

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Unified Patents, LLC  
Petitioner

v.

Motion Offense, LLC  
Patent Owner

Case No. IPR2020-00705

**PETITION FOR *INTER PARTES* REVIEW OF  
U.S. PATENT NO. 10,013,158**

**Claims 3-11 and 13**

April 3, 2020

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<b>Exhibit<sup>1</sup></b>	<b>Description</b>
1001	U.S. Patent No. 10,013,158 (“158 patent”)
1002	Declaration of Dr. Peter Alexander (“Alexander Decl.”)
1003	File History of U.S. Patent No. 10,013,158 (“158 File History”)
1004	U.S. Patent Application No. 15/724,235 (“235 Application”)
1005	U.S. Patent Application No. 13/624,906 (“906 Application”)
1006	U.S. Patent Application No. 13/626,635 (“635 Application”)
1007	U.S. Patent Application No. 14/274,623 (“623 Application”)
1008	U.S. Patent Application Publication No. 2008/0320397 A1 (“Do”)
1009	U.S. Patent Application Publication No. 2005/0234864 A1 (“Shapiro”)
1010	Internet Message Format Standard, April 2001 (“RFC”)
1011	Declaration of Sandy Ginoza
1012	Unified Patents’ Voluntary Interrogatory Responses

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<sup>1</sup> For all exhibits except for Exhibit 1003 (File History of U.S. Patent No. 10,013,158), citations to the exhibit corresponds to the applicable document’s page, paragraph, figure, or column number. Citations to Exhibit 1003 are to that exhibit’s stamped page number.

## **I. INTRODUCTION**

Pursuant to 35 U.S.C. §§ 311–319 and 37 C.F.R. §§ 42.1–.80, 42.100–.123, Petitioner Unified Patents, LLC (“Unified” or “Petitioner”) hereby petitions for *inter partes* review (“IPR”) of claims 3-11 and 13<sup>2</sup> (“Challenged Claims”) of U.S. Patent No. 10,013,158 (the “’158 patent”) and requests cancellation of those claims as unpatentable.

## **II. MANDATORY NOTICES**

### **A. Real Party-in-Interest**

Under 37 C.F.R. § 42.8(b)(1), Petitioner certifies that Unified is the real party-in-interest, and further certifies that no other party exercised control or could have exercised control over Unified’s participation in this proceeding, the filing of this petition, or the conduct of any ensuing trial. In view of *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242–44 (Fed. Cir. 2018), Unified has submitted voluntary discovery in support of its certification. Ex. 1012 (Petitioner’s Voluntary Interrogatory Responses).

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<sup>2</sup> Appendix 1 is the claim listing by element as referenced herein. See 37 C.F.R. §42.24(a)(1).

**B. Related Matters**

According to assignment records, the '158 patent is currently assigned to Motion Offense, LLC. As of the filing date of this Petition, and to the best of Petitioner's knowledge, the '158 patent is or has been involved in the litigations listed below, and none of which Petitioner is involved.

- *Dropbox, Inc. v. Motion Offense, LLC*, No. 1:19-cv-01521 (D. Del. Aug 14, 2019); and
- *Motion Offense, LLC v. Sprouts Farmers Market, Inc. et al.*, No. 6:19-cv-00417 (W.D. Tex. Jul 12, 2019).



**C. Notice of Counsel and Service Information**

Petitioner's counsel are:

<b>Lead Counsel</b>	<b>Back-Up Counsel</b>
David M. Tennant Registration No. 48,362 WHITE & CASE LLP 701 Thirteenth Street, NW Washington, DC 20005-3807 202-626-3600 (phone) 202-639-9355 (fax)	Ashraf Fawzy Registration No. 67,914 Unified Patents, LLC 1875 Connecticut Ave NW, Floor 10 Washington, DC 20009  Roshan Mansinghani Registration No. 62,429 Unified Patents, LLC 1875 Connecticut Ave NW, Floor 10 Washington, DC 20009

A Power of Attorney is being filed concurrently with this Petition in accordance with 37 C.F.R. § 42.10(b). Petitioner consents to electronic service. Pursuant to 37 C.F.R. § 42.8(b)(4), all services and communication to the above attorneys can be sent to [dtennant@whitecase.com](mailto:dtennant@whitecase.com), [afawzy@unifiedpatents.com](mailto:afawzy@unifiedpatents.com), [roshan@unifiedpatents.com](mailto:roshan@unifiedpatents.com), and [WCUnifiedMPIPRTeam@whitecase.com](mailto:WCUnifiedMPIPRTeam@whitecase.com).

**III. CERTIFICATION OF GROUNDS FOR STANDING**

Petitioner certifies pursuant to Rule 42.104(a) that the patent for which review is sought is available for IPR and that Petitioner is not barred or estopped from requesting an IPR challenging the patent claims on the grounds identified in this Petition.

#### IV. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.22(a)(1), 42.104(b)(1)–(2), Petitioner challenges claims 3-11 and 13 of the '158 patent.

##### A. Prior Art<sup>3</sup>

The following references are pertinent to the grounds of unpatentability explained below. Petitioner identifies applicable statutes in accordance with the pre-AIA. Pre-AIA law applies based on the assumed priority date<sup>4</sup> for the purposes of this petition.<sup>5</sup>

1. U.S. Patent Application Publication No. 2008/0320397 A1 (“Do”) filed June 19, 2007, and published December 25, 2008, is prior art under 35 U.S.C. § 102(b).<sup>6</sup> Ex. 1008.

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<sup>3</sup> None of these references were of record during prosecution of the application for the '158 patent.

<sup>4</sup> *See supra*, Footnote 7.

<sup>5</sup> Otherwise, AIA law applies.

<sup>6</sup> Prior art under 35 U.S.C. § 102(a)(2) if AIA statutory framework applies.

2. U.S. Patent Application Publication No. 2005/0234864 A1 (“Shapiro”) filed April 20, 2004, and published October 20, 2005, is prior art under 35 U.S.C. § 102(b).<sup>6</sup> Ex. 1009.

**B. Grounds of Challenge**

This Petition, supported by the declaration of Dr. Peter Alexander (Ex. 1002), demonstrates that there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the Challenged Claims and that the Challenged Claims are unpatentable. *See* 35 U.S.C. § 314(a). Petitioner requests cancellation of the Challenged Claims under the following statutory ground:

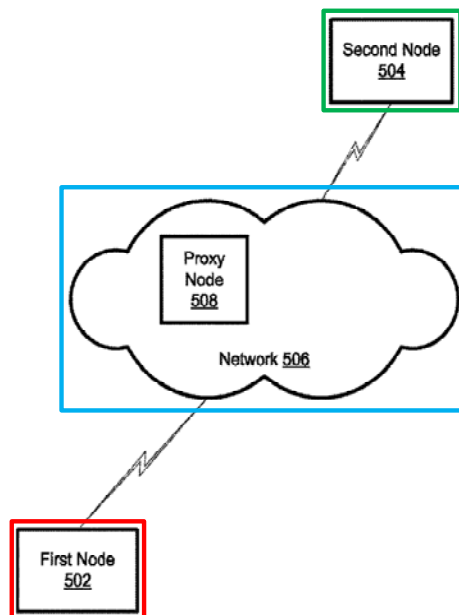
Ground I: Claims 3-11 and 13 are obvious under 35 U.S.C. § 103 by Do in view of Shapiro.

**V. U.S. 10,013,158**

**A. Summary**

The ’158 patent is titled “[m]ethods, systems, and computer program products for sharing a data object in a data store via a communication.” The ’158 patent describes sharing files, folders, and other data via network. *See* Ex. 1001, Fig. 5 (reproduced annotated below); *see also* Ex. 1002, ¶¶ 28-30. Specifically, the folder and any files contained therein, stored in a data store, may be shared over a network

506 (blue) between a first node 502 (red) and a second node 504 (green). See Ex. 1001, 4:57-58; *see also* Ex. 1002, ¶¶ 31-32. The first node sends an email message to the second node, where the email message identifies a folder containing a file to be shared, and a reference to that folder. The email does not include the file as an attachment. See Ex. 1001, Abstract, 2:1-3, 2:15-64; *see also* Ex. 1002, ¶¶ 37-45.



Ex. 1001, Fig. 5 (annotated)

The Challenged Claims recite an apparatus that uses a method for sharing files and folders via network without sending the actual file. See, Ex. 1001 at 44:18-45:10 (claim 3).

**B. File History**

The applicant filed U.S. Application No. 15/724,235 (“’235 Application”) on October 3, 2017 that issued as the ’158 patent on July 3, 2018. The ’158 patent is a continuation-in-part of a series of three non-provisional U.S. Patent Applications: U.S. Patent Application Number 13/624,906 (“’906 Application”) filed on September 22, 2012, Ex. 1005; U.S. Patent Application Number 13/626,635 (“’635 Application”) filed on September 25, 2012, Ex. 1006; and U.S. Patent Application Number 14/274,623 (“’623 Application”) filed on May 9, 2014, Ex. 1007, all of which are currently abandoned.<sup>7</sup>

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<sup>7</sup> For the purposes of this Petition only, Petitioner assumes a priority date September 22, 2012 solely for determining applicable statutory basis of the prior art cited herein, but reserves the right to challenge priority should Patent Owner rely on the priority date in an attempt to antedate any of the asserted references, to the extent that is possible. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1379-80 (Fed. Cir. 2015) (a patent owner has the initial burden to show that a challenged claim is entitled to the benefit of an earlier application, and then the petitioner may respond to the patent owner’s evidence).

In the sole Office Action on the merits, the examiner rejected all pending claims under 35 U.S.C. § 101. Ex. 1003 at pp. 161-162. In response, the applicant amended claim 1 to recite, “at least one non-transitory memory in communication with at least one processor[.]” *Id.* at pp. 195 and 197. This led to an allowance of all claims. *Id.* at p. 224.

## **VI. PERSON HAVING ORDINARY SKILL IN THE ART**

The level of a person of ordinary skill in the art (“POSITA”) needed to have the capability of understanding the scientific and engineering principles applicable to the ’158 patent is (i) a Bachelor of Science in Electrical Engineering, Computer Engineering or Computer Science, or the equivalent or (ii) one to two years of work experience in file storage, directory mounts, and file transmission in a distributed network environment, or a related field. A higher level of education (e.g., a Master’s degree) may make up for less work experience, and additional work experience (e.g., 5-6 years) may make up for less education. Ex. 1002, ¶¶ 15-20.

## **VII. CLAIM CONSTRUCTION**

Claim terms of a patent in IPR are given their “ordinary and customary meaning ... as understood by [a POSITA] and the prosecution history pertaining to

the patent.” See 37 C.F.R. § 42.100(b) (effective Nov. 13, 2018); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005). The ordinary meaning may be readily apparent to a POSITA and involves little more than application of the accepted meaning, and in these cases general-purpose dictionaries may be used. *Id.* at 1314.

Here, a POSITA would apply the ordinary and customary meanings to all the claim elements in the Challenged Claims, such that no specific claim construction is necessary. Ex. 1002, ¶¶ 80-81.

## **VIII. SPECIFIC GROUNDS FOR PETITION**

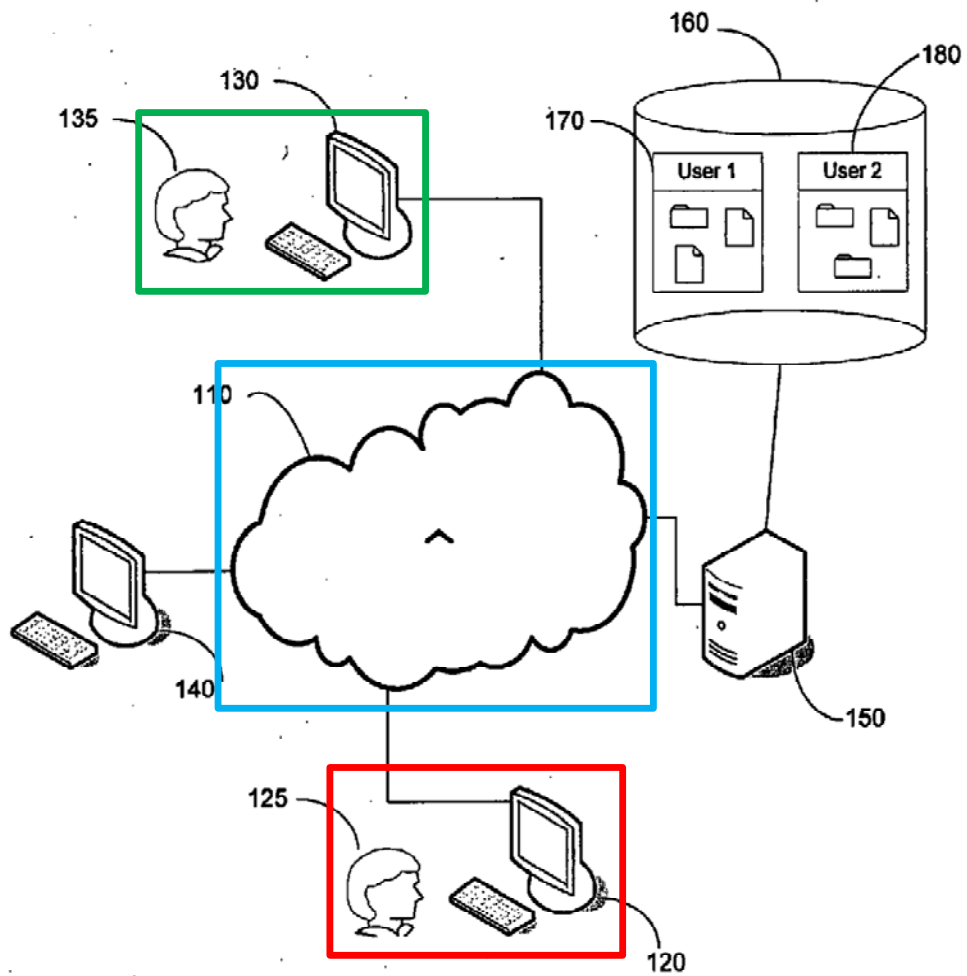
Pursuant to 37 C.F.R. §§ 42.104(b)(4)–(5), the sections below demonstrate in detail how the prior art discloses each and every limitation of the Challenged Claims, and how those claims are rendered obvious by the prior art, or would have been combined by a POSITA. The declaration by Dr. Alexander, who qualifies as a POSITA, reinforces these analyses and supports these conclusions.

Do in combination with Shapiro renders obvious claims 3 – 11 and 13 under 35 U.S.C. § 103. Petitioner provides below an overview of the Do and Shapiro references, followed by a detailed explanation of how Do in view of Shapiro renders these claims obvious.

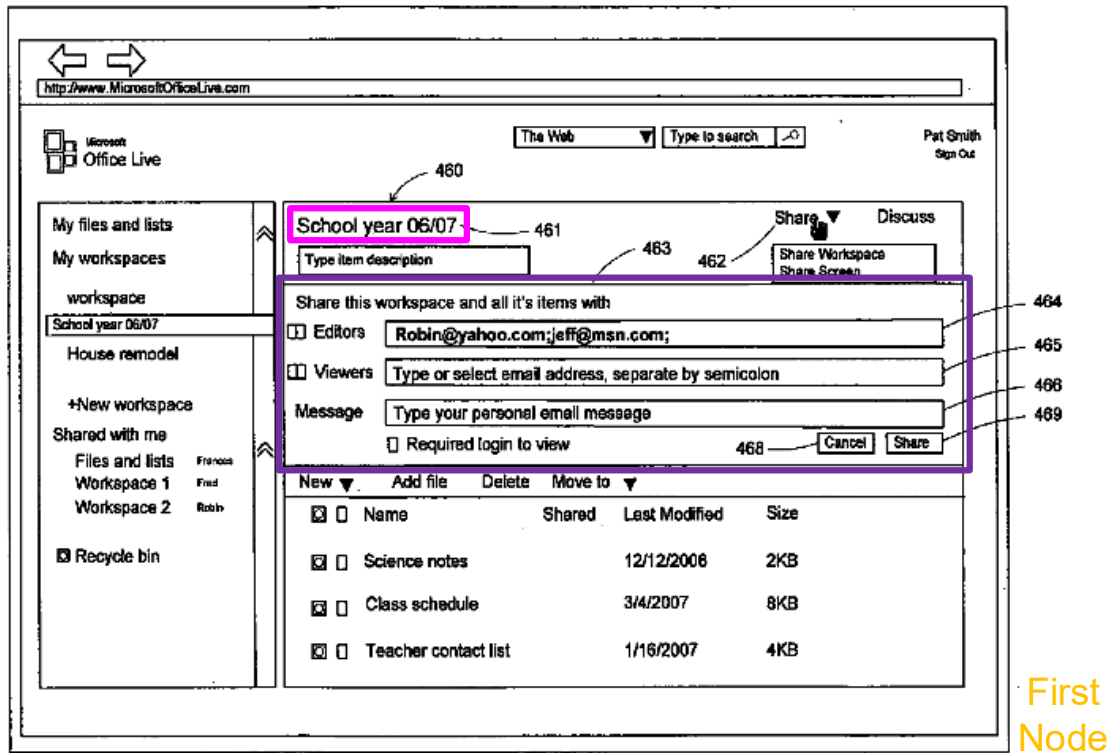
**A. Overview of Do**

Like the '158 patent, Do discloses methods, systems, and computer program products for sharing a data object in a data store 160 via a communication. Do discloses a method for sharing files, folders, and other data via a network. *See* Ex. 1008, Abstract. Specifically, the folder and any files contained therein, stored in a data store, may be shared over a network 110 (blue) between a first node 125 (red) and a second node 135 (green). *See* Ex. 1008, [0038]-[0039], [0057], FIG. 1; *see also* Ex. 1002, ¶¶ 82-87. The first node sends an email message to the second node, where the email message (purple) identifies a folder containing a file to be shared, and a reference to that folder (pink). *See* Ex. 1008, [0042], [0054] and [0056], FIG. 4; *see also* Ex. 1002, ¶¶ 82-87. The email does not include the file as an attachment.





Ex. 1008, Fig 1 (annotated).



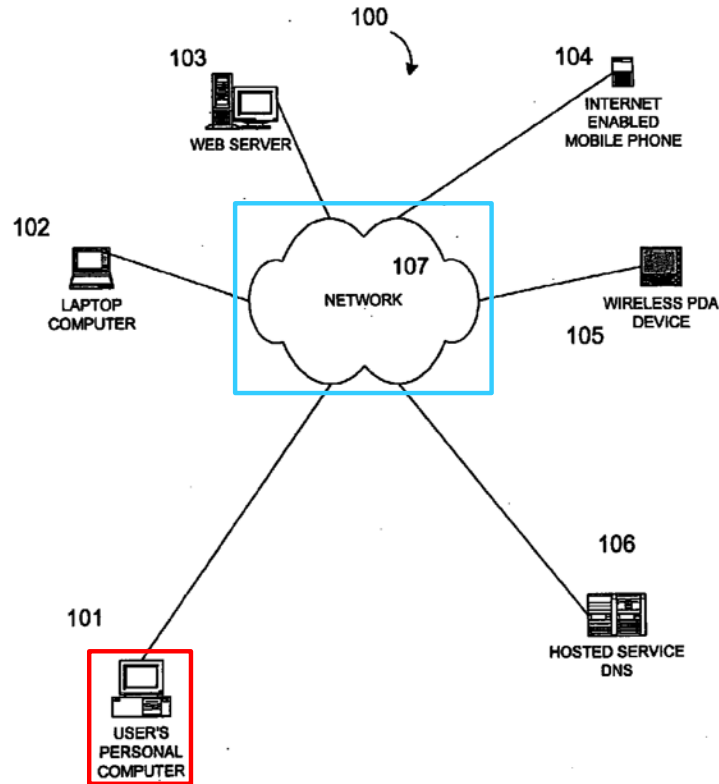
Ex. 1008, Fig 4 (annotated)

## B. Overview of Shapiro

As with the '158 patent and Do, Shapiro discloses systems and methods that facilitate easy sharing of personal digital information. *See* Ex. 1009, [0001]; *see also* Ex. 1002, ¶¶ 88-90.

Figure 1 of Shapiro illustrates a network architecture comprising the first user's personal computer 101 (**green**) and a variety of other network computing devices such as a laptop computer 102, an Internet enabled mobile telephone 104, and a wireless personal digital assistant (PDA) device 105, in communication with each other by means of a network 107 (**blue**), such as the Internet, a local area

network (LAN), or a wide area network (WAN). *See Id.*, [0032]; *see also* Ex. 1002, ¶¶ 88-90.



Ex. 1009, Fig. 1 (annotated)

The first user's personal computer 101 includes data storage for maintaining the user's digital data. Third party viewers (second users) may request and subsequently receive the digital information by directly accessing the first user's personal computer 101 through a browser or other Internet-enabled software program. *See Id.*, [0033], [0034], [0042], [0045] and [0048]; *see also* Ex. 1002, ¶¶ 88-90.

Access to the first user's shared content may be provided by an icon shown in an email application (e.g. Microsoft OUTLOOK) of the first user's personal computer that gives the first user the ability to email files through file sharing. Rather than sending a file attachment, a link to the first user's shared content is placed in the email message. This eliminates the need to transmit the actual content, thus ensuring the email message will not be rejected due to size restrictions on the recipients email account. *See Id.*, [0050]; *see also* Ex. 1002, ¶¶ 88-90.

**C. Do and Shapiro are analogous art**

Do is analogous art to the '158 Patent because both Do and the '158 Patent are from the same field of endeavor of systems and methods for sharing electronic files over a network. *See* Ex. 1008, [Abstract]; Ex. 1001, [Abstract]; *see In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004). Both Do and the '158 Patent also seek to solve the same problem, *i.e.*, avoiding security issues when facilitating access to files stored on a computer network. *See* Ex. 1008, [0001], [0002], [0037], [0055], [0056]; Ex. 1002, ¶ 82-90, 106; Ex. 1001, [Abstract].

Shapiro is also analogous art to the '158 Patent. Both Shapiro and the '158 Patent are from the same field of endeavor of systems that enable the sharing of data over a network. *See* Ex. 1009, [Abstract], [0001]; Ex. 1001, [Abstract].; *see In re*

*Bigio* at 1325. Both Shapiro and the '158 Patent seek to solve the same problem, *i.e.*, avoiding security issues when facilitating secured access to files between users.

**D. Claims 3-11 and 13 are obvious under 35 U.S.C. § 103 over Do in view of Shapiro**

1. *Claim 3*

**a. Element 3.Pre**

3.Pre	An apparatus, comprising:
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To the extent that the preamble is limiting, Do discloses it because the recited apparatus is disclosed as a server on which an online service is hosted which enables a user's computer to access artifacts stored thereon, the server subsequently causing a display to occur on a recipient's computer. *See, supra*, Section VIII.A; *see also* Ex. 1002, ¶ 95.

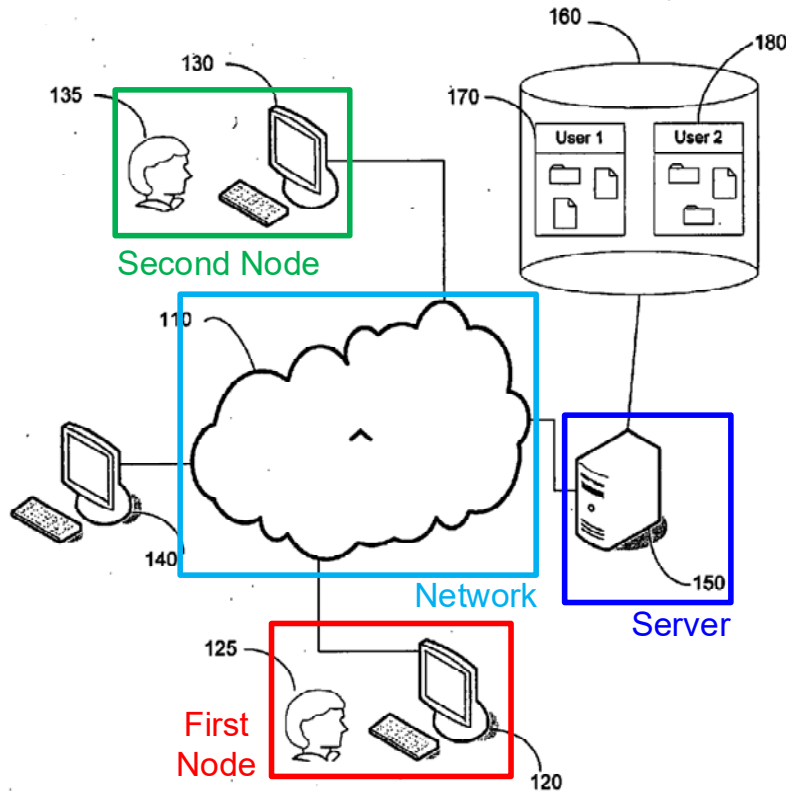
**b. Element 3.a**

3.a	at least one non-transitory memory storing instructions; and
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Do discloses element 3.a because it discloses a computer readable medium that is encoded with programs that runs on computer that is implemented as server 150 (**dark blue**) of Figure 1 of Do which provides an online service via the network (**blue**), which is the recited *non-transitory memory storing instructions*.

Do discloses “[s]erver 150 may be any one or more computerized devices that can be accessed by and provide information to other networked computers. Server

150 may be implemented using hardware and software for implementing a web service as is known in the art, but any suitable hardware and/or software may be used ... [i]n this respect, the invention may be embodied as a computer readable medium ... encoded with one or more programs that, when executed on one or more computers or other processors, perform methods that implement the various embodiments of the invention discussed above ... [t]he computer readable medium or media can be transportable, such that the program or programs **stored thereon** can be loaded onto one or more different computers or other processors to implement various aspects of the present invention as discussed above.” Ex. 1008, [0041], [0086], Fig. 1 ; *see also* Ex. 1002, ¶ 96.



Ex. 1008, Fig. 1 (annotated)

**c. Element 3.b**

3.b	one or more processors in communication with the at least one non-transitory memory, wherein the one or more processors execute the instructions to:
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Do discloses element 3.b because it discloses computerized devices that constitute the server 150, which includes the recited *processors in communication with the at least one non-transitory memory, wherein the one or more processors execute the instructions.*

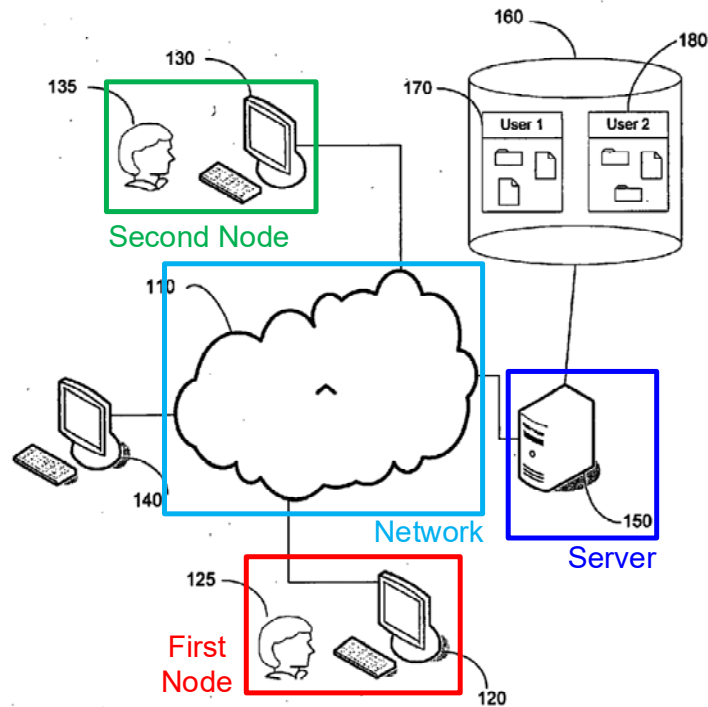
Do discloses “[t]he invention may be embodied as a computer readable medium ... encoded with one or more programs that, **when executed on one or more computers or other processors**, perform methods that implement the various embodiments of the invention discussed above ...” Ex. 1008, [0086]; *see also* Ex. 1002, ¶ 97.

**d. Element 3.c**

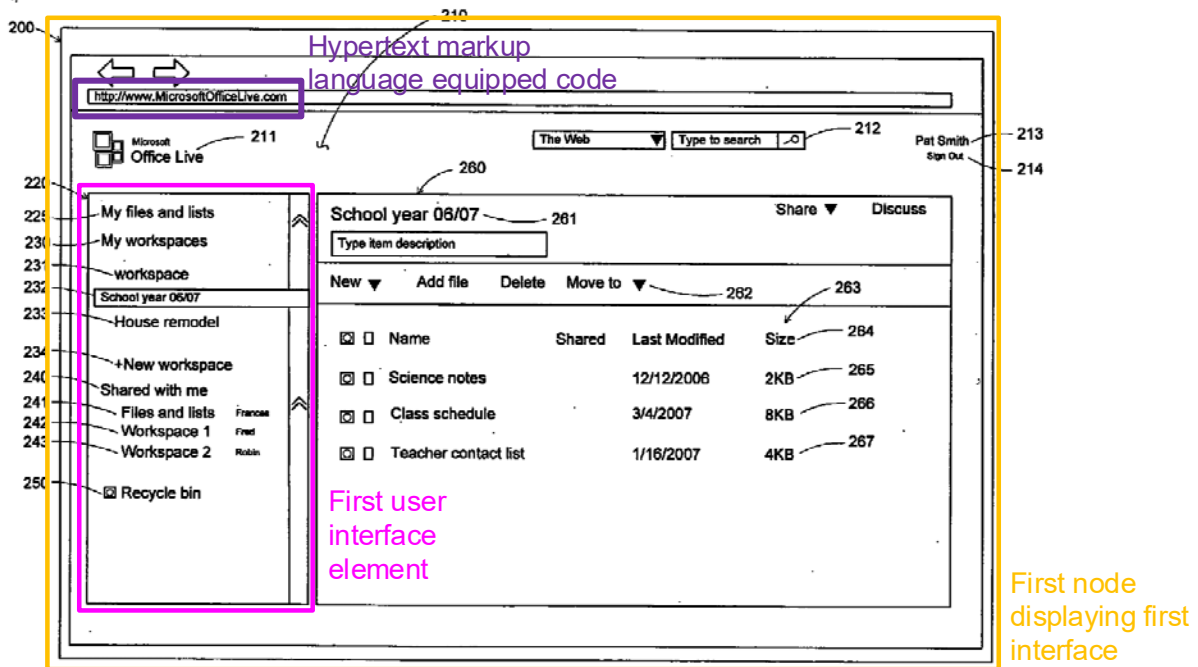
3.c	cause, at a first node, display of at least one first interface with a first user interface element, utilizing first hypertext markup language-equipped code that is sent via at least one network;
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Do discloses element 3.c because it discloses the online service hosted by the server 150 (**dark blue**) and connected to the network 110 (*via at least one network*) a user interface (*at least one first interface*) having at least one pane (*a first user interface element*) on the display of the first user’s computer (*first node*) using HTTP pages (*utilizing first hypertext markup language-equipped code*) on a web browser of the first user’s computer.





Ex. 1008, Fig. 1 (annotated)



Ex. 1008, Fig. 2 (annotated)

Do discloses “[a]fter authentication, the online service may present the first user's interface, which first user 125 may view on the display of computer 120. To create such an interface, server 150 may render the interface in a format that can be displayed by computer 120 ... computer 120 may be configured with a web browser that displays HTTP pages and server 150 may render the interface as one or more HTTP pages ...” Ex. 1008, [0042]. *See also* Ex. 1002, ¶¶ 109-113.

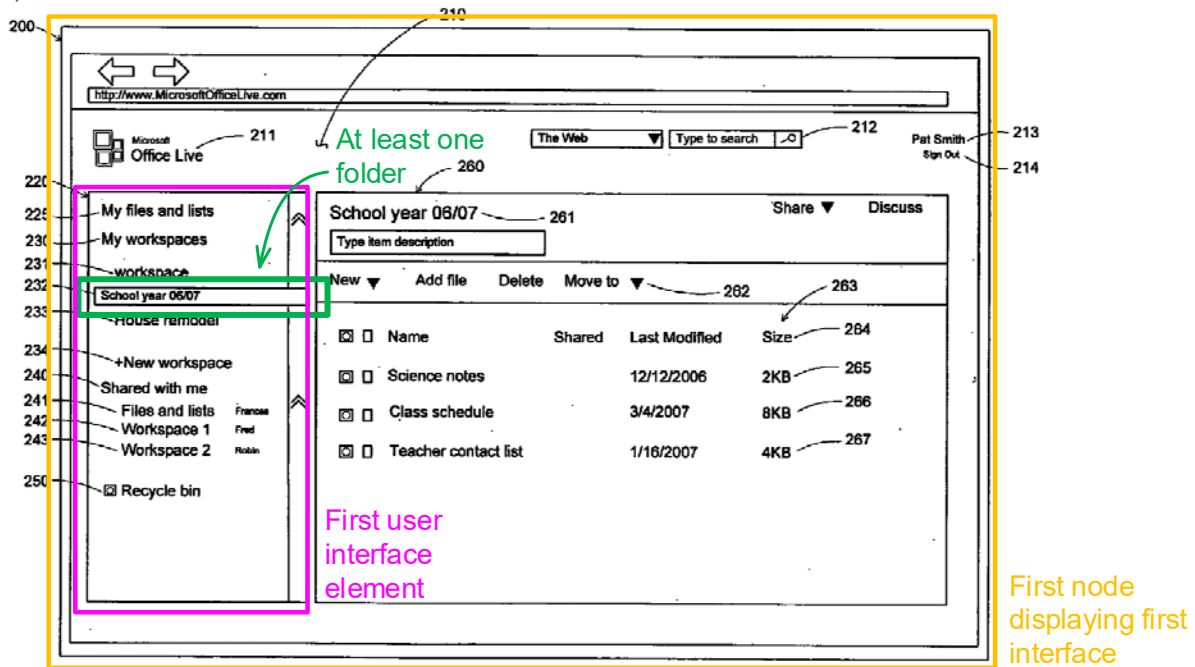
Do also discloses “FIG. 2 shows an example of a user interface 200 that may be presented to first user 125 ... [t]he interface may present information that allows the user to manipulate artifacts and to interact collaboratively ... the interface may be organized into one or more panes, each containing a subset of information presented to the user and command objects accessible by the user.” *Id.*, [0043]. *See also* Ex. 1002, ¶¶ 98-102.

**e. Element 3.d**

3.d	receive, from the first node via the at least one network, an indication of at least one folder via the first user interface element, utilizing the at least one first interface;
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Do discloses element 3.d because it discloses the server receiving via the online service on the network the selection of a shared workspace folder (*an*

*indication of at least one folder*) using a pane<sup>8</sup> (*via the first user interface element*) on the user interface (*utilizing the at least one first interface*) of the first user.



Ex. 1008, Fig. 2 (annotated)

Do discloses "... if the selected artifact is a workspace or a folder, the work pane may display a representation of the artifacts contained within the workspace or

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<sup>8</sup> Do uses 'pane' and 'panel' interchangeably. As such, 'pane' will be used throughout this Petition, however original language will be retained when quoting text.

folder ... [i]f the selected artifact is an office document ... the work pane may display the contents of the document ...” Ex. 1008, [0035]; *see also* Ex. 1002, ¶¶ 103-105.

Further, Do discloses “[n]avigation pane 220 may present artifacts owned by first user 125 and may also present artifacts owned by other users which have been shared with first user 125. In FIG. 2, artifacts owned by first user 125 are presented in a list with the title “My files and lists” 225 and a list with the title “My workspaces” 230 ...” *Id.*, [0045]; *see also* Ex. 1002, ¶ 105.

Do discloses “[t]he list “My workspaces” 230 presents three artifacts owned by first user 125 ... “workspace” 231, “School year 06/07” 232, and “House remodel” 233 ... the artifact “School year 06/07” 232 has been selected by first user 125 and is highlighted to indicate that is has been selected ...” *Id.*, [0047]. *See also* Ex. 1002, ¶¶ 106-108.

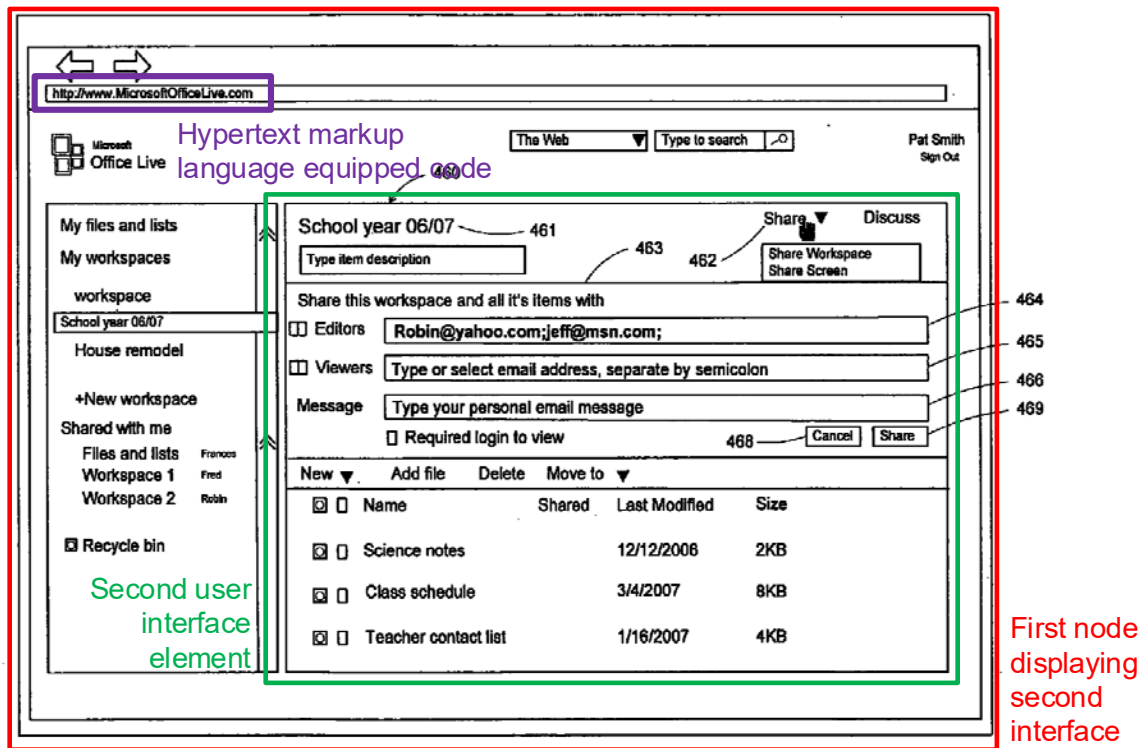
**f. Element 3.e**

3.e	cause, at the first node, display of at least one second interface with a second user interface element, utilizing second hypertext markup language-equipped code that is sent via the at least one network;
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Do discloses element 3.e because it discloses the online service presents another user interface (*display of at least one second interface*) having at least one pane (*a second user interface element*) on the display of the first user’s computer

using HTTP pages (*utilizing second hypertext markup language-equipped code*) on a web browser of the first user's computer.

The user interface in Figure 4 comprises several fields for the first user to specify a username or email address (or any other identifying means) of at least one recipient with whom an artifact is to be shared. The user interface in Figure 4 is different to the user interface in Figure 2 which does not have such fields. In Figure 4, the other components of the interface are arranged differently when compared to Figure 2. *See supra* section VIII.D.1.d, Ex. 1008, Fig. 2). For example, in Figure 4, the listing of files in the shared folder 'School year 06/07' is arranged below the fields for the recipient's email address. Hence the interface in Figure 4 is different to the interface in Figure 2. Each of these interfaces is displayed using hypertext markup language-equipped code. As the interfaces in Figure 2 and Figure 4 are different, the hypertext markup language-equipped code used for each is therefore also different. This evidences the use of a *second hypertext markup language-equipped code*. *See* Ex. 1002, ¶¶109-112.



Ex. 1008, Fig. 4 (annotated)

Do discloses “the online service may present the first user’s interface, which first user 125 may view on the display of computer 120 ... server 150 may render the interface in a format that can be displayed by computer 120 ... computer 120 may be configured with a web browser that displays HTTP pages and server 150 may render the interface as one or more HTTP pages. Using a browser-based interface may allow a user to access artifacts on server 150 from any computer that supports such a browser ...” Ex. 1008, [0042]. *See also* Ex. 1002, ¶¶ 109-112.

Do further discloses “[a]s another example of a command sequence by a user that results in sharing of an artifact, FIG. 4 shows work pane 460 after first user 125

has selected a control 462 to share workspace “School year 06/07” 232 with other users ... [f]irst user 125 may specify the other users via a username, email address, or any other means for identifying the other users ... first user 125 may similarly list other users who are to be allowed to view artifact “School year 06/07” 232 ... [o]ther controls could also be used to specify how artifact “School year 06/07” 232 is to be shared.” *Id.*, [0054]; *see also* Ex. 1002, ¶ 112.

**g. Element 3.f**

3.f	receive, from the first node via the at least one network, indicia associated with at least one email address via the second user interface element, utilizing the at least one second interface;
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Do discloses element 3.f because it discloses the server receiving via the online service on the network the first user specifies, to the server, other users with whom to share the artifacts via username or email address, using the fields (*indicia associated with at least one email address*) in a pane (*the second user interface element*) of the second interface (*utilizing the at least one second interface*). The *indicia associated with at least one email address* can simply be an indication or representation of the recipient’s mailbox address itself. The specification of the ’158 patent does not preclude the email address itself being an alias to the user’s email address, and that is what a POSITA would understand this limitation to mean. *See* Ex. 1002, ¶¶ 113-118.

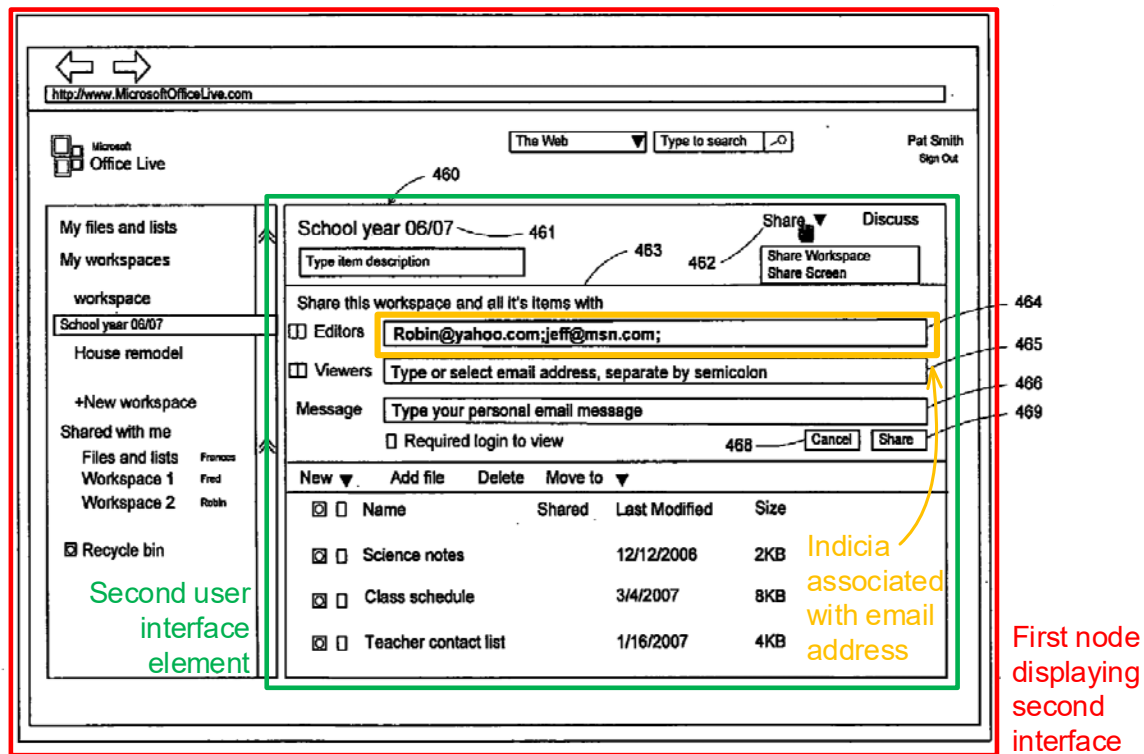
Do discloses “[t]he first user may indicate the identity of the second user by an email address and the online service may inform the second user that an artifact has been shared with him or her by sending an email to that address ... [t]he email received by the second user may contain a message, may contain directions or instructions for accessing the shared artifact ...” Ex. 1008, [0037]. *See also* Ex. 1002, ¶ 115.

Do also discloses “FIG. 4 shows work pane 460 after first user 125 has selected a control 462 to share workspace “School year 06/07” 232 with other users ... [f]irst user 125 may specify the other users via a username, email address, or any other means for identifying the other users ... [i]f first user 125 completes the process, a message, such as an email message, may be sent to the users with whom the artifact is being shared, and the artifact may automatically appear in the navigation pane of the other users' interfaces.” *Id.*, [0054]. *See also* Ex. 1002, ¶¶ 113, 116.

Further, Do discloses “[i]n block 1110, the first user may be able to identify the second user by an identifying characteristic of the online service, such as an identification number or username. In block 1210, the first user may have to identify the second user with a different identifying characteristic, such as an email address ... [a]t block 1220, the second user is notified that the first user has shared an artifact



with the second user. Any appropriate method could be used for notification, such as an email message sent to the second user ...” *Id.*, [0074]-[0075]. *See also* Ex. 1002, ¶ 114.



Ex. 1008, Fig. 4 (annotated)

**h. Element 3.g**

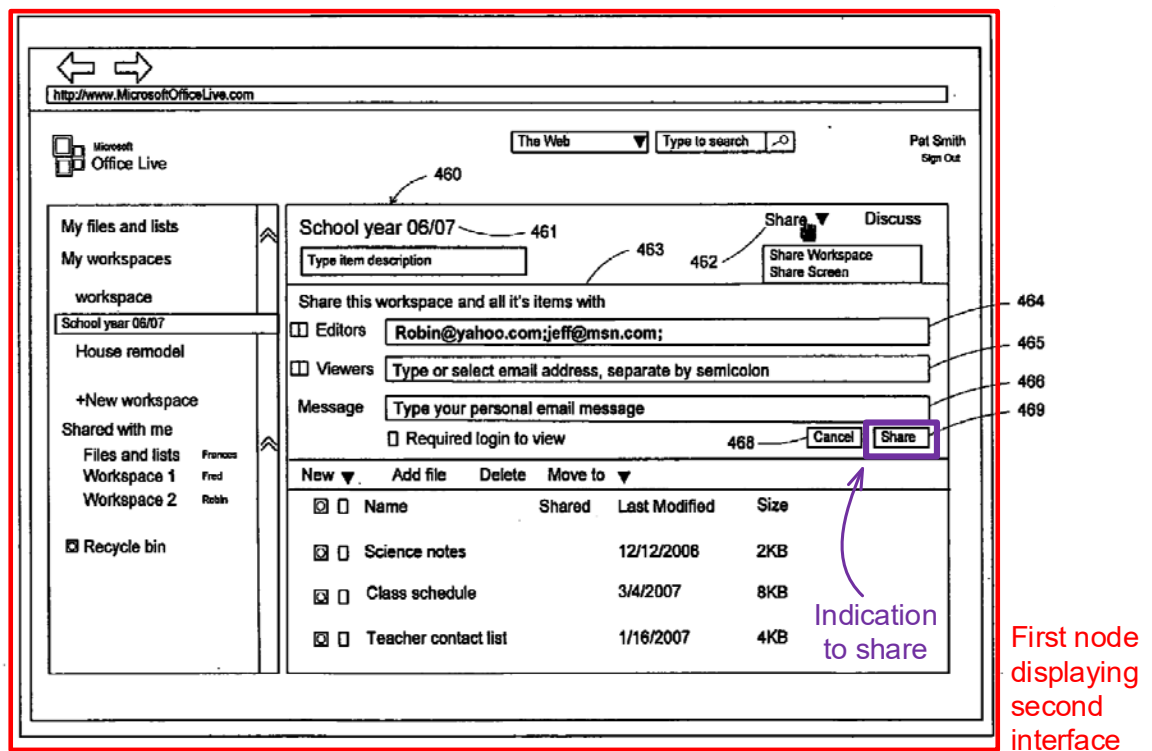
3.g	receive, from the first node via the at least one network, an indication to share the at least one folder;
-----	--

Do discloses element 3.g because it discloses a ‘share’ button (*an indication to share the at least one folder*) for the first user at the first node to share an artifact with other users (including the second user) using the second interface (*receive, from*

*the first node*). Thus once the first user clicks the ‘share’ button in the second interface, the server receives the first user’s indication to share the artifact.

Do discloses “a first user may desire to share an artifact with a second user ... [t]he first user may indicate the identity of the second user by an email address and the online service may inform the second user that an artifact has been shared with him or her by sending an email to that address ...” Ex. 1008, [0037]. Do also discloses “FIG. 4 shows work pane 460 after first user 125 has selected a control 462 to share workspace “School year 06/07” 232 with other users. Work pane 460 presents a group of controls 463 that first user 125 can use to share artifact “School year 06/07” 232 with other users ... first user 125 may list other users who are to be allowed to edit artifact “School year 06/07” 232 ... [f]irst user 125 may specify the other users via a username, email address ... [o]nce first user 125 has completed entering the information about how artifact “School year 06/07” 232 is to be shared, first user 125 may select control 469 to complete the process or may select control 468 to cancel the process. If first user 125 completes the process, a message, such as an email message, may be sent to the users with whom the artifact is being shared, and the artifact may automatically appear in the navigation pane of the other users’ interfaces.” *Id.*, [0054]. See also Ex. 1002, ¶¶ 119-121.

Thus from Figure 4 of Do, the first user is able to share the folder ‘School year 06/07’ with other users by listing their username or email address in field (control 464, 456) in the first user’s second interface (work pane 460), and clicking a ‘share’ button (control 469) thereafter. Clicking the ‘share’ button the first user is providing his indication to share the folder ‘School year 06/07,’ to be received by the online service operating on the server. *See also* Ex. 1002, ¶ 121.



Ex. 1008, Fig. 4 (annotated)

**i. Element 3.h**

3.h	(3.h.1) based on the receipt of the indication of the at least one folder, the indicia associated with the at least one email address, and the indication to share the at least one folder via the at least one network; generate at least one email message identifying the at least one folder and including a reference to the at least one folder,
	(3.h.2) without including at least one file in the at least one folder as an attachment of the at least one email message;

**Do and Shapiro disclose the elements 3.h.1 and 3.h.2**

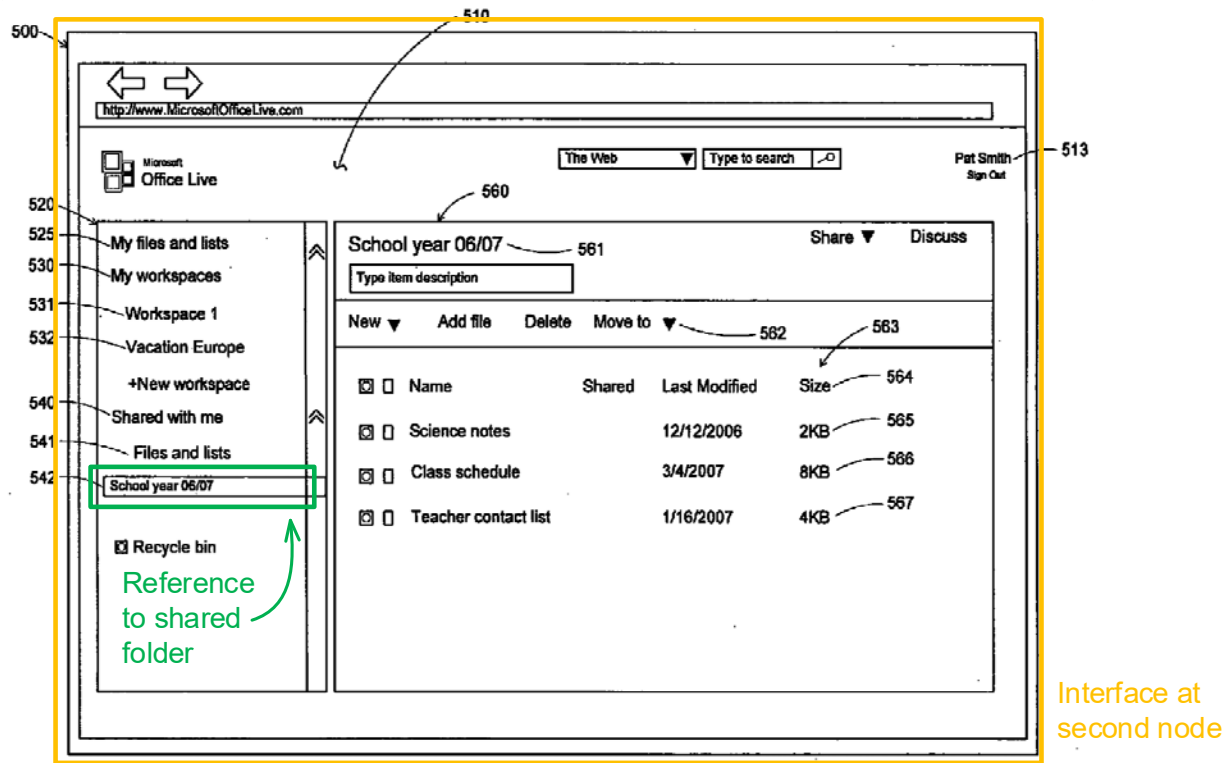
Further to elements 3.d, 3.f and 3.g, Do discloses element 3.h.1 because it discloses generation of an email message (*generate at least one email message identifying the at least one folder*) after the first user at the first node interacts with the first user interface and the second user interface. The email message contains a link (*a reference to the at least one folder*) to a webpage where the shared folder containing artifacts can be *viewed by a second user at a second node*. The email message serves to identify the shared folder and the link is the reference to the shared folder.

In addition to the disclosures discussed in the foregoing (*see supra* Sections VIII.D.1.e, VIII.D.1.g and VIII.D.1.h), Do also discloses “[t]he first user may indicate the identity of the second user by an email address and the online service may inform the second user that an artifact has been shared with him or her by sending an email to that address. The email received by the second user may

contain a message, may contain directions or instructions for accessing the shared artifact, and alternatively or additionally may include a web address with which the second user may be able to access the artifact ... the shared artifact may automatically be listed in the second user's navigation pane without any further action by the first or second user.” Ex. 1008, [0037], FIG. 5. *See also* Ex. 1002, ¶¶ 122-127. Do further discloses “the second user (135) is notified by an email message.” *Id.*, claim 17. *See also* Ex. 1002, ¶ 112. Further, Do discloses “the email message includes a link to a web page where the second (135) user can view the contents of the at least one artifact (232) before registering with the online service.” *Id.*, claim 18. *See also* Ex. 1002, ¶¶ 125-127.

Do therefore discloses that the first user indicates a folder to be shared, specifies the username or email address of a second user with whom the folder is to be shared with, and provides an indication to share by clicking the ‘share’ button (*see supra* Sections VIII.D.1.e, VIII.D.1.g and VIII.D.1.h). After the first user specifies these details, an email to the second user is generated, the email informing the second user that an artifact has been shared with him or her. *See* Ex. 1002, ¶¶ 122-127.

Hence, Do discloses element 3.h.1.



Ex. 1008, Fig. 5 (annotated)

Do's disclosure of sending an "email message [which] includes a link to a web page where the second (135) user can view the contents of the at least one artifact (232)," *see* Ex. 1008, claim 18, corresponds to element 3.h.2 because when a user sends an email message which includes a link to a web page for viewing a file, a POSITA would understand that the file itself would not also be included in the email. *See* Ex. 1002, ¶ 126. Indeed, it would be counter intuitive for the user to also attach a copy of the file in the same email as the link to the file. The attachment of the file to such an email would be redundant and unnecessary. *See* Ex. 1002, ¶¶ 122-127, 130-137. However to the extent that element 3.h.2 is not explicitly disclosed in Do,

Shapiro teaches this element because it discloses the ability to share files via a link placed in an email message **instead of sending a file attachment**.

Shapiro discloses “[t]he integration module 301 integrates the sharing functionality throughout the operating system of the user’s personal computer 101 and other applications on the user’s personal computer 101. The functionality of the integration module 301 may also include one or more of the following ... [a]n icon shown in an email application (e.g., Microsoft OUTLOOK) of the user’s personal computer gives users the ability to email files through file sharing. **Rather than sending a file attachment**, a link to the user’s shared content is placed in the email message. This eliminates the need to transmit the actual content. This has several benefits such as ensuring that the email message will not be rejected due to size restrictions on the recipients email account, and allowing the recipient to access the shared file when at the recipient’s convenience without pushing or forcing the file onto the recipient.” Ex. 1009, [0050], [0052]. *See also* Ex. 1002, ¶¶ 128-129.

Generating at least one an email message to the second user *without including at least one file in the at least one folder as an attachment of the at least one email message* is therefore met by Shapiro’s disclosure of sharing files via a link placed in an email message instead of sending a file attachment. Shapiro therefore discloses element 3.h.2.

**1) A POSITA would have been motivated to combine Do and Shapiro in the manner claimed**

Do and Shapiro disclose all of the elements 3.h.

In view of Do and Shapiro, a POSITA would have been motivated to use the file sharing system to share files with other users by sending a link to the file to be shared to the other users **without sending the file itself**. Shapiro discloses that access to the user's shared content may be provided by sending a link to the user's shared content placed in the email message rather than sending the file as an attachment. This eliminates the need to transmit the actual content. *See* Ex. 1009, [0052]; *see also* Ex. 1002, ¶¶ 130-135.

Do discloses a system and method that allows multiple users to share electronic documents over a computer network. Each user may access the online system after specifying the user's credentials, after which the user may view the user interface specific to that user. The user interface may contain multiple panes, such as a navigation pane and a work pane. The navigation pane may list files owned by the user and may also list files shared with the user by other users. A user may select a file in the navigation pane to view the contents of the file in the work pane. A user may also select a file to share with other users, and the shared file will automatically appear in the other users' interfaces. *See* Ex. 1008, Abstract.



To share a file a user may indicate the identity of the recipient by an email address and the online service may inform the recipient that an artifact has been shared with him or her by sending an email to that address. The email received by the recipient may contain a message, may contain directions or instructions for accessing the shared artifact, and may include a web address with which the second user may be able to access the file. *See* Ex. 1008, [0037]; *see supra* Section VIII.A. Do also provides a progression from storing files locally to storing files in a central storage location for remote access via a computer network. *See* Ex. 1008, [0001], [0002], [0055]; *see also* Ex. 1002, ¶¶ 125-132.

Additionally, Do presents other factors against file sharing by sending the files locally to a recipient for storage on the user's terminal. Do discloses multi-user editing, and editing via a web browser, which would not be feasible with local storage of files. Further Do assigns rights and edit permissions in its file sharing, which would be redundant for file sharing via locally distributed files. *See* Ex. 1008, [0037], [0056]-[0059], [0061]; *see also* Ex. 1002, ¶¶ 136-143.

Shapiro discloses systems and methods that facilitate easy sharing of personal digital information. Access to the user's shared content may be provided by with an icon shown in an email application (e.g., Microsoft OUTLOOK) of the user's personal computer that gives users the ability to email files through file sharing.

Rather than sending a file attachment, the system in Shapiro adopts a ‘pull’ distribution model where a link to the user’s shared content is placed in the email message. This eliminates the need to transmit the actual content in the email message. *See* Ex. 1009, Abstract, [0008]-[0011], [0052]; *see supra* Section VIII.B; *see also* Ex. 1002, ¶ 133.

Shapiro identifies a few disadvantages of attaching content to an email when file sharing, such as forcing the information to be shared onto the recipient whether the recipient wants the information or not, and the impracticality of dealing with large sized files and large numbers of files when a recipient may not be ready for such shared content. *See* Ex. 1009, [0008]; *see also* Ex. 1002, ¶¶ 134-135.

Accordingly, in order to facilitate file sharing without forcing the shared file onto the recipient, a POSITA would have sought to send a link to the user’s shared content placed in the email message sent, as taught by Shapiro, in the file sharing system of Do. This would prevent inundating the recipient with excessively large files, and would also allow the recipient to access the file when suitable, as taught by Shapiro. No alteration to the file sharing system of Do would have been needed. Do also discourages from sending the actual file to a recipient as it enables multi-user editing, and the assignment of rights and edit permissions to shared files, further motivating a POSITA to look to Shapiro. *See* Ex. 1008, [0042], [0054]; *see*

Ex. 1009, [0050], [0052]; *see also* Ex. 1002, ¶¶ 130-143. In view of the above, a POSITA would be motivated to modify the system in Do in view of Shapiro's teachings. *See* Ex. 1002, ¶ 135.

**2) A POSITA would have a reasonable expectation of success**

A POSITA would have had a reasonable expectation of success that the combination of Do and Shapiro would yield the subject matter of element 3.h. A POSITA would have found it straightforward to send a link to the user's shared content placed in the email message sent to recipients, **without attaching the shared content itself**, in the system of Do, so as to facilitate file sharing without forcing the shared file onto the recipient. *See* Ex. 1002, ¶¶ 133-135.

Considering that Do clearly expresses the objective of providing an alternate to storage of files on individual computers, and suggests the use of a central storage location for access by remote computers via a network, using Shapiro's transmittal of a link to the user's shared content placed in the email message sent to recipients **without attaching the shared content itself** would have been straightforward because it does not involve any further modification of the system in Do. *See* Ex. 1008, [0001], [0002] and [0055]; *see also* Ex. 1002, ¶¶ 130-143. The implementation would have yielded the predictable results of a file sharing system in which a link to shared content is transmitted without attaching the content itself

to facilitate file sharing without forcing the shared file onto the recipient. *See* Ex. 1002, ¶¶ 130-143.

Thus, Do in view of Shapiro renders obvious claim element 3.h.

**j. Element 3.i**

3.i	send, to a second node via the at least one network, the at least one email message, without including the at least one file in the at least one folder as an attachment of the at least one email message;
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Do discloses element 3.i because it discloses that an email message is sent by the server to the second user to notify the second user that the first user has shared an artifact with the second user, which is the recited *send, to a second node via the at least one network, the at least one email message*. Further, element 3.i builds upon element 3.h where the generated email in element 3.h is sent. As discussed in section VIII.D.1.i, the combination of references discloses element 3.h.2 which is the recited *without including the at least one file in the at least one folder as an attachment of the at least one email message*.

In addition to the disclosures discussed in the foregoing (*see supra* Section VIII.D.1.i), Do also discloses “[t]he first user may indicate the identity of the second user by an email address and the online service may inform the second user that an artifact has been shared with him or her by sending an email to that address. The email received by the second user may contain a message, may contain

directions or instructions for accessing the shared artifact ... the shared artifact may automatically be listed in the second user's navigation pane without any further action by the first or second user.” Ex. 1008, [0035]. Further, Do discloses “the second user is notified that the first user has shared an artifact with the second user ... [via] an email message sent to the second user. The notification may include ... instructions describing how the second user can access the shared artifact ...” *Id.*, [0075]. *See also* Ex. 1002, ¶¶ 144-146.

**k. Element 3.j**

3.j	(3.j.1) based on the receipt of the indication of the at least one folder, the indicia associated with the at least one email address, and the indication to share the at least one folder via the at least one network; cause, utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder in a location among one or more folders on the file explorer interface,
	(3.j.2) where the storage at the second node does not store the at least one file when the creation of the representation of the at least one folder is caused;

As discussed in relation to elements 3.d, 3.f and 3.g above (*see supra* Sections VIII.D.1.e, VIII.D.1.g and VIII.D.1.h), Do also discloses element 3.j.1 because it discloses that a web file explorer (*the file explorer interface*) at the second node displays the shared folder (*creation of a representation of the at least one*

*folder*) in a pane (*in a location*) that also displays local folders (*among one or more folders*) specific to the second node.

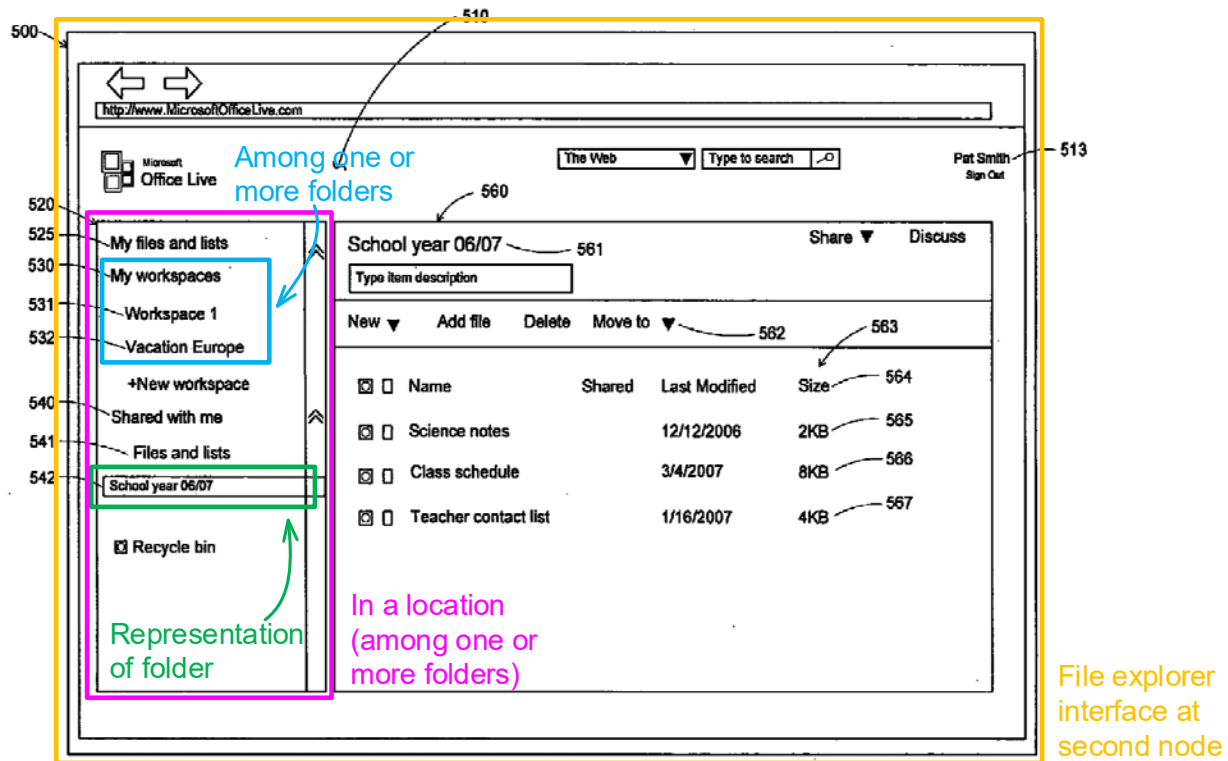
Do also discloses that a second user at the second node is presented with a user interface showing a representation of the shared artifact once an email notifying the second user of the shared artifact is sent. In Do, the user interface at the second node is a web based file explorer. Such a user interface be created using code stored at the second node. *See Ex. 1002, ¶¶ 150-154. This is the recited utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface.*

In addition, Do also discloses “information input by the user is captured by the online service and used to record information ... indicating that a second user is to be given access to the shared artifact ... [t]he online service may then use this information to provide access to the shared artifact and to present an appropriate interface to each recipient, including a representation of the shared artifact ... an e-mail notifying each recipient ... may be sent by the user who initiated the sharing or from any other suitable source ... FIG. 5 shows an example of a user interface for second user 135 that may appear when second user 135 accesses her user interface following the sharing of artifact “School year 06/07” 232. Second user’s interface may have a header pane 510 that indicates her name or username 513. Her interface

may also have a navigation pane 520 that presents artifacts owned by her and artifacts shared with her ... the artifacts may be presented in a list “My files and lists” 525, a list “My workspaces” 530, and a list “Shared with me” 540 ... [t]he online service may automatically render the user interface with a list “Shared with me” 540 including artifact “School year 06/07” 542 without requiring any action by second user 135 to include the shared artifact in her user interface.” Ex. 1008, [0055]-[0056]. *See also* Ex. 1002, ¶¶ 147-150.

Further, Do discloses “[i]f the second user is not viewing the second user's interface at the time that the first user shares the artifact with the second user, then the shared artifact may automatically appear in the second user's interface the next time the second user accesses his or her interface ... the second user selects the shared artifact to view the contents of the shared artifact in the context of the second user's interface.” *Id.*, [0072]. *See also* Ex. 1002, ¶ 151.

Thus in Do, the representation of the shared artifact ‘School year 06/07’ is created in the second user’s interface and located amongst the second user’s folders.



Ex. 1008, Fig. 5 (annotated)

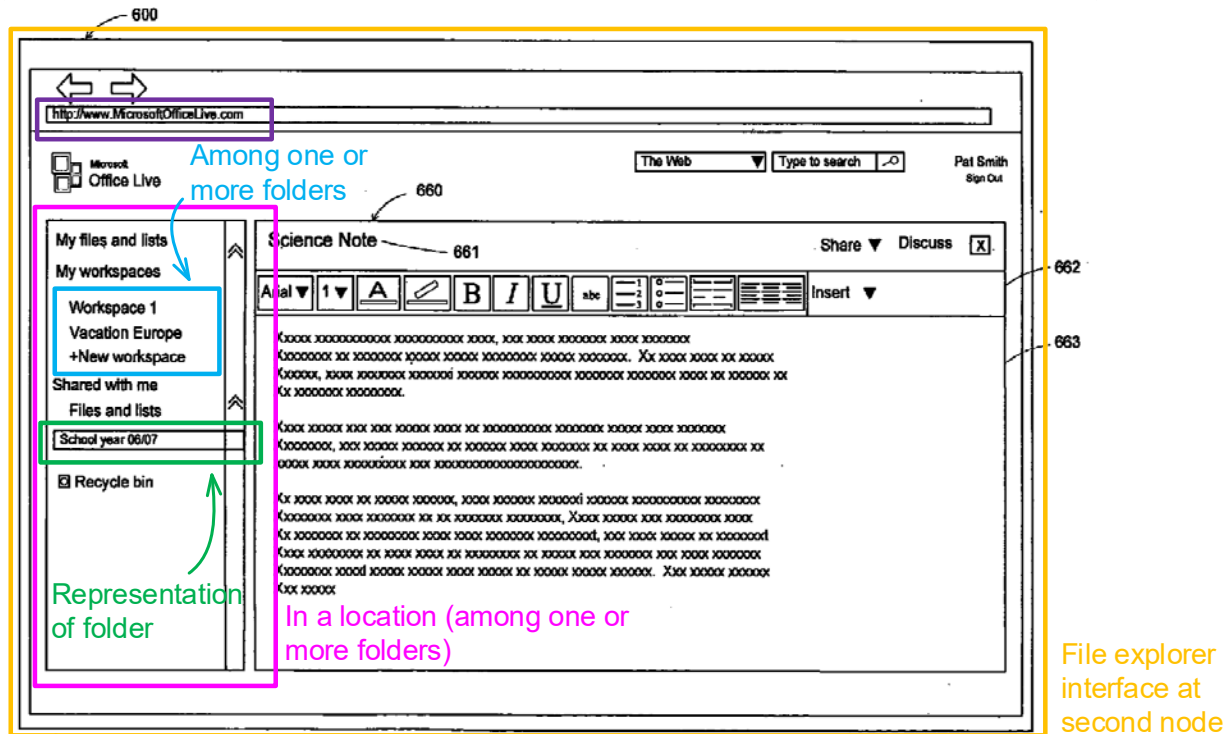
Do discloses “second user 135 has selected artifact "School year 06/07" 542 in her navigation pane 520. The contents of artifact "School year 06/07" 542 are then presented in work pane 560 of second user's interface 500. The sharing of artifact "School year 06/07" 542 is thus integrated into the context of second user's interface 500. Second user 135 would not need to leave the context of her own user interface to view the contents of artifact "School year 06/07" 542, even though artifact "School year 06/07" 542 is owned by first user 125. Second user 135 may view artifacts shared with her in the same manner as her own artifacts ... the sharing of artifact “Science notes” 565 is integrated into the context of second user's interface 600, and



second user 135 does not need to leave the context of her own user interface to view the contents of the artifact.” *Id.*, [0057]-[0058]. *See also* Ex. 1002, ¶ 152.

Additionally, Do discloses “... the online service may automatically add the shared artifact to the recipient's navigation pane ... an artifact may be stored in a folder within a directory structure that contains other folders and other artifacts ... if the selected artifact is a workspace or a folder, the work pane may display a representation of the artifacts contained within the workspace or folder.” Ex. 1008, [0031], [0035]; *see also* Ex. 1002, ¶¶ 153-154. This is the recited *creation of a representation of the at least one folder in a location among one or more folders on the file explorer interface* in element 3.j.1.

In view of the foregoing, Do discloses claim element 3.j.1.



Ex. 1008, Fig. 6 (annotated)

To the extent that claim element 3.j.2 is not explicitly described in Do, Shapiro shows this element, as discussed in the foregoing where Shapiro discloses “[r]ather than sending a file attachment, a link to the user’s shared content is placed in the email message.” Ex. 1009, [0052]. It therefore follows that if the file is not attached to the email message, as advocated in Shapiro, the second user, on receipt of the email message with the link, would not have a file to store at the second user’s terminal. *See supra* Section VIII.D.1.i; *see also* Ex. 1002, ¶¶ 155-158.

Combining the teachings of Do and Shapiro, the second node does not store the shared file when the representation of the shared file is caused at the second node,

which are the features of element 3.j.2. *See Id.* Thus Do in view of Shapiro renders obvious claim element 3.j.

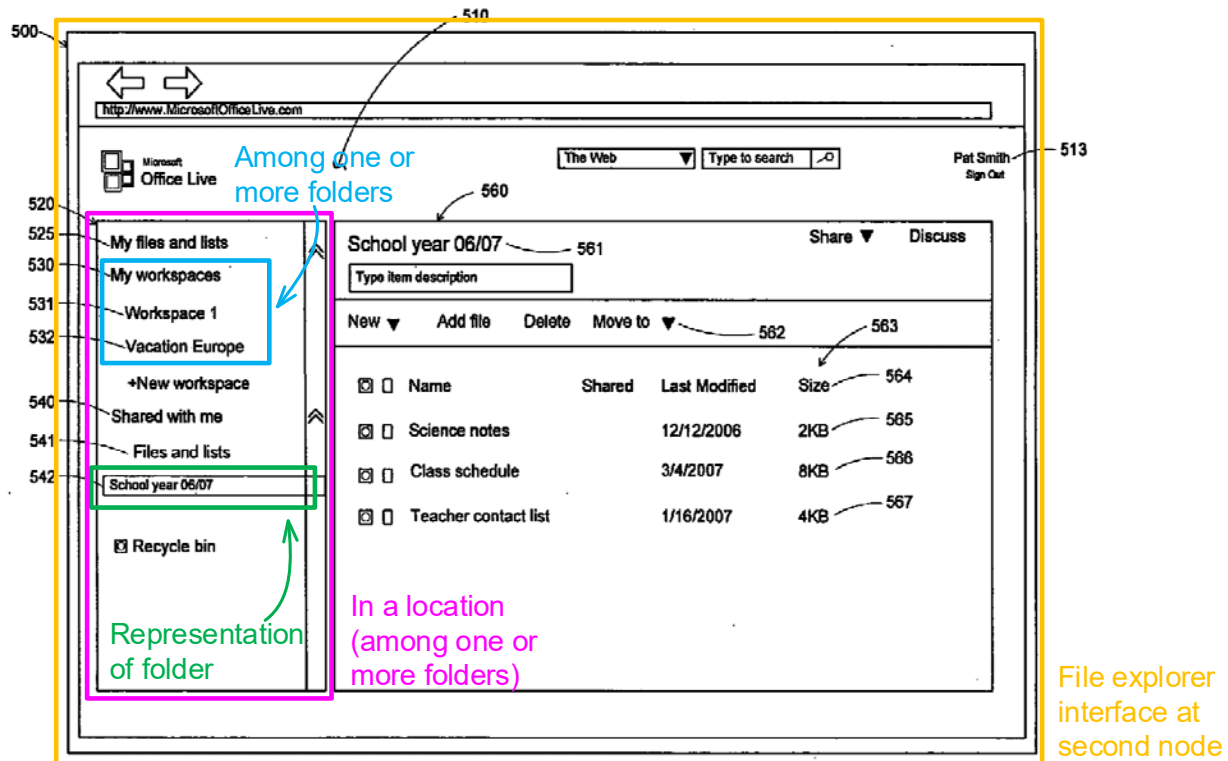
**I. Element 3.k**

3.k	cause, at the second node, display of the representation of the at least one folder in the location among the one or more folders on the file explorer interface;
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Do discloses element 3.k because the server causes the display of a user interface at the second node for the second user comprising a web file explorer (*the file explorer interface*), the display caused at the second node displays the shared folder (*display of a representation of the at least one folder*) in a pane (*in a location*) that also displays local folders (*among one or more folders*) specific to the second node.

Do also discloses “FIG. 5 shows an example of a user interface for second user 135 that may appear when second user 135 accesses her user interface following the sharing of artifact “School year 06/07” 232 ... [t]he online service may automatically render the user interface with a list “Shared with me” 540 including artifact “School year 06/07” 542 without requiring any action by second user 135 to include the shared artifact in her user interface ... [t]he sharing of artifact "School year 06/07" 542 is thus integrated into the context of second user's interface 500 ...

[s]econd user 135 may view artifacts shared with her in the same manner as her own artifacts.” Ex. 1008, [0056]-[0057]. *See also* Ex. 1002, ¶ 159.



Ex. 1008, Fig. 5 (annotated)

**m. Element 3.1**

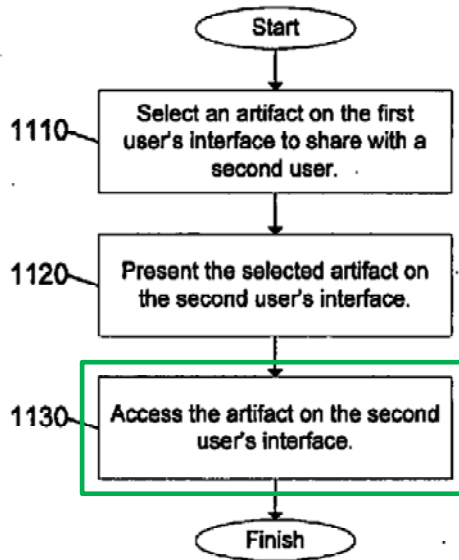
3.1	detect, at the second node, an indication to open the at least one file in the at least one folder; and
-----	---

Do discloses element 3.1 because it discloses the second user selecting a shared artifact (*an indication to open the at least one file in the at least one folder*) in order to view it on the second user’s interface. The second user’s interface *detects* the selection by the second user (*detect, at the second node*), after which the detected

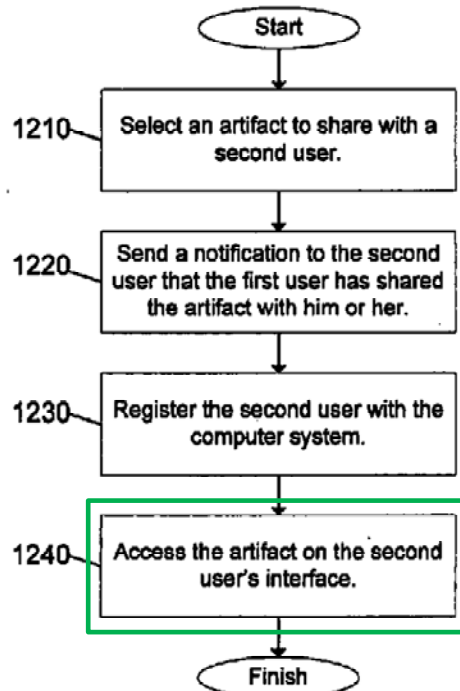
selection is transmitted to the server for retrieval of the shared file for the display thereafter.

Do also discloses “... the shared artifact may automatically appear in the second user's interface the next time the second user accesses his or her interface ... the second user selects the shared artifact to view the contents of the shared artifact in the context of the second user's interface.” Ex. 1008, [0072], *see also* Ex. 1002, ¶¶ 160-163. Such selection by the second user is done at the second user interface

Do further discloses “[a]n example of an interface is shown in FIG. 5 ... [t]he online service may then render a user interface for the second user and automatically include the file shared by the first user in the second user's interface. At block 1240, the second user accesses the second user's interface. The file shared by the first user will automatically appear in the second user's interface ... [t]he second user may then be able to select the shared artifact and view the contents of the shared artifact in the context of the second user's interface.” Ex. 1008, [0078]. *See also* Ex. 1002, ¶¶160-163.



**FIG. 11**



**FIG. 12**

Ex. 1008, Figs. 11 and 12 (annotated)

**n. Element 3.m**

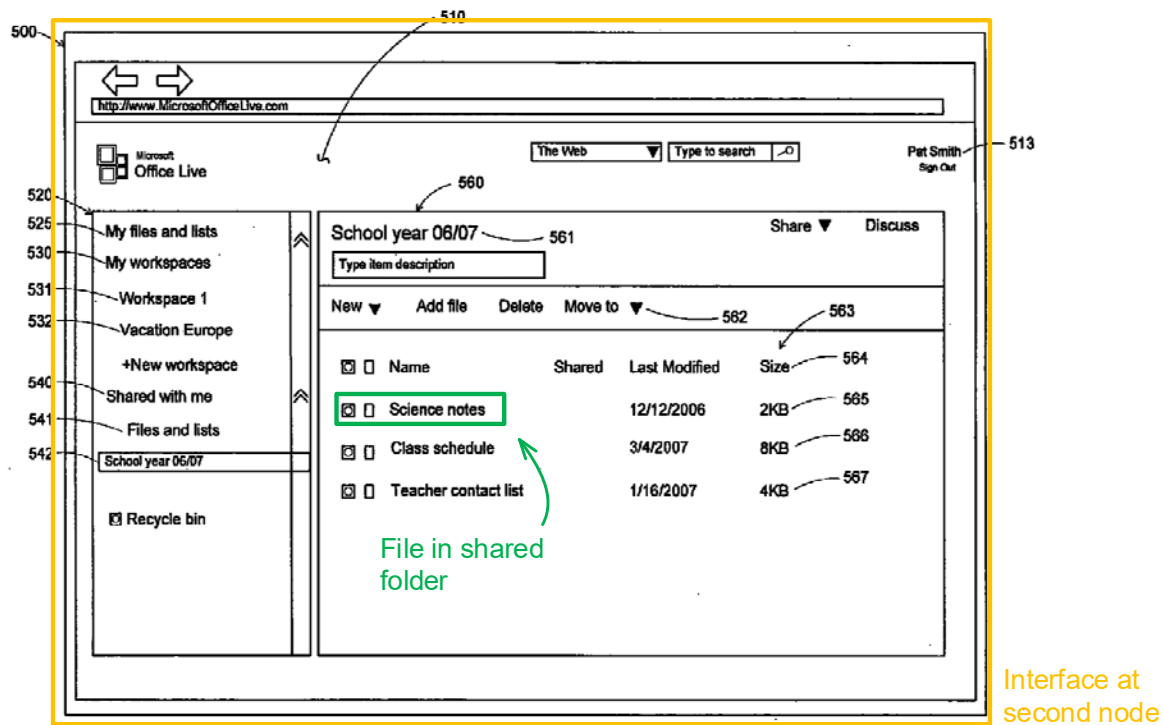
3.m	in response to detection of the indication to open the at least one file in the at least one folder, cause retrieval of the at least one file via the at least one network for permitting display of the at least one file at the second node.
-----	--

Do discloses element 3.m because it discloses the second user at the second node selecting a shared artifact, e.g., ‘Science Notes’ (*at least one file in the at least one folder*) in the second user’s interface (*at the second node*) after which a representation of the contents of the shared artifact is provided in a pane (*permitting display of the at least one file*) of the second user’s interface (*at the second node*).

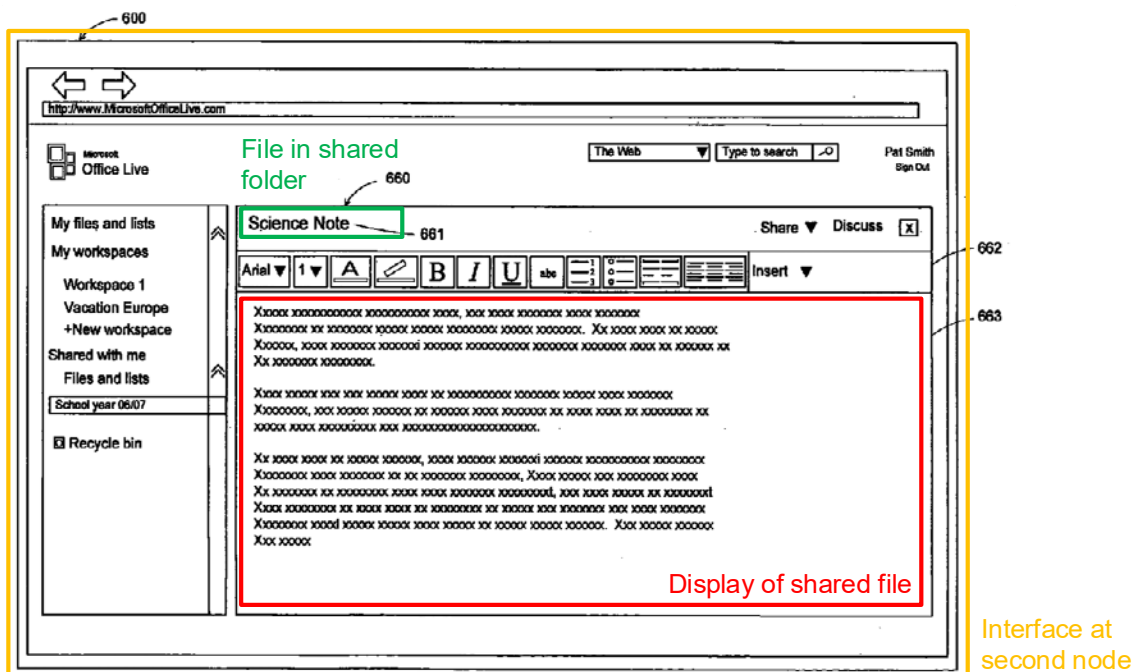
The shared artifact is stored on the server and is retrieved for display on the second user's interface when the second user indicates his or her intent to open the artifact. In order to do that the second user's interface detects the selection of the shared artifact, e.g., 'Science Notes,' by the second user prior to causing the retrieval from the server and display of a representation of the contents of the shared artifact at the second node.

Do discloses "second user 135 may select artifact "Science notes" 565 in order to view the contents of artifact "Science notes" 565. FIG. 6 shows an example of second user's interface 600, after second user 135 selects artifact "Science notes" 565. The contents of artifact "Science notes" 565 are then presented in work pane 660 of second user's interface 600. As before, the sharing of artifact "Science notes" 565 is integrated into the context of second user's interface 600, and second user 135 does not need to leave the context of her own user interface to view the contents of the artifact". *See* Ex. 1008, [0058]. *See supra* Section VIII.D.1.m for element 3.1. *See also* Ex. 1002, ¶¶164-167.

In view of the foregoing, claim 3 is rendered obvious by Do in view of Shapiro.



Ex. 1008, Fig. 5 (annotated)



Ex. 1008, Fig. 6 (annotated)



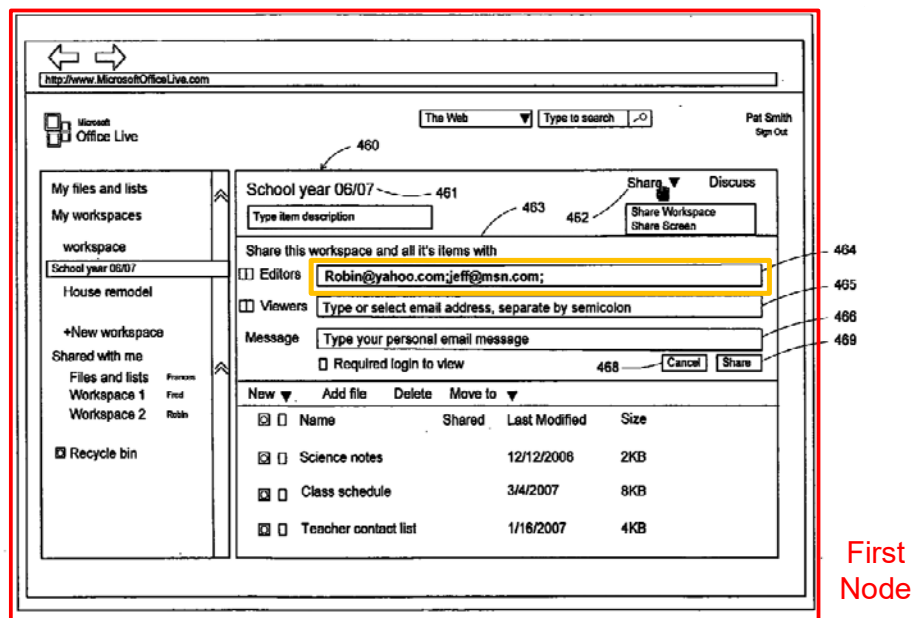
2. *Claim 4*

4.	The apparatus of claim 3, wherein the apparatus is configured such that the indicia associated with the at least one email address includes an alias associated with the at least one email address.
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Do discloses the elements of claim 4 because it discloses the first user inputting an indicia (*indicia associated with the at least one email address*) into the first user's interface (**red**) prior to sending a message to the second user to notify the second user of the shared artifact. It was well known at the time of filing the '158 patent that email recipients could be identified by a combination of fields including the recipients actual email address and an alias.

Do discloses “[t]he first user may indicate the identity of the second user by an email address and the online service may inform the second user that an artifact has been shared with him or her by sending an email to that address ... [t]he second user may also choose to become a registered user, receiving credentials with which the user can access his or her own user interface. Once the second user registers, then the second user may access the online service using his or her credentials to access an interface and the shared artifact may automatically be listed in the second user's navigation pane without any further action by the first or second user.” Ex. 1008, [0037]; *see also* Ex. 1002, ¶ 168.

Further, Do discloses “[w]ork pane 460 presents a group of controls 463 that first user 125 can use to share artifact “School year 06/07” 232 with other users. In control 464, first user 125 may list other users who are to be allowed to edit artifact “School year 06/07” 232. **First user 125 may specify the other users via a username, email address, or any other means** for identifying the other users ... [i]n the example of FIG. 4, first user 125 shared artifact “School year 06/07” 232 with a user having the email address “Robin@yahoo.com.” In this example, this e-mail may be the email address of second user 135.” *Id.*, [0054], [0056] (emphasis added); *see also* Ex. 1002, ¶¶170-173. Do discloses that the first user may specify a recipient via an email address or a username. The username serves as an alias. *See* Ex. 1002, ¶ 171.



Ex. 1008, Fig. 4 (annotated)

3. *Claim 5*

5.	The apparatus of claim 3, wherein the apparatus is configured such that the indicia associated with the at least one email address includes the at least one email address.
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Do discloses the elements of claim 5 because it discloses the first user inputting an indicia associated with an email address of the recipient when composing a message to the recipient to inform him of the shared artifact. Here, the indicia itself is the email address of the recipient. This is the recited *the indicia associated with the at least one email address includes the at least one email address*. See *supra* Section VIII.D.2 for claim 4. See also Ex. 1002, ¶¶ 174-175.

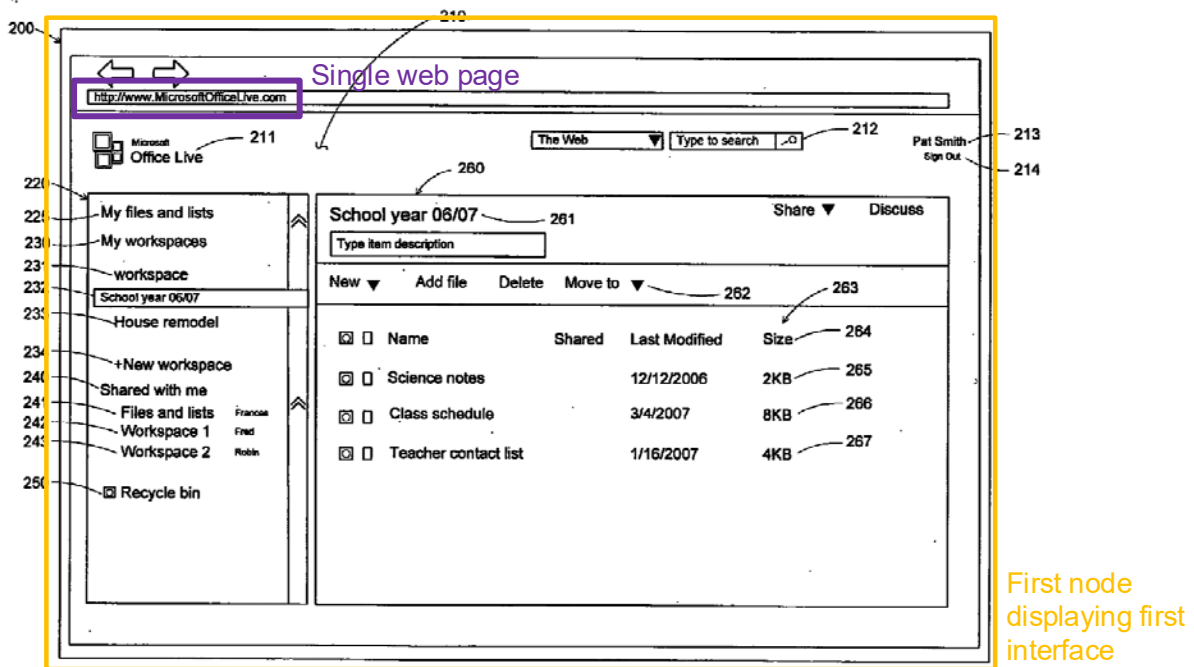
4. *Claim 6*

6.	The apparatus of claim 3, wherein the apparatus is configured such that the at least one first interface and the at least one second interface are separate windows that are displayed utilizing a single web page.
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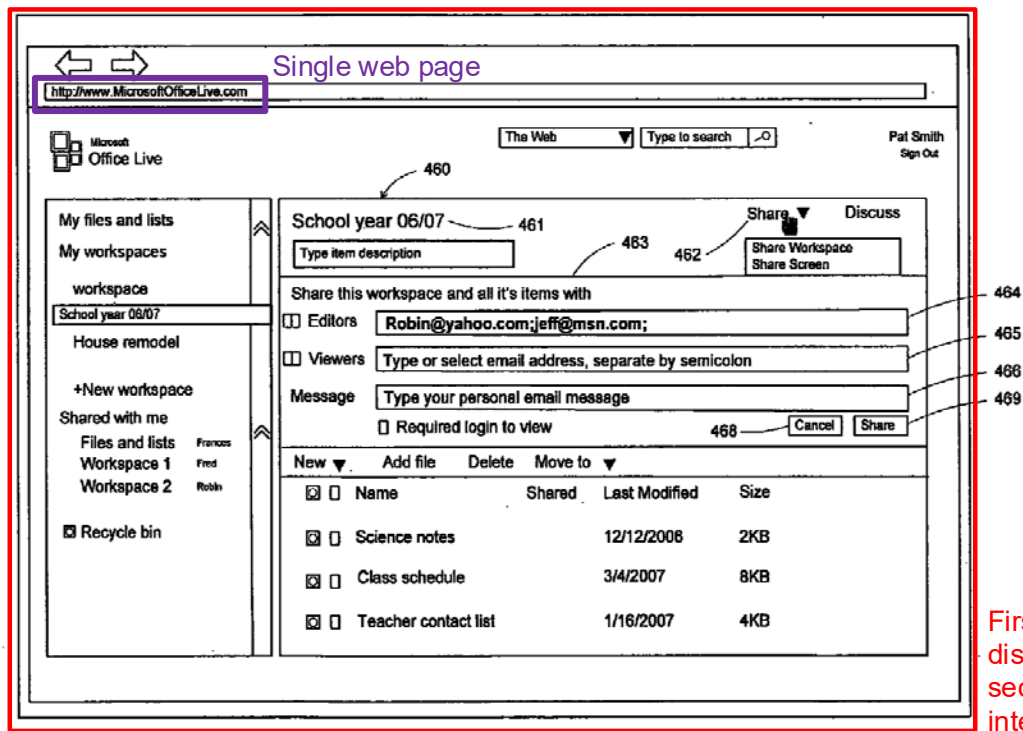
Do discloses the elements of claim 6 because it discloses the first user's interface (*the at least one first interface*) at a first instance is a webpage (*single web page*), and the first user's interface (*the at least one second interface*) at a second instance is the same webpage (*single web page*), the first and second instances of the first user's interface being separate windows displayed at the first node.

Do discloses "... the online service may present the first user's interface, which first user 125 may view on the display of computer 120 ... computer 120 may

be configured with a web browser that displays HTTP pages and server 150 may render the interface as one or more HTTP pages. Using a browser-based interface may allow a user to access artifacts on server 150 from any computer that supports such a browser ... FIG. 2 shows an example of a user interface 200 that may be presented to first user 125 ...” Ex. 1008, [0042]-[0043]. Do further discloses “[a]s another example of a command sequence by a user that results in sharing of an artifact, FIG. 4 shows work pane 460 after first user 125 has selected a control 462 to share workspace “School year 06/07” 232 with other users ... [f]irst user 125 may specify the other users via a username, email address, or any other means for identifying the other users ... first user 125 may similarly list other users who are to be allowed to view artifact “School year 06/07” 232 ... [o]ther controls could also be used to specify how artifact “School year 06/07” 232 is to be shared.” *Id.*, [0054]; *see also* Ex. 1002, ¶¶ 176-177.



Ex. 1008, Fig. 2 (annotated)



Ex. 1008, Fig. 4 (annotated)

5. Claim 7

a. Element 7.Pre

7.Pre	The apparatus of claim 3, wherein the one or more processors execute the instructions to:
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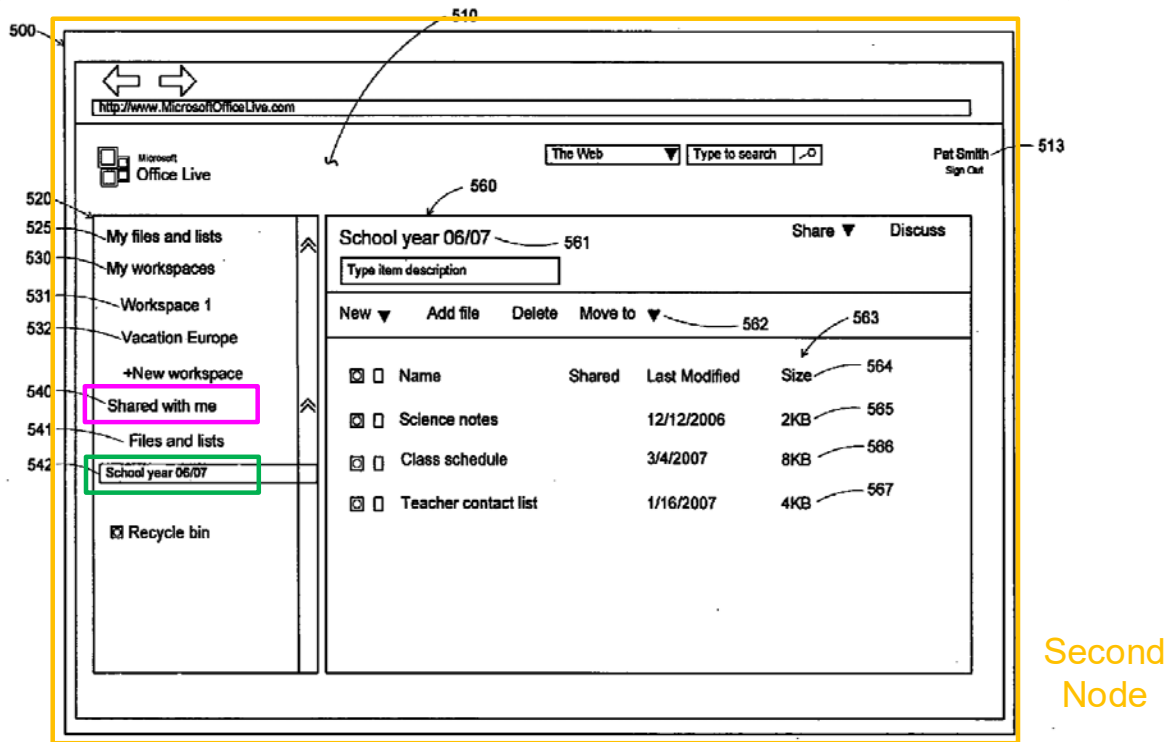
Do discloses this element. *See supra* Section VIII.D.1.c. *See also* Ex. 1002, ¶ 178.

b. Element 7.a

7.a	receive, from the second node via the at least one network, an indication of a selection of the reference to the at least one folder; and
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Do discloses element 7.a because it discloses the ability of the recipient (at the second node) to select a shared artifact (e.g. “School year 06/07” (*indication of a selection of the reference to the at least one folder*)) from the second user’s interface (*yellow*) (under the “Shared with me” folder (*pink*)).

Do discloses “[s]econd user’s user interface 500 may also have a work pane 560 ... [s]econd user 135 may also view the contents of artifacts shared with her from her “Shared with me” list 540 ... [in FIG. 4] second user 135 has selected artifact “School year 06/07” 542 in her navigation pane 520. The contents of artifact “School year 06/07” 542 are then presented in work pane 560 of second user’s interface 500.” Ex. 1008, [0057]. *See also* Ex. 1002, ¶ 178.



Ex. 1008, Fig. 5 (annotated)

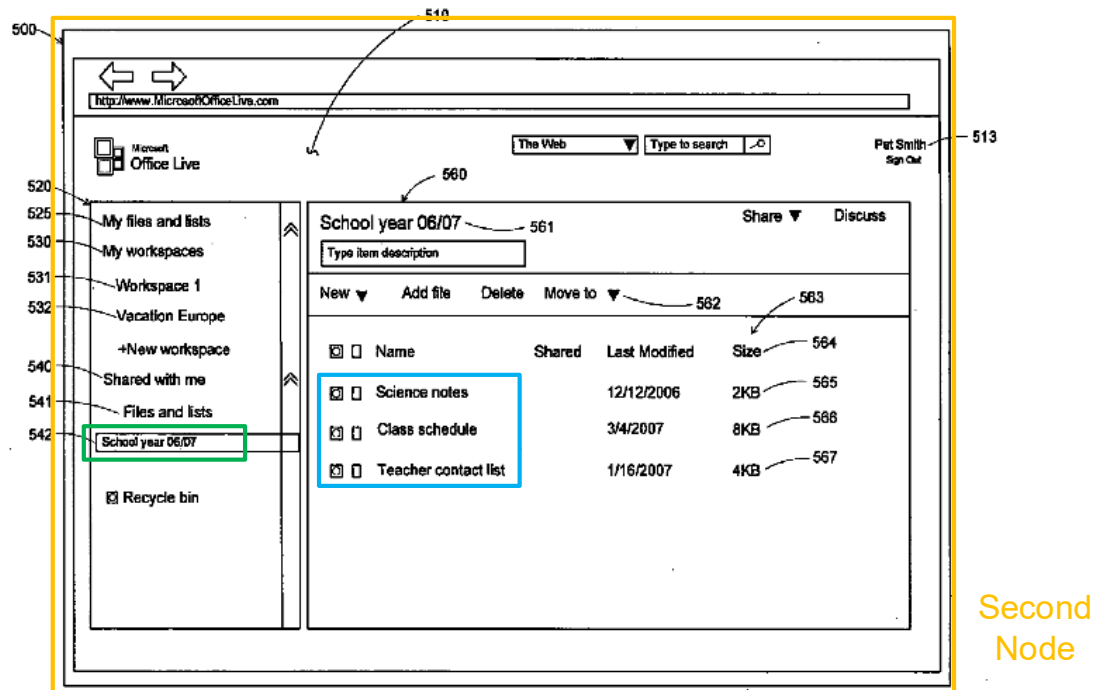
**c. Element 7.b**

7.b	cause, at the second node, display of the at least one folder, utilizing third hypertext markup language-equipped code.
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Do discloses element 7.b because it discloses display of the contents (*cause ... display*) of the selected shared artifact (*the at least one folder*) on the second user's interface using a webpage (*utilizing third hypertext markup language-equipped code*). The updated second user's interface is a webpage which uses HTTP code.

Do discloses “[t]o create such an interface, server 150 may render the interface in a format that can be displayed by computer 120 ... computer 120 may be

configured with a web browser that displays HTTP pages and server 150 may render the interface as one or more HTTP pages.” Ex. 1008, [0042]. *See also* Ex. 1002, ¶¶179-182.



Ex. 1008, Fig. 5 (annotated)

6. *Claim 8*

8.	The apparatus of claim 3, wherein the apparatus is configured such that the location among the one or more folders at the second node is based on user input received via the at least one first interface at the first node.
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Do discloses the elements of claim 8 because it discloses that when a first user shares an artifact via the first user’s interface, a representation of the shared artifact automatically appears at a specific location in the second user’s interface.



Do discloses that once the first user shares an artifact with a second user, the representation of that artifact is displayed in the location “Shared with me” on the second user’s interface. The first user provides an indication to share the artifact via the first user interface. *See supra* Section VIII.D.1.h for element 3.g.

Do discloses “first user 125 shared artifact “School year 06/07” 232 with a user having the email address “Robin@yahoo.com.” ... this e-mail may be the email address of second user 135 ... [h]er interface may also have a navigation pane 520 that presents artifacts owned by her and artifacts shared with her ... the artifacts may be presented in a list “My files and lists” 525, a list “My workspaces” 530, and a list “Shared with me” 540 ... [t]he online service may automatically render the user interface with a list “Shared with me” 540 including artifact “School year 06/07” 542 without requiring any action by second user 135 to include the shared artifact in her user interface ... [t]he sharing of artifact “School year 06/07” 542 is thus integrated into the context of second user’s interface 500.” Ex. 1008, [0056], [0057]. *See also* Ex. 1002, ¶¶ 183-184.

Thus once the first use shares an artifact with a second user, a representation of the shared artifact appears in a specific location (in the ‘Shared with me’ list) on the user interface of the second user. This user interface also lists other folders and files that are specific to the second user (e.g. ‘My files and lists’ and ‘My

workspaces’). The representation of the shared artifact therefore appears among one or more folders on the user interface of the second user.

Further, Do discloses “the online service may communicate to any computer through which the second user accesses the online service a rendering [of] a user interface that includes the shared artifact... [which] may be communicated by providing an update to a previously presented interface or may be incorporated in the description of an interface sent to the second user when the second user next accesses the online service. Regardless of how the interface is communicated, the shared artifact may appear automatically in the interface of the second user.”

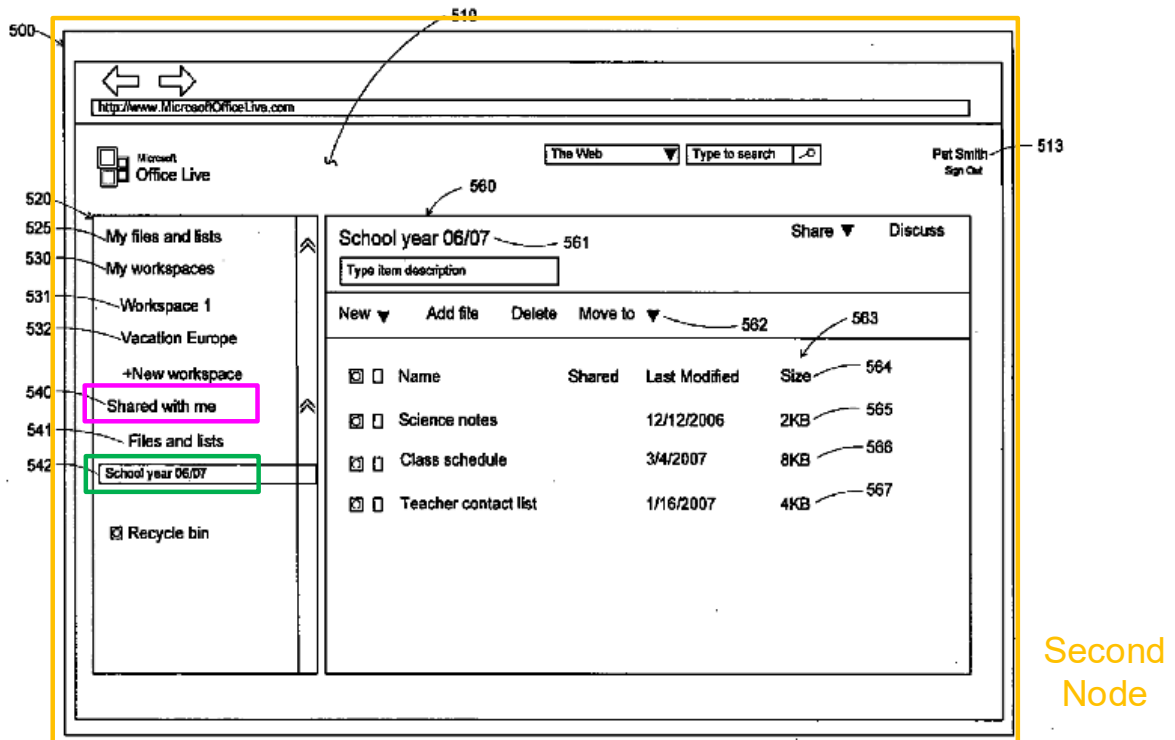
Ex. 1008, [0056], [0057]. *See also* Ex. 1002, ¶¶ 183-184.

7. *Claim 9*

9.	The apparatus of claim 8, wherein the apparatus is configured such that the location among the one or more folders at the second node is determined by user input at the first node.
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Do discloses the elements of claim 9 because it discloses that once the first user at the first node indicates that an artifact is to be shared, a representation of that artifact (**green**) appears at a specific location on the second user’s interface (*second node*) (under the “Shared with me” folder (*location among the one or more folders*)). The representation of that artifact appears under the ‘Shared with me’ folder on the user interface of the second user once the first user selects an artifact to be shared.

Thus the location at the user interface of the second user at which the representation of the shared artifact is displayed is determined on the selection of the artifact to be shared by the first user. *See supra* Section VIII.D.6 for Claim 8. *See also* Ex. 1002, ¶ 185.



Ex. 1008, Fig. 5 (annotated)

8. *Claim 10*

10.	The apparatus of claim 3, wherein the apparatus is configured such that the location among the one or more folders at the second node is automatically determined.
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Do discloses the elements of claim 10 because it discloses that the representation of the shared artifact always appears in the “Shared with me” folder,

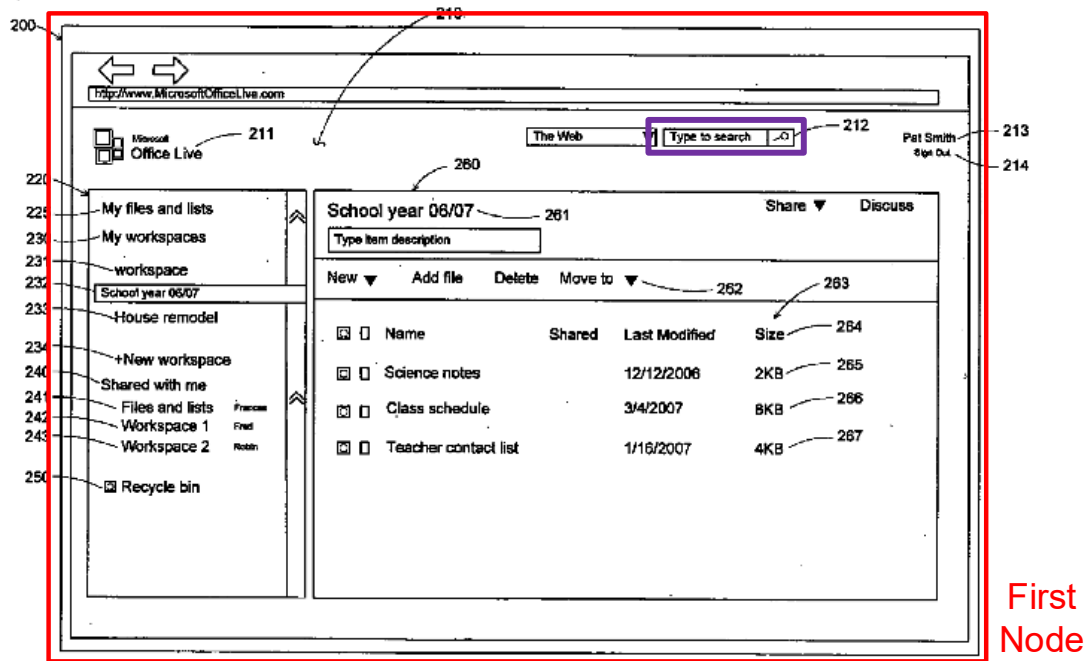
which is the recited *the location among the one or more folders at the second node is automatically determined*. See *supra* Section VIII.D.6 for Claim 8. See also Ex. 1002, ¶ 186.

9. *Claim 11*

11.	The apparatus of claim 3, wherein the apparatus is configured such that the at least one folder is identified as a result of search criteria received from a user.
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Do discloses the elements of claim 11 because it discloses a search box (**purple**) on the first user's interface (**red**) that allows the user to search its artifacts to be shared, which is the recited *the at least one folder is identified as a **result of search criteria** received from a **user***.

Do discloses “[u]ser interface 200 may contain a header pane 210 ... [h]eader pane 210 may also contain a search box 212 that allows users to conduct searches. With search box 212, a user may be able to search the contents of his or her own artifacts, may be able to search the contents of other users' artifacts ...” Ex. 1008, [0044]. See also Ex. 1002, ¶¶ 195-196. A POSITA would know that the purpose of searching the content of his own artifacts is to locate a specific artifact. Since Do is directed to a file sharing system, a POSITA would understand that a use of locating the specific artifact would be for the file sharing. See also Ex. 1002, ¶ 187.



Ex. 1008, Fig. 2 (annotated)

10. *Claim 13*

13.	The apparatus of claim 3, wherein the apparatus is configured such that the indication of the at least one folder is capable of being received in response to a first single user input, the indicia associated with the at least one email address is capable of being received in response to a second single user input that immediately follows the first single user input, and the indication to share the at least one folder is capable of being received in response to a third single user input that immediately follows the second single user input.
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Do discloses the elements of claim 13 because it discloses (i) selection of an artifact by a first user to be shared using a panel on the first user's interface, (ii) the first user specifying other users with whom to share the artifacts via username or email address, and (iii) a 'share' button for the first user at the first node to share an

artifact with other users (including the second user) using the second interface. These are the recited (i) *the indication of the at least one folder is capable of being received in response to a first single user input*, (ii) *the indicia associated with the at least one email address is capable of being received in response to a second single user input that immediately follows the first single user input*, and (iii) *the indication to share the at least one folder is capable of being received in response to a third single user input that immediately follows the second single user input*.

*See supra* Sections VIII.D.1.e for claim element 3.d, Section VIII.D.1.g for claim element 3.f, and Section VIII.D.1.h for claim element 3.g. *See also* Ex. 1002, ¶¶ 189-191.

## **IX. SECONDARY CONSIDERATIONS OF NONOBVIOUSNESS**

Petitioner is not aware of any meaningful evidence of secondary considerations of non-obviousness in view of the '706 patent and relevant subject matter. No other evidence would overcome the evidence of obviousness presented herein. *See In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1079 (Fed. Cir. 2012).

**X. CONCLUSION**

Based on the foregoing, claims 3-11 and 13 of the '158 patent recite subject matter that is unpatentable. The Petitioner requests institution of an *inter partes* review and cancellation of the Challenged Claims.

Respectfully Submitted,

/s/ David M. Tennant

David M. Tennant  
Registration No. 48,362

**XI. APPENDIX I: Listing of Challenged Claims**

<b>Listing of Challenged Claims from U.S. Patent No. 10,013,158</b>	
<b>Claim 3</b>	
3.Pre	An apparatus, comprising:
3.a	at least one non-transitory memory storing instructions; and
3.b	one or more processors in communication with the at least one non-transitory memory, wherein the one or more processors execute the instructions to:
3.c	cause, at a first node, display of at least one first interface with a first user interface element, utilizing first hypertext markup language-equipped code that is sent via at least one network;
3.d	receive, from the first node via the at least one network, an indication of at least one folder via the first user interface element, utilizing the at least one first interface;
3.e	cause, at the first node, display of at least one second interface with a second user interface element, utilizing second hypertext markup language-equipped code that is sent via the at least one network;
3.f	receive, from the first node via the at least one network, indicia associated with at least one email address via the second user interface element, utilizing the at least one second interface;
3.g	receive, from the first node via the at least one network, an indication to share the at least one folder;
3.h	(3.h.1) based on the receipt of the indication of the at least one folder, the indicia associated with the at least one email address, and the indication to share the at least one folder via the at least one network; generate at least one email message identifying the at least one folder and including a reference to the at least one folder,
	(3.h.2) without including at least one file in the at least one folder as an attachment of the at least one email message;
3.i	send, to a second node via the at least one network, the at least one email message, without including the at least one file in the at least one folder as an attachment of the at least one email message;



<b>Listing of Challenged Claims from U.S. Patent No. 10,013,158</b>	
3.j	(3.j.1) based on the receipt of the indication of the at least one folder, the indicia associated with the at least one email address, and the indication to share the at least one folder via the at least one network; cause, utilizing particular code configured to be stored on a storage at the second node and further configured to cooperate with a file explorer interface, creation of a representation of the at least one folder in a location among one or more folders on the file explorer interface,
	(3.j.2) where the storage at the second node does not store the at least one file when the creation of the representation of the at least one folder is caused;
3.k	cause, at the second node, display of the representation of the at least one folder in the location among the one or more folders on the file explorer interface;
3.l	detect, at the second node, an indication to open the at least one file in the at least one folder; and
3.m	in response to detection of the indication to open the at least one file in the at least one folder, cause retrieval of the at least one file via the at least one network for permitting display of the at least one file at the second node.
<b>Claim 4</b>	
4.	The apparatus of claim 3, wherein the apparatus is configured such that the indicia associated with the at least one email address includes an alias associated with the at least one email address.
<b>Claim 5</b>	
5.	The apparatus of claim 3, wherein the apparatus is configured such that the indicia associated with the at least one email address includes the at least one email address.
<b>Claim 6</b>	
6.	The apparatus of claim 3, wherein the apparatus is configured such that the at least one first interface and the at least one second interface are separate windows that are displayed utilizing a single web page.
<b>Claim 7</b>	

<b>Listing of Challenged Claims from U.S. Patent No. 10,013,158</b>	
7.Pre	The apparatus of claim 3, wherein the one or more processors execute the instructions to:
7.a	receive, from the second node via the at least one network, an indication of a selection of the reference to the at least one folder; and
7.b	cause, at the second node, display of the at least one folder, utilizing third hypertext markup language-equipped code.
<b>Claim 8</b>	
8.	The apparatus of claim 3, wherein the apparatus is configured such that the location among the one or more folders at the second node is based on user input received via the at least one first interface at the first node.
<b>Claim 9</b>	
9.	The apparatus of claim 8, wherein the apparatus is configured such that the location among the one or more folders at the second node is determined by user input at the first node.
<b>Claim 10</b>	
10.	The apparatus of claim 3, wherein the apparatus is configured such that the location among the one or more folders at the second node is automatically determined.
<b>Claim 11</b>	
11.	The apparatus of claim 3, wherein the apparatus is configured such that the at least one folder is identified as a result of search criteria received from a user.
<b>Claim 13</b>	
13.	The apparatus of claim 3, wherein the apparatus is configured such that the indication of the at least one folder is capable of being received in response to a first single user input, the indicia associated with the at least one email address is capable of being received in response to a second single user input that immediately follows the first single user input, and the indication to share the at least one folder is capable of being received in response to a third single user input that immediately follows the second single user input.

**CERTIFICATION OF WORD COUNT UNDER 37 CFR § 42.24(d)**

Pursuant to 37 C.F.R. §§ 42.24(d), 42.24(a)(1), I hereby certify that the number of words in this Petition is 10973 excluding the table of contents, table of authorities, mandatory notices under 37 C.F.R. § 42.8, certificate of service, certificate of word count, and the listing of exhibits.

Respectfully Submitted,

/s/ *David M. Tennant*

David M. Tennant

Registration No. 48,362

## CERTIFICATE OF SERVICE

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