UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHATSAPP, INC. AND FACEBOOK, INC.
Petitioner

v.

TRIPLAY, INC.
Patent Owner

Inter Partes Review No. 2015-00740
U.S. Patent No. 8,332,475

PETITIONERS' REPLY

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List of Exhibits

Exhibit No.	Title of Document
1013	Reply Declaration of David Klausner
1014	Transcript of the Deposition of Rajeev Surati, Ph.D. (taken on March 22, 2016)
1015	*The New Oxford American Dictionary*, Oxford University Press, (2d ed. 2005), p. 1536
1016	*Random House Webster's Unabridged Dictionary* (2d ed. 2001), p. 1734
1017	*Webster's II New College Dictionary* (1999), p. 1000
1018	U.S. Patent No. 8,181,104 to Russ Helfand et al.
1019	Ken Slovak, *Absolute Beginner's Guide to MicroSoft Office 2003* (2004), pp. 20-21, 68-70
1020	U.S. Patent App. Pub. No. 2002/0116415 to Rabindranath Dutta et al.
1021	U.S. Patent App. Pub. No. 2005/0257142 to Cheng-Shing Lai et al.
1022	Hans Bergsten, *JavaServer Pages* (3d ed. 2004), pp. 3-10
1023	Duane K. Fields, et al., *Web Development with JavaServer Pages* (2d ed. 2002), pp. 483-485
1024	U.S. Patent App. Pub. No. 2005/0050454 to Aidon Jennery et al.

I. INTRODUCTION

The patent owner's opposition presents only a limited challenge to the instituted grounds of review. With respect to representative claim 1, the patent owner's sole argument is that Coulombe does not disclose a media block "configured to select, before transmitting, at least one message format and message layout." The patent owner's argument rests on a narrow construction of the term "select" that would require that the message format and layout be chosen "from a fixed set of choices." As explained in detail in Part **II.A** below, the patent owner's argument is unsupported by the plain claim language and refuted by the intrinsic record. The patent owner's construction, in fact, would exclude embodiments in the specification in which format and layout are dynamically chosen based on instructions in the message itself, rather than from a fixed set of choices built-in to the messaging system.

With respect to representative claim 6, the patent owner does not dispute that the prior art discloses each limitation with the exception of the "template" and "predefined layout" limitations, for which the patent owner relies on impermissibly narrow constructions. As explained in Part **III.A** below, however, the style sheets in Druyan and Tittel meet the "template" limitation because they define the user interface (including the layout and appearance) for presenting the content. Contrary to the patent owner's arguments, the claimed "template" need not contain

the actual content of the message nor a visually displayed interface.

With respect to the "predefined layout" limitation, the patent owner argues that the layout must be defined *before* the message is received. But reminiscent of its argument about the term "select," the patent owner's argument cannot be reconciled with the intrinsic record. The specification expressly discloses that the message layout may be predefined based on information received with the message itself, thus refuting the patent owner's position. A "predefined layout" must simply be defined before it is used. Thus, the patent owner's argument fails.

Finally, the patent owner asserts that a person of ordinary skill in the art would not have combined Coulombe with the style sheet teachings of Druyan and Tittel because, according to the patent owner, the former pertains to messaging and the latter to web browsing. However, the patent owner's argument ignores the fact that HTML and style sheets are not "web" technologies at all—they are generic technologies for organizing and presenting content through HTML documents. These technologies exist separate and apart from the web, and as the patent owner's expert conceded, HTML documents can be transmitted through e-mail or other types of messaging systems. The patent owner's "web vs. messaging" distinction is therefore without merit. For all of the reasons set forth below, and in the original Petition, all challenged claims should be found unpatentable.

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