

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADOBE INC.,

Petitioner

v.

EXPRESS MOBILE, INC.,

Patent Owner

Case IPR2021-01228

U.S. Patent No. 9,063,755

**PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

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Pursuant to the parties' agreement and the Board's authorization dated November 1, 2021, Petitioner Adobe Inc. ("Adobe") submits this Reply to Patent Owner's Preliminary Response ("POPR") (Paper 11) to address Patent Owner's arguments about the Board's decision on institution in *Google LLC v. Express Mobile, Inc.*, IPR 2021-00709, Paper 7 (P.T.A.B. Oct. 4, 2021) ("*Google IPR*").

I. THE *GOOGLE* IPR IS INAPPLICABLE

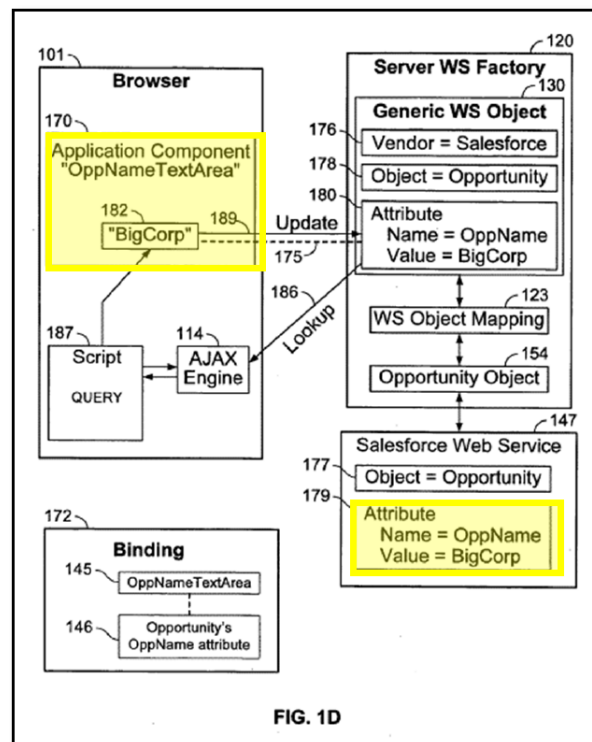
Patent Owner repeatedly argues that the reasoning in the *Google IPR*'s institution decision confirms that the Board should deny institution of trial in Adobe's Petition for *Inter Partes* Review of U.S. Patent No. 9,063,755 (Paper 2) (the "Adobe Petition"). (*E.g.*, POPR at 1, 8-9, 18-19, 21-22, 29-30, 32-33.) Adobe's challenges, however, are substantively different than those made in the *Google IPR*.

A. The Institution Decision in the *Google IPR* Does Not Address Huang's Express Disclosures that "the Device Provides . . . Input Values and Corresponding Input Symbolic Name to the Web Service"

Patent Owner cites to the *Google IPR* as alleged confirmation that Huang does not disclose that the recited "input symbolic name" is provided to the web service. (POPR at 18 (citing *Google IPR* at 13-14).) But, as Patent Owner acknowledges, the Board found that "Huang does not **necessarily** provide the claimed 'input symbolic name' to the web service," thus rejecting Google's argument that Huang **inherently** discloses this limitation. (*See* POPR at 18-19 (citing *Google IPR* at 14) (emphasis added); *Google LLC v. Express Mobile, Inc.*, IPR2021-00709, Paper 1

(P.T.A.B. Mar. 31, 2021) at 61 (“[A] POSITA would have recognized that the corresponding input symbolic name is necessarily provided to the web service”).)

Patent Owner's reliance on the *Google* IPR is misplaced because, unlike Google, Adobe relies on Huang's **express** disclosures of this limitation. The Adobe Petition states that Figure 1D (reproduced below) shows that “the value of the application component (“BigCorp”) and the associated symbolic name (“OppName”) can be sent to the web service....” (Paper 2 at 61-62.)



Huang expressly discloses that the value (in Figure 1D, “BigCorp”) and the associated symbolic name (in Figure 1D, “OppName”) are sent to and received by the Salesforce Web Service. (*Id.*; see also Ex-1002, ¶¶198-99.) Figure 1D illustrates and Huang teaches that “[o]ne approach to invoking the web service object would

be **to call vendor-specific objects directly from applications.**" (Paper 2, Ex. 1005 ¶[0074] (emphasis added).)

In both the *Google* IPR and in its POPR to the Adobe Petition, Patent Owner repeatedly argued that Huang discloses a device application that "knows **no details** about **vendor specific objects**" because Huang uses a generic web services object. (POPR at 20 (emphasis in original); *see also id.* at 15, 31; *Google* IPR at 16.) But, in fact, Huang does disclose that the device application knows the vendor specific object. (Paper 2, Ex. 1005 ¶[0074] ("That approach requires the **application to know details about each vendor specific object**, and ties the application to a particular web services vendor. Therefore a generic web services object is introduced.") (emphasis added).) As illustrated in Huang's Figure 1D (reprinted above), the Generic WS Object box 130 shows the generic web services object as the generic representation of the same symbolic name and same associated value present at **both** the device's application and the web service. (*Id.* at Fig. 1D.) The device's application sends and receives the same vendor-specific symbolic name ("Opp Name") and vendor-specific associated value ("Big Corp") to and from the web service, as shown in Figure 1D. (*Id.* (shows arrows in both directions), ¶[0074] ("call vendor-specific objects directly from applications").) Despite the fact that Huang teaches calling "vendor-specific objects directly," Patent Owner argues the device does not send the symbolic name and value "directly" to the web service.

This has no relevance since the '755 patent claims do not require that this be done “directly.” The use of a generic web service object does not change the fact that Huang's device knows the vendor-specific object, and sends and receives the same symbolic name and same value to and from the web service.

Accordingly, the Board's decision in the *Google* IPR—that Google did not demonstrate that Huang **necessarily** and **inherently** discloses this limitation—is inapplicable, as the Adobe Petition demonstrates that Huang **expressly** discloses this limitation. (*Compare* Adobe Pet. at 61-62 *with* Google Pet. at 61.)

B. The Institution Decision in the *Google* IPR Is Inapplicable to “the Web Service Utilizes the Input Symbolic Name” and “the Player Receives the Output Symbolic Name” Limitations

For the same reasons discussed in Section I.A., the rationale behind the Institution Decision in the *Google* IPR does not apply to the “utilizes the input symbolic name” and the “player receives output symbolic name” limitations. Patent Owner acknowledges that the Board's findings for these limitations rely on the Board's analysis of “the device provides the symbolic name to the web service.” (POPR at 21-22, 32 (citing *Google* IPR at 13-16).) As discussed in Section I.A., the Adobe Petition relies on express disclosures showing that the same input symbolic name and same associated value are both sent to and received from the web service. Accordingly, the Board's reasoning that Google failed to show that Huang necessarily and inherently discloses this limitation is inapplicable.

C. The Institution Decision in the *Google* IPR Provides No Discussion as to Whether Huang and Shenfield Renders “an Authoring Tool Configured to ... Produce a Player” Obvious

Patent Owner wrongly suggests that the Institution Decision in the *Google* IPR supports its argument that a POSA would not have been motivated to combine Huang in view of Shenfield. (See POPR at 29-30.) The deficiency the Board identified in the Google's Petition—that Huang **alone** does not disclose that the authoring tool produces a player (see *Google* IPR at 13)—is inapplicable to the Adobe Petition, which asserts that the limitation is rendered obvious in view of the combination of Huang **and** Shenfield. (Adobe Pet. at 52-57.) Shenfield expressly discloses a system generating both platform-independent and platform-dependent components. (*Id.* at 53 (citing Ex-1007, ¶¶0059; Ex-1002, ¶180); see also *id.* at 57 (“Shenfield's disclosure of a system that generates both the application and player”).) In addition, given the similarity of the code generated by Huang's and Shenfield's systems (XML versus “structured definition language,” which includes XML), a POSA would have had a reasonable expectation of success in modifying Huang's system to generate Shenfield's device-specific components. (Adobe Pet. at 56-57; Ex-1002, ¶187.) And, Shenfield is directed at making browser-based systems like Huang more appropriate for mobile devices, hence confirming the motivation to modify Huang. (Adobe Pet. at 55; Ex-1002, ¶¶183-184.)

Petitioner's Reply to Patent Owner's Preliminary Response
U.S. Patent No. 9,063,755

Dated: November 15, 2021

Respectfully submitted,

/s/ Jeffrey A. Miller

Jeffrey A. Miller

Reg. No. 35,287

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned hereby certifies that a copy of the foregoing PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE was served on November 15, 2021 by filing this document through the Patent Trial and Appeal Board End to End as well as by delivering a copy via the delivery method indicated to the attorneys of record for Patent Owner as follows:

Via Email:

jnutall@steptoe.com, Reg. No. 44,978
smith@lowensteinweatherwax.com, Reg. No. 63,574
kjohnson@steptoe.com, Reg. No. 72,199
tfu@steptoe.com, Admitted *Pro Hac Vice*
csuarez@steptoe.com, Reg. No. 72,553
SJXMOAdobe@steptoe.com

Dated: November 15, 2021

By: /s/ Jeffrey Miller
Jeffrey Miller
Reg. No. 35,287
Arnold & Porter Kaye Scholer LLP
3000 El Camino Real
Five Palo Alto Square, Suite 500
Palo Alto, CA 94306
Tel: (650) 319-4500
Fax: (650) 319-4700

Counsel for Adobe Inc.