

103. The “Viola stuff” folder included a printout of a webpage with a link to the source code for viola-2.1.2, archived on September 2, 1993 — over one year before the application for the ‘906 patent was filed.

104. The “Viola stuff” folder included a printout of a webpage with the “README” file for viola-2.1.2. The date at the top of the “README” file is July 27, 1992. The “README” file includes instructions for building the binary code for the “viola” program, and instructions for running the ViolaWWW browser. The “README” file states at the bottom:

Comments and questions:

Please send WWW specific bugs to [www-bugs@info.cern.ch](mailto:www-bugs@info.cern.ch), general comments to [www-talk@info.cern.ch](mailto:www-talk@info.cern.ch), and anything to [wei@xcf.Berkeley.EDU](mailto:wei@xcf.Berkeley.EDU).

Pei Y. Wei  
[wei@xcf.Berkeley.edu](mailto:wei@xcf.Berkeley.edu)

105. The “Viola stuff” folder included a printout of a message that Pei Wei had sent to the publicly-accessible WWW-talk e-mail distribution list on January 28, 1994, that included the following statements: “Right now, the ViolaWWW that is under development can embed viola objects/applications inside of HTML documents.”

106. The “Viola stuff” folder included a printout of a message that Pei Wei had sent to the publicly-accessible WWW-talk e-mail distribution list on February 25, 1994, that included the following statements:

The new ViolaWWW is now available for ftp’ing. It’s beta and feedback is very welcomed. The README file follows...

-----  
ViolaWWW, Version 3.0 Beta

Feb 23 1994

-----  
ViolaWWW is an extensible World Wide Web hypermedia browser for XWindows.

....

### Notable features in the new ViolaWWW

---

....

\* Embeddable in-document and in-toolbar programmable viola objects. A document can embed mini viola applications (ie: a chess board), or can cause mini apps to be placed in the toolbar.

....

### Availability

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Source and binary can be found in <ftp://ora.com/pub/www/viola>. Sparc binary is supplied.

....

Pei Y. Wei ([wei@ora.com](mailto:wei@ora.com))  
O'Reilly & Associates, Inc.

107. The "Viola stuff" folder included a printout from the URL

<<http://xcf.berkeley.edu/ht/projects/viola/>>. The printout included the following statements:

ViolaWWW, Version 3.1 Beta

Mar 23 1994

---

ViolaWWW is an extensible World Wide Web hypermedia browser for XWindows.

....

### Notable features in the new ViolaWWW

---

....

\* Embeddable in-document and in-toolbar programmable viola objects. A document can embed mini viola applications (ie: a chess board), or can cause mini apps to be placed in the toolbar.

....

### Availability

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Source and binary can be found in <ftp://ora.com/pub/www/viola>.  
Sparc binary is supplied.

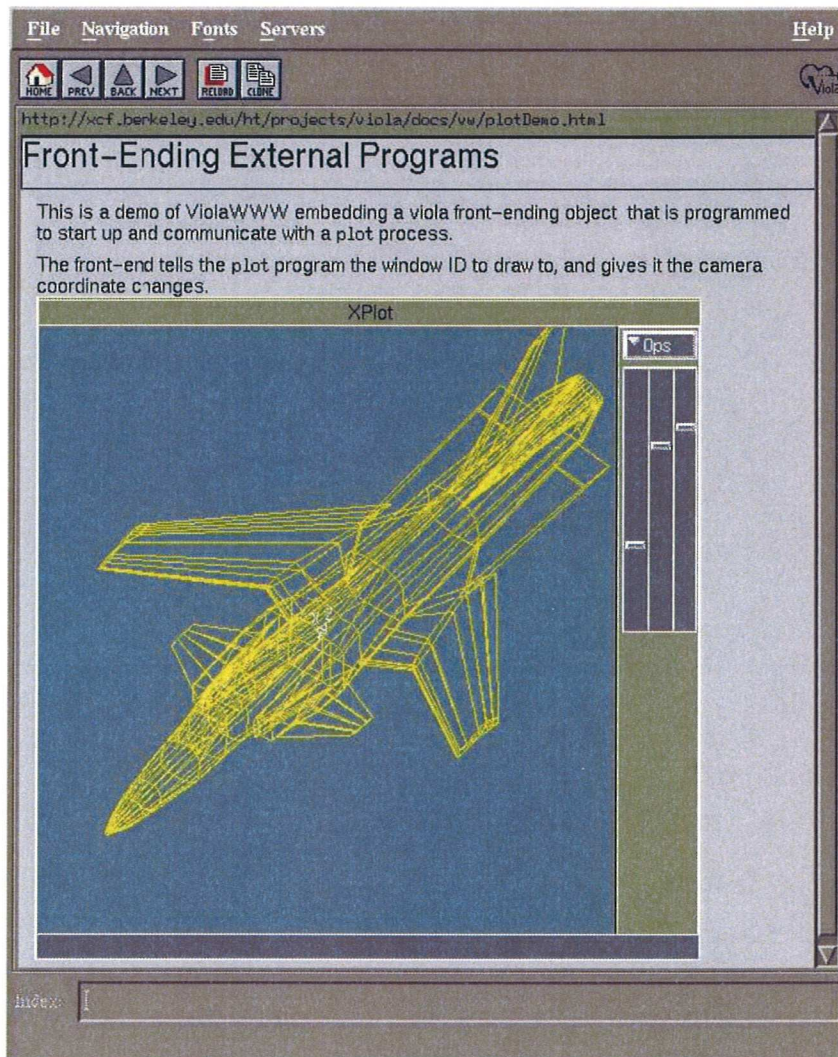
....

Pei Y. Wei ([wei@ora.com](mailto:wei@ora.com))  
O'Reilly & Associates, Inc.

108. The “Viola stuff” folder included a printout from the URL  
<<http://xcf.berkeley.edu/ht/projects/viola/docs/viola/>>. One of the files listed in the printout is  
named “plotDemo.html”.

109. The “Viola stuff” folder included a printout from the URL  
<<http://xcf.berkeley.edu/ht/projects/viola/docs/objs/>>. One of the files listed in the printout is  
named “plot.v”.

110. The following is a screenshot of the ViolaWWW browser after parsing the file  
plotDemo.html:



111. The files plotDemo.html and plot.v include code for the plotting demo described in the August 1994 Viola paper.

112. The file plotDemo.html specifies the location of the file plot.v, which in turn specifies the location of a separate executable application named vplot.

113. Pei Wei had told Doyle on August 31, 1994 how the plotting demo worked: “[A]s for the plotting demo, it actually is really just a front-end that fires up a back-end plotting program (and the point is that that back-end could very well be running on a remote super computer instead of the localhost). For that demo, there is a simple protocol such that the front-

end app could pass an X window ID to the back-end, and the back-end draws the graphics directly onto the window *violaWWW* has opened for it.” *See supra* ¶ 61.

114. Pei Wei had told Doyle on August 31, 1994, *see supra* ¶ 51, and again on August 21, 1995, *see supra* ¶ 76, that the plotting demo described in the August 1994 Viola paper was the “very one” demonstrated “to visitors from a certain computer manufacturer” by May 8, 1993.

115. When Pei Wei referred to a demonstration “by May 8, 1993,” he was referring to the demonstration of the plotting demo to two Sun Microsystems employees that the Federal Circuit has held “was a public use under [35 U.S.C. § 102(b)].” 399 F.3d 1325, 1335 (Fed. Cir. 2005).

116. Thus, during prosecution of the ‘906 patent, Doyle knew about Pei Wei’s demonstration of the plotting demo that the Federal Circuit has held was a “public use” under 35 U.S.C. § 102(b); Doyle knew how the plotting demo worked; and Doyle had access to the code for that plotting demo.

117. During prosecution of the ‘906 patent, Doyle printed webpages containing information about a talk that Pei Wei gave at Stanford University in Northern California in September 1994.

118. The webpages that Doyle printed included the following statements and graphic:

**WWW Browsers: Extensibility Issues**

**Pei Wei, O’Reilly & Associates**

**Stanford Computer Forum WWW Workshop - September 20-21, 1994**

....

**Extensibility in WWW Browsers**

The WorldWideWeb is a powerful medium which has many applications beyond just publishing static documents. It is

certainly an interface to the space of “documents.” But already, with established features such as input-forms and server-side scripting, we see that the web is also increasingly becoming an interface to the space of what is traditionally called “applications.”

....

In this talk I’ll describe a few possible approaches for a browser to gain more flexibility, and to briefly describe one particular approach as implemented by a system known as ViolaWWW.

....

### **Possible Ways to Extend Browsers**

We already do “extend” browsers with things like “external viewers.” But there’s not a very good integration with the browser. Ideally those external viewers should be rendering in-place inside the document, and be working together with the browser, be tightly integrated with the browser and other parts...

....

### **Work at O’Reilly & Associates: VIOLA-WWW**

....

This is the Viola system that is being developed at O’Reilly and Associates. This system has the following interesting characteristics:

....

Three, program objects can be embedded into documents and the toolbar. . . .

....

The next example is a front-end application to a backend. And the back-end is what actually does the computation and the drawing.

....