

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner

v.

DODOTS LICENSING SOLUTIONS LLC,  
Patent Owner

Case IPR2023-00701

U.S. Patent No. 8,510,407 B1

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**DECLARATION OF GEORGE KEMBEL**

I, George Kembel, declare as follows.

## **I. Introduction**

1. I am one of the named co-inventors for United States Patent No. 8,510,407. At the time of the invention, I was the Chief Executive Officer and a co-founder of DoDots, Inc.

2. Along with my twin brother, John Kembel, we founded DoDots, Inc. with a goal of disrupting and changing the paradigm of how internet content was created by companies and how it was delivered to users.

3. As a threshold matter, given how pervasive and mainstream apps and the app ecosystems are now, it's hard to remember what it was like in the late 1990's.

4. At the time of our inventions, the technology industry was impacted by divided ecosystems struggling to adapt to the growth of the internet. One ecosystem contained rich client software capabilities and experiences on desktop computers that were slow to update to new versions due to large software sizes and stale content as it resided on client computers and devices.

5. Another ecosystem allowed for accessing web content through the browser to obtain live-up-to-date content but was stuck in a cumbersome page by page document model that made searching for and viewing content counterintuitive and difficult.

6. And, a third ecosystem was an emerging mobile market that allowed customers to take computing capabilities with them connected to mobile networks but broke the large screen model of software interaction and forced limits on data and large file sizes.

7. Against this backdrop, the ecosystem that we take for granted—blended application functionality with the flexibility and immediacy of internet data that allows one to move seamlessly across desktop and mobile platforms—was not obvious to most people then. Indeed, market players struggled to see the future because they saw the world from their own siloed points of view.

8. Our unique design practice and interest in exploring emergent behavior in new technologies gave us a way to look at the emerging internet opportunity with an entirely new lens and birth a set of inventions that were category creating and not obvious at the time.

9. In fact, we developed a collection of insights and a set of novel inventions that redistributed the technology stack (where content came from, how it was displayed, what data sat on which devices, what sat on servers and who decided what collection of capabilities were important) and also redistributed the stakeholder network (companies, developers and customers) providing more direct access between customers and providers that birthed the modern app and app ecosystem market.

10. Our novel solutions bridged the divided worlds, offering companies, customers and developers the benefits of direct customer access and advanced application like functionality of client software, the immediacy and real time nature of internet content and allowed for the seamless and personal experience across desktop and mobile platforms.

11. We founded a venture-backed startup to pursue this vision and developed a truly unique set of technologies -- that received the backing of leading tech investors, the support of global brands and content developers, recognition from top-tier pundits, awards from leading tech conferences, and praise from both business and popular press.

12. The company grew rapidly with widespread adoption, until the dotcom bubble burst and late-stage funding dried up. While the company ultimately didn't survive the bubble, the vision and the patents did. Looking back, it's exciting to see how DoDots was the first to demonstrate key elements of what we now take for granted and refer to as the "app ecosystem".

## **II. Receiving Support and Praise for DoDots's Innovative Solution**

13. I have been informed that Industry praise for an invention may provide evidence of nonobviousness where the industry praise is linked to the claimed invention. I have also been informed that this is relevant because "Appreciation by contemporaries skilled in the field of the invention is a useful

indicator of whether the invention would have been obvious to such persons at the time it was made.” In view of this, as we grew our company, it became readily apparent that people understood the significance of our technology as we received effuse praise from various media outlets.

14. As DoDots introduced its new technology to the market, it was met with support from tech investors, interest and adoption from leading brands & web developers, awards from preeminent tech conferences, and praise from both the business and popular press.

15. For example, as we sought investors, Tom Kosnik – a professor at Stanford University and Harvard Business School that taught global entrepreneurship, marketing and more—thought our technology was groundbreaking. In assisting with the launch of our company, he noted that he was “more excited about the [Dots] concept than any I have seen since Netscape browser first gave us graphical access to the World Wide Web. In fact, MORE excited. Their concept creates enormous leverage for anyone who multitasks on computer based tasks in a real-time business, as well as anyone who channel surfs!” *See* Ex. 2031 at DODOTS0026067.

16. Indeed, the Dots technology was so groundbreaking that Softbank’s west coast venture firm invested in the company. They noted that “Unlike the full-screen document model of the Web which forces users to a single page at a time,

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