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.

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Case IPR2023-00701
Patent 8,510,407 B1

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**PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

**EXHIBITS**

SAMSUNG-1001  U.S. Patent No. 8,510,407 to Kembel, et al. ("the '407 Patent")

SAMSUNG-1002  Excerpts from the Prosecution History of the '407 Patent ("the Prosecution History")

SAMSUNG-1003  Declaration of Dr. Douglas C. Schmidt

SAMSUNG-1004  Curriculum Vitae of Dr. Douglas C. Schmidt

SAMSUNG-1005  U.S. Patent No. 6,278,448 B1 ("Brown")

SAMSUNG-1006  U.S. Patent No. 6,449,638 B1 ("Wecker")

SAMSUNG-1007  U.S. Patent No. 5,793,368 ("Beer")

SAMSUNG-1008  U.S. Patent No. 6,789,263 B1 ("Shimada")

SAMSUNG-1009  U.S. Patent No. 6,088,340 ("Buchholz")

SAMSUNG-1010  U.S. Patent No. 6,819,345 B1 ("Jones")

SAMSUNG-1011  HTML 4 Unleashed ("Darnell")

SAMSUNG-1012  IPR2019-01279 Final Written Decision

SAMSUNG-1013  U.S. Patent No. 6,342,907 B1 ("Petty")

SAMSUNG-1014  Lenovo Holding Company, Inc. v. DoDots Licensing Solutions LLC, No. 2021-1247, 2021 WL 5822248 (Dec. 8, 2021).

SAMSUNG-1015  U.S. Patent No. 6,311,058 B1 ("Wecker 2")

SAMSUNG-1016  U.S. Patent No. 5,737,560 ("Yohanan")

SAMSUNG-1017 CNET News, "PointCast unveils free news service,"
https://web.archive.org/web/20110616130215/http://news.cnet.
com/PointCast-unveils-free-news-service/2100-1023_3-
204658.html, last accessed Feb. 16, 2023

SAMSUNG-1018 Declaration of June Ann Munford

SAMSUNG-1019 DoDots Licensing Solutions LLC v. Samsung Electronics Co.,
Ltd. et al., 6:22-cv-00535, W.D. Tex., filed May 24, 2022

SAMSUNG-1020 U.S. Patent No. 6,094,681 ("Shaffer")

SAMSUNG-1021 RESERVED

SAMSUNG-1022 U.S. Patent No. 6,185,614 B1 ("Cuomo")

SAMSUNG-1023 RESERVED

SAMSUNG-1024 Joint Claim Construction Statement, 6:22-cv-00535, W.D. Tex.,
filed May 15, 2023

SAMSUNG-1025 IPR2019-01279, Paper 40 (CAFC Decision)

Samsung Electronics Co., Ltd. ("Petitioner" or "Samsung") submits this

reply to Patent Owner's preliminary response ("POPR"), as authorized by the

Board on August 29, 2023. Paper 7. As detailed below, the arguments advanced

by Patent Owner ("DoDots") lack merit and should be rejected.

## I. THE PETITION RELIES ON THE CORRECT CLAIM CONSTRUCTION STANDARD

As clearly explained in the Petition, "Petitioner submits that all claim terms

should be construed according to the *Phillips* standard. *Phillips v. AWH Corp.*,

415 F.3d 1303 (Fed. Cir. 2005); 37 C.F.R. §42.100." Petition, 3. As the Petition

goes on to explain, in no unclear terms, "[u]nder the *Phillips* standard, the 'words

of a claim are generally given their ordinary and customary meaning as understood

by a person of ordinary skill in the art when read in the context of the specification

and prosecution history," and, moreover, "Petitioner submits that all claim terms

should be given their ordinary and customary meaning in the context of the

specification under the *Phillips* standard[.]" *Id.*, 3. Thus, DoDots' contention that

"Samsung's petition should be denied" because "the petitioner uses the incorrect

BRI claim-construction standard" is wrong. POPR, 12.

DoDots' contention that the Petition fails to apply the correct "claim

construction standard **under 37 C.F.R. 42.100(b)**" similarly misses the mark.

POPR, 12 (emphasis added). In his declaration, Petitioner's expert Dr. Schmidt

expressly referred to "37 C.F.R. § 42.100(b)" as the basis of his interpretations of

the claim terms at issue. SAMSUNG-1003, ¶26. Although Dr. Schmidt quoted an earlier version of 37 C.F.R. § 42.100(b) with the "broadest reasonable construction" language, such a typographical error does not deter the soundness of his opinions, especially when considering that Dr. Schmidt is not a lawyer nor has he ever professed to be one.[1] Rather, Dr. Schmidt's understanding of legal principles is based on information received from Samsung's counsel—who as noted above applied the correct *Phillips* standard. *See id.*, ¶¶15-18, 26.

The fact that Dr. Schmidt, despite the typographical error, applied the correct claim construction standard becomes abundantly clear upon reviewing his actual claim construction analysis. *See* SAMSUNG-1003, ¶¶50-61. Indeed, for the only two terms for which Dr. Schmidt provided a separate claim construction analysis—"networked information monitor" and "networked information monitor template"—Dr. Schmidt's constructions were perfectly aligned with those from IPR2019-001279, which were endorsed by the Federal Circuit under the *Phillips* standard. *See* SAMSUNG-1003, ¶¶28-29, *see also* ¶¶50-61 ("Therefore, Brown's desktop components are "networked information monitors," as properly construed"); SAMSUNG-1025. These constructions provided by Dr. Schmidt are

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[1] If institution is granted, Petitioner plans to submit an updated expert declaration from Dr. Schmidt that corrects the typographical error.

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