

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Desmond et al.
U.S. Patent No.: 10,621,228 Attorney Docket No.: 39843-0117IP1
Issue Date: April 14, 2020
Appl. Serial No.: 16/578,238
Filing Date: September 20, 2019
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.

Dated: 12/13/2022

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, which is incorporated herein by reference in its entirety; “Original Declaration”) and does so in response to new arguments raised by Patent Owner. 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 1-19 (“the Challenged Claims”) of the ’228 patent are rendered obvious by at least the combination of as set forth in my Original Declaration.

I. GROUND 1 RENDERS OBVIOUS THE CHALLENGED CLAIMS

2. As I further clarify below in response to Patent Owner’s arguments, claims 1-19 are rendered obvious by the combination of Okamura and Belitz.

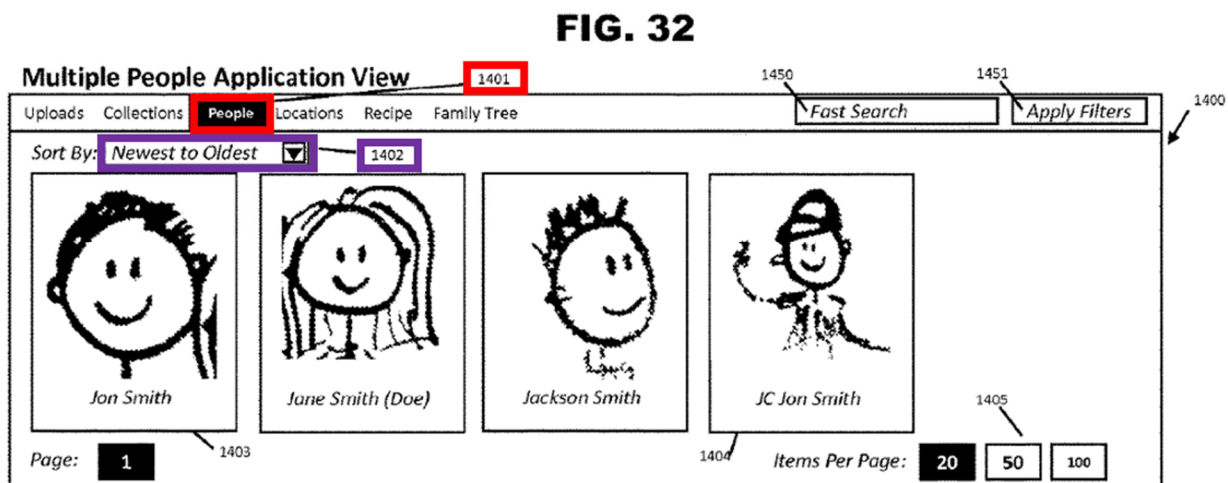
A. Claim Construction

3. In the Patent Owner Response (“POR”), Patent Owner provides arguments related to the interpretation of certain claim terms that I do not agree with and that are further inconsistent with the Board’s findings in the Institution Decision.

4. First, Patent Owner appears to argue that being “responsive to” (the first event) requires the second event to occur “‘automatically’ in relation to the first

event without ‘requiring further user interaction.’” POR, 11. To support this position, Patent Owner cites FIG. 32 of the ’228 patent and argues that pressing “People” (1401) displays the People Application View without the need for “any further ‘user interaction.’” *Id.*, 13. I do not agree that this illustration from the ’228 patent supports Patent Owner’s position.

5. Rather, as I show below, the people view that gets shown to the user can require not only the initial pressing of “People” (1401) (shown in red) but also the additional selection of a desired display order through the selection in a drop-down list (1402) (shown in purple). SAMSUNG-1001, FIG. 32, 22:59-67.



SAMSUNG-1001, FIG. 32 (annotated)

6. That is, the ’228 patent itself contemplates having intermediate user actions between the first event (*i.e.*, “cause”) and the second event (*i.e.*, “effect”). Thus, people view displays that are shown as a direct result of the drop-down selection

are still “responsive to” and would not have occurred apart from the initial pressing of “People” (1401).

7. As I’ve consistently stated, including in my deposition, a POSITA would have recognized that the term “responsive to” merely requires the second event to happen “subsequent to” the first event based on a combination of user interaction and software implementation. EX-2002, 42:21-44:22, 51:9-52:13.

8. For at least these reasons, being “responsive to” the first event does not require the second event to always occur automatically while precluding any further user interaction.

9. Second, regarding the old and obvious notion of putting captions next to photos, Patent Owner appears to be arguing that “the people view including: ... a first name ... [and] ... a second name” requires displaying both the “first name” and the “second name” at the exact same time. POR, 14.

10. Indeed, there is nothing in the specification or the claims of the ’228 patent that indicates that such simultaneity is required. And while the example illustration provided in FIG. 32 of the ’228 patent seems to show both a first name and a second name at the same time, nothing in the ’228 patent requires both names to be together visible to the user at all times. Contrary to Patent Owner’s assertions, I never provided any opinion to suggest as much, and Dr. Reinman, as I

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