM AND METHOD FOR DYNAMICALLY CONTROLLING REMOTE PROCESSES FROM A PERFORMANCE MONITOR

[75] Inventors: James N. Chen; Niels Christensen, both of Austin; Joseph C. Ross, Georgetown; Albert T. Rowan, Austin, all of Tex.

[73] Assignee: International Business Machines Corporation, Armonk, N.Y.

[21] Appl. No.: 965,984

[22] Filed: Oct. 23, 1992

[51] Int. Cl. G06F 11/32

[52] U.S. Cl. 395/650; 364/234.3; 364/234.4; 364/264.5

[58] Field of Search 395/650, 700

### References Cited

#### U.S. PATENT DOCUMENTS

4,019,040 4/1977 Thompson .  
4,291,376 9/1981 McCahill .  
4,296,727 10/1981 Bryan .  
4,373,184 2/1983 Lambregts .  
4,459,656 7/1984 Wilder, Jr. .  
4,485,440 11/1984 Duff et al. .  
4,513,910 8/1983 Sukonick et al. .  
4,513,997 8/1983 Furgerson .  
4,590,550 3/1986 Elliott et al. .  
4,633,457 12/1986 Abel et al. .  
4,651,146 3/1987 Lucash et al. .  
4,653,020 3/1987 Cheselka et al. .  
4,730,315 3/1988 Sato et al. .  
4,821,178 4/1989 Levin et al. .  
4,823,290 4/1989 Fasnack et al. .  
4,845,644 7/1989 Anthias et al. .  
4,878,153 10/1989 Ewart .  
4,905,171 2/1990 Kiel et al. .  
4,937,743 6/1990 Rassman et al. .  
4,943,968 7/1990 Hirose et al. .  
4,951,229 8/1990 DiNicola et al. .  
5,050,105 9/1991 Peters .  
5,062,053 10/1991 Chinnaswamy et al. .  
5,067,099 11/1991 McCown et al. .  
5,067,107 11/1991 Wade .  
5,075,675 12/1991 Barker et al. .

### FOREIGN PATENT DOCUMENTS

01026228 1/1989 Japan .

### OTHER PUBLICATIONS

"General Purpose Data Collection Method", IBM Technical Disclosure Bulletin, vol. 16, No. 6, Nov. 1973, 1796-1798.  
"Structure of Performance Monitor for Distributed Computer Systems", IBM TDB, vol. 20, No. 11B, Apr. 1978, pp. 5060-5065.  
"Computer with Integral Function Monitor", IBM TDB, vol. 10, No. 11, Apr. 1968, pp. 1700-1703.  
"Performance Evaluator for Operating System", IBM TDB, vol. 16, No. 1, Jun. 1973, pp. 110-118.  
"General Trace Facility", IBM TDB, vol. 15, No. 8, Jan. 1973, pp. 2446-2448.  
"Software Tool for Reducing Page Fault Frequency", IBM TDB, vol. 32, No. 5B, Oct. 1989, pp. 464-466.  
"Performance Monitor of Small Remote Computer Systems", IBM TDB, vol. 19, No. 6, Nov. 1976, pp. 2386-2388.  
"Memory Usage Estimator", IBM TDB, vol. 16, No. 1, Jun. 1973, pp. 284-285.

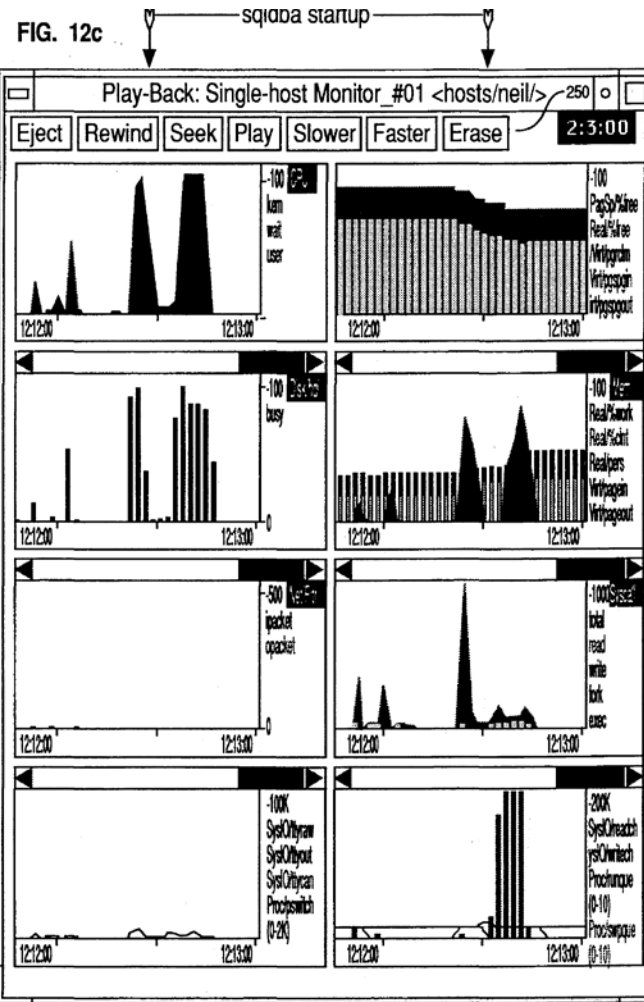
(List continued on next page.)

Primary Examiner—Kevin A. Kriess  
Assistant Examiner—John D. Chavis  
Attorney, Agent, or Firm—Wayne P. Bailey; Diana L. Roberts

### ABSTRACT

Local and remote processes can be controlled from a data processing system performance monitor. Multiple processes can be controlled concurrently with a single action selected. Processes to be controlled can be ranked when presented to a user, to assist in determining problematic processes that need attention. Process data is captured dynamically at local and remote processes using a daemon to minimize system overhead in monitoring and controlling processes.

17 Claims, 33 Drawing Sheets



Chen (Ex. 1015) at FIG. 12c, cited in 292 Petition at 29.

# Ground 2: Anticipation by Chen (Ex. 1015)

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 19  
Entered: November 19, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE  
—  
BEFORE THE PATENT TRIAL AND APPEAL BOARD  
—

MICROSOFT CORPORATION  
Petitioner,

v.

SURFCAST, INC.  
Patent Owner.

Cases IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295  
Patent 6,724,403

Before MICHAEL P. TIERNEY, JONI Y. CHANG, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

to adopt (*see above*). We interpreted “tile” to require that it, “when selected, provides access to an information source.” *Id.* Chen discloses that individual instruments may be selected or unselected. Ex. 1015, 14:67-15:2. Figure 11 is reproduced below depicting how the options available in an instrument’s Instrument Menu depend, in part, upon whether that instrument is selected.

	ALL INSTRS ARE RECORD-ING	SOME INSTRUMENTS ARE RECORDING			
		SELECTD INSTR IS RECORD-ING	SELECTD INSTR NOT RECORD-ING	NO INSTR IS SELECTED	NO INSTR IS RECORD-ING
CONSOLE MENU					
CONSOLE MENU					
CONSOLE MENU					
CONSOLE MENU					
INSTRUMENT MENU				N/A	
INSTRUMENT MENU				N/A	
INSTRUMENT MENU				N/A	
INSTRUMENT MENU				N/A	

FIG. 11

IPR2013-00292, Paper 19 (Institution Decision) at 28.

# Patent Owner Assertion

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEALS BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,400  
Issued: April 20, 2006  
Filed: October 30, 2004

Inventors: Ovid Santoro and Klaus Fuchs  
Title: SYSTEM AND METHOD FOR SIMULATING  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding

Patent Owner, however, respectfully submits that Chen cannot anticipate any claim of the '403 patent at least because Chen does not disclose “tiles” as construed by the Board or Patent Owner, and also because the disclosures of Chen that the Board relies upon must be pieced together from disparate parts of the reference. A “prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim’.” *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008).

[PO Resp. at 40](#)

Petitioner Microsoft – Ex. 1110

# Ground 2: Anticipation by Chen (Ex. 1015)

UNITED STATES PATENT  
BEFORE THE PATENT

Microsoft

Patent  
Issued  
File  
Inventors: Ovid  
Title: SYSTEM AND METHOD  
OF MULTIPLE

Inter Partes Review No.  
IPR2013-0

Reply Declaration of David R.

together from disparate parts of the reference.” Resp. at 40. The parts of Chen that the Board relies on are not “disparate parts of the reference,” but parts of Chen disclosing sub-systems of a single embodiment. *See, e.g.*, Ex. 1015, Chen at FIG. 22 and 6:49-51. For example, FIG. 22 of Chen discloses a system including a local host 208 (which includes a performance tool 90) that can communicate with the remote hosts 218 via the network 200. *See id.*

**Karger Reply (Ex. 1110) at ¶ 91, cited in Reply Br. at 11.**

Petitioner Microsoft – Ex. 1110



# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND

BEFORE THE PATENT TRIAL AND

MICROSOFT CORPORATION  
Petitioner

v.

UNDER

<sup>1</sup> Cases IPR2013-  
consolidated with the i

690375\_1

the '403 patent. *See, e.g.*, IPR2013-00292, paper no. 1 at 30. Patent Owner respectfully disagrees because Chen's instruments are not graphical user interface elements "that, when selected, provides access to an information source," as required by the Board's construction of "tile." Moreover, Chen's instruments are not graphical representations that are "persistent" and, when selected, provide access to an information source assigned to the tile," as required by the Patent Owner's construction of "tile." (Ex. 2004 at ¶ 102.)

PO Resp. at 42.

102. Chen is not a GUI, nor a desktop alternative; rather, it is a performance monitoring application with provisions for multiple windows. As opposed to the '403 patent's system of tiles, one could not launch a word processor or an e-mail program via Chen. Indeed, the only data that could be accessed in Chen is performance statistics of remote computers. Because Chen is a special-purpose application, rather than a GUI or a desktop alternative, Chen cannot anticipate the invention of the '403 patent.

Weadock Decl. (Ex. 2004) at ¶ 102.

# Ground 2: Anticipation by Chen (Ex. 1015)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent

96. I note, moreover, that while Mr. Weadock addresses his own “selectability” language, he does not provide any analysis of the “when selected, provides access to an information source” language of the Board’s “tile” interpretation as it applies to Chen. *See* Ex. 2004, Weadock Declaration ISO Response at ¶¶ 101-107. Because Mr. Weadock’s analysis does not subscribe to the Board’s interpretation, he failed to establish that Chen’s instruments are not tiles, as required by the claims.

**Karger Reply (Ex. 1110) at ¶ 96, cited in Reply Br. at 12.**

Petitioner Microsoft – Ex. 1110

# Ground 2: Anticipation by Chen (Ex. 1015)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent

97. In any event, the instruments of Chen are “selectable to provide access to underlying information.” They also satisfy the Board’s interpretation of “when selected, providing access to an information source.” As the Board noted, Chen clearly discloses that its instruments are selectable, Institution Decision, Paper 19 at 28, and also that the selection provides the user the ability to record information from the underlying information source assigned to that instrument, *id.* Chen’s instruments are therefore “selectable to provide access to underlying information,” since the ability to record data from an information source is clearly a form of access.

**Karger Reply (Ex. 1110) at ¶ 97, cited in Reply Br. at 12.**

Petitioner Microsoft – Ex. 1110

# IPR2013-00292-95

## Grounds in This Trial

1. **Duhault II:** Anticipates claims 1-13, 17-28, 30-33, 35-37, 39-43 and 46-50.
2. **Chen:** Anticipates claims 1, 9-11, 22, 41-43, 46 and 48-50.
3. **Chen and MSIE Kit:** Render claim 29 obvious.
4. **MSIE Kit:** Anticipates claims 1-3, 5-8, 11, 12, 14-16, 19, 21, 22, 27, 30, 32, 34, 37-40, 43-47 and 50-52.
5. **MSIE Kit and Brown:** Render claims 17, 20, 25 and 28 obvious.
6. **Duperrouzel:** Anticipates claims 1-3, 5-8, 12-14, 19, 21, 22, 27, 30, 32, 34, 37-40, 46 and 47.
7. **Duperrouzel and Brown:** Render claims 17, 20, 25 and 28 obvious.

# Ground 3: Claim 29 Obvious Over Chen (Ex. 1015) In View Of MSIE Kit (Ex. 1007)

(12) **United States Patent**  
**Santoro et al.**

(10) **Patent No.:** **US 6,724,403 B1**  
(45) **Date of Patent:** **Apr. 20, 2004**

(54) **SYSTEM AND METHOD FOR  
SIMULTANEOUS DISPLAY OF MULTIPLE  
INFORMATION SOURCES**

(75) Inventors: **Ovid Santoro**, London (GB); **Klaus  
Lagermann**, Conestogton, (DE)

(73) Assignee: **Surfcast, Inc.**

(\*) Notice: Subject to an  
patent is ext  
U.S.C. 1540

(21) Appl. No.: **09/702,325**

(22) Filed: **Oct. 30, 2001**

Related U.S. Ap  
1999.

(51) Int. CL<sup>7</sup>

(52) U.S. CL

(58) Field of Search  
345/764, 7

(56) **References**

## U.S. PATENT DOCUMENTS

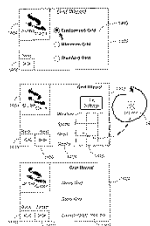
4,555,775 A 11/1985 Pike  
4,653,020 A 3/1987 Cheswold et al.  
4,712,191 A 12/1987 Penna  
4,831,556 A 5/1989 Oono 345/786  
5,157,384 A 10/1992 Oronas et al.  
5,294,521 A 2/1993 Henshaw, Jr. et al.  
5,479,602 A 12/1995 Baecker et al.  
5,550,968 A 8/1996 Miller et al. 345/741  
5,740,430 A 4/1998 Rosenberg et al.  
5,740,540 A 4/1998 Bailey et al.  
5,757,371 A 5/1998 Oron et al. 345/739  
5,778,181 A 7/1998 Hadary et al.  
5,793,368 A 8/1998 Beer  
5,796,383 A 8/1998 Henshaw et al.  
5,796,401 A 8/1998 Winer 345/433  
5,812,125 A 9/1998 Rowe et al. 726/43  
5,813,007 A 9/1998 Nielsen

(74) Attorney, Agent, or Firm—Penne & Edmonds LLP

## ABSTRACT

A computerized method of presenting information from a variety of sources on a display device. Specifically the present invention describes a graphical user interface for organizing the simultaneous display of information from a multitude of information sources. In particular, the present invention comprises a graphical user interface which organizes content from a variety of information sources into a grid of tiles, each of which can refresh its content independently of the others. The grid functionality manages the refresh rates of the multiple information sources. The present invention is intended to operate in a platform independent manner.

**52 Claims, 27 Drawing Sheets**



# Ground 3: Claim 29 Obvious Over Chen (Ex. 1015) In View Of MSIE Kit (Ex. 1007)

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 19  
Entered: November 19, 2013

UNITED STATES  
BEFORE

above. On the record before us, there is sufficient evidence to support a finding that the claims **merely combine known elements** for their known purpose to **achieve a predictable result.** *KSR*, 550 U.S. at 416.

For the foregoing reasons, Microsoft has established a reasonable likelihood that claim 29 is unpatentable under 35 U.S.C. § 103(a) as obvious over Chen and MSIE Kit.

**IPR2013-00292, Paper 19 (Institution Decision) at 31.**

Before MICHAEL P. MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawC](mailto:RBone@VLPLawC))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Patent Owner's constructions for the reasons discussed herein. Moreover, Patent Owner submits that there is no clear rationale for combining Chen and MSIE Kit. The systems are very different art and are used for very different purposes. One of skill in the art would not be motivated to use Active Desktop items in a high-performance monitoring system disclosed by Chen. Ex. 2004 at 108, 109, and 111.

**PO Resp. at 46.**

# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

DECLA  
IN SUPPO

690372\_1

108. Dr. Karger proposes combining Chen and MSIE Kit for purposes of rendering claims 15, 16, 29, 44, 45, and 52 obvious. However, Dr. Karger's statement (in Ex. 1003, ¶789) and elsewhere that Chen and MSIE Kit are "analogous art directed towards solving the same problem" is not a viable position in my opinion.

109. I cannot imagine, and Dr. Karger does not explain, in any of these claims, what functionality Active Desktop would bring to Chen that does not already exist in Chen. The core abilities of Web browsers - to present hyperlinked pages, to display HTML documents - would have had no usefulness in the invention of Chen.

**Weadock Decl. (Ex. 2004) at ¶¶ 108-109, cited in PO Response at 46.**

Initial Declaration at ¶¶ 822-828. Mr. Weadock never discusses the password functionality of Active Desktop, as described in MSIE Kit, or why one would or would not combine it with Chen, instead stating "I cannot imagine, and Dr. Karger does not explain, in any of these claims, what functionality Active Desktop would bring to Chen that does not already exist in Chen." Weadock at ¶ 109. The answer, of course, is the password functionality of Active Desktop, which does not exist in Chen.

**Karger Reply (Ex. 1110) at ¶ 107, cited in Reply Br. at 13.**



# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292  
Patent 6,724,403

DECLARATION OF GLENN E. WILSON  
IN SUPPORT OF PATENT OWNER'S POSITION  
UNDER 35 USC §§ 316(a) and 318

690372\_1

Microsoft Corp. v. SurfCast, Inc.

The fact that two references both deal with displaying information from various information sources that are periodically updated over a network is not in itself an adequate motivation to combine them, as Dr. Karger states (in Ex. 1003, ¶789).

**Weadock Decl. (Ex. 2004) at ¶ 111, cited in PO Response at 46.**

Q And you -- well, so I understand you don't agree with Dr. Karger's conclusion about motivation to combine, but would you agree with his view that both Active Desktop and Chen also deal with displaying information from various information sources that are periodically updated over a network?

MS. MILLER: Objection, form.

THE WITNESS: If you replace the word "are" with can, I would agree with your statement.

**Weadock Tr. (Ex. 1106) at 121:13-22, cited in Reply Br. at 13.**

## Ground 3: Claim 29 Obvious Over Chen (Ex. 1015) In View Of MSIE Kit (Ex. 1007)

“Under the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.”

**KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 420 (2007), cited in Reply Br. at 13.**

4,373,184 2/1983 Lambregts  
4,959,656 7/1984 Wilder, Jr.  
4,485,440 11/1984 Duff et al.  
4,533,910 8/1985 Sakonick et al.  
4,553,008 8/1985

“Memory Usage Estimator”, IBM TDB, vol. 16, No. 3,  
Jun. 1973, pp. 284-285.  
(List continued on next page.)

Q And so would you agree that any need or problem in the field and addressed by the patent at issue here can provide a reason to combine?

A No.

**Ex. 1106 at 123:7-10 (Weadock Tr. at 122:7-10), cited in Reply Br. at 13.**

# IPR2013-00292-95

## Grounds in This Trial

1. **Duhault II:** Anticipates claims 1-13, 17-28, 30-33, 35-37, 39-43 and 46-50.
2. **Chen:** Anticipates claims 1, 9-11, 22, 41-43, 46 and 48-50.
3. **Chen and MSIE Kit:** Render claim 29 obvious.
4. **MSIE Kit:** Anticipates claims 1-3, 5-8, 11, 12, 14-16, 19, 21, 22, 27, 30, 32, 34, 37-40, 43-47 and 50-52.
5. **MSIE Kit and Brown:** Render claims 17, 20, 25 and 28 obvious.
6. **Duperrouzel:** Anticipates claims 1-3, 5-8, 12-14, 19, 21, 22, 27, 30, 32, 34, 37-40, 46 and 47.
7. **Duperrouzel and Brown:** Render claims 17, 20, 25 and 28 obvious.

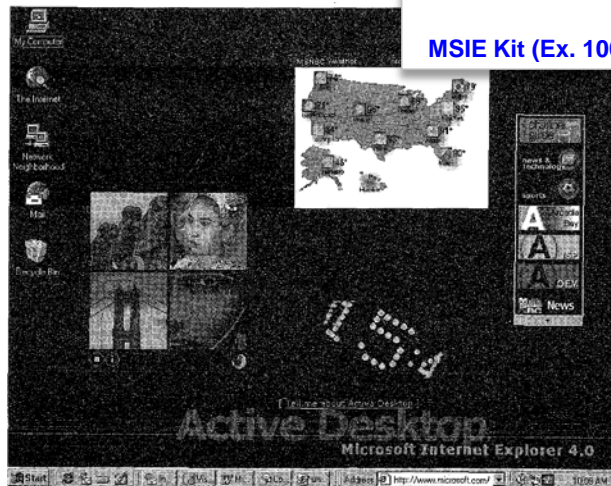
# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

Desktop items live on the Windows desktop, alongside existing desktop shortcuts. A desktop item lets you create dynamic links to a workgroup's favorite Web content. Desktop items are typically designed to provide summary information in a small amount of screen space. Therefore, information in desktop items often includes hyperlinks or hot spots, so users can click a designated area to open a browser window and obtain the details they want.

MSIE Kit (Ex. 1007) at 177, cited in Karger Report (Ex. 1003) at ¶ 270, cited in 295 Petition at 22; see also Paper 19 at 31-32.

desktop as they wish. A good benchmark is to make sure that the Active Desktop item takes up no more than one-sixth the area of the screen. By default, Internet Explorer lays out new Active Desktop items on a 3 by 2 grid. As more items are added to the desktop, they will start to overlap each other.

MSIE Kit (Ex. 1007) at 183, cited in Karger Report (Ex. 1003) at ¶ 256, cited in 295 Petition at 20 ; see also Paper 19 at 31-32.



MSIE Kit (Ex. 1007) at xxx, cited in Karger Report (Ex. 1003) at ¶ 257, cited in 295 Petition at 20.



# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 19  
Entered: November 19, 2013

UNITED STATES PATENT AND TRADE  
OFFICE  
BEFORE THE PATENT TRIAL AND  
APPEALS BOARD

MICROSOFT CORPORATION,  
Petitioner,  
v.

SURFCAST, INC.,  
Patent Owner.

Cases IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295  
Patent 6,724,403

Before MICHAEL P. TIERNEY, JONI Y. CHANG,  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

interpretation of “tile,” which we decline to adopt (*see* above). We have interpreted “tile” to mean “a graphical user interface element whose content may be refreshed and that, when selected, provides access to an information source.” MSIE Kit’s Active Desktop items are graphical user interface elements. Ex. 1007, 174, 176, 177, 180, 183. They may be refreshed, for example, hourly, daily, weekly, or monthly. *Id.* at 177, 183, 188, 200-202, and 223. When selected, a link opens in a new browser window to provide access to the information. *Id.* at 177, 183. Thus, Microsoft’s Active Desktop items disclose the recited “tiles.”

**IPR2013-00292, Paper 19 (Institution Decision) at 32.**

# Patent Owner Assertion

Paper No.

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLaw.com](mailto:RBone@VLPLaw.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Unlike the “tiles” of the ’403 patent, MSIE Kit discloses Active Desktop Items which themselves do not provide access to an information source when selected. Rather, MSIE Kit’s Active Desktop Items *may* (but do not necessarily) include one or more hyperlinks or hot spots that (rather than the Active Desktop Items themselves) provide access to an information source when selected.

**PO Response, Paper No. 27, at 47-48.**

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus  
Title: SYSTEM AND METHOD FOR SIMULATION  
OF MULTIPLE INFORMATION

Inter Partes Review No. IPR2013-0029  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding

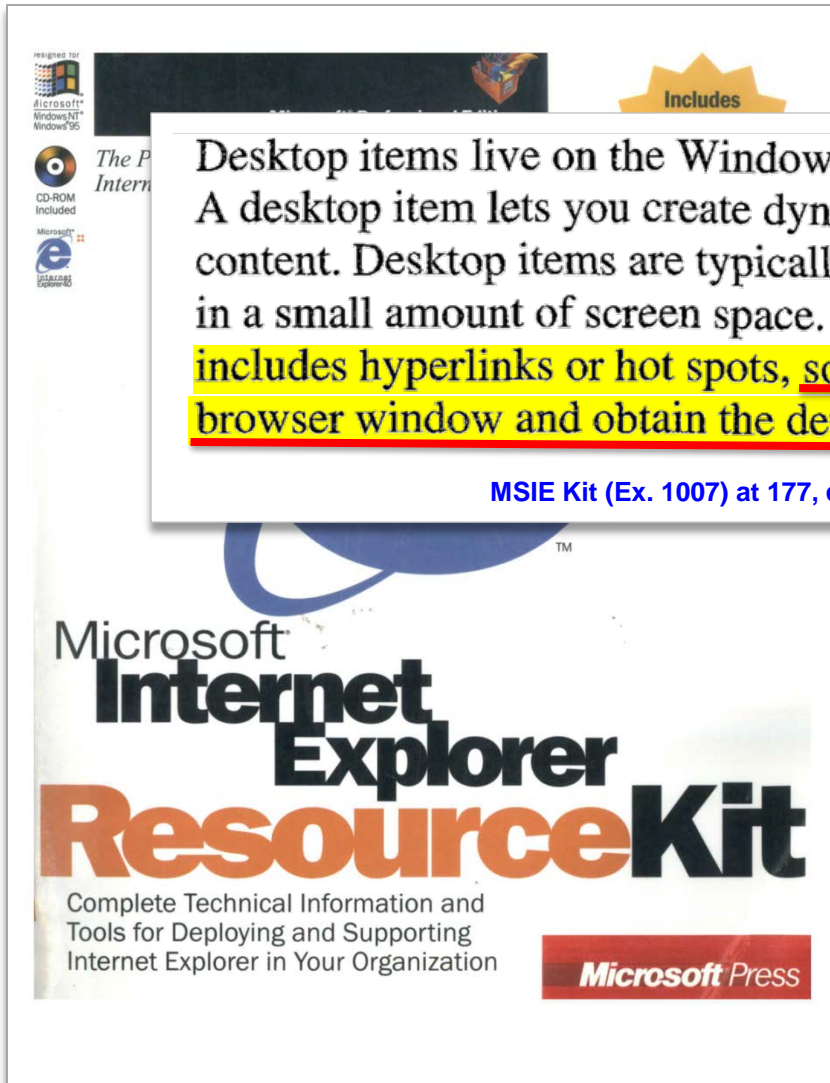
118. I note, moreover, that while Mr. Weadock addresses his own “selectability” language, he does not provide any analysis of the “when selected, provides access to an information source” language of the Board’s “tile” interpretation as it applies to MSIE Kit. *See* Ex. 2004, Weadock Declaration ISO Response at ¶¶ 114-126. Because Mr. Weadock’s analysis does not subscribe to the Board’s interpretation, he failed to establish that MSIE Kit’s Active Desktop Items are not tiles, as required by the claims.

**Karger Reply (Ex. 1110) at ¶ 118, cited in Reply Br. at 16.**

Petitioner Microsoft – Ex. 1110



# Ground 4: Anticipation by MSIE Kit (Ex. 1007)



Desktop items live on the Windows desktop, alongside existing desktop shortcuts. A desktop item lets you create dynamic links to a workgroup's favorite Web content. Desktop items are typically designed to provide summary information in a small amount of screen space. Therefore, information in desktop items often includes hyperlinks or hot spots, so users can click a designated area to open a browser window and obtain the details they want.

MSIE Kit (Ex. 1007) at 177, cited in Karger Report (Ex. 1003) at ¶ 270, cited in 295 Petition at 22.



# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES P

BEFORE THE PAT

M

P

Is

File

Inventors: Ov

Title: SYSTEM AND MI

OF MULTIPI

Inter Partes Review

IPR2013-

Reply Declaration of David I

121. First, one of ordinary skill in the art would understand that in order for a user to activate a link displayed within a user interface element, such as an Active Desktop Item, that user interface element **must first have been selected.** Otherwise, the system would not understand that the user's action (*i.e.*, the click) was an indication to activate that particular link.

\*

\*

\*

Put another way,

clicking on the link within the Active Desktop Item would not open up a new web page unless the Item was selected, so **the disclosure that a new web page is opened necessarily means the Item was selected.** See Ex. 1007, MSIE Kit at 740 (noting that the default setting is for a single click to select an item).

**Karger Reply (Ex. 1110) at ¶ 121, cited in Reply Br. at 14.**

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT  
BEFORE THE PATENT TRI-  
BUNAL

Microsoft  
Petitioner

SurfCast  
Patent Owner

Patent No.  
Issued: Apr 1998  
Filed: Oct 1997  
Inventors: Ovid Santoro  
Title: SYSTEM AND METHOD  
OF MULTIPLE INFORMATION

Inter Partes Review No. IPR  
IPR2013-00294, et al.

Reply Declaration of David R. Karger

131. Clicking on a “hot spot” defined on an Active Desktop Item also qualifies as one way to select an Active Desktop Item because in doing so the user is clearly indicating a desire for access to the information displayed in or referenced by the Item. Ex. 1007, MSIE Kit at 177, 184, 213, 400, 420. I note that

**Karger Reply (Ex. 1110) at ¶ 131, cited in Reply Br. at 15.**

132. I note, moreover, that one of ordinary skill in the art would have known how to create a hot spot and that it could be defined anywhere on an Active Desktop Item, including across the entire Item. Ex. 1095, U.S. Patent No. 6,616,701 at 1:27-33; Ex. 1096, U.S. Patent No. 7,139,970 at 1:39-58; *see also* Ex. 1097, The HTML 4.0 standard (specifying hot spots (also called “image maps”), available at <http://www.w3.org/TR/1998/REC-html40-19980424/html40.pdf> (April 24, 1998)) at 162-168; Ex. 1098, Scott Isaacs, Inside Dynamic HTML at pp. 229-237.

**Karger Reply (Ex. 1110) at ¶ 132, cited in Reply Br. at 15.**

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann

Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY

136. MSIE Kit explains that by using these buttons the selection rotates among the various structures on the screen, eventually selecting Active Desktop Items. Ex. 1007, MSIE Kit at 561-562. MSIE Kit also explains that once an Active Desktop Item is selected in this manner a user can “[u]se TAB to move forward **through the hyperlinks in that item** and on to the other items on the desktop. You can press ENTER to activate a hyperlink.” Ex. 1007, MSIE Kit at 562 (emphasis added).

[Karger Reply \(Ex. 1110\) at ¶ 136, cited in Reply Br. at 15.](#)

Press **TAB and SHIFT+TAB** to move forward and backward, respectively, between the **Start** button, the Quick Launch toolbar, the taskbar, desktop icons and **items**, and the desktop Channel bar. **A 1-pixel-wide border appears around items, so you can see what is selected.**

\* \* \*

## 5. The Active Desktop items

- A desktop item appears selected.
- **Use TAB to move forward through the hyperlinks in that item and on to the other items on the desktop. You can press ENTER to activate a hyperlink.**

[MSIE Kit \(Ex. 1007\) at 561-62, cited in Reply Br. at 15.](#)

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

122. MSIE Kit also explains that Internet Explorer 4 can be configured to employ “single-click mode” in which simply moving the cursor over an Active Desktop Item selects the Item. Ex. 1007, MSIE Kit at 740. Thus, while the system is in this mode, a user who moves the mouse cursor over an Active Desktop Item and then clicks a link within the Item would first be selecting the Item (by moving the mouse cursor over the Item) and then the link (by clicking). That functionality satisfies both the “selectable to provide access” language, as well as the Board’s “when selected, provides access to an information source” language.

[Karger Reply \(Ex. 1110\) at ¶ 122, cited in Reply Br. at 14.](#)

If the Windows Desktop Update is installed, administrators can configure Internet Explorer so that instead of double-clicking to open an item, users single click, and rather than using a single-click to select an item, users point to select. Users can select this Web-style option for themselves (by selecting **Folders and Icons** from the **Settings** menu on the **Start** menu), but administrators may find it helpful to implement this option without user intervention. To do this, you must create a registry file.

[MSIE Kit \(Ex. 1007\) at 740, cited in Karger Reply \(Ex. 1110\) at ¶ 122 \(see above\).](#)

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRI

Microsoft C

Petiti

v.

Surfcast

Patent C

Patent No. 6

Issued: Apri

Filed: Octob

Inventors: Ovid Santoro

Title: SYSTEM AND METHOD FOR  
OF MULTIPLE INFOR

Inter Partes Review No. IPR20

IPR2013-00294, an

Reply Declaration of David R. Karger

134. Clicking on and dragging or resizing an Active Desktop Item also qualifies as one way to select the Item to obtain access to an associated information source because in doing so the user is indicating a desire to manipulate that Item, for example, so that it can be unobscured by some other user interface element or made larger so as to display more information from the information source, and therefore provide greater access to the information displayed therein. Ex. 1007, MSIE Kit at 175, 224.

**Karger Reply (Ex. 1110) at ¶ 134, cited in Reply Br. at 15.**

Petitioner Microsoft – Ex. 1110





# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND

BEFORE THE PATENT TRIAL AND

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Active Desktop does not perform the step of “partitioning a visual display of the device into an array of tiles” as required by claim 1 under Patent Owner’s construction because Active Desktop does not divide any array of tiles into a non-overlapping configuration. Rather, Active Desktop “is built from two separate

**PO Response, Paper No. 27, at 51-52.**

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)



desktop as they wish. A good benchmark is to make sure that the Active Desktop item takes up no more than one-sixth the area of the screen. By default, Internet Explorer lays out new Active Desktop items on a 3 by 2 grid. As more items are added to the desktop, they will start to overlap each other.

MSIE Kit (Ex. 1007) at 183, cited in Karger Report (Ex. 1003) at ¶ 256, cited in 295 Petition at 20.



# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

MIC Q And you agree that the user could place the Active Desktop items in a nonoverlapping configuration if desired?

MS. MILLER: Objection, form.

THE WITNESS: Yeah. Depending on how many of them there were, sure, that was possible.

Weadock Tr. (Ex. 1106) at 132:23-133:3; Reply Br. At 16.

Phone: 800.292.4789 Fax: 202.861.3425

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Claims 3 and 30 require that each tile in an array of tiles be “a uniform size and shape.” Ex. 1001, cl. 3. This feature is not disclosed in MSIE Kit. Petitioner

**PO Response, Paper No. 27, at 52.**

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT AND  
BEFORE THE PATENT TRIAL

Microsoft Corpo  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403

Issued: April 20,

Filed: October 30,

Inventors: Ovid Santoro and

Title: SYSTEM AND METHOD FOR S  
OF MULTIPLE INFORMA

Inter Partes Review No. IPR2013-  
IPR2013-00294, and IPI

Reply Declaration of David R. Karger Rega

Moreover, MSIE Kit notes that a user can resize Active Desktop Items. Ex. 1007, MSIE Kit at 176, 183. Thus, MSIE Kit discloses that Active Desktop Items can be made the same size or different sizes.

[Karger Reply \(Ex. 1110\) at ¶ 143, cited in Reply Br. at 16.](#)

To the extent one might disagree with that conclusion, however, I note that page 180 of MSIE Kit explains how one can create a new Active Desktop Item by simply assigning the URL of the information source to the Active Desktop Item, *i.e.*, without specifying the size of the Item. Ex. 1007, MSIE Kit at 180.

This demonstrates that there must be a default size and shape that can be used whenever a new Active Desktop Item is created without the user manually specifying the size.

[Karger Reply \(Ex. 1110\) at ¶ 143, cited in Reply Br. at 16.](#)

## Grounds in This Trial

1. **Duhault II:** Anticipates claims 1-13, 17-28, 30-33, 35-37, 39-43 and 46-50.
2. **Chen:** Anticipates claims 1, 9-11, 22, 41-43, 46 and 48-50.
3. **Chen and MSIE Kit:** Render claim 29 obvious.
4. **MSIE Kit:** Anticipates claims 1-3, 5-8, 11, 12, 14-16, 19, 21, 22, 27, 30, 32, 34, 37-40, 43-47 and 50-52.
5. **MSIE Kit and Brown:** Render claims 17, 20, 25 and 28 obvious.
6. **Duperrouzel:** Anticipates claims 1-3, 5-8, 12-14, 19, 21, 22, 27, 30, 32, 34, 37-40, 46 and 47.
7. **Duperrouzel and Brown:** Render claims 17, 20, 25 and 28 obvious.

## Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

17. The method of claim 1 wherein said device is a mobile telephone.

**20.** The method of claim 1 wherein said device is a personal digital assistant.

**25.** The electronic readable memory of claim **22** wherein said second set of instructions arrange said array of tiles on a display of a **mobile telephone**.

**28.** The electronic readable memory of claim **22** wherein said second set of instructions arrange said array of tiles on a personal digital assistant.

**'403 Patent (Ex. 1001) at claims 17, 20, 25, and 28, cited in 295 Petition at 37, 38.**

(12) **United States**  
Santoro et al.

(54) SYSTEM AND METHOD FOR  
SIMULTANEOUS DISSEMINATION OF  
INFORMATION SOURCE

(75) Inventors: Ovid Santol  
Lagermann

(73) Assignee: Surfcast, Inc.

(\*) Notice: Subject to an  
patent is ext  
U.S.C. 154(f)

(21) Appl. No.: 09/702,325

(22) Filed: Oct. 30, 200

Related U.S. App  
(60) Provisional application No  
1999.

(51) **Int. Cl.**<sup>7</sup> .....

(58) Field of Search . . . . .

(58) Field of Search ..... 345/764, 7

(56)	Reference
1	1969
2	1970
3	1971
4	1972
5	1973
6	1974
7	1975
8	1976
9	1977
10	1978
11	1979
12	1980
13	1981
14	1982
15	1983
16	1984
17	1985
18	1986
19	1987
20	1988
21	1989
22	1990
23	1991
24	1992
25	1993
26	1994
27	1995
28	1996
29	1997
30	1998
31	1999
32	2000
33	2001
34	2002
35	2003
36	2004
37	2005
38	2006
39	2007
40	2008
41	2009
42	2010
43	2011
44	2012
45	2013
46	2014
47	2015
48	2016
49	2017
50	2018
51	2019
52	2020
53	2021
54	2022
55	2023

U.S. PATENT D

4,555,775 A 11/1985 F

4,7(2,19) A	12/1987 F
-------------	-----------

\$5,137,384 A 10/1992 C

5,479,602 A 12/1995 F

S <sub>2</sub> 740/430 A	4/1998	5
--------------------------	--------	---

5,757,371 A \* 5/1998 C

5,793,368 A 8/1998 F

5,796,401	A	8/1998	V
-----------	---	--------	---

5,813,007 A 9/1998

# Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

## 1. Claims 17 and 25

Claim 17 requires “said device is a mobile telephone.” Claim 25 requires “said second set of instructions arrange said array of tiles on a display of a mobile telephone.” Brown teaches methods and systems for creating Active Desktop components. Ex. 1030, 7:21-41. Brown further teaches that the Active Desktop scheme can be implemented on hand-held devices. *Id.* at 4:44-54 (“Moreover, those skilled in the art will appreciate that the invention may be practiced with other computer system configurations, including hand-held devices.”). Microsoft contends that a person of ordinary skill in the art would have known that a mobile phone is a type of hand-held device on which the Active Desktop functionality could be implemented. 295 Pet. 37-38. SurfCast contends that Brown does not cure the alleged deficiencies of MSIE Kit. 295 Prelim. Resp. 45-46. However, we are not persuaded by SurfCast’s arguments regarding the deficiencies of MSIE Kit for the reasons discussed above in Section II(E). On the record before us, there is sufficient evidence that the claims merely combine known elements for their known purpose to achieve a predictable result.

**IPR2013-00292, Paper 19 (Institution Decision) at 33.**

*37 C.F.R. § 42.108*

## 1. Claims 17 and 25

Claim 17 requires “said device is a mobile telephone.” Claim 25 requires “said second set of instructions arrange said array of tiles on a display of a mobile telephone.” Brown teaches methods and systems for creating Active Desktop components. Ex. 1030, 7:21-41. Brown further teaches that the Active Desktop scheme can be implemented on hand-held devices. *Id.* at 4:44-54 (“Moreover, those skilled in the art will appreciate that the invention may be practiced with other computer system configurations, including hand-held devices, . . .”). Microsoft contends that, because both Duperrouzel and Brown can be implemented using Active Desktop, and because Brown teaches that it can be implemented on a hand-held device, a person of ordinary skill in the art would have known that a mobile phone is a type of hand-held device on which the display pane functionality of Duperrouzel could be implemented. 295 Pet. 58. SurfCast contends that Brown does not cure the alleged deficiencies of Duperrouzel. 295 Prelim. Resp. 55-56. However, we are not persuaded by SurfCast’s arguments regarding the deficiencies of Duperrouzel for the reasons discussed above. On the record before us, there is sufficient evidence that the claims merely combine known elements for their known purpose to achieve a predictable result.

**IPR2013-00292, Paper 19 (Institution Decision) at 36-37.**

# Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

## 2. Claims 20 and 28

Claim 20 requires “said device is a personal digital assistant.” Claim 28 requires “said second set of instructions arrange said array of tiles on a personal digital assistant.” As previously discussed, Brown teaches that the Active Desktop scheme can be implemented on hand-held devices. Ex. 1030, 4:44-54. Microsoft contends that a person of ordinary skill in the art would have known that a personal digital assistant is a type of hand-held device on which the Active Desktop functionality could be implemented. 295 Pet. 38. SurfCast contends that Brown does not cure the alleged deficiencies of MSIE Kit. 295 Prelim. Resp. 46-47. However, we are not persuaded by SurfCast’s arguments regarding the deficiencies of MSIE Kit for the reasons discussed above in Section II(E). On the record before us, there is sufficient evidence that the claims merely combine known elements for their known purpose to achieve a predictable result.

**IPR2013-00292, Paper 19 (Institution Decision) at 33-34.**

MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## 2. Claims 20 and 28

Claim 20 requires “said device is a personal digital assistant.” Claim 28 requires “said second set of instructions arrange said array of tiles on a personal digital assistant.” As previously discussed, Brown teaches that the Active Desktop scheme can be implemented on hand-held devices. Ex. 1030, 4:44-54. Microsoft contends that a person of ordinary skill in the art would have known that a personal digital assistant is a type of hand-held device on which the display pane functionality of Duperrouzel could be implemented. 295 Pet. 60. SurfCast contends that Brown does not cure the alleged deficiencies of Duperrouzel. 295 Prelim. Resp. 56-57. However, we are not persuaded by SurfCast’s arguments regarding the deficiencies of Duperrouzel for the reasons discussed above in Section II(G). On the record before us, there is sufficient evidence to support a finding that the claims merely combine known elements for their known purpose to achieve a predictable result.

**IPR2013-00292, Paper 19 (Institution Decision) at 37.**

# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

## **F. None of Claims 17, 20, 25, and 28, is Obvious over MSIE Kit, or Duperrouzel, in view Brown**

In view of the fact that neither MSIE Kit nor Duperrouzel discloses tiles within the meaning of Patent Owner's claims, and Brown does not provide any commensurate teaching (see, *e.g.*, Ex. 2004 at ¶¶ 128 – 131 and 145), none of claims 17, 20, 25, and 28 is obvious in view of MSIE Kit or Duperrouzel separately in combination with Brown.

**PO Response, Paper No. 27, at 60.**



# Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

Claims 17 and 25 differ from their respective independent claims (1 and 22) solely by the consequence of reciting a display on a “mobile phone.” Like MSIE Kit, U.S. Patent 6,278,448 (“Brown”) describes Microsoft’s Active Desktop functionality. Ex. 1003 at ¶ 339; Ex. 1030 at Fig. 4. A person would have considered Brown in conjunction with MSIE Kit because each describes Active Desktop systems and technologies. Ex. 1003 at ¶ 339. Brown explains that Active Desktop can be used on a wide variety of devices including hand-held devices. *Id.* at ¶¶ 344-345. A person of ordinary skill would recognize the term “hand held device” immediately identifies a very small genus of devices; namely, cell or mobile phones, personal digital assistants, and two-way pagers. *Id.* at ¶ 345. *See In re Petering*, 301 F. 2d 676, 681 (C.C.P.A. 1962). The reference to “hand held” devices in Brown thus immediately would have suggested to a person of ordinary skill in the art the idea of implementing Active Desktop shown in MSIE Kit on a mobile phone in October of 1999. As this is the sole distinction between claims 17

**295 Petition at 37-38.**

A person of ordinary skill would have considered MSIE Kit in view of Brown for the reasons stated above in § 4, above. Ex. 1003 at ¶¶ 344-345. Brown explains that Microsoft’s Active Desktop functionality is suitable for use on hand-held devices, microprocessor-based or programmable consumer electronics. *Id.* at ¶ 345. The reference to “hand-held” devices in Brown would immediately suggest a personal digital assistant (PDA). *In re Petering*, 301 F.2d at 681. MSIE Kit considered in view of Brown, thus, would have specifically suggested to a person of ordinary skill the idea of implementing Microsoft’s Active Desktop functionality on a PDA. *Id.* at ¶ 345. The sole distinction between claims 20 and 28 from claims 1 and 22, respectively, is that the process or instructions will display the array of tiles on the display a “personal digital assistant.” Ex. 1001 at claims 1, 22. As that implementation is specifically suggested by Brown, MSIE Kit in view of Brown would have rendered claims 20 and 28 obvious to a person of ordinary skill in the art in October 1999.

**295 Petition at 38.**

# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT

BEFORE THE PATENT TRIAL

MICROSOFT CORP.  
Petitioner

v.

SURFCAST  
Patent Owner

Case IPR2013-00292  
Patent 6,724,463

DECLARATION OF GLENN E. WEADOCK  
IN SUPPORT OF PATENT OWNER'S RESPONSE  
UNDER 35 USC §§ 316(a)(8)

690372\_1

SurfCast – Exhibit 2004, p. 1  
Microsoft Corp. v. SurfCast, Inc. IPR2013-00292

130. Dr. Karger mischaracterizes the cited excerpt from Brown in Karger

¶344. Dr. Karger states that “Brown explains that the Active Desktop scheme can be implemented on hand-held devices.” However, the cited excerpt states that

“...the *invention* may be practiced with other computer system configurations ...”

(emphasis added). The invention of Brown is not Active Desktop.

Weadock Decl. (Ex. 2004) at ¶ 130, cited in PO Response at 60.

# Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 19  
Entered: November 19, 2013

UNITED STATES PATENT AND TRADE  
OFFICE  
BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner,  
v.

SURFCAST, INC.  
Patent Owner.

Cases IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295  
Patent 6,724,403

Before MICHAEL P. TIERNEY, JONI Y. CHANG, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

telephone.” Brown teaches methods and systems for creating Active Desktop components. Ex. 1030, 7:21-41. Brown further teaches that the Active Desktop scheme can be implemented on hand-held devices. *Id.* at 4:44-54 (“Moreover, those skilled in the art will appreciate that the invention may be practiced with other computer system configurations, including hand-held devices.”). Microsoft

**IPR2013-00292, Paper 19 (Institution Decision) at 33.**

# Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

## United States Patent Brown et al.

(10) Patent No.: US 6,278,448 B1  
(45) Date of Patent: \*Aug. 21, 2001

### (54) COMPOSITE WEB PAGE BUILT FROM ANY WEB CONTENT

(75) Inventors: Christopher R. Brown, Seattle;  
Michael A. Schmidt, Issaquah; Sankar  
Ramasubramanian, Redmond; Sean L.  
Flynn, North Bend; Edward Jason  
Anderson, Duvall; Matthew C.  
Squires, Redmond, all of WA (US)

(73) Assignee: Microsoft Corporation, Redmond, WA  
(US)

(\*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 09/024,673

(22) Filed: Feb. 17, 1998

(51) Int. Cl. G06F 3/00

(52) U.S. Cl. 348/333; 345/348

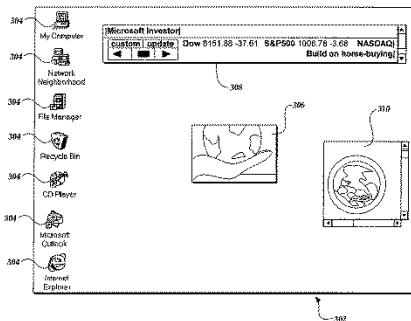
(58) Field of Search 345/339, 342, 348; 707/501, 513, 530

### (56) References Cited

#### U.S. PATENT DOCUMENTS

5,724,595 \* 3/1998 Gentner 707/501

21 Claims, 8 Drawing Sheets



## New Active Desktop Item

Type the location (URL) of the Active Desktop item you want to create. Or, click Browse to search for it.

Location:

<http://www.microsoft.com/>

Browse...

OK

Cancel

Fig. 6.

FIG. 6 illustrates a dialog window for creating a desktop component, in accordance with the present invention; and

Brown (Ex. 1030) at Fig. 6; col. 4:4-5, cited in Karger Reply (Ex. 1110) at ¶ 146, cited in Reply Br. at 18.

# Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

Following is a listing of an API in one actual embodiment of the invention.

```
DECLARE_INTERFACE_(IActiveDesktop, IUnknown)
{
// IUnknown methods
STDMETHOD(QueryInterface)(THIS _REFIID riid, void **ppv) PURE;
STDMETHOD_(ULONG, AddRef)(THIS) PURE;
STDMETHOD_(ULONG, Release)(THIS) PURE;
// IActiveDesktop methods
STDMETHOD(ApplyChanges)(THIS _DWORD dwFlags) PURE;
STDMETHOD(GetWallpaper)(THIS _LPWSTR pwszWallpaper, UINT
    cchWallpaper,
    DWORD dwReserved) PURE;
STDMETHOD(SetWallpaper)(THIS _LPCWSTR
    pwszWallpaper, DWORD dwReserved) PURE;
STDMETHOD(GetWallpaperOptions)(THIS _LPWALLPAPEROPT
    pwpo, DWORD dwReserved) PURE;
STDMETHOD(SetWallpaperOptions)(THIS _LPCWALLPAPEROPT
    pwpo, DWORD dwReserved) PURE;
STDMETHOD(GetPattern)(THIS _LPWSTR pwsZPattern,
    UINT cchPattern, DWORD dwReserved) PURE;
STDMETHOD(SetPattern)(THIS _LPCWSTR pwsZPattern, DWORD
    dwReserved) PURE;
STDMETHOD(GetDesktopItemOptions)(THIS _
    LPCOMPONENTSOPT pco, DWORD dwReserved) PURE;
STDMETHOD(SetDesktopItemOptions)(THIS _
    LPCOMPONENTSOPT pco, DWORD dwReserved) PURE;
STDMETHOD(AddDesktopItem)(THIS _LPCOMPONENT
    pcomp, DWORD dwReserved) PURE;
STDMETHOD(AddDesktopItemWithUI)(THIS _HWND hwnd,
    LPCOMPONENT pcomp,
    DWORD dwReserved) PURE;
STDMETHOD(ModifyDesktopItem)(THIS _LPCOMPONENT pcomp,
```

**Brown (Ex. 1030) at Fig. 6; col. 8:16-44, cited in Karger Reply (Ex. 1110) at ¶ 146, cited in Reply Br. at 18.**

## United States Patent Brown et al.

(10) Patent No.: US 6,278,448 B1  
(45) Date of Patent: \*Aug. 21, 2001

### (54) COMPOSITE WEB PAGE BUILT FROM ANY WEB CONTENT

(75) Inventors: Christopher R. Brown, Seattle;  
Michael A. Schmidt, Issaquah; Sankar  
Ramasubramanian, Redmond; Sean L.  
Flynn, North Bend; Edward Jason  
Anderson, Durall; Matthew C.  
Squires, Redmond, all of WA (US)

(73) Assignee: Microsoft Corporation, Redmond, WA  
(US)

(\*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 09/024,673

(22) Filed: Feb. 17, 1998

(51) Int. Cl.: G06F 3/00

(52) U.S. Cl.: 348/333; 345/348

(58) Field of Search: 345/359, 342, 348; 707/501, 513, 530

### (56) References Cited

U.S. PATENT DOCUMENTS

5,724,595 \* 3/1998 Gentner ..... 707/501

21 Claims, 8 Drawing Sheets

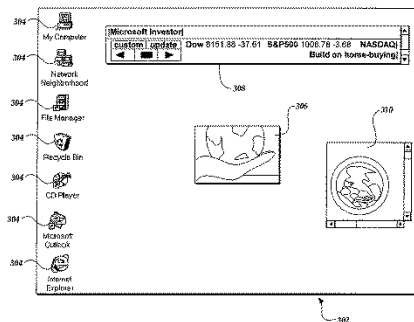
5,737,560 \* 4/1998 Yohanan ..... 345/349  
5,877,765 \* 3/1999 Dickman et al. .... 345/349  
5,877,767 \* 3/1999 Yohanan ..... 345/357  
5,880,730 \* 3/1999 Dorand ..... 345/348  
5,890,170 \* 3/1999 Sidana ..... 707/501  
5,914,714 \* 6/1999 Brown ..... 345/339  
6,061,695 \* 5/2000 Sivka et al. .... 707/513  
6,091,409 \* 7/2000 Dickman et al. .... 345/329

\* cited by examiner

Primary Examiner—Crescille N. de la Torre  
(74) Attorney, Agent, or Firm—Christensen O'Connor  
Johnson & Kindness PLLC

### (57) ABSTRACT

A method of creating a composite desktop built from Web content retrieved from one or more Web sites is disclosed. A component on a Web page can be selected and positioned on the composite desktop. The component can be a static image or an active desktop component providing dynamic content. An entire Web page can also be selected and positioned as a component on the composite desktop. Components can be selected for the composite desktop using one of several mechanisms. Selection of a control on a Web page causes the selection of a corresponding component on the Web page. A control panel utility allows the designation of a URL to select the corresponding Web page for inclusion as a component on the composite desktop. Images from Web pages and objects representing URLs can be dragged and dropped onto the composite desktop. Icons on a composite desktop are displayed in front of the composite desktop components. A user can create multiple composite desktops and switch to a different desktop when desired.



Petitioner Microsoft - Ex. 1030



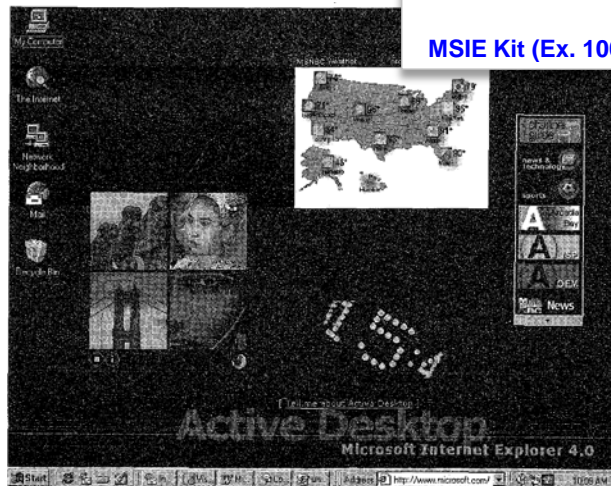
# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

Desktop items live on the Windows desktop, alongside existing desktop shortcuts. A desktop item lets you create dynamic links to a workgroup's favorite Web content. Desktop items are typically designed to provide summary information in a small amount of screen space. Therefore, information in desktop items often includes hyperlinks or hot spots, so users can click a designated area to open a browser window and obtain the details they want.

MSIE Kit (Ex. 1007) at 177, cited in Karger Report (Ex. 1003) at ¶ 270, cited in 295 Petition at 22; see also Paper 19 at 31-32.

desktop as they wish. A good benchmark is to make sure that the Active Desktop item takes up no more than one-sixth the area of the screen. By default, Internet Explorer lays out new Active Desktop items on a 3 by 2 grid. As more items are added to the desktop, they will start to overlap each other.

MSIE Kit (Ex. 1007) at 183, cited in Karger Report (Ex. 1003) at ¶ 256, cited in 295 Petition at 20 ; see also Paper 19 at 31-32.



MSIE Kit (Ex. 1007) at xxx, cited in Karger Report (Ex. 1003) at ¶ 257, cited in 295 Petition at 20.



# Grounds 5 & 7: Obviousness In View Of Brown (Ex. 1030)

## United States Patent Duperrouzel et al.

(10) Patent No.: US 6,832,355 B1  
(45) Date of Patent: Dec. 14, 2004

(75) Inventors: Brian Gerard Duperrouzel, San Francisco, CA (US); Angus McNab Chasels, IV, San Francisco, CA (US)  
(73) Assignee: Microsoft Corporation, Redmond, WA (US)  
(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35

6,257,030 B1 \* 5/2001 Adams et al. 709/216  
6,275,225 B1 8/2001 Rangarajan et al.  
6,289,361 B1 9/2001 Uchida  
6,344,865 B1 2/2002 Matthews, III et al.  
OTHER PUBLICATIONS  
XANA Web Browser Home <http://www.gamma.nic.fi/~point/cama.htm> Jul. 22, 1999.\*

In an alternative embodiment, the web page display is executed in a windows environment such as Microsoft Active Desktop in conjunction with the Internet Explorer engine which allows the Favorites menu 1210 of the pop-down menu controls 214 to directly display titles and descriptions associated with URLs that are also stored in the Favorites list. A user then has an option of selecting a URL

Duperrouzel (Ex. 1011) at 11:38-44, cited in Karger Reply (Ex. 1110) at ¶163, cited in Reply Br. at 18.



# IPR2013-00292-95

## Grounds in This Trial

1. **Duhault II:** Anticipates claims 1-13, 17-28, 30-33,35-37, 39-43 and 46-50.
2. **Chen:** Anticipates claims 1, 9-11, 22, 41-43, 46 and 48-50.
3. **Chen and MSIE Kit:** Render claim 29 obvious.
4. **MSIE Kit:** Anticipates claims 1-3, 5-8, 11, 12, 14-16, 19, 21, 22, 27, 30, 32, 34, 37-40, 43-47 and 50-52.
5. **MSIE Kit and Brown:** Render claims 17, 20, 25 and 28 obvious.
6. **Duperrouzel:** Anticipates claims 1-3, 5-8, 12-14, 19, 21, 22, 27, 30, 32, 34, 37-40, 46 and 47.
7. **Duperrouzel and Brown:** Render claims 17, 20, 25 and 28 obvious.



# Ground 6: Anticipation by Duperrouzel (Ex. 1011)

## (12) United States Patent Duperrouzel et al.

(10) Patent No.: US 6,832,355 B1  
(45) Date of Patent: Dec. 14, 2004

### (54) WEB PAGE DISPLAY SYSTEM

(75) Inventors: Brian Gerard Duperrouzel, San Francisco, CA (US); Angus McNab Chasseles, IV, San Francisco, CA (US)

(73) Assignee: Microsoft Corporation, Redmond, WA (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 09/124,468  
(22) Filed: Jul. 28, 1998

(51) Int. Cl.<sup>7</sup> ..... G06F 15/20  
(52) U.S. CL. .... 715/788; 715/790; 715/797  
(58) Field of Search ..... 345/788, 790, 345/797, 764, 326, 341, 340, 348, 349, 792, 800, 760, 738; 707/500, 513

### (56) References Cited U.S. PATENT DOCUMENTS

5,499,334 A	3/1996	Szabo
5,513,342 A	4/1996	Leong et al.
5,694,561 A	12/1997	Malamud et al.
5,712,995 A	1/1998	Cohn
5,734,380 A	3/1998	Adams et al.
5,771,042 A	6/1998	Santos-Gomez
5,900,875 A	5/1999	Italiani et al.
5,920,315 A	7/1999	Santos-Gomez
6,008,809 A	12/1999	Brooks

6,072,474 A	6/2000	Morimura et al.
6,119,135 A	9/2000	Helfman
6,237,030 B1	5/2001	Adams et al.
6,275,225 B1	8/2001	Rangarajan et al.
6,289,361 B1	9/2001	Uchida
6,344,865 B1	2/2002	Mathews, III et al.

### OTHER PUBLICATIONS

XANA Web Browser Home <http://www.gamma.nic.fi/~point/cama.htm> Jul. 22, 1999.\*

\* cited by examiner

Primary Examiner—Cao (Kevin) Nguyen

(74) Attorney, Agent, or Firm—Kluquist Sparkman, LLP

### (57) ABSTRACT

A display system displays web pages from web sites located on data communications networks such as the Internet network. The display system has display controls and a plurality of non-overlapping display areas. Each display area has independent display area controls and independently displays a web page. The display controls include a sizing control operable by a user to alter a size of all display areas simultaneously with one control action. The display system in an embodiment includes a browser software program to provide communications and display support. The browser software program is executed in only one instance to provide the support for the plurality of display areas. The display controls also include a designator control operable by a user to designate the number of the non-overlapping display areas to be displayed. The display controls also include a drag and drop control for universal reference locators.

35 Claims, 20 Drawing Sheets



FIG. 2



Duperrouzel (Ex. 1011) at Fig. 2, cited in Karger Report (Ex. 1003) at ¶ 418, cited in 295 Petition at 41.

# Ground 6: Anticipation by Duperrouzel (Ex. 1011)

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 19

UNITED STATES PATENT AND  
BEFORE THE PATENT TRIAL

MICROSOFT CORP.  
Petitioner,

v.

SURFCAST, INC.  
Patent Owner

Cases IPR2013-00292, IPR  
IPR2013-00294, and IPR  
Patent 6,724,4

Before MICHAEL P. TIERNEY, JONI Y. CHEN,  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes*  
37 C.F.R. § 42.108

(*see above*). We have interpreted “tile” to mean “a graphical user interface element whose content may be refreshed and that, when selected, provides access to an information source.” Duperrouzel’s display panes are graphical user interface elements. Ex. 1011, Abstract; Fig. 2. They may be refreshed at user-defined intervals. *Id.* at 13:36-42. When a user selects maximize control 240 in a display pane, that pane is maximized to provide access to the underlying web page. *Id.* at 6:36-40. Moreover, though we do not construe “tile” to require persistence, we note that Duperrouzel discloses that one “Start Up” option includes “a checkbox for navigating to sites last viewed.” *Id.* at 13:21-22. Such a checkbox would allow for persistence. Thus, Microsoft’s Active Desktop items disclose the recited “tiles.”

IPR2013-00292, Paper 19 (Institution Decision) at 35.

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND

BEFORE THE PATENT TRIAL AND

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

information when selected. Patent Owner disagrees that maximizing a display

pane in Duperrouzel is equivalent to providing access to it: when maximizing a

display pane, the only change that occurs is to the display pane's size. The display

pane remains an active web-browser application and can be accessed in the same

way by the user when maximized as when it is normal size. Thus, maximizing a

**PO Response, Paper No. 27, at 57.**

# Ground 6: Anticipation by Duperrouzel (Ex. 1011)

Paper No. 45

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner

v.

SurfCast, Inc.  
Patent Owner

Patent No. 6,811,000  
Issued: April 1, 2003  
Filed: October 1, 2001

Inventors: Ovidio J. Duperrouzel

Title: SYSTEM AND METHOD FOR  
INFORMATION

*Inter Partes* Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

## PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

Patent Owner asserts the panes in Duperrouzel are not tiles because they do not satisfy the “when selected...” portion of the Board’s construction. Resp. at 55-56. But its expert has offered no such opinion and Patent Owner cites no other evidence to support this lawyer argument. In any event, the Board found

Reply Br. at 17.

# Ground 6: Anticipation by Duperrouzel (Ex. 1011)

UNITED STATES PATENT AND  
TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL  
AND APPEAL BOARD

Microsoft Corporation  
Petitioner

v.

SurfCast, Inc.  
Patent Owner

Patent No. 6,431,000  
Issued: April 2, 2002  
Filed: October 1, 1999  
Inventors: Ovidio J. Lopez  
Title: SYSTEM AND METHOD FOR  
RENDERING INFORMATION

Inter Partes Review No. IPR2013-00292,  
IPR2013-00293, IPR2013-00294, and  
IPR2013-00295

156. In any event, the panes of Duperrouzel would satisfy both Mr. Weadock's "selected to provide access to the information source" language and do satisfy the Board's "when selected, provides access to an information source" language through its maximization functionality. Institution Decision, Paper 19 at 9. Maximizing a pane is one way to select it in order to provide access to the information not accessible when the pane is in a non-maximized format, since maximizing the pane provides the ability to read and make use of more information from the information source. Ex. 1086, Microsoft Computer Dictionary, 4<sup>th</sup> Ed.

**Karger Reply (Ex. 1110) at ¶ 156, cited in Reply Br. at 17.**

## PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

disagree with such an argument. There is no requirement that the *only* access to information must be the result of selecting the tile. Such a requirement would be contrary to the clear disclosure in the '403 Patent that 1) tiles display refreshed content (e.g., Ex. 1001 at 8:35-37), and 2) that "when a tile is selected ... the tile

**Weadock Amend Reply (Ex. 2081) at ¶ 38, cited in Mot. To Exclude at 7.**



# The '403 Patent: Selecting a Tile

When a tile is selected,

A maximize control **240** of the display pane **212a** is similar to the minimize control **238** except the maximize control is used when a user desires the entire display **116** to display the web page corresponding to the display pane **212** whose maximize control is activated.

Duperrouzel (Ex. 1011) at 6:35-40, cited in Karger Reply (Ex. 1110) at ¶156, 157, cited in Reply Br. at 17.

expanded to fit the whole display

Tiles are selectable and live. When a tile is selected, whether by mouse click or otherwise, the tile instantly provides the user with access to the underlying information, whether that data be a hierarchical menuing system leading the user to a different level or tiles, a word processing file stored on a local area network, a spreadsheet stored locally on a user's computer, HTML file on the Internet, or a television signal. The tiles are live in that each contains real-time or near-real-time information.

control **240** of the minimize control **238** a user desires the corresponding control is activated.

In a preferred embodiment, double-clicking a tile causes that tile to occupy a substantial fraction of the whole display area. In this embodiment, double clicking tile 402 or 412 causes the image to be expanded to fit the whole display area. In an alternate embodiment, selecting a tile causes it to occupy an area in the middle of the display that is larger in area than a single tile but does not occupy the full display. If tile 404 were double-clicked, as much of the document as could be displayed in the enlarged tile in regular font size becomes visible. Double-clicking tile 408 causes the mail-

403 Patent (Ex. 1001) at 9:25-42, cited in Karger Reply (Ex. 1110) at ¶156, 157, cited in Reply Br. at 17.

# Ground 6: Anticipation by Duperrouzel (Ex. 1011)

Paper No. 45

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner

v.

SurfCast  
Patent Owner

Patent No. 6,511,116  
Issued: April 12, 2005  
Filed: October 1, 2003  
Inventors: Ovidio J. Rodriguez  
Title: SYSTEM AND METHOD FOR PROVIDING  
INFORMATION

*Inter Partes* Review No. IPR2013-00294, and

PETITIONER'S REPLY TO PATENT

157. Further, I note that Duperrouzel alternatively satisfies both Mr. Weadock's "capability to be selected to provide access to the information source" language and the Board's "when selected, provides access to an information source" language through its **refresh functionality**. Specifically, Duperrouzel

**Karger Reply (Ex. 1110) at ¶ 157, cited in Reply Br. at 17.**



# The '403 Patent: Selecting a Tile

When a tile is selected,

refresh its contents.

control 226 of the display pane 212a repeats a download of the web page currently displayed on the display pane 212a

Duperrouzel (Ex. 1011) at 6:35-40, cited in Karger Reply (Ex. 1110) at ¶156, 157, cited in Reply Br. at 17.

Tiles are selectable and live. When a tile is selected, whether by mouse click or otherwise, the tile instantly provides the user with access to the underlying information, whether that data be a hierarchical menuing system leading the user to a different level or tiles, a word processing file stored on a local area network, a spreadsheet stored locally on a user's computer, HTML file on the Internet, or a television signal. The tiles are live in that each contains real-time or near real-time information.

In a preferred embodiment a selection operation is associated with a tile. For example, clicking on a tile will cause it to immediately refresh its contents. Selecting tile 402 causes the most recent frame of the video stream to be displayed by the tile, or, if the picture were obtained from a static graphic file, causes the most recent version of the file to be displayed by the tile. Selecting tile 404 or tile 412 causes the most recent version of the document to be displayed.

In a preferred embodiment, double-clicking a tile causes a partial fraction of the whole display to be expanded to fit the whole display. In one embodiment, selecting a tile causes it to be enlarged to fill the whole of the display that is larger in size than the tile. In another embodiment, selecting a tile does not occupy the full display. In yet another embodiment, selecting a tile causes it to be enlarged, as much of the document as could be displayed in the enlarged tile in regular font size becomes visible. Double-clicking tile 408 causes the mail-

403 Patent (Ex. 1001) at 9:25-42, cited in Karger Reply (Ex. 1110) at ¶156, 157, cited in Reply Br. at 17.

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

This distinction is the result of a significant difference in focus between the tiles of the '403 patent and the panes of the browser in Duperrouzel. As discussed in the '403 patent, the “grid [of tiles] can replace the functionality of a user’s computer desktop and offers similar and additional features.” Ex. 1001 at 10:47-49; *see also* Ex. 2004 at ¶ 26. In contrast, the application of Duperrouzel can only provide web browser functionality. Ex. 2004 at ¶ 133. This difference is particularly pronounced when one considers that, unlike the program of Duperrouzel that can only display web pages, the tiles of the '403 patent may be associated with a wide variety of information sources such as word processing or spreadsheet files (Ex. 1001 at 12:50-56) that typically are not themselves viewed through a browser.

**PO Response, Paper No. 27, at 55.**

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADE

BEFORE THE PATENT TRIAL AND APPEALS

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

control, a 'home' button, and a status indicator (*id.* at 5:48 – 6:45). Even though some other controls are dedicated to allowing a user to perform simultaneous operations on all of the display panes (*id.* at 6:46 – 50), this does not change the fact that each pane is a window that contains an application and is always active and accessible to the user. Ex. 2004 at ¶ 141.

**PO Response, Paper No. 27, at 56.**

## Ground 6: Anticipation by Duperrouzel (Ex. 1011)

The '403 patent does not draw the same distinction between a “tile” and a window, stating only that “a tile will *typically* be smaller in size, allowing the user to view multiple files simultaneously if desired.” *Id.* at 8:38-41 (emphasis added). The '403 patent also states that “[a] tile . . . does not *necessarily* have the large number of active areas associated with windows such as title bar, menu bar and scroll bars.” *Id.* at 8:42-45 (emphasis added). These distinctions suggest that some embodiments of a “tile” *may* be the same size as a window or *may* have the areas associated with windows. As a result, on this record, we agree that the broadest reasonable interpretation of “tile” encompasses a window.

IPR2013-00292, Paper 19 (Institution Decision) at 10-11.

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

The display panes of Duperrouzel are not “tiles” within the meaning of Patent Owner’s claims at least because, according to Duperrouzel, they are actually active instances of web-browser software. (*See, e.g.*, Ex. 1011 at 5:11–12, 7:26).

**PO Response, Paper No. 27, at 56.**

# The '403 Patent, Web-browser Embodiments

(12) **United States Patent**  
Santoro et al.

(10) **Patent No.:** US 6,724,403 B1  
(45) **Date of Patent:** Apr. 20, 2004



(54) **SYSTEM AND METHOD FOR** 5,821,664 A \* 12/1998 Whitten et al. 725,81

(75) **14. The method of claim 1 wherein said array is displayed**  
(73) **in a web-browser.**

403 Patent (Ex. 1001) at claim 14, cited in 292 Petition at 11.

(60) Provisional application No. 60/162,522, filed on Oct. 29, 1999.  
(51) **Int. Cl.** G06F 15/00  
(52) **U.S. Cl.** 345/765; 345/790  
(58) **Field of Search** 345/765, 766, 345/764, 729, 781, 788, 716, 717, 792, 790  
(List continued on next page.)

(56) **References Cited**  
**U.S. PATENT DOCUMENTS**

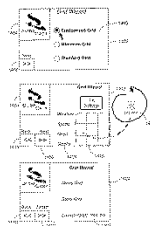
4,555,775 A 11/1985 Pike  
4,653,020 A 3/1987 Chevella et al.  
4,712,191 A 12/1987 Penna  
4,831,556 A 5/1989 Olson 345/786  
5,157,384 A 10/1992 Oronias et al.  
5,294,521 A 2/1993 Handerson, Jr. et al.  
5,479,602 A 12/1995 Baecker et al.  
5,550,968 A 8/1996 Miller et al. 345/741  
5,740,430 A 4/1998 Rosenberg et al.  
5,740,549 A 4/1998 Reilly et al.  
5,757,371 A 5/1998 Oren et al. 345/739  
5,778,181 A 7/1998 Hadary et al.  
5,793,368 A 8/1998 Beer  
5,796,383 A 8/1998 Henshaw et al.  
5,796,401 A 8/1998 Winer 345/433  
5,812,123 A 9/1998 Rowe et al. 725/43  
5,813,007 A 9/1998 Nielsen

The Complete Reference, May 1, 1999, McGraw-Hill  
Osborne Media, Chapter 19, pp. 1-12.\*  
John Ross, ABCs of Internet Explore 4, Copyright 1997,  
Sybex, Chapter 13, pp. 1-3.\*  
Paul McFadries, The Complete Idiot's Guide to Windows 95,  
Mar. 1997, 2nd Edition, pp. 3-7, 97, 101, 105-107, 379.\*

**Primary Examiner**—Cao (Kevin) Nguyen  
(74) **Attorney, Agent, or Firm**—Pennie & Edmonds LLP

(57) **ABSTRACT**  
A computerized method of presenting information from a variety of sources on a display device. Specifically the present invention describes a graphical user interface for organizing the simultaneous display of information from a multitude of information sources. In particular, the present invention comprises a graphical user interface which organizes content from a variety of information sources into a grid of files, each of which can refresh its content independently of the others. The grid functionality manages the refresh rates of the multiple information sources. The present invention is intended to operate in a platform independent manner.

52 Claims, 27 Drawing Sheets



## Claim Construction

1. **Tile**
2. **Partitioning**
3. **Refresh Rate**
4. **User-Defined Array Size**



# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

## 2. Claim Construction

Several of the claim constructions adopted by the Board for the purpose of deciding whether to institute trial should be modified in light of the new expert testimony (which Patent Owner was precluded by 37 C.F.R. § 42.107(c) from submitting previously) submitted herewith (Ex. 2004), cross examination testimony from Petitioner's expert (Ex. 2003), and the arguments set forth below.

**PO Response, Paper No. 27, at 2.**

# Tile

On this record, we determine that the broadest reasonable interpretation for “tile” in the context of the specification of the ’403 patent is “*a graphical user interface element whose content may be refreshed and that, when selected, provides access to an information source.*”

IPR2013-00292, Paper 19 (Institution Decision) at 9.

SURFCAST, INC.  
Patent Owner

Before MICHAEL  
MATTHEW  
CLEMENTS

Tiles are selectable and live. When a tile is selected, whether by mouse click or otherwise, the tile instantly provides the user with access to the underlying information, whether that data be a hierarchical menuing system leading the user to a different level or tiles, a word processing file stored on a local area network, a spreadsheet stored locally on a user’s computer, HTML file on the Internet, or a television signal. The tiles are live in that each contains

403 Patent (Ex. 1001) at 9:25-32, cited in 403 Petition at 15, 16.

# Tile

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 are consolidated with the instant proceeding.

SurfCast's contention that "tile" be construed to require "being persistent" is overbroad. Prelim. Resp. 12-13. SurfCast's reliance on column 15 of the specification improperly attempts to import a limitation from what the specification describes as merely a "preferred embodiment." Ex. 1001, 14:27. SurfCast's reliance on the use of "resides" at column 4, lines 37 to 38, also is unavailing because it is unclear in that sentence whether "resides" modifies the "tiles" or the "grid."

IPR2013-00292, Paper 19 (Institution Decision) at 11.

FIG. 17 shows the architecture of components of the computer program in a preferred embodiment of the present invention.

\* \* \*

The metabase 1506, FIG. 17, is a local store for platform-specific implementations of the descriptions of tiles, grids and other objects. Tiles, grids and content are created, saved

\* \* \*

Items in the metabase are "persistent", that is they are not saved explicitly but are preserved from session to session.

403 Patent (Ex. 1001) at 6:7-9 & 15:52-64, cited in Reply Br. at 1, 2.

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLP.com](mailto:RBone@VLP.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Patent Owner

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

However, this passage is not a preferred embodiment but rather a description of implementation details, being found in a section of the specification entitled “Architecture of Application Program Software” (Ex. 1001 at 14:26; *cf.* also col. 16). This section describes, at length, an exemplary implementation, via a “metabase” of what is a core feature of the grid-and-tiles interface.

**PO Response, Paper No. 27, at 6-7.**

# Tile

## SUMMARY OF THE INVENTION

Accordingly, the present invention provides an easy to use graphical interface that facilitates the organization and management of multiple data sources corresponding to a user's needs and interests. The present invention comprises a grid of tiles that resides on the user's computer desktop. The grid of tiles provides a uniform, graphical environment in which a user can access, operate, and/or control multiple data sources on electronic devices. The graphical environment is uniform with respect to the source of accessed information and can manage multiple streams of content, entirely of the

403 Patent (Ex. 1001) at 4:34-43, cited in Reply Br. at 1, 2.

FIG. 17 shows the architecture of components of the computer program in a preferred embodiment of the present invention.

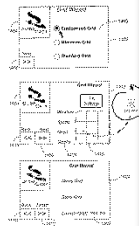
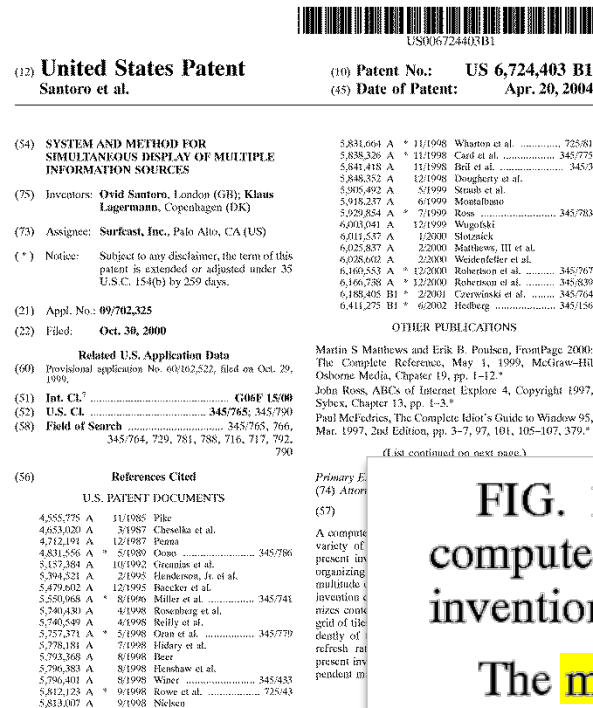
\* \* \*

The **metabase** **1506**, FIG. 17, is a local store for platform-specific implementations of the descriptions of tiles, grids and other objects. Tiles, grids and content are created, saved

\* \* \*

Items in the metabase are “persistent”, that is they are not saved explicitly but are preserved from session to session.

403 Patent (Ex. 1001) at 6:7-9 & 15:52-64, cited in Reply Br. at 1, 2.



# Rambus v. Infineon

United States Court of Appeals,  
Federal Circuit.

RAMBUS INC., Plaintiff-Appellant,  
v.  
INFINEON TECHNOLOGIES AG, Infineon  
Technologies North America Corp., and  
Infineon Technologies Holding North America Inc.,  
Defendants-Cross Appellants.

Nos. 01-1449, 01-1583, 01-1604, 01-1641, 02-1174  
and 02-1192.

DECIDED: Jan. 29, 2003.  
Rehearing and Rehearing En Banc Denied: April 4,  
2003.

district court's claim constructions necessitated  
remand for new determination of infringement, and  
(2) evidence did not support finding that designer  
breached duty to disclose pending patent applications  
to fellow members of open standards committee.

Vacated in part, reversed in part, affirmed in part,  
and remanded.

Prost, Circuit Judge, dissented in part and filed  
opinion.

West Headnotes  
**[11] Federal Courts**  **765**  
**1703k765 Most Cited Cases**

Court of Appeals reviews grant or denial of  
judgment as matter of law (JMOL) without  
deference, by reapplying JMOL standard. Fed.Rules

Copr. © 2004 West. No Claim to Orig. U.S. Govt. Works.

**291k162 Most Cited Cases**


**[6] Patents**  **167(1.1)**  
**291k167(1.1) Most Cited Cases**

Although patent claim term gener-  
one of ordinary skill in art at time of  
have understood it to mean, invent-  
or her own lexicographer and use  
supply implicitly or explicitly new n  
term.

**[7] Patents**  **101(2)**  
**291k101(2) Most Cited Cases**

"Integrated circuit device," called  
random access memory device, was  
constructed on single monolithic sub

**[8] Patents**  **165(1)**  
**291k165(1) Most Cited Cases**

**[8] Patents**  **168(2.1)**  
**291k168(2.1) Most Cited Cases**

Page 1

While clear language characterizing  
"the present invention" may limit the ordinary  
meaning of claim terms, see SciMed, 242 F.3d at  
1343; Bell Atlantic, 262 F.3d at 1268, such language  
must be read in context of the entire specification and  
the prosecution history. Although the above  
references, taken alone, may suggest some limitation  
of "bus" to a multiplexing bus, the remainder of the  
specification and prosecution history \*1095 shows  
that Rambus did not clearly disclaim or disavow such  
claim scope in this case. See Inverness Med. Switz.

Rambus Inc. v. Infineon Techs, 318 F.3d 1081, 1094-95, cited in Reply Br. at 4.

# Title

For example, Patent Owner presents no evidence that “persistence” is somehow definitional or important to its invention. Ex. 1110 at ¶ 49. The word appears only once in the ‘403 Patent and not at all in Patent Owner’s provisional patent application, which Patent Owner claims as a constructive reduction to practice of the claimed invention. Resp. at 28.

Reply Br. at 1.

*Inter Partes* Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

---

PETITIONER’S REPLY TO PATENT OWNER’S RESPONSE



# Partitioning

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 19  
Entered: November 19, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner,  
v.

SURFCAST, INC.  
Patent Owner

Cases IPR2013-00292, IPR2013-00294, and IPR2013-00295  
Patent 6,724,400

Before MICHAEL P. TIERNEY, JONI Y. CHAN, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

In one of two instances addressing overlap, the '403 patent states that tiles “may”—not must—“be displayed simultaneously without overlapping with one another in the way that windows necessarily do.” Ex. 1001, 8:46-49. In the other instance, the '403 patent's disclosure that “the tiles are not permitted to overlap” refers only to “a preferred embodiment.” *Id.* at 11:63-12:6. Neither disclosure precludes an embodiment in which tiles overlap. As a result, we decline to import this limitation into the construction of the claim phrase.

**IPR2013-00292, Paper 19 (Institution Decision) at 13.**

# Partitioning

## (12) United States Patent Santoro et al.

(10) Patent No.: US 6,724,433  
(45) Date of Patent: Apr. 11, 2000

### (54) SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY OF MULTIPLE INFORMATION SOURCES

(75) Inventors: Ovid Santoro, London (GB); Klaus Lagermann, Copenhagen (DK)

(73) Assignee: Surfcast, Inc., Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 259 days.

(21) Appl. No.: 09/702,325

(22) Filed: Oct. 30, 2000

#### Related U.S. Application Data

(60) Provisional application No. 60/167,522, filed on Oct. 29, 1999.

(51) Int. Cl.<sup>7</sup> ..... G06F 15/00

(52) U.S. Cl. .... 345/765; 345/790

(58) Field of Search ..... 345/765, 766, 345/764, 729, 781, 788, 716, 717, 792, 790

#### (56) References Cited

##### U.S. PATENT DOCUMENTS

4,555,775 A 11/1985 Pike  
4,653,020 A 3/1987 Cheswillo et al.  
4,712,191 A 12/1987 Pensa  
4,831,556 A 5/1989 Oono ..... 345/786  
5,157,384 A 10/1992 Gromas et al.  
5,294,521 A 2/1995 Handerson, Jr. et al.  
5,479,602 A 12/1995 Ruecker et al.  
5,550,968 A 8/1996 Miller et al. .... 345/743  
5,740,430 A 4/1998 Rosenberg et al.  
5,740,549 A 4/1998 Reilly et al.  
5,757,371 A 5/1998 Oono et al. .... 345/739  
5,778,181 A 7/1998 Hadary et al.  
5,793,368 A 8/1998 Beer  
5,796,383 A 8/1998 Henschaw et al.  
5,796,401 A 8/1998 Winer ..... 345/433  
5,812,125 A 9/1998 Rowe et al. .... 726/443  
5,813,007 A 9/1998 Nielsen

5,831,664 A \* 11/1998 Wharton et al.  
5,838,326 A \* 11/1998 Carl et al.  
5,841,418 A 11/1998 Bell et al.  
5,848,352 A 12/1998 Dougherty et al.  
5,905,492 A 5/1999 Smith et al.  
5,918,237 A 6/1999 Montalbano  
5,929,834 A \* 7/1999 Ross  
6,013,041 A 12/1999 Wugofski  
6,011,537 A 12/2000 Slotnick  
6,025,837 A 2/2000 Matthews, III et al.  
6,038,602 A 2/2000 Weidenlefer et al.  
6,160,553 A \* 12/2000 Robertson et al.  
6,166,738 A \* 12/2000 Robertson et al.  
6,188,405 B1 \* 2/2001 Czerwinski et al.  
6,411,275 B1 \* 6/2002 Hedberg

#### OTHER PUBLICATIONS

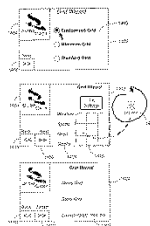
Martin S. Matthews and Erik B. Ponsen, From The Complete Reference, May 1, 1999, Osborne Media, Chapter 19, pp. 1-12.\*  
John Ross, ABCs of Internet Explore 4, Corp. Sybex, Chapter 13, pp. 1-3.\*  
Paul McFedries, The Complete Idiot's Guide to Mac, 1997, 2nd Edition, pp. 3-7, 97, 101, 102.  
(List continued on next page.)

Primary Examiner—Cao (Kevin) Nguyen  
(74) Attorney, Agent, or Firm—Pennie & Ed

#### (57) ABSTRACT

A computerized method of presenting information from a variety of sources on a display device. The present invention describes a graphical user interface for organizing the simultaneous display of information from a multitude of information sources. In particular, the invention comprises a graphical user interface that organizes content from a variety of information sources into a grid of tiles, each of which can refresh its content independently of the others. The grid functionality refreshes the multiple information sources in a dependent manner.

52 Claims, 27 Drawing Sheets



In a preferred embodiment, the grid permits a regular layout of tiles on the display screen such that the tiles are uniform in size and shape, as depicted in FIGS. 8–11. Each tile is indexed by its position on the grid. For example 802-2-1 is the first tile in the second row. Tiles in the first row of the grid are 802-1-1, 802-1-2, 802-1-3 and so on, to 802-1-N. Tiles on the second row are 802-2-1, 802-2-2, 802-2-3 and so on, to 802-2-N. And, tiles on the bottom row are 802-M-1, 802-M-2, 802-M-3 and so on to 802-M-N. There are no gaps between the tiles, the tiles are not permitted to overlap and the whole grid is covered by tiles. FIG. 8 shows one embodiment in which all tiles are the same size and are presented in an array comprising M rows and N columns.

403 Patent (Ex. 1001) at 11:63-12:8, cited in IPR2013-00292, Paper 19 (Institution Decision) at 13 .

# Partitioning

GDDM

## Base Application Programming

*Version 3 Release 2*

GDDM



## Base Application Programming Guide

*Version 3 Release 2*

Ex. 1090 at 1, cited in Karger Reply (Ex. 1110) at ¶54, cited in Reply Br. at 3.

### Overlapping partitions

You can overlap partitions. Partitions are opaque, so the part of a partition that is overlapped by another partition is completely obscured by the top partition.

The next example contains the skeleton code to produce a partition that **overlaps** another partition:

Ex. 1090 at 465, cited in Karger Reply (Ex. 1110) at ¶54, cited in Reply Br. at 3.

SC33-0867-01

IPR2013-00292, IPR2013-00293, IPR2013-00294 and IPR2013-00295  
Petitioner Microsoft Corporation - Ex. 1090, p. 1

# Refresh Rate

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner,

v.

SURFCAST, INC.  
Patent Owner

Cases IPR2013-00292, IPR2013-00293, IPR2013-00294, and IPR2013-00295  
Patent 6,724,411

Before MICHAEL P. TIERNEY, JONI Y. CHAMBERS, and  
MATTHEW R. CLEMENTS, Administrative Patent Judges.

CLEMENTS, Administrative Patent Judge.

DECISION  
Institution of Inter Partes Review  
37 C.F.R. § 42.108

Moreover, a claim need not be construed to encompass every disclosed embodiment when the claim language is clearly limited to one or more embodiments. *TIP Systems, LLC v. Phillips & Brooks/Gladwin, Inc.*, 529 F.3d 1364, 1373 (Fed. Cir. 2008) (citing *PSN Ill., LLC v. Ivoclar Vivadent, Inc.*, 525 F.3d 1159, 1167 (Fed. Cir. 2008)). In addition, we are not persuaded by the extrinsic evidence cited by SurfCast. Although SurfCast has cited a dictionary defines “rate” in a manner not based on time, the example following the definition—“a rate of speed of 60 miles an hour”—is based on time. Ex. 2001. At best, this evidence is ambiguous as to whether a person of ordinary skill in the art would understand “rate” to imply time. On this record, we decline to construe “[refresh/retrieval] rate” to encompass “criteria for updating” other than time.

**IPR2013-00292, Paper 19 (Institution Decision) at 15.**

# Refresh Rate

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

SurfCast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000  
Inventors: Ovid Santoro et al.  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
INFORMATION SOURCES

*Inter Partes* Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

**“Refresh rate ...”**. Patent Owner asks the Board to redefine “refresh rate” and “retrieval rate,” based on its semantic analysis of the word “rate” and its expert’s assertion that “aperiodic rates” are common in currency markets and automobile design. Ex. 2004 at ¶ 60. It is improper to rely on such **extrinsic evidence** (*i.e.*, expert testimony asserting that “rate” does not mean “rate” or what terms mean in unrelated contexts) to redefine the plain language of the claims. *See Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1584 (Fed. Cir. 1996). Patent Owner’s modification also **would have no effect here** – its proposal functions to *broaden* the Board’s claim construction, Ex. 1110 at ¶¶ 59-61, and it does not explain how this change renders any claim patentable. *See* Resp. at 18-26.

**Reply Br. at 4.**

# Refresh Rate

```
<TD><A HREF="local/document.htm"
TARGET="new"
ONMOUSEOVER=action1(arg3)
ONMOUSEOUT=action2(arg4)
REFRESH=timeout(0)
SOURCE="local/documents/somedocument.til">
```

**403 Patent (Ex. 1001) at FIG. 13, cited in Karger Reply (Ex. 1110) at ¶ 60, cited in Reply Br. at 4.**

patent is extended or adjusted under 35 U.S.C. 154(b) by 259 days.

6,160,553 A *	12/2000	Robertson et al.	345/767
6,166,738 A *	12/2000	Robertson et al.	345/839
6,188,405 B1 *	2/2001	Czerwinski et al.	345/764
6,411,275 B1 *	6/2002	Hedberg	345/156

(21) Appl. No.: 09/702,325  
(22) Filed: Oct. 30, 2000

OTHER PUBLICATIONS

Related U.S. Application Data  
Martin S. Matthews and Erik B. Poulsen, FrontPage 2000: The Complete Reference, May 1, 1999, McGraw-Hill

In a preferred embodiment, according to priorities that may be applied to individual tiles on a tile by tile basis if desired, the grid manages the refresh rate of each tile in the grid. For example, for locally stored word processing or spread sheet files, the user might configure the tiles to refresh only when the underlying data is written to the local hard drive. Similarly, a user might configure tiles containing infrequently updated HTML data from the Internet to refresh at a certain time each day. At the other extreme, a user might configure an active tile to display a television channel at a refresh rate of 29 frames per second, while at the same time configuring inactive tiles to display different channels at a refresh rate of once every five seconds. In this way, a user could monitor many channels until program content of interest appeared in one of the tiles without the burden of actively refreshing each tile.

**403 Patent (Ex. 1001) at 12:50-65, cited in Karger Reply (Ex. 1110) at ¶ 60, cited in Reply Br. at 5.**

A They're only timeout. Those are specific timeout definition. It's in the third tile definition where it has timeout zero. That's an example of a tile type displaying some information that doesn't require refreshing after a specific time has elapsed. In this case, at least the text here indicates that it's a local document, and local documents have a tendency not to update unless the user does something.

Q So if I understand correctly, when you say refresh equals timeout (zero), it's a refresh rate of zero; is that correct?

A Yes.

**Lagermann Tr. (Ex. 1104) at 49:22-50:12, cited in Reply Br. at 5.**

# User-Defined Array Size

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

UNITED STATES PATENT AND  
BEFORE THE PATENT TRIAL

MICROSOFT CORP.  
Petitioner

v.

SURFCAST,  
Patent Owner

Cases IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295  
Patent 6,724,403

Before MICHAEL P. TIERNEY, JONI Y. CHANG, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

The '403 patent states that “a user may specify a presentation of the grid, consisting of its dimensions, (i.e., the number of tiles to display and their arrangement).” Ex. 1001, 11:9-11. Microsoft’s additional citations (Pet. 13, citing Ex. 1001, 14:4-14 and 13:28-30) provide no support for its proposed “amount of space determined to be necessary to present.” Similarly, the specification provides no support for SurfCast’s proposed tile “positions.”

IPR2013-00292, Paper 19 (Institution Decision) at 16.



## **Duhault II Is Prior Art**

- 1. No Corroboration of Conception**
- 2. No Reasonable Diligence**

# Patent Owner Assertion

Paper No. \_\_

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone (RBone@vlp.com)  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER RESPONSE  
UNDER 35 USC § 316(a)(8) AND 37 C.F.R. § 42.120

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

<sup>4</sup> Corroboration is not required when a party seeks to prove conception through the use of physical exhibits. *Mahurkar v. C. R. Bard, Inc.*, 79 F.3d 1572, 1577 (Fed. Cir. 1996). Thus, Mr. Santoro's notebook can serve to establish conception of the subject matter of the claims of the '403 patent.

PO Response, Paper No. 27, at 31 n. 4.

# Corroboration of Conception

Trials@uspto.gov  
571-272-7822

Paper 59  
Date: 13 November 2013

UNITED

BEFORE

We recognize that our reviewing court has set forth clearly that corroboration is not required when a party seeks to prove conception through the use of physical exhibits. *Mahurkar*, 79 F.3d at 1577. But that principle is directed to the technical content of a document, not to the date or origin of the document.

The law requires sufficient proof for the date and identity of a physical exhibit offered to show conception.

IPR2012-00001, Paper 59 (Institution Decision) at 22, cited in Reply Br. at 6.

Before JAMESON  
Administrative Patent Judges.

LEE, Administrative Patent Judge.

FINAL WRITTEN DECISION  
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

# No Reasonable Diligence

In the Matter of:

MICROSOFT CORPORATION

v.

SURFCAST, INC.

RICHARD GEORGE ANDREW BONE

February 19, 2014

**MERRILL LAD**

1325 G Street NW, Suite 200, Washington, DC  
Phone: 800.292.4789 Fax: 202.861.3425

IPR2013-00292, IPR2013-00293, IPR2013-00294 and IPR2013-00295  
Petitioner Microsoft Corporation - Ex. 1102, p. 1

Q. Do you have any interest in the outcome of the litigation?

A. This has been made of record, I have some stock options that SurfCast has granted me.

Q. How many shares?

A. I don't know the precise, I don't know the precise number in my head.

Ex. 1102 at 19:18-20:9 (Bone Tr. at 18:18-19:9), cited in Reply Br. at 7.

My fee agreement with SurfCast is structured in this way. I bill my services out month by month at my regular hourly rate.

If SurfCast is successful in litigation in Maine in collecting an award based on patent infringement, then I would then be eligible for a bonus which is tied to the number of hours that I have billed for SurfCast for the duration of my representation.

Ex. 1102 at 66:5-13 (Bone Tr. at 65:5-13), cited in Reply Br. at 7.

# No Reasonable Diligence

In the Matter of:

**MICROSOFT CORPORATION**  
v.  
**SURFCAST, INC.**

**RICHARD GEORGE ANDREW BONE**  
*February 19, 2014*

**MERRILL**  
1325 G Street NW, Suite 200, Wa  
Phone: 800.292.4789 Fax2

IPR2013-00292, IPR2013-00293, IPR2013-00294 and IPR2013-00295  
Petitioner Microsoft Corporation - Ex. 1102, p. 1

Q. The entry on this date, June 22nd, it's at page 8 of Exhibit 2035?

A. Yes.

Q. Is there any mention of tiles or refresh rates?

A. There is no mention of tiles and refresh rates. And I also -- I am also prepared to say that in this logbook I don't think you will find those terms mentioned.

Ex. 1102 at 128:13-21 (Bone Tr. at 127:13-21), cited in Reply Br. at 8.

# Presentation of Petitioner Microsoft Corp.

- I. Patentability of Claims 1-52
- II. Conditional Motion to Amend**

## **The Motion Should Be Denied**

- 1. Insufficient Claim Construction**
- 2. Proposed Substitute Claims Are Not Patentable**
- 3. No Written Description Support**



## The Motion Should Be Denied

- 1. Insufficient Claim Construction**
2. Proposed Substitute Claims Are Not Patentable
3. No Written Description Support

# CBS v. Helferich

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 122  
Entered: March 3, 2014

UNITED STATES  
BEFORE THE  
CBS INTERACTIVE  
G4 MEDIA

A motion to amend claims must identify how the proposed substitute claims are to be construed, especially when the proposed substitute claims introduce new claim terms.

IPR2013-00033, Paper 122 at 51, cited in Opp. Motion to Amend at 1.

HELPERICH PATENT LICENSING, LLC and  
WIRELESS SCIENCE, LLC  
Exclusive Licensee and Patent Owner

Case IPR2013-00033  
Patent 7,155,241

Before JAMESON LEE, KEVIN F. TURNER, and JONI Y. CHANG,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

FINAL WRITTEN DECISION  
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

# “calls an assigned application program”

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIEBUNAL  
Microsoft Corporation  
Petitioner  
v.  
SurfCast, Inc.  
Patent Owner  
Patent No. 7,811,116  
Issued: April 12, 2011  
Filed: October 1, 2008  
Inventors: Ovi  
Title: SYSTEM AND METHOD FOR  
INFORMATION  
Inter Partes Review No. IPR  
IPR2013-00294, at  
PETITIONER'S OPPOSITION TO  
AMENDMENT

The principle amendment Patent Owner seeks to add to claim 46 (presented as new claim 53) is the phrase “*wherein selecting a tile calls an assigned application program to provide access to information,*” as well as several additional phrases that modify this “selecting a tile” limitation. *See* Motion at 2-3.

Despite this language clearly being the core of the proposed amendments, Patent Owner offers no construction of it. *See* Motion at 5. Moreover, as demonstrated below, because the ‘403 Patent provides **no written description support** for the plain meaning of this proposed amendment, it would be improper to permit it.

[Opp. to Motion Amend, Paper 46 at 2.](#)

# Patent Owner Assertion

In any event, Patent Owner's expert, Mr. Weadock, confirms that all of the terms introduced into the Substitute claims would have been well understood by those of ordinary skill in the art and would not need further construction. Ex. 2081 ¶¶ 7 – 49.

**Amend Reply, Paper 62 at 1.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER REPLY TO  
PETITIONER'S OPPOSITION TO MOTION TO CONDITIONALLY AMEND  
UNDER 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

## C. Call[ing] an application

30. Dr. Karger says that the '403 Patent does not support the notion of calling an application program by selecting a tile (see Ex. 1110 at ¶¶173-179). I disagree. For example, the '403 Patent (cited in the Motion at 6) states at 11:23-24: "Therefore the application resides over existing applications without replacing any of them; rather it enables them to be called from the grid itself." In my opinion, this clearly indicates that application programs are called by selecting a tile.

31. Nevertheless, further support appears in the '403 Patent at 9:25-27: "When a tile is selected, whether by mouse click or otherwise, the tile instantly provides the user with access to the underlying information...." and at 9:52-54, "Double-clicking tile 408 causes the mailbox window of the email utility to be sufficiently enlarged to allow new messages to be selected and read." "Providing the user with access to the underlying information" clearly implies the invocation of an application program, and the reference to the "email utility" in the second citation reinforces the implication, as an "email utility" is a kind of application.

**Weadock Amend Reply Decl. (Ex. 2081) at ¶¶ 30-31.**

# CBS v. Helferich

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Paper 122  
Entered: March 3, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CBS INTERACTIVE INC.  
G4 MEDIA, LLC

HELFERICH INC.  
WIRELESS COMMUNICATIONS  
EXCLUSIVE

CHANG

Before JAMESON LEE, KEVIN F. TURNER, and JONI Y. CHANG,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

FINAL WRITTEN DECISION  
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

Without a reasonable construction of the claim features added in the substitute claims, HPL's motion does not provide adequate information for the Board to determine whether HPL has demonstrated the patentability of its proposed substitute claims and, thus, HPL fails to meet its burden of proof under 37 C.F.R. § 42.20(c).

IPR2013-00033, Paper 122 at 52, cited in Opp. Motion to Amend at 1.

Items in the metabase are “persistent”, that is they are not saved explicitly but are preserved from session to session.

(22)	Filed: Oct. 30, 2000	OTHER PUBLICATIONS
	<b>Related U.S. Application Data</b>	
(60)	Provisional application No. 60/162,522, filed on Oct. 29, 1999.	Martin S Mathews and Erik R. Poulsen, FrontPage 2000: The Complete Reference, May 1, 1999, McGraw-Hill Osborne Media, Chapter 19, pp. 1-12.
(51)	Int. Cl. <sup>7</sup>	G06F 15/00
(52)	U.S. Cl.	3
(58)	Field of Search	345 764, 729, 781, 788
		John Ross, ABCs of Internet Explore 4, Copyright 1997.

(56)	References Cited
	U.S. PATENT DOCUMENT
4,855,775 A	11/1985 Pike
4,653,020 A	5/1987 Cheslock et al.
4,712,191 A	12/1987 Perna
4,831,556 A	5/1989 Oono
5,157,384 A	10/1992 Gromas et al.
5,394,521 A	2/1995 Henderson, Jr.
5,479,602 A	12/1995 Buckner et al.
5,550,068 A	* 8/1996 Miller et al.
5,742,818 A	* 4/1998 Cheslock et al.
5,740,449 A	4/1998 Reilly et al.
5,757,371 A	* 5/1998 Oron et al.
5,778,811 A	7/1998 Hixday et al.
5,793,368 A	8/1998 Beer
5,796,383 A	8/1998 Henschaw et al.
5,796,401 A	8/1998 Wince
5,813,023 A	* 9/1998 Oono
5,813,007 A	9/1998 Nish

respect to a tile, “persistent” means that at least the tile’s position in a grid or array, the tile’s refresh rate, and a source of information associated with the tile are maintained from session to session. Exhibit 2063 ¶ 33e.

**Motion to Amend, Paper No. 28 at 5.**



# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLP.LawGroup.com](mailto:RBone@VLP.LawGroup.com))

VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292  
Patent 6,724,403

PATENT OWNER'S MOTION FOR  
CONDITIONAL AMENDMENT UNDER 37 C.F.R. § 42.121

WEST 1245997062.4

As used herein, when used with respect to a tile, “persistent” means that at least the tile’s position in a grid or array, the tile’s refresh rate, and a source of information associated with the tile are maintained from session to session. Exhibit 2063 ¶ 33e.

**Motion to Amend, Paper No. 28 at 5.**

e. Lines 13:8-10 state that "The grid also stores a tile list 1216 containing attributes of each respective tile." This indicates that the attributes of the tile are stored in the non-volatile grid, providing additional support for persistence of the "grid of tiles." Lines 13:10-11 state that "In particular, the address of each tile, its priority and its refresh rate are stored by the grid program," providing additional detail about the particular attributes that are stored in the persistent grid.

**Weadock Amend Decl., (Ex. 2063) at ¶ 33e.**



## The Motion Should Be Denied

1. Insufficient Claim Construction
2. **Proposed Substitute Claims Are Not Patentable**
3. No Written Description Support

# Idle Free Systems

Trials@uspto.gov  
571-272-7822

Paper 26  
Date: June 11, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

**IDLE FREE SYSTEMS, INC.**  
Petitioner,

v.

**BERGSTROM, INC.**  
Patent Owner

Case IPR2012-00027  
Patent 7,591,311

Before JAMESON LEE, MICHAEL P. TIERNAN, and  
JONI Y. CHANG, THOMAS L. GIANNETTI,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

DECISION  
Motion to Amend Claims  
37 C.F.R. § 42.121

A patent owner should identify specifically the feature or features added to each substitute claim, as compared to the challenged claim it replaces, and come forward with technical facts and reasoning about those feature(s), including construction of new claim terms, sufficient to persuade the Board that the proposed substitute claim is patentable over the prior art of record, and over prior art not of record but known to the patent owner. The burden is not on the petitioner to show unpatentability, but on the patent owner to show patentable distinction over the prior art of record and also prior art known to the patent owner. Some

IPR2012-00027, Paper 26 at 7, cited in Opp. Motion to Amend at 5.

# Patent Owner Assertion

Paper No. 62

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGr](mailto:RBone@VLPLawGr))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292  
Patent 6,724,400

SURFCAST, INC.  
PATENT OWNER RESPONSE  
PETITIONER'S OPPOSITION TO MOTION TO  
UNDER 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

to substitute claim 53 for analysis herein. Patent Owner has considered the 69 documents and online materials identified by Petitioner in the Petition and the co-pending district court litigation, the alleged prior art cited in the original prosecution of the '403 patent, and a corresponding European patent application (WO 96/20470) to identify references most relevant to the proposed amendment.

Patent Owner believes that the most relevant **of the known references discussed above** include MSIE Kit (Ex. 1007), Duperrouzel (Ex. 1011), Duhault II (Ex. 1014), Chen (Ex. 1015), Duhault I (Ex. 1013), Farber (Ex. 1016), Brown (Ex.

**Motion to Amend, Paper 62 at 7-8.**

# Myers

## The User Interface for Sapphire

Brad A. Myers  
University of Toronto

### The User Interface

Brad A. Myers  
University of Toronto

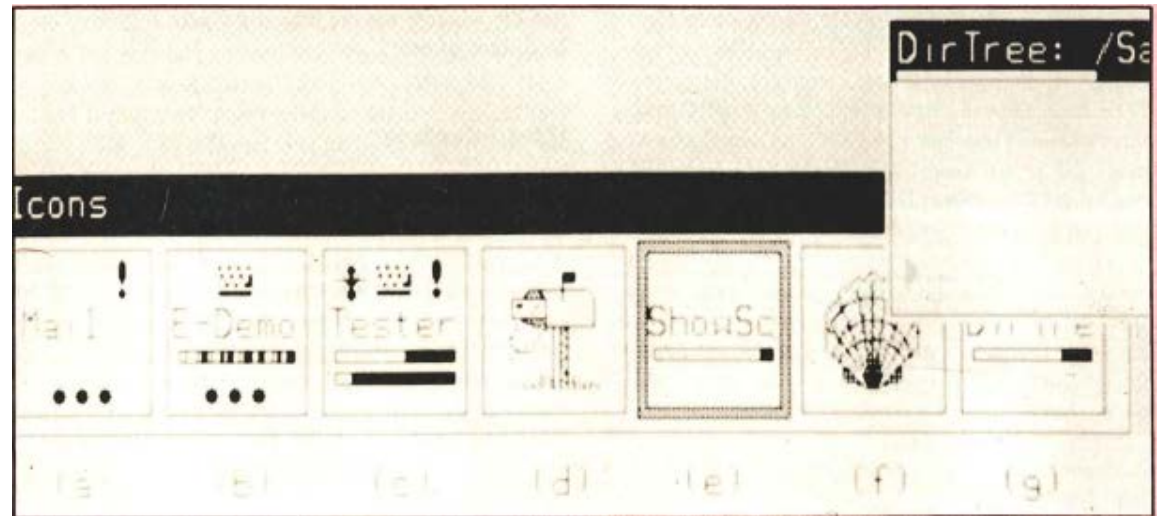
Sapphire (the Screen Allocation Package Providing Helpful Icons and Rectangular Environments) is a very powerful window manager running on the PERQ personal workstation.<sup>1</sup> The PERQ has a high-resolution screen and special hardware to display graphics quickly. Sapphire was designed to support program development in the Accent<sup>2</sup> multiprocessing operating system. Companies (OEMs) that purchase PERQs may also use Sapphire in their final products, so unlike such other window managers as Star,<sup>3</sup> Sapphire must be general purpose and highly flexible. Sapphire is now used by quite a large community at PERQ Systems Corporation, Carnegie-Mellon University, and elsewhere. It supports a full implementation of the covered window paradigm (where the rectangular windows can overlap like pieces of paper on a desk), which is described in another article.<sup>4</sup> In Sapphire, windows can cover each other and can extend off the screen in any direction (and may be entirely off-screen).

All window managers can be logically divided into three functions: (1) the implementation of the low-level graphics primitives (which includes preventing graphics from showing through covered portions), (2) the presentation of pictures to the user by the window manager (such as window title lines and icons), and (3) the operations that allow the user to manipulate windows. The latter two functions of a window manager are collected under the heading *User Interface*. This article presents the user interface of Sapphire and explains why it is novel and appealing. First, however, some background material is included for those who are not familiar with window managers.

### Background

**Personal workstations.** Interest in window systems has expanded with the proliferation of computers. *Personal workstations* are personal computers used by only one person at a time but with more power than typical home computers. A personal workstation usually has a processor that can execute millions of instructions per second, a hard disk of 20 million bytes of data, a memory of at least 1 megabyte, a number of input/output options, a Rikart, IEEE 488, floppies, etc., and a high-resolution screen that is capable of graphics. Most personal workstations currently use high-resolution bit-map screens (1000 where each point on the screen (or associated with one bit of memory. Each pixel is on or off (white or black). Many personal workstations have some sort of hardware that allows screens to be changed swiftly, and some offer color screens as an option.

Most personal workstations run an operating system as Unix,<sup>5</sup> that allows the user to run a number of jobs (sometimes called processes) at the same time. The user might specify that a compilation time to run (in the background) while the editor to work on a different file. Even with the multiplicity of a personal workstation, there will always be jobs that cannot be processed immediately enough so the user does not notice the multiplicity of the user does not have to wait to be finished, so time can be used more effectively.



Myers (Ex. 1066) at 17. cited in Opp. Motion to Amend at 5.

Petitioner Microsoft - Ex. 1066, p. 2

# Myers

UNITED STATES PATENT AND TRADE  
OFFICE  
BEFORE THE PATENT TRIAL AND  
APPEALS BOARD

Microsoft Corporation  
Petitioner,

v.

SurfCast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro  
Title: SYSTEM AND METHOD FOR SIMULATING  
INFORMATION SOURCES

*Inter Partes* Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

## PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO AMEND

Dr. Karger (Ex. 1003) at ¶¶ 73-74. As Dr. Karger establishes, Myers discloses or would have made obvious all elements of the claims. Ex. 1110 at ¶¶ 335-346.

Despite this, Patent Owner makes no mention of Myers in its Motion. Patent Owner's failure to address this substantial prior art known to it also compels denial of Patent Owner's motion to amend. *See* IPR2012-00027, Paper 26 at 7-8.

**Opp. to Motion to Amend, Paper 46 at 5.**

# Myers

## 4. The Proposed Substitute Claims Are Not Patentable Over Myers (Ex. 1066)

\* \* \*

345. The email programs and the word processor program of Myers are clearly different programs because they perform different functions. Myers therefore discloses the second “*wherein ...*” clause of proposed substitute claim 53, and renders that claim obvious when considered in view of MSIE Kit.

346. As demonstrated in my original report and above, *infra* ¶¶ 245-267, MSIE Kit discloses all the other elements of proposed substitute claims 54 through 59, and the combination of the relevant aspects of MSIE Kit and Myers would have been obvious for the same reasons I provide above. Accordingly, in my opinion, proposed substitute claims 54 through 59 are obvious over Myers when considered in view of MSIE Kit.

Ex. 1110 (Karger Reply) at ¶ 345, 346, cited in Opp. to Motion to Amend, Paper 46 at 5.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

Microsoft Corporation  
Petitioner,

v.

SurfCast, Inc.  
Patent Owner

Patent No. 6,724

Issued: April 20,

Filed: October 30,

Inventors: Ovid Sant

Title: SYSTEM AND METHOD FOR SIMULATING  
INFORMATION SC

Inter Partes Review No. IPR2013-00292,  
IPR2013-00293, and IPR2013-00294

PETITIONER'S OPPOSITION TO PATENT  
AMENDMENT

# Patent Owner Assertion

Paper No. 62

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))

VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.'S  
PATENT OWNER REPLY TO  
PETITIONER'S OPPOSITION TO MOTION TO CONDITIONALLY AMEND  
UNDER 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

The sole piece of prior art that Petitioner singled out as not having been analyzed by Patent Owner, Myers (Ex. 1066), is clearly **less relevant** than the references analyzed by Patent Owner in the Motion. As Petitioner's expert admitted on cross examination (Ex. 1113 at 170:7-171:3), Myers' icons cannot be used to call assigned application programs as is required by what *Petitioner* has identified as the "*principle [sic] amendment*" (Opp. at 2; emphasis added). Petitioner's expert also admitted that Myers' icons are not persistent. (Ex. 1113 at 197:14-19.) Petitioner's expert further admitted that Myers does not anticipate claim 53, whereas he contends that two other references analyzed in Patent Owner's Motion, MSIE Kit (Ex. 1007) and Kostas (Ex. 1051), are anticipatory. (*Id.* at 182:20-24; Motion at 8 and 13.) Myers is far **less relevant** than either of these references and fails to cure their deficiencies. (Ex. 2081, at ¶¶ 96 – 105.)

**Amend Reply, Paper 62 at 2-3.**



# Patent Owner Assertion

references analyzed by Patent Owner in the Motion. As Petitioner's expert admitted on cross examination (Ex. 1113 at 170:7-171:3), Myers' icons cannot be used to call assigned application programs as is required by what *Petitioner* has identified as the "*principle [sic] amendment*" (Opp. at 2; emphasis added). Petitioner's expert also admitted that Myers' icons are not persistent. (Ex. 1113 at 197:14-19.) Petitioner's expert further admitted that Myers does not anticipate claim 53, whereas he contends that two other references analyzed in Patent Owner's Motion, MSIE Kit (Ex. 1007) and Kostas (Ex. 1051), are anticipatory. (*Id.* at 182:20-24; Motion at 8 and 13.) Myers is far less relevant than either of these references and fails to cure their deficiencies. (Ex. 2081, at ¶¶ 96 – 105.)

**Amend Reply, Paper 62 at 3.**

SURFCAST, INC.'S  
PATENT OWNER REPLY TO  
PETITIONER'S OPPOSITION TO MOTION TO CONDITIONALLY AMEND  
UNDER 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

THE WITNESS: That gets to the ambiguity of "call." All right. So if I click on an icon in order to turn that window into the listener, you can certainly see that as a -- as a step towards calling that application program, right.

So again, if I make a particular window a listener and now I start typing, that application program is now going to be called to receive the typing that I'm doing.

**Ex. 1113 at 170:15-23 (Karger Tr. at 357:15-23), cited in Amend Reply, Paper 62 at 3.**

# Patent Owner Assertion

98. *Sapphire icons are not selectable to run an application.* In fact, it is not clear to me from the Myers reference how a user could run an application. (Changing the focus of the environment by designating one program as the “listener,” as Dr. Karger discusses in his deposition (Ex. 1113 at 194:5-13), is not the same as running an application.)

**Ex. 2081 (Weadock Amend Reply) at ¶ 98, cited in PO Reply to Opp to Amend at 3.**

Petitioner

v.

SURFCast, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

DECLARATION OF GLENN E. WEADOCK  
IN SUPPORT OF PATENT OWNER'S REPLY TO OPPOSITION TO MOTION  
TO CONDITIONALLY AMEND  
UNDER 35 U.S.C. § 316(a)(9), AND 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

SurfCast – Exhibit 2081, p. 1  
Microsoft Corp. v. SurfCast, Inc. IPR2013-00292

736400\_1

THE WITNESS: That gets to the ambiguity of "call." All right. So if I click on an icon in order to turn that window into the listener, you can certainly see that as a -- as a step towards calling that application program, right.

So again, if I make a particular window a listener and now I start typing, that application program is now going to be called to receive the typing that I'm doing.

**Ex. 1113 at 170:15-23 (Karger Tr. at 357:15-23), cited in Amend Reply, Paper 62 at 3.**

# Patent Owner Assertion

Paper No. 62

Petitioner's expert also admitted that Myers' icons are not persistent. (Ex. 1113 at 197:14-19.) Petitioner's expert further admitted that Myers does not anticipate claim 53, whereas he contends that two other references analyzed in Patent Owner's Motion, MSIE Kit (Ex. 1007) and Kostas (Ex. 1051), are anticipatory. (*Id.* at 182:20-24; Motion at 8 and 13.) Myers is far less relevant than either of these references and fails to cure their deficiencies. (Ex. 2081, at ¶¶ 96 – 105.)

**Amend Reply, Paper 62 at 3.**

97. **Sapphire icons are not persistent.** As Dr. Karger states in his

deposition of April 2014, "But if I turned off a Sapphire machine and turned it back on, those icons are probably gone." (Ex. 1113 at 197:17-19). Myers states that when a user closes a window, the icon associated with that window disappears. ("Thus when a window is deleted, its icon is deleted, but the hole is not filled until another window is created." Myers, Ex. 1066 p. 7.) This is a reflection of the fact that, as Dr. Karger explains, "[a]gain, with Sapphire, there is this one-to-one association between applications and icons" (Ex. 1113 at, 175:23-25).

**Ex. 2081 (Weadock Amend Reply) at ¶ 97.**

v.

SURFCAS, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAS, INC.'S  
PATENT OWNER REPLY TO  
PETITIONER'S OPPOSITION TO MOTION TO CONDITIONALLY  
UNDER 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have consolidated with the instant proceeding.

736399\_1

341. **To the extent one could conclude that the dynamic icons of Myers are not persistent, it would have been obvious to modify Myers in order to make them so,** since persistent user interface elements were well known by 1999, such as those described in MSIE Kit. Moreover, making the icons of Myers persistent would have been well within the level of skill in the art and would have merely united old elements (user interface elements and persistence) with no change in their respective functions to yield predictable results.

**Ex. 1110 (Karger Reply) at ¶ 341, cited in Opp. to Motion to Amend, Paper 46 at 5.**

# Patent Owner Assertion

Filed on behalf of SurfC  
By: Richard G. A. Bo  
VLP Law Group  
555 Bryant Street  
Palo Alto, CA 94  
Tel. (650) 419 20  
FAX (650) 353 5

IN THE UNITED

BEFORE T

197:14-19.) Petitioner's expert further admitted that Myers does not anticipate claim 53, whereas he contends that two other references analyzed in Patent Owner's Motion, MSIE Kit (Ex. 1007) and Kostas (Ex. 1051), are anticipatory.

Amend Reply, Paper 62 at 3.

MICROSOFT CORPORATION  
Petitioner

v.

SURFCast, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCast, INC.'S  
PATENT OWNER REPLY T  
PETITIONER'S OPPOSITION TO MOTION TO CO  
UNDER 37 C.F.R. §§ 42.121 AND

Q And so in any event, your opinion is that Myers, Exhibit 1066, renders claim 53 obvious, not anticipated; correct?

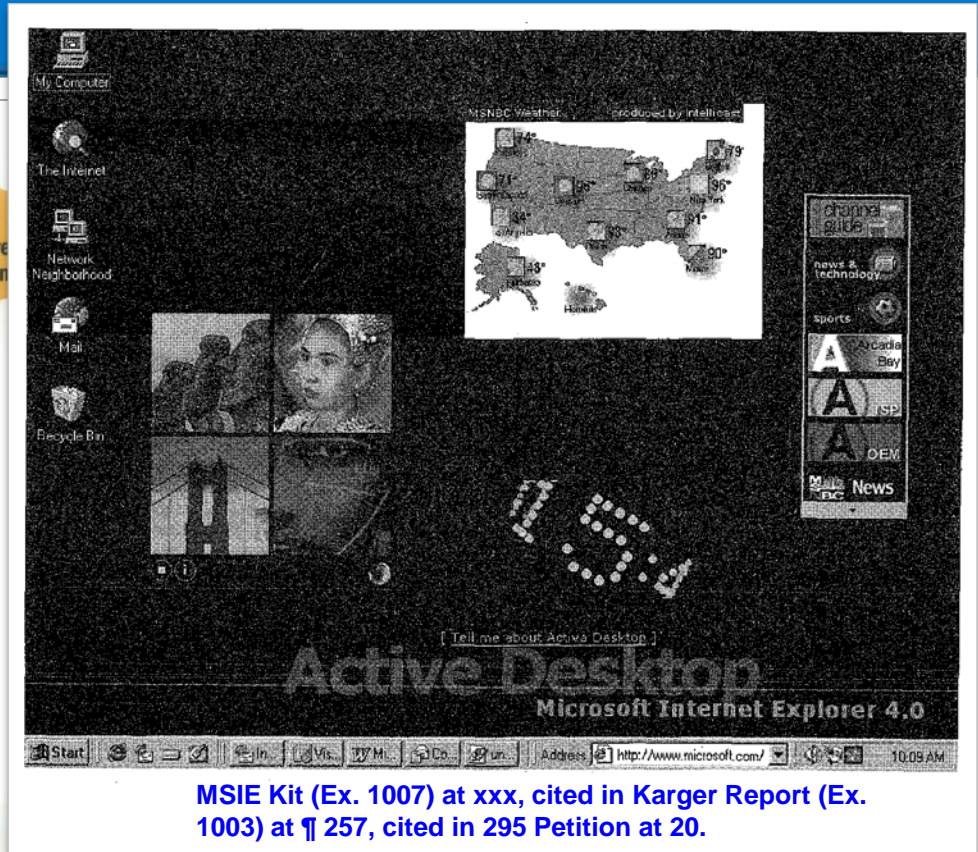
A That's correct. My assertion is that the claims are obvious, not anticipated.

Ex. 1113 at 182:20-24 (Karger Tr. at 369:20-24), explaining Ex. 1110 (Karger Reply) at ¶ 335-346, cited in Opp. to Motion to Amend, Paper 46 at 5.

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 consolidated with the instant proceeding.



# Ground 4: Anticipation by MSIE Kit (Ex. 1007)



This gives Active Desktop users the maximum flexibility to arrange their desktop as they wish. A good benchmark is to make sure that the Active Desktop item takes up no more than one-sixth the area of the screen. **By default, Internet Explorer lays out new Active Desktop items on a 3 by 2 grid.**

MSIE Kit (Ex. 1007) at 183, cited in Karger Report (Ex. 1003) at ¶ 256, cited in 295 Petition at 20.

# Patent Owner Assertion

Paper No. 62

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLawGroup.com](mailto:RBone@VLPLawGroup.com))

VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

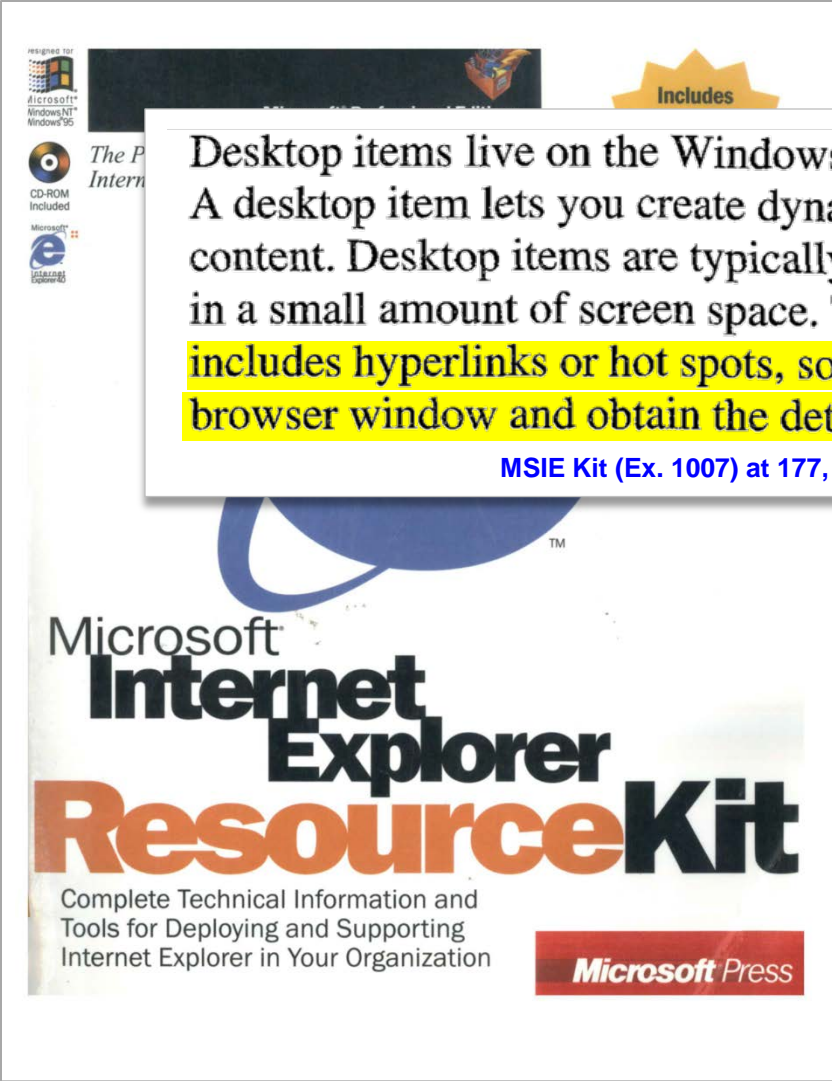
SURFCAST, INC.'S  
PATENT OWNER REPLY TO  
PETITIONER'S OPPOSITION TO MOTION TO CONDITIONALLY AMEND  
UNDER 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Petitioner alleges only two reasons why the substitute claims are unpatentable. (Paper No. 41 at 9 – 15.) First, the Opposition alleges that MSIE Kit (Ex. 1007) anticipates substitute claims 53 – 59. (Opp. at 9-12.) However, MSIE Kit does not disclose “wherein selecting a tile calls an assigned application program.” An application program is not called when an Active Desktop item is selected, and neither Petitioner nor its expert identify anything in MSIE Kit to the contrary.

**Amend Reply, Paper 62 at 4.**

# MSIE Kit



Desktop items live on the Windows desktop, alongside existing desktop shortcuts. A desktop item lets you create dynamic links to a workgroup's favorite Web content. Desktop items are typically designed to provide summary information in a small amount of screen space. Therefore, information in desktop items often includes hyperlinks or hot spots, so users can click a designated area to open a browser window and obtain the details they want.

MSIE Kit (Ex. 1007) at 177, cited in Karger Report (Ex. 1003) at ¶ 270, cited in 295 Petition at 22.

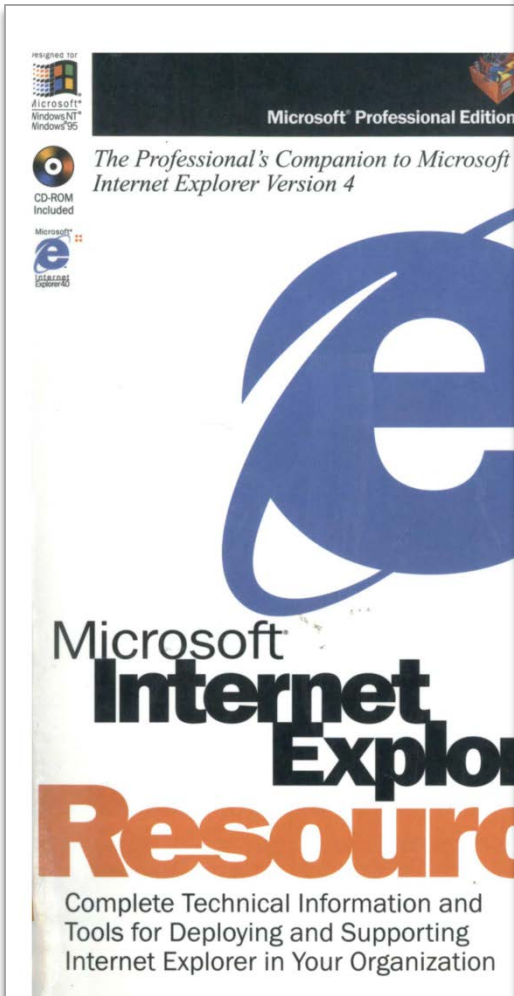
Microsoft  
**Internet Explorer**  
**Resource Kit**

Complete Technical Information and  
Tools for Deploying and Supporting  
Internet Explorer in Your Organization

**Microsoft Press**



# MSIE Kit



123. I note, moreover, that nothing in the Board's or Patent Owner's claim interpretation precludes the possibility that a single click would both select the Item and access information from the associated information source.

124. Second, clicking on such a link also demonstrates selecting the Item itself because in doing so the user is indicating a desire for access to the information displayed in or referenced in the Item. Indeed, MSIE Kit states that Active Desktop Items are intended to display summary information and that clicking on a link or hot spot within the Item is way for the user to obtain more detailed information. Ex. 1007, MSIE Kit at 177 ("Desktop items are typically designed to provide summary information in small amount of screen space. Therefore information in desktop items often includes hyperlinks or hot spots so users can click designated area to open browser window and obtain the details they want.").

**Karger Reply (Ex. 1110) at ¶¶ 123-24, cited in Karger Reply (Ex. 1110) at ¶ 213 and Opp. To Amend to Motion at 11 & 12.**

# MSIE Kit

UNITED STATES PATENT  
BEFORE THE PATENT TRI

Microsoft  
Peti

SurfC  
Patent Owner

Patent No.  
Issued: Apr  
Filed: Oct  
Inventors: Ovid Santo  
Title: SYSTEM AND METHOD  
OF MULTIPLE INFO

Inter Partes Review No. IPR  
IPR2013-00294, I

Reply Declaration of David R. Karger

131. Clicking on a “hot spot” defined on an Active Desktop Item also qualifies as one way to select an Active Desktop Item because in doing so the user is clearly indicating a desire for access to the information displayed in or referenced by the Item. Ex. 1007, MSIE Kit at 177, 184, 213, 400, 420. I note that

**Karger Reply (Ex. 1110) at ¶ 131, cited in Reply Br. at 15.**

132. I note, moreover, that one of ordinary skill in the art would have known how to create a hot spot and that it could be defined anywhere on an Active Desktop Item, including across the entire Item. Ex. 1095, U.S. Patent No. 6,616,701 at 1:27-33; Ex. 1096, U.S. Patent No. 7,139,970 at 1:39-58; *see also* Ex. 1097, The HTML 4.0 standard (specifying hot spots (also called “image maps”), available at <http://www.w3.org/TR/1998/REC-html40-19980424/html40.pdf> (April 24, 1998)) at 162-168; Ex. 1098, Scott Isaacs, Inside Dynamic HTML at pp. 229-237.

**Karger Reply (Ex. 1110) at ¶ 132, cited in Reply Br. at 15.**

# MSIE Kit

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS I  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-002  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent No.

Petitioner M

## Internet Explorer 4

217. MSIE kit discloses that the web browser that is called when an Active Desktop Item is selected can be Internet Explorer 4, *e.g.*, when Internet Explorer is the default browser or the only browser. *See* MSIE Kit at 5. When the system is configured to call Internet Explorer 4 as the web browser called when an Item is selected, Internet Explorer 4 is assigned to that Item. *See supra* at ¶ 51.

## Netscape Navigator

218. MSIE Kit discusses how a Netscape web browser may be used as the web browser when Active Desktop is installed, by explaining that “Internet Explorer may coexist with any Netscape Browser.” MSIE Kit at 5; *see also* MSIE Kit at 591. When the system is configured to call a Netscape Browser as the web browser called when an Item is selected (setting Netscape as the default browser), the Netscape Browser is assigned to that Item. *See supra* at ¶ 51.

**Karger Reply (Ex. 1110) at ¶ 217, 218, cited in Op.. Motion to Amend, Paper 46, at 10.**

# MSIE Kit

UNITED STATES PATENT AND  
BEFORE THE PATENT TRI-  
Microsoft Corp.  
Petition  
v.  
SurfCast  
Patent C  
Patent No. 6  
Issued: April  
Filed: October  
Inventors: Ovid Santoro  
Title: SYSTEM AND METHOD FOR  
OF MULTIPLE INFOR  
Inter Partes Review No. IPR2013-00294, and  
Reply Declaration of David R. Karger

230. In the above passage, MSIE Kit explains that Outlook Express can be associated with “mailto: URLs,” which persons of ordinary skill in the art would understand to be links in pages that specify an email address. *See, e.g.*, Ex. 1100, U.S. Patent No. 5,982,445 at 3:12-16 (“MAILTO indicates an Internet Mail Protocol. If a user targets a mail type URL, the browser will open a window to allow the user to create a mail message to be delivered to the indicated e-mail address.”). Thus a person of ordinary skill reading this disclosure would understand that, in the MSIE Kit scheme, when someone selected a mailto link in a Desktop Item, and thus selected the Desktop Item, Internet Explorer 4 would call the Outlook Express application and create a draft email addressed to the email address specified in the link in the Item.

[Karger Reply \(Ex. 1110\) at ¶ 230, cited in Opp. Motion to Amend, Paper 46, at 11.](#)

# MSIE Kit

## (12) United States Patent Michaud et al.

(10) Patent No.: US 7,139,970  
(45) Date of Patent: Nov. 21, 2006

### (54) ASSIGNING A HOT SPOT IN AN ELECTRONIC ARTWORK

(75) Inventors: Jeffrey H. Michaud, Minneapolis, MN  
(US); Douglas K. Olson, Shoreview,  
MN (US)

(73) Assignee: Adobe Systems Incorporated, San  
Jose, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 556 days.

(21) Appl. No.: 09/058,496

(22) Filed: Apr. 10, 1998

(65) Prior Publication Data  
US 2002/0052891 A1 May 2, 2002

(51) Int. Cl.  
G06F 15/00 (2006.01)  
G06F 17/00 (2006.01)

(52) U.S. Cl. .... 715/501.1; 715/513; 345/629;  
345/630; 345/631; 345/632; 345/633; 345/634;  
345/635; 345/636

(58) Field of Classification Search ..... 707/501.1;  
707/502; 503; 504; 505; 506; 507; 508; 509;  
707/510; 511; 512; 513; 345/629; 345/631;  
345/632; 345/633; 345/634; 345/635; 345/636

See applica-

(56) U.S.

4,847,604 A  
5,406,216 A  
5,581,670 A  
5,657,462 A  
5,684,715 A  
5,692,212 A  
5,708,845 A  
5,727,141 A



US007139970B2

## (12) United States Patent Michaud et al.

(10) Patent No.: US 7,139,970 B2  
(45) Date of Patent: Nov. 21, 2006

### (54) ASSIGNING A HOT SPOT IN AN ELECTRONIC ARTWORK

(75) Inventors: Jeffrey H. Michaud, Minneapolis, MN  
(US); Douglas K. Olson, Shoreview,  
MN (US)

(73) Assignee: Adobe Systems Incorporated, San  
Jose, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 556 days.

(21) Appl. No.: 09/058,496

(22) Filed: Apr. 10, 1998

5,737,553 A 4/1998 Bartok ..... 345/339  
5,751,281 A 5/1998 Hoddie et al. .... 345/302  
5,751,852 A \* 5/1998 Marimont et al. .... 382/180  
5,774,666 A 6/1998 Portuesi ..... 725/110  
5,818,455 A \* 10/1998 Stone et al. .... 345/433  
5,844,557 A 12/1998 Shively, II ..... 345/339  
5,852,810 A \* 12/1998 Sotiropff et al. .... 705/27  
5,918,012 A 6/1999 Astiz et al. .... 709/217  
5,956,701 A \* 9/1999 Habermehl ..... 706/20  
5,977,978 A \* 11/1999 Carey et al. .... 345/419  
5,983,244 A \* 11/1999 Nation ..... 707/501  
5,991,781 A \* 11/1999 Nielsen ..... 707/513  
6,034,689 A \* 3/2000 White et al. .... 345/357

(Continued)

FOREIGN PATENT DOCUMENTS

coordinates within the image. AREA elements in a MAP element can define hot spots or areas on the image and link the hot spots to URLs. A hot spot is an area of an image, which may correspond to graphic object or a section of text, that activates a function when selected.

Ex. 1096 at 1:54-58, cited in Karger Reply (Ex. 1110) at ¶ 132, cited in Opp. Motion to Amend, Paper 46, at 10.

IPR2013-00292, IPR2013-00293, IPR2013-00294 and IPR2013-00295  
Petitioner Microsoft Corporation - Ex. 1096, p. 1

# MSIE Kit

227. Thus a person of ordinary skill reading this disclosure would understand that, in the MSIE Kit scheme, when someone selected an appropriately configured **ActiveX control**, Internet Explorer **would call the Netmeeting application.**

**Karger Reply (Ex. 1110) at ¶ 227, cited in Opp. Motion to Amend, Paper 46, at 10, 11.**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

Microsoft Corporation, Petitioner,

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 20, 2000

Inventors: Ovid Santoro  
Title: SYSTEM AND METHOD FOR  
OF MULTIPLE INFORMATION

Inter Partes Review No. IPR2  
IPR2013-00294, et al.

Reply Declaration of David R. Karger

## Using the NetShow Player

You can use the NetShow Player to listen and watch streaming multimedia programs. The NetShow Player can be used to play programs three ways:

- As a stand-alone player.
- Launched from the browser, using a link on a Web page.
- **Embedded as an ActiveX control in a Web page, Visual Basic script application, or other ActiveX container applications.**

You can also configure the NetShow Player for a variety of options. For more information, see Help for NetShow Player.

**MSIE Kit (Ex. 1007) at 323, cited in Karger Reply (Ex. 1110) at ¶ 224, cited in Opp. Motion to Amend, Paper 46, at 10, 11.**

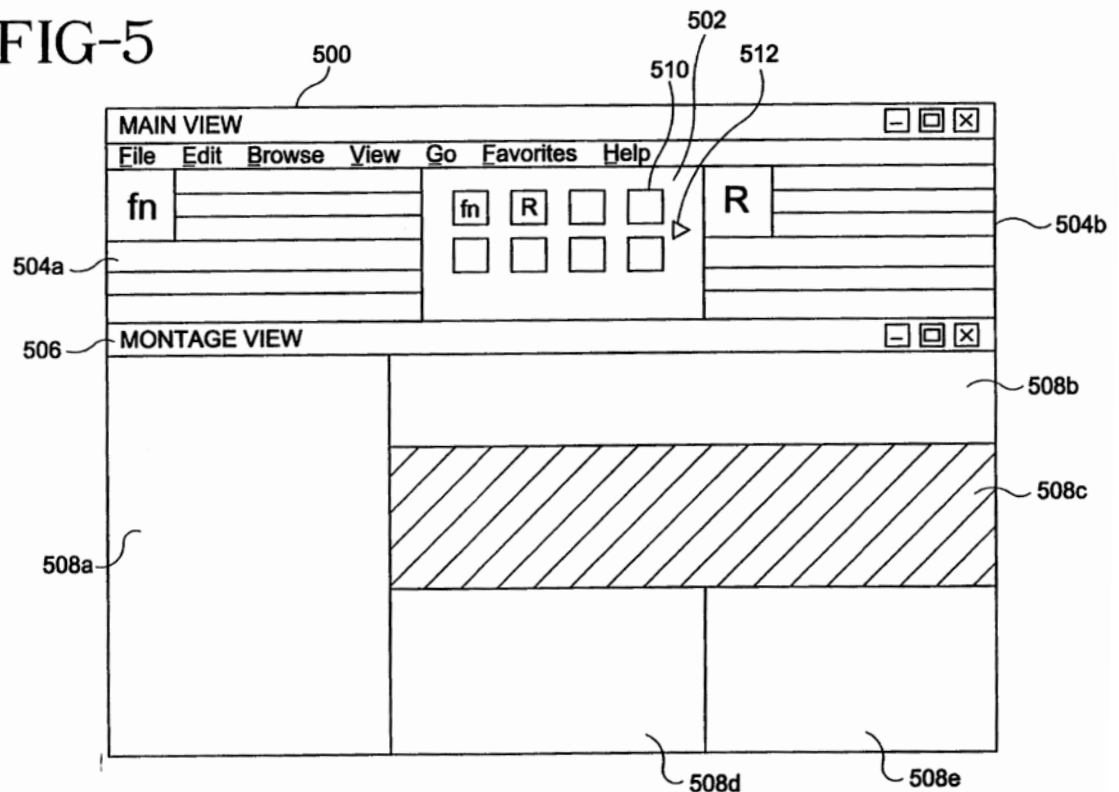


# Kostes

<b>PCT</b> WORLD INTELLECTUAL PROPERTY ORGANIZATION International Bureau	
INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)	
(51) International Patent Classification <sup>6</sup> : G06F 3/00, 3/14, 15/16	(11) International Publication Number: PCT/US98/24280
(21) International Application Number: PCT/US98/24280	(81) Designated States BY, CA, CH, CN, DE, DK, DM, ES, FI, FR, GB, GR, HK, IL, JP, KR, LK, LU, MC, NL, NO, NZ, PL, PT, RU, SE, SG, SI, SK, TM, TR, TT, UA, US, VN, (AM, AZ, BY, CY, CZ, EE, EG, FI, GM, GU, HT, HU, IL, IN, IS, IT, KE, KG, KH, KI, KP, KR, KZ, LA, LB, LG, LI, LT, LU, LV, LY, MA, MD, ME, MG, MK, MN, MU, MV, MW, MY, MZ, NA, NG, NI, NO, NZ, OM, PA, PE, PG, PH, PK, PL, PM, PR, PT, PY, QA, RO, RS, RU, RW, SA, SC, SD, SE, SG, SH, SI, SK, SL, SM, SN, SR, ST, SV, SY, TD, TF, TG, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VE, VN, YU, ZA, ZM, ZW)
(30) Priority Data: 08/970,357 14 November 1997 (14.11.97) US	(71) Applicant: AVESTA TECHNOLOGIES, INC. [US/US]; 2 Rector Street, New York, NY 10006 (US).
(72) Inventors: KOSTES, Robert; 248 Warren Street, Brooklyn, NY 11201 (US); MARZEC, Marc, J.; 301 East 79th Street, New York, NY 10021 (US).	(74) Agents: FITZPATRICK, Joseph, M. et al.; Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, NY 10112-3801 (US).
(54) Title: SYSTEM AND METHOD FOR DISPLAYING MULTIPLE SOURCES OF DATA	
(57) Abstract A display system receives data from one or more data sources, via a server, and displays the data in a graphical user interface (GUI) selected by a user. The user can have multiple sources active at once, and can preferably select and drop data from the sources into any of the resulting "panes". In addition, various applications can be run simultaneously in respective panes (508a-508e), regardless of whether those applications are part of a predefined suite of applications, or not.	

Petitioner Microsoft - Ex. 1051

FIG-5



Kostes (Ex. 1051) at Fig. 5, cited in Karger Reply (Ex. 1110) at ¶ 269, cited in Opp. Motion to Amend, Paper 46, at 14.



# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@vlp.com](mailto:RBone@vlp.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT

BEFORE THE PATENT TRIAL

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292  
Patent 6,720,000

PATENT OWNER'S  
CONDITIONAL AMENDMENT

WESTL245997062.4

Kostes does not **disclose** either “wherein” clause of substitute claim 53.

Exhibit 2063 ¶¶ 165 - 173.

[Motion to Amend, Paper 28 at 13.](#)

Claims. (Opp. at p. 14 – 15.) However, like MSIE Kit, Kostes does not **disclose**

“wherein selecting a tile calls an assigned application program.” (Ex. 2081 at ¶¶

\*

\*

\*

with MSIE Kit (Ex. 1007). Kostes also does not **disclose** the second “wherein

clause” and other limitations of the Substitute Claims, as shown by Patent Owner’s

expert, Mr. Weadock. (Ex. 2081 ¶¶ 80 – 95.)

[Amend Reply, Paper 62 at 5.](#)

# Kostes

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

Petitioner Microsoft – Ex. 1110

viii. wherein the tiles are selectable, and wherein selecting a tile calls an assigned application program to provide access to information

303. Kostes explains that its panes permit a user to click on a link within a pane or interact with an application program within a pane. Ex. 1051, Kostes at 13, 20, 28, 31. The panes of Kostes are therefore selectable.

304. Kostes also discloses that users can call various applications – including a web browser and an email application – by way of the rectangular panes of the Kostes display. Ex. 1051, Kostes at 13, 28-31. Indeed, Kostes expressly points out that his scheme could call a browser and an email program. *Id.*

305. In any event, to the extent one could conclude otherwise, it would have been obvious to use selection of the Kostes panes to call an application program, since that functionality was known in the prior art and used with, for example, prior art icons, *see supra* ¶¶ 340, and ActiveX controls, *see infra* ¶¶ 213-239. Implementing that functionality would have been within the level of ordinary skill and there would have been a motivation to employ that functionality in order to make use of the Kostes system more convenient.

**Karger Reply (Ex. 1110) at ¶¶ 303-305, cited in Opp. Motion to Amend, Paper 46, at 14.**

# Kostes – First Wherein Clause

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

Petitioner Microsoft – Ex. 111

305. In any event, to the extent one could conclude otherwise, it would have been obvious to use selection of the Kostes panes to call an application program, since that functionality was known in the prior art and used with, for example, prior art icons, *see supra* ¶¶ 340, and ActiveX controls, *see infra* ¶¶ 213-239. Implementing that functionality would have been within the level of ordinary skill and there would have been a motivation to employ that functionality in order to make use of the Kostes system more convenient.

**Karger Reply (Ex. 1110) at ¶ 305, cited in Opp. Motion to Amend, Paper 46, at 14.**

92. In ¶305 of Ex. 1110, Dr. Karger says it would have been obvious to use selection of the Kostes panes to call an application program. I do not agree, and Dr. Karger has not made a persuasive case. Active Desktop did not work that way. Chen did not work that way. Sapphire did not work that way. And these are the references that Dr. Karger deems most persuasive, among all possible prior art, to render the substitute claims unpatentable.

**Weadock Amend Reply Decl. (Ex. 2081) at ¶ 92.**

# Kostes – Second Wherein Clause

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermaier  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent

314. I note also that Kostes explains that “Java™ has the capability to launch an instance of any application,” Ex. 1051, Kostes at 28, and that “[o]ther, smaller utility applications, such as financial calculators and graphing utilities, may also be invoked within the montage view.” Ex. 1051, Kostes at 31. This would have motivated persons of ordinary skill in the art to add various other applications to the Kostes scheme. Thus, to the extent one would conclude that Kostes does not satisfy this claim element explicitly, I believe it also **would have been obvious** to modify the Kostes scheme to call each of the types of applications recited in proposed substitute claim 53.

**Karger Reply (Ex. 1110) at ¶ 314, cited in Opp. Motion to Amend., Paper 46, at 15.**

Petitioner Microsoft – Ex. 1110

## The Motion Should Be Denied

1. Insufficient Claim Construction
2. Proposed Substitute Claims Are Not Patentable
3. **No Written Description Support**

# CBS v. Helferich

[Trials@uspto.gov](mailto:Trials@uspto.gov)  
571-272-7822

Entered: Paper 122

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CBS INTERACTIVE INC., THE NEW YORK TIMES COMPANY,  
G4 MEDIA, LLC, and BRAVO MEDIA LLC  
Petitioner

v.

HELPERICH PATENT LICENSING, LLC and  
WIRELESS SCIENCE, LLC  
Exclusive Licensee and Patent Owner

Case IPR2013-00033  
Patent 7,155,241

Before JAMESON LEE, KEVIN F. TURNER, and JONI Y. CHANG,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

FINAL WRITTEN DECISION  
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

## 2. *Written Description Support*

A motion to amend claims **must identify clearly the written description support for each proposed substitute claim**, and the written description support in an earlier-filed disclosure for each claim for which benefit of the filing date of the earlier filed disclosure is sought. 37 C.F.R. § 42.121(b). The written description test is whether the *original disclosure of the application* relied upon reasonably conveys to a person of ordinary skilled in the art that the inventor had possession of the claimed subject matter as of the filing date. *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). Therefore, the written description

**IPR2013-00033, Paper 122 at 53, cited in Motion to Exclude, Paper 67, at 8.**

# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.

By: Richard G. A. Bone ([RBone@VLPLaw.com](mailto:RBone@VLPLaw.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEOFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292  
Patent 6,724,403

PATENT OWNER'S MOTION FOR  
CONDITIONAL AMENDMENT UNDER 37 C.F.R. § 42.121

WEST\245997062.4

Support for the additional limitation “wherein the tiles are selectable, and wherein selecting a tile calls an assigned application program to provide access to information” can be found in **Exhibit 2066** at 8:24-27; 10:22-23; 16:16-17, 17:23-25 and 18:14-15; and in **Exhibit 1002** at 21:26-27; 22:1-2 and 22:15-16.

**Motion to Amend, Paper 28 at 5.**



# “wherein selecting a tile calls an assigned application program to provide access to information”

Each tile is associated with a data stream or application program and allows a choice of displayed images.

(12) **United States Patent**  
**Santoro et al.**

(54) **SYSTEM AND METHOD FOR  
SIMULTANEOUS DISPLAY OF MULTIPLE  
INFORMATION SOURCES**

(75) Inventors: **Ovid Santoro**, London (GB); **Klaus  
Lagermann**, Copenhagen (DK)

(73) Assignee: **Surfcast, Inc.**, Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 259 days.

(21) Appl. No.: **09/702,325**

(22) Filed: **Oct. 30, 2000**

**Related U.S. Application Data**

(60) Provisional application No. 60/102,522, filed on Oct. 29,  
1999.

(51) Int. Cl.<sup>7</sup> ..... **G06F 15/00**

(52) U.S. Cl. .... **345/765; 345/790**

(58) Field of Search ..... **345/765, 766,  
345/764, 729, 781, 788, 716, 717, 792,  
790**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,555,775 A	11/1985	Pike	
4,653,020 A	3/1987	Chevalier et al.	
4,712,191 A	12/1987	Penna	
4,831,556 A	5/1989	Olsen	345/786
5,157,384 A	10/1992	Greenhalgh et al.	
5,294,521 A	2/1994	Handwerker, Jr. et al.	
5,479,602 A	12/1995	Baecker et al.	
5,550,968 A	8/1996	Miller et al.	345/741
5,740,430 A	4/1998	Rosenberg et al.	
5,740,549 A	4/1998	Reilly et al.	
5,757,371 A	5/1998	Olsen et al.	345/739
5,778,181 A	7/1998	Hidary et al.	
5,793,368 A	8/1998	Beer	
5,796,383 A	8/1998	Hendshaw et al.	
5,796,401 A	8/1998	Winer	345/433
5,812,125 A	9/1998	Rowe et al.	726/443
5,813,007 A	9/1998	Nichols	

**403 FH (Ex. 1002) at 21:26-27; 403 Patent (Ex. 1001) at 10:54-56, cited in Motion to Amend, Paper 28 at 5.**

Q You would agree that that sentence doesn't  
say anything about selecting a tile, wouldn't you?

MS. MILLER: Objection, form.

THE WITNESS: That sentence doesn't use the  
word "selecting."

**Ex. 1106 at 61:22-62:1 (Weadock Tr. at 60:22-61:1), cited in Opp. Motion to Amend, Paper 46, at 6.**

Q And you would agree that the sentence  
doesn't say anything about how an application  
program may be called, wouldn't you?

MS. MILLER: Objection, form.

THE WITNESS: **That's correct.**

**Ex. 1106 at 62:3-7 (Weadock Tr. at 61:3-7), cited in Opp. Motion to Amend, Paper 46, at 6.**

# “wherein selecting a tile calls an assigned application program to provide access to information”

Each tile is separately associated with a source of information, for example, an application program, data-stream or file, any one of which may be another grid object.

403 FH (Ex. 1002) at 22:1-2; 403 Patent (Ex. 1001) at 11:1-3, cited in Motion to Amend, Paper 28 at 5.

(12) **United States Patent**  
**Santoro et al.**

(10) Patent No.  
(45) Date of Pat

(54) **SYSTEM AND METHOD FOR  
SIMULTANEOUS DISPLAY OF MULTIPLE  
INFORMATION SOURCES**

5,831,664 A \* 11/01/99  
5,838,326 A \* 11/01/99  
5,841,418 A \* 11/01/99

(75) Inventors: **Ovid Santoro**, London (GB); **Klaus  
Lagermann**, Copenhagen (DK)

(73) Assignee: **Surfcast, Inc.**, Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 259 days.

(21) Appl. No.: **09/702,325**

(22) Filed: **Oct. 30, 2000**

**Related U.S. Application Data**

(60) Provisional application No. 60/167,522, filed on Oct. 29,  
1999.

(51) Int. Cl.<sup>7</sup> ..... **G06F 15/00**

(52) U.S. Cl. .... **345/765; 345/790**

(58) Field of Search ..... **345/765, 766,  
345/764, 729, 781, 788, 716, 717, 792,  
790**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,555,775	A	11/1985	Pike	
4,653,020	A	3/1987	Chevalier et al.	
4,712,191	A	12/1987	Penna	
4,831,556	A	5/1989	Olsen	345/786
5,157,384	A	10/1992	Greenias et al.	
5,294,521	A	2/1993	Handerson, Jr. et al.	
5,479,602	A	12/1995	Baecker et al.	
5,550,968	A	8/1996	Miller et al.	345/741
5,740,430	A	4/1998	Rosenberg et al.	
5,740,549	A	4/1998	Reilly et al.	
5,757,371	A	5/1998	Olsen et al.	345/739
5,778,181	A	7/1998	Hidary et al.	
5,793,368	A	8/1998	Beer	
5,796,383	A	8/1998	Hendshaw et al.	
5,796,401	A	8/1998	Winer	345/433
5,812,125	A	9/1998	Rowe et al.	725/443
5,813,007	A	9/1998	Nichols	

Q Would you agree that that sentence does not  
say anything about selecting a tile?

MS. MILLER: Objection, form.

THE WITNESS: **Yes.**

Ex. 1106 at 62:20-23 (Weadock Tr. at 61:20-23), cited in Opp. Motion to Amend, Paper 46, at 6.

Q Doesn't state -- that sentence also doesn't  
state how one calls an application program. Agree  
with that?

A **I would.**

Ex. 1106 at 63:11-14 (Weadock Tr. at 62:11-14), cited in Opp. Motion to Amend, Paper 46, at 6.

# “wherein selecting a tile calls an assigned application program to provide access to information”

Therefore the application resides over existing applications without replacing any of them; rather it enables them to be called from the grid itself.

403 FH (Ex. 1002) at 22:15-16; 403 Patent (Ex. 1001) at 11:23-25 , cited in Motion to Amend, Paper 28 at 5.

Q Would you agree that sentence doesn't say anything about selecting a tile?

MS. MILLER: Objection, form.

THE WITNESS: That sentence doesn't seem to use the words "selecting a tile."

Ex. 1106 at 63:23-64:2 (Weadock Tr. at 62:23-63:2), cited in Opp. Motion to Amend, Paper 46, at 6.

Q And that sentence also doesn't say anything about how an application program is called, correct?

MS. MILLER: Objection, form.

THE WITNESS: That's correct.

Ex. 1106 at 64:4-7 (Weadock Tr. at 63:4-7), cited in Opp. Motion to Amend, Paper 46, at 6.

(12) **United States Patent**  
**Santoro et al.**

(10) Patent No.  
(45) Date of Pat

(54) **SYSTEM AND METHOD FOR  
SIMULTANEOUS DISPLAY OF MULTIPLE  
INFORMATION SOURCES**

5,831,664 A \* 11/1998  
5,838,326 A \* 11/1998  
5,841,418 A \* 11/1998

(75) Inventors: **Ovid Santoro**, London (GB); **Klaus  
Lagermann**, Copenhagen (DK)

(73) Assignee: **Surfcast, Inc.**, Palo Alto, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 259 days.

(21) Appl. No.: **09/702,325**

(22) Filed: **Oct. 30, 2000**

**Related U.S. Application Data**

(60) Provisional application No. 60/167,522, filed on Oct. 29,  
1999.

(51) Int. Cl.<sup>7</sup> ..... **G06F 15/00**

(52) U.S. Cl. .... **345/765; 345/790**

(58) Field of Search ..... **345/765, 766,  
345/764, 729, 781, 788, 716, 717, 792,  
790**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,555,775 A	11/1985	Pike	
4,653,020 A	3/1987	Chevallier et al.	
4,712,191 A	12/1987	Penna	
4,831,556 A	5/1989	Oono	345/786
5,157,384 A	10/1992	Grammas et al.	
5,294,521 A	2/1994	Handkoven, Jr. et al.	
5,479,602 A	12/1995	Baecker et al.	
5,550,968 A	8/1996	Miller et al.	345/741
5,740,430 A	4/1998	Rosenberg et al.	
5,740,549 A	4/1998	Reilly et al.	
5,757,371 A	5/1998	Oono et al.	345/739
5,778,181 A	7/1998	Hidary et al.	
5,793,368 A	8/1998	Beer	
5,796,383 A	8/1998	Hendshaw et al.	
5,796,401 A	8/1998	Winer	345/433
5,812,125 A	9/1998	Rowe et al.	726/443
5,813,007 A	9/1998	Nichols	

multitude of information sources. In particular, the present

# Patent Owner Assertion

3. All Amendments Are Supported By the Written Description. Petitioner has argued that the limitations “wherein selecting a tile calls an assigned application program” and “arrange a display into a grid of tiles . . . said grid of tiles being persistent from session to session” are not supported by the specification of the ’403 Patent. As explained by Mr. Weadock, the first limitation is clearly supported by the portions of the written description cited in the Motion at 5; Petitioner ignores these portions in asserting otherwise. (Ex. 2081 ¶¶ 55 – 56.)

**Amend Reply, Paper 62 at 3.**

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

SURFCAST, INC.’S  
PATENT OWNER REPLY TO  
PETITIONER’S OPPOSITION TO MOTION TO CONDITIONALLY AMEND  
UNDER 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

## III. The Substitute Claims Are Not Supported by the Written Description

### A. Calling an Application Program By Selecting a Tile

Patent Owner seeks to add: “wherein selecting a tile calls an assigned application program to provide access to information.” Motion at 2. As support, Patent Owner cites three sentences from the utility application which led to the issuance of the ’403 Patent. See Motion at 5, citing Ex. 1002 at 21:26-27; 22:1-2; and 22:15-16. The first is “Each tile is associated with a data stream or application program and allows a choice of displayed images.” Ex. 1002 at 21:26-27 (found in the ’403 Patent at 10:54-56). Next is “Each tile is separately associated with a source of information, for example, an application program, IPR2013-00292, IPR2013-00293, IPR2013-00294, and IPR2013-00295 *datastream or file, any one of which may be another grid object.*” Ex. 1002 at 22:1-2 (found in the ’403 Patent at 11:1-3). Finally, it cites: “Therefore the application resides over existing applications without replacing any of them; rather it enables them to be called from the grid itself.” Ex. 1002 at 22:15-16 (found in the ’403 Patent at 11:23-24). As is apparent, and was confirmed by both parties’ experts, none of these passages describes calling an application program by selecting a tile. Ex. 1110 at ¶¶ 174-176; Ex. 1106, Weadock Tr. at 60:15-63:7. They therefore do not provide written description support for “wherein selecting a tile calls an assigned application program to provide access to information.”

**Opp. Motion to Amend, Paper 46, at 5-6.**

# Patent Owner Assertion

Filed on behalf of SurfCast, Inc.  
By: Richard G. A. Bone ([RBone@VLP.LawGroup.com](mailto:RBone@VLP.LawGroup.com))  
VLP Law Group LLP  
555 Bryant Street, Suite 820  
Palo Alto, CA 94301  
Tel. (650) 419 2010  
FAX (650) 353 5715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION  
Petitioner

v.

SURFCAST, INC.  
Patent Owner

Case IPR2013-00292<sup>1</sup>  
Patent 6,724,403

DECLARATION OF GLENN E. WEADOCK  
IN SUPPORT OF PATENT OWNER'S REPLY TO OPPOSITION TO MOTION  
TO CONDITIONALLY AMEND  
UNDER 35 U.S.C. § 316(a)(9), AND 37 C.F.R. §§ 42.121 AND 42.23

<sup>1</sup> Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

SurfCast – Exhibit 2081  
Microsoft Corp. v. SurfCast, Inc. IPR2013-0

736400\_1

55. The limitation “calling an application by selecting a tile” is clearly supported by the portions of the written description cited in the Motion for Amendment (Paper No. 28 at 5), and for the reasons set forth above in paragraphs 29 – 30. I also find support in the '403 Patent at least at 12:24-30 (“Fig. 11 shows an arrangement of tiles in which are depicted different application programs associated with three of the tiles. Tile 802-2-2 links to a file viewer displaying a specific tile; tile 802-N-1 presents streaming video; tile 802-M-N depicts a page of information on the world wide web”).

56. The **persistent** display of a grid of tiles is also supported by the specification of the '403 Patent, which discloses that the grid of tiles is stored in a file system (Ex. 1001 at 12:66-13:1), and Petitioner's expert admitted that one of ordinary skill in the art would understand that the file system is typically stored in a non-volatile hard disk. (See *e.g.*, Ex. 1113 at 125:8-9 and 126:2-7). See also the discussion at ¶¶ 7 – 26 above.

**Weadock Amend Reply Decl. (Ex. 2081) at ¶¶ 55-56.**

# Written Description

107 F.3d 1565  
65 USLW 2632, 41 U.S.P.Q.2d 1961  
(Cite as: 107 F.3d 1565)

Page 1

United States Court of Appeals,  
Federal Circuit.

Lawrence B. LOCKWOOD, Plaintiff-Appellant,  
v.  
AMERICAN AIRLINES, INC., Defendant-Appellee.

No. 96-1168.

March 4, 1997.

equivalents.

Affirmed.

West Headnotes

[1] Federal Courts—776  
708k776 Most Cited Cases

Court of Appeals reviews district court's grant of summary judgment de novo.

[2] Patents—314(5)  
291k314(5) Most Cited Cases

Determination of obviousness under statute requiring patent to have nonobvious subject matter is legal conclusion involving factual inquiries. 35 U.S.C.A. § 103.

[3] Patents—16(2)  
291k16(2) Most Cited Cases

Airline's computerized reservation system was prior art with regard to patent for automated interactive sales terminal, although essential algorithms of software for airline's systems were proprietary and not readily apparent to public; airline's public use of system was enough to place claimed features of patent in public's possession, even though other,

In order to gain benefit of filing date of earlier application, each application in chain leading back to application must comply with statutory written description requirement. 35 U.S.C.A. §§ 112, 120.

[7] Patents—430  
291k130 Most Cited Cases

Entitlement to filing date of earlier patent application not extend to subject matter which is not disclosed would be obvious over what is expressly disclosed extends only to that which is disclosed. 35 U.S.C.A. § 120.

[8] Patents—430  
291k130 Most Cited Cases

In determining whether patent is entitled to filing date of earlier application, while measuring of terms, phrase, diagrams in disclosure is to be explained or interpreted from vantage point of one skilled in the art, all limitations must appear in specification. 35 U.S.C.A. §§ 112, 120.

[9] Patents—430  
291k130 Most Cited Cases

In determining whether patent is entitled to benefit of filing date of earlier application, question is not whether claimed invention is obvious variant of that which is disclosed in

specification. The question is not whether a claimed invention is an obvious variant of that which is disclosed in the specification. Rather, a prior application itself must describe an invention, and do so in sufficient detail that one skilled in the art can clearly conclude that the inventor invented the claimed invention as of the filing date sought. *See Martin v. Mayer*, 823 F.2d 500, 504, 3 USPQ2d 1333, 1337 (Fed.Cir.1987) (stating that it is "not a question of whether one skilled in the art *might* be able to construct the patentee's device from the teachings of the disclosure.... Rather, it is a question whether the application necessarily discloses that particular device.") (quoting *Jepson v. Coleman*, 50

[Lockwood](#), 107 F.3d at 1572, cited in [Opp. Motion to Amend](#) at 7.

This slide intentionally left blank.



# Ground 1: Anticipation by Duhault II (Ex. 1014)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation,  
Petitioner,

v.

Surfcast, Inc.,  
Patent Owner

Patent No. 6,724,116  
Issued: April 20, 2005  
Filed: October 30, 2002

Inventors: Ovid Santoro and  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review

Declaration of David R. Karger Regarding

683. If it is found that a tile must be “selectable to provide access to underlying information of the associated information source” as I understand Patent Owner has asserted, Duhault II shows how users may select one of the multiple video viewing areas. *See, e.g.*, Ex. 1014, Duhault II at 5:41-45 and 4:52-5:2. By selecting the video viewing areas, underlying video information can be accessed. *Id.* Duhault II thus shows that a tile is “selectable to provide access to underlying information of the associated information source.”

**Karger Decl. (Ex. 1003) at ¶ 683, cited in 292 Petition at 26.**

# Ground 1: Anticipation by Duhault II (Ex. 1014)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

Petitioner Microsoft – Ex. 1110

66. In any event, the display areas of Duhault II are “selectable to provide access to underlying information.” They also satisfy the Board’s language of “when selected, provides access to an information source.” *See* Institution Decision, Paper 19 at 9. Specifically, by clicking on (*i.e.*, one method of selecting) one of the display areas the user is provided full motion video assigned to that area. Full motion video would be a type of access to the underlying information source, which is the video stream associated with that display area.

**Karger Reply (Ex. 1110) at ¶ 66, cited in Reply Br. at 10.**

# Ground 2: Anticipation by Chen (Ex. 1015)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfeast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. \_\_\_\_\_

Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

759. If it is found that a tile must be “selectable to provide access to underlying information of the associated information source” as I understand Patent Owner has asserted, Chen shows that instruments may be selected. *See, e.g.,* Ex. 1015, Chen at FIG. 11 and 14:67-15:2.

**Karger Decl. (Ex. 1003) at ¶ 759, cited in 292 Petition at 29.**

# Ground 2: Anticipation by Chen (Ex. 1015)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent

97. In any event, the instruments of Chen are “selectable to provide access to underlying information.” They also satisfy the Board’s interpretation of “when selected, providing access to an information source.” As the Board noted, Chen clearly discloses that its instruments are selectable, Institution Decision, Paper 19 at 28, and also that the selection provides the user the ability to record information from the underlying information source assigned to that instrument, *id.* Chen’s instruments are therefore “selectable to provide access to underlying information,” since the ability to record data from an information source is clearly a form of access.

**Karger Reply (Ex. 1110) at ¶ 97, cited in Reply Br. at 12.**

Petitioner Microsoft – Ex. 1110

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfeast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. \_\_\_\_\_

Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

270. If it is found that a tile must be “selectable to provide access to underlying information of the associated information source,” Active Desktop allows users to interact with content displayed in a desktop item – when the user clicked on the desktop item, it could launch a web browser to retrieve the full and current content of the information source linked to the desktop item. *See, e.g.*, Ex. 1007, MSIE Kit at 177 and 183. MSIE Kit thus shows that desktop items (“tiles”) are “selectable to provide access to underlying information of the associated information source....”

**Karger Decl. (Ex. 1003) at ¶ 270, cited in 295 Petition at 22.**

# Ground 4: Anticipation by MSIE Kit (Ex. 1007)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. IPR2013-00292, IPR2013-00293,  
IPR2013-00294, and IPR2013-00295

Reply Declaration of David R. Karger Regarding U.S. Patent No.

Petitioner Microsoft – Ex. 1110

119. In any event, the Active Desktop Items of MSIE Kit would satisfy the “selectable to provide such access” language, as well as the Board’s “when selected, provides access to an information source” language in at least four alternative ways – (a) clicking on a link within the Item; (b) clicking on a hot spot defined on the Item; (c) dragging/resizing the Item; or (d) using keyboard navigation to and within the Item. I treat each of these selection mechanisms separately below.

**Karger Reply (Ex. 1110) at ¶ 119, cited in Reply Br. at 14.**

# Ground 6: Anticipation by Duperrouzel (Ex. 1011)

UNITED STATES PATENT AND TRADEMARK  
BEFORE THE PATENT TRIAL AND APPEAL

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagerma  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. \_\_\_\_\_

Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

439. If it is found that a tile must be “selectable to provide access to underlying information of the associated information source,” Duperrouzel shows that users can maximize the display pane onto the entire display by activating the maximize control of the particular display pane. *See, e.g.*, Ex. 1011, Duperrouzel at 6:36-40.

**Karger Decl. (Ex. 1003) at ¶ 439, cited in Institution Decision, Paper 19 at 34 & 35.**



# Ground 6: Anticipation by Duperrouzel (Ex. 1011)

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation  
Petitioner,

v.

Surfcast, Inc.  
Patent Owner

Patent No. 6,724,403  
Issued: April 20, 2004  
Filed: October 30, 2000

Inventors: Ovid Santoro and Klaus Lagermann  
Title: SYSTEM AND METHOD FOR SIMULTANEOUS DISPLAY  
OF MULTIPLE INFORMATION SOURCES

Inter Partes Review No. \_\_\_\_\_

Declaration of David R. Karger Regarding U.S. Patent No. 6,724,403

156. In any event, the panes of Duperrouzel would satisfy both Mr. Weadock's "selected to provide access to the information source" language and do satisfy the Board's "when selected, provides access to an information source" language through its maximization functionality. Institution Decision, Paper 19 at 9. Maximizing a pane is one way to select it in order to provide access to the information not accessible when the pane is in a non-maximized format, since maximizing the pane provides the ability to read and make use of more information from the information source. Ex. 1086, Microsoft Computer Dictionary, 4<sup>th</sup> Ed. (1999) at 12. I note that the '403 Patent also describes providing access to an information source by expanding the tile upon selection. Ex. 1001, US 6,724,403 at 9:43-47 ("In a preferred embodiment, double-clicking a tile causes that tile to occupy a substantial fraction of the whole display area. In this embodiment, double clicking tile 402 or 412 causes the image to be expanded to fit the whole display area.").

**Karger Reply (Ex. 1110) at ¶ 156, cited in Reply Br. at 17.**

# Ground 2: Anticipation by Chen (Ex. 1015)

## GUI TO RECORDING SUBSYSTEM

The GUI 80 allows the user to start and stop recording from any active monitoring console and any active monitoring instrument. When recording begins in the

Chen (Ex. 1015) at 6:63-68, cited in IPR2013-00292, Paper 19 (Institution Decision) at 27.

Field of Search	364/234.4, 364/264.5 395/650, 700	TDB, vol. 16, No. 1, Jun. 1973, pp. 110-118. "General Trace Facility", IBM TDB, vol. 15, No. 8, Jan. 1973, pp. 2446-2448. "Software Tool for IBM TDB, vol. 3 "Performance Mo Systems", IBM T 2386-2388. "Memory Usage E Jun. 1973, pp. 284 (List 6  Primary Examiner Assistant Examiner Attorney, Agent, or Roberts  [37] Local and remote data processing sy processes can be c action selected. I ranked when pres ing problematic pi data is captured d cesses using a dat monitoring and co
References Cited		
U.S. PATENT DOCUMENTS		
4,019,040	4/1977	Thompson
4,291,376	9/1981	McCaull
4,296,727	10/1981	Bryan
4,373,184	2/1983	Lambregts
4,959,656	7/1984	Wilder, Jr.
4,485,440	11/1984	Duff et al.
4,513,910	8/1983	Sukonick et al.
4,513,997	8/1983	Ferguson
4,590,550	3/1986	Eliert et al.
4,633,467	12/1986	Abel et al.
4,651,146	3/1987	Lucash et al.
4,653,020	3/1987	Cheselka et al.
4,730,313	3/1988	Sato et al.
4,821,178	4/1989	Levin et al.
4,823,290	4/1989	Fasack et al.
4,845,644	7/1989	Anthias et al.
4,878,153	10/1989	Ewart
4,905,171	2/1990	Kiel et al.
4,937,743	6/1990	Rassman et al.
4,943,968	7/1990	Hiruse et al.
4,951,229	8/1990	DiNicola et al.
5,050,105	9/1991	Peters
5,062,033	10/1991	Chinnaswamy et al.
5,067,099	11/1991	McCown et al.
5,067,107	11/1991	Wade
5,075,675	12/1991	Barker et al.



	ALL INSTRS ARE RECORD- ING	SOME INSTRUMENTS ARE RECORDING			
		SELECT'D INSTR IS RECORD- ING	SELECT'D INSTR NOT RECORD- ING	NO INSTR IS SELECTED	NO INSTR IS RECORD- ING
CONSOLE MENU	-	-	-	-	+
CONSOLE MENU	-	+	+	+	+
CONSOLE MENU	-	-	-	-	+
CONSOLE MENU	+	+	+	+	-
INSTRUMENT MENU	-	-	-	N/A	+
INSTRUMENT MENU	-	-	+	N/A	+
INSTRUMENT MENU	-	-	-	N/A	+
INSTRUMENT MENU	+	+	-	N/A	-

FIG. 11

Chen (Ex. 1015) at FIG. 11, cited in Karger Decl. (Ex. 1003) at ¶ 759, cited in 292 Petition at 29-30.

# Ground 2: Anticipation by Chen (Ex. 1015)

## United States Patent [19]

Chen et al.

[11] Patent Num

[45] Date of Pa

[54] SYSTEM AND METHOD FOR  
DYNAMICALLY CONTROLLING REMOTE  
PROCESSES FROM A PERFORMANCE  
MONITOR

[75] Inventors: James N. Chen; Niels Christiansen,  
both of Austin; Joseph C. Ross,  
Georgetown; Albert T. Rowan,  
Austin, all of Tex.

[73] Assignee: International Business Machines  
Corporation, Armonk, N.Y.

[21] Appl. No.: 965,984

[22] Filed: Oct. 23, 1992

[51] Int. Cl. G06F 11/32

[52] U.S. Cl. 395/650; 364/234.3;

[58] Field of Search 395/650, 700

### References Cited

#### U.S. PATENT DOCUMENTS

4,019,040 4/1977 Thompson .  
4,291,376 9/1981 McCall .  
4,296,727 10/1981 Bryan .  
4,373,184 2/1983 Lambregts .  
4,459,656 7/1984 Wilder, Jr. .  
4,485,440 11/1984 Duff et al. .  
4,513,910 8/1983 Sukonick et al. .  
4,513,997 8/1983 Furgerson .  
4,590,550 3/1986 Eliert et al. .  
4,633,467 12/1986 Abel et al. .  
4,651,146 3/1987 Lucash et al. .  
4,653,020 3/1987 Cheselka et al. .  
4,730,315 3/1988 Sato et al. .  
4,821,178 4/1989 Levin et al. .  
4,823,290 4/1989 Fasack et al. .  
4,845,644 7/1989 Anthias et al. .  
4,878,153 10/1989 Ewart .  
4,905,171 2/1990 Kiel et al. .  
4,937,743 6/1990 Rassman et al. .  
4,943,968 7/1990 Hirose et al. .  
4,951,229 8/1990 DiNicola et al. .  
5,050,105 9/1991 Peters .  
5,062,035 10/1991 Chinnaswamy et al. .  
5,067,099 11/1991 McCown et al. .  
5,067,107 11/1991 Wade .  
5,075,675 12/1991 Barker et al. .



To permit the accurate marking of events, in real time, marking should be a quick, one-step operation. This can be accomplished as follows:

1. The user begins **recording** an instrument or console in the normal way.
2. From the instrument or console recording sub-menu, the user selects the Marking On button. This puts the **selected instruments in a marking mode**, in which mouse-clicks on the instrument are interpreted as **requests to insert marker tokens**. This operation is only permitted for instruments which are being recorded.

Chen (Ex. 1015) at 88:13-38, cited in Karger Reply (Ex. 1110) at ¶ 98, cited in Reply Br. at 12.

# BRI Standard

- BRI Standard Implemented Under Explicit Statutory Grant of Authority to Commissioner (E.g., 35 U.S.C. 316(a)(4))
- Implemented After Notice and Comment Period (See 37 C.F.R. § 42.100(b).)
- No Argument Implementation Procedures Were Improper
- No Argument Standard Is Inconsistent With Statutory Scheme
- No Argument Office Exceeded Its Rulemaking Authority

# BRI Standard

- No Argument Board's Interpretations Are Not Reasonable
- No Argument Board's Interpretations Are "Inconsistent" With Specification
- Only One Argument For A Broader Interpretation ("Refresh Rate"/"Retrieval Rate")
  - Makes No Difference to Issues To Be Decided
  - No Patentability Argument Based on That Interpretation
- Patent Owner Has Already Filed Two Motions To Amend
  - Wants ability to amend AND Phillips standard