UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER, INC.,
Petitioner

- vs. -

VIDSTREAM, LLC,
Patent Owner

Case IPR2017-00830
U.S. Patent No. 9,083,997

REPLY DECLARATION OF KEVIN C. ALMEROTH, PHD, UNDER 37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,083,997 (CLAIMS 20-35)

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I, Kevin C. Almeroth, do hereby declare as follows:

I. INTRODUCTION

1. As I stated previously, I have been retained as an independent expert witness on behalf of Twitter, Inc. ("Twitter") for the above-captioned Petition for *Inter Partes* Review ("IPR") of U.S. Patent No. 9,083,997 ("the '997 Patent"). I am being compensated at my usual and customary rate for the time I spent in connection with this IPR. My compensation is not affected by the outcome of this IPR.

2. I previously submitted a Declaration as Exhibit 1007 in IPR2017-00830, setting forth my background, credentials, and curriculum vitae, which provides further details (referred to herein as my "first Declaration"). I submit this Declaration in Reply to the Declaration of James Olivier, filed as Exhibit 2008.

3. In addition to the materials I reviewed in preparing my first Declaration, in preparing this Reply Declaration, I have also reviewed:

a) Ex. 2008, Declaration of James Olivier;

b) Ex. 1035, Transcript of Oral Deposition of James Lawrence Olivier, Ph.D., July 26, 2018;

c) Patent Owner's Response (Paper 51); and

d) Any other document referenced herein.

4. In forming the opinions expressed in this Reply Declaration, I relied upon my education and experience in the relevant field of art, and have considered the viewpoint of a POSITA, as of May 9, 2012. I have also considered:

a) the documents listed above,

b) any additional documents and references cited in the analysis below,

c) the relevant legal standards, including the standard for obviousness, and

d) my knowledge and experience based upon my work in this area as described below.

5. I understand that claims in an IPR are given their broadest reasonable interpretation in view of the patent specification and the understandings of a POSITA. I further understand that this is not the same claim construction standard as one would use in a District Court proceeding.

II. LEVEL OF ORDINARY SKILL IN THE PERTINENT ART

6. As I stated in my previous Declaration, in my opinion, the level of a person of ordinary skill in the art needed to have the capability of understanding of network architecture, website design, and Internet application design applicable to the '997 Patent is (i) a Bachelor's degree in Computer Science, Electrical and/or Computer Engineering, or equivalent training, and (ii) approximately two years of

experience in network architecture and website design including the design of Internet applications (which is closely related to both network architecture design and also website design). Lack of work experience can be remedied by additional education, and vice versa. Such academic and industry experience would be necessary to appreciate what was obvious and/or anticipated in the industry and what a person of ordinary skill in the art would have thought and understood at the time. I believe I possess such experience and knowledge, and am qualified to opine on the '997 Patent. Ex. 1007, ¶ 50.

7. I understand that Dr. Olivier's opinion is that a person of ordinary skill in the art at the time of the '997 Patent would have the same undergraduate degree as I proposed, but instead of the work experience I identified, his person of ordinary skill in the art would have two years of experience "in the area of networked video." Ex. 2008, ¶ 34. It is my opinion that "networked video" would not necessarily include knowledge in "website design" as I proposed: for example, a person having work experience in networked video could have knowledge in transmitting video over cable networks or satellite networks, but such work experience would not include any familiarity with website design. Given the '997 Patent's repeated references to "websites" and the claim language requiring a "link to media recorder software" and presentation of media recorder software "within a displayed instance of the first webpage," I would not agree that Dr. Olivier's

proposed level of skill in the art would be adequate to evaluate the patentability of the '997 Patent. Further, Dr. Olivier's reference to "understanding of the types of tools, particularly web-based tools, used in video recording and publishing across a communication network" (Ex. 2008, ¶ 32) does not provide the requisite knowledge of website design: YouTube, in 2012, was such a web-based tool, but an understanding of YouTube would not provide any knowledge as to web design. As I explain further below, because Dr. Olivier's proposed level of skill in the art would not necessarily include work experience in website design, his opinions do not accurately characterize the creativity and ease with which a person of skill in the art would have combined the teachings of Nassiri and Bradford to teach the limitations of the claims.

8. Thus, for purposes of this Reply Declaration, I have again applied the level of ordinary skill that I proposed in my first Declaration.

III. DETAILED INVALIDITY ANALYSIS

9. As detailed in my first Declaration, I have considered the scope and content of the prior art and any potential differences between the claimed subject matter and the prior art. I conducted my analysis as of the claimed priority date of the '997 Patent: May 9, 2012. I have also considered the level of ordinary skill in the pertinent art as of that date. I previously described in detail below the scope and content of the prior art, as well as any differences between the claimed subject

matter and the prior art, on an element-by-element basis for each Challenged Claim of the '997 Patent. Based on my previous analysis, and considering Dr. Olivier's arguments and the Patent Owner's arguments, I maintain my previous finding that that the differences between the claims of the '997 Patent and the prior art discussed herein are such that the subject matter as a whole would have been obvious at the time of the filing of the '997 Patent to a person having ordinary skill in the art to which the subject matter pertains.

10. Again, unless otherwise noted, all *italics*, **bold** ***italics*** and ***bold italics*** ***underline*** emphasis in any quoted material has been added.

A. Nassiri and Bradford Teach a Link and Providing a Content Capture Interface as Recited

11. For the reasons below, as supported by my first Declaration, I disagree with Dr. Olivier's contentions that Nassiri and Bradford do not teach limitations [20.1.3] and [20.2.1] of claim 20 that recite "in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system" [20.1.3] or "wherein the content capture user interface is provided within a frame displayed in the first graphical user interface." Similarly, I disagree with Dr. Olivier's contentions that Nassiri and Bradford do not teach the limitations [31.1.3] and [31.2.1] of claim 31 that recite "in response to a user selection of a link included in a graphical user

interface that includes display elements hosted on the web server system" and "wherein the content capture user interface is provided within a frame displayed in the first graphical user interface." .

12. First, Dr. Olivier alleges that "Nassiri does not disclose a link to an iframe." Ex. 2008, p. 16. But Nassiri teaches "a link included in a graphical user interface that includes display elements hosted on the web server system" as the claim recites, as I stated in my first Declaration. Ex. 1007, ¶ 130. And Dr. Olivier's argument is based on fundamental inconsistencies with the understanding of a POSITA[1].

13. As I stated in my original declaration, "Nassiri teaches that a link is included in the webpage hosted by the enterprise computing system 110." Ex. 1007, ¶ 130. As stated by Nassiri, "[a] video recorder accessible through the embedded or stand alone link may be displayed on an input/output device 133. A user may follow the embedded or stand along link and utilize the video recorder functionality…" Ex. 1009, ¶ 26. As also stated by Nassiri, the "link may, in some examples, be provided in a page of or otherwise integrated with other information provided by the enterprise computing system 110." Ex. 1009, ¶ 18. Further,

[1] Dr. Olivier's POSITA does not include knowledge of web design, which may be the cause of these technical misunderstandings.

Nassiri describes that the link is displayed, as the user can access the video recorder by "clicking on a link displayed…" Ex. 1009, ¶ 30.

14. The Microsoft Computer Dictionary explains that a "user activates a link by clicking on the linked element…" and that an "embedded hyperlink" may be a "link to a resource that is embedded within text." Ex. 1044 at 4-6. Thus, a POSITA would have immediately understood Nassiri's "embedded link" to be "displayed on the webpage" so that the user can "follow the embedded...link" or "click[] on a link displayed…" Dr. Olivier confirmed that, if a user wanted to follow a link, they would have to see something that they could select (i.e., something displayed), and further, to follow a link, the user would have to click on the link. Ex. 1035, 97:9-18.

> Q. Okay. So if a user wanted to follow a link, they would typically have to see the link on the web page. Correct?
>
> MR. ROBINSON: Objection; form.
>
> A. They would have to see something that they could select on the web page.
>
> Q. Okay. And then the user would have to click that something, call it a link, to follow it. Correct?
>
> A. Correct.

15. Dr. Olivier's argument is premised on his conclusion that "in what Nassiri calls an 'embedded link,' the link is the web address for the video capture interface included in the 'src' attribute for the iframe code, such that the link is ***never*** displayed on the webpage or selected by a user." Ex. 2008, ¶ 48. It would appear that Dr. Olivier is conflating Nassiri's "embedded link" with the code Nassiri uses so that "an HTML iframe may be used to embed a video recorder in a web page provided by the enterprise computing system 110." Ex. 1009, ¶¶ 18-19. But the "embedded link" and video recorder "embed[ded]…in a web page" are two different concepts, just like the '997 Patent describes a third party "embed[ding] a link within a social networking webpage" (Ex. 1001, 5:27-30) and also "embedding a media recorder in a social networking website" (Ex. 1001, 6:45-47). Though the two concepts both use the word "embed," they are not the same in the '997 Patent, and although Dr. Olivier apparently believes otherwise, the two concepts are not the same in Nassiri, either. Dr. Olivier is also wrong for the following two reasons.

16. First, a POSITA would not have interpreted a value in a "src" attribute of an iframe tag to correspond to a "link" as Dr. Olivier concludes. Ex. 2008, ¶ 91 ("in what Nassiri calls an 'embedded link,' the link is the web address for the video capture interface included in the 'src' attribute for the iframe code…"). A link has a clear meaning to those experienced with web design and HTML: it is an anchor

tag, i.e., an "<a>" tag with an "href" attribute that specifies the URL of the page that the link goes to. As the w3schools website currently[2] states, "[i]f the href attribute is not present, the <a> tag is not a hyperlink." Ex. 1046. By contrast, the w3schools website identifies the "src" attribute in an iframe tag as follows: "Specifies the address of the document to embed in the <iframe>." Ex. 1047. Similarly, Bradford does not refer to the URL "supplied to the src attribute" as a "link." Ex. 1010, p. 158. Simply put, a POSITA would not have understood the data in the "src" attribute to be a "link" as Dr. Olivier contends.

17. Further, Dr. Olivier's conclusion that the "embedded link" is "***never*** displayed on the webpage or selected by a user" in Nassiri is inconsistent with Nassiri. Ex. 2008, ¶ 48. Dr. Olivier does not address, for example, how a user can "follow the embedded…link" if the link is not displayed, and he confirmed in his deposition that following a link would include clicking a displayed link. And a POSITA reading that sentence in Nassiri would have understood that the "embedded…link" is displayed for a user to follow – there is no other logical interpretation of the phrase. Dr. Olivier does not acknowledge these portions of Nassiri, but they are consistent with a POSITA's understanding of what a "link" is.

[2] A POSITA would have had the same understanding in 2012 prior to the '997 Patent's priority date.

18. Thus, Dr. Olivier's declaration does not change my previous conclusion that Nassiri teaches "a link included in a graphical user interface that includes display elements hosted on the web server system", because Nassiri's link (including the embedded link) to the video recorder is displayed and can be selected by a user. Further, as I stated in my first Declaration, Nassiri also teaches that its video recorder interface is provided in response to user selection of the link, e.g., in response to the user's clicking of the link. Ex. 1007, ¶¶ 132-133.

19. Dr. Olivier then states that, because Nassiri's example iframe code does not include the name attribute, "it would have been impossible for Nassiri to contain a link to this iframe." Ex. 2008, ¶ 95. But Nassiri's example iframe code is just that: an example. *See* Ex. 1009, ¶ 19 ("One ***example*** of iframe code that may be used to embed a video recorder is:…"). A POSITA would have understood that there are alternative implementations, and a POSITA knowledgeable in web design would have been aware of the "name" attribute for iframes. And Bradford confirms the existence of the "name" attribute (which it characterizes as an attribute "which isn't new"). Ex. 1010, p. 161.

20. As I stated in my original declaration, "Bradford supplements Nassiri's disclosure and expressly teaches how a specific iframe within a webpage can be targeted by a link, providing sample code." Further, I stated,

> "In Bradford's sample code, the iframe "name" attribute is "terms," the source of the iframe is "tnc.html," and the link (i.e., <a> anchor tag) is "Next page." Bradford explains that "when the 'Next page' hyperlink text is clicked, the page2.html is loaded into the 'terms' inline frame." Ex. 1010, p. 161. Accordingly, Bradford provides a coding example of using links to load content in inline frames within an already existing webpage. When Bradford's teachings are considered in light of Nassiri, a POSITA would have understood that, for example, the link to the executable instructions for video recording on a webpage would target an iframe on the webpage using the target attribute, and the video recorder would be loaded inside the inline frame of the webpage having the name specified in the target attribute."

Ex. 1009, ¶¶ 136-137. Thus, as I previously stated, a POSITA would have combined the teachings of Nassiri (i.e., providing the video recorder interface (within the iframe) in response to a user selection of a link included in the webpage hosted by enterprise computing system 110) and Bradford (i.e., providing updated content in an iframe in response to a user selecting/clicking a link included in the currently displayed webpage) to provide a content capture interface in response to a user selection of a link included in a graphical user interface that includes display elements hosted on a web server system. That is, a POSITA would have combined the teachings of Nassiri and Bradford to implement a link on a webpage that targets an iframe on the webpage, such that, when the link is clicked, the iframe displays hyperlinked content; in this case, Nassiri's video recorder.

21. Dr. Olivier confirms then that Bradford teaches the "name" attribute, and he goes through a number of coding examples that detail how a POSITA would have implemented the teachings of Nassiri and Bradford together. Ex. 2008, ¶¶ 54, 100-78. He asserts, however, that a "POSITA would not have modified Nassiri based on the teachings of Bradford as the Petitioners have described." Ex. 2008, p. 22. First, I provide my analysis of his coding examples, and then I will address Dr. Olivier's contentions as to the motivation to combine. For the examples below, I used the same web based software as Dr. Olivier, located at https://www.w3schools.com/tags/att_iframe_name.asp. Ex. 2008, ¶ 60.

22. Dr. Olivier states that I am "postulating a new link on the webpage which has a target attribute of the iframe." Ex. 2008, ¶ 58. But I am not postulating a "new link," rather, an implementation of Nassiri's disclosed link (as described above) that includes a target attribute, as a POSITA would have known, and as taught by Bradford. Ex. 1010, p. 161. Continuing on, Dr. Olivier goes through what he characterizes as various undesirable implementations of the teachings of Nassiri and Bradford. Ex. 2008, ¶¶ 63-76. At paragraphs 77-78, Dr. Olivier's example is close to how I envisioned an implementation of the combination of Nassiri and Bradford. Specifically, there is a link on a webpage that targets an iframe – in Dr. Olivier's example, an initially-blank iframe. Dr. Olivier also confirms that, for purposes of the example, if Nassiri and Bradford

were combined, when the link is clicked, a POSITA would have understood that the iframe would be populated with content, and specifically, when considering Nassiri, the iframe would be populated with the video recorder interface of Nassiri (in the example in Dr. Olivier's declaration, it would be populated with the content of "demo_iframe.htm"): "[w]hen you see that sentence on a webpage, what would be there in the actual teachings of Nassiri would be the user interface as shown in by example in Figure 3 of Nassiri." Ex. 2008, ¶ 63. Thus, the combination would teach "in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system …" and "wherein the content capture user interface is provided within a frame displayed in the first graphical user interface" as recited.

23. As I stated in my first Declaration, "Bradford provides a coding example of using links to load content in inline frames within an already existing webpage. When Bradford's teachings are considered in light of Nassiri, a POSITA would have understood that, for example, the link to the executable instructions for video recording on a webpage would target an iframe on the webpage using the target attribute, and the video recorder would be loaded inside the inline frame of the webpage having the name specified in the target attribute." Ex. 1007, ¶ 137. Although Dr. Olivier appears to agree that Bradford's teachings could be combined

with Nassiri as I proposed in my first Declaration, he takes issue with the motivation to combine the references as I proposed.

24. That is, Dr. Olivier asserts various problems with this implementation, but a POSITA would have understood that: (1) his example, again, is not the only way a POSITA would have combined the teachings of Nassiri and Bradford; and (2) a POSITA would have known to make simple modifications well within the level of skill in the art to address his concerns. Here, consistent with my previous opinions, I demonstrate why a POSITA would have been motivated to combine the teachings of the references as I proposed, contrary to Dr. Olivier's opinions.

25. First, Dr. Olivier states that the "large blank space in the middle of the webpage would be confusing to users and would not facilitate the capture of promotional videos, which is a goal of Nassiri." Ex. 2008, ¶ 79. But a POSITA would have understood that presenting the text "Do you want to load the video capture software?" (i.e., "a link to access the video recorder" as taught by Nassiri, Ex. 1009, ¶ 30) provides a hint or indication to the user that the something belongs in the "large blank space" which would lessen any potential confusion. And further, if the positioning of the link were changed to appear on the top of the iframe, and if the iframe's border were removed, the large blank space would not be in the middle of the webpage and would not be as apparent to the user, also alleviating Dr. Olivier's concerns. Modifying Dr. Olivier's code to move the link

accordingly would be quick: simply cut the line with the "<a>" tag and paste it above the <iframe> tag, accordingly:

```
<!DOCTYPE html>
<html>
<body>

<a href="demo_iframe.htm" target="iframe_a">Do you want to load the video capture
software?</a>

<iframe style="height:460px; width:820px; border:0px" border=0
frameborder=1 width="820" height="460"
name="iframe_a"></iframe>

<p><b>Note:</b> Because the target of the link matches the name of the iframe, the link
will open in the iframe.</p>

</body>
</html>
```

26. Dr. Olivier confirmed that it would be "relatively easy" to place a link above an iframe instead of below or to the right of the iframe (as in his example). He asserted that this change would take "less than an hour"; I do not disagree, but would suggest that a POSITA could have made this change in less than a minute. Ex. 1035, 110:19-111:8, 131:5-14.

Q. And placing a link in reference to the iframe above, below, left, or right of it would be easy for a person of ordinary skill in the art to code as well. Correct?

MR. ROBINSON: Objection; form.

A. Placing a link that's referencing the iframe?

Q. Yes.

A. You can also put those anywhere on the page you would like.

Q. Okay. And that would be easy for a person of ordinary skill in the art to do?

MR. ROBINSON: Objection; form.

A. Relatively easy, yes.

Q. And in 2012, how long would it have taken a person of ordinary skill in the art to modify the code of Paragraph 120 such that the link "Do you want to load the video capture software" would appear above the iframe in Paragraph 121?

MR. ROBINSON: Objection; form, beyond the scope.

A. If a manager told him I wanted to see it up above there, it wouldn't take him probably less than an hour.

27. Also, Dr. Olivier added a border to the iframe in his example, but removing the border would make it less evident that there was a "large blank space" as he alleges. Removing the border simply requires changing the "frameborder=1" value to "frameborder=0" as shown below.

```
<!DOCTYPE html>
<html>
<body>

<a href="demo_iframe.htm" target="iframe_a">Do you want to load the video capture
software?</a>

<iframe style="height:460px; width:820px; border:0px" border=0
frameborder=0 width="820" height="460"
name="iframe_a"></iframe>

<p><b>Note:</b> Because the target of the link matches the name of the iframe, the link
will open in the iframe.</p>

</body>
</html>
```

28. Dr. Olivier confirmed that this change "wouldn't take long at all." Ex. 1035, 130:2-9. The resulting webpage would appear as follows:

Do you want to load the video capture software?

Note: Because the target of the link matches the name of the iframe, the link will open in the iframe.

Q. How difficult or how long would it take a person of ordinary skill in the art to change the frameborder to zero in 2012?

MR. ROBINSON: Objection; form, asked and answered.

Q. From the code you have in Paragraph 120?

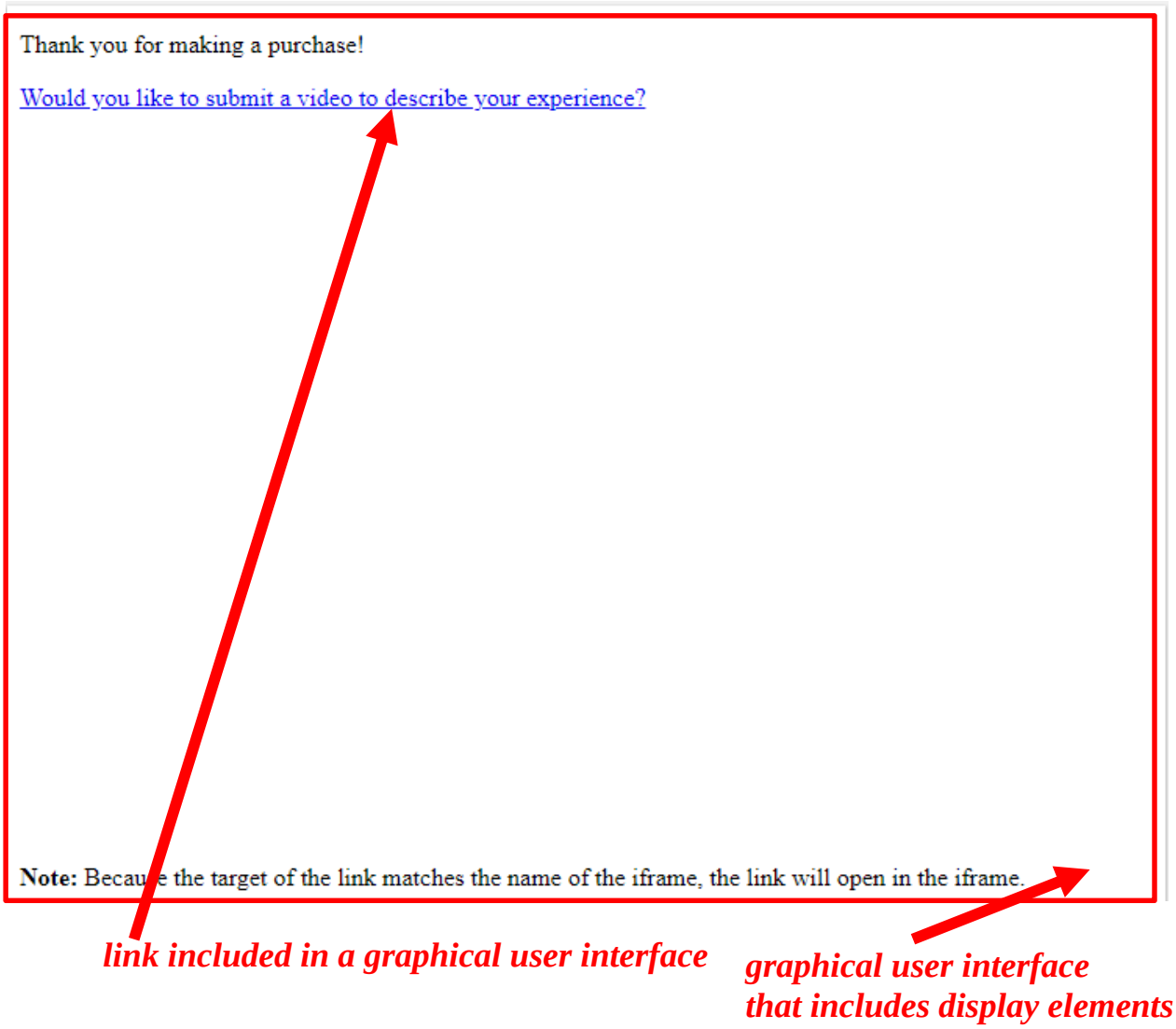
A. It wouldn't take long at all.

29. A POSITA experienced with web design would have been able to make these small changes in no more than 60 seconds. Thus, by changing the example accordingly, there is no longer a "large blank space" positioned as in Dr.

Olivier's example "in the middle of the webpage" (it would be at or near the bottom of the page) and there is little chance that the user would be "negatively impact[ed]" or that this implementation would "stop the user in his tracks." Ex. 2008, ¶ 80. Further, there is no reason to believe this webpage would be "confusing to users" or seem to the user "that an error had occurred." Ex. 2008, ¶ 79.

30. In fact, creating the webpage using Dr. Olivier's example as a starting point, and modifying it further even slightly, would be ***consistent*** with Nassiri. Nassiri states in one example that "after making a purchase, a purchaser may receive a link to access the video recorder, and may, in some examples, see a prompt asking them to describe their experience." Ex. 1009 at ¶ 30. As an example, consider the process of purchasing an item from an e-commerce site (as Nassiri discloses, a business having a web presence, Ex. 1009, ¶ 17, *see also* Ex. 1009, ¶ 80). After completing a purchase, a checkout confirmation page could be provided, and consistent with Nassiri, content above a link to a video recorder could read, for example, "Thank you for making a purchase." An "embedded link" to a video recorder could state "Would you like to submit a video to describe your experience?" Below the link, an initially-blank iframe could appear, and the resulting code and webpage would appear as follows:

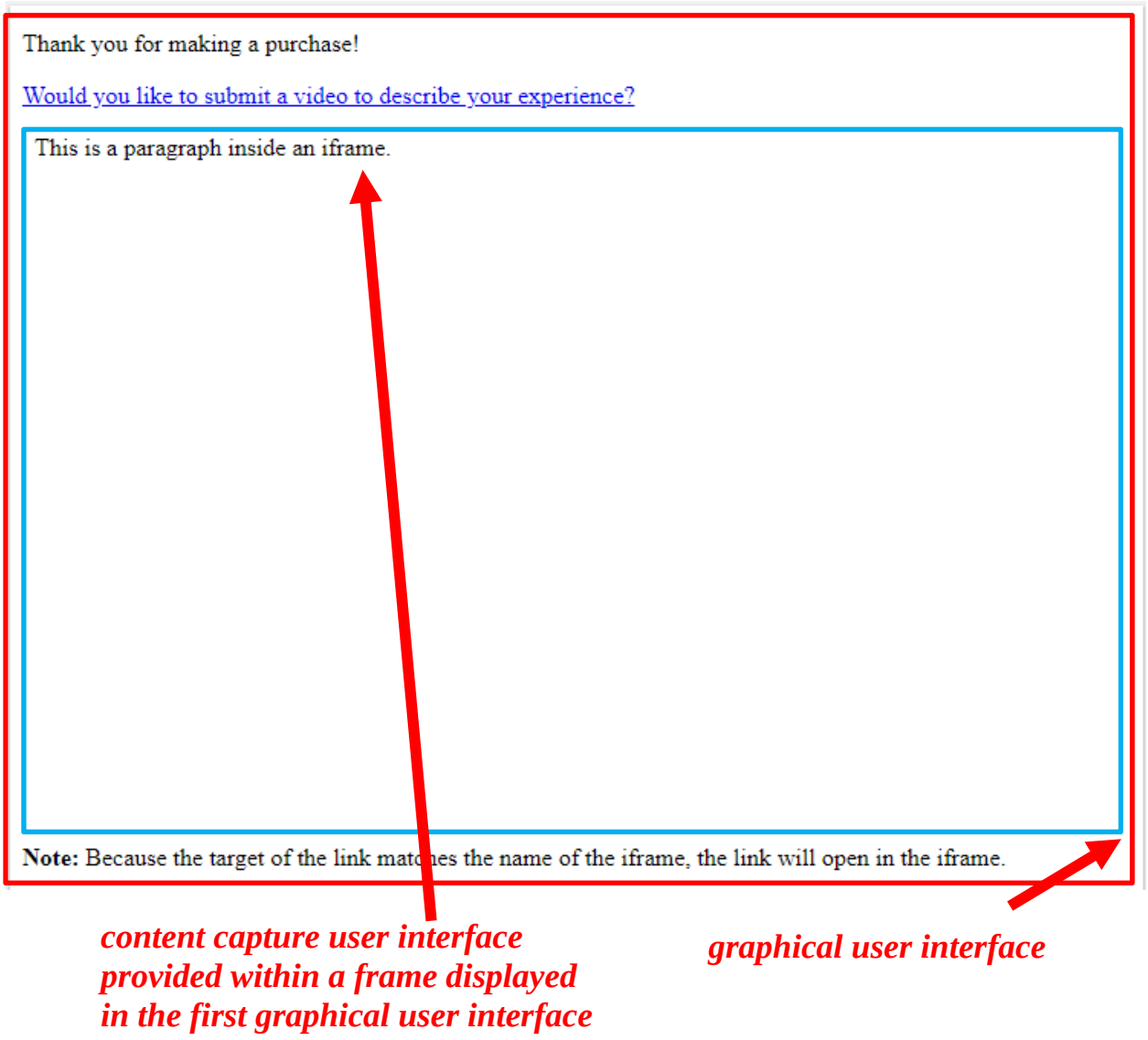
```
<!DOCTYPE html>
<html>
<body>

<p>Thank you for making a purchase!</p>

<a href="demo_iframe.htm" target="iframe_a">Would you like to submit a video to
describe your experience?</a>

<iframe style="height:460px; width:820px; border:0px" border=0
frameborder=0 width="820" height="460"
name="iframe_a"></iframe>

<p><b>Note:</b> Because the target of the link matches the name of the iframe, the link
will open in the iframe.</p>

</body>
</html>
```



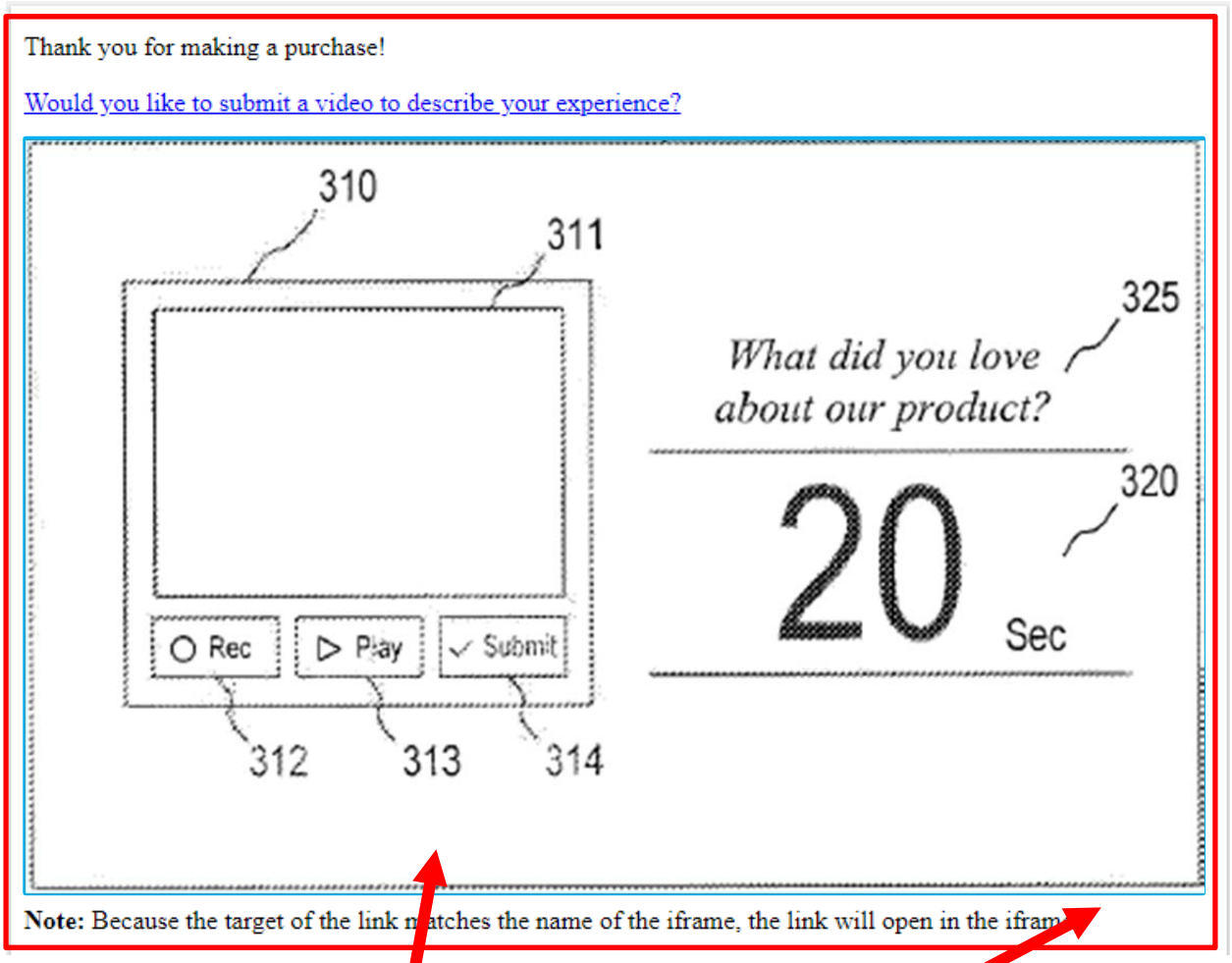
31. This link is "included in a graphical user interface that includes display elements hosted on the web server system" as recited. Further, this arrangement is consistent with Nassiri, as it states "a user accessing the website…may follow a link to a video capture page…The link may, in some

examples, be provided in a page of or otherwise integrated with other information provided by the enterprise computing system." Ex. 1009, ¶ 18. In the example above, the link is "provided in a page of or otherwise integrated with other information," namely, the "Thank you for making a purchase!" text.

32. Upon clicking the displayed link to the video recorder, as described by Nassiri ("the contributor may make the request by, for example, clicking on a link displayed…"), the video recorder interface would appear in the iframe below. This would satisfy limitation [20.2.1], "wherein the content capture user interface is provided within a frame displayed in the first graphical user interface", as recited. The webpage would appear as follows (with Nassiri's video recorder replacing the text "This is a paragraph inside an iframe."):



33. When the text "This is a paragraph inside an iframe" (from demo_iframe.htm) is replaced with Nassiri's Fig. 3 depicting the video recorder interface, the webpage would appear as follows:



34. This, too, is consistent with Nassiri, as it states that the "iframe generated on the website points a user to another site, in this example a site hosted by the video host computing system 120, however it may appear within the context of a web page or other content hosted by the enterprise computing system 110…" Ex. 1009, ¶ 19. Here, the iframe (in blue) appears within the context of the

webpage hosted by the enterprise computing system (the checkout confirmation page).

35. Further, in this example, initially there is no "blank space in the middle of the webpage," any blank space is at the bottom. Users would not have the impression that an error had occurred, nor would users be confused. Further, this webpage would be easy for users to use, and request a video recorder, should they wish to "describe their experience" as Nassiri states. In fact, because of the link, users would not be thrown off by a blank space at all, because users at the time of the '997 Patent would have been familiar with web pages that have portions populated by content when a link is clicked on the same page, because such techniques were well-known, as Bradford indicates. A POSITA would not have expected these changes to "negatively impact the number of user promotional videos captured by Nassiri" or "stop the user in his tracks." Ex. 2008, ¶ 80.

36. And other minor changes would have been possible to address Dr. Olivier's manufactured concerns. For example, a POSITA would have recognized that the blank iframe in Dr. Olivier's example did not need to be blank. Initially, the iframe could have been populated with an image (e.g., an advertisement) or placeholder text to inform the user that the video recorder interface would appear within the iframe if the user clicked the link. Again, these are simple changes, well

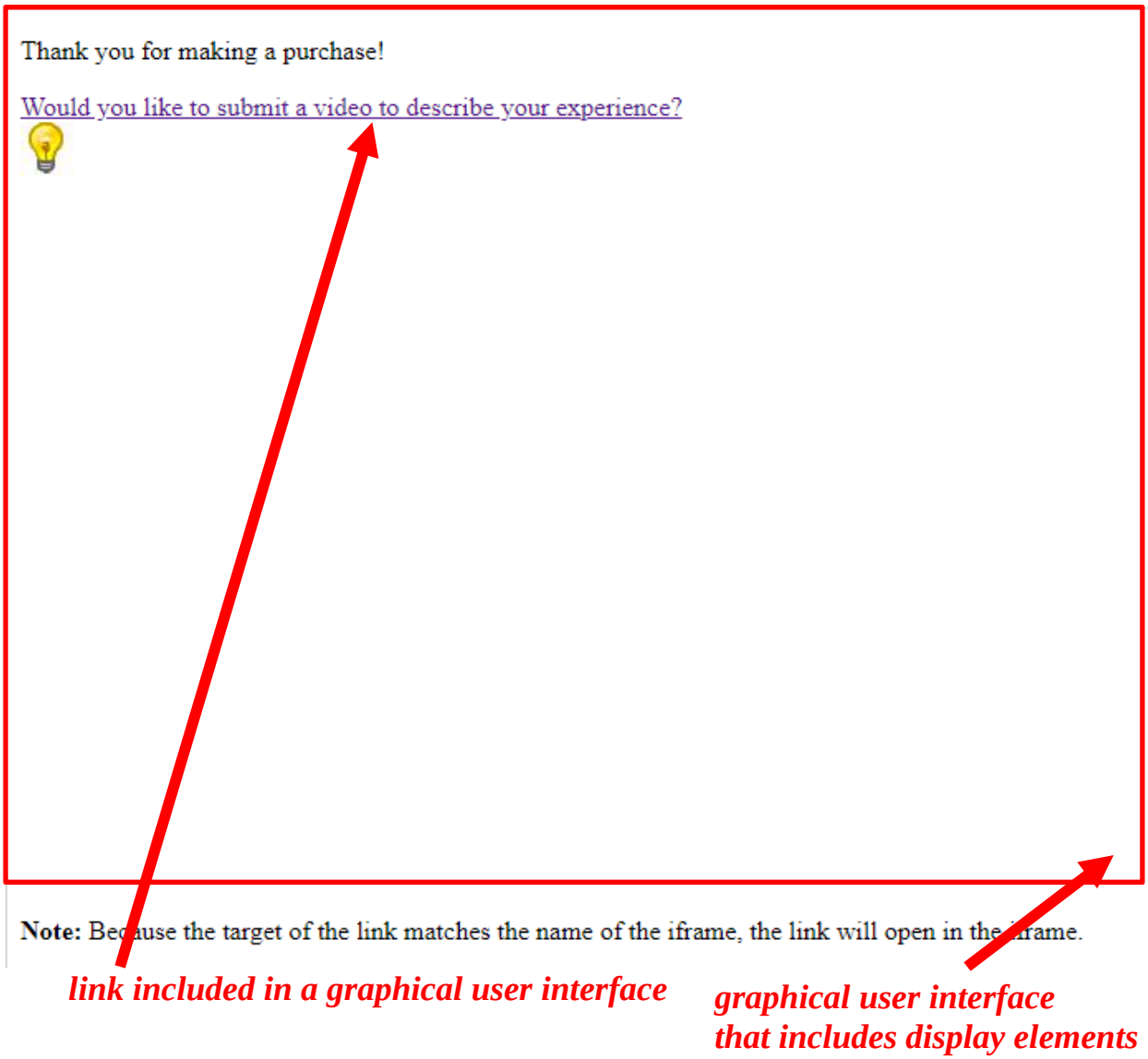
within the level of skill in the art that I proposed, and code examples are provided below.

37. For example, to initially populate the iframe with an image and reduce the likelihood that the user would see a large "blank space," I added the following characters of text to the iframe tag: "src= "https://www.w3schools.com/images/lamp.jpg"[3]". The code, in full, would be:

```
<!DOCTYPE html>
<html>
<body>

<p>Thank you for making a purchase!</p>

<a href="demo_iframe.htm" target="iframe_a">Would you like to submit a video to
describe your experience?</a>

<iframe style="height:460px; width:820px; border:0px" border=0
frameborder=0 width="820" height="460"
src="https://www.w3schools.com/images/lamp.jpg" name="iframe_a"></iframe>

<p><b>Note:</b> Because the target of the link matches the name of the iframe, the
link will open in the iframe.</p>

</body>
</html>
```

38. The webpage now appears as follows:

[3] The URL for the lamp.jpg image (i.e., the lightbulb) is provided in other w3schools examples, and a POSITA would have understood that any suitable image (for example, a logo of the enterprise in Nassiri) or webpage could be used in its place.

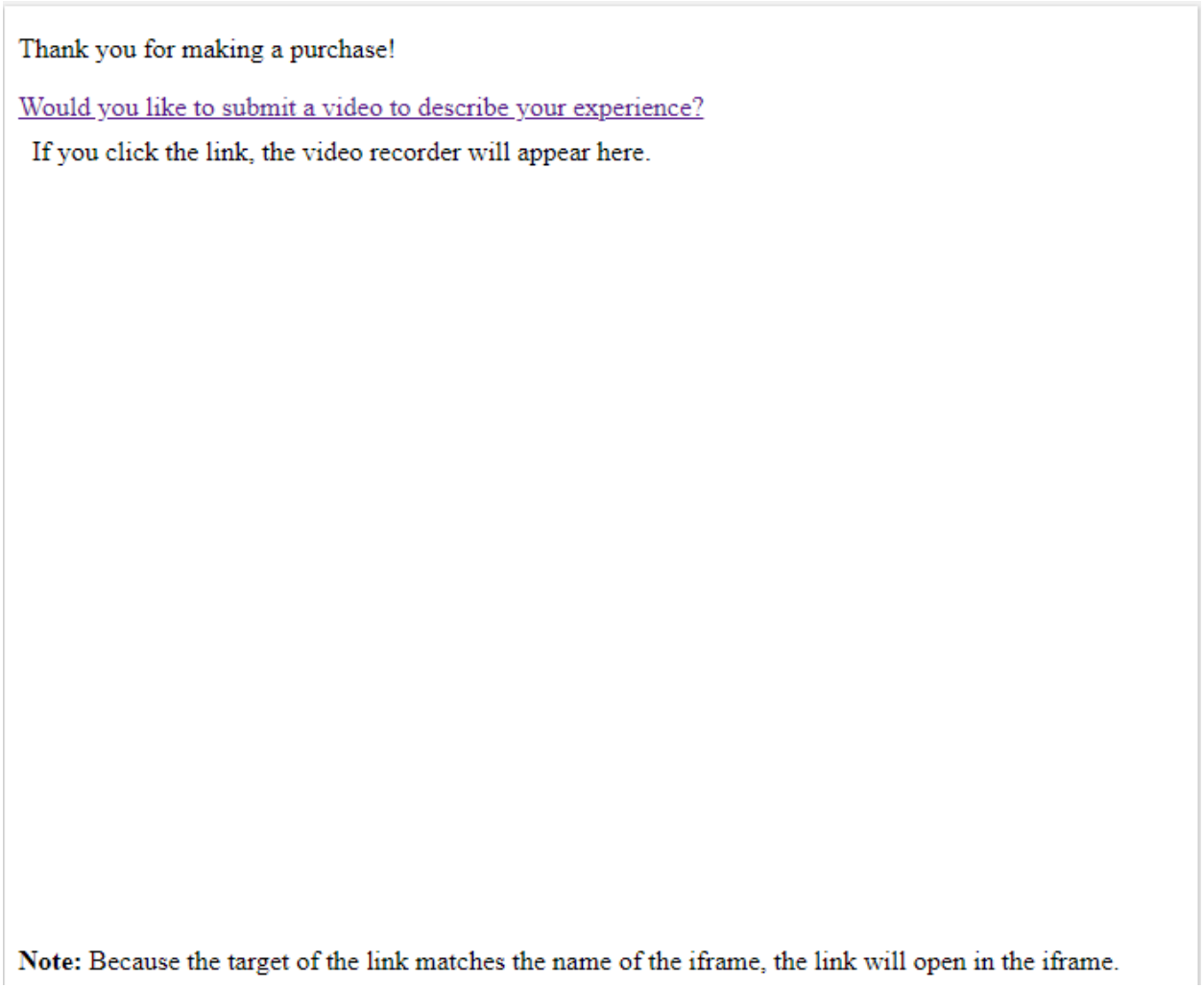


39. The link in the annotated image above is "included in a graphical user interface that includes display elements hosted on the web server system" as recited in the claims.

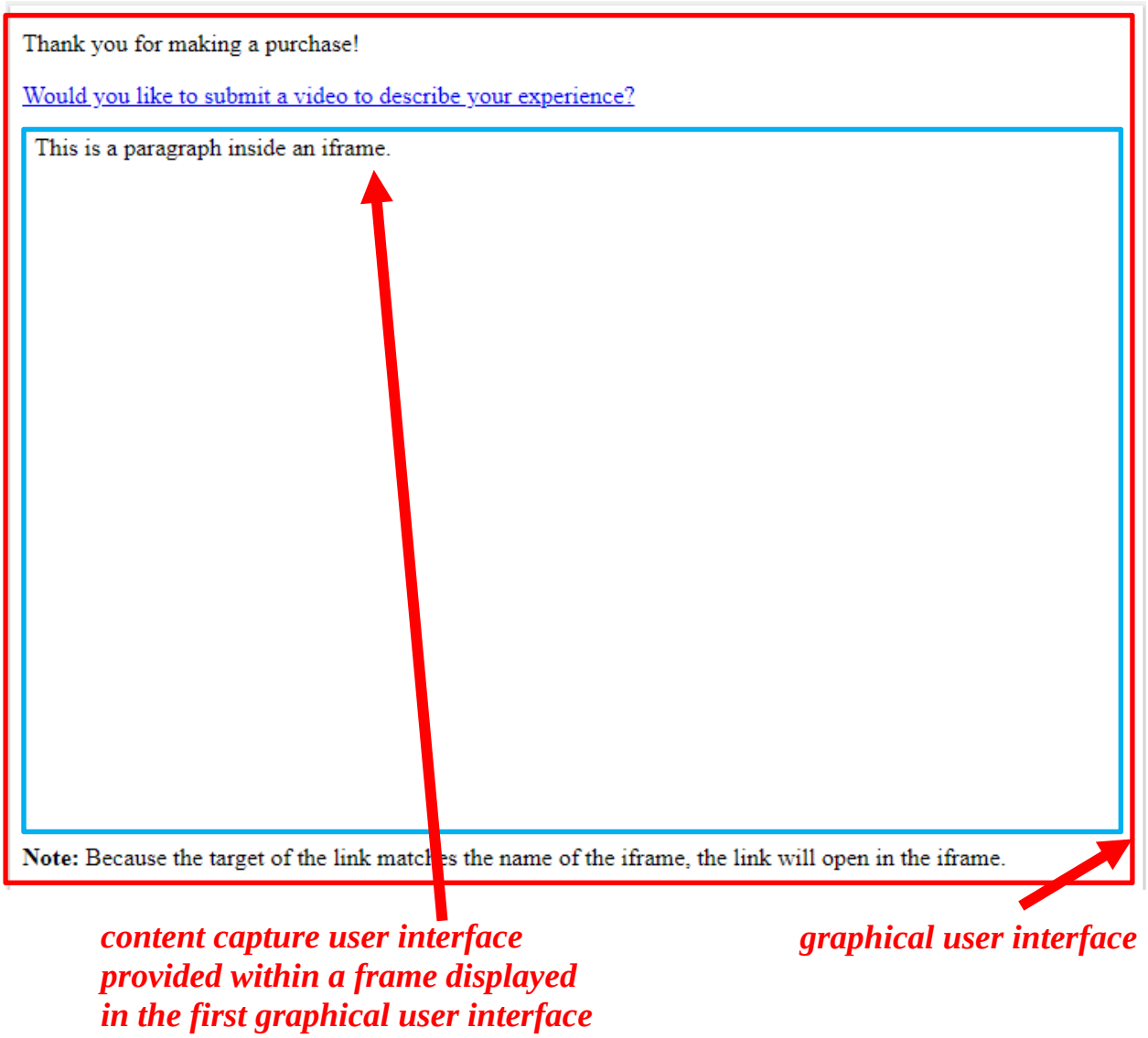
40. As another example, to initially populate the iframe with placeholder text to reduce the likelihood that the user would perceive an error (instead of the

image in the above example), I added the following characters text to the iframe tag: "srcdoc='If you click the link, the video recorder will appear here.'"[4]. The webpage now appears as follows:

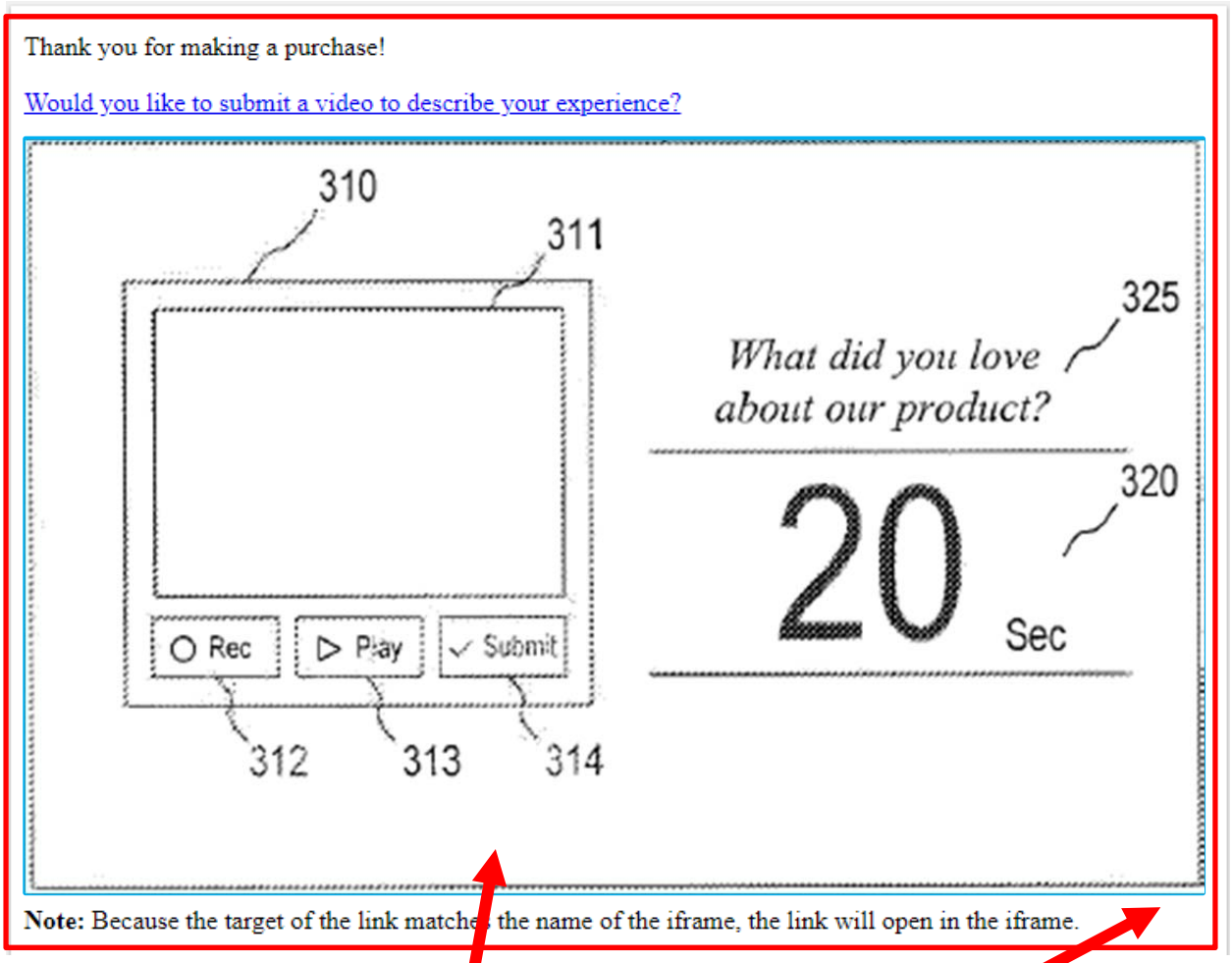
[4] As I stated above, because Dr. Olivier's hypothetical POSITA does not have any knowledge in web design, his opinions and testimony do not accurately reflect the changes a web designer would make to create an easy-to-use website. For example, Dr. Olivier states that adding placeholder text is "not easy" because it would require creation of a file and placing the file in a directory structure, and that "what's loaded in there isn't HTML." Ex-1035, 127:10-24. But as shown here, I added a placeholder image with a simple line of HTML code, and likewise in the alternative added placeholder text with a simple line of HTML code, and a POSITA would have known that even creating a file and placing the file in a directory structure to have the same effect would have taken very little time (e.g., if the srcdoc attribute were not supported for placeholder text). I note that this is also consistent with Bradford, which initially populates its sample targeted iframe with an html page. To the extent it is in doubt, the placeholder information is indeed HTML (or in the case of an image, an HTML image tag referencing an image).



41. If the user clicks on the "Would you like to submit a video to describe your experience" link in these examples, the video recorder would appear in the iframe, replacing the placeholder image or text, as follows:



42. As above, when the text "This is a paragraph inside an iframe" is replaced with Nassiri's Fig. 3 depicting the video recorder interface, the webpage would appear as follows:



43. The simple changes that I made to the code above would be well within the level of skill in the art for a POSITA in 2012: a web designer, when combining the teachings of Nassiri and Bradford, would have sought to make the combined web page easy to use, and would have been able to make the same or

similar incremental changes. And these changes would have been possible in less than an hour (if even that long).

44. Dr. Olivier also takes issue with the identified reasons to combine Nassiri and Bradford, but again, his concerns are misguided. As to what he calls the "first" reason, Dr. Olivier states that "resources on the video host computing system are relatively cheap compared to the potential loss of promotional videos which his proposed changes would cause." Ex. 2008, ¶ 85. But the combined teachings of Nassiri and Bradford above, which represent an example of how Nassiri envisioned his invention to be implemented, would likely not result in any loss of promotional videos. Dr. Olivier admits that resources would be saved, and a POSITA would have understood that conservation of resources is always a goal in designing client-server systems: resources are finite, and even the most miniscule savings in resources can motivate engineers to pursuing such a path. Dr. Olivier fails to acknowledge this real world truth. Further, a POSITA having knowledge of such systems would have been aware that, in any likely implementation that seeks customer videos, only a small portion of users would actually submit videos. Assuming (for purposes of example only) out of 100 purchasers, 20 actually submit videos. Thus, 80% of the time, the proposed combination of Nassiri and Bradford would save resources on the video host computing system.

45. With respect to what Dr. Olivier refers to as my "Second" reason to propose changes to Nassiri as taught by Bradford, Dr. Olivier fails to understand the combined teachings of Nassiri and Bradford: he only focuses on his characterization of Nassiri, which is to say he characterizes Nassiri as already having "loaded the video recorder into Nassiri's iframe." Ex. 2008, ¶ 87. But in the coding example above, once the user clicks the link, Nassiri's video recorder interface would be presented within the context of the already-loaded webpage, saving the resources of loading more of the webpage than necessary. Dr. Olivier only states that "Nassiri already loads its webpage with the iframe," but he does not address the combination's teaching of a link that provides the video recorder only upon clicking the link. Ex. 2008, ¶ 88. Thus, Dr. Olivier does not address my conclusion that "faster webpage loading times could be achieved by using a link within the webpage that, when selected, loads the video recorder interface within an iframe of the currently displayed webpage" which would save resources on the user's side. Accordingly, none of Dr. Olivier's arguments against the ***combination*** lead me to believe a POSITA would have not made the changes I proposed in my first declaration.

46. Finally, Dr. Olivier notes that the combined web page would still be usable and the "iframe in 121 [of his 829 Declaration] containing the record functionality would still operate and you could receive videos from it." Ex. 1035,

132:16-23. I understand that the iframe in paragraph 121 of his declaration in IPR2017-00829 is identical to the iframe in paragraph 78 of his declaration in IPR2017-00830.

> Q. Okay. And that video recorder -- strike that.
> Nassiri would still be able to receive videos from contributors. Correct?
> MR. ROBINSON: Objection; form.
> A. The iframe in 121 containing the record functionality would still operate and you could receive videos from it.

47. Dr. Olivier does not contest the teachings of Zhu or that a POSITA would have found it obvious to incorporate the teachings of Zhu. Thus, it remains my opinion that a POSITA would have combined the teachings of Nassiri, Bradford, and Zhu to teach limitations [20.1.3] and [20.2.1] of claim 20, as well as limitations [31.1.3] and [31.2.1] of claim 31.

B. Ground 2: Claims 28, 30, and 33 are obvious Over the Combination of Nassiri, Bradford, Zhu, and Tosh.o

48. It remains my opinion that the combined teachings of the Nassiri, Bradford, Zhu, and Tosh.o references teach, to a POSITA, the subject matter of each and every limitation of claims 28, 30, and 33 of the '997 Patent.

49. As I stated in my first Declaration, "Tosh.o teaches including a short user submitted video for display in a traditional television program" and that a "POSITA would have recognized that including user submitted videos in a television program allows for an efficient way to broaden the distribution of the videos." Ex. 1007, ¶¶ 265, 257. Dr. Olivier does not disagree that Tosh.o teaches inclusion of videos in a linear television program. Instead, Dr. Olivier narrowly reads Nassiri and Tosh.o to suggest that a POSITA would not have combined the teachings of the two references.

50. First, Dr. Olivier asserts that, because "Tosh.o contains no suggestion of user submission to Comedy Central, no suggestion of automated selection, and no suggestion of any other automation that might in any way be compatible with Nassiri." Ex. 2008, ¶ 146. But nothing in Nassiri requires automation in a way that would suggest incompatibility with Tosh.o – in fact, as Dr. Olivier acknowledges, there are optional manual review steps disclosed by Nassiri. Ex. 1035, 101:6-12, 103:9-13. Further, the fact that Tosh.o does not suggest "submission to Comedy Central" would not suggest to a POSITA that Nassiri and Tosh.o would not be combined. As Dr. Olivier acknowledges, Tosh.o researchers pull videos from YouTube (Ex. 2008, ¶ 95), and Nassiri describes posting videos to YouTube (Ex. 1009, ¶ 3), suggesting that Nassiri indeed could serve as a source of videos to Tosh.o.

> Q. Okay. Now, the discussion of the videos submitted by customers that were reviewed by a customer of enterprise computing system 110 before being distributed before viewing is a manual process. Correct?
>
> MR. ROBINSON: Objection; form.
>
> A. I believe in Nassiri it was manual.
>
> Q. Okay. And do you understand the word "may" in that sentence to mean "required"?
>
> A. No --
>
> MR. ROBINSON: Objection; form.
>
> A. -- I do not.

51. Second, Dr. Olivier cites (but does not quote) my deposition testimony to suggest that I "conceded…that the term 'set top box' does not necessarily imply traditional television programming." Ex. 2008, ¶ 96. I do not agree. As I stated in that exchange: "there are set-top boxes that can receive and decode signals so that they can be played on a television or monitor" and that "the use of set-top boxes is an example of something that can receive traditional television programming." Ex. 2009 at 53:25-55:13. That is to say, Nassiri teaches displaying submitted videos on a "set top box" and that "It was known in the art that a set top box, like the one disclosed in Nassiri, can be connected to a television for displaying traditional television programming." Ex. 1007, ¶ 256.

52. Dr. Olivier appears to require that there be connections between Nassiri and Tosh.o to support combining their teachings. I am unaware of such a requirement, but the fact that both Nassiri and Tosh.o discuss YouTube for videos is at least a connection between the references that suggests combining them.

53. Finally, Dr. Olivier is of the apparent belief that Nassiri is limited to "customer videos" as it describes. I do not agree. While Nassiri gives customer videos as an example of what it could be used for, I do not find Nassiri to be limited to any particular subject matter for the videos submitted. And indeed, customer videos submitted could themselves be intentionally or unintentionally funny as well.

54. Thus, it remains my opinion that a POSITA would have combined the teachings of Nassiri and Tosh.o to render claims 28, 30, and 33 obvious.

IV. CONCLUSION

55. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

Date: August 9, 2018

Respectfully submitted,

Dr. Kevin C. Almeroth