

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO HOLDING COMPANY, INC., LENOVO (UNITED STATES)
INC., AND MOTOROLA MOBILITY LLC,
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner.

IPR2019-01279
Patent 8,510,407 B1

Before JAMES A. WORTH, AMBER L. HAGY, and SHARON FENICK,
Administrative Patent Judges.

FENICK, *Administrative Patent Judge.*

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)
Granting In Part Petitioner's Motion to Strike
37 C.F.R. 42.5

I. INTRODUCTION

This is a Final Written Decision in this *inter partes* review challenging the patentability of claims 1, 8–13, and 20–24 of U.S. Patent No. 8,510,407 B1 (Ex. 1001, “the ’407 patent”). We have jurisdiction under 35 U.S.C. § 6(b)(4). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

Petitioner bears the burden of proving unpatentability of the challenged claims, and the burden of persuasion never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). To prevail, Petitioner must prove unpatentability by a preponderance of the evidence. *See* 35 U.S.C. § 316(e) (2016); 37 C.F.R. § 42.1(d). Having reviewed the parties’ arguments and supporting evidence, for the reasons discussed below, we find that Petitioner has not demonstrated by a preponderance of the evidence that any of claims 1, 8–13, and 20–24 are unpatentable. Additionally, for the reasons discussed below, in Section III.I, we grant-in-part Petitioner’s Motion to Strike (Paper 31).

II. BACKGROUND AND SUMMARY

A. Procedural History

Lenovo Holding Company, Inc., Lenovo (United States) Inc., and Motorola Mobility LLC (“Petitioner”) filed a Petition for an *inter partes* review of claims 1, 8–13, and 20–24 (“the challenged claims”) of the ’407 patent. Paper 2 (“Pet.”). DoDots Licensing Solutions LLC (“Patent Owner”) did not file a Preliminary Response. In view of the preliminary record, we concluded that Petitioner satisfied the burden, under 35 U.S.C. § 314(a), to show that there was a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims.

IPR2019-01279
Patent 8,510,407 B1

Accordingly, we instituted an *inter partes* review of all the challenged claims, on all of the asserted grounds. Paper 7 (“Inst. Dec.”).

Patent Owner filed its Response. Paper 18 (“PO Resp.”). Petitioner filed a Reply. Paper 21 (“Reply”). After receiving authorization, Patent Owner filed a motion to strike certain portions of the Reply and exhibits referenced and Petitioner filed an opposition. Paper 23; Paper 24. In an order relating to this motion to strike, we granted Patent Owner’s motion and determined that a certain portion of the Reply was untimely and, along with certain exhibits, would not be considered. Paper 25, 4–7.

Patent Owner filed a Sur-reply. Paper 27 (“Sur-reply”). After receiving authorization, Petitioner filed a motion to strike Patent Owner’s Sur-reply and a supplemental declaration filed with the Sur-reply. Paper 31 (“Pet. Mot.” or “Petitioner’s Motion to Strike”). Patent Owner filed an opposition. Paper 32 (“PO Opp.”). We address Petitioner’s Motion to Strike, *infra* Section III.I, and grant the motion with respect to the supplemental declaration, but not with respect to the Sur-reply.

On October 28, 2020, we held an oral hearing, the transcript of which is of record. Paper 36 (“Tr.”).

B. Real Parties in Interest

Petitioner indicates that Lenovo Holding Company, Inc., Lenovo (United States) Inc., and Motorola Mobility LLC are the real parties-in-interest. Pet. 67.

Patent Owner indicates that DoDots Licensing Solutions, LLC is the real party-in-interest. Paper 4 (Patent Owner’s Mandatory Notices), 2.

C. Related Matters

According to Petitioner and Patent Owner, the ’407 patent at issue here is also asserted in *DoDots Licensing Solutions LLC v. Lenovo Holding*

IPR2019-01279
Patent 8,510,407 B1

Company, Inc. et al., No. 18-098-MN (D. Del.) (“the related district court action”). Pet. 67–68; Paper 4 (Patent Owner’s Mandatory Notices), 2. Petitioner notes that the related district court action also involves U.S. Patent Nos. 9,369,545 and 8,020,083 (“the ’083 patent”), and that Petitioner filed a petition for *inter partes* review of the patentability of certain claims in U.S. Patent No. 9,369,545 in IPR2019-00988 (final written decision finding no claims unpatentable issued, *see* IPR2019-00988, Paper 37 (Sept. 9, 2020)) and a petition for an *inter partes* review of the patentability of certain claims in U.S. Patent No. 8,020,083 (*inter partes* review instituted, *see* IPR2019-01278, Paper 8 (Jan. 24, 2020); final written decision pending). Pet. 68.

D. The ’407 Patent

The title of the ’407 patent is “Displaying Time-Varying Internet Based Data Using Application Media Packages.” Ex. 1001, code (54). The ’407 patent discloses, in part, a software component for accessing and displaying network content. *Id.* at code (57). A Networked Information Monitor (NIM) is a “fully configurable frame with one or more controls” with content optionally presented through the frame. *Id.* at 2:61–63, 5:21–24. When a NIM is opened by a user, the frame is presented in the user’s display and network content is retrieved and presented in a viewer enclosed by the frame. *Id.* at 19:63–20:30. The network content may be identified via URLs included in the NIM definition. *Id.* at code (57), 20:24–27. The network content is time-varying, e.g., as in an image that varies over time. *Id.* at code (57). The Specification describes that the frame according to the invention “stands in contrast to present web browsers, which are branded by the browser vendor and which have limited means by which to alter the controls associated with the browser.” *Id.* at 5:24–28.

E. Illustrative Claim

Claims 1 and 13 are the only independent claims among the challenged claims. Claim 1 is reproduced below with Petitioner's limitation designations added in brackets for ease of reference:

1. [1.Preamble] A client computing device configured to access content over a network, the client computing device comprising:

[1.A] electronic storage configured to store networked information monitor template associated with a networked information monitor, [1.B] the networked information monitor template having therein a definition of a viewer graphical user interface having a frame within which time-varying content in a web browser-readable language may be presented on a display associated with the client computing device, wherein the frame of the viewer graphical user interface lacks controls for enabling a user to specify a network location at which content for the networked information monitor is available; and

[1.C] one or more processors configured to execute one or more computer program modules, the one or more computer program modules being configured to access the networked information monitor defined by the networked information monitor template, wherein accessing the networked information monitor defined by the networked information monitor template results in:

[1.D] transmission, over a network to a web server at a network location, of a content request for content to be displayed within the frame of the viewer graphical user interface defined by the networked information monitor template;

[1.E] reception, over the network from the web server at the network location, of content transmitted from the web server in response to the content request, the content being time-varying;

[1.F] presentation, on the display, of the viewer graphical user interface defined by the networked

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