IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Desmond et al.
U.S. Patent No.:   10,423,658   Attorney Docket No.: 39843-0116IP1
Issue Date: September 24, 2019
Appl. Serial No.:   15/375,927
Filing Date: December 12, 2016
Title: METHOD AND APPARATUS FOR MANAGING DIGITAL
                         FILES

SECOND DECLARATION OF DR. PHILIP GREENSPUN

Declaration

I declare that all statements made herein on my own knowledge are true and

that all statements made on information and belief are believed to be true, and

further, that these statements were made with the knowledge that willful false

statements and the like so made are punishable under Section 1001 of Title 18 of

the United States Code.

Philip Greenspun

Dated: February 14, 2023   By: _____

                                     Philip Greenspun, Ph.D.

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1.   This Declaration expands on the conclusions that I have formed based on my

analysis provided in my first declaration (SAMSUNG-1003, incorporated herein

by reference in its entirety; "Original Declaration"). Consistent with my findings

provided in my Original Declaration and based upon my knowledge and

experience and my review of the prior art publications listed above, a POSITA

would have found that claims 1-15 ("the Challenged Claims") of the '658 patent

are rendered obvious by at least the combinations of references set forth in my

Original Declaration.

I.   OKAMURA AND BELITZ RENDER OBVIOUS THE CHALLENGED CLAIMS

2.   As I further clarify below in response to Patent Owner's arguments, claims

1-15 are rendered obvious by the combination of Okamura and Belitz.

A.   Claim Construction

3.   In the Patent Owner Response ("POR"), Patent Owner interprets certain

claim terms. I do not agree with these interpretations.

4.   **First**, with respect to claim element [1a] and specifically Patent Owner's

argument that "an application view" must be "distinct from the other claimed

views," I initially note that the '658 patent makes clear that FIG. 35 is merely one

of various "application views" that are provided as examples in the '658 patent,

including those shown in FIGS. 32-34 and 36. SAMSUNG-1001, 9:18-22;
SAMSUNG-1046, 40:8-21. What's more, the '658 patent explicitly refers to its
people and location views as the "People Application View" and the "Location
Application View." SAMSUNG-1001, FIG. 32, FIG. 34, 3:58-4:4. There is
nothing in the '658 patent that differentiates between its "Uploads Application
View" in FIG. 35 and its other application views, other than its focus on "Uploads"
as compared to "People" or "Location." The '658 patent repeatedly describes the
existence of multiple application views and refers to all of the views in FIGS. 32-
36 as application views. SAMSUNG-1001, 12:38-39 ("various Application
Views"), 18:35-38 ("all Application Views"), 21:50-54 ("any of the Application
Views"), 22:55-59 ("every Application View"), 28:5-8 ("When a user selects the
'Advanced Filters' from almost *any Application View* (0801) (the button can be
seen in *FIGS. 32, 33, 34, 35, and 36*)").

5.   Moreover, according to Dr. Reinman, the '658 patent provides "examples of
different application views" and that "a view like a location view is also an
application view in the spec of the patent." SAMSUNG-1046, 17:12-18; *see also*
id., 42:9-43:15. In other words, according to the specification of the '658 patent,
as per Dr. Reinman, a particular view can "qualify as both" an application view
and a location view. I agree that there is no requirement in the '658 patent claims
that an application view must be completely distinct from the other views.

6.   **Second**, with respect to claims 3-5, 7, 9, 10, and 12-15, Patent Owner argues

that the phrase "responsive to a click or tap … displaying" requires "a cause-effect

relationship between (i) a click or tap of a certain selectable element and (ii)

displaying a certain view or content." POR, 17-19. Specifically, Patent Owner

interprets this language to require a "***direct*** cause-effect relationship" such that

"additional clicks or taps or interviewing views" are not allowed. *Id.*, 23-24.

7.   However, a POSITA would have recognized that the term "responsive to"

simply requires the second event to happen "subsequent to" the first event based on

a combination of user interaction and software implementation. In fact, in the '658

patent, the people view that is ultimately shown to the user typically requires not

only the initial pressing of "People" (1401) (shown in red below) but further the

additional selection of a desired display order via a drop-down list (1402) (shown

in purple below). SAMSUNG-1001, FIG. 32, 22:59-67. That is, even the '658

patent itself contemplates having intermediate user actions between the first event

(*i.e.*, "cause") and the second event (*i.e.,* "effect").

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