

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., SAP AMERICA, INC., EBAY INC., EXPEDIA, INC.,
HOMEAWAY.COM, INC., SQUARESPACE, INC., WIX.COM, LTD.,
WIX.COM, INC., and GOOGLE LLC,
Petitioner,

v.

EXPRESS MOBILE, INC.,
Patent Owner.

IPR2021-01226
Patent 7,594,168 B2

Before JEFFREY S. SMITH, MITCHELL G. WEATHERLY, and
JASON M. REPKO, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision on Remand
Determining All Challenged Claims Unpatentable
35 U.S.C. §§ 314, 318

I. INTRODUCTION

We address this case on remand after a decision by the U.S. Court of Appeals for the Federal Circuit in *Express Mobile Inc. v. Meta Platforms, Inc. et al.*, 2025 WL 1693494 (Fed. Cir. June 17, 2025) (“Remand Opinion”) (Paper 45). As the parties are familiar with the facts, we review only those facts necessary to frame and decide the issues on remand.

A. Background

In this *inter partes* review, Facebook, Inc., SAP America, Inc., Expedia, Inc., eBay Inc., Homeaway.com, Inc., Squarespace, Inc., Wix.com, Ltd., Wix.com, Inc., and Google LLC (collectively “Petitioner”) challenged the patentability of claims 1–4 and 6 of U.S. Patent No. 7,594,168 B2 (Ex. 1001, “the ’168 patent”), which is assigned to Express Mobile, Inc. (“Patent Owner”). We instituted review (Paper 8) and issued a Final Written Decision (“Dec.”) (Paper 42), concluding that Petitioner had shown that the challenged claims were unpatentable. Patent Owner appealed to the Federal Circuit (Paper 43), which resulted in this remand.

In the Remand Opinion, the Federal Circuit construed “style,” vacated the Final Written Decision, and remanded to the Board for the Board to determine whether the prior art combination teaches limitations 1(c) and 1(g) under the proper construction of “style.” Remand Opinion 7, 14. Patent Owner filed a remand opening brief (Paper 50), Petitioner filed a remand response brief (Paper 51), and Patent Owner filed a remand reply brief (Paper 52). We conclude that Petitioner has shown by a preponderance of the evidence that challenged claims 1–4 and 6 are unpatentable for the reasons given below.

On November 6, 2025, the jury in the related district court trial of *Express Mobile Inc. v. GoDaddy.com, LLC*, 1:19-cv-01937-MFK (D.Del. Nov. 7, 2025) issued a verdict which rejected an obviousness challenge based on the same prior art asserted in this *inter partes* review and held claim 1 of the ’168 patent not

invalid. Ex. 2023; Ex. 2026; Ex. 2031. In an email dated November 20, 2025, we authorized the parties to provide briefing on the related trial. Patent Owner filed a brief (Paper 55), Petitioner filed a response (Paper 56), and Patent Owner filed a reply (Paper 58). We conclude that the verdict of the jury in the related district court case does not affect our Decision on Remand for the reasons given below.

B. The '168 Patent and Illustrative Claim

The '168 patent states that it “is directed to computing systems, and more particularly to methods and apparatus for building a web site using a browser-based build engine.” Ex. 1001, 1:13–15. Independent claim 1, from which claims 2–4 and 6 depend, is reproduced below with bracketed identifiers for the claim recitations.

1. A system for assembling a web site comprising:
 - [a] a server comprising a build engine configured to:
 - [b] accept user input to create a web site, the web site comprising a plurality of web pages, each web page comprising a plurality of objects,
 - [c] accept user input to associate a style with objects of the plurality of web pages, wherein each web page comprises at least one button object or at least one image object, and wherein the at least one button object or at least one image object is associated with a style that includes values defining transformations and time lines for the at least one button object or at least one image object; and
 - [d] wherein each web page is defined entirely by each of the plurality of objects comprising that web page and the style associated with the object,
 - [e] produce a database with a multidimensional array comprising the objects that comprise the web site including data defining, for each object, the object style, an object number, and an indication of the web page that each object is part of, and
 - [f] provide the database to a server accessible to web browser;

[g] wherein the database is produced such that a web browser with access to a runtime engine is configured to generate the web-site from the objects and style data extracted from the provided database.

C. Asserted Grounds of Unpatentability

The Final Written Decision found claims 1–4 and 6 were shown to be unpatentable based on the following grounds:

Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1–4, 6	103(a)	Reynolds, ¹ Lemay Web, ² Lemay Java, ³ Perry, ⁴ Witkowski ⁵
1–4, 6	103(a)	Reynolds, Lemay Web, Lemay Java, Perry, Witkowski, Coombs ⁶

II. ANALYSIS OF THE ISSUES ON REMAND

As directed by the Federal Circuit, we determine whether the prior art combination teaches limitations 1(c) and 1(g) under the proper construction of “style,” but otherwise do not revisit our analysis of claim 1. Remand Opinion 7, 13–14. The Federal Circuit construed “style” to mean “a collection of one or more settings that is defined separately from any single object but can be associated with one or more objects,” with the understanding that “associated with one or more” means capable of being associated with both one object and more than one object. *Id.* at 14.

¹ US 6,052,717, issued Apr. 18, 2000 (Ex. 1003).

² L. Lemay, *Teach Yourself Web Publishing with HTML 3.2 in a Week*, 3rd ed. © 1996 (Ex. 1004).

³ L. Lemay and C. Perkins, *Teach Yourself JAVA in 21 Days*, © 1996 (Ex. 1005).

⁴ G. Perry, *C++ Programming 101*, © 1992 (Ex. 1006).

⁵ US 6,125,360, issued Sept. 26, 2000 (Ex. 1007).

⁶ J. Coombs et al., *Setting Up an Internet Site for Dummies*, 3rd ed. © 1998 (Ex. 1008).

The parties identify three issues in determining whether the prior art combination teaches limitations 1(c) and 1(g) under the proper construction of “style”: (A) whether Lemay Web’s style can be applied to multiple objects, (B) whether Lemay Web’s style can be defined separately from any single object, and (C) whether the Federal Circuit reopened proceedings on limitation 1(g) in order for us to reconsider whether the Board’s previous decision in *BigCommerce, Inc. v. Express Mobile, Inc.*, IPR2018-00750, Paper 10 (Aug. 30, 2018) applies here. Paper 50, 1–5; Paper 51, 1–5; Paper 52, 1–3. In resolving these issues, we find that the style of Lemay Web can be associated with more than one object, such as the 12 different pocket watch images of Lemay Web, where each pocket watch image is an “image object” within the meaning of claim 1; the style of Lemay Web is stored in an HTML file which is stored separately from the pocket watch image objects and from the Java applet of Lemay Web; and the *BigCommerce* arguments do not apply here. We conclude that the prior art combination teaches limitation 1(c) and limitation 1(g) under the proper construction of “style.”

A. Whether Lemay Web’s style can be applied to multiple objects

In addressing issue (A), the parties address: (i) whether Petitioner’s mapping of the claimed “objects” to Lemay Web’s multiple images of a pocket watch is timely; (ii) whether we previously limited the meaning of the claimed “object” to a proposed district court construction; (iii) whether a person of ordinary skill would have considered the pocket watch images of Lemay Web as “objects” within the meaning of claim 1; (iv) whether Lemay Web’s animation animates only one object; and (v) whether Lemay Web teaches a collection of one or more settings that are capable of being associated with more than one object.

i. Whether Petitioner’s mapping of the claimed “objects” to Lemay Web’s multiple images of a pocket watch is timely

Patent Owner contends that Petitioner’s argument that Lemay Web’s animation is made up of multiple objects is untimely. Paper 50, 2–3; Paper 52, 1. Patent Owner contends that it raised its proposed construction in the Patent Owner Response, and that Petitioner had to raise any responsive argument in its Reply. Paper 50 at 2 (citing POR 12).

In contrast, Petitioner contends that its arguments are timely because Patent Owner proposed its narrower construction in its Sur-Reply and at the hearing. Paper 51, 3. Petitioner also contends that Petitioner and the Board understood Patent Owner’s narrower construction as including association with just one object, and that its arguments are timely because the Federal Circuit invited Petitioner to address the new construction of style. *Id.*

We agree with Petitioner. The Board and Petitioner understood the meaning of “or” in the phrase “one or more objects” in Patent Owner’s proposed construction of style as meaning that “a style . . . can be associated with just one object.” Dec. 22; *see* Reply 4–5. The Federal Circuit “ultimately conclude[d] that Express Mobile’s proposed construction, with ‘or’ properly interpreted,” means “that the claimed ‘style’ must be capable of being applied to both one and more than one ‘object,’” and “remand[ed] for further proceedings in view of the correct claim construction.” Remand Opinion 13. In doing so, the Federal Circuit stated that “[i]t may be that under the correct claim construction, the Board finds that Lemay Web teaches the claimed ‘style’; however, that is still an open fact question for the Board to decide in the first instance.” *Id.* at n.6. Given that the Federal Circuit has ordered the Board to determine whether the prior art teaches the claimed “style” under the proper construction, we find that Petitioner’s arguments on this issue are timely.

ii. Whether we previously limited the meaning of “object” to a proposed district court construction

Patent Owner contends that the Petition presented a proposed district court construction of “object” as a variable comprising data and routines treated as a discrete entity. Paper 50, 3. Patent Owner contends that Petitioner prevailed in arguing that “Reynolds’ passages are ‘objects’ under this proposed construction” and that Patent Owner never appealed that ruling. Paper 52, 2 (quoting Pet. 26).

In contrast, Petitioner contends that neither party argued for adopting the proposed district court construction of object. Paper 51, 2–3. Petitioner further contends that Patent Owner’s contention that the claimed “object” excludes an individual image is incorrect. *Id.* at 3.

We agree with Petitioner. The meaning of the claimed “object” was not disputed by the parties, therefore, in our Final Written Decision, we did not explicitly construe “object.” The Petition presented Petitioner’s proposed district court construction of “object,” as well as proposed district court constructions of other claim terms, and also stated that “Petitioner has listed these constructions below in the interests of complete disclosure, but does not believe express claim construction is necessary at this time.” Pet. 15. In our Final Written Decision, “[w]e address[ed] the constructions of ‘runtime engine’ and ‘style’ . . . and we determine[d] that no other terms require[d] express construction.” Dec. 8. Contrary to Patent Owner’s contention, we did not previously construe “object.” To the extent that an express construction of “object” is now necessary, we do so in the next section.

iii. Whether a person of ordinary skill would have considered the images of Lemay Web to be “objects” within the meaning of claim 1

Patent Owner contends that there is “no evidence [that] skilled artisans would consider ‘images (T1 through T12.gif)’ to be ‘objects’ under any

construction.” Paper 52, 2. Patent Owner contends that Petitioner’s expert, Dr. Madisetti, identified an animated image object in the form of Java applets that contain code and image data, but never said that each image file is also an object. *Id.* Patent Owner further contends that the Specification of the ’168 patent distinguishes image files from image objects. *Id.* (citing Ex. 1001, 28:22, 28:55–56).

In contrast, Petitioner contends that claim 1 recites that each web page can comprise “at least one image object,” confirming that individual images can qualify as objects. Paper 51, 2 (emphasis omitted) (citing Ex. 1001, 64:54–56). Petitioner also contends that the Specification discloses that “objects . . . include image . . . objects.” *Id.* (emphasis omitted) (citing Ex. 1001, 8:38–40).

We agree with Petitioner. The portions of the Specification cited by Patent Owner disclose that the “user then selects an image from the file selection window [and] types in the image pathname for the image file,” and that the “build engine . . . attempts to create the necessary image object at the current mouse coordinates” of the web page. Ex. 1001, 28:20–22, 28:54–57. To the extent that Patent Owner contends that this disclosure describes a difference between a file and an object, neither Patent Owner nor the Specification explains what the difference is.

Contrary to Patent Owner’s contention, the Specification discloses, “*Data that defines* text button, *image*, paragraph, or other parent *objects* . . . can be stored in two-dimensional arrays (by web page and by object number).” Ex. 1001, 22:11–13 (emphasis added). The Specification further discloses that “*objects* . . . include colors, fonts, *images*, audio clips, video clips, text areas, URLs and thread objects.” *Id.* at 2:16–17 (emphasis added); *see id.* at 8:40. We highlight that the Specification’s use of “object” is consistent with a definition of “object” in the computing art at the time of the invention, which is “(2) *A passive entity that contains or receives data; for example, bytes, blocks, clocks fields, files . . .*.”

George McDaniel, IBM Dictionary of Computing, McGraw-Hill, Inc. 1994, p. 471 (Ex. 3001).

Because the Specification discloses that data defines an object, we construe the plain meaning of the claimed “object,” read in light of the Specification of the ’168 patent, as encompassing data that defines the object. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (The “specification . . . is the single best guide to the meaning of a disputed term.”); *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1583 (Fed. Cir. 1996); (Excluding an embodiment in the specification from “the scope of the patent claim . . . is rarely, if ever, correct.”). Further, because the Specification discloses that data defines image objects, and that objects include images, we construe the plain meaning of the claimed “image object,” read in light of the Specification, as encompassing data that defines an image, such as one of the 12 different pocket watch images of Lemay Web.

iv. Whether Lemay Web’s animation animates only one object

Patent Owner contends that the ’168 patent treats an animation as one object. Paper 50, 3; Paper 52, 2. Patent Owner contends that Dr. Madisetti identified an animated image object in the form of Java applets that contain code and image data, not as an image file. Paper 52, 2. Patent Owner contends that Petitioner conceded that Lemay Web’s animation is one object by mapping it to the claimed “one button object” or “one image object.” *Id.* (citing Pet. 34–36; Ex. 1001, 64:57–60).

In contrast, Petitioner contends that the image animation embodiments disclosed in the ’168 patent are visual transitions of a single image such as fading, zooming, and rotating. Paper 51, 2 (citing Ex. 1001, Fig. 58, 34:62–64). According to Petitioner, neither the claims nor the Specification requires treating multiple separate and distinct images in an animation sequence as part of a single indivisible object. *Id.*

We disagree with Patent Owner’s contention about Petitioner’s previous mapping, because the previous mapping was based on an incorrect construction of “or” that treated “the word ‘or’ as an alternative” (Remand Opinion 11) rather than as “both one and more than one” (*id.* at 13) as found by the Federal Circuit. Therefore, Petitioner’s mapping here is timely as discussed above.

We agree with Petitioner in finding that the ’168 patent discloses visual animations such as fading, zooming, and rotating of a single image but does not disclose an animation that includes multiple images. Ex. 1001, 49:22–28, Fig. 32; *see id.* at 34:62–64, Fig. 58. The ’168 patent, contrary to Patent Owner’s contention, does not describe an animation that includes multiple images. We agree with Petitioner that Lemay Web describes an animation that includes multiple objects. We find that Lemay Web’s animation of sequential pocket watch images includes multiple “objects” within the meaning of claim 1.

v. Whether Lemay Web teaches a collection of one or more settings that are capable of being associated with more than one object

Patent Owner contends that Lemay Web’s style can only be associated with one object. Paper 50, 1. Patent Owner contends that Lemay Web’s style, which includes width, height, startimage value, endimage value, pause value, and repeat value, is associated with one applet code “[a]nimator.class,” which does not reference multiple objects. *Id.* at 2.

In contrast, Petitioner contends that Lemay Web’s collection of parameters in the HTML file are settings that are associated with an animation of a pocket watch that includes 12 separate images, with each image representing a different pocket watch position. Paper 51, 1. Petitioner contends that the settings in the HTML file specify display size, duration, looping, and other attributes that are applied across all 12 images. *Id.* Petitioner contends that because each of the 12 different images represents a distinct object, Lemay Web’s settings are capable of

being associated with one object such as a single image, and also with more than one object such as the multiple images of the pocket watch. *Id.* at 1–2.

We agree with Petitioner. As discussed above, the plain meaning of an “image object” read in light of the Specification encompasses data that defines an image, such as each of the 12 different pocket watch images of Lemay Web. Ex. 1004, 89–90. Therefore, the HTML file of Lemay Web, which specifies attributes including width, height, pause value, and repeat value of the pocket watch image objects, is “capable of being applied to more than one” image object, such as each of the 12 different pocket watch image objects described by Lemay Web. *Id.*

In conclusion for issue (A), we find that the style of Lemay Web can be associated with more than one object, such as the 12 different pocket watch images of Lemay Web, where each pocket watch image is an “image object” within the meaning of claim 1 as read in light of the Specification.

B. Whether style is defined separately from any single object

Patent Owner contends that Lemay Web’s style is not defined separately from any single object. Paper 50, 3–4. Patent Owner contends that Lemay Web’s style is part of the applet tag that defines the object. *Id.* at 4. Patent Owner contends that users of Lemay Web cannot define a style separately from defining an object because the applet tag defines the object on the web page and the image file is only data. Paper 52, 3.

In contrast, Petitioner contends that the image files and the Java applet of Lemay Web are stored in different computer files that are separate from the HTML file that contains the applet style settings. Paper 51, 4. Petitioner contends that this separation provides the ability for a style to be defined and modified independently of its associated objects. *Id.* Petitioner contends that a person could change the width, height, pause, and repeat style settings in the HTML file to

change the size, duration, and frequency of the display of the pocket watch image objects without having to change the image files or the Java applet. *Id.* at 3–4.

Petitioner contends that this allows for “uniform formatting of objects on one or more web pages through the application and alteration of a style.” *Id.* at 5 (quoting Remand Opinion 13). Petitioner contends that the ability to independently create and modify the style settings confirms that the style settings are defined separately from the associated objects. *Id.*

We agree with Petitioner. Lemay Web discloses that the style settings of width, height, pause, and repeat for the pocket watch images can be changed by changing the values for width, height, pause, and repeat in the HTML file.

Ex. 1004, 89–90. This results in changing the size, duration, and frequency of the display of the multiple pocket watch image objects without changing the image files or the Java applet. *Id.* That is, the 12 image objects of Lemay Web can be uniformly formatted by applying and altering the style settings of the HTML file, which is stored separately from the image objects and the Java applet. *Id.* at 88–89.

In our Final Written Decision, we wrote that “Lemay Web discloses that the image files that are displayed as the animation object are separate from the HTML.” Ex. 1004, 88–89.” Dec. 22. The Federal Circuit wrote that “how the Board evaluated what constitutes separateness in the prior art software is less than clear.” Opinion, 13 n.7. To be clear, the animation of Lemay Web comprises 12 different pocket watch image objects. Ex. 1004, 89. The HTML file that contains the style settings for the 12 different pocket watch image objects is stored separately from the 12 different pocket watch image objects. *Id.* at 88–91. The style of the 12 different pocket watch image objects can be altered by changing the values of the style settings in the separate HTML file, thus allowing the style to be uniformly applied to each of the associated 12 pocket watch image objects when

the pocket watch image objects are created on the web page. *Id.*; see Ex. 1030 ¶¶ 28–29; Dec. 21–22.

In conclusion for issue (B), we find that Lemay Web teaches applying the style located in the separate HTML file to the pocket watch image objects when creating the pocket watch image objects on the web page. Therefore, Lemay Web’s style is “defined separately from any single object” as claimed. Because Lemay Web’s style can be applied to one object and more than one object and Lemay Web’s style is defined separately from any single object, we find that the prior art combination teaches limitations 1(c) and 1(g) under the proper construction of “style.”

C. Whether Patent Owner’s BigCommerce arguments apply here

Patent Owner contends that the Federal Circuit has not resolved whether Reynolds teaches “a web browser with access to a runtime engine . . . configured to generate the web-site from the objects and style data extracted from the provided database” as recited in limitation 1(g). Paper 50, 4–5. In particular, Patent Owner contends that Reynolds does not generate web pages, but instead, retrieves and displays complete web pages. *Id.* Patent Owner also contends that the Board’s decision in *BigCommerce* found that a prior art disclosure of retrieving and displaying pre-built web pages does not teach building a web page, and that the Board’s reasoning in *BigCommerce* applies to the disclosure of Reynolds. *Id.* at 5.

Petitioner contends that the Federal Circuit neither addressed nor reopened proceedings on limitation 1(g), therefore, Patent Owner’s arguments are an untimely rehearing request on the original Final Written Decision. Paper 51, 5. Petitioner also contends that Patent Owner’s arguments from *BigCommerce* do not apply, because the Reynolds navigation tool retrieves passages, not complete web pages, from the database, then uses the retrieved passages to generate the web site for display at the browser. *Id.*

We agree with Petitioner, that the Federal Circuit did not reopen proceedings on limitation 1(g) other than for us to determine whether the prior art combination teaches limitation 1(g) under the correct construction of “style.” The Federal Circuit stated that “the Board’s erroneous construction of ‘style’ infects the remainder of its analysis, including its analysis of limitation 1(g). . . . We vacate the Board’s finding that the prior art combination teaches limitation 1(g) and remand for further proceedings using the proper construction of ‘style.’” Remand Opinion 14. We find that the prior art combination teaches limitation 1(g) using the proper construction of “style” as discussed above.

We also agree with Petitioner that *BigCommerce* does not apply, because Reynolds retrieves passages, not web pages, from the database, then uses the retrieved passages to generate the web site. Reynolds explicitly discloses that “the user at client 60 determines which passage is to be viewed,” that “[s]erver application 64 at server 56 receives the request and locates the requested passage in iBook Web pages database 76,” and that “[s]erver 56 transmits the requested passage to client 60 at step 206. Client 60 displays the passage.” Ex. 1003, 11:28–40.

Thus, Reynolds does not state that the server transmits the web page that contains the requested passage. Rather, Reynolds explicitly discloses that “[s]erver 56 transmits the requested passage to client 60” and that “[c]lient 60 displays the passage.” *Id.* at 11:37–38; *see* Ex. 1002 ¶¶ 116–117. We further highlight that Reynolds shows “passages 152 . . . illustrated as paragraphs of text 178” (Ex. 1003, Fig. 8, 9:49–50) and that “[w]hen passages 152 are executable modules, navigation tool 84 presents the passages by downloading and executing the passages” (*id.* at 9:52–54). Contrary to Patent Owner’s contention, Reynolds does not describe downloading and executing web pages that contain the passages. Because Reynolds explicitly distinguishes between web pages and passages, and discloses

that requested passages, not web pages containing the requested passages, are transmitted, executed, and displayed, we find that the *BigCommerce* decision does not apply here.

We find that the prior art combination teaches limitation 1(g) under the proper construction of “style” as discussed above in our analysis of issues (A) and (B). In conclusion for issue (C), we find that because Reynolds describes transmitting, executing, and displaying passages not web pages, the arguments from the previous decision in *BigCommerce* about downloading and displaying complete web pages do not apply here and that, using the proper construction of “style,” the combination of Reynolds, Lemay Web, and Lemay Java teaches limitation 1(g) as explained in the Petition and supported by Dr. Madisetti.

III. THE EFFECT OF THE JURY VERDICT

Patent Owner contends that the USPTO Memorandum of September 16, 2025 (“Memo”), which requires the Board to explain a final decision that is different than that of a district court, applies to this proceeding. Paper 55, 1. Patent Owner contends that claim 1 was challenged in the district court based on the same evidence and arguments presented here, and that the jury rejected the arguments. *Id.* at 4–5. Patent Owner contends that no explanation warrants the Board reaching a different conclusion. *Id.* at 5–6.

Petitioner contends that Petitioner was not a party to and did not participate in the jury trial. Paper 56, 1. Petitioner also contends that Patent Owner did not dispute, during the jury trial, that Lemay Web discloses the “style” limitation. *Id.* In particular, Petitioner contends that GoDaddy’s expert at trial pointed to the Lemay Web animation and explained that the applet instructions provide “a style that’s being applied to all of the multiple images that make up this animation” (*id.*

at 2 (quoting Ex. 2029, 746:16–747:7)), and that Patent Owner never attempted to challenge or contradict that position at trial (*id.*).

Petitioner also contends that the jury trial verdict does not warrant a reexamination of all issues in this proceeding. *Id.* at 4. Petitioner contends that Patent Owner challenged the Final Written Decision as to only two limitations, “style” in claim 1(c) and “generating” in claim 1(g), thus forfeiting all other arguments. *Id.* (citing *SmithKline Beecham Corp. v. Apotex Corp.*, 439 F.3d 1312, 1319-20 (Fed. Cir. 2006)). Petitioner contends that the Federal Circuit limited the remand proceedings to one issue—whether Lemay Web teaches “style” as construed by the Federal Circuit. *Id.* at 4–5. Petitioner contends that when an appellate court issues a limited remand on a particular issue, proceedings on remand are limited to that issue. *Id.* at 5.

Patent Owner reiterates that the Memo applies here and that no explanation warrants the Board reaching a different conclusion. Paper 58, 1–2. Patent Owner contends that Patent Owner did argue at trial that the animation of Lemay Web does not disclose the claimed “style.” *Id.* at 2–3. Patent Owner contends that even though the District Court did not grant Patent Owner’s JMOL on the grounds that Reynolds and Lemay Web fail to show styles that apply to a plurality of objects, the jury was instructed that a “style” must be “capable of being associated with both one object and more than one object” and found claim 1 not invalid. *Id.* at 3.

The Memo states that when the Board “reaches a final decision on a finding of fact or conclusion of law that is different than the prior finding or conclusion of . . . [the] district court, the Board shall explain in the . . . final written decision why a different outcome is warranted.” The Memo further specifies that “[a] more detailed explanation is required from the Board when the same or substantially the same evidence and/or arguments that were previously presented to . . . the district court . . . are being relied upon in the subsequent AIA trial proceeding.”

We agree with Patent Owner that the same or substantially the same issues of obviousness were presented during the district court trial, and that the jury found claim 1 of the '168 patent not invalid. We also agree with Petitioner, however, that the “mandate rule requires that the [Board] follow an appellate decree as the law of the case,” and that “any [reconsideration] on remand [is] limited to an assessment” of whether the prior art combination teaches limitations 1(c) and 1(g) under the proper construction of “style.” *See Cardiac Pacemakers Inc. v. St. Jude Medical, Inc.*, 576 F.3d 1348, 1356. We agree with Petitioner that we “have no power or authority to deviate from the mandate issued by” the Federal Circuit. *See Banks v. U.S.*, 741 F.3d 1268, 1276 (Fed. Cir. 2014). We agree with Petitioner that the jury verdict is relevant in connection with the “style” issue on remand. Paper 56, 5.

With respect to the “style” issue, the parties address whether Patent Owner challenged the testimony of GoDaddy’s expert that Lemay Web teaches a style that is applied to multiple images of an animation. Paper 56, 2-4; Paper 58, 2-3. Patent Owner contends that GoDaddy’s expert admitted that Lemay Web’s style could not control multiple objects. Paper 58, 2-3 (citing Ex. 2030, 793:7-16). We disagree.

GoDaddy’s expert testified, with reference to Exhibit 2027, 80 (which shows the HTML file found on page 90 of Lemay Web (Ex. 1004)):

What you see in the bottom right is an excerpt from the Lemay Web book . . . [y]ou can still use the Java applet just by putting this applet code into your HTML file. So this shows the animator class is going to be run within height or how big a window within the browser should be allocated in this applet. You can . . . tell the animator class how long to pause in between each image. So that’s a style that’s being applied to all of the multiple images that make up this animation.

Ex. 2029, 746:23–747:7. Patent Owner then asked GoDaddy’s expert “for each unique animation you want to create with this animator class that’s shown here, you’re going to have to have a unique set of HTML code with the settings along with any of the images you’ll want to associate with the animator class, right?”

Ex. 2030, 793:7–11. GoDaddy’s expert testified, with reference to Exhibit 2027, 80, that “Yeah. I’m not a hundred percent sure I understand your question, but yes, if you had six animations on a page, for example, you’d have six blocks of markup that looked like the markup at the bottom right of that slide, starting with applet.” *Id.* at 793:12–16. In addressing Patent Owner’s question about “each unique animation,” GoDaddy’s expert provided a hypothetical example of a web page having six animations, and explained that the six animations have six blocks of markup. Ex. 2030, 793:13–16. We find that this testimony means that if a web page has six unique animations, then for each unique animation, a corresponding HTML file contains the style settings for the image objects of that animation, such that the “six animations on a page . . . have six blocks of markup.” *Id.* We find that the subsequent testimony of GoDaddy’s expert cited by Patent Owner is consistent with the expert’s initial testimony that Lemay Web’s style is “applied to all of the multiple images that make up this animation.” Ex. 2029, 747:5–7.

We also find that the subsequent testimony is consistent with and supported by the disclosure of Lemay Web, which teaches that an animation has a set of image files and is added to a Web page using the Animator applet. Ex. 1004, 88 (“[Y]ou’ll learn just enough about Java applets to set up animation on your Web page. . . . To create animation using Java and the Animator applet, you’ll need . . . [a] set of image files . . . that make up your animation.”); *see id.* at 88–91. That is, Lemay Web, consistent with the testimony of GoDaddy’s expert, discloses that the style settings for the animation of the pocket watch in the HTML file are uniformly applied to the 12 pocket watch image objects. *Id.* at 88–91.

Contrary to Patent Owner’s contention, the testimony of GoDaddy’s expert further supports our finding that the style settings in the HTML file of Lemay Web are applied to the multiple image objects that make up the animation. Patent Owner does not identify anything else from the district court trial connected to the

“style” issue raised by the Federal Circuit. We conclude that the jury verdict does not change our decision here.

IV. CONCLUSION

In applying the proper construction of “style” to claim 1, we find that the prior art combination teaches limitations 1(c) and 1(g) for the reasons discussed above. We determine that Petitioner has shown, by a preponderance of the evidence, that claims 1–4 and 6 of the ’168 patent are unpatentable, as summarized in the following table:

Claim(s)	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–4, 6	103(a)	Reynolds, Lemay Web, Lemay Java, Perry, Witkowski	1–4, 6	
1–4, 6	103(a)	Reynolds, Lemay Web, Lemay Java, Perry, Witkowski, Coombs	1–4, 6	
Overall Outcome			1–4, 6	

V. ORDER

Accordingly, it is

ORDERED that claims 1–4 and 6 of the ’168 patent have been shown to be unpatentable; and

FURTHER ORDERED that, because this is a Final Written Decision, parties to the proceeding seeking judicial review of the Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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