

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,  
Patent Owner.

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IPR2023-00939  
Patent 8,510,407 B1

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Before HUBERT C. LORIN, AMBER L. HAGY, and SHARON FENICK,  
*Administrative Patent Judges.*

FENICK, *Administrative Patent Judge.*

DECISION  
Denying Institution of *Inter Partes* Review  
*35 U.S.C. § 314*

## I. INTRODUCTION

### A. *Background*

Apple Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–24 (“the challenged claims”) of U.S. Patent No. 8,510,407 B1 (Ex. 1001, “the ’407 patent”). DoDots Licensing Solutions LLC (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”). Petitioner also filed a Preliminary Reply (Paper 8, “Prelim. Reply”) and Patent Owner filed a Preliminary Sur-reply (Paper 10, “Prelim. Sur-reply”).<sup>1</sup>

We have authority under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition, the Preliminary Response, Preliminary Reply, and Preliminary Sur-reply shows that “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Upon consideration of the arguments and evidence presented by Petitioner, we deny Petitioner’s request to institute an *inter partes* review as to the challenged claims of the ’407 patent on the grounds of unpatentability presented.

### B. *Related Proceedings*

The parties indicate that the ’407 patent is the subject of *Samsung Electronics Co., Ltd. v. DoDots Licensing Solutions LLC*, IPR2023-00701; *DoDots Licensing Solutions LLC v. Apple Inc. et al.*, No. 6:22-cv-00533,

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<sup>1</sup> The Board authorized the filing of these papers. *See* Order (Paper 7).

(W.D. Tex. May 24, 2022); and *DoDots Licensing Solutions LLC v. Samsung Electronics Co., Ltd. et al.*, No. 6:22-cv-00535 (W.D. Tex. May 24, 2022). Pet. 77; Paper 3 (Patent Owner’s Mandatory Notices), 1–2.

Petitioner notifies us that the ’407 patent was the subject of IPR2019-01279 filed by Lenovo Holding Company, Inc., et al.<sup>2</sup> Pet. 6 & n.1. Patent Owner refers to IPR2019-00988 as involving the validity of the ’407 patent; however, that *inter partes* review involved a related patent. Prelim. Resp. 1, 8–10 (citing Ex. 2001).

### C. *Real Parties in Interest*

Petitioner identifies only itself as a real party in interest. Pet. 77. Patent Owner identifies only itself as a real party in interest. Paper 3, 1.

### D. *The ’407 Patent (Ex. 1001)*

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

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<sup>2</sup> The Board’s decision in IPR2019-01279 (Ex. 1008), which determined no challenged claims were unpatentable, was affirmed by the Federal Circuit. *See Lenovo Holding Company, Inc. v. DoDots Licensing Solutions LLC*, 2021 WL 5822248 (Fed. Cir. 2021); Ex. 1009; Ex. 2002.

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:

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

electronic storage configured to store networked information monitor template associated with a networked information monitor, 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

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:

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;

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;

presentation, on the display, of the viewer graphical user interface defined by the networked information monitor template outside of and separate from any graphical user interface of any other application; and

presentation, on the display within the frame of the viewer graphical user interface defined by the networked information monitor, of the time-varying content received from the web server.

Ex. 1001, 42:38–64.

*F. Asserted References*

Petitioner relies on the following references:

Name	Reference	Ex. No.
Slivka et al. <sup>3</sup>	U.S. Patent No. 6,061,695, issued May 9, 2000	1004
Anabuki	U.S. Patent No. 6,091,518, issued Jul. 18, 2000	1006
Votipka	U.S. Patent No. 6,185,589 B1, issued Feb. 6, 2001	1014

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<sup>3</sup> We refer here only to U.S. Patent No. 6,061,695 (“the ’695 patent”). See Pet. 10 (“U.S. Patent No. 6,061,695 to Slivka, et al. (‘*Slivka*’) . . . *Slivka* (Ex. 1004) . . .”). Although Petitioner contends that certain appendices included in the ’695 patent’s file history are part of the ’695 patent (*see id.* (referring to Ex. 1005, 69–245)), we consider these appendices to be separate from the patent for purposes of this decision, as explained *infra* in our analysis. .

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