

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
Patent No. 9,063,755

**PATENT OWNER SUR-REPLY TO
PETITIONER'S PRELIMINARY REPLY**

Patent Owner’s Sur-Reply to Petitioner’s Preliminary Reply

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Pursuant to the parties' agreement and the Board's authorization dated November 1, 2021, Patent Owner Express Mobile, Inc. ("Express Mobile") submits this sur-reply to Adobe's Reply to Patent Owner's Preliminary Response ("Reply"). The Reply asserts that the arguments in Adobe's Petition were "substantively different than those made in the *Google* IPR," but its efforts fall flat.

I. THE *GOOGLE* IPR REMAINS APPLICABLE, CONFIRMING THAT INSTITUTION SHOULD BE DENIED

A. The *Google* IPR is Applicable To Adobe's Arguments For the "Symbolic Name" Claim Limitations

Regarding the requirement that a "device provides . . . input values and corresponding symbolic name to a web service," Adobe asserts that Google did not rely on the express disclosures of *Huang* (Ex. 1005). It points to Figure 1D of *Huang* and highlights the "OppName" symbolic name and associated value of "BigCorp" that could be sent to a Salesforce web service, as though pointing to this figure is somehow a new argument that was not made by Google. Reply at pp. 1-4.

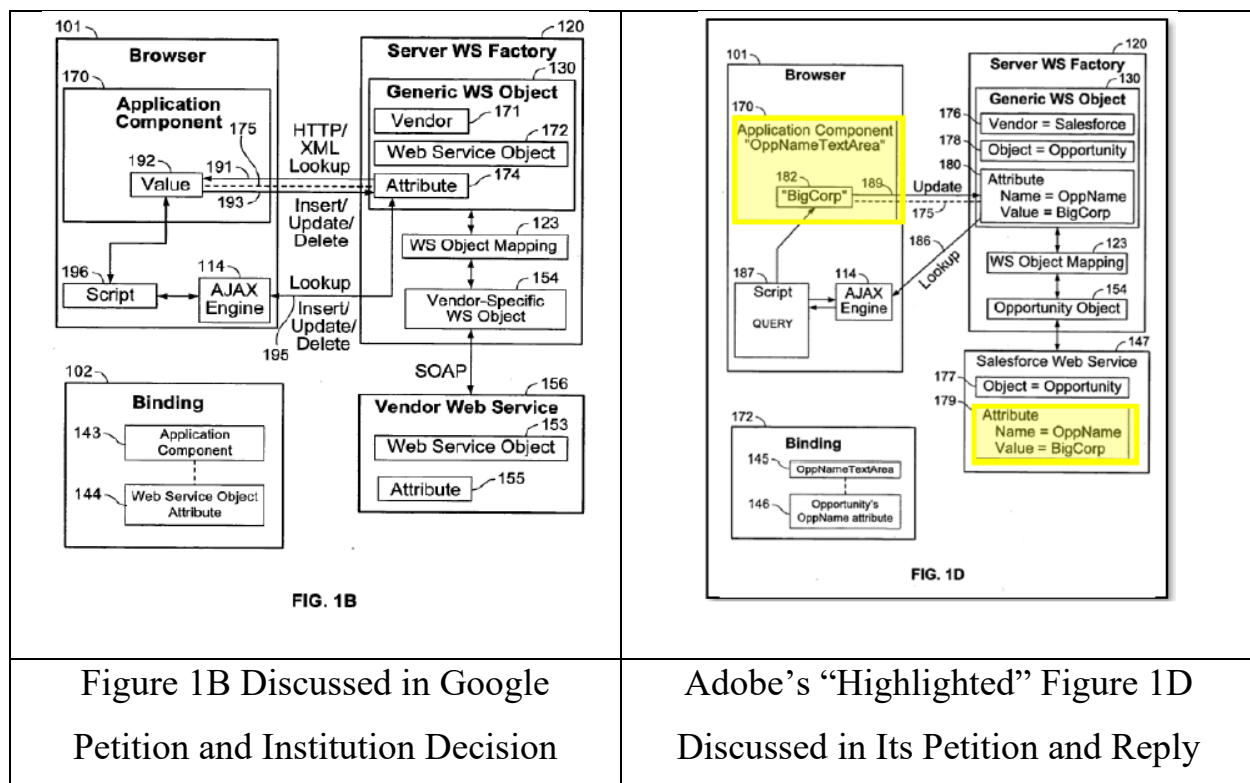
Adobe is wrong. Google also relied on the express disclosures of *Huang*, and indeed on the same exact vendor web service example on which Adobe relies. Specifically, it identified an input symbolic name, such as "Opportunity," shown in the interface in Exhibit 4A of *Huang*, which corresponds to an "Opportunity" web service object from a Salesforce vendor. See IPR2021-00709, Paper 1, at 60-61. The Google Petition's discussion of the "Opportunity" example in the context of this

limitation also referred back to Google’s discussion for element [1.a] in Section IX.A.1(jj) of Google’s Petition (pages 19-26). *Id.* There, Google asserted that the required symbolic names were expressly taught by reference to Huang’s Figure 1B, and Figure 1D. *See* IPR2021-00709, Paper 1, at p. 20. Google’s Petition then again went through the Salesforce “Opportunity” example in detail (including Figures 4A-4C), explaining how this particular symbolic name could allegedly be used to select web services. *See id.* at pp. 19-26.¹

Based on the disclosures in the Salesforce example, the Board found that Google’s Petition was deficient, just as Adobe’s Petition is deficient here. The Board properly outlined “the flow of data between an application component and a web service . . . in Figure 1B.” *See* IPR2021-00709, Paper 7, at 10-11 (citing Huang, ¶¶ 57, 74 & Fig. 1B). It explained that the identified “device” 101 of Huang (which hosts the browser shown in Figures 1B and 1D), does not provide a symbolic name to a web service. Instead, as shown in Figure 1B below, Huang relies on intermediary server 120, which houses a “Generic WS Object” that corresponds to a “Vendor Web Service,” and performs a conversion to supply a symbolic name to

¹ Figure 4B, wherein the user selects the “OppNameTextArea” Application Control for Salesforce, has bindings that “correspond to the bindings 102 of FIG. 1A.” Huang, ¶ 107. Figure 1A shows that Huang uses an intermediary Application Server and a “Salesforce [Web Service] Adapter” to create those bindings. Huang, Fig. 1A.

a web service. *Id.* Thus, as the Board concluded, Huang “converts generic WS Object Model 130 to a vendor-specific adaptor,” and “uses the vendor specific adaptor to interact with the web service.” IPR2021-00709, Paper 7, at 14 (citing Huang, ¶¶ 44, 57, 74). The fact that this problem remains is underscored by Adobe’s annotated Figure 1D, which conspicuously highlights the device “Browser” and “Vendor” (or “SalesForce”) web service while glossing over the conversion from a “Generic WS Object” 130 to “BigCorp” that occurs on the intermediary “Server WS Factory” 120, which is common to Figures 1B and 1D and is not highlighted.



Thus, regardless of whether the identified symbolic name is “Opportunity,” “OppName,” or “OppNameTextArea,” Huang’s device (labeled 101) that houses the browser does not provide that symbolic name to the web service in light of the

conversion discussed above.² Adobe does not dispute in its Reply that both it and its expert treat the computer that hosts web browser 101 as the “device” for purposes of this limitation. Paper 11 (“POPR”) at 11-19 (citing Ex. 1002 ¶ 192; Pet. at 58-60).

Adobe repeatedly invokes paragraph 74 of Huang in an attempt to suggest that Huang can call “vendor-specific objects directly” (without the conversion). Reply at 3. But this is misleading. Paragraph 74 emphasizes Huang’s use of the “generic web services object” that is used for the conversion discussed above, and disclaimed any use of a direct web service call. *Id.* Moreover, Google repeatedly cited paragraph 74 in its arguments about symbolic names, as did the Board in its Institution decision, reinforcing that Adobe’s suggestion that its argument is distinguishable is wrong. *See* IPR2021-00709, Paper 1, at pp. 19, 23, 24, 26, and IPR2021-00709, Paper 7, at pp. 11, 14, 16 (all citing Huang, ¶ 74).

Because Adobe and Google relied on the same disclosures and embodiments of Huang, Adobe’s Petition must fail based on the “device provides . . . input values and corresponding symbolic name to a web service” limitation alone. Adobe’s Petition must also fail because Adobe makes no substantively distinct arguments for the “web service utilizes the input symbolic name” and “the Player receives the

² Figure 1D is simply an “illustrative drawing[] of an example binding between an application component and a web service,” reflecting the same architecture as Figure 1B. Huang, ¶ 11; *see also* Huang, ¶ 10.

output symbolic name” limitations, which were deficient for the reasons given above and in the POPR. *See* POPR at 19-22, 30-33; Reply at 4 (Section I.B.).

B. The *Google* IPR is Also Applicable to the “An Authoring Tool Configured To . . . Produce a Player” Limitation

Finally, Adobe’s petition must fail on the “authoring tool configured to . . . produce a player” limitation. Adobe asserts that the *Google* IPR is “inapplicable.” Reply at 5 (Section I.C.). But it again is wrong. The *Google* decision confirms that Huang (Adobe’s primary reference) does not “produce a player.” IPR2021-00709, Paper 7, at 12-13. It thus underscores that Adobe’s argument on this limitation hinges on the combinability of Huang with Shenfield. As Express Mobile and its expert explained, however, the POSA would have been discouraged from combining Huang and Shenfield because they are directed to fundamentally different problems, and even if they were combined they would not teach the claimed “authoring tool configured to . . . produce a player.” POPR at 9-11, 22-30 (citing, for example, Ex. 2003 ¶¶ 40-41, 52-59)). Adobe fails to address these issues at all, and simply rehashes the same (incorrect) arguments from its Petition for the combinability of Huang and Shenfield. *Compare* Reply at 5, *with* Pet. at 52-57. This reinforces that Adobe’s petition has no likelihood of success and that institution should be denied.³

³ The bases for denial addressed herein are independent from the fact that the Petition should also be denied under Sections 314(a) and 325(d), which Adobe also does not address in its Reply. *See* POPR at 33-58.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned hereby certifies that a copy of the foregoing PATENT OWNER SUR-REPLY TO PETITIONER'S PRELIMINARY REPLY was served on November 30, 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 the Petitioner as follows:

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